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PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS
FIRST SESSION

SENATE

FRIDAY, *February 26, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou dost temper the wind to the shorn lamb and Thou art constant in Thine attention to our interests. We often fail to recognize Thee. We go into by and forbidden paths, and yet Thou art gentle and tender in Thy dealings with us. And so this morning, as we enter upon the duties awaiting our attention, we pray for Thine own guidance. Help us where we falter, give us wisdom where it is needed, and so direct our ways that whether we eat or drink or whatsoever we do we shall glorify Thee. Through Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	Mayfield	Sheppard
Blease	George	Means	Shortridge
Borah	Goff	Metcalf	Simmons
Bratton	Gooding	Moses	Smith
Brookhart	Greene	Neely	Smoot
Broussard	Hale	Norbeck	Stanfield
Bruce	Harreld	Nye	Stephens
Butler	Harris	Oddie	Swanson
Cameron	Heflin	Overman	Trammell
Capper	Howell	Pepper	Tyson
Couzens	Johnson	Phipps	Wadsworth
Cummins	Jones, Wash.	Pine	Walsh
Curtis	Kendrick	Pittman	Warren
Dale	Keyes	Ransdell	Watson
Dill	La Follette	Reed, Mo.	Williams
Edwards	Lenroot	Reed, Pa.	Willis
Ferris	McKellar	Robinson, Ark.	
Fess	McLean	Robinson, Ind.	
Fletcher	McNary	Sackett	

Mr. JONES of Washington. I desire to announce that the Senator from Maine [Mr. FERNALD], the Senator from Nebraska [Mr. NORRIS], and the Senator from Minnesota [Mr. SCHALL] are absent from the Senate on account of illness.

Mr. WALSH. I wish to announce that the junior Senator from Utah [Mr. KING] is detained by illness.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

COLORADO RIVER BRIDGE IN ARIZONA

Mr. PITTMAN. Mr. President, on yesterday there was a discussion in the Senate with regard to a certain item in the conference report on the deficiency appropriation bill, dealing with the bridge across the Colorado River in the Navajo Indian Reservation. I knew very little about the question on yesterday. It was a matter that had never been discussed in the Senate before, to my knowledge. There was some discussion of it here yesterday. I have talked with some of my colleagues, and I found very few who knew anything about the matter. I consider it a matter of very great importance. I feel that a bridge should be built across the river at that point. Traffic is now served in that vicinity by a ferry, and the ferry is of very uncertain service. There are many times when it can not be used at all. There is a demand for transportation facilities at that point in the crossing of the river. In my opinion, the bridge will be of greater benefit to the Indians than anyone else directly. It will bring thousands of people to the reservation who will supply the Indians with a local market for their products.

I wish to have the brief explanation made by the Member of the House who introduced the amendment read to the Senate for their information. It is very short. I ask unanimous consent that it may be read at the desk.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. ROBINSON of Arkansas. Mr. President, in that connection will the Senator permit me?

Mr. PITTMAN. Certainly.

Mr. ROBINSON of Arkansas. The bill authorizing the appropriation in question which was passed last year was favorably reported to the Senate by the Senator from Arizona [Mr. CAMERON]. I ask that the report on the bill made by the Senator from Arizona may be inserted in the RECORD in conjunction with the matter which the Senator from Nevada has asked to have read at the desk.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PITTMAN. I now ask that the clerk may read as requested, commencing at the top of page 4563, first column, down to the end of the first column on page 4565.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

Mr. HAYDEN. Mr. Speaker, there has been a violent misrepresentation of the fact with respect to this reimbursable appropriation for the construction of a bridge across the Colorado River near Lee Ferry, Ariz. It has been repeatedly stated in another body and in some newspapers that we who are responsible for this appropriation are attempting to seize practically all of the funds now in the Federal Treasury to the credit of the Navajo Indians in order to build this bridge. I shall demonstrate that nothing could be further from the truth.

From some motive, which has not been entirely disclosed, those opposing this appropriation have seen fit to denounce the Assistant Commissioner of Indian Affairs, Mr. Edgar B. Meritt, because he appeared before the Committee on Appropriations of the House to answer questions regarding an appropriation which is authorized by law. In doing so these objectors have been careful to withhold some very material facts. They do not say that the act authorizing this appropriation of $100,000 out of the Treasury of the United States, reimbursable from Navajo tribal funds, was passed by both Houses of Congress and became a law by the approval of President Coolidge on February 26, 1925. There is not even a hint that the estimate to carry out the provisions of that act was approved by the Commissioner of Indian Affairs, the Secretary of the Interior, the Director of the Budget, and finally by the President before it was transmitted to Congress. Why condemn Mr. Meritt just because he happened to be the one who appeared at a hearing as a part of the routine duties of his office?

If anybody is responsible for this situation, I am the man. I am not "passing the buck" to anybody and stand ready to receive all the criticism that has been directed at others. Those who are engaged in a general attack on the Indian Office are seeking to use this item as means of furthering their campaign to discredit that bureau. They do not say that I introduced the bill to authorize this appropriation; that I reported it to the House and urged its passage on this floor. They deal gently with me but roundly abuse Mr. Meritt and the other officials of the Interior Department. I protest against such manifest unfairness. When a Congressman stands sponsor for a bill he should be held strictly accountable and the blame, if any, should not be transferred to the shoulders of those whose only duty is to execute the laws passed by Congress.

I introduced the bill to authorize the construction of this bridge in good faith. I believed then and insist now that to build a bridge across the Colorado River about 6 miles below Lee Ferry will be of sufficient benefit to the Navajo Indians to justify this appropriation in the form in which it is made. One-half of the bridge will be within the Navajo Reservation, and that is why one-half of its cost is made a charge and lien against their tribal funds. The road leading to the

bridge from the south will extend for 60 miles through the heart of the western Navajo Reservation, where over 6,000 members of that tribe reside. That part of the Navajo country, now inaccessible, will be opened by a main highway of travel, which will not only bring purchasers for all the products of the reservation but which the Indians themselves can and will use whenever they have occasion. That highway, the construction of which will require the expenditure of over a million dollars, will not cost the Navajo Indians one cent. The only contribution that they ever will be called upon to make is for one-half the cost of this bridge.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK of Texas. I notice that this provision contemplates that this appropriation is to be repaid out of funds that may hereafter come into the Treasury to the credit of the Navajo Indians.

Mr. MADDEN. It does not make any charge upon the $116,000 that the Navajo Indians now have in the Treasury.

Mr. BLACK of Texas. I know; but it makes a charge on the Treasury of the United States. What assurance have we that there will be this amount coming to the credit of the Navajo Indians?

Mr. HAYDEN. That is the very point that I was going to bring out in my next statement.

Mr. BLACK of Texas. Oh, I thought the gentleman was through.

Mr. MADDEN. I yield more time to the gentleman from Arizona to answer the question.

Mr. HAYDEN. I am sure that no one who is at all informed will dispute the fact that the Navajo country offers more inducements for the expenditure of money in prospecting for oil than in any other section of the great Southwest. The lack of a law to permit the drilling of oil wells on Executive-order Indian reservations is the only thing that stands in the way of great activity in many parts of a vast area now closed even tighter than though it were behind the great wall of China.

The former Secretary of the Interior, Mr. Fall, ruled that Executive-order Indian reservations were open to entry under the general oil leasing law of February 25, 1920. Prospecting for oil took place and discoveries were made. Then, by reason of an opinion of the Attorney General of the United States, reversing Secretary Fall's decision, all operations ceased. Later the Federal court in Utah decided that Secretary Fall was right, but the case has been appealed to the Supreme Court, so no one can tell what the final result will be.

In the meantime I have introduced an oil leasing bill that is now under consideration by the Committee on Indian Affairs, which, if enacted, will, in my opinion, make the Navajo Indians even richer than the Osages. I say that advisedly, having seen the limited area of the Osage oil lands and the great territory which is now occupied by the Navajos.

Mr. BLACK of Texas. But suppose no funds come in. It means that the United States is building a bridge out in Arizona out of funds from the United States Treasury.

Mr. HAYDEN. That question was thoroughly considered at the time the authorizing act was passed. The Committee on Appropriations has reported an appropriation authorized by law, and it is now too late to discuss the question raised by the gentleman from Texas.

Mr. MADDEN. It is not too late, but we are perfectly satisfied that there is a development pending.

Mr. BLACK of Texas. The reason I ask the question is that there are two bills now on the calendar that contemplate expenditures of this kind out in the State of Washington, to be made out of the Treasury of the United States. We have rivers in Texas that we would like to have dredged at the expense of the Federal Government.

Mr. MADDEN. The Navajo Indians have millions of acres of land in their reservation.

Mr. FREAR. Is it not a fact that in the Senate yesterday a bill was introduced to repeal the reimbursable feature of this proposition?

Mr. MADDEN. Yes.

Mr. FREAR. And that they were going to hold up this whole appropriation until that bill had opportunity to pass?

Mr. MADDEN. We have safeguarded that.

Mr. FREAR. How?

Mr. MADDEN. By making this appropriation a charge against the revenues of the Indians as they come into their possession.

Mr. FREAR. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Arizona has the floor. His time is not exhausted.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. FREAR. That particular charge yesterday at the other end of the Capitol was to the effect that not one Indian would cross this bridge in the course of a year, and the other day the same Senator stated that not 10 would. There were three gentlemen in the Senate who are familiar with the facts who stated that it is an iniquitous and unjust tax to take $100,000 from the Navajo Indians to help build this bridge. Yesterday there was introduced in the body at the other end of the Capitol a bill to repeal the $100,000 reimbursable feature of this bridge matter, and this item was to be held up in the Senate awaiting action upon that bill.

Mr. HAYDEN. Mr. Speaker, the Senate has been grossly misinformed as to the facts. But one side of the case has been presented. If a bill has been introduced, I hope that a hearing will be held where all the facts may be brought out.

What I resent most of all is the unfairness of those who oppose this appropriation. Every line that has been written, every word that has been said, would lead to no other conclusion than that it was proposed to take $100,000 out of $116,000 now on deposit in the Treasury to the credit of the Navajo Indians and use that money to build the Lee Ferry bridge. If such were the intention, Congress would do so directly, as is frequently done with appropriations from tribal funds, instead of making an appropriation and then providing for reimbursement.

The truth is that no such proceeding was ever contemplated. When the bill authorizing this appropriation was before the Committee on Indian Affairs and under consideration by the House no such representation was ever made. Upon the contrary, it was made plain to everyone that the actual date of reimbursement could not be foretold, but that there was every reason to believe that before many years there would be a large development of the oil resources of the Navajo country, and then, without inconvenience to the Indians, their proper share of the cost of this bridge could be repaid.

Let me repeat that this proposal does not and never has contemplated touching one dollar that is now in the Treasury to the credit of the Navajo Indians. If Congress intended immediate reimbursement, everyone who knows the facts is well aware that no part of the present $116,000 could be taken, because there now exist prior claims to much more than that sum of money. I told the House a few days ago that there now exists a total charge of $68,500 for bridges heretofore built in Arizona, the cost of which is reimbursable from Navajo tribal funds. I did not go beyond my own State at that time, but I have since checked up the expenditures that have been made in New Mexico, which I have tabulated, as follows:

Appropriations expended in New Mexico reimbursable from Navajo tribal funds

Bridge across San Juan River at Shiprock (38 Stat. L. p. 91)	$16,000.00
Mesa Verde-Gallup Highway (39 Stat. L. p. 144)	15,000.00
Mesa Verde-Gallup Highway (39 Stat. L. p. 981)	15,000.00
Bridge across San Juan River near Farmington (39 Stat. L. p. 926)	25,000.00
Completion of Farmington Bridge (40 Stat. L. p. 576)	4,000.00
Mesa Verde-Gallup Highway (40 Stat. L. p. 575)	25,000.00
Mesa Verde-Gallup Highway (41 Stat. L. p. 18)	25,000.00
Completion of Shiprock Bridge (41 Stat. L. p. 18)	4,226.14
Mesa Verde-Gallup Highway (41 Stat. L. p. 422)	11,000.00
Total	140,226.14

Annual appropriation of $20,000, authorized for maintenance of Gallup-Durango Highway, reimbursable from Navajo tribal funds. (43 Stat. L. p. 606.)

Every cent of that money was spent under authority of law, which in each instance provided that the various sums should be reimbursable out of any funds to the credit of the Navajo Indians in the Treasury of the United States. These New Mexico appropriations will more than cover the entire amount of the present Navajo funds and, being ahead in the order of expenditure, will, of course, have priority in the time payment over the $100,000 carried in this deficiency bill.

I have supported every one of these New Mexico appropriations, which are reimbursable from Navajo tribal funds. The construction of bridges across the San Juan River and the improvement of the road from Gallup to Mesa Verde has been fully justified from every point of view. The Navajo Indians have been benefited, just as the tribe will benefit by the construction of another important tourist highway through their country to the Lee Ferry Bridge and on into Utah.

I am glad to see the New Mexico Navajos enjoy these advantages, but most of the tribe lives in my State, and the Indians there are entitled to equal consideration. For the information of the House I desire to present the following figures from the last annual report of the Commissioner of Indian Affairs:

Indian population in Arizona

(Pages 32–33)

Navajo Indians:	
Under Hopi Agency	2,630
Under Leupp Agency	1,183
Under Navajo Agency	11,240
Under Western Navajo Agency	6,498
Total	21,551

Indian population in New Mexico

(Page 36)

Navajo Indians:	
Under Pueblo Bonito Agency	2,880
Under San Juan Agency	7,000
Under Southern Pueblo Agency	392
Total	9,272
Total Navajos in both States	30,823

For 14 years, as a Member of this House, I have spoken for the Navajo Indians of Arizona. In all that time I have neglected no opportunity to do everything that was possible to advance their welfare. Millions of dollars have been appropriated for their benefit, and no one will be bold enough to deny that I was at least here and knew what was being done. The Navajo Indians, over 20,000 of them, two-thirds of the entire tribe, are an integral part of the people of Arizona, all of whom I have been sent here to represent. They are my constituents, and I have taken care of them. I shall continue to see that no harm comes to them. Neither will I permit their best interests to be jeopardized by new and alleged friends who at this late date would have Congress believe that there has been a betrayal of trust and a perpetration of injustice.

Mr. FREAR. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. FREAR. Is it proper at this time to offer a motion as a substitute to recede and concur in the Senate amendment?

Mr. MADDEN. It is not a Senate amendment, it is a conference report complete, and the gentleman has to adopt it or reject the conference report.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Is not this the fact, that the House has agreed, out of future revenues of these Indians, that the money shall be reimbursable merely to keep their present fund intact?

Mr. MADDEN. Exactly.

Mr. BLANTON. What harm can there be if that is the fact?

Mr. FREAR. If the gentleman will yield, there is $100,000 reimbursable charge against the Indians. They have $116,000 in the Treasury.

Mr. HAYDEN. The gentleman from Wisconsin is mistaken in his facts.

Mr. MADDEN. Mr. Speaker, there is not a dollar charged against these Indians in this fund. They have $116,000 in the Treasury. We are not proposing to make any charge against that $116,000. What we are proposing to do is, when their country is opened up by the construction of a bridge and the expenditure of over $1,000,000 by the State of Arizona in the construction of 130 miles of road in order to enable them to develop, that then whatever is advanced out of the Indians' money resulting from the development as a result of all this expenditure by other parties, that shall be charged against the fund of the Indians and against the expenditure by the Government of the United States.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK of Texas. Why should the United States Government advance money to the States of Utah and Arizona to build this bridge out of Federal funds?

Mr. MADDEN. The Indians are wards of the Government, and it always has been the custom and is the law that the United States Government shall conserve the rights of the Indians and shall create such obligations in the conservation of their rights as may seem wise; and the report pending before the House is the result of earnest and careful consideration and is deemed by those who have brought it in and are now advocating it as being wise, and we ask the House to adopt our views of it by adopting the conference report.

Mr. FREAR. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. FREAR. Is it not a fact that the Indians have never consented to this proposition, that they are opposed to it, and it will not add $1 to the value of their property, and is purely a tourist automobile bridge and——

Mr. HAYDEN. I emphatically deny that statement.

Mr. FREAR. I am asking the gentleman from Illinois if it is not a fact?

Mr. MADDEN. It is not.

Mr. FREAR. It was so stated in another body.

Mr. MADDEN. The statement I made is a statement of facts.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. FREAR. Mr. Speaker, I demand the yeas and nays, and on that I make the point of order that there is no quorum present.

The SPEAKER. Not a sufficient number have arisen, and the yeas and nays are refused.

Mr. FREAR. I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MADDEN. Mr. Speaker, I move a call of the House; it will be an automatic roll call.

The SPEAKER. It is simply a call of the House.

Mr. BEGG. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

* * * * * * *

The SPEAKER. Three hundred and sixty-seven Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

Mr. SWING. Mr. Speaker, may we have the motion read for the information of those who have come in?

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. MADDEN. Mr. Speaker, it is not an amendment; it is a conference report.

The SPEAKER. Without objection, the Clerk will again report the items in conference.

There was no objection.

The items were again reported.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

"Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate No. 28, and agree to the same with an amendment as follows: 'Restore the matter stricken out by said amendment amended to read as follows: Bridge near Lee Ferry, Ariz.: To defray one-half the cost of the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., as authorized by the act of February 26, 1925, $100,000, to remain available until June 30, 1927, and to be reimbursed from funds hereafter placed in the Treasury to the credit of the Navajo Indians.'"

Mr. MADDEN. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. FREAR].

The SPEAKER. The gentleman from Wisconsin is recognized for one minute.

Mr. FREAR. Mr. Speaker, this is a conference agreement that compels the Navajo Indians to pay $100,000 for a tourist bridge in Arizona. The Senate yesterday unanimously struck out the $100,000 Indian reimbursable feature from the conference report on the bridge. The House to-day should concur with that action of the Senate, because this bridge was never proposed to be constructed with the consent of the Indians. They have no interest in it. They have protested against it. They receive no benefit from it. The $100,000 is ultimately to be taken out of their funds, of which they now have only $116,000 on hand. I have shown before that these Indians need every dollar of their funds for sickness and trachoma. They are sadly in need of help. They get no benefit whatever from this tourist bridge proposition. It should be stricken out and the conference report should not be accepted until that is done.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the Chair was in doubt.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 235, noes 30.

So the conference report was agreed to.

Mr. WARREN. Mr. President, the Senator from Arkansas [Mr. ROBINSON] has called attention to a report which probably will throw some light on the question as to how we came to pass the two laws that are under discussion. We have from the House side now direct information as to who introduced the bill; and I ask that the report may be read at this point.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Chief Clerk read the report (No. 1111) submitted by Mr. CAMERON February 14, 1925, as follows:

[Senate Report No. 1111, Sixty-eighth Congress, second session]

(Report to accompany H. R. 4114)

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4114) authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1242, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 1242, Sixty-eighth Congress, second session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4114) authorizing the construction of a bridge across the

Colorado River near Lee Ferry, Ariz., having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Line 11, page 1, strike out the word "Western."

Line 12, page 1, strike out the comma and the word "Arizona."

Line 13, page 1, strike out the words "lands and."

Your committee is informed by the Bureau of Indian Affairs that the Navajo Indians of Arizona and New Mexico consider themselves to be one tribe residing on one reservation and have asked that no distinction be made with respect to Indians who reside in different administrative divisions. The committee is of the opinion that there is no practical means of enforcing a lien against the lands of the Navajo Indians and that a lien upon their funds is ample security for the reimbursement of this appropriation Oil in paying quantities has been discovered on the Navajo Reservation, and it is known that large deposits of coal also exist, in addition to which there is considerable merchantable timber.

The bill was referred to the Secretary of the Interior for report, and its enactment is recommended in the following letter:

WASHINGTON, *January 15, 1924.*

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Reference is had to your letter of December 24; transmitting for report, among others, H. R. 4114, authorizing the appropriation of $100,000 to be expended under the direction of the Secretary of the Interior for the construction of a bridge and approaches thereto across the Colorado River at a site 6 miles below Lee Ferry, Ariz., to be reimbursed from any funds to the credit of the Indians of the Western Navajo Reservation in that State.

The matter of the construction of this bridge has been under consideration for some time, and thorough investigations have been made of all its phases by representatives of the Indian Service and by Col. Herbert Deakyne, Corps of Engineers, United States Army. A copy of Colonel Deakyne's report, which goes into the technical aspects of the matter in some detail, is inclosed herewith.

The cost of the construction of the proposed bridge has been placed at approximately $200,000, and the local representative of the Indian Service has recommended that that service bear half of the cost which would seem to be an equitable division thereof. The proposed bridge will connect the Western Navajo Indian Reservation with the public domain on the west of the Colorado River and will furnish an important and permanent outlet for the Indians of that reservation, facilitating their communication with the whites, and assisting them in their progress toward a more advanced civilization. The benefit which will accrue to the white persons residing in that vicinity and to the general traveling public will be great and will probably be equal to the benefit which will be derived by the Indians. This bridge will make at all times the only possible north and south route between the Salt Lake Railway on the west and the road north from Gallup, N. Mex., on the east. An immense country lies between this railway and the town of Gallup, and the proposed bridge will be an absolute necessity to the proper development of that section.

In view of the fact that the Indians of the Western Navajo Reservation will derive great benefit from the erection of the proposed bridge, estimated to be equal to the benefit which will be derived by the white settlers, it would appear reasonable that the $100,000 which it is proposed to appropriate from public funds for the payment of half of the cost of construction be made reimbursable to the United States from any funds now or hereafter placed to the credit of such Indians and to remain a charge upon the lands and funds of such Indians until paid.

It is recommended that H. R. 4114 receive the favorable consideration of your committee and of the Congress.

Very truly yours,

HUBERT WORK, *Secretary.*

The report of Col. Herbert Deakyne, of the Army Engineer Corps, to which Secretary Work refers, is as follows:

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Calif., March 21, 1922.

From: The District Engineer, First Division, San Francisco, Calif.
To: Mr. Stephen Janus, superintendent Leupp Indian School, Leupp, Ariz.
Subject: Colorado River bridge.

1. Referring to previous correspondence and to our recent visit to the site of the proposed bridge across the Colorado River near Lee Ferry, I wish to express the following views in regard to the engineering features of the problem. The act of Congress (41 Stat. p. 1233), authorizes an investigation of the necessity for the bridge, together with surveys, plans, reports, and estimated limit of cost, with recommendation as to what proportionate part of the cost shall be borne by the United States. I assume that you will make the necessary presentation of facts relative to the necessity for the bridge and the part of the cost that should be paid by the United States, and I am therefore not touching upon those phases of the matter.

2. Location: The act specifies the location as at or near Lee Ferry. From what I saw of the River at Lee Ferry there appears to be no argument for placing the bridge at or above the ferry site. The matter of approaches alone on the high and steep sides of the gorge above the ferry and on the left bank at the ferry is sufficient to cause rejection of any plan for a bridge in that location. The roads on both banks follow close to the river for several miles downstream from the ferry. There is no road on either side above the ferry. Therefore for every mile that the bridge is placed below the ferry there will be a saving of the maintenance of about 2 miles of road. In addition the road on the left bank for some 3 miles below the ferry, known as the "Dugway," is dangerous to travel and difficult and expensive to maintain. It appears unquestionably advisable to place the bridge below the "Dugway."

3. From a study of the report made to you by Capt. J. B. Wright, county engineer of Coconino County, Ariz., January 21, 1921, from my examination of the site, and from discussion with Captain Wright, I am of the opinion that the site selected by him about 6 miles downstream from Lee Ferry is the best known site for the bridge. A bridge at this point will save the maintenance of some 12 miles of road, will afford reasonably easy approaches on both sides, and will require a structure short enough to be within practicable limits of construction.

4. The river at this point flows through a box canyon varying somewhat in dimensions, but generally about 400 feet deep and 600 feet wide. At the selected point the width measured by Captain Wright is 575 feet and the depth from the rim of the canyon to low-water level is about 423 feet. The rise of the river in extreme floods is probably somewhere around 30 feet. The banks are of solid rock.

5. Type of structure: The types of bridge to be considered at this site are the suspension bridge, the horizontal steel truss, and the arched steel truss. It is evident that any bridge supported on piers in the river is out of the question, as this would involve piers more than 400 feet high. The bridge must be a single span from bank to bank. A stone or concrete arched bridge is considered impracticable on account of the heavy construction and the costly false work that would be required for such a long span.

6. The Colorado River is crossed between Topock, Ariz., and Needles, Calif., by a highway bridge with two short shore spans and a three-hinged steel arched center span said to be 592 feet long. However, at this point the banks of the river are low and the bridge was erected on false work supported by piles. This method would be impracticable at the Lee Ferry site, and if a structure similar to the Topock bridge were to be built there it would have to be supported by suspension cables during erection. In other words, a suspension bridge would have to be built first and used as a temporary support on which to build the steel arched bridge. The same method of construction would have to be adopted for the horizontal steel trussed bridge.

7. From these considerations it appears that the only practicable type of structure for this location is the suspension bridge. The problem is similar to that of crossing the Little Colorado River at Cameron, Ariz. This crossing is made by a suspension bridge with a stiffening truss on each side of the roadway. This bridge is 660 feet long and was built in 1911 by the Midland Bridge Co., of Kansas City, Mo., under contract with the Bureau of Indian Affairs. The bridge appears to be a satisfactory structure, except that it might better have been built on a level instead of on a decided grade, and that better bracing should have been provided to resist the lifting effect of wind. The plans for this bridge are undoubtedly on file in the Bureau of Indian Affairs. As it was built over 10 years ago, it would probably be too light for the heavy traffic now using the public highways. From a short examination of it, I judge that it was probably designed to carry a load of 10 tons. In preparing a detailed design for the Lees Ferry bridge it would be well to provide for carrying a loaded truck weighing 20 tons.

8. Cost.—The cost of the Little Colorado River Bridge at Cameron is reported to have been $85,000. This bridge is about 54 miles from the railroad at Flagstaff, Ariz. The Lee Ferry Bridge site is about 130 miles from the same railroad point. The roads over which the material must be hauled are in large part mere tracks through the desert, crossing many depressions with steep pitches at the sides, undergoing some 4,000 feet of change in elevation, blocked at times in winter by snow, and having scanty and infrequent sources of water in the summer. The load that can be hauled by truck or team will be seriously limited by these conditions. Considering that the proposed bridge will need to be heavier than the Little Colorado River Bridge, that the haul is more than twice as long, and that prices of materials and labor have risen since 1911, I am of the opinion that a satisfactory bridge at the Lee Ferry site will cost about $200,000.

9. Plans.—It is my understanding that nothing more is desired now in the way of plans than a map showing the location selected and a sketch showing the general design. Captain Wright has a map

on a larger scale than any I have, and the location can best be shown on that. I am inclosing a sketch showing the general design that I recommend.

HERBERT DEAKYNE,
Colonel, Corps of Engineers.

The proposed bridge will be located about 15 miles south of the Utah-Arizona boundary line, and the site is described by E. C. La Rue, hydraulic engineer of the United States Geological Survey, as follows:

"Automobile and wagon travel between the Flagstaff region in Arizona and points in northern Arizona and southern Utah passes over the road which crosses Colorado River at Lee Ferry. Perhaps 50 per cent of this road is good and the remainder is passable. The cost of building a first-class graded road would not be excessive.

"The bridge site is located about 8 miles below Paria River and 4 miles below the present crossing at Lee Ferry. Twelve miles of the present road would be eliminated by the construction of the bridge. At the bridge site the walls are composed of limestone and sandstone, almost vertical from the river banks. The box canyon at this point is about 450 feet deep and between 600 and 700 feet wide at the top. This site is easily accessible from the north and south."

The following letter from the Director of the National Park Service shows the importance of this bridge from the standpoint of the national parks:

NATIONAL PARK SERVICE,
Washington, December 8, 1924.

MY DEAR MR. HAYDEN: In reference to our conversation about a bridge across the Colorado River at Lee Ferry, Ariz., I am glad to give you my views as to the advantages of such a project.

At the present time people from that portion of Arizona north of the Colorado River, known as The Strip, and visitors to the Zion National Park, in order to reach by a safe road the greater portion of Arizona, including the major portion of the Grand Canyon National Park, must make a long detour through California and Nevada, or a still longer detour through Colorado and New Mexico. A road crossing the Colorado at Lee Ferry seems to be the only feasible route connecting the strip country and the rest of the State and would shorten the present distance between the Grand Canyon and Zion National Parks to approximately one-third the distance it is now necessary to traverse in going from one to the other. When this road is built it will be possible to go from the north rim of the Grand Canyon to the south rim in a day.

For the past two years there have been over 100,000 visitors to the Grand Canyon Park annually, the travel for 1924 exceeding that for 1923 in spite of the restrictions against the hoof-and-mouth epidemic, and this travel will continue to grow from year to year. When the two rims are joined by a good road and bridge a still further increase will undoubtedly follow. It will be hard to find any road in the United States that will offer to the travelers so many diversified scenic features, and these features should be made accessible as soon as possible.

Even more important, from the point of view of the State, is the fact that residents of that section north of the Colorado River will have direct access to other parts of the State. The development of the area north of the Colorado River should not and can not be delayed much longer, and such a road would do more to develop that section than any other one thing.

Not alone would residents of Arizona be benefited by the opportunity to reach easily any portion of the State, but the entire State would benefit from the stream of tourist travel that now, after visiting the wonderful Zion and southern Utah country and the north rim of the Grand Canyon, turns back through Utah and on to California from there. Last year 8,400 people visited Zion Park and nearly 4,000 went to the north rim, and each year the numbers increase. If easy access were afforded visitors to Zion and the north rim to cross over to the south rim, most of them, instead of retracing their way, would continue on to southern Arizona on their way to the coast.

I believe that the importance of a connecting road between the strip section of Arizona and the remainder of the State can not be too strongly emphasized. It would be a boon to the State of Arizona, as well as to the traveling public. I know that from the standpoint of the national parks it is vitally important.

Sincerely yours,

STEPHEN T. MATHER, *Director.*

Hon. CARL HAYDEN,
House of Representatives.

Under date of December 13, 1924, J. R. Eakin, superintendent of the Grand Canyon National Park, also writes:

"The construction of a modern highway to the north rim by way of a bridge near Lee Ferry would open up an immense market for Indian products, which is now practically denied them. Undoubtedly, a vast amount of their handiwork would be taken over this route and stocked in various stores for sale to the tourist public. Of equal importance would be the vast stream of auto tourists that would, in traveling this road, pass four trading posts in order to reach the canyon, and many autoists would, of course, visit the Rainbow Bridge country near which is the Betatakin ruin, and thus come in contact with many other trading posts, where the principal articles of sale are Navajo rugs and jewelry, and Hopi baskets, pottery, etc.

"The construction of such a road and bridge would greatly increase the demand for products of the Navajo and Hopi Reservations, and while it would greatly increase travel to this country and thus aid the general prosperity of the State, the Indians, I believe, would be benefited more than the whites."

Under the terms of the bill it will be necessary for the State of Arizona to pay one-half of the cost of this bridge. The Governor of Arizona in his message to the State legislature on January 12, 1925, has recommended that such an appropriation be made. It will also be necessary for the State to improve the approach road from Flagstaff for a distance of about 130 miles, over half of which is within the Navajo Reservation. The road north of the Colorado River to Fredonia will also require State funds for its construction.

The bill, as amended, reads as follows:

"A bill authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto."

Mr. ROBINSON of Arkansas. Mr. President, the Secretary did not read the first part of the report, which shows that it was made by the Senator from Arizona [Mr. CAMERON]. I ask the clerk to state by whom the report was made.

The Chief Clerk read as follows:

Bridge across the Colorado River near Lee Ferry, Ariz.

February 3 (calendar day, February 14), 1925.

Mr. CAMERON, from the Committee on Indian Affairs, submitted the following report to accompany House bill 4114.

Mr. REED of Missouri. Mr. President, I want to know about this proposition. I want to get the facts. There are two Senators here from Arizona who ought to know the facts, and I would like to hear from both of them before the vote is taken. I am saying this now merely to give notice that at least the request is made. I want to hear from both Senators.

Mr. WARREN. I will state to the Senator that probably four Senators will be interested, as the matter concerns bridges in two States, the States of New Mexico and Arizona.

Mr. ROBINSON of Arkansas. May I say to the Senator from Missouri that the senior Senator from Arizona [Mr. ASHURST] is ill and unable to be present.

Mr. CAMERON. Mr. President, I do not care to take up the morning hour if there is other business to be transacted. If I can have permission at the end of the morning hour to make a few remarks, that will be agreeable to me.

Mr. WADSWORTH. Are we now considering the morning business?

The VICE PRESIDENT. The morning business is in order.

Mr. WADSWORTH. The conference report on the deficiency appropriation bill will come before the Senate automatically at the conclusion of the morning business?

The VICE PRESIDENT. No; the aluminum report will be in order automatically at 2 o'clock. The conference report will have to be brought up on motion.

Mr. WADSWORTH. I merely desire to express the hope that we can transact routine morning business before the hour of 2 o'clock is reached. I do not feel like demanding the regular order if the Senator from Arizona desires to address the Senate, but I hope time enough will be left for the transaction of the morning business.

Mr. WARREN. Mr. President, I have no interest in contending any longer for the adoption of the conference report, nor have I any intention of consuming the morning hour. I am perfectly willing that the morning hour shall be used for the transaction of the morning business. There will be enough time for the consideration of the conference report.

The Senators who referred yesterday so disparagingly to the action of the House in asking us to approve this conference

report were quite liberal in saying they did not care if the bill never passed unless it should be passed in the form they wished it. One of them advised that I leave town for two or three weeks before taking it up again!

One of those Senators was tremendously liberal; in fact, I notice that one section of the Senate—about one-third—is extremely liberal in these matters, so I want to be liberal, too. I am willing, if it is the proper thing to do, that the morning business shall now go on.

Mr. REED of Missouri. I understood the Senator to say that the suggestion has been made on the floor that he leave town for three weeks. Has the Senator any intention of accepting that invitation?

Mr. WARREN. One of the distinguished speakers on yesterday made a similar suggestion, and very strongly urged it, as he usually urges all matters in which he is interested.

Mr. REED of Missouri. I was wondering whether the Senator intended to comply with the suggestion.

Mr. WARREN. I am frank to say that I shall hang around for a few days, at least. [Laughter.]

Mr. LENROOT. Mr. President, during the debate yesterday upon the conference report on the urgent deficiency appropriation bill I made a statement which my good friend the Senator from Wyoming [Mr. WARREN], sitting at my right, construed as an invitation to him to leave the city for, I think he said, three months.

Mr. WARREN. I said three weeks.

Mr. LENROOT. Mr. President, I could not remember making any such statement, because nothing could be further from my mind or thought. I have just looked up the RECORD to see what the Senator possibly could have had reference to, and I find this—

> If the House shall be unwilling to yield, if I were a Senate conferee, I would go about my business for the next two or three weeks. In that event nobody would suffer very much.

Mr. WARREN. In other words, the Senator is one of the "three-weeks" men. I wish to note that as we go along.

Mr. LENROOT. Mr. President, I did not have in mind in the least that the Senator should leave the city or should not with his usual vigor and ability attend to his duties as a Senator here in the Senate. What I had in mind only was that if the conference report should lie dormant for two or three weeks the Senator might attend to his other manifold duties as a Senator without the public business being hurt and, in that event, no one would suffer. I did not mean to infer that the country would not suffer by the Senator's absence—we all know how much it would suffer—but that no one interested in the deficiency appropriation bill would suffer very much—that is, the beneficiaries of that bill—if they were delayed two or three weeks in receiving their money. I wish to take this occasion to say that I have the very greatest respect and affection for the Senator from Wyoming. There is no more valuable Member of this body than is the Senator from Wyoming, and he well knows my esteem and affection for him.

Mr. WADSWORTH. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 12) authorizing the printing of 41,000 additional copies of the revenue act of 1926, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. WILLIS presented resolutions adopted by the Kiwanis Club, of Steubenville, Jefferson County, Ohio, favoring amendment of existing freight rates on coal among the several coal-producing States of West Virginia, Kentucky, Tennessee, Virginia, Pennsylvania, Ohio, and Illinois as being unjust, unfair, inequitable, and discriminatory, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented the petition of the New Haven (Conn.) Branch of the U. N. I. A., praying a senatorial investigation in the case of Marcus Garvey with a view to securing his release from prison, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting in the Bethel African Methodist Episcopal Church, at Stamford, Conn., protesting against the passage of the bill (S. 2160) prohibiting the intermarriage of the Negro and Caucasian races in the District of Columbia and the residence in the District of Columbia of members of those races so intermarrying outside the boundaries of the District of Columbia, and for other purposes, and providing penalties for the violation of this act, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of the Stamford (Conn.) Branch of the N. A. A. C. P., protesting against the passage of the bill (S. 2160) prohibiting the intermarriage of the Negro and the Caucasian races in the District of Columbia and the residence in the District of Columbia of members of those races so intermarrying outside the boundaries of the District of Columbia, and for other purposes, and providing penalties for the violation of this act, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by Leonard Wood Camp, No. 1, Veteran Soldiers, Sailors, and Marines Association, of Hartford, Conn., favoring the passage of the so-called Knutson bill, providing increased pensions to Spanish War veterans, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Norwalk (Conn.) Chapter, Daughters of the American Revolution, protesting against the passage of the so-called Wadsworth-Perlman bill, liberalizing the present immigration law, which was referred to the Committee on Immigration.

He also presented resolutions adopted at the annual meeting of the Connecticut Forestry Association, protesting against the passage of the bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, which were referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the Hartford (Conn.) Traffic Association, protesting against the passage of the so-called Gooding long and short haul bill as being detrimental to the industrial and commercial interests of New England, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2479) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States, reported it with amendments and submitted a report (No. 220) thereon.

He also, from the same committee, submitted a report (No. 224), accompanied by a bill (S. 3321) to increase the efficiency of the Air Service of the United States Army, which was read twice by its title and placed on the calendar.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 3624) for the relief of Hannah Parker, reported it without amendment and submitted a report (No. 221) thereon.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, reported it with amendments and submitted a report (No. 222) thereon.

Mr. DALE, from the Committee on Pensions, to which was referred the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 223) thereon.

Mr. CAMERON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 7173) authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes, reported it without amendment and submitted a report (No. 225) thereon.

LOAN OF MILITARY EQUIPMENT TO UNITED CONFEDERATE VETERANS

Mr. WADSWORTH. I report back favorably from the Committee on Military Affairs the joint resolution (S. J. Res. 59) authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926. The Senator from Alabama [Mr. HEFLIN] is interested in this measure.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee

of the United Confederate Veterans, whose encampment is to be held at Birmingham, Ala., in the month of May, 1926, 3,000 cots, 3,000 bed sacks, and 6,000 blankets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee: *Provided further*, That the Secretary of War, before delivering said property, shall take from said chairman of the entertainment committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BUTLER:

A bill (S. 3298) granting an increase of pension to William S. Tolman (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3299) to regulate the practice of chiropractic; to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; and

A bill (S. 3301) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 3302) granting an increase of pension to Susan A. Jones (with accompanying papers);

A bill (S. 3303) granting a pension to Alice Cornwall (with accompanying papers);

A bill (S. 3304) granting an increase of pension to Sarah E. Ball (with accompanying papers);

A bill (S. 3305) granting a pension to Mary Jane Judd (with accompanying papers);

A bill (S. 3306) granting an increase of pension to Mary Wheeler (with accompanying papers);

A bill (S. 3307) granting an increase of pension to Emeline White (with accompanying papers);

A bill (S. 3308) granting a pension to Mary J. Mozack;

A bill (S. 3309) granting an increase of pension to Julia A. Johnson (with accompanying papers);

A bill (S. 3310) granting an increase of pension to Fannie Barnard (with accompanying papers);

A bill (S. 3311) granting an increase of pension to Lilley J. Parmley (with accompanying papers);

A bill (S. 3312) granting a pension to Augusta Reese (with accompanying papers);

A bill (S. 3313) granting an increase of pension to Lucy E. Scott (with accompanying papers);

A bill (S. 3314) granting an increase of pension to James W. Ellis;

A bill (S. 3315) granting an increase of pension to Rhoda Robinson (with accompanying papers);

A bill (S. 3316) granting an increase of pension to Martha A. Darrah (with accompanying papers); and

A bill (S. 3317) granting an increase of pension to Samuel H. Hedrix (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3318) granting an increase of pension to Sarah A. Sparks (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 3319) to extend the boundaries of the Absaroka National Forest in the State of Montana, and for other purposes; and

A bill (S. 3320) to improve and extend the winter range and winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A bill (S. 3322) to provide for the advancement on the retired list of the Army of M. M. Cloud; to the Committee on Military Affairs.

A bill (S. 3323) for the relief of Richard W. Armstrong, alias Richard R. Armstrong; to the Committee on Pensions.

A bill (S. 3324) for the relief of Harry McNeil;

A bill (S. 3325) for the relief of Milton S. Merrill; and

A bill (S. 3326) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to L. J. Turner; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3327) for the relief of Mrs. Gill I. Wilson; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3328) for the relief of L. W. Burford; to the Committee on Public Lands and Surveys.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. STANFIELD submitted an amendment proposing to increase the appropriation for prevention and fighting of forest and other fires on the public lands from $25,000 to $92,000, intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EMPLOYMENT OF AN ADDITIONAL PAGE

Mr. CURTIS submitted the following resolution (S. Res. 160), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page for the remainder of the present session of Congress, to be paid from the contingent fund of the Senate, at the rate of $3.30 per day.

REPORT OF AMERICAN BATTLE MONUMENTS COMMISSION

Mr. REED of Pennsylvania submitted the following resolution (S. Res. 161), which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,800 copies of House Document No. 121, Sixty-ninth Congress, first session, entitled "Annual Report of the American Battle Monuments Commission, fiscal year 1925."

Mr. PEPPER, subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

COMMITTEE SERVICE

On motion of Mr. WATSON, it was—

Ordered, That the junior Senator from Michigan [Mr. COUZENS] be relieved from further service on the Committee on Interoceanic Canals;

That the junior Senator from Oklahoma [Mr. PINE] be relieved from further service on the Committee on Claims;

That the junior Senator from Idaho [Mr. GOODING] be relieved from further service on the Committee on Territories and Insular Possessions;

That the junior Senator from Connecticut [Mr. BINGHAM] be relieved from further service on the Committee on Immigration;

That the junior Senator from North Dakota [Mr. NYE] be appointed to fill vacancies on the following committees: Interoceanic Canals, Claims, Territories and Insular Possessions, and Immigration.

CHANGE OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 3287) relating to the purchase of quarantine stations from the State of Texas, and it was referred to the Committee on Public Buildings and Grounds.

POSTAL RECEIPTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The resolution (S. Res. 156) submitted by Mr. HARRISON on the 24th instant was read, as follows:

Resolved, That the Postmaster General is directed to furnish to the Senate, at the earliest practicable date, a statement showing the postal receipts, by classes, for the period from July 1, 1925, to December 31, 1925, both inclusive, as compared with such receipts for the corresponding period of the year 1924, together with a statement containing such observations as the Postmaster General may be in a position to make relative to the effect on the volume of business and revenue received of the postal rates now in force.

Mr. CURTIS. I have been requested by the Senator from New Hampshire [Mr. MOSES] to ask when the resolution was reached that it should go over without prejudice.

The VICE PRESIDENT. Without objection, the resolution will be passed over without prejudice.

POSTAL AIR MAIL SERVICE

Mr. McKELLAR. Mr. President, several days ago the bill (S. 776) to authorize and provide for the payment of the amounts expended in the construction of hangars and maintenance of flying fields for the use of the air-mail service of the Post Office Department was passed by the Senate, and by unanimous consent was then recalled from the House and is now on the table. I move that the votes by which the bill was ordered to a third reading and passed may be reconsidered, for the purpose of referring the bill back to the Committee on Post Offices and Post Roads. I will say that the motion has the approval of the Senator from New Hampshire [Mr. MOSES], the chairman of the Committee on Post Offices and Post Roads.

Mr. SMOOT. Why not let the bill go to the calendar? When it comes up we can then discuss it.

Mr. McKELLAR. The bill should go back to the Committee on Post Offices and Post Roads, I will say to the Senator from Utah. The Senator from New Hampshire was present here just a moment ago and asked me to bring the matter up. He seems to be temporarily out of the Chamber, but I think the bill should go back to the committee; and if the Senator from Utah will discuss the matter with the Senator from New Hampshire, I am sure he will agree that the bill should go back to the committee.

Mr. SMOOT. Of course, the Senator from New Hampshire may agree to it. I have not any particular objection to such action, only it is not in accordance with the general rule. When by unanimous consent a bill has been recalled from the House of Representatives it usually takes its place upon the calendar.

Mr. CURTIS. Mr. President, I am informed that the subcommittee, which had charge of the bill in question, never reported it back to the full committee, and for that reason the bill should go back to the committee. I hope, therefore, the Senator from Utah will not object to that course being taken.

Mr. SMOOT. I have no objection to that being done, but I was merely calling attention to the fact that such a course, under our established procedure here, is somewhat out of order.

Mr. McKELLAR. It was for the reason as stated to me by the chairman of the committee, that the bill had not been reported by the subcommittee to the full committee, that I asked that it go back to the Committee on Post Offices and Post Roads. For that reason I ask unanimous consent that that course may be now taken.

Mr. SMOOT. I have no objection to that being done. I simply wish to say to the Senator from Tennessee that, of course, if there is no merit in the bill, no Senator would want to have it defeated more than I.

Mr. McKELLAR. The bill may be very meritorious, I will say to the Senator from Utah, but I do not know, and I should like to have an opportunity to look into it, which I never have had.

Mr. SMOOT. I merely wish to assure the Senator that the bill is meritorious or I never should have introduced it.

Mr. McKELLAR. I am quite sure of that.

The VICE PRESIDENT. Without objection, the votes whereby the bill was read the third time and passed will be reconsidered, and the bill will be recommitted to the Committee on Post Offices and Post Roads.

Mr. ODDIE. Mr. President, I merely desire to make an observation relative to the bill which has just been recommitted to the Committee on Post Offices and Post Roads. A similar bill was passed by the Senate last year, and I understand there has been no change in the situation surrounding the matter since then.

Mr. McKELLAR. I shall be very glad to take the matter up with the chairman of the Committee on Post Offices and Post Roads at any time.

CLAIMS ARISING FROM THE SINKING OF THE "NORMAN"

Mr. McKELLAR. I ask unanimous consent that the Committee on the Judiciary may be discharged from the further consideration of the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, and that the bill be referred to the Committee on Claims. It seems that there was some doubt as to which committee the bill should be referred. The clerks at the desk thought it should go to the Committee on the Judiciary, and it seemed to me proper also, but I understand that there is some difference of opinion about it, and the chairman of the Committee on the Judiciary is willing that the bill shall be rereferred to the Committee on Claims. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Without objection, the Committee on the Judiciary will be discharged from the further consideration of the bill and it will be referred to the Committee on Claims.

Mr. CURTIS. What was the request?

Mr. McKELLAR. That the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Claims. I made the request after consultation with the chairman of the Committee on the Judiciary.

MUSCLE SHOALS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article on Muscle Shoals appearing in the Birmingham Age-Herald of February 19 and an editorial on the same subject from the New York World of February 24. I ask unanimous consent that the editorial may be read to the Senate. It is not long.

The VICE PRESIDENT. Without objection, the request will be granted. The editorial will be read.

The Chief Clerk read the editorial, as follows:

[From the New York World, February 24, 1926]

GUSHING OVER AGAIN

Either to-day or to-morrow the Senate will be invited by the House of Representatives to commit intellectual suicide and adopt House Resolution No. 4. House Resolution No. 4 has already been rushed through the lower branch of Congress in a debate which lasted all of 50 minutes. Now it is proposed that it be sandwiched in ahead of the Italian debt settlement and be made the immediate business of the Senate. The bill is an administration measure. It proposes the latest and most fantastically preposterous of a long series of solutions for the problem of Muscle Shoals.

Let us look back a minute. It was in the first session of the last Congress, on March 10, 1924, that the House of Representatives, at that time victim of a "mash" on Henry Ford as heady and as persistent as any shop girl's dreams of Rudolph Valentino, voted to bestow Muscle Shoals on Henry Ford in return for love and kisses. It did this in a measure known as H. R. 518, and surveyed its work with pride. By and by, however, it began to be understood in public that as a means of protecting public interest in a vast power site H. R. 518 was a joke. It began to be understood that the Ford bid was a bid of less than 6 cents on the dollar, a bid which flagrantly violated every essential provision of the Federal power act, and a bid whose interest terms were computed by the Norris committee in the Senate as equivalent to a cash gift to Mr. Ford of $236,250,000, with the fond remembrances of a grateful public. The Ford bid collapsed. H. R. 518 collapsed. It was laughed to pieces in the public press and in the Senate. And now what happens? Back comes H. R. 518 again, somewhat disguised, but championed this time by a sponsor no less authoritative than the chief administration spokesman in the House of Representatives, the chairman of the august Rules Committee, Mr. SNELL.

House Resolution No. 4 is now the official designation of the administration's plans for Muscle Shoals. And House Resolution No. 4 provides for a committee to conduct negotiations for a lease of the Government's entire property at Muscle Shoals—upon what terms? A 50-year lease—

"Upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518."

The thing is almost comic. Having had in H. R. 518 a bill which protected the public interest in no degree whatever, it is now solemnly proposed that the same recklessness with the disposition of public property be achieved again—so far as possible. So far as possible the committee authorized by Congress is to bargain for something which is the equivalent of zero. Nor is that the last piece of absurdity in this measure. For it must be remembered that in 1924 and 1925 the House had before it various versions of H. R. 518; and now Mr. SNELL and the administration leaders are so far at sea that they are unable even to say which of these various versions the new measure specifies. It may be the first, it may be the last, it may be one in between. Mr. SNELL explains it this way: "We want, as far as possible, to give this [leasing] committee carte blanche. * * * We thought this would give some general direction without being too specific." We thought, in other words, that we would write something nice and vague which somebody may possibly understand but which we ourselves can't explain to you, the final net result of which is nothing whatsoever.

This, we suggest, is no way to dispose of a property on which the United States has spent $137,000,000 and a power site which is strategic to the whole Southeast.

Some latitude for a commission may be essential if it is to "negotiate." But the responsibility of Congress demands something more than an announcement that Congress is ready to abdicate. Before it appoints its commission Congress should set minimum terms which actually do protect the public interest, instruct its negotiators to take nothing less, and announce that it is ready to fall back upon public operation of Muscle Shoals if no satisfactory offer is forthcoming.

The Senate will do a good day's work if it so informs the House and tears up House Resolution No. 4 as so much useless paper.

The article from the Birmingham Age-Herald of February 19, 1926, is as follows:

STATE ASKS RATE RIGHT FOR SHOALS—PUBLIC SERVICE COMMISSION STANDS FIRM ON POLICY—SENATORS NOTIFIED OF BODY'S DECISION—UTILITIES HOLDS REGULATIONS ARE UNDER COMMONWEALTH—BILLS IN CONGRESS RESULT IN NOTICE—FORMAL ACTION IS TAKEN TO MEET SENATORIAL MEASURES

[State Capital Bureau]

MONTGOMERY, ALA., February 19.—Formal notice was served by the Alabama Public Service Commission in a letter to Senators OSCAR W. UNDERWOOD and J. THOMAS HEFLIN Friday afternoon that no act of Congress can destroy the right of the State of Alabama to establish rates and regulations for the power that will be generated at Muscle Shoals. The commission declared that the State is the sovereign in this matter, that the Federal Government can have no authority on the Tennessee River except over navigation and that any rate for the power generated at Muscle Shoals, whether the Government or a private corporation be the purchaser, must be approved by the public service commission.

Every effort of the Federal Government to wrest from the State its authority over Muscle Shoals power will be resisted by the public service commission, according to the letter which was addressed to the Senators by A. G. Patterson, president of the commission.

FORMAL NOTICE SENT

The formal communication resulted from the introduction in the Senate of bills designed to give the Federal Government authority over rates for the power. One of the bills was introduced by Senator NORRIS, another by Senator SMITH, and another by Senator MCKELLAR. Each contains a clause which, the public service commission contends, would take from the State the control of rates except for the fact that no provision is made by the Federal Constitution for the control of rates on power by the Federal Government.

"The hydroelectric dam, which it is proposed that the Government shall operate, is located wholly within the State of Alabama," said Mr. Patterson's letter. "The United States as sovereign exercise the right to control and protect the navigation of the Tennessee River at this point, but as an operator of a hydroelectric dam the United States must abide by the laws of the State of Alabama, exactly as the Alabama Power Co. or any other private operator distributing power in Alabama."

MOVE IS STEP IN POLICY

The formal declaration is another step toward the development of a water power policy for Alabama by the public service commission. When the legislature was in session in 1923 the commission appealed for legislation establishing a policy. No action was taken except the creation of a committee of the two houses, which was directed to consider the subject. No action was ever taken by the committee after its appointment.

Through the latest action of the commission, the water power policy has been defined in three important matters:

That the public service commission will claim the right to regulate rates for Muscle Shoals, whether operated by the Government or a private corporation.

That no power company operating in Alabama can construct its transmission lines into another State.

That no power company will be permitted to construct a transmission line until it can convince the commission that the line is needed for the marketing of electrical energy.

TEXT OF LETTER

Mr. Patterson's letter follows in full:

"May we call your attention to certain provisions of bills which have been introduced in the United States Senate for the purpose of enabling the United States to engage in the operation of the Government properties at Muscle Shoals?

"The provisions to which we refer are as follows:

"Norris bill (S. 2147) introduced January 5, 1926 (sec. 8, p. 9):

"'The board shall give preference in the sale of such power to States, counties, municipalities, and districts, and if the sale of such power is made to private individuals, corporations, or partnerships for distribution or resale the board may, as one of the conditions of such sale, provide in the contract therefor for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power.'

"Smith bill (S. 2956) introduced February 1, 1926 (sec. 5 (a), p. 8, line 15):

"'Any excess power developed may be disposed of under such terms and conditions as the commission may prescribe to any State or political subdivision thereof, or to any individual, partnership, association, or corporation.'

"McKellar bill (S. 3081) introduced February 10, 1926 (sec. 4 (a), p. 3, line 12):

"'Any excess power developed may be disposed of under such terms and conditions as the commission may prescribe as hereinafter provided.

"'(b) In the disposition of such excess power the commission may give preference to the power requirements of States and political subdivisions of States, including municipalities, and thereafter dispose of the remainder to farmers, manufacturers, and all other users or distributers of current, whether individuals, partnerships, associations, or corporations, in territory within economical transmission distance from Muscle Shoals, equitably and without discrimination, and without reference to State lines, and at rates fair and reasonable and as low as practicable. The commission is authorized and directed to make classifications and shall serve all customers in the same class at like rates and under same conditions of service, and no locality or section shall be favored over any other locality or section. Should the commission sell a portion of such power to a public utility company for distribution, it shall have the power, and it is hereby directed, to regulate by provisions in the contract the prices to be charged by such utility company in the resale of such power to consumers.'

STATE RIGHTS UPHELD

"The hydroelectrical dam which it is proposed that the Government shall operate is located wholly within the State of Alabama. The United States as sovereign exercises the right to control and protect the navigation of the Tennessee River at this point, but as an operator of a hydroelectric dam the United States must abide by the laws of the State of Alabama exactly as the Alabama Power Co. or any other private operator distributing power in Alabama.

"When a Government corporation engages in the public-utility business in our State, its rates and service automatically come under the jurisdiction of the Alabama Public Service Commission, and we desire to notify the advocates of these measures in the Senate that no provisions such as are here attempted, having for their purpose the regulation of rates or service, can be made effective without the approval of the Alabama Public Service Commission. There can not exist two power sovereigns within the same State.

"Where power is to cross a State line and is to be utilized in an adjoining State this commission is authorized to recognize the right of the utility commission in the adjoining State to an equal but not superior claim to jurisdiction in the rates and service affecting the power in question.

"As long as our commission can agree with commissions of adjoining States as to rates and service in power transmitted across our State lines, there can be no ground for interference by any Federal agency, either the Federal Power Commission or any other Federal authority.

WILL FIGHT FOR CONTROL

"We beg to advise that the Alabama Public Service Commission will in behalf of the State and its people resist and oppose all efforts of the Federal Government to usurp or exercise powers reserved by the State and not authorized by the Federal Constitution, where such action relates to matters under the jurisdiction of this commission. In this connection, we bring to your attention the following statement which was included in our commission, dated June 5, 1925, to the President's 'Muscle Shoals inquiry,' in which was transmitted certain data and information requested by that board.

"We assume that your commission is familiar with the rights of the State of Alabama in and to the power produced at Wilson Dam, and with the fact that no disposition of the electrical energy generated at Wilson Dam can be effectuated by the Federal Government or any agency created by it unless and until the consent of the State thereto has been obtained, and the laws of the State pertaining to the sale and distribution of the electrical energy produced within the State shall have been complied with.

"May we suggest that you bring these matters to the attention of the Members of the Senate and urge such action in the premises as you deem proper for the protection of the interests of the State of Alabama and its people?

"Yours very truly,

"ALABAMA PUBLIC SERVICE COMMISSION,
"A. C. PATTERSON, *President.*"

STATEMENT ISSUED

In connection with the letter the following statement was issued by the commission:

"In this connection it will be recalled by those who have followed closely the development of the electric-power situation in the State

that the Alabama Public Service Commission has, as far as existing laws would permit, endeavored to guard the rights of the State and to protect the interest of the State and its people in such development. This State contains greater potential electric power than any State in the Union, having favorable and extensive resources for the production of electricity by both water and coal. It is unfortunate that a definite policy was not adopted by the legislature providing for the development of Alabama's electric-power resources.

"This commission, in denying authority to the Alabama Power Co. to construct hydroelectric power development on the Warrior River at Lock 17, called attention to this situation and expressed the hope that a water-power policy would be adopted by the legislature, then soon to convene. Its opinion in this case, issued June 18, 1923, contains the following statement:

"'The commission has been advised by the governor and by members of the State senate and house of representatives that the legislature, when it convenes next month, will have before it for its consideration and disposition the question of fixing for the State a definite, comprehensive water-power policy.'

CITES FORMER ACTION

"At a later date this commission addressed a letter to the governor, again calling his attention to the importance of recommending to the legislature the establishment of a water-power policy. The commission likewise addressed a communication to the members of the legislature, urging that such legislation be enacted as would constitute a water-power policy and a guide to this commission in its official action relating to the development of the State's power resources.

"It is a matter of record that resolutions were adopted by the legislature providing a committee to draft legislation designed to constitute a water-power policy. No report was ever made by this committee and as a consequence no further consideration of this matter was given by the legislature.

"This commission, in the absence of guiding legislation, has undertaken to impose such conditions in every authorization for development as in its judgment it would be authorized to impose for protection of the interests of the State and its people.

RIGHT NOT DENIED

"The Federal Government has never denied the right of the State to exercise authority over hydroelectric power developments, and the Federal water power act, adopted by Congress after 10 years' consideration and debate, clearly recognizes the right and authority of the State in such matters. This act provides that where States have, or afterwards set up, agencies providing regulation as to rates, charges, and service, that no attempt shall be made by the Federal Power Commission to exercise authority over these matters.

"The subject has been a matter of grave consideration by other States. The Governor of New York State has vigorously contended that the power resources of a State are owned by the State and subject to its exclusive control. Litigation to establish this right is now pending, and it is being closely followed by those interested in this important matter.

"The State of Maine passed a law prohibiting the production of electric energy for transmission outside the State.

"Governor Pinchot of Pennsylvania has sought to have established in his State a definite water-power policy.

"The tendency toward centralization of power in Washington and the establishment of bureaucratic government is becoming a dangerous menace to State rights and threatens to undermine and overthrow the fundamental principle of our dual form of government.

"It is now proposed in the legislation referred to in our letter to the Senators that a Federal commission shall regulate the rates to be charged the public for Muscle Shoals power by purchasers from it when they make distribution locally. To be effective, when this power is mixed with other power, the rates to be fixed must apply to all. The power of the State commission over the rates of power companies purchasing from Muscle Shoals would be wholly destroyed. The passage of either of the bills referred to, with the provisions quoted, would be a most serious blow at State rights, and it is astonishing to find this legislation proposed by southern Democrats.

"This commission is sending copies of its letter to Senators, to each Member of Congress, and to the several State commissions, in the hope that they will recognize the injustice and impossibility of such legislation and prevent its enactment."

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, the editorial just read from the New York World is like some of the testimony that has come before the Committee on Agriculture and Forestry from the power interests opposed to the early disposition of Dam No. 2 at Muscle Shoals. A rather amusing thing in connection with the editorial is that it attacks the Ford offer, which my friend from Tennessee so ably and so eloquently supported here for months and months. I can hardly understand this move upon the part of my brilliant friend from Tennessee. He used to advocate the Ford offer and hold it up as the most promising that was made and one that he thought was the very best that could be made or would be made, and yet now he is having read to the Senate an editorial that attacks the offer which he upon a former occasion lauded so eloquently in the Senate.

Mr. McKELLAR. If the Senator will permit me, I will say, in the first place, this is a very different proposal from the Ford offer. Even if it were not, the offer is now made in the interest of the power and fertilizer monopolies of the country, and I am not for either the power monopoly or the fertilizer monopoly, and therefore I am not in favor of the resolution. I think the suggestion of the World that it ought to be torn up as scrap paper should be carried out by the Senate.

Mr. HEFLIN. The power monopoly is back of the opposition to the resolution. The views of the power monopoly are echoed in the World editorial. I know this subject somewhat. I have been working with it and on it for quite a while; and when I hear a statement read which sounds so much like the statements made before the Committee on Agriculture and Forestry, I can not refrain from associating those interests together. Here is the New York World, 1,200 miles from Muscle Shoals, undertaking to tell the Congress what to do with Dam No. 2 when the President has recommended this course and the House has passed the resolution by a majority of 9 to 1, and the Senate Committee on Agriculture and Forestry has reported the resolution favorably by a vote of 11 to 5. It is necessary to dispose of Muscle Shoals at this session of Congress. The dam has been finished and the water power is ready for use. The resolution provides that bids may be made and that they shall be reported back to Congress by the 1st of April.

The Ford bill provided for a lease of 100 years, and my friend from Tennessee said that this is quite a different proposition from the Ford offer. It is. It provides for a lease of only 50 years to a private concern, the property to be operated by private individuals and paid for by them to the Government. My friend supported the Ford offer that provided for a lease of 100 years. He was in favor of Mr. Ford doing what he pleased with the power, and so were others who supported the Ford offer. No restrictions were to be placed about him. No restraint was thrown around him. No suggestion of that kind came from those who wanted to dispose of it to Mr. Ford. I can not quite understand such a complete change on the part of some Senators.

But in connection with this World editorial the Senator from Tennessee has had printed in the RECORD an article from the Birmingham Age-Herald purporting to come from the chairman of the Alabama Public Utilities Commission, in which he said something about the Alabama Power Commission controlling the rates on electricity produced at Muscle Shoals. I submit that the Muscle Shoals Dam is entirely within the State of Alabama. It is not partly in one State and partly in another, which situation might make it an interstate proposition.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. McKELLAR. Then, as I understand the Senator from Alabama, he indorses the statement purporting to come from the commission as it appeared in the Birmingham Age-Herald of the 19th instant, that no transmission line will be allowed to carry power outside of the State of Alabama, even though the United States Government has built the plant at an expense of $137,000,000 with the money of all the people, that the power that is generated there can not be removed beyond the limits of the State of Alabama. Does the Senator subscribe to the doctrine which is set forth in the article as coming from the Alabama Public Utilities Commission? If the Senator means to indorse that statement of his public utility commission, I think the Senate should know it.

Mr. HEFLIN. That is not my position. I do not think the chairman of our public utilities commission made the statement exactly as it appeared in public print. I think there is a misunderstanding about it.

Mr. McKELLAR. I do not know about that. I have given it to the Senate as it appeared in the public press.

Mr. HEFLIN. Mr. President, the Senator from Tennessee [Mr. McKELLAR] was suggesting that the power commission in my State desires to regulate the rates for electricity produced in the State. I hold in my hand a resolution which was passed by the Chamber of Commerce of Knoxville, Tenn. This chamber is associated with the Chamber of Commerce of Harriman, Tenn. In their resolution the Knoxville Chamber of Commerce uses this language in part:

Be it resolved, etc., That the development of the power possibilities of the navigable rivers of Tennessee should be made by private capital

under the provisions of the Federal water power act, and that the power therefrom should be distributed under regulation of the laws of Tennessee.

In the letter that I received from the chairman of the power commission in my State he suggested that the commission ought to have power over the rates in the State up to the State line. He also suggested that when the power crossed the State line the commission within the adjoining State should agree with the commission within the State of origin, and that if those two commissions could not agree, then, and not until then, should the Federal Government interfere. I think that is sound. I do not think anybody can find fault with that.

I wish to make a further observation at this point and then I am through. The New York World, undertaking to advise the Senate to tear up House Resolution No. 4, is busying itself about a dam that produces only 80,000 primary horsepower, that is Dam No. 2 at Muscle Shoals. One would think from reading the editorial that that dam would produce 500,000 primary horsepower or a million primary horsepower. Mr. President, not a great distance from there, on Little River, in the State of my good friend the Senator from Tennessee [Mr. McKELLAR], they are already producing 100,000 horsepower. The State commission of Tennessee controls the rates entirely; those rates are beyond the reach of the Federal Government; and I have seen nobody undertaking to put the regulation of those rates under the control of the Federal Government.

Private individuals in Tennessee are now making provision on Little River to produce 350,000 more horsepower, making in all 450,000 horsepower. The New York World has not opened its mouth about that, but it takes the time to write an editorial concerning 80,000 primary horsepower at Dam No. 2 at Muscle Shoals. I do not want to take up any more time in the morning hour, but I will have more to say on this subject next week when the resolution comes before the Senate.

Mr. McKELLAR. Mr. President, I should like to make just one observation. The power of which my distinguished friend from Alabama speaks as being generated in Tennessee has not been generated by the Federal Government out of the people's money, and that makes a very great difference in the situation.

Mr. HEFLIN. But the Federal Government, if the Senator will permit me, is undertaking to lease power that it has produced——

Mr. McKELLAR. It has not undertaken to do so as yet.

Mr. HEFLIN. And it is undertaking to get money for it by leasing it to private individuals. If private individuals bid for it and take it, they ought to have some right to say to some extent what they are going to do with it. The Government can not hold it and have it and lease it at the same time.

Mr. McKELLAR. We will reach that question later.

FARMERS' COOPERATIVE NEWS SERVICE

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD a bulletin entitled "Cooperative News Service," issued by the All-American Cooperative Association under date of February 15, 1926.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

CLEVELAND, OHIO, *February 15, 1926.*

EMPIRE STATE FARMERS GOOD COOPERATORS

That farmers in New York State know how to cooperate is proved by figures just released by the department of farms and markets. Business exceeding $92,000,000 was reported for cooperatives in return for the 1924 crop. Of 1,384 cooperatives incorporated in 1917, 1,056 are to-day actively engaged in business. In other words, a higher percentage of cooperatives have stayed on the map in the last 10 years than private businesses.

Perhaps the largest milk cooperative in existence is the Dairymen's League Cooperative Association, with 65,000 farmer members in six States. Last year the league operated 150 milk plants. Wool growers, maple-sirup producers, orchard men, beekeepers, and other lines of farm endeavor are represented also by thriving cooperative marketing associations.

14,000 GET HEALTH VIA COOPERATION

Tuberculosis, broken arches, neuritis, burns, and a hundred other scourges of human kind are bringing thousands of New York garment workers to their union cooperative health center. To be exact, 9,299 cases were treated last year. Expert examining physicians and surgeons, X-ray machines, baking and massaging appliances, and other aids to better health all await the union member at a price which represents bare cost of maintenance. Another department of the health service, the dental clinic, treated 4,611 patients.

ORGANIZES UNION INVESTMENT FIRM

President Brandle, of the New Jersey Building Trades Council, is organizing a union-labor investment corporation, with capitalization at $5,000,000. Its object is to "finance all matters pertaining to the welfare and advancement of labor unions and their members throughout the State."

Danish farmers buy one-third of their stock feed through cooperatives and market one-half of their produce by the same method.

NO FAILURE AMONG COOPERATIVES

Failure has been the bogey shaken at the American cooperative movement for a generation. That private businesses fail or pass out of existence in greater numbers than cooperatives is, of course, ignored by the chronic pessimist. Nor does it trouble him that he uses the word "cooperative" to apply to every nondescript sort of an enterprise which may wish to use that magic word. Careful investigation of American cooperatives by impartial governmental agencies have disproved that claim, and now comes the secretary of agriculture in South Africa to add his testimony. Hundreds of private businesses failed in the Union in the past year, he reports, but not one cooperative went under. Two hundred and forty-three societies have enrolled 44,000 members, representing nearly half of the farmers of South Africa, as well as many consumers. Marketing of corn and general farm products constitute the bulk of cooperative activity, but wool, cotton, fruit are well represented in the roster.

The finest service of the movement down by the Cape of Good Hope has been to furnish cattle, sheep, implements, and seed to struggling farmers in districts where, by reason of locusts or drought, distress is great. Thousands of South Africans, who would otherwise have succumbed in the fight with a hard soil, have been enabled to stick to the land and rear a civilization in the wilderness.

SEE UTOPIA IN COOPERATIVE COLONIES

With the slogan "To-day's Utopia is To-morrow's Reality" a group of New York cooperators have established the Association for Community Cooperation to foster the growth of cooperative communities or colonies. The association discounts politics and violence as a means of ushering in a new civilization, appealing to social-minded persons to show the practicability of cooperative principles as applied in colony life. The association's address is 49 East Eighth Street, New York City.

COMMISSION COMPILES CO-OP REVIEW

The Federal Trade Commission, Washington, D. C., is conducting an inquiry into productive and consumers' cooperative societies, in pursuance with the request of the Senate. To this end it is circulating a questionnaire among cooperative societies to aid in the preparation of an authoritative review of American cooperation. Societies which have not yet received the questionnaire are requested by Millard F. Hudson, chief examiner of the Federal Trade Commission, to address him for copies.

MIGHTY ARMY OF FARM CO-OPS

Minnesota takes the banner for 1925 as the premier farm cooperative State, with a record of 1,383 societies listed by the Department of Agriculture. Iowa, Wisconsin, and Illinois follow in the order named. The department lists 10,803 "farmers' business organizations of all kinds, types, and sizes," most of which are cooperative marketing associations. A third are engaged in grain marketing and 2,200 in handling dairy products.

ONE HUNDRED CONSUMERS' COOPERATIVES IN MINNESOTA

The Northern States Cooperator, the interesting little bimonthly of the Northern States Cooperative League, has compiled a list of 98 Minnesota consumers' stores. Thirteen thousand five hundred families are listed as stockholders, with 400 employees, and a turnover of $6,200,000 for 1925. Twenty stores were affiliated with the league and 18 with the Cooperative Central Exchange, the wholesale society. Societies averaged 150 members and 4 employees, with average yearly sales of $67,000. A majority of the stores have been in existence 10 years or longer.

CREDIT UNION GOES OVER BIG

The Headgear Workers Credit Union is owned and controlled by 859 members of the Cloth Hat, Cap, and Millinery Workers' Union, of New York City. Its capital of $125,000 was raised in 18 months.

PROHIBITION ENFORCEMENT

Mr. BLEASE. Mr. President, some time ago down in my State United States officers went to a man's houseboat while he was asleep to search for liquor. He was suddenly awakened, got out of his bed to defend his home, his castle, and was shot

to death by those officers. The United States judge, a Republican, by the way, and a mighty good fellow, made the mistake of directing a verdict of not guilty in favor of those white officers and turned them loose in that community without even a reprimand.

Sometime ago while a negro in Marlboro County, S. C., was asleep in his home some white officers of the county, armed with what they called a search warrant, went to his house to search for whisky. They broke in; they woke him up, and he killed one of those white officers in that house, although the officer was armed with a search warrant. That negro was tried and convicted and sentenced to the penitentiary for life. The Supreme Court of the State of South Carolina reversed that verdict and said that he had a right to defend his castle and the officers had no right to be there searching for liquor at that time under the circumstances. Just two or three days ago the case was called for retrial at Bennettsville, S. C., and a circuit judge, a white man and a Democrat, instructed the jury to render a verdict of not guilty and turned that negro loose.

I want to have two articles relating to that case printed in the RECORD for future reference and to show to some people that the negro does get justice in the Democratic courts of South Carolina, whether some white people get it in the Republican courts of South Carolina or not.

The VICE PRESIDENT. Without objection, the articles will be printed in the RECORD.

The articles referred to are as follows:

[From the State, of Columbia, S. C., February 24, 1926]

MARLBORO NEGRO FREED IN DEATH—SLEW OFFICER SEARCHING HIS HOUSE—RULING OF COURT—SUPREME TRIBUNAL HELD WARRANT INVALID, AND JUDGE TOWNSEND DIRECTS VERDICT

(Special to the State)

BENNETTSVILLE, February 23.—Tom Dupre, negro, who shot and killed Rural Policeman B. P. Hatcher on the morning of May 17, 1924, was late this afternoon given his liberty under a verdict directed by Judge W. H. Townsend, presiding at the court of general sessions here this week.

Dupre had been in jail here since May, 1924, having been taken into custody about a week after the shooting occurred. He was tried at the summer term, 1924, the jury returning a verdict of guilty with recommendation to mercy. Judge E. C. Dennis, presiding, sentenced him to life imprisonment. An appeal was taken, and the supreme court recently held that the search warrant under which the officers were attempting to make a search of Dupre's house for liquor when Mr. Hatcher was shot was not legally executed, was a nullity, and the officers had no authority to force an entrance into the house.

The case was sent back to Marlboro County and the second trial began this morning. When the State's evidence was in, shortly before the recess for lunch, counsel for the defense moved for a directed verdict on the ground that the officers were acting without proper authority, forcing the door of the negro's home to make an entrance at an early hour in the morning, with the avowed determination of making a search of the premises. The motion was argued in the absence of the jury until 4.30 o'clock this afternoon.

In his decision Judge Townsend cited the constitutional provision of the State and the United States that all citizens and their property should be secure from unreasonable search and arrest.

"The law requires," he continued, "search warrants must be sworn out under certain conditions by a person who knows the circumstances, and any attempt of officers to enter and search a home must be based on a valid warrant.

"Mr. Daugherty, one of the officers, stated that he went to the house with the intention of making a search, not to make an arrest. He had no right to force the door open, nor to order Dupre to drop his gun, and after Dupre had fired the first shot, grazing Mr. Daugherty's shoulder, and Policeman Hatcher ran up from around the house to take Daugherty's part, he put himself in the same position as Mr. Daugherty in attempting to enter a house without a legal search warrant.

"It is regrettable that due to the magistrate not making out a proper search warrant an officer has been killed and this man has been held in prison for two years."

[From the News and Courier, of Charleston, S. C., February 24, 1926]

FREES NEGRO IN HATCHER KILLING—JUDGE DIRECTS VERDICT AT BENNETTSVILLE TRIAL—HOLDS WARRANT ILLEGAL—RURAL POLICEMAN WAS KILLED WHILE ATTEMPTING TO SEARCH HOUSE IN 1924

BENNETTSVILLE, February 23.—Tom Dupre, negro, who, it is alleged, shot and killed Rural Policeman B. P. Hatcher on the morning of May 17, 1924, was late this afternoon given his liberty under a verdict directed by Judge W. H. Townsend, presiding at the court of general sessions here this week.

Dupre had been in jail here since May, 1924, having been taken into custody about a week after the shooting occurred. He was tried at the summer term, 1924, the jury returning a verdict of guilty, with recommendation to mercy. Judge E. C. Dennis, presiding, sentenced him to life imprisonment. An appeal was taken and the supreme court recently held that the search warrant under which the officers were attempting to make a search of Dupre's house for liquor when Mr. Hatcher was shot was not legally executed, was a nullity, and the officers had no authority to force an entrance into the house. The case was sent back to Marlboro County for retrial.

The second trial of the case was begun this morning. When the State's evidence was in shortly before the recess for lunch, counsel for the defense moved for a directed verdict, on the ground that the officers were acting without proper authority, forcing the door of the negro's home to make an entrance at an early hour in the morning, with an avowed determination to make a search of the premises.

The motion was argued in the absence of the jury until 4.30 o'clock this afternoon.

In his decision Judge Townsend cited the constitutional provision of both the State and the United States, that all citizens and their property should be secure from unreasonable search and arrest. The law requires, he continued, that search warrants must be sworn out under certain conditions by a person who knows the circumstances, and any attempt of officers to enter and search a home must be based on a valid warrant.

PRINTING OF TAX REDUCTION ACT

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read.

House Concurrent Resolution 12

Resolved by the House of Representatives (the Senate concurring), That there be printed 41,000 additional copies of the revenue act of 1926, of which 13,000 copies shall be for the use of the Senate document room, 25,000 copies for the use of the House document room, 1,000 copies for the use of the Committee on Finance of the Senate, and 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives.

Mr. MOSES. I ask for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

ACQUISITION OF LANDS IN DISTRICT OF COLUMBIA

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of House bill 4785, which was passed by the Senate about a week ago and recalled from the House. It has to do with the development of Rock Creek Park. It was the intention when asking that it be recalled from the House to have it take its place on the calendar for reconsideration. I ask that the bill may be read, so that Senators may understand just what it comprises.

Mr. WALSH. Mr. President, I should like to inquire of the Senator whether it is likely to give rise to any protracted debate?

Mr. PHIPPS. I think not. If it shall do so, I will certainly ask that its consideration go over until a later time.

Mr. SMOOT. Mr. President, who requested that the bill be recalled from the House?

Mr. PHIPPS. I requested its recall, because I had an amendment pending which was not considered at the time the bill was acted upon during the call of the calendar.

The VICE PRESIDENT. The bill will be stated by title.

The CHIEF CLERK. Order of Business 154, House bill 4785, an act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

The bill was considered and passed on February 17, 1926.

On February 18, 1926, the Senator from Colorado [Mr. PHIPPS] entered a motion requesting the House of Representatives to return the bill, and at the same time entered a motion to reconsider the vote on the passage of the bill.

The VICE PRESIDENT. The Senator from Colorado moves to reconsider the vote on the passage of the bill. Without objection, the vote will be reconsidered; and, without objection, the vote whereby it was ordered to be read the third time will also be reconsidered.

Mr. PHIPPS. Mr. President, I send to the desk the amendment which I had filed prior to the consideration of the bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, beginning on line 9, it is proposed to strike out the following:

There is hereby authorized to be appropriated, out of the surplus revenues of the District of Columbia made available by Public Law 358, Sixty-eighth Congress, approved February 2, 1925, in addition to the sum authorized by said act of March 4, 1913, the sum of $600,000—

And to insert in lieu thereof the following:

There is hereby authorized to be appropriated, in addition to the sum authorized by said act of March 4, 1913, the sum of $600,000, 60 per cent of which shall be paid from the surplus revenues of the District of Columbia made available by Public Law 358, Sixty-eighth Congress, approved February 2, 1925, and 40 per cent from the Treasury of the United States.

Mr. OVERMAN. Mr. President, we ought to know something about this bill before we authorize the appropriation of all this money. I think we ought to know what the bill is for and all about it.

Mr. PHIPPS. I shall be pleased to make a short explanation.

The property in question lies between the present limits of the Rock Creek Park and the Potomac Park in the valley. Its acquisition for permanent park purposes is no doubt desirable; but my contention is that this is essentially a Federal rather than a local or District park.

As to the payment for the property, may I say that the surplus out of which it was proposed and ordered by the House that the appropriation should be paid was accumulated between the years 1916 and 1922. Going back just a moment, up to the year 1902 the District of Columbia had always had a credit balance at the end of the year. Then began a period of expansion and development. Expensive public buildings were erected and other work done beyond the means of the District with the limited tax which the commissioners were allowed to collect at that time, which was a rate of $1.50 on two-thirds property valuation. The District, therefore, ran into debt to the extent of over $6,000,000, which was ordered repaid to the Federal Treasury, and was repaid with interest at the rate of 2 per cent per annum. At the end of the year 1916 the District had succeeded in repaying those advances. Then the tax rate was advanced and the property valuation was put on a higher scale; and in 1920, if my memory serves me, we went upon a full-valuation scale. That resulted in the accumulation at the end of the year 1923, from 1916 to 1923, of, in round figures, five and a quarter million dollars, as found by the experts of the Treasury and the Comptroller General; and it was admitted and ordered by the Congress that that money belonged to the District and would be available for the purpose of erecting school buildings and public buildings and establishing parks.

Out of that surplus the appropriation bills of the current year carry about $2,600,000, to be paid entirely out of the surplus, for the building of schools, without being matched by Federal contribution. The $600,000 proposed in this bill the House ordered should be paid out of this surplus; and at the same time bills pending in the House carry something over $2,000,000 for public-school buildings, which would completely exhaust this fund and leave nothing in the surplus whereby the District can acquire other desirable park properties. The District, through its representatives, has at various times advocated the acquisition of the Patterson tract, in one part of the city where they have no park, the easterly side, and also properties farther up Rock Creek which have never been appropriated for or authorized.

My contention is that this surplus having been accumulated when a proportionate basis was in use—really, during the time when the 50-50 proportion was in use—the Federal Government should at least contribute one-half for the acquisition of this additional park property; but in my amendment, to avoid discussion and to try to meet the matter in a fair way and in a spirit of compromise, I have suggested that it be upon the 40-60 basis.

I have here newspaper comments on the matter. I do not like to take up the time of the Senate in reading them; but I will say that the attitude of Congress in proposing that this entire amount be paid out of the District surplus is certainly most objectionable to the citizens, and appears to be unfair; and I think my amendment should be agreed to.

Mr. CURTIS. Mr. President, the Senator is not asking for the consideration of the measure at this time, is he?

Mr. PHIPPS. I am.

Mr. CURTIS. The chairman of the committee is absent, and I think he ought to be here when the bill is considered. I think the matter ought to go to the calendar, so that it can be taken up when both sides can be here. If not, we will have the same condition that arose before, as a result of which the motion to reconsider was made.

I ask that the bill go to the calendar, and it may be taken up in the regular order.

Mr. PHIPPS. I have no objection, if the Senator desires that course to be pursued.

The VICE PRESIDENT. Without objection, the bill will be placed on the calendar. The calendar under Rule VIII is in order.

ALUMINUM CO. OF AMERICA

Mr. WALSH. I ask unanimous consent that the unfinished business may be laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the report (No. 177) of the Committee on the Judiciary, submitted by Mr. WALSH on February 15, 1926, in the matter of the Aluminum Co. of America.

Mr. WALSH obtained the floor.

Mr. CURTIS. Mr. President, if the Senator will yield, I should like to suggest the absence of a quorum.

Mr. WALSH. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	Means	Sheppard
Blease	George	Metcalf	Shortridge
Borah	Goff	Moses	Simmons
Bratton	Gooding	Neely	Smith
Brookhart	Hale	Norbeck	Smoot
Broussard	Harreld	Nye	Stanfield
Bruce	Harris	Oddie	Stephens
Butler	Heflin	Overman	Swanson
Cameron	Johnson	Pepper	Tyson
Capper	Jones, Wash.	Phipps	Wadsworth
Couzens	Kendrick	Pine	Walsh
Cummins	Keyes	Pittman	Warren
Curtis	La Follette	Ransdell	Wheeler
Dale	Lenroot	Reed, Mo.	Williams
Dill	McKellar	Reed, Pa.	Willis
Ernst	McLean	Robinson, Ark.	
Fess	McNary	Robinson, Ind.	
Fletcher	Mayfield	Sackett	

The PRESIDING OFFICER (Mr. ODDIE in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, it is a matter of regret to me that we were not able to reach this order of business a little earlier in the day. The Senator from Oklahoma [Mr. HARRELD], who prepared one of the minority reports, was very desirous of elaborating his views, but he is obliged to leave the city on a train departing at 2 o'clock this afternoon, and we are accordingly denied the opportunity of hearing him.

I shall hurry along in my review of the defense made for the Department of Justice and the Aluminum Co. of America in the hope that a vote may be reached on the report before us during the day.

I shall spend no further time in comment on the dawdling methods of the Department of Justice in prosecuting its perfectly needless investigation while the statute of limitations was running against the offenses of the company which have been made public.

No serious attempt has been made at either excuse or defense of its procrastination, either in the matter of its delay of four months before it ever did anything in connection with the report presented by the Federal Trade Commission, or in connection with Dunn's spending in the neighborhood of one-half of the six months which he devoted to the so-called field investigation conducted by him in the city of Washington, not in respect to the three months that elapsed after his report was submitted before anything else was done.

That investigation stands impeached by the dilatory methods by which it was pursued. It stands impeached by the methods that were followed in carrying on the investigation. It stands impeached by the lack of qualification of the investigator who conducted it. Moreover, it stands impeached by the character of the report that was made, as I shall abundantly show.

This report starts in with an effort to whitewash the Aluminum Co. of America, to impress the reader of the same with the view that this highly beneficent institution was really never at all condemned by the court which entered the decree against it in the year 1912. I wish to read from the report, but before I proceed with that I want to advert to the fact that the report covers a multitude of subjects apparently wholly unrelated to the question as to whether there has or has not been a violation of the decree.

Of the 85 pages of the report 56 pages are devoted to such unrelated topics as shown by the index. It tells about former acquisitions by the Aluminum Co. of America. It gives a brief history of the aluminum industry. It contains a description of aluminum and its uses, a brief statement as to bauxite and the process of converting it into aluminum. It tells about the organization of the Aluminum Co. of America, and of all its subsidiary companies, some 20 or 30, or possibly more than

that listed. It tells about the bauxite holdings of the Aluminum Co. of America, and discusses a large number of other subjects, including a statement showing the present number of persons employed by the company, together with the approximate amount of the annual pay roll.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. WALSH. Yes.

Mr. REED of Pennsylvania. Is it not true that in the Senator's opening statement, in which he impeached this company, he himself mentioned every one of those subjects, and, in addition, talked for a considerable time about the tariff?

Mr. WALSH. I did not.

Mr. REED of Pennsylvania. With the single exception of the number of persons employed by the company?

Mr. WALSH. I did not go into the subject of the former acquisitions of the Aluminum Co. of America. I did not give a brief history of the aluminum industry. I did not give a description of aluminum and its uses. I did not discusss the bauxite holdings of the Aluminum Co. of America except to state that they had a control of the commercial deposits of America. I was interrupted by the Senator from Pennsylvania, who introduced the subject of its foreign holdings, and I subsequently addressed myself to that subject.

Mr. REED of Pennsylvania. I understood the Senator from Montana to take a considerable time in discussing various subsidiary companies——

Mr. WALSH. I did not.

Mr. REED of Pennsylvania. Naming them, mentioning their acquisition, but neglecting to mention that the Department of Justice had approved it at the time.

Mr. WALSH. I mentioned just exactly those that have any kind of bearing upon the question as to whether there had been a violation of this decree or not. I mentioned the Aluminum Goods Manufacturing Co., of the stock of which the Aluminum Co. of America owns 33⅓ per cent.

Mr. REED of Pennsylvania. The Senator mentioned the acquisition of the Norse Nitrate Co., or the Norwegian Aluminum Co.

Mr. WALSH. I mentioned the acquisition of the Norse Co. because the Senator challeneged the statement I made with respect to that matter. The Senator must not complain because he drew these things out. It was not in my line of argument.

Mr. REED of Pennsylvania. My recollection, then, is at fault. I thought the Senator had introduced most of these topics himself of his own accord, and the tariff.

Mr. WALSH. I did not. The tariff was exceedingly important here.

Mr. REED of Pennsylvania. How does the tariff violate the decree of the court?

Mr. WALSH. The tariff does not violate the decree of the court; but the tariff, as I indicated, prevents competition with the company from foreign sources, and prevents the domestic manufacturer depending upon aluminum from going to any other source but the Aluminum Co. of America to get its supply.

Mr. REED of Pennsylvania. The Senator read figures which showed that upward of 40,000,000 pounds a year are imported from abroad.

Mr. WALSH. Exactly; from Norway, chiefly, where the supply is controlled by the Aluminum Co. of America.

Of this report, the pages from 56 to 85 are all that deal with infractions of this decree.

I want to recur now to what is said here in exoneration of the Aluminum Co. of America from the start. I read from page 6:

> After describing aluminum and the processes by which it is manufactured, the petition—

That is to say, the petition upon which was founded the decree—

> alleges that the Aluminum Co. of America owns and controls more than 90 per cent of all the known deposits of commercially available bauxite in the United States and Canada, but the petition raised no issue concerning the legality of the company's acquisitions and holdings of bauxite deposits.

So they start in just to exonerate the Aluminum Co. of America from any charge of violation of the antitrust act by reason of its control of the bauxite deposits.

> Government counsel recognized that acquisitions of bauxite deposits made during the period when the Aluminum Co. of America owned the only patents covering the manufacture of aluminum could not be violative of the antitrust act. And so the petition expressly states.

And so forth and so forth.

Turning to the next page, I read:

> Hence, according to Government counsel then in charge of the case, the defendant's control of bauxite lands was not in itself unlawful, but was only an element to be considered along with the other allegations of wrongdoing. Apparently it was their view that having so complete a control over the raw material, the Aluminum Co. of America should be scrupulously fair in its dealings with independent manufacturers of aluminum goods who competed with it or its subsidiaries.

That is to say, this carries an intimation that up to this time the Aluminun Co. of America had been all right, that it was guilty of no practices whatever that called for animadversion or injunction. But the court thought that simply because it owned these bauxite deposits it should, therefore, be scrupulously fair, and so it suggested that course, instead of enjoining the company, because it had been guilty of practices which it was declared in the complaint had been pursued for the purpose of harassing other operators and driving them out of business.

This apologetic report continues:

> That the offense which led to the institution of the suit and the entry of the decree was not the acquisition and holding of bauxite deposits is further illustrated by the fact that on July 23, 1913, shortly after the entry of the decree, Attorney General McReynolds consented to the acquisition by the Aluminum Co. of America of certain bauxite deposits in Arkansas owned by the Sawyer-Austin Lumber Co., notifying counsel for the company that the department did not believe that the purchase of the bauxite deposits would be in violation of the decree.

Continuing on the same page:

> The prayer of the petition was that the restrictive covenants in the several agreements set out in the petition be declared null and void and that the defendant be enjoined from engaging in various acts of unfair competition against competitors.

These are the contracts which the distinguished Senator from Pennsylvania tells us were harmless anyway, and, of course, the Aluminum Co. of America was willing to cancel them, if anybody thought they ought to be canceled.

What was the character of those contracts? They were of two classes. One of them was with a foreign corporation, generally spoken of as the Swiss company, the largest foreign competitor of the Aluminum Co. of America, and that contract was an agreement between these two companies by which they divided the European and American territory between them.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. WALSH. I will.

Mr. REED of Pennsylvania. It is true that that contract was abrogated before this decree was entered, is it not?

Mr. WALSH. I am speaking about what the complaint charged. It was charged that that contract was in force, and a decree was obtained compelling them to abandon the contract.

Mr. REED of Pennsylvania. My statement yesterday was that before the decree was rendered the thing had been done by the company of its own accord.

Mr. WALSH. Exactly; before the decree was entered; that is to say, they recognized, their own counsel apparently advised them, that the contract was in violation of the Sherman Act. This is what the complaint says about the matter:

> About September 25, 1908, the defendant, Aluminum Co. of America, acting through the Northern Aluminum Co., of Canada, which is entirely owned and controlled by defendant, entered into an agreement with the so-called Swiss or Neuhausen Co. of Europe, which is the largest of the European companies engaged in the aluminum industry, and designated in this agreement as "A. J. A. G.," parts thereof material to this action being as follows:

Now, instead of using the initials, I will speak of the Swiss company and the Aluminum Co.

> The Aluminum Co. agrees not to knowingly sell aluminum, directly or indirectly, in the European market.
>
> The Swiss company agrees not to knowingly sell aluminum, directly or indirectly, in the American market (defined as North and South America, with the exception of the United States, but including West Indies, Hawaiian, and Philippine Islands).
>
> The total deliveries to be made by the two companies shall be divided as follows:
>
> European market, 75 per cent to the Swiss company, 25 per cent to the Aluminum Co.
>
> American market, 25 per cent to the Swiss company, 75 per cent to the Aluminum Co.
>
> Common market, 50 per cent to the Swiss company, 50 per cent to the Aluminum Co.

The Government sales to Switzerland, Germany, and Austria-Hungary are understood to be reserved to the Swiss company.

The sales in the United States are understood to be reserved to the Aluminum Co.

Accordingly the Swiss company will not knowingly sell aluminum, directly or indirectly, to the United States of America, and the Aluminum Co. will not knowingly sell, directly or indirectly, to the Swiss, German, Austria-Hungarian governments.

The Aluminum Co. engages that the Aluminum Co. of America will respect the prohibitions hereby laid upon the Aluminum Co.

So much for the agreement with the foreign company. Now, about the domestic companies. These were certain companies engaged in the production of bauxite and they all entered into agreements with the Aluminum Co. of America by which they agreed that they would sell no bauxite to anybody for the manufacture of aluminum. They could use it for other purposes, but not for the manufacture of aluminum. These are the contracts which the Senator said, whether they were canceled or not, or when they were canceled, were entirely harmless.

Mr. REED of Pennsylvania. And every one of those contracts was canceled before the entry of the decree and nobody, not even the Senator from Montana, charges that they have been revived.

Mr. WALSH. I do not care whether they have or not.

Mr. REED of Pennsylvania. Why, then, does the Senator lay such stress upon them?

Mr. WALSH. Because the Senator from Pennsylvania in his argument the other day referred to the matter and declared that they were harmless contracts.

Mr. REED of Pennsylvania. They were harmless because they had been canceled.

Mr. WALSH. That is what the Senator meant. They were harmless after they were canceled. Of course, that is axiomatic.

Bearing in mind—

The report continues—

that the Federal Trade Commission act with its provision against unlawful competition, and the Clayton Act with its provision against price discrimination, had not then been enacted—

That is, in 1912—

and bearing in mind that the business of the Aluminum Co. of America was not one impressed with a public use, it is not entirely clear that there was a legal basis for the injunctions against discrimination in the decree.

The Department of Justice now tells us, although this decree was entered in 1912 upon the allegations to which I have called attention, that there probably was not any legal justification for the entry of any decree against the Aluminum Co. of America. What is the difference to them whether there was or was not? It is their business to carry out that decree and to prosecute any infractions of it whether it was well founded in law or fact when it was entered or not. That is the kind of report we have here from the Department of Justice. But let us go on.

However that may be, the code prescribed in the decree is highly ethical and desirable and one which any reputable corporation would adopt and observe, and so the decree was entered by consent. It is to be noted, however, that the decree is unique in that it does not contain a definite adjudication that the defendant has violated the antitrust law—an additional element of weakness, as shown by the Government's experience with the packers' decree in the local courts, which contained no such adjudication and which has been suspended by the court.

So the Aluminum Co. of America is whitewashed by the statement that there was no evidence whatever to indicate that there was any violation of the antitrust act resulting in the decree.

But, Mr. President, the provisions of the report to which I have directed your attention bear, as will be recalled, a most striking resemblance to the argument of the distinguished Senator from Pennsylvania in the opening part of his address made the other day. Indeed, the Senator from Pennsylvania could not have been more justified in his encomiums upon the Aluminum Co. of America by this report if he had actually written the report himself.

But let us consider the report a little further. At page 11 of the report we find the following:

Having in mind the purpose and scope of the petition and decree it is apparent that any acts committed by the Aluminum Co. of America, to constitute a violation of the decree, must have been done with the deliberate purpose to injure a competitor, and thus eliminate or lessen competition in the business.

I deny that, and the decree itself denies it. If the things prohibited by the decree are done by the company it is entirely immaterial with what purpose it does them.

Mr. REED of Pennsylvania. Does the Senator mean that any delay which is prohibited by the decree is punishable as a contempt if that delay is due to causes beyond the control of the company?

Mr. WALSH. The decree does not prohibit delays. It simply prohibits delays which are not reasonable, and if a delay is unreasonable, it does not make any difference whether the company did it for the purpose of breaking a competitor or not, it is in violation of the decree, and it was purposely made so in order that it would not be necessary to show the intent and purpose of the company in doing those things. It was presumed to intend the natural and necessary consequences of its acts.

Mr. REED of Pennsylvania. Does the Senator think a decree so construed is valid or would be held to be valid in any court?

Mr. WALSH. I have not the slightest doubt about it.

Mr. REED of Pennsylvania. That a construction presuming that would be placed upon any delay?

Mr. WALSH. Any delay that was unreasonable.

Mr. REED of Pennsylvania. But who is to say it is unreasonable?

Mr. WALSH. As a matter of course, the court is to say it.

Mr. REED of Pennsylvania. How is the court to say it without knowing what the purpose was?

Mr. WALSH. Let us see what the decree provides. Paragraph 7, subdivision (b), of the decree says:

To prevent all undue discriminations upon the part of the defendant and its officers and agents * * * it is restrained from * * * delaying shipments of material to any competitor without reasonable notice and cause.

That is all we would have to show in order to put the company in contempt. Next it is provided:

Or refusing to ship or ceasing to continue shipments of crude or semifinished aluminum to a competitor on contracts or orders placed, and particularly on partially filled orders, without any reasonable cause and without giving notice of same, or purposely delaying bills of lading on material shipped to any competitor, or in any other manner making it impossible or difficult for such competitor promptly to obtain the material upon its arrival.

Now, I call attention particularly to this:

Or from furnishing known defective material.

The Senator from Pennsylvania claims, and this report claims, that it is not enough to show that they shipped defective material, but it must be shown beyond a reasonable doubt that it was done for the purpose of breaking the competitor. There is not anything of that kind in the decree, and it is not susceptible of any such construction as that.

But that is not all, Mr. President. The report says that the charges of infractions of the decree are all confined to section 7 thereof, while the evidence indisputably shows a plain and undeniable infraction of the decree under the provisions of section 6 of the decree. I will call attention to section 6, which provides as follows:

That the defendant, and its officers, agents, and representatives be, and they are hereby, perpetually enjoined from entering into a contract with any other individual, firm, or corporation of a like or similar character to the above-quoted provisions in the contracts between the Aluminum Co. of America and the General Chemical Co., between said Aluminum Co. and the Norton Co., between said Aluminum Co., and the Pennsylvania Salt Manufacturing Co., and between said Aluminum Co. and Kruttschnitt & Coleman, or either of them, and from entering into or participating in any combination or agreement the purpose or effect of which is to restrict or control the output or the prices of aluminum or any material from which aluminum is directly or indirectly manufactured.

Now I ask Senators to take note:

And from making any contract or agreement the purpose of or the effect of which would be to restrain commerce in bauxite, alumina, or aluminum, or to prevent any other person, firm, or corporation from or to hinder him or it in obtaining a supply of either bauxite, alumina, or aluminum of a good quality in the open market in free and fair and open competition, and from themselves entering into or compelling or inducing under any pretext or in any manner whatsoever the making of any contract between any persons, firms, or corporations engaged in any branch of the business of manufacturing aluminum goods, the

purpose of which would be to fix or regulate the prices of any of their raw or manufactured products in sale or resale.

Bear in mind, Mr. President, they are enjoined from entering into any contract of any character whatever the effect of which would be to prevent anyone desiring to get aluminum from going into a free and open market to get it. The evidence here is indisputable that they entered into contracts with the Budd Manufacturing Co. or the Fisher Body Co. in the years 1922 and 1923, by which they compelled those companies to turn back to the Aluminum Co. of America every bit of scrap they had, so that other producers of aluminum in the United States could not get that raw material in order to supply their demands.

Mr. REED of Pennsylvania. Is it not also in evidence that those companies themselves insisted upon having that provision in their contracts to furnish an outlet for such material?

Mr. WALSH. Yes; and I am glad the Senator spoke about that. I will satisfy him on that point directly. It will be recalled that testimony was produced here from the report of Mr. Digges, giving his interviews with these manufacturers using scrap aluminum in order to supply sheet aluminum to the trade, in which they complained about these contracts and the price of scrap aluminum being put so high, almost to the very verge of virgin aluminum; that it was utterly impossible for them to get their usual supply of scrap aluminum in the market. Not only that, but they had binding contracts with these great users of aluminum, by which they were compelled to turn over to the Aluminum Co. of America every bit of scrap aluminum which they produced, and that was the condition upon which they could get virgin aluminum from the Aluminum Co. of America.

Now, we come to the Digges report. My esteemed friend, the Senator from West Virginia [Mr. GOFF], supplied us in his remarks yesterday with an important item of testimony in this matter. He was referring to what appeared in the Digges report upon this branch of this interesting inquiry and was somewhat critical of me because I did not read from Dunn's report the interview that he had with the officers of the Budd Co. as contrasted with the interview that Digges had with the same gentlemen. He said, on page 4540 of the CONGRESSIONAL RECORD of February 25, as follows:

> The Senator from Montana shows that Mr. Digges had a very long and interesting interview with the Budd Manufacturing Co. He did not, however—

Says the Senator from West Virginia—

> He did not, however, read Mr. Dunn's interview with that same company. I shall read it for the information of the Senate, and I shall ask the Senate to consider whether it is or is not worthy of great credence and of great belief.

So he reads Dunn's report of his interview with the officers of the Budd Co., in which Dunn tells us:

> During the period when the Budd Co. was using aluminum on a large scale, 1922 and 1923, it purchased all of its metal requirements from the Aluminum Co. of America on contract. In the earliest contracts, there were no restrictive clauses as to the disposition of scrap by the Budd Co.; subsequently, in July, 1923, the Aluminum Co. of America changed its policy and made its performance of its metal contracts contingent upon the return to it at a price by the Budd Co. of all scrap resulting from the use of sheet aluminum in its operations.

Mr. MOSES. Mr. President, may I ask the Senator from Montana from what page of the RECORD he is reading?

Mr. WALSH. I am reading from page 4540.

I am glad there is on the floor of the Senate at this time no inconsiderable number of the Members of this body, lawyers of eminence and discernment, who usually give thought to the important questions of law that arise in the course of our labors here, and I want to ask any of them if he fails to find in these contracts containing their restrictive covenants anything except a plain violation not only of the court decree but of the Sherman Act itself? How can they be justified?

The Aluminum Co. of America says, "We will sell you virgin aluminum at a certain price, but, in order to get that price, you must agree that you will turn back to us every piece of scrap aluminum that you have, so that it will not get into the market, where it can be picked up by independent producers who would turn it into sheet metal and put it upon the market in competition with the Aluminum Co. of America."

Mr. REED of Pennsylvania. Does the Senator from Montana mean that an isolated contract of that sort made with one consumer in the United States constitutes a violation of the Sherman Act?

Mr. WALSH. The "isolated case" has absolutely nothing to do with it at all. Here is the contract which is made in plain violation of the terms of this decree. Moreover it is not an "isolated case." That company made the same contract with the Fisher Body Co.; they made the same contract, as my recollection is, with something like half a dozen companies using aluminum in the production of automobile bodies and other articles of like character.

Mr. REED of Missouri. Were they among the heavy users of aluminum?

Mr. WALSH. They were among the heaviest users in the United States. The Fisher Body Co., as everybody knows, is the greatest producer of automobile bodies in the country.

Mr. President, there is no question about this; there is no question of fact here at all. There is a simple controversy over a question of law between the Senator from Pennsylvania [Mr. REED] and myself upon this question, and, I might say as well, between the Department of Justice and myself, as to whether or not these contracts constitute a violation of the court decree. I unhesitatingly say they do.

Mr. REED of Pennsylvania. The Senator from Montana will admit that that subject is now under investigation by the Federal Trade Commission.

Mr. WALSH. The Federal Trade Commission has nothing at all to do with the subject.

Mr. REED of Pennsylvania. I did not ask the Senator whether it had or not; but I asked whether it is not a fact that it is at present investigating the subject?

Mr. WALSH. The Federal Trade Commission is now investigating the question as to whether or not the Aluminum Co. of America has been guilty of unfair practices in connection with the subject of sand castings and scrap aluminum.

Mr. REED of Pennsylvania. And the whole purpose of buying that scrap is for use in sand castings? Is not that true?

Mr. WALSH. That is quite right.

Mr. REED of Pennsylvania. And that subject is now being tried out by the Federal Trade Commission in hearings at Pittsburgh during the present week.

Mr. WALSH. It does not make any difference whether it is being tried or is not being tried; I do not care anything about it; I do not care anything about what the Trade Commission is doing or is going to do or has done. I am saying that it is the duty of the Department of Justice at once to institute proceedings for contempt for the violation of section 6 of the court decree in the execution of these contracts.

This is not the only thing that stamps this remarkable report as unworthy of the consideration of this body. Let me call the attention of Senators to another fact.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Montana a question for my information at that point?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. Yes.

Mr. WILLIAMS. Does the Senator from Montana contend that the price which the Aluminum Co. offers a consumer, such as the Fisher Body Co., for example, for the return of the scrap material—and by "scrap" I understand is meant the material that is not used by the Fisher Body Co.—has anything to do with the prices fixed by the Aluminum Co. to other consumers? Does the mere fact that they demand back that amount of scrap constitute the vice of the contract?

Mr. WALSH. They demand back the scrap at a price which they have fixed so high that the independent producer can not possibly buy any scrap in the market. It elevates the price of scrap on the market to such a figure that the independent producer can not afford to buy it; and accordingly the greater number of them have got to sell their scrap to the Aluminum Co. of America.

Mr. WILLIAMS. My point is: Does the price fixed for the scrap in the contract and for its return to the Aluminum Co. have anything to do with the price fixed by the Aluminum Co. to the Fisher Body Co.?

Mr. WALSH. The price of what?

Mr. WILLIAMS. The price of aluminum.

Mr. WALSH. The price of sheet aluminum?

Mr. WILLIAMS. Yes.

Mr. WALSH. The price of sheet aluminum is fixed by the Aluminum Co. by a schedule, whether the aluminum be produced from ingots or from the scrap aluminum.

Mr. WILLIAMS. There is no suggestion of a rebate there, is there?

Mr. WALSH. No.

Mr. WILLIAMS. Eliminating the point of a rebate in price, due to the fact that the price of scrap is fixed at so high a

figure that others can not buy, will the Senator from Montana please state exactly what the vice of that particular provision in the contract is?

Mr. WALSH. The particular vice is that it prevents anybody else from buying scrap.

Mr. WILLIAMS. Very good; but in the sale of the material itself the aluminum, the sheet metal which is sold by the Aluminum Co. to the Fisher Body Co., for example, is it perfectly competent to include in the contract a provision that the scrap may be repurchased at a price fixed?

Mr. WALSH. That it may be repurchased at a price fixed?

Mr. WILLIAMS. Yes.

Mr. WALSH. That is not the point at all. The company, according to Mr. Dunn, makes it a condition of supplying any aluminum at all that the scrap shall be returned.

Mr. WILLIAMS. Suppose it does, what follows from that?

Mr. WALSH. It follows that the market for scrap aluminum is destroyed.

Mr. MOSES. Let me ask the Senator, does that follow?

Mr. WILLIAMS. I have not finished as yet.

Mr. MOSES. I beg the Senator's pardon.

Mr. WILLIAMS. Suppose a citation were issued by the court against the Aluminum Co. charging them with a breach of the decree or a breach of the Sherman Antitrust Act because of that provision in the contract. If the Senator were sitting as a judge in that case, the question would be whether he would hold that they had violated the Sherman antitrust law and whether he would issue an injunction, or whether, having issued an injunction, he would declare that to be a violation of the injunction. Mark me, I am not trying to defend the Aluminum Co.; I think it has no place here; I think this ought not to be an inquisition; I think we ought to be permitted to address each other as Senators and not as fellow members of a jury; but, aside from that, I was trying to find in the Senator's mind, if I could, just what the vice of that contract might be.

Mr. WALSH. I have tried to make myself plain about it.

Mr. MOSES. Mr. President——

Mr. WALSH. I will ask the Senator to wait a moment. It will be observed, according to Mr. Dunn—and that, of course, is just what Digges told us——

Mr. WILLIAMS. I take it, it makes no difference who makes the statement.

Mr. WALSH. Of course not. The Aluminum Co. of America had certain contracts with the Budd Co., by which it agreed to sell to the Budd Co. aluminum at a price fixed in those contracts. Suppose nothing was said about scrap at all, so that if the Budd Co. had scrap as a by-product of its operations it could go into the market and sell that scrap to anybody who would pay for it, the Aluminum Co., or the Bohn Co., of Detroit, or the Waltz Co., or some other company, or a half a dozen other different independent companies which were very desirous of getting scrap, indeed, were obliged to get it in order to stay in business at all. In that situation of affairs, the Aluminum Co. of America comes in and makes a contract by which it gathers up all that scrap itself; it thus shuts out the other people, and thus they are prohibited from buying a supply in the open market in free and fair competition.

Mr. WILLIAMS. A farmer in Washington County, Mo., might sell a lot of corn to a pipe factory and provide that the cobs should be used by the factory and the corn returned to him, or the factory might make such an arrangement. I myself do not see the vice in that.

Mr. SWANSON. Mr. President, may I ask the Senator from Montana a question for information?

Mr. WALSH. Mr. President, I really should yield first to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I wish to ask the Senator, first of all, if it follows as a matter of fact that the price of the scrap was advanced by reason of this contract with the Budd Co.?

Mr. WALSH. I will say to the Senator, that is what the Digges report says that the price of scrap aluminum went up automatically with these contracts.

Mr. MOSES. Might there not have been a practical reason in the manufacture of aluminum for the company to make such a contract? Understanding that the scrap they would get back from the Budd Co. or any other company to which they sold was their own aluminum, they would know that it was of a higher grade of purity and would not have to be refined again in order to be used for making sand castings.

Mr. WALSH. Of course, the Senator asks that question in perfect innocence, but he will bear in mind——

Mr. MOSES. The Senator from New Hampshire is innocent; he confesses his innocence.

Mr. WALSH. The Senator will bear in mind that there is no quality of aluminum either better or worse than that put out by the Aluminum Co. of America.

Mr. MOSES. My understanding is that there are numerous alloys that are used by many manufacturers after they get the aluminum in ingot form and that the scrap from such aluminum would not be nearly so valuable and useful.

Mr. WALSH. The Senator shows again his unfamiliarity with this matter.

Mr. MOSES. I prefer the word "innocence," Mr. President, if the Senator does not mind.

Mr. WALSH. The aluminum, in the first place, as told at some length by the Senator from Pennsylvania, is sold in ingots; there is no producer of ingot aluminum in the United States except the Aluminum Co. of America. Everybody must buy these ingots from the Aluminum Co. of America. There are some rolling mills that roll it into sheets——

Mr. MOSES. There are many concerns also that cast it and probably use alloys with it.

Mr. WALSH. The only way they can get it is to buy the virgin aluminum from the Aluminum Co. of America or go out in the market and buy scrap.

Mr. MOSES. And having bought the virgin aluminum and used alloys with it, the scrap would be impure.

Mr. WALSH. They do not have a thing to do with the alloying of it. The alloying takes place in the production of the ingots.

Mr. MOSES. And never at all after it goes into the hands of the manufacturer?

Mr. WALSH. Never.

Mr. MOSES. I am quite sure that the Senator is mistaken about that, because I happen to have some personal contact with a foundry that does that.

Mr. WALSH. The Senator is right so far as the sand castings are concerned; there is no question about that.

Mr. MOSES. Well, sand castings result in a great deal of scrap.

Mr. SWANSON. Mr. President——

Mr. WALSH. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand the contention of the Senator from Montana, it is that the Aluminum Co. of America has an absolute monopoly of the virgin aluminum. In order to protect that monopoly they must control the scrap. Then they can fix the price of the virgin metal. So, in defiance of the court decree and in defiance of the Sherman antitrust law, they proceed to get control of the scrap all over the United States, so that the combination of the virgin and scrap aluminum gives them an absolute monopoly. I understand that is the position taken by the Senator?

Mr. WALSH. Exactly.

Mr. SWANSON. And, as I understand, the facts as shown by these contracts justify that contention.

Mr. REED of Pennsylvania. Surely the Senator from Montana could not have meant to give any such impression to the Senator from Virginia, because as a matter of fact the record shows that this company in 1923 bought less than 25 per cent of the scrap that was on the market and reported to the Department of Commerce, and that in other years its purchases were never as much as 12 per cent.

Mr. SWANSON. I understand that.

Mr. REED of Pennsylvania. Now, obviously it could not control the market by buying 12 per cent of the scrap.

Mr. SWANSON. As I understood, the contracts made the price of scrap very high. Of course, if the Aluminum Co. could put up the price of scrap by requiring these contracts of large users, whether they bought it or somebody else bought it, it kept the price of virgin aluminum high, did it not?

Mr. REED of Pennsylvania. No, Mr. President; it did not make one cent's worth of difference whether they bought the scrap they needed from the Fisher Body Co., or whether they bought it from John Jones, or from some one else. It did not matter where they bought it. The purchase of the amount they needed, of course, had that effect in the market, just as the purchase of any amount by anybody is reflected in the price; but it did not matter at all whether they bought from Budd in Philadelphia, or from the Fisher Body Co. in Detroit, or whether they went out in the market and bought it from junk dealers. They took just so much metal off the market, and fundamental economics tells us that if they only bought a small quantity it only had a small effect, and that to control the price they would have to corner it; and nobody pretends that they did.

Mr. WALSH. I suppose, in due time, some explanation will be made of these contracts. On the face of them, they appear in plain violation of this decree, as I have stated.

Mr. President, there are a few other features in this report to which I desire to invite your attention.

The Senator from Pennsylvania in his address told us that the only infraction of the decree to which reference is made in the report of the majority of the Committee on the Judiciary is that in relation to defective material; and the only other serious complaint he tells us about is the delays in the delivery of material.

With respect to the first, Mr. President, the shipping of defective material, he tells us that the idea is absurd that that constitutes a violation of the decree; and with reference to the delays in shipments constituting a violation of the decree, he tells us that that is silly.

Mr. REED of Pennsylvania. I did not know any stronger words, Mr. President.

Mr. WALSH. I was going to say that if the idea in the one case is absurd and in the other case is silly, the absurdity and the silliness must be charged up against Harlan F. Stone, then Attorney General of the United States, now Associate Justice of the Supreme Court of the United States, for it was he who said that these violations had been so frequent and so repeated that the intent can hardly be disregarded.

Mr. REED of Pennsylvania. Mr. President, where can the Senator find that?

Mr. WALSH. I am going to read it.

Mr. REED of Pennsylvania. I hope the Senator will.

Mr. WALSH. I read from the letter of Attorney General Stone of January 30, 1925, which will be found at pages 7 and 8 of the committee hearings. After reviewing the prohibitory provisions of the decree and the complaints of breaches of the decree, the Attorney General continues:

> Without attempting to review the evidence submitted in your report, it is sufficient to say that the evidence submitted supports to a greater or less extent the above-recited complaints of the competitors. And especially is this clear and convincing in respect to the repeated shipments of defective materials, known at the time of shipment to be defective. This became so common and so flagrant as to call forth remonstrances from Mr. Fulton, of the Chicago office of the company. On July 28, 1920, he wrote the company:
>
> "In my opinion the grade of sheet which we are shipping is in many cases considerably below our pre-war standard. * * *
>
> "The last six months we have had some very critical situations with several of our customers on account of the buckled sheet which we have been shipping, so much so that at least two have told us plainly that if they were able to get better sheet they would reject every bit that we had shipped to them. * * *
>
> "Of the sheet on which we have authorized replacement or credit I would say that at least 90 per cent of it should never have left our mills, and without any extra expense or trouble to the company should have been caught at the inspection."
>
> On October 21, 1920, Mr. Fulton again wrote the company:
>
> "I think it again of vital importance to call your attention to the class of sheet which is slipping through our inspection department. * * *
>
> "The greatest complaint is in reference to our coiled sheet.
>
> "About three different customers within the last week have stated that they have hardly used any of our coiled sheet on account of the wide variation of gauge, there being as much of a variation as 4 and 6 B. & S. numbers in the same coil. This, of course, indicates nothing but careless rolling and more careless inspection.
>
> "The next most general complaint is our shearing, in that the shearing is not correct to dimensions, especially width."
>
> In December, Mr. Fulton, after an inspection tour of several plants, again calls attention to the complaints and to the defects in materials being shipped. Among other things, he says:
>
> "There are many things which I know the operating end could remedy without delay, which now are causing a great deal of trouble. No doubt one of the biggest sources of our poor sheet is the apparent increased quantities of scrap that we are putting into our 28 sheet. The appearance of the drawn sheets is a direct give away as to what is going into the metal.
>
> "This is something I have in no way discussed with any of our customers and have steered them off the track whenever they have brought it up, but went over it thoroughly with Mr. Yolton, and he assured me he would discuss this at length with Mr. Hunt."
>
> There is also to be found this complaint from a Cleveland customer, under date of May 9, 1921:
>
> "Now * * * can your inspectors pass all this up at your mills? This is an idea that I wish you could confer to your mill heads with force enough to get them to take a little interest in it and not burden us with the tremendous expense of running and handling this metal. The mere fact that we send it back for full credit don't mean anything to us, for we are out all the labor, time, and trouble of handling, which is a very expensive proposition."
>
> It is apparent, therefore, that during the time covered by your report, the Aluminum Co. of America violated several provisions of the decree. That with respect to some of the practices complained of, they were so frequent and long continued, the fair inference is the company either was indifferent to the provisions of the decree, or knowingly intended that its provisions should be disregarded, with a view to suppressing competition in the aluminum industry.

So this, Mr. President, is what is characterized by the Senator from Pennsylvania as silly.

Mr. REED of Pennsylvania. Mr. President, the Senator has been so generous in allowing me to interrupt him that I am becoming timid about it. Will he permit me to ask him a question?

Mr. WALSH. I assure the Senator that I shall welcome any interruptions from him.

Mr. REED of Pennsylvania. I thank the Senator.

In the first places, does not the Senator think that it would be fair to put in the RECORD, after reading that letter, the statement which Assistant Attorney General Donovan made at page 121 about that very letter, and what Justice Stone said about it?

Mr. WALSH. Yes.

Mr. REED of Pennsylvania. He said there——

Mr. WALSH. Just a minute. Justice Stone did not come on the stand, and I talked with Justice Stone myself. I have no objection now to the Senator reading what Mr. Donovan said Justice Stone told him.

Mr. REED of Pennsylvania. Justice Stone was available as a witness, and, I understood, had expressed his desire to come.

Mr. WALSH. Now that the Senator has made that statement, I beg to say that he expressed to me a desire not to come. I went to him for the purpose of getting him to come.

Mr. REED of Pennsylvania. I understood from my talk with him that he was disappointed that he had not been called. However, Attorney General Donovan says, at page 121:

> My recollection is that shortly after that I spoke to Attorney General Sargent and said that I felt I ought to talk with former Attorney General Stone. I went to see Mr. Justice Stone—I had read a copy of his letter—and I said, "I have just looked at the summary of the report of the Federal Trade Commission, and I wondered whether this letter of yours was based upon an investigation or whether you prepared it yourself, or whether it was based upon the report." As I recall, this is the substance of what he said.
>
> When that report came in, he said, he referred it to Mr. Seymour, and he said it was his understanding that there was to be a report prepared upon the investigation of the evidence and of the facts. As I recall, that memorandum came in some time in October, 1924. Of course, I knew nothing about that; I was not in office at that time.
>
> Then he said that when the letter was handed to him, which he had not prepared, he just assumed that it was based upon the facts, and he signed the letter.

One more question, and then I will try not to interrupt any more.

Does the Senator, with all his experience in antitrust cases, think that the shipment of defective material mentioned in that letter of Justice Stone is a violation either of the Sherman law or of the decree, if it be shown that at the same time similar material was going to the company's own finishing mills, so that there was no discrimination against the competitors of the company?

Mr. WALSH. I have no hesitancy in answering in the affirmative—none whatever—because the decree does not, as the Senator contends, declare to be a violation of it a shipment of defective material for the purpose of putting the other man out of business. If he ships the defective material knowing it to be defective, he violates the decree.

Mr. REED of Pennsylvania. I am glad the Senator is making his position clear.

Mr. WALSH. I thought I had a while ago.

Mr. REED of Pennsylvania. It has not been clear to me before this time. Admitting, as we all do, that a great deal of defective material was produced during 1920 in times of labor difficulties, it is the Senator's contention that if any of that was allowed to go to the competitors, if the company failed to use all the defective material in its own finishing mills, but treated competitors and its own mills indiscriminately, that was nevertheless a violation of the decree?

Mr. WALSH. No. The Senator has not stated my position accurately at all. He has omitted altogether the item of knowledge.

Mr. REED of Pennsylvania. Oh, I should have included that. It is the Senator's contention that if, with the knowledge that this material was uncertain in gauge, they shipped any of that defective material to their competitors, that was a vio-

lation, regardless of the fact that they had to treat their own finishing mills in exactly the same way?

Mr. WALSH. I do not know whether failure to supply the material exactly to gauge would be classed as furnishing defective material or not.

Mr. REED of Pennsylvania. That was the type of defect that was mentioned. I did not mean to limit it to that.

Mr. WALSH. But I want to say to the Senator with entire frankness that I do not think it makes a bit of difference, so far as this decree is concerned, whether they shipped the same defective material to their subsidiary companies or not. That does not make a bit of difference, because, Mr. President, they can put an independent out of business by shipping defective material to all their customers. They are a mammoth in the industrial life of this country, with assets worth more than a hundred million dollars. What difference does it make to them if by reason of some defect in material one of their subsidiary companies does not make quite so much money as it otherwise would? It is the poor, struggling company that takes this defective material that will be put out of business.

Mr. President, this decree did not so provide. It provided simply that if they sent known defective material to any of their customers they violated this decree.

Mr. REED of Pennsylvania. The Senator will grant that is a pretty high standard for human beings.

Mr. WALSH. It is a pretty high standard, and the court recognized that nothing less would keep this company within bounds.

Mr. REED of Pennsylvania. Precisely; I understand that that is the Senator's position. Then the Senator contends that this company at its birth——

Mr. WALSH. Wait! The Senator has asked me these same questions repeatedly, and I want to be courteous; I want to answer him, but I do not want to travel over the same ground.

Mr. REED of Pennsylvania. Very well. I will reply to the Senator later.

Mr. WALSH. Mr. President, so much for the report which acquits the defendant of any violation of this decree upon the ground that it supplied defective material, known to be defective, as prohibited by the decree.

Now, as to the subject of delays, complaint about which is said to be silly. Perhaps those who have been following this discussion will remember that I called attention, in my address of a week ago yesterday, to the table which will be found on page 101 of the report of the Federal Trade Commission, from which we find the following. Let me say, in the first place, that complaints were made by various customers of the Aluminum Co. of America to the Federal Trade Commission of delays in shipment of material that was ordered by them. They had entered into contracts under which they were obligated at a certain time to meet their orders, and in order to meet their orders they must be assured of getting the necessary supply of sheet aluminum with which to produce their manufactured products. Accordingly, they laid their orders with the Aluminum Co. of America for delivery at a certain time, and they were complaining that they did not get their aluminum at the time it was ordered.

The Federal Trade Commission asked the Aluminum Co. of America to give them a table showing the dates when shipments were made in respect to the dates when the orders matured, and to give information concerning the cases in which shipments were made within a month after the orders matured, within two months after they matured, within three months after they matured, and so on. They asked for information for 1920, 1921, and 1922, but they got the information for 1922 and the first six months of 1923 only, and with reference to only seven companies.

The table shows that for the 12 months of 1922 only 66.26 per cent of the Aluminum Co.'s obligations were shipped in the month when the obligation matured, or within one month thereafter. Over 25 per cent of the obligations were shipped in the second month after the maturity, and 7.69 per cent in the third month. That is to say, with respect to 7.69 per cent of the orders, the shipments were not made until three months after the orders had matured.

Mr. REED of Pennsylvania. That was the year of the coal strike, was it not?

Mr. WALSH. I am unadvised as to when the coal strike occurred. The coal strike must have been a rather protracted one, because this covers the whole period of 1922 and six months of 1923.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. GOFF. I do not understand the Senator to contend that the failure to make those shipments in and of itself was a violation of the decree?

Mr. WALSH. No. The decree says "without reasonable cause." That is as far as we can go in the matter. Delay without reasonable cause constituted a violation of the decree.

Mr. GOFF. And those very words, "reasonable cause," necessitated the investigation which the Department of Justice made.

Mr. WALSH. Yes; and what did they find?

Mr. GOFF. They found there was reasonable cause.

Mr. WALSH. Will the Senator tell us how they found that for the six months of 1923? During the month when orders matured the shipments amounted to only 75 per cent of the orders, and the second month thereafter 17.75 per cent were delayed at least 60 days, and 6.60 per cent were delayed for three months after the orders matured.

Mr. GOFF. That may all be very true, but with the absence of an intent or a purpose to bring about that delay it is all immaterial.

Mr. WALSH. It does not make a bit of difference what the intent was; if the delay was unreasonable, the violation has occurred. I understand perfectly well that these gentlemen contend that every one of these provisions is qualified by the expression "done for the purpose of driving the other party out of business," but the decree does not say so.

Mr. GOFF. That is a reasonable inference.

Mr. WALSH. The Senator would like to import something into the decree by construction.

Mr. GEORGE. Mr. President, may I suggest that if that were true, it would be necessary to try the case over de novo every time there was an alleged contempt. The purpose of the original trial was to settle that.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. REED of Pennsylvania. Is not the burden on the Government to show absence of reasonable cause of delay?

Mr. WALSH. Undoubtedly.

Mr. REED of Pennsylvania. And is it not found, as a matter of fact, on page 59 of the Department of Justice report that there was a reasonable cause?

Mr. WALSH. Yes. That is the Dunn report. Dunn tells us that there was reasonable cause for this delay. That is the situation. Digges tells us there was not.

Mr. REED of Pennsylvania. How are we, as a jury, to decide who is telling the truth?

Mr. WALSH. I suggest that we let the court decide it. That is what we are looking to.

Mr. MOSES. Would the adoption of the Senator's recommendation bring it to the court necessarily?

Mr. WALSH. I beg to say that the report, if that is what the Senator refers to——

Mr. MOSES. This report makes the recommendation that the Senate go on with a further investigation.

Mr. WALSH. Yes; but I have reached the conclusion that that is entirely unnecessary, because the evidence before us would be quite sufficient to justify the institution of the proceedings, and the Senator from Arkansas [Mr. ROBINSON] has prepared a substitute resolution which he will offer in lieu of the one which I said I would offer, which will take care of that situation.

Mr. MOSES. Then, may I ask the Senator with reference to the procedure here?

Mr. WALSH. Yes.

Mr. MOSES. I had supposed, and the senior Senator from Iowa also had supposed, that the Senator intended to take up and comment on the argument presented by the senior Senator from Iowa the other day. The Senator from Montana has not yet approached that. May I ask if he intends to do so before the conclusion of his argument?

Mr. WALSH. I certainly do.

Mr. MOSES. That being the case, the procedure here will be, first, to ask for the adoption of the report, in which the Senator asks that the Committee on the Judiciary be further instructed to go on with an investigation?

Mr. WALSH. Yes; but, of course, the resolution proposed will dispose of that.

Mr. MOSES. Not necessarily. If we adopt the report and instruct the Judiciary Committee——

Mr. WALSH. Very well. If that bothers the Senator, I will move to strike out that recommendation.

Mr. MOSES. I thank the Senator very much.

Mr. WALSH. Observe, Mr. President, the explanation that is made of these delays to which I have referred, scheduled in the report of the Federal Trade Commission. What is the ex-

planation made by the Aluminum Co. of America? I take it that this report of the Department of Justice before us is a report made by the Aluminum Co. of America; at least, it is simply a brief for the Aluminum Co. of America, in which brief the facts are given from that source, upon which I shall presently expatiate.

Mr. GOFF. Do I understand the Senator from Montana to say that the report of the Department of Justice in this case is a brief for the Aluminum Co. of America?

Mr. WALSH. That is what I say.

Mr. GOFF. Did I understand——

Mr. WALSH. That is what I say, and I am proceeding as fast as I can to convince any unbiased mind of the truth of it.

Mr. GOFF. The Senator will find my mind very biased.

Mr. WALSH. I dare say. At page 59 of the report of the Department of Justice will be found whatever the Aluminum Co. of America has to say in relation to these delays that were complained of. I read from near the top of the page, as follows:

It has been contended by the officials of the company that the Tables Nos. 18 to 21, inclusive, appearing at pages 101 to 103, inclusive, of the Federal Trade Report of October 6, 1924—

Those are the tables of which I have just been speaking—

do not fairly reflect the situation, in that they were prepared on the basis of a calendar rather than a fiscal month.

An order received on the 1st, 15th, or 25th of May, for example, and shipped out within the month of May is recorded as shipped in the first month after receipt. An order received on the 31st of May, however, and shipped on the 5th or any other day in June is recorded as being shipped in the second month. It is obvious that a monthly recording on a calendar basis of the percentage of orders shipped is unfair and that the only fair record must be based on what may be termed fiscal months. If an order is received on May 5, for example, and is shipped before the 4th of June, it is shipped in the first month; i. e., within one month and not within two months.

What a handsome explanation that is. The Federal Trade Commission asked the Aluminum Co. of America to furnish them with a table showing the percentage of shipments made within the month and made within the succeeding month after the maturity of the orders, and they furnished that table. Now they say that table does not give the correct situation of affairs; that it ought to be reckoned upon some entirely differaffairs; that it ought to be reckoned upon some entirely different basis. But let me go on. I read from further down the page:

In examining the tables herewith it should be borne in mind that the material ordered by cooking-utensil manufacturers include tubing, rod, rivets, and other forms of metal, as well as sheet, the manufacture of which involves a very complex process. None of the finished material is carried in stock, but each order after receipt is put into the mill and rolled down from ingot form. It is often true in preparing a quantity of material, or several quantities of material, that larger or smaller portions of it may fail to pass the inspection department, in consequence of which another batch has to be rolled later. It is for reasons of this character that there are frequently (as shown by the tables) trivial amounts of an order or of a given set of orders which are not shipped within what might be described as the schedule period, namely, the first 30 or 60 days after receipt of the order.

Nobody is complaining about the delay after the receipt of the order. The complaint is made about the delay after the maturity of the order. A manufacturer who uses aluminum in his product makes a contract. He contracts to deliver a certain amount of his stuff at some day in the future, 60 days from now or 90 days from now. He puts in an order, which is received to-day, by which he asks for the delivery of aluminum 60 days hence, or 90 days hence, and he complains, not that the material is not shipped within 30 days or 60 days from the time he sent in the order, but that it is not shipped within 60 or 90 days after the order matured. Of course there is delay about the shipment of material after the orders are received. That is provided for in the orders. That is the explanation of the delays given here.

That is not all. The price discrimination charge is just as easily refuted. The explanation made of the price discrimination in the department's report can not stand for a single moment. It is contended, for instance, that the lowered price was given to the Aluminum Goods Manufacturing Co., a subsidiary of the Aluminum Co. of America, because it gave a large order, that it was the largest consumer of aluminum in the cooking utensil business; but then they proceeded immediately to sell to one Blickman at a lesser price also. He was not one of the large consumers of aluminum in the United States.

I shall not take the time to go into that particularly, but I invite attention to a few features now which serve likewise to characterize the report as the "brief" about which I spoke. Take the subject of dividends at page 20 of the report. It will be interesting to Senators who are following my argument to turn to the report at that page. The Department of Justice tells us—

There have been no stock dividends since January, 1920.

What has the matter of stock dividends, or dividends at all, to do with this question? It does not make any difference upon the question of whether there have been infractions of the decree, whether they paid dividends of 24 per cent or 2,400 per cent. It is utterly irrelevant. It is introduced for the purpose of showing that the company makes only meager returns upon its investment, and the idea that it is getting rich out of the people of the United States is a figment.

The cash dividends paid on the stock of the company are given in the succeeding tabulation. Since, however, the company's capital stock has relatively been so much smaller than its investment, a column is also given showing the percentage of the dividend as respects the company's capital investment.

In 1920 the company paid dividends to the amount of $2,341,200, or 12.5 per cent; in 1921, 7 per cent; in 1922, 6 per cent; in 1923, 10.5 per cent; and in 1924, 12.5 per cent.

It is a very meager, modest kind of income this company has; yes, it is, indeed. These, Mr. President, are annual dividends which have been distributed. But how much of its profits remain undistributed is the important question here. We have not any information for those particular years, but what are the facts about the matter?

The Aluminum Co. of America has a capital stock of $20,000,000, eighteen-odd millions of which have been issued. That $18,000,000 of capital represents a capital investment of not to exceed $5,000,000, being in the shape of stock issued upon combination or reincorporation or something of the kind. But let us assume, for the purpose of the discussion, that the entire $18,000,000 represents capital investment. Its property is valued in Moody's Manual at $110,000,000. What does that mean? It means that during these years it has accumulated undivided profits to the extent of upward of $100,000,000, as to which the department's report does not give us any information at all. Why is this matter introduced here, except for whitewashing purposes? I might say also that during that period they paid out aggregate dividends amounting to about $15,000,000 on the $18,000,000 of capital stock outstanding.

Perhaps the Senator from Pennsylvania can aid me. I have not a reference to that part of the report which tells the cost of producing aluminum.

Mr. REED of Pennsylvania. I think I can give it to the Senator in a moment.

Mr. WALSH. It is a table incorporated in the report of the Department of Justice showing that the cost of producing aluminum runs from 16 cents to 28 cents per pound. I think the table shows that in 1920 the cost of producing aluminum was 28 cents, and the general run is about 20 to 22 cents, as shown in the table. Bear in mind, this is what we are told by the Department of Justice. Where does the Department of Justice get its information about the matter? What source of information has it?

Mr. GOFF. The Senator will find the table on page 46. The index is wrong.

Mr. WALSH. I thank the Senator. The cost for the year 1920 was 23 cents a pound, for 1921 it was 28 cents per pound, for 1922 it was 22.75 cents per pound, for 1923 it was 18.25 cents per pound, for 1924 it was 16.75 cents per pound, and for 1925 it was 17.25 cents per pound.

What is this other than the mere statement of the Aluminum Co. of America about what its costs are? What other source of information did the Department of Justice have when it put out these figures? I am told that the War Department during the war caused an investigation to be made into the cost of producing aluminum with a view to fixing war prices for aluminum. We have not been informed that the Department of Justice consulted the records of the War Department for the purpose of advising us concerning the cost of producing aluminum. It has not a thing on earth to do, so far as I can see, with this inquiry. It is injected here merely for the purpose of showing that the Aluminum Co. of America is selling its aluminum at just a small margin above the cost of producing it.

Fortunately we have a little information upon the subject of cost. On Tuesday last I had inserted in the RECORD an article by Mr. Anderson, in the Mining Journal, upon the high price of aluminum. Mr. Anderson is a metallurgical engineer of the very highest standing. He is the author of the book which I hold in my hand, The Metallurgy of Aluminum and Aluminum Alloys, just off the press, a compendious presentation of the question of the metallurgy of aluminum from every point of

view, telling in a very much more detailed way the interesting story given us by the Senator from Pennsylvania the other day concerning the method of the production of this important metal. Mr. Anderson is a former metallurgical engineer, United States Bureau of Mines; lecturer on metallography, Carnegie Institute of Technology; research metallurgist, Bureau of Aircraft Production, and instructor in metallurgy in the Missouri School of Mines. I dare say he knows what he is talking about. In the article to which I have referred he was discussing the question of the cost of producing aluminum.

This article, I may say, appeared in the Mining Journal on January 30, 1926, and so of course was available to the Department of Justice had they had any desire to inform themselves upon the question of the cost of producing aluminum which they seemed to think was important to incorporate in their report. Mr. Anderson said in this article:

> Turning to the matter of aluminum reduction costs, this can not be much in excess of 12 cents per pound under the worst conditions. The Aluminum Co. of America in its briefs filed in connection with the aluminum tariff and in public statements alleges that the labor item makes up 90 per cent of the production cost. This allegation is so absurdly ridiculous that if taken at its face value it would mean that the production cost of aluminum would be in excess of the present selling price to accommodate such a relation of the labor item to the total production cost.

Mr. REED of Pennsylvania. What is the date of the article?

Mr. WALSH. January 30, 1926:

> The facts in the case are that the total labor cost is not over 10 per cent of the production cost starting with the mining of bauxite, and the labor cost in the production of aluminum from alumina is 5 to 6 per cent of the total cost.
>
> Calculations for the production cost of aluminum have been made many times by those competent in the business. Thus Debar gives the cost for German practice as about 16 cents per pound, including interest and investment and amortization of plant. Clacker, of the British Aluminum Co. (Ltd.), has quoted the figure of 12 cents, Collet has given 8.6 cents for Norwegian practice, Nissen has given 12 cents for European practice in general, and Lodin has quoted 11 cents per pound. Calculations by the writer for American practice show 13+ cents, which is amply high.

On the cost of producing aluminum I prefer to take the statement of Mr. Anderson rather than the statement given us by the Department of Justice, if it were at all important in this inquiry.

Now, we come to stock control. The Senator from Pennsylvania [Mr. REED] has told us that Mr. A. W. Mellon owns 16 per cent of the stock of this company or thereabouts, and that his brother, R. B. Mellon, owns 16 per cent, giving those two gentlemen a one-third control of the company. I suppose as a matter of course the Senator from Pennsylvania must be speaking in this matter as the representative of the Aluminum Co. of America or of Mr. Mellon.

Mr. REED of Pennsylvania. Mr. President, can not a Senator address a question to some individual without being accused of being his representative on the floor of the Senate? I asked Mr. Mellon how much stock he had and whether he had any objection to my stating what the figure was. He answered the question. But I resent the charge that I appear here as his representative or the company's representative.

Mr. WALSH. I have not any apology to make for it. I wanted to enforce the point that we have no information upon the subject at all. Mr. Mellon chooses to make the Senator from Pennsylvania his private confidant concerning this matter, and we are not informed by any record before us on the subject at all.

Mr. REED of Pennsylvania. If the Senator will permit me further, it is just as competent for me to ask Mr. Mellon, as I did, and for me to ask Mr. Davis, the president of the company, as I did, to confirm what Mr. Mellon said, as it is for the Senator from Montana to quote anonymous, undated statistics given by his friend Mr. Anderson in a magazine published last January.

Mr. WALSH. I regret that I can not call Mr. Anderson a friend of mine.

Mr. REED of Pennsylvania. The idea that because I have asked that question I should be charged here with being the representative in the Senate of Mr. Mellon or the Aluminum Co. of America does no credit to the Senator who makes the charge. I am here representing the State of Pennsylvania and the Nation, of which it is a part, and I take no insults from the Senator from Montana about that.

Mr. WALSH. Of course, that is not quite parliamentary language for the Senator to use, but we will let it go.

The Senator from Pennsylvania is giving us information in connection with this report of the Department of Justice which is not found in the report or in any document transmitted to us, and is only information as a matter of course gained from private sources. But let us see about this. The Senator complained the other day because I asserted that the Aluminum Co. of America controlled a Norwegian company in which it owned 50 per cent of the stock, and he advanced the idea that the control, as I understood him, at least, could not be charged to any company unless it owned 51 per cent of the stock; but the Supreme Court of the United States in United States against Union Pacific Railroad Co. did not take that view. That was an action brought by the United States to dissolve the combination of the Union Pacific and the Southern Pacific Railroad Cos., and in its opinion the court said:

> The Southern Pacific Co.'s stock held by the Oregon Short Line Co. for the Union Pacific Co. amounts to $126,650,000 par value in shares of $100, which constitutes 46 per cent of the Southern Pacific Co.'s stock, enough, as we have heretofore found, to effectually control the Southern Pacific Co.

So that it is not necessary to have 51 per cent of the stock in order to control the company, and I entertain no doubt at all that the control of this company is in the hands of the gentlemen to whom I have referred.

However, let us see what the report says about it. If Senators will refer to page 79, they will see that the report tells us:

> The control of the company appears—

"Appears," mind you—

> The control of the company appears to rest in the Hall estate, of which Davis is one of the trustees and votes the stock.

Well, why does it "appear" to be in the Hall estate? What are the facts which make it "appear" that the control is in the Hall estate? How much stock does the Hall estate own, as we are told in this report? Bear in mind, Mr. President, that according to the public press and the record that is now being made by the Federal Trade Commission, that body, through its recognized attorney, demanded an opportunity to have a list of the stockholders with their holdings, and the Aluminum Co. of America refused to give it. Are we to understand that, having refused to give a list of the stockholders with their holdings to the representatives of the Federal Trade Commission, they were quite willing to give a list or to allow the representative of the Department of Justice to see their stock books?

Mr. REED of Pennsylvania. The report says so.

Mr. WALSH. Says what?

Mr. REED of Pennsylvania. That the records show that the stockholding of A. W. Mellon did not constitute a control.

Mr. WALSH. The report states:

> An examination of the stock records of the company discloses that the stock holdings of A. W. Mellon do not constitute a control. Moreover, that the combined holdings of A. W. Mellon and his brother, R. B. Mellon, are far from sufficient to constitute a control of the company.

Why do they not give us the figures?

Mr. REED of Pennsylvania. They did not do so, probably, because they thought it was none of our business.

Mr. WALSH. Of course, it is part of our business to take their conclusion that their holdings do not control, but they are quite unwilling to give us the figures they have in their possession.

Mr. REED of Pennsylvania. The figures have been given for the Secretary of the Treasury, who is the real defendant in this case, according to the Senator from Montana. It is none of our business what the other individuals own. There are some things that are still entitled to privacy in the United States in spite of recent tendencies.

Mr. WALSH. I do not object at all to the Department of Justice telling us that they did not have access to the books, and so could not tell us anything about it, or else saying, "We did have access to the books, and these are the facts." We are expected to take their conclusion about these matters. But suppose, Mr. President, that is the case; suppose an examination of the books does not disclose a holding of more than 16 per cent by Mr. Mellon and 16 per cent more by his brother, what does that signify? Everybody knows that in many corporations—and I dare say every man here has had experience in such matters—stock often stands on the books of a company in the name of one man when the real ownership is in some one else. So all he has got to do is to take an indorsement of it, and, as he controls the corporation, he does not need to make any transfer on the books of the company.

Mr. MOSES. Is the Senator adding that charge also against the Secretary of the Treasury?

Mr. WALSH. No; I am not charging anything against him. I am saying examination of the books of the company does not necessarily disclose the state of the ownership of the stock.

Mr. MOSES. The Senator makes a pretty plain insinuation.

Mr. WALSH. Does the Senator dispute it?

Mr. MOSES. The Senator has no knowledge at all, except that the report says an examination of the records shows so-and-so.

Mr. WALSH. Yes; that is what I am talking about; they do not give us the figures.

Mr. MOSES. The Senator goes on to insinuate that there is a falsification of the record, and that the Secretary of the Treasury has really many more shares than it is shown that he has.

Mr. WALSH. The Senator knows perfectly well there is no falsification about it. The record stands so-and-so, and presumably the stock is issued to the person in whose name it appears to stand on the books of the company; but that person may easily indorse that stock over to anybody else.

Mr. MOSES. That is why I asked if the Senator was also making that insinuation against the Secretary of the Treasury.

Mr. WALSH. No; I am saying that the fact that the records of the company show that does not mean anything.

Mr. REED of Missouri. Mr. President——

Mr. WALSH. I yield to the Senator.

Mr. REED of Missouri. Suppose there is only 33 per cent ownership in one family; is it not a well-known fact that in the case of large companies where the stock is pretty generally distributed 33 per cent en bloc generally amounts to control? Nobody will dispute that as to most companies.

Mr. WALSH. I called attention the other day to the fact that in the Sugar Trust case, as was revealed in the Warren hearing, the Sugar Trust was obliged to reduce from 42 to 33 per cent its holdings in the Michigan Sugar Co., the court holding that anything more than 33⅓ per cent would be a control of the company.

Mr. REED of Pennsylvania. Evidently implying that 33 per cent was a safe amount to have.

Mr. WALSH. Yes; you can not possibly go above that; but, of course, that does not mean the limit at all. Twenty-five per cent in the case of most corporations gives control to the persons who hold that much in one block. Even in a political convention a man who goes in with a block of one-third of the entire convention controls that convention. Perhaps the Senator from New Hampshire can confirm that statement.

Mr. REED of Pennsylvania. That was not the case at Madison Square Garden.

Mr. MOSES. No; I once went into a convention in that posture and did not control.

Mr. REED of Missouri. Since the question has been raised that the registry of the books as to the stock ownership is not necessarily conclusive, and in connection with that Mr. Warren's name was mentioned, it occurs to me that is a very fine illustration. Mr. Warren held a large amount of stock; it happened, however, to belong to the Sugar Trust; and when we were discussing that question here there was a great deal of virtuous and indignant protestation from the other side of the Chamber that we were reflecting unjustly on Mr. Warren; but the fact was there, and it is a good illustration of what may be the fact here.

Mr. REED of Pennsylvania. Mr. President, are we to find a verdict of guilty in this trial that is now being had on the theory that perhaps the imagination of a Senator is justified by the facts? Is not that what it comes to?

Mr. REED of Missouri. No.

Mr. REED of Pennsylvania. There is not a scintilla of evidence that the facts are as they seem to be imagined.

Mr. REED of Missouri. If the Senator will pardon me, we have a right, however, in investigating the facts to get the facts before we make up our minds; and when a report merely says that the books of the company disclose a certain condition as to stock ownership, we all have sense enough to know that without any fraud, without any wickedness, or without any connivance, the books of the company may not show the correct stock ownership. Therefore all the Senator from Montana is arguing for is true, namely, that we have a right to know the facts.

Mr. REED of Pennsylvania. This is going to be a busy Senate, then, if it is going to run down every possibility of corporate affiliation.

Mr. REED of Missouri. I think if we followed Mr. Mellon into all of his lairs and all of his paths, we would be very busy, and I think that would be a job to undertake.

Mr. MOSES. Mr. President, I took occasion in the debate that occurred in the Senate some weeks ago to point out to the Senator from Montana that it was enough from my point of view to say that a certain thing might happen, and the Senator indignantly excoriated me for taking that position. I want to congratulate him now for shifting his ground.

Mr. WALSH. Mr. President, before I leave this particular subject I want to correct an impression that the Senator from Pennsylvania seems to have, or at least seems to desire to inculcate, that we are conducting a trial here. Of course he is a keen enough lawyer to know that we are not; but in the galleries a different view might be taken about the matter. In view of the statement made by the Senator let me say that we are not conducting any trial at all of Mr. Mellon or anybody else.

We are insisting, Mr. President, that the facts disclosed here are sufficiently grave to demand a trial of Mr. Mellon, if you wish to put it in that way, a trial of the Aluminum Co. and its responsible officers in court, as to whether it has or has not violated the decree of the Federal court. We find that the Department of Justice will not do so. We are considering the question whether the facts warrant us in providing that the work shall be done by some other officers than the branch of the Government under the Department of Justice.

Mr. MOSES. Mr. President, having followed the Senator with a good deal of attention thus far, I have reached two conclusions as to what are the contentions he sets up: First of all, that the Department of Justice is not conducted in the manner in which it will be conducted in that far-distant day when the Senator from Montana shall become Attorney General of the United States.

Mr. WALSH. I thank the Senator.

Mr. MOSES. And, second, that the ingot and rivet and screw mills of the Aluminum Co. of America are not managed as the Senator from Montana would manage them. Behind all that, however, and in view of what the Senator has himself said to-day and on other occasions, I think that neither the galleries nor anyone else can remain in ignorance that the target set up here is the Secretary of the Treasury; but behind him, Mr. President, the real target, as I believe, at which the Senator and his associates are aiming is the administration and the President of the United States. The Senator tried this method once before in 1924, and he knows how the country reacted to it.

Mr. WALSH. Mr. President, that speech ought to keep in line some of the "regulars" on the other side of the aisle.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I yield to the Senator from Iowa.

Mr. CUMMINS. We have reached a point now in which I am somewhat interested. [Laughter.] I do not know whether the Senator from Montana is right or the Attorney General is right. They differ in opinion with respect to this matter. They are both good lawyers, I take it, and I think they are both honest men; but we have before us a motion to adopt a report that instructs the Judiciary Committee to determine whether the Attorney General is right or whether the Senator from Montana is right. I do not quite understand the resolution that I am informed was read a few moments ago. Is that intended to be substituted for the report of the Judiciary Committee?

Mr. WALSH. No; it is not. It is to follow upon the adoption of the report.

Mr. CUMMINS. Is there any proposal to amend the report?

Mr. WALSH. If there is any sticking in the bark because the recommendation of the report does not conform to the action which it is proposed that the Senate shall take, I am going to ask leave to strike out the recommendation.

Mr. CUMMINS. Then, the Senator proposes to leave the report simply condemning the Department of Justice, without any recommendation with respect to what should be done?

Mr. WALSH. That would be the practical result; yes.

Mr. CUMMINS. I simply wanted to understand the situation.

Mr. WALSH. Now, Mr. President, I address myself to the constitutional aspects of this matter presented by the Senator from Iowa [Mr. CUMMINS], and later by the Senator from West Virginia [Mr. GOFF].

I yield to no man, Mr. President, in my reverence for the Constitution of the United States. I subscribe unreservedly to the view that it is the greatest work ever produced at one time by the brain and purpose of man. I indorse unequivocally the eloquent encomium of it by Chancellor Kent, who said that it is the sheet anchor of our liberties at home and the bulwark that we have against oppression from abroad. I can not admit that the attachment of the Senator from Iowa to the Constitution is any more ardent than my own; nor that the fidelity of anyone to the charter of our liberties and the framework of our Government is to be judged by

whether he justifies or condemns particular action of the Congress of the United States, or either branch of it.

It is a peculiar manifestation of vanity in not a few of those who from time to time oppose legislation on constitutional grounds to assume that they are more devoted upholders of the Constitution than their antagonists. It was exhibited in a ridiculous degree in the generation that precedes ours by Senators who were popularly believed to represent if they were not the creatures of the great vested interests, and who interposed the Constitution against practically every reform demanded by public sentiment of their day to arrest or restrain corporate domination and greed, bringing that great work into disrepute to a degree beyond anything it had ever before suffered. I gladly bear witness to the fact that the Senator from Iowa [Mr. CUMMINS] was a protagonist for most of the relief measures that were thus assailed. I wish I had a clearer conception of the objection which is made to this proceeding upon constitutional grounds.

What is it that it is proposed to do?

The Senator from Iowa very correctly stated that it was contemplated by the report of the majority that a further examination should be made by the Committee on the Judiciary, and that they should report to the Senate whether in their judgment a violation of this decree had actually taken place, or, at least, whether there was sufficient evidence to lead to that conclusion prima facie and thus warrant the institution of proceedings for infraction of the decree; and that the Senate having found, if they adopt the report, that the Department of Justice was not proceeding diligently and in good faith to ascertain whether or not a violation had occurred, we should do as we did in the Teapot Dome case, pass a joint resolution authorizing the President to appoint some one else to institute the proceedings; in other words, Mr. President, that everything that we have done looks forward to the possibility or the probability of legislation of the character I have indicated.

However, Mr. President, the view has been expressed to me by many Senators upon both sides of the Chamber who are sympathetic with these proceedings that the evidence already before us is such as to justify the institution of proceedings without any further delay; and that is the view entertained by the Senator from Arkansas [Mr. ROBINSON], who proposes to present a joint resolution looking to that end. Since I have had an opportunity to go over this matter again, Mr. President, and particularly since I have had an opportunity to consider the real effect of these restrictive conditions in the contracts between the Aluminum Co. of America and the Budd Co. and the Fisher Co., I myself am satisfied that a further investigation by the Judiciary Committee is entirely unnecessary, and that we would be wholly warranted in immediately passing a joint resolution for the appointment of special counsel.

In that situation of affairs, Mr. President, what is the objection upon constitutional grounds? It can be nothing more nor less than a repetition of the objection made in the Teapot Dome case against the proceedings there, offered by Mr. Sinclair through his attorney, Martin W. Littleton. He insisted, bear in mind, not at all that the Congress of the United States could not pass a joint resolution of that character.

That was not his contention. He did not contend that the Senate of the United States was not empowered under the Constitution to conduct an investigation. All he contended for was that if it did enter upon such an investigation outside of what might be regarded as its judicial or quasi-judicial duties, it could not compel the attendance of a witness, or, if the witness appeared, it could not compel him to testify; in other words, that the Senate could not punish for contempt the contumacy of a witness called before an investigating committee. But now we go beyond that. This is no question of contempt at all. This is a question simply of the power of the Senate to conduct an investigation into whether or not an officer of the Government or a department of the Government has faithfully discharged its duties, and, if it finds that it has not, whether it has the power to pass legislation to correct the evil.

But, Mr. President, the Senator from Iowa seems to have changed his mind about this matter. Apparently, when the Teapot Dome resolution was before him, he had no misgivings about the power of the Senate in the premises.

It will be recalled that in that connection I offered a resolution as a substitute for the resolution of the Senator from Arkansas [Mr. CARAWAY] which provided:

> That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.
>
> And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.

Mr. MOSES. Mr. President, that is the resolution finally adopted, is it not?

Mr. WALSH. That is the resolution finally adopted. Upon that a vote was taken, and I find that there were 89 yeas, including the Senator from Iowa [Mr. CUMMINS], and no nays—a rather significant indication of the views of the Senate with reference to its power in the premises. Later on a joint resolution came to us from the House providing for the appointment of special counsel, and appropriating $100,000 for the purpose of carrying out the provisions of this resolution; and I find by the RECORD that it was passed in this body without a record vote and without a dissenting vote.

If this means anything, it means that the House of Representatives as well as the Senate entertained no doubt whatever concerning the propriety of the proceedings. But if the contention is correct, Mr. President, that all of these proceedings were without any constitutional warrant at all, what follows? It follows as a matter of course that former Senator Pomerene and Mr. Roberts are without any authority at all in the premises, and necessarily that their presence before the grand jury in securing the indictments now pending was an intrusion upon their part and vitiated those indictments. It is true, Mr. President, that the clever, the able, the adroit counsel for Mr. Doheny and Mr. Sinclair never thought of this idea at all; but now it is discovered that everything we did in that matter was without warrant under the Constitution.

Mr. MOSES. Mr. President, may I bring the Senator back to the earlier phase of the discussion? Did I understand the Senator to say that as the result of his reflection upon this question he had concluded that the investigation by the Committee on the Judiciary was unnecessary, or was unconstitutional?

Mr. WALSH. That it was unnecessary.

Mr. MOSES. The Senator still maintains that it would be constitutional?

Mr. WALSH. I have not the slightest doubt about it, for reasons to which I shall now advert.

Mr. CUMMINS. Mr. President, will the Senator yield for a moment?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. Yes.

Mr. CUMMINS. I have no hesitation in changing my mind when I think that I ought to change it. You will remember that Emerson said that "Consistency is the hobgoblin of small men and mean minds"; and therefore I should suffer no humiliation if I should admit a change in my opinion. I do not, however, recognize any conflict between the vote I cast in 1924 and the position I now occupy. I endeavored to point out the entire consistency of the two when I addressed the Senate the other day.

There is no doubt about the validity of the employment or the authority of the special counsel appointed by the President in that case. The President was the only man who could raise the question of our constitutional right to direct him to employ special counsel.

When he did appoint special counsel, and when the Senate did advise and consent to that appointment, the constitutional question had passed into absolute oblivion. It was not possible for anybody at any time to raise the question, and, as I pointed out yesterday, the difference between this case and that—although if the recommendation made in the majority report is withdrawn, the point I am now making will not arise—is that it was specifically recited in the resolutions of 1924, at least in two of them, that the investigations were being conducted for the purpose of aiding legislation, and while people have different views with regard to this question, I have admitted time and again that the Senate has the power to carry on an investigation in aid of legislation. I think it has the power to punish a contumacious witness for refusal to appear, or refusal to answer, without any recourse to the courts at all. I tried to make that perfectly clear. But this report upon which I supposed we were to vote proposed an inquiry into violation or nonviolation of the decree of the court, purely a judicial proceeding, and I thought, and I submitted it with all

deference to the better opinion of my associates, that the Senate had no authority to conduct an investigation.

When the question arises, as it will arise, upon the joint resolution proposed to be introduced by the Senator from Arkansas, I will take the opportunity and the liberty of giving my views with regard to both the wisdom and the constitutionality of that legislation; but I hope that the Senator from Montana will recognize that from my standpoint at least there is a difference between the report of the Judiciary Committee in this case, and the questions arising upon the resolutions offered in the Teapot Dome case.

Mr. WALSH. Mr. President, I still find myself altogether muddled about the position taken by the Senator from Iowa. But if I gather accurately the views he entertains, they may be expressed in this way: The action which we took in the Teapot Dome case in passing a resolution providing for the employment of special counsel to prosecute that litigation was unconstitutional, and the President would have been entirely justified in treating it so——

Mr. CUMMINS. No, Mr. President——

Mr. WALSH. And in declining to act in accordance with it, and nominating and sending to the Senate the nominations for the positions provided for.

Mr. CUMMINS. The Senator did not understand me to say that?

Mr. WALSH. Yes; I did.

Mr. CUMMINS. What I said—not to-day, of course, but on a former occasion—was that in my judgment the command, the direction, to the President to appoint special counsel, was not warranted by the Constitution.

Mr. WALSH. The Senator will bear in mind that the resolution said "authorized and directed."

Mr. CUMMINS. "Authorized and directed" is the same thing as "authorized and commanded."

Mr. WALSH. Yes; I am not referring to any distinction between "directed" and "commanded."

Mr. CUMMINS. When the President did appoint, of course his appointment was valid. No one could question the validity of the appointment.

Mr. REED of Missouri. Under an unconstitutional law?

Mr. CUMMINS. Certainly.

Mr. REED of Missouri. That is, an unconstitutional law can create authority for an unconstitutional act?

Mr. CUMMINS. The President had a right to waive it if he wanted to.

Mr. REED of Missouri. His sole right to appoint was under that act.

Mr. CUMMINS. I differ with the Senator.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, the point is that in the Teapot Dome resolution the President was directed to make the appointments, and the Senator voted for that resolution. In this resolution we only propose to authorize him to do so.

Mr. CUMMINS. Certainly. In the resolution I have just read the point does not arise at all.

Mr. ROBINSON of Arkansas. Has the Senator now any doubt as to the right of the Congress to pass the resolution which I have submitted to the Senator and which is proposed to be introduced?

Mr. CUMMINS. I will defer my answer to that question until it has been considered by the Judiciary Committee, of which my friend from Missouri [Mr. REED] and my friend from Montana [Mr. WALSH] are both distinguished members. We will discuss that question when that resolution is under consideration by the Judiciary Committee.

I am only insisting that there is a vast difference between investigating the oil lands of the United States, the leases that have been made to dispose of them, and the best manner of conserving that natural resource and the legislation that might follow, and investigating the question of whether the Aluminum Co. of America has committed a crime in violation of the decree of 1912.

Mr. WALSH. I hope the Senator will make that perfectly clear. We conducted the Teapot Dome investigation under the belief that a crime had been committed; and indictments have now been found for bribery and conspiracy to defraud the United States. There was a purpose, no doubt, to enact whatever additional legislation might be necessary to conserve this property, but that was an additional thing. What we were after was to expose the corrupt practices of those involved and bring them to justice before the criminal courts.

Mr. CUMMINS. Precisely.

Mr. WALSH. How does the Senator find any difference between a crime springing out of the despoilment of the public in its resources and such a crime as this charged here, or, rather, within the category of crimes?

Mr. CUMMINS. I will put another case to the Senator to illustrate my view of it.

Suppose the Senator from Montana were to charge that a violation of the liquor law, the Volstead Act, with which my friend from Missouri is so much in love, had been committed; suppose he should charge that the district attorney for the western district of Missouri had indicted a man for a violation of that law without cause, and he would ask for a committee of the Senate to investigate the alleged crime and ascertain whether the man had committed the crime or had not. That is a case exactly parallel with the one we have now before us in this report.

Let me put it in another way. Suppose the district attorney had not indicted a man for robbing the mail who the Senator from Missouri believed ought to be indicted. Suppose the Senator from Missouri had looked into the case and satisfied himself that the man was a criminal and ought to be indicted, but the district attorney in his State did not seek to indict him. The Senator from Missouri comes to his place in the Senate and introduces a resolution directing the Judiciary Committee to inquire whether that crime was committed or not and to prosecute an inquiry into the good faith of the district attorney in the prosecution of the crime. If he satisfies the Judiciary Committee and afterwards the Senate, then he introduces a joint resolution that Tom Jones be appointed a special prosecutor——

Mr. WALSH. Oh, no, no; just a moment.

Mr. CUMMINS. To present to the grand jury in the western district of Missouri the facts in the case for the purpose of getting an indictment.

Mr. WALSH. Mr. President——

Mr. CUMMINS. I will correct that.

Mr. WALSH. The Senator would not undertake to say that.

Mr. CUMMINS. I did not state it correctly, but I will do so. Let us suppose that we authorize or direct the President to appoint a new district attorney, or an additional district attorney, for the western district of Missouri to prosecute the crime. Then we have a case exactly parallel.

Mr. WALSH. Yes, Mr. President; in regard to the power to act. I have not the slightest doubt in the world that we would have the power to provide for the employment of two district attorneys for the western district of Missouri. There is no doubt in the world about that, and I do not think the Senator can doubt it.

Mr. CUMMINS. I have no doubt about it.

Mr. WALSH. That is just exactly what we could do. Of course, we would not do anything of the kind, because we are not children.

Mr. CUMMINS. I know——

Mr. WALSH. We are supposed to act with some degree of ordinary common sense, and this appeal is made, not against a violation of the prohibition act out in the western district of Missouri. We appealed to this power of the Congress in the Teapot Dome case because it was aimed at an ex-member of the Cabinet. We appeal to it in this case because the offense, if there is an offense, is against a member of the Cabinet, and I undertake to say it is beyond the ordinary expectation of human nature that an Attorney General will prosecute diligently and in good faith a case against a fellow member of the Cabinet. I assert that we should never hesitate whenever an occasion of that kind arises to provide for the appointment of a special attorney to prosecute.

Mr. CUMMINS. Mr. President, I know we are not children. Sometimes I wish we were. I know that the Senator from Montana would not pursue the course I have suggested and I am sure the Senator from Missouri would not. But, when we begin this course, those who come after us will do the very things that I have pointed out. Just take as an illustration the Teapot Dome case. It is pending, I understand, in the circuit court of appeals. The Government was defeated in that case and it has taken an appeal to the circuit court of appeals. Suppose the circuit court of appeals affirms the decree of the court below. Then, under the view taken by the Senator from Montana, the Senate could institute an inquiry into the soundness of the decision of the circuit court of appeals, and if it believed that its opinion was unsound it could authorize the President to appoint another circuit court of appeals. The Senator from Missouri shakes his head. Certainly it could. There is no doubt about that.

Mr. WALSH. Not in the slightest. We can create 20 courts of appeals if we want to.

Mr. CUMMINS. We can establish just as many circuit courts of appeals as we want to.

Mr. REED of Missouri. But they can not try that case again.

Mr. CUMMINS. Undoubtedly it could try the case again in just this way——

Mr. REED of Missouri. No——

Mr. CUMMINS. The Senator will take that back in just a moment, when I make my suggestion to him. It is a very unlikely case, I know very well, but when passion would run high at some day in the future we might do those things just the same. We could have another circuit court of appeals appointed with authority to entertain, as this circuit court of appeals could, a petition for rehearing, and then the former decree of the court could be reviewed. Now, let us not enter upon any such course as that.

Mr. WALSH. I hope not.

Mr. CUMMINS. Of course, we are not entering upon it.

Mr. WALSH. And I have not the slightest fear that we shall.

Mr. CUMMINS. But, after all, the constitutional question is just the same.

Mr. WALSH. Of course, I do not understand that the Senator even questions the constitutional power. If we become dissatisfied with the decision of any circuit court of appeals we can create another circuit court of appeals, and we can create another circuit court of appeals for any reason that seems sufficient to us.

Mr. CUMMINS. I think so.

Mr. WALSH. So that the Senator is not discussing any constitutional question at all. He is simply now considering a question of policy and speaks of a possibility that is simply beyond expectation.

Mr. CUMMINS. There is a constitutional question that will arise in connection with the resolution that will be proposed by the Senator from Arkansas. I express no opinion upon it, nor have I done so up to this time, but one can easily see the controversy that may arise. The question will be, Has the Senate the power to assign the officer who is authorized to be appointed by the President to the duty of prosecuting this particular case or submitting to the court in the western district of Pennsylvania the question whether the decree has been violated or not? I am not expressing any opinion upon that point, but one can easily see that the question will arise.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. Certainly.

Mr. ROBINSON of Arkansas. The Senator from Iowa has asked the question whether the Senate has that power. No one contends that the Senate has that power, but the legislative power, which consists of the Congress, can deprive the Attorney General of all his functions. It can abolish the office of Attorney General and create other agencies to perform those functions. It can do that whole thing, or it can do the lesser thing and by law deprive any executive officer created by law of either the whole or a part of his functions.

Mr. CUMMINS. I suppose the Senator would say by parity of reasoning that Congress could appoint a judge or could authorize the President to appoint a judge for the trial of a particular case. I do not believe that it can be done.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. WALSH. I yield to the Senator.

Mr. REED of Pennsylvania. I am concerned to know what it is that the Senate is working on at this time. On looking over the majority report I find that it contains two recommendations. The last one is that the Federal Trade Commission be directed to forward certain evidence to the Committee on the Judiciary. That has already been ordered by the Senate in the passage of its resolution several days ago. The only other recommendation in the majority report is that there be an inquiry by the Judiciary Committee to see whether or not a violation of the decree has occurred. The Senator from Montana, who presented the report, has said that he is not going to urge the adoption of that recommendation. We have changed from the question raised by the motion to adopt the report to the question that will be presented if the Senator from Arkansas presents his proposed resolution; but it seems to me—and I would like the Senator from Montana to enlighten us about it—that as the matter now stands the Senate has no business before it.

Mr. WALSH. Oh, yes; it has.

Mr. MOSES. Oh, yes.

Mr. REED of Pennsylvania. Technically, yes, the motion to adopt the report is before the Senate; but the two recommendations of the report having been dealt with, one by the passage of a resolution several days ago and the other by the Senator's avowed intention to abandon it, I wondered what was before the Senate.

Mr. WALSH. That does not affect the situation in the slightest degree.

Mr. REED of Pennsylvania. The parliamentary situation is clear.

Mr. WALSH. It is perfectly clear and there is no doubt about it. The fact is that the action taken and the action contemplated render quite nugatory, if I may use the term, or at least obsolete the last paragraph of the report. That is all there is to it.

Mr. REED of Pennsylvania. The Senator then expects to ask the Senate to adopt all of the report except the last paragraph?

Mr. WALSH. Yes; except the last paragraph.

Mr. REED of Pennsylvania. Of course the Senator would have to do that by motion, I presume.

Mr. WALSH. I suppose we can amend the report before acting upon it.

Mr. MOSES. The committee could do so.

Mr. CUMMINS. The Senator asks the Senate to affirm every recital made in the majority report.

Mr. REED of Pennsylvania. As I understand it, the Senator is proposing himself, without a vote of the committee and without recommitment of the report, to amend the committee's report. I am curious to know if he can do that.

Mr. WALSH. If I understand the position of the Senator, a report coming to the Senate must be adopted verbatim; that we can not cross a "t" or dot an "i"; that it must be adopted verbatim or it must be rejected.

Mr. REED of Pennsylvania. Certainly. The Senator himself can not amend the report.

Mr. REED of Missouri. Does the Senator doubt that the first paragraph of the report can be accepted and the rest of it rejected or that all of the report except the last paragraph can be accepted?

Mr. ROBINSON of Arkansas. He can move in the Senate to amend the report by striking out the last paragraph and taking a vote on it.

Mr. MOSES. There is no question about that.

Mr. ROBINSON of Arkansas. We will take care of that when we reach it. Do not worry about that.

Mr. WALSH. This is just quibbling. It is easy enough to amend the motion by making a motion that the report save the last paragraph shall be adopted. There is no trouble about such things.

Mr. President, I was diverted from the course of my argument. I have referred to the arguments made by the Senator from Iowa [Mr. CUMMINS]. I now want to say that we listened on yesterday to an elaborate exposition by the Senator from West Virginia [Mr. GOFF] of the view that the Senate is without the power to punish for contempt a witness who refuses to appear before a committee investigating any matter, or who, appearing, refuses to testify. All of the authorities to which he referred were cited to us and all of the arguments that he advanced were made by Mr. Littleton before the Committee on Public Lands and Surveys and have been repeated in the Supreme Court of the United States in the case of John J. McGrain against Mally S. Daugherty, the so-called Mal Daugherty case.

I am not going to spend any considerable time upon that matter. I am simply going to call attention to the argument of the Attorney General of the United States, Harlan F. Stone, now an Associate Justice of the Supreme Court of the United States, combatting that view. I will allow the Attorney General of the United States to make the argument for me against the contention made by the Senator from West Virginia on yesterday.

Considerable has been said, chiefly, I may say, by the Senator from Iowa [Mr. CUMMINS] concerning the want of power in the Senate of the United States to inquire into this matter because it is an inquiry concerning the commission of a crime or the violation of a decree resulting in a contempt that is analogous to a crime. Whatever view with respect to that matter may be taken by the Supreme Court of the United States, it is a settled matter in this body that the Senate of the United States not only has the power to conduct the investigation but that it has the power to punish for contempt, or at least to enforce the testimony of witnesses by proceedings analogous to contempt. It so ruled in a most historic inquiry. I read about it from the brief of Attorney General Stone in the case to which I have referred. This was the celebrated John Brown raid, which came under consideration by the Senate of the United States in the year 1859. I read:

> In December, 1859, the Senate, by resolution, appointed a committee to inquire into the facts concerning the invasion and seizure of the armory and arsenal at Harper's Ferry by a band of armed men and report whether the same was attended by armed resistance to the authorities and public forces of the United States, and the

murder of any citizens of Virginia or any troops sent there to protect public property; whether such invasion was made under color of any organization intended to subvert the government of any of the States of the Union, the character and extent of such organization; whether any citizens of the United States not present were implicated therein or accessory thereto by contributions of money, arms, ammunition, or otherwise; the character and extent of the military equipments in the hands or under the control of said armed band; where, how, and when the same were obtained and transported to the place invaded; also to report what legislation, if any, was necessary by the Government for the further preservation of the peace of the country and the protection of public property; the committee to have power to send for persons and papers.

In February, 1860, the committee reported that Thaddeus Hyatt, of the city of New York, was on January 24 duly summoned to appear before the committee and had failed and refused to do so. Thereupon, a resolution was adopted directing the Sergeant at Arms to take into his custody the body of the said Thaddeus Hyatt and to have the same forthwith before the bar of the Senate to answer as for a contempt of its authority.

Pursuant to this resolution, Hyatt was brought before the bar, and a resolution was adopted, after a long debate, by a vote of 44 ayes and 10 noes, directing him to be committed by the Sergeant at Arms to the common jail of the District of Columbia, to be kept in close custody until he should signify his willingness to answer the questions propounded to him by the Senate.

In the course of the debate preceding the adoption of this preamble and resolution Mr. Charles Sumner, of Massachusetts, argued that the Senate had no power to compel testimony required for legislative purposes only, using the language quoted by Judge Cochran in his opinion in the District court (Rec., pp. 32–33).

That is Judge Cochran who was the judge who heard the Mal Daugherty case in the lower court and who quoted in his opinion from the argument of Charles Sumner.

On the other hand, Senator Fessenden, of Maine, strongly supported the existence of power in Congress to compel the attendance and testimony and production of books and papers bearing upon any question proper for consideration by such House, to aid it in the discharge of its legislative functions. Answering the argument that the power to compel the attendance and testimony of private citizens in aid of legislation was nowhere conferred upon the Congress by the Constitution, and that, unlike the English Parliament, Congress was one of limited powers, controlled by a written Constitution, and that all powers not granted to it were reserved to the States respectively or to the people, Mr. Fessenden said (Congressional Globe, 1st sess., 36th Cong., p. 1102):

"The great purpose is legislation. There are some other things, but I speak of legislation as the principal purpose. Now, what do we propose to do here? We propose to legislate upon a given state of facts, perhaps, or under a given necessity. Well, sir, proposing to legislate, we want information. We have it not ourselves. It is not to be presumed that we know everything; and if anybody does presume it, it is a very great mistake, as we know by experience. We want information on certain subjects. How are we to get it? The Senator says ask for it. I am ready to ask for it; but suppose the person whom we ask will not give it to us; what then? Have we not power to compel him to come before us? Is this power, which has been exercised by parliament, and by all legislative bodies down to the present day without dispute—the power to inquire into subjects upon which they are disposed to legislate—lost to us? Are we not in the possession of it? Are we deprived of it simply because we hold our power here under a Constitution which defines what our duties are, and what we are called upon to do?

"Congress have appointed committees after committees, time after time, to make inquiries on subjects of legislation. Had we not power to do it? Nobody questioned our authority to do it. We have given them authority to send for persons and papers during the recess. Nobody questioned our authority. We appoint committees during the session, with power to send for persons and papers. Have we not that authority, if necessary to legislation?"

So far Mr. Fessenden, of the State of Maine:

Mr. Crittenden, of Missouri, also argued in favor of the existence of the power in each House, saying (p. 1105):

"I come now to a question where the cooperation of the two branches is not necessary. There are some things that the Senate may do. How? According to a mode of its own. Are we to ask the other branch of the legislature to concede by law to us the power of making such an inquiry as we are now making? Has not each branch the right to make what inquiries and investigation it thinks proper to make for its own action? Undoubtedly. You say we must have a law for it. Can we have a law? Is it not, from the very nature of the case, incidental to you as a Senate, if you, as a Senate, have the power of instituting an inquiry and of proceeding with that inquiry? I have endeavored to show that we have that power. We have a right, in consequence of it, a necessary incidental power, to summon witnesses, if witnesses are necessary. Do we require the concurrence of the other House to that? It is a power of our own. If you have a right to do the thing of your own motion, you must have all powers that are necessary to do it.

"The means of carrying into effect by law all the granted powers is given where legislation is applicable and necessary, but there are subordinate matters, not amounting to laws; there are inquiries of the one House or the other House, which each House has a right to conduct; which each has, from the beginning, exercised the power to conduct; and each has, from the beginning, summoned witnesses. This has been the practice of the Government from the beginning, and if we have a right to summon the witness all the rest follows as a matter of course.

Then, Mr. President, the vote was taken, and, as is shown, it stood 49 to 10. It was not a partisan vote at all; the Republicans voted with Democrats in favor of the conclusions expressed by those two learned Senators, and party feeling at the time, as Senators know, ran very high. What application did Attorney General Stone make of this? Thus he argued—I am reading from page 70 of his brief:

The Department of Justice is one of the great executive branches of the Government. It is created by statute (Revised Statutes, Title VIII). The duties of the Attorney General and his assistants are in great measure defined by law. Annually Congress, with the concurrence of both Houses, appropriates large sums of money to be expended for the purpose of enforcing the law or defending the Government against claims in the courts, under the direction of the Attorney General and his assistants. Can it possibly be said that the discovery of any facts showing the neglect or failure of the Attorney General or his assistants properly to discharge the duties imposed upon them by law can not be and would not naturally be used by Congress as the basis for new legislation safeguarding the interests of the Government and making more improbable in the future the commission of any illegal or improper acts which might be shown to have been committed in the past?

Mr. Harry M. Daugherty, the Attorney General against whom the resolution primarily was directed, resigned his office on March 28, 1924 (rec. p. 3), after the passage of the first and before the second Senate resolution. But neither before nor after such resignation had the Senate any power of removal over him, save and except when sitting to try articles of impeachment brought against him by the House of Representatives. Nor has the Senate any power of removal of any of the subordinates in the Department of Justice referred to in the resolution of March 1. Therefore it has no judicial power in the premises. But how can it be claimed that information secured upon the investigation regarding the suggested failure of the former Attorney General, or his associates or subordinates, to properly, efficiently, and promptly prosecute or defend claims against or by the United States might not disclose defects in the system of conducting the work of the department which could be remedied by statutory regulations within the power of Congress to enact? Is not this the legitimate object of the inquiry, and is not this court bound to adopt that construction of the resolution so long as it is possible, rather than to impute to the Senate of the United States a purpose outside of its constitutional functions?

So, Mr. President, the Attorney General argues, and argues upon perfectly sound authority, which I shall not take the time to dilate upon here, that the suggestion made by the Senator from Iowa that there is a difference, because in those resolutions it was recited that the investigation was instituted in aid of legislation, has no support in either reason or authority; that the Senate when it conducts an investigation is presumed to do it in aid of legislation; and here we need not follow any presumption about the matter at all, because, as the Senate has been advised, it is contemplated that legislation shall be enacted by the Congress of the United States pursuant to the facts as disclosed by this investigation.

There is just one other word that I want to say in respect to this matter and I am through. The Senator from Iowa seeks to raise some kind of a distinction—I must again confess that I do not comprehend it—between the matter now before us and the Teapot Dome case, because that was an offense directly against property of the United States while this is an offense of a somewhat different character. However, the case to which I have adverted, Mr. President, did not arise out of the Teapot Dome investigation at all; it arose out of the investigation resulting from the resolution introduced by my colleague, the junior Senator from Montana [Mr. WHEELER], to cause an investigation of the practices of the Department of Justice. There was no question of property involved in this matter at all. The simple question was as to whether the Department of Justice had diligently and in good faith discharged the duties of that office as imposed upon it by the law. What has been said here is not with reference to the Teapot Dome matter or the Elk Hills matter at all, but with reference

to the resolution which directed an investigation into the practices and proceedings of the Department of Justice.

What is the difference, Mr. President, between a crime which also involves an offense against the property of a particular individual and a crime which does not?

I go to the district attorney and complain that Jones has stolen some property of mine. I want to vindicate the law and I want to get back my property. In another case I go before the district attorney and say that Jones has violated the Volstead Act. You can not distinguish between the two cases; they are both crimes under the law; the same rules apply to them whether the offense involves an injury done to the complaining witness or not. There is no such distinction as that in the law that I know anything about.

Mr. CUMMINS. Mr. President, I have not attempted to make any such distinction. I think the Senator from Montana must have misunderstood me.

Mr. WALSH. That is quite likely, because I have been misunderstanding the Senator right along.

Mr. CUMMINS. That seems to occur often; but it will not occur so often in the future. My suggestion is this: The Aluminum Co. is charged with the commission of a crime for a contempt of court in violating the court's decree. We do not intend to legislate; it is not suggested that we are going to change the antitrust law or that we are going to change the Clayton Antitrust Act.

Mr. WALSH. No; but it is suggested that we are going to change the law applicable to the duties of the Department of Justice.

Mr. CUMMINS. Precisely. The only proposition is to remove one of the officers of the Department of Justice.

Mr. WALSH. No.

Mr. CUMMINS. Or all of them, for that matter.

Mr. WALSH. No.

Mr. CUMMINS. They are all to be removed?

Mr. WALSH. No; that is not an accurate statement at all.

Mr. CUMMINS. They are to be removed so far as their management or control of this case is concerned.

Mr. WALSH. No; they are not to be removed at all.

Mr. CUMMINS. My view of it has been that that removal, which we are attempting to effectuate through the joint resolution which I am informed will presently be offered, is not legislation. That is the point I make. It does not make any difference whether it is Government property or the property of an individual. If, however, this is legislation within the contemplation of the Constitution, then my point is not well taken.

Mr. WALSH. If it is not legislation within the Constitution, neither is the action relative to the Teapot Dome legislation.

Mr. CUMMINS. I am not attempting to defend the Teapot Dome legislation in all its parts. It undoubtedly was intended to accomplish a righteous purpose, and there are some things in it that have met with my entire approval, but I am not to be called upon to defend all parts of it.

Mr. WALSH. I am not speaking about defending all parts of it; I am asking the Senator to defend only that part of it which provides for the appointment of special counsel, who shall have control of the case to the exclusion of the Department of Justice.

Mr. CUMMINS. Precisely.

Mr. WALSH. With respect to that, this resolution is identical with it.

Mr. CUMMINS. I agree to that.

Mr. WALSH. And if this is not legislation that was not legislation, and accordingly, sir, if it is not legislation, it affords no justification for anything done under it.

Accordingly the employment of Pomerene and Roberts was void because we can not confer any power upon the President of the United States by unconstitutional legislation.

Mr. CUMMINS. I think that is true.

Mr. WALSH. Very well. Then if that legislation is unconstitutional, it conferred no power upon the President of the United States, and his action in appointing those men is without legality, and everything they did was without authority.

Mr. CUMMINS. That I do not agree to. I think their appointment was entirely constitutional.

Mr. WALSH. Under an unconstitutional law?

Mr. CUMMINS. In what respect was the law unconstitutional?

Mr. WALSH. I do not entertain the idea at all, but I understand the Senator does.

Mr. CUMMINS. No; I have not said so. It is the Senator from Montana who is suggesting unconstitutionality in that law, not myself.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I yield.

Mr. REED of Missouri. I wish to inquire if the Senate does not think it is about time to apply cloture to the interruptions?

Mr. WALSH. Mr. President——

Mr. REED of Missouri. I have no reference, of course, to the Senator from Montana.

Mr. WALSH. Mr. President, I submit this case to the judgment of the Senate. I believe that the report of the majority of the Judiciary Committee is abundantly justified by the disclosures that were made before that committee and reviewed here. I think a case has been presented which not only warrants but demands that the further conduct of this matter be taken out of the hands of the Department of Justice and put in the hands of special counsel.

Mr. CUMMINS. Mr. President, I desire to understand just what the Senator from Montana desires in the way of amending his report before we have a vote upon it.

Mr. WALSH. I think we will let it stand just as it is.

Mr. CUMMINS. The Senator makes no change in the report?

Mr. WALSH. No.

Mr. MOSES. Mr. President, I thought I understood the Senator from Montana to say that he purposed to move to amend the report.

Mr. WALSH. No; I think the criticisms are casuistic, and I will ask for a vote on the report just as it stands.

Mr. REED of Pennsylvania. I call for the yeas and nays.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The yeas and nays are demanded.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	Mayfield	Sheppard
Bingham	Fletcher	Metcalf	Simmons
Blease	Frazier	Moses	Smith
Borah	George	Neely	Smoot
Bratton	Goff	Norbeck	Stephens
Brookhart	Gooding	Nye	Swanson
Broussard	Hale	Oddie	Tyson
Bruce	Harris	Overman	Wadsworth
Butler	Heflin	Pepper	Walsh
Cameron	Howell	Pine	Warren
Capper	Jones, Wash.	Ransdell	Watson
Couzens	Keyes	Reed, Mo.	Williams
Cummins	La Follette	Reed, Pa.	Willis
Curtis	Lenroot	Robinson, Ark.	
Dill	McKellar	Robinson, Ind.	
Edwards	McNary	Sackett	

Mr. LA FOLLETTE. I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. CAMERON. I desire to announce that the Senator from Oregon [Mr. STANFIELD], the Senator from Colorado [Mr. MEANS], and the Senator from Nevada [Mr. PITTMAN] are in attendance on the Committee on Public Lands and Surveys.

Mr. HOWELL. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] is confined to his room by illness.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, in order to avoid confusion, I beg leave to amend my motion to adopt the report of the majority so that it shall read:

I move to adopt the report of the majority save for the last paragraph thereof.

Mr. OVERMAN. That is, to strike out that part of the report which asks for an investigation?

Mr. WALSH. The part that I will read. The last paragraph reads as follows:

It has been deemed to be quite outside the scope of the resolution under which the committee acted to inquire whether such a violation has actually occurred or not; that is to say, whether evidence is available to establish such a violation. In view, however, of the doubts aroused as to the vigor and good faith of the Department of Justice, it is recommended that the Senate be asked to instruct the committee to enter upon that inquiry and to that end that it direct the commission to transmit to the committee for its use any evidence in its possession relating to the subject of violations by the Aluminum Co. of America of the decree against it entered in the District Court for the Western District of Pennsylvania on June 7, 1912.

Mr. OVERMAN. That paragraph the Senator has stricken out?

Mr. WALSH. Yes.

Mr. OVERMAN. The Senator very well knows that I signed the report with the understanding that there would be no extended investigation. The Senator said in his speech very frankly and very candidly, and also in his resolution, that he did not intend any extended investigation. That was my idea all the time, and that is the reason why I signed the majority report.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Montana a question. As I understand, then, the report with that elimination comes down to simply a censure of the Attorney General for delay and for ignorance of litigation before his department?

Mr. WALSH. Yes.

Mr. ROBINSON of Arkansas. Mr. President, I do not rise for the purpose of addressing the Senate, but deem it proper to say that if the report is adopted by the vote now about to be taken I shall propose the joint resolution which has been referred to during the course of the debate, and which, for the information of the Senate, I ask to have read.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The legislative clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice of the Senate, to appoint special counsel who shall be and is hereby empowered to institute and prosecute all such proceedings, civil or criminal, as may be necessary or appropriate to determine whether the Aluminum Co. of America has been guilty of any infraction of the decree entered against it in the District Court of the United States for the Western District of Pennsylvania on the 7th day of June, 1912, or of any violation of any of the antitrust acts, and to secure any appropriate relief against it or any of its responsible officers answerable for the same for any such infraction or violation of which it may be found guilty; such counsel to have full power and authority to carry on such proceedings, anything in the statutes touching the powers of the Attorney General or the Department of Justice to the contrary notwithstanding.

Mr. CUMMINS. Mr. President, I am not rising to discuss the matter, but to make one observation. With the recommendations stricken out as they have been, a vote to adopt this report simply means that every Senator who votes to adopt the report votes to affirm every recital and every statement made in it.

Mr. WALSH. Mr. President, I want to say, for the information of the Senate, in view of what was said by the Senator, that not a statement of fact made in the majority report is challenged by anybody.

Mr. REED of Pennsylvania. Mr. President, I call attention to the sentence which is now the last sentence in the report, with the elimination of the concluding paragraph. The Senate is asked to affirm this statement in the majority report of the committee:

It is not expected that the Attorney General will be conversant with the details of all litigation before his department, and he may well be entirely ignorant of some matters having or calling for its attention, but it is not too much to expect that he will at least be informed concerning a charge by his predecessor and another branch of the Government in effect, that a fellow member of the Cabinet, at least a corporation of which he is the dominant factor, has been guilty of contemptuous disregard of an injunction of a Federal court.

The Senate, by its vote to adopt the report, affirms that. By its vote not to adopt the report it says, in effect, that that charge has not been proven to its satisfaction.

I ask for the yeas and nays, Mr. President.

Mr. CUMMINS. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the motion of the Senator from Montana [Mr. WALSH] to adopt Report No. 177 as modified. Upon that motion the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair on this question with the Senator from Maryland [Mr. WELLER]. I transfer the pair to the Senator from Florida [Mr. TRAMMELL] and vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Delaware [Mr. DU PONT]. I transfer the pair to the Senator from Arkansas [Mr. CARAWAY] and will vote. I vote "yea."

Mr. McNARY (when his name was called). I have a pair with the junior Senator from New York [Mr. COPELAND]. The junior Senator from New York is absent; and not knowing how he would vote on this question, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. HARREL], who is absent. I understood from him that he did not want me to transfer on this question, so I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL'S name was called). My colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

The roll call was concluded.

Mr. SWANSON. I have a pair with the senior Senator from Illinois [Mr. MCKINLEY], which I transfer to the senior Senator from Rhode Island [Mr. GERRY], and vote "yea."

Mr. LA FOLLETTE. I desire again to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] and to state that if he were present he would vote "yea."

Mr. HOWELL. I wish to announce the absence of the senior Senator from Nebraska [Mr. NORRIS] on account of illness. If he were present, he would vote "yea."

Mr. JONES of Washington. I desire to make the following announcement of pairs:

The Senator from Delaware [Mr. DU PONT] is necessarily absent on account of illness. He has a general pair with the Senator from Florida [Mr. FLETCHER]. On this vote he is paired with the Senator from Arkansas [Mr. CARAWAY]. If the Senator from Delaware were present, he would vote "nay," and I understand that the Senator from Arkansas [Mr. CARAWAY] would vote "yea."

The Senator from New Jersey [Mr. EDGE] is paired with the Senator from Mississippi [Mr. HARRISON]. If the Senator from New Jersey were present, he would vote "nay," and I understand the Senator from Mississippi would vote "yea."

The Senator from Maine [Mr. FERNALD] I understand is paired with the Senator from New Mexico [Mr. JONES]. If the Senator from Maine were present he would vote "nay," and the Senator from New Mexico I understand would vote "yea."

The Senator from Massachusetts [Mr. GILLETT] is paired with the Senator from Alabama [Mr. UNDERWOOD]. If the Senator from Massachusetts were present, he would vote "nay."

The Senator from Vermont [Mr. GREENE] is paired with the Senator from California [Mr. JOHNSON]. If the Senator from Vermont were present, he would vote "nay," and the Senator from California would vote "yea."

The Senator from Minnesota [Mr. SCHALL] is paired with the Senator from Nebraska [Mr. NORRIS]. If the Senator from Minnesota were present, he would vote "nay."

The Senator from Illinois [Mr. DENEEN] is absent on account of illness. He is paired with the Senator from Utah [Mr. KING], who is also absent owing to illness. If the Senator from Illinois were present, he would vote "nay," and the Senator from Utah would vote "yea."

The Senator from Connecticut [Mr. MCLEAN] is necessarily absent. He is paired with the Senator from Virginia [Mr. GLASS]. If the Senator from Connecticut were present, he would vote "nay."

Mr. ROBINSON of Arkansas. My colleague, the junior Senator from Arkansas [Mr. CARAWAY] is necessarily absent. If present, he would vote "yea."

I also desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily absent. If present, he would vote "yea." Both Senators are paired on this vote, and their pairs have been announced.

The junior Senator from Wyoming [Mr. KENDRICK] is absent on official business, and would vote "yea" if present.

The result was announced—yeas 33, nays 36, as follows:

YEAS—33

Ashurst	Ferris	Mayfield	Smith
Bayard	Fletcher	Neely	Stephens
Borah	Frazier	Nye	Swanson
Bratton	George	Overman	Tyson
Brookhart	Harris	Pittman	Walsh
Broussard	Heflin	Ransdell	Wheeler
Couzens	Howell	Reed, Mo.	
Dill	La Follette	Robinson, Ark.	
Edwards	McKellar	Sheppard	

NAYS—36

Bingham	Ernst	Metcalf	Sackett
Blease	Fess	Moses	Shortridge
Bruce	Goff	Norbeck	Smoot
Butler	Gooding	Oddie	Stanfield
Cameron	Hale	Pepper	Wadsworth
Capper	Jones, Wash.	Phipps	Warren
Cummins	Keyes	Pine	Watson
Curtis	Lenroot	Reed, Pa.	Williams
Dale	Means	Robinson, Ind.	Willis

NOT VOTING—27

Caraway	Gillett	Kendrick	Schall
Copeland	Glass	King	Shipstead
Deneen	Greene	McKinley	Simmons
du Pont	Harreld	McLean	Trammell
Edge	Harrison	McMaster	Underwood
Fernald	Johnson	McNary	Weller
Gerry	Jones, N. Mex.	Norris	

So Mr. WALSH's motion to agree to the Report No. 177, as modified, was rejected.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. I move that the Senate proceed to the consideration of House bill 8264, the Agricultural Department appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I understand that the Senator from Oregon does not desire to go on with the bill to-night, and I wish he would ask that it be temporarily laid aside.

Mr. McNARY. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 2 minutes p. m.) took a recess until to-morrow, Saturday, February 27, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 26, 1926

UNITED STATES COAST GUARD

Herman H. Curry to be a lieutenant (engineering).

POSTMASTERS

ALABAMA

Grover A. Bice, Thorsby.
Jacob A. Johnson, Vernon.

CONNECTICUT

Anna F. Bond, Rowayton.

KENTUCKY

David Goin, Frankfort.
Quay C. Quigg, Livermore.
John W. Tate, Monticello.
Iley G. Nance, Slaughters.
Robert Campbell, Taylorsville.

MAINE

Henry W. Bowen, Chebeague Island.
Eugene H. Lowe, Gray.
Ida P. Stone, Oxford.
Leon M. Small, Ridlonville.
Charles H. Bussell, Pittsfield.
Clayton R. Hamlin, Unity.
David L. Duncan, Washburn.
Alonzo F. Flint, West Buxton.
Ellsworth D. Curtis, West Paris.

MASSACHUSETTS

Henry T. Crocker, Brewster.
Charles K. Houghton, Littleton Common.
Carl E. Brown, Lunenburg.
Otis E. Hager, North Dana.
Beulah Hartwell, South Attleboro.

MONTANA

Philip Daniels, Anaconda.
Ralph H. Bemis, Belt.
Jessie M. Tripp, Gardiner.
Earle H. Miller, Melstone.
Emil Heikkila, Roberts.
Harvey T. Eastridge, Stevensville.

NEW HAMPSHIRE

John A. Gleason, Dublin.
Natt A. Cram, Pittsfield.

NEW JERSEY

Jeanette H. Claypoole, Cedarville.
Clark P. Kemp, Little Silver.
David C. Bush, Oakland.
Loretta Conrow, Oceanport.
William H. Cottrell, Princeton.
Frank Wanser, Vineland.

PENNSYLVANIA

Harry H. Arnold, Clarion.
Frederick V. Pletcher, Howard.
William H. Yoder, New Kensington.
Samuel G. Garnett, Parkesburg.
Raymond J. Fisher, Robesonia.

TENNESSEE

Charles S. Harrison, Benton.
Sanders S. Proffitt, Concord.
Joseph W. Callis, Germantown.
Fred S. Pipkin, Lafayette.
Tim F. Stephens, Livingston.
Lorenzo A. Large, Niota.
Terrell McIlwain, Parsons.
Capp A. Richards, Saulsbury.
William J. Julian, Silver Point.
Charles E. Pennington, Sweetwater.

UTAH

Anna M. Long, Marysvale.
John P. McGuire, Provo.

VIRGIN ISLANDS

Bartholin R. Larsen, Christiansted.
Albert Pfaus, St. Thomas.

WEST VIRGINIA

Frank O. Trump, Kearneysville.
Harry F. Lewis, Point Pleasant.
Melvin O. Whiteman, Wallace.
Boyd McKeever, Wardensville.

REJECTION

Executive nomination rejected by the Senate February 26, 1926

POSTMASTER

William H. Byhoffer to be postmaster at Selfridge, N. Dak.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 26, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of our heavenly Father, whose goodness and mercy never fail. Marvelous things are spoken of Thee, O God of our earthly zion. In Thee may we put our trust and never be ashamed. As influential factors in the great vineyards of earth and as lawmakers in the great fields of national endeavor do Thou be with us. Give wise direction to all that shall be done this day. But, blessed Lord, we would not leave outside of our prayer the many others. Let the light of Thy heavenly comfort shine through the darkness of their grief. Give strength to the weak, rest to the weary, and hope to the dying, and be a present help in every trouble. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 9795) (Rept. No. 388) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, which was read the first and second time and with the accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. SANDLIN reserved all points of order.

REVENUE ACT OF 1926

Mr. BEERS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 12

Resolved by the House of Representatives (the Senate concurring), That there be printed 41,000 additional copies of the revenue act of 1926, of which 13,000 copies shall be for the use of the Senate document room, 25,000 copies for the use of the House document room, 1,000 copies for the use of the Committee on Finance of the Senate, and 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives.

The resolution was agreed to.

PENSIONS

Mr. FULLER. Mr. Speaker, private pension bills being in order to-day, I desire to call up the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Illinois calls up an omnibus pension bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, I also ask unanimous consent that the formal committee amendments may be offered en bloc after the bill has been read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the formal committee amendments may be offered en bloc after the bill is read. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary F. Randall, widow of Nathan P. Randall, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Webb, widow of Wilson S. Webb, alias William Stoddard, late of Company C, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Cole, widow of David Cole, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Patton, widow of Thomas A. Patton, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and unassigned detachment, Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Maude E. Riggs, widow of Joseph Riggs, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan F. Rutherford, widow of George W. Rutherford, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month through a legally appointed guardian.

The name of Viola H. Pugh, widow of Obadiah Pugh, late of Company H, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet E. Tally, widow of George W. Tally, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mariam Breeze, widow of Thomas Breeze, late of Company B, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ann M. Barker, widow of Charles Barker, late of Company D, One hundred and fifteenth Regiment, and Company C, Seventeenth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Crawford, former widow of William D. Crawford, late of Company F, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rachel A. Dennis, widow of George Dennis, late of Company B, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen M. Farley, widow of Andrew G. Farley, late of Company K, Nineteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Hedinger, widow of Charles Hedinger, late of Company D, Second Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Gideon C. Lewis, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary N. Moody, widow of Jasper Moody, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abbie Osborn, widow of Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Pratt, widow of Ira E. Pratt, late of Sixteenth Battery, New York Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mania Vartanian, widow of Dr. Garabed E. Vartanian, late contract surgeon, Eighteenth Regiment United States Volunteer Infantry, Civil War, and pay her a pension at the rate of $30 per month.

The name of Mary Fitchett, widow of Elias Fitchett, alias Elias Fidget, late of Battery B, Second Regiment United States Colored Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Harriet G. Albro, widow of George F. Albro, late paymaster's steward, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The name of Caroline McGough, widow of Peter McGough, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eleanora E. Seymour, widow of George S. Seymour, late of Company B, Second Regiment Pennsylvania Provisional Heavy Artillery, and Company E, Second Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Winsor, widow of Albert C. Winsor, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Bennett, widow of Frank Bennett, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie L. Grady, helpless and dependent daughter of James Nilan, alias James Hines, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Jennie Allen, helpless and dependent daughter of Thomas Allen, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frances McAnnany, helpless and dependent daughter of Arthur McAnnany, late of Company F, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Jessie E. Diggery, helpless and dependent daughter of John Diggery, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Sarah E. Compton, widow of William Compton, late of Company G, First Regiment United States Lancers, Michigan Cavalry, and pay her a pension at the rate of $30 per month.

The name of Minnie Dawson, former widow of Nathan W. Dawson, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Simmons, widow of Miles Simmons, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet Vosburg, former widow of Silas W. Stoddard, late of Company F, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Levina Lebert, widow of William R. Lebert, late of First Independent Battery Iowa Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Justice, widow of Andrew C. Justice, late of Company A, Fifty-third Regiment, and Company G, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie Hepler, widow of George Hepler, late of Troop K, Third Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Magdalena Wilber, widow of Charles Wilber, late of Eleventh Battery New York Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Stanton, helpless and dependent daughter of Adam Stanton, late of Company E, Twenty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Annie M. Heckaman, helpless and dependent daughter of Henry Heckaman, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Annie Johnson, widow of Samuel Frogg, known as Samuel Johnson, late of Company H, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Herman Wagner, alias Henry Burnett, late of Company C, Eighth Regiment Maine Volunteer Infantry, Company E, Tenth Regiment New York Volunteer Cavalry, and Company E, First Regiment New York Provisional Cavalry, and pay him a pension at the rate of $50 per month.

The name of Christina Maxworthy, widow of John Maxworthy, late of Unassigned Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Cora Ford, widow of Joseph Ford, late of Company G, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charles R. Gillam, helpless and dependent son of John M. Gillam, late of Company H, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Caroline C. Bower, widow of Reuben W. Bower, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie Chalmers, former widow of William Chalmers, late seaman United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Cummins, former widow of Jonathan B. Saunders, late of Cogswell's battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kate Payler, widow of George Payler, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucelia M. Strunk, widow of Peter W. Strunk, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mildred Renwick, widow of John R. Renwick, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry P. Hull, late telegraph operator, Military Telegraph Service, Civil War, and pay him a pension at the rate of $50 per month.

The name of Richard King, late of Capt. Patrick C. Berry's Stone County company, Volunteer Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Arthur S. Belcher, alias William Prescott, late unassigned, attached to Company F, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Emily H. Barden, widow of Herbert Barden, late of Company B, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura I. Washburn, widow of John P. Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company E, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda M. Irish, widow of Calvin A. Irish, late of Company L, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie E. Streeter, widow of Isaiah C. Streeter, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie L. Cray, widow of William H. Cray, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen F. Miller, widow of Henry H. Miller, late of Company B, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma F. Niles, widow of Henry Niles, late of Company I, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Azzaline M. Bogle, widow of Edward W. Bogle, late of Company F, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine H. Green, widow of Everett Green, late of Thirtieth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abbie J. Pierson, widow of George Pierson, alias George Stanhew, late of Companies C and A (Battalion), Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma L. Knapp, widow of Preston S. Knapp, late of Company F, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elmina H. Streeter, widow of Lorenzo Streeter, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charlotte M. Combs, widow of Carroll L. Combs, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary H. Hight, widow of John S. Hight, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane L. McNichols, widow of John W. McNichols, late of Company C, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa W. Kohser, widow of Charles Kohser, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emily J. Hormel, widow of Joel Hormel, late of Company F, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan E. Darrough, widow of James W. Darrough, late of Company F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frederick Overlock, late of Nineteenth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Charles E. Campbell, alias Ebin Campbell, late of the United States Marine Corps, Civil War, and pay him a pension at the rate of $50 per month.

The name of Mary E. Sherbondy, widow of George W. Sherbondy, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Laura Sherbondy, helpless and dependent daughter of said George W. and Mary E. Sherbondy, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Sherbondy, the name of said Laura Sherbondy shall be placed on the pension roll, subject to the provisions and

limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Sherbondy.

The name of Angeline Stuck, widow of John C. Stuck, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lodemia Speelman, widow of Solomon Speelman, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John A. Swarts, helpless and dependent son of Jonas Swarts, late of Company D, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Margaret J. Johnson, widow of Daniel W. Johnson, late of Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline E. Robbins, widow of Jacob B. Robbins, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth R. Noll, widow of Moses F. Noll, late of Company G, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice J. Stebbins, widow of John Stebbins, late of Battery A, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melvina A. Horner, widow of John R. Horner, late of Company E, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Jane Bates, former widow of Sidney M. Bates, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Evaleen M. Davidson, widow of Harvey Davidson, late of Company B, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Nye, widow of William Nye, late of Company F, Eighth Michigan Infantry, and Company H, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Whipple, widow of Roman L. Whipple, late of Company K, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Katharine Whitaker, widow of William Whitaker, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Blodgett, widow of Jared O. Blodgett, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dorcas Quigley, widow of William L. Quigley, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida Wilkinson, widow of Tully Wilkinson, late of Company I, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma C. Alton, widow of Albert M. Alton, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sallie E. Copeland, widow of William W. Copeland, late of Company G, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth B. Adamson, widow of John V. Adamson, late of Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Priscilla A. Atwood, widow of Thomas A. Atwood, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Beatty, former widow of George M. McCay, late of Company A, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah L. Darr, widow of John J. Darr, late unassigned, Sixty-first Regiment Ohio Volunteer Infantry, and Company D, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lizzie J. Fagin, widow of Abner D. Fagin, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anne L. Fomorin, widow of Francis Fomorin, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Flora, widow of John Flora, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca A. Kidd, widow of George Kidd, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary H. Kline, widow of Benneville Kline, late of Company H, One hundred and thirty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna McCann, widow of Benjamin F. McCann, late of Company A, Thirty-sixth and Thirty-fourth Regiments Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarinda Moore, widow of Jacob Moore, late of Company E, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Reeves, widow of Hiram J. Reeves, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. Taylor, widow of George Taylor, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Taylor, widow of William H. Taylor, late of Company I, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie S. Titus, widow of Edwin D. Titus, late of Company K, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda D. Woods, widow of Milton Woods, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Beisel, former widow of Joseph Hoyman, late unassigned, and Company A, Second Veteran Battalion, Potomac Home Brigade Maryland Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna B. Eicher, widow of Marcellus H. Eicher, late of Company G, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Virginia A. Harris, widow of John H. Harris, late of Company B, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Hayden, widow of Emanuel S. Hayden, alias Edward S. Hayden, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eunice A. Myers, widow of James A. Myers, late of Company F, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Weimer, widow of Samuel Weimer, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lula A. Weimer, helpless and dependent daughter of said Samuel and Eliza J. Weimer, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza J. Weimer, the name of said Lula A. Weimer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Eliza J. Weimer, and that it be paid to her through a legally appointed guardian.

The name of Sarah E. Wilderman, widow of William L. Wilderman, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Rachel Wood, widow of Samuel Wood, late of Companies G and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Katie Wood, helpless and dependent daughter of said Samuel and Rachel Wood, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Wood, the name of said Katie Wood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rachel Wood.

The name of Harriet M. Hoover, widow of Levi G. Hoover, late of Company E, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Kemberlin, widow of John G. Kemberlin, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Chisholm, widow of John P. Chisholm, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Cox, widow of William F. Cox, late of Company H, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Euphemia Brady, widow of Joseph H. Brady, alias Joseph H. Liggins, late of Company I, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline M. Shaub, helpless and dependent daughter of Samuel M. Trulock, late of Company I, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Louise Hatch, widow of Alonzo H. Hatch, late of Company C, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ida M. Uline, widow of George A. Uline, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month

The name of Carrie S. Baxter, widow of George R. Baxter, late of Company F, Fifth Regiment, and Company C, One hundred and forty-sixth Regiment, New York Volunteer Infantry, and One hundred and tenth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William J. Finley, late of Captain Luten's Company B, First Regiment, Third Battalion, Kentucky Capital Guards, and pay him a pension at the rate of $50 per month.

The name of Mary L. Kinsey, widow of Benjamin L. Kinsey, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jessie F. Loughridge, former widow of Peter K. Bonebrake, late of Company I, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William W. Shock, late military telegrapher, Civil War, and pay him a pension at the rate of $50 per month.

The name of Hester R. Michael, widow of Jacob O. Michael, late of Company F, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Edwina B. Kemp, widow of Thomas E. Kemp, late adjutant, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Haviland, widow of Edgar P. Haviland, late of Company F, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Clark, widow of Francis Clark, late of Battery M, Second Regiment United States Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John B. Blouse, helpless and dependent son of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Eliza J. Blouse, helpless and dependent daughter of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Katherine White, widow of Adelbert B. White, late of Company M, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Carrie E. Miett, widow of Oliver Miett, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Nellie B. Ainsworth, helpless and dependent daughter of Thomas Ainsworth, late of Company G, Ninety-eighth Regiment New York Militia Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary L. Harvey, widow of John H. Harvey, late of Company C, Seventy-fourth Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Bershig, widow of Joseph Bershig, late of Company I, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Blanche J. Barnard, widow of Edgar A. Barnard, late of Company A, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophia J. Bartram, widow of George C. Bartram, late of Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and Company I, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen E. Bechtel, helpless and dependent daughter of Benjamin Bechtel, late of Company I, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary Eliza Brewster, widow of Silas Brewster, late of Company G, Twenty-sixth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Delia A. Castle, widow of Charles H. Castle, late of Company F, Seventeenth Regiment Connecticut Volunteer Infantry, and Fifty-fifth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Clark, widow of Leonard Clark, late of Company H, First Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia E. Cook, widow of Edwin L. Cook, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie D. Delavan, widow of Joseph Delavan, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month through a legally appointed guardian.

The name of Ellen W. Gregory, widow of Hyatt Gregory, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and Third Battery Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Elnora S. Halligan, widow of John H. Halligan, late of Company H, Twenty-eighth Regiment, Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma L. Jimmerson, widow of Charles H. Jimmerson, late of Company A, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Johnson, widow of Adam Johnson, late of Company G, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Meyer, helpless and dependent daughter of William J. Meyer, late of Thirty-second Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Lida M. Osborn, widow of Elihu Osborn, late of Company E, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Read, widow of Herbert H. Read, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa D. Smith, widow of Leslie Smith, late of First and Second Regiments United States Infantry, and lieutenant colonel Twentieth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thirza C. Gifford, widow of Julius E. Gifford, late of Company H, Tenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy M. Walker, widow of Charles M. Walker, late of unassigned Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John Wilkinson, late of Company F, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary V. Rankins, widow of Thompson Rankins, late of Company K, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Deborah A. Baker, widow of John Baker, late of Company K, First Regiment Missouri Volunteer Light Artillery, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Smith, widow of Alexander M. Smith, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of James O. Dunnagan, alias William Parker, late of Company I, Twentieth Regiment New York State Militia, Company F, Ninth Regiment New York Heavy Artillery, and Company I, Second Regiment New Jersey Cavalry Volunteers, and pay him a pension at the rate of $50 per month.

The name of Lora M. Brewer, helpless and dependent daughter of Noah Brewer, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Eunice Ellis, widow of William G. Ellis, late of Companies D and G, Sixty-third Regiment, and Company K, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charles S. Francis, helpless and dependent son of Thomas Francis, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Caroline W. Hershberger, former widow of Charles Carch, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Savannah Huffmire, widow of William B. Huffmire, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Johnson, widow of Ashley Johnson, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Albert M. Kirby, helpless and dependent son of Francis M. Kirby, late of Company A, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary E. McJunkins, widow of Abijah McJunkins, late of Company F, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda E. Miller, widow of Francis H. Miller, late of Company K, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth B. Painter, widow of Isaac N. Painter, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Rodgers, widow of James Rodgers, late of Tenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phoebe A. Ross, former widow of Jacob Shepler, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Scott, widow of John H. Scott, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isabel Shurr, widow of John A. Shurr, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kezia Tiller, widow of Hiram J. Tiller, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia A. Wood, widow of James Wood, late of Company M, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. Holtz, widow of John S. Holtz, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ann Eliza Pike, widow of John B. Pike, late of Company K, First Regiment Mississippi Mounted Brigade Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John Nidey, helpless and dependent son of Timothy Nidey, late of Company E, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary J. Hodgkins, widow of Samuel F. Hodgkins, late of Company G, Second Regiment United States Signal Service, and Company H, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Adaline R. Springer, widow of William O. G. Springer, late surgeon's steward, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan O. Jellison, widow of Benjamin H. Jellison, late of Company C, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna L. Adams, helpless and dependent daughter of Thomas B. Adams, late of Company K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary J. Alton, widow of Cyrus D. Alton, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John V. Evans, late of Company H, Sixty-third Regiment Missouri Infantry (Enrolled Militia), and pay him a pension at the rate of $50 per month.

The name of Ellen Lessing, widow of Herman Lessing, late of Company B, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lettie Painter, helpless and dependent daughter of William H. Painter, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Nancy C. Jones, widow of Euphrates Jones, late of Company H, Sixty-third Regiment Enrolled Missouri Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Almira E. McArron, widow of William J. McArron, late of Companies H and C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda E. Spillman, widow of Thomas J. Spillman, late of Company D, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary H. Willcox, widow of William W. Willcox, late of Company B, Second Regiment United States Sharpshooters, and Company I, Twenty-fourth Regiment Veterans' Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Elizabeth Weller, widow of Sanford H. Weller, late of Company F, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melia A. Parker, widow of Orrin C. Parker, late of Companies E and G, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline Minsing, widow of Lewis Minsing, late of Company C, Second Regiment New York Mounted Rifles, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Glidden, former widow of Harrison Henry, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of David S. Barnhart, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and Fourteenth Regiment New York Heavy Artillery, and Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary M. Town, widow of Benjamin F. Town, late of Company I, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances Blakeley, widow of Judson Blakeley, late of Company B, Twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Serena Bean, helpless and dependent daughter of Cyrus Bean, late of Company C, One hunderd and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Helena Dearborn, widow of George H. Dearborn, late of Company A, Fifty-sixth Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Force, widow of George W. Force, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily J. Foust, widow of William Foust, late of Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Gray, widow of David C. Gray, late of Companies E and A, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of S. Celestia Hunt, widow of Herman Hunt, late of Company I, Second Regiment Pennsylvania Volunteer Cavalry, and Company C, Seventh Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adelle Parker, widow of Almiron Parker, late of Company A, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and Company E, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Elizabeth W. Smith, widow of Benjamin F. Smith, late of Company M, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie C. Gorton, widow of Robert B. Gorton, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lewis M. Kuhns, helpless and dependent son of William K. Kuhns, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Maria L. Stewart, former widow of Samuel S. McCreery, late of Company A, Second Battalion Pennsylvania Militia, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret M. Altman, widow of John F. Altman, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah J. Kerr, former widow of John M. Stuchell, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret C. Wile, widow of John J. Wile, late of Company I, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine F. Edsall, former widow of William H. Edsall, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie O'Donahue, widow of Patrick O'Donahue, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret J. Relyea, widow of John C. Relyea, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Tina C. Baker, widow of John H. Baker, late of Company G, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura C. Crawford, widow of Samuel R. Crawford, late of Company C, Ringgold's battalion Pennsylvania Volunteer Cavalry, and Company D, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth S. Jones, widow of Harrison Jones, late of Company F, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Chadwick, widow of Thomas W. Chadwick, late of Company F, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dora K. Flaherty, widow of James Flaherty, late of Company K, Twenty-fourth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine L. R. Parker, widow of Edmund A. Parker, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Daniels, widow of Ormando R. Daniels, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The name of Margaret S. Morrall, widow of John E. Morrall, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria E. Ross, former widow of Benjamin A. Sherwood, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet C. Bristol, former widow of James F. Woodruff, late of Company K, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia F. Browning, widow of Arthur Browning, late of Company A, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose E. Cain, widow of Anthony Cain, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Crosby, widow of Harry Crosby, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hittie Davis, widow of Henry H. Davis, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Dooley, widow of Matthew Dooley, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Victoria M. Dean, former widow of Liberty B. Sampson, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Fife, widow of Andrew Fife, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice Fern, widow of Patrick H. Fern, late of Company I, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose A. Ferguson, widow of Thomas Ferguson, late first-class fireman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Gorman, widow of William Gorman, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Philippine Hatzler, widow of John Hatzler, late of Company F, Fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Manix, widow of John Manix, late of Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine McDonald, widow of John McDonald, late of Company K, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Miller, widow of Orson A. Miller, late of Company E, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice L. Pond, widow of Aaron B. Pond, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Rittenhouse, widow of James Rittenhouse, late of Company D, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amy A. Purdy, helpless and dependent daughter of Alexander Purdy, late of Company G, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Harry E. Galuska, helpless and dependent son of George Galusha, late of Company G, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Kate H. Garvin, widow of Jay Garvin, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Lambert, widow of William A. Lambert, late of Captain Smith's independent company, Pennsylvania Infantry, acting engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma S. Gray, widow of James K. Gray, late of Company A, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Virginia S. Lewis, widow of John D. Lewis, late of Company M, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan McDonald, widow of John H. McDonald, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Jamison, widow of Henry J. Jamison, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Sheay, widow of Michael A. Sheay, late commissary sergeant, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Azariah F. Martin, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eva Briggs, helpless and dependent daughter of John F. Briggs, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rose McKenzie, widow of John D. McKenzie, late of Company H, Tenth Regiment Michigan Volunteer Infantry, Company G, First Regiment Michigan Volunteer Cavalry, and Company B, First Battalion of Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of $30 per month.

The name of William R. Plessner, helpless and dependent son of Otto R. Plessner, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Vernie Pope, helpless and dependent son of William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Martha Wilcox, widow of Julius B. Wilcox, late of Company A, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily Brune, helpless and dependent daughter of John Henry Brune, late of Company L, First Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Oliver Ellis, late of Captain L. W. Storey's company, Volunteer Militia of Missouri, North Missouri Railroad Bridge Guards, and pay him a pension at the rate of $50 per month.

The name of Jennie Wagner, widow of George Wagner, alias George Mellen, late of Company D, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza Price, widow of William A. Price, late of Company B, First Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Williams, widow of Noah S. Williams, late of Company F, Fortieth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Frogg, now Burke, former widow of Pleasant W. Frogg, late of Company F, Thirteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura J. Hicks, widow of James L. Hicks, late of Companies F and E, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances Miller, widow of Thomas J. Miller, late of Company F, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Bradford, widow of Rual M. Bradford, late of Company G, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Sherman, widow of William Sherman, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Gesina Schell, widow of Gerrit Schell, late of Company I, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Langerak, widow of William Langerak, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Garrett, widow of Reuben Garrett, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and Company K, First Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Guild, former widow of George R. Housel, late of Company G, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. West, widow of Edwin R. West, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia A. Woodard, widow of Joseph J. Woodard, late of Eighteenth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary Hague, widow of Joseph Hague, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie R. Brackett, widow of Andrew Brackett, late of Company K, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen Carr, widow of Thomas Carr, late musician, band, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Hambaugh, widow of William A. Hambaugh, late of Company G, Third and Fifth Regiments Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa J. Honaker, widow of Benjamin Honaker, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Martha M. Lane, widow of James A. Lane, late of Company A, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara A. Loomis, widow of Orville A. Loomis, late of Company K, Fourteenth Regiment United States Colored Troops, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Lowe, widow of John Lowe, late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia Moomaw, widow of Benjamin F. Moomaw, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lidda J. Clark, widow of William F. Clark, late of Company A, First Regiment Illinois Volunteer Cavalry and Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Wickham, former widow of William T. Wickham, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda M. Armstrong, widow of John H. Armstrong, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Boyle, widow of James A. Boyle, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and Troop L, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Odell, widow of James M. Odell, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet D. Waterson, widow of James A. Waterson, late of Company C, One hundredth and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna J. Manuel, widow of Charles Manuel, late of Company E, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Polly F. Gould, widow of William K. Gould, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henrietta Pabst, now Harenberg, former widow of Philip Pabst, late of Company D, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Patience A. Karnes, former widow of Robert L. Enscore, late of Company E, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Lillie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Julia Beckley, helpless and dependent daughter of Benjamin F. Padgitt, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth Stedman, widow of Julius C. Stedman, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and Company B, One hundred and forty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy O. Vale, widow of James B. C. Vale, late of Company D, Fourth Regiment West Virginia Volunteer Infantry, and Company H, Second Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Pugh, widow of George Pugh, late of Company D, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Marinda Smith, widow of Jeremiah Smith, late of Seventh Independent Battery, Ohio Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sheridan McDaniel, helpless and dependent son of Elamander McDaniel, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary R. Hamilton, former widow of William Nicholson, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Snyder, widow of Henry Snyder, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and First Regiment United States Veteran Engineers, and pay her a pension at the rate of $30 per month.

The name of Julian Embick, widow of Aaron Embick, late of Company E, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and Company D, First Regiment Pennsylvania Veteran Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane E. Burwell, widow of Andrew W. Burwell, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Beck, widow of Ludwig Beck, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and Battery C, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Louisa E. Beck, helpless and dependent daughter of said Ludwig and Margaret Beck, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Beck the name of said Louisa E. Beck shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Beck.

The name of Frances M. Loper, widow of George P. Loper, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia M. Murphy, widow of Henry Murphy, late of Company D, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie Troost, widow of Edward Troost, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Siegler, widow of John F. Siegler, late of Company H, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah F. Spencer, widow of Loren A. Spencer, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Priscilla Chandler, helpless and dependent daughter of George G. Chandler, late of Company F, Twenty-first Regiment Michigan Volunteer Infantry, and Company C, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Alice Cox, widow of Mark Cox, late unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria Crowl, widow of Samuel H. Crowl, late of Company A, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Bridget Mathews, widow of Thomas Mathews, late of Companies A and F, Fifteenth Regiment Michigan Volunteer Infantry, and Company F, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Y. Teters, widow of Wilbert B. Teters, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Gille, helpless and dependent daughter of Christian Gille, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Edith M. Wyatt, widow of Isaac H. Wyatt, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Grace E. Moore, widow of James M. Moore, late of Company G, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Davis, widow of Caleb R. Davis, late of Company E, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cora O. Russell, widow of Francis M. Russell, late of Company G, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Virginia Hubley, widow of Samuel Hubley, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of May Pennington, helpless and dependent daughter of Allison C. Pennington, late of Company D, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha Burdett, widow of Reason Burdett, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Vanfosson, helpless and dependent daughter of George Vanfosson, late of Company B, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Margaret R. McClanahan, now Humphrey, former widow of David McClanahan, late of Company C, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Deselms, widow of Spencer Brown Deselms, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Whiteleather, widow of Joseph Whiteleather, late of Company K, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna F. Ault, widow of Joseph C. Ault, late hospital steward, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora A. Fuller, widow of Thaddeus H. Fuller, late of Independent Company, Trumbull Guards, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret J. Coss, widow of Theodore Coss, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ada M. Buffington, widow of Benjamin R. Buffington, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Olmstead, widow of Barnwell Olmstead, late of Companies E and F, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ellen Stewart, widow of James H. Stewart, late of Company F, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary D. Wirebaugh, helpless and dependent daughter of William P. Wirebaugh, late of Company A, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Maggie Fetterman, widow of George Fetterman, late of Company D, Twelfth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth May, widow of John May, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Polly Couch, widow of Elijah Couch, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Arena Smith, widow of Charles Smith, late of Company K, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lizzie McDaniel, widow of Reuben McDaniel, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cynthia Smallwood, widow of Edward Smallwood, late of Companies A and D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Mobley, widow of William Mobley, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nancy C. Patrick, widow of Calvin Patrick, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura C. York, widow of General Z. York, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Lankford, widow of Robert Lankford, late of Company F, Forty-seventh Regiment Kentucky Infantry Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Powell, widow of Edmond W. Powell, late of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth J. White, widow of James H. White, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clementine Williams, widow of William H. Williams, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Wakefield, widow of George Wakefield, late of Company D, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Electa Bellen, widow of Anthony Bellen, late of Company K, Eleventh Regiment New York Volubteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lois A. Dugan, widow of Michael Dugan, late of Company D, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Campbell, widow of Joseph Campbell, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary M. Files, former widow of Alexander Perry, jr., late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Longto, widow of Joseph Longto, late of Company I, First Regiment New York Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alma C. Hill, widow of Jeremiah A. Hill, late of Company D, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Giffin, widow of Martin E. Giffin, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Jane Putraw, widow of Joseph Putraw, late of Company C, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James McDonald, helpless and dependent son of John F. McDonald, late musician, band, Third Brigade, Second Division, Twentieth Army Corps, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Orrilla Smith, widow of Wilbur Smith, late of Company E, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $54 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nettie D. Smith, helpless and dependent daughter of said Orrilla and Wilbur Smith, $12 per month of the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Riley R. Smith, helpless and dependent son of said Orrilla and Wilbur Smith, $12 per month of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Orrilla Smith, the names of Nettie D. Smith and Riley R. Smith shall be placed on the pension roll at the rate of $20 per month to each of them, through a duly appointed guardian, from and after the death of said Orrilla Smith.

The name of Ida V. Forbes, widow of Thomas O. Forbes, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Henrietta Bowker, widow of Sherman O. Bowker, late of Company C, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Holmes, widow of George P. Holmes, late of Company A, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia Laroue, widow of Julius Laroue, late of Company M, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Addie Gratton, widow of Jerry Gratton, late of Company H, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cecil C. Cardinal, helpless and dependent son of Franklin Cardinal, late of Company D, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Margaret Richards, widow of James H. Richards, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Reisch, widow of Emanuel Reisch, late of Company F, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie J. Yeagley, widow of Charles H. Yeagley, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and unassigned, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rachel A. Woggerman, former widow of Daniel Lobaugh, late of Company I, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Franc Murray, widow of Samuel Murray, late of Company A, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Radney, widow of Henry Radney, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William H. McIntosh, helpless and dependent son of James D. McIntosh, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Anna K. Warren, widow of William M. Warren, late of Company I, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alexander Sweeney, late a nurse, General Hospital, Chestnut Hill, Philadelphia, Pa., Civil War, and pay him a pension at the rate of $30 per month.

The name of Mary A. Thompson, widow of George A. Thompson, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Stadler, widow of John G. Stadler, late of Company B, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine Kraft, widow of Peter Kraft, late of Company B, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Pedrick, widow of William Pedrick, late of Company H, Seventh Regiment Pennsylvania Volunteer Infantry, and Company H, Thirty-second Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of George O. Flowers, helpless and dependent son of Samuel M. Flowers, late of Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Nancy E. Hammon, widow of Martin L. Hammon, late of Company B, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Miller, widow of John B. Miller, late of Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Downs, widow of William H. Downs, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Priscilla Boyer, helpless and dependent daughter of John Boyer, late of Company C, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Maria Van Orman, widow of John W. Van Orman, late of Company A, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Shaver, widow of David E. Shaver, late of Company K, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Indiana Grant, widow of William J. Grant, late of Company A, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Redd, widow of Mordecai Redd, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Crane, widow of John A. Crane, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Oswald, widow of Charles Oswald, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Orrel Tucker, widow of John O. Tucker, first-class boy, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Hall, widow of Carr Hall, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia B. Jones, widow of William D. Jones, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martin Flint, late of Company K, One hundred and seventeenth Regiment New York Volunteer Infantry, and Company E, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of William H. Johnston, helpless and dependent son of John W. Johnston, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Martha L. H. Shoemaker, widow of David Shoemaker, late of Company F, One hundred and fourth Regiment Ohio Volunteer Infantry, and Sixty-first Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Smith, widow of Michael Smith, late of Company K, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda Tyner, widow of John T. Tyner, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet N. Jones, widow of Jacob Jones, late of Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cynthia A. Jones, helpless and dependent daughter of said Jacob and Harriet N. Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet N. Jones, the name of said Cynthia A. Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Harriet N. Jones.

The name of Malinda J. Miller, widow of Michael Miller, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edith Heu-de-Bourck, widow of William H. Heu-de-Bourck, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Priscilla De Witt, widow of James P. De Witt, late of Second Battery, Iowa Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Line, former widow of George H. Norris, late of Company G, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Madium Milledge, widow of Stephen S. Milledge, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Emily Stansberry, widow of Allen W. Stansberry, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Ross, widow of James W. Ross, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia G. Read, widow of Daniel Read, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara Harlan, former widow of John Wilkinson, late of Company A, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah J. Gray, widow of Orrin Gray, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Aleda Cobb, widow of Oliver H. Cobb, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lena Thackeray, widow of James Thackeray, late of Fifth Unattached Company, Massachusetts Militia, Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura R. Cummings, widow of Frederick A. Cummings, late of Company B, Second Regiment Massachusetts Volunteer Infantry, and Ninth Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josie Hicks, helpless and dependent daughter of William B. Hicks, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth A. Norman, widow of James R Norman, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and Company D, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Effie Overton, helpless and dependent daughter of William Overton, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month.

The name of Jane Prather, widow of George M. Prather, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Benjamin F. Ewing, late of Company M, Thirty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Sallie Gearhart, widow of John Gearhart, late of Company E, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie L. Durham, former widow of Telford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month, without affecting the pension of $20 a month now being paid to William H. Durham, helpless and dependent son of the late soldier.

The name of Thomas C. Jones, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Catherine Bridgford, widow of William Bridgford, late of Company K, Ninety-sixth Regiment New York Volunteer Infantry, and Company I, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah F. Vier, widow of George Vier, late of musician band, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah L. Hogle, widow of Alanson Hogle, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucilia B. Lobdell, widow of James E. Lobdell, late of Company G, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie E. Allen, widow of Stanton P. Allen, late of Company C, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Duell, widow of Dennis Duell, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Capron, widow of Edmund Capron, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Ann Bain, widow of James Bain, late of Company B, Thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia F. Barkley, widow of Robert Barkley, late of band, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia D. Gould, widow of George Gould, late of Company B, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie E. Ladd, widow of Edgar P. Ladd, late of Company E, First Regiment New York Mounted Rifles, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia L. Hawkins, widow of Charles J. Hawkins, late of Company L, Second Regiment New York Veteran Cavalry, and pay her a pension at the rate of $30 per month.

The name of Christella B. Lawrence, widow of Charles M. Lawrence, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The name of Susan B. Allen, widow of Edward N. Allen, late of Company I, Fifth Regiment New Jersey Infantry, and Company G, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha A. Bechtel, widow of Frederick Bechtel, late of Company G, Twenty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Ireland, widow of Thomas G. Ireland, late of Company D, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Patterson, widow of William Patterson, late of Company C, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret C. Todd, widow of Benjamin H. Todd, late of Company C, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susanna D. Tyler, widow of Thomas Tyler, late of Company G, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara E. Seaton, widow of Samuel M. Seaton, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret A. Robinson, widow of Henry L. Robinson, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The name of Mary Weller, helpless and dependent daughter of Charles Weller, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Victor Clark, helpless and dependent son of Robert B. Clark, late of Company A, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Rachel Peace, widow of Joseph Peace, jr., late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia Harvey, widow of George W. Harvey, late of Company I, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie E. Harvey, widow of Francis A. Harvey, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva B. Lynch, helpless and dependent daughter of Uriah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice May, widow of Charles H. May, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and Company H, Second Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $30 per month.

The name of Agnes Presho, widow of John Presho, late of Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sate L. Retan, former widow of Azariah C. Brundage, late of Company I, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lydia H. Squires, widow of Niram B. Squires, late of Company C, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret C. Westbrook, widow of Joshua Westbrook, late of Company K, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ursula Lamphier, widow of Alonzo M. Lamphier, late of Company E, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Vail, widow of John M. Vail, late of Company H, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Grubb, widow of David Grubb, late of Company A, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy E. Heller, widow of William Heller, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Brillhart, former widow of James Dunbar, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy Lamb, widow of Hiram Lamb, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen M. Brown, widow of Egbert D. Brown, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phebe A. Rice, widow of William Rice, late of Company M, First Regiment New York Veteran Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alphiald E. Park, widow of Sidney W. Park, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Prudence E. Bair, widow of George Bair, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phoebe E. Betts, former widow of George Halter, late of Company E, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy M. Burroughs, widow of William L. Burroughs, late of Companies K and C, Sixteenth Regiment Michigan Volunteer Infantry, and Company E, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Millie Burton, widow of John W. Burton, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elvesta E. Carper, widow of James W. Carper, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her

a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Dunn, widow of Francis W. Dunn, late of Company D, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Addie M. Jackson, widow of Thomas Jackson, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mell A. Jones, widow of Decatur Jones, late of Company C, Hoffman's Battalion Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katie Krieger, widow of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Pauline Lieball, former widow of William Kaiser, late of Companies E and D, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Nighswander, widow of Jacob Nighswander, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline Norton, widow of James A. Norton, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and adjutant, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora A. Overmire, widow of Albert Overmire, late of Company K, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Schwab, widow of John M. Schwab, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Stowe, widow of Frank Stowe, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara R. Stutsman, widow of Robert D. Stutsman, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary E. Wentz, widow of James H. Wentz, late of Company D, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Olive A. B. McLaughlin, widow of James W. McLaughlin, late of Captain Gilbert's Company C, Benton Cadets, Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Jones, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Lydia A. Lawrence, widow of James Lawrence, late of Twenty-first unattached company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy R. Robertson, widow of William Robertson, late of Company L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Anne Davis, widow of Thomas W. Davis, alias Thomas D. Evans, late ordinary seaman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cordelia Kite, widow of William H. H. Kite, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Allen, widow of James R. Allen, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sallie Cope, widow of Woodson Cope, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of William Woodby, helpless and dependent son of Hezekiah Woodby, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Susan A. Stout, widow of Alfred A. Stout, late of Company M, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Ellen Stout, helpless and dependent daughter of said Alfred A. and Susan A. Stout, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Susan A. Stout the name of said Ellen Stout shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Susan A. Stout.

The name of Lena Campbell, widow of Thomas W. Campbell, late sergeant, First Sharpshooters, attached to Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edith L. Howland, widow of Levi Howland, late major, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Sanders, widow of Josiah P. Sanders, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sadie Humphrey, widow of William W. Humphrey, late of Company F, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mae L. Cornell, helpless and dependent daughter of Rollin T. Cornell, late of Company B, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Thomas Sims, late of Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lillian Skidmore, widow of Joseph W. Skidmore, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ellen Buckley, widow of Bartholomew Buckley, late of Company I, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Zilpha J. Rowe, helpless and dependent daughter of David Rowe, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Cora E. Farrar, helpless and dependent daughter of George W. Berry, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Ida F. Knight, widow of Zebulon Knight, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice J. Selby, widow of Henry Dalton Selby, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Georgia A. Godwin, widow of Cornelius Godwin, late of Capt. William H. Smith's Company E, Third Battalion, First Regiment Kentucky Capital Guards, and pay her a pension at the rate of $30 per month.

The name of Sallie A. Palmore, widow of Frederick W. Palmore, late of Company H, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Scudder, widow of Elias Scudder, late of Company D, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna C. Tonnemacher, widow of Henry B. Tonnemacher, late of Company D, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Marker, former widow of Pinkney Dane, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Hall, widow of Alvey H. Brackett, alias Henry A. Clark, known as Henry Hall, late of Company A, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie L. Cantwell, widow of William A. Blood, late of Company H, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Mersereau, widow of Fayette Mersereau, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria H. Kame, widow of William T. Kame, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Keefer, widow of James A. Keefer, late of Company B, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia A. Springer, widow of John C. Springer, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Zimmerman, widow of William H. Zimmerman, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth J. Barton, widow of Henry O. Barton, late of Company C, First Regiment Michigan Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Julia Miller, helpless and dependent daughter of David Miller, late of Company I, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month.

The name of Mary L. Hershberger, widow of Eli Hershberger, late of Company G, One hundred and sixty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of R. Elvina McDonald, widow of George W. McDonald, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and Company K, Thirteenth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Cameron, widow of Alexander Cameron, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah Spring, former widow of George H. Spring, late of Company C, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca J. Crist, widow of Ervin Crist, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia Viets, widow of Seba Viets, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy A. McKinzie, widow of John W. McKinzie, late of Company C, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora Hubbard, helpless and dependent daughter of Adam Hubbard, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through a legally appointed guardian, in lieu of that she is now receiving.

The name of Mary J. Smith, widow of John Smith, late of Companies L and B, Seventy-seventh Regiment United States Colored Volunteer Infantry, and Company D, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Fitzsimmons, former widow of Jacob Engle, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth J. Hibler, widow of Louis P. Hibler, late of Company K, Sixty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Marion Lee, widow of David C. Lee, late artificer, B Battalion United States Engineers, and pay her a pension at the rate of $30 per month.

The name of Rebecca Backman, widow of Charles M. Backman, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minervie Thralls, widow of Joseph Thralls, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William Reynolds, helpless and dependent son of Elias Reynolds, late of Company F, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of James R. Maston, helpless and dependent son of James Maston, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary E. Lofton, widow of William A. B. Lofton, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa M. Johnson, widow of Edwin F. Johnson, late of Company B, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Angeline Hollowell, widow of Andrew J. Hollowell, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline E. Fetz, helpless and dependent daughter of Charles Fetz, late of Captain Brown's independent company, Indiana Legion, and Captain Adam Knapp's Company A, Seventh Regiment Indiana Legion, and pay her a pension at the rate of $20 per month.

The name of Sarah F. Esarey, widow of John C. Esarey, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Craig, widow of Amos Craig, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma E. Blake, widow of Thomas M. Blake, late of Company F, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Daniels, widow of William B. Daniels, late of Company C, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Genevria Hatheway, widow of Martin Hatheway, late of Battery C, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Ladson, former widow of John Hines, late of Company I, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hattie Johnson, widow of Franklin Johnson, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza C. Clark, widow of John W. Clark, late of Company D, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel L. Spencer, former widow of James H. Quillen, late of Company D, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy E. Quillen, helpless and dependent daughter of said James H. and Rachel L. Quillen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel L. Spencer, the name of said Nancy E. Quillen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rachel L. Spencer.

The name of Lewis C. Jones, helpless and dependent son of Thomas M. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Martha J. Lawyer, widow of Benjamin F. Lawyer, late of Company C, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George Taylor, helpless and dependent son of David Taylor, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of James H. Beaman, late unassigned, Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Samuel R. Proud, also known as Samuel Proud, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Adeline Ringelstein, widow of Augustus Ringelstein, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosanna A. Moe, widow of Augustus R. Moe, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan B. Churchill, widow of Elroy Churchill, late of Company A, First Regiment New York Mounted Rifles, and Company A, Twenty-third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Gowin, widow of David Gowin, late of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Gibbs, widow of Judson B. Gibbs, late of Company C, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Power, helpless and dependent daughter of Charles A. Power, late of Company D, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Susanna E. Shannon, widow of John T. Shannon, late of Company D, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Francis S. Haynes, alias Francis S. Reedy, late of Company H, Second Regiment Missouri Volunteer Cavalry, and Companies I and F, Forty-third Regiment Illinois Volunteer Infantry, and Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Margaret McCullough, widow of William McCullough, late of Company F, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Keller, helpless and dependent daughter of George W. Keller, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Annie Vandegrift, widow of George W. M. Vandegrift, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Daniel W. Roberts, late of Capt. Henry N. Cook's Boone County Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of William M. Silver, helpless and dependent son of Joshua J. Silver, late of Company H, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Amanda Hall, widow of Robert W. Hall, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isadora P. Roberts, former widow of William B. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Burton, former widow of Brice P. Colyer, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Hale, widow of John B. Hale, late colonel Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Walter H. Hale, helpless and dependent son of said John B. and Mary C. Hale, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Hale, the name of said Walter H. Hale shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary C. Hale.

The name of Sarah J. Alderson, widow of Francis M. Alderson, late of Capt. Charles F. Mayo's Company C, Forty-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Susan G. Caplinger, widow of Andrew J. Caplinger, late of Company K, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Francis C. Evans, widow of John R. Evans, late of Company A, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frederick Robb, late of Capt. Alexander Denny's company of Randolph, Howard, and Chariton Counties, Volunteer Militia of Missouri, and pay him a pension at the rate of $50 per month.

The name of Daniel Ransdale, late of Capt. Henry N. Cook's Boone County company, Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Sarah Fisher, widow of Elijah T. Fisher, late of Company E, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eunice C. Dearing, widow of Jacob M. Dearing, late of Capt. W. L. Webb's Company E, Sixty-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Taylor, widow of William F. Taylor, late of Companies M and K, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Nixon, widow of Edwin Nixon, late sergeant, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. McCabe, widow of John J. McCabe, late of Company C, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie A. Frazier, widow of Silas Frazier, late of Company B, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Grant, widow of Levi Grant, late of Company B, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice E. Deitrick, widow of John Deitrick, late of Company B, Seventh Regiment Pennsylvania Volunteer Reserve Infantry (Thirty-sixth Regiment Pennsylvania Volunteers), and Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah B. Davenport, widow of Shaderick G. Davenport, late of Company G, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Loucinda J. Dixon, widow of William E. Dixon, late of Company C, Fifty-second Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret C. Fortney, widow of Eli A. Fortney, late of Company F, Thirty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Hughes, widow of William Hughes, late seaman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances A. Neighbors, widow of George W. Neighbors, late of Company A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha H. Nunn, former widow of William H. F. Hiser, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Pardue, widow of John C. Pardue, late of company K, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Francis Payne, widow of Edgar Payne, late of Company B, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rachel E. Diehl, widow of Milton Diehl, late of Company G, Twenty-sixth Regiment Indiana Volunteer Imantry, Company H, Thirty-second Regiment United States Infantry, and Company H, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Virginia Griffith, widow of Charles W. Griffith, late of Company B, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Minesinger, widow of David N. Minesinger, late of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and Battery C, First Regiment Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise C. Kimberly, widow of Robert L. Kimberly, late colonel One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily E. Phillips, widow of Roff Phillips, late of Company A, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Morgan, widow of William G. Morgan, late of Company K, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Aroline H. Atwood, widow of Moses F. Atwood, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Permelia I. Winters, widow of William J. Winters, late of Company A, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Roena J. Vance, widow of Henry B. Vance, late of Company G, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nora B. Hardy, widow of John Q. Hardy, late of Company G, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Florence A. Rathbun, widow of Eben H. Rathbun, late of Company B, Seventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lovisa Buckley, widow of Philo Buckley, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda Jane Chesnutt, widow of Samuel Chesnutt, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Strickland, widow of Cyrus Strickland, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie M. Goss, widow of Richard Goss, late of Troop I, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joseph Alters, alias Joseph Alter, late of Company I, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Harriet Webber, widow of Walter J. Webber, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Patrick H. Bushnell, also known as Patrick Bushell, late of Company H, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Joey T. Dibble, widow of Ira Dibble, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah L. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Lottie J. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Dorthula E. Smith, widow of John R. Smith, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary L. Young, widow of George Young, late of Companies K and B, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie A. Cunningham, widow of Nason B. Cunningham, late of Company E, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nathan W. Hamilton, helpless and dependent son of Richard S. Hamilton, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Agnes Rayburn, widow of William H. Rayburn, late of Company I, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maggie Brown, helpless and dependeat daughter of Anderson Brown, late of Company D, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary D. Smith, widow of Channing Smith, late of Company A, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Theodora E. Eisenbart, widow of Casper A. Eisenbart, also known as Anton Eisenbart, late of Company D, Twenty-seventh Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Madison, widow of George R. Madison, late musician, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Sylvester, widow of William M. Sylvester, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Catherine Eichhorn, widow of George Eichhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Buckmaster, widow of James Buckmaster, late of Company M, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Moss, widow of James W. Moss, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva M. Fleck, widow of William H. Fleck, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriett L. Steele, widow of Samuel Steele, late of Company A, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Herbert, widow of Henry H. Herbert, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Jackson, former widow of Solomon Crabtree, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Mills, widow of William Mills, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. King, widow of Newton King, late of Company C, Fifty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Harris, widow of Moses Harris, late of Company H, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza Hatten, widow of Francis W. Hatten, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Jakes, widow of Nelson M. Jakes, late of Company D, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Kienle, widow of Ludwig Kienle, late of Company C, Ninetieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza J. Chenoweth, former widow of David R. Rinehart, late of Company I, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary N. Hoagland, widow of Alexander Hoagland, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frederick Kidwiler, late teamster, Quartermaster Department, United States Army, Civil War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of James H. Osborn, late of Capt. M. T. Haller's company of scouts, Barbour County, West Virginia State Troops, Civil War, and pay him a pension at the rate of $50 per month.

The name of Mary A. E. Howard, widow of John H. Howard, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rachel B. Platter, widow of Henry B. Platter, late of Company A, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary V. Reed, widow of William Reed, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda E. Koons, helpless and dependent daughter of Samuel Koons, late of Company F, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia, and pay her a pension at the rate of $20 per month.

The name of Nettie Truman, widow of William Truman, late of Company E, Thirty-third and Eleventh Regiments Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Behymer, widow of Thomas J. Behymer, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Wurtsbaugh, widow of John Wurtsbaugh, late of Company C, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora S. Weeks, widow of Oliver W. Weeks, late of Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna F. Quinn, former widow of David P. Quinn, late of Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melissa Kitchen, widow of George Kitchen, late of Company E, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Frances M. Armstrong, widow of Franklin Armstrong, late of Company D, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cora E. Shomo, widow of Joseph H. Shomo, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Dorrance D. Shomo, helpless and dependent son of said Joseph H. and Cora E. Shomo, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Cora E. Shomo the name of said Dorrance D. Shomo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Cora E. Shomo.

The name of Mary P. Gourlay, widow of Norman Gourlay, late of Company A, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Orpha H. Lawton, widow of James Lawton, late of Company D, One hundred and eighty-fifth Regiment New York Volunteer Infantry, One hundred and twenty-first Regiment New York Infantry, Company I, Sixty-fifth Regiment New York Infantry, and Battery I, Fourth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Anna J. Bishop, widow of John Bishop, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta D. Washburn, widow of Ira Washburn, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Priscilla A. Fuller, widow of William M. Fuller, late of Company L, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Wilson, widow of Jacob E. Wilson, late of Company E, Third Regiment Missouri State Militia Cavalry, and Company M, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Christena E. Waitman, widow of Francis M. Waitman, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah I. Axline, widow of John T. Axline, late of Company B, Second Battalion Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cornelia Kennett, widow of John F. Kennett, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida McAllister, widow of James McAllister, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emily C. Minturn, widow of Daniel F. Minturn, late of Company D, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Litzel, widow of Peter Litzel, late of Company E, Eleventh Regiment, and Company I, Eighty-ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Miriam C. Buck, widow of Erastus A. Buck, late of Captain Graham's Cavalry company, attached to Fourteenth Regiment Missouri Infantry (H. G.), and pay her a pension at the rate of $30 per month.

The name of Sarah C. Gross, widow of Reuben Gross, late of Company F, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Gale, widow of Rufus Gale, late of commissary, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha A. Culbertson, widow of Joseph A. Culbertson, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and Company H, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nettie McDowell, widow of William T. McDowell, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances E. Taylor, widow of Thomas E. Taylor, late of Company F, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Paulina Rochelle, now Paulina Whitehead, former widow of John Rochelle, late of Company F, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rilla J. White, widow of Wesley B. White, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minerva R. Connelly, widow of Russell Connelly, late of Company H, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Brown, widow of Joseph H. Brown, late of Company E, One hundred and sixty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Loda Shuler, widow of Andrew J. Shuler, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Marble, former widow of James Boyd, late musician, band, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. Whiting, widow of James Whiting, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Webbert, widow of David Webbert, late of Company G, One hundred and thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Spencer, widow of William Spencer, late of Company F, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joseph Greenwood, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Laura A. Moore, widow of Orton Moore, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Charles H. Putnam, late of Capt. James O. Chandler's company, National Guard New Hampshire Militia, and pay him a pension at the rate of $50 per month.

The name of Sarah F. Buck, widow of Sewell M. Buck, late of Company F, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Hildreth, widow of George V. Hildreth, late of Company E, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine E. Grant, widow of James P. Grant, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Madora A. Lander, widow of Eldridge T. Lander, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Erwin C. Rose, helpless and dependent son of Thomas S. Rose, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Rachel B. Smart, widow of James C. Smart, late of Companies I and E, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Powell, widow of Sylvestus Powell, late of Battery F, First Regiment West Virginia Light Artillery, and Company B, Seventh Regiment West Virginia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jemima Mechling, widow of George Mechling, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry,

and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mollie S. Hutchinson, widow of William Hutchinson, late of Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice R. Holmes, widow of Bartholomew Holmes, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Jellison, widow of William Jellison, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Polly A. King, widow of Mathias P. King, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda Bush, widow of Henry Bush, late of Company K, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah F. Berry, widow of William Berry, late of Captain Gilbreath's company Alabama Scouts and Guides, and pay her a pension at the rate of $30 per month.

The name of Laura V. Adams, widow of Wiley Adams, late of Company G, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Marietta Bishop, former widow of Henry H. Crocker, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Diana M. Oakley, widow of William C. Oakley, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lillian B. Ramsdell, widow of John B. Ramsdell, late of Company B, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances H. Underwood, widow of George D. Underwood, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Burrell, widow of James Burrell, late of Company A, Thirty-eighth Regiment Iowa Volunteer Infantry, and Company F, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adile Hemmings, widow of Charles T. Hemmings, late of Company I, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth J. Chambers, widow of Henry Chambers, late of Company K, Twelfth and Twenty-seventh Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy W. Fuller, widow of William B. Fuller, alias William Benton, late of Company C, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Thompson, widow of Charles D. Thompson, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Magdalene Emrich, widow of William F. Emrich, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emogene E. Perrin, widow of Amos D. Perrin, late of Company I, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Ahern, widow of Patrick F. Ahern, alias Patrick Herring, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah H. Luffbarry, widow of James L. Luffbarry, late of Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Bunch, widow of John Bunch, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and Ninety-eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leamon Bunch, helpless and dependent son of said John and Mary J. Bunch, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Bunch, the name of said Leamon Bunch shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary J. Bunch.

The name of Mary M. Oney, widow of Bedford Oney, late of Companies G and K, Seventh Regiment Missouri State Militia Cavalry, and Company H, Ninth United States Veteran Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lutheria Bachelder, widow of Charles M. Bachelder, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Esther Huntress, widow of Wilbur H. Huntress, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan O. Adams, widow of Solomon H. Adams, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophronia Burden, widow of William Burden, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda J. Eubanks, widow of William Eubanks, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Hatton, widow of Sylvester F. Hatton, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Martha E. Henderson, widow of Francis M. Henderson, late of Company H, Fourteenth Regiment, and Company M, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Hester, widow of James H. Hester, late of Company D, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth M. Miller, widow of Franklin Miller, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Nelson, widow of Gabriel Nelson, late of Company E, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Persiller Parmley, widow of John R. Parmley, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eady Elizabeth Ripple, former widow of James D. Harryman, late of Company K, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elda L. Rutherford, helpless and dependent daughter of Fielding L. Rutherford, late of Company G, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Martha V. Smith, widow of Levi Smith, late of Company C, Fourteenth Regiment Missouri State Militia Cavalry, and Company H, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Walp, widow of Nathan Walp, late of Company D, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia A. Wagner, widow of Levi Wagner, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Tuttle, widow of Edward P. Tuttle, late of Company B, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Brooker, widow of Ambrose Brooker, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza M. Vail, widow of John Vail, late of Company A, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Livonia Rodgers, widow of Nelson P. Rodgers, late of Company K, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hester C. True, widow of John A. True, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Dorman, widow of John E. Dorman, late of Company B, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda Arnold, widow of Alvin Arnold, late of Company G, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Wisehart, widow of Joshua R. Wisehart, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Wilsey, widow of Charles H. Wilsey, late of Company K, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Kingsbury, widow of Lemuel Kingsbury, late unassigned, Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth L. Lloyd, widow of William E. Lloyd, late of Company D, Fourth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Beck, widow of Henry Beck, late of Company G, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline Riley, widow of Edward Riley, late of Company F, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melvina D. Story, widow of Orrin Story, late of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Barton, widow of Alexander Barton, late of Company D, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Shellenberger, widow of Filbert Shellenberger, late of Company K, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily Plunket, widow of Jesse Plunket, late of Company E, Fifty-third Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan M. Capehart, widow of Reuben M. Capehart, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Hamilton, widow of William W. Hamilton, late of Company F, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda R. Frank, widow of Morris T. Frank, late of Twenty-fifth Battery Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Luella Sutton, widow of Charles Sutton, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abby E. Trussell, widow of Augustus J. Trussell, late of Company A, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of S. Angeline Wheeler, widow of Lemuel M. Wheeler, late of Battery G, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret R. Skidmore, widow of Hiram Skidmore, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah M. Atha, widow of William P. Atha, late of Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Frances A. Horr, widow of Llewellyn Horr, late of Company F, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Sutton, widow of Nathaniel A. Sutton, late of Company I, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Priscilla Redman, widow of Absalom R. Redman, late of Company A, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah P. Deem, widow of Edward W. Deem, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eldora Howard, widow of Jerry Howard, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Joslin, widow of William Joslin, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth T. Douglass, widow of William Douglass, late of Company D, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Pemberton, widow of Stephen C. Pemberton, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bertha L. Pemberton, helpless and dependent daughter of said Stephen C. and Mary A. Pemberton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Pemberton, the name of said Bertha L. Pemberton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Pemberton.

The name of Fannie Nier, widow of John Nier, late of Company H, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emily J. McGee, widow of Thomas McGee, late of Company D, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane A. Shelton, widow of William T. Shelton, late of Company F, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna M. Lohnes, widow of John P. Lohnes, late of Company D, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lois L. Andrews, widow of Henry D. Andrews, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Gleason, widow of John Gleason, late of Companies G and F, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan V. Rogers, widow of Charles W. Rogers, late of Company C, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret F. Brunner, widow of Philip M. Brunner, late of Company H, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Lilly, widow of Byron Lilly, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cordelia A. Wilson, widow of Thomas R. Wilson, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ellen Montis, widow of Sol Montis, late of Company F, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Samantha McCann, widow of Spencer McCann, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and Company I, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca M. Reese, widow of Austin D. Reese, late of Company I, One hundred and forty-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anne Jones, widow of Daniel L. Jones, late of Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah C. Hughes, widow of George H. Hughes, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna M. Smith, widow of Charles E. Smith, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline McAnaney, widow of Patrick H. McAnaney, late of Company H, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret H. Diehl, widow of Jacob Diehl, late of Company C, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie E. Fryer, widow of David F. Fryer, late of Company D, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phedora J. Black, former widow of John L. Black, late of Company K, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda Hester, former widow of Alexander C. Noble, late of Company A, Eleventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophia Fahr, widow of George Fahr, late of Company B, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophie Atkinson, widow of William F. Atkinson, late of Company A, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Emma T. Ball, widow of George W. Ball, late of Ninth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sallie Radford, widow of Samuel F. Radford, late of Company K, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary M. Allison, widow of James W. Allison, late of Company E, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances A. Burdsal, widow of Caleb S. Burdsal, jr., late of Captain McClain's Independent Battery, Colorado Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice A. Minick, widow of John S. Minick, late of Company D, Fifth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adah I. Tomlinson, widow of Robert W. Tomlinson, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Watkins, widow of Oliver M. Watkins, late of Company G, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria Forstmeyer, widow of Emil Forstmeyer, late assistant surgeon, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Thoman, widow of Louis Thoman, late of Company H, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dora Brückner, widow of Richard Brückner, late of Company G, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agness N. Aldridge, widow of William T. Aldridge, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Risby J. McLaughlin, widow of William D. McLaughlin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sadie A. Nolf, widow of David H. Nolf, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy J. Popejoy, widow of John S. Popejoy, late of Companies A and H, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary M. Oody, widow of John Oody, late of Company C, First Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Andrews, helpless and dependent daughter of Joseph M. Andrews, late of Company C, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary Ann Rogers, widow of Henry H. Rogers, late of Company C, Eighth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Armstrong, widow of John W. Armstrong, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Collins, widow of Thomas L. Collins, late of Company F, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Fisher, widow of William F. Fisher, late of Company M, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clara Nichols, helpless and dependent daughter of John Nichols, late of Company A, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of John E. Markley, late of Company E, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and Company K, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amelia Miller, widow of Emanuel Miller, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Speer, former widow of Felix Obanion, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret A. Parks, widow of Henry F. Parks, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Maggie Garner, widow of Joseph Garner, late of Company B, Thirty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie Dickinson, helpless and dependent daughter of James D. Dickinson, late of Company D, Seventeenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary D. Fisk, widow of Archie C. Fisk, late captain and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Michael Bibus, late of Captain Houck's artillery company, Sixty-fifth Regiment New York National Guards, and Company C, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of Phoebe S. Deardourff, widow of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Coburn, widow of David J. Coburn, late of Company B, Eleventh Regiment Ohio Volunteer Infantry, and Company E, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Pemble, former widow of George W. Brush, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Horace G. Sherman, helpless and dependent son of Leroy Sherman, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Phebe Goldsberry, widow of John V. Goldsberry, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia L. Willcox, widow of Cyrenius A. Willcox, late of Company B, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy I. Martin, widow of Ezekiel Martin, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Bliss, widow of Samuel Bliss, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Beverage, widow of Rufus M. Beverage, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura E. Reynolds, widow of John Reynolds, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Hudson, widow of William H. Hudson, late of Company D, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Geary, widow of Paul Geary, late of Company A, Sixty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Good, widow of John Good, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Oaster, widow of Peter L. Oaster, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie E. Starry, widow of Jerome B. Starry, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia A. Stare, widow of John A. Stare, late of Company A, One hundred and sixty-sixth Regiment Pennsylvania Drafted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Shauck, widow of Agrippa Shauck, late of Captain Luther's unassigned company, Pennsylvania Drafted Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joanna A. Lawrence, widow of George W. Lawrence, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving

The name of Sallie C. Stahl, widow of George W. Stahl, late of Company C, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia Ann Carver, widow of William G. Carver, late of Company I, Thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary B. Carver, helpless and dependent daughter of said William G. and Julia Ann Carver, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia Ann Carver, the name of said Mary B. Carver shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Julia Ann Carver.

The name of Nancy P. Andrus, widow of Orrin R. Andrus, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose Moten, widow of Samuel Moten, late of Company C, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dicie C. Alexander, helpless and dependent daughter of Franklin Alexander, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Kirk, widow of William M. Kirk, late of Company E, Hickory County Battalion Missouri Home Guards, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa H. Rush, widow of James Rush, alias Lawrence Routch, late of Company E, Fourth Regiment West Virginia Volunteer Cavalry, Company D, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and Company D, Sixty-fourth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie J. Wyrick, widow of Henry H. Wyrick, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Seward Garthwaite, helpless and dependent son of William E. Garthwaite, late of Company H, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Julia C. Johnson, widow of Gilbert Johnson, late of Company I, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mabel E. Callahan, helpless and dependent daughter of George W. Callahan, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and sergeant, Signal Corps, United States Army, and pay her a pension at the rate of $20 per month.

The name of Ella Wallace, helpless and dependent daughter of John Wallace, late of Company H, Third Battalion, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Sarah V. Johnson, widow of Francis M. Johnson, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Marks, widow of Francis R. Marks, late of Company A, McLaughlin's squadron Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of John B. Lang, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Editha F. Berry, widow of Reuben T. Berry, late of Company M, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia J. Warburton, helpless and dependent daughter of John B. Warburton, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Belle Mifflin, widow of Josiah C. Mifflin, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Marvin, widow of Charles M. Marvin, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan K. Stork, widow of George N. Stork, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine A. Albee, widow of William H. Albee, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Martin, widow of Robert Martin, late of Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen E. Webb, former widow of George H. Webb, late of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Bannister, widow of Martin W. Bannister, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura Nonemaker, widow of William Y. Nonemaker, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophia Hoffman, widow of David Hoffman, late of Company D, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Muzzy, widow of Harrison C. Muzzy, late of Company H, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Keeler, widow of Orlando D. Keeler, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Wilder, widow of J. Prescott Wilder, late of Seventh Battery Massachusetts Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza A. Frost, widow of Nathaniel E. Frost, late of Company A, One hundred and thirty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily F. Du Bois, widow of Daniel Du Bois, late of Company L, Second Regiment Missouri Volunteer Cavalry, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emogene Warden, widow of Nathan C. Warden, late of Company C, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Gertrude Rank, widow of Adam Rank, late of Company H, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susanna Cutshaw, widow of William Cutshaw, late of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Etta Vanzant, widow of George W. Vanzant, late of Company G, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucinda B. Burbridge, widow of Ignatius C. Burbridge, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charles R. Booth, helpless and dependent son of Edward Booth, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Susan A. Kuhn, helpless and dependent daughter of Andrew L. Kuhn, late of Company F, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Synethia Freeman, widow of Seth Freeman, late of Company C, Second Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sallie Garland, helpless and dependent daughter of John P. Garland, late of Company E, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary E. Harris, widow of Henry W. Harris, late of Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Arophine C. Knox, widow of John R. Knox, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Helen Underwood, widow of Lloyd Underwood, late of Company C, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy A. Stewart, widow of Thomas Stewart, late of Company B, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Allen, widow of John Allen, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jerry Allen, helpless and dependent son of said John and Mary E. Allen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Allen, the name of said Jerry Allen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Allen.

The name of Anna E. Brewster, widow of Elias Brewster, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Peck, widow of James S. Peck, late of Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nannie E. Bowman, former widow of David Mehaffy, late of Independent Battery B, Pennsylvania Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Matilda J. Adams, widow of Andrew J. Adams, late of Company B, Seventh Regiment Indiana Volunteer Infantry, and Company H, Ninety-ninth Regiment Indiana Volunteer Infantry, and Company K, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Christina Muller, widow of John Muller, late of Companies G and C, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ann Boggs, widow of Oliver P. Boggs, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary M. Eaton, widow of Ivers W. Eaton, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Miller, widow of Mathew Miller, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes Jones, widow of Phineas Jones, late of Company C, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Reedy, widow of George W. Reedy, late of Company E, Thirteenth Regiment Kansas Volunteer Infantry, and Company B, First Battalion, Kansas Veteran Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Palmer, widow of William W. Palmer, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline Macaw, widow of William Macaw, alias Magraw, alias William McGraw, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, Company G, Seventy-sixth Regiment, and Company A, Ninety-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emily Ray, widow of Wesley Ray, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Delia Bertrand, widow of Isaac C. Bertrand, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Inez L. Hoxsie, helpless and dependent daughter of Christopher J. Hoxsie, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of Caroline Cox, widow of Edward Cox, late of First Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adam L. Foley, helpless and dependent son of Thomas Foley, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian in lieu of that he is now receiving.

The name of Dessie M. Johnson, widow of Edmund Johnson, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Croshier, widow of Isaac A. Croshier, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma L. Jesser, former widow of John J. Davy, late of Company A, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie N. Fitzpatrick, widow of Michael Fitzpatrick, late of Company A, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Corwin, widow of George W. Corwin, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth L. Conklin, widow of John H. Conklin, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Carpenter, widow of Albert R. Carpenter, late of Company E, Seventy-first Regiment New York State Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Christofa Preston, widow of William T. Preston, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Garthwait, widow of Oliver C. Garthwait, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Zimmerman, known as Mary J. Zinnerman, widow of Jacob Zimmerman, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Fuller, widow of Marshall C. Fuller, late of Company I, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Nutting, widow of Daniel W. Nutting, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Adams, widow of Thomas H. Adams, late of Company I, United States Voltigeurs, and Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Janes, widow of Thomas Janes, late of Company I, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Russell, widow of Charles L. Russell, late of Company I, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. Moore, widow of Robert Moore, late of Company A, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Kate A. Fowler, widow of Lewis Fowler, alias Lewis Winslow, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen M. Brown, widow of Uriah P. Brown, late of Company K, Forty-sixth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta Mattimore, helpless and dependent daughter of Barney B. Mattimore, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary L. Reither, widow of John T. Reither, late of Company A, One hundredth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isabell Congo, widow of Charles Congo, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Donohue, widow of Reuben S. Donohue, late of Company C, Ninth Regiment, West Virginia Volunteer Infantry, and Company C, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of $30 per month.

The name of Celia Ann Powell, widow of Ambrose C. Powell, late of Company A, Second Regiment Florida Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Oliver H. Callam, helpless and dependent son of Augustus Callam, late of Company E, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Julia H. Platt, widow of George A. Platt, late of Company D, One hundred and forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Polly Saylor, widow of Samuel Saylor, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Addie Allen, widow of William Allen, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. R. Simmermaker, widow of Phillip Simmermaker, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rutha M. E. Standage, widow of William W. Standage, late of Company I, Fourteenth Regiment Illinois Volunteer Infantry, and Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Francis Back, former widow of John Fehr, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha L. Jackson, widow of Sylvador Jackson, late special agent and acting provost marshal, thirteenth Ohio district, and pay her a pension at the rate of $30 per month.

The name of Isabell A. Hulit, widow of William A. Hulit, late of Company A, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Piper, widow of Henry B. Piper, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda Toot, widow of William Toot, late of Company F, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Koch, widow of George Koch, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Snyder, widow of William Snyder, late of Company B, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emaline Sloat, widow of Frederick Sloat, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Stough, widow of Adam F. Stough, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Snyder, widow of Christian H. Snyder, late of Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Snyder, helpless and dependent son of said Christian H. and Mary A. Snyder, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Snyder the name of said William M. Snyder shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Snyder.

The name of Rose Wernig, helpless and dependent daughter of John P. Wernig, alias Werrick, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The name of John E. T. Ward, helpless and dependent son of Ezra McD. Ward, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The name of Mary D. Walls, former widow of Robert A. Patterson, late of Company C, Eleventh Regiment Tennessee Cavalry, and Company I, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

This bill is a substitute for the following House bills referred to Committee on Invalid Pensions:

H. R. 504. Mary F. Randall.
H. R. 505. Sarah C. Webb.
H. R. 508. Mary Cole.
H. R. 513. Mary A. Patton.
H. R. 514. Maude E. Riggs.
H. R. 516. Susan F. Rutherford.
H. R. 526. Viola H. Pugh.
H. R. 527. Bethena Starkey.
H. R. 528. Harriet E. Tally.
H. R. 529. Sarah C. Peterson.
H. R. 544. Mariam Breeze.
H. R. 547. Ann M. Barker.
H. R. 552. Anna E. Crawford.
H. R. 553. Rachel A. Dennis.
H. R. 554. Helen M. Farley.
H. R. 555. Mary J. Hedinger.
H. R. 559. Gideon C. Lewis.
H. R. 563. Mary N. Moody.
H. R. 566. Abbie Osborn.
H. R. 568. Jennie Pratt.
H. R. 584. Mania Vartanian.
H. R. 599. Mary Fitchett.
H. R. 620. Harriet G. Albro.
H. R. 621. Caroline McGough.
H. R. 622. Eleanora E. Seymour.
H. R. 624. Mary A. Winsor.
H. R. 635. Mary Bennett.
H. R. 646. Nellie L. Grady.
H. R. 650. Jennie Allen.
H. R. 651. Frances McAnnany.
H. R. 663. Jessie E. Diggery.
H. R. 683. Sarah E. Compton.
H. R. 684. Minnie Dawson.
H. R. 685. Mary C. Simmons.
H. R. 686. Harriet Vosburg.
H. R. 688. Levina Lebert.
H. R. 689. Emma Justice.
H. R. 690. Mattie Hepler.
H. R. 692. Magdalena Wilber.
H. R. 710. Nancy Stanton.
H. R. 716. Annie M. Heckaman.
H. R. 745. Annie Johnson.
H. R. 763. Herman Wagner, alias Henry Burnett.
H. R. 767. Christina Maxworthy.
H. R. 768. Cora Ford.
H. R. 769. Charles R. Gillam.
H. R. 773. Caroline C. Bower.
H. R. 774. Nellie Chalmers.
H. R. 775. Mary E. Cummins.
H. R. 776. Kate Payler.
H. R. 777. Lucelia M. Strunk.
H. R. 778. Mildred Renwick.
H. R. 793. Henry P. Hull.
H. R. 796. Richard King.
H. R. 822. Arthur S. Belcher, alias William Prescott.
H. R. 844. Emily H. Barden.
H. R. 845. Laura I. Washburn.
H. R. 847. Lucinda M. Irish.
H. R. 848. Lizzie E. Streeter.
H. R. 849. Maggie L. Cray.
H. R. 850. Helen F. Miller.
H. R. 851. Emma F. Niles.
H. R. 852. Azzaline M. Bogle.
H. R. 853. Josephine H. Green.
H. R. 854. Abbie J. Pierson.
H. R. 855. Emma L. Knapp.
H. R. 856. Elmina H. Streeter.
H. R. 857. Charlotte M. Combs.
H. R. 858. Mary H. Hight.
H. R. 859. Jane L. McNichols.
H. R. 877. Louisa W. Kohser.
H. R. 879. Emily J. Hormel.
H. R. 888. Susan E. Darrough.
H. R. 889. Frederick O. Overlock.
H. R. 896. Charles E. Campbell, alias Ebein Campbell.
H. R. 897. Mary E. Sherbondy.
H. R. 906. Angeline Stuck.
H. R. 907. Lodemia Speelman.
H. R. 908. John A. Swarts.
H. R. 913. Margaret J. Johnson.
H. R. 917. Adaline E. Robbins.
H. R. 918. Elizabeth R. Noll.
H. R. 919. Alice J. Stebbins.
H. R. 920. Melvina A. Horner.
H. R. 921. Mary Jane Bates.
H. R. 922. Evaleen M. Davidson.
H. R. 926. Elizabeth Nye.
H. R. 931. Emma J. Whipple.
H. R. 932. Katharine Whitaker.
H. R. 937. Sarah Blodgett.
H. R. 940. Dorcas Quigley.
H. R. 952. Ida Wilkinson.
H. R. 955. Emma C. Alton.
H. R. 963. Sallie E. Copeland.
H. R. 966. Ruth B. Adamson.
H. R. 967. Priscilla A. Atwood.
H. R. 968. Sarah E. Beatty.
H. R. 971. Sarah L. Darr.
H. R. 973. Lizzie J. Fagin.
H. R. 974. Anne L. Fomorin.
H. R. 975. Maggie Flora.
H. R. 979. Rebecca A. Kidd.
H. R. 980. Mary H. Kline.
H. R. 982. Anna McCann.
H. R. 983. Clarinda Moore.
H. R. 984. Anna E. Reeves.
H. R. 987. Margaret A. Taylor.
H. R. 988. Mary A. Taylor.
H. R. 989. Jennie S. Titus.
H. R. 990. Lucinda D. Woods.
H. R. 993. Harriet Beisel.
H. R. 1000. Anna B. Eicher.
H. R. 1003. Virginia A. Harris.

H. R. 1004. Emma Hayden.
H. R. 1011. Eunice A. Myers.
H. R. 1025. Eliza J. Weimer.
H. R. 1026. Sarah E. Wilderman.
H. R. 1027. Rachel Wood.
H. R. 1044. Harriet M. Hoover.
H. R. 1045. Susan Kemberlin.
H. R. 1046. Mary J. Chisholm.
H. R. 1047. Martha Cox.
H. R. 1055. Euphemia Brady.
H. R. 1060. Adaline M. Shaub.
H. R. 1064. Louise Hatch.
H. R. 1074. Ida M. Uline.
H. R. 1075. Carrie S. Baxter.
H. R. 1076. William J. Finley.
H. R. 1079. Mary L. Kinsey.
H. R. 1080. Jessie F. Loughridge.
H. R. 1082. William W. Shock.
H. R. 1111. Hester R. Michael.
H. R. 1112. Edwina B. Kemp.
H. R. 1114. Margaret E. Haviland.
H. R. 1115. Mary J. Clark.
H. R. 1119. John B. Blouse.
H. R. 1120. Eliza J. Blouse.
H. R. 1124. Katherine White.
H. R. 1127. Carrie E. Miett.
H. R. 1146. Nellie B. Ainsworth.
H. R. 1148. Mary L. Harvey.
H. R. 1159. Mary Bershig.
H. R. 1176. Blanche J. Barnard.
H. R. 1177. Sophia J. Bartram.
H. R. 1178. Ellen E. Bechtel.
H. R. 1179. Mary Eliza Brewster.
H. R. 1182. Delia A. Castle.
H. R. 1183. Mary E. Clark.
H. R. 1184. Julia E. Cook.
H. R. 1185. Annie D. Delavan.
H. R. 1186. Ellen W. Gregory.
H. R. 1187. Elnora S. Halligan.
H. R. 1188. Emma L. Jimmerson.
H. R. 1189. Jane Johnson.
H. R. 1190. Jennie Meyer.
H. R. 1191. Lida M. Osborn.
H. R. 1192. Mary E. Read.
H. R. 1194. Louisa D. Smith.
H. R. 1209. Thirza C. Gifford.
H. R. 1224. Lucy M. Walker.
H. R. 1225. John Wilkinson.
H. R. 1319. Mary V. Rankins.
H. R. 1320. Deborah A. Baker.
H. R. 1325. Anna Smith.
H. R. 1327. James O. Dunnagan, alias William Parker.
H. R. 1337. Lora M. Brewer.
H. R. 1342. Eunice Ellis.
H. R. 1345. Charles S. Francis.
H. R. 1347. Caroline W. Hershberger.
H. R. 1348. Savannah Huffmire.
H. R. 1351. Martha Johnson.
H. R. 1352. Albert M. Kirby.
H. R. 1355. Mary E. McJunkins.
H. R. 1357. Lucinda E. Miller.
H. R. 1360. Elizabeth B. Painter.
H. R. 1361. Mary A. Rodgers.
H. R. 1362. Phoebe A. Ross.
H. R. 1363. Rebecca Scott.
H. R. 1364. Isabel Shurr.
H. R. 1366. Kezia Tiller.
H. R. 1372. Amelia A. Wood.
H. R. 1374. Eliza A. Holtz.
H. R. 1375. Ann Eliza Pike.
H. R. 1383. John Nidey.
H. R. 1404. Mary J. Hodgkins.
H. R. 1405. Adaline R. Springer.
H. R. 1406. Susan O. Jellison.
H. R. 1410. Anna L. Adams.
H. R. 1411. Mary J. Alton.
H. R. 1412. John V. Evans.
H. R. 1413. Ellen Lessing.
H. R. 1414. Lettie Painter.
H. R. 1417. Nancy C. Jones.
H. R. 1418. Almira E. McArron.
H. R. 1419. Lucinda E. Spillman.
H. R. 1424. Mary H. Willcox.
H. R. 1426. Mary Elizabeth Weller.
H. R. 1427. Melia A. Parker.
H. R. 1429. Adaline Minsing.
H. R. 1432. Mary L. Glidden.
H. R. 1435. David S. Barnhart.
H. R. 1438. Mary M. Town.
H. R. 1443. Frances Blakeley.
H. R. 1444. Serena Bean.
H. R. 1446. Helena Dearborn.
H. R. 1447. Margaret Force.
H. R. 1448. Emily J. Foust.
H. R. 1449. Mary E. Gray.
H. R. 1450. S. Celestia Hunt.
H. R. 1453. Caroline I. Minneley.
H. R. 1454. Adelle Parker.
H. R. 1456. Elizabeth W. Smith.
H. R. 1469. Jennie C. Gorton.
H. R. 1470. Lewis M Kuhns.
H. R. 1472. Maria L. Stewart.
H. R. 1475. Margaret M. Altman.
H. R. 1479. Hannah J. Kerr.
H. R. 1483. Margaret C. Wile.
H. R. 1490. Catherine F. Edsall.
H. R. 1531. Jennie O'Donahue.
H. R. 1532. Margaret J. Relyea.
H. R. 1545. Tina C. Baker.
H. R. 1555. Laura C. Crawford.
H. R. 1570. Elizabeth S. Jones.
H. R. 1585. Sarah A. Chadwick.
H. R. 1587. Dora K. Flaherty.
H. R. 1589. Katherine L. R. Parker.
H. R. 1609. Mary L. Daniels.
H. R. 1610. Margaret S. Morrall.
H. R. 1613. Maria E. Ross.
H. R. 1617. Harriet C. Bristol.
H. R. 1618. Julia F. Browning.
H. R. 1619. Rose E. Cain.
H. R. 1620. Anna Crosby.
H. R. 1621. Hittie Davis.
H. R. 1622. Mary C. Dooley.
H. R. 1623. Victoria M. Dean.
H. R. 1624. Mary A. Fife.
H. R. 1625. Alice Fern.
H. R. 1626. Rose A. Ferguson.
H. R. 1628. Mary Gorman.
H. R. 1629. Philippine Hatzler.
H. R. 1633. Ellen Manix.
H. R. 1634. Josephine McDonald.
H. R. 1635. Jennie Miller.
H. R. 1637. Alice L. Pond.
H. R. 1668. Mary E. Rittenhouse.
H. R. 1670. Amy A. Purdy.
H. R. 1671. Harry E. Galusha.
H. R. 1675. Kate H. Garvin.
H. R. 1677. Elizabeth Lambert.
H. R. 1678. Emma S. Gray.
H. R. 1680. Virginia S. Lewis.
H. R. 1700. Susan McDonald.
H. R. 1701. Elizabeth Jamison.
H. R. 1706. Nancy J. Sheay.
H. R. 1707. Mary E. Martin.
H. R. 1708. Eva Briggs.
H. R. 1714. Rose McKenzie.
H. R. 1715. William R. Plessner.
H. R. 1716. Vernie Pope.
H. R. 1732. Martha Wilcox.
H. R. 1734. Emily Brune.
H. R. 1737. Oliver Ellis.
H. R. 1740. Jennie Wagner.
H. R. 1744. Eliza Price.
H. R. 1746. Ellen Williams.
H. R. 1747. Emma J. Frogg, now Burke.
H. R. 1749. Laura J. Hicks.
H. R. 1750. Frances Miller.
H. R. 1751. Elizabeth Bradford.
H. R. 1760. Sarah J. Sherman.
H. R. 1761. Gesina Schell.
H. R. 1764. Jane Laugerak.
H. R. 1766. Jane Garrett.
H. R. 1767. Elizabeth A. Guild.
H. R. 1774. Sarah J. West.
H. R. 1775. Julia A. Woodard.
H. R. 1776. Mary Hague.
H. R. 1779. Nellie R. Brackett.
H. R. 1785. Ellen Carr.
H. R. 1791. Margaret J. Hambaugh.
H. R. 1792. Louisa J. Honaker.
H. R. 1795. Martha M. Lane.
H. R. 1796. Clara A. Loomis.
H. R. 1797. Mary E. Lowe.
H. R. 1799. Julia Moomaw.
H. R. 1806. Emsey O. Young.
H. R. 1814. Lidda J. Clark.
H. R. 1819. Sarah J. Wickham.
H. R. 1820. Amanda M. Armstrong.
H. R. 1821. Sarah M. Boyle.
H. R. 1824. Rebecca Odell.
H. R. 1837. Harriet D. Waterson.
H. R. 1838. Anna J. Manuel.
H. R. 1839. Polly F. Gould.
H. R. 1853. Henrietta Pabst, now Harenberg.
H. R. 1854. Patience A. Karnes.
H. R. 1855. Hattie Geske.
H. R. 1856. Lillie Geske.
H. R. 1860. Julia Beckley.
H. R. 1863. Elizabeth Stedman.
H. R. 1866. Nancy O. Vale.
H. R. 1872. Elizabeth Pugh.
H. R. 1873. Marinda Smith.
H. R. 1874. Sheridan McDaniel.
H. R. 1880. Mary R. Hamilton.
H. R. 1888. Elizabeth Snyder.
H. R. 1908. Julian Embick.
H. R. 1919. Jane E. Burwell.
H. R. 1925. Margaret Beck.
H. R. 1926. Frances M. Loper.
H. R. 1928. Julia M. Murphy.
H. R. 1929. Nellie Troost.
H. R. 1940. Elizabeth Siegler.
H. R. 1956. Sarah F. Spencer.
H. R. 1958. Priscilla Chandler.
H. R. 1968. Alice Cox.
H. R. 1969. Maria Crowl.
H. R. 1976. Bridget Mathews.
H. R. 1988. Margaret Y. Teters.
H. R. 1990. Elizabeth Gille.
H. R. 1991. Edith M. Wyatt.
H. R. 1992. Grace E. Moore.
H. R. 1993. Catherine Davis.
H. R. 1994. Cora O. Russell.
H. R. 1998. Virginia Hubley.
H. R. 1999. May Pennington.
H. R. 2025. Martha Burdett.
H. R. 2026. Elizabeth Vanfossen.
H. R. 2027. Margaret R. McClanahan, now Humphrey.
H. R. 2028. Mary E. Deselms.
H. R. 2029. Louisa Whiteleather.
H. R. 2030. Anna F. Ault.
H. R. 2031. Flora A. Fuller.
H. R. 2032. Margaret J. Coss.
H. R. 2033. Ada M. Buffington.
H. R. 2034. Elizabeth Olmstead.
H. R. 2035. Ellen Stewart.
H. R. 2036. Mary D. Wirebaugh.
H. R. 2037. Maggie Fetterman.
H. R. 2039. Elizabeth May.
H. R. 2056. Polly Couch.
H. R. 2057. Arena Smith.
H. R. 2058. Lizzie McDaniel.
H. R. 2067. Cynthia Smallwood.
H. R. 2070. Sarah Mobley.
H. R. 2071. Nancy C. Patrick.
H. R. 2072. Laura C. York.
H. R. 2073. Nancy Lankford.
H. R. 2074. Mary Powell.
H. R. 2079. Elizabeth J. White.
H. R. 2080. Clementine Williams.
H. R. 2117. Mary E. Wakefield.
H. R. 2118. Electa Bellen.
H. R. 2119. Lois I. Dugan.
H. R. 2120. Mary Campbell.
H. R. 2121. Mary M. Files.
H. R. 2122. Mary Longto.
H. R. 2123. Alma C. Hill.
H. R. 2124. Mary E. Giffin.
H. R. 2125. Ellen Jane Putraw.
H. R. 2126. James McDonald.
H. R. 2128. Orrilla Smith.
H. R. 2129. Ida V. Forbes.
H. R. 2130. Henrietta Bowker.
H. R. 2131. Harriet A. Holmes.
H. R. 2132. Julia Laroue.
H. R. 2133. Addie Gratton.
H. R. 2134. Cecil C. Cardinal.
H. R. 2135. Margaret Richards.
H. R. 2143. Margaret E. Reisch.
H. R. 2146. Lizzie J. Yeagley.
H. R. 2147. Rachel A. Woggerman.
H. R. 2149. Franc Murray.
H. R. 2157. Mary A. Radney.
H. R. 2167. William H. McIntosh.
H. R. 2168. Anna K. Warren.
H. R. 2177. Alexander Sweeney.
H. R. 2178. Mary A. Thompson.
H. R. 2179. Martha Stadler.
H. R. 2180. Katherine Kraft.
H. R. 2181. Rebecca Pedrick.
H. R. 2192. George O. Flowers.
H. R. 2193. Nancy E. Hammon.
H. R. 2194. Mary J. Miller.
H. R. 2195. Elizabeth Downs.
H. R. 2196. Priscilla Boyer.
H. R. 2199. Maria Van Orman.
H. R. 2200. Elizabeth Shaver.
H. R. 2213. Indiana Grant.
H. R. 2214. Mary A. Redd.
H. R. 2218. Mary A. Crane.
H. R. 2221. Elizabeth Oswald.
H. R. 2222. Orrel Tucker.
H. R. 2224. Jennie Hall.
H. R. 2242. Julia B. Jones.
H. R. 2245. Martin Flint.
H. R. 2247. William H. Johnston.
H. R. 2261. Martha L. H. Shoemaker.
H. R. 2262. Mary Smith.
H. R. 2263. Amanda Tyner.
H. R. 2276. Harriet N. Jones.
H. R. 2278. Malinda J. Miller.
H. R. 2279. Edith Heu-de-Bourck.
H. R. 2284. Priscilla De Witt.
H. R. 2285. Elizabeth A. Line.
H. R. 2286. Madium Milledge.
H. R. 2290. Mary Emily Stansberry.
H. R. 2291. Nancy J. Ross.
H. R. 2294. Lydia G. Read.
H. R. 2295. Clara Harlan.
H. R. 2297. Sarah J. Gray.
H. R. 2299. Aleda Cobb.
H. R. 2340. Lena Thackeray.
H. R. 2344. Laura R. Cummings.
H. R. 2382. Josie Hicks.
H. R. 2399. Elizabeth A. Norman.
H. R. 2404. Effie Overton.
H. R. 2411. Jane Prather.
H. R. 2412. Benjamin F. Ewing.
H. R. 2414. Sallie Gearhart.
H. R. 2418. Annie L. Durham.
H. R. 2419. Thomas C. Jones.
H. R. 2423. Catherine Bridgford.
H. R. 2424. Sarah F. Vier.
H. R. 2426. Sarah L. Hogle.
H. R. 2427. Lucilla B. Lobdell.
H. R. 2431. Annie E. Allen.
H. R. 2434. Julia A. Duell.
H. R. 2436. Sarah Capron.
H. R. 2437. Mary Ann Bain.
H. R. 2438. Lydia F. Barkley.
H. R. 2439. Julia D. Gould.
H. R. 2440. Nannie E. Ladd.
H. R. 2441. Julia L. Hawkins.
H. R. 2445. Christella B. Lawrence.
H. R. 2466. Susan B. Allen.
H. R. 2467. Martha A. Bechtel.
H. R. 2470. Annie Ireland.
H. R. 2472. Sarah E. Patterson.
H. R. 2475. Margaret C. Todd.
H. R. 2477. Susanna D. Tyler.
H. R. 2480. Clara E. Seaton.
H. R. 2481. Margaret A. Robinson.
H. R. 2485. Mary Weller.
H. R. 2486. Victor Clark.
H. R. 2489. Rachel Peace.
H. R. 2496. Amelia Harvey.
H. R. 2497. Hattie E. Harvey.
H. R. 2498. Eva B. Lynch.
H. R. 2499. Alice May.
H. R. 2500. Agnes Presho.
H. R. 2501. Sate L. Retan.
H. R. 2502. Lydia H. Squires.
H. R. 2504. Margaret C. Westbrook.
H. R. 2516. Ursula Lamphier.
H. R. 2529. Mary J. Vail.
H. R. 2541. Henrietta Grubb.
H. R. 2543. Nancy E. Heller.
H. R. 2544. Elizabeth Brillhart.
H. R. 2546. Lucy Lamb.
H. R. 2547. Ellen M. Brown.
H. R. 2580. Phebe A. Rice.
H. R. 2582. Alphiald E. Park.
H. R. 2593. Prudence E. Bair.
H. R. 2595. Phoebe E. Betts.
H. R. 2597. Nancy M. Burroughs.
H. R. 2598. Millie Burton.
H. R. 2600. Elevesta E. Carper.
H. R. 2603. Emma J. Dunn.
H. R. 2607. Addie M. Jackson.
H. R. 2609. Mell A. Jones.
H. R. 2611. Katie Krieger.
H. R. 2613. Pauline Lieball.
H. R. 2617. Sarah A. Nighswander.
H. R. 2618. Adaline Norton.
H. R. 2619. Flora A. Overmire.
H. R. 2622. Mary A. Schwab.
H. R. 2626. Elizabeth Stowe.
H. R. 2627. Clara R. Stutsman.
H. R. 2628. Mary E. Wentz.
H. R. 2648. Olive A. B. McLaughlin.
H. R. 2667. Edward Jones.
H. R. 2678. Lydia A. Lawrence.
H. R. 2681. Lucy R. Robertson.
H. R. 2701. Anne Davis.
H. R. 2735. Cordelia Kite.
H. R. 2739. Mary Allen.
H. R. 2740. Sallie Cope.
H. R. 2742. William Woodby.
H. R. 2746. Susan A. Stout.
H. R. 2757. Lena Campbell.
H. R. 2758. Edith L. Howland.
H. R. 2759. Mary C. Sanders.
H. R. 2767. Sadie Humphrey.
H. R. 2798. Mae L. Cornell.
H. R. 2799. Thomas Sims.
H. R. 2801. Lillian Skidmore.
H. R. 2804. Ellen Buckley.
H. R. 2814 Zilpha J. Rowe.
H. R. 2816. Cora E. Farrar.
H. R. 2819. Ida F. Knight.
H. R. 2833. Alice J. Selby.
H. R. 2842. Georgia A. Godwin.
H. R. 2868. Sallie A. Palmore.
H. R. 2871. Mary E. Scudder.
H. R. 2873. Anna C. Tonnemacher.
H. R. 2876. Mary Marker.
H. R. 2880. Susan Hall.
H. R. 2896. Hattie L. Cantwell.
H. R. 2900. Sarah J. Mersereau.
H. R. 2910. Maria H. Kame.
H. R. 2911. Sarah E. Keefer.
H. R. 2917. Julia A. Springer.
H. R. 2919. Mary A. Zimmerman.
H. R. 2920. Elizabeth J. Barton.
H. R. 2921. Julia Miller.
H. R. 2922. Mary L. Hershberger.
H. R. 2924. R. Elvina McDonald.
H. R. 2939. Julia A. Cameron.
H. R. 2942. Hannah Spring.
H. R. 2943. Rebecca J. Crist.
H. R. 2944. Amelia Viets.
H. R. 2965. Nancy A. McKinzie.
H. R. 2966. Cora Hubbard.
H. R. 2980. Mary J. Smith.
H. R. 2983. Louisa Fitzsimmons.
H. R. 3007. Elizabeth J. Hibler.
H. R. 3010. Marion Lee.
H. R. 3018. Rebecca Backman.
H. R. 3043. Minervie Thralls.
H. R. 3049. William Reynolds.
H. R. 3050. James R. Maston.
H. R. 3051. Mary E. Lofton.
H. R. 3053. Louisa M. Johnson.
H. R. 3056. Angeline Hollowell.
H. R. 3058. Adaline E. Fetz.
H. R. 3059. Sarah F. Esarey.
H. R. 3060. Harriet A. Craig.
H. R. 3074. Emma E. Blake.
H. R. 3075. Harriet A. Daniels.
H. R. 3076. Genevria Hatheway.
H. R. 3084. Sarah Ladson.
H. R. 3085. Hattie Johnson.
H. R. 3087. Eliza C. Clark.
H. R. 3089. Rachel L. Spencer.
H. R. 3090. Lewis C. Jones.
H. R. 3091. Martha J. Lawyer.
H. R. 3092. George Taylor.
H. R. 3094. James H. Beaman.
H. R. 3112. Samuel R. Proud.
H. R. 3146. Adeline Ringelstein.
H. R. 3147. Rosanna A. Moe.
H. R. 3151. Susan B. Churchill.
H. R. 3152. Ellen Gowin.
H. R. 3153. Mary C. Gibbs.
H. R. 3158. Elizabeth Power.
H. R. 3168. Susanna E. Shannon.
H. R. 3191. Francis S. Haynes, alias Francis S. Reedy.
H. R. 3201. Margret McCullough.
H. R. 3202. Elizabeth Keller.

H. R. 3203. Annie Vandegrift.
H. R. 3204. Daniel W. Roberts.
H. R. 3205. William M. Silver.
H. R. 3206. Amanda Hall.
H. R. 3207. Isadora P. Roberts.
H. R. 3209. Nancy Burton.
H. R. 3210. Mary C. Hale.
H. R. 3212. Sarah J. Alderson.
H. R. 3213. Susan G. Caplinger.
H. R. 3214. Francis C. Evans.
H. R. 3215. Frederick Robb.
H. R. 3216. Daniel Ransdale.
H. R. 3217. Sarah Fisher.
H. R. 3218. Eunice C. Dearing.
H. R. 3232. Eliza J. Taylor.
H. R. 3234. Mary E. Nixon.
H. R. 3235. Julia A. McCabe.
H. R. 3236. Hattie A. Frazier.
H. R. 3238. Jane Grant.
H. R. 3275. Alice E. Deitrick.
H. R. 3299. Sarah B. Davenport.
H. R. 3300. Loucinda J. Dixon.
H. R. 3302. Margaret C. Fortney.
H. R. 3307. Sarah Hughes.
H. R. 3311. Frances A. Neighbors.
H. R. 3313. Martha H. Nunn.
H. R. 3314. Rebecca Pardue.
H. R. 3315. Francis Payne.
H. R. 3368. Rachel E. Diehl.
H. R. 3384. Virginia Griffith.
H. R. 3385. Mary L. Minesinger.
H. R. 3396. Louise C. Kimberly.
H. R. 3410. Emily E. Phillips.
H. R. 3427. Nancy Morgan.
H. R. 3435. Aroline H. Atwood.
H. R. 3439. Permelia I. Winters.
H. R. 3440. Roena J. Vance.
H. R. 3442. Nora B. Hardy.
H. R. 3461. Florence A. Rathbun.
H. R. 3495. Lovisa Buckley.
H. R. 3496. Amanda Jane Chesnutt.
H. R. 3499. Nancy J. Strickland.
H. R. 3500. Annie M. Goss.
H. R. 3501. Joseph Alters, alias Joseph Alter.
H. R. 3515. Harriet J. Webber.
H. R. 3521. Patrick H. Bushnell, also known as Patrick Bushell.
H. R. 3523. Joey T. Dibble.
H. R. 3525. Sarah L. Heintzman.
H. R. 3526. Lottie J. Heintzman.
H. R. 3531. Dorthula E. Smith.
H. R. 3542. Mary L. Young.
H. R. 3545. Carrie A. Cunningham.
H. R. 3558. Nathan W. Hamilton.
H. R. 3559. Agnes Rayburn.
H. R. 3560. Maggie Brown.
H. R. 3562. Mary D. Smith.
H. R. 3581. Theodora E. Eisenbart.
H. R. 3586. Sarah E. Madison.
H. R. 3587. Maria Sylvester.
H. R. 3588. Catherine Eichhorn.
H. R. 3589. Mary E. Buckmaster.
H. R. 3596. Sarah A. Moss.
H. R. 3616. Eva M. Fleck.
H. R. 3619. Harriett L. Steele.
H. R. 3632. Mary J. Herbert.
H. R. 3633. Mary Jackson.
H. R. 3639. Elizabeth Mills.
H. R. 3640. Mary F. King.
H. R. 3671. Mary J. Harris.
H. R. 3672. Eliza Hatten.
H. R. 3673. Nancy Jakes.
H. R. 3674. Maria Kienle.
H. R. 3675. Eliza J. Chenoweth.
H. R. 3676. Mary N. Hoagland.
H. R. 3693. Frederick Kidwiler.
H. R. 3694. Louisa C. Coleman.
H. R. 3697. James H. Osborn.
H. R. 3699. Mary A. E. Howard.
H. R. 3700. Rachel B. Platter.
H. R. 3701. Mary V. Reed.
H. R. 4107. Amanda E. Koons.
H. R. 4120. Nettie Truman.
H. R. 4146. Mary E. Bohymer.
H. R. 4150. Sarah Wurtsbaugh.
H. R. 4153. Flora S. Weeks.
H. R. 4159. Anna F. Quinn.
H. R. 4163. Melissa Kitchen.
H. R. 4164. Frances M. Armstrong.
H. R. 4171. Cora E. Shomo.
H. R. 4194. Mary P. Gourlay.
H. R. 4195. Orpha H. Lawton.
H. R. 4196. Anna J. Bishop.
H. R. 4201. Henrietta D. Washburn.
H. R. 4202. Priscilla A. Fuller.
H. R. 4242. Margaret E. Wilson.
H. R. 4245. Christena E. Waltman.
H. R. 4246. Sarah I. Axline.
H. R. 4297. Cornelia Kennett.
H. R. 4310. Ida McAllister.
H. R. 4312. Emily C. Minturn.
H. R. 4313. Ellen Litzel.
H. R. 4317. Miriam C. Buck.
H. R. 4319. Sarah C. Gross.
H. R. 4329. Harriet Gale.
H. R. 4333. Martha A. Culbertson.
H. R. 4334. Nettie McDowell.
H. R. 4335. Frances E. Taylor.
H. R. 4336. Paulina Rochelle, now Paulina Whitehead.
H. R. 4337. Rilla J. White.
H. R. 4338. Minerva R. Connelly.
H. R. 4339. Elizabeth A. Brown.
H. R. 4340. Loda Shuler.
H. R. 4341. Hannah Marble.
H. R. 4342. Martha E. Whiting.
H. R. 4357. Mary A. Webbert.
H. R. 4359. Maria Spencer.
H. R. 4388. Joseph Greenwood.
H. R. 4390. Laura A. Moore.
H. R. 4391. Charles H. Putnam.
H. R. 4392. Sarah F. Buck.
H. R. 4393. Clarinda A. Spear.
H. R. 4394. Mary J. Hildreth.
H. R. 4404. Josephine E. Grant.
H. R. 4405. Madora A. Lander.
H. R. 4407. Erwin C. Rose.
H. R. 4419. Rachel B. Smart.
H. R. 4422. Rebecca Powell.
H. R. 4424. Jemima Mechling.
H. R. 4426. Mollie S. Hutchinson.
H. R. 4427. Alice R. Holmes.
H. R. 4428. Sarah A. Jellison.
H. R. 4429. Polly A. King.
H. R. 4430. Lucinda Bush.
H. R. 4551. Sarah F. Berry.
H. R. 4556. Laura V. Adams.
H. R. 4558. Marietta Bishop.
H. R. 4566. Diana M. Oakley.
H. R. 4579. Lillian B. Ramsdell.
H. R. 4607. Frances H. Underwood.
H. R. 4608. Mary E. Burrell.
H. R. 4609. Adile Hemmings.
H. R. 4610. Elizabeth J. Chambers.
H. R. 4630. Nancy W. Fuller.
H. R. 4635. Mary L. Thompson.
H. R. 4646. Magdalene Emrich.
H. R. 4654. Emogene E. Perrin.
H. R. 4655. Margaret Ahern.
H. R. 4659. Sarah H. Luffbarry.
H. R. 4662. Mary J. Bunch.
H. R. 4680. Mary M. Ouey.
H. R. 4836. Lutheria Bachelder.
H. R. 4837. Esther Huntress.
H. R. 4887. Susan O. Adams.
H. R. 4888. Sophronia Burden.
H. R. 4889. Matilda J. Eubanks.
H. R. 4890. Mary A. Hatton.
H. R. 4891. Martha E. Henderson.
H. R. 4892. Mary A. Hester.
H. R. 4893. Elizabeth M. Miller.
H. R. 4894. Sarah A. Nelson.
H. R. 4895. Persillier Parmley.
H. R. 4896. Eady Elizabeth Ripple.
H. R. 4897. Elda L. Rutherford.
H. R. 4899. Martha V. Smith.
H. R. 4951. Mary E. Walp.
H. R. 4952. Julia A. Wagner.
H. R. 4954. Martha Tuttle.
H. R. 4955. Mary Brooker.
H. R. 4956. Eliza M. Vail.
H. R. 4957. Livonia Rodgers.
H. R. 4958. Hester C. True.
H. R. 4959. Jennie Dorman.
H. R. 4960. Matilda Arnold.
H. R. 4962. Mary Wisehart.
H. R. 4969. Anna E. Wilsey.
H. R. 4970. Harriet Kingsbury.
H. R. 4971. Elizabeth L. Lloyd.
H. R. 4983. Lucinda Beck.
H. R. 5057. Caroline Riley.
H. R. 5058. Melvina D. Story.
H. R. 5129. Margaret Barton.
H. R. 5130. Mary F. Shellenberger.
H. R. 5134. Emily Plunket.
H. R. 5139. Susan M. Capehart.
H. R. 5140. Sarah E. Hamliton.
H. R. 5143. Amanda R. Frank.
H. R. 5153. Luella Sutton.
H. R. 5157. Abby E. Trussell.
H. R. 5159. S. Angeline Wheeler.
H. R. 5170. Margaret R. Skidmore.
H. R. 5273. Hannah M. Atha.
H. R. 5306. Frances A. Horr.
H. R. 5312. Mary Sutton.
H. R. 5330. Priscilla Redman.
H. R. 5344. Sarah P. Deem.
H. R. 5409. Eldora Howard.
H. R. 5410. Martha Joslin.
H. R. 5411. Elizabeth T. Douglass.
H. R. 5412. Mary A. Pemberton.
H. R. 5413. Fannie Nier.
H. R. 5414. Emily J. McGee.
H. R. 5415. Jane A. Shelton.
H. R. 5416. Anna M. Lohnes.
H. R. 5417. Lois L. Andrews.
H. R. 5466. Mary C. Gleason.
H. R. 5488. Susan V. Rogers.
H. R. 5489. Margaret F. Brunner.
H. R. 5490. Elizabeth Lilly.
H. R. 5491. Cordelia A. Wilson.
H. R. 5492. Mary Ellen Montis.
H. R. 5493. Samantha McCann.
H. R. 5494. Rebecca M. Reese.
H. R. 5495. Anne Jones.
H. R. 5496. Sarah C. Hughes.
H. R. 5497. Anna M. Smith.
H. R. 5501. Adaline McAnaney.
H. R. 5502. Margaret H. Diehl.
H. R. 5504. Annie E. Fryer.
H. R. 5505. Phedora J. Black.
H. R. 5510. Matilda Hester.
H. R. 5512. Sophia Fahr.
H. R. 5518. Sophie Atkinson.
H. R. 5597. Emma T. Ball.
H. R. 5598. Sallie Radford.
H. R. 5629. Mary M. Allison.
H. R. 5631. Frances A. Burdsal.
H. R. 5638. Alice A. Minick.
H. R. 5644. Adah I. Tomlinson.
H. R. 5646. Mary A. Watkins.
H. R. 5647. Maria Forstmeyer.
H. R. 5667. Elizabeth Thoman.
H. R. 5672. Dora Brückner.
H. R. 5674. Agness N. Aldridge.
H. R. 5737. Risby J. McLaughlin.
H. R. 5762. Sadie A. Nolf.
H. R. 5764. Lucy J. Popejoy.
H. R. 5767. Mary M. Oody.
H. R. 5774. Sarah Andrews.
H. R. 5777. Mary Ann Rogers.
H. R. 5778. Mary E. Armstrong.
H. R. 5779. Mary Collins.
H. R. 5793. Mary J. Fisher.
H. R. 5794. Clara Nichols.
H. R. 5860. John E. Markley.
H. R. 5886. Amelia Miller.
H. R. 5887. Mary L. Speer.
H. R. 5888. Margaret A. Parks.
H. R. 6012. Maggie Garner.
H. R. 6020. Jennie Dickinson.
H. R. 6049. Mary D. Fisk.
H. R. 6064. Michael Bibus.
H. R. 6140. Phoebe S. Deardourff.
H. R. 6141. Mary J. Coburn.
H. R. 6151. Emma J. Pemble.
H. R. 6160. Horace G. Sherman.
H. R. 6161. Phebe Goldsberry.
H. R. 6162. Lydia L. Willcox.
H. R. 6163. Nancy I. Martin.
H. R. 6164. Maria Bliss.
H. R. 6165. Nancy Beverage.
H. R. 6168. Laura E. Reynolds.
H. R. 6173. Sarah A. Hudson.
H. R. 6174. Lucinda Geary.
H. R. 6187. Mary A. Good.
H. R. 6191. Mary Oaster.
H. R. 6192. Jennie E. Starry.
H. R. 6193. Lydia A. Stare.
H. R. 6194. Mary A. Shauck.
H. R. 6195. Joanna A. Lawrence.
H. R. 6196. Sallie C. Stahl.
H. R. 6197. Julia Ann Carver.
H. R. 6266. Nancy P. Andrus.
H. R. 6272. Rose Moten.
H. R. 6276. Dicie C. Alexander.
H. R. 6331. Mary E. Kirk.
H. R. 6339. Louisa H. Rush.
H. R. 6410. Nellie J. Wyrick.
H. R. 6461. Seward Garthwaite.
H. R. 6462. Julia C. Johnson.
H. R. 6483. Mabel E. Callahan.
H. R. 6485. Ella Wallace.
H. R. 6575. Sarah V. Johnson.
H. R. 6598. Mary E. Marks.
H. R. 6599. John B. Lang.
H. R. 6604. Editha F. Berry.
H. R. 6642. Lydia J. Warburton.
H. R. 6649. Belle Mifflin.
H. R. 6700. Mary C. Marvin.
H. R. 6811. Susan K. Stork.
H. R. 6827. Josephine A. Albee.
H. R. 6846. Martha Martin.
H. R. 6859. Ellen E. Webb.
H. R. 6860. Eliza Bannister.
H. R. 6916. Laura Nonemaker.
H. R. 6917. Sophia Hoffman.
H. R. 6940. Mary E. Muzzy.
H. R. 6954. Martha J. Keeler.
H. R. 6963. Elizabeth Wilder.
H. R. 7006. Eliza A. Frost.
H. R. 7015. Emily F. Du Bois.
H. R. 7048. Emogene Warden.
H. R. 7115. Gertrude Rank.
H. R. 7143. Susanna Cutshaw.
H. R. 7147. Etta Vanzant.
H. R. 7148. Lucinda B. Burbridge.
H. R. 7150. Charles R. Booth.
H. R. 7196. Susan A. Kuhn.
H. R. 7299. Synethia Freeman.
H. R. 7301. Sallie Garland.
H. R. 7309. Mary E. Harris.
H. R. 7314. Arophine C. Knox.
H. R. 7407. Helen Underwood.
H. R. 7419. Nancy A. Stewart.
H. R. 7547. Mary E. Allen.
H. R. 7619. Anna E. Brewster.
H. R. 7982. Mary L. Peck.
H. R. 7983. Nannie E. Bowman.
H. R. 7985. Matilda J. Adams.
H. R. 7988. Christina Muller.
H. R. 7997. Ann Boggs.
H. R. 7998. Mary M. Eaton.
H. R. 8001. Sarah E. Miller.
H. R. 8006. Agnes Jones.
H. R. 8007. Nancy Reedy.
H. R. 8018. Margaret Palmer.
H. R. 8021. Adaline Macaw.
H. R. 8032. Emily Ray.
H. R. 8055. Delia Bertrand.
H. R. 8056. Inez L. Hoxsie.
H. R. 8057. Caroline Cox.
H. R. 8060. Adam L. Foley.
H. R. 8066. Dessie M. Johnson.
H. R. 8069. Mary E. Croshier.
H. R. 8070. Emma L. Jesser.
H. R. 8071. Annie N. Fitzpatrick.
H. R. 8072. Mary A. Corwin.
H. R. 8073. Elizabeth L. Conklin.
H. R. 8074. Mary E. Carpenter.
H. R. 8080. Christofa Preston.
H. R. 8102. Sarah J. Garthwait.
H. R. 8105. Mary J. Zimmerman, known as Mary J. Zinnerman.
H. R. 8106. Mary A. Fuller.
H. R. 8109. Mary E. Nutting.
H. R. 8111. Mary E. Adams.
H. R. 8112. Mary Janes.
H. R. 8113. Elizabeth A. Russell.
H. R. 8116. Martha E. Moore.
H. R. 8140. Kate A. Fowler.
H. R. 8141. Ellen M. Brown.
H. R. 8142. Augusta Mattimore.
H. R. 8175. Mary L. Reither.
H. R. 8212. Isabell Congo.
H. R. 8213. Harriet Donohue.
H. R. 8214. Celia Ann Powell.
H. R. 8231. Oliver H. Callam.
H. R. 8249. Julia H. Platt.
H. R. 8250. Polly Saylor.
H. R. 8254. Addie Allen.
H. R. 8260. Mary E. R. Simmermaker.
H. R. 8261. Rutha M. E. Standage.
H. R. 8262. Francis Back.
H. R. 8285. Martha L. Jackson.
H. R. 8342. Isabell A. Hulit.
H. R. 8422. Mary E. Piper.
H. R. 8426. Amanda Toot.
H. R. 8427. Mary L. Koch.
H. R. 8428. Sarah A. Snyder.
H. R. 8429. Emaline Sloat.
H. R. 8430. Louisa Stough.
H. R. 8431. Mary A. Snyder.
H. R. 8433. Rose Wernig.
H. R. 8482. John E. T. Ward.
H. R. 8634. Mary D. Walls.

Mr. FULLER. Mr. Speaker, I offer the following committee amendments.

The Clerk read as follows:

Page 39, strike out lines 11 to 14, inclusive. (Claimant is dead.)

Page 45, line 22, strike out the letter "k" from the name "Galuska" and insert in lieu thereof the letter "h."

Page 51, line 19, insert the initial "J." after the name "Margaret," so as to read "Margaret J. Hambaugh."

Page 72, line 1, add the letter "a" to the name "Elizabeth," so as to read "Elizabetha."

Page 107, strike out lines 18 to 21, inclusive. (Claimant is dead.)

Page 109, line 18, insert the initial "J." after the name "Harriet," so as to read "Harriet J. Webber."

Page 151, line 2, after the word "Company" strike out the letter "E" and insert in lieu thereof the letter "F," so as to read "Company F."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the bill was passed, was laid on the table.

RAILWAY LABOR DISPUTES

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The Clerk read the title to the bill.

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, at the outset I desire to state that I have always believed and contended that railway employees have the right to organize for the purpose of mutual aid, to improve working conditions, and to enforce a reasonable wage scale by any means in their power short of causing an unreasonable interruption of interstate commerce.

That the various organized railway crafts have performed a valuable function in compelling the use of safety devices, cutting down hours of employment to a reasonable basis, and otherwise improving the service can not be doubted. Transportation, however, is affected with the public interest. It can not be stopped, even for a brief time, without bringing disaster to business, throwing out of employment tens of thousands of workers in the industries, threatening starvation and death to the people of the great centers, and leading to other calamities of so terrible a nature as to make war itself seem a harmless pastime. It is incumbent, therefore, upon every patriotic citizen to lend his aid and influence to any movement having for its object the settlement of such disputes as may arise between the railway systems of the country and their employees.

With many of the provisions of this bill I find myself in entire agreement. Certainly it is the best bill of its kind that has been offered here in Congress since I became a Member. I can not, however, but feel that it fails in some very essential particulars in giving that protection to the public which we are entitled to in a measure of this character. An examination of the bill discloses that it provides for nothing in the way of settlement of disputes that may arise between railways and their employees that may not now be resorted to by mutual agreement except—

First. That the awards of the board of arbitration, when made, may be filed in a court of record and judgment be entered thereon; and

Second. That the President may create an emergency board when, in the opinion of the Board of Mediation, a situation develops which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Unfortunately, such emergency board when created can only investigate and report respecting a dispute to the President. It is absolutely without authority to make any award or to make any recommendation that is binding upon anybody. Nor does the section providing for the board confer any duty or power upon the President, expressed or implied, in connection with such recommendation. There appears, however, in this connection a provision which stipulates that "after the creation of such board, and for 30 days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose."

If it is made clear that during such period no strike or interruption of traffic by either party can lawfully be brought about, this provision will prove an exceedingly valuable one. It will doubtless be claimed that this is its evident purpose. If so, it should clearly appear in the law. This can be done by adding after the word "arose," in line 12 on page 28 of the bill, the following:

> Nor shall either party to the dispute during such period take any action which will tend or threaten to interrupt interstate commerce.

Maintaining the status quo during the time the investigation is going on is absolutely indispensable to any proper consideration of the controversy. There must be no threat of a strike or lockout.

Mr. KEARNS. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. KEARNS. What would be written into the bill to punish either side who took some action that would stop or interrupt transportation?

Mr. WILLIAMSON. If the provision I have suggested should go into the bill, there is no question but that a court of equity could enjoin a labor union going on a strike during that period. The same power would exist to restrain a railway company from instituting a lockout.

The time during which such emergency board is engaged in considering the matters in controversy and making up its report to the President and the 30 days following constitute the cooling-off period. In the meantime crystallized public opinion would become a powerful leverage in compelling the parties to the dispute either to reach an amicable settlement or to accept the recommendations made by the emergency board and such further suggestions as might be made by the President. This section is also defective in that it does not provide for making the report to the President public. Just how public opinion is to be brought to bear upon the controversy without knowing the facts is not clear.

I think the following may be laid down as well-recognized principles of law under our Federal Constitution:

First. That Congress may not vitiate a private contract if not immoral, unlawful, or against public policy;

Second. Within the above limitations the right of private contract is inviolate;

Third. We can not by legislation compel an individual to enter into a contract of service or employment nor, if entered into, can specific performance be enforced by the courts; but

Fourth. Congress has the unquestioned right to prohibit a conspiracy between individuals to quit work in concert when engaged as employees in interstate commerce when such action would result in impeding, stopping, or destroying such commerce; and,

Fifth. The right of the public to uninterrupted traffic in interstate commerce is paramount and Congress may provide for the enforcement of such right by appropriate legislation.

If the last proposition is correct, Congress has the authority to prohibit strikes which have for their object the stoppage of the mails or the serious interruption of interstate commerce. Such power, however, should not be exercised by the Congress unless it should clearly appear that it is the only possible means that can be found to prevent the tying up of traffic.

There is high authority for compulsory arbitration in labor disputes. But compulsory arbitration should not be imposed by Congress without the consent of the parties except as a last resort, and I should not be in favor of incorporating it in this bill. To me it seems regrettable, however, that the railroad employees and the transportation companies could not have reached an agreement making it obligatory upon them, in case an agreement can not be arrived at in any other way, to submit a controversy to arbitration and to agree to abide by the results.

In place of such provision the bill provides:

> That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

The bill provides very little machinery for the effective settlement of disputes that may not now be invoked by the employees and the railway management without resort to legislation. Nothing provided for in the bill is finally binding and compulsory upon the parties unless agreed to in advance, but the most vital defect in the bill, in my judgment, is the fact that it does not appear to give adequate protection to the public which must necessarily use the railways for the purpose of transportation.

The gentleman from Kentucky on Wednesday made the statement that the only right the public has is to uninterrupted traffic. This is an astounding statement to come from a man who is presumably here to represent his entire constituency. The public certainly has other rights than that of unimpeded transportation. Railways are charged with the public interest. Transportation corporations are quasi public in character. They are subject to regulation by Congress. That regulation includes as a matter of public right the power to fix reasonable rates and charges. The power to fix reasonable rates and charges can not exist unless the Interstate Commerce Commission at the same time has the right to take into consideration the reasonableness or unreasonableness of the wage scale. I concede that neither this Congress nor any agency created by it should ordinarily attempt to interfere with private contract, but it has the unquestioned right in fixing transportation rates to disregard a wage scale to the extent that it appears to be unreasonably high. That right now exists in the Interstate Commerce Commission. Whether it will exist if this bill is passed in its present form is open to serious question. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAMSON. I will, although my time is short.

Mr. BLANTON. The great trouble is that the President can not act until a strike has been called. He can not act because they refuse to mediate.

Mr. WILLIAMSON. He can not until the Board of Mediation has asked him to appoint an emergency board.

Mr. PARKER. Mr. Chairman, I want to correct the statement of the gentleman from Texas; the Board of Mediation can ask for an emergency board at any time.

Mr. BLANTON. I was going by the reading of the gentleman's bill.

Mr. WILLIAMSON. This bill gives legal sanction to any agreement as to wages, hours, and working conditions that may be mutually agreed upon by the employees and the railways. When disputes shall finally be settled as the result of voluntary arbitration and the arbitral judgment is made a matter of record in a court, such decision as to the reasonableness of the wages agreed upon would not only be most persuasive upon the Interstate Commerce Commission, but compelling. If this position is correct, we virtually turn over rate making to the employees and the railways, and the right of the public to reasonable transportation rates is seriously jeopardized if not lost. The correctness of this position is emphasized by the statement made by the gentleman from Virginia on Wednesday when he interrupted the gentleman from Kentucky to say in substance that if the Hoch amendment should be adopted it might be construed to mean that any agreement upon the wage scale arrived at by employees and managers could be disregarded by the Interstate Commerce Commission. The converse of this is certainly true; that if the amendment is omitted the Interstate Commerce Commission would be justified in taking the position that it was bound by such agreement.

We can not blow hot and cold at the same time. We are creating here an agency for the settlement of wage disputes. We are giving the sanction of law to any wage agreement that may be arrived at by employees and management. We are making such agreement a matter of record and invoking the power of a Federal court to enter a judgment of confirmation thereon.

If this arrangement is not coupled with an express reservation to the Interstate Commerce Commission to pass upon the reasonableness of such agreement as to wages, we have foreclosed our right to consistently contend that such agreement is not binding upon the commission. [Applause.]

I am unable to see how we can get away from this proposition. Unless the bill is amended so as to carry the Hoch amendment or something similar to it, those Members of the House who for years have been making an effort to secure a reduction in freight rates can not in justice to their constituency vote for this bill. The railways are now just getting into such position financially that they can afford to make a reduction in rates. There is a most compelling reason why rates should be reduced, particularly upon bulky farm products. Should this bill become law in its present form, it would not only jeopardize any proposed reduction but would probably make a reduction impossible for years to come, if not for all time. The power of the Interstate Commerce Commission to fix reasonable rates should not be hampered or curtailed in such a way as to leave it little but an automatic rate-making machine devoid of discretionary powers in the exercise of its judgment as to whether proposed rates are reasonable from the standpoint of the shippers.

I am going to put into the RECORD an extract from Labor, the official organ of the Associated Railroad Labor Organizations, which shows the position of the unions on the question. They take the position that as the bill now stands the Interstate Commerce Commission has no authority to exercise its judgment in the matter of considering the reasonableness of wage scale which may be agreed upon between the railways and the employees. They take the position that it is binding on the commission. Gentlemen, there is no question, I think, but that is the understanding both on the part of labor and on the part of the railway management. Now, those of us who are here representing the public should make it perfectly clear that the Interstate Commerce Commission has the right to investigate the reasonableness of the wage arrangement. If we do not do this, we must expect that the wages of employees will be passed on to the public, whether an increase in the wage scale is fair or not. [Applause.]

[From Labor of February 27, 1926, owned and edited by the Associated Recognized Standard Railroad Labor Organizations of the country, and as their official Washington weekly newspaper]

WOULD LEAD TO TROUBLE

It was urged that the practical effect of such a provision would be to require the Interstate Commerce Commission to consider the merits of any agreement or arbitration award which might affect the operating expense of the carriers.

This would discourage the making of agreements or the entering into arbitration, because the parties could not be assured that their controversy would thus be finally settled.

If the commission should undertake the duty of reviewing agreements and awards, the practical effect of a refusal by the commission to approve of the contract entered into would be to reopen the controversy presumed to be settled.

SMALL CHANCE OF ADOPTION

Opponents of the bill may seize upon the Hoch amendment as a way to destroy the agreement of the parties by substantially changing it. It is believed, however, that they will not be able to muster any considerable support for the amendment or for any other amendment which would destroy the agreement which is generally recognized as the most valuable factor in the proposed legislation.

Mr. BARKLEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman, the legal aspects of this railroad labor bill have been presented so often and so well, and not being a lawyer myself, I shall not attempt to deal with that phase of it. I rise merely because I feel some one ought to speak about the bill from the angle of an industrial-relations man. I have had several years of practical experience in the labor field as a mediator, an arbitrator, a labor manager. It may be interesting, if not valuable, to hear how this bill appeals to me. I shall therefore tell you briefly what I think of the bill in the light of my own personal experience.

In the first place, as an industrial-relations man, I find the bill sound because it does not attempt too much. It does not go into too much detail. My experience has taught me that you must not write into a labor contract too many details. The committee wisely rejected the kind of details that some Members would like to write into this bill, through the amendments that have been proposed.

I remember the first experience I had in collective bargaining, when I helped to bring together 15,000 workers in my city of Rochester in a collective-bargaining agreement with the clothing manufacturers. When the employers and labor representatives got together in conference I said, "What kind of an agreement shall we draw?" and a very wise and shrewd and experienced labor leader, Mr. Sidney Hillman, said to me, "Mr. JACOBSTEIN, put it all on one page, then put it in your pocket, lock it up for a year, and let's go on and do business." I wondered what he had in mind. We did that very thing. I found after a year of experience that he had spoken like a wise statesman. What he meant to imply was that we should go along and settle our own disputes in a common-sense manner and refrain from relating our disputes to a legal contract. After we had had some experience we knew the kind of a contract that we really wanted. After our first year's experience we revised the labor contract in Rochester three times, and now the industry has a form of agreement adapted to its needs and based on experience. A labor contract is a matter of growth and development. I attended the hearings of the committee frequently, and I found how a legal-minded gentleman tried to write into the bill this detail and that detail. I think the committee was wise in resisting his suggestions along this line. So from experience I say that the bill wisely does not attempt to set out in too great detail what shall and what shall not be done.

As to the machinery, the bill follows the best principles and accepted practice of experienced industrial relations experts. It is my experience that the more responsibility and power you throw the employer and the employee the more likely you are to get peace in industry. The bill before us does this very thing. It sets up machinery which throws back upon labor and executives the business of settling their disputes. Some of you, perhaps, do not know that this bill goes a little further in this regard than the Newlands Act or the Erdman Act, or the transportation act of 1920. I think we ought to vote for the bill with our eyes open.

It does two or three things which were never in the old laws or in the present law, and it proceeds in a new and very wise direction. For instance, it emphasizes the importance of a conference between employer and employees. That was not in the old law. It sets up adjustment boards of their own selection to expedite the settling of unsettled disputes. Mediation and arbitration machinery is provided for with a minimum of outside interference. This, too, is sound. The public, however, comes into the scene of operation at the point where a tie-up is threatened. The public is then represented by boards appointed by the President of the United States.

There is still another aspect of this labor adjustment bill which I like very much. The machinery provided for will have a tendency, I believe, to speed up the settlement of grievances, complaints, and demands. The operation of the Railway Labor Board has caused undue delay in the settlement of cases before it. Unsettled cases become points of irritation between capital and labor and they should be dis-

posed of as quickly as possible. Otherwise they set up and aggravate ill will on both sides. Only last week, when I was in Rochester, I heard of a case of laborers who have had a wage grievance pending for three years. You will find in the published hearings (p. 189) a case cited by Mr. Robertson, president of the Brotherhood of Locomotive Firemen and Enginemen, which has been pending before the Labor Board since 1920 and is still unsettled. My experience in labor work has taught me that it is very important and highly essential to settle labor cases with the utmost dispatch, and this, I think, will be accomplished by the machinery set up by this bill.

It stresses the fact that collective bargaining is a recognized and established fact in industry as never before recognized in any law. I like that in the bill. With frankness the employers have said, "We recognize that we are going to deal with organized labor." I want you to know also that labor gave up something in the bill. Do you know what they gave up? Do you know, according to this bill, that the employers can deal with labor on their own roads and make a contract with them? For instance, the Pennsylvania Railroad system can do such a thing with their own employees without opposition from organized labor. This bill does not preclude the employer from dealing with his own labor if he so desires, and if labor so desires. That is a good point in the bill. Labor gave something in return for the recognition that it received. For the first time that I know of the Congress of the United States is establishing in law the fact that organized labor shall be collectively represented in an important labor agreement recognized and sanctioned by an act of Congress.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JACOBSTEIN. For a question.

Mr. BLANTON. The gentleman surely has read the evidence of Mr. Charles P. Neill, who was a United States mediator all through the Erdman Act and in the Newlands Act.

Mr. JACOBSTEIN. Yes.

Mr. BLANTON. He disagrees with this other mediator. Does not the gentleman recognize that in the Erdman Act of 1898 it is provided that a majority of the employees themselves could plead with the employer?

Mr. JACOBSTEIN. That is true; but the language of the Erdman Act fails to refer explicitly to organized labor as part of the agreement as in this bill before us.

Mr. BLANTON. So this bill is no new idea in that respect.

Mr. JACOBSTEIN. Oh, yes; I think it is new in this regard. I wish I had the time to develop this point. I want you to know this, and I want the people everywhere to know it. This is a step forward. The American Government is recognizing collective bargaining in a legal way as it has never done before. I believe in collective bargaining, and the quicker employers recognize it and stop fighting organized labor the quicker we will get permanent peace in industry. I remember when this labor leader to whom I referred above, Mr. Hillman, came to me when we were drawing up our contract and said:

> If you want peace in industry, keep the lawyers out of the settling of disputes.

That was a new one to me, and I asked him what he meant by that. He said that the lawyers always tried to settle things in terms of legal technicalities, whereas disputes should be settled by practical men of affairs, in close contact with the situation and with an understanding of the psychology of the parties involved in the dispute. We did keep them out in Rochester, as they are kept out in most industries where industrial-relation machinery functions successfully. This bill as I read it keeps out the lawyers in the adjustment of labor disputes, because it throws back upon organized labor and upon the executives themselves the responsibility for settling disputes.

If this bill were proposed for an industry in which there was no industrial-relation machinery set up, I doubt very much whether it would work. If labor did not have as its representatives men who were devoting their lives to a study of their problem, if the executives did not have in their organizations men who were devoting their lives to the personal-relations problem, I question whether a bill of this character could succeed in its actual operation. My experience is that where industry is organized properly on its industrial-relations side an agreement like this can work. I think you will find that it is generally agreed that before an arrangement like this can work practically you have got to have industrial-relations machinery established on both sides, and fortunately we have that in the transportation industry. That is one reason why it is going to work, if it works at all.

There is another splendid idea in this bill to which I wish to call your attention.

I remember we had a situation in Rochester where an arbitrator was called upon to make a general reduction of wages for the entire clothing industry, affecting 15,000 workers. A lot of people say that you can not reduce the wages of labor. Yes; you can if you do it right and know how to go about it. The arbitration machine of Rochester reduced wages of 15,000 employees, and there was no strike. Do you know what happened after that? You destroyed the arbitrator. That is natural. A man who renders a decision against labor in that form loses the good will of labor. I like those provisions in this bill which make it possible for the President to call upon what might be called a supermediation board, which comes into operation whenever a specific situation arises, and he calls upon men who have not developed ill will against themselves either on the part of labor or employers. There being no feeling of hostility, the President's mediator or Mediation Board will enjoy the confidence of both sides.

All through the bill you will find this sound principal is operative, not to break down and destroy the arbitration machinery by virtue of adverse decisions which have been previously rendered. Now that is the great trouble with the Railway Labor Board to-day. That is the main reason why it broke down. It is called upon to decide cases against managements and labor so frequently that it destroys its usefulness for both parties. That is why a change is now found necessary.

I like also this cooling-off time provided for in the bill. In this bill you will find there is a period during which both sides may cool off before hostilities begin. And well do I know from experience how important that is. You have got to give labor a little time to cool off after they present their grievances, and the executives too.

Mr. BLANTON. Will the gentleman yield right there?

Mr. JACOBSTEIN. For a question.

Mr. BLANTON. Suppose the President appoints his commission?

Mr. JACOBSTEIN. Yes.

Mr. BLANTON. And the law says they shall not change the status quo for——

Mr. JACOBSTEIN. Sixty days practically.

Mr. BLANTON. What is going to prevent them from doing it?

Mr. JACOBSTEIN. Nothing.

Mr. BLANTON. The gentleman is frank.

Mr. JACOBSTEIN. Let us be frank. I do not want anything written into this bill or any other bill which would give the President legal power to prevent men from quitting their jobs. Of course, the greatest power in the world—the only power—is at work all the time, public opinion. I would like to see 1,750,000 organized laborers, as there are in transportation, go out on a strike while the Mediation Board is investigating a situation.

Mr. BLANTON. They did in 1916.

Mr. NEWTON of Minnesota. If the gentleman will yield, I simply want to say this: That it is my understanding that before a lockout or a strike bring the 60-day period occurs the courts can be called upon under the conspiracy statute?

Mr. JACOBSTEIN. I will say this, and answer that in all frankness. Even though that is true, I doubt very much whether in this country you can ever get a court to make a man run a train or mine coal. I do not want, and I do not believe any of us want, that form of compulsion which would compel a man to work against his will.

Mr. MAPES. If the gentleman will permit, will not the gentleman admit that this bill goes as far in a compulsory way for this 60-day period as it is possible any law could go?

Mr. JACOBSTEIN. Exactly. Of course, what the gentleman from Michigan says is true. That is just where the present Labor Board established by the transportation act has broken down. When that law was passed the people thought the Labor Board might have the power to compel the observance of its decisions. The Supreme Court, however, has ruled, in the famous Pennsylvania Railroad *v.* United State Labor Board case (261 U. S. 72), as follows:

> The decisions of the Labor Board are not to be enforced by process.
>
> But Title III was not enacted to provide a tribunal to determine what were the legal rights and obligations of railway employers and employees, or to enforce or protect them.
>
> Under the act there is no constraint upon them to do what the board decides they should do, except the moral constraint already mentioned, of publication of its decision.

I do not think we ought to go any further. Just see what it means. It means the President of the United States shall select an impartial commission representing the general public to investigate and seek to bring both parties to a settlement. I can not conceive of a strike or lockout of men in that situation within that 60-day period.

Mr. BLANTON. While we do not want to compel them to run an engine, we want it understood that when they give up their job it is not their job any longer, and they shall not interfere with somebody else's running that engine.

Mr. JACOBSTEIN. That is true. The individual has a right to quit his job, but when he does quit it is no longer his job.

Mr. PARKER. May I state to the gentleman that the witnesses on both sides said they were satisfied that if there was a strike or lockout within the 60 days, in their judgment, they would be guilty of conspiracy.

Mr. JACOBSTEIN. Yes; if they act collectively but not individually. I will say this: I was present at the hearings, and when somebody tried to put some language into the bill on that very point which would make it more explicit that there might be some compulsion, I noticed the committee and the representatives of labor and railroad executives shied away from the suggestion, and the suggested proposition of compulsion is not in the present bill.

Mr. BLANTON. And Judge Thom stated there was no compulsion in this bill.

Mr. JACOBSTEIN. Let me say to the gentleman from Texas that they tried it out in Kansas. Let me ask every Member of the House who believes in writing into the law compulsory arbitration, the idea of compelling people to work, let me ask him to review the experience of Kansas, and he will have to admit that it can not work on American soil. You remember what Lincoln said:

> Thank God, there is one country in the world where a man can strike without being thrown into jail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. Mr. Chairman, I yield three minutes more to the gentleman.

The CHAIRMAN. The gentleman from New York is recognized for three minutes more.

Mr. JACOBSTEIN. I think the bill is sound because it relies on cooperation rather than compulsion. It is sound because it recognizes that where people want to get together, as they apparently do here, they will get together as best they can.

I want to say to you that there is not any labor contract that can not be violated. Manufacturers who do not believe in organized labor will find ways and means to violate a contract based on collective bargaining. On the other hand, the unions, too, can violate a contract, and will if they do not have the right spirit. The best part of this bill is not what is in it. The best part of this bill is what is behind it—the right spirit. Both sides, representatives of 20 railroad labor organizations and the executives controlling 85 per cent of railroad mileage, came forward voluntarily, and they expressed the conviction that they have found a way of getting together to assure continuous, uninterrupted service on our railroads. They stated in the presence of the committee and of the American people that they wanted peace in that industry. That is the best feature in the bill. [Applause.]

Now, I want to say this in conclusion: There are some folks in the country who are worried about bolshevism and radicalism. I want to leave this thought with you: There are two millions of organized workers in the United States engaged in transportation, with six or eight million others dependent on them; give them a square deal; treat these men in blue overalls with respect, and you need not worry about the black shirts of Italy or the red shirt of Russia ever gaining a foothold on the railroads of these United States. [Applause.]

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. DENISON] 25 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 25 minutes.

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I am laboring under this difficulty, which I am sure the committee can understand, in attempting to speak on this bill after it has been under discussion for more than a day, that I must try to avoid repeating what has already been said, and thereby taxing the patience of the committee. I had some remarks prepared that I hoped to offer, but I find that what I had prepared has largely been presented by other speakers, and I shall not therefore repeat it. But a few of the more important features of the bill have impressed themselves upon my mind sufficiently to justify me in asking the attention of the committee for just a few moments. I shall try to get through in the time allotted to me, and I hope I may not be interrupted by questions.

I have given a great deal of thought and study to the subject of the settlement of disputes between the railroads and their employees. It is a question of far-reaching importance.

Class I railroads, which are those that have an annual revenue in excess of $1,000,000, employed last year 1,765,170 employees, which represents from 93 per cent to 95 per cent of the total number of railroad employees in the United States. The compensation paid by the railroads to these employees was $2,866,673,069. These railroads operated last year a total of 236,644 miles, and the total invested capital in the year 1924, as represented by the capital stock and funded debt, amounted to $21,744,682,277. The book value of the physical properties of all the railroads in the United States during the year 1924 amounted to $22,173,482,789, and these railroads had in the year 1924 total tax accruals, local and Federal, amounting to $342,459,598.

We have the greatest and the most efficient railroad system in the entire world. The capital stock and the bonds of these great properties are owned by thousands upon thousands of individual men and women all over the country and by the savings banks, trust companies, commercial banks, and the great insurance companies, upon whose soundness and security the happiness and the fortunes of millions of our citizens depend. In addition to the almost 2,000,000 men directly employed on the railroads there are millions of others employed in industries that are directly allied with or dependent upon the continued operation of the railroads, and upon all these there are millions of others belonging to their families who are directly dependent.

So the importance of any proposed plan which will promise a peaceful and harmonious adjustment of disputes and differences between the railroads and their employees and which will promise uninterrupted transportation service becomes at once apparent and ought to receive our hearty approval.

I have for years believed that the best method for settling disputes as to wages and working conditions between the railroads and their employees was by some plan of mutual conferences, conciliation, and arbitration agreed upon by the parties. The question of wages and working conditions for human labor, upon which the happiness of millions of men and women depend, is so far-reaching and so fundamental that no plan for the adjustment of such questions which either side may attempt to impose upon the other against its consent will ever prove successful. There must be mutual cooperation between the railroads and their employees or there will never be peace and uninterrupted commerce, and neither side, through the aid of legislation, can impose its will upon the other side and thereby hope to secure a successful solution of this problem and an uninterrupted transportation service.

The provisions of the present transportation act under which the Railroad Labor Board was created did not have the approval either of the railroads or of their employees and its enactment into law did not settle the question satisfactorily and never will.

When the labor provisions of the transportation act were under consideration in the House in November, 1919, I made this statement:

> I think Congress will have done its duty to the country if we provide tribunals that are absolutely fair and impartial before whom they can take their disputes, man to man, on an equal footing, discuss them, and settle them.

And again during the discussion of the transportation act in 1919, I made this statement on the floor of this Chamber:

> I think all labor disputes ought to be settled by agreement between the employers and their employees. It can never be to the benefit of laboring men to settle such matters by legislation. If they can not or will not be settled in that manner, then legislation may become necessary. I hope the necessity for it may not thereafter arise.

And finally when the conference report on the Esch-Cummins bill was under consideration in the House on February 21, 1920, and the provisions for the Railroad Labor Board was under discussion, I made this statement:

> The amount of wages that men should receive for their services ought to be determined in all cases by agreement between the employers and their employees. Wages should be determined by economic and industrial and social conditions. This can only be done by agreement between employers and employees. When wages are determined by the legislatures or by the Congress, they will be determined by political conditions and considerations. It is a dangerous policy both for the Government and for the employees. * * * Right here I want to pause to say that, in my judgment, this plan here proposed for the adjustment of wage disputes is not workable. I do not think this so-called Labor Board will have very much to do. When a great wage question is to be adjusted, I think that the men will themselves try to

adjust it by agreement with their employers, and if they can not do so, they will not submit it to this board. Then what will be the result? The result will be that possibly a great nation-wide strike will be threatened, and then the question will come right back to the President and to Congress—

And so forth.

When the rule to discharge the committee from the consideration of the Barkley bill was under discussion in the House on May 2, 1924, I made the following statement in addressing the House:

My study of this question has convinced me that the most effective and most satisfactory method of adjusting differences and settling disputes with reference to grievances and wages and working conditions, is to allow representatives of the men themselves and of the companies to get together and without obstruction or interference by outside parties counsel and consider and resolve their differences among themselves, and I have favored any legislation that would authorize and legalize some such method of disposing of disputes by the railroads and their employees.

The bill now under consideration presents such a method. The railroads and their employees have reached this agreement as to the method of settling their disputes, and they ask us to give that agreement the force and effect of law.

It is not a penal statute. It is remedial. It does not impose any criminal penalties. It provides a remedy for serious industrial situations that may threaten the welfare of the Nation. It proposes a peaceful settlement of disputes in the most important industry in our country. The plan proposed rests primarily upon mutual conferences between the railroads and their employees, upon conciliation by representatives of the public, upon arbitration, and finally upon investigation by a public tribunal appointed by the President and the force of public sentiment that may be brought to bear where the parties have been unable to adjust their differences either by conferences or by conciliation or by arbitration.

The three most important and fundamental principles involved in the bill are:

First. It represents a complete agreement between the employers and their employees.

Second. The interests of the public are fully recognized and the public is given an important part in the machinery that is provided for the settlement of these disputes.

And third. There are by the provisions of this bill certain legal obligations imposed upon the parties which will have a strong deterring effect in preventing interruptions of commerce.

There have been statements made by several Members during this debate which I think have been been misleading. For instance, my friend from Texas [Mr. BLACK], in one of the earlier speeches, and the gentleman from Texas [Mr. BLANTON], and perhaps others, have stated that these parties came to Congress and said, "We want you to pass this bill without dotting an "i" or crossing a "t." Of course, that is a hackneyed expression which we all understand here; but the people reading the CONGRESSIONAL RECORD may misunderstand it. At least it is not a true representation of the situation. They have not asked anything of that kind. Why, gentlemen, this bill was rewritten in many respects. Our committee gave the bill very careful consideration, every paragraph of it, and the chairman filed an amended bill, and the bill that we are now considering is a new bill.

But we did not amend it in any of the essential features of the agreement that had been made by the employees of the railroads and the railroad companies. So that brings me to this question of the agreement, and I was very glad to hear the gentleman from New York [Mr. JACOBSTEIN] state what he did a moment ago. The gentleman from New York understands the delicate situation that is presented to us by this bill. The gentleman from South Dakota [Mr. WILLIAMSON], who spoke just before him, does not understand it.

Now, let me explain what I mean. The railroad executives and the railroad employees did not come to Congress for this legislation until they were asked to do so. Here is the situation: The people generally, the railroad employees certainly, and the railroad executives in the main were dissatisfied with the Railway Labor Board provision of the present interstate commerce act. Nobody was satisfied with it. It was not working satisfactorily, and last year bills were introduced in the House and the Senate to abolish the Railway Labor Board; this House by a substantial majority voted in favor of discharging our committee and taking up that bill for consideration, and the Senate committee, after hearings, made a favorable report of a similar bill to the Senate.

Now, with both branches of the Congress in favor, apparently, of some legislation to abolish the Railway Labor Board, what did the President do? The President, in his message to Congress, stated that the present Railway Labor Board was not satisfactory, and he urged upon the railroad employees and the railroad companies to reach an agreement on some plan to provide a more satisfactory method of settling their differences.

The President invited them to do that. Now, they, in good faith, in view of the apparent views of Congress and in response to the invitation of the President, got together in conferences and finally, after months of conferences, extending over as much as a year, I think, compromised their different and diverging views and reached an agreement on what they would be willing to have enacted into law; they have brought that agreement to Congress in the form of a bill, and they have said to us at the hearings, that they would like to have us put it into appropriate legislative form, but not to change the substance of the agreement they have reached after so much effort. They ask us to give this agreed plan for a peaceful settlement of their disputes the force of law.

I think we ought to deal with the situation in good faith, as they have dealt with it in good faith, and I do not think the Congress ought to change the contract or agreement that these two great interests have reached. In other words, you must understand that the representatives of the railroads and the representatives of the men working on the railroads considered very carefully every essential provision in this bill. They were not entirely satisfactory to either of them, but they finally agreed upon them. If they had not reached an agreement this bill would not have been here. If they had not been able to agree on these essential provisions the bill would not be before you; at least not this bill. I say it is our duty to study it carefully and either accept it or reject it. It is an agreement, and when the parties are invited to agree and we are asked to put that agreement into law, we either ought to accept it or reject it, and we ought not to try to change their agreement by injecting into it any provisions which they would not accept.

This is an agreed bill. It is a matter of vital importance to both of the parties. We do not have to take it. We are free agents. Instead of butchering the bill and changing their agreement and trying to force something on them they did not agree to, let us either accept it or reject it.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. DENISON. I am sorry I can not yield. If I get through in time, I will be glad to answer any questions.

That is the situation, and instead of trying to amend the bill and to put into it something we want them to agree to, let us not do that. Let us reject the bill if we do not approve it. We would still have the same law that we have now. I think that is our duty.

Mr. MICHENER. Will the gentleman yield?

Mr. DENISON. I have just declined to yield.

Mr. MICHENER. Do you think that principle ought to be carried all the way through in our actions in Congress?

Mr. DENISON. I am talking now about the bill before us. I say this bill presents a peculiar situation. These interests were invited by our President to reach an agreement on a plan for peaceably settling their disputes, and they have done so.

Mr. MICHENER. Well, assuming we do not agree with their agreement——

Mr. DENISON. All right; we should reject it, ought we not? Is not that fair and honest?

Mr. MICHENER. No.

Mr. CHINDBLOM. Are we not here to legislate?

Mr. DENISON. We have the right to legislate, certainly, but we do not have the right to make an agreement for them. That is the point. If we do not like this bill which represents their agreement, why not reject it, and let the committee consider other legislation, if any is proposed, and report something different.

Mr. MICHENER. Then would it not be easier to have a committee on agreements, and whenever there is such an agreement reached just ratify it?

Mr. DENISON. The gentleman from Michigan, I am sure, knows the situation I am trying to make plain. The railroads and their employees were invited by the President to reach an agreement. They have compromised their differences and have presented their agreement to Congress, and we are asked to examine it and either approve it or reject it. I think in good faith we ought to deal with it just as they have dealt with us. So much for the agreement.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DENISON. I have asked not to be interrupted.

Mr. CHINDBLOM. I am afraid there is an element with respect to the agreement the gentleman has overlooked. The President's statement contained the words, "if the parties agree to a bill which adequately and sufficiently protect the interests

of the public," and that is what the President invited them to do.

Mr. DENISON. All right; if we do not think they have done that, why not reject it?

Mr. MICHENER. Why not remedy it?

Mr. DENISON. Because we are not parties to the agreement. They have made their agreement and they have asked us to either reject it or accept it, and I think we ought to do one or the other. I think the agreement is all right, and I think the Congress ought to accept it and try it, because we have back of it the moral force of an agreement beween the parties. Now, so much for the agreement. I do not care to continue further on that subject.

I shall now discuss the so-called public interest. Much has been said about the interest of the public. Let me tell you something about what is represented in this agreement.

There are 1,765,170 employees on the class 1 railroads in the United States. That means, I believe, all railroads that have an annual income of $1,000,000 or more. There are about 2,000,000 men employed on all the railroads of the country, including the short-line railroads.

As the last speaker, Mr. JACOBSTEIN, just stated, they represent, including their families, some eight or ten million American citizens who are directly and vitally interested on one side of this question. If you take the allied industries that are absolutely dependent upon continuous operation of the railroads for their operation, it would amount to many million more. All these are a fairly large part of the public. But what have we on the other side?

There is invested in capital stock and funded debt of the railroads of this country $21,744,683,000. I have heard it stated that there are at least 10,000,000 people directly or indirectly interested in the securities of the railroads. The securities of the railroads belong to the banks, especially the savings banks and trust companies, to the great insurance companies, in which we are all more or less interested, and to thousands and thousands of individual men and women scattered throughout the country. These people represent also a fairly good part of the public in this country, and they are all back of the executives who participated in this agreement and want this legislation.

Therefore, if you take the two parties to this agreement and the people they represent, I think you have a respectable part of the so-called public of the United States, and they are all interested in this bill.

This bill goes further than any legislation we have ever previously passed, so far as protecting the public interest is concerned. We have not only the emergency board, which is called upon when there is an interruption of commerce threatened, but we have provisions in the bill for representation of the public on the boards of arbitrators in case the arbitrators chosen by the parties can not agree, and they generally do not agree. We have the Board of Mediation, which is always ready, a permanent agency of the public, to intercede in all differences, and try to induce the parties to reach an agreement.

I think the bill fairly takes care of the interests of the public. I now want to discuss just a moment one subject that has been discussed by two or three other Members, namely, certain objections to the provisions defining the powers of the emergency board to be appointed by the President. Neither the Erdman Act nor the Newlands Act provided for a public tribunal that could make an investigation of the facts connected with a dispute before the dispute had reached a dangerous crisis and bring to bear upon the parties the full force of public opinion for preventing interruptions to interstate commerce.

I have understood that some amendment is going to be offered to that section of the bill. Some Members seem to be afraid that the emergency board will not be given sufficient power. The committee that considered the bill considered that question very carefully. It is objected that they are not given the power to subpœna witnesses and compel the attendance of witnesses and the production of books and papers. Most of the committee took the view that we do not have any constitutional right to confer that power on an investigating board of this kind. It is, of course, a matter about which good lawyers entertain a difference of opinion. My own view is that Congress can not give a purely investigating board of that kind the power to subpœna witnesses and compel the production of private papers. I base that on some decisions of the courts, but even if we had the power to do so, the parties who prepared this agreement object to it. They would not agree to it, and if they had supposed that such a provision had to go into the bill, they would not have brought the agreement here. But, as I say, I do not think we have the constitutional power to do so anyway.

Mr. BANKHEAD. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BANKHEAD. My recollection is that the Coal Commission that was authorized and appointed a few years ago had very broad powers right along that line.

Mr. DENISON. I do not think they did.

Mr. BANKHEAD. They compelled the production of private papers and pay rolls and private information.

Mr. DENISON. I do not remember particularly about that.

Mr. NEWTON of Minnesota. It was intended that the Coal Commission's deliberations would extend over a considerable period of time, but here the element of time is very limited.

Mr. DENISON. I do not remember the provisions with reference to the Coal Commission, but nevertheless I do not think Congress could constitutionally confer such powers on a commission of that kind. Now, I want to read from the decision of the court in the Thirty-second Federal Reporter, page 250, in a case In re Pacific Railway Commission. The Pacific Railway Commission was created by Congress to make a general investigation of the affairs of the Pacific Railway Co. and report to Congress. The court said:

> But in its inquiries it is controlled by the same guards against the invasion of private rights which limit the investigations of private parties into similar matters.
>
> In the pursuit of knowledge it can not compel the production of the private books and papers of the citizen for its inspection, except in the progress of judicial proceedings or in suits instituted for that purpose, and in both cases only upon averments that its rights are in some way dependent for enforcement upon the evidence those books and papers contain.
>
> Of all the rights of the citizen few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books, and papers from the inspection and scrutiny of others. Without the enjoyment of this right all other rights would lose half their value. The law provides for the compulsory production in the progress of judicial proceedings, or by direct suit for that purpose, of such documents as affect the interest of others, and also, in certain cases, for the seizure of criminating papers necessary for the prosecution of offenders against public justice, and only in one of these ways can they be obtained and their contents made known against the will of the owners.
>
> The language thus used had reference, it is true, to the compulsory production of papers as a foundation for criminal proceedings, but it is applicable to any such production of the private books and papers of a party otherwise than in the course of judicial proceedings, or a direct suit for that purpose. It is the forcible intrusion into, and compulsory exposure of, one's private affairs and papers, without judicial process, or in the course of judicial proceedings, which is contrary to the principles of a free government, and is abhorrent to the instincts of Englishmen and Americans.

I give you that decision to show you the line of thought that was presented to the committee during the hearings when we were considering the powers to be given to the emergency boards.

Now here is the case of Harriman *v.* The Interstate Commerce Commission (211 U. S. 419), in which the court says:

> In other words, the power to require testimony is limited as it usually is in English-speaking countries at least to the only cases where the sacrifice of privacy is necessary—those where the investigations concern a specific breach of the law.

Unless it is some sort of a judicial investigation, an investigation in which it is alleged that certain wrongs have been committed or certain legal rights have been denied, we have not the constitutional power to confer upon the investigating board a right to subpœna witnesses and compel the production of private books and papers. That was the view of most of the members of the committee in reference to our constitutional rights. It is the view of most lawyers, and there is no decision of the United States Supreme Court to the contrary that I have found.

The emergency board, appointed by the President, will have no judicial function to perform. They will merely make investigations of controversies in which no legal rights have been denied nor any legal wrongs committed. Even if we had the constitutional right, I do not think it would be wise to confer unusual inquisitorial powers upon such an investigating board as is here created. In my judgment we have gone as far as we can and as far as we ought to go in conferring investigating powers on this board.

The parties to this agreement say that if we go that far the board will get all the necessary facts and can give full publicity to the contentions of the parties and that will bring the pressure of public opinion to bear upon the parties. Now I do

not care to discuss that subject further. I hope the House will not agree to any amendment to section 10 of the bill.

I want to say a few words about the Hoch amendment.

I am not in entire accord with some members of my committee with reference to the force and effect of the proposed Hoch amendment. I think it would be a mistake to put it in the bill. I do not think it has been carefully thought out. My friend from Kansas means to be right; his purpose is commendable; but his amendment has not been carefully considered in connection with other provisions of the interstate commerce act, and it ought not to be adopted. An amendment could be formulated that would accomplish the purpose, but——

Mr. CHINDBLOM. Will the gentleman give us the benefit of his view on that?

Mr. DENISON. I am going to do that.

Mr. CHINDBLOM. Just what kind of a provision would be acceptable?

Mr. DENISON. Yes; I am coming to that. The proposed Hoch amendment is as follows, to follow at the end of line 20 on page 24:

Provided, That nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining freight or passenger rates or other charges.

That inferentially says that the commission shall have the right to investigate the merits of arbitration awards and wage agreements.

Mr. BURTNESS. But is there not a qualification as to when that investigation may be made? Why not emphasize the words—

when determining freight or passenger rates or other charges—

Just as much as the word—

merits.

Mr. DENISON. That is not material to the point that I am trying to make. I make the point that this inferentially gives the commission the power to investigate the merits of arbitration awards when they are considering applications for increases in freight or passenger rates. I contend that the Interstate Commerce Commission has no right now, under existing law, to go into the merits of such questions, and we do not want it to have the right to go into the merits of such questions. This amendment, if adopted, would inferentially give the commission that right. In other words, we would be giving the Interstate Commerce Commission a power which it does not now possess.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes; certainly.

Mr. HOCH. The gentleman does not agree with the interpretation of those who say that this amendment is not necessary because clearly under the language now used the commission would not be precluded from that inquiry? The gentleman disagrees entirely with the position of those who have opposed this amendment throughout this debate upon the ground that the language already used in the bill does not preclude the commission from making the inquiry? The gentleman holds that they are precluded?

Mr. DENISON. My position is this: The commission has the right to consider the honesty and the economy of management of the railroads in any applications for increases of rates and charges; but that does not mean that they have a right to go into the merits of wage agreements and arbitrations that have been concluded between the railroads and their employees. They can only inquire whether the management has been honest and economical.

Mr. HOCH. How are they going to determine it?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. I am sorry the time has expired. I shall try to get more time when we reach the Hoch amendment under the five-minute rule, and I will offer a substitute that will, I think, accomplish its purpose and will not do more than is intended to be done.

Mr. Chairman, this bill means so much to our railroad employees and those they represent, and to the railroad companies and those they represent, and, as I believe, to the entire country, I hope it may be passed without any substantial amendments.

Mr. BARKLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, it seems to me that the House should have the benefit of the history back of the introduction of the Watson-Parker bill. Gentlemen are all familiar with the discussions on the floor of this House during the last session in relation to the Howell-Barkley bill. After that tense situation had subsided the President of the United States in two messages called the attention of the Congress to the necessity of passing needed legislation, and in response to that request the representatives of $20,000,000,000 invested in railroad properties during the last 75 years met in conference with the representatives of 2,000,000 railroad employees.

The investment of the $20,000,000,000, to which I have referred, has passed out of the hands of the old-time railroad kings and is now largely in the hands of the investing public, placed as security in life insurance companies and in the estates of widows and orphans. The management of these $20,000,000,000 has passed into the hands of experienced men, men who rose from the bottom of the ladder to the top; men who will protect that property against any unjust assault, against any extravagance, and against any unjust demands on the part of union labor. Thus was one of the parties to the agreement called to conference by the President.

Then we have the other party, the representatives of the 2,000,000 men, who are now demanding the best that they can get in conditions and the best that they can get in pay; things they will demand to-day, to-morrow, and always.

The public was notified that these negotiations were going on. It was stated in the press, day after day, that employers and the unions were reaching an agreement. Finally a bill embodying their agreements was introduced, and the matter came before our Committee on Interstate and Foreign Commerce. That committee is composed of 23 men, men coming from every portion of the United States. There are men from the Atlantic seacoast and from the Pacific seacoast, from the Gulf and from the Great Lakes region. It is a representative committee of every section of the United States. For 10 days that committee considered this bill, thoughtfully and carefully. The committee weighed every line of the bill; each word was analyzed. It was a long and tedious task. Before that committee there appeared the able general counsel of the railroad executives, and he stated with great frankness that when the matter was submitted to the railroad managements, on the basis of mileage, the vote was 198 to 48, and on the basis of percentage the vote was 80 per cent for and 20 per cent against. He said that the railroad managements wanted this bill to pass, speaking for 80 per cent of the first-class roads of the country. Then there came a Mr. Cain, representing the three hundred and more short lines of the country.

Then there came before us the able general counsel of the 2,000,000 men employed on these road systems, and he indorsed this bill.

So that there was unity on both sides, and back of this unity was the express desire of the President of the United States for legislation of this character.

Unless I am mistaken, after this 10-day hearing 22 members of our committee are united and in full agreement upon this bill in its general provisions. Only one member of the 23 seems to be in disagreement with the principle of the bill.

Let us be perfectly frank about it. There are no teeth in the bill. It is not a bill with compulsion back of it. It is a bill proposing that the meeting of the minds of the managers of $20,000,000,000 and the 2,000,000 employees shall be written into law, with the last word to be spoken by the President of the United States through an emergency board to be called into being when agreement fails.

From the start it was clearly stated that the smallest possible unit of railroad capital could under the terms of the bill treat with the smallest possible unit of union labor; and I shall insert into the RECORD some questions of mine directed to Mr. Thom, counsel for the roads, on the one side, and to Mr. Richberg, counsel for the employees, on the other, outlining and defining the statement that I have just made.

Questioning Mr. Richberg:

Mr. HAWES. Mr. Richberg, sometimes questions will be propounded to you that seem immaterial; but our work in Congress is largely done by committees, and we must carry back with this bill a correct story to the House.

I understand from your very lucid explanation of the whole bill that in the last analysis representatives of approximately $20,000,000,000 in capital have agreed with the representatives of approximately 2,000,000 employees, and the only question of jurisdiction as to the scope of these decisions has been eliminated by the proviso which has been agreed upon to withdraw jurisdictions over street railroads.

Mr. RICHBERG. That is correct.

Mr. HAWES. And the fundamental basic thought back of this whole bill seems to be voluntary action all along the line, a meeting of minds through the logical process of mediation, conciliation, and

then finally arbitration. It is a bill which is not intended to use force, excepting the last clause, when it reaches the President.

In the matter of salaries, Congress has a habit of viewing things with a suspicious eye, and paying more salary to one man than is paid another, and I know we will have some discussion about that. Your thought, I take it, is that the $12,000 salary will give the President greater latitude, and in that way a large number of men to select from, and produce more efficient and competent men for this service. It is not entirely the amount of money that is paid, but it is the greater latitude in selecting the right kind of minds. Is that your idea?

Mr. RICHBERG. That is our thought; yes.

Mr. HAWES. Now, as to the civil service, you will be confronted by that?

Mr. RICHBERG. No, sir.

Mr. HAWES. The whole thought back of this is mediation—I mean men of a capacity to hear both sides?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. And there is no way of picking out that kind of men from the civil-service list?

Mr. RICHBERG. Of course, as to the persons who will be subject to civil service, it would be only the employees; but I think your stating that is sympathetic with what I have stated before, that the employees themselves should be those of a similar spirit with the mediators—with the Government mediators—in other words, they should be able to work with them in a consistent frame of mind.

The CHAIRMAN. In other words, Mr. Richberg, they are in a confidential capacity?

Mr. RICHBERG. They are in a confidential capacity, and it is highly important that they should be so regarded. I might state right there, just to make that point possibly clear, I have had a good many stories told me of previous mediations. There are many, many cases where the mediators had locked in their breasts secrets that they could not possibly divulge to the other side, when they knew how far one party would go and how far the other party would go, and were trying to get them together, until finally they had gotten them to the line where they could say, "You have agreed to this, and the other fellows have agreed to this. Now, sign," and they could not possibly at any time let either party know how close they were together. Where a man is doing work of that character he has got to rely on the men he is working with. His secretary, his stenographer, anybody who is working for him, has got to be a man that he has absolute, complete confidence in, and to get that it is very helpful to have a man selected by himself and subject to him.

Mr. HAWES. So this is a process, after all, of one step after another, with the thought of conciliation in it all the way through, up to the breaking point, which we will get to in a few minutes, and naturally in selecting men of that capacity they should not be limited to any list, but only to the judgment of the person making the selection.

I was interested in some questions propounded awhile ago about how this would actually work. There are larger groups of unions, there are larger consolidations of railroads, and those consolidations are increasing on the railroad side, and I assume that they are increasing on the union side. As I understand it, a request for mediation could come from the railroads, any railroad, or any group of railroads?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Or it could come from any group of employees or from any consolidated group of employees?

Mr. RICHBERG. That is correct.

Mr. HAWES. So that it is a broad, wide method of a meeting of minds from a very small group on either side to the very largest group on either side?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. I wanted to be rather careful about that. The National Labor Board as now constituted, as I understand it, have tried to give decisions of nation-wide application, and we know that it is not always possible to go into these local conditions, where local habits and local environment influence all the way along, so it is your thought that these decisions will come from local centers as well as the great national centers?

Mr. RICHBERG. The one great value of the bill, Mr. HAWES, is the fact that instead of bringing the parties into a central location and before the Labor Board, the board of mediators or the mediator goes out into the locality and settles that question there. It is not brought into a national field. It is not a national problem. It is the concerted movement in a region, and they go out into that region. They are not always bringing controversies to a focus in one central spot, and therefore and thereby, if there is any germ of trouble in them, spreading it.

Mr. HAWES. That is the trouble with the Interstate Commerce Commission now; the commission does not have the local contact. Your idea is that this board would bring closer local contact than did the old labor board?

Mr. RICHBERG. I think it will make local adjustments more easy where that is the natural method of adjustment.

Mr. HAWES. An interesting question was propounded by Mr. DENISON regarding the control by this board of a railroad in the hands of a receiver. I understand the receiver would appoint the administrative officers of the road; the jurisdiction would then cease and these administrative officers of the road would come under the provision of the act, just the same as would the administrators of any business in the hands of receivers.

Mr. RICHBERG. I think it is the ordinary procedure in a receivership that the personnel of the road remains practically unchanged, the receiver simply becoming a sort of supreme board of directors, if you want to call it that, or executive committee, acting at the direction of the court. The personnel of the road itself, the managerial force, remains usually precisely as it was before, and it would simply impose on the road, whether the final authority were in the receivers or the court, the same duties as though the final authority were in the board of directors.

Mr. HAWES. And the authority which would select the representatives by either side would come from the supreme power, wherever it was lodged in the group of roads or the single road or the local union or the national, and both sides would exercise the same prerogatives working out through their own machinery?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Now, naturally that machinery would be determined by both sides, and any dispute as to what machinery should be employed would be a matter for the board of mediation to determine?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. So the whole process is simply one of mutual agreement up to this last paragraph on page 25.

Now, the United States Government having taken charge of the railroads to a certain extent, regulating everything they do from the president's office down to the brakeman, also curtailing the amount of their earning power, desiring the trains to move, has created a Board of Mediation which the Government pays for, and this Board of Mediation works between the two parties to a point where mediation fails. Are these hearings public or private?

Mr. RICHBERG. Well, in all respects that I can see, they should be regarded as private hearings. They are not private in this sense, that of course if mediation is called for in a situation that is of public interest, the public will know that the mediators are operating in the situation, but there will not be public hearings in the sense that the mediators will not sit behind the table and call witnesses and have the general public present to hear the presentation. In other words, they are trying to settle a controversy, not to make it worse.

Mr. HAWES. The policy, then, of all these mediations would be group conferences up to the point of disagreement, and then, and not until that time, does the public have any interest in them?

Mr. RICHBERG. When the parties have refused to arbitrate—of course, if the mediators bring them to arbitration, that settles the controversy, but if the mediators are not able to induce them to arbitrate, then you have a situation in which there may be a complete interruption of traffic as the result of a disagreement that is not settled by the machinery provided.

Mr. HAWES. So this whole machinery is to provide a forum by the United States Government where 2,000,000 men and $20,000,000,000 capital can sit down and talk over their differences and adjust them among themselves without public interference, to the point where that disagreement brings a condition which would interrupt transportation, and then comes the provision for the President to act?

Mr. RICHBERG. Of course, prior to that—you recognize the operations of the Board of Mediation are themselves a public interference, only it is not done with a brass band or published in the papers. This is the operation of representatives of the public, speaking only from the public point of view and not giving a hang for the controversies of the respective parties, except as they can be adjusted.

Mr. HAWES. Now, after we have gone through these various processes of discussion and conciliation and compromise, then there is a method by which, on report of the Board of Mediation, the President may act, and then he selects a new group, an entirely new group, of men to represent him and to act for him and to act for the United States?

Mr. RICHBERG. Yes.

Mr. HAWES. Leaving in that special group selected by him the powers of recommendation?

Mr. RICHBERG. Yes, sir.

Mr. HAWES. Now, the question was asked, What is the binding force? One binding force is publicity, public knowledge of the facts. One other element I would think would be a contractual relation. Another element distinctly is the violation of any criminal statute, violence, conspiracy, etc., which I understand remain just the same and are not changed by the provisions of the bill.

Mr. RICHBERG. They remain unchanged.

Mr. HAWES. Do I understand this bill, Mr. Richberg, from my statement of it?

Mr. RICHBERG. I think you understand it thoroughly.

Mr. HAWES. I want to be clear, because we will have some discussion of it.

Questioning Mr. Thom:

Mr. HAWES. Mr. Thom, one of the very pleasant things about this whole matter has been the meeting of the minds of both parties. Yesterday I asked Mr. Richberg to give me his views of certain important portions of this bill, which he did with great frankness. In fact, this whole hearing has been marked by unusual frankness.

Now, in the matter of representation I learned from him that what might be called conciliation, prior to mediation, could be carried on by a great national group—by a consolidation of railroads, by a single railroad, by a short-line railroad—meeting with groups of employees of any sort. In other words, instead of a great national decision, it might be purely a local decision rendered by the Board of Mediation——

Mr. THOM. Not by the Board of Mediation; they have nothing to do with rendering a decision.

Mr. HAWES. They engage in a dispute; they bring the parties together, and their function begins.

Mr. THOM. And then after they bring the parties together the result is determined by the action of the parties. The Board of Mediation attempts to bring them to an agreement, first, as to the dispute itself, and if that fails, then an agreement to arbitrate. But the Board of Mediation does not render any decision.

Mr. HAWES. It does function, however, with the smallest possible unit of capital and the largest unit of capital, and with the smallest possible unit of labor and the largest possible unit of labor?

Mr. THOM. Yes, sir.

Mr. HAWES. And that may be one advantage that this law would probably have over the old Labor Board decisions, which they tried to make national in scope.

Mr. THOM. Mr. Hawes, will you permit me at this point to put into the record the exact differences between the old laws and the present laws for the convenience of the committee?

Mr. HAWES. I shall be very glad to have you do that.

Mr. THOM. Section 2 of the Newlands Act is practically the same as section 2 of the Erdman Act, to the following effect:

"That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

"In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest the Board of Mediation and Conciliation may, if in its judgment such action seems desirable, proffer its services to the respective parties to the controversy."

The condition precedent to a request from either party or to a proffer of services was, under that law, that there must be a condition interrupting or threatening to interrupt transportation.

Now, I wish to contrast that with section 5 of the pending bill, which provides:

"The parties, or either party, to a dispute between an employee, or group of employees, and a carrier may invoke the services of the Board of Mediation created by this act, or the Board of Mediation may proffer its services, in any of the following cases."

And then there follows a recital of the three cases, in none of which is it a condition precedent that a condition interrupting or threatening to interrupt transportation exists.

Mr. HAWES. I am assuming, Mr. Thom, that when this Board of Mediation is appointed it will look into the intent of the law and will consider the hearings before this committee. Now, the question was asked yesterday about the jurisdiction of this board where a dispute arose in connection with a road that was in the hands of receivers, and it was agreed that there would be no difference in the power; that the power would be just as great; that it would have no limitation by the act of a receivership; that is, that the administrative offices of the receivership would come under the operation of this board without any interference from the court. Is that your interpretation?

Mr. THOM. Yes. May I just give, Mr. HAWES, one or two parallel instances?

The power in Congress to regulate commerce is, of course, supreme. When a valid law is passed by Congress it becomes binding upon the courts. One of the things that Congress has done in regulating commerce is to authorize its representatives, the Interstate Commerce Commission, to fix rates. Now, when those rates are fixed by the Interstate Commerce Commission on a road that afterwards goes into the hands of receivers, it is not in the power of the court to disregard those rates in operating the road. The same principle applies with reference to certain safety devices to be used in the operation of the roads. The regulation of commerce, if validly exercised by Congress, is the law as to the courts operating a receivership just as much as it is to a carrier that has been fortunate enough not to get into a receivership.

Mr. HAWES. Well, Mr. Thom, the theory of this law is that there is no compulsion in it any place, until the point has been reached where the Board of Mediation and the representatives of the two parties fail to agree; then it passes into the hands of the President, and from that moment it is his agency.

Mr. THOM. That is so. That is not the first time the obligations come in under the bill——

Mr. HAWES. No.

Mr. THOM. But the first time that there is a decided pressure upon the parties.

Mr. HAWES. Yes. And prior to that time there is the obligation——

Mr. THOM. Except this—not as qualifying what you say, but qualifying what I have said, there is outside pressure upon the parties, from the Mediation Board. But you are right in saying that that is the first time that force comes in under the whole bill.

Mr. HAWES. Prior to that time we have the binding power of contract on the one side and criminal statutes on the other for the enforcement of law. The machinery of the courts and the law now upon the statute books operate to their fullest extent up to that point. Then the force of the Federal Government is brought in in the extraordinary emergency.

Mr. THOM. There is a conflict of public opinion upon the merits of the question.

Mr. HAWES. Now, in the matter of publicity, I assume, naturally, that 95 per cent or maybe a greater per cent than that of all these disputes would be settled by the employers and employees without the Board of Mediation coming in at all, but when it does come in their findings are public property; they are open to the inspection of the press at any time. Then publicity does come in; there is no limit to it then. Approximately how much time has been consumed in the preparation of this bill? I mean, how many days or how many months?

Mr. THOM. I think that the parties got together for the purpose of effective negotiation in August, and it went on through a series of meetings, which Mr. Lee and Mr. Walker can describe to you and the dates of which I am not familiar with, until it came to us on December 21 for action by the member roads. Previous to that time it had been several times up before the executive committees in various shapes.

Mr. HAWES. Then this bill is the outcome of approximately five or six months' negotiation?

Mr. THOM. Five or six months.

Mr. HAWES. Five or six months' negotiations?

Mr. THOM. Yes, sir; with the foundation laid for it back in January of last year, a year ago.

Mr. HAWES. Regarding the argument which may be advanced over before the House, that both sides may agree to raise wages, resulting in increased freight rates or passenger rates to take care of that increase, there is nothing in this law that changes the present law in that respect?

Mr. THOM. Nothing, except that portion of the present law which gives to the present Labor Board the right to suspend agreements. Mr. Richberg has made his argument here that that is an invalid power. Anyhow, I am stating that merely as written in the present labor law.

Mr. RICHBERG. To make that perfectly clear, Colonel Thom and I do not agree, of course, on the point that it is written in the law; Mr. Thom feels, of course, that there is that provision written in the law, and I feel there is no such provision in the present law, and if it were so construed, it would be unconstitutional. But that is just a difference between lawyers as to the construction of the present law.

Mr. HAWES. But, in your opinion, this act will not change the present situation?

Mr. THOM. It will not, in my judgment.

Mr. HAWES. It will not increase the power of the roads and the unions to raise wages or lower wages or affect it in any way? There will be no change from the present conditions, as far as that is concerned?

Mr. THOM. Practically none. The reason I say practically is because of that provision in the law to which I have just alluded and on which Mr. Richberg has just commented.

Mr. HAWES. I have just one other question. I want to get back to the matter of these decisions of the Board of Mediation. The hearings of the Board of Mediation may be, as I have said before, from the largest possible unit to the smallest possible unit; they may be local and their findings not binding in a national way, either on the railroads or on the unions?

Mr. THOM. The Board of Mediation has no right to make findings; they have only the function of conciliation and persuasion. The adjustment boards have the right to make findings, and the board of arbitration has the right to make findings, and the emergency board has the right to make findings. But the Board of Mediation does not possess that function under this bill. Of course, I am not alluding now to the results of the action of the parties brought about by mediation.

Mr. HAWES. Oh, no. Now, from what you have said and from what Mr. Richberg has said, I understand this bill has been drawn as a result of many concessions on both sides, so that any change in it now might reopen on either side the present mutuality of agreement?

Mr. THOM. Yes, sir. Of course, Congress has absolute power to do with it what it pleases, but if it is changed in any substantial respects it, of course, relieves the idea of agreement; it destroys what they have done.

It is important that the meeting of minds upon this subject should be a part of this CONGRESSIONAL RECORD, because beyond the mere wording of the bill there exists a moral obligation, binding upon the roads and binding upon the men, to bring about a peaceful settlement of situations which might otherwise lead to disorder and interruption of transportation service.

How does this bill actually operate? We create under the law an official body called a Board of Mediation. When dispute arises this board appears upon the scene and using its power of conciliation attempts to bring the two parties into a meeting place where their differences may be discussed and worked out to an amicable agreement.

Failing to bring that result by a meeting of the minds of both parties, then the Board of Mediation may be called in again to assist in securing a third arbitrator, and the decision of the arbitrators is final and becomes a court judgment.

There is one assurance that the American people will have, and that is that from the beginning of a dispute, all through the period of conciliation, all through the period of mediation, all through the period of arbitration, and for 60 days following the calling of the emergency board by the President of the United States, there will be no strike, there will be no interruption of traffic.

Those who framed this bill are on record as stating that this is their interpretation of the language of the bill.

This moral obligation, this agreement entered into in response to the request of the President, has some binding effect, and it is supported by the record of debates in this Congress and the hearings before our committee, thus giving it force and effect far beyond that of the mere phraseology of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWES. No; I will not yield. I do not like to refuse the gentleman from Texas, who occupied one full hour yesterday and who interrupted every other gentleman who spoke. I have but 15 minutes, and I must refuse.

Now, the condition which confronts this country and which confronted the roads and confronted the unions and the President of the United States was the fact that the administration of the Railroad Labor Board had broken down.

In some sections of the country the board was respected. In other sections of the country it was not respected. Unions refused to take their grievances before the board and some of the railroads refused to take their differences before the board. In many instances it became a tribunal before which litigants would not appear. So something had to be done. The two lines of thought naturally occurred to those who had that subject in mind. One was a bill built upon compulsion—a bill with teeth in it, a bill that said "You shall do this and you shall do that, under penalty of punishment or damages." That was one distinct theory.

The other theory was a bill providing for voluntary meetings and voluntary understandings. That is the theory adopted by both sides to the railroad labor controversy, and it was the theory suggested by the President of the United States, and it is the theory adopted by your committee.

So let us be frank about it. There are no teeth in this bill. There is no compulsion in it. It is the meeting of minds with the moral force that comes back of such an agreement. There is no teeth in it excepting the law of the land, the law against conspiracy, the law against violating a contract. In the last analysis, when agreement fails, the President of the United States appoints an emergency board. This is really a fact finding commission and its duty is to make known the real facts back of the dispute so that the public may be informed as to the justice of each side's claims. The emergency board report will have back of it the power of public opinion, and back of the President of the United States in such an emergency are the courts and marshals of the land. Back of all is the Army, if needed to insure continued transportation. That point I hope will never be reached, but the power is there.

Gentlemen tried to split hairs on the floor of the House the other day about compelling a man to work. It can not be done by law, but if a group of men conspire they can be brought under the law as it exists to-day and punished for conspiracy. On the other hand, the violation of a contract taken into court will be decided by a court and a jury.

Mr. CHINDBLOM. Would the gentleman care to yield?

Mr. HAWES. I should prefer not for the present. I will yield in a few minutes. Now, the break down of the Labor Board was the emergency which created the necessity of some legislation. Let us face the facts. When this permanent body decided a dispute in favor of a railroad the unions objected and thought it was unfair. When this permanent Labor Board decided a dispute in favor of the unions some of the railroads thought it was unfair, so that finally we have a board with jurisdiction, but nobody would submit disputes. This bill brings into being a new thought, and that is that for each serious dispute a new board will be appointed. It does its duty and it passes out of existence, it moves away. That is the new thought in this bill.

There was an able man before our committee; a big man in mind, in training, in equipment, in knowledge of the subject, and he impressed the committee with great respect for his attainments, although the committee did not agree with him. He brought before that committee and discussed for hours a different kind of a bill, a bill with compulsion in it. That was Mr. Emery, counsel for the manufacturers. There is no man in this House who could have presented that case as brilliantly, as persistently, and as logically as did Mr. Emery.

I also asked Mr. Emery concerning his views of this bill. His answers are, in fairness, herewith inserted:

Mr. HAWES. Mr. Emery, I asked Mr. Thom and Mr. Richberg some questions at the conclusion of their testimony, because I want this record to give an expression of their opinion of the proper interpretation of this law. I would like to ask a few questions for the same purpose.

It seems that the President in two messages to Congress requested the parties in controversy, the railroads and the unions, to get together and submit a substitute for the Labor Board. That was followed by a conference of the two parties and the subsequent introduction into the Senate by Senator WATSON, chairman of the Committee on Interstate Commerce, and by Mr. PARKER, chairman of this committee, of the bill that we are discussing. The testimony of the unions is that they are unanimously in support of this bill. The testimony of the railroads is that they, on a basis of mileage 198 to 40, support this bill, and that 80 per cent of the roads support the bill, and so far as I have heard neither the 40 per cent on the basis of mileage nor the 20 per cent on the basis of numbers have made any objection to the presentation of the position of the roads made by Mr. Thom. So it would seem that, answering the request of the President, the parties have agreed and administration approval seems to be indicated by the men selected to present this bill in the House and in the Senate. I believe that is a correct statement of the situation, of the introduction of the bill up to this time.

Mr. EMERY. The question of fact; yes.

Mr. HAWES. Now, the public, of course, is interested in uninterrupted service, and I understand from both sides that the language of this bill is interpreted by them to mean that there shall not be a strike or a change of conditions until the emergency board appointed by the President in the last move has rendered its decision. So that both sides are on record that there will be no interruption of service at any time, from the first move until the final move, and it permits this to proceed even 60 days after this board appointed by the President has been in operation.

Mr. THOM. Thirty days after the board. Sixty days in all.

Mr. HAWES. Yes. I was interested in your suggestion that the Interstate Commerce Commission should be called in, because out of these controversies may arise an increase of wages which would ultimately affect the general public and the purchasers of transportation. I am not quite clear about your position. I would like to have you elaborate it for this reason: I can not understand how these boards of mediation or conciliation or arbitration could arrive at any decision on your theory unless the Interstate Commerce Commission first approved their findings. Is it your position that on every labor dispute involving an increase in wages that first the arbitrators or the Board of Mediation should report to the commission, and as a practical matter there should be no decision on labor disputes until the commission has passed upon it, and the commission could not pass upon it until it

went into the merits of the case. Now, what is your idea? I have not got that quite clear.

Mr. EMERY. I had made this suggestion in comparing the present law with the proposed bill: I said that under the present law the Railroad Labor Board had the power to suspend wage agreements arrived at voluntarily by the parties until it could determine whether or not it required a readjustment of the rate structure. That is the present law. Whether it is effective or not, it is the law. I had said this was a valuable safeguard of the public interest against the imposition of excessive charges on transportation, and I had said that my distinguished friend, Mr. Thom, and railroad executives thought so, so strongly, that they had again and again emphasized that in opposing the Barkley-Howell bill before the Senate committee.

I said that by the abolition of Title III of the transportation act that safeguard was lost, and with it public representation upon a public board passing upon a dispute with respect to wages, and no substitute was offered.

I suggested that one of two things had to occur: Either you abandon that public policy now in effect, or you transfer that power, if you abolish the Labor Board, to some other agency. There seemed to be no other existing agency, if you maintained the policy, that could exercise that power except the Interstate Commerce Commission, qualified by virtue of its position, experience, and authority to exercise that power. I therefore suggested that it be transferred to the Interstate Commerce Commission. That it possess the power to suspend a wage agreement until it could examine its effect on the rate structure.

I did that for two reasons. One, because it was an existent authority that had been proposed by the Congress of the United States in its wisdom as a safeguard, and there seemed to be no reason to abandon it and leave the public unprotected in that regard. Second, that the Interstate Commerce Commission was the only body that could do it. Third, that the Labor Board's power to do these things had been unchallenged during the five years in which this power has been in existence. That the deterrent effect of that power would be very great because it would mean that the parties in all negotiations must see, through the window of their room, the shadow of public vindication for any agreement they arrived at if it was questioned, which probably in the great percentage of cases it would not be. Do I make that clear?

Mr. HAWES. Yes; except in one thing. If your proposition was accepted and embodied in this bill, no labor dispute would be adjusted until it was first submitted to the Interstate Commerce Commission, where it involved the raising of wages. As to that, every dispute, no matter how trivial, would have to be reviewed by that body. As a practical matter they could not do it—or do you think they could?

Mr. EMERY. I think, as a practical matter, the result you speak of does not follow. They would not exercise that suspensory power except in serious cases. It is obvious there would be no occasion to exercise it in trivial cases, because it would not, on the face of it, require any readjustment of the rate structure. But suppose it involved some such situation as you are now confronted with. As this discussion proceeds, demands are being made, the effect of which upon the operating costs of the railroads is uncertain. But it is estimated at all sorts of sums from $100,000,000 to $500,000,000 from these demands, if such burdens are imposed upon the whole structure. Now, in such a case, surely if an agreement was made that was very great in its nature, there ought to be some body to inquire into its effect on the rate structure. It will have to do so eventually; why not when it is made?

Mr. HAWES. These gentlemen agree that this bill will apply to the smallest units of the union and to the largest; to the smallest roads units and to the largest. Now, a situation might very well arise on a small, short line which might not involve over $50,000, we will say, but might seriously affect the earning power of that road and necessitate a revision of its rate structure. That would be just as important to that $50,000 investment as it would be if it was a $100,000,000 investment, and they would have the same right to appeal to the commission. So that it would ultimately involve an opinion to be handed down by the commission on every adjusted wage scale that came up in the United States between the employers and the employees.

Mr. EMERY. Well, is not that true, Mr. HAWES, now, if such adjustment affects the cost of operation so that a petition for an increased rate is necessary?

Mr. HAWES. But under your amendment I think the adjustments would have to be suspended until the commission had acted, and during that time the deliberations of the President's committee naturally proceed, and then the Interstate Commerce Commission will take the whole dispute into consideration in their determination of the wage scale. Your amendment, I believe, would prevent any adjustment of a wage dispute until the commission had first acted.

Mr. EMERY. It would prevent the agreement from going into effect until an examination had been had, if it was one of the nature described. That is all.

Mr. HAWES. So that the practical effect would be that after this dispute had proceeded through mediation, conciliation, and reached the stage of even the emergency decision of the special board appointed by the President, that decision could not be operative until it was again submitted to the Interstate Commerce Commission?

Mr. EMERY. The last is not a decision, Mr. HAWES.

Mr. HAWES. The emergency board decision?

Mr. EMERY. Yes. That is a mere inquiry into the facts of the case as to who is right or wrong, if you please, for the benefit of the public in a dispute which threatens to interrupt commerce. It does not contemplate any judgment by the parties.

Mr. HAWES. It contemplates, however, an appeal to public sentiment.

Mr. EMERY. Yes, sir.

Mr. HAWES. In which the right or wrong of the controversy will be decided by the public sentiment, to be followed, if necessary, later by congressional action.

Mr. EMERY. I can only point out that during four years that difficulty has not arisen, and the deterrent effect of that provision is to be estimated by yourself.

All of the objections that are suggested here must have been in the minds of both Houses of Congress when they passed the present provision, and they regarded it as essential to safeguarding the public interest. Now, they can reconsider that and they can abandon it, or they can apply it to their new instrumentality with such modifications as their practical wisdom suggests; but it must be either abandoned or continued.

Mr. HAWES. Returning to the matter of the Labor Board and its abolishment, statements have been made here that the unions refused to submit their grievances to the board and that a number of the larger railroads, including the greatest of all the systems, I believe, the Pennsylvania, also refuses to submit its affairs to that board, and the President has recommended a change in the form of agreement of the two directly interested parties. In other words, do you think the Labor Board functions as it exists to-day?

Mr. EMERY. It obviously does not function to the satisfaction of the parties.

Mr. HAWES. To either party?

Mr. EMERY. To either party. In some respects it has been very highly praised by some of the railroad executives. In some opinions expressed by them publicly as late as January 2 in the Railway Age, some of the very representative executives expressed in their belief that it will function better in the future. As to that I express no opinion, but if it is thrusting back upon the parties the determination of their disputes between themselves, I am very glad to see it, because I think that is the most effective place to have them settled.

Mr. HAWES. The other amendment suggested is giving the power to the emergency board to summon witnesses and produce books and papers. Do you think that in this appeal to public opinion either side would refuse to produce any information that such a commission appointed by the President would ask for?

Mr. EMERY. Well, it may. I can only judge the future by the past, as I have said, Mr. HAWES. If parties to a controversy have flouted the President of the United States, why should they be so respectful to his agent?

Mr. HAWES. If it is an appeal to public opinion—and that is all this emergency board amounts to—prior to the application of the power of the President through the general machinery of the law, it seems to me that the case would then be decided by the public very quickly against either side that refused to bring any testimony or any witnesses summoned by the emergency board. There are no teeth in this bill, and that is what you do not like about it—excepting a forum by which the United States Government may ask these people to get together and adjust their differences, and upon the failure of that an emergency board appointed by the President of the United States that will tell the American people the true story of the situation. That is the final thing, and then that is followed by the power of the President to enforce by the courts or the Army. Is not that sufficient power?

Mr. EMERY. I think it is vital, Mr. HAWES, that when the parties—when their machinery has failed, the issue that remains is what shall be done to protect the public interest now threatened with an interruption of transportation. The parties are through with the problem. They can not settle it. Now, you are facing the situation which then results. Do you not feel that two things are now essential, that the interruption of service shall be prevented? If that occurs, we have a catastrophe. Is it unreasonable to suggest that clear obligations shall be laid upon the parties that every layman shall understand, not in ambiguous or uncertain language, but a plain duty on the parties not to do that, and we will all understand what our duties are then? And, secondly, if the President's commission is to make an inquiry, they ought to have as much power to do it as a private commission. It may not have to have any formal sitting or any formal procedure, but surely when the people of the United States act through their President their representative ought to move as one clothed with power and not merely as a private individual who comes in and begs the parties to let him have what he wants. The possession of power can not lessen his capac-

ity to function. It may place the parties who disobey him in the obvious and immediate position of disobeying a plain, legal obligation. It only makes more effective, in my opinion, this exercise of power by the President's committee in order to influence public opinion.

Mr. HAWES. It is apparent from the testimony of the representatives of the unions that they have made concessions; it is apparent that the railroads have made concessions, and on the face of it there is among them a difference of opinion between 80 per cent and 20 per cent, and with these concessions, concluding a negotiation of nearly six months, have arrived at a bill upon which there is a meeting of minds, and the thing that I am interested in is: If there is a change of language in this bill, will we not lose, unless this same agreement is preserved—will we not lose that mutuality of consent and approval which now exists? Is there not danger of that?

Mr. EMERY. I can see that. But I suggest, Mr. HAWES, that when you come to those provisions of the bill that are not directed to the machinery of accommodation but to the protection of the public interest, that the clarification of the language is a matter of duty on the part of the public representative, if he does not think it clear. It is surely a clearly defined duty that he act, especially in those sections that are aimed at public protection. And I wanted to say secondly that exactly the situation that you present confronted the Congress under the Newlands Act. The parties came in. They were perfectly agreed. They said this machinery would unquestionably operate; and if you changed any word in it, you would have a serious difficulty in getting the parties to agree. They were taken at their word, but did it work?

Mr. HAWES. And has there been an attempt made by Mr. Richberg, yourself, and Mr. Thom to agree upon these amendments?

Mr. EMERY. I discussed this matter at the invitation of the gentlemen, with them, before the bill was introduced. I did not see the draft of it, the final draft, until it was introduced. But I discussed these provisions with them and urged that those particular provisions be clarified, and they could not agree with me—that is, Mr. Richberg in particular. That is why the matter comes before this jury.

Mr. HAWES. Is it your understanding that both sides still object to changes suggested by you?

Mr. EMERY. Yes. And of course you understand that the changes I have suggested are—that is, substantial changes—I have not suggested that you adopt my language in particular; I have only undertaken to make a draft in order that you understand the nature of the amendment I propose; but I suggested that those provisions—that something like them was essential to adequately protect the public interest in the two things which I stated, and I submit that to the judgment of the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. I yield the gentleman 10 additional minutes.

Mr. HAWES. The committee knew this bill could not well be part voluntary and part compulsory. One theory had to run through it all, so the amendments proposed by this gentleman were rejected by the committee. All compulsion is out of it and the committee is now in entire agreement excepting the construction to be placed upon one section of the bill.

My friend from Kansas [Mr. HOCH] has presented an amendment. In my judgment the amendment is dangerous. It is dangerous because under this new law not a single power now possessed by the Interstate Commerce Commission is taken away, not a single power is added; the power of that commission remains the same; but this amendment may compel a review of each arbitration by the Interstate Commerce Comsion before a settlement by arbitration. Try to visualize what that thought would mean. A labor dispute is a serious thing. It is not conceivable that the railroads and the unions would corruptly enter into a deliberate conspiracy to do something that was improper. With the Hoch theory specifically placed in this bill you destroy the meeting of minds, you take the mutuality out of the bill.

Then, again, you may put in a section which means nothing. It may be a mere idle gesture, or it may be a very serious amendment, endangering the whole efficiency of this bill.

If the Interstate Commerce Commission should take the view that the amendment means that it "shall" go into the merits of every labor dispute settled by arbitration, it would mean that the whole time of that commission would be taken up with labor disputes. It would mean that no railroad company would present its cause to arbitration and that no arbitration could be made without the approval of the Interstate Commerce Commission.

To-day when a railroad president enters his office he enters the jurisdiction of the Interstate Commerce Commission. The man who walks the track comes under the jurisdiction of the commission.

No increase of rates of any kind can be made until a review has been had by the commission of the reasons given for the raise. There is no single thing connected with the railroad industry of this country, even in the matter of earnings, that may not be taken into consideration by the commission.

So that this commission may look into any question increasing the cost of operation, honesty of operation, or the necessity that compels an additional expense. They have that power now. But if this amendment offered by my friend from Kansas is adopted the commission may read into the law a thing that is not there, that they are directed to go into the merits of an arbitration.

I doubt whether they would do such a thing; but if they did, what would happen? Would a strike settlement be put off until the commission had heard and decided every labor controversy on the thousands of miles, every controversy that would arise between all the roads and 2,000,000 men. It would be an impossible task for them to perform properly. There is no machinery by which they could proceed.

In the last analysis, when this great committee spends 10 days, morning and afternoon, in consideration of this subject, when a man of the attainments of Mr. Richberg, representing 2,000,000 men, and a man with fine attainments of Mr. Thom, representing 80 per cent of the railroads of the Nation, and then between the two comes Mr. Emery and advances his theory of compulsion, which was abandoned.

You must leave this bill alone; and if it fails on a fair test, the American people will know it, the President will know it, and then Congress may change its plan and report a bill with compulsion in it. But it should not be written until that period arrives. [Applause.]

Mr. DENISON. Mr. Chairman, I yield 20 minutes to the gentleman from North Dakota [Mr. BURTNESS].

The CHAIRMAN. The gentleman from North Dakota is recognized for 20 minutes.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, when I opposed upon the floor of this House the so-called Howell-Barkley bill last year, I made substantially this statement: That I was one of those who believed that as Representatives here in Congress we are more concerned, and ought to be more concerned, about the interests of the unorganized public than with either the interests of the railroad employees on the one hand or the interests of the carriers upon the other, and that for the simple reason that both of the sides were so well organized that they are pretty well able to take care of themselves.

I also take the position that the public is interested not only in efficient and continuous transportation service but also interested in getting such transportation service at reasonable rates.

I make that statement at the outset, so that I can emphasize to my friends here concerned with the question as to whether this bill protects the public interest, the point of view which I had when we commenced in our committee the consideration of the bill which is now before us. With that point of view, after the arguments for and against the bill were presented fully and ably to us, I arrived at the conclusion that this bill in its fundamentals and its general purposes is the best solution of the vexatious problem of insuring industrial peace on the railroads of the country that has ever come before the Congress. I am supporting it, although my private viewpoint as one representing an agricultural district and my chief concern has been its effect upon the rights and interests of the unorganized public, at the same time having due regard to the rights of railway labor and of the stockholders owning the property used in the transportation service.

This bill is a tremendous improvement over the one that was proposed a year ago for similar purposes; and permit me to say that if this bill is half as good as the representatives of the railway employees' organizations have told us that it is, they ought to be willing to raise a monument to such men as Mr. COOPER of Ohio, who a year ago bravely, patriotically opposed the wishes of the men formerly associated with him in the labor movement and who in the public interest helped to defeat the Howell-Barkley bill and made it possible for this sort of a bill to be brought before you at this time. He deserves their thanks instead of their condemnation of a year ago. And the big heart of the gentleman from Ohio was pretty well indicated on the floor of the House on Tuesday when, in spite of the fact that strenuous efforts had been made by the railroad men to defeat him in the last campaign because of his opposition to the Howell-Barkley bill, he paid a wonderful tribute to the men who are to-day leading labor in this country. He is their true friend, although he has the courage of his own convictions.

Now, why do I support the bill? There are several reasons. I can only emphasize two or three of them very briefly in my limited time, because I want to concern myself mainly with some of the provisions of the bill which do give me consider-

able concern. The Labor Board, that has been so much discussed here on the floor, has been much discredited. What might be termed the morale on the railroads, both among employees and in the management, with respect to questions involved in wage schedules and the hope of fair settlement thereof is not good, because they have no confidence in the Labor Board. That does not mean that the Labor Board has not rendered some good service or that its work has been wholly bad.

The Labor Board, you will all remember, took charge of the various controversial questions involved at a time when it was most difficult for any public board to take charge of matters of that sort, at a time following the war, at a time when it was necessary first to raise railroad wages and then to decrease them, to make changes from time to time. It was only natural that within a short time both sides would become more or less dissatisfied with the decisions that were made and would be inclined to question the fairness of its decisions.

I have doubt, sincere doubt, whether any body consisting of representatives, as does the Railroad Labor Board, of three different conflicting viewpoints—representatives of the railroads, representatives of the employees, and representatives of the public—can ever function satisfactorily as a public board and render decisions upon questions so vitally concerning two of these parties, and particularly so when that board is a permanent one and will sooner or later have an accumulation of objections and criticisms made against it by one or both of the interested parties. A change is therefore in all probability in the public interest.

But stronger than that in this bill's appeal to me is the fact of agreement between the two parties most directly and immediately concerned. I agree fully with the statement that was made by the gentleman from New York [Mr. JACOBSTEIN] on the floor of the House this afternoon when he said that the best thing in this bill is not what is in it, but what is behind it. So in its general fundamentals, my friends, I am willing to accept the representatives of the carriers and the representatives of the employees at their word. I am willing to give them an opportunity to see whether the enactment of this bill will do what they so hopefully promise. I like the attitude of peace and desire of agreement they have shown before us, and hope it will continue. It augurs well for future peace and harmony.

In spite of that, my friends, I am not one of those who can agree that legislators representing the people here must take any bill that comes before us, even where there is agreement between interested parties, and simply sign upon the dotted line.

I contend it is still their duty to exercise judgment as to whether the bill can be improved or bettered for the best interests of the people as a whole. Therefore, I do want to urge upon you, and in my limited time I want to discuss, a number of important amendments which may not be regarded as absolutely vital at this time, but which I think would improve the bill without in any way changing the fundamentals thereof and without in any way giving either of the two parties immediately interested in this controversy any excuse, after we pass it, to say it is not their bill. We should not be alarmed about giving them some arbitrary or fantastic excuse. If they are looking for such to get away from the moral obligation of this bill, their agreement is not worth anything. More properly it is a question whether we would give them a reasonable excuse, an excuse which would appeal to the intelligence and judgment of the people in that regard, to avoid responsibility under the act. Having that in mind, I am earnestly supporting the purposes of the so-called Hoch amendment.

I do not agree with some of the members of the committee who contend that the enactment of the Hoch amendment would make the Interstate Commerce Commission an appeal board or a board of review with authority to determine or review wage schedules, although I do recognize that possibly the use of the word "merits" in the bill might by some be regarded as ambiguous and, at first blush, cause a little confusion. But there is nothing to that contention when you analyze the amendment. Let me read it:

Provided, That nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining freight or passenger rates or other charges.

The purpose of it, the sole purpose, as set out in the report to the House—and that would be considered by the Interstate Commerce Commission and the courts in construing it—is simply to reserve to the commission the right which it now has under the provisions of section 15a of the transportation act, to consider the question of whether any wage schedule is a reasonable one, is an economical one, or an efficient one while performing a certain duty. When? When are they given the right to consider such question? Not after the wage schedule has been made, not on an appeal by either of the interested parties, but only when the commission exercises its statutory function to determine rates. That is all this amendment does. The right is given to the commission "when determining freight or passenger rates."

I submit that in writing this sort of bill we should be just as much interested in protecting the rights of the public upon any disputed or ambiguous proposition as we have been in this very bill in protecting the rights of the carriers or in protecting the rights of the employees on matters that might be considered ambiguous in any shape, manner, or form. Perhaps most of you who were here last night when I engaged in a colloquy with the gentleman from Minnesota [Mr. NEWTON] will recall that after he had very ably discussed the provisions of the eighth subdivision of section 9, which is a provision specifically safeguarding employees, I asked him whether in his opinion such subdivision added anything to the bill, or whether the employees would not without the eighth subdivision be just as fully protected as they would be with it—that is, whether the individual employee would not otherwise be protected against being compelled to work against his will or making his individual refusal to work a crime—and the gentleman from Minnesota [Mr. NEWTON] frankly answered yes. I asked him then what was the purpose of the subdivision, and the gentleman in substance said:

It is largely psychological, I presume.

I then asked him if the purpose was not simply to safeguard the rights of these employees on a proposition that might sometime, somewhere be regarded ambiguous, and he replied yes. The subdivision reads as follows:

Eighth. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor or service by an employee an illegal act; nor shall any court of the United States, or of any State, issue any process to compel the performance by an employee of such labor or service, without his consent.

We have done this in a proper way for the employees. Can the employees, the carriers, or anyone else complain if those of us trying to protect the interests of farmers and other shippers and the general public say that we want a similar safeguard for them written into the law by the Congress of the United States? Some say it is not needed; that the right is preserved anyway. Why not make it clear, so there is no doubt of it?

This is the purpose of the Hoch amendment. I am for it. I hope it will be adopted by the House, and if there is anyone here——

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BURTNESS. I can not yield now. I have only a limited time, and I have a great many things I want to discuss.

If by any chance the Hoch amendment should be defeated, then I am going to offer another amendment, not at all different in its purpose, not a better amendment, but one the language of which might appeal to some as preferable. But, understand, I am for the Hoch amendment first, last, and all the time. I want to help put it across; but if it should be defeated, then I am going to offer this amendment.

I am going to offer it either in connection with the eighth subdivision pertaining to the employees, or as a separate subdivision to be designated as the ninth subdivision, reading as follows:

Nothing in this act shall be construed to limit the Interstate Commerce Commission in the exercise of its power to prescribe just and reasonable rates, to take into consideration the question as to whether the management of any carrier is honest, efficient, and economical.

You will note, gentlemen, I have adopted the language in section 15a of the transportation act, the only language which to-day gives to the Interstate Commerce Commission, when it determines rates, any jurisdiction whatsoever in trying to ascertain whether a wage schedule is a fair and reasonable schedule. They can pass upon that question not for the purpose of setting aside a wage agreement, or an arbitration award, but solely in determining whether in paying such wages the management is acting honestly, efficiently, economically, so that the commission can and should properly pass such expenses on to the public—to be borne by the public in transportation charges. Some of us deem it important to preserve that right even where the wages are the result of an arbitration award In other words, the amendment which I

will propose if the Hoch amendment is defeated does only what the supporters of the Hoch amendment say in the additional views submitted with the committee report is intended to be wrought by the Hoch amendment. Eight members of the committee joined in those views.

Mr. HOCH. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. HOCH. The gentleman heard the argument of the gentleman from Illinois [Mr. DENISON], one of the able lawyers in this House, who says that the commission ought to be precluded from an inquiry, and opposes this amendment on the ground that they ought not to have any right to inquire into the merits of the arbitration award, which illustrates the necessity of this amendment.

Mr. BURTNESS. There is no question about that. The gentleman from Illinois is the only one that I have heard take that position. Now, Mr. Richberg—and no brighter man or keener lawyer ever appeared before a committee, and no one who is more loyal in representing his clients—stated positively in that connection that this right would not be taken away from the commission and the public by this bill, and yet we have heard on the floor of the House this afternoon from the gentleman from South Dakota [Mr. WILLIAMSON] that Labor, the official organ of some of the railroad employees, must disagree with Mr. Richberg. At any rate, Mr. Richberg's views differ from those expressed by Mr. DENISON. Let me quote Mr. Richberg's views, given as counsel for the organized railroad employees in the open letter addressed to Mr. HOCH in opposing the Hoch amendment:

> The commission may at the present time undoubtedly determine what evidence is appropriate to guide its judgment in fixing rates. Therefore under the present law the commission could receive evidence to show that operating expenses were unreasonably high, and if such expenses were the product of collusion or favoritism, or for any reason unjustified, the commission could admit evidence to prove this and could refuse to sanction excessive operating charges.
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> In your statement you admit that the power of the commission to require reasonable rates is not disturbed by the bill in its encouragement of voluntary agreements. But an arbitration award is the product of a voluntary agreement, the same legal obligations of contract result, and it is just as necessary to permit the parties to obtain a contract by this method as to permit them to write a contract without outside aid, because in serious controversies this is often the only method whereby an agreement can be made. If, as you admit and we agree, the power of the commission to require reasonable rates is not disturbed by a contract resulting from voluntary agreement, the power of the commission is equally undisturbed by a contract resulting from an arbitration award. One contract has no more binding effect legally upon the commission than the other. The practical persuasive effect of any contract as a measure of reasonable operating expenses is to be determined in each case by the commission. The bill as reported does not in any way limit or modify the powers and duties of the commission in this regard under existing law.

If Richberg is right, what objection can there be to an amendment as proposed either by Mr. HOCH or myself? Oh, yes; we had Colonel Thom, who was asked if he agreed with Mr. Richberg. He hesitated considerably, his viewpoint representing the carriers was a little different; but he practically said, "Yes; I agree with that." "Well," he was asked, "if you agree, is there any objection in putting in such a provision that will with certainty safeguard the public?" What was his only answer? Substantially this: "This is only my personal view, and I can not agree to anything that would make it impossible for attorneys and other persons interested to raise the issue in the future." That is the strongest kind of an argument, my friends, in favor of some such provision as the Hoch amendment. Let us make it clear. Let us deprive railroad attorneys in the future of the chance to raise the issue. Let us write Richberg's and Thom's construction into the law and thus be assured that no right is taken away from the Interstate Commerce Commission to protect the public. I only regret that the answers of Colonel Thom were given to the committee after the hearings were closed, so that they do not appear in the printed record.

Mr. PARKER. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. PARKER. Has the gentleman ever known any law to be passed that you could not find some lawyer to dissent from it?

Mr. BURTNESS. Construing laws is often difficult and subject to differences of opinion; but I have not known any legislative body willfully, openly, when drawing or considering a law approaching propositions that they find are going to be disputed as ambiguous, refuse to try to make the language plainer so that there will be no ambiguity about it.

Mr. PARKER. Did not Mr. Thom say that he believed it did apply? Was not that his personal view?

Mr. BURTNESS. Yes; Mr. Thom said that, as I have indicated, and I am glad to get your corroboration of it into the RECORD.

Mr. PARKER. Some lawyers might hold otherwise, but has not the gentleman had people oppose him when he could not see any earthly reason for their opinion?

Mr. BURTNESS. What objection is there to trying to make this plainer now so that the railroad companies hereafter can not come in and make the contention Colonel Thom wanted to save for them? I want the distinguished chairman of our committee to answer this question now.

Mr. BUTLER. I want to know about that, too.

Mr. PARKER. I do not think it can be drawn so that some lawyers would not disagree to it.

Mr. HOCH. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. HOCH. Since I made reference to the gentleman from Illinois [Mr. DENISON], I think his position is consistent, taking the view that he does, that the commission ought not to have the power to scrutinize. He is logical in opposing the amendment, but gentlemen who insist that the law as written in the bill does not preclude the commission from examining into it, seem to be entirely inconsistent.

Mr. BURTNESS. I agree fully with your logic but feel that I must go on without further interruption. Now, neither the Hoch amendment nor the one I propose would make the Interstate Commerce Commission an appeal board. I do not want them to become such; I want them to remain primarily a rate-making body, a rate-making body for the protection of the public. On the other hand, I do not want a law making it possible for carriers and employees to gain any advantage by collusion or otherwise and pass an unfair burden to the public. That is why I favor placing a provision into this bill insuring that the Interstate Commerce Commission is not in the future precluded from asking the question as to whether or not the management of that carrier is honest, efficient, and economical when it gets to considering reasonable rates. That is what we are trying to do when we urge an amendment. I am not one of those who believes that the Interstate Commerce Commission ought to be given power to suspend voluntary wage agreements. I think it would be unconstitutional to attempt to do any such thing. Wilson against New so holds in my opinion. I want to reserve for the parties their constitutional right to make their own contracts.

But in perfecting a law of this kind we should exercise care lest we make it possible for an agreement to be made either by collusion under economic pressure or otherwise and thus permit an improper burden to be passed on to the public. Let us remember that demands may be made under conditions when the management of the carriers may think it is cheaper to yield even to unfair demands than it is to submit to a long drawn-out strike, especially when they have a possible chance to pass the additional cost on to the public as higher rates. Let me quote what Mr. Hale Holden, chairman of the executive committee, Association of Railroad Executives, said to the Senate committee when they opposed the Howell-Barkley bill and which now seems to be forgotten even by Colonel Thom:

> It was apparently felt by Congress, and with reason, that the parties should not be left to an uncontrolled agreement to increase wages or other forms of compensation, Congress well knowing from past experience that railroad organizations have frequently exerted what is technically called economic pressure upon managements to increase wages, accompanied by threats of strike and the taking of strike votes for the purpose of impressing the management with the seriousness of their intentions and of bringing about concessions and agreements, afterwards termed voluntary, but really in their essence often a surrender, either in whole or in part, by the management rather than submission to an actual crisis. * * * (Hearings, Interstate Commerce Committee of the Senate, S. 2646, March 18, 1924, pp. 42–43.)

I do not want to make it possible to let such a burden, if it is an unfair burden, be passed on to the shipping public. I want the management of the carriers, in other words, to know that whenever they agree to a wage schedule it should be a fair schedule if they want the public to pay it, and I think that is fair. That does not prevent the employees from getting fair wages. They deserve fair wages, and they ought to be well paid, not only for the work they do but for the hazard they undertake in doing the work. The fair wage should be paid by the public, but no more than that. If the carrier wants to give their employees more than that, it should

not have the right to pass the burden on to the public in the way of increased rates, and the Interstate Commerce Commission should not be expected to do so.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. BURTNESS. Mr. Chairman, I desire to use that time in discussing the provisions of the bill setting up the so-called emergency board. When the Board of Mediation is unable to bring about an agreement and arbitration is refused and the dispute is so serious as to threaten interruption of essential transportation service to any section of the country, the Mediation Board shall notify the President, who may thereupon create a special board to investigate the dispute and report concerning it. This is the board intended primarily to protect the public. It will be a special, unbiased board for each occasion, and will therefore not be impeded at the very start with such prejudices as now exist against the Railway Labor Board. After the creation of the board, and for 30 days after it makes its report to the President, no change shall be made in the conditions by the parties to the controversy except by agreement.

No such provision was found in the Howell-Barkley bill. I am frank to say that I should not be supporting this bill were not this provision or a somewhat similar one in it. The employees feel that they have yielded considerably in consenting to the creation of such boards. I can not see that either they or the carriers need fear such a board. The unorganized public may need it badly. Human nature among labor leaders and among managers of carriers is just the same as elsewhere. In the heat of controversy the disputants can not always agree, and one side or the other fears arbitration. A tie-up is threatened. The public must be protected. Life and health of millions of people may be at stake.

Is it too much to ask that in such case the public is entitled to have the facts and issues investigated and analyzed by an impartial board, give the public the benefit of its recommendations as to how the dispute should be settled in fairness to carriers and employees, and then permit the force of public opinion to enforce such decision? Surely no reasonable man can say this is unfair. I rely much on this provision in the bill, but I do at the same time wonder whether it goes as far as may be required for the best interests of all the people.

Mr. Chairman, considerable has been said upon the floor with reference to the alleged need of giving to the emergency board a power not provided for in this bill, namely, the power of compulsory process. If I were writing the bill, and if this question of the agreement of the parties were not an immediate factor, I would provide for such process. In view of the fact, however, that this is one of the things which at least one of the parties claims would go to the fundamentals of the proposition, I am inclined to think we ought to pass the bill without such provision, take a chance on it, and see what happens. I doubt whether it is very important. If it ever becomes necessary in order to get the parties hereafter to furnish all material facts to the board to give such board the power to issue a subpœna, then Congress can easily grant that power at such time by amendment. I would not now give either party the opportunity to avoid responsibility to carry out the provisions in good faith by saying that this is compulsion, to which they can not subscribe.

There are two or three other features about this emergency board to which I desire to call attention at this time. Do any of you realize that the bill as drawn—and I can not believe it is purposely or adroitly—does not require the report that is to be made by this emergency board to be public? I submit in all fairness that if any issue is so serious that it can not be settled by an agreement between the parties or by mediation, and if it is so serious that one or both parties will not agree to arbitrate it, if it becomes necessary for the President of the United States to appoint such emergency board in order to marshal public opinion behind the decision the board is going to make, that the public is at least entitled to have the report made public to find out what there is in it. Can there be any excuse or reason otherwise? I asked the question of Mr. Richberg whether it was the intent of the parties to this arrangement to make the report public, and he said yes. I then called attention to the fact that the bill did not so provide. He seemed just a little surprised at first, said it was a new question to him, but later on gave some reasons why he thought possibly it was just as well not to require making the report public. When Mr. Thom was before us I asked him whether it was the intent of the parties that the report should be made public, and he also said it was. To prove my assertions I shall include in my extension the very questions asked and the answers given in that respect. I asked a representative of the public who appeared before us, Mr. Easley, of the National Civic Federation, the same question, and he said he thought the report was to be made public, and yet an amendment to make the report public, so that the people would have the benefit of it, was turned down by the committee. I can not fathom why. It surely does not go to the fundamentals of the bill, so that either party would be justified in refusing to abide by it. Again, read this bill carefully and you will find that there is no indication as to what the nature of the report shall be.

There is nothing in the law which says that when this report comes in it shall at least carry in it a decision as to the merits of the controversy. What is the purpose of the emergency board? There are only two purposes: First, to give the public the facts in an impartial, unbiased way; and second, to do that in such a way that the force of public opinion may be marshaled back of a decision that may be made by the board, so that both parties to the controversy will accept public opinion with reference to it.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Those are the purposes of it, and I do think that some amendment ought to be put into the bill, so that it is plain that it is the duty of the emergency board to report not only the facts but also their conclusion as to the merits of the controversy, so that there will be something definite behind which to marshal public opinion. I yield.

Mr. NEWTON of Minnesota. The bill says that it will be the duty of the board to investigate and report respecting the dispute. I can not figure it out in any other way than that they are to report their recommendations.

Mr. BURTNESS. The language is that—

Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President.

On what? Not on the dispute, but make a report upon "the facts as to the dispute." You can not read into that any legislative command, as the gentleman from Minnesota [Mr. NEWTON] does, that there shall be a recommendation as to how the controversy should be settled. All I am asking for is to make it plain so that this bill will do what the gentleman from Minnesota and a large number of other gentlemen apparently think it does. At the proper time I shall offer such an amendment. If I were writing this bill substantially as it is in its general provision, including the emergency board, I would add another provision which I shall not at this time urge upon the House, although I think the time will come when it will be written into the law. I would give to the President the power to call an emergency board into being whenever, in his judgment, he believes there is such a controversy existing in the transportation system of the country so serious as to threaten substantially the interruption of interstate commerce to such a degree that any section of the country would be deprived of essential transportation service. Most of the Members of the House have probably read the bill carefully enough so that they know that there is no power given the President to establish an emergency board until the Board of Mediation has made its report to the President, to the effect that there is in existence a controversy so serious as to probably threaten the deprivation of some section of the country of essential transportation services. I have no objection to the legislative guide carried in the bill as to when this Board of Mediation shall make its report. I think that it is a proper legislative guide, but I think it would also be a proper and sufficient legislative guide for the President to follow without compelling him to wait for a recommendation from the Mediation Board. I take this position, that if the time comes when the President believes that the situation is so serious that the transportation system is likely to be interrupted so as to affect a vast section of the country, he ought not to be compelled to wait for a report to that effect from those whose sole duty it is to try to mediate the difficulties. Some of these days I think we will see that sort of a provision written into the law.

When this bill is read under the five-minute rule I am also going to offer an amendment, on page 27, line 24, to strike out the period, insert a colon, and add the following:

Provided, That the President may in his discretion extend such time in which the report is to be made an additional period of not to exceed 30 days.

What is the reason for such amendment? This emergency board is to be appointed. Under the language of the bill as drawn they are to have only 30 days, and that time can not be extended to do what—to investigate and to make a report.

Mr. Richberg, when he was before the committee, conceded that any of these disputes could be very extensive ones, very serious; that there might be a tremendous amount of evidence which would have to be analyzed. True it is not intended they are to procure all the evidence in detail as at a trial, but Mr. Richberg said that there were in many cases reports and piles of documents and evidence this high, indicating on the table, and under the bill that he asked us to adopt without change the board is limited to 30 days to analyze all of that evidence and to arrive at a decision on the merits of the dispute. By all odds let us get a report worth while, even if it means a few days' more delay. Oh, it would be entirely safe to give the President of this country a little discretion and a little authority to extend this period of 30 days. [Applause.]

Under the leave granted me to extend my remarks I merely want to insert some of the evidence submitted to the committee and some of the questions asked by me on a few of the matters touched on this afternoon. Consideration of these answers may be of value to Members in determining the merits of some of the amendments which will be offered to-morrow:

Mr. BURTNESS. You have presented this matter so fully and fairly that I hesitate at this late hour to ask any more questions, Mr. Richberg, but there are a few that occur to me that might come up for consideration when the committee reads this bill and passes on it section by section.

With reference to section 10, relating to the emergency board—as I understand your statement, when the board is finally selected and has made its investigation, it is the intent of those who have framed the bill that the report made to the President is to be a public report?

Mr. RICHBERG. Yes.

Mr. BURTNESS. There is, however, no language to the effect that such report shall be public inserted in the bill?

Mr. RICHBERG. No.

Mr. BURTNESS. Would there be any objection to putting in appropriate language carrying out that intention in the bill?

Mr. RICHBERG. I am not sure, Mr. BURTNESS, whether there would be any objection to that. I will give you my immediate reaction. I do not think the matter has ever been discussed, so far as we are concerned, because we assumed probably the report would be made public. There might be this question involved: This board might make a report to the President in which they might arraign one party very severely and apparently make out a very strong case against that party. The President might call the party and say: "If I make this report public, you are going to stand in a very unenviable light before public opinion. You would not be able to stand up against it, and I think you had better concede gracefully without having this report made public, rather than to put yourselves in the light of having had to yield to an overwhelming public condemnation."

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Mr. BURTNESS. Assuming that either side to the controversy, either the carriers or the employees, might believe that the person who happened to be President at the time was somewhat biased in their particular favor, if the President in turn would have the right to keep that report confidential, might not that to some extent lead to the very thing that you suggested a day or two ago as a danger of the emergency board, that that particular side might delay, and to some extent preventing an agreement, all in this hope, "Well, it will go on and on and on, and eventually, even if it gets to the President and the decision is against us, he will probably call us in and we can get it fixed up then"?

Mr. RICHBERG. Of course, I will make this suggestion, that I do not know whether the President's discretion under this law would have any effect except as a matter of courtesy, because, of course, if he creates a board and the board makes a report—I am dealing now with a question that I had not considered before at all, the question as to whether that board itself has not, in the absence of any restrictions, ample power to give out its own report—there is nothing preventing it from doing it, there is nothing saying they shall make a confidential report, and as a matter of fact there is nothing in this bill as drawn that will prevent the board from issuing its report as it was filed with the President.

Mr. BURTNESS. But assume that we put in the word "public" between the article "a" and the word "report," so as to read "and make a public report thereon to the President"?

Mr. RICHBERG. I will say, Mr. BURTNESS, that this question has never been considered and I am only giving you my offhand impression. I do not think there is any difference in our thought that this is a public report. Now, as to what effect that might have on the law, I would like to discuss that with my associates, but I do not think there is any difference in our ideas that this is a public report.

Mr. WYANT. As it is proposed, it shall be left to the discretion of the President, whether it is public or not?

Mr. RICHBERG. I do not think so, under the law, because the bill as drawn provides that they shall investigate the fact and report to the President. Now, while they say "report to the President" it does not say "make a confidential report"—the reports of the departments here are all public documents—all ordinary reports of the departments here in Washington made to the President under the law are public documents. I do not know whether these laws in all instances say they shall be public documents, and I do not say all reports are public documents. I know a great many cases where the law provides that reports shall be made to the President.

Mr. PHILLIPS. Of course they could make the report confidential if they saw fit?

Mr. RICHBERG. I suppose so; yes.

Mr. BURTNESS. I notice also that this provision does not indicate the nature of the report. The word "report" is a very general term. Almost any sort of a document might be regarded as some sort of a report. I gather, however, from the statement that you have made, that the report shall set out specifically the facts and views of this emergency board upon the merits of the controversy that is involved. Am I right in that?

Mr. RICHBERG. Probably. I assumed that they will make the kind of report that they think is needed by the situation and would be most helpful.

Mr. BURTNESS. And set out in that report—as I have gathered, at any rate—the weaknesses of the positions of both parties, if such occur to them, as well as the strength and the fairness of their position in other respects. Would there be any objection to making that plainer by including appropriate words showing that that is really the intent of Congress if this bill is enacted, that this report which goes to the President is to include not necessarily a decision but to include at least the facts and the views of this board upon the controversy that is involved?

Mr. RICHBERG. I would simply like to say this, Mr. BURTNESS, that I know your suggestions are all helpful toward adjusting these controversies, but I want to make this suggestion so that my attitude may not be misunderstood.

Practically unanimously the employees' representatives in these conferences opposed as a matter of principle the creation of the emergency board, as I have tried to say before, not because they did not want the public to intervene or want the public to be informed, but because they were afraid if this was held out it would postpone settlement of the controversy, and they thought if a real emergency arose the President could create a board, law or no law. They conceded to the opposing opinion the desirability of writing in an emergency board provision. Now, every line of this has been written almost in blood and tears, and some of them with a lot of tears, and I do say to you, because I know your suggestions are in the best desire to make this law helpful, but I do say this in the present situation: I do hope that the Members of Congress on both sides will not, if possible, force us into any reconsideration of this emergency board provision, over which we have had a very hard time already.

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Mr. BURTNESS. I do not believe you were here yesterday, Mr. Thom, when I asked Mr. Richberg as to whether he thought that the 30 days allowed in section 10 to the emergency board created by that section to make its investigations and its report to the President is a sufficient length of time in the more involved disputes that might arise and might possibly go up to the board. What is your judgment as to that?

Mr. THOM. That matter, Mr. BURTNESS, was a matter, I am told, of negotiation, the carriers asking a longer period and the representatives of labor deeming this period sufficient. This was finally agreed upon.

Now, as to its adequacy. I think that a labor dispute is not generally a matter which involves detailed examination. When it comes to the question of interrupting transportation there are large forces at work; there are large considerations which will determine the justice or injustice of the attitude of either party, and it is not likely that in those larger matters the things that would really determine the decision as to what is just or unjust—it is not likely that a decision in respect to that can not be reached within 30 days.

Mr. BURTNESS. It will take a little time for this board to get together and organize. It would probably be selected from different parts of the country, and I take it that it must set up a certain amount of machinery. You would agree to that, would you not?

Mr. THOM. I should suppose that the President would likely appoint a commission that would get together very promptly.

Mr. BURTNESS. They would have to appear very promptly?

Mr. THOM. Very likely. There is an occasion for promptness. If there is going to be an interruption of transportation, you want your remedy at once.

Mr. BURTNESS. The thought occurred to me that there might come before it in some cases a tremendous amount of information and evidence and testimony, possibly taken at different times, by the Board of Mediation—not necessarily in the nature of testimony, but information

gathered by the Board of Mediation that had tried to settle it. They would have to analyze the information that was available, and then arrive at a conclusion. And it occurred to me that in some cases 30 days would prove such a short time that instead of doing a good, thorough job in the matter they might arrive at a decision which would be more or less halfcocked and would not be as valuable to the President or to the public or to the parties in dispute if they were not working against that sort of time limit.

Mr. THOM. That is conceivable, Mr. BURTNESS. The situation here is this, however: As I say, this provision marks what these gentlemen, in the sensitive situation internally of a great many of their organizations, regard as a very great step in advance of anything they have heretofore agreed to. They feel that they do not want anything but a prompt method of dealing with the situation in the case of an emergency board. We feel that measures can be taken by an emergency board that would probably command the respect of the public within the time that these gentlemen want, and we are therefore willing to agree to make the effort.

Mr. BURTNESS. What is your understanding, Colonel Thom, as to whether the report to be made to the President under the wording of this bill would be a public report or not?

Mr. THOM. It has to be a public report; that is my impression.

Mr. BURTNESS. The bill does not so state?

Mr. THOM. Why, the President is a public officer, and the very object of it, the implication from the whole business, is that the report that is made to him shall be public, and if he does not pigeonhole it, it will be made public. Every inclination on his part, if he appoints a commission, would be to receive a report which would be made public. That would be the very object of it.

Mr. BURTNESS. At any rate, it has been the understanding of the proponents of the measure, if I understand you correctly, that the report is to be a public report?

Mr. THOM. Undoubtedly. I have not discussed that with these gentlemen, but that is my opinion. Do you agree with that, Mr. Richberg?

Mr. RICHBERG. Yes.

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Mr. Walber, vice president of the New York Central Lines, was an important witness, as he was one of those who negotiated the agreement for this bill:

Mr. BURTNESS. Now, Mr. Walber, in connection with the questions asked by Mr. SHALLENBERGER pertaining to the attitude that the Interstate Commerce Commission would take with reference to either increases or decreases—I do not care which—that might have been made in the wage schedule by agreement of the interested parties, do you mean to imply that whenever there might be applications either for increases or decreases of rates because of changed conditions in the wage schedule that the commission would first examine whether those increases or decreases in the wage schedule are fair and reasonable? Would they not rather assume that unless the agreement reached had been reached through collusion or fraud of some sort that it is fair and act accordingly, and that they would not of themselves, either under the policy as laid down in the law or otherwise, enter into the question as to the fairness of the wages?

Mr. WALBER. I believe that unless some one challenged the justice of that wage bill, which the railroad would include in its expenses, the commission would accept it. But I had the personal experience as a witness before the commission of being questioned with reference to the right of a railroad to include as a part of its expense the increase in their wage bill produced by an arbitration award. I had to have the question asked me three or four times before I understood it. It seemed so far from the proper question that I could not believe the man meant it when he asked the question, because look at the alternative that faces the roads when they arbitrate.

Mr. BURTNESS. This was a question put to you by an examiner?

Mr. WALBER. By one of the counsel for the traffic associations; that is, the shippers' associations.

Mr. BURTNESS. It was not put to you by the Interstate Commerce Commission?

Mr. WALBER. No; Mr. Justice Brandeis was then the solicitor for the commission. I do not think he took the question seriously.

Mr. BURTNESS. In other words, then, in that particular case that you refer to the wage schedule had been challenged by somebody?

Mr. WALBER. Correct.

Mr. BURTNESS. The point is this: I thought there might be an impression created by Mr. SHALLENBERGER'S questions, and possibly also by your answers, that it would be the duty in each particular case of the Interstate Commerce Commission, before it proceeds to determine rates at all, and in each and every case, to investigate the fairness of the wage schedule, even though that schedule had been arranged and agreed upon by the parties; and, as I understand it, that schedule would be accepted by the Interstate Commerce Commission, prima facie at least, as a perfectly fair and proper schedule unless it should be attacked by some party on the ground of collusion, or some other ground, when I conceive that they might then properly investigate that question.

Mr. WALBER. Well, you have stated my understanding better than I can do it myself.

Mr. BURTNESS. That is all.

The CHAIRMAN. Mr. HOCH.

Mr. HOCH. The case in which you were questioned, as I understand it, was a case where there had been an award of arbitration?

Mr. WALBER. Yes, sir.

Mr. HOCH. You would not have been surprised if that question had been asked you in a case where the wage scale had been fixed by an agreement, would you?

Mr. WALBER. No; I would not.

Mr. HOCH. Do you know of any case in which the Interstate Commerce Commission has refused an increase of rates on the ground that there was not economical and efficient management?

Mr. WALBER. Well, I do not follow the decisions of the Interstate Commerce Commission in these traffic matters. I do follow their rulings with reference to matters affecting labor, but in regard to traffic matters I would have to ask to be excused, because I am not associated with that department of the railroad. I am not competent to answer that question, Mr. HOCH.

* * * * * * *

Mr. Easley, chairman of the executive council of the National Civic Federation, supporting this measure, testified in part as follows as to the report to be made by the so-called "emergency board":

Mr. BURTNESS. What about the report that they finally make to the President? Do you want that to be a public report?

Mr. EASLEY. Certainly. I do not see why it should not be.

Mr. BURTNESS. Can you conceive any reason in the world why it should not be a public report?

Mr. EASLEY. Offhand, I can not.

Mr. BURTNESS. Your organization is in favor of it being made a public report?

Mr. EASLEY. That detail has never been discussed.

Mr. BURTNESS. But you personally have given careful thought and consideration to the question, and you say you are in favor of a public report?

Mr. EASLEY. It is not a point to which I have given any special thought, but I do not see why there should be any secret about it. However, the President could use his own discretion, as there is nothing in the bill on that point.

Mr. BURTNESS. That is all.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CROSSER. Mr. Chairman, I yield myself 20 minutes. [Applause.]

Mr. Chairman and members of the committee, every effort to advance, every struggle for improvement, every longing for better things indicates an intuition of, an inborn feeling of the existence of perfection. The history of the human race is the story of man's needlessly painful struggle for happiness. It is a record of slow advancement from the time of man's most ignorant reliance on brute force for the purpose of effectuating his personal will up to the present time, when men are beginning to see that principle should, and, whether man will or not, does determine what is right, what is true, and therefore what only can be permanent.

To the primitive man his rough club which lay at the mouth of his cave was his God. At a later age his sword became the object of his devotion. Always man has cherished that which he thought would bring him good.

In the Anglo-Saxon and 20 other languages the word used as the name for God means good. Throughout all history, however, the whole trouble has been due to the misunderstanding of the nature and source of good. All of the agony and suffering of the human race has been due to the belief that good is that which man wills should prevail. That, of course, is a total disregard of principle. Justice is not created by persons. Men can merely bring themselves into harmony with justice. It is eternal, and men gradually awaken to a recognition of its existence, to a consciousness of its living essence. This truth must have been in the mind of Burns when he wrote the lines:

If I'm designed yon lordling's slave—
By nature's law design'd—
Why was an independent wish
E'er planted in my mind?
If not, why am I subject to
His cruelty, or scorn?
Or why has man the will and power
To make his fellow mourn?

Every attribute or quality of good, called by religionists God, is eternal, Herbert Spencer says:

That which is real is permanent; what is not permanent is not real.

All, then, that is real is good, and the apparent absence of good is due only to men's failure to open their mental eyes to see it. Justice requires only that it be recognized, that it be discovered; not that it be created by human hands or human minds.

Oh, the tragedies that have resulted from men's efforts to enforce upon the world their so-called personal wills instead of opening their minds to the light of justice. The misery of the slave, the agony of war, industrial strife—in short, "man's inhumanity to man"—are due to men's ignorant determination to enforce their own notions, whether or not they are in harmony with the ever-existing laws of justice. One is tempted to feel with the poet, that—

The days of the nations show no trace
Of all the blessings so far foretold,
The cannon speaks in the teacher's place,
The world is weary with work and gold,
And high hopes wither and memories wane,
The fires on the altars and hearths are dead,
But that brave faith hath not lived in vain,
And this was all that our watcher said.

The reassuring thought in the last two lines just quoted is what I want to keep in mind in advocating the passage of this bill. Employers and employees, in asking for the enactment of the measure, have recognized the certain injury to all that comes from a resort to force to gain their ends. They have seen the dawn of a new day. As a means of presenting to the public both sides of labor disputes, the men and the companies offer the plan embodied in this bill. Like a burning glass used to focus the rays of the sun to burn a heap of rubbish concealing a gem, so will the investigating boards provided for in this bill focus the light of justice to dispel the clouds of misunderstanding and confusion surrounding disputes and leave only the gems of truth. I believe that, more clearly than any measure yet considered by Congress, the bill now before the House recognizes the truths to which I have referred. More important, however, than the measure itself is the fact that it has been proposed by both the railroads and their employees, for this shows that they have seen the need for light rather than for weapons.

The bill provides for boards of adjustment, a board of conciliation, an emergency board, and boards of arbitration by which disputes are to be settled. These boards serve in a manner as courts to determine who is right and who is wrong, what is just and what unjust, in disputes between railroads and their employees.

It provides merely that the railroads and their employees shall at all times settle their differences by voluntary agreement if possible. If they fail to agree as to wages or working conditions, the question is to be brought before the board of conciliation. If that board is unable to settle the matter, the emergency board has a period of 60 days in which to work to bring the parties to an agreement. If the emergency board fails to settle the dispute, the railroads and the men, if they are willing, may bring the dispute before a board of arbitration, but they are not compelled to do so. There is no harsh procedure provided by the terms of the bill. Neither the men nor the companies would, by this measure, be forced to do anything not now required of them by law. On the other hand, all that could, by reason of this bill, be done by them to settle their disputes can now be done lawfully, if the parties were willing to do it.

The bill is an attempt to enable both employees and managers to deal with each other as freemen in regard to conditions of service and to make as sure as possible that neither shall become ruthless tyrants over the others. The idea pervading the whole bill is that men naturally desire to do right if given equal opportunity and equal voice with others interested in determining what is right. The most hopeful assurance of the success of the measure is the fact that both the railroads and the men are earnestly urging its passage.

Shall we then foolishly refuse to pass this measure providing means for the settlement of railroad-labor disputes? For centuries men of pure heart and clear mind have appealed for the use of reason instead of force for the settlement of controversies. Shall we now ignore their appeal? Shall we urge employer and employee to war when by providing them this means for settling their troubles we may have peace? Surely not. There are, of course, still some arrogant people who deny the right of workmen to discuss the right or wrong of terms of employment which may be offered them. Such people believe that the employee should, without protest, without discussion, accept what is offered for his services and be meekly grateful for it. They say that if the man seeking employment is not satisfied with what is offered him he should go elsewhere. At first that might seem reasonable, but a little thought will show us that the means of production necessary to labor is controlled by a comparatively few, called employers, and that every employer in the same kind of business makes practically like terms and conditions for his employees. It was this fact which led to cooperation and organization among workmen for their mutual benefit and protection. Alone and unassisted by his fellow workmen the employee was compelled to accept for his labor enough only for a mere existence. That was intolerable. Civilization can not advance, the human race will not fully develop mentally or physically, until men are free from want and the fear of want.

Nevertheless, in the struggle for industrial freedom and economic justice to assure the payment to men of the full product of their toil, the purpose of those in the forefront of battle has not been to make millionaires of the oppressed nor to make employees the dictators of the world. Rather has it been their earnest desire to establish conditions which will enable men, employees and employers alike, to deal fearlessly and fairly with one another for honest service and just payment therefor.

When real freedom of thought and action for all men has been established, then will the fear of involuntary poverty vanish. Then will the hearts of men grow stronger, their visions broaden, their ideals become loftier. Then, in a word, will character begin to shine forth in full splendor. To this end only is it worth while to strive for things. Burns well states the true and only value of material wealth in the words:

To catch dame Fortune's golden smile,
Assiduous wait upon her;
And gather gear by ev'ry wile
That's justify'd by honor;
Not for to hide it in a hedge,
Nor for a train attendant;
But for the glorious privilege
Of being independent.

Let us pass this bill by an overwhelming vote, and if its enactment aids in the establishment of the reign of justice—as I know it will—we shall be happy for our part in making it law. [Applause.]

Let me discuss now for a moment the proposed Hoch amendment. They tell us that the public is not protected by the bill in its present form. Is that so? Since when did these millions of workmen and stockholders cease to be a very large part of the public? Certainly they constitute a very substantial part of the public. They tell us that the Interstate Commerce Commission, in considering a change of freight or passenger rates, might be barred by the terms of this bill from considering the reasonableness of an arbitration award regarding wages. The present law clearly gives the Interstate Commerce Commission, in determining the question whether or not rates should be increased or decreased, the right to consider the reasonableness of wages. Let me read the language of the act:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers * * * will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield there?

Mr. CROSSER. Yes.

Mr. JOHNSON of Texas. I am interested in this question whether or not, if this bill is passed without amendment, the Interstate Commerce Commission will still have that power?

Mr. CROSSER. I am coming to that. That is why I read the language just quoted. It states as clearly as language can express it that the Interstate Commerce Commission, in considering an increase or decrease of freight or passenger rates, can consider the reasonableness or unreasonableness of wages paid by the railroads, and can consider every other expenditure bearing upon the subject of economical management. Does anyone here dare to say that if an advance of wages is justifiable, is reasonable, yet that if it affects rates we should refuse the increase? I do not think that any person here will go quite as far as that. Of course, the Interstate Commerce Commission can increase freight rates and passenger rates if it considers the expenditures made by the management of the

railroads to be reasonable. Does any Member of this House wish to go so far as to say that even if the wages agreed upon are just, or if the wages fixed by an arbitration board are just, yet notwithstanding these facts the Interstate Commerce Commission should refuse to readjust rates accordingly?

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. HOCH. The gentleman does not understand that anyone here intended that a fair and just agreement should be disregarded by the commission. The gentleman does not want to be unfair?

Mr. CROSSER. Certainly not.

Mr. HOCH. I agree with every statement the gentleman has made, if they think the wage involved is unjust to the public.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. COOPER of Wisconsin. The one proposition here is that the Interstate Commerce Commission has the right to decide whether an agreement between the road and the men is reasonable. The contention of the gentleman from Kansas [Mr. HOCH] is that the commission is to have the power to consider the merits of any such arbitration award, not the agreement of the parties but the decision of the appellate court over the award of the arbitrating board. That is a different proposition?

Mr. CROSSER. Yes; that is a different proposition. But it makes no difference whether the wage is fixed by express agreement of the parties, or by award of an arbitration board. The commission has full power to consider the reasonableness of wages when it is determining rates. The language is too plain to require discussion. But gentlemen ask, What is the harm in saying that the commission shall have power to consider wage awards in determining rates if the commission has the power now? Let me ask why it is that none of these gentlemen who have become so hysterical about having it made certain that these wage rates shall be reviewed by the Interstate Commerce Commission—why it is that they never have thought of directing the commission's attention so specifically to the expenditures by the companies for rails, cars, railway stations, or a hundred other things?

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ARNOLD. After the arbitration award becomes a decree of court—and it may be under the provisions of the bill—does the gentleman think that the Interstate Commerce Commission will ever hold a decree of that kind to be unreasonable and refuse to adjust rates in accordance with it?

Mr. CROSSER. I understand the gentleman's question. What he really wants to know is this, Whether or not the award of a board of arbitration, after it becomes a matter of record, would have great moral effect on the Interstate Commerce Commission? Why, of course it would. We are providing for arbitration on the theory that it determines reasonably well what is right; and I would be very much surprised if the Interstate Commerce Commission should be so indifferent to the public weal as to wholly ignore the judgment of an arbitration board created according to law. Of course, they will give moral support to it, and the commission should do so.

Mr. ARNOLD. Does not the gentleman think it would have more than moral effect?

Mr. CROSSER. No; absolutely not. It could not have more than moral effect under the language of the present act.

Mr. HOCH. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. HOCH. The gentleman referred a moment ago to a distinction between reasonableness of wages and reasonableness of other expenditures. As the gentleman called our attention a moment ago, the language of the present transportation act does give them the power to supervise such expenditures.

Mr. CROSSER. Not any more than the other expenditures.

Mr. HOCH. Not at all.

Mr. CROSSER. Looking to economical management they can review all expenditures.

Mr. HOCH. Certainly; and they ought to be kept with the power to review all of them.

Mr. CROSSER. There is not a specific statement in the law about the commission's power to consider particularly any expenditures. There is nothing said about considering the reasonableness of expenditures for roadbeds or anything else. I have just read the law.

Mr. HOCH. The gentleman knows the language is reasonable expenditures for maintenance, structures, and equipment. That is in the law now.

Mr. CROSSER. I have read that.

Mr. HOCH. And that is an answer to the gentleman's statement.

Mr. CROSSER. No; it is not.

Mr. LOZIER. Will the gentleman yield?

Mr. CROSSER. For a question; but do not take up too much of my time, please.

Mr. LOZIER. In the last analysis the Interstate Commerce Commission has plenary power now.

Mr. CROSSER. Absolutely.

Mr. LOZIER. And there is nothing in this bill that emasculates that power.

Mr. CROSSER. Or that divests the commission of that power. And moreover, if the commission has not now that power, this amendment does not give it the power. [Applause.]

If I were one of those who really believed that the law does not now give the commission the power and that it should have that power, then I would make this amendment so clear in its language as to make it absolutely sure that the Interstate Commerce Commission would be required to review every wage award. But the advocates of the Hoch amendment admit that there is no language in the bill which takes away from the commission any power which it now has. Well, if the commission now has the power to consider the reasonableness of wages, there is not a thing in the bill now that takes away that power. But they ask, if the substance of the Hoch amendment is now law, what is the objection to it? The objection is that it is an open and specific invitation to the Interstate Commerce Commission to review every wage settlement and so discourage, if not prevent, any effort to establish peace in the railroad business. That is the objection to it. It is an open invitation to upset every wage settlement that may be made.

Mr. WINGO. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman for a question.

Mr. WINGO. I would like to get the gentleman's idea on this proposition, because this feature is worrying me somewhat in trying to make up my mind with reference to this particular amendment. It is true now that under the law they can pass upon the reasonableness of all these expenditures, including wages.

Mr. CROSSER. Yes.

Mr. WINGO. Because they have original jurisdiction of that question by specific grant of statute. As I understand your bill, this arbitration award is filed in a court, and it becomes, by the very language of the bill, a final decree. Now, can any other body attack that decree collaterally?

Mr. CROSSER. No; I do not see how it could.

Mr. WINGO. That is the question that is bothering me. If they can not do it collaterally——

Mr. CROSSER. Let me answer the gentleman's question.

Mr. WINGO. May I state the other proposition so that the gentleman can cover my whole trouble? If they can not attack it collaterally, then is it not binding and conclusive?

Mr. CROSSER. As between the parties.

Mr. WINGO. Until attacked directly.

Mr. CROSSER. As between the parties only.

Mr. MOORE of Virginia. Not as to the public.

Mr. CROSSER. It is only binding as between the parties. That is all. The language is clear all through the bill. Let me read the language of the bill:

> Shall provide that the award when so filed shall be final and conclusive——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BARKLEY. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CROSSER. This is the language of the bill:

> Shall provide that the award when so filed shall be final and conclusive upon the parties.

All through that section and throughout the bill it is provided that the award shall be final and conclusive upon the parties.

Mr. WINGO. May I ask another question?

Mr. CROSSER. And the gentleman is lawyer enough to know that no matter what kind of judgment may be entered in a controversy between the gentleman and myself, the rights of nobody else can be affected by that judgment. So would it be with the wage award.

There would be no necessity for making the award a judgment of court if the board of arbitration were given some machinery to carry into effect the terms of any arbitration award that may be made. There is no necessity for providing for such boards another set of clerks and marshals. The awards can be entered on the records of the courts and then

be enforced as original judgments of the court; but, mark you, only upon the parties to the award.

Mr. WINGO. What do you think would be the answer to this question? Suppose they get into a dispute over a proposed raise in wages and they can not agree, and, finally, there is an arbitration award that is filed in the court, and then the railroads go to the Interstate Commerce Commission, and one of the grounds for increased rate is that this arbitration award has added a certain number of millions of dollars to the operating expenses by way of wages, and suppose it should be urged there that that is binding only upon the parties and that it is not binding upon the Interstate Commerce Commission. I understand that is your position.

Mr. CROSSER. Yes.

Mr. WINGO. Suppose this answer is made to the Interstate Commerce Commission: While it is true that it is only binding upon the parties so far as the language of your act is concerned, yet Congress did not undertake to specifically alter or change, by any direct provision, the authority of the Interstate Commerce Commission, and suppose it was argued they would still have the same power they had all the time, what would be your answer to that?

Mr. CROSSER. I would say, as I have already said, that the Interstate Commerce Commission still would have the power to review wage scales.

Mr. WINGO. Suppose the other answer is made, that by implication at least we are taking that power away from them.

Mr. CROSSER. I have allowed the gentleman to use a lot of my time, and I regret I must decline to yield further.

Mr. WINGO. I was not asking these questions in a controversial spirit. I am in trouble as to what would be the effect, and I want to get the gentleman's idea about it.

Mr. CROSSER. It seems to me perfectly clear that this arbitration award can rise to no higher dignity than an agreement deliberately made by the parties. What actually happens in the case of an arbitration award is simply that the parties authorize three gentlemen or six gentlemen to get together and write an agreement for them.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. CROSSER. I will yield.

Mr. JACOBSTEIN. Is not the great danger in giving the commission power under the amendment that it prolongs the final decision on the merits?

Mr. CROSSER. I do not admit that it gives the commission any more power than it already has or takes away any power. The amendment invites it to meddle in every arbitration award, although for years we have heard complaints about men being unwilling to arbitrate.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, I wish to congratulate the members of the Interstate and Foreign Commerce Committee for the great service they have rendered to the country in reporting favorably the bill under consideration.

After reading the bill and the report carefully it is my judgment that the provisions of this measure will add to the efficiency of the transportation system by affording a sane and practical method for the settlement of disputes between the operators and the employees. By providing in this manner for a better understanding between those concerned and for an effective settlement of points of dispute increased efficiency will follow in the transportation service. The great agricultural States, in the center of the Nation, which are obliged to ship out a great portion of what they produce and ship in a very large proportion of what they buy, are at a disadvantage, and anything that will add to the efficiency of the transportation system will add to their convenience and prosperity. The United States ships over the various railroads of the country every year in intrastate and interstate commerce more tonnage than is carried annually by the railroads in all the rest of the world. We are so mutually dependent upon one another in every section of the country for the necessities we manufacture and produce that when the transportation arteries of the Nation are tied up, even for a day, there is not only great inconvenience incurred in every part of the Nation, especially in the large centers of population, but even the health and welfare of the people are jeopardized.

Gentlemen, I have had the esteemed privilege of association with you here in this branch of the Congress for seven years, and I have not burdened you by occupying a great deal of time in debate, so with your sufferance in the remarks I am about to make I wish to say a few things about the great State of Nebraska. With all of the advertisement the Nation regularly receives concerning the wonders of California and Florida and some other parts of the Nation, I believe Nebraska is entitled to some consideration.

I am reminded of a booster from California who was asked to say a few words at a funeral service; whereupon he responded, "I was not sufficiently acquainted with the deceased to add anything to what has already been said by others, but, if it is in order, I would like to make a few remarks on California."

While I have no desire to make any statement out of order, I do believe, in view of the transportation problems now under consideration, Nebraska and other States which require large shipping facilities are properly entitled to a hearing.

Nebraska is one of the States in the interior, which, because of its great production of agriculture products, must have in common with her adjoining States adequate and effective transportation service every day of the year. It may be interesting to my colleagues, who have not had the opportunity or taken the time to study the great productivity and possibilities of the State, which we Nebraska Representatives are justly proud to represent, to take note of the following facts:

There are five great crop staples upon which civilization depends—bread stuffs, meat stuffs, wool, sugar, and cotton. Only one State in the Union produces four of the five in surplus, and that State is Nebraska. We produce a surplus of all of these staples except cotton. Our butter and egg production every year is worth more money than all the gold and silver dug from the mines of the United States and its possessions. Our corn crop is worth more than the citrus-fruit crop of California. We produce more beef and pork per capita than any other State. Nebraska is the third largest wheat-producing State, the third largest corn-producing State, and the third largest alfalfa-producing State, and the youngest State of the Union which produces these things in surplus.

Nebraska hens annually produce 300,000,000 dozen eggs, or 3,600,000,000 eggs, which placed end to end would make a line of eggs over a hundred thousand miles long, or reaching four times around the earth at the Equator. They are worth more annually than the steel rails rolled in the Pennsylvania mills. Notwithstanding this tremendous production in Nebraska, a noted economist recently stated that Nebraska is only realizing one-tenth of the potential possibilities from Nebraska's fertile soil.

Omaha is the largest butter market in the world, and the world's second largest livestock market. In the little town of Deshler, Nebr., located in Thayer County in the fourth district, which I represent, is the largest broom factory in the world, where shipments of brooms are made to almost every country on earth.

Mr. Will M. Maupin, a well-known newspaper man in Nebraska, now connected with the Omaha Bee and who was recently labor commissioner of Nebraska, has pictured some of these statistics in a most interesting manner. In his imagination, after compiling his figures on Nebraska products, he loaded all of the grains and grasses, all of the poultry, eggs, and butter, all of the livestock and fruit annually produced in the State on freight cars of standard size, loaded to full capacity. In order to assemble these cars he had to have plenty of room, so in his imagination he took them all over to the vicinity of St. Petersburg, Russia, where there was unlimited space. He coupled all of these cars into one train, attached a locomotive, and started out. From St. Petersburg he sent the train down to the coast of the Baltic; then across Germany, Holland, and Belgium; thence across an imaginary bridge to England; across England over an imaginary bridge over the Irish Channel to Ireland; across the Atlantic over an imaginary bridge to New York; from New York to Buffalo; from Buffalo to Cleveland; from Cleveland to Chicago; from Chicago to Omaha (where, of course, they stopped for coal and water); from Omaha to Salt Lake City; from Salt Lake City to San Francisco. Then he started the engine out on an imaginary bridge built 1,750 miles westward into the Pacific Ocean, and the moment the locomotive tipped off the end of the imaginary bridge 1,750 miles west of the Golden Gate, the caboose was just leaving St. Petersburg. That train was more than 11,500 miles long, every car filled with products of Nebraska soil, raised in a single year. If the engineer had desired to blow the whistle of the engine as a signal to the conductor in the caboose, he would have had to blow it 9 hours and 18 minutes ahead of the time he expected the conductor to hear it.

Naturally, my colleagues, we Nebraskans are proud of our State. We have a fertile soil, a most healthful climate, and a citizenship that for energetic effort, intelligence, and wholehearted good fellowship, is not surpassed by any other citizenship in the world. Former Secretary of Agriculture Wilson, while a member of the Cabinet, declared the Blue Valley

country of Nebraska, which I now represent, to be the richest agricultural area of the world. I heard a story one time of a bishop who dreamed he died and went to heaven. He was being shown about that wonderful, ethereal city, through the streets of gold and by the pure, sparkling fountains and rivulets, past the tree of life which produced "12 manner of fruits" annually and which fruits were for the healing of the nations. As he was congratulating himself and all others who had been so fortunate as to be admitted into that heavenly city, where complete happiness reigned, where eternal life was assured, and where all tears had been wiped away, he suddenly spied one lone man whose both feet were chained to a tree. This greatly aroused his curiosity, and he said to the angelic guide who was showing him about, "Why do you have this man chained?" Whereupon the guide replied, "While on earth he lived in Nebraska and he wants to return."

Inasmuch as Nebraska and other States in the center of the country produce a very large part of the necessary food of the Nation and the world, it is imperative in the interest of both producer and consumer that we have adequate and economical transportation service. There must be a way worked out for the reduction of freight rates, and that speedily. The cost of shipping our raw products out and of shipping our manufactured articles and processed foodstuffs in is entirely too high in proportion to the price received for our products. We pay the freight going and coming. To the end that better and cheaper transportation shall be afforded those whose duty it is in large part to feed the world, Nebraska is naturally in favor of the earliest possible development of the inland waterways. The Mississippi and her tributaries, including the Missouri as far north as Yankton, S. Dak., must be developed for barge service at the very earliest hour. In my judgment, one of the greatest things that the Government can do to help solve the agricultural problem in the future is to develop these waterways. Compared with other nations, we are far behind in water transportation. Nature has given us these great river systems, and it only requires the engineering hand of man, with the expenditure of a few million dollars, to perfect and connect a chain of inland waterways which will excel all others in the world.

Nebraska, too, is tremendously interested in the speediest possible construction of a canal from the Great Lakes to the Atlantic coast, sufficient in depth to permit ocean liners to dock at the lake ports for the purpose of loading and unloading their cargoes.

As a member of the Agriculture Committee of the House, I am in favor of working out as quickly as possible the best farm-relief measure that can be had, so far as Congress can, by legislation, render aid in this direction, but my belief is that by the construction and perfection of these inland waterways and the construction of an ocean canal from the Lakes to the Atlantic, a greater and more far-reaching service and help will be extended to the agricultural States of the Central West than has yet been realized in the entire history and development of the Nation.

Mr. BARKLEY. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Kentucky has 20 minutes remaining, and the gentleman from New York 13 minutes.

Mr. PARKER. Mr. Chairman, I yield 13 minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, I am very much indebted to the Members of the House for the intelligent manner in which while in session in Committee of the Whole this subject has been discussed. In my attempt to pursue the issue I myself have at times become confused not only as to certain provisions in the existing law but as to the import and effect of certain conditions and provisions in the proposed law. In the course of the debate some exchange of ideas was indulged in between the gentleman from Kentucky [Mr. BARKLEY], the gentleman from Arkansas [Mr. WINGO], and myself with reference to the meaning of section 3 in the existing transportation act of 1920, which gives to the Labor Board the power of suspending wage agreements. I think I am now clear myself on the provisions of that law, and I submit it to the membership of the House so that they may formulate their own conclusions.

The provision to which I wish to call attention reads as follows. It is section 3, subsection (b):

> The Labor Board may upon its own motion within 10 days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier.

Now, let us turn back to section 301. What kind of a decision can be made under that provision? It reads:

> It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute.

When such disputes have been decided, decisions are, of course, made, and it is those decisions which under the terms of this act, I contend, are to be suspended under the powers herein granted to the Labor Board. They result from those disputes "decided in conference between representatives designated and authorized," and so forth.

The remainder of the section provides that if any decision is not reached in the conference the dispute shall be submitted to the Labor Board. Obviously, the Labor Board can not suspend a decision where there was a failure to make any. Therefore the only decision possible within the terms of section 301 is that growing out of a dispute between the representatives of the carriers and the employees, and passed upon in conference. Such is the decision which, if it involves such an increase in wages as will be likely to necessitate a substantial readjustment of the rates of any carrier, such is the decision which under existing law the Railroad Labor Board may suspend. Such a power is vital to the interests of all concerned. The most grievous fault in this bill is that it fails to transfer the power now reposed in the Railway Labor Board to any other agency of the Government. Surely such a transfer could work no harm to the railroad employee, and it could work no harm to the railroad executive. It would exist as a mere reviewing power to be exercised in behalf of all concerned if, and only if, the power to make voluntary wage agreements were abused. Such power to suspend might never be exercised. It never has been exercised under existing law, but its value as a deterrent to uneconomic wage-dispute settlements is inestimable. Such a power should be carried forward into the bill under consideration. But the fact is that the parties who have agreed upon this bill are opposed to any such power of suspension and review. They say, "Pass this bill just as we wrote it." They say, "Let us have this law just as we want it. Let us then experiment with it, and then if it fails, the public through legislation may take such steps as it may deem necessary."

My answer to that is that if parties wish to make an experiment in our laboratory, we are perfectly willing—yes, we will even encourage the experiment. But I want some precautionary steps taken which will prevent the blowing up of our laboratory while the experiment is going on.

Let us not deceive ourselves at all about the provisions of this bill. There is not only no such protective or precautionary provision in it—but the so-called Hoch amendment, which is to be offered, does not contain the proper remedy. The proposal embodied in the Hoch amendment and its relation to this bill is similar to the case of a man who, unable to use his arm, is suffering from neuritis, in view of which it is proposed to put a plaster on his big toe. You may adopt the Hoch amendment, and it may prove helpful, but if you wish to apply the proper corrective you will insert in this bill a provision designed to transfer to the Interstate Commerce Commission the power now lodged in the Railway Labor Board to suspend a wage agreement which threatens to necessitate substantial rate readjustments until all the facts can be investigated.

Let me call attention to another provision in this bill, the proviso under section 7. We are told that there is a legal and moral obligation on the parties under the terms of this bill to submit their disputes finally to arbitration. Read with me the proviso injected into section 7, to which I think no one has yet directed our attention:

> *Provided, however,* That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

So that under the terms of that provision there is no obligation, legal or moral, upon either party to submit their disputes to arbitration by a process either within or without the provisions of law.

I call attention to another thing, and it seems to me that it is unmistakable. There is no provision here to preserve the status quo pending attempts to settle disputes. The attorney

for the employees, Mr. Richberg, finally admitted that he did not know whether the bill provided for that or not, and Mr. Thom, who represented the other side, said in the Senate hearings when asked if the so-called status quo clause in section 10 of the bill was not a purely voluntary arrangement between the parties and whether there was apy way of enforcing it, here is his reply:

I think that we could write machinery into the bill, but it was not considered necessary.

Mr. Thom knew very well that there was no provision in this bill assuring the public uninterrupted transportation during wage disputes. Yet, in the enactment of legislation of this sort it is the prime obligation of Members of Congress under their oaths to make provision for continuous transportation in the public interest.

When my colleague, Mr. NELSON, inquired in the course of the House hearings whether a classifying amendment imposing the unquestioned obligation on the parties of maintaining transportation conditions in status quo pending disputes, his inquiry was met with a curt refusal.

There is not in this bill, nor was there intended to be, any assurance of protection in this regard for the party chiefly concerned, the helpless public.

Now permit me to deal briefly with the power of the Congress over interstate commerce. This whole debate has proceeded upon the theory that we ought to pass this bill unamended, because Congress is powerless to interfere in wage contracts. Is there any Member of this House who will deny that under the Constitution power is given the Congress to regulate commerce between the States? Is there any Member who will deny that as an incident to that power Congress can, through the proper governmental agency, regulate rates? Is there anybody who will say that as an incident to the power to regulate rates the Congress is powerless to consider wage contracts which we are assured constitute 60 per cent of the cost of transportation? What is the ultimate interest of the public in transportation? That transportation shall be uninterrupted and that it shall be rendered for a reasonable charge. Again and again the Supreme Court has said that if you concede the end to be attained under the original grant of constitutional power, you must concede that the Congress can not be deprived of the reasonable means for attaining the end to be sought.

I do not agree with the interpretation which some Members seek to put upon the recent decision of the Supreme Court in the case of Wilson against New. That case is cited here to substantiate the claim that Congress has absolutely no power to concern itself with railway wage contracts. Let me read you from the majority opinion of that decision. Mr. Chief Justice White, in that portion of the opinion where he considered the private right of contract from the viewpoint of the railway employee, said:

Here, again, it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them, and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied, and the resulting right to fix in case of disagreement and dispute a standard of wages as we have seen necessarily obtained.

Then the court went on to apply that law with such limitations as were proper under the circumstances to the facts in that case. Dissenting opinions are sometimes interesting in so far as they show wherein there is full agreement with the majority. I call attention now to the dissenting opinion of Mr. Justice Day in the case under consideration. He said:

I am not prepared to deny to Congress, in view of its constitutional authority to regulate commerce among the States, the right to fix by lawful enactment the wages to be paid to those engaged in such commerce in the operation of trains carrying passengers and freight. While the railroads of the country are privately owned, they are engaged in a public service, and because of that fact are subject in a large measure to governmental control.

In the same case Mr. Justice McReynolds said:

But considering the doctrine now affirmed by a majority of the court as established, it follows as of course that Congress has power to fix a maximum as well as minimum wage for trainmen. * * *

It is true that in the exercise of its power under the commerce clause of the Constitution the Congress is limited by the plain inhibition of the fifth amendment. But the lengths to which Congress may go in the regulation of interstate commerce are indeed far-reaching.

Let me ask you: Can Congress inflict punishment upon an engineer who, having undertaken a certain run, abandons his engine and refuses to carry either freight, passengers, or mail to their destination? Does anyone doubt that power? Do you not remember that during the recent strike of 1922 men were prosecuted and punished by the Federal Government for deserting their trains and failing to complete a run which they had undertaken? What would Congress do to a man in charge of a tower and the operating of switches if he should leave his post without notice, thereby tying up traffic, if not endangering life? Does anyone doubt the power of Congress to step in and impose severe penalties?

What has Congress not already done in the way of interfering with the liberty of contract guaranteed under the Constitution? She has gone to the extreme of saying in effect that two expressmen may not agree upon a rate for transporting a trunk from Baltimore, Md., into the District of Columbia without laying themselves open to prosecution for conspiracy in restraint of trade.

The Congress has in effect said that two farmers in the State of Maryland may not agree upon a price for which they will market their poultry in the District of Columbia without being subject to prosecution for conspiracy in restraint of trade. Such are the restraints upon the private right of contract imposed by the Congress under its grant of power to regulate commerce.

The obligation imposed upon the Congress by the Constitution under the interstate commerce clause impels it at all times to see that the flow of commerce between the States is uninterrupted, and to that end it may strike down all barriers, economic or physical. The commerce clause likewise imposes it upon the Congress to see that transportation between States is also furnished on a reasonable-rate basis. When an unreasonable cost of transportation is sought to be imposed upon the public through an uneconomic wage agreement, who shall contend that the Congress suddenly becomes imbecile and powerless?

My friends, I do not object to any step which will encourage railroad executives and trainmen to settle their disputes voluntarily and peaceably. I do not favor compulsory arbitration. Nor does my colleague Mr. NELSON favor compulsory arbitration, although such a position was falsely attributed to him in the Washington Herald of Thursday, February 25. Mr. NELSON expressly stated in his speech of February 24 that compulsory arbitration is repugnant to the concepts of American government. With that assertion I am in hearty accord.

I stand second to no man in my desire to see justice done to the American laborer, whatever his trade. He ought never to be forced to take up any kind of employment. He has the right to work when and where he will. He is entitled to his just portion of the profits of industry. His well-being is essential to the welfare of the whole. But I would say to any class of laborers as I would to any class of employers, do not be so insistent upon individual right and privilege that to grant your request would necessitate the sacrifice of those rights which it is the duty of this Congress to maintain for all. [Applause.]

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Before discussing, ever so briefly, the Parker bill "to provide for the prompt disposition of disputes between carriers and their employees" it is well to state at the outset that it is my belief that the present railroad board has been unsatisfactory to the public, the employees, and the railroad companies.

From the Pacific coast to Washington I have heard it condemned by railroad workers, and its efficient workableness questioned by railroad officials.

The railroad workers in my State of Nevada condemn it.

I think we must all agree that compulsory arbitration is, in the last analysis, unsatisfactory to both parties to the dispute, because a settlement of any dispute under such considerations is forced on either one side or the other. An agreement by force is in effect no agreement at all

The personnel of any arbitration board must be made up of men mutually agreeable to both employer and employee—the adjustment of all differences must be in harmony with the principles of conferences, conciliation, and arbitration.

I believe that the representatives of the carriers and the representatives of the railroad workers have given much study and thought to the settlement of both minor and major disputes, with due regard to the interests of both parties, in drafting this bill.

I also sincerely believe that the interests of the third party, namely, the public, is given its proportionate weight in any settlement. This has been declared necessary by employers and employees, for, after all, the weight of public opinion must be taken into consideration in all matters affecting transportation in which the public is so vitally interested. This is satisfactory to the railroad workers as well as to the railroad managers. The present bill is proof of this because this bill represents an agreed upon program on the part of the leaders of the railroad brotherhoods and on the part of the railroad executives of America.

The questions affecting the workers of America should arouse the keen interest of everyone in public life. A study of the relations existing between employer and employee is, in effect, the history of the development of the progress of industry and transportation of our Nation. It is only within recent years that the fogs of distrust and doubt existing between capital on the one hand and labor on the other have been dispelled to any appreciable degree.

Whether we meet the railroad workers as friends or neighbors or in traveling, one must come to the conclusion that these men are of the highest type of citizenship, industrious in their work, faithful to their employers, strong in their home ties, and that they stand for all that is good in the community. All they are asking is steady employment and decent wages under proper rules and working conditions. They believe these conditions can be maintained or brought about by the enactment of this legislation.

I know many members of the railroad brotherhoods personally. My work in the construction of short-line railroads brought me into intimate daily contact with railroad workers. More loyal men can not be found anywhere.

Railroad workers form an appreciable percentage of my constituency. I am their representative to the same degree that I am a representative of the rancher, the stockman, the professional man, or the merchant. I intend always to guard the interests of the workingman. His difficulties and troubles are not unknown to me.

When disputes arise in the course of their work between themselves and their employers the men want such disputes settled quickly and on the facts. They demand the right, and justly so, to settle such disputes by arbitration, as is proposed in this bill. They think it right to settle their own differences without compulsory arbitration, and I shall vote for the measure which allows them to do so. If legislation now in effect for the settlement of their disputes is unsatisfactory to either of the parties, we as legislators should question its efficiency in settling disputes. Surely it is only fair that such proposed legislation should meet with the approval of both parties affected thereby. Only to the degree that it is so approved will definite and lasting results be attained under its provisions.

Now, let me give you a brief résumé of the bill before us to-day. The very foundation of the legislation sought is in maintaining agreements between the workers on the one hand and the employers on the other. On this point this bill provides that all disputes between the carrier and its employees shall be considered and, if possible, decided with expedition in conference between representatives designated and authorized to confer. Who are these representatives to be? They are representatives designated by the respective parties, they are chosen by the respective parties without interference, influence, or coercion exercised by either party. The railroad workers are thus bound by a bargain written for them by some one whom they selected, so at the outset the bill provides for agreement, the product of conferences, through representatives of the parties.

In the operation of a railroad two types of differences of opinion between the managers and the employees may arise; these may be called minor disputes and major disputes. The first type, minor disputes, involve discipline, grievances, and disputes over the application and meaning of an agreement. These disputes are of a character to be understood by those who operate the railroad and those who work on the railroad, and often very difficult for an outsider to grasp.

In this bill the provision is simply made that the board of adjustment must be created by agreement, and this is fully provided for in section 3 of the bill, which is clear and seems satisfactory to me.

In the settlement of minor differences you will thus see that the employees and the managers are to settle their controversies among themselves.

We now come to the second class of disputes. This major class of disputes involves fundamental economic differences over which serious differences are likely to result, involving a conflict or competition of economic interests.

As stated by Mr. Richberg, attorney for the railroad brotherhoods, in the hearings, "the moment the public has an interest in the situation the public is given a voice." Thus we come to a place where it is necessary to bring public intervention to promote peace and harmony.

The bill provides for the creation of a Government Board of Mediation of five members, the provision being made that none of these members shall be pecuniarily or otherwise interested in either the carriers or the employees. It is essential that they should be unbiased, and only to the extent that they are unbiased can they represent the workers in the true sense of the word.

The primary function of this Board of Mediation is to persuade the parties into agreement; the final duty of the board, if it is unable to persuade the parties into agreement, is to persuade them to submit the dispute to arbitration. This arbitration is voluntary, as it should be. This is not a compulsory arbitration bill. Under the provisions of the arbitration clause, the board of arbitration consists of either three or six members. Each party may choose one or two to each side, depending on whether the board consists of three or six members. The men so chosen then choose neutral arbitrators, either one or two, who hold the balance of power. If the arbitrators chosen by the parties to the dispute are unable to choose the neutral arbitrators, either the one or the two, who hold the balance of power, then the Board of Mediation is empowered to appoint these neutral arbitrators.

The parties are only allowed a short period of 15 days to select neutral arbitrators. According to the testimony given by the railroad brotherhoods, as well as that of the railroad executives or managers, this is one of the important provisions of the bill. By this provision there is every incentive to exert every effort to get fair and impartial arbitration.

It is brought out in the hearings time and time again that all through this proposed legislation is the theory that agreement is a vital thing in industrial life. Another strong indication of the whole spirit of the act is the theory of self-government in industry.

If the employers and employees of a particular railroad system want some other machinery for the settlement of their disputes and they are willing to agree upon it, there is nothing in this act to prevent them from using such machinery or adjustments as they may mutually establish, but if their machinery, which they have established, does not do the work and they are not able to adjust their differences, then by the provisions of the act permitting public intervention are in full force and effect. If, after all has failed to bring about the settlement between the warring parties, the last section of this act provides for an emergency board. This board is composed of such persons as the President may deem desirable. This is a board of public individuals, a board created for but the single emergency, it is created for the solution of but one set of problems, and when a report is made upon these problems its work is completed. This board is required to investigate, to formulate, and to make a report within 30 days from the date of its creation.

Again, according to Mr. Richberg, the primary function of this emergency board is not merely to make its report, not merely to tell the public who was right and who was wrong in the emergency, but the primary function of the board is, if possible, to settle the controversy.

All parties concerned in the drafting of this legislation have sought to utilize the lessons of experience and to take account of the weaknesses of human nature and to counteract individual weaknesses with the forces of social cooperation. They are now asking to have this agreement written into law, not for the purpose of having governmental power to compell the parties to do right, but in order to obtain Government aid in their cooperative efforts and in order to show the public that their interests in efficient, continuous transportation service will be permanently protected.

Neither of the parties to any dispute in matters affecting transportation are asking the Government to use force against one or the other party, but they are simply asking aid and cooperation.

I believe, with the President in his statement of December 5, 1925, when he said—

> the manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles—
>
> Conferences, conciliation, and arbitration—
>
> marks a new epoch in our industrial life.

I intend to support this bill. This bill means much to the railroad workers of America. It means assurance that they can receive fair pay and fair treatment without being com-

pelled to live under the constart shadow that some day they may be called upon to enforce their rights by quitting their jobs, losing their means of livelihood, and their rights of service and chance of advancement. [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. I also desire to state that I am for this bill, and I would ask the attention of my colleagues for a moment. On account of serious illness in my family it will be necessary for me to be away from Washingon for an indefinite period. I will not be here to get time in general debate hereafter, and I ask unanimous consent I may be allowed to proceed for the two or three minutes remaining out of order.

The CHAIRMAN. If there is no objection, it is so ordered. There was no objection.

Mr. TILLMAN. Mr. Chairman, on February 23 I introduced House Resolution 146 and here and now ask the Rules Committee for an early hearing on same, and for a report for the passage of said resolution through the House and for the investigation proposed. Some time ago a resolution was introduced for an investigation of the Anti-Saloon League This is an organization quite different from the wet organizations, and there seems to be no reason to treat them together. The wet organizations insist that they are willing to be investigated provided the investigation includes the Anti-Saloon League, the Board of Temperance, Prohibition and Public Morals of the Methodist Church, the Woman's Christian Temperance Union, the World League Against Alcoholism, the Committee of One Thousand, the Flying Squadron of Indianapolis, and other prohibition organizations. This reminds me that during the days of the saloon, when the saloon keeper was arrested for selling liquor on Sunday he insisted that the prosecuting attorney should cause the prosecution of the little newsboys for selling papers on Sunday. It is quite an old trick. I am on one side only of this proposition—the dry side. The dry organizations stand for the Constitution and the observance and the enforcement of law. The wet organizations stand for nullification of the Constitution and believe in flouting the law of the land. I believe these dry organizations are doing a great work and I favor them. None of them have ever contributed a penny to my campaign's expenses, nor has any individual done so besides myself. I finance my own campaigns and expect to continue to do that. Quite a lot of money from some source was used in opposition to me in my last race, and this will no doubt occur again, as one of the avowed purposes of the wet organizations is to defeat dry Congressmen. Gentlemen, you can have a fight if you insist upon it, so throw your bull-hide shield in front of you and "lay on, McDuff." I believe that the dry organizations above referred to are composed of worthy people and that their cause is a just one. Such organizations as these build orphan asylums, extend help to the old, the poor, and to children Their purpose is to make the world a better place in which to live. The two Rockefellers are accused of having contributed $375,000 to the Anti-Saloon League. If that is true it is a contribution to a worthy end. And, if there was any taint on those dollars, the purpose for which they are being used will remove such taint. If Kresge the merchant or Judge Gary have given money to the dry organizations mentioned, they are to be commended for a most worthy action.

In 1924 the World's Almanac reported 387 homicides in New York; 509 homicides in Chicago; 77 homicides in Baltimore; in Detroit 211, besides numerous other felonies. Would the wet members from these sections insist upon a repeal of the criminal laws thus violated?

On yesterday in the city of Baltimore a man named Robertson shot a messenger of the Western Maryland Dairy and a patrolman, staged a holdup, and obtained $16,000. The shooting was a most brutal and unprovoked affair. William B. Norris on August 28, 1922, the same dispatch stated, was killed by the so-called "Socolow-Hart gang." Will the gentleman from Maryland [Mr. HILL], because of these crimes, insist that the law against robbery and felonious assault is a failure?

Many wealthy Americans have put their money into public libraries, into research bureaus, into educational foundations, into university endowment funds. Whoever heard of beer and booze building an asylum or university or promoting any laudable enterprise. The dry organizations mentioned stand for a higher purpose than rum and lawlessness stand for.

I print in the RECORD the resolution above mentioned. It follows:

House Resolution 146

Whereas the Association Against the Prohibition Amendment, an incorporated association, and its various subsidiaries have raised and expended large sums of money, the amounts, sources, and expenditures of which have not been made public; and

Whereas no reports have been made as required by law under the Federal corrupt practices act of the expenditures and sources of such funds; and

Whereas said organization stated, at the time of its organization in New York, among other things, that it intended to influence the opinion of the Supreme Court concerning the eighteenth amendment, as follows:

"The members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been aroused all over the country by this attempt to prohibit by constitutional amendment the natural and inherent rights of free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money"; and

Whereas said Association Against the Prohibition Amendment filed no report of its campaign contributions in 1920, and in 1922 and 1924 failed to comply with the law in other respects; and

Whereas the purpose of said organization is to repeal the national prohibition act and as a first step to secure a light wine and beer amendment to the national prohibition act; and

Whereas in the States where said association has dominated the legislature, to wit, New York and Maryland, no State enforcement codes are provided, as is obligatory under the Constitution; and

Whereas the program and plan of the Association Against the Prohibition Amendment means the destruction of State and Federal laws necessary to uphold and enforce the Constitution, which is in direct conflict with the duty imposed on Congress and State legislatures; and

Whereas the Association Against the Prohibition Amendment is now seeking to raise a special fund of $300,000 to defeat 200 Congressmen who have voted for regulations to enforce the eighteenth amendment, as is shown in the letters appealing for funds and circulars inclosed with them, to wit:

"It costs us, on the average, $1,500 to organize in a congressional district effectively enough to win a Congressman there. (See the white circular inclosed.)

"Will you be one of three $500 contributors to take care of one district?

"Or will you be one of fifteen $100 contributors?

"We are building organizations in approximately 200 congressional districts now represented in Congress by men who have been voting 'dry' whenever the question has been brought up.

"We are raising the money and going into districts as rapidly as financial receipts permit us to.

"The association will during 1925 greatly enlarge the scope of its activities and will increase tenfold its working personnel and facilities"; and

Whereas the Association Against the Prohibition Amendment claims that it has a regular annual income of $300,000 to carry out the above program, besides the emergency fund of $300,000 to defeat dry Congressmen; and

Whereas the association lists among its achievements in its letters and literature the following, claiming the defeat of candidates for office, public officials, and enforcement agents who are in favor of the law as well as its enforcement, to wit:

"We are maintaining a trained political force to fight your battle in the next campaign. We have established branches in practically every doubtful State. We have raised for the work over $1,000,000, and have expended and accounted for every cent of it honestly.

"We played a prominent part in procuring the repeal of the Mullen-Gage law (New York).

"We have kept the fires of liberal thought burning, in spite of abuse and slander; we have succeeded in bringing into this movement women and men of the highest character, and have thereby given standing and respectability to those principles which have been so wickedly maligned that they once seemed disreputable; we have largely gained the confidence of the public press and the news associations which now handle our publicity fairly and courteously.

"The foregoing accomplishments have done much to bring about the Anti-Saloon League's loss of power, the fading out of Haynes, and the passage of the headship of the Enforcement Unit to the control of an able, patriotic, and conscientious official.

"It is not necessary to amend the Constitution to get back to beer and light wines. The Volstead law may be repealed merely by a majority vote of Congress. We are not facing a hopeless task.

"Our task is to convince a majority of the Members of Congress that Volsteadism is a failure, or to elect a favorable majority in the next Congress.

"Our Nevada branch defeated the local State enforcement bill.

"We have turned the elections in many congressional districts. Hon. JOHN PHILIP HILL, Member of Congress from Maryland, has, with our very active aid, turned an adverse majority of 10,000 into a favorable one of 15,000.

"A new department was organized for political work in congressional districts. It is intended to go ahead actively with this work at once. We have saved the money to carry it on, and a dollar spent now will accomplish more than ten spent in the rush of a campaign.

"Recently we added to our staff two men who have in the past been national directors of presidential campaigns for the two great political parties. * * * Our field force under the direction of these men will survey conditions in congressional districts throughout the United States and will pick out districts in which we may be expected to be successful in making the fight. * * * The work that is being done by our field force under the direction of these political experts will be supplemented by the work of our personal liberty clubs, which are being organized throughout the country. * * * The opposition is well organized through the activities of the Anti-Saloon League and of the Woman's Christian Temperance Union. We anticipate that by forming personal liberty clubs in the various districts we will be able to overcome this condition. * * * Of course, volunteer committees and liberty clubs work in close harmony and cooperation with the headquarters of the association and with the two political experts above mentioned. * * * The national headquarters of the association has upon its staff two experienced newspaper men who prepare articles dealing with the evil effects of prohibition, statistics giving increases in crime and taxes under prohibition, etc. * * * In addition to the publicity men employed in the Washington headquarters office many of our branches have their own publicity men who do similar work within the various States"; and

Whereas the Association Against the Prohibition Amendment has the support of the brewers and the malsters, whose political activities were condemned in the hearings before the Judiciary Committee of the Senate in Senate Resolution 307 in 1918, including—

"(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

"(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

"(c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.

"(d) That they have exacted pledges from candidates for public office prior to the election.

"(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

"(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturing and mercantile concerns.

"(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

"(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

"(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

"(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

"(k) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals"; and

Whereas this association and more than 30 other national wet organizations are asking for the legalization of beer and wine either through the repeal or amendment of the national prohibition act without first changing the Constitution so that it could be done legally: Therefore be it

Resolved, That the Committee on the Alcoholic Liquor Traffic of the House of Representatives is hereby authorized to send for persons, papers, to compel the attendance of and to administer oaths to witnesses, to conduct such inquiries at such times and places as the committee may deem necessary, and to report its findings and recommendations to the House of Representatives with such report as said committee may submit in connection with any proposed legislation, and the sum of $5,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of making effective the purposes of this resolution.

Mr. Chairman, while most Americans on the 22d were listening to the stately sentences of Washington's Farewell Address an assemblage of "fact facers" were insulting the memory of the Father of His Country and America and belittling the first President by the piddling, piffling drivel of stressing and printing on their dinner program at the Mayflower General Washington's recipe for beer making. What an exalted conception of the dignity of the occasion and the solemn lesson the day suggests. It was a raw affront to the Nation's first citizen and the first Chief Executive. General Washington probably wrote this recipe; he may have picked his teeth in public at Valley Forge with a jackknife; as war camps abound with vermin, he may have used a fine comb now and then; but how shocking to the country's sense of propriety to exploit these small things on the serious occasion of celebrating the day of his birth, a great national holiday.

On the 22d 15,000 teachers of America's youth gathered in annual convention in the city named after our greatest Executive. They looked upon the white-columned Capitol with pride and pleasure. They knew it was builded by American brains and brawn and genius and not by beer. The teachers of our youth looked at the Monument, piercing the sky like a giant's spearhead. It is symbolic of the country's grandeur and is not a monument to booze. The pedagogues visited the most beautiful building in the world, the Congressional Library, and then they saw the marvelous document which Gladstone said—

was the greatest instrument that ever come from the minds and hands of men—

The Constitution. When these teachers go back to those to whom they stand in loco parentis will they declare for this Constitution or for 2.75 per cent beer? If for the latter, not one of them would last as long as a feather in hell.

The teachers listened to the ringing challenge of Bishop Freeman and his great sentence, "The primary business of life is the saving of souls." They heard the able address of President Coolidge, who said, "Washington was a great teacher," but he did not descend to the low level of reading his receipe for making beer.

These teachers within the Capital City's gates made a pilgrimage to the Tomb of the Unknown Soldier in Arlington Cemetery and placed a wreath there in the name of all educators and students. They visited Mount Vernon and looked with reverence on the stone coffins of George and Martha Washington, giving no thought to the beer recipe. All these activities were en rapport with the occasion, and while these teachers were feeding their souls with great sight and sublime thoughts the "fact-facing" contingents were shouting with raucous voices, "Down with the Constitution and up with 2.75 per cent beer." The teachers of our children say we want light and inspiration, sobriety, morality, and better methods of educating the masses, but the "face the facts" aggregation say, "We want booze."

While most of the men and women living or briefly abiding in Washington on Washington's Birthday observed the day properly, the fact facers were performing as noted below. One gentleman was delivered of this strange monstrosity:

The eighteenth amendment is one of the causes of the younger generation's greatest social evil to-day.

Sad, sad, sad! And Rabbi Lazaron, of Baltimore, flashed this verbal gem before the eyes of sympathetic friends:

The temperance I favor rises out of the self-control of the individual citizen; it can not be imposed upon from without.

In other words we need no law, no courts, no criminal statutes. "Thou shalt not" should never be spoken. This contravenes the experience of 3,000 years and is not even respectable nonsense. [Applause.]

The fact facers are prostrated at the thought that the law they hate and want to fail actually is a failure, and that ought to make them happy, and yet they do not seem to be happy—they want beer!

Now, this stuff about the eighteenth amendment being a failure is as "false as dicer's oaths," as "false as oaths made in wine," as "false as Hades."

The "fact facers" in convention assembled, and at the Mayflower, feast with our genial friend from Maryland [JOHN PHILIP HILL] as toastmaster; high priest he is of the cult of homemade hard cider, demand more beer, more wine, and harder cider.

St. Paul said:

I have fought a good fight; I have kept the faith.

Cæser said:

I came, I saw, I conquered.

Horace said in choice Latin:

Dulce et decorum est pro patria mori.

Paul Jones said:

I have just begun to fight.

The face-the-facts people shout, "Give us more booze and better booze."

Last night at dinner the band played a beautiful medley of old airs. Kathleen Mavourneen, The Blue Bells of Scotland, On the Banks of the Wabash, Down on the Suwannee River, and My Old Kentucky Home. The classic of the wets, How

Dry I Am, was not allowed to mar the beauty of the first-named selections.

All over America the cry is going up, "God give us men." But the fact facers say, "God give us beer—stouter beer." [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, one of the chief functions of government is to promote peace, prosperity, and happiness among its citizens. I am for the pending bill because it appears to be a treaty of peace between capital and labor on the transportation systems of our country. We have tried many other methods of force, and none of them have been a success. The present law providing for the labor board is a disappointment. This Labor Board is by all parties disregarded and discredited. I am for the pending bill providing a plan of arbitration and mediation as a substitute for the old plan that pretends to have an element of force. The settlement of industrial disputes by economic force has proven a failure. The present bill is based upon cooperation and brotherhood, and these are qualities that have always blessed mankind where force and hatred have failed. In this respect this proposed legislation is something different, and I am anxious to give it a trial.

I have always believed in the right of the laboring class to form unions and to insist upon collective bargaining. In this day of organizations, combinations, and mergers by capital, it must not be expected that each workingman shall have to contend alone with the ultraselfishness and cold discriminations of corporate management. These rights have elevated labor to its proper sphere and dignity. There was a time when the world's work was performed without capital, but never without labor. Hence in the division of income from a business I would give wages a priority over dividends, because human happiness and civilization rests upon the welfare and happiness of the laboring man.

Labor unions also provide a responsible entity with which to contract and a means for group obedience. It is to be expected if labor is contented that they will take a pride in continuous service and the stability and prosperity of the transportation system of America. There are high economic results to be had from industrial peace, and we know that strikes and lockouts are detrimental to all. These good economic results will be reflected in fair wages, correct working conditions, proper returns to the investor, reasonable and efficient service to the public. It is to promote these mutual beneficent interests that we who are supporting this bill shall expect results from its administration. The employers and employees are on their honor to obtain these most wholesome results.

Believing that the management and the employees should settle their own disputes over wages and working conditions, I am willing that a machinery shall be provided for this purpose. I supported the Howell-Barkley bill in the last Congress, but it was filibustered to death by the majority party, who have now come to see the error of their ways and have joined with us former crusaders for industrial peace and are now voting for the pending bill, which is in spirit and in most details practically the same. This bill is the Howell-Barkley bill dressed in another suit of clothes and given another name. We who have consistently stood for industrial peace on the railroads are elated to see the agitation of last Congress mature into the realities of legislation when this bill becomes a law. That plan is best which provides for those acquainted with all the technicalities and conditions of employment on railroads should by means of the grievance committees locally provided for crafts by divisions and systems have the responsibility first to settle.

If the controversy can not be thus settled by those most interested, this legislation will assist by the higher governmental boards. This plan has been successfully tried by the Baltimore & Ohio Railroad and seems to be the last word in cooperative methods. This plan is based upon common sense and the spirit of brotherhood. It has been found to be the best plan yet tried.

No governmental agency should interfere in settlement of disputes in the industrial world as long as the parties can themselves agree. This bill represents the meeting of the minds of the committees, of the railroads and the labor unions, after many months of earnest study; and being in the nature of an agreement, I think that Congress should not materially alter its provisions. The right of private contract is still sacred, and Congress should not assume to clothe the Interstate Commerce Commission with any power to supervise the details of labor contracts.

I know of no authority given the Federal Government under the Constitution to regulate or assume to make or annul any contract of labor between the employer and employee. Congress can not assume to act unless it had the delegated specific power under the Constitution. Now, the Congress has the power to regulate interstate commerce under the commerce clause of the Federal Constitution, but I know of no holding of the Supreme Court that sanctions that power to be exerted in fixing wages, working conditions, and other details of labor contracts. The Congress can not assume to be either the guardian or the master of railroad labor. The right to fix rates and traffic regulation is based upon an entirely different legal theory. This right over rates is the exercise under the commerce clause of a regulation that the Government has always exercised over common carriers. This grows out of the character of the business, the public nature of carriers, their special and corporate rights, monopolistic in its service, exercising the right of eminent domain, being a franchise and often a monopoly. In the old common law the hack drivers and other carriers were licensed and rates controlled. From this a historical development of this power and control has been applied to common carriers. But never has the Government assumed greater rights of control over labor contracts on railroads than in mines, factories, and other industries.

There has been a great deal said about the public losing some right if this bill is enacted without amendment, but the public can lose no right as long as any machinery is set up that will make for peace in the field of transportation. The greatest economic losses that come to our country's industries are in strikes and in lockouts, and the public sustains those losses, but by the settlement of these by peaceful means there will be a great saving. It seems to me it is not necessary to extend the power of the Interstate Commerce Commission when its organic act gave it the power to look into all economic costs of transportation, including the cost of material, all operating expenses, as well as of labor. This law does not take away any of that power, and the Interstate Commerce Commission will continue to look into all of these costs in fixing rates at a reasonable rate. This law will not divest the commission of a single power which it has which is extensive enough to allow them to look into all economic costs. There will be no obligation upon the commission to fix a rate based upon an arbitration that has been made a matter of record any more than the economic cost based upon a mutual contract of the employer and employee. It is all a matter of the economic cost, and after having considered all of those costs, then the rate is made. Will there not be a saving to the public on the question of strikes and lockouts? Will there not be a saving in dollars and cents tending to lower the rate rather than to increase the rate by allowing these disputes to be settled by peaceful means rather than by means which destroy values. In having a peace which is offered by the settlement of these disputes there is an economic saving, and that will go into the cost of transportation and will be an actual saving to the public that will lower rather than increase the rates. [Applause.]

There is no compulsion beneath this plan of settlement of labor disputes. It is based rather on reason and hospitality of the spirit. It must be administered by men in conference and negotiation. Let us hope that the same spirit that created it and wrote it, will prevail in its administration. Let labor understand and capital appreciate that the people have an interest in the efficient, reasonable, and continuous service of transportation, and that all will be undertaken in this same spirit of brotherhood that has prompted the enactment of this legislation.

The industrial world, the political world, and the religious world are groping toward that state of society, where peace can prevail and where law, order, and neighborliness can be allowed to move unhampered. This new spirit in industry and politics might be considered the application of religion to human affairs. It is the teaching of the Man of Galilee, the Prince of Peace, who gave us the parable of the good Samaritan and many more, which we have been slow in applying to human relationships. It is the extenuation of the spirit of the song of the angels on the Judean hills, who at the birth of Christ sang the message to the shepherds of, "Peace on earth, good will toward men." There is no good reason why business and governments should not reflect these sentiments. I believe this proposed law for the peaceful settlement of industrial problems on railroads between the employer and the employee is tempered with this great fundamental principle. I give it my vote and my approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CARSS]. [Applause.]

Mr. CARSS. Mr. Chairman and members of the committee, I am sorry that the gentlemen in charge have been able to yield me only five minutes for the discussion of this bill, but,

as my time is limited, I must necessarily leave considerable unsaid. [Laughter.]

Mr. Chairman, if the House will pardon a personal reference, I speak as one who has had some experience in the transportation field, having been engaged in that important industry before becoming a Member of this body; and having had experience in the adjustment of disputes between railroad management and employee, I feel that I can speak with some knowledge on the matter before the House. I regret that I can not dwell at length on the different labor organizations that have grown up on our American railroads in the last 50 or 60 years. I would like to speak of the contribution of these organizations to the upbuilding of America, of what they have done to render travel safe on our railroads, how they have raised the social and moral standard of their members, how they have eliminated the use of intoxicating liquors among the employees of our railroads, how fair and reasonable they have been in their demands, how they have lived up to the letter and spirit of their contracts with their employers, and how they have developed the skill and intelligence of their members.

Mr. Chairman, I am proud of my membership in one of these organizations, also proud of the great American labor movement, because, gentlemen, the American labor movement is the greatest instrumentality for spreading the doctrine of Americanism that exists in our country to-day. This movement tends to build up and strengthen American institutions, and, above all, to raise the standard of living in the American home. Gentlemen, no matter what our attainments may be in science, art, or literature, our very civilization itself rests on the home, and in addition to our honest men and virtuous women we must have an adequate income if we expect to rear children who will become useful members of society. No man can love a country where he sees his wife a mere drudge and his children growing up in ignorance and poverty and becoming victims to the diseases and crimes which so often accompany poverty and ignorance, and so I stand by the American labor movement in all its proper activities, as I believe all good Americans should.

I would like to speak of the railroad officials of this country. During my experience I have met many railroad officials, and I want to say that no security holders in the world have received more loyal, intelligent, and efficient service than the holders of American railroad securities have received at the hands of the officials that represent their interests. In the past, during the years when the American railroad unions were struggling for recognition, the railroad industry suffered much from lockouts and strikes; so much was transportation interrupted that Congress felt called upon to act, and legislation was passed for the purpose of relieving the public from these frequent interruptions.

In 1898 the Erdman Act was passed, followed by the Newlands Act in 1913. Under the latter, peaceful relations were maintained on the railroads for a number of years. Then came the present law, which set up the Railroad Labor Board for the adjustment of disputes between the carriers and their employees. In my criticism of that act in the Sixty-sixth Congress, I predicted that just what has taken place would take place—that the Labor Board would become thoroughly discredited. Mr. Ben Hooper, in his brief filed before the committee, said that peace had prevailed on the railroads for the past year or so. I suppose that gentleman bases his opinion on the fact that no disputes are now being referred to the board for settlement. [Laughter.]

I sincerely hope this plan will be successful; no one knows better than the railroad men what a terrible disaster a Nation-wide railroad strike would be; it is no exaggeration to say that it would be a worse disaster than this Nation has ever known; this Nation, with its great expanse of territory and its many diversified interests, is more dependent on railroad transportation than any nation in existence. It has been said that not more than one-fourth of the area of the United States could be inhabited by civilized human beings without railroads.

It is the plain duty of this body to pass such legislation as will remove the possibility of a railroad strike. We all realize the futility of attempting to pass legislation providing for compulsory arbitration. Neither employer nor employee would ever submit to such legislation. It has been tried in the past, and it has been a failure wherever tried, and it will always be a failure. No sane political party will ever pass a law to compel an American citizen to work against his will. Mr. Chairman, if peace is to prevail in industry, justice and not force must rule.

Mr. BARKLEY. Mr. Chairman, I find I have five additional minutes that I can yield to the gentleman. [Applause.]

Mr. CARSS. I thank the gentleman from Kentucky.

This bill imposes a moral obligation upon the employer and employee to settle their differences without injury to the public through interruption of transportation, and unless this agreement is put into law substantially as agreed to between the parties, the moral obligation will no longer exist. Under this plan, the employer and employee may meet, put their feet under the same table, and thrash out their differences. Whenever such conferences occur, and an honest desire exists to reach an adjustment, some plan can always be worked out that will bring about the desired result. Mr. Chairman, if I thought for one moment that the public interest was not fully protected I would oppose this bill, for my duty as a legislator is to protect the public interest, but the greatest interest to the public in this legislation is to secure uninterrupted transportation, and I hope this bill will go through without amendment. The gentleman from Kansas [Mr. HOCH], proposes an amendment which in my judgment will greatly lessen the efficiency of this bill. From my past experience in the settlement of disputes, I have concluded that when the mediators have succeeded in bringing the parties to the point of settlement, it is good policy to settle right then. If the Interstate Commerce Commission, or any other agency is given specific power to interfere at such times, the settlement would probably be delayed so long that hard feelings and bad blood would be engendered to such an extent that no settlement would be effected and a strike or lockout would result. Thus the whole purpose of this legislation would be defeated.

Mr. Chairman, there is just one detail of this bill I wish to discuss briefly, section 10. If all negotiations looking toward a settlement between the carrier and their employees fail, and there is reasonable apprehension of a strike or lockout that may deprive any section of the country of essential transportation, the board of mediators shall notify the President, who may thereupon at his discretion create a board to investigate and report on the dispute; and it is the report of this board in which I am interested.

After that board has brought in its findings, and if after a reasonable time either party to the dispute refuses a settlement, I should like to see all the facts of the case made public so that an intelligent public opinion on the merits of the dispute may be formed.

Mr. Chairman, Napoleon has been credited with having said:

Providence is on the side of the heavy artillery.

In America, public sentiment is on the side of those who have access to the means of reaching the public ear. Heretofore, in all labor disputes, the workers have never been in a position to put their side of the case before the American people. Organized labor does not ask for anything for itself that will not be of benefit to the public.

Mr. Chairman, the workers are willing to rely on the sense of justice and fair play of the American people to decide in such disputes. All they ask is that the public have the facts in the case fairly presented. I hope some means may be provided in this bill to fully and truthfully inform the public on the merits of the whole matter should such unfortunate disputes arise in the future. And now, Mr. Chairman, I would say to the railroad men of America, you have come to Congress with a plan on which you are both agreed. Congress looks to you to make this plan a success. If you do not enter into future negotiations with due regard for the rights of each other and of the general public, and in the right spirit, this legislation will have been in vain. Mr. Chairman and members of the committee, I thank you. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired. The Clerk will read.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time has expired. The Clerk will read.

Mr. BARKLEY. Mr. Chairman, before the Clerk begins the reading of the bill I want to ask unanimous consent that the chairman of the committee in charge of the bill, the gentleman from New York [Mr. PARKER], may be permitted to speak for 15 minutes. The gentleman would be entitled to do that after the reading of the first section, but, as chairman of the Committee on Interstate and Foreign Commerce, I think he ought to do it in advance of the reading.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that before the reading of the bill begins the gentleman from New York [Mr. PARKER] may be permitted to address the committee for 15 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. PARKER. Mr. Chairman, I wish to thank the gentleman from Kentucky for his courtesy and also to thank the House.

There is very little I can add to the discussion of this bill in its various phases, because it has been very thoroughly and very intelligently discussed by the various members of the committee. There are two or three phases, however, I want to emphasize, and one in particular.

We who were on the Interstate and Foreign Commerce Committee last year went through a rather trying time over railroad labor legislation. Out of that controversy the railroad executives and the railroad employees were convinced they were sure to get some legislation they did not want from Congress, so they were perfectly willing to get together and draw a bill that would come as near as possible to what they wanted, at the same time protecting the public to the fullest extent. They came before us in absolute sincerity, both the executives and the employees, and presented this bill; and before I go any further, let me say, and I want to emphasize the fact, there is not one single thing in the interstate commerce law that is abrogated or changed by this bill. Every power that the public has now the public will retain if this bill is passed. [Applause.]

There are two ways of looking at labor legislation. There are two schools of thought. There is the school that believes in force, which has been tried and tried unsuccessfully in many countries, and never successfully anywhere; and there is also the school that believes these questions must be settled by agreement and by arbitration and by conciliation.

This bill was drawn on the theory from start to finish of conciliation, arbitration, and agreement, and allow me to say also that the men who drew the bill in two different places have put force into it themselves, not by coercion; it is not put in by the force of Congress. I mean it was not instigated by the force of Congress, but when the board of arbitration reaches an agreement that is a decree of a court. When one of the adjustment boards reaches an agreement that is also a decree of a court, but it is a decree of a court that these people decide on themselves.

There has been a lot said about the public not being protected. In 15a of the transportation act I believe there is ample protection for the public. There is certainly as much protection as you have right now. We have now the Railroad Labor Board, which is section 3 of the transportation act. Both the carriers and their employees have said they would not submit one single question to the Labor Board. The Supreme Court has decided that the Labor Board has no power to enforce its decrees; absolutely none. Gentlemen stand here and say that the Labor Board has the right to suspend an agreement on wages. Theoretically that is absolutely true; practically it does not amount to a thing. I might just as well say that a railroad and its employees can not make an agreement on wages as the Labor Board. It would have exactly the same weight.

There have been cases where decisions have been asked of the Labor Board, but the Labor Board did not issue a decree. Why? It is perfectly simple, because every decision of the Labor Board that has been appealed and has gone to the Supreme Court has been decided against the Labor Board, holding they did not have the power to enforce their decrees.

The gentlemen who were in Congress when the transportation act was enacted will remember very well how section 3 was written. It is very well to say it is an act of Congress and we considered it, but, as a matter of fact, we did not. The House passed a bill very similar to the bill we are now considering. It went over to the Senate. The Senate took absolutely the other horn of the dilemna, and put in a bill which had force in it, and the conferees wrote section 3 and it was simply brought in and adopted without 10 per cent of the membership of the House knowing anything about it at all. This is really the history of section 3 of the transportation act.

I want to point out one thing more before I conclude. We are dealing with one of the greatest human problems that civilization knows, and that is the relationship of the employee and the employer. It is one of the most delicate questions we have to contend with, and it seems to me when the employer and the employee come together and say that here is a scheme which will work, it is certainly our duty to give that scheme at least a chance, because if it does not work the next Congress can amend it, and if you want to put teeth in it, as some of the opponents of this bill want to do with reference to this bill, we are not foreclosed from putting teeth in the bill at a future date if it is found necessary.

Many gentlemen are loath to see the Railroad Labor Board abolished. Why? Because there is language in the Railroad Labor Board provision whereby if you will put in just a few extra words and provide certain penalties you can put teeth into the provision. But I do not believe, and I do not think the Congress of the United States believes, we should put compulsory arbitration into effect in this country. This is a free country. [Applause.] This is not a country where we are going to make men work by force when they do not want to work.

Something was said about the trains running. I would like to ask some of the gentlemen who made the statement how if a crew of men are asked to take out a train and do not want to go, how it is possible to force them to take it out. I do hold that if the train carries the United States mail it has got to go through; but if you can devise any law that will make men take out a train against their will, I think you will have to revise the Constitution of the United States and human nature besides.

Mr. WINGO. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. WINGO. There is a clear distinction between an engineer—to use the gentleman's illustration—who voluntarily accepts his call and then fails to discharge his duty and an engineer who refuses to go out when he is called and requires the railroad to call some substitute engineer. In the first place, when he accepts the call and takes charge of the train there is a duty on him to the public and to his employers to discharge that duty in such a manner as not to jeopardize either the life of the people or to interrupt traffic. But there is no power, no force in legislative enactment, that can compel an engineer to get out of bed and take out a train.

Mr. PARKER. That is the idea I was trying to express, and the gentleman has done it much better than I could.

Mr. BEEDY. For the purpose of the record I want to say that I agree absolutely in that view.

Mr. PARKER. Now, gentlemen, this is not a perfect bill. There are many faults, undoubtedly, in this legislation; but you are face to face not with a condition, you are face to face with a wage demand. I do not know what the estimate is; some of the violent opponents have placed it at $500,000,000, but I will say, perhaps, $25,000,000 or $30,000,000; but, nevertheless, it is a material increase in wages. The representatives of the carriers and of the employees come before us and they say this bill will work. It is now up to us to give them a chance to find out if it will work. If it does not work, we can write a law that, perhaps, will work; but I doubt very much, indeed, if compulsion will ever work.

They talk about the Erdman Act and the Newlands Act. This law we are proposing contains every single good clause in both the Erdman Act and the Newlands Act and many other clauses besides.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PARKER. You have heard many objections to section 10. That is the section relating to the emergency board; and let me say a word about that. The Board of Mediation, at any time they see fit during any controversy, can go to the President and say that they believe it is wise for him to appoint an emergency board. Now, as I said before, you are dealing with the human passions; you are dealing with men that are fighting for their lives. There is nothing more intense than a man who is working hard and wants to make money to support his family. We all sympathize with that spirit. He believes he is right in every contention he makes.

But if you let the controversy go until he sees red you never can settle it. If you start at the beginning before he gets set, before he gets mad, you have a very good possibility of reaching a settlement by agreement, and that is exactly what this bill does.

At any time when the Board of Mediation should say to the President that they believe an emergency exists he will appoint the board. It is not going to be for any petty offense, it is going to be some national crisis. It is not going to be where you want a petty jury. It is going to be a national wage proposition, or hours of labor, or some big question that comes before the public.

Without doubt he will appoint the highest class of men he can find. There was a suggestion by one of the committee why should not the report be made public? I will tell you why. Let me illustrate. Suppose for a moment that your emergency board should sit and should find that the carriers were absolutely wrong and the board were going to decide against the carriers. Do you not believe that if the President should send for the carriers and show them the report that was going

to be made public that it would be very much easier to get the carriers to agree than to take them by the neck and say you must? I do. And it will work just the same with labor. If you can show people they are in the wrong, I believe they are very much more liable to give in to what is right than they are under efforts of compulsion. That is why the publicity clause was not put in the emergency board proposition. But there is no reason in the world why the President can not make it public any minute he wants to in his discretion. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

BOARD OF MEDIATION

SEC. 4. First. There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the Board of Mediation and to be composed of five members appointed by the President, by and with the advice and consent of the Senate. The terms of office of the members first taking office shall expire, as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after January 1, 1926. The terms of office of all successors shall expire five years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the board shall not impair the powers nor affect the duties of the board nor of the remaining members of the board. A majority of the members in office shall constitute a quorum for the transaction of the business of the board. Each member of the board shall receive a salary at the rate of $12,000 per annum, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the board on business required by this act. No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the board.

A member of the board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Second. The board shall annually designate a member to act as chairman. The board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever it deems it necessary. The board may designate one or more of its members to exercise the functions of the board in mediation proceedings. Each member of the board shall have power to administer oaths and affirmations. The board shall have a seal which shall be judicially noticed. The board shall make an annual report to Congress.

Third. The board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil service laws, such other officers and employees, and (2) in accordance with the classification act of 1923 fix the salary of such experts, assistants, officers, and employees, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of boards of arbitration, in accordance with the provisions of section 7) as may be necessary for the execution of the functions vested in the board, or in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

Mr. RAYBURN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: Page 8, line 12, strike out the figures "$12,000" and insert in lieu thereof the figures "$10,000."

Mr. RAYBURN. Mr. Chairman, an amendment to this effect was offered in the committee by the gentleman from Arkansas [Mr. PARKS], who, by the way, is unable to be present at this time, and who asked me to state for him during the consideration of the bill that if he were here or if it were possible for him to be here during the consideration of the bill, he would vote for its passage.

It seems to me that a salary of $10,000 is sufficient not only for the work that the members of this Mediation Board would be called upon to do, but also that we may be able to get men of sufficient character and sufficient ability to administer whatever functions are placed upon them at that salary.

Under the acts passed before Title III of the transportation act of 1920 the salary of these men, as I remember, was $7,500 per year. The salary of members of the present Railway Labor Board is $10,000 per year. I have been around this Capitol for several years, and I have never found any $10,000 a year jobs going vacant. I think there are hundreds of men who come to Washington seeking employment to-day, and will in every administration, who are willing and ready to accept positions with just as much responsibility as this at much less salary than $10,000 per year. There are very few boards or commissions in the Government where the salary is more than $10,000 per annum. I do not believe that under this bill the salary of $12,000 a year is justified, and that is my reason for offering the amendment. [Applause.]

Mr. PARKER. Mr. Chairman, the gentleman from Texas [Mr. RAYBURN] said that the members of the Railway Labor Board get $10,000 a year. That is true, and they are $10,000-a-year men. This question was very thoroughly discussed in the committee, and we believe that the type of men that we should have for these particular positions should be $12,000-a-year men and not $10,000-a-year men. Perhaps it is wrong to estimate a man's ability by his earning capacity, but nevertheless that is the yardstick by which a man's ability is measured by the public. It is his ability to earn compensation; I do not care what his occupation is or in what walk of life he may be. If this law is going to work, we must have the very highest type of men possible to procure, and I do not believe that $12,000 a year is a bit too much. I hope the gentleman's amendment will not prevail.

Mr. BLANTON. Mr. Chairman, I offer the following substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute amendment offered by Mr. BLANTON to the amendment offered by Mr. RAYBURN: Strike out the figures "$10,000" and insert in lieu thereof the figures "$7,500."

Mr. BLANTON. Mr. Chairman, the gentleman from New York [Mr. PARKER] estimates a man's ability by the kind of salary that the Government pays him.

Mr. PARKER. Oh, I beg the gentleman's pardon. That is not the statement that I made.

Mr. BLANTON. I can not agree with him. I think that this Government has some of the best talent in the Nation serving as United States Senators to-day and they get only $10,000, and have to spend a lot of it in campaigning. I am one of those who believe that in the House of Representatives, of 435 Members, the Government has some of the best talent in the Nation who were serving at $10,000 a year, and they served here for years at $7,500 a year, and for years before that at $5,000 per year.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not now.

Mr. PARKER. I think the gentleman should quote me correctly. I said the public.

Mr. BLANTON. Well, he is mistaken. The public does not estimate that way. The gentleman was in hopes of getting $12,000-a-year men.

Mr. PARKER. I said the public.

Mr. BLANTON. I am now talking about the public. I am talking about the Government of the United States and the real people who are going to pay these $12,000 salaries, and the benefits that we hope will come from the service of these men.

We have some of the finest, skilled technical experts in this Government to-day who are working here in Washington for $6,000 and $7,500 per year. We have some of the finest in the world who are working for $7,500 a year.

I am willing to accept the Rayburn amendment and pay them $10,000 a year, the salary of a United States Senator, but I am not willing to pay them $12,000 a year. After these five men are appointed, I guarantee that I will be able to show this House that at least three-fifths of them, at $7,500 per year, would be getting as much as they ever got before in their lives.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Always to the distinguished gentleman.

Mr. COOPER of Wisconsin. When these parties come together before the Board of Mediation, the railroads, which, as one gentleman said, represent an investment of $20,000,000,000, will have some of the foremost lawyers in the world representing them?

Mr. BLANTON. Yes; but these are not lawyers in court, but mere little mediators and conciliators.

Mr. COOPER of Wisconsin. Wait a moment.

Mr. BLANTON. Do not take up all of my five minutes, please.

Mr. COOPER of Wisconsin. The people to whom they must listen will be the best lawyers in the world.

Mr. BLANTON. I can not yield further. Do you know what the first mediator received under the Erdman Act? He received $10 a day. Do you know what the next one, under the Newlands Act, received? Seven thousand five hundred dollars a year, and he was a good one, Charles P. Neill, one of the best that we have ever had.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I have not the time. The hardest work I ever did in my life was done during the few years that I served as a circuit judge in Texas, trying men for their lives, at $3,000 a year salary, and I worked just as hard as if I had been getting $25,000 a year. It is all in the man—it is all in what is inside of the man—as to what kind of service he is going to give the Government. You can get just as good men for $10,000 to serve in this capacity as you can get for $50,000 if you will hand pick them.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PARKER. The gentleman knows, of course, that the purchasing power of the dollar to-day is about the purchasing power of 50 cents before the war?

Mr. BLANTON. I know what it is. I have paid rent here in Washington for years, and I say that a man can live on $10,000 a year. This is a five-year job.

He does not have to pay money and expenses in political campaigns with an election every two years. These men will get a job at $10,000 net, while a Congressman and Senator pays out much of his to come to Congress. The gentleman would have us believe when we get home we should tell our people they should not expect good service from us because we get only $10,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I rise in opposition to the amendment and the substitute. I also regret to differ from my friend and colleague the gentleman from Texas [Mr. RAYBURN], but I am forced to do so on this occasion because I think the salary which is fixed in the bill is the proper salary which ought to be carried. Now, in the first place, there are only five members on this board; and if you reduce it from $12,000 to $10,000, you only save $10,000 in all in the creation of this Board of Mediation. I am not uneasy that this $10,000, if it is paid to these mediators, is going to interfere with a further reduction of taxes for the people of the United States in the future. Another thing, you can not judge the value of the service of men on a board like this by calling attention to the salaries of Members of Congress. Men come to Congress in the hope that they will make a career here. Men come here who are ambitious for the honor, the distinction, and the fame which they hope to acquire, and that has more to do with their desire to be elected to Congress than the salary which is attached to that office. These men who are going to compose this Mediation Board ought not to be men who seek it, and I hope the President of the United States will not appoint any man on that Mediation Board who comes down here or sends any influence down here in behalf of his application for an appointment. [Applause.] These are men who ought to be drafted into the public service by reason of their experience and judgment and by reason of the standing which they occupy in the community and in the Nation, and they ought not to be required, as they will be, to give up their business; men who may never have been in politics or held any office—as I say, they ought not to be required to give up their business and come here and serve even for five years as a matter of public duty without compensation that will at least enable them to live decently while in the city of Washington.

Reference has been made to the fact that under the Newlands Act $7,500 was the salary. If this be the criterion, then $12,000 now would not be an exorbitant salary. If those who served under the Newlands Act were worth $7,500, $12,000 is a fair salary now. Reference has been made to the Railroad Labor Board. We know why the Railroad Labor Board has fallen down. Some of the appointees of the Railroad Labor Board have been, in some cases, men who have held political office, who have been more or less discredited in their communities after holding public office, who were political lame ducks, and who were placed on the Labor Board in order to pay political debts.

Mr. SCHAFER. Will the gentleman yield for one moment?

Mr. BARKLEY. I do not want the gentleman to take up my time. I will yield.

Mr. SCHAFER. Does not the gentleman think we should put a proviso on this bill right here now that no lame duck or politician should be appointed to these positions to carry out the gentleman's argument?

Mr. BARKLEY. I do not think it is necessary to legislate on this lame-duck subject, but I would certainly expect the President to select men who would be able to draw men together, able to get men to meet. The gentleman from Texas refers to his service on the bench at $3,000 a year. I am satisfied if he worked as hard upon the bench as he does here he earned that $3,000, but as a mediator I do not think the gentleman from Texas would be qualified to be on this board at any price. [Laughter.] So much, Mr. Chairman, for that, and I hope that this amendment and the substitute will be voted down and the salary be left sufficient to induce men of character and standing to serve. [Applause.]

The CHAIRMAN. The question is on the substitute for the amendment offered by the gentleman from Texas——

Mr. BLANTON. Mr. Chairman, I understand it will strengthen the Rayburn amendment, so I will withdraw mine.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. RAYBURN].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. RAYBURN) there were—ayes 52, noes 77.

So the amendment was rejected.

The Clerk read as follows:

PROCEDURE IN CHANGING RATES OF PAY, RULES, AND WORKING CONDITIONS

SEC. 6. Carriers and the representatives of the employees shall give at least 30 days' written notice of an intended change affecting rates of pay, rules, or working conditions, and the time and place for conference between the representatives of the parties interested in such intended changes shall be agreed upon within 10 days after the receipt of said notice, and said time shall be within the 30 days provided in the notice. Should changes be requested from more than one class or associated classes at approximately the same time, this date for the conference shall be understood to apply only to the first conference for each class; it being the intent that subsequent conferences in respect to each request shall be held in the order of its receipt and shall follow each other with reasonable promptness. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Board of Mediation have been requested by either party, or said board has proffered his services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 5 of this act, by the Board of Mediation, unless a period of 10 days has elapsed after termination of conferences without request for or proffer of the services of the Board of Mediation.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having assumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, had come to no resolution thereon.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, there are a good many Members of the House here and I want to present to the House and have printed in the RECORD a substitute amendment which I expect to offer for the so-called Hoch amendment, so that the Members may have a chance to read it to-morrow.

Mr. BLACK of Texas. Let it be read now.

The SPEAKER. Without objection, the amendment will be read.

Mr. MAPES. Mr. Speaker, I did not understand what was proceeding.

The SPEAKER. The gentleman from Illinois asked unanimous consent to have read for information of Members the amendment he proposes to submit.

Mr. MAPES. Was that a unanimous-consent request?

The SPEAKER. Yes. It is to be read only for information. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 24, line 20, after the word "parties," add a new paragraph, as follows:

"Nothing in this act shall be construed to repeal any of the provisions of section 15a of the interstate commerce act, or to change or abridge any powers or duties granted to the Interstate Commerce Commission therein."

Mr. BLANTON. Mr. Speaker, I have a short amendment which I think is important. I ask unanimous consent that it be read for the information of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that an amendment which he proposes to offer be read for the information of the House. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 27, line 5, after the word "consent," strike out the period, insert a colon and the following proviso, to wit: "*Provided, however,* That nothing in this act shall be construed to require the carrier to accept back in its employment, or to recognize former seniority any employee who exercises his prerogative, and quits his job and refuses to render service."

REFERENCE OF A BILL

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 2334, now on the Union Calendar No. 117, be taken from the calendar and rereferred to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent that Senate bill 2334, now on the Union Calendar No. 177, be taken from the calendar and rereferred to the Committee on Indian Affairs. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that agreeable to the committee?

Mr. LEAVITT. Yes; I can speak as the chairman of the committee.

Mr. GARRETT of Tennessee. As the chairman of the committee?

Mr. LEAVITT. Yes.

Mr. GARRETT of Tennessee. The minority members have been consulted?

Mr. LEAVITT. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, February 27, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for February 27, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia (H. R. 4).

To create in the District of Columbia an insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor (H. R. 487).

To amend the Code of Law for the District of Columbia in relation to the qualifications of jurors (H. R. 5823).

COMMITTEE ON MILITARY AFFAIRS

(11 a. m.)

To amend section 4826 of the Revised Statutes of the United States as amended (H. R. 6534), providing managers for the National Home for Disabled Volunteer Soldiers.

For the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers (H. J. Res. 44).

For the appointment of Harry H. Holt, of Virginia, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers (H. J. Res. 3).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SHREVE: Committee on Appropriations. H. R. 9795. A bill making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 388). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 9690. A bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; without amendment (Rept. No. 389). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWOOPE: Committee on War Claims. H. R. 2237. A bill for the relief of Leslie Warnick Brennan; without amendment (Rept. No. 390). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 9035. A bill for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army; without amendment (Rept. No. 391). Referred to the Committee of the Whole House.

Mr. REECE. Committee on Military Affairs. S. 1481. An act to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army; without amendment (Rept. No. 392). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 3382. A bill for the relief of Louis Martin; with an amendment (Rept. No. 393). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5293. A bill to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920; without amendment (Rept. No. 394). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 9775. A bill for the relief of Sherman Miles; without amendment (Rept. No. 395). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 1755) for the relief of Francis J. Young; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 9586) granting an increase of pension to Josephine Peck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHREVE: A bill (H. R. 9795) making appropriations for the Department of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. FREE: A bill (H. R. 9796) to provide further for the relief of war-minerals producers, and to amend the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Mines and Mining.

By Mr. DREWRY: A bill (H. R. 9797) for improvement of Appomattox River, Va.; to the Committee on Rivers and Harbors.

By Mr. BROWNE: A bill (H. R. 9798) to provide for the development of hydroelectric power on the rivers within the Menominee Reservation, in the State of Wisconsin, from tribal

funds and for the benefit of the Indians of the said reservation; to the Committee on Indian Affairs.

By Mr. MacGREGOR (by request): Joint resolution (H. J. Res. 181) to state the Monroe doctrine; to the Committee on Foreign Affairs.

By Mr. HILL of Alabama: Resolution (H. Res. 150) directing the Secretary of War to report to the House of Representatives the total number of commissioned officers on the retired list, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN (by request): A bill (H. R. 9799) granting an increase of pension to Martha Wilson; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 9800) for the relief of Charles F. Brown; to the Committee on Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 9801) granting an increase of pension to Martha Webster; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 9802) granting an increase of pension to Mary E. Woodward; to the Committee on Invalid Pensions.

By Mr. DREWRY: A bill (H. R. 9803) for the relief of Frank Stinchcomb; to the Committee on Naval Affairs.

By Mr. FREE: A bill (H. R. 9804) for the relief of the Pacific Steamship Co., of Seattle, Wash.; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 9805) granting an increase of pension to Sarah A. Augustine; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9806) granting an increase of pension to Eliza S. Smith; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 9807) granting an increase of pension to Clarinda Cooper; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 9808) to provide a preliminary survey of Lumber River and Little Pee Dee River in South Carolina with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 9809) to provide a preliminary survey of Lynchs River in South Carolina with a view to the control of its floods; to the Committee on Flood Control.

By Mr. HALL of Indiana: A bill (H. R. 9810) granting a pension to Minnie A. Meyer; to the Committee on Pensions.

Also, a bill (H. R. 9811) granting a pension to Jennie J. Pearson; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 9812) granting an increase of pension to J. R. Embler; to the Committee on Pensions.

By Mr. HAWES: A bill (H. R. 9813) granting an increase of pension to Elizabeth Carr; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 9814) granting a pension to James L. McElroy; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 9815) granting an increase of pension to Sarah M. Harholt; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9816) granting an increase of pension to May Evelyn Wise; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 9817) granting an increase of pension to Polly B. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9818) granting an increase of pension to Jennie Read; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 9819) for the relief of Clotilda M. Hanna; to the Committee on Naval Affairs.

By Mr. SPEAKS: A bill (H. R. 9820) for the relief of the C. M. Chaffee Brokerage Co.; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 9821) granting a pension to Annetta L. Pruden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9822) granting an increase of pension to Ellen Hogan; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 9823) granting an increase of pension to Ann McCormick; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9824) granting an increase of pension to Eliza S. Long; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: Resolution (H. Res. 149) to pay salary and funeral expenses of deceased employees of the House of Representatives; to the Committee on Accounts.

By Mr. MURPHY: Resolution (H. Res. 151) to pay additional compensation to the majority and minority floor managers of telephones; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

828. Resolution of the Iowa Corn and Small Grain Growers' Association, favoring and urging the passage of bills providing for the staining of imported red-clover seed; to the Committee on Interstate and Foreign Commerce.

829. By Mr. ALLGOOD: Petition of the following representatives of the Legislature of the State of Alabama—F. E. St. John, J. C. Inzer, A. A. Griffith, S. B. Sloan, C. S. Culver, and Frank B. Embry—indorsing the action of the United States Senate in striking out the inheritance or estate-tax provision of the revenue bill; to the Committee on Ways and Means.

830. By Mr. BOYLAN: Petition of Catholic Central Verein, New York Local Branch, opposing the Curtis-Reed education bill now before Congress; to the Committee on Education.

831. By Mr. BRUMM: Papers in support of House bill 9575, granting a pension to John Hutton; to the Committee on Pensions.

832. By Mr. BYRNS: Affidavit in support of House bill 9135, for the relief of Natalie Summers; to the Committee on Claims.

833. By Mr. FULLER: Petition of the Disabled Volunteer Soldiers of the war with Spain, urging early and favorable consideration of House bill 98; to the Committee on Pensions.

834. By Mr. GALLIVAN: Petition of Thomas A. Coughlin, 16 Kempton Street, Boston, Mass., recommending early and favorable consideration of House bill 7962, providing for an increase in the pay of laborers in the Postal Service; to the Committee on the Post Office and Post Roads.

835. By Mr. HOOPER: Petition of Dovillo Warner and 73 other residents of Sunfield, Mich., favoring increased rates of pension for Indian wars survivors; to the Committee on Pensions.

836. By Mr. LINTHICUM: Petition of W. List, secretary Brotherhood of Railroad Trainmen, Baltimore, favoring House bill 4013; to the Committee on Military Affairs.

837. By Mr. McSWEENEY: Papers in support of House bill 9149, granting a pension to Elizabeth Hart; to the Committee on Invalid Pensions.

838. By Mr. O'CONNELL of New York: Petition of the First Battalion, Naval Militia of New York, favoring the passage of House bill 9433, for the relief of Lieut. Alexander E. Metz; to the Committee on Naval Affairs.

839. Also, petition of the Major Louis B. Lawton Camp, No. 39, United Spanish War Veterans, Auburn, N. Y., favoring Spanish War pension legislation; to the Committee on Pensions.

840. Also, petition of Sidney F. Strongin, of Brooklyn, N. Y., favoring the passage of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

841. Also, petition of the Order of Railway Conductors and Brotherhood of Railroad Trainmen legislative boards, of New York State, favoring the passage of House bill 7180; to the Committee on Interstate and Foreign Commerce.

842. By Mr. WHITE of Kansas: Petition of J. H. Rankin and 52 other citizens of Kansas, in behalf of Richard T. Basye (H. R. 8507) and other survivors of the Indian wars, urging that Congress increase the rate of pensions to veterans of the Indian wars and their dependents; to the Committee on Pensions.

SENATE

SATURDAY, *February 27, 1926*

(Legislative day of Friday, February 26, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 5959) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of the Better Government Association of Chicago and Cook County, Ill., praying an investigation by the proper Senate committee relative to law enforcement and the prevalence of lawlessness in Chicago and Cook County, Ill., especially with reference to the immigration of aliens, which was referred to the Committee on Immigration.

Mr. SMITH. Mr. President, I send to the desk in the form of a petition a concurrent resolution adopted by the Legislature of South Carolina. I am somewhat in doubt as to the committee to which it should be referred. It has reference to marking the site of Old Star Fort during the Revolutionary War. Perhaps the first blood shed in the South in the cause of the Revolution was shed at that point. The citizen owning it has indicated his willingness to donate the land if the Government will accept it and mark the spot. I am of the opinion that perhaps the concurrent resolution should go to the Committee on Military Affairs.

Mr. FLETCHER. I think undoubtedly it ought to go to that committee.

The VICE PRESIDENT. It is suggested by the clerks at the desk it should go to the Committee on the Library rather than to the Committee on Military Affairs. Is there objection to that reference?

Mr. FLETCHER. I think all bills providing for the marking of battle fields and monuments and that sort of thing go to the Committee on Military Affairs.

Mr. SMITH. I suggest that we allow it to go to the Committee on Military Affairs; and if upon further investigation I find that it will be better to have it referred to another committee, I shall make the proper motion to cover the matter.

The VICE PRESIDENT. The resolution will be referred to the Committee on Military Affairs and, under the rule, printed in the RECORD.

The concurrent resolution is as follows:

Whereas the first blood in the cause for liberty in South Carolina was shed at old Ninety Six on November 19, 1775, in a three days' engagement between Patriots and Loyalists; and

Whereas the site of the historic old town of Ninety Six (Cambridge, 2 miles distant) is rich in historical associations of many vital and important events in the life of the State; and

Whereas 165 brave soldiers of Gen. Nathanael Greene's Army, which besieged the Old Star Fort, located at Cambridge Courthouse, who were killed in the attempt, are buried there with no marker or monument of any kind in the world to remind their countrymen of their patriotism, her heroism, and the supreme sacrifice; and

Whereas the owner of the land on which this Old Star Fort is located and on which the 165 brave soldiers lie buried, and around which are many other historical spots of sacred interest, has indicated a willingness to deed the land to the United States Government to be preserved as a park and memorial: Therefore be it

Resolved by the senate (and the house concurring) in general assembly now sitting, That these facts be presented to the Congress of the United States and that body be urged to accept the historical spot as a park and make suitable provisions for its preservation and maintenance as a patriotic shrine for future generations; be it further

Resolved, That certified copies of these resolutions be sent under the hand and seal of the State, signed by the president of the senate and speaker of the house to the Congress of the United States and the South Carolina delegation urging favorable action. (See Macrady History of South Carolina.)

A true copy.

[SEAL.] JAS. H. FOWLES,
Clerk South Carolina Senate.

Mr. McKELLAR. Mr. President, I have a resolution adopted by the Tennessee Federation of Women's Clubs with reference to a national gallery of art. It is short and I ask that it may be referred to the Committee on Public Buildings and Grounds and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Public Buildings and Ground and ordered to be printed in the RECORD, as follows:

TENNESSEE FEDERATION OF WOMEN'S CLUBS,
Murfreesboro, February 20, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: Tennessee women have been greatly concerned that America has no national gallery of art. We feel that there should be a suitable building in Washington for the housing and preservation of paintings and sculpture.

This evidence of appreciation of a subject which ranks with the spiritual and loftiest elements in civilization is needed. For years the United States has received annually gifts to the amount of $500,000. We now have millions of dollars worth of paintings hanging in offices, corridors, on temporary screens, and stored in vaults in Washington, because there is no other place for them, and more than that, there is no longer available space which would make possible the convenient acceptance of other treasures. In some of the States the larger museums are housing some gifts until the Government can accept and hang them. We are informed there is a noticeable decrease in the number of gifts to the States because we can not care for them. That is a national loss.

One measure of a nation is its art. The United States, the richest country in the world, a land given to much of idealism, placing the highest value of any people upon merit and accomplishment of the individual, a land toward which other nations look for leadership and guidance, is the one nation that so far has not recognized her art as as asset, or her artists as worthy of recognition, and therefore their work as worthy of preservation.

Club women of Tennessee join forces with the General Federation of Women's Clubs in petitioning your favorable consideration of this appropriation. We beg that you write us your sanction and approval.

Cordially and sincerely,

ANITA WILLIAMS.

Mr. McKELLAR. Mr. President, I present a short letter from Mr. J. R. Hall, a prominent farmer of Tennessee, stating the position of the farmers of Tennessee with reference to the problem of Muscle Shoals. It states the case so well that I ask unanimous consent that it may be printed in the RECORD at this point and lie on the table.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

VALLEY VIEW DAIRY AND STOCK FARM,
Covington, Tenn., January 20, 1926.

Senator KENNETH MCKELLAR,
Washington, D. C.

DEAR SIR: I notice in the papers that Muscle Shoals is to come up again before the Senate.

I was raised and live on the farm and am the largest farmer in Tipton County, therefore ought to know the needs of the farmer. We used to make a respectable living from our farms.

Since 1914 we have insects, unfavorable weather conditions, crop disasters, and market manipulation of the cotton crop by gamblers. We are all but bankrupt—nine-tenths of us are in debt and threatened with losing our savings of a lifetime and nothing left for old age.

Our farm lands are becoming poorer each year, consequently our labor is not making a decent living. The white boys and girls, as well as the negroes, are leaving the farm for the industrial centers more and more each year; our lands have depreciated in value, and you can scarcely sell a good farm in Tipton County.

For years I have practiced diversified farming, keeping my land built up, raising feed first, potatoes, sorghum moiasses, and then all the cotton we can, and give the farm my daily personal care and oversight.

I have been educating my tenants, share croppers, in fertilizing, and we are learning how to make more on fewer acres of cotton and corn and sow down more.

The nitrate agents at New Orleans are asking us $5 per ton more than a year ago. Our cotton from damage by rain and loss in price is selling for half.

If we are not saved from the combines and trusts we are ruined, and farming will continue a hasard and bankrupt business.

From what I can gather and judge from the Muscle Shoals business, the power interest is trying to capture it. The farmers, not only of the South but of other sections, need nitrate on their lands. Give it to them and they can grow cheaper things on the farm and enable the town and city folks to live cheaper and better. Our interest is mutual.

You can do us lots of good to aid us in this matter, and I trust you will.

Yours respectfully,

J. R. HALL.

P. S.—Please show this to Senator TYSON. I am very busy and have but little time for writing.

Mr. ROBINSON of Arkansas presented memorials of sundry citizens of Scranton and Prairie View, in the State of Arkansas, remonstrating against the passage of the so-called Curtis-Reed bill creating a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted at a conference of State veterinarians at Little Rock, Ark., favoring the repeal of the paragraph in the Federal law of 1884 permitting the interstate movement of tick-infested cattle, which was referred to the Committee on Agriculture and Forestry.

He also presented a letter, in the nature of a memorial, from the Scott-Mayer Commission Co., of Little Rock, Ark., protesting against amendment of the transportation act by replacing the Railway Labor Board with adjustment bodies from which the public would be excluded, etc., which was referred to the Committee on Interstate Commerce.

Mr. WILLIS presented resolutions adopted at a mass meeting of native-born and naturalized citizens held at the East Technical High School, Cleveland, Ohio, favoring amendment of the existing immigration law so as to provide for the extension of quota restrictions, which were referred to the Committee on Immigration.

He also presented resolutions adopted at a meeting of native-born and naturalized citizens held at the East Technical High School, Cleveland, Ohio, protesting against the passage of legislation providing for the registration and deportation of aliens, which were referred to the Committee on Immigration.

Mr. EDWARDS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Immigration Committee a resolution passed by the Polish-American Citizen's Club, of Bayonne, N. J., relative to a proposed amendment of the immigration law.

There being no objection, the resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

POLISH-AMERICAN CITIZEN'S CLUB (INC.),
Bayonne, N. J.

Resolution passed by the Polish-American Citizen's Club of Bayonne, N. J. (Inc.), at the mass meeting held at its headquarters, 29 West Twenty-second Street, Bayonne, N. J., February 15, 1926

Whereas the acceptance of American citizenship is only a question of short time and a few formalities for those residents of the United States who have declared and formally swore their intentions to become American citizens;

Whereas the present regulations of immigration cause unnecessary worry and prevention of the fulfillment of the most sacred duties of the declarants within the period between the declaration of the intentions to become American citizens and the actual receipt of citizenship papers;

Whereas their children are compelled to live in foreign surroundings at a time which is best for them for adjustment to American conditions;

Whereas expenditures for the upkeep and education of the families of declarants abroad, not only causes financial strain to those who furnish the money, but also are a considerable loss for the United States;

Whereas the wives and children of the declarants while here are by no means competitors but rather consumers, and will increase consumption here without lowering the standard of living; and, finally,

Whereas the presence of the wives and children of declarants will in the most effective way contribute to definite settlement and natural adjustment to American standards: Therefore

We appeal to the noble ideals of the American Nation, to the Representatives at the present Congress in Washington, and especially to the committees in charge of immigration problems to introduce an amendment to the existing immigration laws in favor of the wives and children of declarants and to allow their entrance into the United States beyond the quota.

WINENTY PAPARTS,
ALEXANDER RYSIECKI,
BALESLIN LIPNICKI,
ALEXANDER MOSOCKOSKI,
JOSEPH V. RADECKI,
CASIMIR TOKARSKI,
Committee on Resolutions.

ITALIAN DEBT SETTLEMENT

Mr. ASHURST. Mr. President, I have received a number of telegrams and letters from citizens of Arizona urging me to vote in favor of the measure providing for the Italian debt settlement. I ask that they may be printed in the RECORD and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered. The matter is as follows:

PHOENIX, ARIZ., *February 25, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We believe that the confirmation of the Italian debt settlement will be of benefit to the citizens of Arizona. The production of copper in this State is directly affected by the export of copper, which, in turn, is affected by the credit of the national who buys copper. The maintaining of copper production in Arizona is certainly in the best interests of this State. Would appreciate your using your efforts to secure confirmation of Italian debt settlement.

HENRY G. BOICE,
President Arizona Cattle Growers' Association.

PHOENIX, ARIZ., *February 26, 1926.*

Senator HENRY F. ASHURST,
Senate Chambers, Washington, D. C.:

The citizens of this city sincerely believe you should support Italian debt settlement as presented by the Senate Finance Committee. Italy uses great quantities of copper at present, and if their finances are cut off our State will suffer, which means all business will suffer. We urgently pray for your support.

C. B. FLYNN,
President Mesa District Chamber of Commerce.
O. S. STAPLEY,

PHOENIX, ARIZ., *February 27, 1926.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The Italian debt settlement now before the Senate seems to be of importance to the mining industry of Arizona. As an economic problem, the sheepmen are interested in the continued operation of the mines, and for this reason request that you support the Italian debt settlement.

A. A. JOHNS,
President Arizona Woolgrowers' Association.

TUCSON, ARIZ., *February 25, 1926.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

Please support legislation now before Congress on debt agreement, United States and Italy. Same of importance to our State. Italy large buyer of copper.

A. H. CONDRON,
Secretary Tucson Chamber of Commerce.

CLARKDALE, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Referring to Italian debt settlement, we are advised favorable action this bill by Senate will have favorable effect on copper export business. While I have been following press reports concerning this bill I am naturally in no position to pass upon it, but would appreciate your giving consideration to it from viewpoint of copper exports and otherwise, and if consistent support it.

ROBERT E. TALLY.

GLOBE, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Economic situation of your constituents engaged in producing copper in Arizona absolutely demand that the exportation of metal be not interfered with by making the Italian debt settlement a purely political issue. We appeal to you to use your best efforts to defeat this proposal.

GLOBE LUNCHEON CLUB,
F. A. WOODWARD, *President.*
W. A. SULLIVAN, *Secretary.*

MIAMI, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Representing a group of your Democratic constituents, I appeal to you to consider the economic effect of making the Italian debt settlement a purely political issue. Italy takes 300,000,000 pounds of copper a year, and our industry, just struggling out of a five-year depression, needs this market badly. Get back to ancient and honorable issues that made our party great. Tariff for revenue only; and above all, State rights.

DR. JOHN E. BACON.

PHOENIX, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The importance of confirming in the Senate Italian debt settlement has been brought to the attention of Arizona. Every citizen of this

State is interested in the sale of the excess production of copper abroad. The export of copper has fallen off in an alarming degree during the past eight months, and in the last two months the loss has become dangerous. We believe that the credit which will be available to Italy, based on the settlement before the Senate, will allow the increased purchase of copper. Every citizen and every industry of Arizona is dependent in great measure on the continued operation at large production of our copper mines. The directors of industrial congress, representing all industries, have voted for confirmation of this settlement and have instructed me to wire you, placing the matter wholly in your hands as our representative, asking that you give the matter your very earnest consideration as a support to the economic development of the State.

ARIZONA INDUSTRIAL CONGRESS,
(Signed) P. G. SPILLSBURY, *President.*

INSPIRATION, ARIZ., *February 25, 1926.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

I understand the Italian debt question will be up this week for consideration. Italy purchased a large tonnage of copper in 1925, and the prospects for American producers making heavy exports of copper to that country in 1926 are better than last year, provided the debt question can be disposed of. It is of the greatest importance to the mining interests of this State that the proposed agreement be ratified, and we sincerely hope that your influence can be exerted in that direction.

T. H. OBRIEN.

MIAMI, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Understand that Italian debt-settlement question is soon to be taken up by Senate. Large part of the copper exported in 1925 was taken by Italy and prospects are for them to take a greater tonnage in 1926 provided the debt settlement is satisfactorily arranged, and it is of utmost importance to copper producers of this State that that plan under consideration may be ratified, and I trust you may be able to use your best efforts to further this program.

J. H. HENSLEY, Jr.,
Mine Superintendent, Miami Copper Co.

BISBEE, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

The Bisbee Chamber of Commerce very strongly urges that you lend the influence of your efforts to the support of the legislation now before the Senate in reference to the debt settlement with Italy. As you know, Arizona is producing 42 per cent of all domestic copper, and in order that export copper business be increased European countries must receive credit from the United States settlement of Germany's financial problems immediately reflected itself in copper demand. Prosperity in Bisbee district and entire State depends upon stimulation of copper demand. Please wire us your opinion regarding final passage.

GEORGE JAY,
President Bisbee Chamber of Commerce.

PRESCOTT, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Exporting copper has fallen off rapidly. Italy has taken half total production Arizona. Believe Arizona faces serious economic problem unless treaty proposing Italian debt settlement approved by Senate. If copper mining curtailed as result nonapproval, all Arizona will suffer. Urge your favorable action.

YAVAPAI COUNTY CHAMBER OF COMMERCE,
HARRY W. HEAP, *President.*

PHOENIX, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Success of Arizona agriculture is tied up with the continued operation of the mines. For this reason we believe they are justified in asking ratification of the Italian debt settlement, so as to support purchasing of copper for export. We believe Arizona will benefit by prompt settlement, and therefore ask your support.

ARIZONA FARM BUREAU FEDERATION,
GEO. M. BRIDGE, *President.*
WALTER STRONG, *Secretary.*

PHOENIX, ARIZ., *February 26, 1926.*

Senator HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Arizona is vitally affected by the output of its copper mines. The copper output is at present reduced because of lack of export demand. Europe is in need of copper, but unable to buy because of debt, due this country. In order to relieve the copper situation we urge that you give every possible support to the passage of the Italian debt settlement now before the Senate.

ARIZONA PACKING CO.

DOUGLAS, ARIZ., *February 26, 1926.*

Senator HENRY F. ASHURST,
Washington, D. C.:

This association convinced failure to indorse Italian debt settlement would work great injury to copper industry of Arizona. Therefore our organization will greatly appreciate your support.

ARIZONA WHOLESALE PRODUCE ASSOCIATION,
JOHN F. BARKER, *President.*
GEORGE E. BUXTON, *Secretary.*

PHOENIX, ARIZ., *February 26, 1926.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We are informed that the Italian debt settlement is now before the Senate, and that continuance of copper purchases by Italy is largely dependent on approval of same. In view of vast importance to all interests in Arizona of maintenance of good demand for copper, we respectfully urge that you give every support possible to passage of Italian debt settlement.

BEARDSLEY & INVESTMENT CO.

INSPIRATION CONSOLIDATED COPPER CO.,
OFFICE OF THE PRESIDENT,
New York, February 24, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Personally I am very strongly of the opinion that we should accept the debt settlement recently arrived at with Italy for two reasons: The first is that if we don't we will ultimately get less; and the second is that it is essential for Europe to get its debts settled before the countries can properly get established and obtain credit for the purchase of supplies which largely come from this country.

Arizona is especially interested. The copper exports for the last half of last year were only three-fourths of the exports for the first half, and the foreign market is stagnant at the present time. It is, as you know, the top few per cent of demand above or below normal production that really makes the price of copper, and if Arizona is going to pick up it sadly needs a greater export demand and a consequent reasonable price for copper. Since the first of this year the falling off has continued, and the exports are lower than the average rate for the last half of last year. This situation is serious, and if it can not be corrected it will force curtailment of copper production in our State and elsewhere, with a consequent decrease in employment and the injurious depressions that follow.

I take the liberty of presenting to you my views, and hope in studying this very important question they may be of some service to you.

Yours very truly,

L. D. RICKETTS.

REPORTS OF COMMITTEES

Mr. GREENE, from the Committee on Military Affairs, to which was referred the bill (S. 2752) for the purchase of land as an artillery range at Fort Ethan Allen, Vt., reported it with amendments and submitted a report (No. 227) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the bill (S. 957) for the purchase of the Oldroyd collection of Lincoln relics, reported it without amendment.

COLORADO RIVER BRIDGE IN ARIZONA

Mr. ASHURST. From the Committee on Indian Affairs I report favorably the bill (S. 3282) to amend the act of February 26, 1925 (ch. 343 of the Statutes of the Sixty-eighth Congress), authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz. I ask that the accompanying report thereon from the Committee on Indian Affairs be now read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the report (No. 226), as follows:

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report to accompany S. 3282.

The Committee on Indian Affairs, to whom was referred the bill (S. 3282) to amend the act of February 26, 1925 (ch. 343 of the Stat-

utes of the Sixty-eighth Congress), authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

Under and by virtue of Public, No. 482, Sixty-eighth Congress (H. R. 4114), an act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., it was provided that the sum of $100,000 therein authorized to be appropriated should be reimbursable from the funds of the Navajo Indians, and this bill proposes to repeal the reimbursable feature of said authorization and proposes that the said appropriation shall be a gratuity.

Mr. ASHURST. I direct the attention of the senior Senator from Wisconsin [Mr. LENROOT] to this bill. Discussion has been had regarding this item, and this bill proposes to repeal the reimbursable feature. I therefore ask unanimous consent that the bill may be considered at this time.

Mr. SMOOT. I would like to have the bill read.

The VICE PRESIDENT. It will be read for information.

The Chief Clerk read the bill (S. 3282), as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended: *Provided*, That no part of the appropriation herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

SEC. 2. No part of the sum authorized to be appropriated under this act, or which may have been appropriated under the said act which is hereby amended, shall in any way become a charge reimbursable to the United States from the funds of the Navajo Indians or from any other tribe of Indians.

Mr. SMOOT. The bill presupposes that the reimbursable feature of the deficiency appropriation bill will be disagreed to by the conference?

Mr. ASHURST. No; not at all. I expect to vote for the adoption of the conference report on the deficiency bill. If Senators wish to debate this bill——

Mr. SMOOT. The chairman of the Committee on Appropriations [Mr. WARREN] is not here at the moment, and I ask the Senator to let the bill go over.

Mr. ASHURST. Certainly——

The VICE PRESIDENT. The bill will go to the calendar.

SAN JUAN RIVER BRIDGE IN NEW MEXICO

Mr. BRATTON. I report favorably without amendment from the Committee on Indian Affairs the bill (S. 3296) to amend an act approved January 30, 1925 (ch. 117 of the Statutes of the Sixty-eighth Congress), authorizing the payment of one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex., and I submit a report (No. 228) thereon.

I desire to state that this is a companion bill to the one just reported by the Senator from Arizona [Mr. ASHURST].

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 3329) for the relief of Harry Linden Wilson; to the Committee on Finance.

By Mr. FLETCHER:

A bill (S. 3330) for the relief of Thomas G. Peyton; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation and Reclamation.

By Mr. CAPPER:

A bill (S. 3332) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes; to the Committee on the District of Columbia.

By Mr. McKELLAR:

A bill (S. 3333) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army; to the Committee on Military Affairs.

A bill (S. 3334) for the relief of Mrs. O. K. Joplin (with accompanying papers); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 3335) to regulate, control, and safeguard the expenditure of Federal funds on construction work; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3336) granting an increase of pension to Ruth E. Daniels (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3337) to authorize the acquisition of a site and the erection of a Federal building at Amherst, Va.; to the Committee on Public Buildings and Grounds.

By Mr. COUZENS:

A joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.; to the Committee on Banking and Currency.

HOUSE BILL REFERRED

The bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WARREN submitted the following amendment intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page 83, after line 19, insert the following:

"Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, shall be administered by a commissioner of reclamation, who shall be equipped for the duties of said office by practical experience in irrigation of arid lands and the agricultural development and utilization thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the first commissioner appointed under the provisions herein shall receive a salary of $10,000 per annum."

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sackett
Bingham	Fess	McLean	Sheppard
Blease	Fletcher	McMaster	Shortridge
Borah	Frazier	McNary	Smith
Bratton	George	Mayfield	Smoot
Brookhart	Goff	Means	Stanfield
Broussard	Gooding	Mosea	Stephens
Bruce	Greene	Neely	Swanson
Butler	Hale	Nye	Tyson
Cameron	Harris	Oddie	Walsh
Capper	Heflin	Overman	Warren
Caraway	Howell	Phipps	Watson
Couzens	Johnson	Pine	Wheeler
Cummins	Jones, Wash.	Pittman	Williams
Curtis	Kendrick	Ransdell	Willis
Dale	Keyes	Reed, Pa.	
Dill	La Follette	Robinson, Ark.	
Edwards	Lenroot	Robinson, Ind.	

Mr. JONES of Washington. I wish to announce that the Senator from Illinois [Mr. DENEEN], the Senator from Maine [Mr. FERNALD], and the Senator from Minnesota [Mr. SCHALL] are absent on account of illness.

Mr. LA FOLLETTE. I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness. I ask that this announcement may stand for the day.

Mr. REED of Pennsylvania. The Senator from New York [Mr. WADSWORTH] and the Senator from Delaware [Mr. BAYARD] are engaged in the Committee on Appropriations.

The VICE PRESIDENT. Sixty-nine Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolution and act:

On February 24, 1926:

S. J. Res. 41. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

On February 25, 1926:

S. 1493. An act to provide for the inspection of the battle fields and surrender grounds in and around old Appomattox Court House, Va.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, House bill 8264.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. Mr. President, immediately before the Senate took a recess last evening, by motion this bill was taken up and made the unfinished business. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be considered as they are reached in the reading of the bill.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will proceed to read the bill.

Mr. McNARY. I desire to depart from the sequence usually followed in the consideration of committee amendments and to take up first the committee amendment on page 17, for the reason that the senior Senator from Wisconsin [Mr. LENROOT] desires to leave the city and is very much interested in the amendment. In the amendment will be found the largest increase contained in any single amendment in the bill. It is found on page 17, lines 8, 10, and 11. I ask that the clerk may state the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Under the subhead "General expenses, Bureau of Animal Industry," on page 17, at the end of line 8, strike out "$4,103,000" and insert "$6,000,000"; in line 10, strike out "$3,128,000" and insert "$5,025,000"; and in line 11, strike out "$200,000" and insert "$1,000,000," so as to read:

For investigating the disease of tuberculosis of animals for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, $3,000,000, of which $975,000 shall be set aside for administrative and operating expenses and $5,025,000 for payment of indemnities, of which $1,000,000 shall be immediately available.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator in charge of the bill should explain the proposed increases.

Mr. McNARY. Mr. President, this is a very important amendment. It is for the purpose of controlling and later of eradicating bovine tuberculosis, which is very prevalent in the country, particularly in dairy herds. It has been found to be communicable to the human family, affecting children in the bones, the skin, the scalp, and the glands. It is thought by the eradication of this disease—indeed, it is known—that its infestation will not again occur. This year it was brought to the attention of the committee that by an increased appropriation, which will enlarge the activities and make more vigorous the fight against this infestation, in a limited number of years, estimated to be from three to five years, there would be a complete eradication of this disease in the cattle and its communicability to the human family. After very patient and extended hearings the Senate committee thought it was wise from the standpoint of economy to increase this appropriation to the point that a sufficient number of veternarians could be employed and enough tuberculin could be used in the cattle so that in a short time by this increased activity the disease could be controlled. Consequently it was believed by the committe that by increasing the appropriation over the House figure of $4,103,000 to $6,000,000 in a cycle of time the disease would be controlled.

It was shown that there were 66,000,000 cattle in the United States, a great number of which were infected with this disease. Last year the tuberculin test was made of 7,000,000 cattle. By increasing the appropriation we could, perhaps, reach annually 11,000,000, and in a short time, using our arithmetic, it could be shown that all the herds could be tested with tuberculin; there would be fewer reactors, and, consequently, less destruction.

In order to make this situation possible it is necessary to increase the indemnity which the Government pays in cooperation with the States and the owners of cattle. It may be well to add, Mr. President, that there is no likelihood—indeed, it is impossible under the letter of the statute—the Government shall waste its money or to pay a sum of money in excess of that to which the owner is entitled, because it is stated specifically in the act that no sum can be paid in the way of indemnity under the $5,000,000 to be used for such purpose that exceeds the value between the salvage of the animal's carcass and the estimated value of the animal placed upon it by the Department of Agriculture, and that in no case shall it exceed $25 for a field animal and $50 for a registered or purebred animal.

Therefore, I may repeat, that the committee believed in the line of economy that it was wise to increase this appropriation, in order that the department might go ahead with full speed in this very desirable work.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. McNARY. I shall be very glad, indeed, to answer.

Mr. ROBINSON of Arkansas. What is the extent of the infected area? Where does it lie?

Mr. McNARY. It is in the 48 States of the Union.

Mr. ROBINSON of Arkansas. So that the infection extends practically to all the States?

Mr. McNARY. It extends to all the States.

Mr. ROBINSON of Arkansas. Is it proposed to carry the work into all the States, or is it in progress in all the States now?

Mr. McNARY. The work is in progress in all the States now. With the sum of money heretofore allotted all the departments could do was to go in, find the infested herds, and destroy the animals which reacted to the tuberculin test. The department, however, has now adopted a plan of going into various counties of a State and cleaning up those counties, which is called the "area plan," thereby completely and entirely exterminating the disease from all the States of the Union. There has been some money wasted under the plan of testing a herd—for instance, in one county in Maryland—which might be reinfested by an adjoining herd that was infested; but by cleaning up a whole county or a particular area it is thought complete control will be had for the dairy herds of America.

The amendment as offered by the Senator from Pennsylvania [Mr. PEPPER] was for $6,000,000. The committee adopted that amendment, thereby increasing the amount more than a million and a half dollars. I sincerely hope that the Senate will concur in the committee's action, which was taken after a very careful consideration of the whole subject matter.

The VICE PRESIDENT. Without objection, the committee amendment proposed in lines 8, 10, and 11, on page 17, will be agreed to.

Mr. McNARY. Mr. President, for the reasons stated in the matter of taking up out of order the amendment which has just been adopted, I desire to present at this time the amendment which is found on page 37, line 20.

The VICE PRESIDENT. The amendment referred to by the Senator from Oregon will be stated.

The CHIEF CLERK. On page 37, in line 20, it is proposed by the Committee on Appropriations to strike out "$383,264" and to insert in lieu thereof "$403,264," so as to read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $403,264.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. McNARY. Now, Mr. President, I desire to revert to the general practice in the consideration of appropriation bills and have the amendments taken up in sequence.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Office of the Secretary, salaries," on page 2, line 13, after the word "grade" to insert: "Except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate," so as to read:

For Secretary of Agriculture, $15,000; Assistant Secretary and other personal services in the District of Columbia, including $7,294 for extra labor and emergency employments, in accordance with the

classification act of 1923, and for personal services in the field, $650,960; in all, $665,960, of which amount not to exceed $644,360 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate.

Mr. MOSES. Mr. President, may I ask the Senator in charge of the bill if the language of this amendment corresponds to the amendment which was inserted in the Treasury and Post Office appropriation bill covering the same subject?

Mr. ROBINSON of Arkansas. Mr. President, will not the Senator speak a little louder? I could not hear his statement.

Mr. MOSES. In the consideration of the Treasury and Post Office appropriation bill, Mr. President, I will say to the Senator from Arkansas, the question involved in this amendment arose, and I wanted to know whether this amendment is now in form of words to conform to the amendments heretofore adopted in other appropriation bills taking care of the same subject matter.

Mr. WARREN. Mr. President, may I say to the Senator that we were, to some extent, compelled to change the amendment in the Post Office appropriation bill in conference. The change, however, did not affect it in any substantial manner, except more definitely to state exactly what the intention was.

Mr. MOSES. I recall that was what took place in conference, and that is why I wanted to know whether a fixed form of words had been determined upon to cover this question.

Mr. WARREN. Exactly.

Mr. ROBINSON of Arkansas. Mr. President, I think the effect of this amendment ought to be explained to the Senate. It may be perfectly clear to those who have studied it; but to some of us it is not so clear.

Mr. McNARY. Mr. President, language very similar to the language carried in this bill has been carried in all the appropriation bills since the adoption of the Budget system. The language in the bill this year is modified somewhat from the language heretofore employed. The modification was made with the consent of the chairman of the Appropriations Committee of the House and the chairman of the Appropriations Committee of the Senate. It is to meet certain conditions under the reclassification act and operates only in the case where one person in a grade is unable to advance. The amendment is designed to meet that situation and provides that in very meritorious cases and for very good reasons one person stalled and parked, so to speak, in a grade may be advanced.

Briefly that covers the proposition, as I understand it, in connection with this bill. The reasons for and the history back of it may better be explained to the Senator from Arkansas by the distinguished chairman of the Committee on Appropriations, who had a conference with Representative MADDEN, the chairman of the Committee on Appropriations of the House.

Mr. WARREN. Mr. President, of course it is not necessary to add more to what the Senator from Oregon has said than to go back perhaps a little further than he went.

Under the reclassification act the amount of money appropriated is divided according to the average of the grade. That applies very well where there are in a grade more employees than one. But in some instances there is only one in a grade, as, for example, we will say, the Director of the Geological Survey and others, aggregating quite a number, who fill very important places. In the cases of a number of such men the provision operates in effect to reduce their salary. On the other hand, there are others who may occupy positions which are named and of which there is only one; and in some of those cases the law operates to increase their salaries above the point where they naturally belong. So, if I may say a word further to the Senator, last year we made a similar provision in one of the appropriation bills, the first such bill which was passed, so that the appropriation bills which followed it might contain provisions drafted in conformity to it. Then it was to be referred to the President. The provision was adopted here and went to the House, but the House believed that it should be referred to the Classification Board. So we have since conformed to that idea, presuming that it would relieve the President to that extent and that the Classification Board is the proper agency, perhaps, to handle it. In brief, the provision operates to prevent the reducing of the salaries of some men and provide against increasing the salaries of others except in very meritorious cases.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "General expenses, extension service," on page 11, at the end of line 2, to strike out "$95,000" and insert "$99,745," so as to read:

To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, $99,745.

The amendment was agreed to.

The next amendment was, on page 11, line 6, after the word "service," to strike out "$2,885,823" and insert "$2,890,568."

The amendment was agreed to.

The next amendment was, on page 11, line 10, to strike out "$8,562,075" and insert "$8,566,820."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Weather Bureau," on page 13, line 24, to increase the appropriation for necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, from $1,773,723 to $1,787,073.

The amendment was agreed to.

The next amendment was, on page 14, line 7, to increase the appropriation for official traveling expenses for the Weather Bureau from $27,000 to $28,650.

The amendment was agreed to.

The next amendment was, on page 14, line 12, to strike out "$2,101,122" and insert "$2,116,123."

The amendment was agreed to.

The next amendment was, on page 14, line 13, to strike out "$2,554,080" and insert "$2,569,080."

The amendment was agreed to.

The next amendment was, on page 19, line 18, after the word "expenses," to strike out "$342,080" and insert "$350,080," so as to read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia and all other necessary expenses, $350,080.

The amendment was agreed to.

The next amendment was, on page 19, at the end of line 19, to strike out "$52,820" and insert "$60,820," so as to make the proviso read:

Provided, That of the sum thus appropriated $60,820 may be used for experiments in poultry feeding and breeding.

The amendment was agreed to.

The next amendment was, on page 21, line 8, to increase the total appropriation for general expenses, Bureau of Animal Industry, from $6,382,653 to $8,287,653.

The amendment was agreed to.

The next amendment was, on page 21, line 18, to increase the total appropriation for the Bureau of Animal Industry from $8,919,763 to $10,824,763.

The amendment was agreed to.

The next amendment was, under the subhead "Field station, Woodward, Okla.," on page 22, at the end of line 16, to strike out "$8,000" and insert "$20,000," so as to read:

For the maintenance in connection with the Woodward, Okla., field station of a livestock department, through which experiments and demonstrations in livestock breeding, growing, and feeding, including both beef and dairy animals, may be made, $20,000.

The amendment was agreed to.

Mr. McNARY. Mr. President, this increase was thought to be necessary in order to balance the experimental station at Woodward, Okla. In discussing the matter with the Depart-

ment of Agriculture it was thought, on account of the increase, that the language should be changed, and that following the word "maintenance," on page 22, line 12, there should be inserted the language which I now send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 22, line 12, after the word "maintenance," it is proposed to insert a comma and the words "repairs and construction of buildings."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 22, line 17, to increase the total appropriation for the Bureau of Dairy Industry from $490,794 to $502,794.

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Plant Industry," on page 23, line 20, to increase the appropriation for investigations of plant diseases and pathological collections, including the maintenance of a plant-disease survey, from $80,000 to $90,000.

The amendment was agreed to.

The next amendment was, on page 23, at the end of line 22, to increase the appropriation for the investigation of diseases of orchard and other fruits, including the diseases of the pecan, from $128,325 to $135,325.

The amendment was agreed to.

The next amendment was, on page 25, line 14, after the word "purposes," to strike out "$348,280" and insert "383,280," so as to read:

For applying such methods of eradication or control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, county or local authorities, or by individuals or organizations for the accomplishment of such purposes, $383,280.

The amendment was agreed to.

The next amendment was, on page 25, line 21, before the word "investigations," to insert "and plant nutrition," and on page 26, at the end of line 2, to strike out "$33,940" and insert "$50,720," so as to read:

For soil-bacteriology and plant nutrition investigations, including the testing of samples, procured in the open market, of cultures for inoculating legumes, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale, $50,720.

The amendment was agreed to.

The next amendment was, on page 26, line 7, to strike out "$52,000" and insert "$62,000," so as to make the paragraph read:

For soil-fertility investigations into organic causes of infertility and remedial measures, maintenance of productivity, properties, and composition of soil humus, and the transformation and formation of soil humus by soil organisms, $62,000.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "handling," to strike out "and for plant nutrition investigations $67,000" and insert "$53,220," so as to read:

For the investigation and improvement of tobacco and the methods of tobacco production and handling, $53,220.

Mr. ROBINSON of Arkansas. Mr. President, it is observed that this is a reduction in the appropriation as passed by the House. It is such an extraordinary thing to propose a reduction of an appropriation in a general bill that I think the burden is on the committee to justify it.

Mr. McKELLAR. It is a transposition, not a reduction.

Mr. McNARY. Mr. President, let me call the attention of the Senator from Arkansas to the fact that on page 25, following the words "soil-bacteriology," the words "and plant nutrition" have been incorporated in the bill for the purpose of clarity, and that item has been increased by the same amount by which the item on page 28 has been decreased.

Mr. ROBINSON of Arkansas. So that there is no change in the amount of the appropriation, but merely a transposition, as stated by the Senator from Tennessee?

Mr. McNARY. That is true.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 29, line 24, to strike out "$154,000" and insert "$159,000," so as to make the paragraph read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, $159,000.

The amendment was agreed to.

The next amendment was, on page 31, line 12, after the word "plants" to strike out "$98,000" and insert "$134,695: *Provided*, That of this amount not to exceed $36,600 may be used for the purchase, and distribution through county agents, of such new and rare seeds," so as to make the paragraph read:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants, $134,695: *Provided*, That of this amount not to exceed $36,600 may be used for the purchase, and distribution through county agents, of such new and rare seeds.

The amendment was agreed to.

The next amendment was, on page 31, line 24, to increase the total appropriation for general expenses, Bureau of Plant Industry, from $3,278,055 to $3,384,750.

The amendment was agreed to.

The next amendment was, on page 31, line 25, to increase the total appropriation for the Bureau of Plant Industry from $3,853,055 to $3,959,750.

The amendment was agreed to.

The next amendment was, under the subhead "General Expenses, Forest Service," on page 37, at the end of line 6, to strike out "$25,000" and insert "$40,000," so as to make the paragraph read:

For the construction of sanitary facilities and for fire-preventive measures on public camp grounds within the national forests when necessary for the protection of the public health or the prevention of forest fires, $40,000.

The amendment was agreed to.

The next amendment was, on page 38, at the end of line 17, to strike out "$232,000" and insert "$250,000," so as to read:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forest and forest lands, $250,000, of which amount not to exceed $30,000 shall be immediately available for the establishment of a forest experiment station as provided in the act entitled "An act to authorize the establishment and maintenance of a forest experiment station in California and surrounding States," approved March 3, 1925.

The amendment was agreed to.

The next amendment was, on page 39, line 24, to increase the total appropriation for general expenses, Forest Service, from $4,907,507 to $4,960,507.

The amendment was agreed to.

The next amendment was, on page 40, line 19, to increase the total appropriation for the Forest Service from $8,232,507 to $8,285,507.

The amendment was agreed to.

The next amendment was, under the subhead "General Expenses, Bureau of Soils," on page 45, line 8, to increase the appropriation for investigations within the United States of fertilizers and other soil amendments and their suitability for agricultural use from $63,215 to $248,215.

Mr. RANSDELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Louisiana will state it.

Mr. RANSDELL. I desire to amend that item by adding $25,000. If the item is adopted in its present shape, I should like to know where I would stand and whether I can propose that amendment now.

Mr. McNARY. Mr. President, I did not hear the Senator's remark.

Mr. RANSDELL. I say that I desire to offer an amendment to this item of $248,215, which the committee proposes to insert in lieu of the House item of $63,215. I understand that it is proposed to take care of the fixed-nitrogen laboratory, and it is not giving what I believe the committee intended to give. I think they should have given $25,000 more, and I want to offer an amendment to that effect.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. RANSDELL. Yes.

Mr. McNARY. Forty thousand dollars for this item is carried by the national defense act of 1920, which is available in

the fiscal year of 1927. We are giving in total $225,000, all that they asked for.

Mr. RANSDELL. I understand, if the Senator please, that the laboratory has been using $250,000 a year. If we add the $185,000 which the bill provides to the $40,000 which the Senator says will be on hand, that makes $225,000, which is $25,000 less than the $250,000 which this research laboratory has been using for a number of years. I think the trouble the committee got into occurred in adding the item of $63,215 which is carried in this provision to the $185,000, not bearing in mind for the moment that there was no connection between the two. I think the committee intended to give a total of $250,000 or thereabouts to the laboratory.

Mr. McNARY. Mr. President, the committee was quite aware of what it intended to do. This item never has been carried heretofore in this or any other bill. The act to which I referred a minute ago was passed following the war.

Mr. RANSDELL. I understand that.

Mr. McNARY. There is $40,000 available for 1927 in that act. We are now carrying $185,000 in this bill, which makes a total of $225,000, all that the department has asked for—all that they said they could use—and the reduction of $25,000 is made possible by the practice of certain economies which they are very happy to have been able to do.

Mr. SMITH. Mr. President, I should like to state to the Senator from Louisiana that the communication that I received, and that I advocated before the committee as a member of the subcommittee having charge of this bill, was to the effect that they needed $225,000, and that the fund to which the Senator from Oregon has referred had now dwindled to a point where there was about $40,000 and perhaps a little more, not amounting to a thousand dollars—perhaps forty thousand and some odd hundred dollars—available this year, and that if we would supplement that with an amount that would bring it up to $225,000 it would be about all that they needed. Therefore we just subtracted $40,000 from $225,000, and added the difference between the two amounts to the appropriation, which gives them for the year 1927 $225,000.

Mr. RANSDELL. Mr. President, if the statement of the Senator from South Carolina is correct, then $225,000 is all that is needed; but I think he is wrong. I think the laboratory needs the $250,000. I believe they feel they ought to have it. Of course, they are not here demanding it. I am demanding it for them. I think instead of reducing the investigations of this chemical laboratory we ought to extend them. I do not think they have scratched the surface of the possibilities of chemical research in our soils, and to my mind we are cutting down their work by $25,000 in round numbers.

I have before me a list of the expenditures which they have been making for several years, and in several of those years they spent considerably more than $250,000. In the year ending June 30, 1920, they spent two hundred and sixty-five thousand and some hundred dollars. The next year they spent two hundred and seventy-six thousand and some hundred dollars; the next year they spent $261,000; and so on.

It seems to me, Mr. President and Senators, that we ought not to reduce the work of this very important scientific agency. We ought at least to keep it up to where it has been if we do not enlarge it; and at the proper time I wish to offer an amendment adding $25,000 to this appropriation. If this is the proper time, I will offer it now. If this is not the proper time, I will wait until later.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. RANSDELL. I yield.

Mr. OVERMAN. When a department says they do not want any more money, and we give them everything they ask, I do not understand how the Senator gets his estimate that they need $25,000 more.

Mr. RANSDELL. Because they have been getting $250,000 in the past; that is why.

Mr. SMITH. But, if the Senator will allow me, I think I put the letter that was given to me into the RECORD; and the department, if I remember correctly, did not ask for more than $225,000, and I think other members of the committee received the same letter. As a matter of course this is a matter of importance, as the Senator says, and no one should know it more thoroughly than the Bureau of Chemical Research; and if they, with their full knowledge, did not ask for any more, we have no right as a committee to go beyond this expert testimony and the facts as laid before us by the officers of the bureau themselves.

Mr. RANSDELL. Mr. President, I have not those figures before me. They were not laid before me, and I am not on the committee; but the information I have is that the department has been using $250,000, as I have stated, and I would not like to see any reduction made but the status quo maintained.

I will state my parliamentary inquiry. Must I offer my amendment now, or shall I let this item be acted upon and approved and offer the amendment later? If it is approved, it seems to me that will settle the matter. That is why I am making the inquiry.

Mr. McNARY. Has the Senator an amendment prepared to offer to the committee amendment?

Mr. RANSDELL. I have an amendment, which I would like to offer now, if it is proper to do so at this time.

Mr. McNARY. I shall be glad to have the Senator offer his amendment now.

Mr. FLETCHER. The Senator has a right to propose an amendment to the committee amendment. If he waits until the amendment is agreed to, that will settle it.

Mr. RANSDELL. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 45, line 8, strike out "$248,215" and insert in lieu thereof "313,215."

Mr. McNARY. Mr. President, I shall have to invoke the rule. There has been no estimate for this increase, and it has not been favorably reported upon by a standing or select committee of the Senate.

Mr. RANSDELL. I ask for a vote on it. I have explained it.

Mr. McNARY. I make a point of order against it.

The VICE PRESIDENT. The point of order is well taken. It calls for an increase in a general appropriation, for which no estimate has been made, and it has not been favorably reported by a standing or select committee.

Mr. SMITH. May I ask the Senator having the bill in charge to turn to page 6? I was out of the Chamber when that part of the bill was under consideration, and there is a matter on that page in which I am interested and which does not call for any appropriation. The House could not insert it on account of certain rules they have; but on line 9——

Mr. McNARY. Will not the Senator allow us to follow the procedure we have agreed upon, namely, to take up committee amendments first?

Mr. SMITH. I am very glad to do that, and I shall refer to the item again when we get through with the committee amendments.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 45, line 8.

The amendment was agreed to.

The next amendment was, on page 45, at the end of line 14, to strike out "$193,710" and insert "$198,710," so as to make the paragraph read:

> For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $198,710.

The amendment was agreed to.

The next amendment was, on page 45, line 21, in the total appropriation for general expenses, Bureau of Soils, to strike out "$315,220" and insert "$505,220."

The amendment was agreed to.

The next amendment was, on page 45, line 22, to strike out "$403,480" and insert "$593,480," and, in line 23, to strike out "$322,000" and insert "$512,000," so as to make the paragraph read:

> Total, Bureau of Soils, $593,480, of which amount not to exceed $512,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Entomology," on page 47, line 4, to increase the appropriation for the investigation of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, and so forth, and the cigarette beetle and Argentine ant, from $255,440 to $285,440.

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 15, to increase the appropriation for investigations of insects affecting truck crops, including insects and wireworms affecting the potato, sugar beet, cabbage, onion, tomato, beans, peas, and so forth, and insects affecting stored products, from $182,250 to $186,250.

The amendment was agreed to.

The next amendment was, on page 47, line 17, to increase the appropriation for investigations and demonstrations in bee culture from $32,380 to $42,380.

The amendment was agreed to.

The next amendment was, on page 48, line 4, in the total appropriation for general expenses, Bureau of Entomology, to strike out "$1,002,230" and insert "$1,046,230."

The amendment was agreed to.

The reading was continued to the bottom of page 48.

Mr. McNARY. On behalf of the committee, on page 48, after line 3, I move to insert:

For a preliminary entomological survey of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $25,000.

The amendment was agreed to.

The reading of the bill was continued to line 18, page 49, the last paragraph read being as follows:

PREVENTION OF SPREAD OF EUROPEAN CORN BORER

To enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the investigation, control, and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including, when necessary, cooperation with the Federal Horticultural Board in establishing, maintaining, and enforcing quarantines promulgated under the plant quarantine act of August 20, 1912, as amended, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $485,000: *Provided*, That in the discretion of the Secretary of Agriculture $100,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations, for the accomplishment of such purposes.

Mr. BROOKHART. Mr. President, I would like to inquire of the Senator in charge of the bill concerning the appropriation for the prevention of the spread of the European corn borer. What was the amount expended last year?

Mr. McNARY. This appropriation is parallel with the appropriation carried in the current act for the fiscal year ending June 30, 1926. There has been no change whatsoever.

Mr. BROOKHART. Did the committee investigate the subject?

Mr. McNARY. It is in excess of the estimate. The estimate was $425,000. The appropriation this year is $485,000, which is in excess of the estimate made by the Director of the Budget by $60,000.

Mr. BROOKHART. Was the estimate made by the Director of the Budget or by the department?

Mr. McNARY. It is the estimate of the Director of the Budget, acting upon the advice of the Department of Agriculture. It is $102,000 in excess of the amount appropriated for this purpose last year. No one came before the Senate committee asking for an increase.

Mr. BROOKHART. The matter has grown to be one of great importance.

Mr. McNARY. There can be no doubt about that. The department is doing much to eradicate, or at least control, the European corn borer.

Mr. BROOKHART. Does the Senator think this appropriation will be sufficient to take care of it?

Mr. McNARY. I have no doubt of it. If there had been any doubt, I know we would have had people before us from Iowa, and among them the distinguished Senator. I am sure there is no need for an increase in the appropriation.

Mr. BROOKHART. The borer has not reached Iowa yet, but it has reached Indiana and Ohio.

Mr. McNARY. There is some infection in Iowa.

Mr. BROOKHART. In Iowa?

Mr. McNARY. There is some infection there.

The reading of the bill was resumed, the next amendment being on page 50, line 6, after the word "Japanese," to strike out "beetle" and insert "and Asiatic beetles," so as to make the heading read "Preventing spread of Japanese and Asiatic beetles."

The amendment was agreed to.

The next amendment was, on page 50, line 9, after the word "Japanese," to strike out "beetle" and insert "and Asiatic beetles"; and at the end of line 18, to strike out "$280,000" and insert "$285,000," so as to make the paragraph read:

To enable the Secretary of Agriculture to meet the emergency caused by the spread of the Japanese and Asiatic beetles, and to provide means for the investigation, control, and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including, when necessary, cooperation with the Federal Horticultural Board in establishing, maintaining, and enforcing quarantines promulgated under the plant quarantine act of August 20, 1912, as amended, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $285,000.

The amendment was agreed to.

The next amendment was, on page 50, line 20, in the total appropriation for the Bureau of Entomology, to strike out "$2,606,168" and insert "$2,655,168."

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the subhead "General expenses, Bureau of Agricultural Economics," on page 60, line 20, to strike out "$348,755" and insert "$353,755," so as to read:

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the departments shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $353,755.

The amendment was agreed to.

The next amendment was, on page 61, line 7, to strike out "$765,150" and insert "$779,650," so as to read:

For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $779,650.

The amendment was agreed to.

The next amendment was, on page 61, line 8, in the total appropriation for general expenses, Bureau of Agricultural Economics, to strike out "$2,406,607" and insert "$2,426,107."

The amendment was agreed to.

The reading of the bill was continued to line 18, page 62, the last paragraph read being as follows:

ADMINISTRATION OF THE UNITED STATES WAREHOUSE ACT

To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $205,060.

Mr. MOSES. Mr. President, I would like to direct the attention of the Senator in charge of the bill to the item on page 62, "Administration of the United States warehouse act," $205,060. I notice from the House hearings that the original estimate was $6,000 less than this amount, but I find nowhere in the hearings a statement of the reason why $6,000 was added, and I ask the Senator to what use the extra $6,000 is to be put.

If the Senator will permit me, I will preface the inquiry by the statement that I ask the question because since the passage of the warehouse act in 1911, and especially since the alert and vigorous and wholly effective activities of the senior Senator from Oregon have been applied to agricultural appropriation bills, I have observed the extension of the list of commodities under which farmers or others may benefit through the warehouse act, and there is an interesting list of commodities printed in the hearings at page 647, where I find mention of only three staples raised in the section of country east of the Hudson, which I have the honor to represent in part, and I observe that the staples of the West and Southwest are constantly being thrust into the list of commodities available under the warehouse act. I have been wondering heretofore why I could not find anywhere in the list "them sacred words," "hay, apples, and potatoes." I do find reference to potatoes to the extent of 160,000 bushels.

I would like to ask the Senator if it is the purpose of the department to use the extra $6,000 for extending the list of staples so that the farmers east of the Hudson River may get

some benefit from this expenditure. I well understand, of course, that corn, wheat, cotton, rice, tobacco, peanuts, dried apricots, and dried prunes have found their proper place in the list, but I would like to know if this added money is to be expended for the benefit of the farmers in my section of the country.

Mr. McNARY. Mr. President, the inquiry is a proper one. I may say to the very able and distinguished Senator from New Hampshire that if his activities and faithfulness to his constituents had been equal to those of the Senator from Oregon, he might have found more of the products raised east of the Hudson River in the list.

Mr. MOSES. But the Senator from New Hampshire did not have contact with the activities of the department or the committee in charge of the bill to enable him to proceed with that facility which characterizes the actions of the Senator from Oregon.

Mr. McNARY. The doors of the Appropriations Committee are always open to those who desire faithfully to serve their constituencies. Treating the matter seriously——

Mr. MOSES. I hope the Senator does not mean that I am not treating it with great seriousness.

Mr. McNARY. I am addressing the Vice President in that regard. Cotton, tobacco, wool, and grain are certified commodities. Under the warehouse act, if it is modeled to meet the regulations of the Department of Agriculture, those commodities whose behavior is understood, after study, are then admitted to the benefits of the act, then the owner and producer of the product may receive on account of the impounded commodities a receipt, which is a negotiable paper, entitling him to get credit at the bank. This has worked to the great benefit of those who have been able to take full advantage of the act. In addition to the four staple crops I have just mentioned, the department now is studying field seeds, alfalfa, red-top clover, timothy, canned fruits and vegetables.

Mr. MOSES. All of great benefit to New England, I suppose?

Mr. McNARY. Many of these are produced west of the Hudson River. This matter was brought to the attention of the department the last two years, and the various commodities have increased in number and in diversity. No one appeared before the committee this year asking for an increase for any commodity that might come under the warehouse act. Consequently the item was not changed at all. The distinguished Senator knew that the committee was in session; he was welcome there, but he did not appear, perhaps due to other official duties which so engrossed his time that he could not.

Mr. MOSES. I will make my own excuses.

Mr. McNARY. At any rate, Mr. President, if the able Senator from New Hampshire will appear before the committee next year, and it happens to fall to my lot to study the agricultural appropriation bill and present it on the floor of the Senate, I shall be happy indeed to go as far as I can and use what little influence I have with the Senate to include enough money to take care of some items grown in the State of New Hampshire.

Mr. MOSES. The Senator is losing sight of the point of my inquiry. I observe that the appropriation has been recommended in a sum of $6,000 in excess of the estimate. My inquiry was whether that $6,000 could be applied for the study of some of the staples of New England, hay and apples in particular. Of course I understand now, from what the Senator has said, that these commodities must have a certain behavior. I learn that hay and apples have not had a sufficiently good statutory behavior to entitle them to be included, but I hope they may reform, and that this $6,000 may be directed toward encouraging them in that direction.

Mr. McNARY. The $6,000 increase is to cover largely the field seeds and crops that are used for browsing purposes, canned goods, and vegetables. Possibly, if the Senator will bear down upon the Department of Agriculture, he can under this item have the bureau study some of those products that are raised east of the Hudson River. Of course the matter of administration is entirely up to the department. The work has been exceptionally good and careful. I think that the money appropriated is sufficient to take care of very many more of the products of the soil.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 65, at the end of line 1, in the total appropriation for the Bureau of Agricultural Economics, to strike out "$4,731,397" and insert "$4,750,897."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Federal Horticultural Board," on page 67, line 13, after the word "thereof," to insert a semicolon and the following: "To inspect, under such rules and regulations as the Secretary of Agriculture may prescribe, domestic fresh fruits, vegetables, and seeds, and nursery stock and other plants for propagation, when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of foreign countries, and to make such reasonable charges and to use such means as may be necessary to accomplish this object," so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of the act of August 20, 1912, as amended, entitled "An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes"; to prevent the movement of cotton and cotton seed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof; to inspect, under such rules and regulations as the Secretary of Agriculture may prescribe, etc.

The amendment was agreed to.

The next amendment was, on page 68, line 1, after the word "cotton," to insert "and such inspection and certification"; and, in line 3, to strike out "$415,000" and insert "$425,000," so as to make the proviso read:

Provided, That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection at plants constructed therefor out of any appropriation made on account of the pink bollworm of cotton and such inspection and certification shall be covered into the Treasury as miscellaneous receipts, $425,000.

The amendment was agreed to.

The next amendment was, on page 69, at the end of line 22, in the total appropriation for the Federal Horticultural Board, to strike out "$795,270" and insert "$805,270."

The amendment was agreed to.

The next amendment was, on page 70, line 6, after the word "exceed," to strike out "$151,000" and insert "$125,000," so as to read:

To enable the Secretary of Agriculture to carry into effect the provisions of the packers and stockyards act, approved August 15, 1921, $440,000, of which amount not to exceed $125,000 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provision of said act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction.

The amendment was agreed to.

The next amendment was, on page 74, at the end of line 3, to strike out "$39,610" and insert "$41,610," so as to read:

To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of livestock and the employment of necessary persons and means in the city of Washington and elsewhere, $41,610.

The amendment was agreed to.

The next amendment was, under the subhead "Forest roads and trails," on page 77, line 11, after the figures "$5,000,000," to strike out "being part" and insert "which sum is composed of $3,725,000, the remainder"; and in line 13, after the numerals "1925," to insert "and $1,275,000, part of the amount authorized to be appropriated for the fiscal year 1927," so as to read:

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed $48,000 for departmental personal services in the District of Columbia, $5,000,000, which sum is composed of $3,725,000, the remainder of the sum of $7,500,000 authorized to be appropriated for the fiscal year 1926 and $1,275,000, part of the amount authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925.

The amendment was agreed to.

The next amendment was, under the subhead "Federal aid, highway system," on page 78, line 22, after the words "com-

posed of," to strike out "$46,700,000" and insert "$23,800,000"; and at the end of line 25, to strike out "$28,300,000" and insert "$51,200,000," so as to read:

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed $445,000 for departmental personal services in the District of Columbia, $75,000,000, to remain available until expended, which sum is composed of $23,800,000, the remainder of the sum of $75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by the act approved June 19, 1922, and $51,200,000, part of the sum of $75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, by paragraph 1 of the act approved February 12, 1925.

The amendment was agreed to.

The next amendment was, on page 79, line 4, in the total appropriation for the Department of Agriculture, to strike out "$127,008,528" and insert "$129,370,468."

The amendment was agreed to.

The VICE PRESIDENT. This completes the reading of the bill for action on the amendments of the committee.

Mr. WILLIS. Mr. President, I desire to submit an inquiry to the Senator from Oregon relative to an amendment upon which we have already acted. On page 45, at the bottom of the page, there is an item reading:

Total, Bureau of Soils, $593,480, of which amount not to exceed $512,000 may be expended for personal services in the District of Columbia.

It seems to me that is an exceedingly large portion of the total appropriation to be expended for personal services. The total appropriation for the bureau is $593,480, and of that amount they may expend for personal services in the District of Columbia $512,000. I have not any direct information about it, but it seems to me that is out of all proportion. They have more harness than they have horse.

Mr. McNARY. That is made necessary by the addition of $186,000 for the Fixed Nitrogen Laboratory in the city of Washington, where all the work is performed, which item heretofore never has been carried in the bill. Hence the apparently large amount of the total appropriation that must be expended in the District of Columbia.

Mr. ROBINSON of Arkansas. May I inquire of the Senator from Oregon what was the total amount on account of this item asked by the bureau?

Mr. McNARY. For the Bureau of Fixed Nitrogen?

Mr. ROBINSON of Arkansas. No; for the item of $593,480 as amended by the Senate.

Mr. McNARY. It was the Senate committee, I will state to the Senator from Arkansas, that included the item originally to take care of the Fixed Nitrogen Laboratory in the sum of $186,000. Subsequently, on the 20th of the month, the Director of the Budget made an estimate covering the action of the Senate committee. That was added to the total, which makes a large expenditure over and above the House appropriation and the current law, due to the employment of these people in the District of Columbia.

Mr. ROBINSON of Arkansas. That does not answer the question I asked; at least, not to my satisfaction. My question is, What was the total amount requested by the bureau on account of this item?

Mr. McNARY. The total for the Bureau of Soils originally was $403,480, of which not to exceed $322,000 might be expended for personal services in the District of Columbia. That is the current law. It is the estimate of the Budget. It is what passed the House. But when we added this other sum of money to take care of the other activity in the District of Columbia, it caused a change in the totals and makes a larger amount to be expended in the District of Columbia by reason of the new item.

Mr. ROBINSON of Arkansas. I observe that the amount carried for classification of agricultural lands in cooperation with other bureaus of the department and other departments in the Government is only $15,510.

Mr. McNARY. Yes; that is the amount of money the department suggested. It was estimated for by the Bureau of the Budget, and corresponds to current law.

Mr. ROBINSON of Arkansas. That would seem to be a very small amount, compared with the total appropriation.

Mr. McNARY. No one appeared before the House committee or before the Senate committee asking for an increase.

Mr. ROBINSON of Arkansas. That is all that was asked?

Mr. McNARY. Yes.

Mr. WILLIS. Mr. President, I desire to submit a further inquiry to the Senator on the item to which I referred a moment ago. I understand his explanation, I think, that all of the $186,000 for this special purpose is to be expended in the District of Columbia; but even taking the original item in the House bill, total appropriation for the bureau, $403,000, $322,000 of which might be expended in the District of Columbia for personal services, I ask whether the Senator thinks that is an exceedingly large proportion for personal services in the District?

Mr. McNARY. Much of that is due to research work done by the department, which requires skilled employees and the services of those trained in the science of the service. Of course, it is necessary to do the work here in the District, because it is in a class by itself. The Senator from Oregon has no impression in the matter. Such an item has been carried in the bill apparently from year to year in about the same proportion. The samples are sent from various experiment stations, and the work is done here in the laboratory, and for that reason this particular item shows a large proportion of pay for services in the District, whereas it would not do so if much of it were field service.

Mr. LA FOLLETTE. Mr. President, if the Senator from Oregon will permit me, I should like to direct his attention to the item on page 17 providing for the eradication and prevention of bovine tuberculosis. I am very glad to know that the committee increased the amount of money available for this purpose. I will state to the Senator before propounding my inquiry that, due to some press reports which were circulated in Wisconsin, the impression was gained that either through some testimony given before the subcommittee or through some statement made by the department it was understood that the item of $1,000,000 on page 17, to be made immediately available, was proposed by the department to be expended largely in the State of Illinois. I should like to inquire of the Senator whether there was anything in fact upon which to base that statement of the press, which was circulated in Wisconsin?

Mr. McNARY. I am very glad to tell the Senator from Wisconsin that the amount was made immediately available in order to meet conditions where there has been a poverty of funds in the various State treasuries covering this particular work; also to add that the new plan known as the area plan contemplates the cleaning up as rapidly as possible of various counties in all the States infested. There was not one word of evidence to the effect that any particular State was to be preferred above another. The administration of the matter is left to Doctor Moore, a very judicious, careful, and clever gentleman in the Bureau of Animal Industry, Department of Agriculture. I am sure he will show no preferment for Illinois over Wisconsin or any preferment for Oregon over New Hampshire or any other States. The money will be wisely and equitably expended throughout the country. I should feel very unhappy if Wisconsin were slighted in any way.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. McNARY. I am very glad to yield.

Mr. LENROOT. May I remind the Senator that there is one other condition? Some States had appropriated much larger sums for this purpose or had very largely increased their appropriations for this purpose, and there was a shortage in Federal allotment to a number of States. Wisconsin is one, Illinois is another, New York, Pennsylvania, and Ohio are others.

Mr. McNARY. That is very true.

Mr. LENROOT. Those are the States I have particularly in mind. They will all share according to the appropriations and the needs, without any discrimination against any State.

Mr. McNARY. That is true. I had omitted to state the fact about the appropriations available.

Mr. LA FOLLETTE. I am very glad to have the Senator's explanation. I wish to say that I have no doubt the reports were erroneous, but I wanted to make certain of it by inquiry of the able and well-informed Senator from Oregon.

Mr. SMITH. Mr. President, may I ask the Senator in charge of the bill to turn to page 6, line 9. We made there an appropriation for printing, binding, and distribution of the publications entitled "Diseases of the horse" and "Diseases of cattle," $200,000. I overlooked the matter while the committee had the bill under consideration. I move to amend that provision by adding the following proviso:

Provided, That such publication shall be distributed one-third to the folding room of the Senate and two-thirds to the folding room of the House of Representatives, and said documents shall be distributed by Members of the Senate and the House of Representatives.

I want to state in this connection that of all the documents for which we have provided, none are so popular as these, and I do not believe any are more beneficial to the public at large. People naturally appeal to their Senators and Congressmen for the publications, and therefore they reach through that means the greatest number and do the most good.

Mr. HEFLIN. Mr. President, the plan suggested by the Senator from South Carolina is the way in which these publications have been distributed at all times in the past. It is very necessary to have such a provision in the bill.

Mr. McNARY. Mr. President, I will state to the Senator from South Carolina and to the Senator from Alabama that that is the language heretofore carried in appropriation bills. The language was omitted this year by the Director of the Budget. The language used here as to the amount of money to be appropriated was inserted in the bill on the floor of the House. I am very glad to accept the suggestion of the Senator from South Carolina, as I think it is a very comprehensive and worthy amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from South Carolina moves to amend, on page 6, line 11, after the numerals "$200,000," by adding the following:

Provided, That such publications shall be distributed one-third to the folding room of the Senate and two-thirds to the folding room of the House of Representatives, and said documents shall be distributed by Members of the Senate and House of Representatives.

The amendment was agreed to.

Mr. FLETCHER. I should like to direct the attention of the chairman of the committee to page 18 of the bill. Since the bill has been under consideration I have received a communication from Dr. J. V. Knapp, State veterinarian of Florida, in which it is stated that—

The work of eradicating the cattle-fever tick is progressing in Florida, but could be greatly enhanced in progress if this State and the various other tick-infested States of the South were authorized by Federal law to receive the cooperation of the Federal Government that they are entitled to receive in the eradication and control of the live-stock disease such as caused by the cattle-fever tick. A Federal law of 1884, passed by a Congress before the cattle tick was known to be the carrier of Texas fever, and which permits the interstate movement of tick-infested cattle, stands in the way of increased and efficient Federal aid in the eradication of this disease, and it is earnestly requested that you use your influence for the immediate repeal of this section of the 1884 act.

I realize, Mr. President, that if I offer an amendment to the pending bill to repeal a portion of the act of 1884 it will be subject to a point of order, and I could scarcely expect favorable action on it now, but I call attention to that situation. I also wish in this connection to have read into the RECORD a copy of a resolution adopted by the various State veterinarians of Georgia, Alabama, Arkansas, Florida, Louisiana, and Mississippi.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

LITTLE ROCK, ARK.,
February 10, 1926.

Whereas that paragraph of the Federal law of 1884 permitting the interstate movement of tick-infested cattle is erroneous in stating that tick fever is not infectious and permits the movement of such cattle interstate, which is a great deterrent to cattle-tick eradication and should be repealed immediately.

Therefore we, the undersigned State veterinarians, most respectfully request Congress to repeal this act and greatly hasten the early completion of cattle-tick eradication.

Very respectfully yours,

P. F. BAHNSEN,
State Veterinarian of Georgia.
C. A. CARY,
State Veterinarian of Alabama.
JOE H. BUX,
State Veterinarian of Arkansas.
J. V. KNAPP,
State Veterinarian of Florida.
E. P. FLOWERS,
State Veterinarian of Louisiana.
E. V. RAFNEL,
State Veterinarian of Mississippi.

Mr. FLETCHER. Mr. President, the situation presented in the resolution just read ought to receive immediate attention.

Mr. SMITH. Mr. President, let me ask the Senator from Florida a question. Does the statute to which he refers authorize the shipment of cattle from one State to another on the basis that the tick is not the carrier of the Texas fever?

Mr. FLETCHER. As I understand, the statute authorizes the transportation of cattle that are infected with the tick, but it was passed, as these memorialists state, before it was realized that tick infection produced Texas fever, which is a contagious disease.

Mr. SMITH. I wish to say in this connection that, though this may not be the proper time to make the attempt, because an amendment offered for that purpose would be general legislation on an appropriation bill, I think we ought immediately to repeal the law referred to, for of all the demonstrations that have proven the possibility of destroying such a terrible scourge as is the Texas fever there is none which stands out as having been so preeminently efficient as the eradication of the cattle tick. In the State of South Carolina at one time practically every pasture and every farm was infested with this insect; but under the direction and supervision of the Agriculture Department the tick has been eradicated, and is not at present found in the State. On my own farm, which was infested with the insect, in the course of two or three years, by the process of dipping the cattle, the department has absolutely eradicated the tick, so that there has been no semblance of a reappearance of it, and cattle may now be shipped from there with impunity. A law which conflicts with the carrying out of the work of eradicating that pest ought to be repealed at once. We are proposing to appropriate in this bill approximately $6,000,000 for the eradication of tuberculosis, and if we should allow cattle which are known to be tuberculous to be shipped into the districts where we hope to eradicate bovine tuberculosis, we should abort the very object for which we are making the appropriation. Indeed, I wish we might suspend the rule, if necessary, in order to adopt an amendment to the pending bill repealing the act which makes it possible to prevent the condition which we are trying to bring about.

Mr. FLETCHER. Mr. President, I wish to call attention to this matter, because I am satisfied the situation is not thoroughly understood. It is claimed, and apparently with justice, that because of the existence of the old statute of 1884, we are unable to obtain that Federal cooperation to which we are entitled.

Mr. WARREN. Does the Senator mean to say that inspection to discover whether or not cattle are infested with the tick is not practiced below a certain line in the Southern States?

Mr. FLETCHER. Under the provision of the law of 1884—I think it is section 6 of that law—the movement of tick-infested cattle is permitted in interstate commerce, it not being known at the time of the passage of the law that the tick infection produced what is known as Texas fever, which is an infectious disease. So now the authorities permit the movement of tick-infested cattle from State to State. Such action, of course, is a deterrent to tick eradication in the various States.

Mr. WARREN. What I desire to say to the Senator from Florida is that the legislation to which he refers was called for by certain Southern States. I do not remember precisely which ones. Our idea originally was to eradicate the tick entirely, and, in that behalf, to keep out the Mexican tick-infested cattle; but representatives from the Southern States came in and said that they could handle that matter, and they asked that privilege. The law was enacted in response to the wishes of representatives from Southern States, and they are really responsible for it. I myself wish that it might be repealed, but, I repeat, it was enacted only for the accommodation of the Southern States away back years ago and not because we felt it was a very safe thing to do.

Mr. FLETCHER. I think it is likely that Texas wanted such a law enacted, but it has been reported to me, and it is probably true, that at that time it was not known that tick infection produced a disease which was infectious.

Mr. WARREN. Mr. President, I will say that it is very well known that we had had a great deal of trouble with the cattle tick in the Northwest; that we had undertaken to eradicate it there, and finally obtained the enactment of laws under which it was practically eradicated.

Mr. FLETCHER. Was it the same kind of tick?

Mr. WARREN. I think so, although there may have been some difference in the situation, owing to the difference in climate between the Northwestern section of the country and the South.

Mr. SMITH. Mr. President, I think it was the same tick transported from the Southern States.

Mr. WARREN. To some extent we still have that trouble. For instance, a concern of which I have personal knowledge has apparatus for dipping the cattle in hot water, and other-

wise involving an expenditure of twelve or fifteen thousand dollars. Once in a while not only the tick is found but also scabies.

However, as I have said, the law to which reference has been made was enacted as an accommodation to gentlemen from the South who were connected with the Committee on Agriculture at the time. I do not recall all the details, but I remember that they said the tick there did not amount to a great deal; that it was much like the lice on our cattle in the North and largely in the Northeast, as well as the Northwest.

As the Senator knows, nearly every cow or steer, if poorly fed and running out in the winter, is liable to become infested with grubs and with lice. While such infestation is not as contagious as is the tick, at the same time it constitutes a great nuisance, and we have oftentimes to dip cattle for it.

Mr. FLETCHER. I will say that in Florida we are pursuing very energetically the very latest methods for the eradication of the tick, and some of the counties are already what they call "tick free." Of course, we want all the cooperation that we are fairly entitled to, and it is claimed that because of this old law we are not receiving it. I do not know what merit there is in that claim so far as that law is interfering, but evidently it does to some extent; and, at any rate, it is an unsound provision. It seems to me there ought to be strict quarantine against the movement of tick-infested cattle from one State to another, because that tick infestation means fever and loss of life.

Mr. SMITH. Mr. President, the paragraph to which the Senator refers relates to shipping for beef purposes. It reads:

Provided, That the so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections 4, 5, 6, and 7 of this act as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto.

But such cattle can spread the tick as much as cattle being shipped directly to the pasture.

Mr. FLETCHER. Mr. President, it may be important to have this law repealed. I think Texas now is practically tick free. There may be only a few counties in Texas that are interested in the matter, and I think perhaps now we can secure the repeal of the old statute. It seems to me it ought to be repealed, and I am asking now——

Mr. WARREN. Mr. President, I will say to the Senator that the complaint at the time was as to tick-infested cattle coming from Mexico.

Mr. SMITH. And from South American countries.

Mr. WARREN. Many of the cattle so imported were tick infested. We had also to guard against the ticks in the North. In the South, however, it was claimed that the tick was merely an incident, and that it was necessary to have the cattle shipped in in order to renew their herds, and cattle were also brought in for feeding.

Mr. FLETCHER. I hope the committee will take notice of this situation as depicted in the resolution which I have had read, and will find a remedy for it.

Mr. SMITH. Mr. President, I have not investigated to find out exactly what the laws are with reference to the importation of cattle for beef purposes, but if it is not the law we ought to require that they shall be dipped and thoroughly inspected before they are allowed to be shipped even for beef purposes. We ought also so to amend the law that this tick may not be imported from South American countries and Mexico.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. WILLIAMS. Mr. President, I desire to offer an amendment to come in on page 61, line 7.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The CHIEF CLERK. On page 61, line 7, after the word "products," it is proposed to strike out "$779,650" and to insert "$789,150," so as to read:

For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $789,150.

Mr. WILLIAMS. Mr. President, the amendment is designed to permit the improvement of the marketing service. I had intended to appear before the committee to stress the necessity for an increase in the appropriation for that service. I should like at least to have the amendment go to conference, so that, if necessary, I may explain it there.

Mr. McNARY. Mr. President, the service to which the amendment applies is a very worthy service, and the committee, having that thought in mind, has extended it from year to year, and this year added $14,400 to the appropriation. By what amount does the Senator propose to increase the appropriation?

Mr. WILLIAMS. By $9,500.

The VICE PRESIDENT. The committee amendment on page 61, line 7, having been agreed to, it will be necessary to reconsider the action of the Senate before the amendment of the Senator from Missouri may be considered. Is there objection to reconsideration of the vote whereby the committee amendment at that point was agreed to? The Chair hears none, and the vote is reconsidered. The question now is on agreeing to the amendment offered by the Senator from Missouri to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McNARY. I ask that the Secretary be authorized to correct all totals and to renumber the sections of the bill as may be found necessary.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS obtained the floor.

Mr. HEFLIN. Mr. President——

Mr. CURTIS. I yield to the Senator from Alabama.

MUSCLE SHOALS

Mr. HEFLIN. I had intended to ask to take up the Muscle Shoals resolution at this time, but on account of the illness of the Senator from Nebraska [Mr. NORRIS], who I understand will be here on Monday, I shall not make the request until Monday next.

URGENT DEFICIENCY APPROPRIATIONS

Mr. BRUCE. Mr. President——

Mr. CURTIS. I yield to the Senator from Maryland.

Mr. BRUCE. It certainly seems to me, if I may suggest that course to the Senate, that we ought to take up again the deficiency appropriation bill, which has been up for consideration now twice. I notice this morning that the Baltimore Sun resorted to a calculation to show that the delay in passing that bill is costing the Federal Government $250,000 a day in interest on the great tax refunds and on other amounts.

Mr. CURTIS. Mr. President, on account of the illness in the family of one of the Senators who is interested in the bill we have agreed to let it go over until the first of the week. I think the bill will be taken up on Monday. I hope so very much.

Mr. BRUCE. Very well.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 1 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 1, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 26), 1926

FOREIGN SERVICE

VICE CONSUL

Edward B. Rand, of Louisiana, now a Foreign Service officer, unclassified, to be also a vice consul of career of the United States of America.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

CHEMICAL WARFARE SERVICE

Maj. Ray Longfellow Avery, Ordnance Department, with rank from July 1, 1920.

Maj. Edward Montgomery, Coast Artillery Corps, with rank from July 1, 1920.

COAST ARTILLERY CORPS

Second Lieut. William Frank Steer, Air Service, with rank from June 12, 1925.

Second Lieut. Nathaniel Claiborne Hale, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE CAPTAINS

First Lieut. Frank Upton Greer, Infantry, from February 18, 1926.

First Lieut. Laurin Lyman Williams, Infantry, from February 21, 1926.

First Lieut. Anderson Hassell Norton, Cavalry, from February 24, 1926.

POSTMASTERS

ALABAMA

Clarence E. Combs to be postmaster at Fairfax, Ala., in place of C. E. Combs. Incumbent's commission expires March 2, 1926.

William P. Tartt to be postmaster at Livingston, Ala., in place of W. P. Tartt. Incumbent's commission expires March 2, 1926.

John B. Daughtry to be postmaster at Hartford, Ala., in place of J. B. Daughtry. Incumbent's commission expires March 2, 1926.

Florrie Vinson to be postmaster at Louisville, Ala., in place of Florrie Vinson. Incumbent's commission expires March 2, 1926.

Robert A. Tuck to be postmaster at Oneonta, Ala., in place of R. A. Tuck. Incumbent's commission expires March 2, 1926.

Thomas L. Jackson to be postmaster at Phil Campbell, Ala., in place of T. L. Jackson. Incumbent's commission expired December 20, 1925.

James A. Anderson to be postmaster at University, Ala., in place of J. A. Anderson. Incumbent's commission expires March 2, 1926.

Nelson C. Fuller to be postmaster at Centerville, Ala., in place of Eugene D. Reynolds, jr., resigned.

ARIZONA

Charles F. Mater to be postmaster at Morenci, Ariz., in place of C. F. Mater. Incumbent's commission expires March 2, 1926.

CALIFORNIA

Leonard E. Whitener to be postmaster at Coalinga, Calif., in place of L. E. Whitener. Incumbent's commission expired November 18, 1925.

Rena J. Wright to be postmaster at Downieville, Calif., in place of C. B. Scheffer. Incumbent's commission expired October 3, 1925.

Miriam I. Paine to be postmaster at Mariposa, Calif., in place of M. I. Paine. Incumbent's commission expires February 28, 1926.

Florence E. Mathews to be postmaster at Brea, Calif., in place of Oliver N. Thornton, removed.

Walter L. Cleveland to be postmaster at Huntington Park, Calif. Office became presidential April 1, 1925.

Rebecca Dabney to be postmaster at La Crescenta, Calif. Office became presidential July 1, 1925.

Ray A. Ferrill to be postmaster at Smith River, Calif. Office became presidential July 1, 1925.

COLORADO

Clarence A. Smith to be postmaster at Delta, Colo., in place of C. A. Smith. Incumbent's commission expired February 10, 1926.

CONNECTICUT

Helen O. Gatchell to be postmaster at Andover, Conn., in place of H. O. Gatchell. Incumbent's commission expires March 1, 1926.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of S. H. Kellogg. Incumbent's commission expires March 1, 1926.

Samuel E. Louden to be postmaster at Riverside, Conn., in place of S. E. Louden. Incumbent's commission expires March 1, 1926.

DELAWARE

W. Bateman Cullen to be postmaster at Clayton, Del., in place of W. B. Cullen. Incumbent's commission expires February 28, 1926.

FLORIDA

Jesse F. Warren to be postmaster at Apalachicola, Fla., in place of J. F. Warren. Incumbent's commission expires March 1, 1926.

Mattie D. Perry to be postmaster at Floral City, Fla., in place of M. D. Perry. Incumbent's commission expired December 21, 1925.

Louis C. Lynch to be postmaster at Gainesville, Fla., in place of L. C. Lynch. Incumbent's commission expires March 2, 1926.

William H. Berkstresser to be postmaster at Hawthorn, Fla., in place of W. H. Berkstresser. Incumbent's commission expires March 1, 1926.

Vilma B. Rhodes to be postmaster at Oakland, Fla., in place of V. B. Rhodes. Incumbent's commission expires March 1, 1926.

John D. Peterson to be postmaster at Pierson, Fla., in place of J. D. Peterson. Incumbent's commission expires March 2, 1926.

Orrell W. Prevatt to be postmaster at Seville, Fla., in place of O. W. Prevatt. Incumbent's commission expires March 1, 1926.

Cornelia Higgins to be postmaster at Warrington, Fla., in place of Cornelia Higgins. Incumbent's commission expires March 2, 1926.

Rexford D. L. Graves to be postmaster at Daytona Beach, Fla., in place of Harrison W. Lowe, removed.

IDAHO

Hattie Hibbs to be postmaster at Lapwai, Idaho, in place of Hattie Hibbs. Incumbent's commission expired August 24, 1925.

ILLINOIS

Henry C. Norcross to be postmaster at Carlyle, Ill., in place of H. C. Norcross. Incumbent's commission expired February 24, 1926.

Hamil E. Veach to be postmaster at Clayton, Ill., in place of H. E. Veach. Incumbent's commission expired February 24, 1926.

Arthur J. Mollman to be postmaster at Millstadt, Ill., in place of A. J. Mollman. Incumbent's commission expires March 1, 1926.

INDIANA

John N. Brown to be postmaster at Ladoga, Ind., in place of J. N. Brown. Incumbent's commission expires March 2, 1926.

Levert E. Binns to be postmaster at New Richmond, Ind., in place of L. E. Binns. Incumbent's commission expires March 2, 1926.

Vernon Nowels to be postmaster at Rensselaer, Ind., in place of Vernon Nowels. Incumbent's commission expires February 28, 1926.

William H. Ammon to be postmaster at Swayzee, Ind., in place of W. H. Ammon. Incumbent's commission expires March 1, 1926.

IOWA

Edgar A. Cupp to be postmaster at Corning, Iowa, in place of E. A. Cupp. Incumbent's commission expires March 1, 1926.

Leonidas L. Greenwalt to be postmaster at Hastings, Iowa, in place of L. L. Greenwalt. Incumbent's commission expires March 2, 1926.

George McNeish, jr., to be postmaster at Kanawha, Iowa, in place of George McNeish, jr. Incumbent's commission expires March 2, 1926.

William R. Weaver to be postmaster at Lewis, Iowa, in place of W. R. Weaver. Incumbent's commission expires March 2, 1926.

John Harden to be postmaster at Linden, Iowa, in place of John Harden. Incumbent's commission expires March 2, 1926.

Bruce E. Harlow to be postmaster at Onawa, Iowa, in place of B. E. Harlow. Incumbent's commission expires March 2, 1926.

Wayne C. Ellis to be postmaster at Rippey, Iowa, in place of W. C. Ellis. Incumbent's commission expires March 2, 1926.

Edith J. DeLong to be postmaster at Truro, Iowa, in place of E. J. DeLong. Incumbent's commission expires March 2, 1926.

Leonard G. Kelley to be postmaster at Wall Lake, Iowa, in place of L. G. Kelley. Incumbent's commission expires March 2, 1926.

John L. Addington to be postmaster at Webb, Iowa, in place of J. L. Addington. Incumbent's commission expires February 28, 1926.

Edith H. Ashby to be postmaster at Wellsburg, Iowa, in place of E. H. Ashby. Incumbent's commission expires March 2, 1926.

Henry C. Ficke to be postmaster at Wheatland, Iowa, in place of H. C. Ficke. Incumbent's commission expires March 2, 1926.

KANSAS

Vaclav Sajner to be postmaster at Bison, Kans., in place of Vaclav Sajner. Incumbent's commission expires February 28, 1926.

Charles R. Fisher to be postmaster at Fort Scott, Kans., in place of C. R. Fisher. Incumbent's commission expires March 2, 1926.

Achilles A. Stiers to be postmaster at Uniontown, Kans., in place of A. A. Stiers. Incumbent's commission expires March 2, 1926.

KENTUCKY

Lola B. Hollaway to be postmaster at Sedalia, Ky., in place of L. B. Hollaway. Incumbent's commission expires March 1, 1926.

Edna O. Jones to be postmaster at Mortons Gap, Ky., in place of Wallace D. Jones, resigned.

LOUISIANA

Noemie R. Mysing to be postmaster at Arabi, La., in place of N. R. Mysing. Incumbent's commission expired January 20, 1926.

MAINE

Harold L. Haskell to be postmaster at Lee, Me., in place of H. L. Haskell. Incumbent's commission expires February 28, 1926.

Charles A. Robinson to be postmaster at Portland, Me., in place of C. A. Robinson. Incumbent's commission expires February 28, 1926.

MARYLAND

Charles D. Routzahn to be postmaster at Mount Airy, Md., in place of C. D. Routzahn. Incumbent's commission expires March 2, 1926.

MASSACHUSETTS

Harriett L. Corbin to be postmaster at East Brookfield, Mass., in place of H. L. Corbin. Incumbent's commission expires February 28, 1926.

Harlan S. Cummings to be postmaster at Lynn, Mass., in place of H. S. Cummings. Incumbent's commission expires March 2, 1926.

Hazen M. Emery to be postmaster at Merrimac, Mass., in place of H. M. Emery. Incumbent's commission expires March 2, 1926.

Neil R. Mahoney to be postmaster at North Billerica, Mass., in place of N. R. Mahoney. Incumbent's commission expires March 2, 1926.

Annie B. Ellis to be postmaster at Sheffield, Mass., in place of A. B. Ellis. Incumbent's commission expires March 2, 1926.

Arthur J. Fairgrieve to be postmaster at Tewksbury, Mass., in place of A. J. Fairgrieve. Incumbent's commission expires February 28, 1926.

John W. Keith to be postmaster at Warren, Mass., in place of E. P. Sheridan. Incumbent's commission expires December 22, 1926.

MICHIGAN

McKinley A. Watson to be postmaster at Alto, Mich., in place of M. A. Watson. Incumbent's commission expires March 2, 1926.

Jay B. Deutsch to be postmaster at Big Bay, Mich., in place of J. B. Deutsch. Incumbent's commission expires March 2, 1926.

William M. Hovey to be postmaster at Rosebush, Mich., in place of W. M. Hovey. Incumbent's commission expires March 2, 1926.

Lydia A. McElhinney to be postmaster at Snover, Mich., in place of L. A. McElhinney. Incumbent's commission expires March 1, 1926.

Willard L. Claver to be postmaster at Zeeland, Mich., in place of W. L. Claver. Incumbent's commission expires March 2, 1926.

MINNESOTA

Edward L. Barstow to be postmaster at Barnum, Minn., in place of E. L. Barstow. Incumbent's commission expires February 28, 1926.

Erwin O. King to be postmaster at Hackensack, Minn., in place of E. O. King. Incumbent's commission expires March 4, 1926.

Isaac C. Stensrud to be postmaster at Hartland, Minn., in place of I. C. Stensrud. Incumbent's commission expired November 22, 1925.

Hazel W. Noeske to be postmaster at Hewitt, Minn., in place of H. W. Noeske. Incumbent's commission expires March 4, 1926.

Edward M. La Fond to be postmaster at Little Falls, Minn., in place of E. M. La Fond. Incumbent's commission expires February 28, 1926.

Joseph Groebner to be postmaster at Wabasso, Minn., in place of Joseph Groebner. Incumbent's commission expires February 28, 1926.

William H. Wilson to be postmaster at Rushmore, Minn., in place of Anthony J. Malmquist, removed.

MISSISSIPPI

Frankie M. Storm to be postmaster at Benoit, Miss., in place of F. M. Storm. Incumbent's commission expired February 7, 1926.

George H. Holley to be postmaster at Booneville, Miss., in place of G. H. Holley. Incumbent's commission expired February 17, 1926.

Annie Laws to be postmaster at Hickory Flat, Miss., in place of Annie Laws. Incumbent's commission expires February 28, 1926.

Cecil W. Tinnin to be postmaster at Isola, Miss., in place of C. W. Tinnin. Incumbent's commission expires February 28, 1926.

Robert R. Smith to be postmaster at Poplarville, Miss., in place of R. R. Smith. Incumbent's commission expires February 28, 1926.

Verna P. Hollingsworth to be postmaster at Terry, Miss., in place of William P. Jones, resigned.

MISSOURI

John Rohrer to be postmaster at Bourbon, Mo., in place of John Rohrer. Incumbent's commission expired February 2, 1926.

William C. Christeson to be postmaster at Dixon, Mo., in place of W. C. Christeson. Incumbent's commission expired December 21, 1925.

Morris W. Ledbetter to be postmaster at Marble Hill, Mo., in place of M. W. Ledbetter. Incumbent's commission expires February 28, 1926.

MONTANA

Margaret M. Colligan to be postmaster at Walkerville, Mont., in place of M. M. Colligan. Incumbent's commission expires March 2, 1926.

NEBRASKA

Edward H. Anson to be postmaster at Creston, Nebr., in place of E. H. Anson. Incumbent's commission expires March 2, 1926.

Andres P. Peterson to be postmaster at Lindsay, Nebr., in place of A. P. Peterson. Incumbent's commission expires March 2, 1926.

Alice Ward to be postmaster at Primrose, Nebr. Office became presidential July 1, 1925.

NEW JERSEY

Ralph G. Collins to be postmaster at Barnegat, N. J., in place of R. G. Collins. Incumbent's commission expires March 2, 1926.

John D. Seals to be postmaster at Kenvil, N. J., in place of J. D. Seals. Incumbent's commission expired December 14, 1925.

Elizabeth Packer to be postmaster at Sea Bright, N. J., in place of Elizabeth Packer. Incumbent's commission expired December 20, 1925.

Fannie H. Clayton to be postmaster at Seaside Park, N. J., in place of F. H. Clayton. Incumbent's commission expires March 1, 1926.

NEW MEXICO

Gertrude Warrender to be postmaster at Logan, N. Mex., in place of Gertrude Warrender. Incumbent's commission expires March 1, 1926.

NEW YORK

Jay B. Purcell to be postmaster at Ovid, N. Y., in place of H. F. Clark. Incumbent's commission expired December 14, 1925.

Emil G. Schumacher to be postmaster at Valley Stream, N. Y., in place of E. G. Schumacher. Incumbent's commission expired February 14, 1926.

Daniel H. De Lair to be postmaster at Tupper Lake, N. Y., in place of Almon T. Clarke, jr., removed.

NORTH DAKOTA

Katherine Medelman to be postmaster at Crary, N. Dak., in place of E. B. Dean. Incumbent's commission expired November 18, 1925.

Lawrence D. Larsen to be postmaster at Kindred, N. Dak., in place of L. D. Larsen. Incumbent's commission expires March 4, 1926.

OHIO

Charles H. Murlin to be postmaster at Celina, Ohio, in place of C. H. Murlin. Incumbent's commission expired February 9, 1926.

Robert D. Weedy to be postmaster at Shawnee, Ohio, in place of R. D. Weedy. Incumbent's commission expires February 28, 1926.

Harlan B. Miller to be postmaster at Shiloh, Ohio, in place of H. B. Miller. Incumbent's commission expired December 15, 1925.

Florence R. Smith to be postmaster at Pomeroy, Ohio, in place of Aaron W. Hartley, deceased.

OKLAHOMA

George A. Smith to be postmaster at Devol, Okla., in place of G. A. Smith. Incumbent's commission expires March 2, 1926.

Frances Townsend to be postmaster at McLoud, Okla., in place of J. C. Townsend. Incumbent's commission expired November 9, 1925.

Charles White to be postmaster at Washington, Okla., in place of Charles White. Incumbent's commission expires March 2, 1926.

OREGON

Frank L. Laughrige to be postmaster at Condon, Oreg., in place of F. L. Laughrige. Incumbent's commission expires February 28, 1926.

Logan E. Anderson to be postmaster at Cove, Oreg., in place of L. E. Anderson. Incumbent's commission expires February 28, 1926.

Richard E. Tozier to be postmaster at Helix, Oreg., in place of R. E. Tozier. Incumbent's commission expires February 28, 1926.

PENNSYLVANIA

John N. Gelder to be postmaster at Carbondale, Pa., in place of J. N. Gelder. Incumbent's commission expired February 6, 1926.

George V. Glenn to be postmaster at East Butler, Pa., in place of G. V. Glenn. Incumbent's commission expires March 1, 1926.

John A. Balsbaugh to be postmaster at Hershey, Pa., in place of J. A. Balsbaugh. Incumbent's commission expired February 20, 1926.

John K. Ellis to be postmaster at Jeddo, Pa., in place of J. K. Ellis. Incumbent's commission expires March 2, 1926.

Horace L. Couch to be postmaster at New Brighton, Pa., in place of H. L. Couch. Incumbent's commission expired November 23, 1925.

James Hewett to be postmaster at Pen Argyl, Pa., in place of James Hewett. Incumbent's commission expired February 24, 1926.

Wilbur J. Woodring to be postmaster at Port Matilda, Pa., in place of W. J. Woodring. Incumbent's commission expires March 2, 1926.

SOUTH DAKOTA

Samuel G. Mortimer to be postmaster at Bellefourche, S. Dak., in place of S. G. Mortimer. Incumbent's commission expires March 4, 1926.

Melville C. Burnham to be postmaster at Murdo, S. Dak., in place of M. C. Burnham. Incumbent's commission expires March 4, 1926.

TENNESSEE

John M. Fain to be postmaster at Bristol, Tenn., in place of J. I. Cox. Incumbent's commission expired June 4, 1924.

Emmett V. Foster to be postmaster at Culleoka, Tenn., in place of E. V. Foster. Incumbent's commission expires March 1, 1926.

Charles F. Perkins to be postmaster at Jacksboro, Tenn., in place of C. F. Perkins. Incumbent's commission expires February 28, 1926.

Solon L. Robinson to be postmaster at Pikeville, Tenn., in place of S. L. Robinson. Incumbent's commission expires February 28, 1926.

Myrtle Rodgers to be postmaster at White Bluffs, Tenn., in place of Myrtle Rodgers. Incumbent's commission expires February 28, 1926.

Newton S. Moore to be postmaster at Whiteville, Tenn., in place of N. S. Moore. Incumbent's commission expires March 4, 1926.

TEXAS

Dibrel G. Melton to be postmaster at Allen, Tex., in place of D. G. Melton. Incumbent's commission expires March 2, 1926.

Napoleon B. Warner to be postmaster at Bells, Tex., in place of N. B. Warner. Incumbent's commission expires March 2, 1926.

Oscar Hunt to be postmaster at Canyon, Tex., in place of Oscar Hunt. Incumbent's commission expires March 2, 1926.

Benjamin F. Robey to be postmaster at Coleman, Tex., in place of B. F. Robey. Incumbent's commission expires March 2, 1926.

Elroy L. McCord to be postmaster at Katy, Tex., in place of E. L. McCord. Incumbent's commission expires February 28, 1926.

William H. Everitt to be postmaster at North Pleasanton, Tex., in place of W. H. Everitt. Incumbent's commission expires February 28, 1926.

Ora L. Griggs to be postmaster at Sanatorium, Tex., in place of O. L. Griggs. Incumbent's commission expires March 2, 1926.

Maggie Exum to be postmaster at Shamrock, Tex., in place of Maggie Exum. Incumbent's commission expires March 2, 1926.

Peter J. Sherman to be postmaster at Whitney, Tex., in place of P. J. Sherman. Incumbent's commission expires February 28, 1926.

Leeander M. Gilbreath to be postmaster at Winnsboro, Tex., in place of L. M. Gilbreath. Incumbent's commission expires March 2, 1926.

Hermon R. Ivie to be postmaster at Point, Tex., in place of Dan W. Ryan, removed.

UTAH

Lionel L. Peterson to be postmaster at Fairview, Utah, in place of L. L. Peterson. Incumbent's commission expires March 2, 1926.

VIRGINIA

Bascom N. Mustard to be postmaster at Bland, Va., in place of B. N. Mustard. Incumbent's commission expires March 1, 1926.

William W. Hurt to be postmaster at Max Meadows, Va., in place of W. W. Hurt. Incumbent's commission expires March 1, 1926.

Byrd E. Carper to be postmaster at Newcastle, Va., in place of B. E. Carper. Incumbent's commission expires March 1, 1926.

Robert E. Fugate to be postmaster at Nickelsville, Va., in place of R. E. Fugate. Incumbent's commission expires March 1, 1926.

Frank M. Phillips to be postmaster at Shenandoah, Va., in place of F. M. Phillips. Incumbent's commission expires March 1, 1926.

Frank J. Garland to be postmaster at Warsaw, Va., in place of F. J. Garland. Incumbent's commission expires March 1, 1926.

WEST VIRGINIA

Harry E. Engle to be postmaster at Fairmont, W. Va., in place of J. S. Scott. Incumbent's commission expired October 6, 1925.

Rosa H. Brown to be postmaster at Institute, W. Va., in place of R. H. Brown. Incumbent's commission expires February 28, 1926.

Charles T. Kelly to be postmaster at Terra Alta, W. Va., in place of C. T. Kelly. Incumbent's commission expires February 28, 1926.

WISCONSIN

Frank E. Munroe to be postmaster at Ladysmith, Wis., in place of F. E. Munroe. Incumbent's commission expired February 15, 1926.

WYOMING

Owen T. Gebhart to be postmaster at Basin, Wyo., in place of O. T. Gebhart. Incumbent's commission expires February 28, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27 (legislative day of February 26), 1926

UNITED STATES MARSHAL

John C. Orrick to be United States marshal, district of Montana.

PROMOTIONS IN THE ARMY

Malin Craig to be major general.

Henry Grant Learnard to be brigadier general, Infantry.

Herbert Ball Crosby to be Chief of Cavalry, with rank of major general.

Charles Augustine Thuis to be lieutenant colonel, Infantry.

Edward Tiffin Comegys to be major, Finance Department.

Marvin Wade Marsh to be captain, Infantry.

Holland Spencer Chamness to be captain, Infantry.
Julian Horace George to be captain, Infantry.
William Camillus Kabrich to be captain, Coast Artillery Corps.
Frank Joseph Spettel to be first lieutenant, Infantry.
Burwell Baylow Wilkes, jr., to be first lieutenant, Infantry.
John Barry Peirce to be first lieutenant, Infantry.
James Raymond Goodall to be first lieutenant, Coast Artillery Corps.
Welborn Barton Griffith, jr., to be second lieutenant, Infantry.

POSTMASTERS

CALIFORNIA

Grace R. Ashbridge, Avalon.
Joseph F. Carroll, Bell.
William H. Nicholson, Ben Lomond.
Theodore H. Zimmerman, Fillmore.
Thomas H. Faus, Lindsay.
Patrick P. O'Brien, Los Angeles.
Nellie K. Cushing, Martinez.
Loring N. Kirk, Upland.
Arthur M. Becker, Visalia.
John P. Day, Woodlake.

COLORADO

Elizabeth M. Kroll, Castle Rock.
Samuel B. Wasson, Grand Valley.
Orpha T. Brunner, Johnstown.
Anna C. Hanson, Strasburg.

IDAHO

Charles A. Johnston, Cottonwood.
Percy E. Ellis, Stites.

INDIANA

Guy F. Johnson, Ewing.
Fern Duguid, Ray.
Dean W. White, Vallonia.

KANSAS

Henry A. Lacerte, Collyer.
Howard B. Demuth, Ellsworth.
Elizabeth Snider, Rantoul.

MICHIGAN

Herbert T. Trumble, Elkton.
Hercules Rice, Muir.
Russell S. Kendrick, New Haven.
Claude B. Van Wert, North Adams.
George H. Poskitt, Prescott.
James E. Skidmore, Vestaburg.

MISSISSIPPI

Henry L. Rhodes, Ackerman.
Dora McCurley, Stephenson.

MONTANA

Leanore K. C. Roderick, Outlook.

NEW YORK

John Common, Andover.
Mary H. Dunn, Bellmore.
Charles B. Hugg, Cazenovia.
Horace B. Fromer, Hunter.
Clarence Bryant, Le Roy.
Wilfred D. Cheney, Newton Falls.
Carolyn E. Perkins, South Otselic.
Ahava Rathbun, Williamstown.

NORTH CAROLINA

Estelle Green, Spruce Pine.

OREGON

Ben Weathers, Enterprise.
Robert J. McIsaac, Parkdale.
Thomas Thompson, Pendleton.
Ellis L. Morse, Spray.
Jesse E. Tulley, Wallowa.
Leon W. Lundell, Weston.

PENNSYLVANIA

George C. Hughes, East Stroudsburg.
Oscar Maul, Turbotville.

SOUTH CAROLINA

Charles W. Skinner, Darlington.
Eugene B. Mack, Elloree.
William M. Thornton, Enoree.
Jasper E. Johnson, Gray Court.
Loring Terry, Yemassee.

WYOMING

Jesse B. Budd, Big Piney.
Edna C. Jessen, Newcastle.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 27, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, Thou who dwellest in the beauty of holiness and in the might of infinite power, Thou art all in all to us. We bow at the altar of our hearts, for our lives are precious because of their relationship to Thee. Behold what manner of love the Father hath bestowed upon us that we should be called the sons of God! Do Thou abide with us that we may have increasing strength to cultivate the heavenly graces of charity and forgiveness. Bless us with a loyal hold on life and work through us for Thy glory and the good of our country. Throughout our land there are scattered institutions which are preserving the ideals of our Republic. O God give them great and abiding success. As heavy obligations have been intrusted to us, lead us on that we fail not. Our sky is again clouded; the night of affliction has thrown its shadow across the altar of a dear home. O Angel of Comfort, sustain the sorrowing ones and give them peace; through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 5959. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House Concurrent Resolution 12

Resolved by the House of Representatives (the Senate concurring), That there be printed 41,000 additional copies of the revenue act of 1926, of which 13,000 copies shall be for the use of the Senate document room, 25,000 for the use of the House document room, 1,000 copies for the use of the Committee on Finance of the Senate and 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives.

The message also announced that the Senate had passed the following joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 30. Authorizing the establishment of a commission to be known as the sesquicentennial of American independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; and

S. J. Res. 59. Authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KUNZ, indefinitely, on account of illness.

THE EDUCATIONAL BILLS

Mr. FREE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the educational bills pending before the Congress.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. FREE. Mr. Speaker, for some years there has been much discussion about the further participation of the Federal Government in the matter of education, in addition to the work now being performed by various departments of the Government in educational matters, and as there has been so much misunderstanding in regard to the legislation which has been

pending before Congress I believe it is well to discuss that legislation.

On October 10, 1918, Senator Hoke Smith, of Georgia, introduced in the Senate of the United States an educational bill (S. 4987) and Congressman Horace Towner, of Iowa, on January 28, 1919, introduced in the House of Representatives a companion bill (H. R. 15238). The Senate Committee on Education and Labor held hearings on this bill, beginning December 5, 1918.

This bill was revised and was again introduced in the House of Representatives on May 19, 1919, by Congressman Towner, of Iowa (H. R. 7), and a companion bill (S. 1017) was introduced in the Senate by Senator Smith, of Georgia. Joint hearings were held on these bills by the Committee on Education and Labor of the Senate and the Committee on Education of the House of Representatives in July, 1919.

This bill was again revised, and on April 11, 1921, was introduced in the House of Representatives by Congressman Towner, of Iowa—H. R. 7—and in the Senate by Senator Thomas Sterling, of South Dakota—S. 1252. In May, 1921, hearings were held on this bill.

This bill was commonly known as the Towner-Sterling educational bill.

This same bill was introduced on December 17, 1923, by Congressman REED of New York in the House of Representatives—H. R. 3923—and in the Senate by Senator Sterling—S. 1337. The Senate Committee on Education and Labor held hearings on this bill January 23, 1924, and the Committee on Education of the House of Representatives held hearings on it on February 20, 1924.

NONE OF THESE BILLS WERE EVER VOTED UPON BY CONGRESS

The Towner-Sterling bill created a department of education, with an office in the Cabinet and various other officers, and authorized an appropriation of $100,000,000 per year, divided as follows:

Seven million five hundred thousand dollars for the removal of illiteracy, $7,500,000 for Americanization, $20,000,000 for physical education, $15,000,000 for the preparation of public-school teachers, and $50,000,000 for equalizing educational opportunities in the States.

The basis of apportionment follows: The $7,500,000 for the removal of illiteracy was to be apportioned to the States in the proportions which their illiterate population of 14 years or over, not including foreign-born illiterates, bears to the total illiterate population of the United States. The $7,500,000 for Americanization was to be apportioned in the proportion which the respective foreign-born population of the States bears to the total foreign-born population of the United States.

The $20,000,000 for physical education was to be apportioned to the States in the proportion which their respective population bears to the total population of the United States (per capita basis). The $15,000,000 for the training of teachers was to be apportioned in the proportion in which the number of public-school teachers in the respective States bears to the total number of public-school teachers in the United States. The $50,000,000 for equalization of educational opportunities was to be apportioned one-half in the proportion that the number of children between the ages of 6 and 21 of the respective States bears to the total number of such children in the United States, and one-half in the proportion which the number of school-teachers employed in the respective States bears to the total number of public-school teachers in the United States.

Strong objections were made to the bill, while others strongly advocated its passage.

The most detailed objection to the bill is, perhaps, contained in the majority report of the special committee on education of the Chamber of Commerce of the United States made November 20, 1922. The figures quoted are as they existed before the general increase in teachers' salaries made by the several States. Part of that report is as follows:

The bill does not give evidence of careful analysis. No explanation has been offered by those who prepared the bill or those who advocated its passage before the joint committee as to how conclusions were arrived at either as to the amounts or the division of the appropriations. They are all good round figures and the total adds up to $100,000,000, which is another good round figure.

While the creators and proponents of the Sterling-Towner bill in presenting their arguments for the bill before the joint committee lumped the great number of negro illiterates into their illiteracy figures and used them to urge an illiteracy appropriation, yet when we come to the provisions of the bill we find nothing requiring any fixed proportion of the money, or, indeed, any part of the illiteracy money, to be used to reduce negro illiteracy.

State	Native white illiterates	Negro illiterates	Amount State would receive
Alabama	65,394	210,690	$698,689
Georgia	66,796	261,115	775,350
Louisiana	81,957	206,730	676,976
Mississippi	22,242	205,813	547,545
North Carolina	104,844	133,674	578,243
South Carolina	38,742	181,422	551,315
Virginia	70,475	122,322	459,431
Total	450,450	1,321,766	4,284,539

The report further states:

AMERICANIZATION APPROPRIATION

With regard to the appropriation for Americanization it is difficult to understand the reasons which led the framers of the bill to devise a plan appropriating such huge sums of money to the States already having strong educational departments, and which in all cases are now providing additional facilities for Americanization and which everyone admits are well able to sustain the expense out of their own funds, and, so far as we are aware, are entirely willing to do so. Under the bill the following eight States receive approximately $5,000,000 out of the total appropriation of $7,500,000 for Americanization:

New York	$1,525,146
Pennsylvania	800,517
Illinois	668,949
Massachusetts	587,880
New Jersey	366,737
Ohio	332,097
Michigan	331,640
California	325,469
Total	4,938,435

In another place the report states:

PHYSICAL EDUCATIONAL APPROPRIATION

We find here, again, huge appropriations of Federal funds are to be made to States which already have well-developed physical educational systems in their schools, States whose ability to pay their own education expenses no one anywhere at any time has ever questioned. The following States receive more than $500,000 each for physical education:

New York	$1,982,211
Pennsylvania	1,667,161
Illinois	1,226,393
Ohio	1,036,848
Texas	847,497
Massachusetts	732,195
Missouri	716,300
Michigan	611,212
Indiana	587,440
Georgia	567,483
New Jersey	551,833
California	517,116
Wisconsin	507,614
Total	11,551,303

EQUALIZATION APPROPRIATION

This bill bears little relation to the educational needs of the country described by its promoters as its reason for being. This is to be noted in the treatment of the largest appropriation—$50,000,000 for the equalization of education—described in the act as follows:

"Shall be used in public elementary and secondary schools for the partial payment of teachers' salaries, for providing better instruction and extending school terms, especially in rural schools and schools in sparsely settled localities, and otherwise providing equally good educational opportunities for the children in the several States, and for the extension and adaptation of public libraries for educational purposes."

This appropriation is apparently intended to strike at the very root of the two most important arguments advanced for Federal participation—need of improving rural schools and of increasing teachers' salaries.

The basis of distribution, however, bears no particular relation to the necessities. This has been well commented upon by Professor Judd, director of the schools of education, University of Chicago:

"So I say with regard to subsidies, let us have clearness, let us make our Federal subsidies on a sound scientific basis. We have been saying to the superintendents, 'Do not ask your community for funds unless you are clear and have distinct grounds for your demands and definite plans for distribution of the funds. Be intelligent before you go before your people.' But in this larger national demand we have gone before Congress with a bill that lacks every one of the requirements that we impose on local schools. Every figure in the present bill is a mere guess; not only so but the principles for the distribution of such funds as are specified are a deplorable series of incoherences. I will give one illustration. Take two items, the illiteracy fund and the teachers' fund. The illiteracy

fund is distributed in proportion to the number of illiterates in the State. Let us assume that this is a wise method of distribution. When we turn to the teachers' fund we find that it is to be distributed according to the number of teachers in the State. This looks like the same principle as that accepted for the distribution of the illiteracy fund, but in reality it is the reverse. We give money in the case of illiterates to cure defects. We give money to the teachers in proportion to their excellence."

Continuing, the report states:

Bearing in mind the importance that has been given to the inequality in wealth between the States by the advocates of the bill, it will be interesting to compare the allotment which is to be used for improving rural schools and increasing the pay of teachers between the poor and the wealthy States, those now paying low salaries and those paying high salaries, and States with high percentages and low percentages of rural population. We give the following figures:

States	Appropriation for equalization	Per unit of rural population	Rural population, 1920	Percentage of total population, rural	Average salary teachers, 1917-18
Massachusetts	$1,496,150	$7.40	202,108	5.2	$858
New York	4,363,978	2.43	1,795,383	17.3	976
Illinois	2,796,978	1.34	2,079,602	32.1	778
Texas	2,327,513	.74	3,150,539	67.6	487
South Carolina	843,067	.67	1,389,737	82.5	315
Mississippi	1,020,874	.66	1,550,497	86.6	291

We find that New York, a wealthy State, with a rural population of only 17.3 per cent, and paying its teachers an average salary of $976, is to receive $4,363,970 of the equalization appropriation, or $2.43 per person of the rural population; while Mississippi, which is 86.6 per cent rural and pays its teachers an average salary of $291, is to receive $1,020,874, or only $0.66 per person of the rural population. As a matter of fact, the number of rural inhabitants in Mississippi is very nearly as large as the number in New York State. Massachusetts, with a rural population of only 202,108, and paying its teachers an average salary of $858, is to receive $1,496,150, or $7.40 per person of the rural population, for improving rural schools and raising salaries of its teachers; while South Carolina, with a rural population of 1,389,737 (almost seven times that of Massachusetts), and paying its teachers $315, is to receive $843,067, or $0.67 per person of the rural population. The comparison between Texas and Illinois further illustrates the same absurd results for the method of apportionment. The bill purports to equalize rural conditions, when as a matter of fact its effect will be still more to exaggerate the present inequalities.

The report further states:

DIVISION BETWEEN STATES

We have not referred as yet to the division of the total appropriation as between the States. The following eight States receive $40,000,000 out of the $100,000,000:

New York	$9,246,846
Pennsylvania	7,338,739
Illinois	5,595,490
Ohio	4,712,732
Massachusetts	3,261,087
Michigan	3,046,305
Iowa	3,019,743
Texas	4,397,742
Total	40,618,684

These States, while doubtless having their share of shortcomings, can not be classed as States with backward educational institutions. They pay their teachers well above the average for the country. There is neither an educational nor a poverty argument for Federal aid for these States.

The report also objects to what it called bureaucratic Federal control of education and insists that as the States could only get the Federal money by complying with certain Federal standards it meant that education would become controlled by clerks in bureaus in Washington, and that this would take away from the States their discretion in handling education as best suited their special needs.

The so-called Towner-Sterling bill has apparently been abandoned by its former advocates, as it is no longer being urged upon Congress.

Another bill (H. R. 5000) was on December 11, 1925, introduced in the House of Representatives by Congressman REED of New York, and in the Senate on December 8, 1925, by Senator CURTIS, of Kansas (S. 291). It provided in general as follows:

(1) For the creation of a secretary of education to be appointed by the President at a salary of $15,000 per annum.

(2) The appointment of an assistant secretary of education to be appointed by the President at a salary of $10,000 per annum.

(3) The appointment of a solicitor, chief clerk, disbursing clerk, and such chiefs of bureaus and such scientific, technical, and clerical assistants as may be necessary to carry out the provisions of the act.

(4) The Bureau of Education is transferred from the Department of the Interior to the department of education.

(5) The Federal Board for Vocational Education is transferred to the department of education.

(6) The authority, powers, and duties conferred and imposed by law upon the Secretary of the Interior with relation to the Columbia Institute for the Deaf and Howard University (for colored students) shall be exercised and performed by the secretary of education.

(7) The department of education shall collect such statistics and facts as shall show the condition and progress of education in the several States and in foreign countries. In order to aid the people of the several States in establishing and maintaining more efficient schools and school system, in devising better methods of organization, administration, and financing of education, in developing better types of school buildings and in providing for their use, in improving methods of teaching, and in developing more adequate curricula and courses of study, research shall be undertaken in (1) rural education; (2) elementary education; (3) secondary education; (4) higher education; (5) professional education; (6) physical education, including health education and recreation; (7) special education for the mentally and physically handicapped; (8) the training of teachers; (9) immigrant education; (10) adult education; and (11) such other fields as in the judgment of the secretary of education may require attention and study.

The department shall make available to educational officers in the several States and to other persons interested in education the results of the research and investigations conducted by it.

(8) Authorizes annual appropriations of $1,500,000 for paying salaries and the conducting of studies and investigations.

This bill has been referred to committees of the House and Senate and is now being considered by them.

RAILWAY LABOR ACT

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the railway labor bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATTERSON. Mr. Speaker and Members of the House, while I am heartily in favor of the pending bill and hope to see it enacted into law, I do not see why the Committee on Interstate and Foreign Commerce did not go a step further and make its provisions applicable to coal companies and coal corporations and their employees.

The present measure seems ideal and as nearly perfect as such legislation can be made to settle differences between the railroads and their employees. It appears to present an almost sure preventative of strikes and interrupted transportation, and if its provisions could be extended to the coal companies and their employees and equally vital industries the people would rise up and call us blessed. The people are tired of strikes and not being able to get the necessities of life and then being called upon to pay the bills, after the warring factions finally settle or compromise their difficulties.

The recent coal strike is a concrete example of what harm can result from a strike. Hundreds and thousands of people have been made ill because they could not get sufficient anthracite coal to keep them warm, and the price of substitutes soared as the demand for them increased. Now peace has been declared between the miners and operators for a five-year period, but there is no telling how soon the strife may be renewed and the public compelled to suffer and pay the bill.

In this bill the proper machinery is set up to handle such problems as presented by the coal strike and similar controversies and Congress should avail itself of the opportunity now before us to take advantage of the situation.

If the Board of Mediation and the board of arbitration fail to bring about an adjustment of the difficulties between the parties in dispute, the bill provides for the appointment of an emergency board by the President to take charge of the controversy and settle it, and in the meantime traffic and the mining of coal would proceed under the agreements prevailing when the points in controversy were launched.

One Board of Mediation should be sufficient to settle all such matters. Why duplicate the number of each industry and thus keep adding to the number of bureaus and the employees necessary to run them?

We have reduced the taxes nearly $400,000,000 this year. It is the time for necessary economy if we are to continue to carry

out the policy of President Coolidge and the Republican Party. Therefore let us make this Board of Mediation serve a double or even triple purpose.

RAILWAY LABOR DISPUTES

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

Mr. BLANTON. Mr. Speaker, before the House divides on that question and in order to get the membership here, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 44]

Abernethy	Drewry	Magee, Pa.	Schneider
Aldrich	Esterly	Manlove	Smithwick
Berger	Flaherty	Merritt	Somers, N. Y.
Boylan	Fredericks	Michaelson	Stevenson
Brand, Ohio	Fulmer	Mills	Strong, Pa.
Britten	Gallivan	Morin	Sullivan
Carter, Calif.	Golder	Nelson, Me.	Sweet
Celler	Graham	O'Connor, N. Y.	Swoope
Cleary	Hawley	Parks	Thayer
Connolly, Pa.	Jenkins	Periman	Vare
Cox	Kendall	Phillips	Warren
Crowther	Kerr	Pou	Wefald
Cullen	Lea, Calif.	Prall	Weller
Curry	Lee, Ga.	Pratt	Welsh
Dickinson, Iowa	Linthicum	Quayle	Winter
Dickstein	Luce	Ransley	Wood
Doyle	McFadden	Rubey	Wright

The SPEAKER. Three hundred and sixty-four Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

RAILWAY LABOR DISPUTES

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9643, the railway labor bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9643, with Mr. MADDEN in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, at the request of one of the members of the committee, I ask unanimous consent that the next three sections—sections 7, 8, and 9—be read together.

Mr. BLANTON. Mr. Chairman, I object.

The Clerk read as follows:

ARBITRATION

SEC. 7. First. Whenever a controversy shall arise between a carrier or carriers and its or their employees which is not settled either in conference between representatives of the parties or by the appropriate adjustment board or through mediation, in the manner provided in the preceding sections, such controversy may, by agreement of the parties to such controversy, be submitted to the arbitration of a board of three (or, if the parties to the controversy so stipulate, of six) persons: *Provided, however,* That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

Second. Such board of arbitration shall be chosen in the following manner:

(a) In the case of a board of three the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; the two arbitrators thus chosen shall select a third arbitrator. If the arbitrators chosen by the parties shall fail to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the board of mediation.

(b) In the case of a board of six the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators; the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators. If the arbitrators chosen by the parties shall fail to name the two arbitrators within 15 days after their first meeting, the said two arbitrators, or as many of them as have not been named, shall be named by the board of mediation.

Third. (a) When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the board of mediation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act, they shall, at the expiration of such period, notify the board of mediation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

(b) The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings: *Provided, however,* That the board of arbitration shall be bound to give the parties to the controversy a full and fair hearing, which shall include an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative, as they may respectively elect.

(c) Upon notice from the board of mediation that the parties, or either party, to an arbitration desire the reconvening of the board of arbitration (or a subcommittee of such board of arbitration appointed for such purpose pursuant to the agreement to arbitrate) to pass upon any controversy over the meaning or application of their award, the board, or its subcommittee, shall at once reconvene. No question other than, or in addition to, the questions relating to the meaning or application of the award, submitted by the party or parties in writing, shall be considered by the reconvened board of arbitration or its subcommittee.

Such rulings shall be acknowledged by such board or subcommittee thereof in the same manner, and filed in the same district court clerk's office, as the original award and become a part thereof.

(d) No arbitrator, except those chosen by the board of mediation, shall be incompetent to act as an arbitrator because of his interest in the controversy to be arbitrated, or because of his connection with or partiality to either of the parties to the arbitration.

(e) Each member of any board of arbitration created under the provisions of this act named by either party to the arbitration shall be compensated by the party naming him. Each arbitrator selected by the arbitrators or named by the board of mediation shall receive from the board of mediation such compensation as the board of mediation may fix, together with his necessary traveling expenses and expenses actually incurred for subsistence, while serving as an arbitrator.

(f) The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the evidence taken at the hearings, certified under the hands of at least a majority of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as hereinafter provided. The said board shall also furnish a certified copy of its award, and the papers and proceedings, including testimony relating thereto, to the board of mediation, to be filed in its office; and in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Commission.

(g) A board of arbitration may, subject to the approval of the board of mediation, employ and fix the compensation of such assistants as it deems necessary in carrying on the arbitration proceedings. The compensation of such employees, together with their necessary traveling expenses and expenses actually incurred for subsistence, while so employed, and the necessary expenses of boards of arbitration, shall be paid by the board of mediation.

Whenever practicable the board shall be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may conduct its proceedings or deliberations.

(h) All testimony before said board shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. The board of arbitration, or any member thereof, shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board of arbitration material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein said arbitration is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before the board of arbitration, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto.

Any witness appearing before a board of arbitration shall receive the same fees and mileage as witnesses in courts of the United States, to be paid by the party securing the subpœna.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman of the committee [Mr. PARKER] and the gentleman from Ken-

tucky [Mr. BARKLEY] and of the House in calling attention to lines 19, 20, and 21 on page 19 of the bill. The language to which I call your attention relates to the arbitration award, and following a statement that the arbitration shall be filed with the clerk of the court, and so forth, and following a further provision that a certified copy of the award shall be turned over to the board of mediation, there is this language, and that is what I want to call attention to:

> And in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Commission.

I want to know why is this provision in the bill, what is the purpose of the provision, what good will it accomplish, and what effect will it have. I will yield to the chairman of the committee or to the gentleman from Kentucky or to anyone else to answer that question.

Mr. PARKER. It means just exactly what it says. It must be filed with the Interstate Commerce Commission, so that they will have a record themselves of what has transpired in the board of arbitration and not have to send to some other agency to get a copy.

Mr. BURTNESS. Why should the Interstate Commerce Commission be advised of what the board of arbitration decides in an arbitration award?

Mr. PARKER. Because the Interstate Commerce Commission is interested in everything pertaining to the railroads.

Mr. BURTNESS. Why should it be advised in reference to an arbitration award respecting wages and not be advised with reference to an agreement that the parties themselves make with reference to wages? What is the difference in so far as the interest of the commission is concerned?

Mr. TINCHER. Will the gentleman yield?

Mr. BURTNESS. I will be glad to yield to anyone who will give the information.

Mr. TINCHER. The truth is, as we in Congress all know, that if an arbitration board raises the wages two or three hundred million dollars, the Interstate Commerce Commission will have to raise the rates to cover those wages.

Mr. BURTNESS. I was wondering whether this provision might by any chance be put in for the reason that it, requiring notice to the commission, would be construed that the commission is absolutely bound as to the merits of the award so that it could not under the provisions of section 15a investigate the question as to whether in the payment of wages under arbitration the management is efficient, honest, and economical when the commission is fixing rates. If that is the reason for the provision I think it should be taken out. But those ardent supporters of the bill who abhor any idea of amendment have assured us that there is nothing in the bill as drawn which takes away from the Interstate Commerce Commission that power, and so I hesitate to propose an amendment to strike out the language, and particularly so because the thought occurred to me that there might be a valid reason for putting it in. The suggestion made by the chairman of the committee is not a sufficient reason, for if the Interstate Commerce Commission should be advised of wage schedules included in the arbitration award there is just as much reason for advising them of agreements between the parties as to wage scales whether effected by themselves or by the Board of Mediation. Unfortunately, this provision in the bill was not specifically considered in the hearings. I can find no reference to it in the printed hearings, but I thought possibly some member of the committee could inform me more definitely.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. I ask for three or four minutes more.

The CHAIRMAN. The gentleman from North Dakota asks for four minutes more. Is there objection?

There was no objection.

Mr. BARKLEY. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. BARKLEY. The gentleman realizes that this provision was in the bill during the hearings, and if no member of the committee thought it important enough to inquire about it, that is the fault of the members of the committee.

Mr. BURTNESS. I admit it and I plead guilty on my part with the gentleman, but still look for light.

Mr. BARKLEY. In addition to what the gentleman has said, this arbitration proceeding is a proper one and has the effect of a judgment of court. When it is reached and filed in the office of the court it becomes a formal proceeding. This is simply a matter of information, and it does not matter whether the wages are raised or diminished. The gentleman assumes that every time the board of arbitration makes an award it is going to increase the wages; that is not correct, they may decrease them. But for the information of the Interstate Commerce Commission the result of the proceeding is filed there so that in the future, in any manner in which it might be interested, they will not have to send to the United States court to get a certified copy, because it will be there.

Mr. BURTNESS. What reason is there for such action which does not apply equally to any agreement reached between the parties?

Mr. BARKLEY. There is a difference between them because this is an official proceeding of which the court will take judicial notice, and therefore it ought to be filed with the Interstate Commerce Commission as a matter of information.

Mr. BURTNESS. Mr. Chairman, I now yield to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman, of course the gentleman knows that the Interstate Commerce Commission has no need for this information in connection with wages, because the Interstate Commerce Commission has no power whatever over wages; and if it is filed for information, obviously it must be for information in connection with rate cases.

Mr. BURTNESS. That is what occurs to me, and prompted this inquiry on my part.

Mr. HOCH. Therefore it is very evident that there must be a purpose to establish a relation to rates when it is here provided that this arbitration award which has been merged into the judgment of a court must be filed with the Interstate Commerce Commission, and it can be filed for no other purpose than to establish a relation to rates.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield for a question on that?

Mr. BURTNESS. Mr. Chairman, before my time is exhausted I ask unanimous consent that I may be privileged to offer an amendment striking out the language to which I have just referred, after we have completed consideration of sections 8 and 9.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that he may be permitted, after the completion of sections 8 and 9 of the bill, to offer an amendment to lines 19, 20, and 21 on page 19.

Mr. BURTNESS. To strike out the last three words of line 19 and all of lines 20 and 21 on page 19.

The CHAIRMAN. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, why does not the gentleman offer his amendment now, if he objects to that provision?

Mr. BURTNESS. I think there are a number of reasons why I should not do so.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Chairman, the gentleman from Kentucky [Mr. BARKLEY] understands that the chairman of the committee asked unanimous consent that all of these sections, sections 7, 8, and 9, which really cover one subject, be considered together, but the gentleman from Texas [Mr. BLANTON] objected to that. I think now that we could better discuss these features on the floor if sections 7, 8, and 9 were considered together, as requested by the chairman of the committee. If that is not permitted, however, I do think I ought to be privileged to offer this amendment later, depending upon what happens to sections 8 and 9.

Mr. BARKLEY. Whatever may happen to sections 8 and 9 can not affect the reasons for the language here, and the reasons that actuated the committee in providing that this award should be filed with the Interstate Commerce Commission.

Mr. MAPES. Mr. Chairman, will the gentleman from North Dakota yield to me?

Mr. BURTNESS. Yes.

Mr. MAPES. Mr. Chairman, I think the membership of the House might understand exactly what the purpose of this proposition is. The members of the Committee on Interstate and Foreign Commerce know that a point of order is going to be made against some of these amendments. I intend to make the point of order against the amendment that is proposed by the gentleman from Kansas [Mr. HOCH], and I think it is the desire of the gentleman from Kansas [Mr. HOCH] and the gentleman from North Dakota [Mr. BURTNESS], and his inquiry related more to the points of order, I take it, than anything else, that the bill be read in a manner and in a way that will permit the amendment by the gentleman from Kansas [Mr. HOCH] to be offered and that the argument on the point of order may be directed to his amendment rather than to the so-called Farm Bureau amendment and the Grange

amendment. That is the purpose of the gentleman's request, as I understand it.

Mr. BURTNESS. The gentleman agrees, then, that it would be better to consider all of these sections together, does he not?

Mr. MAPES. I have no objection to that, as far as I am concerned, but I think it is well that the membership of the House should know just the purpose of the request.

Mr. BURTNESS. Would the gentleman from Texas withdraw the objection which he made to the request of the chairman of the committee?

Mr. BLANTON. No; because I believe each one of these sections should stand on its bottom, if it has one.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. BLANTON. Mr. Chairman, I have a perfecting amendment which I desire to offer.

Mr. BURTNESS. Mr. Chairman, I demand the regular order, and the regular order is whether there is any objection to my request.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

Mr. BLANTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. BLANTON. Mr. Chairman, I do not object to the request of the gentleman from North Dakota that he may be permitted to offer an amendment after a while, but I do object to considering these sections together.

The CHAIRMAN. The Chair will put the request again. The gentleman from North Dakota asks unanimous consent that after the completion of sections 8 and 9 of the bill he may be permitted to return to page 19, lines 19, 20, and 21, for the purpose of offering an amendment. Is there objection?

Mr. BARKLEY. Mr. Chairman, I object to that request. There is nothing that can happen to these other sections that can change the proposition.

Mr. RAYBURN. Mr. Chairman, I do not know. The proposition about the Hoch amendment and this provision have a great deal to do with each other.

The CHAIRMAN. The question is, Is there objection?

Mr. BARKLEY. I object.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN of Michigan: Page 16, line 16, strike out the words "or otherwise."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask attention to the first paragraph of section 7, which relates to arbitration. It says that in case the parties to a controversy, carriers and employees, have not been able to agree there may be arbitration, and so forth. But it is the proviso to which I wish to call attention, and, gentlemen of the House, I think it is important. It says:

Provided, however, That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the legal obligation imposed upon such party by the terms of this act or otherwise.

Now, I realize fully that this bill does not provide for compulsory arbitration. Neither party to a controversy can be required to submit its case to arbitration, hence failure or refusal to submit to arbitration under this act will not be illegal; it will violate no legal obligation undertaken or imposed by this act.

I believe I am right in saying it would not violate or be in opposition to any law now on the statute books; but the inclusion of the words "or otherwise" there amounts to this, that the Congress of the United States is now for the first time writing into positive law the position of the United States that an arbitration should not be, can not be enforced. It is practically a promise by the Congress that compulsory arbitration will not be attempted by this Government. Now, I am not urging that this bill shall provide for compulsory arbitration, nor am I suggesting that refusal to arbitrate shall be a fault or offense to be corrected or punished by the strong arm of the Federal Government.

The bill is drawn on another theory, a settlement of controversies by and with the consent of carriers and employees; and I am inclined to support it, although not satisfied with it.

In view of the provisions of the bill making arbitration entirely voluntary at each and every step from the beginning of a controversy to its conclusion, regardless of what the result shall be, it is entirely proper to provide that refusal to arbitrate will not be a violation of any part of this bill. But the section does not stop there; it goes much farther, as by the words "or otherwise" it proposes relief and discharge from liability for refusal to discharge or to meet any duty or responsibility which may at any time in the future be required or imposed upon them as citizens of our country engaged in a service which is in important respects a public service. That is going too far; so I say the words "or otherwise" should be stricken from the bill.

Mr. NEWTON of Minnesota. Mr. Chairman, I am opposed to the amendment. The gentleman from Michigan [Mr. McLAUGHLIN] seeks to amend the proviso to section 7 first. This subdivision provides for voluntary arbitration of a dispute after conference between the parties, the adjustment board, and mediation have failed. The material portion is as follows:

Such controversy may, by agreement of the parties to such controversy, be submitted to arbitration.

It is voluntarily entirely. There is no obligation upon either party to submit to arbitration. Furthermore, there is no law to-day that imposes any obligation upon a carrier or employee to arbitrate a wage or any other dispute. It must be granted, then, that neither in this bill or in existing law is there any legal obligation to submit a controversy to arbitration. What does the proviso say? I quote:

Provided, however, That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

The requirement in the forepart of the section is voluntary, and therefore places no legal obligation on either party to agree to submit to arbitration. The proviso is only there as a matter of precaution and to avoid any possible chance of misinterpretation. The amendment strikes out "or otherwise."

Mr. TINCHER. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment. It is plain that there is no legal obligation in this bill to agree to submit to arbitration. The phrase "or otherwise" was put in there undoubtedly also through excess of caution in order that it is made doubly certain that the provision providing for voluntary arbitration shall not by any process of construction in this bill or elsewhere create a legal obligation requiring the parties to arbitrate.

I am inclined to look upon the amendment of the gentleman from Michigan as in no wise affecting this measure whatever. It can not make the obligation stronger; I do not think it will make it less strong. It is there as a matter of precaution. Why amend it? That is the way it looks to me.

Mr. TINCHER. The question I wanted to ask is this: "Or otherwise" was put in there deliberately, and if it does not do any good, why is there any objection to striking it out? I believe the words "or otherwise" were put in there for the purpose that it might be argued that no State law, where States have a different view to the principle enunciated by this bill, could be used to attempt to arbitrate State controversies.

Mr. NEWTON of Minnesota. Can the gentleman refer me to any State law in any State of the Union that compels parties to submit to arbitration?

Mr. TINCHER. Under certain conditions, Kansas, for instance; part of that act has been upheld by the Supreme Court.

Mr. NEWTON of Minnesota. Has not the Kansas law been held to be unconstitutional?

Mr. TINCHER. Certain portions. Does the gentleman want to repeal the part of it which has not been held unconstitutional by this act; is he trying to repeal it by the words "or otherwise"?

Mr. NEWTON of Minnesota. What I am trying to do is to see that this principle of voluntary arbitration, which is now in this bill and to which both parties to this agreement have subscribed, is kept intact. The words "or otherwise" certainly do so. To strike them out is to create the fear or apprehension on the part of some people that there may be obligations imposed elsewhere, which, if not carried out, might give rise to the claim that such failure constituted a violation of a legal obligation under this law. There was no such intention to write that into this law. The amendment ought to be voted down. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I asked for recognition in order that I might ask the gentleman from Minnesota [Mr. NEWTON], if I may, if it is not as suggested by the gentleman from Kansas [Mr. TINCHER], what is the purpose?

Mr. NEWTON of Minnesota. I am sure my friend from Tennessee will recognize that in the drafting of legislation it is sometimes thought advisable to put words in as a more or less

precautionary measure. They may have legal significance, or they may have no legal significance.

Mr. GARRETT of Tennessee. Now, if the gentleman will permit, I recognize that; but I recognize also that not only in drafting legislation but in voting upon legislation we are entitled to know the purpose of these words that are put in in such a way. I would like to know what the construction is under the conditions that now exist or that are anticipated to exist. What is the purpose of these words, "or otherwise"? What purpose are they intended to serve?

Mr. NEWTON of Minnesota. Does the gentleman think there is any obligation resting upon the parties requiring them to arbitrate that is contained in any existing law?

Mr. GARRETT of Tennessee. I do not know; but you have stated that.

Mr. NEWTON of Minnesota. Then what difference can the phrase "or otherwise" mean if there are no such obligations?

Mr. GARRETT of Tennessee. That is exactly what I want to know. I want to know what the words "or otherwise" mean there. If they are useless, why put them in the law? The committee must have had some intention.

Mr. NEWTON of Minnesota. Some overcautious draftsman may have figured, without looking it up, that possibly there might be an obligation. I do not think there is; but that overcautious draftsman probably wanted a phrase of that character, just as our laws repeatedly have a proviso in them.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. If I have the floor, I yield.

Mr. BARKLEY. I do not think the words there are simply the result of a desire to be overcautious. They simply mean that any refusal to arbitrate on the part of either party to the controversy under this act shall not constitute a violation of any legal obligation imposed by this act, or bring about a legal obligation, as the result of any other act or otherwise.

Now an effort may be made to compel people to arbitrate under this act by reason of some other act, or some act of a State that might impose a local obligation to arbitrate a controversy where the State has jurisdiction. The arbitration provided for under this section is arbitration under this act. It is the only kind of arbitration that is contemplated, and a refusal to arbitrate under this act is not to be considered a violation of the obligation under this act or any other act.

Mr. GARRETT of Tennessee. So that the idea suggested by the gentleman from Kansas [Mr. TINCHER] may possibly be correct, that this may be intended to cover that.

Mr. BARKLEY. You propose to punish somebody for a refusal to arbitrate under this act. There ought not to be any doubt about it, that neither under this act or any other circumstances it is proposed to punish a man for refusing to arbitrate under this act that we provide here.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ROBSION of Kentucky rose.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. ROBSION of Kentucky. Mr. Chairman and gentlemen, we have now had under consideration for some days what is known as the labor act, introduced in the House by Mr. PARKER, of New York, and in the Senate by Senator WATSON, of Indiana. This bill proposes to repeal title 3 of the Esch-Cummins Act of 1920, creating the Railroad Labor Board, and does away with the Railroad Labor Board, and in its place this bill approves an agreement entered into between the railroad owners and managers on the one side and the railroad workers on the other side. By the terms of this agreement the railroad owners and managers and the railroad workers agree to create local boards of adjustment and also boards of arbitration; and the President, by and with the advice and consent of the United States Senate, shall appoint a board of mediation, consisting of five members, none of whom shall be either managers, owners, or workers, and when the board of adjustment can not settle a matter and the board of arbitration fails to make a settlement and the board of mediation fails to bring the parties together and settle any dispute that may arise, the President may appoint an emergency commission to take up and investigate the dispute, and this emergency commission shall make a report of its findings within 30 days, and it is agreed and provided in this bill that there shall be no interruption of transportation for at least 30 days after this emergency commission makes its report. The purpose of this act is to ratify and put the stamp of approval of Congress on the agreement entered into between the railroads and their workers to insure peace in this great industry and uninterrupted operation of the railroads. It simply provides for kindly, friendly cooperation between the railroads and the railroad workers. Believing that it will bring peace and uninterrupted operation of the railroads, I am glad to give this measure my unqualified support.

1926 VERSUS 1920

While listening to this debate my mind has been carried back to about this date in 1920, when the House had under consideration the Esch-Cummins railroad bill. What a contrast in conditions then and now! The railroads had been under Government control during and following the war. The Government had lost billions of dollars and was losing large sums every day. The Government, the railroad owners, and the public generally desired the railroads returned to their owners, and President Wilson, under the power given him by the act whereby the Government took over the railroads, issued an order directing the return of the railroads to their owners on a certain date. The railroad owners claimed that their properties had been wrecked, and they were making large demands upon the Government. They claimed that the Government was paying too high wages and that if the railroads were returned to them they could not continue to pay these wages to the railroad workers. It was freely discussed among the railroad owners and managers, as well as others, that a large reduction in wages and changes in working conditions would be necessary. This attitude on the part of the railroad managers was resented by the railroad workers. They contended that under the high cost of living following the war they could not accept a reduction, and because of the attitude of the railroad owners and the fear of what might happen to them, most of the railroad workers united on what was known as the "Plum plan" to prevent the railroads from being returned to their owners but should continue under Government control, or in a measure under the control of the railroad workers. Mr. McAdoo, who had been Director of Railroads, urged that Government control be continued five years more in order to thoroughly test out Government operation of railroads in this country. It was freely predicted that if the railroads were returned to their owners and radical changes should be made in wages and working conditions that there would be a nation-wide strike.

ANTISTRIKE PROVISION

The railroad owners and managers wanted to provide in the act returning the railroads what is known as an antistrike provision; that is, making it a crime for railroad workers to quit their employment and strike. Many plans for the operation of the railroads of the country were submitted to Congress. After the Interstate and Foreign Commerce Committee of the House had made a careful study of these several plans it reported a bill to the House, known as the Esch railroad bill, and a similar bill was reported by a like committee in the Senate and known as the Cummins railroad bill. Both bills contained an antistrike provision. Many able Members of this House, the railroad owners and managers, and many business men strongly urged this antistrike provision and pointed out it would never do to turn the railroads over to the owners without such a provision. Many others of us in the House felt that an antistrike provision would promote discord instead of bringing peace, and after prolonged discussion the House by a large majority cut out the antistrike provision of the Esch bill and adopted what is known as the Anderson amendment. The Anderson amendment set up boards of adjustment, mediation, conciliation, and arbitration, to be made up of the railroad workers and railroad managers, and it was not unlike the provisions of the bill now before us. The Anderson amendment was strongly favored by the railroad workers, but was bitterly opposed by the railroad owners and managers. The Esch bill was therefore adopted in the House without any antistrike clause. On the other hand the Senate passed the Cummins bill with a drastic antistrike provision in it. The two bills were then submitted to five conferees of the House and five conferees of the Senate, and these 10 conferees undertook to work out and did work out a compromise. The Senate conferees strongly insisted upon an antistrike provision, while the House conferees strongly opposed the antistrike provision. After weeks of effort a majority of the conferees agreed by way of compromise on section 3 of the 1920 transportation act, which creates the present Railroad Labor Board.

This compromise, while adopted by the Senate and the House as the only solution that could be agreed upon at the time, was unsatisfactory to many Members of the House and Senate, unsatisfactory to the railroad owners and managers and workers, and, furthermore, it never had the support of the public. Thousands of editorials have been written condemning the Congress for the establishment of the Railroad Labor Board. Most of the editorials condemned the Congress for failing to

put "teeth" in the law, or, in other words, an antistrike provision.

The bad feeling that had existed between the railroad owners and the workers before the passage of the transportation act, instead of being allayed, was intensified. The compromise, instead of bringing confidence, good will, and peace, brought increased discord, distrust, and opposition. The railroad owners and managers by court action and in other ways tried to get rid of and avoid operating under the Railroad Labor Board. The railroad workers and leading editors of the country continued to "knock" the Labor Board. The Labor Board having been born under such unfavorable conditions, it is not surprising that it failed to meet the tremendous burden cast upon it.

1922 RAILROAD SHOP STRIKE

Matters went along thus until 1922, when the Labor Board was unable to compose the differences and avoid the conflicts between the railroad owners and workers, and the country was brought face to face with a nation-wide strike of the shopmen, which almost provoked a strike in every branch of that great industry. The black shadow which fell across the economic and industrial life of the Nation is still fresh in our minds. Business was stagnant; industry was paralyzed; the health and life of whole communities were threatened. We can in part visualize in a measure what would have been the conditions if there had been a general strike of all the railroad workers. The Railroad Labor Board could not prevent the strike and it could not settle the strike. In so far as it was finally adjusted, this was brought about in a large measure by the railroad workers and railroad owners getting together themselves.

I have heard no one attack any member of the Railroad Labor Board personally. I am well acquainted with one member only of that board, and he assumed office after the 1922 strike. I refer to our distinguished ex-governor, Edwin P. Morrow, of Kentucky. I feel that if anybody could make the Labor Board succeed, it would be men like Governor Morrow, and the fact that it has not succeeded, I do not blame Governor Morrow. I think the weakness lies in the surroundings under which the board was created and the questions with which it had to deal, and the manner in which it had to handle these problems.

Secretary Davis, of the Department of Labor, following the strike made a number of public addresses, frankly admitting that the Labor Board had failed in its mission and suggested that we would have to look to other plans to solve the railroad labor problem. When Congress met in December, 1922, as I recall, President Harding in his message expressed substantially the same view. Feeling that the Labor Board was not a solution for this problem, I introduced a bill in the Sixty-eighth Congress which had for its purpose the repeal of that part of the transportation act providing for the Railroad Labor Board and to return to the Erdman-Newland Acts of adjustment, conciliation, and mediation. They had worked well from 1898 up to the time the railroads were taken over by the Government during the war.

FRIENDLY COOPERATION

Up until recently many persons have been of the opinion that the brains and patriotism were all on the side of the railroad owners and managers, and that radicalism and disloyalty were all on the side of the workers. This bill recognizes that there are brains, honor, loyalty, and humanity on both sides.

When we had the railroad bill up in 1920 many of the railroad owners and managers insisted that they and they alone should absolutely control and operate the railroads and that the railroad workers should be indicted and tried as criminals if they quit work and struck; while, on the other hand, many of the railroad workers in putting forward the Plum plan, insisted that they should control and operate the railroads of America. Both were partly right and both were partly wrong. This bill provides that both groups should run and operate the railroads of America. The railroad managers and railroad workers have been heretofore somewhat like a balky team of horses when disputes would arise; when one would go forward the other would jerk back, each one opposing and nullifying the efforts and acts of the other. Under this bill they have agreed to pull together like a good, steady team of horses. [Applause.]

The brain and heart and brawn of labor needs the helping hand of capital, and capital can not accomplish anything without the aid of the brains and brawn of the workers. To my mind the thought expressed in this bill is the most forward-looking step that capital and labor have taken in all the centuries from the beginning of time; and if the plan, as set forth in this bill, is carried out successfully and its good influence spreads to other great industries it would not only be of incalculable value to capital and labor but a real blessing to the Nation as a whole.

DEMOCRACY IN INDUSTRY

I think the Railroad Labor Board must fail because there is too much Government interference in business and it is too national in character. Every railroad and every section of railroad has its own peculiar conditions, but when a dispute under the present law goes to the Labor Board a decision of that dispute becomes more or less national in character, and every time there is a dispute on one section of a railroad it unsettles conditions on every section of every other railroad. The Republican national platform declared that the Railroad Labor Board had failed and the law must be rewritten. This same proposition was strongly hinted at by President Coolidge in his messages to Congress in December, 1923, and December, 1924. The President in his message to Congress on December 5, 1925, said:

> The manifest inclination of the managers and employees of the railroads to adopt a policy of action in harmony with these principles marks a new epoch in our industrial life.
>
> I am informed that the railroad managers and their employees have reached a substantial agreement as to what legislation is necessary to regulate and improve their relationship. Whenever they bring forward such proposals, which seem sufficient also to protect the interests of the public, they should be enacted into law.
>
> It is gratifying to report that both the railroad managers and railroad employees are providing boards for the mutual adjustment of differences in harmony with the principles of conference, conciliation, and arbitration. The solution of these problems ought to be an example to all other industries. Those who ask the protections of civilization should be ready to use the methods of civilization. * * *

It is remarkable to record that the great railroads of the country, representing an invested capital of about $20,000,000,000 and hundreds of thousands of stockholders, on the one hand, and the millions of railroad workers, on the other hand, after nearly a year of conferences and discussion agreed on a plan which is now fully embodied in this bill to settle their disputes among themselves. It takes the Government out of the railroad business and places the operation of the railroads in the hands of the railroad owners and the railroad workers. The plan is very simple.

First. They agree that each railroad or division of a railroad shall select their own boards of adjustment to hear and settle the disputes that may arise in the management and operation of the railroad or division. In making up these boards the railroads select their own members of the board and the railroad workers, without let or hindrance, will select their own members. You will observe that this provides local or home rule in matters affecting the railroads and their workers, and there is no interference on the part of the Government.

Second. In case the local board of adjustment can not settle the dispute the agreement provides that the question shall be submitted to arbitration, the railroads to select one-third of the arbitrators and the railroad workers to select one-third; these two groups to agree upon the other members of the board of arbitration, and when the board of arbitration agrees upon an award or settlement of a dispute it is lodged with the United States district court in the district where the dispute arises, and after a certain length of time it is entered as the judgment of the United States district court.

Third. They agree, and it is embraced in the bill, that the President of the United States, by and with the consent of the Senate, appoints a board of mediation consisting of five members, none of whom shall be taken from railroad managers, owners, or workers. This board of mediation can not decide any dispute, but it is their duty to use their good offices to bring the parties together in settlement or arbitration.

Fourth. It is further provided in this agreement and included in the bill that if the board of adjustment can not settle the dispute, and the board of arbitration likewise fails, and the board of mediation can not bring the parties together in settlement, the railroad owners and the railroad workers agree not to strike and interrupt transportation, but they agree to go on until the President of the United States, as provided in this agreement and in this bill, shall appoint an emergency commission. This commission has 30 days to investigate the question in dispute, and it will find the facts and make a report, and this report will promptly be given to the public, so that the public may know who is right and who is wrong in the dispute, and there can be no strike or other stoppage of transportation for 30 days after this report is made public. It gives everybody time to think and cool off.

You will observe that this bill merely asks Congress to give its approval to the agreement worked out by the railroad

owners and the railroad workers for the settlement of the disputes that may arise in the operation of the railroads. There is no force anywhere embraced in the bill. The Republican platform of 1924 declares against compulsory arbitration; that is, force in the settlement of these labor disputes. I said in my remarks in 1920 that, in my judgment, Congress did not have the power to impose an antistrike provision. If the Government should fix rates of pay and hours of service and working conditions, and then could put men in jail if they failed to accept the wages, hours of service, and working conditions, we could repeal the thirteenth amendment. This would be slavery.

The Government has no power to keep railroad men from quitting work in a quiet and lawful manner. Of course, the law does prohibit those who quit from interfering with anyone who desires to work in their place. You will observe this bill is a great step. No one in this House, unless it is our friend, Mr. BLANTON, of Texas, who contends that you can compel railroad men to work whether they want to or not, and if they refuse that the Government can put them in jail. There has been a great change among the railroad owners and the railroad workers, as well as Congress. This is the first time in the history of the world that so much capital and so many men united in a plan that means mutual respect, confidence, and friendly cooperation. They have agreed to pull together instead of pulling against each other. They pledge faithful and efficient service to the Nation and pledge that the public welfare and public interest will be protected.

JUSTICE TO RAILROADS AND WORKERS

This is a great, rich country. We can all live and live well within our respective spheres if each is accorded just treatment and fair opportunity. I do not contend that this arrangement will not maintain a high standard of wages and working conditions. I want to see our railroads prosper; I want to see those who have invested their money in these great industrial institutions which are so vital to the Nation's industrial and social life receive a fair and just return on their investment. But transportation rates should not be fixed so as to yield more than a fair return on the investment. On the other hand, I am very solicitous that the millions of workers engaged in this great industry are not made slaves but are paid such wages and are given such working conditions so as to keep them happy, contented, peace loving, and loyal American citizens.

Some of the captains of industry of this country seem to indulge the notion that low wages mean prosperity. There never was a more fallacious doctrine. America was never prosperous except when the workers of the country were regularly employed with good wages. The workers are the great consumers of the Nation. Unless they receive good wages, how can they furnish a market for the products from the factory, the mine, and the farm?

LABOR BILL—NOT RATE BILL

We have received some letters from some business concerns and from one farm organization claiming that this bill failed to protect the public in the way of rates. They seem to lose sight of the fact that this is a "labor bill" and not a "rate-making bill." This bill nowhere gives any adjustment board, arbitration board, mediation board, or emergency commission provided in this bill any power to add to or take away from freight or passenger rates. The Interstate Commerce Commission is the governmental agency that fixes railroad rates. This bill expressly provides that nothing contained herein shall take away any of the power of the Interstate Commerce Commission. When this bill becomes a law the Interstate Commerce Commission will have no less power to fix freight and passenger rates than it now has. This bill merely approves an agreement entered into between the railroad owners and the railroad workers to set up boards to adjust and arbitrate disputes that may arise in the operation of the railroads. None of these boards provided in this bill can hear or determine the question of freight rates or passenger rates. Some Members, in their zeal, as they claim, to protect the public, favor the elimination of the Railroad Labor Board but insist on giving the Interstate Commerce Commission the power to review all of the decisions made by the boards provided in this bill. If this should be done, why not keep the Railroad Labor Board? We are trying to keep the Government out of these disputes that arise from time to time between the railroad workers and the owners.

The Interstate Commerce Commission could not hope to have any greater success in settling these matters than the Railroad Labor Board, and furthermore the Interstate Commerce Commission has more work than it can keep up in looking after railroad rates and other matters now within its jurisdiction. The railroads and railroad workers have entered into this agreement and they pledge to carry out the provisions of this agreement. Now, if we change the agreement so as to include the Interstate Commerce Commission as a body to pass on these disputes, we will destroy the agreement or contract entered into between the railroads and their workers and neither side would be bound. You would then have an arrangement unsatisfactory both to the railroads and the railroad workers, just as was the condition when the Railroad Labor Board was established.

GOVERNMENT OWNERSHIP NOT GOOD

For a time in this country we were drifting toward Government control and Government ownership of railroads. Many of our railroad workers were inclined to favor Government ownership. This bill turns us away from Government ownership. It takes the Government almost entirely out of the question of operating the railroads and settling disputes arising in their operation. And it is well for us to get away from Government ownership. In every country of the world under government ownership of railroads the people pay more for transportation and the workers receive less for wages than under private ownership in the United States.

I wish that every railroad worker in America could read the splendid address delivered by Hon. William N. Doak, vice president of the Brotherhood of Railroad Trainmen, delivered over the radio in Washington some months ago. He has done much for labor and with two or three associates has helped to bring about the great bill that is now before us. He says:

> This plan [Government ownership] should be opposed for many reasons, but if for no other because it is detrimental to the best interest of the employees.
>
> The proposed plan of Government ownership applies not only to the railroads but also to other utilities, including coal mines, etc. If this program goes through it will ultimately be extended to the farms, mills, factories, and other industries, resulting in a supergovernment which will control all the activities of the country. This is not a theory; it is a fact in Russia, where this program is in full force and where nationalization is fully effected.
>
> Public ownership of utilities is repugnant to the object and aims of our Government and will destroy the rights of our people. The interest of all employees will be jeopardized thereby. Therefore, opposition to State ownership is more than a whim; it is a solemn duty.

Samuel Gompers, one of the great leaders of labor, had this to say in a speech at Montreal, Canada, in June, 1920:

> I believe there is no man to whom I would take second position in my loyalty to the Republic of the United States, and yet I would not give it more power over the individual citizenship of our country.
>
> It is a question of whether it shall be Government ownership or private ownership under control. If I were in the minority of one in this convention, I would want to cast my vote so that the men of labor shall not willingly enslave themselves to Government authority in their industrial effort for freedom. Let the future tell the story of who is right or who is wrong, who has stood for freedom and who has been willing to submit their fate industrially to the Government.

Switzerland, Germany, Italy, and Austria have government-owned railroads. Railroad conductors in the United States on an average receive three and one-fifth times as much as railroad conductors receive in Switzerland; three and one-half times as much as in Germany; four and two-fifths times as much as is Italy; and about six times as much as in Austria and Hungary. Engineers, firemen, and maintenance of way men are about in the same proportion. The railroad workers of Canada received about the same wages as American railroad workers until about two years ago, when the Government in Canada took over the railroads. In 1924 nearly all American railroad workers received an increase in wages, but the railroads in Canada, under government ownership, had such a deficit that they did not grant any increase, and the railroad workers in America now receive much more than the Canadian railroad workers.

But you say, how can it be that in countries having government ownership of railroads the transportation rates are higher and the wages much lower than in the United States? Our railroad workers are the most efficient in all the world. The United States Department of Commerce shows that our railroads move more than 400,000,000,000 tons of freight 1 mile each year. To do this they employ a ratio of 5 men for each 1,000,000 tons of freight 1 mile. The ratio is 23 in Germany, 24 in Italy, and 31 in Switzerland. In other words, 5 American railroad men will do as much in a given time as 23 railroad men in Germany, 24 in Italy, and 31 in Switzerland.

With this most remarkable showing, why should anyone desire to have Government ownership of railroads in the United States? Why try an experiment that has failed wherever it has been attempted? I wish to suggest further to the railroad workers of America, if Government ownership of rail-

roads is such a good thing for the workers, why is it that Congress must pass stringent immigration laws to keep the railroad workers on government-owned railroads in Italy, Switzerland, Germany, Austria-Hungary, and other countries from leaving their jobs and coming to America to try to take away the jobs from our railroad workers, who are employed on privately owned railroads? If it is such a good thing, why do they not stay in Europe and work on their government-owned railroads? They know that the railroad workers in America receive at least three times as much wages and have better working conditions than on any government-owned railroad in any country of Europe.

OPPOSE FORCE

The distinguished gentleman from Texas, Mr. BLANTON, said yesterday in this debate that some day we would have to write force in the transportation act of the Nation. When that day comes you will have repealed the thirteenth amendment. But even if you could write that into the law, and it would be constitutional, and the millions of railroad workers should make up their minds that in justice to themselves they would strike, who is it that could put these millions of railroad workers in jail, and where could you find sufficient jails to keep them?

Mr. BLANTON. Will the gentleman yield?

Mr. ROBSION of Kentucky. In one minute.

Mr. BLANTON. The gentleman mentioned me; will the gentleman yield?

Mr. ROBSION of Kentucky. No; I have just a few minutes.

Mr. BLANTON. The gentleman ought not to have mentioned me, if he is not going to yield.

Mr. ROBSION of Kentucky. Then I will withdraw your name. I will say to the gentleman and to those who express the same views that at one time in Great Britain about a century ago the same idea was entertained when the land workers of Great Britain were receiving the munificient wage of $1.50 a week and boarding themselves. The farm laborers of Dorchester applied for an increase of 25 cents a week and the owners said to them, "You go back to work, and if you repeat that demand you will be indicted for criminal conspiracy." They did repeat the demand. They were indicted.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. BLANTON. Mr. Chairman, if the gentleman will allow me to correct his misstatement of my position, I shall not object, but I do not want to put in the RECORD a misstatement of my position and then for it to go unanswered. If the gentleman will permit a question I shall not object. Now will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. BLANTON. I have never said that this Government should make anybody work against his will; but I have said that by reason of its great importance to the public and the great emergency that there should be continuous, uninterrupted service that is due all the people, if a man sees fit to remain in the quasi-public work of carrying the commerce of the United States, then he must accept the conditions that the Government has the lawful right to place upon him. He can quit if he wants to but if he stays in the service he should conform to such laws as this Congress has the authority to pass, and in Wilson *v.* New the Supreme Court held that in an emergency the Congress has power to compel compulsory arbitration.

Mr. ROBSION of Kentucky. The gentleman from Texas [Mr. BLANTON] does declare for compulsory arbitration, and that means force, and it means that you could put a man in jail if he fails to continue at his work. That means that the gentleman from Texas is in favor of an antistrike provision and is opposed to this agreement entered into between the railroad owners and their workers.

Now, to conclude the statement I started to make a moment ago. These men of Dorchester were indicted and convicted and sentenced to seven years' imprisonment in an English prison ship beyond the seas. They struck and demanded more wages. That was the only crime that they had committed. An antistrike provision would mean the same thing in this bill or any other labor bill. These men served over three years until some of them, because of the outrages committed against them by their captain, killed the captain. This brought this whole matter to the attention of the English people and never since that day has Great Britain attempted such an outrage against any of her subjects.

Compulsory arbitration means that disputes will be arbitrated through governmental agencies, and then the railroad workers must accept the wages and working conditions or be guilty of crime.

Let me say to my friend from Texas, you will never dig the coal, run the factories, or operate the railroads of America in their highest efficiency by force. The most efficient operation will be by and through kindly, friendly cooperation, as provided in this bill. [Applause.]

HAVE FAITH

There is no more intelligent, loyal, law-abiding class of citizens in all the country than the railroad workers of America. In my own district and State I find the railroad workers among the leaders in public service, in the churches, in the schools, community and social-uplift organizations, fraternal societies, officers and directors in our banking and commercial institutions. There is no class of people in which we show more faith in carrying on their duties.

I get on a sleeper at Washington and go to bed, feeling as safe as I do in my own bed at home, but to bring about this condition of mind I must have faith that every section hand, every trackwalker, every watchman, every light tender, every telegraph operator, every switchman, every train dispatcher, every station agent, every inspector of materials and trains, every fireman, every engineer, and every conductor, every flagman, and porter will do their duty throughout the night over the hundreds of miles of track that cover my journey. We place no more trust in any class of men than we do in those taking care of our safety on the railroad trains of America, and out of the millions employed how few times is this trust misplaced. We have the best railroads, the best railroad owners, the most efficiently operated railroads in all the world.

They have come to us with this agreement. They say they want to work under it, to insure peace, to insure uninterrupted operation of the transportation systems which is so necessary to the success and to the very life of the Nation. They say that if Congress will place its approval on this agreement that it will be carried out. I, for one, wish to accept their proposition and place the railroad owners, managers, and workers on their honor. This is their plan. We have both parties charged with this great undertaking agreeing to it. It will be up to them to see that this law is carried out so far as the operation of the railroads is concerned. If they prove recreant to their trust the American Congress and American people will still be here to call them to account for the violation of their sacred pledges and their sacred honor.

Much has been said about world peace, but if this agreement and legislation works out as it appears it will, it will be the greatest step for industrial peace that has ever been taken in this country or any other country. In view of the prejudice of only a few years ago it is little short of a miracle to see these men compose their differences and come together in peace, good will, and concord. It is the first time I have ever seen a great industry and its workers pulling together, as I think capital and labor should always pull together, for the benefit of themselves and the American people. [Applause.]

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes on this amendment and other matters. I have not taken any time on the bill, and I have some views that I want to express.

Mr. BARKLEY. Does the gentleman want to express them now, or can he wait until another part of the bill has been read?

Mr. TINCHER. I want to express them now before we vote on this amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes on this amendment and kindred subjects. Is there objection?

There was no objection.

Mr. TINCHER. Gentlemen of the committee, I am willing to be frank with you. When the gentleman from Michigan [Mr. MCLAUGHLIN] offered the amendment, I could not seriously believe that the language was in this bill for the reason that I suggested to the gentleman from Minnesota. I could not believe that the Committee on Interstate and Foreign Commerce had put the language into the bill for the purpose of repealing a State law. I knew the gentleman from Kentucky if he did express his opinion would tell the truth, and he said that is what it is in the bill for. Can we leave the language in the act after that statement that it is there for the purpose of repealing State law?

Mr. BARKLEY. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BARKLEY. I did not say that in language or in spirit.

Mr. TINCHER. The only excuse that was suggested for its being there was your suggestion, and the gentleman from Tennessee [Mr. GARRETT] and I both understood the gentleman

to mean that it was there so that they could not be prosecuted for violating any other act.

Mr. BARKLEY. I do not want to take the gentleman's time, but what I said was that the arbitration referred to in the section was under this act, and of course it was a legal question whether the act of any legislature could control that sort of an arbitration even if it attempted to.

Mr. TINCHER. Let me read the language:

Provided, however, That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

I want to say to you that there are certain industries in certain communities in this country where the public has such an interest, where the court has said that they will shut the industries down if they refuse to arbitrate. [Applause.] The highest court in our land has recognized that principle as found in a State law by the State that I have the honor to be a citizen of.

It is not a question of labor altogether. There are certain interests in the State I live in where the public has such an interest that they have a law now that has never been held unconstitutional where they hold that the public has such an interest, where they said they could not go to the meat packer; but they said we can not go to the men that operate the industry, but we could say to them you can not shut down without offering to arbitrate.

Mr. BARKLEY. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BARKLEY. Does the gentleman contend that the law of Kansas would permit them to take charge of an arbitration suit in interstate commerce such as is provided for in this bill?

Mr. TINCHER. I contend that under the Supreme Court decision there are industries in Kansas where the public has such an interest that the State legislature can pass a law giving them the option of settling their differences; and if they do not, to take charge of the institution and operate it themselves.

Mr. BARKLEY. Does the gentleman contend that one of those industries to which he refers is the great transportation system of the United States, carrying freight from one State to another?

Mr. TINCHER. I do not say that the court has ever passed upon that.

Mr. BARKLEY. Does the Kansas law attempt to include men who are engaged in interstate commerce in its efforts to compel arbitration?

Mr. TINCHER. Oh, yes. They do not have to be employed on a railroad to be engaged in interstate commerce; they do not have to be working for a railroad. There is no excuse in the world, no good reason, that can be offered for putting a provision in this bill, even if the Congress is willing, to enunciate the principle of being willing to abrogate State laws, where they attempt to force arbitration, and I want the thinking men of Congress to consider this. You are asked to go on record without plausible excuse—the excuse is not satisfactory at least to the gentleman, and I shall ask him a question. Why does the gentleman want this language in this bill?

Mr. BARKLEY. If my excuse is unsatisfactory to the gentleman from Kansas, that is evidence that it ought to be satisfactory to me.

Mr. TINCHER. Does the gentleman mean that literally?

Mr. BARKLEY. Oh, no; I meant that facetiously. The gentleman is a very dear friend of mine.

Mr. TINCHER. Then has the gentleman any reason in the world why he wants this language in this bill?

Mr. BARKLEY. I may express my reasons after the gentleman is through.

Mr. TINCHER. The gentleman prefers to express his reasons after I am through, so that I will not have any opportunity to say anything about them.

Mr. BARKLEY. I have already given one reason.

Mr. TINCHER. But the gentleman backed up on that.

Mr. BARKLEY. I have given the gentleman reason enough to occupy his 10 minutes, if he will go ahead and do it.

Mr. TINCHER. The gentleman denied his reason after I started. Are we going to start here and say to the States, as a matter of law, "You must not legislate, no matter what the interest of the public is, on the subject of compulsory arbitration?" Is that to be our policy? Is that the theory of the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. My idea is this, that when Congress writes a law for voluntary arbitration it ought to protect that legislation by proper safeguards from permitting a State even to attempt to use that voluntary arbitration clause upon which to impose a legal obligation to submit to compulsory arbitration. I apprehend that that is probably what the draftsman of this bill had in mind. He put in the words "or otherwise" to avoid a controversy in some State that might take this clause and build upon it an obligation under a State law requiring compulsory arbitration.

Mr. TINCHER. Mr. Chairman, a man ought not to have to hunt up the draftsman of a bill to see what the bill means. Are the members of the committee here in favor of that? So far there has been no excuse given for it. Mr. BARKLEY says that he is going to give one for this language in this bill. If the excuse is that you propose to say to the States that no matter what the public interest is you can not have a State law compelling arbitration, unless the lawyer for the defendant can take a Federal statute and offer it in the clearest language that can be expressed in English as a complete defense to a violation of that statute, then you are going to convict yourselves.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BLANTON. The great trouble with the members of the committee is that the great Richberg, of Chicago, put these words, "or otherwise," in this bill, and that we dare not strike them out.

Mr. TINCHER. Oh, let me tell you about Mr. Richberg. I have no knock on him; he is as keen as they make them; he is as smart as they put them out; and he never wasted two words in a bill in his life. [Laughter.] I think he tipped off our friend from Kentucky [Mr. BARKLEY] to what they meant, and the gentleman from Kentucky came nearly giving it away a while ago. They were meant to repeal State laws.

Mr. BARKLEY rose.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I want to yield first to my friend on the committee.

Mr. BARKLEY. Oh, I asked the gentleman to yield to the gentleman from Missouri.

Mr. TINCHER. Very well.

Mr. LOZIER. If the gentleman from Kansas will yield, may I say, in the last analysis this language means that the failure of either party to submit a dispute to arbitration shall not be construed as the violation of any legal obligation imposed upon such party by the terms of this act; and further, that the failure of either party at some previous time to submit the dispute to arbitration, either under a State law or by voluntary agreement in the course of private negotiations, shall not (in construing and applying this act or in proceeding thereunder) be construed as a violation of any legal obligations. The words "or otherwise" must, of course, be read in connection with the preceding parts of the section, and these words were doubtless inserted to make it clear that in construing this act the policy of compulsion should not be invoked or considered and that neither party should be penalized for having failed to submit the disputed issue to arbitration, either under this act or under any State law or by private agreement in the course of voluntary negotiations; and that when the provisions of this act are invoked, all issues are to be considered de novo or first-handed, or as questions of first impression, uninfluenced by anything that either party had done or failed to do before the machinery of this act was set in motion; and that in procedure under this act the fact that either party had failed to observe some State statute or private agreement should not prima facie or otherwise penalize them, but that in the operation, application, and construction of this act its provisions shall be construed without reference to anything that might have been done or left undone by either party prior to the time the remedies provided by this particular act are invoked.

Mr. TINCHER. Oh, I do not think that that is applying good English to the law and it is not what the man who puts the words in the bill meant to use them for. Although the distinguished gentleman from Missouri is a good lawyer, yet this other man is a good deal better lawyer than either the gentleman from Missouri or myself, and he knows how to use these words for his companies and those who employ him, and for that reason he is paid a salary far in excess of what any of us receive, and it is just for putting in little things like this that we will not find. I congratulate the gentleman from Michigan [Mr. MCLAUGHLIN] for finding them.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. It seems to me that we can find the meaning of these words "or otherwise" by simple examination as to the limits of the jurisdiction of the Congress of the United States.

We have the right to legislate; we can legislate, and do legislate, regarding interstate commerce. We have no right to legislate, and we can not legislate regarding intrastate commerce. We are now legislating regarding controversies between employees and employers who are engaged in interstate commerce. We can not possibly affect those who are engaged in intrastate commerce. The disputes now under consideration arise in interstate commerce; they do not arise in intrastate commerce, and so we can not possibly intend to repeal State laws, because we are not dealing with State questions, but only with questions of which the United States has jurisdiction.

Let us see what the meaning of the words "or otherwise" may be. That is not so difficult. I take it, first, that the members of the Interstate Committee are not supposed to have in their minds at all times, and subject to call, all the laws regarding arbitration, and it is a natural precaution to say, if they intend to make this law final and make this law the only law on the question of arbitration, that not only shall this bind upon arbitrations relating to this statute, but it shall bind upon all questions as to which the United States statutes fix the law.

That is natural; that is the provision that any careful, competent, good lawyer, or any member of the committee would naturally make. Now, do we intend to make this a final statute on such arbitrations as are under consideration? Of course we do. We intend as between employers and employees on railroads to make this arbitration agreement fixed by this statute the one law for the future, to make it definite and fixed and certain so we can refer to this law and not have any doubt whether we have to examine the statutes from the time we began to legislate down to the present time to be sure that we have not skipped some statutes, and we do not know what the law is. If we leave these words "or otherwise" in, then we repeal all other laws of the United States on the subject previous to this time. We have this statute and this statute alone to examine. This statute is the criterion, and that is precisely what we intend. So for two reasons, first, because we can not deal with intrastate commerce within the States even if we tried, and we are not trying to do so, because we have a right to deal with interstate commerce, and that is what we are doing, and because this provision answers a useful purpose, which is quite obvious, a purpose to make this the final and only statute, I think that those words should remain in the bill as written. [Applause.] [Cries of "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from New York——

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. BLANTON. It is only this amendment, amendments to this amendment; it does not apply to the paragraph?

Mr. COOPER of Wisconsin. Mr. Chairman, reserving the right to object, will the gentleman make it eight minutes, I would like three minutes of that time.

Mr. PARKER. I will make it six minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment and all amendments thereto close in six minutes, three minutes to the gentleman from Michigan and three to the gentleman from Wisconsin.

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, the gentleman from Michigan has had the floor on this amendment. According to the rules of the House it seems to me the gentleman from New York should not put the unanimous-consent request precluding everybody else from having any time for a Member who has had the floor on this amendment.

Mr. PARKER. It is the gentleman's amendment.

Mr. LAGUARDIA. I realize that, but there are other Members on the floor.

Mr. PARKER. We are going to try to get to a vote on this bill to-day if possible.

Mr. LAGUARDIA. Members of the House should have opportunity——

Mr. McLAUGHLIN of Michigan. If time does not permit me to have more than three minutes I will allow the gentleman to have my three minutes.

Mr. LAGUARDIA. I shall not object now; I shall take time later on.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, it seems to me, in listening to the gentleman from Kansas [Mr. TINCHER], that he is entirely mistaken in his interpretation of the proviso. If gentlemen will read section 7, down to the proviso, they will see that it only names the conditions under which there may be arbitration; and that then the proviso merely declares that any party who refuses to submit to arbitration—which refusal to arbitrate is a right that can not be taken away from him by law anywhere in the United States—that any such party in exercising this absolute right to refuse to arbitrate under this act shall not be considered as violating any other law. It is as plain as can be. The proviso is perfectly plain in its meaning. It ought to remain in the law, all of it, and I shall vote against the amendment and for the retention of the last two words.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this proviso says that failure or refusal to arbitrate shall not be a violation of this act. That is all right, entirely consistent and proper if this bill is to become law, but we go too far if we say there shall be no other obligation which may devolve upon carriers or employees to whose operations and employment this bill relates; that those who are concerned in interstate transportation shall recognize no other obligation than is herein set forth; that the Government of the United States shall under no circumstances lift a hand or say a word by way of imposing or demanding compliance with any other obligation whatever.

This bill speaks of "violation of any legal obligation imposed by this act or otherwise." There are other duties, other services, other obligations which may be demanded of or imposed upon a citizen or a combination of citizens by our Government. Yes, and they are "legal obligations," although there may be no statutes making them such or relating directly to them.

In time of crisis, of extreme difficulty and danger threatening the safety of the people, perhaps menacing the Government itself, the duty and authority of the Government does not depend upon nor must they wait upon the enactment of statutes; and at such times services and duties and responsibilities, every one a "legal obligation," may be imposed upon our citizens by our Government; nor is it necessary for the Congress to write a law for each and every one of them, or any law whatever, for that matter.

If the words "or otherwise" be written into this law, it might be that employees and officials of corporations to whom this law relates might be relieved of and exempt from these obligations and our Government might be embarrassed in its efforts to enforce them.

Mr. BARKLEY. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I can not in three minutes. I have confidence in the President of the United States, in his wisdom, ability, and courage. But in years to come there will be other Presidents, and there may arise crises in interstate transportation seriously threatening the safety of our people and their business, threatening also the orderly operation of the Government itself, making it imperatively necessary for the President to act with or without statutes enacted by the Congress. There may be serious and long drawn out interference with mining operations; there may be long and serious interruption of interstate railroad transportation; there may be necessity for such action as was taken so vigorously and so effectively by Grover Cleveland, and there may be such governors as Governor Altgeld at the time of the railroad strike in 1894; alarming conditions, threatening disastrous results in mining sections of the country, under which President Roosevelt acted promptly and with gratifying results, and, as has been said, without sanction of written law.

I repeat what I said a few moments ago. The words "or otherwise" should be stricken from the bill; otherwise some citizens and some corporations might be exempt from obligations proper and necessary to be imposed upon them, and the Government might be handicapped in its effort to enforce them.

I know that this bill naturally commends itself to us, because it is so cordially approved and recommended by the distinguished gentleman from Alabama [Mr. HUDDLESTON], by the gentleman from Wisconsin [Mr. SCHAFER], and by the gentleman from Minnesota [Mr. CARSS], and so on; but some of the rest of us like to think seriously and somewhat differently about these matters and wish to consider the force and effect of every word in the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. TINCHER. Mr. Chairman, I call for a division.

The CHAIRMAN. The gentleman from Kansas demands a division.

The committee divided; and there were—yeas 26, noes 86.

So the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 19, line 21, at the end of the line, strike out the period and insert a colon and add the following: "*Provided*, That nothing in this act shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining freight or passenger rates or other charges."

Mr. MAPES. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane to this paragraph or to the bill. I would like to be heard briefly on that.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. MAPES. Mr. Chairman, the concluding clause of paragraph 7 of Rule XVI provides that no motion on a proposition or subject different from that under consideration shall be admitted under color of amendment.

A study of the precedents and decisions on this rule, applying it to concrete cases, is exceedingly interesting, and the consideration of the rule in connection with this particular bill and this amendment is no less interesting. Since I have been in Congress there have been several very well-thought-out decisions on this rule, rendered by Members of the House who were parliamentarians of the very first rank, including two former Speakers, Speaker Clark and Speaker Gillett. Several Chairmen of the Committee of the Whole, including the distinguished Republican leader [Mr. TILSON] and the distinguished Democratic leader [Mr. GARRETT] and a former Member of Congress whom everybody recognized as one of the leading parliamentarians of the House during his membership, the former Member from New York, Mr. Fitzgerald, who preceded the present chairman of the committee as chairman of the Committee on Appropriations.

I am not going to attempt to call the attention of the Chair to the almost innumerable precedents cited in Hinds'. There are pages and pages of precedents. I do, however, want to call attention to the purpose and spirit and philosophy of this rule. I do not find it stated any better than as it was stated by Mr. Fitzgerald in a decision, which is printed quite at length in the back of the manual.

The decision by Chairman Fitzgerald was rendered after an opportunity had been given to consider the matter at length. The heading by the annotator to the decision is this:

Decision by Chairman Fitzgerald holding out of order as not germane a proposition to amend a bill providing that funds resulting from the sale of coal, phosphate, oil, gas, potassium, or sodium lands should be paid into the reclamation fund and disposed of in a certain way by providing that the proceeds should be used to constitute a "national good-roads fund."

Chairman Fitzgerald said:

The Chair is prepared to rule——

Mr. CHINDBLOM. What section?

Mr. MAPES. Section 948 on page 478. To show the thought given to this decision I want to read the first paragraph. I read:

The Chair is prepared to rule. A few days since, while this bill was under consideration, notice was given that amendments would be offered to this section to provide for the disposition of the receipts from various leases authorized in the bill in a manner different from that provided in the bill. As a result of the intimation then given, the Chair has given considerable attention to the questions that might arise under this section.

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not proposed amendment relates to a subject different from that under consideration, within the meaning of the rule, and it is especially difficult to do so when, as in the present instance, the amendments may, by reason of the terms it employs, appear to have a remote relation to the original subject.

That an amendment be germane means that it must be akin to, or relevant to, the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

In this case, that reason does not exist, because the gentleman from Kansas [Mr. HOCH] has given us notice of his amendment in advance. But that does not change the rule. The rule exists just the same.

Chairman Fitzgerald went on to say:

Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill, and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

The question to be answered is whether the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill.

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule and the tests to be used in applying it have been here epitomized.

The fundamental purpose of this bill is not to provide revenue and to dedicate or segregate it in the Treasury. The fundamental purpose of the bill is "to authorize exploration for and disposition of coal, phosphates, oil, gas, potassium, or sodium," and the segregation of the proceeds of the leases authorized is merely incidental to the general scheme of the legislation.

In accordance with the meaning of the language which I have already read, Chairman Fitzgerald ruled the amendment out of order as not being germane.

This was followed by another amendment.

An amendment was then offered providing that the proceeds from the sale of lands within the naval petroleum reserves should be deposited in the Treasury to the credit of the "Navy petroleum funds," and upon a point of order being interposed, Chairman Fitzgerald ruled that out of order, and further elaborated upon the purpose and intent of this rule.

These decisions of Chairman Fitzgerald as well as those of former Speakers Clark and Gillett are based pretty largely upon an earlier decision rendered by Speaker Carlisle cited in Hinds' Precedents, in which he, too, goes into this question very carefully. All of them use a good deal of the language that Speaker Carlisle used, and some of the statements which I have quoted from Chairman Fitzgerald embody language which he in turn quoted from the decision of former Speaker Carlisle.

Mr. Fitzgerald went to say further:

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and germane amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule, and the tests to be used in applying it, have been here epitomized.

Now, Mr. Chairman, with these interpretations of the rule before us, what is the situation with which we are confronted here to-day?

This bill which is before the committee has one single object in view, as stated in its title, "A bill to provide for the prompt disposition of disputes between carriers and their employees."

There is nothing else in the bill.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. MAPES. For a brief question.

Mr. BLACK of Texas. But the particular paragraph under discussion provides that after this agreement——

Mr. MAPES. I will come to that.

Mr. BLACK of Texas. Let me ask the question.

Mr. MAPES. I refuse to yield further.

Mr. BLACK of Texas. Very well; we will discuss that later.

Mr. MAPES. I will cover that, I will say to the gentleman.

Mr. BLACK of Texas. And others will cover it, too, I may say to the gentleman.

Mr. MAPES. In their own time, of course. I would like to make my statement in my own way.

This bill is in substitution of Title III of the transportation act of 1920, and I wish the Chair would keep this thought particularly in mind. Title III of the transportation act of 1920 does not give the Interstate Commerce Commission one iota of power or authority. Title III of the transportation act creates the Labor Board, which has absolute and complete jurisdiction over the wages of the employees on the railroads. The Interstate Commerce Commission has absolutely no power to review or to modify the findings of the Railroad Labor Board.

The CHAIRMAN. Will the gentleman answer this question? Does the Interstate Commerce Commission under existing law have the right to review and is it charged with the duty of reviewing the added cost to railroad transportation of increased wages; and is it the duty of the Interstate Commerce Commission to consider that in determining rates?

Mr. MAPES. I was coming to that; and I will call the Chairman's attention to the language of the transportation act, to which I think the Chairman refers. It is paragraph 2 of section 15a—and that language, Mr. Chairman, is in no way interfered with by this bill; it is not touched or amended by this bill at all. The Interstate Commerce Commission will have the same power after this bill is enacted into law, if it should be, as it has now with the Railroad Labor Board in operation under Title III of the transportation act. This is the language of paragraph 2, section 15a, of the transportation act:

> In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups of territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal as nearly as may be—

And so forth.

This language, Mr. Chairman, is kept intact in that exact form. It is not modified, altered, or amended in any way whatsoever by the bill which we are now considering.

I call the Chair's attention to the fact, incidentally, as the Chair will recall, that one of the first acts of the present Railroad Labor Board was to grant the employees of the railroads an increase in wages which amounted to something like $600,000,000. The Interstate Commerce Commission did not have any jurisdiction over that action at that time, and it is not given any jurisdiction over the granting of wages in this bill other than it gets from the transportation act outside of Title III, and no one who studies this bill with his eye to the purpose of it, namely, the purpose of settling railroad disputes, could reasonably anticipate that the question of rates or fares or additional powers to the Interstate Commerce Commission would be injected into it.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. MAPES. I yield.

Mr. HILL of Maryland. I would like to ask the gentleman what would happen under these circumstances: Suppose the railroad operators and the railroad employees got together and created a wage rate that was obviously five times what was proper. Is there anybody in the United States that has power to review that in the interest of the public?

Mr. MAPES. The Interstate Commerce Commission in the fixing of rates and fares is authorized to take into consideration the question of honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment. If wages are too high, the commission can give them the same consideration that can be given to the price paid for a Pullman car or a freight car or an engine or anything.

Mr. HILL of Maryland. Under that interpretation is it the gentleman's contention that the Hoch amendment is unnecessary because it covers existing law?

Mr. MAPES. I am coming to the Hoch amendment later.

Mr. HILL of Maryland. I am only asking for information. I am open-minded on this bill.

Mr. MAPES. I do not want to go into that yet.

Mr. HILL of Maryland. If the gentleman does not care to give the information, very well. I am trying to convince myself how I should vote.

Mr. DENISON. This is a discussion of a point of order.

Mr. HILL of Maryland. I understand that, but it bears on the entire question.

Mr. MAPES. I will say to the gentleman from Maryland, I do not think that it is any more logical to put the Hoch amendment on this bill than it would be to put on an amendment that would fix the price or authorized the Interstate Commerce Commission to pass upon the price paid for these other things that I have mentioned. That is my position.

Mr. RAYBURN. I would like to ask the gentleman a clarifying question along the line of the question asked by the Chairman.

Mr. MAPES. I will yield to my colleague.

Mr. RAYBURN. Did not this develop in the committee when the question of the Hoch amendment came up, when Mr. Richberg and Mr. Thom were there? Mr. Richberg said that labor's position was, and had always been, this: That an increase in wages did not necessarily mean an increase of rate, because their contention was that by increased efficiency of man power and morale that increase would be absorbed; but he said that Mr. Thom did not agree with him. That was one of the big parties to this agreement. What does the gentleman say about that? Does he agree with Mr. Thom or Mr. Richberg? Mr. Thom, speaking for himself, did not agree with that position.

Mr. MAPES. I think the gentleman from Texas has stated the conversation correctly as I remember it; but I do not see how that has any application to the point of order.

Mr. RAYBURN. It is applicable to the question the Chairman just asked the gentleman from Michigan.

Mr. MAPES. I will say, for the purpose of my point of order, that I do not consider it necessary to interpret all of the controversial questions in the act of 1920. I realize that there are differences of opinion on the part of capable lawyers on what powers are granted the Interstate Commerce Commission under the transportation act. There may be differences of opinion on the part of the railroad attorneys and those representing the shippers as to the powers of the Interstate Commerce Commission under paragraph 2 of section 15a. I assume there is; I assume the attorneys for the shippers and the railroad companies would not agree on the interpretation of all the language. But for the purposes of the point of order it is not necessary for the Chair to pass on the powers of the Interstate Commerce Commission. That is a matter for the courts. I say that the commission has identically the same powers after the enactment of this bill as it has now with Title III in the transportation act. That is my point. I am not trying to settle all of the controversial points that arise on account of the transportation act of 1920.

The CHAIRMAN. Is it the contention of the gentleman from Michigan that there is neither anything taken away from or added to the powers of the Interstate Commerce Commission by this bill?

Mr. MAPES. Absolutely; I say you can take out Title III from the transportation act and it will not affect one iota the powers of the Interstate Commerce Commission.

What is Title III? Title III is entitled "Disputes between carriers and employees and subordinate officials." And it sets forth how the disputes shall be settled. It does not have any reference to passenger fares or freight rates or the Interstate Commerce Commission, except incidentally.

The CHAIRMAN. Does the gentleman think it adds anything to the powers of the commission, from the fact that the arbitration award must be reported to the Interstate Commerce Commission?

Mr. MAPES. No; Mr. Chairman, I am coming to that. The bill provides that the arbitration award shall be filed with the district court where the arbitration takes place, and with the Board of Mediation and with the Interstate Commerce Commission. I infer from some questions asked by the gentleman from North Dakota that it will be argued that that is sufficient to make this amendment in order.

Mr. Chairman, this bill also provides that the arbitration award shall be filed with the district court of the United States. Will the gentlemen who are opposed to this point of order argue that because of that reference to the district court of the United States an amendment would be in order changing the general jurisdiction of the district courts of this country? Certainly not. It is absurd on its face. I say that nobody could reasonably anticipate any such amendment regarding the Federal courts, and no one could reasonably anticipate any amendment giving additional powers to the Interstate Commerce Commission by a mere reference to it, such as this is, requiring this award to be filed with it.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. HILL of Maryland. This bill makes a matter of law the findings of the arbitration board, does it not?

Mr. MAPES. Yes; as between the parties.

Mr. HILL of Maryland. In view of that fact, will the gentleman say it does not bind the Interstate Commerce Commission as it exists at the present time?

Mr. MAPES. The gentleman asks me to settle some controverted questions arising out of the transportation act. I do not think that that is necessary for the purposes of this point of order. I realize that lawyers are going to differ about the construction of the provisions of paragraph 2 of section 15a. But for the purposes of the point of order I do not think that is material.

Mr. HILL of Maryland. I am asking precisely along the line of the question asked by the Chairman of the committee whether this changes substantive law, whether the Hoch amendment adds anything to the powers of the Interstate Commerce Commission.

Mr. MAPES. I am going to discuss the Hoch amendment in a moment.

Mr. DEMPSEY. Mr. Chairman, the gentleman from Maryland [Mr. HILL] asked the gentleman arguing this question whether or not the fact that the award is the award of a court, if it reaches that stage, and is filed with the Interstate Commerce Commission, makes that binding, so that that commission can not take into account whether the award is reasonable or not. In other words, whether the Government as represented by the commission is bound.

Mr. HILL of Maryland. That is the question.

Mr. DEMPSEY. To answer that question let us see what the situation is. This bill does not by its terms repeal section 15a of the interstate commerce act which gives that commission jurisdiction to consider all of the purchases, whether of material or labor, as bearing upon the question of efficiency and good management, in respect to fixing rates. It does not repeal it directly or in terms. If it repeals it, it must repeal it by implication.

The gentleman knows two things: First, that a repeal by implication will not be resorted to except as the last basis. No court favors a repeal by implication, and no court will find a repeal by implication unless it is necessary, and it is not necessary in this case. It is not necessary in order to give full effect to the purpose for which the award is made. What is that purpose? To bind the railroads to pay more or to pay less, as the case may be, to make that which has been evidenced by an award binding in the sense that it is the adjudication of the court, and upon whom? As between the two parties, and that is all. Second, another rule of law is that if there are two statutes which are in question, and the question is whether they can both stand, the primary rule of construction is that they both shall stand if not in conflict, and section 15a is not in conflict with this act. It is in entire accord with it, so that for both reasons, because there is no direct repeal, because repeal by implication is not favored, is never resorted to except in the last instance; and, last, because, where there are two statutes dealing with different subjects, and even where they deal with the same subject, they are both reconciled and both shall stand if that is possible, and it is possible here, and that is the logical, and the only logical, deduction.

Mr. HILL of Maryland. Mr. Chairman, may I ask this one further question?

Mr. MAPES. I hope the gentleman will not take any more time.

Mr. HILL of Maryland. Is it the gentleman's contention that under section 15a of the transportation act the Interstate Commerce Commission has precisely the powers at the present time that are conveyed by the Hoch amendment?

Mr. MAPES. No.

Mr. HILL of Maryland. That is very relevant to the point of order.

Mr. MAPES. No; it is not the gentleman's contention. Let me say this for the benefit of the gentleman from Maryland [Mr. HILL]: If the gentleman will tell me what power the Interstate Commerce Commission has now over the findings of the Railroad Labor Board under paragraph 2 of section 15a, I will answer his question and tell him what power the Interstate Commerce Commission will have over the findings of the arbitration board after this legislation is enacted into law. Unless he can do that I can not answer him definitely.

Mr. HILL of Maryland. I think the gentleman can do it, and I should be very glad to do it. That is what I am trying to get information on.

Mr. MAPES. It will have the same identical powers over the wage question after this legislation is enacted into law that it has now without it.

Mr. HILL of Maryland. Then the gentleman's answer is that the Hoch amendment does not add anything to substantive law?

Mr. MAPES. I will come to the Hoch amendment. My statement has reference to the law without the Hoch amendment.

Mr. Chairman, to keep further in mind the purpose of this legislation I want to read a short statement from former Commissioner Clark, one of the very best Interstate Commerce commissioners we have ever had. He calls attention to the fact that the settlement of railroad labor disputes and the adjustment of wages ought to be kept entirely separate from the Interstate Commerce Commission that fixes fares and freight rates. Some people do not agree with that. I appreciate that, but I think the best thought is in harmony with former Commissioner Clark upon the question. Whether it is the best thought or not, it is the thought of this bill that the two are entirely separate and distinct. Here is what Mr. Clark said:

> We think it would be unsound public policy to place in one body the duty of regulating the activities of the carriers and their rates and charges, from which their revenues are derived, and also the fixing of the largest item in the operating expenses of the road, to wit, the wages of the employees. Personally, I believe it would develop in a few years that it would be destructive of the influence and standing and opportunity for good of the entire plan of the body that administers it.

Mr. Chairman, I can not overemphasize the fact that this bill is based upon that theory, and if you allow the camel to get his nose under the tent by the Hoch amendment, you will soon have the Interstate Commerce Commission passing upon the merits of railroad labor disputes and railroad labor wages, and the effectiveness of the commission will be destroyed, and the morale and the good feeling on the part of railroad labor will also be destroyed. This is a vital consideration and can not be lightly considered.

What does the Hoch amendment mean? What is the purpose of it? Why is it put in here? Why did not somebody attach some such amendment to Title III of the transportation act of 1920, with reference to the Railroad Labor Board? It was never done. It must have some purpose here. If it has any purpose at all, it means that the Interstate Commerce Commission can review the merits of these arbitration awards, when it comes to fixing fares and rates. That is the purpose of it. It is a sort of review court over arbitrations.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WINGO. The gentleman asks why somebody did not put such an amendment on Title III of the transportation act. Will the gentleman please tell the House what opportunity either House had to put such an amendment on?

Mr. MAPES. Perhaps there was no such opportunity.

Mr. WINGO. Title III was never considered for the purpose of amendment in either House.

Mr. MAPES. That unfortunately is very true, but my contention is that it would not have been in order if it had been proposed. Now as to the Hoch amendment——

Mr. RAYBURN. If the gentleman will permit, probably if some one had offered an amendment the point of order would have been made and it held out of order. Why not allow the House to pass on this proposition once?

Mr. MAPES. Because I think it is not germane.

Mr. RAYBURN. But why not allow the House to pass on it?

Mr. MAPES. I think the Interstate Commerce Commission——

Mr. RAYBURN. It might be bad for individuals.

Mr. MAPES. I do not think those who are responsible for legislation should allow amendments which are not germane, on bills which have been thoroughly considered by committees of the House.

Mr. RAYBURN. The gentleman must understand there was a very close vote in the committee whether to adopt that amendment.

Mr. MAPES. Only 13 to 8.

Mr. BURTNESS. If the gentleman will allow one observation, no one in the committee made the suggestion that it was out of order.

Mr. MAPES. The same rule does not bind the committee that binds the House, but that has no bearing on the question. The question here is, is the point of order good or not, not when it is raised. I had intended to call the attention of the Chair to some decisions reported in Hinds' Precedents, but I do not want to take up any more time, as the Chair is as familiar with those decisions as anybody.

One of the most complete decisions was rendered by the distinguished leader of the Democratic Party [Mr. GARRETT of Tennessee]. A motion was first made in the committee, a motion to place in the tariff bill a provision authorizing the appointment of a tariff commission and the gentleman from Tennessee [Mr. GARRETT] held that motion out of order as not being germane to the tariff bill. The same proposal was made after the committee rose on a motion to recommit, and Speaker Clark, after saying he had days to consider the proposition, made a very complete and exhaustive ruling and held the motion out of order thereby sustaining the ruling of the gentleman from Tennessee as chairman of the committee. The test, as Speaker Reed once said, is the bill under consideration and not the general law that it is proposed to amend. I have got the exact language here somewhere, but that is the substance of it. The test is the bill under consideration and not the general law that it is proposed to amend, and the bill under consideration now is for the settlement of railroad labor disputes.

We may be able to draw some idea of the purpose of the Hoch amendment from the propaganda which we have been receiving. Here is the third statement relating to this bill from the American Farm Bureau Federation and the National Grange. What does it say, what is the purpose of the proposed amendment of the Farm Bureau? It is for the purpose of giving the Interstate Commerce Commission more power, and no amendment giving the Interstate Commerce Commission more power is in order on this bill which is to settle railroad labor disputes. The American Farm Bureau says this in the last paragraph of the third statement to Congress:

> Let the parties make their agreement, but do not destroy supervision over them. We have it now, do not take it away.

If the commission has it now, we are not taking it away. By their amendment they propose expressly to give the Interstate Commerce Commission supervision over railroad wages. We passed in the last Congress legislation bearing the name of my good friend from Kansas and which some thought did not mean much. The Interstate Commerce Commission interprets it to mean a good deal. The commission interprets it to mean that it has to make a survey of all the freight rates of this country with a view of giving to the farmers some relief and it is now making that survey. I voted for that law, but some of the shippers in my district think it is preferential and should not have been passed. If we put the Hoch amendment on this bill the Interstate Commerce Commission will interpret it to mean something. It will not assume that Congress would do an idle thing, but it is bound to construe it as giving the commission some power which it would not otherwise have and which it does not now have under existing law.

Mr. HOCH. Mr. Chairman, I ask for recognition. I do not wish to impose upon the Chair, and will state, stating my position upon this question of germaneness as briefly as possible.

I may state in opening that I have the very highest regard for the judgment and sincerity of my friend from Michigan [Mr. MAPES], who makes this point of order. I agree entirely with him in his references to the purpose and philosophy of the rule as to germaneness, and I meet the issue squarely upon all the language that he read as to whether this amendment is "appropriate to" and "relevant to" and "in accordance with" and "in natural and logical sequence" of the subject matter. I use the language to which he referred, and upon that basis directly I desire to call the attention of the Chair for a few moments to the substance as well as the form of what is here involved.

We have here a bill dealing with the subject of wage disputes, in so far as this particular portion is concerned.

The CHAIRMAN. The Chair would like to ask the gentleman from Kansas whether there is anything else involved in this amendment to the bill?

Mr. HOCH. Yes. That is what I am coming to.

The CHAIRMAN. I mean affecting the jurisdiction of the commission.

Mr. HOCH. What is the present law with reference to the fixing of rates? The gentleman read section 15a of the transportation act. Let me read it again. It sets out the duty and the rule of the Interstate Commerce Commission in fixing rates. It says:

> In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such freight groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway-operating income equal as nearly as may be to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

This is the so-called rule of fair return. Under that rule it is made not only the right, but the duty of the Interstate Commerce Commission to scrutinize all of the expenditures of the railroads both for maintenance, equipment, and wages, as to whether the roads are honestly, efficiently, and economically managed, because the question of the reasonableness and the fairness and the justness of the expenditures of the railroad has a vital relation to the question of a fair return.

The CHAIRMAN. This comes under the power of the Interstate Commerce Commission to thus rule?

Mr. HOCH. Yes. It is to prevent the taking away of any part of that power that this amendment is offered. There could not be anything more germane.

Now, where is it offered? It is offered to the provision where it says a certified copy of this arbitration award shall be filed with the Interstate Commerce Commission. Filed for what? If it has no relation whatever to the subject of rates, why should it be filed with the Interstate Commerce Commission?

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield there?

Mr. HOCH. In a moment. Then I shall be glad to yield. The Interstate Commerce Commission has no power over wages. I do not propose in this amendment to give it the slightest power over wages. I do not propose in this amendment to suspend agreements. I do not propose to modify agreements. I do not propose to set aside agreements or wage adjustments. But I propose that the commission shall not be precluded from carrying out the conditions set out in section 15a as to economy in management and reasonableness of expenditures.

Now it is provided that that award shall be filed with the Interstate Commerce Commission. I ask again, why should it be there filed? It can be filed there for no other purpose except as the gentleman from Kentucky said, for information of the Interstate Commerce Commission. Information for what? For the purpose of fixing the wages? Not at all. They have no such power.

For their information on which they will determine whether they will grant increases or decreases under this return rule, and if the rates are unfair and unreasonable, then they will show that that is not economy of management, and they will refuse to pass on the burden of unreasonable agreements.

My amendment grants no power to set aside wage adjustments. The gentleman from Michigan confused my amendment with the amendment proposed by the farm organizations. I am earnestly in sympathy with the purpose to protect the public interest which that amendment has, but the weight of authority is against its constitutionality, and I have a fear as to its practical operation—a fear that it might defeat the very purpose intended by its proponents. But I am not discussing that now, but only calling attention to the fact that my amendment does not grant power to set aside wage adjustments. But it does propose to maintain unquestioned the power of the Interstate Commerce Commission to refuse to pass on to the public any burden on account of an unreasonable agreement. No unreasonable agreements may be made—that is not the question. But there should be preserved in public authority the power to scrutinize all expenditures as to their reasonableness when the question of passing a burden on to the public in freight rates is involved. Certainly an amendment which goes to that question is germane.

Mr. DEMPSEY. Will the gentleman yield?

Mr. HOCH. I regret I can not yield now. Let me proceed.

One of two things must be true, and there can be no escape from that logic, in my judgment. One of two things is true—either under this bill the commission would be precluded from the consideration of the merits of these wage adjustments when it comes to determine rates or it would not be precluded.

There is no escape from that. That is the alternative. My amendment simply says, in order to clarify it, that it shall not be construed that they are precluded from considering the merits when determining freight or passenger rates.

In the paragraph on page 24 you will find, beginning with line 12, that the bill provides what shall be the force and effect of these arbitration awards. It provides that they shall be conclusive on the parties as to the merits of the controversy. The award shall be filed in the Federal district court and be merged into a court judgment.

The query arises, if it becomes so merged into a court judgment, have we as to such award set aside the rule of 15a to which I called the Chair's attention? Have we interfered with that rule, namely, that the commission shall have the power and the right to scrutinize all these expenditures when it is asked to pass on to the public some additional burden? Lawyers disagree. My genial friend the gentleman from Alabama [Mr. HUDDELSTON], for whose ability I have regard—but I say in passing I regret that he does not seem disposed to accord to others the sincerity of opinion which he claims for himself and which I gladly accord to him—said that meant it was only binding upon the parties, and that it was "a, b, c" that two parties can not by contract bind third parties. But, certainly, the gentleman notes that here is not an ordinary contract between two parties. Here is a judgment of an arbitration court, which the Congress itself has provided. Here is a contract which is merged into a judgment of a Federal district court, and it comes before the Interstate Commerce Commission upon that basis.

Certainly there is room for very plausible argument, at least, that when that judgment of the Federal court comes before the commission as this very language to which this amendment is offered provides, it certainly could be argued that in interpreting their power under 15a they are hereby, by act of Congress, precluded in this case from doing the thing which 15a says they shall do, namely, consider the merits of all expenditures before they shall determine to pass on to the public any additional burden.

It seems to me, Mr. Chairman, upon that question it is both "relevant to" and "appropriate" and "in natural and logical sequence." The relation to rates is there. We do not put it there. I am not trying to introduce a relation between wages and rates. I am attempting to say here in language about which there can be no mistake that we do not intend to interfere with the relation which already exists.

I know this is a bill with reference to wages. It ought to be kept a bill with reference to wages. We ought not to put in here any provision which will permit the Interstate Commerce Commission to say that in a law dealing with wages, "You have put in a provision which precludes us from considering the reasonableness of expenditures, and have to that extent taken away the power which the Congress has given to us."

I direct the Chair's attention, in conclusion, to the language of this amendment, because it seems to me it has been referred to so many times by gentlemen who apparently have not read the language in the amendment. One gentleman referred to it at length yesterday as providing for a suspension of wage agreements. There is no such language in the amendment. The language simply is:

> Nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of these arbitration awards when determining freight and passenger rates and other charges.

What could be more germane to this bill than that?

Mr. PARKER. Is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule.

The Chair has listened with a good deal of care to the arguments of the two distinguished gentlemen on the point of order which is now pending.

The Chair had notice that this point of order would be made and that the question would be up for consideration, and took the pains last night to look into the precedents to see what elements should enter into a consideration of the point of order now before the committee.

The pending bill deals with the question of the adjustment of disputes which may arise between the carriers and their employees. The question for the Chair to decide is how the amendment presented by the gentleman from Kansas modifies the pending bill, irrespective of what the merits of the controversy involved in the amendment may be. In passing upon the question before us, the Chair expresses no opinion whatever on the matter of the power of the Interstate Commerce Commission to consider every element involved in the making of freight and passenger rates. The amendment of the gentleman from Kansas provides:

> That nothing in this act shall be construed to preclude the Interstate Commerce Commission from considering the merits of any arbitration award when determining freight or passenger rates or other charges.

The question is whether under that amendment the Interstate Commerce Commission could go so far as to determine whether an award which was made by the arbitration board had any merit, or whether, notwithstanding the last lines of the amendment of the gentleman from Kansas, the Interstate Commerce Commission would have the power to determine that the award is unjust and should be set aside.

I do not think the gentleman from Kansas had any such intention in mind, and the Chair simply raises the question of whether such a thing could be done by the Interstate Commerce Commission if the commission thought it proper to consider it from that standpoint.

It seems to the Chair there is nothing in the pending bill which relates to the subject of the determination of either freight or passenger rates. If that is the case, what is there about an arbitration award made by the board of arbitration in the case of a labor dispute that would give to the Interstate Commerce Commission the power to consider the question from the standpoint involved in the amendment?

Therefore the question is whether, in view of the fact that this bill is a bill solely for the purpose of outlining a policy under which labor disputes between employers and employees of railroads may be adjusted, it either takes from or gives to the Interstate Commerce Commission any additional rights; and whether there is anything in the bill that relates to the duties of the Interstate Commerce Commission; whether section 15a of the transportation act is modified in any way; and whether, in view of the fact that that section charges the Interstate Commerce Commission with the duty of reviewing all elements that enter into the cost of operation of the railroads of the country when the Interstate Commerce Commission is fixing a rate, that power would still obtain without respect to whether this amendmnet is in the bill or not.

If there is no provision in the bill itself which modifies in any way the powers of the Interstate Commerce Commission under section 15a, then the further question arises whether it would be germane in a bill to adjust labor disputes, to introduce a provision which relates solely to the powers of the Interstate Commerce Commission in fixing rates. If there were no power in the Interstate Commerce Commission and it was germane here to introduce the amendment, it would seem to the Chair that aside from the merits of the question it might be well to safeguard the rights of the shipping public.

The Chair listened very carefully to what has been said on both sides in this case and the Chair thinks both proponents and opponents of the amendment admit that the Interstate Commerce Commission has all the powers to give it complete jurisdiction over rates, and charges it with all the responsibility now that enters into the consideration and every element that makes up the case of transportation, and charges it with the duty of giving a comprehensive consideration of all these elements. That being the case, it seems to the Chair that if the amendment relates to the subject of rates it introduces a subject different from that under consideration in the bill and the Chair thinks the amendment does deal with the rate question. That being the case, does it impose an obligation on the Interstate Commerce Commission to consider the element in the arbitration award when passing on the rates? The Chair thinks that it does. If it does, it introduces a new subject different from that mentioned in the bill. Therefore, the Chair thinks the amendment is not germane to the bill and the Chair sustains the point of order.

Mr. PARKER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I want to serve notice that I propose to offer on page 29, line 25, the following amendment, which will clearly define the powers that the Interstate Commerce Commission will have. The amendment I propose to offer is this:

> *Provided, however,* That nothing in this act shall be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended.

Mr. TINCHER. Will the gentleman allow me to make this suggestion? The Hoch amendment has been considered and a number of Members feel that they should have the same right to have given serious consideration to the amendments of the farm organization. The Hoch amendment has been held out of order by a profound decision of the Chair, which indicates that it must be a very close question.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Page 19, line 21, after the word "commission" change the period and insert a colon and add the following: "*Provided*, That requiring the filing of such certified copy with the Interstate Commerce Commission, or any other provision of this act, shall not be construed as limiting the Interstate Commerce Commission in the exercise of its powers to prescribe just and reasonable rates and take into consideration the question as to whether the management of any carrier is honest, efficient, and economical."

Mr. MAPES. Mr. Chairman, I make the same point of order against that amendment.

Mr. BURTNESS. Mr. Chairman, I desire to be heard. I know that the chairman and the members of the committee will be glad to hear me briefly on the point of order. Let us see what the amendment does. The last provision in this particular section where the amendment is offered reads, "And in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Commission."

Now, the question that naturally arises is, What does that provision mean? What is its effect? If anyone desires by an amendment to limit the effect, to qualify the effect, or to set out words which will explain the purpose of that provision, surely there is nothing that can be regarded more germane than language of that sort. What does my proposed amendment say? It says that this provision—I am not giving the exact words but the substance—which requires the arbitration award to be filed with the Interstate Commerce Commission shall not be construed in a certain way. It tends to clarify the purpose, or at least says that it shall not be erroneously construed as having a certain effect.

If qualifying language, explanatory language of that sort, applied specifically to a provision in a bill and in a law is not germane, I can not for the life of me see how you can propose any amendment which will be germane. This is an entirely different question from the one that was covered by the decision of the Chair a few moments ago. The Hoch amendment did not in specific language refer to this last clause that is found in subdivision (f) of section 7 or tend to limit construction thereof. The amendment which I have proposed does do so, and the question seems too plain for argument.

If the amendment which I have proposed is held out of order, the amendment which the chairman of the committee announces he is going to offer at the wind-up of the bill would also be plainly out of order, except that there would be more reasons for holding that out of order at that point because it does not tie up, as does my amendment, with a certain definite, specific provision found in the bill, and the construction to be placed on that certain specific provision.

The CHAIRMAN. The Chair sustains the point of order. The same question is involved in this amendment as was involved in the amendment of the gentleman from Kansas.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Line 21, page 19, insert: "*Provided*, That no action taken under the provisions or by the authority of this act shall be considered by the Interstate Commerce Commission in the adjustment of freight or passenger rates or other charges."

Mr. MAPES. Mr. Chairman, I make the point of order against the amendment. It goes even further than the others directing the Interstate Commerce Commission in its work.

Mr. GARRETT of Tennessee. Mr. Chairman, under the reasoning of the Chair in the decision upon the Hoch amendment I concede that the point of order is well taken. Will the gentleman reserve his point of order for a moment or two?

Mr. MAPES. Mr. Chairman, I reserve the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, the matter of wages will inevitably enter into the question of rates. We need not deceive ourselves at all upon that point. I should be very glad, indeed, to see a condition brought about whereby there could be amicable adjustment of disagreements between the carriers and the employees. I appreciate the fact, as was so forcibly stated by the gentleman from Kentucky [Mr. BARKLEY] in his opening remarks upon this bill, that that condition was not brought about by the Labor Board. I feel absolutely sure that it will not be brought about by this bill. We know, of course, that demands for an increase in wages have already been made, and we have reason to believe that those demands will be increased within the course of the next few months. I do not know, but I strongly suspect, that in so far as the railway executives are concerned, they look upon this measure as a purely temporary proposition whereby they will be enabled to meet a wage demand which will likely arise in a few months, and be able to say to labor that just a few months ago it agreed to and the Congress passed an act upon which both the sides had agreed to bring about mediation and arbitration, and so forth. Mr. Chairman, this act is no permanent settlement of the question. This act will not last in its effects beyond a year at most is my prediction.

I stated a few days ago that I was greatly troubled about this bill in my own mind and I am still troubled. I want to vote right upon it, but somehow I can not get it into my mind that my duty as a legislator is discharged by simply voting to ratify an agreement made between two parties when that agreement eliminates even the possibility of a gesture upon the part of the third party, which is the great American public. [Applause.]

For that reason, Mr. Chairman, knowing that the interest of the great American public, the shippers, the manufacturers, the farmers, all, is in the question of freight rates, I have felt constrained to offer this amendment.

Wages will inevitably enter into freight rates. It must be the case.

I am prepared to concede that under the reasoning of the Chair the point of order is well taken, but I did wish at this time to give voice by way of the proposal of an amendment and by personal expression to the views which I so strongly entertain upon this subject.

Mr. MAPES. Mr. Chairman, I make the point of order.

The CHAIRMAN. In ruling upon the point of order the Chair wishes it to be understood that he is not giving expression to his opinion in respect to the merits of the subject under discussion but is dealing with it simply from a parliamentary standpoint. The Chair still believes that this amendment is out of order and sustains the point of order.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 19, line 19, after the word "office" and the semicolon, strike out the balance of subdivision (f) and insert in lieu thereof the following, to wit: "And in addition copies of all agreements or awards of arbitrators made under the provisions of this act between any carrier and its employees affecting rates of pay, rules, and working conditions shall be by the carriers filed within 10 days with the Interstate Commerce Commission. The Interstate Commerce Commission may, upon its own motion, within 10 days after the filing of such agreement or award affecting rates of pay, rules, and working conditions, suspend the operation of such agreement or award if the Interstate Commerce Commission is of the opinion that the effect thereof involves such increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The Interstate Commerce Commission shall hear any such agreement or award so suspended, and as soon as practicable, and with due diligence, decide to affirm or modify such suspended agreement or award."

Mr. BARKLEY. Mr. Chairman, I make the point of order against the amendment.

Mr. MAPES. Mr. Chairman, I make the point of order against the amendment. It is not only not germane, but the Supreme Court has held that it is unconstitutional.

The CHAIRMAN. The gentleman from Kentucky and the gentleman from Michigan both make the point of order against the amendment offered by the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, will the Chair permit me to make one suggestion?

The CHAIRMAN. Certainly.

Mr. BLANTON. Would the Chair let me make one suggestion? The rule is that where a committee brings in a bill that seeks to amend some other act of Congress in more than one particular then it would make in order an amendment of the law in other particulars. I want to call the attention of the Chair to the fact that this bill now before the committee amends the transportation act of 1920 in several particulars. It does not amend in only one, but in numerous particulars. I want to call the attention of the Chair, if he will look at the last two pages of the bill it not only amends the transportation act of 1920 but amends two other acts of Congress in vitally important particulars, and the rule of this House which provides that when a committee amends an act in more than one particular makes in order other amendments to the act, therefore makes my amendment in order. I submit that to the Chair.

The CHAIRMAN. The Chair is ready to rule on the point of order. A bill amending several sections of an act does not necessarily bring the entire act under consideration so as to permit an amendment to another portion of the act sought to

be amended by the bill. The amendment offered by the gentleman from Texas clearly is not germane, and the Chair sustains the point of order.

Mr. BURTNESS. I offer the amendment which is at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 19, after the word "office," strike out the semicolon, insert in lieu thereof a period, and strike out the balance of lines 19, 20, and 21.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, the amendment proposed by the gentleman from Kansas [Mr. HOCH] and a somewhat similar, though also different, amendment proposed by myself, either one of which would have tended to clarify the purpose and limit the language of these last two or three lines in the subdivision (f) have been held out of order. I therefore propose an amendment to eliminate that language which would require the filing of a certified copy of the arbitration award with the Interstate Commerce Commission. Most of you were here just after we convened at noon to-day and will recall that I tried to find out from the chairman of the committee and the ranking minority member just what those words intended to accomplish and just a few moments ago the reporter handed a transcript of my remarks to me. I hoped there might be some light in the answers of those gentlemen. Mr. PARKER'S reply was:

It means just exactly what it says, that it must be filed with the Interstate Commerce Commission so that they will have the record themselves of what has transpired in the boards of arbitration and not have to send to some other agency to get a copy.

I asked:

Why should the Interstate Commerce Commission be advised of what the board of arbitration decides in an arbitration award?

And Mr. PARKER replied:

Because the Interstate Commerce Commission is interested in everything pertaining to the railroads.

I asked:

Why should it be advised with reference to the arbitration award respecting wages and not be advised with reference to agreements that the parties themselves make with reference to wages? What is the difference?

And to that there was no reply. In that statement, the chairman of the committee and the ranking member, in substance agreed.

Now I believe it is entirely proper that the Interstate Commerce Commission should be advised as to facts that would tend to throw light upon anything with which they are concerned, but we have been told repeatedly that they are concerned only with rates, and therefore any amendment which would tend to clarify language of this sort in preserving their rights seems to be held as inserting something dangerous and must therefore not be permitted. I submit this, that if they have nothing whatsoever to do with wages, surely there is no reason on God's earth why a copy of these arbitration awards should be filed with them. The Interstate Commerce Commission is and should only be concerned with wages when they determine freight and passenger rates. They should include in such rates only wages that are fair and reasonable. My main reason for moving to strike out this language is that I do not desire to give Mr. Thom and his associates or any other railroad lawyer an opportunity to argue at some time in the future that when Congress passed this bill and when they wrote into it a provision that every arbitration award must be sent down to the Interstate Commerce Commission, an award which in this bill is given the sanction of a judgment of a court of law, I do not want them to say that Congress must have meant that such award should be absolutely binding not only upon the parties but also so as to preclude the Interstate Commerce Commission from complying with the terms of section 15 (a) which now is intended to prevent the Interstate Commerce Commission from passing on to the public transportation costs, whether wages or what not, which are construed by the commission as honest and economical and efficient management.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTNESS. I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTNESS. Of course, there is just as much reason for having them file their private agreements pertaining to wages if the commission is just to get information such as the gentleman from Kentucky suggested. If they are to know everything about the railroads, then they should know about every agreement made through the Board of Mediation and every agreement made by the respective parties without outside aid. Such agreements would throw just as much light upon the questions that properly come before the Interstate Commerce Commission as an arbitration award. Is there some hidden motive behind this provision? I hope not; but I have tried to find out some good reason for including it.

I submit to the membership of the House that no sufficient reason has been given, and unless such a reason is disclosed we ought to strike it out. And, having the floor, I want to take this opportunity of thanking the chairman of the committee [Mr. PARKER] and others for having given consideration, and serious consideration, to the viewpoints that have been presented by the gentleman from Kansas [Mr. HOCH] and other Members of the House in these past two or three days. As you have heard, an agreement has been reached, so that some amendment will be put on at the end of the bill which will in substance do, and which I hope is in good faith intended to do, the thing we have contended for. With that in mind, I feel justified in saying that our efforts in that regard have not been in vain. I sincerely trust that no Member of the House will make a point of order against that amendment when it is proposed by the chairman of the committee [Mr. PARKER], because if you do, the presiding Chairman of the committee is, under rulings made this afternoon, bound to sustain it. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. NEWTON of Minnesota. The provision requiring the filing of a copy of this award with the commission should remain in the bill.

Congress has imposed upon the Interstate Commerce Commission numerous duties, including—

(1) The prescribing of just and reasonable rates.

(2) To so prescribe them as to promote, under honest, efficient, and economical management, a fair return to the carriers upon the value of the property used in transportation.

(3) Determine and make public from time to time what percentage of the value constitutes a fair return.

These are continuous duties resting upon the commission at all times. They must protect the public against unjust and unreasonable rates and provide the carriers a return either adequate or at least nonconfiscatory.

Mr. Chairman, therefore, in any proceeding before the commission whether to lower or raise rates the commission must take into consideration every material factor entering into the making up of a single rate or the entire rate structure. One of the factors is the item of wages and the raising or lowering in any general way of the wage scale. Let us assume an arbitration award which raises or lowers wages generally upon an entire system or maybe several systems.

If there has been a material increase, the carriers concerned will apply for an increase in rates, more or less general in character. If there has been a material decrease some shipper or the commission itself will initiate the proceeding for a decrease. The wages paid employees will be a material factor for the commission to consider in passing upon the application. As was said by the commission in a case I referred to in general debate (Vol. XX, I. C. C. Reports, 243):

Before any general advance in rates can be permitted it must appear with reasonable certainty that carriers have exercised proper economy in the purchase of supplies, in the payment of their wages, and in the general conduct of their business.

On page 278 the commission said:

This commission certainly could not permit the charging of rates for the purpose of enabling railroads to pay their laborers extravagant compensation as measured by the general average compensation paid labor in this country as a whole.

If the wages paid were extravagant, out of line, or in any other way evidenced lack of efficiency or economy in management, the commission, while without authority to disturb the award, would refuse to recognize it as warranting an increase. With this duty and with wages constituting over 50 per cent of the net operating expense of the carriers, it would seem as if the commission should have reliable information as to the award. It ought not to have to depend upon carrier or employee to furnish the information. Therefore this provision provides for the filing of a certified copy in the office of the

commission. In the event of a substantial decrease in the rates, I would expect the commission to initiate a rate-reduction proceeding upon the filing of the award. The provision should remain in the bill.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. Does the gentleman consider that this provision will serve to give notice to the Interstate Commerce Commission that the wage agreements are to be taken into consideration?

Mr. NEWTON of Minnesota. It will be a notice, whether it be an increase or a decrease, whether it pertains to working conditions or wages, or anything of that kind.

Mr. CHINDBLOM. For what purpose shall that notice be given?

Mr. NEWTON of Minnesota. As evidence of what the award contains and for any other purpose for which the Interstate Commerce Commission, under existing law, has jurisdiction to act.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. HILL of Maryland. Can the Interstate Commerce Commission under existing law do anything as to wages?

Mr. NEWTON of Minnesota. The commission under existing law has no authority to pass directly upon the question of raising or lowering wages. It is given no such power by this bill. But the commission has jurisdiction over rates. It must see that they are reasonable to shippers and provide the carriers a fair return upon the value of their property after first considering economy and efficiency in management. In determining this they must consider every element entering into economy and efficiency in management, including whether there is efficiency in the hiring of employees and in the fixing of their wage. The commission can not change the wage but it can refuse to consider it as evidence of economic and efficient management. The commission has refused increases in rates before, notwithstanding evidence of wage increases, because of a failure on the part of the carriers to justify the wage scale, and under this bill they may continue to do so.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from Alabama.

Mr. OLIVER of Alabama. The gentleman recognizes that wages are an element entering into rates, does he not?

Mr. NEWTON of Minnesota. Yes; everyone recognizes that.

Mr. OLIVER of Alabama. Does not the gentleman recognize likewise that under this bill, if there be an arbitrational award, which is filed and which becomes a judgment of the court——

Mr. NEWTON of Minnesota. As between the parties——

Mr. OLIVER of Alabama. That it will be conclusive as to this one element which enters into rates?

Mr. NEWTON of Minnesota. Conclusive between the parties only.

Mr. OLIVER of Alabama. Let me put it more strongly. Is it not conclusive on the Interstate Commerce Commission to the extent that it fixes the amount of the wage element entering into the fixing of rates?

Mr. NEWTON of Minnesota. I am glad the gentleman asked that question. I think I state the unanimous opinion of the members of the committee when I say that it does not bind the commission in any sense or to any extent on the rate question.

Mr. OLIVER of Alabama. I have understood that to be the opinion of every member of the committee; and yet the gentleman knows that no statement which he, I, or other Members on the floor may make will have any effect on a court in construing this act, and the only way to declare the purpose and intention of Congress is to carry in the bill some provision clearly declaratory of such purpose and intent. The House is friendly to this legislation, and if the committee will propose some amendment making clear what the gentleman from Minnesota now states is the purpose and intent of the committee, there will be little, if any, opposition to the bill.

Mr. NEWTON of Minnesota. The amendment of the gentleman from New York [Mr. PARKER] takes care of that situation in that it carefully preserves every power that the commission now has under existing law, whether as to rates or otherwise.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

Mr. BLANTON. Mr. Chairman, I have an amendment which I wish to offer and speak upon. Otherwise I object.

Mr. TINCHER. If this amendment fails, we want to be heard on it.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

Mr. BLANTON. I shall want five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this section and all amendments thereto close in 20 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. WINGO. I am just as anxious as anyone else to get away, but I beg you not to allow your impatience to sweep aside your sense of responsibility upon a vital question like this.

I have great respect for the Chair, but I respectfully dissent from the legal reasoning by which he arrived at his decision on the point of order. I still have to depend as a lawyer upon that old line of reasoning that is accepted by all courts, that in passing upon a legislative act you must give, if possible, some intent and purpose to each legislative declaration. But the Chair having ruled, though erroneously, the amendment of the gentleman from Kansas [Mr. HOCH] out of order, can not escape from the logic of ruling without also ruling out of order the amendment of the gentleman from New York [Mr. PARKER], to the effect "that nothing in this act shall be construed to diminish or extinguish any powers of the Interstate Commerce Commission under the interstate commerce act as amended."

I think the language which I have just read, and which is the language of the amendment to be offered by the gentleman from New York [Mr. PARKER]——

Mr. MAPES. Will the gentleman yield?

Mr. WINGO. I regret I can not yield. I have only five minutes, and I wish not to be interrupted in the continuity of the statement I intend to make.

I think the language of the amendment that the gentleman from New York [Mr. PARKER] has suggested he will offer is preferable to the Hoch amendment, and I should like to have an opportunity to support it, but the Chair having ruled as he has, why, of course, to be consistent, he will have to rule this amendment out of order. Therefore we are faced with this dilemma——

Mr. PARKER. If anyone makes the point of order——

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WINGO. I regret I can not yield, because I have only a few minutes. The House is impatient, but has been kind enough to allow me five minutes, the only time I have taken on this bill.

Being faced with that dilemma, Mr. Chairman, I shall insist it is very vital that we adopt the pending amendment and strike out the provision which requires a filing of arbitration awards with the Interstate Commerce Commission.

My distinguished friend the gentleman from Minnesota [Mr. NEWTON], who preceded me, did not show his usual clearness and precision of logic. What did he say? He said that they are just going to file these awards with the commission to give them notice of it. Ah, gentlemen, if we followed that line of reasoning, it would mean the Interstate Commerce Commission would be neither bound by nor could consider any fact unless it was formally filed with them by formal declaration of some board finding that fact. If you follow that line of reasoning, then the Interstate Commerce Commission should say, when the railroads come in and say they have had to spend so much money for right of way, for maintenance, or that they have spent so much for renewal of rolling stock—the Interstate Commerce Commission, following the line of reasoning of my friend the gentleman from Minnesota, would have to say, "Give us formal notice of that fact from some board that has audited the expenditures and found they are meritorious and are economical expenditures."

O Mr. Chairman and gentlemen of the committee, I have practically made up my mind to go along with the rest of you and take this as the best bill we can get to meet a pressing problem, but I do not want you to involve the Interstate Commerce Commission in this experiment we are trying. We are faced with the alternative of two positions. One is to try force, compulsory arbitration, antistrike legislation, and the other is to try the method that is offered by this bill. Let us confine it to the question of settling disputes between the railways and their employees. Let us not drag in the Interstate Commerce Commission and disturb and confuse and raise a doubt as to its jurisdiction and how it is affected by this legislation. If you propose to add to their rate-making power that of fixing wages, have the courage to do it by positive and unequivocal grant of power.

Why, gentlemen, when the railroads come in and ask for any new rates they will have to submit to the scrutiny of the commission all their expenditures, and they can do that as now without having a certificate of some arbitration board binding and conclusive on them. Let us cut out this language—because it means something; and if it means something, what does it mean? If it means anything, it means that which you assert you do not intend.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MAPES. Mr. Chairman, I do not think it necessary to answer all the erroneous statements that have been made. I do not think there is any similarity whatever between the proposed amendment of the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from New York [Mr. PARKER], and the amendment which was offered by the gentleman from Kansas [Mr. HOCH]. I think the statement of the gentleman from Arkansas to that effect ought to be corrected in the RECORD, and that is the purpose of my statement.

If the amendment of the gentleman from Kansas [Mr. HOCH] meant anything, it meant giving affirmative power to the Interstate Commerce Commission. The proposed amendment of the gentleman from New York [Mr. PARKER] gives no affirmative power whatever to the commission. It does not refer to fares or rates, but simply provides that after the enactment of this legislation the Interstate Commerce Commission shall have the same power that it now has.

Mr. BANKHEAD. Will the gentleman from Michigan yield for a question?

Mr. MAPES. I yield.

Mr. BANKHEAD. It seems to me, as one of those who has been following the committee on this proposition, you are taking an inconsistent attitude in offering this amendment. If it has been your contention all along, there is nothing in the pending bill that in any wise affects one way or the other the existing powers of the Interstate Commerce Commission, and you have sought to defeat the provisions of the Hoch amendment upon the ground it might confuse the powers of the Interstate Commerce Commission, what consistency is there upon the part of the committee in now offering an amendment that raises that very same question?

Mr. MAPES. I will say to the gentleman from Alabama that, so far as I am concerned, I do not think this language adds or takes away a thing in the bill; but there are others who seem to have a contrary view, and the gentleman from Alabama, being a good lawyer, knows that lawyers do not always agree upon the proper interpretation of legislative acts, and for the purpose of doing away with any ambiguity and avoiding any argument on the part of anybody the chairman of the committee and others think it advisable to put in this amendment.

Mr. BANKHEAD. That is the very attitude, as I understood it, that was assumed by the gentleman from Kansas [Mr. HOCH].

Mr. SABATH. In other words, the gentleman believes it is meaningless and therefore of no value.

Mr. MAPES. The amendment of the gentleman from Kansas [Mr. HOCH] went further than the proposed amendment of the chairman.

Mr. TINCHER and Mr. BLANTON rose.

Mr. TINCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: Page 19, line 21, after the word "commission" insert: "but it shall have no binding power on the commission."

Mr. DENISON. Mr. Chairman, there is an amendment pending, and I do not know whether the amendment of the gentleman from Kansas——

Mr. BARKLEY. Mr. Chairman, I make a point of order against the amendment.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late. There has been debate.

Mr. BARKLEY. There has been no debate on the amendment.

Mr. TINCHER. I will make this observation: I suppose the committee wants to be fair. The committee has confined debate to 20 minutes, and now I offer an amendment which I want to explain to the committee, and there is a point of order made.

Mr. BARKLEY. I am willing to reserve the point of order if the gentleman wants to discuss his amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order on the amendment.

Mr. TINCHER. There is language in the bill providing that these awards shall be filed with the Interstate Commerce Commission. Now, you say you are not going to force them to raise rates by filing that with the commission.

Of course, there is absolutely no point to the point of order, because my amendment provides "but it shall have no binding power on the commission." You say that is true. You say you are not filing the awards with the commission for that purpose. You say they are not to control the commission. I say they will control the commission. Let us see whether you mean that and whether you will vote for this amendment if you do not strike out that language. Of course, if the language goes out under the Burtness amendment, then there would be no occasion for my amendment.

If you leave that language in and you have not agreed to leave it in to raise freight rates with, let my language come in. Let me tell you what happened in 1920. Congress created a Railway Labor Board. We went home and they raised the wages $600,000,000. Just to be good sports the railroad companies obtained a raise in freight rates amounting to a billion dollars. The people I have the honor to represent have been paying that $1,000,000,000 ever since. I predict a repetition of that, and I do not have to get my textbook from an attorney for any organization to guide my votes on the floor of this House. I want to know if this is an act in good faith. What objection have you to an amendment that says to the Interstate Commerce Commission you do not have to be bound in fixing the rates by this provision?

Mr. HOCH. Does the gentleman realize that that has the same effect as my amendment?

Mr. TINCHER. Yes; but I did not think anybody could say that this amendment was out of order. They say that all the provision does is to provide for the filing of the award with the Interstate Commerce Commission. All my amendment does is to say all right, but you can not use the document for a certain purpose, namely, to bind the Interstate Commerce Commission in the fixing of rates. It should not be binding upon them. I want to see the public protected, because, like the distinguished leader of the minority in this House, I think there is something more for the American Congress to do than to ratify agreements in which 100,000,000 people of the United States are left out of consideration. [Applause.]

Mr. BARKLEY. Mr. Chairman, I make a point of order against the amendment.

Mr. TINCHER. Mr. Chairman, I want to be heard on the point of order.

Mr. BARKLEY. I make the point of order that the amendment is not germane to this section of the bill, and that it seeks to do by indirection what the Hoch amendment did positively.

The CHAIRMAN. The Chair is ready to rule on that.

Mr. TINCHER. Mr. Chairman, I want to be heard. Here is the situation: The rules of the House are fair and comprehensive. Here is one of the greatest committees in the House made up of some of the greatest individuals in the House.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. TINCHER. That is what I am discussing, Mr. Chairman; and far more than did the gentleman from Michigan, for the Chair will observe that what I say is to the point. The members of the committee have taken the floor and say the language that I seek to add to means one thing. Members of the committee have argued that under this bill it does not need any clarifying language to mean that we are not taking from or adding to the powers of the Interstate Commerce Commission. The gentleman from Illinois [Mr. DENISON], whom I consider a real lawyer, a member of that committee, says that the language in the bill does take away from the commission the power of having any jurisdiction over the question——

Mr. DENISON. Oh, my friend does not want to misrepresent me.

Mr. TINCHER. Well, I will let the gentleman's language stand for what he said.

Mr. DENISON. I said that the Hoch amendment did that.

Mr. TINCHER. If this bill does not take away from the Interstate Commerce Commission the power to scrutinize the expenditures of the railroad, then the gentleman from Illinois [Mr. DENISON] was wrong yesterday. If it does do that, if there is an attempt to do it, my language would curtail the prohibition that this bill attempts to put on the Interstate Commerce Commission. It is a clarifying amendment. It does not introduce in the bill a single new feature or give the Interstate Commerce Commission any new jurisdiction, but simply clarifies the language where half of the committee says it means one thing and the other half says it means the other.

If a clarifying amendment is not germane I do not know how to offer one.

Mr. WINGO. Mr. Chairman, I do not want the Chair to overlook the fact that the gentleman from Kentucky is wrong when he says that this amendment is the same as the Hoch amendment. The Hoch amendment provides that nothing in this act shall be construed to preclude the Interstate Commerce Commission from considering the award in determining freight and passenger rates. In other words, a limited rule of construction was sought by the Hoch amendment. The amendment of the gentleman from Kansas says that this award, when filed by the Interstate Commerce Commission, shall not be binding on the commission. It is talking about a specific act, and that is the filing of the award that it shall not be binding on the commission. Now, what does the word "binding" mean? It means conclusive. Let us see, is it germane? It is different from the amendment offered by the gentleman from Kansas [Mr. HOCH]. His amendment was a rule of construction, limiting the effect of it. This covers the question of conclusiveness, not for any particular purpose. The bill provides that this award shall be conclusive upon the parties. What parties? There are three parties to this. You have the railroad employees and the railroads, and the people of this country through their Congress have placed an Interstate Commerce Commission there to look after the interests of the third party—the public—and this simply fixes beyond any question what the committee contends is their intention, namely, that it shall only be conclusive upon the employees and the railroad managers—the two parties to the specific dispute—and that it shall not be binding or conclusive upon the Interstate Commerce Commission; so that they shall be able to consider it for any purpose they see fit, but that it shall not be binding. It seeks to fix every object the committee had in mind—to keep the Interstate Commerce Commission out of a wage dispute. If you provide in the bill that you want to make it conclusive only on those two, is it not germane to reiterate and make specific that it shall not be binding or conclusive upon the Interstate Commerce Commission, representing the public?

Mr. BEGG. Mr. Chairman, I call the attention of the Chair to a very specific proposition, and I rise in the interest of protecting the rules of the House as much as anything else in this respect. By the Chair's ruling on the Hoch amendment he held it was out of order by reason of the fact that it injected new subject matter into the bill, because the bill has to do with wages only or wage adjustments. The Chair held all the amendments out of order upon the ground that they were not germane. To sustain the point of order against the amendment of the gentleman from Kansas [Mr. TINCHER], you have to turn it right straight around and say that the bill does have to do with rates, and therefore that the gentleman's amendment is not in order because it seeks to nullify a proposition to fix the rates. I do not want the Chair to hold one thing not germane for one reason and then in the other case that it is not germane for an opposite reason. The bill plainly provides that this report or finding as a court order shall be filed with the commission. The gentleman's amendment provides that this report shall not be binding upon the commission; and certainly the amendment is germane, by the holdings of the Chair himself.

Mr. BOIES. Mr. Chairman, will the gentleman yield.

Mr. BEGG. Yes.

Mr. BOIES. When did this body acquire authority to render a court order or a court decree?

Mr. BEGG. This body is not rendering a court decree. The bill provides that the finding of the arbitration award shall have the effect of a decree of the court. The legislative body is simply undertaking to legislate in such manner that the finding of an independent body shall have the effect of a decree of the court. It is not the act of Congress that is the decree of a court, but it is the finding of the body created by the legislature.

The CHAIRMAN. The Chair is ready to rule. The language to which the gentleman from Kansas has presented his amendment is found on page 19 of the bill, beginning with line 16:

> The said board shall also furnish a certified copy of its award, and the papers and proceedings, including testimony relating thereto, to the board of mediation, to be filed in its office; and in addition, a certified copy of its award shall be filed in the office of the Interstate Commerce Commission.

The difference between the amendment of the gentleman from Kansas [Mr. TINCHER] and the amendment offered by the gentleman from Kansas [Mr. HOCH] is that the Hoch amendment sought to deal with the making of freight and passenger rates. The amendment of Mr. TINCHER simply seeks to define the effect of the filing of the award with the Interstate Commerce Commission. It does not deal with rates at all, so far as anyone can see upon the face of it.

Mr. BARKLEY. Mr. Chairman, just at that point, of course the original reason for the filing of this award with the Interstate Commerce Commission is a matter of opinion. The Hoch amendment provided that the mere filing of it is merely incidental, and the amendment offered by the gentleman from Kansas [Mr. TINCHER] goes further than the mere filing and refers more to the award itself than to the mere filing of the award. The effect of the amendment is, if adopted, that the award shall not be binding upon the Interstate Commerce Commission. In the Hoch amendment, it was provided that nothing in the act shall be construed to preclude the Interstate Commerce Commission from considering the merits of an award.

The CHAIRMAN. The merits of an award in determining rates.

Mr. BARKLEY. Of course, the thing sought here is to bring about a condition where the Interstate Commerce Commission is dealt with in this act with reference to rates. That is the only thing the Interstate Commerce Commission could be bound or not bound upon. Of course, the award is binding as between the parties. It is a contract as between them. The only binding effect, if it had any at all, on the Interstate Commerce Commission would be with reference to rates. The Hoch amendment provided that nothing in this act should preclude them from considering the merits of an award, and this amendment simply says that the merits of the award shall not be binding upon the Interstate Commerce Commission.

Mr. BEGG. The gentleman does not argue at all that, if there is no amendment, the finding of this award is mandatory.

Mr. BARKLEY. I do not.

Mr. BEGG. Then, the gentleman has killed his own argument.

Mr. BARKLEY. No; I have not killed anything.

The CHAIRMAN. The Chair was differentiating between the character of this amendment and the character of the amendment offered by the gentleman from Kansas [Mr. HOCH]. The former amendment dealt with the question of making rates. This amendment deals with the question of how far the filing of the award with the commission binds the commission. It does not say what it binds them to; it does not make them a party to the award. That is what the Chair thinks. It has been understood all through the consideration of the bill, at least by the Chair, that this award, whatever it might be, bound the parties to the contest—that is, the railroad and their employees—and the Chair is clear in his own mind that there was nobody else bound by the award except the parties to the controversy. If that reasoning is correct, it seems to the Chair there can be no real objection to stating the fact in words such as are contained in the amendment offered by the gentleman from Kansas, that when the award is filed as a matter of information with the Interstate Commerce Commission, one of the parties with whom the award must be filed, that the mere filing of the award does not bind the commission; and the Chair overrules the point of order.

Mr. PARKER. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

> Amendment offered by Mr. PARKER as substitute for the amendment offered by Mr. TINCHER: On page 19, line 21, after the word "commission," strike out the colon and insert the following: "*Provided, however*, That nothing in this act shall be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended."

Mr. BLANTON. Mr. Chairman, I make a point of order on the amendment——

Mr. BLACK of Texas. That the substitute is not germane to the amendment.

Mr. BLANTON. Or to the bill itself, and it is not germane to the paragraph at which it is offered. Let us hold them to the bill.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] and the gentleman from Texas [Mr. BLANTON] make the point of order that the substitute is not germane to the amendment, and neither is it germane to the part of the bill to which it is offered. Is that right?

Mr. BLANTON. Yes. And it is not germane to the bill itself.

Mr. PARKER rose.

The CHAIRMAN. Does the gentleman wish to be heard on the substitute?

Mr. PARKER. Mr. Chairman, I simply wish to point out to the Chair that the amendment I have offered neither gives nor takes away any of the powers of the Interstate Commerce Commission and the other amendments that the Chair has ruled out of order have all added to the powers of the Interstate Commerce Commission. It is simply a declaration that the powers of the Interstate Commerce Commission are neither enlarged nor diminished, and for that reason I think it is clearly in order.

Mr. BARKLEY. Mr. Chairman, I desire to make this point: Even though the amendment offered by the gentleman from New York might not originally have been germane to the bill, under the rules it is germane to the amendment now pending and it is not subject to the point of order. The amendment offered by the gentleman, which is pending, is an amendment which says the Interstate Commerce Commission shall not be bound by the filing of this report or this award in its office. Now, the Chair has held that amendment in order, and therefore the Interstate Commerce Commission is brought into this question. The amendment of the gentleman from Kansas was that they are not to be bound by the result of this award, and therefore the amendment offered by the gentleman from New York, which is an amendment to the amendment offered by the gentleman from Kansas, is in order and is germane to that amendment and therefore germane to the bill.

The CHAIRMAN. Let the Chair call the attention of the committee to the fact that the amendment of the gentleman from Kansas relates to the filing of the award with the Interstate Commerce Commission. Then he defines the effect of the filing on the commission, and the amendment offered as a substitute by the gentleman from New York provides that nothing in this act shall be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended. It is not germane to the amendment of the gentleman from Kansas, it is not germane to that part of the bill to which it is offered, whether it is germane to any other part of the bill the Chair is not ready to decide. The Chair sustains the point of order. [Cries of "Vote!"] The question is on the amendment offered by the gentleman from Kansas.

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. As I understand, the amendment proposed by the gentleman from Kansas is a perfecting amendment to the language which I moved to strike out?

The CHAIRMAN. It is.

Mr. BURTNESS. Therefore it will be voted on first, and if the amendment proposed by the gentleman from Kansas is accepted I take it that it will then be in proper order for me to ask unanimous consent to withdraw my amendment later.

The CHAIRMAN. The gentleman can do that.

Mr. HILL of Maryland. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. The amendment is temporarily in the hands of the gentleman from Kentucky [Mr. BARKLEY] now, for information. The gentleman from Kentucky desires to be heard on the amendment of the gentleman from Kansas [Mr. TINCHER].

Mr. CHINDBLOM. Mr. Chairman, is not the debate exhausted?

The CHAIRMAN. No; nine minutes are left.

Mr. BARKLEY. Mr. Chairman, I contend in the first place that the Chair misunderstood the effect of the amendment in passing on the point of order. The amendment provides that in addition to filing a certified copy of the award in the circuit court a certified copy shall be filed in the office of the Interstate Commerce Commission. After that the gentleman from Kansas offers this, "but it shall have no binding power on the commission." What? The award? That is the thing we are talking about. That is the thing that is to be filed with the Interstate Commerce Commission.

It is not a true interpretation of the language to say that the filing shall have no binding effect. It means the award itself. You are bound to translate "it" as meaning that you go back to the award. That is what we are dealing with. If it is intended by Congress to say that the award shall have no binding power upon the Interstate Commerce Commission, then that does the very thing that everybody admits ought not to be done, and that is to invest the Interstate Commerce Commission with power to inquire into the merits of an adjustment that has been arrived at by an arbitration board after the merits of the controversy have been settled; and if any court interprets this language to mean that, I venture the prediction that there will never be another award or a settlement of a dispute by an award, because neither side will hereafter be willing to go into an arbitration if the Interstate Commerce Commission is to be given the right to go into the award. I hope the amendment will be voted down. [Applause.]

Mr. PARKER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER: Page 19, line 21, after the word "Commission," insert a colon and the following: "*Provided, however,* That such award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended."

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane to the Tincher amendment, and it is not germane to the paragraph, and it is not germane to the bill; and further, that it is not a proper substitute, or a proper amendment, and is out of order for that reason.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. PARKER. Mr. Chairman, my first substitute or amendment was ruled out because it did not deal with the award. This does deal with the award, the same as the amendment offered by the gentleman from Kansas [Mr. TINCHER]. I do not see how you can possibly hold that not in order. It clarifies the language, too.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. GARRETT of Texas. Why does the gentleman use those two words that are practically synonymous—"diminish" and "extinguish"?

Mr. PARKER. I do that for this reason: You might diminish without extinguishing.

Mr. GARRETT of Texas. Why do you not use the words "increase" or "decrease"?

Mr. PARKER. We do not want to increase at all.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield to me?

Mr. BLANTON. Mr. Chairman, I want to be heard a moment on this matter.

Mr. PARKER. I yield to the gentleman from New York.

Mr. BLACK of New York. Mr. Chairman, the gentleman has the floor. He yielded to me.

As I understand, the purpose in filing the award is to have the Interstate Commerce Commission have the evidence before it of the agreement, and if the Tincher amendment prevails, they can deny that this is the agreement, and can call the parties before them to find out what the agreement is. It is only an expedition of the public business.

Mr. BLANTON. The Chair is aware that I made two points of order, one as to germaneness and the other was that it was neither a proper amendment or a proper substitute. There are just three propositions that can be made at any juncture, one is an amendment to the bill and another is a substitute and another is an amendment to the substitute. This is not offered as a substitute for the Tincher amendment. It is, therefore, out of order. It is out of order also on account of the other point of order that I made.

Mr. PARKER. This is a substitute.

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from Kansas [Mr. TINCHER] is offered at the point where the board of arbitration is required to file a certified copy of the award with the Interstate Commerce Commission. It provides that the filing of the award shall have no binding power on the commission. The Chair held that to be in order. The gentleman from New York [Mr. PARKER] offered a substitute in the form of a further proviso. In the first place, the amendment offered by the gentleman from Kansas [Mr. TINCHER] provides that the filing shall have no binding power on the commission. The amendment of the gentleman from New York provides, however, that such award shall not be construed as diminishing or extinguishing any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended.

Mr. PARKER. My amendment was offered as a substitute.

The CHAIRMAN. Yes; but a substitute is, after all, an amendment in effect. It seems to the Chair that there is very little difference between the two proposals. If one is germane, the other is likely to be considered germane also, and the Chair holds the gentleman's substitute to be in order.

Mr. PARKER. Mr. Chairman, the time is up, is it not?

Mr. HOCH. The time is not yet up on this substitute.

The CHAIRMAN. Seven minutes remain of the debate out of the 20 minutes.

Mr. HOCH. Mr. Chairman, I desire to be heard in opposition to the substitute.

On the face of it this substitute retains the same power in the commission that now exists; but let us analyze it closely. Here is an arbitration award and a judgment of the court, and the question is, Can the commission go back of the award and the judgment to consider the merits of it? If it be held that the judgment of the court is conclusive, then they will be precluded from any consideration of economy, and yet their general powers would be the same. In other words, you might still have the power to consider economy, but on the question of this particular award it might be held conclusive as to economy and reasonableness. If so construed, it would not reach the thing we are trying to reach. We are trying to prevent a construction of the law which would preclude the commission from considering the merits, the reasonableness of an arbitration award when determining freight rates and other charges. I think that the substitute amendment would be much better than nothing, and that it will have a forceful moral effect, a persuasive effect, as showing that Congress does not intend to release the commission from any responsibility to the public. I am glad that the chairman has now agreed to this much of an amendment to clarify the bill. But I do not think the substitute is as strong or as effective from a close legal standpoint as the amendment of the gentleman from Kansas [Mr. TINCHER].

Mr. PARKER. Mr. Chairman, in explanation of the substitute I offered, I want to be perfectly frank with the House. It was offered for one reason, and one reason only. The reason was very well expressed by the gentleman from Arkansas [Mr. WINGO]. It is to keep the Interstate Commerce Commission out of the wage-making business.

If you want to ruin the Interstate Commerce Commission, then give them the power of review over wage disputes.

Under the amendment I have offered, the public is protected by every single safeguard they now have, but some lawyer can not come before the Interstate Commerce Commission and raise a strict issue of wages, and I am confident you do not want to make the Interstate Commerce Commission the arbiter of every single wage dispute.

Mr. HOCH. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. HOCH. Does the gentleman contend that under the language of his amendment the commission would be empowered to enter into a consideration of the merits of an arbitration award when determining rates? Would it or would it not?

Mr. PARKER. It certainly would, but it would do it of its own volition. It would not do that as a court, and that is what I find fault with.

Mr. HOCH. I do not understand the gentleman's answer.

Mr. PARKER. There is a very great difference between a commission sitting down and going over a thing calmly by themselves and sitting as a court and hearing arguments of lawyers representing either one or both of the contending sides.

Mr. HOCH. I did not understand the gentleman's answer. I did not understand him to say whether in his judgment under his amendment the commission would be precluded from considering the merits of these arbitration awards.

Mr. PARKER. Absolutely not. They would not be precluded.

Mr. HOCH. You think they could still consider the merits of an arbitration award?

Mr. PARKER. Certainly they could. I have always contended that.

That has always been my idea with respect to the bill, but I do want to keep the Interstate Commerce Commission out of wage disputes, and I believe the House should be particularly careful to keep them out of such disputes, because if you do not, you will ruin the commission just as certain as the world.

Mr. SABATH. That is the Tincher amendment, if the gentleman will permit. The Tincher amendment will do the very thing the gentleman is desirous of having done.

Mr. PARKER. I do not know. I offered my substitute in order to make it perfectly clear.

Mr. BARKLEY. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. BARKLEY. Is it not also true that under the gentleman's amendment if the Interstate Commerce Commission entered into the merits of the award, they could also determine, even granting it was meritorious, whether it should be passed on to the public or absorbed in the economical operation of the railroads in other respects?

Mr. PARKER. Absolutely. It does not take away from the powers of the commission at all.

Mr. BARKLEY. They could admit the merits of the award and still refuse to increase rates.

Mr. PARKER. Without the shadow of a doubt.

Mr. CHINDBLOM. Mr. Chairman, may we have the amendment and the substitute again reported?

The amendment and the substitute were again read by the Clerk.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. PARKER].

The question was taken; and on a division (demanded by Mr. HOCH) there were—ayes 180, noes 43.

So the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

Mr. GARRETT of Tennessee. Mr. Chairman, would it be in order now to offer another substitute?

The CHAIRMAN. The Chair thinks it would be.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer a substitute.

The CHAIRMAN. This is a substitute for the amendment just adopted?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. Mr. Chairman, I did not understand just what it is the gentleman from Tennessee is offering.

The CHAIRMAN. The gentleman is offering an amendment to the substitute which has just been adopted.

Mr. GARRETT of Tennessee. It is a substitute for the amendment just adopted.

Mr. DENISON. Mr. Chairman, I do not understand that can be done under the rules. When the committee adopts a substitute to an amendment, you can not adopt another substitute to that substitute.

The CHAIRMAN. The gentleman is offering a substitute for the amendment as amended by the substitute.

Mr. BEGG. Mr. Chairman, is not such an amendment an amendment in the third degree?

The CHAIRMAN. No; not now.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. How many substitute amendments can be offered?

Mr. DENISON. Mr. Chairman, I make the point of order there can not be offered a substitute for a substitute that has already been approved by the committee.

The CHAIRMAN. Let the Chair make a correction with respect to what has already been done. The Chair made a mistake in saying that the amendment as a substitute would now be in order to the substitute which has been adopted. The Chair does not think it would be competent to offer an amendment in the form of a substitute to the substitute which has already been adopted. The question would have to be on the amendment as amended by the substitute. It seems to the Chair the amendment offered by the gentleman from Tennessee in the form of a substitute would not be in order at this time.

The question now is on the amendment offered by the gentleman from Kansas as amended.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Tennessee may be reported for information.

The CHAIRMAN. Let the Chair first complete this statement. As the Chair understands it, the question is on the amendment of the gentleman from Kansas as amended by the substitute of the gentleman from New York, and for the information of the committee, unless there is objection, the Clerk will report the amendment as it stands before taking the vote.

There was no objection.

The Clerk read as follows:

Page 19, line 21, after the word "commission," insert a colon and add the following: "*Provided, however*, That such award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission under the interstate commerce act as amended."

Mr. GARRETT of Tennessee. Now, is it in order, Mr. Chairman, to offer an amendment to the Parker substitute?

Mr. DENISON. I make the point of order against that. That would be an amendment in the third degree.

The CHAIRMAN. The Chair thinks the question asked by the gentleman from Tennessee would have been answered affirmatively if the amendment had been offered before a vote was taken on the substitute, but the Chair does not think it would be in order now. The question is on the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

Mr. BURTNESS. Mr. Chairman, I want to make a request for unanimous consent. My amendment to strike out the last three words of line 19 and of lines 20 and 21 is pending. Inasmuch as the perfecting amendment submitted by the gentleman from Kansas, as amended by the substitute offered by the gentleman from New York [Mr. PARKER], has been adopted by the committee and has brought about substantially what I intended to accomplish by my amendment, which was declared out of order, I ask unanimous consent to withdraw the pending amendment. The language has now been clarified, so there is not the need of striking it out.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 19, line 21, after the word "commission," strike out the period, insert a colon, and the following proviso, to wit: "*Provided*, That the Interstate Commerce Commission may upon its own motion suspend the operation of any such award, or any wage agreement between the parties subject to this act, except one resulting from the operation of section 10, if the commission is of the opinion that such award or agreement involves an increase in wages or salaries, likely to necessitate the substantial readjustment of the rates of any carrier. The Interstate Commerce Commission shall hear any award or agreement so suspended and as soon as practicable and with due diligence affirm or modify such suspended award or agreement."

Mr. BLANTON. Mr. Chairman, I desire to be heard before the Chair rules this amendment out of order. I want all of you colleagues to know that this is the amendment which was prepared jointly by the national representatives of the American Farm Bureau Federation and the National Grange on behalf of the 2,000,000 farmers who are members of those two organizations.

Mr. Chester H. Gray, acting director of the American Farm Bureau Federation, and Mr. T. C. Atkinson, Washington representative of the National Grange, have sent to each one of you a copy of this amendment urging that it be passed and made a part of this bill. In their letter to us of date February 21, 1926, a copy of which each one of you received, they said that if this amendment were not adopted this bill "will undoubtedly prove to be a serious menace to the future of the American farmer," and this, of course, applies to the millions of unorganized farmers as well as to their 2,000,000 organized members.

They further warned that this bill threatens to impose new transportation charges. They called our attention specifically to the fact that under the present law every wage award must have the approval of at least one representative of the public on the Railroad Labor Board. Also that if the railroad managers and their employees make an agreement about wages the board can suspend the agreement until it finds out what effect it will have upon railroad rates.

They claim that same constitutes a clear-cut, definite protection to all farmers and the public against any new and excessive burdens in the way of new freight rates, all of which protection, they claim, Congress would deprive farmers and the public of if this bill is passed. They claim that Congress should not permit, by this bill, the railroads and their employees to make any kind of an agreement that they please, without the public having some check or control over it.

They warn Members of Congress that farmers and the public must have a reduction of present freight rates, and that any increases would be inexcusable, and they admonish us that there is no hope of reduction in rates if Congress passes this bill in the form this committee is now ramming it through Congress.

These 2,000,000 organized farmers insist that they be permitted to retain the safeguard they now have, as otherwise farmers, instead of securing merited reductions, will constantly face rising rates in the future.

These 2,000,000 organized farmers appeal to Congress to save them. They appeal to Congress to protect them. They appeal to us, praying that if Congress "is interested to-day in efforts made to create a more equitable condition for agriculture," we should not thus leave them helpless, for they assure us that "it is their firm conviction that the enactment of this bill, without such an amendment as they propose, will have a far-reaching detrimental effect on the entire Nation."

And, Mr. Chairman, is their one request to be turned down? Is their one amendment they want placed in this bill to be ruled out on a point of order? Are we to refuse to hear their cry? Are we to turn them down cold-blooded? Are we to say, "Away with farmers and agriculture, when the organized brotherhoods command us to pass a bill?"

Mr. Chairman, if the point of order is sustained, and this farmers' amendment is thus stricken from this bill, the railroads and their employees can make any kind of an agreement respecting increases of wages and there will be no check upon them whatever, and we who are posted all know that the Interstate Commerce Commission will immediately make corresponding increases in freight rates, and thus the entire burden will be placed upon the already overburdened backs of the farmers and producers of the country. It is the voice of the farmers of the country who have no chance on God's earth for protection unless the American Congress gives it to them.

Mr. CHINDBLOM. Mr. Chairman, it is true the chairman has previously ruled on this question, but at that time the Parker amendment had not been adopted. We have now adopted the Parker amendment, which was held in order by the Chair and incorporated into the bill, and it has enlarged the opportunity for amendment. I ask the Chair to rule upon this question now de novo as a perfecting amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DEAL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. DEAL: Page 16, line 23, after the word "arbitrator" on page 16, strike out lines 23, 24, 25, and on page 17, lines 1 and 2, and insert "and the board of mediation shall select a third arbitrator."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of the Parker amendment add: "Nothing herein shall be construed to preclude the Interstate Commerce Commission from considering the merits of any such arbitration award when determining passenger rates or other charges."

Mr. MAPES. To that, Mr. Chairman, I make a point of order.

The CHAIRMAN. Does the gentleman from Texas want to be heard on the point of order?

Mr. BLACK of Texas. I do; I want to be heard briefly. The amendment by the gentleman from New York [Mr. PARKER], which has been adopted, provides that nothing herein shall be construed to diminish or take away any of the powers of the Interstate Commerce Commission.

I undertake to say that it is germane. Probably the amendment would not have been in order if the amendment of the gentleman from New York [Mr. PARKER] had not been adopted, but, having become a part of the bill, it is perfectly germane to add a provision of the kind that I offer. Under the previous rulings of the Chair, I submit that it would not have been in order if the gentleman had not offered his amendment.

The CHAIRMAN. The Chair thinks that this amendment is the same amendment in effect as that offered by the gentleman from Kansas [Mr. HOCH], to which the Chair sustained the point of order. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 20, line 4, strike out the words "shall be paid by the board of mediation," and insert in lieu thereof the words "shall be paid by the parties to the controversy."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. The agreement to arbitrate—

(a) Shall be in writing;

(b) Shall stipulate that the arbitration is had under the provisions of this act;

(c) Shall state whether the board of arbitration is to consist of three or of six members;

(d) Shall be signed by the duly accredited representatives of the carrier or carriers and the employees, parties respectively to the agreement to arbitrate, and shall be acknowledged by said parties before a notary public, the clerk of a district court or circuit court of appeals of the United States, or before a member of the Board of Mediation, and, when so acknowledged, shall be filed in the office of the Board of Mediation;

(e) Shall state specifically the questions to be submitted to the said board for decision; and that, in its award or awards, the said board shall confine itself strictly to decisions as to the questions so specifically submitted to it;

(f) Shall provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all the parties and served on the board of arbitration;

(g) Shall stipulate that the signatures of a majority of said board of arbitration affixed to their award shall be competent to constitute a valid and binding award;

(h) Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board (as provided for in the agreement) within which the said board shall commence its hearings;

(i) Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That the parties may agree at any time upon an extension of this period;

(j) Shall provide for the date from which the award shall become effective and shall fix the period during which the award shall continue in force;

(k) Shall provide that the award of the board of arbitration and the evidence of the proceedings before the board relating thereto, when certified under the hands of at least a majority of the arbitrators, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, which district shall be designated in the agreement; and, when so filed, such award and proceedings shall constitute the full and complete record of the arbitration;

(l) Shall provide that the award, when so filed, shall be final and conclusive upon the parties as to the facts determined by said award and as to the merits of the controversy decided;

(m) Shall provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back for a ruling to the same board, or, by agreement, to a subcommittee of such board; and that such ruling, when acknowledged in the same manner and filed in the same district court clerk's office as the original award, shall be a part of and shall have the same force and effect as such original award; and

(n) Shall provide that the respective parties to the award will each faithfully execute the same.

The said agreement to arbitrate, when properly signed and acknowledged as herein provided, shall not be revoked by a party to such agreement: *Provided, however*, That such agreement to arbitrate may at any time be revoked and canceled by the written agreement of both parties, signed by their duly accredited representatives, and (if no board of arbitration has yet been constituted under the agreement) delivered to the Board of Mediation or any member thereof; or, if the board of arbitration has been constituted as provided by this act, delivered to such board of arbitration.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 24, in lines 5, 6, and 7, strike out "the board of mediation or the board of arbitration."

Mr. BLANTON. Mr. Chairman, those of us who are opposed to this bill have succeeded in getting only one amendment on it that has not been ruled out of order, and that amendment is practically worthless.

In the section preceding this one it was provided that the board of arbitration could appoint just as many assistants as it wanted to and could fix their salaries at just as large sums as it wanted to, so long as the Board of Mediation did not object, and then you provided that the Board of Mediation should pay all of the expense. Why did not the committee say in plain English that all of such salaries and expenses were to be paid by the Government, for that is what is meant, as this "Board of Mediation" means the Government. Not only did you provide that they should pay the salary and all of the expenses, traveling and subsistence, of just as many assistants as the board of arbitration saw fit to employ, but it was done without any limitation or restriction whatever, except that the Board of Mediation should approve. You have well looked after the railroads of the country and their employees, who know that they can pass on to the people of the United States every dollar of the expense, because the provisions of this bill will place all of such enormous expenses upon the shoulders of the taxpayers. You make the American people pay all the expenses of it, and then you will make them pay all consequential rate increases; but you did not give them a single voice in the transaction concerning which 110,000,000 Americans are vitally affected.

You have turned down one amendment which 2,000,000 farmers organized through the National Grange and the National Farm Bureau have come here on their knees and implored Congress to place in this bill for their protection.

Are not these 2,000,000 organized farmers of just as much importance as the 2,000,000 organized railroad employees? I predict that the administration now in power in this country and all of you colleagues pushing this bill are going to hear from these 2,000,000 organized farmers and their several million unorganized brother farmers of the country when the primaries and elections take place.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I can not yield now. It is too hard to get time. This is the only chance that I have had to raise my voice against the provisions in this bill which place all of the expenses upon the American taxpayers. The only expenses that the railroads and employees are to pay is the reward that the three or six arbitrators receive for making the award. But the American taxpayers are to pay $12,000 per year and all their expenses to the five mediators, and then pay for all the machinery of this bill and the salaries and expenses of all the assistants and employees. I realize that all of us in the House are mightily afraid of organized labor and that the elections are almost upon us, but I tell you right now that when you go back to your homes you should keep in mind the 2,000,000 organized farmers and their millions of unorganized brothers and the fact that they have just as many voting wives and children as do the 2,000,000 railroad employees. I want you to keep in mind that their representatives in Washington are familiar with the transactions concerning this bill which have transpired upon the floor of the House. I want you to keep in mind that they are going to tell the farmers, organized and unorganized, that this Congress, the House of Representatives, refused to give ear to any of their demands, refused to hear their prayer, and refused to let a single suggestion on behalf of the taxpaying farmers be passed upon on the floor.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

Mr. SCHAFER. Mr. Chairman, I reserve the right to object.

Mr. PARKER. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. MEAD. Mr. Chairman and gentlemen of the committee, we have just heard a Member lodge a complaint against this bill in behalf of 2,000,000 farmers, and I for one who represent some of these farmers resent the implication. The farmers of this country are certainly in need of remedial legislation, but we do not want to attack legislation so vitally necessary to the industry of the country as is this nor do the farmers want to be placed in that attitude. When legislation is presented to this House in the interest of the farmers, we can all go on record either for or against it. This is a bill to set up machinery for the settlement of industrial disputes by mediation and arbitration, but if you want to make it compulsory, if you want to tie up in it the Interstate Commerce Commission, or any other way complicate or destroy the merits of the legislation, there is the danger that both parties will disagree and perhaps reject it, making the measure of no avail whatever. This bill, in my judgment, embodies the frank, honest American principle of voluntary settlement of industrial disputes. [Applause.]

It in no way interferes with the right of any individual State, because it deals with the great interstate commerce function, thus in no way interfering with the sovereign rights of the several States, but if any State is so far backward as to pass antistrike legislation and force men to work in interstate commerce, it should interfere with such a law. There should be no such State law in free America.

The minority leader stated a few moments ago, and he is in my judgment a very learned leader, that he predicted the death of this legislation within a year after this wage award which the railroad workers are seeking is finally settled. Let me say to him that he objected to the Anderson amendment that would set up the wage-adjustment boards in the bill that is now the Cummins-Esch law, and he further objected to the adjustment boards that we would have created in the Howell-Barkley bill.

His attitude to-day is as consistent as his previous position on similar legislation, and I am of the firm belief that he is sure to be mistaken as to the successful operation of the law we are about to pass.

But the friends of the bill, those who realize that the Erdman and Newlands Acts lived for years, those who know that the adjustment boards which were in operation during the war settled many thousands of controversies, know that this is the most perfect machinery that you can institute or create by law that will be acceptable to the American people. This bill will receive the approbation of the carriers and employees, and those who seek to amend, those who attempt to tie in the Interstate Commerce Commission, are trying to destroy legislation that is destined, in my judgment, to be one of the greatest legislative acts enacted by this Congress. I hope that no amendment will be seriously considered, but that this legislation coming as it does with an almost unanimous report of the committee, this legislation that is attempted for the first time in a century, indorsed by employer and employee, this legislation that comes after being considered for weeks in the committee—where no representative of the farmer appeared against it.

I want to record my hearty sympathy with the action of the committee in making a favorable report on this bill. It is but natural that I should very heartily lend my support to a measure that tends to improve the working conditions of the men who so loyally and efficiently handle the operation of our great transportation systems. With a few of my colleagues in this House, I am in a position to speak with authority on the subject, because for many years I labored with them. I know their problems, their hopes, their expectations, and their ambitions. No class of men is more necessary to the arteries of our commercial life and progress, and none that I know more richly deserve consideration at the hands of Congress. Our favorable action on this legislation will command public approval and acclaim.

Mr. Chairman, let me paint you a picture while we sit here in this Chamber in security and comfort. I can see in my mind's eye a section of one of the great trains such as the Broadway Limited on the Pennsylvania system or the Twentieth Century on the New York Central. Imagine, if you can, that it is a winter night, the thermometer around zero or below. The train, because of heavy passenger traffic between New York and Chicago, is running, on the night I have in mind, in six or seven sections of 12 cars each, about 1, 2, or 3 miles apart, averaging a speed of 50, 60, and perhaps 70 miles an hour.

The lives on the train are in charge of the conductor, the engineer, the fireman, and the flagman, all of whom have their individual duties to perform. I am thinking of that engineer in the cab with his hand on the throttle of his giant of steel as he rushes along, now skirting the banks of the river or the lake with its sea of fog, now making his perilous way through the mountains, the farm, the city, ever alert, keen eyed, and masterful, and all along the steel highway he knows there are sections ahead of and sections behind him.

Time which waits for no man or anything must be his incentive, his schedule as laid down by his superiors must be maintained. He must reach his destination, his passengers must be safe, but he must be on time. Think of his great responsibilities, his danger. He is endowed as are we all with all the attributes of human emotion and he is watching with high heart and hopeful expectation the legislation we are now considering that will tend to abolish the hazard of future strikes.

Then, too, I can see his fireman at the other window of the shaking and jumping cab going out to the tender during the long and cold hours of the night to keep the fires burning. How precarious is his platform, how difficult his work. How many of his fellows have slipped on the narrow platform and were found hours after mangled, disfigured, dead, slaves to our greed for speed, but soldiers that died on the field of duty, just as our men of America have died on the field of battle, those men that have immortalized the victorious soldiers of all our wars of the past. This lieutenant to the captain of this engine of speed is hopefully watching our work on this bill.

So, too, must we consider the conductor of the train upon whom the responsibility devolves no less than the general on the field or the admiral in the navy in battles on land or sea. He must in addition to being an executive attend to the checking up of tickets, the comforts of the passenger, the schedule of train and the limitless details of a trip of hundreds and hundreds of miles. With what solicitude he is following this bill is not necessary to dwell upon.

We have been passengers on these great trains and are familiar with the facts that nonstation stops are occasionally necessary because of block or section signals due to various unforseen circumstances on all our great transportation systems. It is at such times of uncertainty that the fourth actor in this drama which I am so inadequately attempting to describe arises to take his place and fill his niche in this great scheme of railroad life. He it is that hurriedly takes up his lantern, his flag, his track torpedo, and rushes back behind his train into the cold and sleet, perhaps the rain, to stop the onrushing train that follows and thus conserve the lives of the passengers and the property of his employers.

He is against strikes. He is for this bill. He wants it to become a law. The same can be said of the switchmen, the trainmen, the shopmen, the trackmen, and all the rest of the million and a half of faithful patriotic railroad employees. They want this bill to make for a permanent peace on our great transportation lines in order to give them the condition of mind, the contentment and happiness that comes with steady, uninterrupted employment.

I hope, my friends, that this will receive the unanimous vote of the membership of this House and the bill will pass and pass speedily. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 9. First. The award of a board of arbitration, having been asknowledged as herein provided, shall be filed in the clerk's office of the district court designated in the agreement to arbitrate.

Second. An award acknowledged and filed as herein provided shall be conclusive on the parties as to the merits and facts of the controversy submitted to arbitration, and unless, within 10 days after the filing of the award, a petition to impeach the award, on the grounds hereinafter set forth, shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties.

Third. Such petition for the impeachment or contesting of any award so filed shall be entertained by the court only on one or more of the following grounds:

(a) That the award plainly does not conform to the substantive requirements laid down by this act for such awards, or that the proceedings were not substantially in conformity with this act;

(b) That the award does not conform, nor confine itself, to the stipulations of the agreement to arbitrate; or

(c) That a member of the board of arbitration rendering the award was guilty of fraud or corruption; or that a party to the arbitration practiced fraud or corruption which fraud or corruption affected the result of the arbitration: *Provided, however,* That no court shall entertain any such petition on the ground that an award is invalid for uncertainty; in such case the proper remedy shall be a submission of such award to a reconvened board, or subcommittee thereof, for interpretation, as provided by this act: *Provided further,* That an award contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and that no award shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

Fourth. If the court shall determine that a part of the award is invalid on some ground or grounds designated in this section as a ground of invalidity, but shall determine that a part of the award is valid, the court shall set aside the entire award: *Provided, however,* That, if the parties shall agree thereto, and if such valid and invalid parts are separable, the court shall set aside the invalid part, and order judgment to stand as to the valid part.

Fifth. At the expiration of 10 days from the decision of the district court upon the petition filed as aforesaid, final judgment shall be entered in accordance with said decision, unless during said 10 days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said petition and to be decided.

Sixth. The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

Seventh. If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Eighth. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

Mr. SCHAFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. SCHAFER. Mr. Chairman, I desire to offer a pro forma amendment, on page 26, line 20. I move to strike out the word "controversy." A few moments ago the gentleman from Texas [Mr. BLANTON] spoke in behalf of the so-called 2,000,000 farmers of this Nation. He advocated amendment to the bill under consideration sponsored by Chester H. Gray, acting director of the American Farm Bureau Federation, and T. C. Atkeson, Washington representative of the National Grange, Patrons of Husbandry. This amendment, if adopted, would emasculate the bill and vest in the Interstate Commerce Commission the jurisdiction in settling wage disputes. I must necessarily, therefore, present to the committee some evidence showing what confidence the representatives of farmers have in the Interstate Commerce Commission on other matters.

I quote now from Senate hearings, second session of the Sixty-eighth Congress, on S. 2327, a bill to amend section 4 of the interstate commerce act, commonly called the long and short haul bill. Page 614, statement of Benjamin C. Marsh, managing director of the Farmers' National Council, who appeared in behalf of the bill, reads in part as follows:

> I am aware that the Interstate Commerce Commission has the power of its own initiative to do what this bill provides, but it lacks the initiative, and this should be supplied by this bill making this action mandatory. * * *

Each mail brings to Members of Congress letters from certain farm organizations and certain farmers advocating the passage of the long and short haul bill which I have heretofore mentioned. Anyone who knows anything about the provisions of the bill which we have under consideration surely knows that if the so-called Grange amendment, vesting the Interstate Commerce Commission with the jurisdiction in wage disputes, were adopted, the bill would be emasculated. This bill is based on well-founded principles of mediation, conciliation, and arbitration for the peaceful settlement of disputes between railroad carriers and employees, and if the so-called Grange amendment were adopted such wage disputes would not be settled by arbitration, mediation, and conciliation, but by judicial action of the Interstate Commerce Commission. Further, the farmers do not seem to have much faith in the Interstate Commerce Commission in adjusting freight rates, and I wonder why Mr. Atkeson and Mr. Gray really want to give the Interstate Commerce Commission jurisdiction in wage controversies and destroy the legislation under consideration. If the Interstate Commerce Commission has jurisdiction in wage disputes we would not have peaceful, orderly settlement of disputes between carriers and employees, but would have turmoil; and employers and employees would have to resort to the use of economic strength in settling controversial wage disputes.

Section 1, Article XIII, of the Constitution provides that—

> neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Every workman has a right to make his own terms with his employer, to enter or leave employment; and it makes no difference, so far as right goes, whether he acts alone or whether he joins a number and makes his terms by collective bargaining through a labor organization. Any legislation having for its object the prevention of individual or collective refusal to work is unjust and unconstitutional. Every citizen has an inalienable right to seek to better his position, and the means he uses toward that end lie with his discretion, saving only, of course, that he must keep the peace. As a workman has no defense against an oppressive employer except the threat to leave or the actual leaving of his employment, it would be manifestly unfair and extremely unjust to deprive him of that right. In short, when a worker leaves his employment, individually or collectively, he exercises only his right to elect upon what terms he may give his labor. To interfere with his right would take away his liberty and freedom and make him a slave.

The farmers of this country know that their interest and the interest of the consumers are mutual. They know that when the workers are employed at reasonable wages they are in position to purchase and pay for the products of the farmer. They know that when the laboring men who are their consumers are not receiving a reasonable amount of wage, or any wage at all on account of being on strike, there is then a curtailment in the purchasing and consumption of the products of the farmer. The farmers further know that if the employees are on strike the cost of operation would materially increase, and therefore the extra cost of operation of the railroad would be reflected in freight rates.

At this very moment we have an example of the result of the failure of railroad employers and employees to adjust their controversies by means of mediation, conciliation, and arbitration as embodied in this bill, and where the employees have been forced to use their economic strength and leave their positions, collectively on strike.

I refer to the strike on the Western Maryland Railroad. This strike had been called following an attempt of the engine-service men to obtain a small increase in wages so as to more nearly be able to support the men and their families in accordance with the American standard of living. For several years, the heads of the engine-service brotherhoods had been trying to have the so-called New York Central scale of wages put into effect on this road. This schedule was only a 5 per cent increase, and is the wage scale which every Class I railroad in the United States, with the sole exception of the Western Maryland, is now paying. The national representatives of the brotherhoods held repeated conferences with the president of the Western Maryland, but were utterly unable to make any impression upon him. The brotherhood representatives repeatedly endeavored to have the dispute settled by arbitration, but the president of the Western Maryland would not acquiesce, but attempted to take away from the men fundamental rules which had been in force on the Western Maryland, as well as other roads, practically since the brotherhoods came into existence. Even while negotiations were being conducted on the questions in controversy, the Western Maryland Railroad was hiring strike breakers, and attempting to coerce the engine-service employees by forcing them to sign what is known as Bulletin 54.

The signing of Bulletin 54 would have taken from the men practically everything which they had secured by negotiation between the railroad and the heads of the brotherhoods during the past 25 years. About 50 of the men were discharged for refusing to sign Bulletin 54. Realizing at last that the hiring of strike breakers was the initial step in a scheme to crush the engine employees, these employees walked out on strike almost to the last man. Following the strike the Western Maryland Railroad employed many engine-service men who had previously been discharged for incompetence or bad character from his own road and men with similar records from other roads. Following the employment by the Western Maryland of strike breakers who had previously been fired for incompetence, as might be expected, much loss of property resulted. On November 15, 1925, only one month after the strike began, one of the worst wrecks a railroad ever had occurred when a strike-breaking engineer lost control of a train of 63 cars, resulting in a wreck which tore up approximately a mile of main line and caused damage estimated at half a million dollars. The Interstate Commerce Commission, after an extensive and exhaustive investigation, found that the wreck was caused by the incompetence of the strike-breaking engineer in charge of the train.

The cost of the course of the president of the Western Maryland is necessarily stupendous, considering damage to equipment, loss of traffic, extra large wages paid to strike breakers, and so forth. If any citizen who is not familiar with the actual operation of a railroad could but ride a fast passenger locomotive in inclement weather or render service on one of the locomotives and thereby come in contact with its actual operation, he would soon reach a conclusion that he would not want to jeopardize his life and that of his family by traveling over a road in such a chaotic condition as the Western Maryland, where work requiring long experience and great skill is performed by men who have been fired for incompetence.

I personally do not see how the Western Maryland under its present conditions can have any considerable amount of passenger or freight traffic whatsoever between points also covered by competing railroads. The great national engine-service brotherhoods, whose members on the Western Maryland are now on strike, have never broken an agreement. One of these brotherhoods has been in existence for 50 years and the other for 60 years. The members of these two engine-service brotherhoods have been forced to use their economic strength to settle their dispute with the Western Maryland Railroad management. I do not believe that the farmers of this country fail to realize the mutual interest of the workers and the farmers or do they desire that the settlement of wage disputes be vested with the Interstate Commerce Commission and thereby destroy the means of settling disputes by mediation, conciliation, and arbitration, as provided in this bill.

I know the farmers realize that resorting to economic strength as was forced upon the engine-service employees of the Western Maryland does not add to the consumption of their products or reduction of freight rates.

The bill under consideration should be written into law. The so-called Grange amendment vesting jurisdiction over wage disputes in the Interstate Commerce Commission should be defeated. The enactment of legislation to settle these labor disputes by peaceful means of mediation, conciliation, and arbitration will insure industrial peace and will result in unbounded benefit to the entire citizenry of our Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHAFER. I ask for five minutes additional.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

Mr. NEWTON of Minnesota. Mr. Chairman, I do not like to object, but we are going to get through with this bill tonight, and if the gentleman wants us to get through I do not see how we can grant these extensions of time.

The CHAIRMAN. Is there objection?

Mr. NEWTON of Minnesota. I object.

SEVERAL MEMBERS. I object.

Mr. SCHAFER. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. PARKER. Mr. Chairman, I want to make the unanimous-consent request that all Members be given five days in which to extend their remarks on this bill.

The CHAIRMAN. That can not be done in Committee of the Whole. That must be done in the House.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 26, line 15, after the word "court," insert "and may award costs equitably."

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, this is an important item. I have not heretofore spoken on the bill nor taken up any of the time of the House, but I contend always that when we set up these special bureaus and tribunals to render special service to certain people they should take some of the burden off the shoulders of the taxpayers and bear some of it themselves. You set up here a board of arbitration. I would like to ask the chairman if there is any provision in this bill for the payment of costs by any of these parties so as to relieve the taxpayers of that burden?

Mr. PARKER. Yes. The arbitrators appointed by each side are paid by each side. The public pays the public arbitration.

Mr. McKEOWN. Who pays the expense of the litigation in the courts?

Mr. PARKER. The public, of course.

Mr. McKEOWN. When we come to the courts, we set up the courts to take care of the litigation between our citizens, and every litigant has to pay his costs. We set up a board of arbitration and send them to court. We furnish the court and we furnish the board of arbitration. Then these parties ought equitably to bear their part of the costs, and we ought not to preclude the courts from assessing the costs equitably.

My amendment simply provides that the court may award the costs equitably. If we set up a board and pay the expense, and then furnish these instrumentalities to render this service, then it is nothing but fair that if the courts should award the costs equitably and not let the Government bear all the expense. That is the purpose of my amendment. [Applause.]

Mr. PARKER. Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

Mr. HASTINGS. Mr. Chairman, I want to ask the chairman of the subcommittee does he not think the word "in" should be inserted at the end of line 1, page 25, so that it will read, "or that the proceedings were not substantially in conformity with this act"? Should not the word "in" be added?

Mr. PARKER. The copy I have is correct.

Mr. HASTINGS. Then I beg the gentleman's pardon. It is not so in the copy I have.

Mr. PARKER. Mr. Chairman, I move that the debate be now closed on this section and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McKEOWN].

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 26, line 23, strike out all of paragraph "Eighth" and insert in lieu thereof the following, to wit:

"Eighth. Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 5, noes 220.

So the amendment was rejected.

Mr. BLANTON. Will the Chair permit a parliamentary inquiry?

The CHAIRMAN. With great pleasure.

Mr. BLANTON. Will the RECORD and the Journal show that my friend from Wisconsin [Mr. SCHAFER] voted with me?

The CHAIRMAN. It will. It will have his picture. [Laughter.]

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 27, line 5, after the word "consent," strike out the period, insert a colon and the following proviso, to wit: "*Provided, however*, That nothing in this act shall be construed to require the carrier to accept back in its employment, or to recognize former seniority any employee who exercises his prerogative and quits his job and refuses to render service."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, I call for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 2, noes 218.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY BOARD

SEC. 10. If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this act and should, in the judgment of the board of mediation, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the board of mediation shall notify the President, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. Such board shall be composed of such number of persons as to the President may seem desirable: *Provided, however*, That no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within 30 days from the date of its creation.

There is hereby authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

After the creation of such board and for 30 days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

Mr. PARKER. Mr. Chairman, I move that all debate——

Mr. BLANTON. The gentleman can not do that.

The CHAIRMAN. Such a motion would not be in order just now.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word. I want to make an appeal to the chairman of the committee. We have reached a very important part of this legislation. The members of the committee, of course, are

thoroughly familiar with it, but there are other Members of the House who are not. I know there are substantial amendments to be offered. I am sure there will not be an opportunity to finish this bill to-night. Will not the gentleman let this bill go over at this point? It is now 5 o'clock; let it go over and let us consider this part of the bill thoroughly.

Mr. BUTLER. Mr. Chairman, we adjourned early last night. Now, let some of the rest of us be accommodated, and let us finish the job.

Mr. CHINDBLOM. I am not asking for accommodation, I will say to my good friend from Pennsylvania.

Mr. CROSSER. Mr. Chairman, I ask for the regular order.

Mr. CHINDBLOM. I am addressing myself to the chairman in charge of the bill. It would be in the interest of the legislation and in the interest of the vote on the bill.

Mr. PARKER. Mr. Chairman, I must insist on proceeding with the consideration of the bill.

Mr. BURTNESS. Will the gentleman from Illinois yield for a suggestion?

Mr. CHINDBLOM. I yield.

Mr. CROSSER. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is for the Clerk to read.

Mr. WILLIAMSON. Mr. Chairman, I have an amendment to offer.

Mr. CHINDBLOM. Mr. Chairman, that is not the regular order unless my time has expired. I was recognized. I moved to strike out the last word, and I was recognized and then turned my attention to the chairman in charge of the bill.

The CHAIRMAN. The Chair did not understand the gentleman had moved to strike out the last word.

Mr. CHINDBLOM. I now yield to the gentleman from North Dakota.

Mr. COOPER of Wisconsin. The gentleman can not yield.

Mr. CHINDBLOM. Mr. Chairman, the House is in a turmoil. A respected gentleman of long service tells me I can not yield when I still have the floor, having obtained recognition by the Chair.

Mr. BARKLEY. Mr. Chairman, I call for the regular order.

Mr. CHINDBLOM. I yield to the gentleman from North Dakota.

Mr. COOPER of Wisconsin. The gentleman can only yield for a question. The gentleman can not yield time.

Mr. BURTNESS. The suggestion I want to make to the gentleman is in support of what the gentleman has said. The provision now reached is of tremendous importance, and it is the provision in the bill which above all others is intended to safeguard the rights of the unorganized public.

The employees take the position, as represented by Mr. Richberg, that here is a provision that was written into the bill with tears and almost with blood. It is important to the employees. It is important to the carriers. It is important to the unorganized public. Several amendments are going to be proposed. I think the provision ought to be considered carefully, with plenty of time for its consideration, and I do hope that on Saturday afternoon, at 5 minutes after 5 o'clock, the chairman will be willing to move that the committee do now rise.

Mr. PARKER. Mr. Chairman, I must insist that we proceed with the consideration of the bill. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment and upon it I desire recognition.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: On page 28, line 12, after the word "arose," strike out the period, insert a comma, and add: "Nor shall either party to the dispute during such period take any action which will tend or threaten to interrupt interstate commerce."

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, I regard this amendment as an exceedingly important one. I alluded to it very briefly yesterday. The part of the bill to which this amendment is offered reads:

After the creation of such board, and for 30 days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

Gentlemen, section 10 contains one of the most important features in this entire bill, and among the good features of that section the most valuable of all is the one I have just read, which provides for the cooling-off period during which matters in controversy are to remain in statu quo. But we have no assurance in the bill, and there is nothing in the language of this section that will prevent a lockout on the part of the railways or a strike on the part of the employees during that period. It is to guard against that possibility and to maintain uninterrupted operation during that time that my amendment is offered. It is offered in the utmost of good faith.

The bill, as it is now written, is in such condition that I intend to support it, but it can be improved from the standpoint of the public. I could not have supported it but for the lone amendment that has been adopted by the committee making it reasonably clear that it is not intended by this act to bind the Interstate Commerce Commission by any wage agreement between employees and railways, and I know of many others in the House who will now vote for the bill who would not have voted for it unless that amendment had been adopted. That amendment is by no means as clear as could be desired, but I am disposed to accept it.

Mr. BEEDY. Will the gentleman yield for one question?

Mr. WILLIAMSON. I yield.

Mr. BEEDY. Will the gentleman tell the committee how that amendment has in any respect whatever changed the effect of a single clause of this bill?

Mr. WILLIAMSON. I can not further discuss the Parker amendment. I want to discuss the amendment which I have submitted for the consideration of the committee, namely, an amendment by which the railroad employees and the management are placed under a legal obligation to keep the peace during consideration of a dispute by the emergency board and during the 30 days following.

Now, gentlemen, those of you who are in favor of the bill ought to be willing to adopt this amendment. It is in the interest of the employees, it is in the interest of the railways, and, gentlemen, it is in the interest of the public. It covers the period during which public opinion can be brought to bear upon both sides to the controversy, and a period during which the pressure of that opinion may be expected to force an agreement between the parties to the dispute or compel them to accept the recommendations, if any, of the emergency board or the suggestions made by the President. Neither railway management nor labor can with honor refuse to carry on during the cooling-off period. Any interruption of traffic during that time would be disastrous to a proper and impartial investigation by the emergency board, and the law should be so written that traffic upon the railways involved can not lawfully be interfered with during the time in which it is specified no change shall be made in the conditions out of which this dispute arose.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, it was not my intention to speak on this bill again. There has been a great deal said here this afternoon about the interests of the general public. I do not believe that there is a member of the Interstate and Foreign Commerce Committee or a Member of this House who does not believe that the interest of the general public is paramount in considering legislation of this character. But I, for one Member of the House, can not sit still in my seat and let the gentleman from Kansas [Mr. TINCHER] stand up on the floor and leave the inference that some Members of the House and some members of the committee are being clubbed into the position they take by the railroad labor organizations. [Applause.]

I believe there are some Members in this House just as brave and just as much interested in the public welfare as the gentleman from Kansas [Mr. TINCHER]. I realize that at times he gets so enthusiastic in his remarks here that perhaps he says things that he does not mean to say. But I want to express myself on that point here at this time. The general public, of course, has an interest in transportation. It is interested in the uninterrupted transportation system of our country, for every time we have a strike on any railroad or in any great industry, of course, it means serious loss to the general public. The Department of Labor yesterday gave me some figures of what it cost in the recent hard-coal strike. Loss of wages per day was $1,035,000, and the strike lasted 165 days. The total amount of the cost in wages lost to the miners was $170,775,000. The estimated loss in wages and profits to operators, miners, and the public in the hard-coal region amounted to between $900,000,000 and $1,000,000,000. These figures do not take into consideration loss to the public outside the hard-coal district, in increased price of soft coal and other substitutes. Did this strike affect the public? Were they interested in it? It was no fault of the public that kept the miners and operators from getting together and settling the strike.

Take the railroad labor shop strike in 1922. Was the public interested in it?

Secretary of Commerce Hoover in an address before the United States Chamber of Commerce at a meeting held in New York on May 8, 1923, said that the transportation shortage which existed in 1922, and a large part of which was directly due to the shopmen's strike—

Created a differential between interior markets and the port terminal markets on grain for export of from 8 to 15 cents a bushel.

Increased the retail price of coal through lack of transportation facilities equivalent to an increase in freight rates of 50 per cent.

The lowest estimate of losses to railroads themselves as a result of the shopmen's strike is $300,000,000. Other estimates run to more than twice this amount. The shop strike cost the American people many hundred millions of dollars.

There have been strikes in the past that have tied up our transportation systems—not many—and I would not venture to say that there will not be strikes in the future. But this I do believe: The measure which we are now considering, to my mind, will go further toward preventing strikes in the future than any other legislation Congress has ever considered. It is admitted that we have no machinery at the present time for the settlement of railroad labor disputes. If this bill serves to establish industrial peace and harmony between railway carriers and their employees, it will be a credit to the Congress that enacts it into law and also of great benefit to the American people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON].

The question was taken, and the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 37, line 3, after the article "a," insert the word "public."

Mr. BURTNESS. Mr. Chairman, I agree with everything just now stated by the gentleman from Ohio [Mr. COOPER] with respect to the general merits of this bill. I have much faith and hope for it. But if there are some of us who seem to be unduly anxious to safeguard the rights of the unorganized public in this legislation, I feel we have not overlooked the fact that all the public is vitally interested in industrial peace on the railroads and in continuous transportation, and the employees of the carriers must get fair and decent wages to maintain such peace. We are therefore as much interested in that proposition as in any that can come before the House.

The only purpose of the amendment now offered—and I am going to offer two more and be as brief as I can in discussing them—the only purpose of this is to insure that the report made by the emergency board to the President will be made public, as was intended by the people who drew the bill, and as they stated to the committee as disclosed in the printed hearings, in the testimony which I submitted in my extension yesterday. The bill as drawn does not necessarily require a public report. I feel that when a situation becomes so serious that the dispute can not be settled by all the rest of the machinery provided in this bill, can not be settled by the boards of adjustment, can not be settled by the board of mediation, can not be arbitrated, but requires the appointment of an emergency board by the President to investigate the facts, the public bearing the expense, I feel that the public should always have the full benefit of the report so that they may know what is in it, and so that no President, whether he be controlled by the carriers or by the employees or anyone else, can smother that report.

Do the employees realize what is possible without any great stretch of the imagination? A report might be made showing that the employees are right in their contentions and the carriers very much in the wrong. Do they want it possible for the President to keep the report confidential and perhaps advise the carriers as to what is in it, and tell them to go and settle on the best possible terms to avoid publicity? Other situations can well be imagined. The public pays the expense of this investigation and is entitled to be fully advised as to the results. The party which is in the right is also entitled to have the report made public. The party in the wrong must and should be willing to take the consequence for the public good. The party which may think the President is its friend should have no encouragement in keeping up the fight to the last ditch in the hope that the President will give them another opportunity to settle before making the report public.

Mr. PARKER. Mr. Chairman, I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Page 27, line 23, after the word "thereon," insert "including its views as to the merits of the controversy involved."

Mr. BURTNESS. Mr. Chairman, the purpose of this amendment is to carry out what I believe to be the intention of the bill. I believe there are two general purposes of this emergency board—first, that of giving the public the facts in any controversy in an impartial and unbiased way, and, secondly, to obtain from that unbiased board their conclusions as to how a serious controversy can best be settled so that the force of public opinion may be brought into effect in order to procure a settlement. That is all the amendment does. I believe it is the intent of the bill in the first place, and all I am doing is to make it plain that such is the intent.

The present Labor Board has the right to make a decision. This board should in all cases not only have the right but it should be its duty to do so. Public opinion can not be marshaled back of a report as to the facts, but can be marshaled back of a recommendation of settlement. The purpose of the bill is to settle a dispute when need be by the force of public opinion. Let us provide something definite for that public opinion to operate on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 27, line 24, after the word "creation," strike out the period, insert a colon and the following proviso, to wit:

"And provided further, That—

"(h) All testimony before said emergency board shall be given under oath or affirmation, and any member of said board shall have the power to administer oaths or affirmations. The said board shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein its investigation is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before said board, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto."

Mr. BLANTON. Mr. Chairman, if the committee will adopt this amendment, it will give to the President's emergency board the same power and authority that the board of arbitration has with respect to investigation. It would give them the same power to summon witnesses and force the production of documentary evidence. Do you want this President's board to be a mere figurehead, or do you want it to have some power and be worth while to the people of the United States? Why not give the President's emergency board the same power that you give to the board of arbitration? Otherwise, just what could it accomplish? Absolutely nothing. Are you afraid of your President's board? Have you a single reason for not giving it power to summon witnesses or to compel the production of testimony? What reason have you to vote against this proposition? If you are willing to give your board of arbitration that power, why are you not willing to trust your President's board?

Do not you colleagues all know that an emergency will surely arise? And do not you know that when your President appoints his emergency board—your emergency board—and it goes to the railroads and employees and pleads with them for permission to investigate them, and they refuse to permit it, and the board will be helpless and can not summon a witness, can not force the production of a paper, or book, or document, and can not compel the production of one scintilla of evidence, do not you know that Congress then is going to be the laughingstock of the Nation? Do not you know that the people are going to condemn us even more than they condemned the Congress for passing the Adamson law under

threats and compulsion? Oh, Congress seems to be afraid of putting any kind of compulsion upon railroad employees, but is supinely willing for railroad employees to put all kind of compulsion on Congress and on the whole people.

The American people have only one chance, and that is for the President to veto this bill. He will surely do it unless this is really his administration measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 15, noes 199.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Page 22, line 24, after the word "creation," strike out the period, insert a colon, and add: "*Provided*, That the President may in his discretion extend such time in which the report is to be made an additional period of not to exceed 30 days."

Mr. BURTNESS. Mr. Chairman, the purpose of this amendment is very plain. The bill as drawn limits the emergency board to 30 days time in which to investigate the facts and make a report thereon to the President. It has been several times emphasized on the floor that the very best men should be appointed by the President for this emergency board. With that sentiment everyone agrees. These men may be scattered all over the United States, and it may take several days to get together and organize. They may have to analyze tremendous volumes of evidence and many, many controverted facts, and I believe that if it is important enough to provide an emergency board of this sort, we at least ought to make it possible in all cases for that emergency board to make a report that will be worth while to the President, worth while to the country, and worth while to the employees and the owners of the carriers. All this amendment does is to give to the President a discretion to extend that period of 30 days an additional period of not to exceed 30 days, if he finds that this report can not be properly completed within the 30 days by the emergency board.

There is nothing unfair about that, there is nothing improper. It will injure neither of the parties to allow the situation to remain in status quo for a few more days when the country is threatened with an interruption of its transportation facilities. It may help both the parties and the general public in getting a worth-while report and in getting the dispute settled. That is all there is to it. We ought to be willing to leave that much discretion to the man we elect as Chief Executive of this country, and I am certain that the committee would adopt the amendment if it were not so late in the evening and if the Members were in a frame of mind to consider it upon its merits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 28, line 8, strike out lines 8 to 12, inclusive, and insert in lieu thereof the following: "After the creation of such board and for 30 days after such board has made its report to the President, any combination or agreement by or between any of the parties to such controversy to interrupt the service of the disputant carriers shall be unlawful."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 156.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Ameadment offered by Mr. BLANTON: Page 27, line 7, strike out lines 7 to 16, inclusive, and insert in lieu thereof the following, to wit:

"SEC. 10. If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this act, the Board of Mediation shall immediately certify that fact to the President, whereupon, if, in the judgment of the President, such dispute threatens a substantial interruption of interstate train service, he may, in his discretion, create a board to investigate and report to him respecting such dispute. Such board shall be composed of such number of persons as the President may deem desirable."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 120.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 28, line 8, strike out lines 8 to 12, inclusive, and insert in lieu thereof the following: "After the creation of such board and for 30 days after such board has made its report to the President, it shall be unlawful for two or more persons being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers, parties to the pending dispute, to enter into or seek to execute any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce or in pursuance of such combination."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. UPSHAW. Mr. Chairman, I rise in opposition.

Mr. BLANTON. The gentleman is out of order, Mr. Chairman. [Laughter.]

The CHAIRMAN. There is no further debate under the order of the House. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 1, noes 173.

So the amendment was rejected.

The Clerk read as follows:

SEC. 12. There is hereby authorized to be appropriated the sum of $300,000, or so much thereof as may be necessary, for expenditure by the Board of Mediation, prior to July 1, 1927, in carrying out the provisions of this act.

Mr. PARKER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 20, beginning with the word "the," strike out through the comma after the figures 1927 in line 22 and insert in lieu thereof the following: "Such sums as may be necessary for expenditures by the Board of Mediation."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 13. (a) Paragraph "Second" of subdivision (b) of section 128 of the Judicial Code, as amended, is amended to read as follows:

"Second. To review decisions of the district courts, under section 9 of the railway labor act."

(b) Section 2 of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes," approved February 13, 1925, is amended to read as follows:

"SEC. 2. That cases in a circuit court of appeals under section 9 of the railway labor act; under section 5 of 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and under section 11 of 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply."

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I shall have to ask unanimous consent to proceed for a minute or two out of order. It is my purpose, if I shall secure recognition, to make a motion to recommit the bill with certain instructions, and I think it fair to state to the Committee of the Whole now that purpose in order that they may be thinking the matter over. I may add I do not propose to ask for a roll call upon the motion to recommit. Of course, there may be some gentlemen entitled to preference over me to make a motion to recommit; but if recognized, I shall offer the motion to recommit, with instructions to report the same back forthwith, with an amendment to the amendment inserted in line 21, page 19—that is, the Parker amendment and following the Parker amendment:

And provided further, That no action taken under the provisions or authority of this act shall be considered by the Interstate Commerce Commission in the adjustment of freight or passenger rates or other charges.

That is the same amendment I offered in the Committee of the Whole, which was ruled out on a point of order. It may be that the motion to recommit will go out on a point of order.

Mr. BURTNESS. Shall be considered or shall be considered conclusively?

Mr. GARRETT of Tennessee. Shall be considered by the Interstate Commerce Commission in the adjustment of freight or passenger rates or other charges.

Mr. BURTNESS. Is it the purpose of the gentleman that the Interstate Commerce Committee can not take into consideration an arbitration award that is made at all?

Mr. GARRETT of Tennessee. What I seek to do is to eliminate this special legislation in behalf of the carriers and the employees of that consideration in fixing freight rates that affect 100,000,000 other people.

Mr. BURTNESS. I am in accord with the gentleman on that proposition, but I was wondering whether the language was not so broad they would be precluded from considering it entirely if an award ought to be considered by the Interstate Commerce Commission and any reasonable increase in wages ought to be passed on to the public.

Mr. HOCH. Will the gentleman yield for a suggestion?

Mr. GARRETT of Tennessee. I do.

Mr. HOCH. In view of the fact that the Tincher amendment was held in order, which in my judgment accomplished the same thing, does not the gentleman think it might be worth considering whether the motion to reconsider ought not to be offered, adding the Tincher amendment to the Parker amendment, so the question of the point of order would not be raised?

Mr. GARRETT of Tennessee. I will say very frankly that I do not think the Tincher amendment reached entirely the purpose I have in mind.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Alabama.

Mr. HUDDLESTON. I want to inquire of the gentleman whether or not he does not think it desirable if, as the result of arbitration, there should be a reduction in wages, and thereby a reduction in operating expenses, the Interstate Commerce Commission should not be permitted to consider that fact in making rates?

Mr. GARRETT of Tennessee. Mr. Chairman, there is but one answer that question, and that is yes.

Mr. HUDDLESTON. Suppose they raised the rates?

Mr. GARRETT of Tennessee. Under this bill there will never be a reduction of wages. It will either keep wages in status quo or they will be on the ascending scale.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. HAWES. Suppose this bill does not pass, and the roads and employees reach a wage agreement. Is there anything in this law to-day that is changed? Will we not be in the same situation without this bill as we would be with it? What would be the difference, if the gentleman can describe it to the House?

Mr. GARRETT of Tennessee. In the passage of this bill we are giving up whatever of gesture there is in the present law in behalf of the public.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HAWES rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HAWES. Mr. Chairman and gentlemen of the committee, I can not be placed in the position of being a member of one of the great committees of this House, sitting for 10 days, hearing the merits of this bill discussed, and then have at the eleventh hour the statement made, without dissent, that public interest is not protected.

Mr. MAPES. Mr. Chairman, will the gentleman yield for just a question?

Mr. HAWES. I would prefer not to.

The present law permits, it directs, the Interstate Commerce Commission to take into consideration certain things. There is not a line in this bill that takes from that commission its present power. There is nothing added to and nothing taken away.

The Railroad Labor Board does not function. A wage adjustment is approaching, and under this bill provision is made for conciliation, mediation, and arbitration all the way through, and no strike from the beginning of the dispute until 30 days after the emergency board has reported. There is nothing in this bill that takes from the Interstate Commerce Commission the power it now possesses over the matter of rates. There is no change whatever. I do not understand how Members can advocate a change when the present law is so specific.

This bill is to regulate labor disputes. The power of the Interstate Commerce Commission remains intact and unimpaired. I can not understand why gentlemen are alarmed. I can not understand why a practical filibuster should be going on now. We spent weeks on this subject. We should settle it to-night. [Applause.]

I know there is not a man of the 23 members of our committee who does not consider the public interest, and if Members of this House desire to change the interstate commerce act they can do it, but it should not be a part of a labor bill. It has no place in such a bill.

There is a thing back of this bill, my friends, almost as strong as the words of the law; and that is the meeting of minds, an agreement, an understanding, there will be peace from the time negotiations start and end, and for 30 days after that time. It is not an improper deal between the railroads and the employees. It is a bill brought in at the request of the President of the United States. It does not have in it any element of compulsion. It does not have in it any "teeth." Those men who want to change the theory adopted should write a new law. This law can not be part compulsion and part agreement. [Applause.]

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in two minutes.

Mr. UPSHAW. Make it five minutes.

Mr. BLANTON. Mr. Chairman, I make the point of order that the motion of the gentleman from New York is not in order. There has been only five minutes' debate.

The CHAIRMAN. The question is on agreeing to the motion made by the gentleman from New York [Mr. PARKER].

The motion was agreed to.

Mr. MAPES. Mr. Chairman, I think the Members of the House ought to appreciate this fact: That in addition to the proposed motion to recommit, which the gentleman from Tennessee [Mr. GARRETT] says he is prepared to make in case he should be recognized, being subject to a point of order, if it should by any chance be adopted by the House and should become a part of this law, it would result in the complete abrogation probably of all the arbitration features of this bill, because they depend entirely upon the voluntary action of the parties, and if we put into the act any such provision as he proposes, the parties themselves would never agree or consent to arbitration. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. Title III of the transportation act, 1920, and the act approved July 15, 1913, providing for mediation, conciliation, and arbitration, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office upon the date of the passage of this act, shall receive their salaries for a period of 30 days from such date, in the same manner as though this act had not been passed.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. BURTNESS. Reserving the right to object, I rise simply for the purpose of clearing up a parliamentary situation that is being whispered around here.

Mr. BLANTON. We are in a hurry to vote. I object.

Mr. BURTNESS. It has been suggested that the Parker amendment was not actually adopted this afternoon as a strictly parliamentary proposition. My understanding is that the Tincher amendment was offered as a perfecting amendment to the amendment that I made, to strike out.

The Parker amendment was offered as a substitute to the Tincher amendment, remaining as a perfecting amendment, and it was upon the theory that the language had been adopted as a perfecting amendment that I asked unanimous consent to withdraw my amendment. If the language is not adopted then, of course, the House will realize the importance of the gentleman from New York [Mr. PARKER] offering his amendment now

at the end of the section where he intended originally to offer it.

The CHAIRMAN. Let the Chair clarify the situation. The RECORD will show that the substitute of the gentleman from New York to the amendment of the gentleman from Kansas [Mr. TINCHER] was adopted, and the Tincher amendment as amended by the substitute was afterwards adopted.

Mr. BURTNESS. And there is no question about that provision now being in the bill.

The CHAIRMAN. The Parker amendment is a part of the bill and the Tincher amendment is not in the bill.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9463) to provide for prompt disposition of disputes between carriers and their employees, and for other purposes, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. TINCHER. Mr. Speaker——

Mr. LaGUARDIA. Mr. Speaker, I ask for the reading of the engrossed bill.

The Clerk began the reading of the bill.

Mr. BLANTON. Mr. Speaker, the gentleman from New York asked for the reading of the engrossed copy before the Clerk started to read.

Mr. LaGUARDIA. Mr. Speaker, I was on my feet asking for the reading of the engrossed copy of the bill.

The SPEAKER. The gentleman has the right to demand the reading of the engrossed copy. Manifestly, it is impossible to read the engrossed copy.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Does the reading of the engrossed copy come before a motion to recommit?

The SPEAKER. At this stage, yes.

Mr. GARRETT of Tennessee. I hope the gentleman will not insist upon his demand.

Mr. BLANTON. Regular order, Mr. Speaker.

The SPEAKER. There is no regular order except a motion. There is nothing before the House.

SENATE JOINT RESOLUTIONS REFERRED

Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 59. Authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926; to the Committee on Military Affairs.

S. J. Res. 30. Authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; to the Committee on the Library.

ADJOURNMENT

Mr. BLANTON. I move we adjourn.

The SPEAKER. The Chair declines to recognize the gentleman.

Mr. BLANTON. Mr. Speaker, as a prerogative of a Representative I move that the House do now adjourn, which motion is always in order.

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until Monday, March 1, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 1, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

A bill to amend an act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes" (H. R. 9766).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To adjust water-right charges and grant other relief upon the Belle Fourche irrigation project in South Dakota (H. R. 8540).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels (H. R. 7245).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 15).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

373. A letter from the Secretary of the Treasury, transmitting a draft of a bill for the relief of the widow of Mervin W. Glover, deceased; to the Committee on Claims.

374. A communication from the President of the United States, transmitting a draft of proposed legislation affecting the existing appropriation of $50,000 for the expenses of the Federal Oil Conservation Board, made by the act of January 20, 1926 (H. Doc. No. 259); to the Committee on Appropriations and ordered to be printed.

375. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Board of Tax Appeals for the fiscal year ending June 30, 1927, amounting to $165,608.64 (H. Doc. No. 260); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOYLAN: Committee on Military Affairs. S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad the use of railway tracks at Army supply base, South Brooklyn, N. Y.; without amendment (Rept. No. 396). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 7479. A bill for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes; with amendments (Rept. No. 402). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS: Committee on the Public Lands. H. R. 8903. A bill to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station; with amendments (Rept. No. 403). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT: Committee on Merchant Marine and Fisheries. H. R. 9108. A bill for the regulation of radiocommunications, and for other purposes; without amendment (Rept. No. 404). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT: Committee on the Merchant Marine and Fisheries. H. R. 9210. A bill to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; without amendment (Rept. No. 416). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 9276. A bill to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes; without amendment (Rept. No. 417). Referred to the Committee of the Whole House on the state of the Union.

Mr. EATON: Committee on Foreign Affairs. H. J. Res. 147. A joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Conference of Soil Science to be held in the United States in 1927; without amendment (Rept. No. 418). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 149. A joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World; without amendment (Rept. No. 419). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 150. A joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826; without amendment (Rept. No. 420). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. S. 2519. An act to enable the board of supervisors of Santa Barbara County to maintain a free public bathing beach on certain public land; without amendment (Rept. No. 421). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 2461. An act to grant extensions of time under oil and gas permits; without amendment (Rept. No. 423). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 2166. A bill for the relief of Anthony Mullen; without amendment (Rept. No. 397). Referred to the Committee of the Whole House.

Mr. VINSON of Kentucky: Committee on Military Affairs. H. R. 2491. A bill for the relief of Gordan A. Dennis; without amendment (Rept. No. 398). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 4325. A bill to revoke and set aside a discharge without honor, issued to Wade W. Barber, Bancroft, Nebr., October 28, 1899; without amendment (Rept. No. 399). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 7429. A bill for the relief of Joseph L. Rahm; without amendment (Rept. No. 400). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 8766. A bill for the relief of Edward J. Boyle; without amendment (Rept. No. 401). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 1828. A bill for the relief of J. M. Holladay; without amendment (Rept. No. 405). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3278. A bill for the relief of A. S. Rosenthal Co.; without amendment (Rept. No. 406). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 5726. A bill for the relief of Jane Coates, widow of Leonard R. Coates; without amendment (Rept. No. 407). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 493. An act for the relief of the owner of the steamship *British Isles;* without amendment (Rept. No. 408). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 494. An act for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko;* without amendment (Rept. No. 409). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. S. 553. An act for the relief of Fred V. Plomteaux; without amendment (Rept. No. 410). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 959. An act for the relief of Tena Petterson; without amendment (Rept. No. 411). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 977. An act for the relief of A. V. Yearsley; without amendment (Rept. No. 412). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased; without amendment (Rept. No. 413). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1519. An act for the relief of the P. Dougherty Co.; without amendment (Rept. No. 414). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 2906. A bill for the relief of Emile Genireux; without amendment (Rept. No. 415). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 8168. A bill authorizing the payment of an indemnity to John Williamson on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; without amendment (Rept. No. 422). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 2086) for the relief of A. T. Marix, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 9825) to amend the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. SWING: A bill (H. R. 9826) to provide for the protection of the lower Colorado River basin; to the Committee on Irrigation and Reclamation.

By Mr. ARENTZ: A bill (H. R. 9827) authorizing the use of the United States reclamation fund for the construction of power and transmission lines on the Newlands irrigation project, Nevada, and providing for the repayment of the funds so used; to the Committee on Irrigation and Reclamation.

By Mr. McKEOWN: A bill (H. R. 9828) to amend the Federal farm loan act and the agricultural act of 1923; to the Committee on Banking and Currency.

By Mr. STOBBS: A bill (H. R. 9829) to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HARE: A bill (H. R. 9830) to authorize the building of a bridge across Archers Creek, in South Carolina; to the Committee on Naval Affairs.

By Mr. DAVILA: A bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico; to the Committee on Insular Affairs.

By Mr. MOREHEAD: A bill (H. R. 9832) granting an easement on public land to Legion Post No. 8, Nebraska City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. CRISP: A bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act; to the Committee on Agriculture.

By Mr. BLOOM: A bill (H. R. 9834) to commemorate the two hundredth anniversary of the birth of George Washington by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea in the Washington Marine Park, Brooklyn, N. Y.; to the Committee on Industrial Arts and Expositions.

By Mr. BACON: Joint resolution (H. J. Res. 182) authorizing the publication of Madison's Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; to the Committee on Printing.

By Mr. LUCE: Joint resolution (H. J. Res. 183) authorizing the removal of the Bartholdi fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9835) granting an increase of pension to Samantha Sparks; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 9836) for the relief of John D. Dorris; to the Commitee on War Claims.

Also, a bill (H. R. 9837) granting an increase of pension to Margaret E. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9838) granting an increase of pension to Isabell D. Heeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9839) granting an increase of pension to Nancy J. Temple; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 9840) to correct the military record of Nicholas Jones; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 9841) granting a pension to Mary G. Green; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 9842) granting an increase of pension to Martha A. Haggard; to the Committee on Invalid Pensions.

By Mr. DOUGLASS: A bill (H. R. 9843) for the relief of Max Baratz; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 9844) granting a pension to Johanna Mansfield; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 9845) granting a pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9846) granting a pension to Mary Jager; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 9847) granting a pension to Margaret McWhinney; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9848) granting an increase of pension to Hannah C. Williams; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 9849) granting a pension to Jesse R. Latham; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 9850) granting an increase of pension to Sarah A. Roth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9851) granting an increase of pension to Adacinda Kurtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9852) granting an increase of pension to Rebecca Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9853) granting an increase of pension to Irena Miller; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 9854) for the relief of Hernando de Soto; to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 9855) for the relief of Kennedy F. Foster; to the Committee on Military Affairs.

Also, a bill (H. R. 9856) granting a pension to Mollie M. Roberts; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9857) granting a pension to William Russell Smith; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 9858) for the relief of certain property owners in Orange County, Fla.; to the Committee on Ways and Means.

By Mr. SPROUL of Kansas: A bill (H. R. 9859) granting a pension to Frank C. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Nancy D. McGuire; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 9861) for the relief of Wynona A. Dixon; to the Committee on War Claims.

By Mr. SWING: A bill (H. R. 9862) for the relief of Hadley Thomas; to the Committee on the Civil Service.

By Mr. TABER: A bill (H. R. 9863) granting an increase of pension to Margaret Crelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9864) granting an increase of pension to Anna E. Doty; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 9865) granting a pension to Annie Anderson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9866) granting a pension to Frank W. Marsters; to the Committee on Pensions.

By Mr. WELLER (by request): A bill (H. R. 9867) for the relief of Charlotte L. T. Coca; to the Committee on Naval Affairs.

By Mr. COLTON: Resolution (H. Res. 152) to pay Robert Curry additional compensation as janitor to the Committee on Elections No. 1; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

843. By Mr. BLOOM: Petition of the Catholic Central Verein of America, New York local branch, concerning the so-called Curtis-Reed education bill; to the Committee on Education.

844. By Mr. CROWTHER: Petition against the enactment of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on Education.

845. Also, petition of voters of Amsterdam, N. Y., urging opposition to the Curtis-Reed bill; to the Committee on Education.

846. By Mr. GALLIVAN: Petition of Moses S. Lourie, 50 Bradshaw Street, Dorchester, Mass., recommending early and favorable consideration of the Graham bill to increase salaries of the Federal judges; to the Committee on the Judiciary.

847. By Mr. GARBER: Letter and resolution by the National Cooperative Milk Producers' Federation, protesting against the inclusion in the independent offices' appropriation bill of appropriation for the United States Tariff Commission; to the Committee on Ways and Means.

848. Also, resolution by taxpayers of Enid, Garfield County, Okla., protesting against the Curtis-Reed bill (S. 291 and H. R. 5000); to the Committee on Interstate and Foreign Commerce.

849. Also, resolution by Associated Federal Board Students, University of Arizona, and others, favoring the passage of House bill 4474, introduced in the House December 9, 1925; also letter from the president of the University of Arizona, favoring such legislation; to the Committee on World War Veterans' Legislation.

850. By Mr. LINDSAY: Petition of the New York City Federation of Women's Clubs, urging that there be a Federal investigation of the American Telephone & Telegraph Co., of which the New York Telephone Co. is but a subsidiary, in order to ascertain how much is needed to finance the city company, and thus be able to fix just charges for the people of New York City; to the Committee on Interstate and Foreign Commerce.

851. By Mr. MOONEY: Petition of United Cleveland Immigrant Conference, indorsing the Perlman immigration bill and protesting the Aswel alien registration bill; to the Committee on Immigration and Naturalization.

852. By Mr. MORIN: Petition of the Catholic Daughters of America, Mrs. Margaret A. Ebrens, grand regent, of Pittsburgh, Pa., protesting against the passage of the Curtis-Reed bill providing for a department of education; to the Committee on Education.

853. My Mr. O'CONNELL of New York: Petition of the Associated Industries of New York State (Inc.), of Buffalo, N. Y., favoring an amendment to House bill 7180, to give to some Federal administrative body the power to suspend, review, and make decisions binding on both parties in the dispute; to the Committee on Interstate and Foreign Commerce.

854. Also, petition of the National Cooperative Milk Producers' Federation, favoring the abolishment of the United States Tariff Commission; to the Committee on Ways and Means.

855. By Mr. ROUSE: Petition of citizens of Kenton and Campbell Counties, of the State of Kentucky, asking for the passage of House bill 98; to the Committee on Pensions.

SENATE

MONDAY, *March 1, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we render thanks to Thee this morning. Thou hast permitted us to see another month open before us. Goodness and mercy have been our portion thus far, and as we look toward the days ahead we want to realize that we are in Thy care, seeking for Thy guidance. Deliver us from all self-seeking. Deliver us from all the things that depreciate our existence. Give unto us the wisdom to do the things that please Thee. Hear us; be with us through this day and all the days that may yet be given unto us. We ask in Jesus Christ's name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS

Mr. ASHURST. Mr. President, in the nature of a petition, I ask to have read and lie on the table the telegram which I send to the desk.

The VICE PRESIDENT. The telegram will be read and lie on the table.

The Chief Clerk read as follows:

FLAGSTAFF ARIZ, *February 28, 1926—1.50 a. m.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We respectfully request your earnest support to the passage of the Italian debt settlement now before the Senate. We believe it will in a large measure benefit basic industries of Arizona.

CHAMBER OF COMMERCE.

Mr. KENDRICK presented resolutions adopted by the Lions Club, of Lusk, Wyo., favoring the passage of legislation providing for the inclusion of the Teton Mountains in the Yellowstone National Park, which were referred to the Committee on Public Lands and Surveys.

Mr. HOWELL presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of Senate bill 98, providing increased pensions to Spanish-American War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, protesting against the terms of the proposed Italian debt settlement, which were ordered to lie on the table.

He also presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, favoring the passage of the so-called Capper-French truth in fabric bill, which were referred to the Committee on Interstate Commerce.

EMPLOYMENT OF AN ADDITIONAL PAGE

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 160) authorizing the employment of an additional page for the remainder of the present session. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 160) submitted by Mr. CURTIS on February 26, 1926, was read, considered, and agreed to, as follows:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page for the remainder of the present session of Congress, to be paid from the contingent fund of the Senate, at the rate of $3.30 per day.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3338) granting an increase of pension to Arabelle Lehnhard (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3339) amending subchapter 5 of the Code of Law of the District of Columbia, as amended to June 7, 1924, relating to offenses against public policy; to the Committee on the District of Columbia.

By Mr. FESS:

A bill (S. 3340) to regulate interstate commerce in articles made by convict labor; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 3341) for the relief of Henry von Hess; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. SHORTRIDGE:

A bill (S. 3343) for the relief of Estella Howard; and

A bill (S. 3344) for the relief of Mabel Blanche Rockwell; to the Committee on Claims.

A bill (S. 3345) granting a pension to Charles Rives; and

A bill (S. 3346) granting an increase of pension to Patrick J. Manning; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3347) to enlarge, extend, and remodel the post-office building at Sterling, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MAYFIELD:

A bill (S. 3348) granting a pension to Mary E. Shadle (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3349) granting an increase of pension to James H. Schnider; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3350) authorizing the President to appoint Richard R. Baker, jr., to the position and rank of first lieutenant in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 3351) to amend section 135 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3352) granting a pension to Mary J. Walters;

A bill (S. 3353) granting a pension to George B. Bridges (with accompanying papers);

A bill (S. 3354) granting a pension to Joseph L. Youngs (with accompanying papers);

A bill (S. 3355) granting a pension to Joseph M. Cameron (with accompanying papers); and

A bill (S. 3356) granting an increase of pension to Phoebe E. Burkhart (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A joint resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Agriculture and Forestry.

AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL FORESTS AND THE PUBLIC DOMAIN

Mr. ODDIE. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and illuminating statement by Vernon Metcalf, secretary of the Nevada Land and Livestock Association, with reference to national forests and the public domain.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS AND PUBLIC DOMAIN

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC LANDS AND SURVEYS,
Reno, Nev., Monday, September 21, 1925.

The subcommittee met, pursuant to adjournment on Saturday, September 19, 1925, in the Y. M. C. A. Building, Reno, Nev., at 10 o'clock a. m., Monday, September 21, 1925, Senator Robert N. Stanfield (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Gentlemen, this is a meeeting of a subcommittee of the Committee on Public Lands and Surveys of the United States Senate. These meetings are being held pursuant to a resolution adopted by the Senate at its last session. The provisions of the Senate resolution place no limit upon the scope of investigations by this committee into matters relating to the public domain and the national forests. The committee has power to investigate and to recommend legislation on any or all phases of the utilization or disposition of the lands themselves, the forage growing thereon, and the timber, mineral, or other resources in or upon these areas.

The scope of our investigations includes not only the public domain but all public lands, all reservations that have been taken from the public domain, such as Indian reservations, mineral reservations, national monuments, national parks, and game reserves. Congress was induced to adopt this resolution by reason of certain bills pending before it during the last session and some bills that have been pending for the previous two or three sessions of Congress, such as a bill for the leasing of the public domain, and for regulation of grazing fees within the national forest.

Is Mr. George Russell, president of the Nevada Land and Live Stock Association, present? Apparently he is not here. We will call Mr. Metcalf.

STATEMENT OF VERNON METCALF, RENO, NEV., SECRETARY OF THE NEVADA LAND AND LIVESTOCK ASSOCIATION

The CHAIRMAN. Mr. Metcalf, will you give your name and address and official connections to the reporter?

Mr. METCALF. The name is Vernon Metcalf. My address is Reno, Nev. I am secretary of the Nevada Land and Livestock Association.

The CHAIRMAN. Have you a statement, Mr. Metcalf?

Mr. METCALF. I have, sir.

The CHAIRMAN. Will you kindly give it to the committee in your own way?

Mr. METCALF. Mr. Chairman, Senator ODDIE, and gentlemen, the first statement I would like to present is a statement left here by the president of the Nevada Land and Livestock Association, whose private business called him away. It is a signed statement. May I read this?

The CHAIRMAN. Yes; you may proceed.

Mr. METCALF. It was the plan, gentlemen, to have Mr. Russell, president of the Nevada Land and Livestock Association, make this statement which he prepared. His private business called him away, so that it now is up to me to act in his place by reading this statement. It says [reading]:

"After several attempts over past years which were not successful as to permanence, the cattle and sheep growers of Nevada, believing that the many troubles confronting them needed organized attention, organized some six years ago what is now known as the Nevada Land and Livestock Association. Feeling that one of their major problems concerned the question of their ranges, they borrowed and then retained to handle their organization the services of the present secretary, who for some 12 or 13 years had been employed by the United States Government along lines directly connected with this problem, his duties having taken him to practically all parts of the range territory of the West, and who had been supervisor of most of the national forest ranges in Nevada, and at the time was in general charge of all lines of activity upon the national forests in Nevada.

"Believing also that the only intelligent method of attacking the complexities of this great problem was to study and investigate its every phase from its very beginning, it has been the policy to have our secretary do this, with all of us lending him our aid. This, we think, has resulted in building up a set of facts based upon directly contributing causes to our troubles rather than to deal with all the varied and numerous local troubles, which, after all, are merely effects from fundamental causes. These facts have been arranged carefully in logical sequence, dealing only with effects sufficiently to point out causes.

"In our numerous conventions since the beginning of our organization many of these angles have been dwelt upon and made the source of resolutions, statements of fact, etc. They have also been used for bringing our troubles to the attention of the various other interests to the end that the whole State might interest itself in these troubles underlying a major basic industry to the end that all could and might help in their solution.

"This led two years ago to the resolution which, so far as we know, was the first request for an investigation of the whole national and public domain range question by just such an impartial agency as you gentlemen represent who are here with us to-day. Thus, we see a step in our hopes realized.

"Within recent days, through the executive committee of our association and its members, we have made a checking up of all the facts at our command and endeavored to crystallize our suggestions as to what might best be done to correct what we know to be a bad situation.

"In order to concentrate on causes and finally to conclude with our suggestions for correction in such manner as to present our case logically with facts arranged in sequence, it has been our decision to have our statement made in full, first, by our secretary. This, we feel, will avoid that great mass of disconnected, often misunderstood, and often contradictory statements, which are bound to occur when individuals of us, not having made a complete study of all phases of the situation, and impressed principally with our own local circumstances, endeavor to discuss the matter.

"Before calling upon our secretary, it might be well to let you know, for the record, that our association represents both sheep and cattlemen of the State, all parts of the State, and all sizes of owners from the smallest through all other classes, and that its reputation in all its various actions has secured for it the credit of working for the industry as a whole. For any necessary indorsement of these points, various of our State officials are present, who can properly answer.

"In such a matter as is before us, even though we agree upon the principles, there is necessarily some shades of opinion with the interests of so many settlers concerned.

"After our statement has been presented and you are ready, we have a number of settlers present, representing various sections of the State, whom you may feel free to call upon either to verify the points in the statement, to disagree with any, or to give their own personal opinions, regardless of the statement.

"If our plan coincides with the wishes of your committee, the presence of which we all so greatly appreciate, we will suggest that our statement by our secretary now be heard.

"GEO. RUSSELL, Jr.,
"President of the Nevada Land and Live Stock Association."

Mr. METCALF. Preliminary to the statement, I don't know whether it is proper, Mr. Chairman, to submit charts in this connection?

The CHAIRMAN. You may file any chart that you wish to file, Mr. Metcalf.

Mr. METCALF. This chart has seen long service and is rather a dilapidated-looking affair to file. If you care for it, we will be glad to turn it over to you.

In this chart an attempt has been made to draw to scale within the red line all the land area of Nevada. The 70,000,000 acres of land surface in the State is represented by scale within the red line on the chart. The divisions of the chart show a classification of the lands as to ownership and status. In this corner first we will take the area of the national forest, drawn to scale also, something in excess of five and a quarter million acres. Below that is the area of Indian reservation land, which is something in excess of 1,000,000 acres.

In the other corner in the two rectangles are all the taxable lands there are on the tax rolls of the State, drawn to scale, against the 70,000,000 acres of land. That is subdivided. The top rectangle is the railroad-grant land, which, as you know, is the raw sagebrush or otherwise covered land in its natural state, checkerboarded for 20 miles on each side of the right of way and granted to the railroad at the time of its construction.

The lower rectangle shows drawn to scale the area of all the rest of the taxable lands of the State owned by citizens other than the railroad company or corporations.

Now, down in the corner last of all, drawn to scale, is the crop land of this 70,000,000 acres of land in this State. That includes all of the meadow hay land as well as the alfalfa land and other crop land.

When we take out the hay land and get down to what you might call a diversified-crop land we have this small solid black rectangle way down in this corner. Now, of that area I think, according to the last census, that all but some 4,000 acres were in cereals. So far as we can find from the records of the public service commission, which show all the tonnage classified hauled by the railroads on the trackage in Nevada, very little of those cereals get out of this State to market. Principally they go into some branch of the livestock industry—hogs, poultry, something along that line.

The point that I would like to make with this chart is to show clearly that at least outside of this black rectangle representing diversified crops with cereals the utilization of everything that grows on all the rest of that land surface is up to the livestock industry. In other words, it must be through the medium of the livestock industry that any wealth that is on the surface of those lands be manufactured into business and revenue.

With that picture of the situation as to the classification and ownership of land in the State, the method through which the surface product must be realized upon for business and revenue, we proceed with the statement.

Few things are settled until they are settled right. The persistent discord and discontent which almost ever since its beginning has marked the public-land policy of our country as applied to the great range sections of the arid and semiarid sections of the West is, in our opinion, merely a manifestation of that axiom.

The policy was wrong in its very beginning and has continued wrong, in our opinion, chiefly because it was developed and applied without that preliminary study of the subject matter to be handled which generally precedes any intelligent attempt at administration of anything. Instead of such preliminary study as a basis for a policy to be applied to the particular area in question, a policy which had been found fairly applicable to the lands of the Middle West was adopted, without thought, apparently, as to whether the fundamental conditions on the ground in the West were even similar in characteristics to those which had guided development of that policy for application to the Middle West. The fact that they were almost exactly dissimilar is, quite naturally, the outstanding reason why the policy has never fit the situation.

The value of land, in so far as is concerned the question at hand, must necessarily be guided by its productive possibilities from such standpoints as climate, topography, marketability, etc. Had a study of this matter been conducted preliminary to application of public-land policies to the lands of the West mentioned above, it would quickly have been found that, in the main, they were valuable only as they were related to the production of a great natural resource, the yearly forage crop produced principally by nature upon the great range stretches. Instead of land primarily, it would have been found, as we find now, that the question really concerns a resource and that the land is, in fact, something of a side issue. The next problem would have been to decide how best that resource might function as a producer of benefit to the welfare of the country as a whole. From an economic standpoint it would have been found, as now, that its production into business and revenue required its utilization by the stock-raising industry. To secure for the country as a whole, the maximum returns for such purposes on a permanent basis policies should have been developed surrounding its best use, taking into consideration all those peculiar but natural conditions surrounding it.

Outstanding among those conditions would have been found the fact that features of geography, particularly that of elevation, had divided the lands concerned into zones, irregular as to limit lines and location but definite as to seasonal availability or use for agricultural or stock-raising purposes. Generally speaking, only the lower elevations, the valleys, were available in winter, only the high mountain ranges in summer, and the intermediate foothill country in spring and fall. Thus, instead of a great areas providing simply range, they provided instead a certain area, limited in each case by nature, of summer feeding grounds, a certain area of winter feeding grounds, and a certain area of spring and fall feeding grounds.

Right here, it seems, the situation would have been apparent, had a preliminary study been conducted, that any intelligent use of the resource by an industry the conduct of which is absolutely based upon the availability of feeding grounds for each season of the year would, in turn, have to be based upon a plan involving arrangement or grouping of the seasonal areas into sets furnishing year-round operating bases.

The real cause behind existing difficulties in this whole problem seems directly traceable to the fact that practically every step in the application of our public-land policies ignored this situation and, instead of apportionment of the lands, primarily of value because of the resource produced by them, in complete sets, have ever gone forward on a basis which from the start has resulted in apportionment among the various groups and agencies now in possession of mere parts rather than complete sets.

A review of the existing situation is usually a good starting point for consideration of corrective measures, and therefore a tracing of the developments resulting from application of such a policy as that outlined above seems desirable.

Developments proceeded somewhat as follows:

It was inevitable that the resource concerned became the starting point for what became the stockraising and ranching industry. The pioneer in that line found a complete base of operations meant provision of feeding grounds for each season of the year, as mentioned above. Nature's provisions for summer feeding grounds and for spring and fall feeding grounds were ample, but the need was seen for quarters where hay could be supplied for carrying all or part of the stock herds through the winter, when, because of climatic conditions, use of the ranges was restricted, the degree depending upon locality. The land policy in effect at the time permitted, as outlined above, only a grant to an area sufficient for a hay ranch or winter quarters. There was no law covering the other seasonal areas. A basic industry, upon which to material extent was later to be reared the entire business and governmental structures of the States of the West, came into being on a basis where the operator owned but a part instead of a complete operation, his future forever bound up in the problem of what happened to the other parts.

As settlers came and established themselves under the laws existing they prospected around for an unoccupied range for summer, with an unoccupied spring and fall range to fit, and then, acquiring under the land laws, their winter feeding quarters, began their battle with the other conditions always making the business a tremendous risk, looking to the time when through their pioneering efforts they could establish a home unit for themselves and their families.

As has been the history of the human race, lacking law to protect those rights upon which the safety of all depended, local customs, which is nothing but the application of the best judgment of the majority as to the safety of those rights, came into being. That custom recognized the fact that without recognition and protection for each settler in those seasonal feeding grounds which he could not own, there could be no property rights in the part which he had to own. The majority forced recognition of this custom as settlement went forward, an exact parallel being the case of the use of water for irrigation in the same arid and semiarid sections.

A resource was being exploited for the building of the great West, but without the application of man-made law surrounding it. That resource had its values when it could be so used as to realize upon them, and that use, as pointed out, depended primarily upon the grouping of the parts into complete sets. What became of those values?

What happened under the circumstances is exactly what always happens when rights are recognized and protected in law to an incomplete thing and when the owner thereof in order to operate, takes, and for years uses, with or not with consent, at least without remonstrance from the legal owner, those other parts necessary to completeness. The values of the operating base, as a whole, owned and unowned, become attached to the owned part. Again, an exact parallel is the case of water for irrigation in its relation to the lands upon which it is used. Under reasonably secure economic conditions, values of business enterprises are rather inexorably fixed by the returns possible from the disposal of whatever the operation produces. What the settlers were building, as shown above, was the ability to operate a certain number of livestock year round, because upon that ability depended the crop, the sale of which had to furnish the wherewithal for the operation as a whole. That ability in turn depended upon availability of the operating plant as a whole, and the operating plant as a whole was the year-round feeding grounds, owned and unowned. So that ability upon which settlement depended in the beginning and upon which the industry came into being and is in being became the foundation of the whole situation.

Commercial and professional business followed settlement, as did local government. It all built upon the back of the settler, whose foundation in turn was the ability to operate, so that ability became the common foundation for all.

Barter and trade went forward under the prevailing conditions. Its basis was also the ability to operate. When an outfit changed hands the value was inevitably based upon what ability it had to operate the number of stock concerned. Therefore, in turn, the values in the operating plant as a whole, owned and unowned, were the basis for the investment values under which barter and trade proceeded, and on that basis those values in full went directly into the commercial life of the whole country and became to a very great extent the foundation of that commercial structure. As deeds could be furnished only to the owned lands of the complete operation, the values of the whole quickly became attached to the owned portions. Those values attached became the basis for tax valuations and went on State and county tax rolls. They became the basis for valuation of securities in financial transactions.

Up to this point in the development the economic situation was secure even despite lack of law. The values upon which the business and local governmental structures were built were in existence. They were exploited, or commercialized, it is true, but not overexploited or commercialized. Despite its delay, had law come even by that time under which the values in the resource concerned had been made secure in the places they had naturally taken, all would have been well.

It did not come. What happened next?

Grouping of parts of anything always involves the principle that the number of sets which can be completed will be limited by that part least in number or extent.

I might just make a straight example there again with our old freight-outfit comparison, a freight outfit taking three necessary parts to complete a unit: A harness, a team of horses, and a wagon. Just as this situation takes three seasonal feeding grounds to complete a feeding unit for operation—summer, spring, fall, and winter—no one of which could be used successfully in the other season of the year, no two of which a man could use to get any place with any more than he could haul freight with a set of harness and a wagon and no horses. Now, if we had a million wagons and 500,000 horses and only 250,000 sets of harness, you could make only 250,000 freight outfits. It is limited by that thing least in extent—the harness.

The natural conditions on the ground made the limiting part the summer range, this seasonal range having less carrying capacity for stock than either the spring and fall or the winter feeding grounds. In the picture of the development of the situation just given, it will be noted that the land law under which settlement proceeded instead of applying to the summer range, the part to the complete sets least in extent, applied to those areas forming winter feeding quarters, probably greatest in extent and possibilities of development of the three seasonal areas.

Right here will be noted a basic fault of the policy. Had the distribution even of parts to complete sets been limited to that part least in extent, there might always have been plenty of the parts greater in extent to fit the holdings of all having the lesser part.

The inevitable result of the situation as it existed, however, was that there soon came a time under settlement when more winter feeding quarters had been taken than there was summer feeding grounds to balance.

Then the inevitable struggle of those with their all tied up in the incomplete parts greatest in extent began for the part least in extent, and remember here that those who had up to this time settled complete sets had in the investment values of the part they owned the values underlying the whole. Those in such a position knew their investments depended upon continued ability to operate the number of stock by which those investments had been guided to begin with. They knew that ability was guided by summer grazing ability and that any loss of summer grazing ability meant a proportionate decrease in the investment value as a whole.

What did they find to be the situation? Under the law or lack of law they found they had no protection in that part to their operating plants upon which the values in the plant as a whole absolutely depended and upon the basis of which the entire settlement program had been based. Not only that, they found their Government giving large areas of that key part under new grants to other groups, other agencies. True, the new agencies could not use them for the only thing for which nature fitted them—stock raising—because they were receiving but parts to an incomplete operation. They also found their Government setting aside large areas containing the summer grazing grounds and spring and fall grazing grounds under withdrawals contemplating uses other than those to which those parts had already been put. They also found new land laws, which enabled almost any comer to secure legal rights in those same parts.

What happened is just what always happens under similar circumstances. Here were a great group of settlers with their life's work resulting from the hardest of pioneering efforts tied up in properties lacking completeness as operating bases and therefore at the mercy of those controlling the parts necessary to completion.

Under such a situation it is inevitable that he who has the heaviest interest in a thing lacking completeness has also the most to lose through lack of availability of that last part without which completeness is lacking.

This heaviest interest has always been held directly by the settlers and their successors, and indirectly by all that part of the business structure which built upon that settlement.

The situation forced the uneconomic step of a reexploitation of values already exploited. It also created a situation under which the established settlers had continually to buy back the missing parts as others were given them or see their owned properties dwindle in value to the vanishing point.

Every cent they had to pay out under this situation inevitably had to be paid at the expense of the investment values as already fixed, simply because through making such new payment that sum was not available at the end of the year to credit to the investment as formerly fixed. Not only was this the start of a situation under which this great group, the backbone of settlement, were definitely on the road from which so far there has been no turning back, of forever increasing their investment in new places at the expense of the original place, but they saw that development of the land policies did not follow the customs that had been seen by the majority to be basically sound and necessary, safeguarding rights in the parts formerly ignored by man-made law, but holding the key to the very property rights in the owned parts. Instead, this development was going off on exactly the opposite course. There is where the outcries against the country's land policies had their birth, and there is where the man-made law definitely got off the track and applied to a resource principles entirely foreign to those the natural conditions on the ground made necessary.

Grants to the railroads, grants for public-school purposes, reservations for Indians, reservations for game preserves, reservations for national forests, for national parks—in fact, almost every step in that direction meant either that the established settler saw some of the seasonal feeding grounds, the values of which were inexorably fixed in the investment values of his owned parts, either withdrawn entirely from his use and applied to new uses or put into the hands of some one who could turn and make him pay through the nose to recover their use.

Every step meant for that settler either lessened ability in the number of stock he could operate to carry his overhead or an increase in the overhead to divide among the same number of stock. Either or both simply meant the milking of values from the place they had taken and their transfer to a new place. The effect largely was simply to depreciate the values which had come into being behind the owned properties, upon which the commercial structure was founded, upon which the local governmental structure was founded, and their placing very often into new hands, which returned those structures little if anything. Specific instances are many in the West, where the economic loss caused by setting to new uses summer ranges, which not only meant the loss of business from operation of an equivalent number of stock, but the loss of the investment values in the ranches, range, improvements, etc., upon which operation of those stock absolutely depended, never was compensated for to any material extent by that new use. None of these grants which followed settlement as above described brought any new lands to the States concerned. Most all of them finally resulted in a change of status of what were at the time and still are nothing but grazing lands, just as they were before the grant. The change did not increase their forage production. They were the same lands and it was the same grass the stock-raising settler was already using, upon which he built his settlement, and the values of which were already in the channels of business, taxation, etc. The result was simply that by depreciating the investment values in what he already owned, he paid for more of the parts he did not own. There was no economic gain, but there was, and ever since this started there has been, the continual economic readjustment which always follows such situations and which, despite all the man-made law that can be manufactured, causes an economic waste, which finally the ultimate consumer of the product concerned must pay in increased prices for that product—the public as a whole.

The process has been continual, because in none of the new steps was it possible for the established settler to finally get ownership to the operating plant as a whole. In fact, the situation has been such as to mean reexploitation of the values concerned over and over again in full.

The situation in which was overlooked the point that summer grazing areas were really the key to the number of complete sets possible, and which instead was granted out that part to prospective settlers furnishing winter quarters, could only bring what has been brought, a condition where we have in owned parts lands capable of furnishing winter quarters out of all proportion to the summer feeding grounds. This situation has resulted in a big group of settlers ripe for exploitation by any agency that could sell to them the means to beat each other to the strategic areas on the unowned seasonal ranges serving to control grazing use of the same. It has likewise made everyone not caught in the economic tangle an eager applicant or supplicant for anything that would give him a right on the unowned seasonal areas, in most instances because, though it was known to be a thing incomplete by itself, it was equally known to be a thing the established settler had to have or lose the results of his life's work. The only thing this situation can properly be likened to is a perfect set-up for blackmail and all the bad result which usually accompanies that practice.

Under this new angle areas controlling watering places on the seasonal areas unowned became the keys to continuance in the business. The various land grants had caused a situation from which it became possible to purchase scrip by the use of which public lands could be purchased, a purchase not involving the peculiar qualifications of residence, etc., required by any settlement law applicable. Just as in the original development, the key winter ranches quickly gained a value based on control, under custom, of the unowned ranges going with it to make a complete plant, just so did values quickly attach to lands controlling water, not on the basis of the productive value of those lands per acre or other unit, but upon the basis of what they controlled in ranges surrounding but useless without that water. These lands, in their turn, then became the thing the operator, whether he be old settler or new settler, had to have to keep up his ability to operate that number of stock needed to carry his property investment in the whole operation, stock and land both. The terrific competition which it is but natural should follow this situation of unbalanced holdings in the seasonal groups needed for year-long operation bid up the values of these key areas out of all proportion to their possible operating return value. He who did not get them not only was out of the race so far as continuing to run stock was concerned, but his ranches, etc., also went out of the race. He had to have them or quit, and quitting, as was so little understood and even now is misunderstood, also meant walking off and leaving his privately owned lands to return to the sagebush from whence they had come. In proportion, loss of any part of ability to operate that full number of stock the original investment had been based upon, meant, as well, a return in just that same part of a part of those lands to the sagebush.

There was no way out. Just as when established settlers, seeing custom breaking down in the protection in ranges, endeavored to keep newcomers off their ranges, knowing that encroachment meant everlessening numbers of stock they themselves could operate and a consequent continual increase in overhead on the dwindling numbers, were given the unjustified sobriquet of "range hogs," just so now were they given the added sobriquet of "land hogs." It seems obvious, upon reflection, that whatever these settlers were and what they may have become was guided solely by the circumstances lack of law or mistaken law surrounded them with rather than any personal choice on their part.

Not only in this new move were the same values which already supported the investment values in the industry being exploited again, but, as previously stated, the terrific competition put those values clear above any possible operating-return basis, a situation which was fraught with danger and for which some day an accounting would have to follow, but also a situation which soon began to rock with distress the entire economic structure dependent upon the industry and the values concerned.

Among others, and merely as general examples, the structures underlying State and county taxes commenced being affected, as did the foundation underlying that great branch of the financial structure depending for business upon the land and livestock industry.

Practically all western tax laws base land assessments upon sale-price bases. As has been shown, the values supporting sale-price bases became in our settlement attached to the privately owned winter ranches and through them went fully on to the tax rolls. The second move, the forced buying of lands controlling water on the big ranges, not only put those same values on the tax rolls again but at scales out of all proportion to their operating-return possibilities. The result was and still is that States and counties generally are taxing values all out of proportion to their earning power; that through this reexploitation and overexploitation the land-tax rolls have in them a material extent of values which do not exist. This has generally served to encourage scales of expense of local governments out of proportion to the revenue-producing ability of the values upon which established, and here we have the source of much of our land and tax troubles in the West. A simple and natural law of economics is simply asserting itself.

Where has the credit situation gone? As the capital investment in the settlers operating plant moved into its various places security values followed. It took and takes some time for economic laws to work. The banker too often of recent years has found himself

holding for purposes of security too many different parts to one complete set, all having the same source when it came to operating-return values.

These examples are given merely to show that unsound economics applied to a basic industry manifests itself in all related lines of endeavor and that any principles which do not coincide with the natural necessities right down on the ground will sooner or later work themselves to the surface in the whole economic structure, where they become an economic loss, often many times multiplied, for the public at large to stand.

No business, no business structure, and, finally, no government structure can live very long on values which simply do not exist, and in the effort sooner or later has to compensate to just that extent that the revenue-making values were overexploited.

Then comes the era of Government reservations for various purposes, including withdrawal for specific purpose of large tracts of lands consisting of various parts of the seasonal feeding grounds, the values of which have not only been exploited but reexploited and overexploited.

This is another example of the fact that to the public mind range was range, land was land. With what is often termed an empire of land, what could it injure anyone to set aside even millions of acres for this new purpose or for that new purpose. Surely anyone who might be using it could move to another place and find a world of range.

The trouble was and has been that almost all of these withdrawals have been located on that very one of the seasonal groups which being least in extent has been the key to all—the summer areas in the higher mountains. As was but natural, they were the very areas which encouraged settlement. Areas suited to summer use were, in settlement of the West, not only quickly appropriated by use, the fact is shown that there was not enough to supply those who, under the land laws, built winter quarters. In almost every case where such summer range areas have been set aside for uses which meant their giving up in whole or part for stock raising, there being no other areas available, just in proportion has the livestock population gone down with the business it brought; but worse, the lands settled in the building of that business have in effect been confiscated so far as operating-return values are concerned. In turn, every time one settler thus lost in whole or part his summer range, he became a competitor in the lists of which there were already too many competitors for what summer range was left, adding just that much to an already bad situation.

As stated before, such moves along this line of reservation by the Government as did not mean an end to stock-raising use, reflected itself, in time, in new charges for that use and as already stated, simply resulted in depreciated private investment values. They also put the whole operation in a state of uncertainty as to tenure under which it has staggered ever since. Previously, as has been shown, prevailing local custom gave sufficient certainty as to tenure to at least permit barter and trade to go forward without too great fear. This new development, however, served notice not only to the established settler, but to all with whom he had to deal, that occupancy of those seasonal feeding grounds upon which his whole operation and investment depended was thereafter uncertain. Needless to say this mounted credit risks and with them credit costs, which continue.

Along with this era came the national-forest movement. To make a long story as short as possible, the stockmen in all of the central and north west, at least, saw most of the high mountain summer range areas surrounded by national forest boundary lines. No wonder they viewed this movement with that alarm history makes so evident. Despite promises by officials in charge who, it seems by the very nature of their promises, knowing they could not bind future government in any manner, the established settler saw the summer feeding grounds gradually taken closer and closer into the fist of an agency where we now have an outstanding example of the axiom that the usual difficulty experienced by an administrator is to avoid the feeling of outright ownership.

For the primary purposes of timber and watershed protection the Congress of the United States saw fit to give over into the hands of a single Government official the executive, legislative, and judicial functions of government over key areas to the very values upon which the settlement of most of the West had taken place, those broad powers, apparently without precedent, over the prop that sustained the very commercial and governmental structures of the Western States, and without which those structures were gone. Unwittingly, in principle, that provision of our Constitution which guarantees all of us against being deprived of our properties without a day in court was forgotten.

This agency has now for some 20 years, under two announced purposes, been operating under this broad power given it by Congress. Those two purposes have been to so handle the resources in its charge as to protect the timber and watershed and to promote, in the utilization of the resources included within its withdrawals, the best public welfare.

What has been the result of its long period of administration?

Another example of the truth of the axiom that a thing is seldom settled until it is settled right, almost constant strife between those in charge and those being administered.

With no bitterness or complaint against those whose task it has been to handle the affairs of this agency, we claim that the principles under which it has been handled have operated against the very primary purpose for which Congress created it and endowed it with this previously unheard of authority, as well as against its own announced purposes, among these being the use of the forage resources to fit in with the agricultural development of the surrounding country.

The fundamental theory has been that the part grazing resource surrounded by national forest withdrawals has been held by the agency in charge to constitute a public property which, according to their judgment of the best public welfare, should forever be held available for reallocation to any new purpose they saw fit, and to which charges for use should be limited only by their judgment. To permit of the application of this theory, the Secretary of Agriculture has reserved to himself, quoting from page 1, National Forest Grazing Manual, effective March, 1924:

* * * "the authority to permit, regulate, or prohibit grazing in the national forests."

This manual also, on page 30, states:

"A grazing preference entitles the holder thereof to special consideration over other applicants, but to no consideration as against the Government."

Needless to repeat, this could mean no other thing than that this part to the seasonal feeding grounds upon availability of which depended the whole structure which had been built, was, as a freak of law, definitely separated from the place it had taken. It was handed to a single government official for exercise, as stated, of legislative, judicial, and executive powers, its use thereafter being at sufferance, only, and with such power to tax as to include the power to destroy.

The grazing use that has been permitted under sufferance has been surrounded by a mass of restrictive regulations, based fundamentally again on the theory that the country as a whole would be helped by taking from the established operators the summer range values upon which they had built and redistributing them among newer settlers. Among the principles in the regulations designed to that end are those permitting periodic reductions in the privileges of the older settlers in order to admit newer settlers and to increase the privileges of the newer settler up to a theoretical point where it was to be assumed the number of stock concerned would support his home unit—penalty reductions whenever the holding of an established outfit had, for any purpose, to be closed out and transferred to successors, the surplus in range gained by such penalty reductions going also for purposes of distribution to others.

I might add there that that is not exactly full, as I come to think now; that some of those penalties, I think, were applied for purposes of range protection, but most of the cases with which we are familiar of range protection reductions—I won't say most, either, but many—have been caused by the admission of new settlers to such an extent that the range was then overgrazed and the older settlers had to be reduced.

The picture previously painted of what had become of the values in the forage resource, including that part surrounded by national forest withdrawals, should be adequate to show what the inevitable result was bound to be.

What was bound to happen to the established settlement seems obvious. They key values upon which it had been built were to be distributed to others. Range charges were to be determined by the administrator. Conditions were ripe for one more exploitation of the same old values.

Sometimes under some conditions advancement is made by taking things from an old use and allocating them to a new.

It seems the best way to examine into the question of whether or not the forest grazing principles based on a new use of old values have worked for the best public welfare is to make the following tests: (1) What they did to the established order of things, as represented by the established settler. (2) What they accomplished in the new order of things, as represented by the new settler, and (3) what they did to the resource not only in its relation to the production of business and revenue through the medium of the industry concerned but also from the standpoint of its value as ground or watershed cover. In all the measure of public welfare must be considered.

First we deal with what happened through the principle of reallocation of the resource, the question of what happened from the application of direct grazing charges being dealt with later.

As to No. 1: What those principles did to the established order of things as represented by the established settler:

It seems clear, without repetition of reason why, that the principles applied to this part resource were out of harmony with the natural conditions surrounding a sound economic use of the resource concerned as a whole from the standpoint of keeping the three essential sets of feeding grounds together and surrounded with like conditions; that they were exactly opposite to the custom, developed prior to this law

of rights in the unowned parts by those owning outright the other parts, a custom which must have been very close to right or it could not have stood under majority support for the long period concerned; that it was based upon reserving for all time values underlying ability of the established settler and successors to operate, it having been shown previously that this ability was what the first settlement had been built upon, what barter and trade had gone forward upon, and what in turn the whole economic structure built upon; that it surrounded the very control key of that ability—the summer-grazing grounds which being least in extent of the three parts—rules and rules the number of complete outfits that could be organized; with the dire uncertainty of merely privileges at sufferance; that it used the key already fully used for development of privately owned winter quarters for bringing more winter quarters under development, throwing the whole agricultural situation out of balance; that it created a situation under which the key to the life's efforts of the first settlers was made a temptation for everyone who, in any manner, sound or unsound, could qualify for it. That the effect was just the same as the effect of other steps in the development of the public-land policy under which after exploitation in full in the original settlement, parts to the complete sets containing the resource concerned, were placed in the hands of new agencies which could not use them for the purpose to which limited by nature, but merely forced the established settler to pay for them again through the nose.

Under the principles providing for taking the summer-range value from the established settler and granting them to the new settler, no new values for business or similar purposes were created. The forage concerned was the same forage already fully exploited and fully commercialized in the first settler's settlement. This was merely, therefore, another exploitation. There could have been and is no net gain in such a situation. For every new piece of land dug out of the sage brush by the new settler to furnish winter-feeding quarters in order to qualify for this grant, some other piece of land, some other privately owned property created by an earlier settler had to be displaced from connection with the key to its value. This situation continually aggravated a condition already existing under the previous steps of the public-land policy of creating winter quarters all out of balance with the summer-feeding ability.

Had the established settler been able to get rid of the responsibilities of private ownership in the parts of his winter feeding quarters continually being rendered inoperative by having a proportionate amount of summer range separated from them, the ride to a fall might longer have been postponed. What happened after such separation? He still owned those disconnected parts. His business required an income sufficient to carry the overhead on both connected and disconnected parts owned to pay the taxes at the same old valuations on both, and to pay interest on outstanding obligations on both. As summer ranges were lost numbers of stock which could be operated diminished until very shortly a situation was evident where operating returns per head did not begin to keep pace with the steady mounting item of expense per animal, then despite the fact that the particular settler concerned might still be rated a cattle baron he was just as effectively bankrupt as is the small operator when his expenses per head are greater than his returns per head. This is a point the forest grazing principles seem to have utterly lost sight of. It appears they assumed that so long as a settler still had what they termed an economic unit of cattle, he couldn't help but be prosperous. It isn't and never has been and never will be a mere question of numbers of stock under such conditions, but a question of how many stock must be run to support the plant investment.

It began leading the business structure of the State and the tax structure off the track of sound economics. Only an ever-increasing summer carrying ability could have kept pace with the continued increase thus forced in winter feeding ability. The old complete units remained on the tax rolls and in the business structure at the old values. The new units being created by giving them the summer ranges exploited by the older settlers went into the established order of things on those same values. The fallacy of such a situation is apparent. Nature fixed our summer range limitations. These were the same ranges they had been before the national forest withdrawals were made. It was simply the same old story of reexploitation and with the certainty of a day of reckoning when the State would find once more as the original settlement and customs underlying that settlement had demonstrated that when the summer ranges—these being the key—were once all connected up with the other parts to the set, the resource was exploited in full and when the values in the unowned parts became attached to the properties owned, the values in the resources in its entirety was commercialized in full. The State must now work its way back to this situation, which involves getting the owned winter quarters back into balance with the summer range capacity, which means virtually a return to the sagebrush for all that material acreage of winter quarters created in excess of summer range capacity, which means the business structure and the tax structure contracting itself back to that basis, which all means an utterly useless and needless economic waste, finally, in one way or another to reach the public at large.

As to No. 2: What the principles accomplished under the new order of things. The situation of the new settler.

Reference is made again to the fundamental theory underlying management by the Forest Service of that part of the resources surrounded by their boundary lines; this being to regard that part of the resources as a public property, to be held available in their judgment for reallocation to any new use they see fit; measured presumably by what they conceive to be the best public welfare.

It is obvious one of these new uses was a redistribution of this resource to new settlers. However, still holding it available for other new settlers who might come with the years, and for even other uses foreign to grazing, they necessarily kept the new grantee, together with the older settler, on the same basis of occupancy at sufferance. So all the new settler got, as did the older settler, was a privilege at sufferance. In order to get it he had to secure, under ownership, feeding grounds which, with the grant from the Forest Service, would give him a year-round or complete operating plant. The new settler thus, just as with the old settler, got started off on the unsound and trouble-breeding basis of owning only a part of a complete operating plant, with the parts lacking in the hands of an agency which under its announced policy permitted their use only at sufferance.

Just as truly as with the older settler, this new settler was building on the values in the forage resource, values which did not exist unless he could count on the use of a complete set of the seasonal feeding grounds containing the resource necessary to year-round operation. In the case at hand, the forest ranges, it is evident that wherever his operating meant his sharing in ranges already fully in use, he was building on the same values his predecessor had built upon; values already fully exploited and fully commercialized. The result is obvious in so far as economics are concerned. But what of the future of the new settler after he gets his grant at the expense of his predecessor?

As stated, he finds it is his only under sufferance and subject to extinction at the direction of the agency in control. This, as with the older settler, surrounds his whole operation with uncertainty, both the owned and unowned parts. Items of risk are high, as are all expenses influenced by risk. Not only this, but when it comes to the actual use of his gift he finds that use surrounded by a mass of restrictive regulation. By officials, who may or who may not be experienced in the economics of the situation, the practical conditions surrounding a use of the resource as a whole concern, or the practical needs of the business he is in, he is directly or in effect told what start he can have as to numbers of stock on the summer range; where he can graze them; where and under what conditions he can trail his stock in and out of his range; how fast, if at all, he can increase his numbers; after his start, what the limit of his expansion shall be; when and to what extent he in turn shall be reduced for still other even newer settlers; when he can use the range and with what class of stock; how he shall handle them; salt them, breed them, brand them, bed them, gather them; what improvements he must or might construct at his own expense on Government land to facilitate the handling or improvement of the range used; who owns the improvements after they have been so constructed; what other permittees he shall or may graze with; to what extent he shall share range with them and they with him; whether he has more range than he needs and thus shall forfeit some, or whether he has less and shall therefore cut down his numbers; where he must reside in order to continue his privilege; how much and what kind of improved property he must own and operate in order to continue his privilege or increase it; and where it must be located and how it must be used in connection with the operation of his permitted stock; that he must keep his personal affairs and transactions relating to his business open at all times to the officials in charge; what part of his range might be closed to his use and given over to other purposes such as recreation, game protection, etc.; what other persons he might cooperate with in the management or operation of his outfit and what share others might have in either his owned lands or stock; that he and his employees must respond to fire-fighting calls; that he is liable to reduction in numbers permitted if his employees violate any of the numerous requirements; that he must either have employees the actions of whom in the management of the stock coincide with the ideas of the officials in charge or suffer penalty in loss of range; how much he is to pay for the privileges of grazing, trailing, etc., no limit being in effect; and finally, if he can not make a go of it, after undertaking the development of the owned part of the operation required in order to qualify for the grant or gift, or if he passes on from this world, he is told whether or not he can pass the gift, in which the value of the whole is fixed, on to others, and, if so, who those others must be as to qualifications, etc.

Strange to say, and without attempt at levity, by special provision on page 43 of the Grazing Manual the matter of moral reputation rather than being handled by regulation is left to decision of the courts of the land.

Needless to say, the older settler is equally restricted as above, and by the institution of theoretical limits of numbers of stock, even to greater extent.

It does not seem necessary to point out that under such broad regulatory powers in the hands of an agency of the Government applying to a thing which is the key to everything concerned in the operation as a whole there can be little, if any, discretion in or certainty of operation left, certainly in fundamental necessities in the safety of the investment values at stake.

As to what has happened generally to all that great group of new settlers who have been attracted during the years by the opportunity to share in a thing most keenly in demand mainly because it was already the key to the investment values of all prior settlers, but to share in that thing under such uneconomic and unbusinesslike principles the Forest Service records themselves probably furnish the best answer. Rather than the artificial theories prevailing, whether or not the newcomer stayed depended almost entirely upon whether or not the natural and economic conditions on the ground were suited to operation of smaller units, and whether the smaller operators really were able to get together all those part-year feeding grounds, which, with the gift from the Forest Service, did, in actual effect, constitute a practical and complete operating unit. Bear in mind here that by the time this development of redistribution of this part resource by the Forest Service came about, the older settlers generally and their successors had, by the very nature of things, been forced to acquire more land holdings, at least as measured by dollars invested, than the numbers of stock they could operate, with their key ranges constantly being encroached upon, ever could justify.

Generally, the rule as to how much and what kind of property the new settler should own per unit of stock he was permitted to graze at the expense of reduction on the old settler was based upon the average holdings of those established and the existing custom of the locality. To a material extent, as stated, this was above the amounts justified on a per head basis, and when used simply started the newcomer off on the same basis of overloaded overhead investment which surrounded the established operator under developments up to that time. Naturally, this helped bring to a fairly quick end the operations of many new settlers. What these factors did not handle, the very same old land policy covering homesteads which got the old settler off the track, did. Say the new settler got a full 160 acres of cultivatable land under his homestead grant. With every acre improved, this meant quite generally in our State a production possibility of a ton of hay for winter feed to the acre. Taking the specific case of the Humboldt National Forest in Nevada, where the forest grazing rule requires for all new grantees purchasers of old outfits included, ownership of land furnishing at least one ton of hay for every permitted cow, this would mean that this new settler's limit in permitted numbers, as limited by his hay production, was about 160 cattle, a ton of hay to the acre, being the basis, and this is about the average for the State.

On that forest, by rule, it was long ago decided that a settler could not maintain his home unit with less than 250 cattle. The fact is we all know that under our conditions the farmer with the crop possible from operation of 250 stock cattle on the ranges has mighty little chance of coming close to supporting a home unit. But there is the settler with a 160 head limit.

Many and many of our settlers never got a full 160 acres. Particularly within our national forests many settlers have been, in effect, induced by prevailing land policies to try it on much smaller areas. On this same national forest in the classification of lands carried on some years ago in order to facilitate entry of alleged agricultural lands, a rule was followed that areas as small as 40 acres would be considered and announced to the world as home units. Such settlers could expand to a permit limit of 40 cattle.

Bear in mind that, at least in theory, they had to have 250 head of cattle to make a living. We know as practical stockmen that with the great number of cattle that must be owned under crop conditions it is not possible to establish a home and maintain it on the return from the operation of 250 head.

The result is obvious. The limitations quite generally have the new settler beaten before he starts. But what lured him on was a gift; a gift of a thing apparently of great value because it was so in demand. The reason for this demand was also obvious.

Without the limitations, on the other hand, the whole thing would have become an out and out socialistic distribution and the results quite clearly would have been those which it seems certain would follow principles involving periodic distribution of all wealth.

As the force of economic and natural circumstances began to pinch, the natural development was that the fellow who in the start had most at stake because he owned the heaviest part of the incomplete operating unit, the old settler, at whose expense the newer settler got into the game, in another spasmodic attempt to get back the key to his operating plant, usually became the purchaser of the bankrupt new settler, provided the restrictions in effect permitted this. If it didn't, then the new settler saw his number of possible customers limited by the very system which had led him into the game. Obviously only those operators with some size could, generally speaking, purchase failing outfits. However, this practice grew less and less, simply because the whole system, as the older settler soon found, provided that after his buy, as before, he was subject to reduction again and again for the never-ending crop of those willing to experiment as new settlers.

Now, with a bit of added impetus because of the general period of stress, when the newcomer falters and looks for a chance to get at least something for the time and effort he and his family have put in trying to make the grade, he finds mighty few buyers simply because experience under the system has shown to the world that the new settler, just as with the older, has nothing but a permit at sufferance in that thing which gives value to what he owns, and in the final analysis, nothing to sell because protection to the buyer in any right to the values for sale is lacking. Many new settlers who are still surviving this combination of circumstances are doing it at the expense of privation for themselves and families. Their only other choice is to walk off with no returns for their time and energy.

In discussions of this problem, those stock-raising settlers who happen to hold national forest grazing preferences have been dubbed, particularly in the Rachford range appraisal report, as "the favored few." The fact is that the whole study seems to make it questionable if, in the whole situation developed, there are any favored few. If so, they must be those who, coming late in the game, saw the impossible situation in which those owning parts to their operating plants were, and succeeded in getting into the game owning no such parts and with none of their investment in anything except the liquid asset of livestock, which, of course, has hardly been possible on the national forests, but has on other areas related to the public domain.

If any group holding national forest grazing preference have been favored, it must be those who, over the years, have been admitted by being given the key values which the prior settlers built upon. The facts of the matter seem to demonstrate, however, that even that group have simply been led into a trap and finally find themselves almost as unfortunate as the prior settlers who are still struggling to find a way out with something.

If we compare the situation of the older settlers whose key summer ranges were so situated that forest withdrawals did not surround them, with those whose key summer ranges were so surrounded, we find that mighty few, even as bad as their situation is, want to see their ranges included within forest withdrawals under existing grazing administration principles; while, with no law protecting them in the continued occupancy on their summer ranges, much of which is public domain, there is also no law permitting some agency to take those ranges from them to hand over to others and at least nothing to prevent that group from doing their utmost—in open battle—to prevent encroachment on their key ranges.

Naturally, there will always be a goodly number of people looking for and anxious to get that rather chimerical thing, something for nothing. The forest grazing principles have led many and are still leading many to think they provide for this elusive gift. It is but natural, under such a situation, that a large group will come into being, anxious to get at the key to the values in the established settlers' holdings, if for no other reason, to make him pay to get them back, and that this group will continually complain at anything which stops or delays the game. This situation is just exactly what is usually behind new legislation along homestead lines. It is just how the 640-acre stock-raising homestead is working out in our own territory, and we constantly hear the rising voices of those who find themselves even temporarily denied full access to their "raw meat."

Before going further I would like to read into the record a copy of a petition addressed to the United States Biological Survey at Reno, Nev., received about August 25. This petition is signed by 79 of what we might call the small settlers, the newer settlers, who are trying to get along—at least a goodly share of them are—situated in the very vicinity of the Humboldt National Forest in northern Elko County. I submit this as something to show what happened to the fellow who got his nose in the trap of the theory that he could get something for nothing. It reads:

"UNITED STATES BIOLOGICAL SURVEY,

"450 Gazette Building, Reno, Nev.:

"We are advised that it is your intention to place poison baits for coyotes through the northern part of Elko County.

"The depression of the last few years has made trappers out of many of us who depend upon the sale of coyote furs for a part of our livelihood, and we feel that at this time it would be as unjust to destroy this part of our income with poison as it would be to destroy our timber with fire.

"Therefore, we, the undersigned, do respectfully request that no poison be placed for coyotes in our section of Elko County by Government or State employees."

Those fellows, as I picture them, gentlemen, can not appreciate that there is any humor in that situation at all. They have been led into a situation where they can not make a living on their homesteads—just as the Madeline settlers told us up here at Susanville at a stockmen's meeting not long ago, when they were considering the raising of funds to poison the coyotes—that "any time you eliminate the coyote from that section you take our winter groceries, because they have given us the only source from which we can get them."

Senator ODDIE. At this point, Mr. Metcalf, I will ask you to tell the committee your experience with a disease, rabies, which has been prevalent among the coyotes in this and other States for some years, and the effect of that disease.

Mr. METCALF. Briefly, I can simply say that it has caused a heavy property loss in all classes of livestock, and that it has caused several deaths of human beings. I think the record shows that over 200 persons that were bitten by rabid coyotes in Nevada during the period of the outbreak took the Pasteur treatment here at Reno. Do you want me to go into greater detail than that?

Senator ODDIE. Has livestock suffered any as a result of this disease among the coyotes?

Mr. METCALF. I can say, from the information that has come to me in reports from the stockmen, that they have suffered materially.

Senator ODDIE. Will livestock that have been bitten by rabid coyotes in turn attack other livestock?

Mr. METCALF. That is said to be true by those who are, I think, competent authorities.

Senator ODDIE. Has any property damage to livestock resulted from rabies?

Mr. METCALF. Certainly; there has been a heavy death loss.

Senator ODDIE. Among cattle, sheep, and horses?

Mr. METCALF. I think the heavy loss has been principally among the cattle.

Senator ODDIE. Has there been a larger loss of cattle and sheep because of the rabies than would ordinarily have occurred from the healthy coyotes?

Mr. METCALF. I think undoubtedly there has been.

Senator ODDIE. Is this campaign against the coyotes in this State caused by the natural and normal damage done by them, or by the damage done as a result of the rabies and of the fear of the result of that disease?

Mr. METCALF. I think it is a combination of the two, Senator. The State appropriates out of its general fund large sums of money every year to assist the Federal Government in the control of the coyotes, clearly on the principle that it is such a heavy damage to property and such a danger to human life when the rabies breaks out; it is clearly to the public advantage to spend the money for that purpose.

Senator ODDIE. Do you know whether the Federal Government has expended any money in this State in the last few years to exterminate the coyotes because of the existence of rabies?

Mr. METCALF. Oh, yes; since 1915, if my memory serves me right, steadily every year.

Senator ODDIE. And the Federal Government does recognize the unusual danger to human life and livestock because of this disease?

Mr. METCALF. Yes. May I volunteer a statement in that connection?

Senator ODDIE. Yes.

Mr. METCALF. The reason underlying the use of poison in the control of the coyote is because all of those who have studied the question closely have determined that over all the years they have sought to control the coyote traps have been too slow; the coyote could breed faster than the trappers could trap them, taking them one at a time. That has led to a situation where it has become necessary to adopt a system of control that is causing large expense to the Government. Poison is being used, by very careful methods developed by experts of the Government, and the result simply is that the coyotes are being destroyed in sufficiently wholesale numbers as to cause this fear that we see on the part of those who have been put into the position where they have to live off of them the fear that if the use of poison is continued that source of revenue to them is going to be lost.

Senator ODDIE. Do you think the signers of this petition fully realize the danger that exists because of this disease of rabies?

Mr. METCALF. I would like to answer that by saying that, trying to put myself in the place of some of those fellows, I would not even stop to think about it when my winter groceries were concerned.

Senator ODDIE. Do you think, then, that conditions brought about by the Government through these forest-reserve regulations has forced the signers of this petition to take that position?

Mr. METCALF. I would not lay this all at the door of the Forest Service. This started with the first application of the first public-land policy in this State, when it began to place settlers in a position where they only gave them one of three things and kept the other two in a situation where they have had them at their mercy. The only part of the Forest Service that we object to is that it has perpetuated that system—we do not even charge that they started it—which away back 50 or 60 or 75 years ago caused a homestead section to be treated as a section without ever coming to find out what resource it was that made the land valuable, and, instead of giving a man the resource upon which the settlement was made, it gave him the winter quarters of that resource and has ever since been giving to everybody else the other two parts of that resource.

As to No. 3: What the principles did to the resource from the angle of business and revenue production and from the angles of its relation to other sources, the watersheds, timber, etc.

From the picture already drawn, it is obvious that the principles mentioned resulted in surrounding the use of the key forest reserve summer ranges with such a state of uncertainty that no settler using them for grazing could look forward to continued occupancy of the range concerned with any reasonable degree of confidence. Under the announced regulations, continuation of that occupancy was absolutely at sufference of the Secretary of Agriculture. The operator could be moved to another range, or moved off his own range in whole or part, for other stock raisers or for other purposes. He never knew with any degree of certainty when he finished one summer season what his lot would be for the next. He didn't know just how the officials who might happen to examine his range would rule as to its condition. If the official who happened to do the job felt it was grazed too heavily, the operator stood to have his permit number reduced for range-protection purposes. On the other hand, if that official who made the inspection happened to feel that, possibly in comparison with other ranges, this particular allotment was in very good shape, then there was a chance that some of it would be handed over to some other settler whose allotment did not appear to be sufficient.

This situation resulted just as would all similar situations to put the user in a quandary as to how he should conduct his operation. Certainly there could be little incentive under such conditions for him to exert himself toward that handling of the range that would result in its decided improvement. If he was in that minor class of users entitled under the various rules to increases in permitted numbers, an improvement in the range-carrying capacity meant only the advantage that, together with all others in that class, he might possibly share in the benefits from that improvement. To all the major class, who, under the limit rules could be given no increase in permitted numbers, it merely meant creating something in which he could not share the benefits, but which would be given to other settlers or to other purposes.

This whole condition brought about a situation under which the person making use of the resource had so little certainty of continued use or of benefit from improvement in the forage crop, the ground and watershed cover, that instead of an incentive toward its improvement there is no secret to the fact that the exact opposite was the case.

It operated, therefore, directly to surround the operator with circumstances under which he was practically estopped from applying to the use of the resource those principles which he knew should be applied both for the benefit of the resource itself and for its future value to whoever was to use it. Right here, in our opinion, is the basic reason why in all the years of forest-grazing management under the principles outlined there has been, generally speaking, so little improvement in the condition of the forage resource, despite the fact that reduction after reduction in numbers of stock that could be grazed have been made for range-protection purposes, as well as the basic reason by the stock-raising permittees have apparently been so slow to put into application the various principles underlying the use of range which have resulted from the expenditure of much time and money by the Government in conducting various experiments to demonstrate the principles that should be applied.

There are many outstanding examples to prove that there are no real reasons why either cattle or sheep can not graze upon feeding grounds without material injury to the ground cover, whether it be herbaceous vegetation, brush, or timber, or whether it be primarily valuable for its grazing value, or its watershed or timber value, provided the circumstances surrounding that grazing use are such that the owner of the stock can really put into effect, in the grazing use, those principles of good range management which he not only knows to be right but has demonstrated that he knows are right, almost since the beginning of the ranching and stock-raising industry in the West.

The point is made here that it now begins to be apparent that the important thing in any intelligent grazing use of feeding grounds is the circumstances surrounding that use rather than who is to use them or with what kind of stock.

If the use is surrounded by circumstances which provide an incentive for the operator to apply intelligent principles, they are applied. If not, they are not applied; and it seems without the bounds of reason, with the known shortcomings of human nature, to expect otherwise.

That the settlers know the principles surrounding an intelligent utilization of forage grasses, and knew them even prior to the various experts, is aptly demonstrated by the management of their grass-hay meadows. They never harvest that crop until it has grown to maturity, knowing that by so doing they get a maximum production of feed and keep the grass roots in a healthy condition for production of future maximum crops. Why is this so? Principally because the settlers own their hay fields and the law protects them in that ownership. Benefits accruing from intelligent management are theirs.

There is a clear cut and unmistakable incentive. Suppose the opposite situation were true, that the operator had to use his hay ranch also under principles of sufferance under those general principles applying to the range. The answer seems obvious.

May I just dwell for a moment on one illustration? Suppose we had to use hay fields as community hay fields. Suppose there were five of us, and each one of us had our mowing machine. Every time it looked like Bill Jones was going to get his mowing machine out I would have to get my mowing machine out. Whether that grass was only 2 inches up above the ground, whether it was only 3 inches up above the ground—I might know just as well as I know anything that Bill Jones should not cut that grass, that the grass ought to be allowed to grow; but what could I do under the circumstances? It is not my choice; it is not Bill Jones's choice. It is not the way the grass is harvested; it is not the question of who is harvesting it. There is the lack of the application of the only principles that can possibly apply to the handling of that hay field as it should be handled.

There are examples in the West where conditions have operated to place in private ownership complete sets, year-round feed grounds; in some instances under conditions exactly paralleling our own, with the summer part in the high mountains valuable not only for grazing but for watershed and timber purposes. Even despite the fact that in these cases the operators own the timber and own the watershed and apparently, without legal liability to others, can injure either or both if they choose to do so, does the injury take place? Can anyone show, or does it stand to reason, that under such conditions the average human with average intelligence would deliberately cause willful damage to those things which he knows underlies the very value of his holdings, which fix absolutely his operating returns, his sale price if he sells? When the Middle West went finally under private ownership, with its millions of acres of pastures privately owned, did the owners turn and denude them? No one seems to be complaining that all those areas are being used with so little intelligence that the ground cover has been depleted and that all that part of the Mississippi River watershed is eroding.

There may be and are examples where privately owned ranges are being injured through grazing done by the owner. Investigation will usually show some good basic reason other than the owner's willful desire to injure his own property, usually that while the part is owned, other parts to the complete set involving year-round operation are not, and that lack of control of the unowned parts are forcing him to rely too greatly on the owned part.

The final answer seems to be that the very fact that in its use this resource has been surrounded, almost since the beginning, with circumstances which never have given the user even a fair chance to apply intelligence to that use, have made that resource the pawn in the game. Under the various public land laws and under the national forest range principles it has simply been a case of a use of a thing being everybody's was nobody's. We all know what usually happens in such cases.

This analysis also seems to point to the fact that all the propaganda which from time immemorial has been aimed at livestock and at the livestock settlers as destroyers of forage and timber cover of the public lands was simply another of that ever-increasing list of similar mistakes where an effect rather than a cause was singled out, with resulting injury all along the line. It was not the livestock, not the "hoof locust," as the sheep has been unjustly called, not the range hogs, as the settlers have unjustly been called; it was simply the lack of application to the use of the resource of the only principles under which the user stood a ghost of a show to use it with consideration for its future value.

The result has been, generally speaking, an ever-decreasing value in the resource itself, the very resource upon which the West was built, the very resource in which lay the key to the investment values, security values, tax values, the resource which also meant watershed values, timber values.

I would like to stop there and point to the fact that various Presidents of the United States have not seemed to be afraid that if they put sheep on the White House lawns the lawns were going to disappear. The lawns did not disappear, but the circumstances under which those sheep could eat the lawns gave the sheep a chance to graze as they wanted to graze. It gave the owner a chance to let the sheep graze as they wanted to graze. They did not have to have another crowd moving in on them every other day. They did not have to beat anybody else to it. They did not have to get the mowing machine out the night before the other fellow got his out. There was a circumstance to show that when the right conditions surround the use of this thing there is no danger of this situation that the Forest Service has continued to fear, which I believe they really do sincerely and conscientiously fear, that if you turn the range over to the stockmen and let them do as they want to, those ranges will disappear in two weeks, and the timber will go, and the watershed will go. The fact of the matter is they have never got down to the cause underlying the whole thing, and they dwell on the effects, which, in my best opinion, they charge up to the wrong place.

In the case of the national forest the issue seems to stand out clearly that the result has been to operate directly against the very primary purposes for which Congress established them, the protection of watersheds and timber.

Another angle: It has been charged, and justly, that the western stock-raising settlers were not exercising in the management of their stock, in many cases, those efficient principles which had been demonstrated successfully in other parts of the country leading to a greater production per unit of operation of a better product, and thus themselves were not doing their part to increase their per unit returns against the increasing per unit operating expenses.

The unfolding of the picture points directly to the fact that an operator, no matter what the line of pursuit, who has no definite form of control over his operating plant, and his whole operating plant must necessarily be the victim of circumstances over which he has no control when it comes to his methods of operation.

Just now, under the circumstances prevailing in the range question, was it to be expected that the operators would be foot-loose to make those changes in operating plans calculated to produce more and better calves per cow. The very principles which kept the ranges upon which he had to operate some material part of the year open to all, definitely fixed also the principle that the only progressive movements which could then be made would be group rather than individual movements. No individual could with safety move faster than the group. The group was no faster than its slowest member. If his methods were in advance, he had to share those advanced methods with every other user. If an individual tried to pull the group up with him, he soon found that inefficient methods of other individuals nullified his efforts and he had no power over those others.

Investigation, we firmly believe, will quickly show that practically every suggestion for improved methods of handling livestock coming from the various governmental, educational, and other agencies, as illustrated above, can not be put into effect in any general manner as long as principles prevail under which the operators who must apply them are surrounded with circumstances in the operation of their business where they have no definite form of control over the parts essential to the complete operating plant.

Further continued investigation seems to point to this very situation as the root of most of the evils surrounding the existing situation as it relates to the range livestock industry. In turn, just as always happens under such circumstances, the fact that one branch of an industry, one cog in the wheel, is off the sound track of economics serves to seriously affect the industry, the wheel as a whole.

Here we dwell just for a moment on what it has caused in uneconomic methods of operation of the livestock itself and what effect the existing situation has had on the conditions surrounding agriculture generally.

Older settlers, finding owned ranch lands on their hands which, under the system in operation, had lost their productive value as formerly by losing connection with the unowned key ranges to fit them usually commenced a struggle to save something from the wreck. In States more favored by nature a great part of these lands necessarily had to go into direct competition with all other lands the owners of which were trying to make a success without range in connection and therefore from another means than livestock. This not only meant a constant addition to that group of lands and a constant addition to production of the crops concerned, but altogether too often it meant that such lands, being primarily suited for the purpose for which originally used, produced under the new use an inferior product.

We all know, as we have repeatedly been told by various Government agencies, agricultural experiment stations, etc., that inferior products going on the market tend to drag down the price for the better products, but what else could happen. Force of circumstances, out of tune with economic and natural laws, was the taskmaster. In specific cases, this very situation has forced many owning ranch lands suited primarily by geographical location and climatic conditions to production of hay to a feeder operation, to attempt to make out of the part of their hay ranches which lost connection with the unowned key ranges, a half-fat beef proposition. When those half-fat beef were thrown on the market, those whose lands were suited to producing really fat beef yelled loud and long against this forcing down of price scales generally. The yell seldom stopped the uneconomic practice. The operator concerned was forced by circumstances outside his control.

These briefly outlined examples merely serve to show some of the specific instances where one branch of the industry off the track forced many harmful influences to other branches. Many causes have been assigned by many experts to the reasons for these harmful influences. Our investigation convinces us that the real cause is the situation surrounding the operating plant as a whole of this branch of the industry and that its elimination depends upon adjusting that situation.

In the whole situation, the conditions surrounding grazing use of the national forest ranges and of the public domain ranges are, in the main, caused by the same mistaken principles.

In both instances the settlers and their successors, holding outright ownership to material parts of the operating plants, are still at the mercy of the management or lack of management of the unowned parts, over which they, the settlers, have no definite form of control.

In both cases use of the unowned parts is under sufferance or passive consent of the Government. In both cases continued occupancy is uncertain. In both cases the values in the unowned parts most naturally and unavoidably are inextricably part and parcel of the values in the owned parts, part and parcel of the business structure, and of the tax structure. In both cases, the unowned parts are, in turn, lacking in completeness when it comes to the operation of the only business for which the resource concerned is suited. In the case of the national forest ranges, the older settlers rights are given to others by the broad regulatory powers created by law. On the public domain the general case is, the settler loses them to whoever wants to come and fight for them without law. But, ever and always, to the older settler, the result is eventually the same, a reduction in numbers of stock that can be operated to a point below the ability of those left to carry the overhead investment concerned. To the newer settler the result, uniformly, is that he, too, is building his home, a part of an industry underlying the entire social and economic structure of the West, on this same most unsound basis. To business generally, the result, uniformly, is a most uncertain foundation. To the resource, not only in its relation to grazing, but in its relation to timber and watershed values, the result is altogether too apparent to need emphasis. To the efficiency of operation the result is the same whether it be the national forest or public domain phase of the problem. The welfare of the country is affected similarly by both situations.

The grazing charge angle: A fundamentally sound principle in all soundly organized commercial enterprises is that there can be no more values to all those things upon which depends the turning out of whatever product is concerned, than the value justified by the operating returns from that product. If the product can not be marketed at a figure sufficiently above its expense, leaving out plant investment, to permit some interest return upon that investment, then any real values behind that plant investment are certainly most doubtful. At any rate, they can hardly be greater than that sum represented by a capitalization at a fair rate of interest of whatever sum is available from operation after all other necessary charges to credit to the plant investment.

Another point in this connection is that once organized with an investment in plant representing all that plant is worth from such an operating return basis, any further investment outlays to enlarge that plant which do not result in increased operating returns do not increase the values underlying the plant investment and this condition soon forces the writing off in inventory values of all such additional outlays.

In the case at hand it has been shown how all the values in both owned and unowned feeding grounds underlying the ability to operate the number of livestock concerned in our settlers' holdings were exploited in that settlement and in the barter and trade which under the prevailing custom went forward in all the years up to that time when, there being no law to fit the situation, custom broke down.

I am not much of a lawyer and I may be wrong in the legal phases of this, but every condition surrounding this situation is exactly similar to any situation which in law is covered by the doctrine of prescriptive right. You see a situation built up here, gentlemen, that can be compared to the situation where you go out on the outskirts of this city and build a factory. As I have shown here, and as you all know, the values in that factory would finally be determined by the operating return of the product. It might be sold and bought and resold. It goes on the tax roll. The banker takes it for security. In future years along comes a man who says, "I own this right of way. You did not buy that right of way." A settlement has grown up all around your factory, and the only way you can get into your factory is over this right of way.

If I understand the law correctly, when that situation arises, when the use of that right of way has gone forward for a sufficient number of years, so that the value in that right of way has gone into the hands of innocent purchasers, when it has gone on the tax roll, when it has gone into business, when it has been spread among all the public, that man can not get those values back. It is a matter of public concern, of public welfare, that the law of prescriptive right shall obtain, and that for the general protection of the majority who are now living on those values, since that man has so long failed to assert his claim, he loses his right. It is simply a case of the protection of the greatest number.

But here again the Government sets up artificial restrictions. They say such rules will not operate against the Government. Well, why does the common law recognize that doctrine? Because we know that to give that man back the values in that right of way you have got to take them back from the places where they have gone. The tax roll has got to give them up. The banker has got to give them up as security. Business has got to give them up. It causes such a readjustment all around that the interest of the public must prevail as against the loss of this individual. Now, here is the Government—it does not matter a bit; it causes just the same trouble to the public as any other similar set of circumstances would, regardless of what man-made law said about it. Man-made law can not rule a situation like that. There are natural laws of economics that you can not get away from, no matter what kind of law you pass.

It has been shown how, under those circumstances, as happens in all similar circumstances, the values underlying that ability became inextricably fixed in the owned parts.

This situation could only mean, as seems clear from the principles outlined just above, that any new expense incurred thereafter covering ability to operate livestock which did not bring increased returns, and such increased returns generally meant ability to increase numbers of stock that could be operated, because that was and is the key to operating returns, could not be supported by a proportionate increase in values underlying the plant, and therefore did not increase the values underlying the value of the operation as a whole. All such new expenses, therefore, represented simply a situation of increased investment outlay not matched by increased values underlying investment and represented, as a result, a total loss.

It seems obvious, therefore, that from that time when the development of the situation had resulted in the settlers having put into the owned parts of the plant, including the livestock, an amount equaling the operating return in the whole, whether owned or not, any other payments for ability to run stock necessarily had to be followed by increased returns to keep the situation on a sound, economic keel.

As has been shown previously, many steps in the land policy of our country have resulted in placing the unowned parts of the settlers' operation in the hands of a variety of agencies. Almost all have meant, as time went on, additional outlays by the settlers to get the use of those parts back, usually on merely a temporary and ever-changing basis. Few, if any, gave the settlers any increased returns. Even in the case of those steps which have meant the securing by the settlers of outright title to additional range areas, consisting, for example, of scattering areas on spring and fall or summer ranges, all this situation simply meant ever building up the area of lands owned, but seldom, if ever, any building up of values underlying the investment simply because, being the same lands or ranges, furnishing the same grass, underlying the ability to operate the same number of stock upon which settlement had been built originally and under which barter and trade had gone forward over the years, no greater number of stock could be operated than under the original situation and, therefore, no increased operating returns were possible. Such a situation inevitably had to mean that as acres owned increased and investment values remained stationary, there were simply more acres to divide into the stationary investment value figure, resulting, as has been and is being demonstrated, in sales of such properties, in an ever-decreasing per acre valuation. It also meant the continual payment out and then wiping off from inventory values of the amounts represented in all these repeated attempts to buy back the key values as under the various land laws they were given to others.

As a timely and to the point illustration of a typical instance of what one of the results of the operation of the 640-acre stock raising law has brought Nevada, in just this connection the following news item was clipped from the Elko (Nev.) Free Press of September 14, 1925. It contains a sermon, both from the viewpoint of the struggles of the settler to buy back again and again the values upon which he originally settled or in barter and trade, secured by paying the original settler, or see them entirely disappear, and finally, from the standpoint of the futility of expecting, even in such reexploitation, the new grantee to come even close to making a home-unit living from such a gift. The clipping reads:

"Hubert C. Goddard made final proof on his stock-raising homestead before the United States commissioner. These 640-acre homesteads are valuable. They readily lease to large sheep owners at $200 a season. This is the same as loaning $2,000 on good security at 10 per cent per annum."

The humor of the situation, as is but to be expected, must appeal principally to all except the settler whose owned holdings were depreciated either through entire loss of the feed values concerned or the necessity of once more buying their use back, with no new offsetting return, and as well finally to all those who, already dependent upon the business making, the tax-making values of the older settler, saw that settler's ability along that line shrink forever to hand $200 a year to another settler who under the very nature of things could not be expected to make a home on what he had been given or turn it to any other use except that it already had and for which it was already paying the public as a whole all the values could possibly justify.

Worse than this even was the situation where, with the land policy operating to ever increase the number of those with winter quarters, but not increasing the amount of summer feeding grounds to match the same, fierce competition grew up among all these settlers striving to the utmost to save their all. This situation inevitably resulted,

as would be the case in any similar combination of circumstances, of bidding up prices for these key parts, much less than enough to supply all those with heavy investments in the other parts, clear beyond any possibility from an operating-return standpoint. No one could stop to compute what the "key" which happened to come on the market was worth from an operating-return standpoint. If it was not secured, then the incomplete parts owned by those concerned were rendered valueless or materially depreciated, as the particular case might be.

Another point: The circumstances existing of one great group, the original settlers or successors, having built their operations on a basis under which they had invested in the owned but incomplete parts a sum representing at least all it was worth to operate all the stock the entire plant, owned and unowned, could operate year round with the laws and lack of law applying, permitted a steady influx of new people casting about for a means of livelihood. Just as did the original cattle settlers, these new people sized up the possibilities. A typical happening was as follows: A man would see that in operating sheep, he could get by, under pressure even under heavy risk, running his sheep the entire year on the so-called public ranges, provided he could find a place suited to summer, another suited to spring and fall, and a third suited to winter. To winter, all he had to do was to go out and crowd in on those already using the great desert stretches.

The spring and fall ranges he found surrounded by a situation under which most of the stock water, the key to ability to operate there, was covered by scattering small privately owned tracts. Still, the areas intervening between the tracts and controlled by the stock water were, under the law, public domain, open to the use of all and much greater in area than the owned parts. Under existing law and as demonstrated by the usual action in the courts, this man saw a chance to also crowd in on these spring and fall areas, at no greater risk than having to pay as damages, when, to operate, he had to put his sheep on the owned lands, only the actual value of the feed his stock might consume while on these owned lands. Bear in mind that it was inevitable under the circumstances that the prices attaching to these scattering lands were based not on their per acre value at all, but on the basis of what they were worth because of the unowned range they controlled. This man saw that in this crowding in on these spring and fall ranges, therefore, the sum total of all damages he might have to pay would not mean much on a per head basis of the stock he could run, especially as against trouble and cost of owning lands.

A place for summer was usually the sticker simply because the whole situation had served to surround summer ranges with a terrific demand. Many of them had been surrounded by national forest boundaries where the rules were such that they did not attract all the newcomers. Many others were in Indian reservations, or the hands of other agencies, where apportionment was largely on the basis of the highest bidder. In any event, this new man saw that the key to the building of a plant by him was primarily a summer range and that he could build a successful venture provided that between buying what little feed the sheep operation can squeeze through the year on, if it has to, for winter purposes to supplement the great winter desert ranges, open to all comers, paying damages for trespass on occasional privately owned tracts on spring and fall ranges, and securing himself a summer range, the sum total did not represent more than the returns from the sheep warranted on an operating return investment basis.

This man was led to this idea of building without owning any land himself most naturally. It was because he readily saw, being in the enviable position of being able to view the past before tackling the future, that under the public land and reservation policies as designed and applied, all those with owned lands were in a most unenviable position, and on the road to a condition where ultimately those lands would have so little value from an operating return standpoint as to be hardly worth owning.

The winter feed item was slight when divided per head. The spring and fall trespass damage was slight when divided per head. This left this man quite a sum which he could invest in summer feeding ground costs.

We all know what inevitably had to happen under such a situation. This man becoming an active competitor for every piece of summer range, the use of which could be hired, and not having already put into other parts, as had most of those against whom he was competing, sums representing not only all it was worth to be able to run stock the year round but more, under the developments forced upon them, being free to put his heavy item into whatever part gave him the best foothold, soon began bidding the key summer areas open to bid clear beyond any possibility of competition by those in the other circumstances. To save their all the others tried to follow him. Some are still trying. We all know the situation is ultimately hopeless. If it is allowed to continue, this new man will inevitably and definitely fix a new standard under which, instead of the big end of the values underlying operation being in the winter quarters, a situation inevitable at some stage of the development from the very working of the homestead policies from their very beginning, the big end of the values would be in the summer ranges, until finally, without something to halt the development, owned lands dependent upon ability to use the unowned seasonal ranges, would cease to have any operating return value simply because after payment of the charges ever mounting up surrounding the continued ability to use the unowned parts necessary to completion of the operation, the operating returns would leave nothing to credit to the privately owned parts, and then, though land still be owned, it would have no operating return value and soon no investment or sale value.

This is the path the present situation has not only put the stock-raising industry upon but the entire business and governmental structure of our State upon. As the values leave the lands of the settlers, which are the bulwark of the State and county tax rolls, and got to those places which, like Indian reservations, national forests, etc., do not appear on the tax rolls, they leave those tax rolls and despite the most strenuous efforts of anyone to maintain the old tax-assessment basis, whether or not the revenue-making values are there, those tax rolls one day must come back again to a basis in keeping with the operating return values in the lands being assessed. The longer postponed the more this readjustment will cost the public at large.

Getting back to the national forest range situation: Every charge, from the beginning made for the use of those ranges which did not furnish in proportion increased returns to those charged above those possible when the values took their definite place in the owned parts, has necessarily meant a proportionate reduction in the values underlying the owned parts. Some have held that in the application of any plan by the Government which tended to secure to those having in the owned parts the values of the whole, the values in the unowned parts would reflect themselves in increased operating returns. This probably is where the idea originated that possibly those concerned could afford to pay the Forest Service for grazing the sum per head necessary to compensate the Government for that.

Concerning these so-called nominal forest grazing fees, there seems to be much misunderstanding. Let's take a typical case of a stock cattle operation in Nevada, under normal conditions, when approximately 100 stock animals must be operated per year to produce about 15 salable animals, say 10 of which will be 3-year-old feeder steers and about 5 cows being salvaged as their breeding usefulness passes. This means that with a per head grazing fee of 75 cents that fee must be paid on 100 animals out of the returns from the 15 animals. With the average feeder steer, under such conditions, weighing 800 pounds and a sale price of 5 cents per pound, which has been about the standard, one can readily see that the grazing charges on all the animals is a heavy load on the crop returns. In fact, in a specific instance, we compute them conservatively at 12½ per cent of the gross crop income from steers and old cows. Those who use private pastures, when they compare their pasturage costs with those obtaining upon national-forest ranges, often forget that there are many things to take into consideration besides the per head charge. Fenced meadow pastures are usually too valuable for use in raising stock cattle because of the large number of mouths to feed compared with the small number of salable animals produced. Upon such pastures it is the usual practice, instead, to graze only those animals that can be made into beef within a comparatively short time. Thus with every animal grazed being in a short time a salable animal with a high value compared with feeder steers, each can naturally stand a comparatively high per head charge, when that same basis of charge applied to a range stock cattle operation could only mean its bankruptcy.

That 12½ per cent summer grazing season charge on the crop return applied to the value of beef animals produced on fenced meadow pastures would mean, on such an animal salable at say $70, a pasture charge for the few months concerned of almost $9.

Also, it must be borne in mind that the stock-raising settler paying to the Forest Service this 12½ per cent of his crop return, paid for those same values when he built his settlement, and in paying it, must necessarily do so at the expense of the investment values in his owned parts to the complete operation.

Some may argue that such small crop returns from so many animals indicates inefficient handling. As has been stated, or as in this analysis this is admitted, the very reason for this inefficiency will be shown to be the very foundation of all existing range and land legislation laws, principles, and policies which almost from the start have failed to give the settler such a set of circumstances surrounding the use of his operating plant as a whole to permit him to apply those very principles which, if they could be applied, would quickly serve to remedy such a misshapen situation.

The CHAIRMAN. The luncheon hour having arrived, the committee will recess until 1.40.

(Whereupon, at 12 o'clock m., a recess was taken until 1.40 o'clock p. m.)

AFTER RECESS

The committee reconvened at 1.40 o'clock p. m. Monday, September 21, 1925, pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. Mr. Metcalf, will you continue with your statement?

STATEMENT OF MR. VERNON METCALF—RESUMED

Mr. METCALF. Mr. Chairman, in fairness to any other interest that may be here, who do not think that the situation they represent is covered in this statement, I would like in some way or other to be limited in time so that I may not be stepping on their toes.

The CHAIRMAN. How much time do you think you need, Mr. Metcalf?

Mr. METCALF. I think I can finish this statement in 30 minutes, if that is not going to encroach on anyone's time. If it is, I will let the details go and get to the summary.

The CHAIRMAN. You may proceed, Mr. Metcalf.

Mr. METCALF. Now, in the Rachford report, that 300 per cent increase over the original forest-grazing fees is proposed to be doubled and in some sections more than doubled.

That report has for its foundation the principle that the part of the resource surrounded by national forest withdrawals should be covered by a charge representing what forage is worth. It has for its foundation also the principle that forage is worth what is being paid for it in the open market as demonstrated by a fair period of years, to avoid extreme conditions. Since the part of the resource in the forests, in all the central and northwest, is generally only summer range, the report is based on what is being paid for privately owned summer range.

It seems obvious from the actual facts as presented herewith that such a basis, no matter how far those in charge may appear to be going to be fair, is utterly unsound as to its very starting point, and we all know the utter impossibility of drawing sound conclusions from an unsound premise.

The effect of such a principle, if ever applied, can only mean that forever after prices for the use of all public ranges must be gauged by the effects of the competitive situation, just illustrated by the explanation of what is happening through the changing standards being wrought by the newcomer who, building upon a new basis, moves the values underlying the operation of a whole out of the settlers' privately owned winter feeding quarters onto the feeding grounds, either publicly owned or in the hands of agencies other than either Government or settler.

It can mean eventually nothing else than that under the changing standard the settlers' privately owned holdings will be "milked" of all operating return values and therefore of all investment, sale, tax, or security, or business-making values, those values going to new places of most doubtful value for any of the purposes just mentioned.

Pausing a moment, the question arises of just what the values in either a single part or all parts to the resource were good for in the beginning, or are good for at present. They were and are of value for business and revenue-making purposes only, and only to that extent the industry which had to be relied upon to manufacture them into business and revenue could, under the natural and economic circumstances, so manufacture them. What more could be or can be expected from the resource concerned, or any of its parts, than that the values in it get fully into business and tax structures.

There can be no use of trying to exploit the values to a greater extent than they exist. Such a procedure inevitably means an accounting, and all the economic loss of such accountings must finally pass on to the public as a whole.

What better use of the values in such a resource could be made than their devotion to settling the great unsettled stretches of the West. If the values in such a resource as a whole were to be kept by the Government, to be sold to the users under a direct at-the-source charge merely to enrich directly the Federal Treasury, surely they would not be available for the building of the economic structures of the States concerned. This matter was settled when it became the Government policy to settle the West by grant of its lands to prospective settlers. Here again, we point out, that those lands were valuable and still are valuable only in the part they bear to the furnishing of this resource which, under all existing conditions, must be used in complete sets of seasonal feeding grounds for year-round operation, or not at all.

If a subsidy ever was concerned it was when the natural resources at hand related to land settlement were originally set aside for the building of settlement. The situation existing is simply that the settler never got in the beginning, and never has had since, the values in the resource upon which he built that settlement, but instead a situation where he has been trapped by being led into settlement with but an incomplete operating base, forever at the mercy of whoever happened to have or be given the other parts without which the incomplete part he had could not survive.

The settlers, those who pioneered this country, have been accused by many interests, probably sincerely, but clearly unjustly, with seeking sympathy, with seeking a subsidy, with seeking to get something from the public manger without cost. I submit to any fair-minded individual or group of individuals the question of whether this is so when the facts are brought to light.

In the hearings of your committee on this matter, statements have been made by Federal officials that proof that stock-raising settlers holding preferences on national forests are using values they have never paid for is supplied by pointing to the fact that instances are known where in buying stock, including transfer of this grazing preference, sums per head in addition to going prices for such stock have been paid as bonuses for the grazing preference.

It is evident, it seems from the analysis presented, that if such a thing is done, under our conditions where the values in the range concerned were exploited in the building of the owned parts to settlement, and are still fixed in the owned parts, it necessarily has to be done out of the investment values in those owned parts.

It is believed that such situations are seldom involved in such cases, and that what really happens is something as follows:

The whole misshapen situation results in furnishing a condition where certain circumstances really permit certain individuals to pay a bonus to get a summer range and still be able to operate to advantage, just as has been shown previously in this analysis. Say a winter-quarter holding, developed under the original conditions existing, has, through the operation of the erroneous principles outlined, lost its connection with a summer range, resulting in its depreciation in operating return value and therefore investment or sale value, naturally it would be possible to take such a winter unit with a spring and fall unit, if a summer unit could be found, and put it back on an operating basis provided in the complete set plus the stock, an investment was not required in excess of the ability of the operating returns of the stock to justify. Under the conditions forced, as stated by the erroneous principles, the outlay for winter and spring and fall quarters being comparatively small, a good heavy part of the investment could easily be used to acquire a summer range.

Another example: The same situation would be possible in all those cases where established settlers having parts of their winter and spring and fall quarters rendered almost valueless by losing the summer key ranges, and as a result being forced eventually to wipe those values out of their inventory values, could turn and build those lost parts back into a complete unit on just the same procedure as outlined above. In doing so, however, the major part of the investment would be on the summer range, and again we have just the same old unsound principle of a complete operation trying to get by owning but parts, and not only that but with their very investment tied up to major extent in the unowned part rather than, as usual, in the owned part. It is the same old play—something like the numerous plays based on the eternal triangle—with just a bit of change in the characters and scenery but with the same inevitable ending, doing no one or no thing any good but doing everybody and everything harm.

The settler has known all along what the true situation was and is. He has been faced with one of the most impossible situations ever conceived of, to have his all at the mercy of a thing which had been forgotten so far as man-made law is concerned. Having never been recognized by law, except to be continually given first to this agency or individual, then to another, and finally with large areas put in the hands of agencies by laws which did not even give the settler a chance for a day in court. Had there been a way to court, the settlers might at least have had opportunity to develop before some impartial tribunal the true facts and have had relief ere this. On the forest-reserve range phase, as has been shown, the legislative, judicial, and executive power was all in the hands of the administering agency. Such hearings as were or could be held were heard by that agency. Without resentment, we all know that at least at times the situation has had the effect that argument along lines not relevant, as judged by the sole power, was ruled out.

For the first time now since settlement of the West began the situation in its entirety is being investigated by a branch of that agency which typifies our Government, the Congress of our United States. If, and contrary to some opinion, we believe such to be the case, right will finally prevail, we have no fear of what is to come.

Summarizing the above analysis of what has become of the values in this resource as a whole, our facts seem obviously to show that the only thing lacking concerning those values is, as it seems obvious should have been done in the first place, to legalize them in the place they so long ago took in the general scheme of things.

All the values concerned have not only been paid for in full, they have been reexploited not once but more than once. They are represented already too many times in existing investment values, which means eventually a shrinking, regardless of what is done in this present matter. They have been commercialized, and not only that but more important, because finally the public will have to foot this bill, overcommercialized. They have not only gone on the tax rolls of State and county but, more important, have gone on those rolls too many times, another item which will finally be a matter of public accounting.

The resource concerned is absolutely not capable of division among different agencies if it is to be used under anything even approaching

sound practice or its natural needs on the ground. Its separate parts are of value only when available as one. One of the parts, obviously, is suited only to private ownership, this being the great area of winter feeding quarters. Surely the Government would not want to take over ownership and operation of that part, but if it does, many ranchers are ready to negotiate. There can be no safety in private ownership in but a part, either for operator, business, taxes, or anything else. Finally, the only safe measure of a charge for the use of anything underlying a basic industry is that measure based upon operating returns from the business concerned. Any other basis would simply mean recurrent readjustments in a basic industry. And last of all, no power we know of on earth has ever yet been able to fix an operating return value to a part of an operation in such a situation as exists when each part has the ability to absolutely render every other part absolutely valueless.

Still, if despite this situation, it is the wish of our Government to attempt to fix a charge at the source for the use of their part, it certainly would not be to the public welfare to fix it on a basis which merely meant a reexploitation of values already not only fully exploited but reexploited, values already paid for, not once but many times, values already commercialized, not once but many times. Certainly no one would want to argue that the country as a whole—and here is the final test of the public welfare—would gain in any move merely resulting in an uprooting of such values from the place they have already fully taken in the business and tax structures merely to put them in a new place (presumably as added receipts to the Federal Treasury) with no net gain to the country as a whole, but instead the economic loss which always follows the severe readjustments which such a change would force upon the industry and the whole country, which finally could not help but be reflected in increased costs of production, then higher prices for the product, and finally, as usually is the case in such matters, leaving the ultimate consumer of meat, of leather, of wool—the public as a whole—to foot the bill.

Therefore, a law seeking the public welfare should at least prevent any basis of charges for any public range which serves to merely reexploit values. Whether or not it would be wise even for such future building as may take place where complete sets can be carved out involving values not now in use, for the Government to attempt to charge for its part and thus keep the values as a whole from surrounding the owned parts and thus getting directly and safely into the business and tax structures of the sourrounding territory rather than merely serving to enrich the Government Treasury and forever be separated from the other parts to the enterprise and the economic structures dependent for their very foundation upon just such values, will still remain most questionable, even if removed as a direct source of trouble for the established situation.

Certain it seems, using the very similar resource of water for irrigation, that the best public welfare would be served by letting the values in all parts center in the owned part and thus go safely and soundly into business, behind taxes, etc.

In connection with forest-reserve grazing fees there is also the much misunderstood angle caused by that development in national-forest legislation, under which a certain percentage of the receipts for various forest users are returned to the States and counties in the forest receiving them are located.

It seems to stand out clearly in the foregoing analysis that these have been merely part of the whole reexploitation program. The political subdivision concerned could not gain permanently from such a move, in so far as related to values in resources which had already gone into the business and tax structures of such sections. The effect was and could not have been other than to depreciate operating return values in exact proportion to such charges at the source, and therefore depreciating business-producing and tax-paying values. In the case of resources such as timber the States and counties did gain by sharing thus in the receipts, simply because the values in that resource had not become attached to the values in owned properties. There is the difference between the timber resource and this grazing resource. They say they are the same. The situation is not the same. In the case of a resource such as that of the summer forage, however, they can gain through such a step only as they lose in the values underlying their business and tax structures, as well as to lose through all that uneconomic situation which the application of such a policy involves in tearing down investment values in private property.

Here the question most naturally arises of what to do. Any solution, as usual, must deal with the cause for the existing difficulty. Here we are back to where we started, the resource upon which the whole situation is and has been resting and, if it is to continue, must rest, and the application to that resource of those principles which, coinciding with its natural needs as ruled by the conditions on the ground and its economic needs as ruled by the best measures of returns to the public at large, will result in its allocation to the use to which it is best suited, and in its use under those principles which promise best to give the greatest returns in revenue, business, taxes, etc., and at the same time safeguard its value for the future as well as protect other values which may be concerned.

Our suggestions are, of necessity, based upon the facts which our investigations have brought to light. Whether or not they are sound or should be followed, we must expect to be measured eventually by whether or not the facts can be maintained. We make them feeling that given fair opportunity to debate the question with doubters we can maintain them.

The first point is the matter of whether or not the allocation of the resource concerned to the stock-raising and ranching settlement of the country is right. So far as our own State is concerned, at least, we feel sure on that point, as gauged by the measure, as always, of the best interests of the public welfare as a whole.

That point conceded, the next question is once more the natural condition surrounding a practical use of the resource. The condition that originally existed still exists; it is a resource made up of three distinct, interdependent seasonal feeding grounds; any part being lacking renders the other inoperative. Again, the number of complete sets which can be grouped together, being limited by that part least in extent—the summer feeding ability—this really is the key to the others. Obviously, based on these natural conditions, any successful use for stock raising must be based upon keeping parts together in complete sets.

Good economics rather forces the principle that safety for the basic industry concerned and in turn the whole business and tax structure dependent upon it, depends upon surrounding each of the parts with a uniform policy as to its legal status. It does not do for any business to build on a basis where it must own outright one or a number of parts but not the part or parts finally completing the set. This puts use of the owned parts at the mercy of the unowned. Not only that, but it also puts any sound, economic use of the unowned parts equally at the mercy of the owned.

One of two things must obviously be done. Either legislation relieving those owning the owned parts of that burden or legislation serving to give those with the owned parts such a definite form of control over the unowned that there will be no chance of any reasonable turn of events surrounding the unowned parts as to confiscate or materially reduce the values of the owned parts. Either would surround all parts to the complete set with a uniform status. Under the first, with the Government owning all parts, the operator would and could have no property interest in any part of the set. To operate livestock his only necessary investment would be in a liquid asset. As a liquid asset it would have liquid values. The settler would build only upon liquid values and so would the economic structure. To the extent of those values, everything would be sound under such a plan, both from the viewpoint of natural conditions on the ground and good economics.

The matter of occupancy could be met by providing terms of occupancy under lease, etc., sufficiently long to permit a reasonable turnover in the slower of the two branches of the industry, the cattle business. By having leases renewable at option of holder, the situation could be safeguarded against inefficiency in production by constant influx of inexperienced operators.

Here a basic point might be mentioned in so far as the public welfare is concerned from a business standpoint. The public welfare is not necessarily concerned over the identity of the specific individuals who are in this basic industry, but it is concerned over the maximum production of business and revenue and taxes from the public resource concerned. Those factors necessarily are guided by surrounding the use of the resource with proper principles, one of which is to reasonably guarantee that those in the business know their business and can be depended upon, within limitations of human shortcomings, to furnish the utmost returns from the resource to the country at large.

Under the method being discussed, a fair test as to whether or not business would be sound would seem to be to see how such a business would stand when it sought credit, which is an outstanding essential of this particular business. Under this method no money would be represented in investment values in anything from which it could not be recovered to a reasonable extent and with reasonable speed; in other words, the whole investment would be in the liquid asset of livestock, a market for which exists on a world-wide basis. That is a sound basis for credit, and, in fact, the only sound basis.

Under the second method, legislation giving the owner of a part or parts, a definite form of control over the other parts necessary to complete units. This plan, also, would stand the test of principles underlying credit facilities, because if the credit agency had to take the plant, it would have a complete plant either to operate or sell.

Needless to say, the existing situation surrounding the operating plant, practically eliminates all owned lands mixed up with it from even consideration as a credit risk by even our own governmental agencies designed for the direct purpose of loaning settlers on land values. All that seems necessary to prove this fact is to quote from the regulations of the Federal joint-stock land banks, which read as follows:

"Any stock farm or ranch which contains all the units necessary for the production of feed throughout the whole year for the usual number of cattle or stock maintained, and with ample and available stock-water supply, is satisfactory for a land-bank loan."

There is a sermon.

"This ruling might cover one cultivated farm and a range as a unit, or a summer range with a companion winter range, when the two are so favorably associated as to have a history and a known carrying capacity."

That ruling is sound from the principal of credit. But sound as it is, it sounded a mighty sad message to the settlers and their successors whose holdings it declared "outside the law," and to all those political subdivisions where the holdings of those settlers over the long years had come to be the foundation of the business and tax structures.

As to the practicability of the two methods. The first, involving the taking back by the Government of all those parts to complete sets, appears offhand to be impractical. There are many settlers who would prefer it to any other step. In all those sections of the West, however, where the complete sets involves operation for winter quarters of a hay ranch, the complications which would follow any attempt at Government ownership of the same, their apportionment and operation seem to preclude the possibility of such a step. In other words, Uncle Sam would have to go into the cattle business.

There appears, then, only the second method left—the placing in the hands of the operators such a definite form of control in the unowned parts as to permit safety of ownership in the owned parts.

The wisdom of this step, as other proposed steps, should stand or fall on the same tests previously used, its effect on the established order of things, measured, as before, by those directly and indirectly concerned, including the established settler, the newer but still unestablished settler, the future settler, the resource concerned and the related resources concerned, and finally the public welfare.

Such a step, even though belated, would apply to the established settler the natural and economic principles which it seems clear should have been applied in the beginning. No change could be retroactive in character and must therefore take things as found, going forward from there. The harm that has been done the respective groups of settlers as they have, in turn, been the new and unestablished settler and then the established settler, must be as water over the dam. However, it would, in so far as conditions exist, prevent any more such harm and thus provide a sound situation for the future excepting that "hang over" from the present situation which, as with all similar mistakes, must be paid for in full. For the established settler, such a move, therefore, would clearly be advantageous. Many could not be saved by it at this late date. However, all those who, wiping off their inventory and investment values all those properties which inevitably under the stress of the principles which have been applied have, through losing the key ranges, become depreciated, could still struggle through would have the help and the encouragement of a known haven ahead.

As to the newer but unestablished settler: Similarly, with the situation surrounding the older and established settler, the future of this group would depend upon whether, after having their status legally fixed on the unowned ranges they have acquired use of, the number of stock they could operate could carry the investment in owned properties and return them a profit sufficient to maintain their units, or to build those units to a size in keeping with the investment in the owned parts and the needs of maintenance of their homes. Similarly, with the established settlers whose operations are too far gone to be saved by this late change, those in this group who could not make the grade would at least, up to the point of the values in the complete unit to which they have been built, have something to sell, which in the final analysis none of them now have.

It is true that the application of the principle suggested would bring an abrupt end to the old principle of building up the newer but unestablished settler at the expense of the older established settler. It is equally true, however, that all settlers would be left free under their own initiative, energy, and efficiency to build up their outfits in open competition by barter and trade and, most important, that under this method whenever they did gain headway that they, too, would be protected in this definite form of control over the unit as a whole, without which, in the final analysis, none of the settlers, new or old, can ever have any real security.

As to the settler for the future:

Just as in the case of similar resources, such as water for irrigation, where complete units were still available or, through lack of use, became available, to that extent the new settler would still be free to come. Whether he came would depend largely upon whether the conditions favored his success, a healthy situation for both settler and industry and public welfare. When he came the values exploited necessarily in his development would be safely in his hands. If he succeeded, the reward of those values would be his. If he faltered, he would have at least something to sell, up to the values he had created.

If, instead of trying to develop a new concern, he preferred to purchase an established concern, he would be safeguarded and protected in the values underlying that purchase. He is not now.

Concerning the newer settler, there is an added point of extreme importance. It is this: When the resource upon which settlement depends in the building of any undeveloped section of country is all in use, then the next orderly and sound step is the process of subdivision of the larger units always found under pioneering conditions, when large capital only can stand the risk of the trials involved. In States such as our own when the key part to the resource, the summer ranges, were fully in use, that is when added settlement should have come through orderly subdivision of the larger holdings rather than through a reexploitation of the values upon which the first settlers built. The conditions which have existed, strange to say, in all these years have generally tended just the other way, more and more consolidation of small units into large. The reasons are obvious in the picture painted further back in this statement.

Just what incentive has there been or could there be for subdivision under the existing conditions, when the principles being applied were constantly milking out the values underlying the larger units faster than any of the struggling efforts of the operators could put them back? Subdivision, based on history, almost exclusively follows rising values, not declining values. Therefore we claim and maintain that these very same erroneous principles have, together with all the other injuries, successfully blocked the very path in which the development of a productive population pointed.

On the other hand, the application of the principle suggested will just as surely, in our opinion, lead us back and soon put us on the path upon which we should have been long ago. It will, as soon as the impetus of the ills existing can be worn off, bring stability and then legitimate profits to the operation, at least in so far as are concerned all those costs directly chargeable to the erroneous principles which have been applied. Those rising values under large group management, always subject to the evils of supervision, spread over too much territory, will, just as the economic history of our entire country proves, bring offers for divisions of the large holdings in excess of the operating return values as gauged by large management. The pioneer or his legitimate successor will cash in, as he was and is entitled to cash in, if the incentive which served to bring the pioneer was ever anything but a myth, and go on, and in his place will come a number of families on an independent basis, through the closer supervision permitted under smaller units, adding to the operating returns in sufficient measure to justify fully the added values resulting from the transaction. A real increase in the basic values underlying the operation, the industry, the commercial, and tax structures will have been brought about, paid for, and commercialized, and on the only basis upon which any of the factors mentioned ever can be safe.

Instead of this orderly progress ever based on actual increased productive values, we find under existing conditions the established settler, the pioneer or his successor, faltering and dropping on every hand. We find a long procession headed in the same direction. Do we find the holdings being subdivided? We do not; they either go back to the sagebrush from whence they came, or so close to that state as to be a liability rather than an asset for anybody. Together with the larger and pioneer outfits we see the middle size and the smaller and newer but unestablished settler dropping by the wayside also.

As to the resource concerned: The volume of evidence in the Government's own hands as to the serious depreciation in the carrying capacity of the great ranges in the public-land States as measured in terms of livestock should be sufficient to justify a change in principle. Directly traceable to this cause are a number of effects rapidly forcing an entire change in the whole fabric of the range stock-raising industry, changes which mean more and more money poured out into maintaining feeding ability, but backed by no new values simply because instead of furnishing ability to run more stock they seldom even furnish ability to maintain existing numbers.

It seems obvious without dwelling on this phase longer that a correction of abuse of the resource itself and in turn the watershed and timber values concerned simply awaits that step which will surround the operation of livestock upon the areas concerned with that certainty of occupancy which will provide an incentive for and permit application of ordinary intelligence in use of the same.

Here, it may be pointed out, that in order to give the definite form of control suggested, it does not follow that the related resources need be or are put at the mercy or into the hands of the operator of livestock. The settlers realize the importance of the watersheds just as much as anyone else. It is from the watersheds the water comes which irrigates their hay ranches for growing during the summer the hay for feed during the winter. These winter quarters are essential. Their value from either an operating or sale standpoint is absolutely ruled by the continued ability to irrigate and therefore in turn absolutely locked up with the good condition of the watersheds. Stock

that do not overgraze the forage crop mighty seldom injure tree growth, and the examples demonstrating this are numerous.

However, to make doubly sure the public's interests in watershed and in timber, and even more important as we are sure the final result will work out, so that any short-sighted stock raiser—and this is no apology, since every line of endeavor has its percentage of such individuals—will suffer directly for his own shortcomings and not bring discredit on those of the group who are not to blame, there is no reason why the law should not, and many reasons why it should, provide that willful damage to the forage resource itself or to any related resources shall be paid for as determined by the tribunal the Constitution provides for—the courts of the land.

Here the Forest Service can perform a real service, as the police agency representing the public interest in the resources concerned. It properly could and it seems clearly should have the power to prosecute in the courts such cases in behalf of not only the public at large, but all that group of stock raisers concerned who, by being in the same general group with the offender stand, through the willful action of one of the group, the unjustified risk of discredit to themselves and the industry they represent.

Compared with the present order, it seems that such a plan would, rather than put the forage resource or related resources in greater jeopardy of injury, greatly increase their safety. So far as applying a penalty to those who injure it, nothing would be lost as against the present situation, under which penalties are applied only after the damage is done. The new plan would, it is true, also be based on that principle of acting after injury. However, the principles applied by it, as stated previously would clearly, except in the very minimum of cases, so operate that no damage would be likely, but instead constant improvement. To reach such a desirable situation, all that would be given up as against the existing situation, would be an end to that broad regulatory power permitting the administrator the functions of the courts in fixing and applying penalties, which necessarily must be ended if there is to be applied those new principles which seems so obviously to the general benefit.

As to effect on the established order of things from the standpoint of existing homestead policies, land-grant policies, reservation policies, etc.:

Since those of the land laws seeking to place in outright private ownership areas valuable for no other purpose than grazing would, in principle, be directly opposed to the suggestion which involves giving the operators a definite form of control only in the forage resource, obviously not in line with any plan of private ownership which necessarily would involve also timber values, watershed values, etc., the successful operation of the principle suggested would necessarily mean an end to such homestead laws—this being the 640-acre stock raising homestead law. It does not seem necessary, however, at least under Nevada conditions, to interfere in the slightest with any homestead law which has as its basis the passing to ownership of lands primarily suited to cultivation. The taking of such areas would hardly be possible unless conditions existed under which a living could be made within the area actually owned, in which case no one would want to stop such development, or where unused ranges were available which, with the homestead, would mean a new complete operating plant, the creation of which no one would want to prevent.

It is equally obvious that since the suggestion is based on the idea of attaching the values in the forage crop on the unowned parts to the owned parts, any step which, as with the stock-raising homestead act, sought to make a reapportionment of those values as already taken, exploited, and commercialized, would be in exact opposition to the purpose sought by the principle. This involves the various kinds of withdrawals made for numerous public purposes, such as national parks, game preserves, etc., and it would seem the law could safely and properly place at least such limitations around such withdrawals as to insure at least full consideration of existing conditions before any such withdrawals estopping the established use and changing to a new use could be made effective.

The effect of the steps proposed on the established order of things from a public-welfare standpoint would, it seems, be advantageous all along the line, because the suggestion would serve to safeguard the values underlying the entire business structure, bring a maximum of revenue and business from the resource concerned, improve that resource and allied resources, and keep the economic situation on an even keel, preventing reexploitation of values already fully exploited and providing a basis for orderly progress of the basic industry concerned, even down to the desirable point of subdivision based on actually increased productive values. It would also, it seems clear, serve to reduce costs of production and eliminate economic wastes finally, as always, reflecting themselves in increased prices for the product to the consuming public, which means everybody.

Now comes the matter of a definite plan to bring this suggestion of a definite form of control tying in the values in the unowned parts with those in the owned parts.

It is our opinion that the exact details of such a plan should be decided upon only after full opportunity has been had by the committee or committees of Congress concerned to go into the problem most exhaustively. We consequently feel that we should confine our suggestions to a statement of those principles which we feel, if observed, will, under almost any plan finally decided upon, bring the results we so sincerely believe are right and sound.

In this connection we respectfully submit the following. There I would like to stop to explain that these platforms on the forest reserves and the public-domain ranges were taken up in the executive committee and with other representatives of the stockmen here Saturday and were discussed and approved.

NATIONAL FOREST RANGES

That, for the best public welfare, as measured by the welfare of those directly concerned, including the established settler, the more recent settler and the settler to come, the resource consisting of the range forage crop, the related resources consisting of timber, watersheds, etc., we most sincerely recommend:

1. That by law there be a recognition, definition, and protection of rights to grazing upon national forest ranges upon an area basis.

Now, bear in mind that last point—area basis. This is an exact copy of the first principle in the platform that was adopted at Salt Lake City by all the western range States. It had that area basis. Do not misunderstand that. It does not necessarily mean that they would attempt to take over common ground and give him an individual allotment on those ranges which, under Forest Service principles have become community ranges, but it simply means in this case that where a group of cowmen by the natural conditions of the ground had to use the range in common at least now that the right would attach to the group; that where the individual as an individual has absolutely individual allotment the rights would attach to him for that area. Now, as long as we are on the basis where all you have a right to is to run a certain number of stock, we can never bring about the principles that will work out for the improvement of the area. We have to get just as close as we can to a situation where, if I wanted a feeding ground for my stock and it was privately owned I could deal just the same. In other words, we want it fixed under the same principles that private business would go forward with.

Suppose I wanted to lease a pasture out in this valley. It would not be important to me to know that the fellow who owns all the valley would make me sure of a lease to take care of so many stock. What would interest me would be where the area was, what was on it, how valuable the area was, and when I got that area, if I was subject to be moved off of it any minute to some other area I could not give it the intelligent action that I know it ought to have, because I would have to get everything in sight while I was there, and hurry and get it, because I might be moved off of it any minute. That is what we mean by area basis. We want to be the operators, and to apply to this area the intelligent handling that the stockman has proved he knew long before many experts had been set up to tell him these things, as was demonstrated in my statement, by the way the stockman takes care of his grazing in the meadow hay field.

2. That such rights shall be based upon established priority and preference at the time of the enactment of such law.

3. That such rights be definite and transferable, without penalty, with provision for egress and ingress from and to ranges.

It was said to me the other night on the street that that did not seem to be very plain. But I will point out that that means the driveways for stock and trails that are necessary to get your ranges together. We know in this State that whenever the sheepman has to get his summer range, his spring and fall, and his winter range together, in some cases it requires a round trip in a year of 600 miles. His summer range is way up here; his winter range is way down in the desert. Obviously if you give him rights in the three sets without a way to get from one to the other you will still have him tied up. He has got to have the right of way, some assurance of that, as well as the rights in the area.

4. That such rights shall be subject to provisions rendering operators thereunder answerable for willful damage done by them to any of the resources concerned.

5. That such rights be subject to those restrictions which will insure their beneficial use from the standpoint of general business welfare.

By that I mean the public has the right to expect a maximum business return from the use of that grazing. The law should be such that nobody could sit and hold it without using it. They should either use it beneficially for the business structure, or have their rights canceled.

6. That no charge basis shall be effective in such law which results in depreciating investment values in the privately owned properties of the holders dependent upon such rights and that the States concerned shall share first and to major extent in any receipts from the application of any such charge.

Now, I think you all get the point there. If the resource has already been paid for, if it is in the man's property, if it is on the tax roll, if it is in business, what can anyone gain from applying another charge to the use of that grazing? It must come out of the place from which it is already taken, and it can not do anybody any

good. Now, if they can find any situation where the stockman has not paid, where it is not reflected in those values, at least confine their charges to those situations.

7. It is the consensus of opinion that the Rachford report is based upon unsound economic principles and therefor should not be adopted.

Now, as to the public-domain ranges.

New legislation directed at situations not previously covered by law are fraught with danger, particularly when existing legislation dealing with similar matters is not in accord with the natural or economic needs of the situation. It seems certain that extension to the public domain of the Forest Service grazing principles would but serve to make matters worse. It is therefore our firm belief and recommendation that no effort toward legislation affecting the public domain ranges should be taken until that legislation surrounding the national forest ranges has been satisfactorily adjusted. At such a time the matter of merely by legislation extending principles already demonstrated as sound will not involve such danger to the interests directly concerned and the public at large as always surrounds new legislation.

There is a sermon right there. What has been done in the matter of regulation of a part of this resource has been so far off the track in our judgment that even though we know that the public ranges need treatment we are so fearful with having any tinkering applied out there that we want them to finish the tinkering and the legislation with the piece that is already caught in the trap before they step out to apply anything in any other place. Now, if we can get established those principles that we know are sound, then all we have to ask Congress to do with the rest of the land is to extend principles already in effect. We know that it is not as dangerous to put in a bill in Congress merely that they will extend it or they will not extend it as it is to put in original legislation, for even though they let one of us write the bill none of us knows what it is going to look like when it comes out.

However, we do urge that in any consideration which might be given by Congress to any angle of this problem affecting that part of the grazing resource situated upon the remaining public lands they bear in mind, that any sound or practical use of that resource for business and revenue-making purpose is necessarily surrounded by its continued availability for the purposes for which it was exploited in the building of the settlement concerned and by those by whom it was thus exploited, and that any step seeking to make thereof a new use necessarily means its loss from the place it had formerly taken in the general scheme of things, with the always resultant economic upset and readjustment finally at public expense.

To protect this situation, any existing laws based on a mere exploitation of that resource be repealed before further injury is caused and that no further laws based on that principle be enacted. And we have particular reference there to the 640-acre stock raising act.

In considering the various forms of withdrawal for various purposes involving this resource, and before the values concerned are separated from the place they already may have taken in the general scheme of things, the fullest consideration be given to the point of whether or not the fullest measure of public benefit will be attained by such separation and the economic readjustment inevitably caused.

In any step involving application of law to the grazing use of the resource values concerned on the public domain ranges, which may in the course of events be taken, the following fundamentally necessary principles be made its basis:

1. Definiteness of control in the operator of the complete operating unit concerned.

2. No charge basis which serves to depreciate investment values in any owned parts to such complete operating units.

3. A basis of allocation or apportionment of priority and use.

We also urge, as it seems should clearly have been done in the first place prior to any step surrounding the exploitation of such a resource, an immediate study involving investigation as to what place in the general scheme of things the resource is best suited, as well as what the place it might have taken already and to the best interests of the country as a whole.

Now, we have just one or two little suggestions beyond that to achieve the principles in this thing. That we might get some action by Congress which would be aimed at setting aside the application of all those principles that are causing the harm. That is what our stockmen, so many, mean when they say, "Let us alone. Give us a chance." Take the barbs out of them and then provide for the conduct of a study not of land but of that complete resource, regardless of what its status is now and who has it, to the end that those principles might be worked out based upon a study of the resources as a whole, considering its natural conditions and the needs of the business, so that the only business that can use it will best serve the public interest.

I thank you.

Senator ODDIE. Mr. Chairman, in my opinion no more exhaustive and able statement has ever been made regarding the public-land problems and the livestock industry which go hand in hand, and I believe that what is contained in this statement should be known by the people of the country generally, and when Congress convenes I intend to place this statement in the CONGRESSIONAL RECORD in order that the people of the whole United States will be able to read it.

The CHAIRMAN. Mr. Metcalf, have you been engaged as an official in the Forestry Service?

Mr. METCALF. Yes.

The CHAIRMAN. In what branches of the service were you engaged?

Mr. METCALF. What do you mean by branches? What line of work?

The CHAIRMAN. What line of work; yes.

Mr. METCALF. In all lines from the clerical position through the administrative branches up to assistant district forester of this district.

The CHAIRMAN. Did you ever serve as a ranger?

Mr. METCALF. Yes.

The CHAIRMAN. How long were you in the Forest Service?

Mr. METCALF. I think about 13 years.

The CHAIRMAN. How long have you studied the question of grazing on the forest reserves?

Mr. METCALF. Ever since I went into the Forest Service.

The CHAIRMAN. Are your conclusions as set forth in your statement drawn from your personal contact with the people involved in the public-land States?

Mr. METCALF. They are.

The CHAIRMAN. Have you any further questions, Senator ODDIE?

Senator ODDIE. No.

The CHAIRMAN. That will be all. Thank you, Mr. Metcalf.

BRIDGE AT LEE FERRY, IN ARIZONA

Mr. ASHURST. Mr. President, I inquire of the Senator in charge of the conference report on the deficiency appropriation bill when we may expect a vote on the conference report? It seems to me that further to delay action on the conference report on the deficiency appropriation bill is unwarranted. The delay of the adoption of the report is costing the Government, as I am reliably advised, $250,000 a day. Some Senators are predicating their opposition to the conference report upon an item therein proposing to appropriate $100,000 to pay one-half of the cost of a bridge across the Colorado River at Lee Ferry, when by such delay they are costing the Government more than the cost of the bridge.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. CURTIS. The Senator in charge of the conference report [Mr. WARREN] is out of the city on account of illness in his family. He hopes to return to-day. If he does return to-day, the report will probably be called up for consideration. If he does not return to-day, he hopes to get back to-morrow and call up the report then. I know the Senator from Arizona would not urge its consideration in the absence of the chairman of the Committee on Appropriations.

Mr. ASHURST. I was unable to take an active part in the proceedings of the Senate on Thursday, Friday, and Saturday of last week owing to an attack of influenza. I am scarcely strong enough physically to participate in the debate to-day, but I want the conference report adopted at the earliest possible moment. There are several millions of dollars involved in the conference report which are, of course, not available until the conference report shall be adopted. There are ex-service men now suffering through the willful and inexcusable delay in the adoption of this conference report.

The Indians of Arizona have never been exploited, and, on the contrary, within the past 13 years over $11,000,000 has been appropriated for the support and civilization of this particular tribe of Indians; and anyone who asserts that the State of Arizona directly or indirectly, by this item or any other item, is attempting to exploit the Indians of Arizona is stating something concerning which he knows nothing. I have telegrams advising me that the Indians do not oppose this bridge. Other Senators, of course, may have telegrams advising that the Indians do not want it; but it is unjustifiable and unwarranted to hold up the deficiency appropriation bill on account of one item.

Mr. PITTMAN. Mr. President, I am delighted to hear the Senator from Arizona make this statement. I wish the statement had been made the other day at the time the conference report was first called up for consideration. Had it been made at that time, the conference report would probably have been agreed to on that day. As a matter of fact, there were very few Senators here who knew anything about the item

Mr. ASHURST. I have just stated to the Senate that I have been afflicted with la grippe, and I am scarcely able now to take part in debate.

Mr. PITTMAN. I realize that the Senator has been ill. I understand; but the Senate was not advised in regard to the item to

which the Senator refers. It is an appropriation to carry out existing law. The existing law came about through the introduction of a bridge bill enacted into law in 1925. That law itself requires that the Navajo Indians shall reimburse one half the cost of the bridge. If we are going to have any appropriation at all, it has to be made in accordance with existing law. If we attempt to change the existing law, it will be subject to a point of order in the House, and the point of order would be made because there are a great many Members of the House who do not desire to have the bridge built and who have opposed the proposition all the way through.

In 1925 both of the Senators from Arizona, as well as the Representative in Congress from Arizona, stated that the Indians were amply able to pay their half of the cost of the bridge; in other words, one-half of $200,000. Both of them urged the passage of the bridge bill with the condition in it that the Indians should reimburse the Government for the $100,000 to be advanced by the Government in behalf of the Indians. There was no question then as to whether it was good or bad policy. As a matter of fact, every Senator in this body who has been here any length of time knows that it is the fixed policy of our Government and has been for many years to require the Indians to reimburse the Government in case of benefit to them, the same as having white settlers reimburse the Government for money advanced in their interest. When I first came to the Senate I fought that policy. I desired reclamation projects placed on Indian reservations as a bonus, so to speak, to the Indians, but never since I have been here has any such policy ever been pursued.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. ASHURST. Another branch of the Congress voted on the conference report on the deficiency bill on February 25 last, the yeas on the adoption of the report being 235 and the nays 30. Now, not claiming to prophecy, but I ask you to mark how accurately I horoscope the situation when I say there will not be a deficiency appropriation bill unless and until that item is agreed to. All of this opposition to the item and fustian concerning the same—I will not say is disgusting—but it ought to cease.

The appropriation for this item was authorized by a law of the Sixty-eighth Congress.

Mr. PITTMAN. I am going to finish in a moment. The only reason why I mention the matter is because there seems to be such a great desire to adopt the conference report. It carries an item which will benefit the disabled soldiers in my State and in Arizona, but we can not expect to adopt the conference report in a hurry if Senators are fighting the conference report on the ground of an item which heretofore they have supported. The Senator from Arizona is exactly right. The House is carrying out a request of the Department of the Interior and a recommendation of the Budget Bureau. It is making an appropriation of $100,000 to carry out a law that has already been enacted. The law already enacted requires reimbursement. The House by an overwhelming vote have sustained the item after a separate debate. There is no reason why they should yield on it, and they will not yield on it. Those who are now delaying the adoption of the conference report are doing it without any just cause.

The report submitted by the junior Senator from Arizona [Mr. CAMERON] was made on the original bill providing for the appropriation for this bridge. That original bill expressly provided for reimbursement. Let me read the original act, approved February 26, 1925:

> *Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

That is the present law. In presenting his report with reference to that bill, the junior Senator from Arizona [Mr. CAMERON] said:

> Your committee is informed by the Bureau of Indian Affairs that the Navajo Indians of Arizona and New Mexico consider themselves to be one tribe residing on one reservation and have asked that no distinction be made with respect to Indians who reside in different administrative divisions. The committee is of the opinion that there is no practical means of enforcing a lien against the lands of the Navajo Indians and that a lien upon their funds is ample security for the reimbursement of this appropriation. Oil in paying quantities has been discovered on the Navajo Reservation, and it is known that large deposits of coal also exist, in addition to which there is considerable merchantable timber.
>
> The bill was referred to the Secretary of the Interior for report, and its enactment is recommended in the following letter.

The junior Senator from Arizona [Mr. CAMERON] brought in the report. In that report he sets out the letter of the Secretary of the Interior, which states that this is for the benefit equally of the Indians and of the white settlers, and that under the policy of the Government the Indians should be required to reimburse one-half of the expenditure. The Department of the Interior and the Commissioner of Indian Affairs state that these Indians are amply able to pay their share. As a matter of fact, the junior Senator from Arizona knows well enough that the 30,000 Indians on the Navajo Reservation are richer per capita than is anybody in Arizona. Those 30,000 Indians own an estate there which is more valuable per capita than all the remainder of Arizona to the citizens of that State.

Now, what does all this mean? After the junior Senator from Arizona has urged the passage of the bill with the reimbursable feature in it, after he has advocated it on the floor of the Senate and caused Congress to pass it practically unanimously, after the President has signed it, after the House has acted on the appropriation thus authorized, why does the Senator get up here on the floor, at the last minute, and oppose the adoption of the conference report on the appropriation bill?

Oh, yes, he says, "We need to have the bridge built, but I do not want the Indians to pay anything." The Senator has had experience enough to know that we are not going to change the policy of this Government with regard to the Navajo Indians merely to satisfy him. He knows well enough that if he defeats this provision in the appropriation bill he will be simply delaying the development of the Navajo Indian Reservation and of the State of Arizona, and that it is a futile thing to do; that he is promising something by voting against that which he formerly stood for, under the pretense that he is going to get them something for nothing, when he, as a Senator in this body, knows that he never can get it. That is all I have to say until I get ready to discuss the question.

Mr. CAMERON obtained the floor.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. CAMERON. I yield.

Mr. CURTIS. I do not wish to cut off debate, but the conference report which Senators have been discussing is not before the Senate. When the conference report shall be brought up, every Senator will have ample opportunity to discuss it. I do hope that there may be no further discussion of it in the morning hour. I do not want to demand the regular order to cut off any Senator from speaking, but I hope the Senator from Arizona will realize the situation.

Mr. CAMERON. I should like briefly to make a few remarks, and then I reserve my right to continue the discussion on some other occasion when the matter shall be regularly before the Senate.

Mr. CURTIS. As I understand, the matter may now only be discussed by unanimous consent, but, of course, if other Senators do not object, I shall not do so.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. CAMERON. I yield.

Mr. WILLIS. I simply wish to state to the Senator from Arizona that we are now in the morning hour; we have the calendar before us. Will he not be willing to allow this matter to go over until some other time, in order that we may consider the bills on the calendar? If the conference report is to be now discussed, meritorious measures, to which there is no objection, will simply go by default. I beg the Senator to make his remarks at some other time.

Mr. CAMERON. Mr. President, I shall be very pleased to let this matter go over for future discussion, but I wish to say to the Senate that I desire to make some remarks at the present

time because I feel that my colleague, the senior Senator from Arizona [Mr. ASHURST], has made some statements here on the floor this morning which are not very complimentary to me, as has also the Senator from Nevada [Mr. PITTMAN]. Consequently I should like to go into this matter in detail.

I admit that at the last session of Congress I reported the bill referred to, which afterwards became the present law; but I have reported many a bill from the Indian Affairs Committee of the Senate which has come from the other House and also from the Committee on Military Affairs and from other committees. At the time I reported the bill now in controversy it was supposed that the Department of the Interior and the Commissioner of Indian Affairs had recommended the bill to Congress with the full authority and consent of the Indians who were interested in the bridge, and that the Indians were willing that this appropriation should be made reimbursable from their tribal funds, but, Mr. President, such are not the facts. These Indians did not give their assent; the department approved it without their sanction, as the records of this debate will show. I can not now understand, and I do not think I ever shall understand, why the Navajo Indians would be so interested as some would attempt to make us believe in a bridge across the Colorado River 6 miles below Lee Ferry. As I have previously stated, and I now repeat, the bridge only connects on one side of the Colorado River with the Navajo Indian Reservation and on the north side with the public domain of the Government of the United States. As I have said, and now repeat, the Indians do not use that section of the country and have not done so for many years, as the senior Senator from Arizona knows. At one time when the Indians were allowed to go hunting up in the Buckskin Mountains, on the north side of the river, a few of them went out that way and hunted in the wintertime; but that region has been set aside as a game preserve for many years, and no one is now allowed to hunt there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Arizona yield to me for a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I yield.

Mr. ROBINSON of Arkansas. When the junior Senator from Arizona reported the bill authorizing the construction of this bridge, one-half of the funds reimbursable out of the Navajo Indian funds, did he know that condition existed?

Mr. CAMERON. I certainly did, and I——

Mr. ROBINSON of Arkansas. Then, why did the Senator urge the passage of the bill with that provision in it?

Mr. CAMERON. I do not think there was any urging about the passage of the bill. The bill was passed as many other bills are passed.

Mr. ROBINSON of Arkansas. But the point is that the Senator from Arizona reported the bill to the Senate with an argument in the written report for its passage, one-half of the amount to be reimbursable out of the Navajo Indian funds. Why did the Senator do that if he thought it was a measure oppressive toward the Indians?

Mr. CAMERON. I will say to the senior Senator from Arkansas that when that bill was passed or was recommended for passage by the Senate Committee on Indian Affairs there was a letter attached to it from the Secretary of the Interior, which has been read here about three times. I did not know then but what it was all right with the Navajo Indians, but I wish to say now that the Navajo Indians are protesting against paying one-half of the appropriation for the construction of these bridges. Consequently I think I am right in the position which I am now taking. Those Indians are citizens of the United States and I think it is my duty to try to protect them as far as I am able to do so, and I shall continue to do so in spite of what the Senator from Arkansas may think or what the Senator from Nevada may think or what the senior Senator from Arizona may think. I am doing what I think is right, and I shall continue to do so.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The VICE PRFSIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I will yield.

Mr. ROBINSON of Arkansas. The Senator has just stated in answer to my question that he knew when he reported this bill to the Senate authorizing an appropriation, one-half to be reimbursed out of the Navajo Indian funds, that it was an oppressive and unjust measure. He now says that he did it because the Interior Department reported favorably on it. I call the attention of the Senator from Arizona [Mr. CAMERON] and of the Senate to the fact that on February 18, 1925, the Senator from Arizona [Mr. CAMERON] asked the Senate to proceed to the consideration of the bill authorizing the construction of this bridge, one-half reimbursable out of the Navajo Indian fund——

Mr. CAMERON. Mr. President——

Mr. ROBINSON of Arkansas. Without any explanation to the Senate——

Mr. CAMERON. I just yielded for a question.

Mr. ROBINSON of Arkansas. He came in here, and without telling his colleagues in the Senate that he knew it was an unjust and oppressive measure, he actually secured the passage of that bill after having reported it and urging that it be passed with the provision that the amount should be reimbursable one-half out of the Navajo Indian funds. Without one word of discussion or explanation it was passed unanimously at his request. Now, let the Senator from Arizona [Mr. CAMERON] tell the Senate, if he chooses to do so, why he urged the passage of a measure that he then thought was unjust and oppressive to the Indians.

Mr. CAMERON. Mr. President, I will say to the Senate that I did not urge the measure. I brought it in here from the committee and my name was attached to the report as being from the Committee on Indian Affairs, reporting the bill favorably. I say to Senators that until this appropriation came up in the deficiency bill this year the Indians had never had a chance to protest. But when the bill came up——

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. CAMERON. I will not yield further.

Mr. ROBINSON of Arkansas. Will the Senator yield for a question?

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON of Arkansas. The Senator declines to yield?

Mr. CAMERON. I will yield for a question, but I do not want a speech made while I am talking.

Mr. ROBINSON of Arkansas. I am not going to make a speech. The Senator says that the Indians had not had a chance to protest, but at that time he knew the measure was oppressive and unjust to them. Why did he himself not protest?

Mr. CAMERON. I did not have a chance to protest. The first time I had a chance to protest was on the floor of the Senate, and I protested then and gave my reasons, and I am here to-day protesting, and I am going to keep on protesting. Of course, the Senate can outvote my protest; that is their privilege; but, on the other hand, when any Senator stands on this floor and says I have been promised something by the Indians or anyone else, he is telling something that is not so. I was never promised anything by the Indians or by anybody else in the United States since I have been in the Senate, and I do not expect any promises. I am here to do my duty as a Senator, to represent the people of Arizona as best I know how, and when the senior Senator from Arizona says that I do not know what I am talking about, he is saying something that is not so.

Mr. PITTMAN. Mr. President——

Mr. CAMERON. I have the floor.

Mr. PITTMAN. Will the Senator yield to me to correct a statement he has made?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I will yield for a question; yes.

Mr. PITTMAN. I assume that the Senator is referring to the Senator from Nevada when he says that somebody stated he was being promised something by the Indians?

Mr. CAMERON. I would have what I say apply to anybody who made such a statement.

Mr. PITTMAN. I did not say that.

Mr. CAMERON. The Senator said I was promised something.

Mr. PITTMAN. No; the Senator is wrong; he is rather too sensitive on that subject.

Mr. CAMERON. The RECORD will show for itself.

Mr. PITTMAN. No; I was merely talking about what the junior Senator from Arizona was promising to the Indians.

Mr. CAMERON. I want to say to the Senator, since he has brought up the question, that I have not promised anything.

Mr. PITTMAN. I know you have not.

Mr. CAMERON. Why should I? The Ind'ans do not vote. I am not looking for any advantage to come from that source, as, perhaps, gentlemen on the other side seem to be. I doubt if 10 of the Navajo Indians vote; and I never received a vote from one of them, and I do not think I ever will, because I do not think they will register to vote, although they have the privilege of voting under the law.

Mr. PITTMAN. That is probably true.

Mr. CAMERON. But I do not like these insinuations. It is not fair. I have been trying to be fair ever since I have been here, and I am going to continue to be fair. I do not think any

Senator should accuse me of promising anything or of being promised anything. I do not think that is just and right, and I protest against it.

Mr. PITTMAN. Does the Senator think this would be of any benefit to the Navajo Indians at all?

Mr. CAMERON. To what does the Senator refer?

Mr. PITTMAN. I refer to the proposed bridge.

Mr. CAMERON. I know it will not be.

Mr. PITTMAN. Let me ask the Senator if he still believes what he said in his report?

Mr. CAMERON. I did not make that report. The report was made by the Senate Committee on Indian Affairs, and was made at the recommendation of the Secretary of the Interior, who had control of the Commissioner of Indian Affairs. If they send up material for a report from a committee to the United States Senate, and they do not know what they are doing or why they are doing it, am I responsible for their action, or are you?

Mr. PITTMAN. No.

Mr. CAMERON. That is the case here. I think the gentlemen on the other side are trying to make a political issue out of this question. I wish to say to the Senate of the United States, however, that, so far as I am concerned, they may do so, but I am not here talking from a political standpoint; I am talking for right and justice in behalf of a poor tribe of Indians who are being imposed upon. I have said before, and I now repeat, that, so far as I am concerned, if this item goes into the deficiency bill I have done my part. The senior Senator from Arizona has been here all during the week while this controversy has been up, and I am at a loss to know why he should have such a change of mind this morning and insinuate that I do not know what I am talking about, when there is no man in this country who knows the conditions in that section of the country as affecting the Navajo Indians better than I do.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I yield.

Mr. PITTMAN. On page 5 of the Senator's favorable report on this bridge he expressly quotes the language of Mr. J. R. Eakin, superintendent of the Grand Canyon National Park. He was not Secretary of the Interior, and his statement was something entirely outside the letter of the Secretary of the Interior. This is what the Senator quoted:

> The construction——

Mr. CAMERON. I thought the Senator desired to ask a question. I only have a few minutes; I do not want to take up the time of the Senate, because this is Calendar Monday, but I will give the Senator all the time he wants on some other occasion to debate this question.

I want to state now, before taking my seat——

Mr. PITTMAN. Is the Senator afraid to answer this question or not? If he is, I will stop.

Mr. CAMERON. I will answer it. I will answer any question any Senator desires to ask me.

Mr. PITTMAN. I am going to read the Senator about a paragraph, and ask if he believes in that now.

Mr. CAMERON. I do not know what the Senator is going to read.

Mr. PITTMAN. The Senator will know when he hears it. I am going to read it, and ask him if he believes in it now.

Mr. CAMERON. Very well.

Mr. PITTMAN. Here is what the Senator quoted in his report from Mr. J. R. Eakin, superintendent of the Grand Canyon National Park——

Mr. CAMERON. I never read the report. I took the reports of the Indian commissioner and the Secretary of the Interior and the committee on this bill. Do not try to ring in something that I have not had anything to do with.

I want to say now that the Commissioner of Indian Affairs has misled the Congress and the Senate of the United States in the report that the Indians were satisfied to pay half of that money, when I know they did not know at that time and did not know until lately that the money was to be charged up to them. I want to say further that the Legislature of Arizona, at the last regular session of that body, refused to appropriate the $100,000 that was supposed to match this $100,000 appropriated by Congress. Further, this same Senate tried to stick $100,000 down the throat of the people of Coconino County for a trail. This is similar. They may do it, but I will tell you the people are going to find out where these things are coming from, who is doing it, and why.

I thank the Senate.

Mr. PITTMAN. Mr. President, with the courtesy of the Senate, I will now continue the question. I shall be through in a second. I am not going to delay matters; but here is what the Senator from Arizona especially quoted in his report, not from the Secretary of the Interior, not from the Commissioner of Indian Affairs, but he went back and dug up a report of December 13, 1924, by Mr. J. R. Eakin, superintendent of the Grand Canyon National Park, and here is what he says:

> The construction of a modern highway to the north rim by way of a bridge near Lee Ferry would open up an immense market for Indian products, which is now practically denied them. Undoubtedly a vast amount of their handiwork would be taken over this route and stocked in various stores for sale to the tourist public. Of equal importance would be the vast stream of auto tourists that would, in traveling this road, pass four trading posts in order to reach the canyon, and many autoists would, of course, visit the Rainbow Bridge country near which is the Betatakin ruin, and thus come in contact with many other trading posts, where the principal articles of sale are Navajo rugs and jewelry, and Hopi baskets, pottery, etc.
>
> The construction of such a road and bridge would greatly increase the demand for products of the Navajo and Hopi Reservations, and while it would greatly increase travel to this country and thus aid the general prosperity of the State, the Indians, I believe, would be benefited more than the whites.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Yes.

Mr. CARAWAY. Who made that report to the Senate?

Mr. PITTMAN. This report was made by the junior Senator from Arizona [Mr. CAMERON], who then presented a bill based on this report and asked for its immediate consideration; and it was passed through the Senate on his request for immediate consideration based on this report.

One other thing: The Senator in presenting this matter, after making that quotation, said:

> Under the terms of the bill it will be necessary for the State of Arizona to pay one-half of the cost of this bridge. The Governor of Arizona in his message to the State legislature on January 12, 1925, has recommended that such an appropriation be made. It will also be necessary for the State to improve the approach road from Flagstaff for a distance of about 130 miles, over half of which is within the Navajo Reservation. The road north of the Colorado River to Fredonia will also require State funds for its construction.

The unfortunate thing about the matter is that this one item is delaying the passage of the deficiency appropriation bill. Now the Senator conceives the brilliant idea that the reimbursable feature of this proposition should be knocked out; and yet his experience, in the long time he has been here, must teach him that it is the policy of the Government to have every one for whom money is expended reimburse the Government where possible. He knows that some of us have tried time and time again to avoid the reimbursable feature where the Indians were so poor that we doubted whether they could ever reimburse the Government; but we have never even succeeded in that. In this case, where there are 30,000 Indians with an empire at their disposal, where already rich oil deposits have been discovered, where there are magnificent forests of timber and large coal deposits, it is perfectly absurd to say that these Indians can not afford in the future to reimburse the Government $100,000 for this bridge, not out of the $116,000, because it does not come out of that, but in the future out of their royalties, when at the same time they get 60 miles of road built through their reservation from the south to the north at the expense of the State of Arizona. These Indians are getting millions of dollars expended by the reimbursement of $100,000. Senators talk about protests from that Indian reservation. Where are the protests?

This is no new policy. In New Mexico, in the same Navajo Reservation, right across the line, where just one-third of these Indians live, the Government has already built bridges and roads, partly in the reservation and partly out of the reservation, and has charged the Indians of the whole reservation with $140,000, reimbursable to the Government. No one complained against that. Why? Because it was the policy of the Government that it should be reimbursed.

In 1925 the junior Senator from Arizona [Mr. CAMERON] secured the passage of a bill for the building of this bridge, and provided in the bill that it should be reimbursable to the extent of $100,000 and came before this body and asked the immediate consideration of a report, and that report indorsed this bill in every particular. Now, after Congress has provided in an appropriation bill the money to carry out existing law, he attempts to go back on the whole proposition. Why? Perhaps because it may be a popular thing to say: "Instead

of charging these Indians something, the Government of the United States will donate it to them." That may be the reason; but, whether that be the reason or not, the Senator knows that the House of Representatives is firm on the proposition of this reimbursement, and that a majority of the Senate of the United States are equally firm on it. He knows that his fight here against this provision is going to do nothing except delay the passage of this bill, which carries hundreds of thousands of dollars for the benefit of his State; which carries hundreds of thousands of dollars for the benefit of the disabled soldiers of his State. Yet he is encouraging those Indians and the people of the State of Arizona to believe that the Government is going to appropriate $100,000 to build that bridge and not ask for reimbursement, when his whole experience must teach him that that policy is impossible, and that all that his arguments and all that his efforts will do is to delay the passage of this bill indefinitely without any benefit to those people.

SENATORS FROM IOWA AND NEW MEXICO

Mr. BORAH. Mr. President, I do not rise to discuss this matter. I wish to inquire, although I do not see the chairman of the Committee on Privileges and Elections here, when we may expect a report on the Brookhart-Steck election contest.

Mr. KING. Mr. President, I regret that the chairman of the committee is not here. I should like to make the same inquiry myself; and as the ranking Democratic member of the committee I will say to the Senator that I understand the plan is to have the subcommittee make a report to the full committee at a very early date. I sincerely hope that will be done. I think the illness of some of the Senators has precluded the consideration of the matter.

Mr. ROBINSON of Arkansas. Mr. President, while the general subject is being discussed, I should like to inquire when the Committee on Privileges and Elections will make a report on the Bursum-Bratton case.

Mr. GOFF. Mr. President, as chairman of the subcommittee I will say, in answer to the Senator from Arkansas, that we expect to have a meeting of the subcommittee some day the first part of this week. The pleadings in that case are now brought to issue, and the matter is ready for a meeting of the subcommittee to report upon whether or not it will order the ballots sent here.

Mr. ROBINSON of Arkansas. Am I to understand from the Senator from West Virginia that it may be expected that a report will be made in the immediate future?

Mr. GOFF. I can not state how soon the report will be made. I can say that the question is now at issue on the pleadings, and we expect to have a meeting of the subcommittee within the next few days to determine the next step to be taken in the contest.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has the floor. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I do.

Mr. CARAWAY. In answer to the question of the Senator from Idaho I should like to say, with respect to the Steck-Brookhart contest, that as far as I know the committee can make its report within two weeks. The chairman of the subcommittee, the Senator from Kentucky [Mr. ERNST], is not in the Senate Chamber to-day, and I do not know when he will call the subcommittee together. It is ready to conclude its investigation and make its report to the full committee, and, at the request of the full committee, has gone over most of the matter. I do not know of any reason why it could not make its report this week if the chairman of the committee would call it together for that purpose.

Mr. BORAH. I had so understood the fact as stated by the Senator from Arkansas. That is the reason why I asked at this time when we might expect a report. I had understood that there was really no occasion for any further delay. When the Senator from Kentucky [Mr. ERNST] comes into the Chamber I will renew my inquiry.

Mr. GEORGE. Mr. President, I did not hear the first part of the inquiry made by the Senator from Idaho. Hearing his last remarks, I presumed, of course, that he was making inquiry about the report on the Steck-Brookhart contest.

There is no reason, Mr. President, why the subcommittee, of which I am a member, could not make its report after one day's or two days' sitting. I have myself urged immediate consideration by the subcommittee, and I have been promised that the subcommittee would be called together by the chairman as soon as the junior Senator from Arkansas [Mr. CARAWAY] returned. The junior Senator from Arkansas is now back in the Senate, of course, and I hope we can dispose of the matter and make our report to the full committee at least before the end of this week.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. ASHURST. Mr. President, I ask permission of the Senate to have printed in the RECORD copy of a sermon preached on January 31, 1926, by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, in New York City, regarding the Permanent Court of International Justice.

I also ask permission to include in the RECORD a copy of some of the proceedings in the House of Representatives of the United States under date of Tuesday, March 3, 1925, wherein the House of Representatives, by a vote of 302 yeas to 28 nays, urged adherence by the United States to the Permanent Court of International Justice. I request that the roll call showing the names of those voting for adherence and those voting against adherence be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE ADHERENCE OF THE UNITED STATES TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Preached by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, New York City, January 31, 1926

In one of the noblest hymns in the English language, James Russell Lowell, poet, statesman, patriot, and Christian, phrased in moving words the thought and emotion which are in the minds and hearts of most of us, perhaps all of us, this morning.

"Once to every man and nation
Comes the moment to decide,
In the strife of truth with falsehood,
For the good or evil side;
Some great cause, God's new Messiah,
Offering each the bloom or blight,
And the choice goes by forever
'Twixt that darkness and that light."

Lowell wrote these words in 1845, having in mind the irrepressible conflict, even then pending, which was to decide, once and for all time to come, whether the institution of slavery was compatible with a civilization which called itself Christian. The American people waited for nearly 20 years before making a decisive answer. The answer was heralded by the watchfires of a hundred circling camps. It was sounded forth in challenge upon the trumpet that shall never call retreat. It was phrased at last by Abraham Lincoln and sealed by the testimony of his blood, poured out in martyrdom. This Nation had been told by him that it could not endure half slave and half free. It made the great decision; it chose the side of liberty; and it endured.

To-day, as not before, perhaps, since the ending of the Civil War, our country has again been confronted with the necessity of making a political decision which is also a moral decision of supreme importance, the background of which, now as then, is the background of a prolonged, agonizing, and devastating armed conflict, the roots of which, now as then, are driven deep into the immemorial past, and the issues of which, now as then, reach out into an illimitable future. History never repeats itself exactly. The background of the decision reached 60 years ago was civil war; the background now is Armageddon. The question at issue then was the question of the perpetuation of the institution of slavery; the question at issue now is the question whether war itself shall be perpetuated as the proper method for the settlement of international disputes, or whether it shall be superseded by recognition of the binding character of international law. There are other differences upon which it is not necessary to enlarge. But now, as 60 years ago, the issue is essentially a moral issue. The choice has been essentially a corporate national choice between the good and evil side of a question involving the hopes and fears of all humanity. And, thanks be to the eternal God of judgment and of justice, now as in that fateful past, the choice of the American people, made freely after long and weighty deliberation, has been favorable to the cause of righteousness and to the kingdom of our God and of His Christ.

I shall not try, this happy morning, to recount the developments of the past few years, or to rehearse the arguments which led the Senate of the United States, truly representing the American people in its nonpartisan and overwhelmingly favorable vote, to accept the leadership of the President and give adherence to the Permanent Court of International Justice. It is not necessary to recount or to rehearse them. Most of us know them by heart, and are met to-day, not to review or to argue, but to rejoice. But there are three aspects of the matter which appear to me to be deserving of brief consideration, and to be appropriate for consideration at this time and in this place. I invite your attention to them now.

In the first place, we can not properly rejoice in a great national accomplishment without paying the tribute of grateful recollection to those who, whether by statesmanlike planning, or by sacrificial devotion, and, in the case of tens of thousands, at the cost of life itself, brought it about. We think first of all of our dead, the young soldiers who went to France, some of them of military necessity, but more of them because morally they could not do otherwise, moved by the noblest and most idealistic motives that ever prompted youth to draw the sword. It has been said of them that they were not so moved, and that our country entered the war for merely selfish consideration, to "save its skin."

Let us to-day brand that falsehood and dismiss it with everlasting contempt. Motives are mixed, in nations as in men, but if ever they approach purity, they approached it in this instance. John Arkwright's beautiful tribute is as deserved by our American soldiers as by the young Englishmen for whom it is inscribed upon so many war memorials in England:

> "Proudly you gathered, rank on rank to war,
> As who had heard God's message from afar;
> All you had hoped for, all you had you gave
> To save mankind—yourselves you scorned to save."

Was mankind to be saved unless something should come out of the war worth even that tremendous purchase price—some new self-ordering of human affairs that should include a League of Nations for cooperation in all helpful ways, and a Permanent Court of International Justice, making possible the resort to justice instead of the resort to force? Mr. Elihu Root, who has taken a part so honorable to his country as well as to himself in this matter, has told us that what the world needs is institutions to make effective the will to peace. That will is always present, but often inarticulate, and often overborne by the tumult of popular passion and prejudice. No nation is capable of being at the same time attorney, jury, judge, and executioner in a cause involving its own real or apparent interests. Our young men, as they went to France, repeated out of an honest and good heart the slogan by which they had been summoned, that this was a war to end war. The members of the American Legion were guided by surest instinct when, at the great convention held in Omaha last year, they indorsed emphatically the proposed entry of our country into the World Court. They knew no surer way of fulfilling the great and sacred obligation of the living to the dead.

And then we think also, and with gratitude, of others who, although they were not called upon to pay so great a price, gave all that they were called upon to give, without self-sparing, for the same good end; the statesmen and publicists of this and many lands who, even in the heat of present conflict, were far-sighted enough to look beyond the immediate horizons, murky with hatred and the thunderclouds of battle, and to discern in the distance the mountain peaks of a better future for humanity, to which the agreements of Locarno and the entry of our country into the World Court are the most significant approaches at the present time. We are grateful that we can number among them every President of the United States who has held office within recent years: Theodore Roosevelt, who, with all the ardent force of his impetuous nature, pleaded for the cooperation of nations to enforce justice and so establish peace; William Howard Taft, our beloved and honored Chief Justice, who, as early as the spring of 1915, was urging upon American public opinion the necessity of a league to enforce peace; Woodrow Wilson, who made the willing sacrifice of health, and indirectly of life itself, in his great endeavor; Warren Gamaliel Harding, whose devotion to the World Court was the chief merit of his brief administration and was reflected in the principal addresses made during the last weeks of his life; and to-day Calvin Coolidge, happy in being the Joshua under whose leadership his fellow-countrymen, without distinction of party, are passing over into the promised land of a world-wide reign of law. And it is right that in this connection honor should be paid to a statesman who, although he never occupied the presidential chair, was the wise friend and counselor of American President, John Hay, who began his public career as secretary to Abraham Lincoln and closed it as Secretary of State in the Cabinet of President Roosevelt. No man in American history was ever more internationally minded in his patriotism or more determined that his country should seek and find honor, not by show of force, but by respect for law; not by oppression of the weak, but by charity and helpfulness and a decent respect for the opinions of mankind.

Then, in the second place, we take satisfaction that the adherence of our country to the World Court means emerging from an ungracious and unhelpful isolation into a better and more Christian relation to world affairs, and that this means the breaking down of many racial and political prejudices which did little credit to our patriotism or to our humanity. It is significant that the most determined and well-organized opposition to the new departure came from a group which has become synonymous for organized race hatred. Hooded figures, which conceal their identity and strike down their victims in the dark, are not characteristic of our American civilization.

They have no helpful part to play in the common life of a democracy. We remember St. Paul's words that there is neither Jew nor Greek, male or female, bond or free, but all are one in Christ Jesus. We paraphrase them to meet present-day conditions, and we declare to all who walk in the darkness of race prejudice and religious bigotry that in a true democracy, so far as citizenship and mutual charity and helpfulness are concerned, there should be neither Protestant nor Catholic, native-born nor immigrant, white man nor black; but that all, moved by a common impulse, should promote the peace and welfare of their country in the daily interminglings of their common life.

And, finally, and here we trench more definitely upon religious grounds, we take satisfaction in the thought that in the decision of the United States to give its adherence to the World Court a stumbling block has been removed from the path of high-minded men and women, especially young men and women, who have apprehended the possibility of disastrous conflict between the two greatest motives that move mankind in the mass—the motive of patriotism and the motive of religion.

The experience of the Old World has furnished illustrations in abundance of the desolating effect of such a conflict; we must make every effort to see that it is never duplicated in the new. Few of our young people, I think, are out-and-out pacifists. Most of them are logical enough to realize that such a position has domestic as well as international implications; that the logic of such a position carries with it Count Tolstoy's doctrine of anarchy; for if force is in itself unrighteous in international affairs, what justification is there for it in the case of the policeman? But many of our young people, having taken to heart the lessons of the Great War, are now prepared to sacrifice their liberty and even life itself rather than to engage in any armed conflict in which the moral issues are not as definitely determined as in the case of policeman versus outlaw. The adherence to the World Court assures for them that definite determination. In questions involving right and wrong it will give them for their guidance and direction opinions based not upon prejudice or passion but upon international law. In the we trust unthinkable event of their country refusing to submit justiciable questions to this court before resorting to arms there would be no conflict between religion and patriotism. Both would require the same protest, for the protest in such an event would be directed not against the corporate will of the Nation but against the temporary betrayal of that will by a disloyal administration.

Strangely enough, this moral gain which has accrued through the recent action of the Senate received scant recognition, if any, in the debates upon the floor of the Senate, which preceded such action. Our Representatives have builded better than they knew. They have built a bulwark of law and justice for the protection of sensitive consciences. They have lifted the level of the Nation's purpose, feeling, and thought.

For all these things, for the past effort crowned now with great reward, for the breaking down of barriers which ought not to exist, and for the bringing together of the interests of patriotism and religion we thank God to-day with full and grateful hearts.

HOUSE OF REPRESENTATIVES,
Tuesday, March 3, 1925.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. BURTON. Mr. Speaker, I move to suspend the rules and pass House Resolution 426, favoring membership of the United States in the Permanent Court of International Justice.

The Clerk read the resolution, as follows:

"Whereas a World Court, known as the Permanent Court of International Justice, has been established and is now functioning at The Hague; and

"Whereas the traditional policy of the United States has earnestly favored the avoidance of war and the settlement of international controversies by arbitration or judicial processes; and

"Whereas this court in its organization and probable development promises a new order in which controversies between nations will be settled in an orderly way according to principles of right and justice: Therefore be it

"*Resolved*, That the House of Representatives desires to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol establishing the same, with the reservations recommended by President Harding and President Coolidge;

"*Resolved further*, That the House expresses its readiness to participate in the enactment of such legislation as will necessarily follow such approval."

The SPEAKER. Is a second demanded?

Mr. CONNALLY of Texas. Mr. Speaker, I demand a second.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

* * * * * * *

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted in favor thereof——

Mr. BLANTON. In order to have a showing, I ask for a rising vote.

The House divided; and there were—ayes 149, noes 10.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 28, not voting 101, as follows:

[Roll No. 101]

Yeas—302: Abernethy, Ackerman, Allen, Allgood, Almon, Anderson, Andrew, Anthony, Arnold, Ayres, Bacharach, Bacon, Barbour, Barkley, Beedy, Beers, Begg, Bell, Bixler, Black of Texas, Bland, Blanton, Bloom, Boies, Bowling, Box, Boyce, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Bulwinkle, Burtness, Burton, Busby, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Cannon, Carew, Carter, Celler, Chindblom, Christopherson, Clague, Clancy, Clarke of New York, Cleary, Cole of Iowa, Collier, Colton, Connally of Texas, Cook, Cooper of Ohio, Cooper of Wisconsin, Cramton, Crisp, Croll, Crosser, Crowther, Cummings, Dallinger, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Doughton, Dowell, Drane, Drewry, Driver, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Fenn, Fish, Fisher, Fitzgerald, Foster, Frear, Fredericks, Free, Freeman, French, Frothingham, Fuller, Fulmer, Funk, Gambrill, Garber, Gardner of Indiana, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Goldsborough, Green, Greenwood, Griest, Griffin, Guyer, Hadley, Hall, Hammer, Hardy, Harrison, Hastings, Hawes, Hawley, Hayden, Hersey, Hill of Alabama, Hill of Washington, Hoch, Holaday, Howard of Oklahoma, Huddleston, Hudson, Hull of Iowa, Hull of Tennessee, Hull, Morton D., Hull, William E., Jacobstein, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Jones, Kearns, Kelly, Kent, Kerr, Ketcham, Kiess, Kincheloe, Knutson, Kopp, Kurtz, LaGuardia, Lanham, Lankford, Larsen of Georgia, Lazaro, Lea of California, Leach, Leavitt, Lee of Georgia, Lehlbach, Lineberger, Linthicum, Lowrey, Luce, McClintic, McDuffie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McReynolds, McSweeney, MacGregor, MacLafferty, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Mansfield, Mapes, Martin, Merritt, Michener, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morris, Morrow, Murphy, Nelson of Maine, Newton of Minnesota, Nolan, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Park of Georgia, Patterson, Peery, Perkins, Perlman, Phillips, Porter, Prall, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reed of West Virginia, Reid of Illinois, Richards, Robinson of Iowa, Robsion of Kentucky, Rogers of New Hampshire, Romjue, Rouse, Rubey, Sabath, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schneider, Scott, Sears of Nebraska, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinnott, Smithwick, Snell, Snyder, Speaks, Spearing, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Swank, Sweet, Swoope, Taber, Taylor of Colorado, Taylor of West Virginia, Temple, Thomas of Oklahoma, Tillman, Tilson, Timberlake, Treadway, Tydings, Underhill, Underwood, Upshaw, Vaile, Vestal, Vincent of Michigan, Vinson of Kentucky, Wainwright, Wason, Watres, Weaver, Weller, Welsh, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winslow, Winter, Woodruff, Woodrum, Wright, Wyant, and Zihlman.

Nays—28: Beck, Black of New York, Boylan, Brand of Ohio, Cable, Campbell, Collins, Connery, Cullen, Deal, Fairchild, Hill of Maryland, James, King, Lampert, Lindsay, McFadden, Mead, Morgan, Nelson of Wisconsin, Schafer, Sinclair, Tague, Thomas of Kentucky, Thompson, Tinkham, Voigt, Wefald.

Not voting—101: Aldrich, Aswell, Bankhead, Berger, Britten, Browne of New Jersey, Buckley, Burdick, Butler, Casey, Clark of Florida, Cole of Ohio, Connolly of Pennsylvania, Corning, Curry, Darrow, Davey, Davis of Minnesota, Dominick, Doyle, Dyer, Eagan, Edmonds, Favrot, Fleetwood, Fulbright, Gallivan, Garner of Texas, Glatfelter, Graham, Haugen, Hickey, Hooker, Howard of Nebraska, Hudspeth, Humphreys, Johnson of West Virginia, Jost, Keller, Kendall, Kindred, Kunz, Kvale, Langley, Larson of Minnesota, Leatherwood, Lilly, Logan, Longworth, Lozier, Lyon, McKenzie, McLeod, McNulty, McSwain, Madden, Manlove, Michaelson, Miller of Illinois, Mills, Moore of Georgia, Morin, Newton of Missouri, O'Brien, O'Connell of New York, O'Sullivan, Oliver of New York, Paige, Parker, Parks of Arkansas, Peavey, Pou, Purnell, Roach, Rogers of Massachusetts, Rosenbloom, Salmon, Schall, Sears of Florida, Sites, Smith, Sproul of Illinois, Sullivan, Sumners of Texas, Swing, Taylor of Tennessee, Thatcher, Tincher, Tucker, Vare, Vinson of Georgia, Ward of New York, Ward of North Carolina, Watkins, Watson, Werts, Williams of Texas, Wolff, Wood, Wurzbach, Yates.

So, two-thirds having voted in the affirmative, the rules were suspended and the resolution was passed.

RIGHTS OF AMERICAN CITIZENS IN MEXICO

Mr. NORRIS. Mr. President, is there not a resolution coming over from a preceding day? I offered a resolution, which is on the table, and I would like to have it disposed of

The VICE PRESIDENT. The Chair lays the resolution before the Senate, and it will be read.

The CHIEF CLERK: Senate Resolution 151, submitted by Mr. Norris February 18, 1926:

Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactment of such laws; and

Whereas the American people are in ignorance of the real questions involved because the official correspondence between the two Governments has not been made public; and

Whereas full publicity of all the facts entering into such dispute is extremely desirable in order that the people of the two Governments may fully understand all the questions involved in said dispute; and

Whereas it has been stated in the public press that the Department of State has been very anxious to give full publicity to the official correspondence and that the Mexican Government has objected to such publicity: Now, therefore, be it

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to inform the Senate whether the Mexican Government has objected and is objecting to the publication of all the official correspondence pertaining to said dispute, and if it has so objected what reason, if any, has been assigned for the objection to such publicity.

Mr. CURTIS. Mr. President, I talked with the Senator from Idaho [Mr. BORAH] last Saturday about this resolution, and he told me that he would like to have it go over.

Mr. NORRIS. The Senator from Idaho has just come into the Chamber and I would like to inquire whether there is any further objection to the present consideration.

Mr. BORAH. Mr. President, the facts with reference to the correspondence which the Senator desires to have are these, briefly: Neither the Secretary of State of the United States nor the ambassador from Mexico objects, as I understand it, to having the correspondence published. The delay has been due to the fact that the correspondence is still in progress. I think, however, the Secretary of State expected to send his reply to the last letter of the Mexican Government to-day, and it is presumed that that will close the correspondence.

As nearly as I can ascertain the facts, the representative of the Mexican Government and the Secretary of State will then be willing to have the correspondence published. I would suggest, therefore, if it is satisfactory to the Senator, that the resolution go over for another day or so, because I think we will get the correspondence quite as speedily as if the resolution should be passed now. The matter is delayed solely because of the desire to have a complete understanding between the two Governments as to when the correspondence shall be published. The delay has been due to the fact that it was thought to be wise to wait until the correspondence was concluded. I do not understand that either Government objects to full publicity.

Mr. NORRIS. Mr. President, the introduction of this resolution was not the result of idle curiosity. I know that serious international difficulties often arise from misunderstandings which come about through the secrecy of diplomatic methods. I am not anticipating that the difficulties in this case might result in a war between the United States and Mexico. Such a war would be one-sided, as everybody knows. But secret negotiation is a method which brings on war between governments of equal ability, military and financial. I believe we ought to be as careful in our foreign relations with a nation that is weak as though we were negotiating with some nation equal in size, and in military and financial strength.

The secrecy which obtains always gives rise to propaganda, inculcating in the hearts of the citizens of different nations a feeling of hatred, which will eventually grow and grow until there rises a feeling between the nations sufficient, if they are of equal ability, to bring on war, and if not, then it means that the weaker nation must suffer because of its inability to cope with the nation that is stronger.

The difficulty arising over title to oil lands in Mexico is a purely legal proposition. My resolution seeks nothing but publicity, which would give to the people of Mexico and to the people of the United States absolute knowledge as to just what the dispute is, and what position has been taken by each of the Governments. In other words, it would, I think, dispel any possibility of such a misunderstanding in the future as always comes about when secrecy controls governments.

I am not unmindful, I can not be unmindful, of the fact that since this dispute has arisen, there has apparently been a propaganda in the newspapers, in substance laying a foundation of hatred of a religious nature and of an educational nature on the part of our people against Mexico. It is charged in the newspapers that Mexico is excluding missionaries and ministers and educators from the schools, the articles being couched in language which, it seems to me, can have no other object than to create dislike, mistrust, and hatred in the hearts of the American people against the Mexican Government. If it can be carried on until that hatred is aflame, while these secret negotiations are going on, millionaires can steal oil lands in Mexico without anybody knowing it, or without anybody finding it out.

The greatest difficulty with our diplomacy is secrecy. The greatest danger of serious misunderstanding between governments is secrecy of negotiations, and at the proper moment the propaganda instituted in both countries to inculcate a feeling of distrust and hatred against the citizens of another.

All this would, as a rule, be dissipated, all difficulty would be avoided if the intelligent citizenship of the countries had access to the truth; and the truth is all I seek to obtain. I will not be satisfied with a statement from the Secretary of State, through the chairman of the Committee on Foreign Relations, or to me personally, that I can have access to the correspondence or that it can be seen. I want the American people to see it. I want the Mexican people to see it. I want the cards of these two Governments laid on the table face up so that everybody may examine for themselves all the correspondence, be informed as to what misunderstanding there may be, and inquire into whatever legal fictions may exist. Let it all be submitted publicly to the people not only of the countries, but to the people of the world.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I did not hear the reading of the resolution which is the subject of discussion, and I ask the Senator whether it comprehends any correspondence relating to lands other than oil lands, because the Senator knows the claim is made by many Americans that not only have oil lands been expropriated, or efforts have been made to expropriate them, but that estates and holdings of many American citizens, acquired many years ago, and developed by them at very great expense, have also been expropriated, either by a State of Mexico or by the National Government itself. I was wondering whether the Senator's resolution is broad enough to ask for the correspondence relating to those alleged confiscatory acts of the States or of the Federal Government of Mexico, as well as the correspondence relating to the oil controversy.

Mr. NORRIS. Mr. President, I can perhaps answer the Senator's question best by reading the first whereas. It is as follows:

> Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactement of such laws.

I will say to the Senator from Utah that that is practically the only thing the resolution seeks to get. In later whereases it is alleged that it has been stated that our Government was anxious to give publicity, and that the Mexican Government has objected to that. This resolution asks our State Department, if not incompatible with public interests, to tell us whether it is true that the Mexican Government objects to publicity; and if so, why it objects. That is the substance of the resolution.

Mr. KING. I do not object to the resolution, but if it should be presented for passage, I should suggest to the Senator an amendment, and I shall offer it if he does not object, to inquire not only for the correspondence relating to oil lands but to other lands, especially estates and agricultural lands, which it is alleged have been confiscated by the Federal Government and by some of the State governments in Mexico.

Mr. NORRIS. I have no objection to that, unless it would interfere with securing the information I want. We can not have too much publicity for me.

Mr. KING. I have been informed that some of the States of Mexico, as well as the national Government, have seized property belonging to American citizens, which they have held for very many years, and have subdivided it, or at least it is claimed that they have subdivided it and turned it over to agrarians for development. I should like full information.

Mr. NORRIS. The correspondence covering those facts would disclose to the people of the two countries, I think, just what the contest is, what merit there may be, if any, and what exaggeration, if any, there may be. In other words, it would take away everything but the truth, and we ought to have that.

Mr. SMITH. Mr. President, I want to call the Senator's attention to the fact that I have had correspondence in reference to an American citizen whose property was taken under some act of the Mexican Government, and who for years and years has been negotiating with our State Department, setting forth his rights, how he had acquired it, and how it had been taken, as he understood it, without any consideration of the relation existing between the Mexican Government and this Government. The matter is still in abeyance, and that citizen does not understand whether it is the fault of his Government or the fault of the Mexican Government, and what his rights are, if he has any. The whole matter is in confusion.

I state frankly that the communications I have had from the State Department have not shed very much light on the matter. The only thing that seems to be a fact is that the Mexican Government has this property, which the American citizen alleges he bought and paid for, and that he has been deprived of the use of it for the last two or three years.

Mr. NORRIS. All such things ought to be settled in the open light of day. The questions involved are questions of law. They are questions which can be determined, if submitted to the right kind of a legal tribunal, without concealing any of the facts or preventing the people of the two countries from knowing the truth. That ought to be done, it seems to me.

Mr. SWANSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. If we are going to get information in reference to Mexico, we ought to get full information on all the various phases of the controversy between the two Governments. We ought to get full information regarding the negotiations which led up to the recognition of Mexico and any promises which were made in connection with the retroactive features of Article XXVII of the Constitution. We ought to have information at the same time in connection with the policy that Mexico apparently has of appropriating the land and property of American citizens and paying for it with bonds that are not worth anything and that can not be sold for anything, which amounts to confiscation of the property.

We ought also to have information in regard to the statute recently enacted in Mexico prohibiting the ownership of property by Americans within certain distances from the boundary line and the coast line, and made applicable not only to oil lands, but also to homes and other investments made by American citizens in that territory. I understand that the State Department is willing to give out the correspondence and a statement of the position it takes in the matter. I understand, as the chairman of the Committee on Foreign Relations has stated, that the Mexican Government has not refused, but has not given its consent; that the State Department will soon get its consent.

I would like to have all the correspondence and am desirous of obtaining it. I had a great deal of it sent to us when we ratified the treaties with Mexico, and also the assurances that were given by the Mexican Government at the time the treaties were ratified. I think when we get the information it ought to be full and complete and published in a document.

I would suggest to the Senator from Nebraska that he follow the suggestion made by the Senator from Idaho and let the resolution go over for a day or two. I am satisfied the information will be furnished, and I think it ought to be furnished in full. The Senator can recognize that it would be very embarrassing to our Government to give reasons why the Mexican Government did not wish to publish the correspond-

ence at this time, when it has not really refused, as I understand it, but is waiting to get the consent of Mexico. It is very difficult for a government to publish correspondence of another government without its consent.

Mr. NORRIS. Let me make some reference to what the Senator has said before he proceeds further and then I will yield the floor. The Senator can then talk about it as long as he wants.

I have heard it said, just as the Senator from Virginia has intimated, that our Government has been extremely anxious to give publicity to all of the correspondence, but that the Mexican Government would not consent to it. However, I have also received information as reliable as the other that the Mexican Government has never objected to publicity and that it is our Government that is objecting to publicity. I am trying to find out in which woodpile the negro is located. The resolution would do that. They can say, of course, that it is not compatible with the public interests and decline to give any information, but I would like to know the truth. The truth ought to set the people free. It will if we get it all.

I am not seeking to get the countries into a controversy by the resolution. The only objection I have to broadening it so as to take in everything running over all the years of the past since the recognition of the Government of Mexico is that it would make it cover so much matter that I will say to the Senator from Virginia I fear somewhere along the line would be discovered a reason for not giving any publicity, which would be used as an excuse so that we would get no publicity of anything.

I am just as much in favor of publicity along all the lines the Senator has mentioned as he can possibly be, but I have confined the resolution to the recent oil disputes, something that is in progress now, something that is a controversy of the present time, and I would prefer to confine it to information with reference to that rather than to broaden it so as to give an excuse for not furnishing any information whatever. It would be all right to have another resolution such as the Senator has outlined, and I would give it my hearty support.

Mr. SWANSON. Does not the Senator think it would be well to follow the suggestion made by the chairman of the Committee on Foreign Relations?

Mr. NORRIS. I am going to follow the suggestion. I have no disposition to press the matter now. I have no disposition to disregard the request of the chairman of the Committee on Foreign Relations and I therefore ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice. The next resolution coming over from a previous day will be stated.

VIOLATIONS OF SHERMAN ANTITRUST LAW

The CHIEF CLERK. The resolution (S. Res. 153) submitted by the junior Senator from Utah [Mr. KING] on February 22, relative to decrees obtained, property seized, and conviction of persons for violation of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Mr. KING. Mr. President, I can conceive of no objection to the adoption of the resolution. It has gone over two or three times at the request of the senior Senator from Kansas [Mr. CURTIS].

Mr. WILLIS. I call the attention of the Senator from Kansas to the resolution. I suggest that some explanation should be made with reference to the resolution.

Mr. CURTIS. I have no objection to the resolution.

Mr. WILLIS. Then I have none.

The resolution (S. Res. 153) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Attorney General report to the Senate the number of persons who have been convicted and imprisoned for a violation of section 1 of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 2 of said act, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 3 of said act, together with the dates of such convictions;

The number of decrees which have been obtained in behalf of the United States under section 4 of said act, the number of such decrees which were consent decrees, the number of proceedings in contempt which have been brought to enforce such decrees, and the number of persons adjudged to have been in contempt with respect to the performance of such decrees, together with the dates of such cases;

The amount of property which has been seized, condemned, and forfeited to the United States under provisions of section 6 of said act, together with the dates of such forfeitures;

And the number of cases in which judgments have been obtained under section 7 of said act, together with the dates of such cases.

POSTAL RECEIPTS

The VICE PRESIDENT. The next resolution coming over from a previous day will be stated.

The CHIEF CLERK. The resolution (S. Res. 156) requesting information relative to postal receipts for the six months ending December 31, 1924, and December 31, 1925, respectively, submitted by the senior Senator from Mississippi [Mr. HARRISON] on February 24.

Mr. MOSES. Mr. President, in the absence of the Senator from Mississippi [Mr. HARRISON], may the resolution go over without prejudice?

The VICE PRESIDENT. The resolution will be passed over without prejudice.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent for the consideration of the unobjected bills on the calendar until 2 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first bill on the calendar.

The bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was announced as first in order.

Mr. WILLIS. Mr. President, I desire that all of the measures pertaining to foreign debt settlements may go over for the present, being Senate bill 1134, Senate bill 1135, Senate bill 1136, Senate bill 1137, Senate bill 1138, and Senate bill 1139.

The VICE PRESIDENT. The bills will go over.

SETTLEMENT OF CLAIMS

The bill (S. 1912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case was announced as next in order.

Mr. KING. Mr. President, I prefer to yield to the Senator from Colorado [Mr. MEANS], but in view of the action taken by the Committee on Claims and by the Judiciary Committee in the appointment of a joint subcommittee for the consideration of the questions involved here as well as cognate matters, I hope my friend from Colorado will not be offended if I ask that the measure go over for the present.

Mr. MEANS. Mr. President, I do not understand that, the two subcommittees were to pass upon this question at all. If the Senator from Utah will bear with me for a moment, if he understands what the Committee on Claims is endeavoring to accomplish by the bill, I do not see how he can well raise an objection unless it be to the third paragraph of the bill. I call his attention to the fact that there are now over 600 bills pending before the Committee on Claims. We are being requested daily by Senators to take action of some kind. We are there acting as nisi prius judges on the claims. We enacted what is called the "small claims" law providing a limitation of $1,000 jurisdiction. We here ask in exactly the same language, with the exception of the committee amendment, as to date and the change of the word "legal" to "just," an increase to $5,000 in the amount of the claims to be considered by the heads of departments.

We have a great number of tort claims that it is not asked shall go before the Court of Claims or the Federal courts, and that is the question we were to consider and to which the Senator has referred. But there being such a great number of them, we have not the means of intelligently passing upon them. We have an agency called the compensation commission, which has authority to consider claims under $5,000 in amount, and we only give to that commission the right to make a report to Congress, while Congress still retains jurisdiction of the entire matter. We have not undertaken to change the situation so far as the authority of Congress is concerned. We merely propose to designate an agency to act for the Committee on Claims to determine the righteousness and justness of claims up to $5,000, and no more, and report back in writing to Congress, but Congress retains jurisdiction. It is merely the establishment of an aid to the Committee on Claims in the form of people who understand the matter of getting the necessary evidence. We can not have the doctor's certificates in such matters. We can not have the evidence before us to enable us intelligently and justly to pass upon the claims. We merely provide that a commission now existing, without any additional officers and with no more salaries to be paid, shall pass upon these claims instead of requiring the Committee on

Claims to pass upon them and return to us a report as to whether the claims are just or not.

This matter was considered by the Committee on Claims and reported unanimously. There is no danger involved. There is no change from any present system. There is no increase in the jurisdiction of anyone at all. It is simply an aid to the Committee on Claims and it will enable them more intelligently to pass upon these questions. Congress always retains jurisdiction, and nothing can be done until Congress finally passes upon the claims. Our small claims act has served so well that we have merely increased to $5,000 the amount of claims that may be considered, and the other provision merely creates an agency to hear and determine the evidence without any rules or regulations of any kind and inform us what their opinion is with reference to the claims. It is a matter that can be taken away from them at any moment. There is nothing to increase their jurisdiction to any extent.

With that explanation, unless the Senator desires to make inquiry along the line he suggested, I can not see that it is a matter for the two committees to pass upon at all. As I understand it, the subcommittee of the Committee on Claims and the subcommittee of the Judiciary Committee were to pass upon the question of the jurisdiction of the Court of Claims in these matters and as to the proper place to refer them. We are not going to increase the jurisdiction of anybody at all.

Mr. KING. Mr. President, my understanding of the duty committed to the joint committee of which I have spoken was, among other things, and that was really the paramount thing as I understood it, to inquire as to the wisdom and the propriety of permitting a suit at all against the Government for a tort of its agents. It is a serious matter whether we ought to permit the Government to be sued at any place in the United States when some person has received an injury possibly through the negligence of a soldier or a man driving one of the Government cars upon a military reservation or any civil employee of the Government of the United States. It would mean a large number of suits annually in all parts of the United States at a cost to the Government of a stupendous sum. It did seem to me that the duty which was devolved upon the committee—and I hope the chairman of the Committee on Claims is a member of the subcommittee from his committee—was to inquire into that question fully and it would comprehend, as I view it, some of the provisions of the bill.

I agree that the bill does not authorize suits, but it does seem to imply that in a case of negligence the committee or the head of the department shall so find, and if it is a just claim it shall be certified much the same as when the Court of Claims certifies a claim to the Congress, and the presumption is that Congress will ipso facto make the necessary appropriation to cover the finding. I do hope my friend will let this bill go over.

Mr. MEANS. The difference is this: The Senator thinks that we are proposing to open the door and granting generally the right to sue the Government. There is nothing of the kind involved. That is a question which would be considered by the joint action of the subcommittees. This bill merely relates to claims which were presented before the Committee on Claims. It is a physical impossibility for us to give the consideration which Senators here are requesting every day to numerous bills embodying small claims; we can not do it, and there ought to be some means to provide for such matters. We are not surrendering a part of the jurisdiction; we are not granting the right to sue the Government. The bill merely provides an agency to determine the justice of claims and to report back to Congress. So I can not see that it has anything whatsoever to do with the matter to which the Senator refers. It will be a tremendous aid to the Committee on Claims. If I thought otherwise, I should certainly accede to the Senator's suggestion, but the bill relates to nothing which the subcommittees are to pass upon. This proposition would relieve the Committee on Claims so that we could more intelligently and energetically carry on our business.

Mr. KING. Mr. President, may I say to the Senator that I contemplated a rather larger field of investigation and duty than that indicated by the Senator from Colorado. In view of the fact that there are so many claims presented against the Government not only for torts upon the land but for torts at sea, and so many admiralty cases are presented where it is difficult to ascertain the facts, and no fact-finding commission has been established or other means provided in order to determine morally and legally the responsibility, if it shall be determined that the Government shall be sued, my understanding was that the facts could be found and this joint subcommittee might canvass the entire subject with a view to determining first, Shall we permit any suits against the Government? Second, if so, how shall we limit them? Thirdly, if we shall not permit suits against the Government, what steps shall we take for the purpose of ascertaining the facts in order to determine whether there is a moral liability so that the Government might, if it desired, through Congress make an adequate appropriation? That is the view that I had on the functions of that committee.

Mr. MEANS. Even if that were true, this proposition would not interfere with it at all.

Mr. KING. Yes. This amendment proposes to impose the duty upon the heads of the departments to make investigations where claims are made on the Treasury for less than $5,000, and if they find them just so to certify to Congress, and there is an implied obligation, then, for Congress to appropriate to pay them.

Mr. MEANS. It is a mere increase of the limit contained in the present law from $1,000 to $5,000. It does not change the law otherwise, but is identical with the law as it is now.

Mr. KING. I am not sure as to the present law. I hope, however, the Senator from Colorado will not object to this matter going over in order to give me an opportunity to look into it a little further.

Mr. MEANS. If the Senator has any doubt about the matter, I am willing that the bill shall go over. I hope, however, he will examine it, because on the next calendar day I shall ask that it be passed. I do not object to having the bill passed over until the next calendar day, when I hope it may be passed.

Mr. KING. In the meantime I think I can convince the Senator that the bill ought to go to the committee of which I have spoken.

Mr. MEANS. If the Senator desires, I shall let the bill go over to the next calendar day.

The VICE PRESIDENT. The bill will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

Mr. FESS. Mr. President, the chairman of the Committee on Public Buildings and Grounds [Mr. FERNALD] has been ill for several days and is not now able to be in the Senate Chamber. He is exceedingly anxious, however, that we shall fix a day for the consideration of the bill, if possible, and I wish to call the attention of the steering committee to the fact that we should be glad to have some definite day fixed on which the bill may be considered. For to-day the bill will have to go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2158) for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department buildings was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 124) for the relief of the Davis Construction Co. was announced as next in order.

Mr. KING. Let us have an explanation of that bill, Mr. President.

Mr. WILLIS. I suggest that the bill be passed over temporarily without prejudice, since the Senator from New Hampshire [Mr. MOSES], who introduced it, is not in the Chamber at the moment.

The VICE PRESIDENT. The bill will be passed over without prejudice.

A. T. WHITWORTH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 588) for the relief of A. T. Whitworth. It proposes to pay $73.50 to A. T. Whitworth for the loss of personal effects possessed by his son, Lester R. Whitworth, private, serial No. 3024-033, Medical Department, United States Army, upon his death in the service, and which personal effects passed into the custody of proper department of the Army for transmission to A. T. Whitworth.

The bill was reported to the Senate without amendment, ordered engrossed for a third reading, read the third time, and passed.

JAMES H. KELLY

The bill (S. 1058) for the relief of James H. Kelly was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

Mr. BINGHAM. Mr. President, I hope the Senator from Utah will withhold his objection for a moment.

Mr. KING. Is that a case of desertion?

Mr. BINGHAM. This is an extremely worthy case of a soldier who served his country for three years, from 1861 to 1864, without having anything against his record, and who on his second enlistment was on his way to the hospital when the war, as he thought, was over. It is a matter of fairness and justice to the soldier because of his record that the bill should be considered. He was detained in a hospital, due to an illness which overtook him on the road. It seems to me that if the Senator from Utah will look into the case, which was reported favorably during the last Congress by the then Senator from Massachusetts, Mr. Walsh, he will withdraw his objection.

This is not one of those cases of desertion by a man who served only a few days. This man, I repeat, served his country three years, and early in his second enlistment he was overtaken by illness; but due to a mix-up in the records, he has been carried apparently as a deserter since the end of the war.

Mr. KING. I will say to the Senator that there have been thousands of bills introduced here for real, genuine deserters to have their names put back upon the rolls. Of course there is always a provision that such legislation shall not carry any back pay, but immediately after they are put on the rolls they secure pensions of $50 a month apiece. I have discovered that a number of the bills which have been introduced reveal conditions something similar to those indicated by the Senator, namely, the soldiers claim that they were on their way home or on their way back again to the service after a furlough, or they were on their way to the hospital, and then their company moved and they could not find it. A thousand excuses are furnished now, three score years after the desertion, when, perhaps, it is difficult to ascertain all the facts. Those excuses are presented and it is urged that such soldiers be given a status which will entitle them to a pension of $50 a month.

Mr. BINGHAM. Mr. President, the War Department assures us that the soldier served his first three years during the period from 1861 to 1864 without any question at all; that the so-called desertion occurred in the last few months of the war and was due to his being detained in a hospital.

Mr. KING. I will withdraw the objection.

Mr. BINGHAM. I thank the Senator.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws James H. Kelly, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of that regiment on the 6th day of June, 1864, but no back pay, bounty, pension, or allowance shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVIS CONSTRUCTION CO.

Mr. MOSES. Mr. President, I was absent from the Chamber a few moments ago, answering a telephone call, when Order of Business No. 37, being the bill (S. 124) for the relief of the Davis Construction Co., was reached and was passed over. I ask unanimous consent that we may recur to that bill.

The VICE PRESIDENT. The bill was passed over without prejudice. It may be called up now.

Mr. MOSES. It will be found, Mr. President, that this is a bill which has twice passed the Senate. I ask that it may be put upon its passage now.

Mr. KING. Will the Senator make an explanation of it?

Mr. MOSES. The bill grew out of a situation which arose during the period of the World War on account of the difficulty of securing building material. The contractor who built the post-office equipment shops in Washington was unable to fulfill his contract because of the difficulty in securing certain building material. This is a bill to reimburse him for the penalties then inflicted. It has twice passed the Senate, I will say to the Senator from Utah, and I think he and I had a similar colloquy in the Sixty-eighth Congress with reference to it.

Mr. ROBINSON of Arkansas. Do I understand the Senator to say that the bill has been considered heretofore?

Mr. MOSES. Yes.

Mr. ROBINSON of Arkansas. And that it has been passed by the Senate?

Mr. MOSES. It has twice been passed by the Senate.

Mr. ROBINSON of Arkansas. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse the Davis Construction Co., contractor for the Post Office Department Equipment Shops Building, erected at Fifth and W Streets NE., Washington, D. C., under the supervision of the Postmaster General, for losses due directly to increased costs due either, first, to increased cost of labor and materials, or, second, to delay on account of the action of the United States priority board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by it in the fulfillment of such contract by reason of war conditions alone. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this act: *Provided*, That no claim for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act: *And provided further*, That in no case shall the contractor be reimbursed to an extent greater than is sufficient to cover its actual increased cost in fulfilling its contract, exclusive of any and all profits to such contractor: *And provided further*, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SHEPPARD. That bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES WALL

The bill (S. 2083) for the relief of Charles Wall was announced as next in order.

Mr. KING. I ask that that bill may go over.

The VICE PRESIDENT. It will be passed over.

Mr. SHORTRIDGE. Mr. President, I hope my friend from Utah will not object to the immediate consideration of this bill. I deem it a very meritorious case. As the Senator will find, the report sets forth the facts which must appeal to us all. It does not ask for any appropriation for any back pay or allowances. The amendment to the bill provides—

that no back pay, allowances, or emoluments shall become due because of the passage of this act.

Directing attention to the report (S. Rept. No. 58) it will be observed that Charles Wall rendered great and valiant service to our country. The result of that patriotic service was a total disability.

Turning to page 2 of the report, I read from a letter signed by the then Secretary of the Navy, Josephus Daniels, in which he says:

SIR: The President of the United States takes pleasure in presenting the Navy cross to Lieut. Commander Charles Wall, United States Naval Reserve Force, for services during the World War, as set forth in the following citation:

"For distinguished service in the line of his profession in action with a German submarine on July 5, 1918, when in command of the U. S. S. *Lake Bridge*."

By reason of his disability he was relieved from duty. In 1921 he was authorized to appear before a board of medical survey, which reported him to be incapacitated for service by reason of disability incurred in line of duty. Prior to that time, however, his enrollment had expired. In June, 1922, he was authorized to be reenrolled, in order that he might be entitled to the benefits of retirement if found incapacitated for service by physical disability incurred in line of duty.

He was then found to be permanently incapacitated for active service by reason of disability incurred in line of duty. Mr. President, I think we should pass this bill.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I have consistently objected to such bills for this reason: In the first place, this worthy man is getting the

same compensation as other persons receive who have incurred similar injuries from their service to their country. The fact is that during the war there are a number of persons who were introduced into the service who did valiant work and became officers who insist upon having the same privilege and the same status as Regular Army and Navy officers. We have thrashed that out repeatedly, and I have opposed legislation of that kind because I think it is injudicious, unwise, and unjust.

If it were necessary to put this man upon the retired list in order that he might receive compensation for his injuries a different question would be presented; but he is getting now all of the compensation that any man in the service during the World War has received for like injuries. I am unwilling to make fish of one and fowl of another or to yield in this case, because it would be violating the precedent which has been set. The Naval Affairs Committee, as the Senator will recall, reported a bill, which was on the statute books for a year, under which a number of temporary naval officers received retirement privileges, but that measure was discovered to be so unfair and so unjust that it was repealed. The Military Affairs Committee, against the protest of the Senator from New York [Mr. WADSWORTH] and the Senator from Wisconsin [Mr. LENROOT] and other able members of the committee twice reported a similar bill which, I regret to say, passed the Senate, but they never have passed the body at the other end of the Capitol. This is in line with that legislation, and so I shall feel constrained to object. It is a matter of principle, and not any hostility whatever to the man whom the Senator so ably represents here, because doubtless he has received injuries, and he is getting compensation. So I insist upon my objection.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SHORTRIDGE. Mr. President, I recognize the fact that under the rule the Senator of course may, as he does, object. Hereafter, however, I may take occasion to express my views in regard to this type of legislation.

JOHN CRONIN

The bill (S. 2085) to correct the naval record of John Cronin was announced as next in order.

Mr. KING. Mr. President, will the Senator explain that bill before I object?

Mr. SHORTRIDGE. Mr. President, the committee reports this bill favorably. The Senator will find that the report is somewhat elaborate, and yet, in a sense, brief. The proviso is that no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

This bill proposes to grant to John Cronin an honorable discharge from the United States Navy, and thereby to relieve him of the disabilities carried by the dishonorable discharge now standing against his name and record. The facts in this case are set forth in the report.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I find no report here from the Navy Department. Here is a man who was court-martialed and dishonorably discharged; and it does seem to me that we ought to have a report from the Navy Department.

Mr. SHORTRIDGE. As I anticipate an objection, I shall not take up the time of the Senate; but I happen to know that this is a case which I think must appeal to us all as being meritorious. If there ever was a case where a man should be relieved from a record of this kind, this is that case.

Mr. KING. I shall have to object.

The PRESIDENT pro tempore. The bill will be passed over.

BENJAMIN F. SPATES

The bill (S. 1767) for the relief of Benjamin F. Spates was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "some of," to strike out "$2,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government performing labor at the Capitol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. C. ERICSSON

The bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson was announced as next in order.

Mr. KING. Mr. President, I ask the Senator from Colorado [Mr. MEANS] whether, under the action of his committee and the Committee on the Judiciary, this bill ought not to be withheld until that committee reports?

Mr. MEANS. Mr. President, all I can say in answer to that is that if we hold it up until we have a meeting of the two subcommittees and determine it we are really tying the hands of the Committee on Claims. We might just as well cease meeting, because we have so many of these matters, unless there is immediate action.

Mr. KING. The Senator knows that the committee has been at work.

Mr. MEANS. Oh, yes; I understand that the committee has determined to go into that matter; but I will say that if we are to stop all of these bills there will not be any passed at this session, because I do not think our subcommittee can agree when they get together, on some kind of a definite program.

Mr. KING. I think we ought to afford them an opportunity, and I shall object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 575) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. WILLIS (and other Senators). Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLARA E. NICHOLS

The bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND CONCURRENT RESOLUTION PASSED OVER

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. HEFLIN. Mr. President, I have no desire to take up time that Senators wish to use in getting action upon unobjected bills. I wish to give notice, however, that at 2 o'clock I shall make a motion to take up this measure for consideration.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. KING. I move that it be indefinitely postponed.

Mr. JONES of Washington. Mr. President, I do not know who was interested in having that bill go on the calendar. Usually when bills are reported adversely we indefinitely postpone them. There must be some Senator who is interested in this bill, and I suggest, therefore, that the Senator let the bill go over.

Mr. KING. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYEES OF BUREAU OF PRINTING AND ENGRAVING

The bill (S. 2173) for the relief of employees of the Bureau of Printing and Engraving who were removed by Executive order of the President dated March 31, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the employees who were removed from the Bureau of Engraving and Printing by Executive order of the President dated March 31, 1922, the salaries they were receiving at the time of their removal until the date of their restoration to their former positions in the Bureau of Engraving and Printing, less any earnings they may have made by other employment during that time.

That the legal heirs of those who died after their removal shall receive a sum equivalent to their salaries from the time of their removal to the date of their death, less amount of earnings during that time.

That to those who were not restored to their employment a salary shall be paid equivalent to the one they were receiving at the date of their discharge by Executive order up to the 31st day of March, 1924, less any earnings they may have had by reason of other employment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park was announced as next in order.

Mr. JONES of Washington. Mr. President, I understood that that bill was to go back to the committee. I believe the Senator from Kansas expects to make a motion to that effect.

Mr. CAPPER. Mr. President, I move that this bill be recommitted to the Committee on the District of Columbia. I am making this motion at the suggestion of the Senator from Colorado [Mr. PHIPPS], the chairman of the subcommittee of the Committee on Appropriations on the District bill, who wishes further opportunity to discuss the bill with the District Committee.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEATH OR INJURY WITHIN PLACES UNDER JURISDICTION OF THE UNITED STATES

The bill (S. 1040) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was announced as next in order.

Mr. JONES of Washington. Mr. President, I do not know whether that is the matter over which we have been having considerable controversy or not.

The PRESIDENT pro tempore. Does the Senator refer to the bill relative to the taking of testimony? This is quite a different measure.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1885) for the relief of James Minon was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

HARRY P. CREEKMORE

The bill (S. 2178) for the relief of Harry P. Creekmore was announced as next in order.

Mr. KING. Mr. President, I will listen to an explanation of this bill by the Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. President, I hope there will be no objection to the passage of this bill. Mr. Creekmore enlisted at the beginning of the so-called Spanish-American War, and saw active service in Cuba. After the active service there was over he deserted from the Navy and enlisted in the Army, and went to the Philippine Islands, and served two years. He was hunting up a war and found it. Then he tried to enlist in the last war.

I can not think that anybody would have any objection to this bill. This man has gotten into every war that he could get into and stayed as long as the fighting lasted.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Harry P. Creekmore shall hereafter be held and considered to have been honorably discharged from the service of the United States Marine Corps June 25, 1899: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7348) for the relief of Joseph F. Becker was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that go over.

Mr. HARRIS. Mr. President, do I understand that there is objection to the consideration of this bill?

Mr. KING. Yes; I made an objection.

The PRESIDENT pro tempore. The bill will be passed over.

BOARD OF PUBLIC WELFARE

The bill (S. 1430) to establish a board of public welfare in and for the District of Columbia to determine its functions and for other purposes was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this seems to be a very important measure. I notice that the bill is quite a lengthy one, and I think there should be some discussion and consideration of the measure. I should like to hear the Senator from Kansas explain the bill.

The PRESIDENT pro tempore. Does the Senator from Arkansas wish it to go over?

Mr. ROBINSON of Arkansas. No; I have not asked that it go over. I have asked for an explanation of it.

Mr. CAPPER. Mr. President, this is an important measure. The report covers it very fully. The bill is the result of more than two years' work upon the part of a commission of representative citizens appointed by the District Commissioners, known as the Public Welfare Commission. This commission has worked out a program to consolidate and coordinate the various welfare agencies of the District of Columbia. It has combined the three boards in one. The three boards are the Board of Charities, the Board of Children's Guardians, and the Board of Trustees of the National Training School for Girls. They are consolidated into one board, serving without pay. The plan is in line with the most approved methods employed in all the large cities of the country. The bill had very careful consideration by the Committee on the District of Columbia. It is undoubtedly a meritorious measure.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CAPPER. I do.

Mr. KING. May I ask the Senator from Kansas whether the objections which the Senator from Rhode Island [Mr. GERRY] had to the measure were abated?

Mr. CAPPER. I believe they were. They had very careful consideration. The chairman of the Public Welfare Commission, Justice Siddons, was in conference with the Senator from Rhode Island for a week or more on the objections raised by the Senator, and amendments are suggested in this report which I think are quite satisfactory to the Senator from Rhode Island.

Mr. KING. The Senator will recall that the Senator from Rhode Island desired to change entirely the mechanical parts—if I may use that expression—of the bill, and to commit the

duty of enforcing it to an entirely different organization from that contemplated. I was wondering if he was satisfied with this bill.

Mr. CAPPER. The amendments as reported do not go as far as the Senator from Rhode Island contemplated, in my judgment; but I think the changes found in the proposed amendments are in the main satisfactory to the Senator from Rhode Island.

Mr. KING. May I ask the Senator whether this bill—and I have not given it the attention which I should have done, because of the press of other work—imposes any additional burden upon the Government or upon the District?

Mr. CAPPER. It does not. In my opinion, it will reduce the cost of administering the welfare activities of the District of Columbia. It does not increase the pay roll of the District of Columbia at all.

Mr. KING. Mr. President, I shall not object, because this bill has so many meritorious features; but there is one matter which I think the Committee on the District of Columbia should take up immediately. I am told that there are more than 4,000 children in the District of Columbia who are under surveillance or control or who have been disposed of by the Board of Children's Guardians and the juvenile court. I saw in the paper the other day that a mother was arrested because she had sought an opportunity to visit one of her children who had been disposed of, and numerous complaints have come to me—perhaps hundreds—during the past two or three years, of injustices, as alleged, by the juvenile court and by the Board of Children's Guardians, in sending little children to places which have been found or finding homes for them, separating them from their families because of some little indiscretion or some little infantile trick which they had played.

I believe a great injustice is being done, not only in Washington but throughout the country, by many of the juvenile courts, by boards of children's guardians, and by many of the social welfare workers. They are railroading into the courts and into industrial homes and elsewhere many children who should not be sent there. I shall ask the committee immediately to consider what should have been considered in connection with this bill, the question of limiting the powers of the juvenile court and the Board of Children's Guardians in dealing with the multitude of cases to which I have referred.

Mr. CAPPER. I think the matter mentioned by the Senator from Utah is important, and I will be glad to cooperate with him, as a member of the committee, in considering it.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CAPPER. I yield.

Mr. FLETCHER. I would like to inquire if the Senator's view is that this will consolidate activities which are already provided for, and for which we have been making appropriations, into one organization?

Mr. CAPPER. That is the purpose of the bill.

Mr. FLETCHER. The body is to be composed of nine members, and they are to serve without pay?

Mr. CAPPER. That is correct.

Mr. FLETCHER. Will they be authorized to engage a lot of employees, assistants, and that sort of thing, and add to the present expenditures, or will there be economies effected?

Mr. CAPPER. Undoubtedly this is a plan in the interest of economy and more efficient administration of the welfare activities of the city. I might add that the bill has the hearty approval of the District commissioners, and I think of every welfare society and civic association in the city of Washington. There has been no measure brought before the Committee on the District of Columbia that has been so generally approved as has this one.

Mr. FLETCHER. I seems to me a very good measure.

Mr. CAPPER. Undoubtedly it is.

The PRESIDENT pro tempore. The amendments proposed by the committee will be reported.

The amendments of the committee were, on page 4, lines 20 and 21, strike out the words "Home and Training School for the Feeble-Minded" and in lieu thereof insert the words "District Training School"; on page 7, line 10, after "(a)," to strike out down to and including the period in line 12, so that "(a)" will read:

The board may make temporary provision for the care of children pending investigation of their status.

On page 7, line 24, strike out the words "or last surviving parent"; on page 7, line 25, insert, after the word "children," the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 6, after the word "parents," to strike out the period, insert a colon and the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 9, to strike out the words "and after its passage" and the period and in lieu thereof insert the words and figures "and after July 1, 1926," so as to make the bill read:

Be it enacted, etc., That the Board of Charities of the District of Columbia, created by act of Congress June 6, 1900, the Board of Children's Guardians of the District of Columbia, created by act of Congress July 26, 1892, the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls, by act of Congress July 9, 1888, shall be abolished upon the appointment and organization of the board of public welfare, as hereinafter provided.

SEC. 2. That there is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1, and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards. All employees of the boards specified in section 1 shall become the employees of the board for such time as their services may be deemed necessary, and the unexpended balance of all appropriations heretofore made for such boards, or to be disbursed by them, shall become available for the use and disbursement of the board.

SEC. 3. That the board shall consist of nine members who shall be appointed by the Commissioners of the District of Columbia for terms of six years: *Provided*, That the first appointments made under this act shall be for the following terms: Three persons shall be appointed for terms of two years; three persons shall be appointed for terms of four years; and three persons shall be appointed for terms of six years. Thereafter all appointments shall be for six years. No person shall be eligible for membership on the board who has not been a legal resident of the District of Columbia for at least three years. Any member of such board may be removed at any time for cause by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation. The members of the board shall serve without compensation.

SEC. 4. That within 10 days after the appointment of its members the board shall meet and elect a chairman, vice chairman, and secretary, who shall severally discharge the duties usual to such offices and shall serve for terms of one year or until their successors are elected. The board shall hold not less than nine regular monthly meetings during each year. Special meetings may be held upon the call of the chairman, or, if he be absent or incapacitated, upon the call of the vice chairman, and also upon the call, in writing, of not less than three members. The board shall have authority to make all necessary rules, regulations, and administrative orders governing the organization of its work and the discharge of its duties as will promote efficiency of service and economy of operation.

SEC. 5. That the Commissioners of the District of Columbia, upon the nomination of the board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the board. All other employees of the board shall be appointed and discharged in like manner as in the case of the director. The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

SEC. 6. That the board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia, and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) the District Training School, in Anne Arundel County, in the State of Maryland.

SEC. 7. That the superintendents and all other employees now engaged in the operation of the institutions enumerated in section 6 shall

hereafter be subject to the supervision of the board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the director of public welfare. The superintendent and all other employees of each of the institutions enumerated in section 6 shall be appointed by the Commissioners of the District of Columbia upon nomination by the board and shall be subject to discharge by the commissioners upon recommendation of the board.

SEC. 8. That the unexpended balance of all appropriations heretofore made for the institutions enumerated in section 6 shall be available for their use after the passage of this act in like manner as before, under the direction of the board.

SEC. 9. That it shall be the duty of the board to make such rules and regulations relating to the admission of persons to, and the administration of, the institutions hereinbefore referred to, as will promote discipline and good conduct of inmates and employees and efficiency and economy in the operation of these institutions. Under the authority herein granted, the board may prescribe forms of record keeping to secure accuracy and completeness in the registration of persons under care and the services rendered in their behalf. The board may recommend to the Comptroller General of the United States, and the Comptroller General may prescribe, so far as practicable, a uniform system of accounts to record receipts and disbursements and to determine comparative costs of operation.

SEC. 10. That the following powers and duties heretofore imposed by law upon the board of charities shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To provide for the transportation to their respective places of residence or nonresident indigent persons, and to provide for indigent persons, who are legal residents of the District of Columbia, medical care and treatment when necessary, under contracts with such hospitals as are or may be designated by law; (b) to provide for the transportation to their respective places of residence, of nonresident insane persons and to afford hospital care for indigent insane persons who are legal residents of the District of Columbia in such hospital or hospitals as are or may be designated by law; (c) to provide for the maintenance of boys committed by the courts of the District of Columbia to the National Training School for Boys under contracts which are or may be authorized by law; (d) to provide for all other aged, infirm, or needy persons, including women and children, in the manner heretofore authorized by law or by appropriations enacted by the Congress.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Charities and such powers and duties are hereby vested in the board.

SEC. 11. That the following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions, as the welfare of the child may require. The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or institutions shall be in control of persons of like faith with the parents of such children: *Provided*, That whenever the board shall for any reason place the child with any organiaztion, institution, or individual, other than of the same religious faith as that of the parents of the child, the board shall set forth the reason of such action in the record of the case; (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board.

SEC. 12. That the duties heretofore imposed by law upon the board of trustees of the National Training School for Girls concerning the admission, care, parole, and discharge of inmates shall be vested in the board.

SEC. 13. That it shall be the duty of the board to prepare and submit to the Commissioners of the District of Columbia, in such manner as they shall require, an annual budget itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the board and for the support and maintenance of the institutions under its management. The board shall also submit to the commissioners an annual report of its activities and the work carried on under its direction, together with its recommendations for securing more efficient and humane care for all persons in need of public assistance. The board shall study from time to time the social and environmental conditions of the District of Columbia and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents: *Provided*, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

SEC. 14. The provisions of this act shall take effect on and after July 1, 1926.

SEC. 15. All acts or parts of acts inconsistent herewith are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2849) to provide for an additional Federal district for North Carolina was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such area, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let that go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3031) for the relief of George Barrett, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES A. HUGHES

The bill (H. R. 4576) for the relief of James A. Hughes was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, I hope the Senator from Utah will withhold his objection for a moment. This bill has passed the House. It relates to a man who became insane. He served in the Army for a great many years, I think for a period of about seven years, when he suddenly deserted. It was found afterwards that he was insane, and he was committed to the Matteawan State Hospital, in New York. I think the bill is a very worthy one. It is for the purpose of correcting this man's record, and I hope there will be no objection to it passage.

Mr. KING. If this man had not deserted, would he have been getting a pension, and if so, under what law?

Mr. COPELAND. I do not think he would have received a pension.

Mr. KING. Undoubtedly the purpose of this bill is to grant a pension.

Mr. COPELAND. Oh, no.

Mr. KING. It reads, "No pay, pension, or allowance shall be held to have accrued prior to the passage of this act." He came into the Army only in 1910.

Mr. COPELAND. He served his full time of three years, then he reenlisted, was assigned to the arsenal at Watervliet, and he deserted after having served three years of his second enlistment. Then it was that he was brought before examiners and committed to the Matteawan State Hospital. So his desertion was a thing which was beyond his control, because he was non compos.

Mr. KING. It is merely for the purpose of removing the stigma of desertion?

Mr. COPELAND. That is all.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James A. Hughes, One hundred and sixty-seventh Company, Coast Artillery Corps, shall hereafter be held and considered to have been honorably discharged from the military service of said company: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMB OF THE UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to complete the Tomb of the Unknown Soldier in the Arlington National Cemetery by the erection thereon of a suitable monument, together with such inclosure as may be deemed necessary, and a sum not to exceed $50,000 is hereby authorized to be appropriated for this purpose.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF TEMPORARY BUILDINGS BY RED CROSS

The joint resolution (S. J. Res. 55) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That authority be, and is hereby, given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square No. 172 in the city of Washington for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States until such time as hereafter may be designated by Congress: *Provided*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. Mr. President, I am heartily in favor of this bill, but I understand there is an amendment to be offered broadening it, and I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will go over.

TOMB OF THE UNKNOWN SOLDIER

Mr. FLETCHER. May I inquire what became of order of business 198 (S. J. Res. 51) relating to the Tomb of the Unknown Soldier?

The PRESIDENT pro tempore. The joint resolution was passed.

Mr. FLETCHER. I did not quite understand what action was taken.

The PRESIDENT pro tempore. Does the Senator wish to move for a reconsideration of the vote by which it was passed?

Mr. FLETCHER. I move for a reconsideration of the vote by which the joint resolution was passed. I can not understand what is needed to complete the monument. It seems to me that as it is now it is ideal.

The PRESIDENT pro tempore. Without objection, the Senate will reconsider the votes by which Senate Joint Resolution 51 was ordered to a third reading and passed.

Mr. WILLIS. Will not the Senator permit the matter to be passed by temporarily without prejudice, in the absence of my colleague?

Mr. FLETCHER. Let it be passed over for the present.

Mr. WILLIS. When my colleague returns we can take up the matter.

Mr. FLETCHER. It seems to me that if we made any change we would be spoiling the monument already there. It is perfect as it is, and now it is proposed to erect a shaft on it.

Mr. KING. Which would mar it and destroy its beauty.

Mr. FESS entered the Chamber.

The PRESIDENT pro tempore. The Chair will state for the benefit of the Senator from Ohio [Mr. FESS] that on motion of the Senator from Florida the votes of the Senate whereby Senate Joint Resolution 51 was ordered to a third reading and passed, was reconsidered, and that measure is now before the Senate.

Mr. FESS. Mr. President, I think every Senator and every Member of the House and every citizen of the United States wants to have the Tomb of the Unknown Soldier completed.

Mr. FLETCHER. What is the matter with it? It seems to me to be complete now.

Mr. FESS. Oh, no.

Mr. FLETCHER. I can not see that anything would be added by putting a shaft on top of it. I think its magnificence and its completeness would be destroyed.

Mr. FESS. I thought it was the general opinion of the country at large, especially as we read it from the dispatches criticizing the way in which we have left it, that there ought to be something done to complete it. It is not in a completed condition. The Commission of Fine Arts is to approve the plan that will be announced by the War Department. The War Department is anxious to have this done. I secured an estimate from the War Department as to the amount of money which would be required to put it in the shape in which they think it ought to be, and the estimate was about $50,000. Of course, it is to be done on the approval of the Fine Arts Commission. The criticism has been very hurtful to the country at large.

Mr. FLETCHER. I do not know what plans originally were designed with reference to this monument, but if it is in an incomplete state that fact is not perceptible to the ordinary layman. I am, of course, the last man to object to doing the right thing with respect to this monument and this grave. It is a holy shrine, and it ought to be preserved and maintained in a dignified, proper way and with proper marking and the proper monument, but it seems to me, just from my own impression about it—and I have been there a number of times—that it is complete as it is, and much more complete and much better without any shaft than with one.

Mr. FESS. The Senator will recall that the President called special attention to the importance of completing this memorial.

Mr. FLETCHER. Will the Senator tell us what he means by completing it? What is to be done? What is contemplated?

Mr. FESS. It has been thought that as it is now, it seems to be more or less a pedestal, unfinished, and that there is something yet to be erected upon it. As it is, it is used frequently by people who come within the vicinity as a place where they eat their lunches. Of course, that complaint could be lodged against the way it is being managed.

Mr. FLETCHER. That could happen to any monument which might be put there.

Mr. FESS. But the criticism in the press of the Capital City here has been very hurtful, to the effect that we seem to entirely neglect our duty in the erection of a proper memorial to the unknown soldier, so symbolic and representative. As I said, the President in his message called the attention of Congress to the necessity of completing the memorial. I took the matter up with the War Department, to see whether they had any plans, so that I could get at the amount of money required, and I have the recommendation of the War Department that $50,000 will take care of it. I again give the Senator the assurance that it will be erected on the approval of the Fine Arts Commission. I know nothing more that we can do.

Mr. FLETCHER. Has the Senator any illustrations of the design or plan?

Mr. FESS. No; none whatever.

Mr. FLETCHER. What is proposed to be done?

Mr. FESS. The Senator will understand that I have no interest whatever in any particular individual doing the work or in any particular model.

Mr. FLETCHER. I understand that. I do not think we ought to spoil a dignified, handsome memorial by trying to make it ornate.

Mr. FESS. I agree with the Senator, and I am sure that the Senator will agree that the War Department and the Fine Arts Commission will not spoil it.

Mr. KING. I am not sure about that.

Mr. FLETCHER. That might be. I would like to have some sort of indication as to what are their plans, what design is to be approved.

Mr. FESS. I can not state that. There has been no authority to select it or to solicit any plan. This is the only method by which we can proceed.

Mr. FLETCHER. But the Senator keeps talking about it as being incomplete. Incomplete in what respect?

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield.

Mr. WILLIS. I have received inquiries by correspondence and personally about the very thing which my colleague has so clearly pointed out. They ask, "Why is it that the monument is left in this incomplete fashion?" They say, "Here is the foundation, but when is the monument going to be completed?"

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the bill will go to the calendar.

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Reed, Pa.
Bayard	Fess	McKinley	Robinson, Ark.
Bingham	Fletcher	McLean	Robinson, Ind.
Blease	Frazier	McMaster	Sackett
Borah	George	McNary	Sheppard
Bratton	Glass	Mayfield	Smith
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Bruce	Hale	Moses	Stephens
Cameron	Harreld	Neely	Swanson
Capper	Harris	Norbeck	Tyson
Caraway	Heflin	Norris	Walsh
Copeland	Howell	Nye	Watson
Couzens	Johnson	Oddie	Weller
Cummins	Jones, Wash.	Overman	Wheeler
Curtis	Kendrick	Pepper	Williams
Deneen	Keyes	Phipps	Willis
Dill	King	Pine	
Edwards	La Follette	Pittman	

Mr. JONES of Washington. I was requested to announce that the Senator from Maine [Mr. FERNALD], the Senator from Minnesota [Mr. SCHALL], and the Senator from Massachusetts [Mr. BUTLER] are detained from the Senate because of illness.

Mr. LA FOLLETTE. The senior Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home on account of illness.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I move that the Senate proceed to the consideration of the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution (H. Con. Res. 4) reported by Mr. HEFLIN from the Committee on Agriculture and Forestry without amendment, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established, to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 1, 1926.

Passed the House of Representatives January 5, 1926.

Mr. GOODING. Mr. President, I desire to give notice that when the pending concurrent resolution is disposed of I shall ask the Senate to take up for consideration Senate bill 575, known as the long and short haul bill.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I suggest to the Senator from Alabama that I desire to make a point of order against the concurrent resolution which will dispose of it if sustained, and I would prefer to do so at the beginning so as not to delay matters any more than possible. If the Senator will yield to me for that purpose, I will make my point of order now.

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I make the point of order against House Concurrent Resolution No. 4 that it undertakes to amend a permanent statute of the United States, although it is only a concurrent resolution; in other words, it attempts to legislate, which is not possible to be done by means of a concurrent resolution.

In order that the Chair may understand the point fully, I ask his indulgence for a few moments while I call attention to the resolution and existing law. It will be observed that the resolution does not and never has pretended to be anything other than a concurrent resolution. A concurrent resolution does not have to receive the approval or the disapproval of the President of the United States. It is only one degree better than a Senate resolution. We can not enact a law by means of a Senate resolution. We can not enact a law by means of a concurrent resolution. Neither can we repeal a law by a Senate resolution or by a concurrent resolution. As I shall show, the only thing that the concurrent resolution provides for is contained in the following language, with reference to the committee contemplated, which is to be composed of three Members of the House and three Members of the Senate:

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

By a concurrent resolution we here fix the duty of the committee to negotiate for a lease of the properties of the United States at Muscle Shoals. The act making further and more effectual provision for the national defense, and for other purposes, an act of Congress approved June 3, 1916, among other things, provided for the building of the dam and all the other governmental activities at Muscle Shoals. No one will controvert that statement. The authority for everything we have done at Muscle Shoals is contained in that act. A part of section 124, on page 57 of the act, reads as follows:

The plant or plants—

Which is just what the committee is going to negotiate about—

provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

That is the law. That is the only law on the subject on the statute books of the United States, a provision specifically providing, in effect, that no lease shall be made, that the plant or plants shall be operated solely by the Government, and shall not be operated in conjunction with any industry or enterprise and shall not be carried on by any private capital.

House Concurrent Resolution No. 4, now before the Senate, violates that law. I concede that the law can be amended, but all of the measures that we have had heretofore about Muscle Shoals were bills or joint resolutions. A joint resolution has the same effect as a bill. When passed it requires the approval of the President of the United States. But the only object of House Concurrent Resolution No. 4 is to authorize and direct a committee to enter into negotiations for the leasing of Muscle Shoals. That is a direct violation of law. It can not legally be done by a concurrent resolution. If it were a joint resolution it would be perfectly proper, because it would then have to receive the approval of the President before it could become a law. In other words, we are undertaking to enact here in effect an amendment to a law of the United States by means of a concurrent resolution.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. SWANSON. Am I to understand the Senator to contend that the passage of the concurrent resolution would repeal the act which he read?

Mr. NORRIS. In effect it would.

Mr. SWANSON. I do not think it would do so.

Mr. NORRIS. It would not, of course, because we can not legally do it in that way.

Mr. SWANSON. It seems to me the only effect of the concurrent resolution would be to appoint a joint committee of the Senate and House to conduct negotiations to see what bids they can obtain. After ascertaining the bids that can be obtained, the matter comes back to the House and Senate for action. If the purpose is simply to provide for the appointment of a committee to ascertain the facts and take bids and conduct negotiations and report back to the House and Senate, it ought not to be done by a joint resolution but by a concurrent resolution.

Mr. NORRIS. The law distinctly provides that this property shall not be operated by private parties, not even in conjunction with the Government, while the resolution provides that it shall be.

Mr. SWANSON. No; it does not. The resolution provides that negotiations shall be conducted and a report submitted to Congress.

Mr. NORRIS. Exactly. But making a report has nothing to do with it; that does not affect it in any way. The committee can report, although it is not made compulsory that they shall do so. The resolution says they shall have leave to report.

Mr. SWANSON. Let me ask this question: Could not a committee of the Senate report and recommend the passage of a bill that would be contrary to that act?

Mr. NORRIS. A committee of the Senate could not accept bids for the disposition of governmental property where the law provides that nothing of that kind shall ever be done.

Mr. SWANSON. But a committee could be authorized to conduct negotiations and to report to the Senate, and let Congress change the law. If that had the effect, which the Senator indicates, the effect of finality without further action, it would have to be done by joint resolution, but it seems to me this simply creates a joint committee to ascertain certain things for the Senate, to conduct negotiations and report back to the Senate, and then the Senate, on the information obtained, may act.

Mr. NORRIS. That is not what the concurrent resolution provides. The concurrent resolution reads:

> The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals.

Mr. SWANSON. Mr. President——

Mr. NORRIS. Let me first answer the Senator's question before he asks another one. It is made the duty of the committee to negotiate a lease, and the negotiation of a lease would be a violation of an existing statute of the United States.

Mr. SWANSON. Let me say to the Senator that the resolution does not authorize the committee to make a lease. If we authorized the committee to act, to make a lease, to consummate a lease it would be changing the law; but it is merely proposed to authorize the committee to negotiate and get the facts. A joint committee to report back to Congress may be created by a concurrent resolution.

Mr. NORRIS. If this were a resolution that authorized even a committee of the Senate to look into the question as to what the law is and to recommend whether or not it should be changed or something of that kind, it would be a different proposition; but this resolution provides that the committee shall negotiate a lease, and that would violate the statutes of the United States.

Mr. SWANSON. The resolution provides that the committee shall report back to the Senate.

Mr. NORRIS. The fact that the committee has to report to the Senate makes no difference.

Mr. SWANSON. The lease would have to be consummated afterwards.

Mr. NORRIS. The fact that it has to be approved afterwards does not cure the illegality of it. If the committee can legally negotiate a lease, it can be legally approved.

Mr. CARAWAY. May I ask the Senator from Nebraska a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. It is not the Senator's understanding of the resolution, is it, that the committee could actually conclude a lease? It could enter into negotiations and ascertain whether or not a satisfactory lease could be entered into, and then Congress could authorize entering into that contract?

Mr. NORRIS. Yes; Congress will pass on the lease. Congress will do that, it is true, under the terms of the resolution.

Mr. CARAWAY. And under the terms of the resolution all the committee would do would be to ascertain whether or not a satisfactory lease could be entered into and report that fact to Congress. If Congress saw fit to accept the lease, then appropriate legislation would follow.

Mr. NORRIS. That is not quite right.

Mr. CARAWAY. That is exactly what it is.

Mr. NORRIS. The Senator from Arkansas does not state it exactly when he says that the committee will see whether or not a lease can be obtained. It is the duty of the committee to negotiate a lease.

Mr. CARAWAY. What does that mean?

Mr. NORRIS. That will mean to do something that the laws of the United States provide shall not be done, and it will remain unlawful until the law is amended or repealed or changed by a statute and not by a concurrent resolution.

Mr. CARAWAY. Does the Senator understand that the word "negotiate" in that connection means to conclude a lease or merely to enter into negotiations looking toward a satisfactory arrangement, which everybody would understand would have to be ratified by an act of Congress?

Mr. NORRIS. It means the conclusion of the negotiations.

Mr. CARAWAY. Oh, no.

Mr. NORRIS. Yes; it does.

Mr. CARAWAY. To negotiate does not mean to conclude a matter.

Mr. NORRIS. Let me explain my view of it. Suppose the resolution did not go any further than the Senator has intimated; that it merely means that the committee shall ascertain whether or not a lease can be made, and then the committee report back and state, "We think a lease can be made." Then Congress would pass on the question as to whether or not the lease could be made.

Mr. CARAWAY. Congress would have to pass a law.

Mr. NORRIS. But it would not have anything to pass on. When the committee comes back here, if the resolution is carried into legal effect, it is going to have a definite lease ready for the approval of Congress; in other words, it will have made a negotiation, it will have drawn a lease with some bidder who is willing to accept the lease, and the committee will report back here for approval. All it will need will be the approval of the Congress to make it legal.

Mr. CARAWAY. Let me ask the Senator a question. Very frequently agents go out to negotiate contracts subject to the approval of their principals?

Mr. NORRIS. Yes.

Mr. CARAWAY. Whoever negotiates a lease will understand that he can only have a lease provided Congress will ratify the act of the committee?

Mr. NORRIS. Yes.

Mr. CARAWAY. The action of the committee is merely the ascertainment of whether or not a suitable lessee may be found.

Mr. NORRIS. No; it is more than that.

Mr. CARAWAY. That is all it is.

Mr. NORRIS. It is the negotiation of a lease itself. Otherwise, there will be nothing for Congress to approve when the committee comes back.

Mr. CARAWAY. Is it the Senator's understanding that "to negotiate" means "to conclude"?

Mr. NORRIS. It will in this case in every respect, except it will have to have the approval of Congress afterwards.

Mr. CARAWAY. Except it will have to have the approval of the principal.

Mr. NORRIS. Yes, sir; but if this resolution shall be passed, and the committee does its duty, it will come back to the Senate and to the other House with a definite lease with some definite person.

Mr. CARAWAY. It will come to the House and the Senate with the proposition which has been negotiated with somebody, and then the Senate and House of Representatives will have to accept or reject it, just as any other agent who goes out to ascertain whether his principal can do business with a certain other individual acts subject to the approval of his principal.

Mr. NORRIS. Yes.

Mr. CARAWAY. There can be no doubt about Congress having power to do that, first appointing a committee for that purpose.

Mr. NORRIS. Ordinarily that would be true; but in this case it is directly in the face of a statute of the United States which provides that they shall not do it. Until we change that law, until the authority that has the right to repeal or modify the law has taken action, that law must be respected.

Mr. CARAWAY. Let me ask the Senator another question. If the Senator's contention be correct, then a law once having

been enacted can never be modified, for nobody can take any action looking to its modification, because it would be against the law.

Mr. NORRIS. Not at all.

Mr. CARAWAY. That is exactly what it amounts to.

Mr. NORRIS. No; not for a moment. The contention of the Senator and those who disagree with me, I think, is that this committee is only to be appointed for the ascertainment of the question whether or not we can get a lease. That is not all there is to it. Under ordinary circumstances, if there were no law to the contrary they could go even further; but, in the first place, we have a statute which says it shall not be done, and, in the next place, the committee is directed by the resolution to go further than to ascertain whether a lease can be made; they are to make one, although every step they may take in that direction will be a violation of law.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. PITTMAN. I think the whole matter involves the legal interpretation of the word "negotiate.' If the word "negotiate" means that they shall perform a legal act, then they have no authority under the concurrent resolution to perform a legal act; but if the definition of the word "negotiate" means that the commission is authorized and directed to "receive and discuss," then it is within the jurisdiction of the two bodies, is it not? In other words, suppose the resolution were amended to read:

> The committee is authorized and directed to receive and discuss proposals for relief——

Mr. NORRIS. I would not consider that to be legal. However, that is not before us; the question involved in that suggestion is different from the question which is involved here. The committee is authorized and directed to conduct negotiations for a lease of these properties; and the law says that shall not be done.

Mr. SWANSON. It does not say that there shall not be negotiations.

Mr. ROBINSON of Arkansas. Mr. President, does the law say that Congress shall not legislate upon the subject and shall not obtain information in aid of its right to legislate?

Mr. NORRIS. No.

Mr. ROBINSON of Arkansas. The Congress has not denied itself that right.

Mr. NORRIS. Let me answer the first question before the Senator states another one. We will get along better if I may answer one question at a time. The law does not say that nothing of this kind shall be done; the law is not sacred; I am not claiming that; the law does not say anything of the kind; the law is no more sacred than any other statute; but it is perfectly apparent, it seems to me, that when it is desired to change a law it must be done by authority of the body or bodies or instrumentalities of government that enacted the law, and that includes the President of the United States. The concurrent resolution leaves him out and lacks one step of what would be necessary to make a law.

Mr. ROBINSON of Arkansas. Mr. President, in ruling upon the point of order, the Chair would construe the resolution as a whole. The resolution, as a whole, can not be held to be a legislative act. It does not in any wise modify or repeal the statute referred to by the Senator from Nebraska. It merely authorizes as the agents of the Senate and House a joint committee, which is proposed to be created by the concurrent resolution, to enter into negotiations for the lease of this property, and it requires the joint committee to report back their findings to the Congress for its action. It is perfectly apparent that the proposed joint committee has no function save to receive a bid or bids and report the same to the Senate with its conclusions respecting the subject. The definition of the word "negotiate" is—

> To treat with another or others; to arrange for; to bring about by mutual arrangement or discussion.

The mutual discussion of the proposed lease, the receipt of information touching it, the submission of that information to the two Houses of Congress is in aid of the power to legislate, but it is not legislation.

I can prove that, I believe, even to the satisfaction of my good friend from Nebraska by an illustration which is pertinent. Suppose the joint committee shall be created and shall negotiate for a bid or bids, for a lease or leases, and, in compliance with the direction of the resolution, shall report to the House of Representatives and to the Senate, and neither body acts upon its report, is there anyone here will contend that the existing law, whatever it may be, has been in any particular changed?

The matter is so clear to me that it is rather difficult to argue. In order to repeal the law some action must be had, not by one House of Congress, but by both Houses of Congress and by the President, after the committee shall have performed its function.

The primary purpose of the concurrent resolution is to create a joint committee to receive bids. The committee is required to report to the Congress whatever it finds and whatever bids it receives; and there is not a single element of legislation involved in the powers of the committee. The law will not be changed in any particular after the committee has performed its function. No provision of the statute is repealed when this concurrent resolution is agreed to, if it be agreed to.

The purpose of the concurrent resolution is to create a joint committee to act as the agent of the two Houses of Congress to ascertain whether a desirable bid or bids can be made for the leasing of this property; and therefore I think that the point of order is not well taken.

Mr. SWANSON. Mr. President, it seems to me that the very form in which the resolution is written, as a concurrent resolution, ought to be conclusive. A concurrent resolution can not repeal an act of Congress—the very point on which the Senator makes his point of order—and being concurrent it shows that those who drafted it, the House of Representatives, and everybody that supports it, treats this as a joint committee, with no intention or purpose to repeal any act of Congress. The very fact that it is a concurrent resolution, and the language employed, seems to me to be conclusive that it appoints a committee simply to get offers for this plant and to gather such information as it can to report back to the Congress.

Mr. HEFLIN. Mr. President, on December 8, 1826, during the nineteenth Congress, in the Precedents I find this case:

> A message from the House of Representatives announced that they have passed the resolution for the appointment of a joint library committee—

Mr. NORRIS. Will the Senator give the page?

Mr. HEFLIN. Page 473—

> and have appointed a committee, accordingly, on their part; in which they request the concurrence of the Senate.
>
> The said resolution having been read,
>
> The Vice President (John C. Calhoun) stated to the Senate that he entertained doubts whether the last clause of the seventh section of the first article of the Constitution of the United States and the twenty-fifth rule for conducting business in the Senate do not require that this resolution should be treated in all respects as a subject to be laid before the President of the United States for his approval; and that, with a view to a more correct decision, he would call for the sense of the Senate on the question, "Does this resolution require three readings?"; which was accordingly put and determined in the negative.
>
> (NOTE: In an elaborate report, No. 1335 (54th Cong. 2d sess.), made by Mr. David B. Hill, of New York, on behalf of the Judiciary Committee, he said: "'Whether concurrent resolutions are required to be submitted to the President of the United States' must depend, not upon their mere form, but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise they need not be." In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President to "which the concurrence of the Senate and House of Representatives may be necessary" refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President.

Mr. President, I simply want to call this thought to the attention of the Chair and of the Senate:

This concurrent resolution does not and can not repeal the present statute referred to by the Senator from Nebraska. It does not undertake to repeal this statute. As the Senator from Arkansas and the Senator from Virginia have said, it simply creates a commission to act for Congress. It does not require the action of the President, his approval or disapproval. This commission goes out, invites bids, and is compelled under this concurrent resolution to report its findings back to the Congress. As the junior Senator from Texas [Mr. MAYFIELD] says, that is all that it can do. It has no authority to lease. It can not accept anybody's bid. It is not certain legislation in the true sense.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. MAYFIELD. I desire to direct the Senator's attention to the wording on page 2, line 6. After the committee has filed its report, findings, and recommendations, in order to carry

those recommendations into effect, a bill or joint resolution must be offered for that purpose.

Mr. HEFLIN. I thank the Senator for his suggestion.

That is the status of this case, Mr. President. After this commission goes out, acting for the Congress, and receives bids, it must under the authority granted by the resolution report those bids back, and then Congress will accept or reject the bids. If Congress does accept any bid, that action will, of course, repeal this statute, and there will be no question about that. It will have to be repealed, or the Senate is going to commit itself to a socialistic program for putting the Government into competition with private enterprise in this country. I repeat, if a bid is accepted and Congress does indorse and approve a lease, that act itself repeals this statute. The concurrent resolution can not do so. It does not attempt to do so.

Now, I want to ask a question of the Senator from Nebraska, who says that this concurrent resolution in effect repeals the statute: Suppose this commission should be appointed, should make its investigation, should not receive a bid, and should not even report back to Congress, would the statute referred to by the Senator be repealed or in any way affected?

Mr. FESS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. FESS. Suppose that they do report with a recommendation and the House and Senate pay no attention to it?

Mr. HEFLIN. Then the statute would remain unrepealed.

Mr. President, it is perfectly plain to me that this concurrent resolution is in order. It was prepared largely by the minority leader in the House, Mr. GARRETT of Tennessee, who is one of the best parliamentarians in the country, and Mr. SNELL, of New York, and they knew exactly what they were doing. The resolution is in proper form and is in order. It gives no authority to the commission to lease Muscle Shoals. It does not provide for the expenditure of the Government's money. It simply provides for a commission to act for Congress in obtaining bids and reporting them to Congress.

Mr. McKELLAR. Mr. President, I should like to call attention to section 124 of the act of 1916, under which the plant at Muscle Shoals was built:

> The President of the United States is hereby authorized and empowered to make or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

I call attention especially to this:

> The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.
>
> The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.
>
> The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.
>
> The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.
>
> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. Just one moment.

The President of the United States, under the authority of that act, manifestly would not have the power to make a lease—even to make it and submit it to Congress—such as has been provided here. That is the test. This provides for a lease—what for? To make it the basis of a legislative act.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. CARAWAY. Does the Senator from Tennessee undertake to say that this committee could actually enter into a binding lease under this concurrent resolution?

Mr. McKELLAR. Oh, no; but what it does is to ask for bids on behalf of the Government in contravention of this law, and when those bids are received it reports them back, and they become the basis of further legislation, and this act becomes a part of the proposed legislation. It is all part and parcel of one matter. One is a concurrent resolution, and the other is an act of the legislature. They both ought to be acts of the legislature.

I have no doubt that this act was conceived by those who had forgotten about the original act which created this plant.

Mr. CARAWAY. Mr. President, the President may negotiate a treaty, but it never becomes a treaty until the Senate shall ratify it.

Mr. McKELLAR. Of course not, and he is authorized to negotiate it; but the President is not authorized under this concurrent resolution to negotiate.

Mr. CARAWAY. Nobody is asking him to negotiate; but the Senate and House say: "We wish a joint committee to investigate a subject to see whether or not legislation would be wise." Is it seriously contended by the Senator from Tennessee that that can not be done?

Mr. McKELLAR. This provides the actual terms under which the lease shall be made, namely——

Mr. CARAWAY. No——

Mr. McKELLAR. Oh, yes; the committee is by this resolution confined to a bill that has been before the Congress before, and it can only report a lease that is "equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session."

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I yield.

Mr. CARAWAY. The committee is told that it may go on and ascertain whether or not it can make a lease more favorable than that; and if so, to report that fact back to Congress, and Congress then may by appropriate legislation accept or reject it. If the Senator's position be sound, then there is no power in the Senate or in the House to appoint a committee to study legislation and report its conclusions back to the Senate or the House. This provides only for a report. The committee is not told to make a lease. It can not make a lease. It is told to negotiate and ascertain whether or not a satisfactory lease could be had; and if so, to do what? To make it? No; to report that fact.

Mr. McKELLAR. But, Mr. President, this committee would have no power to make any other kind of lease than the one that is provided for here. It is confined to this particular method of handling the matter. It is confined to this particular method of violating the terms of the act of 1916.

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I am willing to answer the question, but I hope the Senator will not take all my time.

Mr. CARAWAY. The Senator's time has lasted for six years, and I do not think anybody is trying to infringe on it.

Mr. McKELLAR. I hope they never will.

Mr. CARAWAY. Is it the Senator's contention that the Senate could not appoint a committee with limited powers, and tell the committee what it wanted it to find out? Every special committee that is ever appointed has exactly that condition attached to its appointment, that it must ascertain the facts, and this committee is to ascertain whether they can make a better lease than the one mentioned.

Mr. McKELLAR. It is my contention that whenever this report comes in with a lease based upon this resolution, the lease will become a part and parcel of whatever legislation is passed. It is an attempted violation of the law of 1916. This is my view.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. I yield the floor.

Mr. HEFLIN. I wanted to interrupt the Senator to say this. He read from the statute at some length, telling what the President could do and should do. The President, in the face of that statute, undertook to lease Muscle Shoals in 1921,

through his Secretary of War. Mr. Weeks, the Secretary of War at that time, asked for bids from private citizens. Under the contention of the Senator from Tennessee, he was violating that statute then, because the statute provided that "it shall not be used as a private enterprise," or words to that effect, and they were asking for bids from private parties.

Mr. McKELLAR. Oh, no, Mr. President, just one moment. The Senator does not want——

Mr. HEFLIN. The Senator did not yield to me until he was through, and I want to speak briefly on the resolution.

Mr. McKELLAR. Very well. I will answer the Senator later.

Mr. HEFLIN. The point the Senator from Nebraska has raised is no new thing. The Senator who first raised the point, and who is entitled to the credit for it, is the Senator from South Carolina [Mr. SMITH]. He raised it in the committee on Agriculture when that committee was considering this resolution, and in the face of that point being raised, the committee reported this resolution out by a vote of 11 to 5. There is nothing in the contention of the Senator from Tennessee. This resolution does not carry authority to make a lease. It simply authorizes the committee, as I said before, to act for the Congress. This resolution as it stands has the approval of the President of the United States.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. BLEASE. Would the Senator object to striking out, on line 5 of the resolution, the words "shall have leave to," and to insert the words "shall report"? We should not provide that they shall "have leave to," but should provide that they "shall report."

Mr. HEFLIN. I would not object, but I fear that if the resolution is amended, it will not get through at this session of Congress.

Mr. BLEASE. Then I submit that whatever that committee would do would bind, would practically become a law, as the Senator from Nebraska has said, just as if it were submitted to the President and he signed it. As the resolution reads, all the Senate or the House could do would be to approve what the committee did. If we strike out the words I have suggested and provide that they shall report merely, then we will have some discretion in the matter. Otherwise we will not.

Mr. HEFLIN. Will the Senator from South Carolina permit me to make this statement? This committee must report back 30 days from to-day, not later than the 1st of April. Congress will adjourn in probably 10 weeks from now, and we must get action at once or leave the matter up in the air until December. That is why I insist that the resolution pass as it is, without amendment.

Mr. McKELLAR. Just one word. The Senator from Alabama talks about the contract that was entered into by the Secretary of War in 1921 for the steam power at Muscle Shoals. Of course, he had the direct power, under this act, to make such a contract. It provides that the surplus power shall be disposed of by him under such regulations as he may make. Of course, there is nothing in the proposition in the slightest. It does not violate the act in any way.

Mr. NORRIS. Mr. President, I will not detain the Chair long. I want simply to call attention to the fact that nearly every argument made in opposition to the point of order I have raised is that this concurrent resolution will not change any law. Nobody contends that it will. That is the point I make; we can not change law by a concurrent resolution. Yet the thing this committee is instructed by the concurrent resolution to do is a violation of law. The Senator from Alabama undertakes to make some capital by saying that this point of order was made in the committee. I do not understand what other object he would have in making the statement. The Senator from Alabama is entirely mistaken.

Mr. HEFLIN. Oh, no——

Mr. NORRIS. Let me finish. No point of order was ever made in the committee against this resolution by anyone.

Mr. HEFLIN. This point was raised by the Senator from South Carolina, who will bear me out in the statement.

Mr. SMITH. No, Mr. President; I think the Senator from Alabama is mistaken about the point of order being raised. I called attention to the fact that the law as it now stands prohibits interference with, by outside private parties, or participation in any of the business carried on or manufactures or projects down at Muscle Shoals. The point I made before the committee was that as the law now stood it recognized that for which we all had been contending, that this was a project of the Government to produce nitrates for the purpose of defense, and, incidentally, during a stand-by time, in times of peace, for the benefit of agriculture; that we were attempting to reverse the whole course and put the defense of the country, as well as the hope of agriculture, into the hands of a great power monopoly. That is what this resolution is now attempting to do.

Mr. HEFLIN. The Senator from South Carolina has borne out my statement. The hearings will disclose that I am correct. The Senator said the resolution would not be lawful because there was a statute directly against it, and that he was going to call attention to it on the floor of the Senate.

Mr. NORRIS. The Senator is absolutely wrong; although it is quite immaterial. Even if it had happened just as the Senator from Alabama has stated, it would not be material now, unless he wanted to influence the Chair by giving the Chair to understand that the committee had considered this point. I state now that the Senator from South Carolina [Mr. SMITH], who the Senator from Alabama says made the point of order in the committee, never made such a point of order; it never was made; it never was suggested. The law itself was cited by the Senator from South Carolina, showing that it was the intention of Congress, when it provided for the building of this project, that it should be a governmental affair; and Congress was so jealous in regard to it that they expressly stipulated in the law that it should always remain a governmental institution.

I mention that only because I do not want the Chair or the Senate to get the idea that the point of order was ever raised before. It never was.

Mr. SMITH. Mr. President, if the Senator will allow me, as I am the one cited as having called attention to the matter by a point of order, I want to say that I had no such intention before the committee. What I was attempting to show the committee was that we had advanced in the project at Muscle Shoals to the point where we have arrived now, just at the dawn of the possibilities there, and we wanted to reverse an express policy——

Mr. NORRIS. That is the point, exactly.

Mr. SMITH. Which was the basis upon which the whole project was formulated. We had taken the people's money under certain pretenses, and now that we had it were attempting to deceive them by passing another act.

Mr. HEFLIN. Did not the Senator from South Carolina refer to this statute?

Mr. SMITH. I referred to it.

Mr. NORRIS. The statute was read. It appears in the hearings twice.

Mr. HEFLIN. The Senator from South Carolina has agreed with me that the question was raised in the committee.

Mr. NORRIS. The Senator can have that satisfaction. But I say, and the Senator from South Carolina says, and the printed records of the committee will bear us both out, that the point of order was not raised, was never considered in the committee, not for a moment.

Mr. SMITH. We considered simply the policy of the Government.

Mr. NORRIS. Exactly; that and nothing else.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. In reference to the policy of the Government, it just happens that the Senator from Nebraska was in the Senate at the time, and I was a Member of the House, a member of the Military Affairs Committee, and I introduced the original amendment in that committee for the appropriation of $20,000,000, just as it appears in this act. There would have been no possibility of ever getting such a provision through the House if it had been in the remotest way conceived or imagined that the project would ever be turned over to private interests.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. Then why was the Senator for Henry Ford's bill.

Mr. McKELLAR. That was a proposed law which would defeat this law, and for reasons that were then perfectly good I was for it.

Mr. NORRIS. Mr. President, every proposition that has been before the Senate has been in the form of a bill. A joint resolution would have done just as well, I concede. The bill I introduced, the bill presented by the senior Senator from Alabama, which passed the House of Representatives, the bill which passed the House, the original Ford bill—none of them were subject to a point of order of this kind. They all required, before they became effective, the approval of the Presi-

dent of the United States, and the effect would have been to repeal the law, of course, if any of those bills had been enacted, and if we had a joint resolution, instead of a concurrent resolution, the effect would be the same in this case.

We must come back to the proposition that every act this committee is directed to do is a violation of law. Would anybody contend that if this were a Senate resolution, it would not be subject to a point of order? Would anybody say for a moment that if it did not require the approval of the House, it would not be subject to a point of order? Would anybody contend for a moment that if we passed even a concurrent resolution which provided for the appointment of a committee to receive bids, let us say, for the sale of the Capitol of the United States, although there is no express statute that I know of that prohibits its sale, that that would not be subject to a point of order? Would anybody contend for a moment that if we had the concurrent resolution here providing for the sale of a battleship that that would not be subject to a point of order?

If it were passed, would anybody suppose for a moment that good title could be given under it, although we might agree that Congress might afterwards approve it? If the point were made when the concurrent resolution were pending, it would be the duty of the Chair to sustain the point of order. Otherwise, we could proceed to do an illegal thing; we could proceed, in effect, to repeal any statute of the United States by a simple resolution.

It is no answer to say that we have a right to investigate and to look into things through committees to see whether we should not change a law. That is a different proposition, entirely different. If this concurrent resolution provided for a joint committee to look into the Muscle Shoals matter to see whether some law could not be devised, better than the one on the statute books, for its use or its disposal, that would be a different proposition. But this is a concurrent resolution, which directs this committee to go out and enter into negotiations for the purpose of making a lease, which is a direct violation of law. It seems to me there can be no outcome except that this point of order must be sustained.

The VICE PRESIDENT. Before ruling on the point of order the Chair desires to make an inquiry of the Senator from Nebraska. The Chair understands the point of order made by the Senator from Nebraska to be that the concurrent resolution seeks to amend a permanent statute of the United States; in other words, is an attempt to legislate in a manner not possible by means of a concurrent resolution. Is the understanding of the Chair correct?

Mr. NORRIS. That is substantially correct.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken. The question is on agreeing to the concurrent resolution.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I desire to appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HEFLIN. I make the point of order against the appeal that it comes too late.

The VICE PRESIDENT. The point of order is not well taken.

Mr. FESS. Mr. President, I move that the appeal be laid on the table.

Mr. HEFLIN. I move to lay the appeal on the table.

Mr. NORRIS. Upon that motion I ask for the yeas and nays. If Senators want to take snap judgment, let us have a record vote.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal by the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Deneen	Heflin	Means
Bingham	Dill	Howell	Metcalf
Blease	Edwards	Johnson	Moses
Bratton	Ernst	Jones, Wash.	Neely
Brookhart	Fess	Kendrick	Norbeck
Broussard	Fletcher	Keyes	Norris
Bruce	Frazier	King	Nye
Cameron	George	La Follette	Oddie
Capper	Glass	McKellar	Overman
Caraway	Goff	McKinley	Pepper
Copeland	Gooding	McLean	Phipps
Couzens	Harreld	McMaster	Pine
Curtis	Harris	Mayfield	Pittman
Reed, Pa.	Smith	Tyson	Wheeler
Robinson, Ark.	Smoot	Wadsworth	Williams
Robinson, Ind.	Stanfield	Walsh	Willis
Sackett	Stephens	Watson	
Sheppard	Swanson	Weller	

The VICE PRESIDENT. Seventy Senators having answered to their names, a quorum is present. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal of the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Michigan [Mr. FERRIS]. In his absence I transfer that pair to the Senator from Maine [Mr. HALE], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I am satisfied, however, that if present he would vote as I intend to vote. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. DU PONT], but I am advised that if present he would vote as I intend to vote. I therefore vote "yea." I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. If present, he would vote "yea."

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness. If present, he would vote "yea."

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I understand that if he were present he would vote as I am about to vote. I vote "yea."

Mr. CURTIS. I was requested to announce that the senior Senator from Oregon [Mr. MCNARY] is unavoidably detained from the Chamber.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. BUTLER] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

I desire to state that if present each of the following Senators would vote "yea": The senior Senator from Maine [Mr. FERNALD], the senior Senator from Massachusetts [Mr. BUTLER], the junior Senator from Massachusetts [Mr. GILLETT], the junior Senator from Maine [Mr. HALE], the Senator from Minnesota [Mr. SCHALL], and the Senator from Vermont [Mr. GREENE].

Mr. ROBINSON of Arkansas. I desire to announce that if present each of the following Senators would vote "yea": The Senator from Mississippi [Mr. HARRISON], the Senator from North Carolina [Mr. SIMMONS], the Senator from Arizona [Mr. ASHURST], and the Senator from Rhode Island [Mr. GERRY].

I also desire to announce that the Senator from New Mexico [Mr. JONES] is detained from the Senate by illness.

The result was announced—yeas 55, nays 15, as follows:

YEAS—55

Bayard	Fess	McLean	Robinson, Ind.
Bingham	Fletcher	McMaster	Sackett
Bratton	George	Mayfield	Smoot
Broussard	Glass	Means	Stanfield
Bruce	Goff	Metcalf	Stephens
Cameron	Gooding	Moses	Swanson
Capper	Harreld	Oddie	Tyson
Caraway	Harris	Overman	Wadsworth
Copeland	Heflin	Pepper	Walsh
Couzens	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Pine	Weller
Deneen	Keyes	Pittman	Williams
Edwards	King	Reed, Pa.	Willis
Ernst	McKinley	Robinson, Ark.	

NAYS—15

Blease	Howell	Neely	Sheppard
Brookhart	Johnson	Norbeck	Smith
Dill	La Follette	Norris	Wheeler
Frazier	McKellar	Nye	

NOT VOTING—26

Ashurst	Fernald	Jones, N. Mex.	Shortridge
Borah	Ferris	Lenroot	Simmons
Butler	Gerry	McNary	Trammell
Cummins	Gillett	Ransdell	Underwood
Dale	Greene	Reed, Mo.	Warren
du Pont	Hale	Schall	
Edge	Harrison	Shipstead	

So the Senate laid on the table Mr. NORRIS's appeal from the decision of the Chair.

Mr. HEFLIN. Mr. President, this subject has been before the Senate for a number of years, and if I am not interrupted I will not take very much of the time of the Senate in my opening remarks. I hope to conclude what I have to say at this time in 15 or 20 minutes.

The Muscle Shoals project has been before the Senate since 1920. Muscle Shoals got its name from the Indians. They had such difficulty in making the up-river journey with their boats and dugouts, it required so much muscle power, that they named this point on the river Muscle Shoals. The Government in 1916 selected this site for the purpose of building a dam for manufacturing nitrates in time of war and fertilizer for our farmers in time of peace. When the World War was ended a committee of Representatives from the other House went down and inspected this site and the work that had been done there. That committee came back and actually reported to Congress that the project should be abandoned. It was abandoned temporarily, and for several months there was no work done there. The cofferdams were washing away. The former Secretary of War, Mr. Weeks, finally invited bids. Mr. Henry Ford and other gentlemen submitted bids. We have undertaken for four years and more to lease that property, to dispose of it in a proper way, so that it could be utilized as soon as dam No. 2 should be completed. The Ford offer was accepted by the other House in the McKenzie bill in the Sixty-eighth Congress. The Committee on Agriculture of the Senate acted unfavorably on the Ford offer. There was so much delay in this body with regard to rejecting or accepting the offer of Mr. Ford that he became disgusted with the tactics employed here and withdrew his bid. The whole matter went over, then, until another Congress.

My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] took the Ford bid and embodied a large portion of it in a bill which he introduced. That bill was so amended in this body, it was so mutilated, so disfigured, that it died in the closing hours of Congress. I hope that this concurrent resolution will not meet the fate that bill met. Some Senators succeeded in amending the bill here, I think, for the purpose, in some instances, of making it obnoxious and preventing its final passage; but, at any rate, I know that so many amendments were put upon it that the bill did finally fail and never became a law.

That Congress adjourned, and nothing was done. In 1925, a year ago this month, President Coolidge, seeking to do something with the Muscle Shoals property, appointed a commission of five to go down and inspect Muscle Shoals and to make recommendations as to what should be done with it. That commission returned; three of them signed one report and two signed another. They differed merely in details as to what should be done; but, Mr. President, the commission agreed on two important points. They were that the dam should be leased to private individuals and that it should be provided that whoever obtained the lease should agree to make nitrates for the Government in time of war and fertilizers for the farmers in time of peace.

That commission did not receive any bids; it recommended in the conclusion of its report that Congress should make another attempt to secure bids. The President, in keeping with that idea, has indorsed the pending resolution, which has been adopted by the House; and, Mr. President, I want to remind the Senate that the House, by a vote of 9 to 1, adopted this resolution without amendment.

As I said a little while ago, the Senate Committee on Agriculture, by a vote of 11 to 5, favorably reported that resolution to the Senate without amendment. The Farm Bureau Federation indorse the resolution as it stands; the farmers generally are in favor of it. It is being fought by the Power Trust and the Fertilizer Trust. They do not want this resolution passed. I observe the Senator from South Carolina [Mr. SMITH] and the Senator from Tennessee [Mr. MCKELLAR] are amused at that suggestion.

Mr. SMITH. We are.

Mr. MCKELLAR. We are very greatly amused, I will say to the Senator.

Mr. HEFLIN. Well, the Senators will be more amused before this discussion is over.

Mr. President, the Ford offer which was here for consideration ran counter to the statute the Senator from South Carolina has cited; it ran counter to the same statute cited by the Senator from Tennessee and the one to which the Senator from Nebraska [Mr. NORRIS] has called attention; but these two able Senators from the South supported the Ford bid; they urged its adoption in the Senate. The Senator from South Carolina, along with me and others, signed a minority report in which we eulogized the Ford offer to the skies and stood strongly and unitedly behind it.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator refer to the minority report made from the Agricultural Committee of the Senate?

Mr. HEFLIN. When?

Mr. NORRIS. I refer to the one the Senator from Alabama and the Senator from South Carolina signed.

Mr. HEFLIN. Yes.

Mr. NORRIS. How does the Senator explain his statement of just a few moments ago that the Agricultural Committee acted favorably upon Henry Ford's offer?

Mr. HEFLIN. It rejected all of them except his offer, and we reported that out, I believe, without recommendation.

Mr. NORRIS. No. The Senator has stated that he and the Senator from South Carolina signed a minority report favoring the Ford offer, but he has also stated that the Agricultural Committee reported favorably upon the Ford offer.

Mr. HEFLIN. We made two minority reports, one in 1922 and one in 1924.

Mr. NORRIS. When the Senator from Alabama and the Senator from South Carolina signed the minority report I presume there was a majority report that did not favor the Ford offer.

Mr. HEFLIN. Mr. President, that is immaterial.

Mr. NORRIS. Yes; I think so.

Mr. HEFLIN. Because the bill was brought out and put upon the calendar. I do not remember now whether we reported it without recommendation or otherwise; but anyhow we filed a minority report. The late Senator from North Dakota, Mr. Ladd, who was heartily in favor of the Ford offer, wrote the report. The Senator from South Carolina, the Senator from Louisiana [Mr. RANSDELL], and the Senator from Tennessee are among the three or four on this side who are against the pending resolution.

Mr. SMITH. Six or seven.

Mr. HEFLIN. But we signed the report.

Mr. President, I wish to remind the Senate that when they signed it, in view of the position they have taken here to-day, they were proposing to repeal the statute which has been referred to, and running counter to the solemn act of the Congress of the United States which had the approval of the President. They were for Henry Ford's offer then, but the Senator from Tennessee now says that this is a dangerous thing; that it is a bad thing; and that private enterprise ought not to have Muscle Shoals.

I wish to read to the Senate what the Senator from Tennessee said in the Senate debate upon the Ford offer regarding the matter of turning this great Muscle Shoals power project over to a private individual that he might take it and use it for his own benefit in the main, agreeing to make 40,000 tons of fixed nitrogen for our farmers and nitrates for the Government in time of war. Let us see how my friend from Tennessee has changed his position. Then the Ford offer provided that he should have it for a hundred years. Somebody called attention to the fact in the hearings that Mr. Mayo had stated they did not intend to let a single kilowatt get away from Muscle Shoals; that they would use it all; and yet my friend from Tennessee and my friend from South Carolina and my friend from Louisiana [Mr. RANSDELL] supported the Ford offer; they swallowed it whole. They were for it strong, and here is what my friend from Tennessee said. It is such a strong and clear-ringing statement I want to read it at this point:

> Mr. MCKELLAR. Mr. Ford is the logical man to have this plant. I am now as I have always been since the matter first came up in favor of leasing it to him.

Mr. MCKELLAR. I would be in favor of leasing it to him to-day, if that were the proposal, but what is proposed is to lease it either to the power monopoly or to the fertilizer monopoly, and I am wholly opposed to doing either.

Mr. HEFLIN. Mr. President, the Senator does not know who is going to make a bid for this dam.

Mr. MCKELLAR. But I can make a mighty good guess. It will not be Mr. Ford, but either the Fertilizer Trust or the Power Trust is going to bid on it, because they are principally interested in it.

Mr. HEFLIN. The Power Trust and the Fertilizer Trust are both against this resolution. Their witnesses who appeared before the Agricultural Committee, including, I believe, the

secretary of the National Fertilizer Association here in Washington, opposed it and protested against its passage.

Who has been here supporting it from the Fertilizer Trust? Not a single man; but the farmers' friends have been here. The president of the American Farm Bureau Federation has wired me that he is for this concurrent resolution. His representative here in Washington has been to see me, urging its passage just as it stands. Some Senators seem to have this thing rather mixed up as to whom the trust is for.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield for a question.

Mr. McKELLAR. Perhaps we can keep it from being mixed up. The Senator says that the water-power monopoly is not going to get this plant and the fertilizer monopoly is not going to get it. Will he not be good enough to take us into his confidence and tell us who is going to get it under his concurrent resolution?

Mr. HEFLIN. Mr. President, I do not know; but I do know that under the tactics employed by the Senator from Tennessee and the Senator from Nebraska and just a few others, nobody has gotten it so far, and the water is now practically going to waste.

Mr. McKELLAR. Oh, no.

Mr. HEFLIN. The dam is completed. We have got to do something with it. We ought to act in the name of the American people, and not hold it up any longer because of the suggestion of gentlemen who are on this side to-day and on that side to-morrow.

Mr. McKELLAR. If the Senator will yield, Mr. President, the Senator is mistaken about nobody having it. His good, amiable, public-loving Alabama Power Co. is operating it to-day, all of it—steam plant, water plant, and all—for a mere bagatelle. The Senator is mistaken about that water going to waste. His own Alabama Power Co. has it.

Mr. HEFLIN. Yes; they have it, and they are paying as I understand very little for it. They are operating it until a lease can be had; and under the Senator's position, and that of a few others here, they will continue it in the hands of the Alabama Power Co. until December, getting the use of it, as the Senator says, for a song. Congress wants to act; three-fourths of the House want to act; four-fifths of the Senate want to act; the President wants to act; the farmers want us to act and we ought to act at an early date upon this concurrent resolution.

I want to warn the Senate against the innocent-looking and smooth-appearing amendments that these particular Senators are going to offer. My good friend the smooth artist from Nebraska will come in here with some amendments that will look good, but I urge Senators not to touch them. They are filled with Dead Sea fruit. This concurrent resolution ought to be speedily passed. There are only 30 days from to-day within which this Senate must act, and this commission must receive bids and report them back to Congress.

That is why I am fearful of the final adoption of the resolution if it is amended here and has to go back to the House. Senators, the time is so short.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to my friend.

Mr. MAYFIELD. I should like to ask the Senator if the President's committee appointed to receive bids on this property gave any reason why they received none?

Mr. HEFLIN. They just suggested that they did not receive a satisfactory bid, I believe—I do not remember the exact language—but they wanted the Congress to continue its efforts, and all of them agreed that the plant ought to be leased to private individuals.

There are two courses submitted to us here, Senators. The Senator from Nebraska has always been open and outspoken in his position on the subject. He wants Government ownership and operation, and I do not want either. I want the Government to retain this particular dam, because of the way this project was brought about. We created it for service during the war, and the war is over, and now we must do something with it. I want to use it for the purposes set out in this statute, the purposes that this concurrent resolution provides, and my friend from Tennessee objects to the provision that the bids shall be as good as or better than the Ford bid, which he accepted and swallowed whole-heartedly.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. The Senator says he does not believe in Government ownership of this plant. Did not the Senator vote for the act known as the national defense act of June 3, 1916, which provided for Government ownership, operation, and control of this plant?

Mr. HEFLIN. Yes; I have just said that.

Mr. McKELLAR. When did the Senator change?

Mr. HEFLIN. I said that because of the peculiar way in which we got hold of this particular project; I voted for it and wanted the Government to own it and lease it.

I am not a socialist, however; I am a Democrat. I believe in this Government encouraging individual enterprise and initiative and I do not believe in the Congress drawing this Government into competition with private individuals. Some Senators are not going to say that much, and yet, they are probably going to vote for amendments that the Senator from Nebraska or others will offer which mean the same thing.

I want to warn the Senate against amendments of any kind. The House has done the best it could. It had a difficult task to perform. They have been working with this thing for months and for years. As I said a little while ago, the Senate dilly-dallied with this thing so long that Henry Ford got disgusted and walked away; and as he walked away my friend from Tennessee cried out to him to stop and come back and renew his bid. He wanted to lease this Muscle Shoals dam to a private individual so badly that he wanted Ford to come back and renew his bid, but Henry would not come. [Laughter.]

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. If I recollect aright the facts about my asking Mr. Ford to come back, my recollection is that the distinguished junior senator from Alabama, who is now speaking, wrote out the telegram and came with it signed by himself and asked me to sign it with him, and I did.

Mr. CARAWAY. And Henry Ford paid no attention to either of the Senators.

Mr. McKELLAR. Neither one—absolutely.

Mr. HEFLIN. Mr. President, I just wanted to see how good a recollection the Senator has. Both of us signed the telegram. I wanted Henry Ford to have it. I would not object to seeing him have it now.

Mr. McKELLAR. Nor would I.

Mr. HEFLIN. I am still for a private citizen leasing this plant and operating it; but the Senator has changed his attitude completely, and he is now in favor of the Government holding it, and babying it along and nursing it until at some far-away time in the future we can decide maybe just what we want to do with it.

Mr. President, the world has never moved forward under the lead of such statesmanship as that. You have to point out a way and take a definite stand if you ever get anywhere. Why, the idea of holding this thing up now, after we have dallied and played with it and postponed it and held it back and choked it to death here time and time again! Let the resolution pass as the House passed it and as the Senate Committee on Agriculture reported it to the Senate and as the President desires it passed and as the farmers of the country want it passed and then if the bids are not satisfactory reject them. Is not that a fair and a sound proposition?

Mr. President, Mr. Hooker, a fertilizer manufacturer of New Jersey, notified our committee that he was going to make a bid for the Muscle Shoals Dam. Mr. Hooker testified that he believed he could make fertilizer at half price at Muscle Shoals. Mr. Mayo, Mr. Ford's chief engineer, testified that he thought Mr. Ford could make fertilizer there at half price. The question is, Are we going to consider the farmers' interest in connection with this concurrent resolution, or are we going over to the power side of this question?

The Senator from South Carolina [Mr. SMITH] has a bill before the Committee on Agriculture; the Senator from Tennessee [Mr. McKELLAR] has one; the Senator from Louisiana [Mr. RANSDELL] has one. They are power bills, every one of them.

Mr. SMITH. Not mine.

Mr. HEFLIN. The Senator from Nebraska [Mr. NORRIS] has one, and his is a power bill, and he wants the Muscle Shoals project to be taken over and run by the Government.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from West Virginia.

Mr. NEELY. Since last Friday I have received 32 or 33 letters urging me to vote for the pending concurrent resolution. All of these letters are typewritten. They are all identical in phraseology. They are all mailed from New York City. I wish to inquire of the Senator if he knows what farmers in New York City are interested in having the concurrent resolution adopted?

Mr. HEFLIN. Mr. President, I submit to the Senator from West Virginia that the people of New York City as citizens of the United States should be interested. They are taxpayers of the United States. When it looked as though Ford was going to get Muscle Shoals many of them went

down there and bought homes and have moved down there. They have gone there from nearly every State in the Union. They have bought farms in that fertile Tennessee valley, and I am glad to have them come; and no doubt these letters are coming from people up there who are interested in Muscle Shoals and vicinity. I see no harm in these people sending their suggestions to my good friend from West Virginia, and I must say that in this particular instance they gave him wholesome advice.

Mr. NEELY. Mr. President, I am not complaining that the people who sent them committed any serious offense by doing it, but I was just wondering if those letters might not have been inspired by the fertilizer or the power trust instead of the farmers throughout the country. As they were written with a typewriter and all of them were phrased in exactly the same way, I became suspicious of them because, really, they are not like the majority of the letters I receive from farmers.

Mr. HEFLIN. Mr. President, I want to say to my good friend from West Virginia that a good many farmers are using typewriters now, and they are keeping up with the records of Senators here much better than they used to. They are going to watch their records when they come to vote on this question. They can tell then just what Senators are desirous of delivering the farmers from dependence upon Chile, a foreign power, for their nitrogen supply. These farmers have a right to be heard. Why, all sorts of propaganda have been going on. I had a telegram from New York saying: "Vote for the lease of Muscle Shoals," signed "Many voters." It did not say who it was from. That was a curious piece of propaganda. I do not know who inspired it, but it was not any friend of this resolution. Other Senators got the same telegram and took it seriously. Either somebody did it as a joke, and just signed "Many voters," or the other side got it up so that the opposition—outside of the Senate, I mean, of course—could say that propaganda was coming in here on that line.

Mr. President, during the war this country was helpless, regarding its potash supply. Potash advanced in price to $500 a ton. If Germany had ever succeeded in cutting off our nitrate supply from Chile, the story of the World War would have been different. We furnished the ammunition in the main after we got into the war, and with our allies we won the war. Nitrogen was a very important thing, the most essential thing, and Chile furnished us our supply.

Where do we get it to-day, Mr. President? We still get our supply from Chile. How much do we pay her in the way of an export tax? Twelve dollars per ton. For every ton shipped into the United States they tax our farmers $12. What do our farmers pay for nitrate of soda now? Doctor Duncan, of my State, a State senator from Limestone County and for a long time connected with the Agricultural and Mechanical College, now called the Polytechnic Institute, of my State, is a large farmer in the Tennessee Valley. He lives not a great distance from Muscle Shoals. He told me he bought his nitrate of soda in combination with others through the farm cooperative marketing association and got it at $62 per ton, and that the average fellow purchasing by himself in the open market paid $75 per ton. Think of that, Senators.

Mr. President, I want to submit to these Senators who have professed their friendship for the farmers that here is an opportunity not only to deliver them but to deliver their Government from the grip of a nitrate monopoly existing in a foreign country.

As to the fertilizer manufacturers in the United States, I want to say just here that they do not manufacture nitrates. They buy their nitrates from Chile. This Government, by compelling the manufacture of 40,000 tons of fixed nitrogen annually at Muscle Shoals, will supply the fertilizer manufacturers of the United States, and do it at a price not half as great as that they have to pay to Chile now. That will result in tremendous benefit to our farmers. The farmer's fertilizer bill will be smaller, he will be paying less money for his fertilizer, and that will result in benefit to the consumer. So it will work well all around, and to save my life I can not see why anybody should oppose this resolution.

Dam No. 2 is completed, and is ready for use. The committee will have only 30 days in which to act, to report back for the action of Congress. As I said before, Congress will be adjourning by the middle of May, in all probability, and maybe earlier. The citizens of the United States who are willing to accept the invitation of Congress and the President to come in and lay their bids upon the table have a right to be heard on this proposition. Congress has a right to have an opportunity to act, and the President, who has chided Congress for its delay in action upon this matter in his messages, and justly so, has the right to have action had upon it. The great army of farmers in this country who are at the mercy of the Fertilizer Trust who are paying outrageous prices for fertilizer are entitled to have action upon this important resolution.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. Suppose the committee reports a bid transferring this property by the Government on the terms of the Ford offer to the Fertilizer Trust, as it is commonly known, the American Cyanamid Co., or any one of the component parts of the Fertilizer Trust. Would the Senator from Alabama be willing to vote for the transfer of the property?

Mr. HEFLIN. Mr. President, I do not know who is going to bid for this property.

Mr. McKELLAR. I am asking the Senator just to assume.

Mr. HEFLIN. I am going to do what I can to have this thing disposed of in some way, and to have it disposed of to the best interest of the country and to the best interest of the farmers. I speak for a large number of them. I have been on the Committees on Agriculture in both Houses. I was on that committee in the House for 12 years, and I have been a member of that committee in this body since I have been here, and I am working for the interests of the farmers in every way that I can. I do not propose that they shall be deceived about this proposition.

I repeat I do not know who is going to bid. But the committee will consider the matter and report back to Congress, and then my friend from Tennessee will have an opportunity to fight the bids, if he wants to, and if they are not what they ought to be he ought to fight them. But I submit to him and to other Senators that they should not delay the passage of this resolution one hour. Let it be enacted and the work started, and then, when the bids come back, will be the time to fight them if they are not what they ought to be. Efforts to delay this resolution are dillydallying tactics.

Mr. McKELLAR. Mr. President, the Senator says it is my duty to vote against it if a bid comes in from the Fertilizer Trust. I want to ask him if he will join me in carrying out my duty and vote with me if a lease is reported in favor of either the Fertilizer Trust or the Power Trust? Will the Senator join me?

Mr. HEFLIN. Mr. President, my friend has changed so often on this question in the last two years that I reserve the right to say what a trust is. What he will say is a trust now and what he may say when the bid comes in is a trust nobody knows.

Mr. McKELLAR. I will ask the Senator if he will do this: If a report comes in transferring the property on the terms of the Ford offer to the American Cyanamid Co., or to the Union Carbide Co., or to the Alabama Power Co., will he vote against that bid?

Mr. HEFLIN. Mr. President, I must submit to my friend that the question seems rather ridiculous to me. I can not say in advance whose bid I will vote for. I will vote for the best one, the one that agrees to do what we want done. I am asking for the passage of this resolution, so that the committee can receive bids and bring those bids back, and I can have an opportunity to look them over. If they are not what they ought to be, they ought to be rejected, and the Senator from Tennessee, I am sure, will fight to reject them. I think he will fight to reject all of them. He is in the habit of fighting.

Mr. McKELLAR. Mr. President, it seems to me the question ought to be very simply answered, after what the Senator has already said. He has been inveighing against the Fertilizer Trust and the Power Trust, and he says that the opposition to this bill is the opposition of the Fertilizer Trust and the Power Trust. When I ask him if he is willing to vote against a bid that may be reported here by either the Power Trust or the Fertilizer Trust, he declines to answer as to whether he will or not.

Mr. HEFLIN. Mr. President, I said I reserved the right to say whether it is a trust or not, and I must repeat that my friend has changed his attitude on this thing so often, that if I should agree with him now, I am afraid I would not have him with me on to-morrow.

Mr. McKELLAR. The Senator will never have me with him on the side of monopoly, whether it be fertilizer monopoly or whether it be a water-power monopoly. I can assure the Senator that never, when he gets on the side of either water-power monopoly or fertilizer monopoly, or any other kind of monopoly, will he have me with him.

Mr. HEFLIN. I must remind my friend again that he is very forgetful. He voted to turn this over to Mr. Ford, so he could take it and monopolize it as he pleased for a hundred years, to do with the power just what he pleased. Now he wants to go over across the line into my State and hamper and hamstring the whole proposition, by providing for sending electricity out in every direction, when we have but 80,000 primary horsepower at Dam No. 2.

Mr. CARAWAY. Mr. President, does the Senator think he owns the Tennessee River?

Mr. HEFLIN. Did the Senator address that question to me?

Mr. CARAWAY. I tried to.

Mr. HEFLIN. No, Mr. President.

Mr. CARAWAY. Then why is the Senator talking about hamstringing some institution of his State? The State of Alabama does not own it.

Mr. HEFLIN. Certainly they do not.

Mr. CARAWAY. The river went over there one night, and the next morning it got out of Alabama just as soon as it found out where it was.

Mr. HEFLIN. I do not believe it got into the State of my friend from Arkansas.

Mr. McKELLAR. It went right back into the State of Tennessee.

Mr. HEFLIN. Mr. President, I have not time for this idle talk on the side. The Senator from Tennessee is asking now to amend this resolution so that it will provide for power to come into Tennessee, and, of course, they will get power from that dam. They have already gotten some power from it. Tennessee has more power possibilities than my State has at Little River, in Tennessee, a hundred thousand horsepower, already operating, with possibilities of three or four hundred thousand more. The Senator has not said anything about that power, but he wants to dip his hand into this. The plant down there supplied power last year to Georgia, South Carolina, North Carolina, and some to Tennessee, and it will do so again, of course, if the power is needed.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. HEFLIN. I yield.

Mr. NEELY. The able Senator from Alabama said a few moments ago that if the committee negotiated a lease it would bring the lease back to Congress. I wish to call his attention to line 5, page 2 of the resolution, and ask him if he thinks the language "said committee shall have leave to report its findings and recommendations" is a mandatory injunction to the committee to submit the matter to Congress after a lease shall have been negotiated?

Mr. HEFLIN. Certainly. That is the phraseology used by both Houses time and again.

Mr. NEELY. Does not the Senator think that if it is the intention to say that Congress shall approve or disapprove the lease, the words "have leave" should be stricken out, and that the resolution should be amended to read, "said committee shall report its findings and recommendations"?

Mr. HEFLIN. That is the point raised by the Senator from South Carolina [Mr. BLEASE].

Mr. NEELY. I do not know who else raised the question, but if the Senator from South Carolina did raise that question, I agree with him.

Mr. HEFLIN. It is not necessary at all, because the resolution provides that the committee shall report to Congress not later than April 1, and that this bid, whatever it is, shall "have the status that is provided for measures enumerated in clause 56 of Rule XI," which makes it a privileged proposition, and provides for immediate action upon it.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Yes. I want the Senator to ask me a question, but not to speak in my time, because I know he is going to speak at length when I am through.

Mr. McKELLAR. I will not trespass on the Senator's time. The Senator spoke of quite a large amount of undeveloped power in my State, and he was correct in that statement. Is it not the proposal of the Alabama Public Utilities Commission that none of the power generated by the Government and with Government money can be transmitted beyond the State lines of his State?

Mr. HEFLIN. No, sir. I will read for the Senator's benefit a telegram I have just received from the public service commission of my State. I knew the Senator was wrong the other day, and I called attention to the fact that he was wrong about a newspaper article he read.

Mr. McKELLAR. The Senator recalls that it was published in the Alabama papers to that effect?

Mr. HEFLIN. Yes; the Senator undoubtedly saw it in print. The telegram I received this morning addressed to me is as follows:

> We are informed that our letter to you insisting that all power rates within the State of Alabama are exclusively under the control and regulation of the laws of the State is being misconstrued and misrepresented by some as meaning that it would be the policy of this commission to endeavor to prevent transmission of power from Alabama into other States. Such interpretation of our letter is incorrect. We do not favor such a policy in our administration of the power laws of Alabama. Power is now being transmitted from power plants in Alabama, including Muscle Shoals, into Georgia with our permission and thence into the Carolinas. We have recently authorized facilities for the transmission of power into the State of Mississippi and we stand ready to approve the transmission of power from Muscle Shoals into Tennessee, Florida, and other States as conditions may require and justify. We will never consent but will vigorously oppose all efforts of the Federal Government through any agency to regulate or control the rates on power served from Muscle Shoals within the State of Alabama.

I ask the Senator if he does not think that is sound doctrine?

Mr. McKELLAR. No; I do not. I have not read the telegram closely, but I judge from hearing it read that the Alabama Public Utilities Commission claims the right to transmit power to be sent out of that State in the future.

Mr. HEFLIN. No——

Mr. McKELLAR. They say they have heretofore agreed to it, and that they will agree to it under such conditions as they will set forth. I do not think that this project which is created by the Government, with the money of all the people, belongs to the State of Alabama. It belongs to the American people, and I think there ought to be a just and equal distribution of that current from Muscle Shoals, regardless of what the Alabama Public Utilities Commission may say about it.

Mr. HEFLIN. The telegram continues:

> but we do stand ready to agree with the power rate-making commissions of adjoining States for transmission of power from Muscle Shoals out of Alabama into these States.

I ask the Senator if he agrees to that, and thinks it is sound?

Mr. McKELLAR. They claim absolute control of it. If they can agree on the terms and conditions under which other States may have it, they will furnish it, but unless they can agree, they still have the right to stop it.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. PITTMAN. I am interested in knowing how we can prevent a commodity from going from one State into another.

Mr. HEFLIN. We can not. Nobody has any desire to do that.

Mr. McKELLAR. The Alabama Public Utilities Commission has sent out a letter in which it is stated that it has the right to prevent the distribution of that power outside of the Commonwealth of Alabama.

Mr. HEFLIN. I have just read to Senators a telegram showing that they did not say any such thing.

Mr. McKELLAR. The telegram does not deny it.

Mr. PITTMAN. I am not asking what they thought and said. I am asking the constitutional lawyers by what power they could interfere with interstate commerce.

Mr. McKELLAR. I think the contention of the Alabama commission as a legal proposition is ridiculous.

Mr. CARAWAY. If there were no Federal question involved, the State might keep within its borders any power produced within its borders. The State of Maine, for instance, has a law that prevents the transmission beyond its borders of hydroelectric power. There is no question about the power of the State to control an article produced wholly within the State. I do not know what the position of the Alabama people will be. I do not think the resolution ought to pass without a provision for an equitable distribution of the power.

Mr. HEFLIN. It will be distributed all right. I want to say to my friend from Arkansas that I fear that an amendment on the resolution would kill it.

Mr. CARAWAY. What makes the Senator say that?

Mr. HEFLIN. Because I have made inquiry.

Mr. CARAWAY. Of whom?

Mr. HEFLIN. I do not care to state that.

Mr. CARAWAY. Who can speak for the 435 Members of the House?

Mr. HEFLIN. The Senator knows that frequently we inquire of Members of the House about a proposition and we are frequently told that if a proposition is amended this way or that it will not be passed.

Mr. CARAWAY. I do not think the Senator will pass the resolution through the Senate without an amendment. If it is the view of the Senator from Alabama that the project is wholly an Alabama project and that nobody else has any interest in it, then the Senator will have to pass it all by himself.

Mr. HEFLIN. That is not my position. I make the prediction to the Senator that we will pass the resolution without serious opposition.

Mr. CARAWAY. Oh, no; it will not pass without opposition.

Mr. HEFLIN. It will pass, I am hoping, without amendment.

Mr. CARAWAY. It may do it, but the Senator will have to have some help.

Mr. HEFLIN. The Senator can fight it if he wishes to do so.

Mr. CARAWAY. The Senator will need some help to pass the resolution if he takes the position that we have no right to amend it.

Mr. HEFLIN. The Senator from Alabama has never taken that position. That is not my position.

Mr. CARAWAY. Then what does the Senator mean by saying that if we amend it somebody will not let it pass?

Mr. HEFLIN. I was answering the Senator from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator permit me?

Mr. HEFLIN. Wait a moment, please. The power commission in my State has said, as plainly as the English language can make it, that it has control within the State over the power going out from Muscle Shoals. I hold that that is sound doctrine. If the Senator from Tennessee or any other Senator is willing to trespass upon the doctrine of State rights and is willing to wave a State commission aside and put himself under the control of the Federal water power act, he can do so, but I have here a letter from Tennessee urging that the State commission of that State shall regulate the power rates in Tennessee, and I think they are right about it. The commission in my State simply claims the right to regulate rates up to the State line, and then they suggest, as has been done in Mississippi and Georgia and Tennessee, that they should all agree on the rates. What is wrong in that? If they can not agree, it will be time for the Federal Government to step in.

That is my position. I have never taken the position that the project belonged alone to Alabama, but I do claim that it is wholly within the State of Alabama and that the Alabama Utilities Commission has the right to regulate the rates for electric power anywhere in the State, whether the power comes from Muscle Shoals or elsewhere.

Mr. McKELLAR. The Senator from Arkansas [Mr. CARAWAY] just a moment ago asked a question about the position of the Alabama Public Utilities Commission. I desire to read from an article in the Birmingham Age-Herald in which they stated their position——

Mr. HEFLIN. Mr. President, I can not yield for that purpose. The Senator has already called attention to that—it has already been read in the Senate. I have read in response to that newspaper article a telegram denying that it was correct and I can not yield to the Senator to read into the RECORD again something which has been repudiated by the public service commission of my State.

Mr. McKELLAR. I do not think it has been repudiated, and I want the Senate to know the situation. Of course, if the Senator wants to keep the facts from the Senate I have nothing further to say at this time.

Mr. HEFLIN. The Senator can read it in his own time. I can not yield to have the same newspaper articles read in my time.

Mr. McKELLAR. I will read it later.

Mr. HEFLIN. It is a newspaper article that has been repudiated by the commission of my State just as plainly as English language could do it. Of course I realize that the Senator occupies a very embarrassing position.

Mr. McKELLAR. Not at all; not I!

Mr. HEFLIN. Having been on the other side of the question and now getting on this side of the question, he reminds me of a story Bob Taylor used to tell about a fellow who was shucking corn, and every time he found a red ear they gave him a drink. He found so many red ears that he soon reached the point where he could not carry another drink. He went up in the barn loft and went to sleep. When he woke up they were yelling "Fire, fire!" In his excitement he put on his overalls wrong side in front, and he stumbled and fell down the stairway. They gathered him up and asked him if he was hurt. He said, "My chest is where my back was; my back is where my chest was. I am turned completely around." [Laughter.] My friend from Tennessee is so badly twisted and crippled that it is no wonder he is floundering around and wants to get out of this embarrassing situation. He is occupying an attitude which is tantamount to denying the right of the State of Tennessee to regulate rates in Tennessee. Whenever a Southern Senator takes that attitude he has gone a long way toward abolishing State rights and State lines and throwing himself upon the tender mercies of the Federal Government and giving it permission to reach its hand into and take control of matters that are purely State matters.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alamaba yield to the Senator from Missouri?

Mr. HEFLIN. I yield.

Mr. WILLIAMS. Does not the Senator think we anticipate the terms of the lease, and that the discussion does not really have anything to do with whether or not we shall entertain the terms proffered?

Mr. HEFLIN. Absolutely.

Mr. WILLIAMS. Does he not think, further, if we retain title to the Shoals, as we do, that it would be within the jurisdiction of the Secretary of War, and it might well be that the lease should contain terms as to the rates at which the power should be sold with the approval of the Secretary of War, and that the State of Alabama would not be so much affected as the Senator seems to think?

Mr. HEFLIN. Sure. We retain the property. As the Senator from Missouri said, the committee is simply to go out and get bids, and when the bids come in Senators can fight the proposition then. That is the time for them to make their fight. They ought not to load down the pending resolution with legislative matters. The minute it is loaded down with amendments it does become a legislative proposition. If it had had originally any amendments such as are apparently contemplated by Senators, the point of order made at the outset by the Senator from Nebraska [Mr. NORRIS] might have applied, because the amendments proposed would make it a legislative proposition.

Mr. President, I was diverted a moment ago by the various views that have sprung up in this body since we have been discussing the Muscle Shoals project. Senators are for it this year and against it next year, for Henry Ford having it a full 100 years, as the Senator from Tennessee was—and he was going to use the power right there—and now against it. Here we are providing that instead of 100 years they shall lease it for only 50 years, and we provide that the bids in other respects shall be as good as or better than the Ford bid, and my friend from Tennessee [Mr. McKELLAR] is objecting to that. He supported the Ford proposition. He said above all others, Ford's bid ought to be accepted. The pending resolution provides that bids as good as that or better shall be tendered, and yet the Senator from Tennessee is fighting it. The Senator is exceedingly hard to please and I doubt whether we could frame a resolution that would be entirely to his own liking.

Now, I want to come back to the milk in the coconut. The resolution offers an opportunity to furnish cheap fertilizer for the farmer. We are producing in the United States a little more than 7,000,000 tons of fertilizer. Of that amount 5,000,000 tons are used in the South. I am appealing to the Senators who are attacking the resolution and who fought it in the Committee on Agriculture and Forestry to stand out of the way and let the farmers have an opportunity to get relief.

How does the situation stand to-day? The farmers of the United States must go to Chile every year for their nitrate supply. They can not ever get away from that situation until somebody relieves them by creating the machinery somewhere in the United States to make fixed nitrogen. Here is the opportunity to accomplish that purpose. By this means we would relieve our farmers from the enormous prices they have to pay to Chile for nitrates. It would relieve our Government from dependence upon Chile for our nitrogen supply.

What patriotic and intelligent Senator can object to a course which would relieve the farmer from dependence upon Chile for his nitrates and which would relieve the Government from its dependence upon Chile for its nitrogen supply, two national necessities? We can not have prosperity in the country, and the farmers never can have prosperity unless and until we relieve them from the Fertilizer Trust.

Mr. President, I have here a letter from Mr. Chester H. Gray, who represents Mr. Sam Thompson. Mr. Sam Thompson is the president of the American Farm Bureau Federation. I have a telegram from Mr. Sam Thompson indorsing the resolution. His acting director, Mr. Gray, indorses the resolution. Mr. Bowers was appointed to represent the Government on the President's commission, which went down to Muscle Shoals.

He was the farmers' man on the commission. Mr. Bowers wants the resolution passed just as it is presented. I do not see where Senators get any idea that it is in the interest of the Fertilizer Trust. Every farmer and every farm organization that has spoken to me upon the subject indorses the resolution just as it stands. They ought to know what they want, and I believe they do.

That is not all, Mr. President. A little over two months ago when the Farm Bureau Federation was in convention it adopted a resolution suggesting that the property be leased and that a commission be appointed to consider the matter and report back; so that Congress is doing exactly what the great body of farmers throughout the country are asking should be done. Senators ought to know the facts.

Now, let me talk a little about some of the witnesses who were called before the committee. Doctor Cottrell is the head of the Bureau of Research in the Department of Agriculture. He testified before the committee. He was talking about the McKellar bill, the Ransdell bill, the Smith bill, and the Norris bill generally. When he got through I asked him, "Doctor Cottrell, would you have the committee understand that you are opposing the passage of the resolution?" "No, sir." "You would be glad to see it passed?" "Yes, sir; I think you ought to pass it and see if you can not do something with Muscle Shoals." That is one of the witnesses who was brought before us.

What else? Mr. Switzer, of the University of Tennessee, appeared before us. He said that he had misunderstood the proposition and that he indorsed my position in the matter. He is from the Senator's own State and from the University of Tennessee.

Now, let us see about Doctor Curtis, from Yale. He was on the commission which was appointed by the President. He favored the passage of the resolution and a lease to private parties. What else? We had Major Stahlman, the bosom friend of my friend from Tennessee, upon the stand, and my friend interrogated him, and he showed by the answers of the major that he was displeased with what the major was saying. I got that impression. The major finally said that he was for the resolution, and if the bids were not in such form as they ought to be to fight the bids, but not to fight the resolution.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. I merely wish to have the record correct. There is no difference of any kind, nature, or description between me and my esteemed and very greatly beloved friend, Maj. E. B. Stahlman.

Mr. HEFLIN. Except that Major Stahlman favors the resolution and the Senator from Tennessee does not.

Mr. McKELLAR. There is no difference between us.

Mr. HEFLIN. But, Mr. President, I assert that Major Stahlman is on record as favoring the resolution. The able junior Senator from Tennessee [Mr. TYSON] asked him the question across the table, "Do you favor the resolution?" Major Stahlman said, "Yes, sir; I do." There can not be any question about that. Some gentlemen have faulty recollections about what occurred in the committee room. The reason I remember these things so well, Mr. President, is that I have heard everything that has been said on the subject of Muscle Shoals for five years, and some of these things have been gone over so often that they are very old. I immediately recognize it when a new thing is sprung. That is the reason I remember these things so well. Major Stahlman says, "Make the contract what it ought to be; and if it is not, make your fight then, but do not fight the resolution."

Mr. President, I submit that practically every witness they brought there I committed to this resolution before he left the witness stand. Those who called them were disappointed with the witnesses they had produced. They came to attack the resolution; they wanted to break us down; but instead of that they left the witness stand favoring the resolution and favoring action at this session of Congress.

Mr. KING. They "came to scoff, remain'd to pray."

Mr. HEFLIN. Yes; they remained to pray.

Mr. SMITH. They had better keep on praying.

Mr. HEFLIN. I wish again to say that to amend the resolution means delay and probably the defeat of it. I notice some of my friends favor an amendment. My good friend from Arkansas [Mr. CARAWAY] is sincere in his proposition, but I am merely saying what the effect of it would be if adopted. I hold that it is not necessary. If the bids are not what it is desired they should be, we can object to them when they are reported back.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. HEFLIN. I yield.

Mr. BROUSSARD. May I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. BROUSSARD. If it be the purpose to expedite the consummation of a contract, as so many Members of the Senate are in favor of the distribution of the surplus power, does not the Senator believe that this is the proper time to make known to the committee to be appointed that this body regards the distribution of the surplus power as something of great importance, so that in asking for bids there may be a suggestion as to what disposition will be made of that surplus? I merely make that inquiry for the purpose of bringing to the Senator's attention the fact that, knowing beforehand many Members of this body are insisting that some provision be put into the resolution for the distribution of surplus power, it would be futile to get a bid unless it provided for that; that if the committee came back with such a proposal this body would reject it.

Mr. HEFLIN. The point I am making is that they know what is going on here; they know what occurred in the committee and that Members are demanding that the resolution be amended, and have stated the reason for their demand; so that those who desire to submit bids will be advised, and if they find out that other bidders have not included such a provision in their bids they will have an advantage. So I wish to say to my friend that I am satisfied some of the bids will contain such provisions because the bidders will want to get Muscle Shoals. Personally, I would not object to some of these amendments but I know what the situation is. I was talking yesterday with Representative GARRETT, the minority leader in the other House. He is one of the ablest men in that body or who has even been in it. He is a good parliamentarian and a mighty good Democrat. I was talking to him about the matter and he said: Adopt the resolution just as it is, and we are certain to get action.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. A conference report in the House is a privileged matter, and a vote on it can be secured at any time.

Mr. HEFLIN. The point is they might not pass it if they did get a vote.

Mr. CARAWAY. We could ascertain that fact. If the Senator is not opposed to an equitable distribution of the surplus power, if there be any, he could accept an amendment of that kind in this resolution and strengthen it very much, and it would be fair to the proposed bidders to let them understand that there is not any disposition in Congress to permit one power company to monopolize the power or one community to have an exclusive right to this surplus power, if any.

I am perfectly willing, as the Senator knows, to help secure the adoption of this resolution if it shall contain such a declaration. The Senator will recall that in the Committee on Agriculture, if I may be permitted to discuss what took place in the committee—and that has been done before—the vote stood 8 to 8 on exactly these two propositions. I think the Senator makes a mistake when he wants to impugn the motives of those who are not willing to accept the resolution as sacred.

Mr. HEFLIN. No; I am not taking any such position as that.

Mr. CARAWAY. I have so understood the Senator.

Mr. HEFLIN. The Senator has misunderstood me.

Mr. CARAWAY. Then I have, because I thought the Senator was classing everybody as opposed to the farmers who did not agree with his position.

Mr. HEFLIN. Not at all; I have no ill feeling toward anyone who has taken the opposite position.

Mr. CARAWAY. It does not take ill feeling to make charges, because the Senator has made them very freely, and I know he has not any ill will against anybody.

Mr. HEFLIN. I have no ill will against anybody.

Mr. CARAWAY. I thought the Senator said that everybody who would not vote for this resolution unamended was against the farmers and for the Power Trust.

Mr. HEFLIN. The Senator may have been stung by the suggestion, but I was merely inquiring who are the friends of the farmers.

Mr. CARAWAY. Of course, what the Senator said was not sharp enough to sting anybody.

Mr. HEFLIN. I appreciate that, but I can not yield to the Senator to take up my time to tell whether things are sharp or dull when I do not know whether he is capable of passing on that point.

Mr. President, I knew what was going on, and we had just as well fight it out and strip all of the opposition to the public. The President wants this question disposed of; two-thirds of the Members of the Senate and more want it disposed of in this form; the House of Representatives has gone on record by a vote of 9 to 1 favoring it; and now we are being held up and hamstrung by Senators who come from the cotton-growing States who are seeking to defeat this resolution. I hope they will not insist upon the amendment, and especially do I hope that my good friend from Arkansas will not do so, because it is against his whole record.

Mr. CARAWAY. Let me ask the Senator another question.

Mr. HEFLIN. I yield.

Mr. CARAWAY. The Senator is talking about being held up. He took the floor at 2 o'clock for 15 minutes and he has got it yet. [Laughter.]

Mr. HEFLIN. Mr. President, I have been interrupted time and time again by a great many irrelevant suggestions. I have been good enough to yield to them, but I am not responsible for some Senators' rambling thoughts. I had nothing to do with them; God Almighty is responsible for them. [Laughter.]

Mr. CARAWAY. I think the Senator is responsible for his own.

Mr. HEFLIN. No, Mr. President, I am not. God Almighty is responsible for mine. [Laughter.]

Mr. CARAWAY. Oh, do not charge Him with that. [Laughter.]

Mr. SMITH. Let the Senator have mercy.

Mr. HEFLIN. You will cry for mercy worse than that when the farmers ask you what you did when you had an opportunity to deliver them from the Fertilizer Trust body of death. When they ask you if this resolution did not provide that fertilizer be made at Muscle Shoals in an amount equal to that which Ford agreed to make, I can understand why some Senators are wincing and wiggling under this situation.

Mr. CARAWAY. Let me ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. CARAWAY. What I wanted to ask the Senator was this: He is very anxious that no kind of amendment be accepted to this resolution. If the Senator is only actuated by the desire to have fertilizer made, what is his objection to having an equitable disposition of the surplus power, if any?

Mr. HEFLIN. Because it is not necessary. If the bids do not specify a satisfactory arrangement, we can reject them, as the Senator knows, without loading down the resolution with stuff which would make it obnoxious so that the proposition would not be inviting to anybody, and the Government would be handicapped in getting bids. If acceptable bids shall not be made by the 1st of April, which is just 30 days away, the Senate and the House will have the right to reject them and then dispose of the question as they see fit. That is my position. I am sorry my friend from Arkansas injected this suggestion in here, because I am personally very fond of him.

Mr. CARAWAY. Of course. But let me ask the Senator this question: If we expect to get an intelligent bid, the bidder ought to know what are the conditions under which his bid will be accepted, ought he not?

Mr. HEFLIN. The bidders will know. In construing a statute the court takes into consideration the debates that take place when the statute was enacted in order to ascertain the intention of the lawmaking body.

Mr. CARAWAY. If there is not any sinister motive, if there is not somebody whose bid has already been tentatively accepted, then what objection could there be to saying that the surplus power, if any, shall be equitably distributed?

Mr. HEFLIN. Mr. President, I do not know who is going to bid. I am satisfied that no bid is prepared and ready. I do not know, and I deny, so far as I can that anybody has agreed to accept any bid. I do not think that is so; I am sure that it is not. So my contention, I again state, is that it is not necessary to amend this resolution; that it will endanger its passage if it shall be amended, and that we ought to let it go to the country as it is, inasmuch as it has the indorsement of the President, has received the indorsement of an overwhelming majority of the House of Representatives, with every Member from Arkansas voting for it, every Member from Alabama but one voting for it, and every Member from Tennessee, South Carolina, North Carolina, Mississippi and the other Southern States—not a dissenting voice outside of one in my own State.

They talk about "trying to put something over" on somebody. The President called on Congress in his message to do something with Muscle Shoals; a commission went down there at the instance of the President, and coming back, recommended that we make another effort to get bids; the property is there ready to go to work, ready to pay back the money the Government has expended. Here is an opportunity to do that, an opportunity to make fertilizer to relieve our farmers from the high prices imposed on them by the Fertilizer Trust, and yet Senators suggest the idea of amending it concerning power.

I said awhile ago they had lost sight of the farmer entirely; they have gone off after distribution of 80,000 primary horsepower down there. They talk like dam No. 2 at Muscle Shoals is another Niagara Falls.

The power possibilities, as I said a moment ago, are greater in the State of Tennessee than in my own State, and Professor Curtis, who appeared before us and was a member of the President's commission, said that power could not be transmitted from Muscle Shoals to New Orleans; that it would not reach New Orleans from Muscle Shoals. Another expert told me that power lost 12½ per cent each 100 miles in transmission. It is over 300 miles from Muscle Shoals to New Orleans—I think it is nearer 400 miles—so that Senators may see how much power would be lost in that distance, and, with such a great loss, the price of light and power at New Orleans would be tremendous if the power could be transmitted from Muscle Shoals to that city.

Mr. President, I wish to say further that last year, when the drought was on, power was furnished from plant No. 2 to another power company across in Georgia, thus enabling them to furnish power to South Carolina and to North Carolina. These power concerns help each other. There will not be the slightest doubt about their getting power from Muscle Shoals; and if these power developments continue on that river they will have all that they want. Other States are developing their power. There will not be any question about that. Let us wait until the bids come in, and if they are not what they ought to be we can reject them.

I want to suggest that if my recollection serves me correctly, when the Ford bid was up, which my friend from Tennessee and my friend from South Carolina supported so enthusiastically, the Senator from Nebraska said that all the other bids were better than the Ford bid. He did not like the Ford bid at all. If that is so, my friend and I were supporting a bad proposition, were we not? If all the other bids were better, either that was true, or the Ford bid was good and the others were better. So if Ford is out of it, as he is, and somebody else will bid, perhaps some of the same gentlemen will bid that the Senator from Nebraska referred to; and if their bid was better than the Ford bid, why can not the Senator from Tennessee and the Senator from South Carolina join with us and accept one that will do what we want done?

Let us remember, Mr. President, that the Government is trying to lease this property; that the Government has on its hands a proposition that it inherited from the war. The Government wants to turn it to good account; and what are we going to do? We are going to make it pay millions of dollars to the Government in the 50 years that it is to be used. What has the Government done? It gave millions of acres of land to private individuals for homes. It gave millions of acres of land to railroad companies. It spent millions and millions for reclamation purposes, and not one of them has ever paid to the Government even the interest. What else? It has appropriated, in the last 25 years, over $700,000,000 for river and harbor purposes, and not one of those projects has ever returned a dollar upon the investment. We have spent $150,000,000 and more on the Ohio River, with its tributaries. I am not complaining about that. It is a good work, but those projects do not pay back a single cent.

Here is a plant that we had put up for war purposes, now on our hands, ready for operation. We have an opportunity to get 50 years of service from it, paying millions of dollars to the Government, and holding it ready to make nitrates in time of war and make fertilizer for our farmers in time of peace.

Let me say this before I sit down: Let the Senator from South Carolina and the Senator from Tennessee and the other Senators who oppose us, if the bids when they come in are not equal to or better than the Ford bid which they supported, attack them in this body. The concurrent resolution says it must be as good as the Ford bid. Then, Mr. President, if it is, we free the farmers from the clutches of the fertilizer trust; we free our Government from the grip of a monopoly, a foreign

power, serving us our nitrates in time of war. If some power should intercept these shipments in time of war, we would be left in the lurch. No government should be dependent upon another power for its nitrate supply. This proposition relieves the Government; this proposition relieves the farmer; this proposition provides money for the Treasury of the United States and leases the plant for 50 years instead of 100 years.

Mr. SMITH. Mr. President, the hour is late, and this is a matter of great importance. As I happen to be the author of the particular item of legislation upon which all this discussion has been predicated I want to speak at some length on it, but do not feel disposed to go on to-night. I think the Senate ought to be given a clear, fair statement of the issues involved in this matter; and I desire to ask the Senator from Kansas [Mr. CURTIS] if he does not think we might now postpone any further discussion of this matter until to-morrow?

Mr. CURTIS. Mr. President, if no one cares to discuss the question at this time, I will ask for an executive session after the Senator from Georgia [Mr. GEORGE] has submitted an amendment which I understand he desires to present.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. Yes; I yield, Mr. President. I desire to make an explanation, however.

Mr. GEORGE. I offer an amendment to the pending resolution, House Concurrent Resolution No. 4, and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

Mr. SMITH. Mr. President, I do not know what report may go out. Of course the press will give a faithful reflection of what has occurred here; but the impression seems to be prevalent—and this is the only observation I care to make on this concurrent resolution at this time—that we have wasted a lot of time on this project. Why, just in July of this year the result of the continuous construction of this plant culminated in the completion of certain turbines. We have not lost an hour. We are installing right now, and have been using for the first time within the last three or four months, the power that was generated under the original dedication of this money.

Mr. McKELLAR. Mr. President——

Mr. SMITH. I want the public to understand that we have spent practically $150,000,000 with a distinct, definite objective in view, and that was that the Government should provide itself, if possible, with an ample supply of the essential basis of explosives—nitrogen.

This is not a power project. We never went before the people and asked for $150,000,000 to develop power. The power was already developed; that is, the process was understood. It was for the purpose of developing the art of fixing nitrogen from the air, and we have not developed it yet. The cyanamide plant that we have at Muscle Shoals can not compete with the nitrate from Chile. Even with the enormous tax paid at ship's side in Chile and the freight to this country, and the rake-off by the monopoly, the cyanamide process in use at Muscle Shoals now can not compete. The product is not in a form that is available for those whom I actually in my person represent. It has to go through a manufacturing process, and both processes are owned and controlled by the Fertilizer Trust of America; and the leasing of this power means the leasing of the process and the abortion of any further development on the part of the Government. We have spent this money for the purpose of having the Government experiment until it shall decide what process will give relief to the farmer, and not turn it over to a private corporation.

Let me say here now that when I introduced the present bill, which is a part of the national defense act, the senior Senator from Alabama [Mr. UNDERWOOD] offered an amendment or a substitute giving to private individuals or a private commission the power that we delegated to the Government, authorizing them to go out and find a means by which the Government might be relieved from the necessity of going to a foreign country to get its nitrate supply. After days of debate the Senate voted down the amendment and said that the defense of the country was a thing for the Government itself to undertake; that in order to supply itself with an abundance of this essential ingredient it must keep its plant in a stand-by condition; and, as the disorganized and helpless farmers needed the very ingredient to fertilize their land that we needed to defend our country, the Senate decided that the Government had a constitutional right to go ahead and develop the process, keep this plant in a condition by which we could be forever free from any foreign government monopoly, and incidentally relieve the farmers from the manipulation of the combination that has now burdened them to a point where, in the section of the country from which I come, the price of the fertilizer eats up all the profit that the farmer makes.

Thus much to-night, Mr. President.

Mr. CURTIS and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. SMITH. I yield the floor now, Mr. President, with the understanding that we are to take a recess at this time.

Mr. CURTIS. I ask unanimous consent that the unfinished business may be temporarily laid aside, as it is desired to pass some legislation to-night.

Mr. McNARY. If the Senator will yield for a moment, I desire to propose an amendment to the pending concurrent resolution and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table. Without objection, the unfinished business will be temporarily laid aside.

WHITE RIVER BRIDGES

Mr. WILLIAMS. I ask unanimous consent for the present consideration of Senate bill 2974, Order of Business 202.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. What is the bill?

Mr. JONES of Washington. Let the bill be read.

Mr. WILLIAMS. It is a bill for the construction of a bridge across the White River in Barry County, Mo., bonds already having been issued and sold; and immediately following it is another bill of the same kind.

Mr. McKELLAR. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2974) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 6, township 21 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIAMS. I now ask unanimous consent for the immediate consideration of Senate bill 2975, Order of Business 203.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2975) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 22, township 22 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened,

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 2, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1926

POSTMASTERS

ILLINOIS

Charles E. Seeber, Benton.
William H. Pease, Harvey.
Jacob H. Maher, Hull.
Joseph B. Frisbie, Mendon.
George F. Allain, St. Anne.

NEW MEXICO

Oliver G. Cady, Alamogordo.
Mary C. DuBois, Corona.
Lillie Sutton, Vaughn.

PENNSYLVANIA

Jay E. Brumbaugh, Altoona.
Samuel M. Lamble, Ambridge.
Margaret B. Hill, Saltsburg.
Benjamin S. Davies, West Brownsville.

TENNESSEE

John M. Fain, Bristol.
Emmett V. Foster, Culleoka.
Charles F. Perkins, Jacksboro.
Solon L. Robinson, Pikeville.
Myrtle Rodgers, White Bluffs.
Newton S. Moore, Whiteville.

HOUSE OF REPRESENTATIVES

MONDAY, *March 1, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In this hushed moment, O Lord, may we pause and know that Thou art God. Thy works of wisdom and mercy are manifold and Thy goodness endureth throughout all generations. We are glad to be here, because we are thankful to be anywhere. We bless Thee for the wit to work and for the hope to keep us brave; also for beating human hearts that love and laugh and weep. Dear Lord, bless us with minds at peace and with hearts whose love is innocent. As we move through the doorway of a new week, confirm the tidings of a father's care. Spread the light of Thy truth before our approaching pathway and assure us that the hand that made us is divine. Amen.

The Journal of the proceedings of Saturday last was read and approved.

CALL OF THE HOUSE

Mr. STRONG of Kansas. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Kansas makes the point that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Abernethy	Ellis	Luce	Swoope
Aldrich	Flaherty	McFadden	Thayer
Berger	Fredericks	Mills	Tillman
Chapman	Fulmer	O'Connor, N. Y.	Tincher
Cleary	Golder	Pratt	Vare
Connally, Tex.	Gorman	Rogers	Walters
Connolly, Pa.	Jenkins	Rouse	Warren
Cox	Jones	Sanders, N. Y.	Wood
Doyle	Kendall	Seger	Wright
Drewry	Lee, Ga.	Sullivan	

The SPEAKER. On this roll call 392 Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

RAILROAD LABOR DISPUTES

The SPEAKER. The pending question is the engrossment and third reading of the bill H. R. 9463, a bill relating to railway labor disputes.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I have a motion to recommit.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, on Saturday last, while the House was in the Committee of the Whole House on the state of the Union, I gave notice that it was my purpose, if I received recognition, to offer a motion to recommit the bill with certain instructions, reading the motion that I intended to make. That appeared in the RECORD. In studying the matter since that time I have come to the conclusion that the motion would be ruled out on a point of order. Therefore it is useless to make the gesture of offering it, and I simply desired to make this statement giving my reason why I did not offer it. There is no other motion that I have in mind that will reach the purpose I desire to reach.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. Is there any other Member opposed to the bill who has a motion to recommit? The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with the following amendment.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment:

Page 27, line 24, after the word "creation," strike out the period, insert a colon and the following proviso, to wit:

"*And provided further*, That—

"(h) All testimony before said emergency board shall be given under oath or affirmation, and any member of said board shall have the power to administer oaths or affirmations. The said board shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein its investigation is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before said board, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto."

Mr. PARKER. Mr. Speaker, I move the previous question on the motion to recommit.

The motion was agreed to.

The SPEAKER. The question is on the motion to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 16 ayes and 292 noes.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the yeas and nays will rise. Four gentlemen have arisen, not a sufficient number, and the motion to recommit is lost. The question is on the passage of the bill.

Mr. PARKER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 381, nays 13, not voting 38, as follows:

[Roll No. 46]

YEAS—381

Ackerman	Beers	Bulwinkle	Colton
Adkins	Begg	Burdick	Connery
Allen	Bell	Burtness	Cooper, Ohio
Allgood	Bixler	Burton	Cooper, Wis.
Almon	Black, N. Y.	Busby	Corning
Andresen	Black, Tex.	Butler	Coyle
Andrew	Bland	Byrns	Cramton
Anthony	Bloom	Campbell	Crisp
Appleby	Boies	Canfield	Crosser
Arents	Bowles	Cannon	Crowther
Arnold	Bowman	Carew	Crumpacker
Aswell	Box	Carpenter	Cullen
Auf der Heide	Boylan	Carss	Curry
Ayres	Brand, Ga.	Carter, Calif.	Darrow
Bacharach	Brand, Ohio	Carter, Okla.	Davenport
Bachmann	Briggs	Celler	Davey
Bacon	Brigham	Chalmers	Davis
Bailey	Britten	Chindblom	Dempsey
Bankhead	Browne	Clague	Denison
Barbour	Browning	Cole	Dickinson, Iowa
Barkley	Brumm	Collier	Dickstein
Beck	Buchanan	Collins	Doughton

Douglass	Hull, Tenn.	Milligan	Sproul, Ill.
Dowell	Hull, Morton D.	Montague	Sproul, Kans.
Drane	Hull, William E.	Montgomery	Stalker
Driver	Irwin	Mooney	Steagall
Dyer	Jacobstein	Moore, Ky.	Stedman
Eaton	James	Moore, Ohio.	Stephens
Edwards	Jeffers	Moore, Va.	Stevenson
Elliott	Johnson, Ill.	Morehead	Stobbs
Ellis	Johnson, Ind.	Morgan	Strong, Kans.
Eslick	Johnson, Ky.	Morin	Strong, Pa.
Esterly	Johnson, S. Dak.	Morrow	Strother
Evans	Johnson, Tex.	Murphy	Summers, Wash.
Fairchild	Johnson, Wash.	Nelson, Mo.	Sumners, Tex.
Faust	Kahn	Nelson, Wis.	Swank
Fenn	Kearns	Newton, Minn.	Sweet
Fish	Keller	Norton	Swing
Fisher	Kelly	O'Connell, N. Y.	Taber
Fitzgerald, Roy G.	Kemp	O'Connell, R. I.	Taylor, Colo.
Fitzgerald, W. T.	Kerr	O'Connor, La.	Taylor, N. J.
Fletcher	Ketcham	Oldfield	Taylor, Tenn.
Fort	Kiefner	Oliver, Ala.	Taylor, W. Va.
Foss	Kiess	Oliver, N. Y.	Temple
Frear	Kincheloe	Parker	Thatcher
Free	Kindred	Parks	Thomas
Freeman	King	Patterson	Thompson
Frothingham	Kirk	Peavey	Thurston
Fuller	Knutson	Peery	Tilson
Funk	Kopp	Perkins	Timberlake
Furlow	Kurtz	Perlman	Tinkham
Gallivan	Kvale	Phillips	Tolley
Gambrill	LaGuardia	Porter	Treadway
Garber	Lampert	Pou	Tucker
Gardner, Ind.	Lanham	Prall	Tydings
Garrett, Tex.	Lankford	Purnell	Underwood
Gasque	Larsen	Quayle	Updike
Gibson	Lazaro	Quin	Upshaw
Gifford	Lea, Calif.	Ragon	Vaile
Gilbert	Leatherwood	Rainey	Vestal
Glynn	Leavitt	Ramseyer	Vincent, Mich.
Goldsborough	Lehlbach	Rankin	Vinson, Ga.
Goodwin	Letts	Ransley	Vinson, Ky.
Graham	Lindsay	Rathbone	Voigt
Green, Fla.	Lineberger	Rayburn	Wainwright
Green, Iowa	Linthicum	Reece	Walters
Greenwood	Little	Reed, Ark.	Wason
Griest	Lowrey	Reed, N. Y.	Watres
Griffin	Lozier	Reid, Ill.	Watson
Hadley	Lyon	Robinson, Iowa	Weaver
Hale	McClintic	Robsion, Ky.	Wefald
Hall, Ind.	McKeown	Romjue	Weller
Hall, N. Dak.	McLaughlin, Mich.	Rowbottom	Welsh
Hammer	McLaughlin, Nebr.	Rubey	Wheeler
Hardy	McLeod	Rutherford	White, Kans.
Hare	McMillan	Sabath	White, Me.
Harrison	McReynolds	Sanders, N. Y.	Whitehead
Hastings	McSwain	Sanders, Tex.	Whittington
Haugen	McSweeney	Sandlin	Williams, Ill.
Hawes	MacGregor	Schafer	Williams, Tex.
Hawley	Madden	Schneider	Williamson
Hayden	Magee, N. Y.	Scott	Wilson, La.
Hersey	Magee, Pa.	Sears, Fla.	Wilson, Miss.
Hickey	Magrady	Sears, Nebr.	Wingo
Hill, Ala.	Major	Seger	Winter
Hill, Md.	Manlove	Shallenberger	Wolverton
Hill, Wash.	Mansfield	Simmons	Wood
Hoch	Mapes	Sinclair	Woodruff
Hogg	Martin, La.	Sinnott	Woodrum
Holaday	Martin, Mass.	Smith	Wurzbach
Hooper	Mead	Smithwick	Wyant
Houston	Menges	Snell	Yates
Howard	Merritt	Somers, N. Y.	Zihlman
Huddleston	Michaelson	Sosnowski	
Hudson	Michener	Speaks	
Hudspeth	Miller	Spearing	

NAYS—13

Beedy	Deal	Garner, Tex.	Underhill
Blanton	Dickinson, Mo.	Garrett, Tenn.	
Bowling	Dominick	McDuffie	
Christopherson	French	Nelson, Me.	

NOT VOTING—38

Abernethy	Flaherty	Luce	Swartz
Aldrich	Fredericks	McFadden	Swoope
Berger	Fulmer	Mills	Thayer
Chapman	Golder	Newton, Mo.	Tillman
Cleary	Gorman	O'Connor, N. Y.	Tincher
Connally, Tex.	Jenkins	Pratt	Vare
Connolly, Pa.	Jones	Rogers	Warren
Cox	Kendall	Rouse	Wright
Doyle	Kunz	Shreve	
Drewry	Lee, Ga.	Sullivan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Mills with Mr. Connally of Texas.
Mrs. Rogers with Mr. Warren.
Mr. Connolly of Pennsylvania with Mr. Doyle.
Mr. Pratt with Mr. Tillman.
Mr. Vare with Mr. Abernethy.
Mr. Kendall with Mr. Drewry.
Mr. Shreve with Mr. Jones.
Mr. McFadden with Mr. Cleary.
Mr. Aldrich with Mr. Kunz.
Mr. Swoope with Mr. Wright.
Mr. Jenkins with Mr. Berger.
Mr. Flaherty with Mr. Chapman.
Mr. Luce with Mr. O'Connor of New York.
Mr. Gorman with Mr. Cox.
Mr. Fredericks with Mr. Lee of Georgia.
Mr. Golder with Mr. Fulmer.
Mr. Thayer with Mr. Sullivan.

The result of the vote was announced as above recorded.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PARKER. Mr. Speaker, if my colleague, Mr. MILLS, had been here, he would have voted in the affirmative, and asked me to so announce.

Mr. COOPER of Ohio. Mr. Speaker, I am requested to announce that my colleague, Mr. JENKINS, is unavoidably absent, and that if he had been present he would have voted for the bill.

Mr. BURDICK. Mr. Speaker, I am requested to announce by my colleague, Mr. ALDRICH, that if he were present he would have voted for the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I wish to announce that my colleague, Mrs. ROGERS, is in Massachusetts, on important public business, and that if she had been present she would have voted for the bill, and she requested me to make this announcement.

Mr. BRITTEN. Mr. Speaker, my colleague, Mr. GORMAN, has been called to Chicago on account of the death of a relative. If he were here, he would have voted in favor of the bill.

Mr. CURRY. Mr. Speaker, my colleague, Mr. FLAHERTY, is unavoidably absent, and had he been here he would have voted in favor of the bill.

Mr. LAGUARDIA. Mr. Speaker, I am requested to announce that my colleague, Mr. BERGER, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. SABATH. Mr. Speaker, I rise to announce that my colleague, Mr. DOYLE, is unavoidably absent, and if he were present he would have voted for the bill; and further, that my colleague, Mr. KUNZ, is ill at home, and he requested me to announce that if he were present he would have voted for the bill.

Mr. O'CONNELL of New York. Mr. Speaker, I rise to announce that my colleague, Mr. SULLIVAN, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. MEAD. Mr. Speaker, I make a similar announcement in respect to my colleague, the gentleman from New York, Mr. O'CONNOR.

Mr. RAGON. Mr. Speaker, my colleague, Mr. TILLMAN, of Arkansas, was called back to his State, and he has requested me to announce that if he were present he would have voted for the bill.

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. ABERNETHY, is absent on account of illness; he has requested me to announce that if he were present he would have voted for the bill.

Mr. CRISP. Mr. Speaker, I am requested to announce that my colleague, Mr. WRIGHT, of Georgia, is unavoidably prevented from being present, and he desires me to make the statement that if he had been here he would have voted for the bill.

Mr. BARKLEY. My colleagues, Mr. ROUSE and Mr. CHAPMAN, were both called suddenly home yesterday and are not able to be here to-day. They have requested me to announce that if they had been present they would have voted for the bill.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 5959. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

GENERAL LEAVE TO PRINT

Mr. PARKER. Mr. Speaker, I ask unanimous consent that all Members be granted five legislative days within which to extend their own remarks in the RECORD upon the bill which has just been passed.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members may have five legislative days within which to extend their own remarks on the bill which has just been passed. Is there objection?

There was no objection.

THE LABOR BILL

Mr. KIRK. Mr. Speaker, the bill under consideration "To provide for prompt disposition of disputes between carriers and their employees, and for other purposes," is one which deserves the most careful consideration of each member of this body. It is, to my mind, one of the most important bills which has been before the Congress of the United States in half a century. It is the culmination and settlement of unsuccessful negotiations between employer and employee of one of the greatest business industries of our Nation. In it I see the end of an industrial controversy which has agitated the public mind for generations. Laws have been enacted time after time placing restraint upon both parties to this controversy, but time after time they have failed of the purpose for which they were intended, and the unsettled controversies have continued to the present moment. Penal laws have been enacted and failed. Force has been resorted to and failed. Threats and intimidations have been employed and rightfully failed, and at last an appeal to reason, in my judgment, has brought about the happy ending of an unpleasant situation between the employer and the employee here concerned.

The agreement between them has culminated in the introduction of this bill. The agreement was arrived at after careful consideration by the parties themselves. Under this bill no force is to be employed. No coercion or threats of violence resorted to and no penalties inflicted except the penalty imposed by a disappointed public in case either party fails to stand by the agreement and provisions of this bill. Such an agreement brought about in this way, whereby the parties at interest have agreed on the manner of adjustment, and have guaranteed to the public by their pledge of honor, that they will abide by the provision of this bill and will keep and carry out its mandates. Neither party can cast it aside in the face of a trusting public and thereby break faith with the people of this Nation who had faith in the sincerity of the parties to this agreement, and because of which gave them this law in the form they themselves dictated and requested.

In my opinion, the passage of this bill will prevent a threatened disaster. The President of the United States pleads for an adjustment of the differences between the railroad employer and employee, and to this end has suggested such a law as is here proposed. What reason has anyone to oppose such a measure? The employer and employee have, through their representatives, yielded some of their rights in the interest of peace and the public welfare. The laboring man is recognized in this agreement and his place is one of honor, and he has been called in consultation by his employer, around a council table, in this settlement of labor disputes. His demands for fair play are being respected. He is taking his place in this Nation as a positive force, and it matters not where he is employed—on the trains, in the shops, or on the maintenance force or elsewhere—he is entitled to fair treatment and an honest wage along with the other industrial workers in the factory, mine, or forest.

I do not believe in strikes and lockouts, but I do pledge my support to any measure which is alike fair to the employer and employee. The voice of the laboring man will hereafter be heard in the industrial councils, and I stand pledged to them to advocate their cause in Congress or out of Congress where their rights are threatened or abridged. He is entitled to receive equal justice with his employer, wherever his lot be cast. It has been urged that immediately following the passage of this bill, the workingman's wage will be increased and the freight rates correspondingly increased by the carrier to cover the wage increase and the farmers and other shippers would have to bear the burden; if so, let it be done under the provision of this bill, but I maintain that when wages are increased that the railway companies and the public will receive more efficient service and better service, which will equal the increase in wages and will dispense with the necessity of increasing the freight rates; but if I am mistaken in this and it should become necessary to increase the rates to meet such an emergency, the carrier would be justified and should be permitted to add such additional rates as will be necessary to pay the additional increase and give them a reasonable return on the money invested as carriers, otherwise no person or group of persons would embark in such enterprises.

We must consider in dealing with these questions that both parties have rights that must be protected. This bill under consideration is one worked out by the parties themselves and is a step in the right direction. Probably it is not perfect, but time will demonstrate that fact and it may be hereafter amended in order to carry out the end intended.

I think for the good of the Nation, for the good of the public, for the good of the parties directly concerned, this bill should pass, and I will cast my vote for it.

Mr. HARE. Mr. Speaker and gentleman of the House, I trust that the time has come, or will soon come, when the transportation companies of this country and their employees can assume, or be placed in such a legal status as to be required to submit their differences to legally constituted authority for adjustment and not forever be wrangling among themselves at the inconvenience and expense of the public. I gather from the provisions of this bill and the hearings thereon they say, in effect, that they are ready and willing to have such an understanding incorporated into law and made binding by an act of Congress.

I have studied the bill very carefully and listened to the arguments both pro and con and, while I see considerable merit in its provisions, I am frank to say that it is not exactly what I would like to have it, because I think it should include similar provisions permitting and requiring coal miners and coal operators to adjust their differences in a similar way, so that the interests of the public may not always be disturbed and imposed upon by the more or less frequent strikes or shut-outs.

We have just had an illustration or exhibition of their contentious wrangling, covering a period of six months or more, and apparently neither side has been benefited, because it seems that they settled or adjusted their differences and started operations again just where they left off and under the same terms and conditions; yet in the meantime thousands of people have had to suffer for lack of work and inability to secure coal, and millions of others have had to pay unfair, unjust, and exorbitant prices. Then, to think that it is hinted by some that the trouble was all brought about by a collusion of the leaders on both sides. But, whatever may have been the cause, we know that the public has been made to suffer for their folly, misunderstandings, or deliberate wrongdoings. At any rate, if there had been a law on our statute books similar to that provided for in the proposed bill, the public and business interests of the country may have been relieved of the hardships they have been forced to endure, and both miners and operators would be a long way better off. So I say again, if this bill when enacted into law is to be executed in good faith, there is sufficient merit in it to justify support, especially since it has been amended so as to give the Interstate Commerce Commission a free hand in determining the merit or justification of any agreement that may be reached by the transportation companies and their employees. However, I think I should say in this connection, without the Tincher amendment I could not vote for the bill for the reason that I am unwilling to subscribe to any measure where there is an apparent possibility or chance for the railroads to exact an increase in freight rates at the expense of the public; but, on the contrary, I am prepared to support and fight for any measure that means a substantial decrease in freight rates, especially on farm products; and I pause here long enough to say, gentlemen, I really trust that this Congress will enact some legislation with this purpose in view.

Permit me to say in conclusion that if this bill will prevent strikes, guarantee the safety and protect the rights of the people, and at the same time insure continuous service to the public and protect it against increased expenses for same, it is worthy of careful consideration and support, but if the public is not to be protected and its rights safeguarded in the respects enumerated, the bill deserves to be defeated. And since the provisions of the bill offer to protect these rights in the manner indicated, I am willing to support it and give it a trial until the meeting of the next session of Congress, but if in the meantime the operations of the law fail in any respect, I am placing myself on record now as being willing to vote to repeal it, just as we are voting to-day to repeal the law enacted a few years ago providing for the establishment of the Railroad Labor Board, which, to my mind, has been a farce and an absolute failure.

Mr. ELLIS. Mr. Speaker, I am for the bill. It abolishes the Labor Board. I am for it for that. It sets up another board. I am for it in spite of that. I can hardly conceive that the promoters of the treaty between carriers and their employees, ratification of which constitutes this measure, would have set up this Mediation Board had they not taken for granted that the public, trained to expect the creation of a new board in about every bill, would demand a gesture of this sort. For I believe it to be a mere gesture, nothing more. No powers are conferred on this mediation body to dominate, dictate, or intrude in any assertive way. I am not complaining about this. I am glad this is so. For that reason the board will not be a constant irritation, as has been the Labor Board. If a dispute arises, these mediators may pour oil, may apply massage. If they shall be powerless to heal, they will not be likely to aggravate.

To make my point on the futility of the rather expensive machinery pertaining to this Mediation Board, let me say that I am taking these parties at their word. I accord perfect good faith. If they are to proceed to adjust relations amicably, why from any standpoint have they sought reconciling aid of an outside influence? This is a proposal on the part of the employers and employees to compose their differences themselves at a council table of their own appointing. I can readily see how on an occasion, in an instance of disagreement about some particular thing, expert or competent advice might be sought from an outside source. That very thought is reflected in another part of this bill. In line with provisions elsewhere in the bill, for such service, it seems to me that the influence sought to be exerted at the council table by this new board might be much more simply and inexpensively procured in some other way than by setting up a permanent board. I deplore the constant multiplication of permanent boards, bureaus, and commissions.

I favor the experiment here proposed. I realize that little, if anything, entirely new is contained in this scheme. The novelty consists in what has been left out of the scheme. In the three former efforts, frequently referred to in this debate, there has been an unfortunate admixture of what pertains to voluntary processes with what belongs to compulsory processes in dealing with wage disputes. There is nothing whatever that savors of compulsion in this proposal. In that respect it is novel, and for that precise reason I think it worth trying.

Another reason for so thinking is that the previous efforts, every one of which did savor of compulsion, have availed nothing. It is true that some principles have been evolved which would avail were compulsory methods to be practiced. But these principles have been rejected in practice because a policy of compulsion has never been distinctly approved by the Congress. So those principles evolved by the Labor Board have aggravated father than composed difficulties. They do not contribute at all to peace, nor do they satisfy. So my third reason for trying the experiment is that in doing so the public loses no right, parts with nothing of value, waives no protection possessed anyhow or lodged anywhere.

My final reason is that by enacting this treaty into law we solemnly record the joint and several pledges of the parties to it to be good—to effect wage scales that will be fair, not only between themselves but to the public as well; to provide uninterrupted operation and service and so usher in a new era of peace in this, the second in rank of American industries.

The rallying ground of contention among the friends of this bill is, of course, the proposed amendment of the gentleman from Kansas [Mr. HOCH]. His proposal strikes at the fundamental theory of the measure. It sharply challenges the policy of it. Early in the consideration I have given the proposal, I reached the conclusion that to support the amendment I must array myself with the outright opponents of the bill; that there was no halfway standing ground. If it is unsafe to accord to the parties to a wage agreement the full right to freely contract—to negotiate unvexed and unafraid of interference during negotiations or of disturbance of results, when reached in good faith and without fraud—then the bill ought not to be passed. If, on the other hand, as all concede to be the law, wage fixing is a matter of contract and the validity of wage contracts—the binding force of same upon the parties to them—must be tested precisely as all other contracts are tested, then the policy of this bill should be upheld.

From this point, after study and reflection, I have come to the conclusion that the gentleman's amendment would work a subversion and therefore should not be considered germane. I shall presently contend that it would work no change necessary to the public interest and hence is without virtue.

On the question of the germaneness of this proposed amendment, it must not be overlooked that this bill deals primarily with the processes of procuring a voluntary meeting of minds; that, with exception of some simple means of recording and effectuating the result, the provisions of the bill are wholly devoted to such processes. Generally speaking, the processes employed consist of meetings at conference tables; meetings at tables to define demands; meetings at tables to adjust those demands; meetings at tables to reconcile differences; meetings at tables to entertain mediation; meetings, perhaps, at tables to arbitrate disputes. At none of those tables, by the policy of this bill, is any instrumentality of sovereignty or compulsion to have seat or voice. Right there resides the difference between this measure and all others on this subject. If the proposed amendment we are now considering is to have the slightest potency, it would interject the Interstate Commerce Commission as an unwelcome guest or a disconcerting ghost at every one of those tables.

This brings me to a consideration that some may think I am too far ignoring—to the functions of the Interstate Commerce Commission respecting the wages paid by railroads. The Interstate Commerce Commission has, exercises, and should exercise important functions in this regard. But here is a highly important distinction that should not be disregarded. Those functions attach to the subject of wages after wages have been fixed and have become operative; not before they have been fixed and have become operative by agreement of the parties.

What are those functions? To set aside or modify a wage or scale of wages if the commission thinks it too high to comport with economical management? Absolutely not so. If this were a function, then this Hoch amendment would be in order and would somewhat avail, lacking nothing except adequacy. It is a primary duty of the commission to recognize fixed wages. I, of course, speak of wage agreements untainted by fraud. Fraud or collusion presents an entirely different case, and, in the instance of it, there is always ample remedies available to the public. Advised of and recognizing a wage or a wage scale, the next duty of the commission is to determine in which of two categories it falls—whether, all conditions and considerations taken into account, it is fair and comports, as I have said, with economical management; if it be found to belong to this category, it becomes the duty of the commission to pass it along to the public and let it be reflected in the consideration of freight rates and passenger fares. If, on the other hand, the wage or scale of wages is determined to be unreasonable, reflecting uneconomical management and disregard of the public interest, it then becomes the duty of the commission to protect the public against it by seeing to it that it pass to the carrier involved and be reflected in a reduction of dividends to stockholders. I think I have correctly stated the functions of the commission in this regard. If I have, then two things must be apparent. In the first place, the passage of this bill as it has been framed modifies or impairs the commission's proper functions in no regard and in no degree. In the second place, it is unnecessary by this bill to enlarge or broaden either the jurisdiction or functions of the commission to afford ample protection to the public.

The policy of this bill will prove to be a wise policy if the parties to the treaty which we seek to validate shall prove really willing and really able to carry out their program of peaceful adjustments of wage disputes. The burden will be upon them to make it a success; the blame will be theirs if it eventuate in failure.

I realize that there are always some misgivings as to the success of an arrangement to have a lion and a lamb lie down together. My colleague, Mr. BAILEY, of the fourteenth Missouri district, tells the story of a showman who introduced as the feature of his circus venture a cage containing a lion and a lamb. A good man visited the performance one day and, expressing great pleasure, was constrained to remind the showman that the display was the symbol of a fine ideal; the visitor also volunteered the observation that it was doubtless a drawing card and highly profitable. The showman's answer was: "Yes; it draws well and would be profitable if I did not have to buy so many lambs." I neither relate nor apply this story in a spirit of doubt or cynicism. This is a new and courageous departure. Until the contrary appears, I shall accredit entire good faith. I indulge the hope that in this endeavor for industrial peace there may truly appear and prevail a little more, not too much, of lamblike deference; a little less, not too greatly less, of lionlike aggressiveness. I indulge the hope that in this great transportation industry may be recognized the virtue of "beating swords into plowshares and spears into pruning hooks."

I am bound to assume that this is all in good faith. If I were asked, as I am not asked, to substitute this experiment for something that was already working well, or even fairly well, I might hesitate. But I am perfectly satisfied that nothing we have set up in the law is getting anywhere, affording any protection, or doing any good. Where peace now exists and relations between carriers and their employees are satisfactory, the conditions are not because of the instrumentality of a labor board but in disregard of that instrumentality.

During the consideration of this bill in the committee my interest in it prompted me to attend some of the hearings. About that time I received a letter from craftsmen of one of the minority group of railways that has manifested dissent to this legislative proposal. Reference was made to a letter I had previously received from the president of their company, and they said:

> We feel that our relations with the railroad company have been very harmonious during the past three or four years and hope nothing will

be done at Washington which might have a tendency to disturb these relations in the future.

I might have answered by calling to the attention of these craftsmen the expressed provision in this bill which removes any cause for such anxiety. But writing quite fully and frankly, this is, in part, what I said in reply:

I am very much pleased to observe the indication contained in your letter that the ——— Railway has found ways and means of maintaining amicable relations with employees. I am wondering if I should not interpret this as favoring rather than discouraging this legislative proposal to permit carrier and craft all latitude, compatible with public interest, to order their mutual relations.

That expresses my feeling and reflects my attitude. I want American railroads to be owned and conducted as private enterprises. It is, of course, a happy circumstance that, owing to the character of the service to be rendered, a peculiar right of supervision in the interest of the public has been afforded in this that does not pertain to other industries. This peculiar right is and will continue to be amply exercised. But the basic rights of carriers to enjoy freedom of contract over a wide range must be recognized or private intiative, enterprise and accomplishment will be wholly destroyed. Their present-day problems are complex and hard to solve. I shall not knowingly add to the difficulties of their situation. On the other hand, I shall be very slow to recognize that any right that is accorded to workers and earners in other industries may be justly denied to railroad workers in any branch of that employment.

I do not need to reiterate what has been so many times said in this debate, that if this proposal of these parties, commended by the President as very likely to be serviceable to the public, shall fail to produce the anticipated results; if the evil effects predicted by opponents of it shall be realized; opportunity will be afforded, and with better reason than ever before, to try something different. I am for the experiment. I am in favor of passing the bill without any amendment that will effect any material change in its policies or provisions. For I desire that responsibility for success or failure shall be upon the hands that framed it and brought it to the committee of this House that has in turn commended it to us. I shall so vote at every stage of the progress of the measure in this Chamber.

Mr. BROWNE. Mr. Speaker, I am in favor of this legislation, and have been in favor of similar legislation for a number of years. I voted against the Esch-Cummins bill and the Railroad Labor Board created under it, and am proud of my record. The railroads as well as the railroad employees both agree that the Railroad Labor Board created by the Esch-Cummins law was a failure. Under it we had the most prolonged and disastrous strike in the history of the country. This strike lasted some eight months, during which time there was a loss of over a million dollars a day.

We can not have efficient management and operation of our railroads without a friendly feeling between the railroad management and its employees. We can not have a friendly feeling between the railroad management and the employees unless the railroad employees receive a good, fair, living wage. By a living wage I mean a sufficient wage so that an employee may support himself and family, give his children good advantages in schooling, and by frugality lay up something for a rainy day.

President A. H. Smith, of the New York Central Railroad, stated before the Senate Interstate Commerce Committee, May 20, 1921, as follows:

Ninety-five per cent of the railroading is human. The other 5 per cent is merely coal and steel, and is not worth anything if you do not get good men with it.

I maintain that the 95 per cent human element of the transportation industry shall be made up of properly nourished, competent, energetic workers. Such workers can only be obtained through adequate wages and reasonable and safe working conditions. Such workers and such conditions are necessary for efficient and safe transportation service, which is essential to the general welfare and to national prosperity.

I am for peace, and I am therefore for this bill, because I believe that it will promote industrial peace.

I firmly believe in arbitration and mediation of all disputes between capital and labor. The first law providing for arbitration of labor disputes was known as the Erdman Act. This act was amended by what is known as the Newlands amendment. These laws provided for a conciliation board in cases where the railroads and the employees could not agree. These boards were very similar to the boards provided for in this bill. For 23 years, under the Erdman and Newlands Acts, all grievances that could not be settled by the grievance court of the employers and employees of the railroad companies were settled by the conciliation board. During the 23 years mentioned there was not a strike on the railroads. There was not a single case where the employees refused to abide the decision of the mediation board. This certainly is a record which justifies my belief that under this bill there will be harmony between the railroads and their employees.

Both political platforms of 1924 agreed that the present Labor Board should be amended.

George W. Anderson, judge of the circuit court of appeals, formerly a member of the Massachusetts Public Service Commission and Interstate Commerce Commission, testified December 20, 1922, at the hearings of the committee on the railroad consolidation in Boston as follows:

Turning to the labor provisions of the transportation act, the situation is still blacker. A large part of the dominant managerial forces did not accept in good faith the labor provisions of the act, etc. How the scheme would have worked if it had been accepted in good faith by practically all the railroad management no one can say. It was not so accepted. The shopmen's strike of last July was the result. The general result is that the mass of railroad employees were, in my opinion, never so embittered and so distrustful of the railroad management as now. * * * The labor provisions of the transportation act are effectually discredited; so is the Labor Board.

The Labor Board had practically ceased to function. It had 845 undecided cases before it at the time the Howell-Barkley bill was introduced in Congress. I supported that bill and spoke for it, but a protracted filibuster prevented its passage. The Howell-Barkley bill provided for the abolition of the Labor Board created by the Esch-Cummins law, and provided that the management and the employees should settle their own disputes. This principle is carried out by this bill, and that is why I am favoring it.

I have always believed in the right of laborers to organize, form unions, and insist upon collective bargaining. This right is now conceded even by Judge Gary, of the Steel Trust, the Mussolini of employers, who only recently abolished a 12-hour day for his employees.

This is a day of organizations. Many of the larger corporations have merged into supercorporations that control the railroads, the coal mines, the steel, lumber, and the water power of the country. Unless the laborers and the farmers of the country are highly organized they will be unable to protect themselves in the great competitive industrial life of the Nation.

I believe in treating capital fairly. It is entitled to a fair and reasonable return on its investments, but at the same time I believe that every laborer is entitled to a reasonable wage, and I would give wages a priority over dividends, because humanity is more sacred than the dollar and because the perpetuity of our great, free institutions depends upon the prosperity and happiness of the producers and creators of wealth.

COMMISSIONED OFFICERS ASSIGNED TO CIVILIAN DUTIES

Mr. BANKHEAD. Mr. Speaker, a few days ago the House passed a resolution, No. 128, introduced by me, calling upon the Secretary of War for certain information with reference to the number of commissioned officers in the Army who have been assigned to nonmilitary duties in the War Department. That information has been supplied by the Secretary of War and is now on the Speaker's desk. For the information of the House I ask unanimous consent that it may be incorporated in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a letter from the Secretary of War conveying information asked for by a resolution which was passed by the House, to which the gentleman from Alabama has referred, be printed in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, February 27, 1926.

The SPEAKER,
House of Representatives.

SIR: In response to House Resolution No. 128, directing the Secretary of War to furnish the House of Representatives the following information:

First. The total number of commissioned officers of the Army of the United States who are now assigned and engaged in duties of a civilian nature and not strictly in line with their military duties as officers of the Army.

Second. The individual names of such officers, their rank, and the nature of the duty to which they have been assigned.

I transmit to you the following in answer to the foregoing requirements:

First. The total number of commissioned officers in the Army of the United States that are now assigned and engaged in duties of a

civil nature and not strictly in line with their military duties as officers of the Army number 178.

Second. The following shows the individual names of such officers, their rank, and the nature of the duty to which they have been assigned:

1. CIVIL GOVERNMENT, PANAMA CANAL ZONE

(30 officers)

Harry Burgess, colonel, Corps of Engineers; Meriwether L. Walker, colonel, Corps of Engineers; Francis C. Harrington, major, Corps of Engineers.

OFFICERS OF MEDICAL CORPS

Weston P. Chamberlain, colonel; Roger Brooke, lieutenant colonel; Will L. Pyles, lieutenant colonel; William W. Conger, major; Paul M. Crawford, major; William A. Murphy, major; Curtis D. Pillsbury, major; John Wallace, major; Reginald F. Annis, captain; Samuel D. Avery, captain; Aubrey K. Brown, captain; James M. Bryant, captain; Paul G. Capps, captain; Virgil H. Cornell, captain; Richmond Favour, jr., captain; Adolph T. Gilbus, captain; George E. Hesner, captain; James R. Hudnall, captain; Henry E. Keely, captain; Charles R. Mueller, captain; Cleve C. Odom, captain; Marvin C. Pentz, captain; David L. Robeson, captain; Ralph H. Simmons, captain; Edwin R. Strong, captain; Reeve Turner, captain; Harry Wall, captain.

2. AMERICAN RED CROSS

(1 officer)

Clifford H. Perry, captain, Medical Administrative Corps.

3. DISTRICT OF COLUMBIA COMMISSION

(4 officers)

J. Franklin Bell, lieutenant colonel, Corps of Engineers; William E. R. Covell, major, Corps of Engineers; William H. Holcombe, major, Corps of Engineers; Raymond A. Wheeler, major, Corps of Engineers.

4. FEDERAL POWER COMMISSION

(1 officer)

Glen E. Edgerton, major, Corps of Engineers.

5. PUBLIC BUILDINGS AND PUBLIC PARKS

(3 officers)

Ulysses S. Grant, 3d, major, Corps of Engineers; Marvel H. Parsons, captain, Coast Artillery Corps; Carey H. Brown, major, Corps of Engineers.

6. BUREAU OF THE BUDGET

(11 officers)

Henry C. Smither, brigadier general, United States Army; Thomas J. Powers, colonel, Infantry; Frank L. Wells, colonel, Infantry; Roderick L. Carmichael, colonel, finance department; Peter J. Hennessey, lieutenant colonel, Cavalry; Dennis P. Quinlan, lieutenant colonel, Judge Advocate General's Department; Walter S. Sturgill, major, Field Artillery; Frank H. Phipps, jr., major, Coast Artillery Corps; Thomas W. Barnard, captain, Infantry; Charles J. Kindler, captain, Quartermaster Corps; Walter B. Smith, first lieutenant, Infantry.

7. BOARD OF ROAD COMMISSIONERS FOR ALASKA

(4 officers)

James G. Steese, major, United States Army, retired (Engineers); Lunsford E. Oliver, major, Corps of Engineers; Arleigh T. Bell, second lieutenant, Corps of Engineers; Frank A. Pettit, second lieutenant, Corps of Engineers.

8. INLAND WATERWAYS CORPORATION

(1 officer)

Thomas Q. Ashburn, colonel, Coast Artillery Corps.

9. AMERICAN BATTLE MONUMENTS COMMISSION

(4 officers)

Xenophon H. Price, major, Corps of Engineers; Howard F. K. Cahill, captain, Infantry; Hurley E. Fuller, captain, Infantry; Thomas North, first lieutenant, Field Artillery.

10. ARLINGTON MEMORIAL BRIDGE COMMISSION

(2 officers)

Joseph C. Mehaffey, major, Corps of Engineers; Ellis E. Haring, captain, Corps of Engineers.

11. RIVERS AND HARBORS

(89 officers)

William J. Barden, colonel, Corps of Engineers; Frank C. Boggs, colonel, Corps of Engineers; Earl I. Brown, colonel, Corps of Engineers; Spencer Cosby, colonel, Corps of Engineers; Herbert Deakyne, colonel, Corps of Engineers; George M. Hoffman, colonel, Corps of Engineers; William Kelly, colonel, Corps of Engineers; Charles W. Kutz, colonel, Corps of Engineers; William B. Ladue, colonel, Corps of Engineers; John C. Oakes, colonel, Corps of Engineers; Charles L. Potter, colonel, Corps of Engineers; Edward H. Schulz, colonel, Corps of Engineers; Curtis McD. Townsend (rivers and harbors only), colonel, Corps of Engineers (retired); Elliott J. Dent, lieutenant colonel, Corps of Engineers; Gustave R. Lukesh, lieutenant colonel, Corps of Engineers; George B. Pillsbury, lieutenant colonel, Corps of Engineers; Francis A. Pope, lieutenant colonel, Corps of Engineers; John R. Slattery, lieutenant colonel, Corps of Engineers; George R. Spalding (rivers and harbors only), lieutenant colonel, Corps of Engineers; Gilbert A. Youngberg, lieutenant colonel, Corps of Engineers; Layson E. Atkins, major, Corps of Engineers; Edwin A. Bethel, major, Corps of Engineers; Howard S. Bennion, major, Corps of Engineers; Richard T. Colner, major, Corps of Engineers; Donald H. Connolly, major, Corps of Engineers; Robert W. Crawford (rivers and harbors only), major, Corps of Engineers; Roscoe C. Crawford, major, Corps of Engineers; Edmund L. Daley, major, Corps of Engineers; James A. Dorst, major, Corps of Engineers; Beverly C. Dunn, major, Corps of Engineers; Thomas H. Emerson, major, Corps of Engineers; Henry A. Finch, major, Corps of Engineers; Harold C. Fiske (rivers and harbors only), major, Corps of Engineers; Alfred L. Ganahl, major, Corps of Engineers; Cleveland C. Gee, major, Corps of Engineers; Douglas H. Gillette, major, Corps of Engineers; John C. Gotwals, major, Corps of Engineers; Robert P. Howell, major, Corps of Engineers; DeWitt C. Jones, major, Corps of Engineers; Oscar O. Kuents, major, Corps of Engineers; Albert K. B. Lyman, major, Corps of Engineers; Lehman W. Miller, major, Corps of Engineers; James A. O'Connor, major, Corps of Engineers; Charles E. Perry, major, Corps of Engineers; Roger G. Powell, major, Corps of Engineers; Rufus W. Putnam (rivers and harbors only), major, Corps of Engineers; Clarence S. Ridley, major, Corps of Engineers; Julian L. Schley, major, Corps of Engineers; John W. N. Schulz, major, Corps of Engineers; Henry H. Stickney, jr., major, Corps of Engineers; William F. Tompkins, major, Corps of Engineers; Harry M. Trippe, major, Corps of Engineers; Max C. Tyler, major, Corps of Engineers; Gilbert V. Wilkes, major, Corps of Engineers; Charles F. Williams, major, Corps of Engineers; Gordon B. Young, major, Corps of Engineers; Clinton W. Ball (rivers and harbors only), captain, Corps of Engineers; Ralph G. Barrows, captain, Corps of Engineers; Edward N. Chisolm, captain, Corps of Engineers; Gordon C. Day (rivers and harbors only), captain, Corps of Engineers; John G. Drinkwater (rivers and harbors only), captain, Corps of Engineers; Horatio G. Fairbanks, captain, Corps of Engineers; Pier L. Focardi, captain, Corps of Engineers; Frank A. Heilman, captain, Corps of Engineers; Albert B. Jones, captain, Corps of Engineers; F. Russell Lyons, captain, Corps of Engineers; Sylvester E. Nortner, captain, Corps of Engineers; Hugh P. Oram, captain, Corps of Engineers; Lewis A. Pick (rivers and harbors only), captain, Corps of Engineers; Holland L. Robb, captain, Corps of Engineers; Carl R. Shaw, captain, Corps of Engineers; Richard L. Smith, captain, Corps of Engineers; Wilhelm D. Styer, captain, Corps of Engineers; Herbert C. Whitehurst, captain, Corps of Engineers; Ludson D. Worsham (rivers and harbors only), captain, Corps of Engineers; John P. Dean (rivers and harbors only), first lieutenant, Corps of Engineers; Harry E. Fisher, first lieutenant, Corps of Engineers; Leslie R. Groves, jr., first lieutenant, Corps of Engineers; Roy W. Grower, first lieutenant, Corps of Engineers; John M. Harman, first lieutenant, Corps of Engineers; Walter L. Medding, first lieutenant, Corps of Engineers; George J. Nold (rivers and harbors only), first lieutenant, Corps of Engineers; Ewart G. Plank, first lieutenant, Corps of Engineers; Lewis T. Ross, first lieutenant, Corps of Engineers; Thomas D. Stamps (rivers and harbors only), first lieutenant, Corps of Engineers; Joseph H. Stevenson, first lieutenant, Corps of Engineers; Frank L. Beadle, second lieutenant, Corps of Engineers; Royal B. Lord, second lieutenant, Corps of Engineers; Louis J. Rumaggi, second lieutenant, Corps of Engineers.

12. WASHINGTON AND ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

(4 officers)

John D. L. Hartman, colonel, Signal Corps (Cavalry); Carter W. Clarke, first lieutenant, Signal Corps; Harold F. Hubbell, first lieutenant, Signal Corps; Herbert G. Messer, first lieutenant, Signal Corps.

13. SOLDIERS' HOMES

(4 officers)

Lloyd A. Kefauver, major, Medical Corps; Robert H. Lowry, jr., major, Medical Corps; Rollo P. Bourbon, captain, Medical Corps; Anthony J. Vadala, captain, Medical Corps.

14. BUREAU OF INSULAR AFFAIRS

(3 officers)

Frank McIntyre, major general; Orval P. Townshend, colonel, Infantry; John S. Sullivan, major, Infantry.

15. TACNA-ARICA ARBITRATION COMMISSION ON BOUNDARIES

(17 officers)

William Lassiter, major general, United States Army; Frederick M. Brown, colonel, judge advocate; Edward A. Kreger, colonel, judge advocate; Jay J. Morrow, colonel, retired; Francis LeJ. Parker, colonel, Cavalry; Arthur W. Brown, lieutenant colonel, judge advocate; Frank L. Pyle, lieutenant colonel, retired; Robert M. Campbell, major, General Staff; Cary I. Crockett, major, Infantry; Martin C. Shallenberger, major, Infantry; Roy L. Bowlin, captain, Ordnance Department; Edward H. Bowes, first lieutenant, Infantry; Eugene M. Caffey, first

lieutenant, Corps of Engineers; Frank G. Davis, first lieutenant, Infantry; John C. Raaen, first lieutenant, Infantry; Leander D. Syme, first lieutenant, Infantry; John C. Delaney, second lieutenant, Coast Artillery Corps.

All of the above-named officers belong to the Regular Army. The majority of the officers on rivers and harbors duty also perform duty in connection with the Organized Reserves. There are no officers of the other components of the Army of the United States performing similar duties in an active-duty status and receiving any pay or allowances from the United States.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

ALLEGED COOLIDGE ECONOMY

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an address delivered on Saturday night last by my colleague Mr. KINCHELOE over the radio.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Speaker and gentlemen of the House, under the unanimous-consent request granted me by the House to-day I am inserting herewith a speech made over the radio at station WRC, Washington, D. C., on Saturday night, February 27, 1926, by my colleague, DAVID H. KINCHELOE, which is as follows:

My fellow countrymen, it is a great honor to have this privilege of addressing so many American citizens upon governmental affairs, in which I am sure you are all interested. I take this opportunity to publicly express my thanks and appreciation to the WRC for giving me this privilege.

The Democratic Party is the oldest party in the history of this Republic. It has been at the birth and has sung the funeral dirge of every political party that has come and gone. It has been 137 years since George Washington was elected the first President of the United States and from that time to now there have sprung up in this country 20 different political parties. During that time the Federalist Party has controlled the Government 12 years, the Whig Party 8 years, the Republican Party 49 years, and the Democratic Party 68 years. From Washington to Coolidge the Democratic Party has either been in control of the Government or at all times the dominant minority party.

This country has expanded more in territory and made more industrial progress under a Democratic administration than under any other. The personnel of its citizenship has been more prosperous and happy. The Democratic Party does now and has always believed in a tariff for revenue only. To hear some of the Republican spellbinders speak you would think the Republican Party has a corner on the tariff, while the truth is the Democratic Party passed tariff laws long before the Republican Party was ever born. A high protective tariff, such as advocated by the Republican Party has never brought prosperity to anyone in this country excepting the manufacturers, who are its direct beneficiaries.

Every financial panic this country has ever had has occurred under a Republican high-protective tariff. The panic of 1873 came when the Morrill tariff bill was on the statutes, the 1893 panic when the McKinley tariff bill was on the statutes, and in 1907, when the Dingley bill was in effect.

When Woodrow Wilson was elected President in 1912 we had an archaic, panic-breeding banking act, enacted by a Republican administration. The farmers of the country had no place to go for a loan on their farm lands excepting to the banks and a few life-insurance companies, and no good roads law was on the statutes. Shortly after this great President and a Democratic Congress went into power this administration enacted a great Federal reserve banking act, the farm loan act, and a good roads act. In my judgment had not this great Federal reserve banking act been a law when we were suddenly thrown into war on the 7th of April, 1917, we would have had the worst financial panic this country ever had, and it is a question whether we could have won the war.

Prosperity was never so universally distributed as it was during the eight years of Wilson's administration, yet during the campaign of 1920 the Republican orators went to the country and said the laboring men were not receiving enough wages for their labors, and the farmers were not receiving enough for their products, and there should be a change in the administration of the Federal Government, and by reason of innumerable causes—most of them incident to the war—a Republican President and Congress were elected by an overwhelming majority. I am sure every American farmer at least will agree with me that there has been a change, and this change has been a sad experience to him.

After President Harding was inaugurated a Republican Congress undertook to assist the farmers by passing an emergency tariff bill on agricultural products, and later passed the Fordney-McCumber tariff bill, and from the hour the emergency tariff bill went into effect until now the prices of the farm products have almost universally continued to decline.

President Harding died during his term, and President Coolidge became the President of the United States on August 2, 1923, and was elected to a full term in November, 1924. There has been a well-organized propaganda going over the country that President Coolidge has decreased the expenses of the Government and that economy is his watchword both day and night. I would not say anything disrespectful of the great office of President, nor of the President who occupies that position, but I want to show to you in a little while that not only has there not been any economy in the expenditures of the Government under the Coolidge administration in the last three years but, on the other hand, there has been an increase in expenditures every year.

In 1924 there were expended $3,506,677,715.34. In 1925 there were expended $3,529,643,466.09, which was an increase in expenditures in the amount of $22,965,750.75. In 1926 it is estimated that there will be spent $3,618,675,186, which will be an increase in expenditure for the year 1926 over the year 1925 of $89,031,719.91, and the total expenditure of 1926 will be increased over that of 1924 by $111,997,476.66. This is what you might call economy with the reversed English.

Also there is great publicity given to the fact that the President of the United States is cutting down the number of Government employees constantly and rapidly. This is as untrue as the statement that he is cutting down expenses of the Government. In the hearings on the independent offices appropriation bill for 1927, pages 102 to 105, inclusive, is shown the number of the Government employees from December 31, 1923, up to June 30, 1925. And remember that President Coolidge went into office in August, 1923. These tables show that on December 31, 1923, there were 544,671 civil-service employees in the employ of the Government. On December 31, 1924, there were 555,619 civil-service employees, which is an increase of 10,948. On June 30, 1925, there were 564,718 civil-service employees, which was an increase since December 31, 1924, of 7,099. So we see that the number of civil-service employees has increased since December 31, 1923, to June 30, 1925, 20,047. This is what I call imaginary economy, or economy for political purposes only.

It is an old but a true saying that charity begins at home—let's see about the expenditures for the Executive office, which consists chiefly of the salaries of the President and Vice President, and the maintenance of the White House. In 1921 at the close of Wilson's administration, the cost of the Executive office, which includes salaries of the personnel employed by the President in the office, was $197,000. In 1923, the beginning of the fiscal year that President Coolidge assumed office, the cost of the Executive office was $349,000, or an increase of $152,000 over the last year of Wilson's administration. In 1926, the present year, the estimated cost of the Executive office will be $483,000, an increase of $286,000 over the last year of Wilson's administration and an increase of $134,000 over the amount spent in 1923, the first year of President Coolidge's administration.

As you perhaps know, for the last several years Congress has appropriated $25,000 a year for the President to be used by him for traveling expenses. I am very much for this appropriation, because I think the President should travel over this country as much as his official duties will admit and mix and mingle with the American people as often as he can, and the expense of these trips should be paid by the Government. When he travels he should, I think, go on a special train, which should be thoroughly protected in every detail and his safety looked after in every way possible. You will remember when President Coolidge a year or two ago went to the stock show in Chicago to deliver an address he rode in a compartment instead of on a special train, and traveled in this manner in the name of the ever-fascinating word "economy." The press of the country heralded the fact that the President, in the interest of economy, was traveling in a compartment. The public had a right to think that the President was practicing real economy in spending this item allowed him by law. I want you to know that in the first appropriation bill containing this item passed by a Republican administration after Mr. Harding became President this $25,000 railroad item was amended so as to include the words "official entertainment." Now, let me show you how much real economy has been practiced by President Coolidge with this item. In the year 1924—his campaign year, remember—under this item of traveling expenses and official entertaining President Coolidge spent $33,500, thereby exceeding the appropriation authorized by law for this year $8,500. In 1925 he spent $23,427; in 1926 it is estimated that he will spend $23,407. In other words, for the years 1924, 1925, and 1926 President Coolidge will spend several thousand dollars more than any other of his predecessors in the same length of time.

You know the Director of the Budget, General Lord, boasted of his "2 per cent club," a club which he said was composed of departments and independent establishments of the Government which had promised and had actually carried out the promise of reducing their expenditures 2 per cent. As Congressman BYRNS said on the floor of

the House the other day, I would respectfully suggest that the Director of the Budget send one of his blanks to the White House and solicit membership there, for I know of no other department of the Government where membership in this club is needed more than at the White House. If the President really wants to practice economy in his administration, he should abolish many of the Government bureaus, thereby dispensing with the services of many of the faithful of the party and dissolving this bureaucratic Government that is constantly pyramiding under his administration and get the Government back to the people.

You will remember that we have on the statute books of the United States a law establishing a Federal Trade Commission, whose business it is to control monopolies and to expose and prosecute violations of the antitrust laws. This is supposed to be a bipartisan commission. This Federal Trade Commission several months ago filed a report charging that the Aluminum Trust, of which the Secretary of the Treasury, Mr. Mellon, is a dominant figure, had violated the United States court decree repeatedly and the Clayton antitrust law, and the then Attorney General Stone—afterwards appointed by President Coolidge to the Supreme Court—in a very large measure agreed to the findings of the Federal Trade Commission. The Federal Trade Commission later failed and refused to give its files to the Attorney General. A resolution was introduced in the Senate to investigate the Aluminum Trust and the failure of the Federal Trade Commission to turn its files over to the Department of Justice. Since then the Department of Justice, through Attorney General Sargent, has made a finding and rushed into print saying that the Aluminum Trust is guiltless.

Think of a commission which was created for the purpose of the control of monopolies and for exposure and prosecution of violation of the antitrust laws, refusing to turn over to the Department of Justice its files, which were the result of its investigation. The resolution of Senator WALSH demanding an investigation of the Aluminum Trust was killed in the Senate yesterday by the Republican Senators. Of course this administration does not want an investigation of this business any more than the Republican leaders wanted an investigation of the transactions of Secretary Fall, with Sinclair and Doheny, or of the impossible Daugherty, or the unspeakable Forbes. Everyone has known that the Aluminum Trust, dominated by Secretary Mellon, is not going to be prosecuted by this administration. You know when "Mr. Andy" speaks all get silent in this administration from the President down. In justice to Attorney General Sargent I will say that I do not think he has found out yet what this is all about down here in Washington.

The Democratic administration, when it was in power, passed a law creating a bipartisan Tariff Commission for the purpose of dealing with tariff not as a political issue but as an economic proposition. But the personnel of this commission has been so changed by President Coolidge that everyone knows that as now constituted it is a partisan commission and will act only in a way that coincides with the President's views upon the tariff.

You will remember that the term of one of the Democratic tariff commissioners expired during the recess of Congress. It has been charged and not denied that President Coolidge summoned this Democratic member of the commission to his office and told him that he would give him the recess appointment on this commission provided this commissioner would then and there hand him his resignation, to be effective at the pleasure of the President. I am glad to state that this patriotic American and stalwart citizen refused to hand the President his resignation.

My friends, if the President of the United States will undertake to bring pressure upon a member of the Tariff Commission by demanding his resignation before he appoints him, is not it just as feasible that he demand the same either of a United States judge or a United States district attorney before he appoints him? This commissioner's services have long since been dispensed with by the President and the personnel of the commission is being made up of men who are for a high protective tariff. The high purpose for which this commission was created has been prostituted and as at present constituted I do not think that this commission is of any service to the Congress of the United States or the American people.

The American people will have an opportunity at the next November election to choose Members of Congress and a third of the United States Senators, and if the great mass of American people will lay down their political prejudices and vote for their own interests I have no doubt that we will have a Democratic Congress and Senate which will be a forcible forerunner for the presidential campaign of 1928, at which time a Democratic President and a Democratic Congress should be elected to restore the rights of the people and repeal discriminatory legislation of every kind and character.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to make an inquiry relative to the business of the day. This is Consent Calendar day. Many Members wish to know about any suspensions that may be coming on. Will there be any suspensions to-day?

The SPEAKER. The Chair has agreed to recognize the gentleman from Maryland [Mr. HILL] to move to suspend the rules and pass a bill authorizing the War Department to sell certain lands. It is the intention of the Chair to proceed with the Consent Calendar until about 4 o'clock and then recognize the gentleman from Maryland [Mr. HILL].

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have leave to sit continuously until the impeachment proceedings relative to Judge English shall be completed.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on the Judiciary may be permitted during the sessions of the House for the completion of the consideration of matters relating to the impeachment of Judge English. Is there objection?

Mr. BLANTON. Mr. Speaker, I do not intend to object, but I would like to ask the gentleman if that contemplates sitting outside the city of Washington?

Mr. GRAHAM. Not at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COMPLETION OF THE MEMORIAL TO THE UNKNOWN SOLDIER

The first business in order on the Consent Calendar was (H. J. Res. 83) to authorize the completion of a memorial for the unknown soldier.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration?

Mr. BACON. Mr. Speaker, owing to the sickness of the chairman of the Committee on the Library I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill go over without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

The next business on the Consent Calendar was the bill (H. R. 3794) granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.

The Clerk read the title of the bill.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

NATURALIZATION OF CERTAIN WORLD WAR VETERANS

The next business on the Consent Calendar was the bill (H. R. 7176) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACON. Mr. Speaker, I ask unanimous consent to substitute the bill H. R. 9761, the bill on the Consent Calendar, No. 179.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, has this bill been favorably reported by the House committee?

Mr. BACON. The bill I am asking to be substituted is a bill which was unanimously reported from the Committee on Immigration and Naturalization, and is the same as this bill. It contains two clarifying amendments. The gentleman from Texas will bear me out, I think.

Mr. BOX. What was that?

Mr. BACON. I merely asked unanimous consent to substitute the bill H. R. 9761 for the bill just reported.

Mr. BOX. It is exactly like the one passed on by the House committee?

Mr. BACON. It is exactly the same as the one which was unanimously reported the other day.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That any alien not ineligible to citizenship who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not at any time during such period or thereafter separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall, if residing in the United States, be entitled to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

SEC. 2. The provisions of this act shall cease to be effective at the expiration of five years from the date of the approval of this act.

The bill was ordered to be engrossed and read the third time; was read the third time and passed.

A motion to reconsider the last vote was laid on the table.

The House bill of similar tenor was laid on the table.

TO AMEND THE NATIONAL DEFENSE ACT IN RELATION TO RETIREMENT OF OFFICERS

The next business on the Consent Calendar was the bill (H. R. 3995) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANTHONY. Mr. Speaker, reserving the right to object——

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I wish to make this statement: Some gentlemen on this side of the House objected to the passage of this bill unless it is amended, and we have agreed upon an amendment which we have submitted to the gentleman from Texas [Mr. WURZBACH], and if the gentleman will agree not to oppose the amendment we will not object to the consideration of the bill and will offer the amendment, and for information of Members I will read it:

At the end of the bill strike out the period, insert a comma, and add the following language: "But in no case to exceed the amount of retirement pay which he would receive had he remained in the service until he reached the age of 64 years."

In other words, the purpose of the amendment is not to allow an officer to retire and receive a greater amount of retirement pay than he would if he served until he reached the age of 64 and retired under the provisions of the bill by which he would receive 4 per cent multiplied by the number of years he was in the service. I think this would be substantial justice to the men and would also be substantial justice to the Government.

Mr. WURZBACH. I want to say to the gentleman from Texas [Mr. BLACK], if the gentleman will yield to me, I will not object to the amendment.

Mr. BLACK of Texas. Very well.

Mr. ANTHONY. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. ANTHONY. It is all very well for the gentleman to say he will not object to the amendment, but when the bill leaves this House and goes to another one, and the amendment is stricken out, and the conferees agree to the original provisions of the bill, we will have to fight it all over again, and in the adoption of the conference report those who are opposed to the principle of the bill will be powerless to object to it. What assurance can the gentleman give the House that the amendment will remain in the bill?

Mr. BLACK of Texas. Of course, I do not know that I could give the gentleman any assurance——

Mr. ANTHONY. What assurance can the gentleman give that this provision will be in the conference report when it finally comes to us?

Mr. BLACK of Texas. The gentleman might be able to get some assurances out of the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. If I should be one of the conferees, I would stand by the amendment.

Mr. BLACK of Texas. I felt sure the gentleman would.

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I want to say this bill should not pass in the shape it is in. I was a member of the committee that helped write the reorganization act, and I wrote the language under which men who were given commissions at the close of the war, who had reached the age of 45 and over, were limited in their retirement privileges to receiving 4 per cent of their salary for each year of service they rendered the Government. We recognized, and these men recognized, that they had reached an age of 45 or 50 or 55, which many of them had reached, when in a few years practically all of them could go on the retired list of the Army if they felt so inclined. It is a well-known fact that most men after reaching the age of 50 or 55 have some ailment which a retiring board will find and which will make them eligible for retirement, and therefore in order to protect the Public Treasury, in giving these older men a chance to receive commissions in the Army, we expressly put on this limitation, which it is now proposed to override.

Mr. BEGG. Will the gentleman yield?

Mr. ANTHONY. I want to say one thing more before I yield.

Several times Members of this House have criticized the growing amount of money we are paying out to retired officers of the Regular Army, and yet the House on every occasion like this seems to fall over itself in continuing to load down the list by passing legislation of this kind. Only the other day the Veterans Committee of the House reported out a bill which is on the calendar that will add millions to this list; and if we do not watch what we are doing, gentlemen, we are going to make the retired list of the Army a scandal and a disgrace to the Government.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. LAGUARDIA. The gentleman does not mean that the bill reported out from the Veterans' Committee to which the gentleman refers will add millions and millions of dollars?

Mr. ANTHONY. Yes; in the end it will add millions of dollars to the list.

Mr. BLANTON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. With regard to what will happen in another body and also in conference and thereafter, I think the gentleman has spoken with the wisdom of Solomon.

Mr. ANTHONY. I thank the gentleman.

Mr. BEGG. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. BEGG. When this bill was originally drafted, providing for this 4 per cent of their retired pay for each year of service, was it not generally understood by this particular class of men that they were being fairly treated and were being given what they were entitled to?

Mr. ANTHONY. I do not think there is any question about its being generally understood by them that they were being fairly treated.

Mr. BEGG. Then, why does not the gentleman just stop it?

Mr. ANTHONY. I think Congress went a long way when they made these men eligible to receive commissions in the Regular Army.

Mr. BEGG. Why does not the gentleman stop this legislation?

Mr. ANTHONY. I tried to stop it, and last year I made the best fight I could against it, but other gentlemen would not listen to me.

Mr. BEGG. The gentleman has an excellent opportunity now.

Mr. WURZBACH. Mr. Speaker, I do not think this is the proper time to enter into a discussion of the merits of this bill. During the last Congress it was discussed on the floor, and, so far as the 4 per cent limitation is concerned, I think it was intended that that 4 per cent limitation was to apply only in case of retirement on account of age. There seems to be a conflict of opinion upon that point. The report shows that Senator WADSWORTH stated he had something to do with this legislation and that it was his understanding the 4 per cent limitation was only to apply in case of retirement for age.

Mr. ANTHONY. The gentleman knows that many of these men were more or less disabled, from a physical standpoint, when they accepted these commissions. They were not all of them absolutely sound men, fit for commissioning in the Regular Army. Their age alone would have prevented.

Mr. WURZBACH. I understand exactly the contrary.

Mr. ANTHONY. They were given this opportunity to get commissions in the Army because of the service they had rendered during the war, possibly not at the battle front, but here in Washington, which, of course, was valuable service.

Mr. BEGG. How many of them are there?

Mr. ANTHONY. Two hundred and some odd, I believe.

Mr. WURZBACH. Two hundred and twenty-six.

Mr. ANTHONY. I do not believe, Mr. Speaker, we ought to pass legislation of this kind by unanimous consent, and I intend to object to it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANTHONY. I object.

RECLAMATION OF LAND ADJACENT TO THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I want to be sure that I properly understand what it involves. As I understand it is proposed to reclaim by the construction of a dike about 4,000 acres, 3,400 of which belong to the whites and 600 to the Indians, at a cost of about $16 an acre. After it is reclaimed it is estimated that the land will be worth $200 to $450 per acre. Am I correct in that understanding?

Mr. HADLEY. Yes. I am familiar with the land and I know that if it is reclaimed in the manner proposed that it will be of great value.

Mr. CRAMTON. Six hundred acres belong to the Indians.

Mr. HADLEY. I think the $400 value will be in the 600 acres adjacent. The reason for including the 600 acres is that it reduces the unit cost.

Mr. CRAMTON. Has there been any report on this by the engineers?

Mr. HADLEY. Yes; a very full investigation, survey, and report. That is in the Indian Bureau. A statement was made upon it before the Indian Affairs Committee and the engineer was present, although he was not called upon to testify. I made a statement in regard to it.

Mr. CRAMTON. I notice that we are going to advance the money to reclaim it. It is not worth much now to the Indians or the whites. The whites have 20 years to repay at an interest of 4 per cent. They will have to pay about 75 cents a year per acre for 20 years. Does not the gentleman think that we are a little more generous in time than we need to be?

Mr. HADLEY. That is the way it is proposed having regard for the interest of the Indians. They are very poor.

Mr. CRAMTON. I am not talking about the Indians.

Mr. HADLEY. Yes; I know. But I do not think we ought to discriminate.

Mr. CRAMTON. I am not going to object, but I may offer an amendment, however.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $65,000, or so much thereof as may be required, for reclaiming by construction of dikes approximately 4,000 acres of lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington: *Provided*, That the total cost of the project shall be distributed equitably among the lands in Indian ownership and the lands in private ownership that may be benefited in accordance with the benefits received as designated by the Secretary of the Interior.

SEC. 2. The construction charge properly assessable against the Indian lands shall be reimbursed to the Treasury of the United States under such rules and regulations as the Secretary of the Interior may prescribe, and there is hereby created a lien against all such lands, which lien shall be recited in any patent issued therefor prior to the reimbursement of the total amount chargeable against such lands.

SEC. 3. No part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by the landowners whose lands may be benefited by the project.

SEC. 4. The Secretary of the Interior is hereby authorized and directed to declare by public notice the cost of the project and the equitable share to be assessed against the lands benefited in accordance with their respective benefits, which cost shall be repaid in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of such public notice, the remainder of the said cost with interest on deferred amounts against land in private ownership from the date of said public notice to be 4 per cent per annum, to be payable on each December 1 thereafter, on the same basis as the first installment, until the obligation is paid in full.

SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

APPROPRIATION FOR ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title to the bill.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

HOMESTEAD CLAIMS IN ALASKA

The next business on the Consent Calendar was the bill (H. R. 3953) to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, if this bill (H. R. 3953) passes it amends the homestead laws applying to Alaska. Does it mean that if a man wants a homestead or piece of property and there is a mountain or bad hill or a rocky stretch of territory through it, that he can go around it in any old shape and take up a piece of property and follow the valley?

Mr. SUTHERLAND. That is not the purpose; this has to do with the topography of Alaska. There are sections where by reason of the topography it is impossible to obtain a rectangular piece of land.

Mr. BEGG. If the bill is enacted, they can do what I have just stated. Can not a man go out and make any shaped piece of territory he pleases to remedy it?

Mr. SUTHERLAND. No; the Land Office would not permit that.

Mr. LAGUARDIA. The bill provides that it is only when the topography makes it necessary.

Mr. BEGG. I understand that.

Mr. LAGUARDIA. That question was raised in the committee, and the bill provides that it is only where it is necessitated by the natural topography or condition.

Mr. BLANTON. Dr. Herbert Work, Secretary of the Interior, says that the bill is meritorious and ought to pass.

Mr. BEGG. I understand that, and before the session is over Secretary Work will send in a recommendation for the passage of a bill to add to or detract from some piece of land under these conditions. We are passing that kind of bills all the time. I am wondering if this will not do the very thing we are trying to modify under the old law.

Mr. BLANTON. But whose recommendations are we going to take here respecting land? The head of the department under whose jurisdiction the lands are or somebody else?

Mr. BEGG. We can use our own judgment, somewhat, with the information that is available.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. ARENTZ. I appreciate the reason for the gentleman's questioning this bill, but it came out very plainly in the committee that the Secretary of the Interior fully guaranteed the provisions of the bill—the last three lines provide that the Secretary of the Interior is authorized to make all necessary rules and regulations to carry the act into full force and effect. If a man makes application for a piece of land along the coast, or at the base of a mountain, or in a valley at the base of a chain of mountains, he makes the application to the nearest United States land office. They send out an inspector and he comes back and says that he thinks that under the circumstances the land should be surveyed according to this bill. Instead of a United States surveyor general examining into it, because they no longer exist, the chief clerk of that division or one of the surveyors attached to the local land office belonging to the General Land Office examines into it, surveys it, and it comes before the Secretary of the Interior for signing. I think it is amply provided for. I questioned this bill when it came before the committee, as the chairman of the committee can state, but after it was explained to me I thought it quite satisfactory.

Mr. BEGG. I should have thought the bill would have been better protected. I am not going to object or take up any more time, but I still think if the bill had been so drawn as to make it apply to shoreline land only you would have had it better

protected. As it is to-day I can not see any reason why if the Interior Department wants to do it they can not grant a man a piece of property anywhere in the interior eliptical in shape, hexagonal in shape, or any other shape.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. LEAVITT. This is to allow in Alaska, which is a mountainous country, the same thing which is being done now within the national forests.

Mr. BEGG. That is what I pointed out.

Mr. LEAVITT. And in order to give a man enough agricultural land to make a homestead upon which to make a living it is necessary to follow in a mountainous country the irregularities of the country. If you do not do that, the section line may run up the side of a cliff.

Mr. BEGG. Have we not passed no less than, I will say, 6 bills, though perhaps 60, in this body in the last Congress authorizing the Government to trade public-domain land for privately owned land in order to square up boundary lines?

Mr. LEAVITT. That is to square the boundaries of national forests.

Mr. BEGG. Out in Alaska it is all national land.

Mr. ARENTZ. If the gentleman will notice the bills that have passed along the line he has mentioned, he will find that they are quarter sections and half sections and full sections.

Mr. BEGG. They are zigzag.

Mr. ARENTZ. No meander line. This can be narrow or wide.

Mr. DENISON. Mr. Speaker, I demand the regular order.

Mr. BEGG. Then I object, if I can not have any information.

Mr. DENISON. I understood the gentleman said he was not going to object. I withdraw the demand for the regular order.

Mr. BEGG. I withdraw my objection then.

Mr. SUTHERLAND. I want to say to the gentleman that all important agricultural sections in Alaska—that is, large areas of agricultural land—are under survey, with a base line, and divided into sections. You do not assume that the Interior Department is going to divide those sections up under this provision so that they could develop their rectangular system, but on the coast of Alaska, where a man wants to homestead a little point of land——

Mr. BEGG. Why was not the bill drawn to cover that particular thing?

Mr. SUTHERLAND. The assumption is that the Department of the Interior will care for that. They are not going to permit a general departure from an established system.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, the committee was given the assurance that the purpose of the bill was not to permit meandering or taking any irregular form of land for any reason except where the topographical conditions made it absolutely imperative to do so.

Mr. SUTHERLAND. Yes. The section that calls for this bill is Kodiak Island, Alaska, and if the gentleman will look at a chart of that island he will see that it is all points and indentations everywhere, but there is some fertile land in places, and men have really located there and have not been able to prove up to patent because of the formation of the land, and they could not take any rectangular piece without going out into the ocean, and, of course, that would not be permitted.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of May 14, 1898 (38 Stat. L. p. 409), extending the homestead laws to Alaska, and the act of March 3, 1903 (32 Stat. L. p. 1028), amendatory thereof, in so far as they require that the lands so settled upon, or to be settled upon, if unsurveyed, must be located in rectangular form by north and south lines running according to the true meridian, and marked upon the ground by permanent monuments at each of the four corners; and the provisions of the act of June 28, 1918 (40 Stat. L. p. 632), in so far as they require that surveys executed thereunder, without expense to the claimant, must follow the general system of the public land surveys, shall not apply where, by reason of the local or topographic conditions, it is not feasible or economical to include in a rectangular form with cardinal boundaries the lands desired; but all such claims must be compact and approximately rectangular in form, and marked upon the ground by permanent monuments at each corner, and the entryman or claimant shall conform his boundaries thereto. In all other respects the claims will be in conformity with the provisions of the aforesaid acts.

SEC. 2. That if the rectangular system of the public land surveys has not been extended over the lands included in a soldier's additional homestead entry, authorized by the aforesaid act of May 14, 1898, as amended by the act of March 3, 1903, or a trade and manufacturing site authorized by section 10 of the first-named act, the entryman or claimant may, upon the approval of the register and receiver, make application to the United States surveyor general for an official survey of his claim, accompanied by a deposit of the estimated cost of the field and office work incident to the execution of such survey. Upon receipt of the application and its accompanying deposit the surveyor general will immediately issue appropriate instructions for the survey of the lands involved, to be executed by the surveying service of the General Land Office not later than the next surveying season under the direction of the supervisor of surveys, unless by reason of the inaccessibility of the locality or other conditions the supervisor of surveys decides that it will result to the advantage of the Government or claimant to have the survey executed by a United States deputy surveyor, in which event the laws and regulations now governing the execution of the surveys by United States deputy surveyors will be observed.

SEC. 3. The sum so deposited shall be held by the surveyor general and may be expended by him in payment of the cost of such survey, including field and office work; and any excess over the cost of the survey shall be repaid to the depositor or his legal representative. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into full force and effect.

With the following committee amendments:

Page 2, line 22, strike out the words "United States surveyor general" and insert in lieu thereof the words "public survey office."

Page 3, line 2, strike out the words "surveyor general" and insert the words "public survey office."

Page 3, line 15, strike out the words "surveyor general" and insert the words "public survey office."

Page 3, line 16, strike out the word "him" and insert the word "it."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENDING RELIEF TO SETTLERS AND ENTRYMEN ON BACA FLOAT NO. 3, ARIZONA

The next business on the Consent Calendar was the bill (H. R. 5210) extending the provisions of act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, why in this period of three years the people who had falsely entered this had not exercised that right?

Mr. HAYDEN. Falsely?

Mr. BEGG. Well, mistakenly. They would have been all right except for the Supreme Court's decision, and it knocked them out. Now, they have been given the three years; why have they not been able to exercise the right?

Mr. HAYDEN. The difficulty is the public lands in Arizona have been picked over for the last 50 years, and it is difficult to find any suitable land for them to select. Most of them are poor people and not equipped for traveling around over the State and hunting up those things, and they claim the time was too short under the original act, and the equities of the case seem to be such that no harm can come to anybody by allowing them to go and select.

Mr. BEGG. They are not on this land now?

Mr. HAYDEN. No; they were ejected.

Mr. BEGG. Where are they?

Mr. HAYDEN. In the neighborhood, Nogales, and some scattered in different parts of the State. It is a tremendous hardship. Eighteen had obtained patents when——

Mr. BEGG. I understand that. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the time within which to make selections and entries under the provisions of the act of July 5, 1921 (42 Stat. L. p. 107), entitled "An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona," is hereby extended for a period of two years from the approval of this act.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SANTA YSABEL INDIAN RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I feel that I shall be obliged to object. This bill proposes to purchase 573 acres of land at $25,000, contiguous to the existing Indian reservation. That is about $50 an acre. The existing reservation is said to be land unsuitable for any productive purposes in the main, and that some of these Indians have been using some of this land for productive purposes. As I understand there are 193 Indians on this reservation, men, women, and children. This is really to spend about a thousand dollars a family in buying this land and giving it to them. They are to use the land. The land, I am advised, has a few garden spots, and it is in the main valuable only for winter grazing purposes, and they are using it for that purpose now. They have got about 300 head of stock, and that is about all they will have if we transfer to them the title to the land they are now using without right. I can not feel that this is a proper expenditure of money to that extent, and therefore I shall have to object.

Mr. SWING. Will the gentleman withhold his objection?

Mr. CRAMTON. Very briefly. I do not desire to consume much time.

Mr. SWING. I take it the gentleman wants some information?

Mr. CRAMTON. Yes.

Mr. SWING. I am familiar with this situation; I have been all over the land.

Mr. CRAMTON. All right.

Mr. SWING. It is a wonder there are 191 of these Indians left, the Government having put them out on the barren hillsides and told them to make a living there hunting jack rabbits. It was through the indulgence of this rancho that they were permitted to raise anything at all, and they are residing as trespassers on the land which is now in dispute and covered by this bill.

Unless otherwise disposed of, their horses are bound to starve to death if the law takes its course and they are ejected from the land which they have been occupying.

Mr. CRAMTON. Let me ask the gentleman a question because what I want is concrete information, if the gentleman will permit.

Mr. SWING. Yes.

Mr. CRAMTON. Is this land, consisting of 573 acres, worth $50 an acre to anybody?

Mr. SWING. It is worth more than that. It is good, fertile, valley soil and the company is offering to sell it in order to get rid of the hostility of these Indians. Since they began these ejectment suits, the Indians have been roiled up, have cut the fences, have let the company's cattle out and have let their horses in.

Mr. CRAMTON. I can see why the company would want to sell it for $25,000, but having been advised by the Indian Office that the report indicates that except for occasional spots suitable for garden purposes, in the main it is only suitable for grazing purposes, I am unable to see how it is worth $50 an acre, and I am wondering whether we are including in the $25,000 something by way of compensation to this ranch company for past troubles.

Mr. SWING. Nothing at all. The price figures out $43.50 an acre, and I do not know where you can get land in California for $43.50 an acre.

Mr. CRAMTON. You could get land similar to what the Indians have already got for less than that.

Mr. SWING. Yes; up on the mountainside. That is what the Indians have, but the part which they have been occupying, while they have only used it for grazing, yet it is fertile and is capable of raising almost any kind of crops.

Mr. CRAMTON. If the gentleman will bring something here that will show that the land can be used for raising crops, I will not object, but my information is that the report on file in the Indian Office is to the effect, it is not suitable for cultivation and only suitable for grazing.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Let me suggest to the gentleman that he let the bill go over and get some definite evidence to show the land is worth this price.

Mr. SWING. If the gentleman will not take my statement for it, and I have been over the land, I do not know whose statement the gentleman would be inclined to take.

Mr. CRAMTON. I do not know that the gentleman is a soil expert or an agricultural expert.

Mr. SWING. I was raised on a farm and I know about land.

Mr. CRAMTON. But the report on file in the Indian Office ought to have a good deal of weight with us.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. The bill in this case is brought here at the request of the department and Indian Bureau.

Mr. CRAMTON. Yes.

Mr. LEAVITT. And this morning's Post, for example, carries a criticism of the Indian Bureau presumably for failing to protect the rights of the Indians.

Mr. CRAMTON. Yes; and the gentleman is just as familiar with that as I am. I suppose the gentleman refers to the new organization perfected?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The gentleman is just as familiar as I am with the absolute lack of credence that should be accorded to that organization.

Mr. LEAVITT. Yes; I understand the entire situation.

Mr. CRAMTON. The gentleman knows just how it is formed and what it represents.

Mr. LEAVITT. I understand all that, and here is a place where the Indian Bureau shows absolute efficiency. It faces a situation that will make absolute paupers out of this tribe of Indians if the Government does not rectify an error in surveys made many, many years ago, and give these people this land, which has always been their home. When the bureau does attempt to do something constructive of this kind, I think the Congress, understanding the circumstances, ought to encourage them in it and help to bring it about.

Mr. CRAMTON. If the gentleman from Montana will permit, if this land we are to give them now is good land——

Mr. LEAVITT. It is good land.

Mr. CRAMTON. Then I would not object.

Mr. LEAVITT. It is good land.

Mr. CRAMTON. But I want to be certain we are doing something substantial for the Indians instead of doing something substantial for the ranch company.

Mr. LEAVITT. I will say in reply to the gentleman, as chairman of the Committee on Indian Affairs, that the committee gave this matter serious consideration and went into these different matters, and was satisfied that if this is not done, and should these people therefore be ejected from this land, it is going to make them a charge on the Federal Government, a charge on their community, and is going to make it impossible for them to be self-supporting and self-respecting; and further that the land is worth all and perhaps more than the ranch company is to be paid for it.

Mr. CRAMTON. What evidence was before the gentleman's committee as to the value of this land or the uses to which it could be put?

Mr. LEAVITT. Just the same statement as the one the gentleman from California [Mr. SWING] is making to-day, from the standpoint of personal acquaintance with the land, and also the fact that this is valley land at the foot of precipitous mountains.

The land in the boundaries of the Indian reservation itself consists of precipitous mountains that have no value except, perhaps, for the running of livestock in the middle of the summer. These Indians will be entirely deprived of their garden land and their farm land unless they secure this area.

Mr. HUDSON. Will the gentleman yield just a moment?

Mr. CRAMTON. In a moment. Mr. Speaker, I do not want to take unduly the time of the House; and if the gentleman who introduced the bill, the chairman of the Committee on Indian Affairs, and the gentleman from California want to take the responsibility for the expenditure, I shall not object.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. HASTINGS. Let me make this further inquiry if I may: I will ask the chairman of the Committee on Indian Affairs if this is not a department bill?

Mr. LEAVITT. It is.

Mr. HASTINGS. It was drawn by the department and was sent to the chairman for introduction, and the amount to be authorized to be appropriated is the amount recommended by the department itself.

Mr. LEAVITT. Yes.

Mr. CRAMTON. And if the gentleman will permit, it was from the department I was advised that the land is of no value beyond grazing.

Mr. HUDSON. Will the gentleman yield further?

Mr. LEAVITT. Yes.

Mr. HUDSON. Was it not also brought out that this is the only fertile land, or land that could be cultivated, that could be secured for these Indians there?

Mr. LEAVITT. That is true.

Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask some questions. The gentleman from California states he was raised on a farm, and therefore I know he knows something about grazing. How many head of stock does the gentleman think these Indians can graze on this land, consisting of 573 acres?

Mr. SWING. They have been grazing about 300.

Mr. BLANTON. But, according to the usual allotment in grazing land in that vicinity, it runs about 1 head to every 10 acres.

Mr. SWING. About one to the acre on this kind of soil.

Mr. BLANTON. I would like to ask the gentleman this further question: They want this land for grazing purposes, so that these Indians can graze their livestock?

Mr. SWING. That is what they have been taught to use it for.

Mr. BLANTON. That is what they have been taught to use it for; but does not the gentleman from California know that no one can afford to graze livestock on land that is worth $43.50 an acre?

Mr. SWING. They are using it for that purpose and also have their gardens on it.

Mr. BLANTON. I know, but they can not afford to do that.

Mr. CRAMTON. They can if it is given to them.

Mr. BLANTON. Oh, yes; but the department—not the gentleman from California—but the department which is supposed to know all about this land and which has these Indians in its charge has advised the gentleman from Michigan that this is grazing land pure and simple.

Mr. SWING. No; they recommend to Congress that this is land well worth the price which they are proposing to pay for it.

Mr. BLANTON. But the department has notified the gentleman from Michigan, who helps to hold the purse strings of the Treasury for the people, that this is grazing land pure and simple.

Mr. SWING. What would you have the Congress do with these wards of the American people? Would you have the Congress of the United States turn them back onto the barren hillsides to starve with their livestock?

Mr. BLANTON. The Government of the United States has plenty of grazing land to which it can give these Indians access, worth not over five or six or eight or nine dollars an acre, and it does not have to buy land at $43.50 an acre to give these Indians for grazing purposes.

Mr. SWING. I do not know where that land is. There is no such land there.

Mr. BLANTON. And the Government ought to give these Indians some proper land somewhere among its various preserves that is of less value and land that is strictly grazing land. That is what the Indians want. They want grazing land.

Mr. SWING. If the gentleman will suggest the place——

Mr. BLANTON. I hope the gentleman will let this bill go over and let us look into it.

Mr. TINCHER. If the gentleman will yield, I understood the gentleman from Texas to say that no grazing land was worth as much as $43 an acre.

Mr. BLANTON. No. I said that no stockman could afford to graze on land worth $43 an acre and stay in the business.

Mr. TINCHER. What is the difference between grazing on land worth $43 an acre where it only takes one acre for a steer and grazing on land worth $7 an acre where it takes 80?

Mr. BLANTON. Is the gentleman from Kansas for this bill?

Mr. TINCHER. I think, under the circumstances, that they ought to have the bill.

Mr. BLANTON. I have served with the gentleman for a long time and on last Saturday he proved to be a statesman. I withdraw my objection. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase a certain irregular tract of land, containing approximately 573 acres, in townships 11 and 12 south, range 3 east of San Bernardino meridian in California, situated adjacent to the Santa Ysabel Indian Reservation, the legal description and area of the tract to be accurately determined; said land when purchased to be added to and become a part of the Santa Ysabel Indian Reservation: *Provided*, That the sum of $25,000, or so much thereof as may be needed, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated to cover the purchase price of the land and to defray the expenses necessarily incurred in connection therewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT OR NEAR FORT BENTON, MONT.

The next business on the Consent Calendar was the bill (H. R. 8040) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Missouri River at or near Fort Benton, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Chouteau, Mont., to reconstruct, maintain, and operate its existing bridge and approaches thereto across the Missouri River at or near Fort Benton, Mont., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE OUACHITA RIVER AT OR NEAR HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 8136) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask to take from the Speaker's table the bill S. 2785, identical with the House bill, and substitute it for the House bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to substitute for the House bill the bill S. 2785. Is there objection?

Mr. DENISON. Reserving the right to object, is this identical with the House bill?

Mr. WILSON of Louisiana. Yes.

Mr. DENISON. Was there any amendment made by the House committee?

Mr. WILSON of Louisiana. No; it is identical.

Mr. DENISON. I have no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River, at a point suitable to the interests of navigation, at or near Harrisonburg, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill was laid on the table.

BRIDGE ACROSS BLACK RIVER AT OR NEAR JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 8137) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that the bill S. 2784 may be substituted in place of the House bill. They are identical.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain,

and operate a bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near Jonesville, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill was laid on the table.

BRIDGE ACROSS RED RIVER AT OR NEAR MONCLA, LA.

The next business on the Consent Calendar was the bill (H. R. 8463) to authorize the construction of a highway bridge across the Red River at or near Moncla, La.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Louisiana Highway Commission be, and is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in the parish of Avoyelles and State of Louisiana, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 3, after the word "That" insert the words "the consent of Congress is hereby granted to," and after the word "commission" strike out the rest of the line.

Page 1, line 4, strike out the word "authorized" and the word "highway."

Amend the title so as to read: "A bill granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS BAYOU BARTHOLOMEW, MOREHOUSE PARISH, LA.

The next business on the Consent Calendar was the bill (H. R. 8598) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct a bridge across the Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near Point Pleasant, in the parish of Morehouse, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "with," in line 10, page 1, of the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, ALLEGHENY COUNTY, PA.

The next business on the Consent Calendar was the bill (H. R. 8513) granting the consent of Congress to extend the time for one year to construct a bridge across the Monongahela River between the boroughs of Clairton and Glassport in the county of Allegheny, Pa.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Would it be in order under unanimous consent to consider these various bridge bills en bloc?

The SPEAKER. The Chair thinks it would be in order if there is no objection to that.

Mr. DENISON. Mr. Speaker, I will state to the gentleman from Texas that we are going to consider a number of bills in a few moments that are identical, and I shall ask that they be considered en bloc.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to extend the time for one year to the county of Allegheny in the Commonwealth of Pennsylvania and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at a point suitable to the interests of navigation, at or near the boroughs of Clairton and Glassport in the county of Allegheny, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "the," strike out: "consent of Congress is hereby granted to extend the time for one year to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto," and insert in lieu thereof, "times for commencing and completing the construction of a bridge authorized by act of Congress approved February 27, 1919, as amended by acts of Congress approved June 14, 1920, and February 12, 1925, to be built."

Page 2, line 3, after the word "at," strike out the words "a point suitable to the interests of navigation, at or near the boroughs of Clairton and Glassport," and insert in lieu thereof the words, "or near the borough of Wilson."

Page 2, line 6, after the word "Pennsylvania," strike out the words "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1916," and insert in lieu thereof the words, "are hereby extended one and three years, respectively, from the date of approval thereof."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa."

GEORGE WASHINGTON-WAKEFIELD MEMORIAL BRIDGE

The next business on the Consent Calendar was the bill (H. R. 8908) granting the consent of Congress to the George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, it seems to me that this bill ought to be amended somewhat. Has the gentleman from Virginia any amendment to offer?

Mr. MOORE of Virginia. I have not.

Mr. BLANTON. Of course, if the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Virginia [Mr. MOORE] are satisfied, I shall not raise any objection. It occurred to me that an amendment should be put in the bill to clarify it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That the consent of Congress is hereby granted to the George Washington-Wakefield Memorial Bridge, a corporation, chartered under the laws of the State of Virginia, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto and all appurtenances needed in connection therewith for use by pedestrians, animals, and vehicles adapted to travel on public highways, and at its option to construct such bridge so as to provide for the passage of railway trains or street cars, or both, across the Potomac River at a point suitable to the interest of navigation from a point in the vicinity of Dahlgren, in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, in accordance with

the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the said George Washington-Wakefield Memorial Bridge, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate needed for the location, construction, operation, or maintenance of such bridge and approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land is situated, upon making proper compensation therefor, to be ascertained according to the laws of such State, and the proceedings therefor may be the same as in condemnation or appropriation of property for railroads or for bridges in such State.

SEC. 3. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, are hereby authorized and empowered to fix and charge just and reasonable tolls for the passage over such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of tolls as provided in the act of March 23, 1906, and fix by contract with any person or corporation desiring the use of said bridge and approaches for the passage of railway trains or street cars, or for the placing of water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other purpose, the terms, conditions, and rates of tolls for such use, and in the absence of such contract the terms and conditions of rates of tolls for such use shall be determined by the Secretary of War as provided in the act of March 23, 1906.

SEC. 4. At any time after 15 years from the completion of the bridge constructed under the provisions of this act the State of Virginia or the State of Maryland, or any official agency or political subdivision or divisions of either thereof, may jointly or severally acquire and take over all right, title, and interest of the owner or owners thereof, either by purchase or by condemnation proceedings in accordance with the general laws of either of such States governing the acquisition of private property for public purposes by condemnation. If such bridge shall be acquired by condemnation proceedings, in determining the measure of damages or compensation to be allowed or paid for the same there shall not be included any credits or allowance for good will or prospective revenues or profits, but the same shall be limited to such an amount, not exceeding the original cost thereof, as shall represent the fair value of the bridge and its approaches and any improvements thereof at the time of such condemnation. If such bridge shall be so acquired by condemnation or otherwise by such States or either of them, or by any official agency or political subdivision or subdivisions thereof, in accordance with the provisions of this act, the same shall be maintained and operated as a free bridge after five years from the date of such acquisition.

If such bridge is constructed so as to provide for the passage of railway trains or street cars, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage of persons, animals, and vehicles adapted to travel on public highways; if the right of purchase or condemnation shall be exercised as to a right of way over such bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair value of such bridge, determined in accordance with the provisions of this act, and what its actual fair value would have been if such bridge had not been constructed so as to provide for the passage of persons, animals, and vehicles adapted to travel on public highways.

SEC. 5. The George Washington-Wakefield Memorial Bridge, its successors and assigns, shall immediately upon the completion of such bridge file with the highway departments of the States of Virginia and Maryland an itemized statement under oath showing the actual original cost of such bridge and its approaches, which statement may include as part of the original cost of such bridge any reasonable expenditures actually made for engineering and legal services and any reasonable fees, discounts, and other expenditures actually incurred in connection with the financing thereof; and if such bridge is so built as to provide for the passage of railway trains or street cars thereon, there shall be filed in the same manner sworn itemized statements or estimates of what such bridge would have cost had it not been built so as to provide for the passage of persons, animals, and vehicles adapted to travel on public highways. Such itemized statements of costs may be investigated by the highway departments of the State of Virginia or the State of Maryland or any agent or agents thereof at any time within three years after the completion of such bridge and at the expenses of the said George Washington-Wakefield Memorial Bridge, its successors or assigns, in such manner as may be deemed proper, and for that purpose the said corporation, its successors and assigns, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of such highway department or departments as to the actual cost of such bridge shall be conclusive on all persons, subject only to a review in a court of equity for fraud or gross mistake.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LINTHICUM. Mr. Speaker, I move to strike out the last word. Several days ago I raised the question as to a bridge bill because I did not think the public was sufficiently protected in its right to acquire the bridge after a certain number of years. I find that the bill now under consideration for a bridge from Popes Creek, Md., to Dahlgren, Va., has corrected that difficulty and now provides that at any time after 15 years from the completion of the bridge it may be acquired by the State of Maryland or the State of Virginia, or by both jointly, or by some subdivision of those States. So that the States have the right to purchase this bridge at any time after 15 years from the time of its completion, and the price can not be more than the original cost of the bridge. If it can be purchased for less than the original cost, the States save that much; but it can not cost the States any more than the cost of construction, according to the bill.

I am in favor of this bridge because I think it means so much to the States of Maryland and Virginia and to the National Government itself. There is no bridge, as I understand it, southeast or south of the railroad bridge across the Potomac River here at the city of Washington. This bridge will be about 60 miles from here at Popes Creek, going across to Dahlgren, in Virginia. The bridge will be of great advantage to the Government, because it will connect by direct route from Washington, D. C., through southern Maryland past Indian Landing, where the Government has great works, on to Popes Creek, and then by this bridge across to Dahlgren, the greatest proving ground the Government has at this time. There is another great advantage, in that it gives access to that neck of Virginia which has never had through communication to the north. This bridge, jointly with the bridge which the State of Virginia is building at Tappahannock, will give a splendid roadway on through southern Maryland across the Potomac River and across the Rappahannock River at Tappahannock, Va. Likewise from the south across the Rappahannock and Potomac Rivers via the Crain Highway on to Baltimore and points north.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KNUTSON. Is it proposed to build at this point?

Mr. LINTHICUM. It is proposed to build a bridge from Popes Creek, Charles County, Md., to Dahlgren, Va.

Mr. KNUTSON. Is not the river about 4 miles wide there?

Mr. LINTHICUM. It is about two and a half miles wide. The bridge will cost somewhere between $4,000,000 and $4,500,000. It will be a splendid steel and concrete structure, and will give an outlet to a territory which has long needed some outlet to the north from that section of Virginia and to the south.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. BLANTON. The bridge will be no longer than some of the bridges which span the Mississippi River.

Mr. LINTHICUM. Of course, I am not familiar with the length of the bridges spanning the Mississippi, but I presume this will not be as long as some of them.

Mr. BLANTON. I think this is the best bill for a bridge across the Potomac I have ever read. The thing about it that appeals to me more than anything else is that there is no provision in this bridge across the Potomac to have the Government pay any part of it.

Mr. LINTHICUM. There is another advantage—and I am glad to hear the gentleman say that—and that is the tolls are to be set by the Secretary of War under the act of 1906. There is another advantage that when these States acquire this bridge, five years from the date of such acquisition the bridge must automatically become a free bridge. So I understand we shall have a free bridge eventually. After a certain definite period of five years from acquisition it shall be entirely free. The policy of the State of Maryland has been to make all bridges free.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman has expired.

Mr. LINTHICUM. I ask for three additional minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I was going to say this would be good news to the gentleman from Texas [Mr. BLANTON]. The policy of our State is to have all bridges free. It is estimated the bridge across the Susquehanna at Havre de Grace, that within the next two years the tolls will have paid for that bridge and the bridge will become a free bridge, and so I hope it will be with this bridge. I desire also to call the attention of gentlemen of the House, especially the gentleman from Virginia, to the fact that this bridge will be entirely within the State of Maryland except the abutments on the Virginia side, from the

fact that the boundary line of Maryland goes to the low-water mark on the Virginia side. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE COLORADO RIVER NEAR BLYTHE, CALIF.

The next business on the Consent Calendar was the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to John Lyle Harrington, or his assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, near the city of Blythe, Calif., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the bridge shall be 20 feet wide and shall conform to the requirements for class B bridges provided in the specifications of the Bureau of Roads, Department of Agriculture, dated June 1, 1925, and entitled "Standard Specifications for Highway Bridges and Incidental Structures."

SEC. 2. The States of Arizona and California, or either thereof, or any political subdivision or divisions thereof, may jointly or severally, at any time after five years from the completion of said bridge, take over and acquire the complete ownership thereof at a price to be mutually agreed upon by the owner thereof and such State or States or subdivision or divisions thereof, or at a price to be determined by condemnation proceedings in accordance with the general laws of the State of Arizona or the State of California governing the acquisition of private property for public purposes by condemnation, or at a price to be fixed by such other method as may be provided by law: *Provided*, That if such bridge shall be acquired by the said States or either thereof, or by any political or other subdivision or divisions thereof, by condemnation or other legal proceedings in accordance with the general laws governing the acquisition of private property for public purposes, in determining the measure of damages or compensation to be paid for the same there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but the same shall be limited to an amount not exceeding the cost of constructing such bridge and approaches thereto, including interest and other charges incidental to any necessary loans made in connection with financing such construction, engineering services, necessary contingent expenses, actual and necessary betterments and improvements, less a reasonable deduction for actual depreciation: *Provided further*, That if such bridge shall be acquired or taken over by the States of Arizona and California, or either of them, or by any political subdivision or divisions thereof, in accordance with the provisions of this act, the same may be operated by such State or States or political subdivision or divisions thereof as a toll bridge for a period of not to exceed five years from the date of the acquisition thereof, after which time it shall be and remain a free bridge.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read as follows:

Page 2, line 2, after the word "the," strike out "specifications of the Bureau of Roads, Department of Agriculture, dated June 1, 1925, and entitled," and insert in line 5, after the word "structures," "issued by the American Association of State highway officials under date of June 1, 1925."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE WASHINGTON-WAKEFIELD MEMORIAL BRIDGE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Potomac Bridge bill just passed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, is there anything wet under that bridge?

Mr. HILL of Maryland. It will be a different kind of wet.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. HILL of Maryland. Mr. Speaker, this bill, H. R. 8908, introduced by Representative MOORE of Virginia, would authorize the George Washington-Wakefield Memorial Bridge, which is the name of a corporation chartered under the laws of Virginia, to build and operate a bridge across the Potomac River from a point in the vicinity of Dahlgren, which is in the northeastern end of King George County, Va., to a point in Maryland in Charles County, just south of Popes Creek.

The location of the proposed bridge is not at present on the system of Federal-aid highways provided at this time for the States of Maryland and Virginia, but a route on the Maryland system runs within less than 2 miles of the proposed location of the bridge, and this road will undoubtedly deliver a large volume of traffic which may cross a bridge which might be constructed at the point authorized in the bill. If this bridge is built, undoubtedly the system of roads will be modified to connect with it.

Such a bridge will form a connecting link between the Charles County portion of Maryland and the King George County portion of Virginia, and will be of enormous benefit in developments of those sections of Maryland and Virginia.

There will be provided a direct route from Washington through southern Maryland by way of Popes Creek, and this bridge to the great proving grounds at Dahlgren. By means of the Crain Highway, Baltimore will be placed in communication with this portion of Virginia and this section of Maryland in a greatly facilitated manner.

It is proposed that this bridge will cost about $4,500,000.

Charles County is one of the oldest counties of Maryland, and all of this portion of the State is full of the most interesting history. This bridge will help to develop all of this section. As a native of southern Maryland I have always taken particular interest in the history and resources of Charles County.

On the last day of June, 1650, Robert Brooke sailed into the Patuxent River with 28 colonists and became commander of a new county, which Lord Baltimore granted and named Charles in honor of the King.

Charmed by the picturesque shore of the Patuxtent, as Richardson records, he sailed many miles farther up than any adventurer sailed, and chose for his abiding place the 2,000 acres known as De La Brooke Manor.

The grant to Robert Brooke was very interesting, and should be known to all those who cherish the ideals of toleration in political and religious liberty in early Maryland. Cecilius Calvert, the then Lord Baltimore, made the grant creating Charles County.

This grant confirmed—

unto our trusty and well-beloved Robert Brooke, Esq., one whole country within our Province, to be newly set forth, erected, nominated, and appointed for that purpose, round about and next adjoining to the place he shall so settle and plant in, etc., and such a quantity and number of miles as other counties in our said Province. And we hereby grant unto him, the said Robert Brooke, all such honors, dignities, privileges, fees, prerequisites, profits, and immunities as are belonging to the said place and office of the commander of the said county, etc. And we do hereby empower the said Robert Brooke to appoint and call a court or courts to award in our name all manner of process, hold pleas, and finally to hear and determine all civil causes and actions whatsoever happening, which may be heard and determined by any of the justices of the peace of England in their courts of sessions, not extending to life and member.

At the same writing Lord Baltimore also authorized Robert Brooke to be commander in chief—

of all the forces which shall be armed, levied, or raised in the said county and to lead and conduct them against the Indians and other foreign enemies.

A commission was also forwarded to Maryland by the proprietary, naming Robert Brooke as—

member of privy council to meet and assemble himself in council upon all occasions.

This new bridge will connect the Virginia shore with this old county of Charles, above referred to by Lord Baltimore. As a southern Marylander by birth and inheritance I am proud that Robert Brooke was one of the forefathers of my children. I am proud of the history of this old county. Baker Brooke, the son of Robert Brooke, married Anne Calvert, the daughter of Gov. Leonard Calvert.

All this portion of Maryland is a treasure house of history. It has never been written and published abroad the way the history of many other portions of the old colonies have been published. This portion of Maryland affords not only wonderful material resources, but historical inspiration which will be made accessible by the building of the George Washington-Wakefield Memorial Bridge. The traditions of Lord Baltimore and Governor Brooke on the Maryland side will be joined with those of Washington on the Virginia side and I am glad that this bill will to-day pass.

The bill has the approval of the War and Agricultural Departments. The War Department says:

WAR DEPARTMENT, *December 23, 1925.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill (H. R. 5682, 69th Cong., 1st sess.) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, if amended as indicated in red thereon.

The proviso relating to the time limits within which the bridge shall be constructed has been eliminated for the reason that the general bridge act of March 23, 1906, specifies the times for commencing and completing the construction of bridges as one and three years, respectively, and it is thought inadvisable to change those limits, except in unusual cases.

As the navigable portions of the Potomac River do not lie within the limits of a single State, the consent of Congress is required under section 9 of the river and harbor act of March 3, 1899 (30 Stat. 1151), for the construction of a bridge thereover.

HANFORD MACNIDER,
Acting Secretary of War.

BRIDGE ACROSS LAKE WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 5810) granting a certain right of way, with authority to improve the same by the construction, maintenance, and operation of a toll bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to John F. Kenward, his heirs, executors, administrators, or assigns, an easement and right of way and authority to improve the same by the construction, maintenance, and operation of a toll bridge across Lake Washington from a point suitable to the interests of navigation, namely, from a point on the west shore of Lake Washington approximately due east of the intersection of Orcas Street and Seward Park Avenue, Seattle, King County, Wash., running thence easterly to a point on the west shore of Mercer Island approximately due east from the point of beginning, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That said John F. Kenward, his heirs, executors, administrators, or assigns, shall hereafter be charged with the care and maintenance of said toll bridge so constructed and operated, and no cost of said improvement or part thereof, or of the maintenance thereof, shall be levied or assessed upon said right-of-way lands or the lands contiguous or adjoining belonging to the United States: *Provided further*, That any structures over or on the said right of way shall be subject to approval by the Secretary of War and shall be subject to complete removal or modification by and at the expense of the said John F. Kenward, his heirs, executors, administrators, or assigns, when required by the Secretary of War.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "Granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State."

The committee amendments were read, as follows:

Page 1, line 3, after the word "That" strike out the word "there" and insert in lieu thereof "the consent of Congress."

Page 1, line 4, strike out "an easement and right."

Page 1, line 5, strike out "of way and authority to improve the same by the" and insert in lieu thereof the word "to."

Page 1, line 5, change "construc-" to "construct" and add a comma.

Page 1, line 6, strike out "tion, maintenance, and operation" and insert in lieu thereof "maintain and operate"; strike out the word "toll."

Page 1, line 7, strike out "from" and insert "at" in lieu thereof.

Page 1, line 8, strike out "namely."

Page 2, strike out all of section 2 and insert the following in lieu thereof:

"SEC. 2. That the State of Washington, or any official agency thereof, or any political or other subdivision or subdivisions thereof, within or adjoining which such bridge is located, may at any time after 15 years from the completion of such bridge, by agreement or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge. If such bridge is acquired by the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof by condemnation, in determining the measure of damages or compensation to be paid for the same there shall not be included any credit or allowances for good will, going value, or prospective revenues or profits, but the same shall be limited to such an amount not exceeding the original cost thereof as shall represent the fair value of the bridge and its approaches and appurtenances at the time of such acquisition: *Provided*, That nothing in this act shall be construed to deprive the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof, within or joining which such bridge is located, of any rights that it or they possess under the laws of such State with reference to such bridge during the 15-year period mentioned herein. After five years from the date of acquiring such bridge by the State or any official agency, political or other subdivision or subdivisions thereof, the same shall be maintained and operated as a free bridge.

"SEC. 3. The said John F. Kenward, his heirs, administrators, or assigns shall immediately upon the completion of such bridge file with the State Highway Department of the State of Washington an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such itemized statement of cost may be investigated by the State highway department at any time within three years after the completion of such bridge and verified and corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or gross mistake."

Page 2, line 21, change "3" to "4."

Amend the title so as to read: "A bill granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, the next two bills, Nos. 93 and 94, both refer to the report by Mr. PARKS, of Arkansas. There are no amendments to either bill, and provides for free bridges, and I ask unanimous consent that those two bills may be considered and called up, if there is no objection, to be read a second time and engrossed and read the third time and passed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, just for clarifying the situation, I want to ask the gentleman why he does not embrace in his unanimous consent calendar numbers from 93, page 33, down to and including calendar No. 116, on page 35, with the understanding that the amendments be agreed to and that the bills as amended pass, because agreeing to the amendments on these bridge bills is merely a perfunctory matter, anyway. Will the gentleman ask that?

The SPEAKER pro tempore. Is there objection to the following bridge bills, down to and including 116 on the Consent Calendar?

Mr. BLANTON. With the understanding that the amendments be agreed to and that the bills pass.

The SPEAKER pro tempore. Is there objection to the present consideration?

Mr. HUDDLESTON. I will say to the gentleman from Illinois that in the bill H. R. 8316, which is No. 97 on the calendar, there is a clerical error which has escaped our attention. The bill ought to be amended. The bill refers to the State highway commission of the State of Alabama when it should refer to the State highway department, and I was going to suggest to the gentleman that he either make that amendment or provide for the making of that amendment in his request.

The SPEAKER pro tempore. Is there objection to the consideration of all the bills referred to?

There was no objection.

Mr. DENISON. Now, Mr. Speaker, I ask unanimous consent that the bills on the calendar Nos. 93, 94, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 108, 109, 110, 111, 112, 113, 114, 115,

and 116 be considered as called up without objection, ordered engrossed and read a third time, read the third time with amendments, and passed.

Mr. STEAGALL. That includes all the bridge bills on the calendar?

Mr. BLANTON. No; but all that are in sequence.

Mr. DENISON. And also that a motion to reconsider the vote by which the bills were passed be laid on the table.

The SPEAKER pro tempore. Before doing that, the Chair wants to be sure the Clerk has the record complete as to what has been done. There may be confusion, and the Chair wishes to avoid that.

Mr. DENISON. Mr. Speaker, I omitted No. 97.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the committee amendments to the bills enumerated by him on the Consent Calendar be agreed to, and that the bills as amended be considered as engrossed, read the third time, and passed; and that a motion to reconsider the vote by which the bills were passed be laid on the table. Is there objection?

There was no objection.

The titles of the bills referred to follow:

H. R. 6710. A bill granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.;

H. R. 7188. A bill granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River in the State of Mississippi;

H. R. 7904. A bill granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Des Arc, in the county of Prairie, in the State of Arkansas;

H. R. 7741. A bill to construct a bridge across the Choctawhatchee River near Geneva, Geneva County, Ala., on State road No. 20;

H. R. 8382. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8386. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8390. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road between Washington and Clarke Counties, Ala.;

H. R. 8391. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala.;

H. R. 8511. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8521. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala.;

H. R. 8522. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson, on the Opp-Samson road in Geneva County, Ala.;

H. R. 8525. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.;

H. R. 8526. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road between Dale and Houston Counties, Ala.;

H. R. 8527. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala.;

H. R. 8536. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8537. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala.;

H. R. 7823. A bill to authorize the building of a bridge and approaches thereto across the Potomac River between Montgomery County in the State of Maryland and Fairfax County in the State of Virginia;

H. R. 8514. A bill granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River; and

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River.

So the foregoing bills were considered, read twice, the several committee amendments were agreed to, the bills ordered engrossed and read a third time, read a third time and passed, and a motion to reconsider the votes whereby the several bills were passed was laid upon the table.

The SPEAKER pro tempore. The Clerk informs the Chair with respect to No. 94 that there is an identical Senate bill on the calendar.

Mr. DENISON. Then, with reference to No. 94 I ask that the Senate bill be considered and passed in lieu of the House bill.

The SPEAKER pro tempore. The gentleman would need to ask that the several motions by which these bills were passed be rescinded and that the bill be laid before the House for consideration.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, the gentleman from Mississippi [Mr. COLLINS] is the author of that bill. The gentleman was here a few moments ago. He was unmindful of the situation as it has been stated, at least he said nothing to me about the Senate bill being here or about any desire on his part to have the Senate bill passed. I think for that reason we had better not take the action suggested.

Mr. DENISON. I think we had better let the proceedings stand.

Mr. BLANTON. Mr. Speaker, the Chair should state "It is so ordered" on the unanimous-consent request, to show that such an order has been made.

The SPEAKER pro tempore. Unanimous consent was asked, objections were in order, and there were no objections, and therefore all the bills are passed.

BRIDGE ACROSS COOSA RIVER

The next business on the Consent Calendar was the bill (H. R. 8316) granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of the State of Alabama and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at a point suitable to the interests of navigation at or near Wetumpka, in the County of Elmore, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HUDDLESTON. Mr. Speaker, the word "commission" in the title and in line 4 should be changed to "department." I offer that amendment.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 1, line 4, strike out the word "commission" and insert "department."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEASING FOR MINING PURPOSES LAND RESERVED FOR INDIAN AGENCY OR SCHOOL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 7752) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, does not the gentleman think that the House ought to put some directory provision in the bill and not leave it to the Secretary of the Interior or the department? There is absolutely nothing here in the bill to insure fair leases, and we are leaving it to the discretion and judgment of the Secretary of the Interior.

Mr. LEAVITT. Not entirely. It is required to be advertised for 30 days, and it is in the same situation as other lands on the same reservation and subject to the same laws, so that if oil is struck the Indians will get the benefit of it.

Mr. BLANTON. I happen to have had some experience with the leasing of oil lands. There are men of good judgment in some kind of business matters who have leased their lands for mineral rights and gotten nothing out of them, because they did not understand oil leases. There are other men who seemed not to be such fine business men who have leased oil lands and who have been made rich by it. I do not know whether the Secretary of the Interior is efficient in the leasing of oil lands or not. Does not the gentleman think that we should give him some direction?

Mr. LEAVITT. The situation is the same as in Oklahoma, where Indian lands have been leased under this same sort of regulation, and it indicates that the Indians will get the benefit of a situation of that kind. The Secretary of the Interior now has the general authority that is given him here with respect to lands set apart for agency and school purposes.

Mr. BLANTON. I had in mind that there should be a stipulation that no land should be leased for a royalty less than one-eighth.

Mr. FREAR. If the gentleman will yield, I want to say that there is a bill before the Indian Affairs Committee that provides only 5 per cent shall go to the Indians, and that 37½ per cent of that shall go in taxes.

Mr. BLANTON. Is the gentleman from Wisconsin in favor of that bill?

Mr. FREAR. Surely not. I agree with the gentleman from Texas that there ought to be some directory provision.

Mr. BLANTON. I want to say to the gentleman from Montana that if this bill passes in the shape it is here, the leasing may be handled in some such manner as stated by the gentleman from Wisconsin [Mr. FREAR].

Mr. HASTINGS. If the gentleman will yield, I will say that these are little pieces of land for agency purposes and school purposes. They only cover a few acres of land; they could not be leased except on public notice for 30 days and at public auction.

Mr. BLANTON. The Secretary of the Interior is already sending legislation to Congress, as stated by the gentleman from Wisconsin, asking that a lease be made wherein the Indians are only getting 5 per cent royalty; that is not my idea of what ought to be done. What does the gentleman think?

Mr. LEAVITT. The Secretary of the Interior is not sending any such legislation to Congress; the bill that the gentleman from Wisconsin refers to was introduced by a Member of the House.

Mr. BLANTON. The gentleman from Wisconsin is always very correct in his statements.

Mr. FREAR. The Indian Commissioner appeared before our committee and defended that provision.

Mr. BLANTON. I ask the gentleman to let the bill go over until we can look into it. I do not want to object to it, but I want to have a chance to safeguard it. If the gentleman will let it go over for one more time, we may agree upon proper amendments.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill be passed over and retain its place on the calendar without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

FLOOD CONTROL OF THE SACRAMENTO RIVER, CALIF.

The next business on the Consent Calendar was the bill (H. R. 5965) to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FREAR. Reserving the right to object, I wish to state that I put in a minority report against that proposition, which involves the appropriation of $17,000,000, an increase of $11,400,000 over the bill as originally presented. I believe it ought to be considered in the House on the proper calendar, and ought not to be allowed to go through by unanimous consent. I understand several Members were going to object, but I object now.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice.

Mr. BLANTON. Mr. Speaker, I hope the gentleman from Wisconsin [Mr. FREAR] will withdraw his objection and let the request of the gentleman from California prevail.

Mr. FREAR. Very well, Mr. Speaker; I withdraw my objection.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SALE OF CERTAIN KAW RESERVATION LANDS, OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing the sale and conveyance of certain lands on the Kaw Reservation in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WITHDRAWING CERTAIN LANDS FOR SHOSHONE AND OTHER INDIANS, NEVADA

The next business on the Consent Calendar was the bill (H. R. 7814) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described lands in Nevada be, and they are hereby, withdrawn from entry, sale, or other disposition, and set aside for the Paiute and Shoshone Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That the withdrawal hereby authorized shall be subject to any prior valid rights of any persons to the lands described: Fractional sections 13, 24, and 25, township 42 north, range 25 east; section 1, township 41 north, range 25 east; and fractional sections 5 and 6, township 41 north, range 26 east, of the Mount Diablo meridian, in Nevada.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF CERTAIN LANDS FOR INDIANS OF WALKER RIVER RESERVATION

The next business on the Consent Calendar was the bill (H. R. 8913) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described lands situate in the State of Nevada, temporarily withdrawn from settlement, entry, sale, or other disposition until March 5, 1927, by presidential order dated March 18, 1925, for the use and benefit of the Indians of the Walker River Reservation, be, and they hereby are, permanently withdrawn for the purpose indicated in said order: *Provided*, That this withdrawal shall not affect any existing legal right of any person to any of the withdrawn lands: *Provided further*, That the foregoing reservation is hereby created subject to exploration, location, lease, or entry under the existing mining laws of the United States: All of township 14 north, range 30 east, Mount Diablo meridian; west half of township 14 north, range 31 east, Mount Diablo meridian; west half of township 13 north, range 31 east, Mount Diablo meridian; west half of township 12 north, range 31 east, Mount Diablo meridian; east half of township 12 north, range 30 east, Mount Diablo meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT HALL INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this proposes that certain lands shall be sold according to the provisions of certain sections of the statute. I would be glad if some information could be given us as to how that land would be sold, how much it is expected to sell it for, and how much the land is worth.

Mr. COLTON. This is not a city lot, is it?

Mr. CRAMTON. No; it is some fragments of land. Can anyone say what that section of the law provides?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I shall have to object without information; but instead of that I shall ask unanimous consent that the bill retain its place on the calendar and be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

HOT SPRINGS NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 6097) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground and described as follows: Commencing at the stone marking at the northeast corner of the northeast quarter of section 33, township 2 south, range 19 west, thence east for 528 feet along the south line of the southwest quarter of section 27, township 2 south, range 19 west, thence north parallel with the reservation line for 1,320 feet to the north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, thence west for 528 feet along north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, to the east line of Hot Springs National Park, thence south along the line of Hot Springs National Park to the place of beginning, in the county of Garland, State of Arkansas, being a part of the Hot Springs National Park, made by act of the Legislature of the State of Arkansas, approved March 27, 1925, are hereby accepted, and the provisions of the act approved April 20, 1904, as amended by the acts of March 2, 1907, and March 3, 1911, relating to the Hot Springs Mountain Reservation, Ark., are hereby extended to said land.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELECTION OF DELEGATE FROM ALASKA

The next business on the Consent Calendar was the bill (H. R. 7820) to amend an act entitled "An act providing for the election of a delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 12 of the act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, is hereby amended to read as follows:

"SEC. 12. That the governor, the secretary for the Territory, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING REGISTERS OF UNITED STATES LAND OFFICES TO ADMINISTER OATHS

The next business on the Consent Calendar was the bill (H. R. 6239) to authorize acting registers of United States land offices to administer oaths at any time in public-land matters.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill would indiscriminately give this authority to anybody who might be in the office acting for the register. Suppose the register is gone to lunch, and he leaves some one in his office?

Mr. COLTON. He would have to be a regular employee of the office.

Mr. BLANTON. He would have to be a designated acting register?

Mr. COLTON. Yes.

Mr. BLANTON. Clothed with the same power and authority that the register may possess?

Mr. COLTON. Acting during the absence of the register.

Mr. BLANTON. And he would have to be so designated by the register?

Mr. COLTON. That is my understanding.

Mr. BLANTON. It would not be just somebody that he might leave there in his office if he wanted to take a day's trip or so?

Mr. COLTON. No.

Mr. BLANTON. With that understanding I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of the act of October 28, 1921, "An act for the consolidation of the offices of register and receiver in certain cases and for other purposes" (42 Stat. L. p. 208), may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NEW TITLE FOR BOARD OF GENERAL APPPRAISERS

The next business on the Consent Calendar was the bill (H. R. 7966) to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who reported the bill the purpose of changing the name of the Board of General Appraisers?

Mr. WELLER. The simple purpose is to change the name, without any other purpose in view, no change of salary, nor does it call for an appropriation.

Mr. LAGUARDIA. Why the change of name?

Mr. WELLER. At different times the board must send depositions to foreign countries to be authenticated, and it has been impossible for foreign countries to understand why a court of the United States Government is not authorized to administer oaths in sending interrogatories to be examined, and it has resulted in sending them back to this country and having to get the office of the Secretary of State to authenticate that the Board of General Appraisers is duly authorized.

Mr. LAGUARDIA. They have power to administer oaths?

Mr. WELLER. But not for the purpose of taking depositions in foreign countries.

Mr. CHINDBLOM. Let me say to the gentleman that while the board has power to take depositions, the fact that it is not designated as a court has militated against the board in some countries, like Germany and Italy, where they do not recognize anybody as having the authority of a court without the name of a court, and because it does not have the name

they will not recognize the depositions sent over there. I will also say this bill has the support of the Committee on Ways and Means——

Mr. WELLER. And the Treasury Department, Department of Justice, and the committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Board of General Appraisers shall hereafter be known as the United States customs court and the members thereof shall hereafter be known as the chief justice and the associate justices of the United States customs court.

SEC. 2. The jurisdiction, powers, and duties of said board, its subdivisions and its officers, and their appointment, including the designation of its presiding officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the members of said board, shall remain the same as by existing law provided.

Mr. LAGUARDIA. Mr. Speaker and gentlemen of the House, I would like to get the attention of the distinguished gentleman from Texas [Mr. BOX], a member of the Committee on Immigration. We have just heard read a bill that will change the name of the Board of General Appraisers to that of customs court. This customs court consists of three judges learned in the law receiving salaries of judges whose duty it is to pass on all cases in reference to customs and tariff. This board or court has all the facilities and time for giving proper attention, consideration, and due deliberation to every case that comes before it. They decide such questions as whether a fish is an anchovy or a sardine, whether cheese is Limburger or Roquefort, whether a garment is a piece of silk or a chemise, and similar questions arising out of the imposition of duty on importations under the tariff law.

Mr. BLANTON. That would not be hard to decide.

Mr. LAGUARDIA. In all seriousness, I desire to call the attention of the House to other boards in New York City and in every port whose duty it is not to decide on commodities but whose duty it is to decide on the rights of human beings, the right to enter this country under the immigration laws, and on whose decision the very lives of human beings depend. While we have a properly constituted court with judges learned in the law to pass upon the question of whether a commodity is a sardine or a fish, you permit a court of three inspectors getting $1,500 or $1,800 a year, overworked and without proper facilities—and I know how hard the immigration boards work, because I served in that service three years—to pass upon matters of human life. The immigration boards of special inquiry should be of the same character, standing, and learning as these customs courts we are now discussing.

Mr. BEGG. Will the gentleman yield? I think the gentleman misses the import of the bill.

Mr. LAGUARDIA. No; I do not.

Mr. BEGG. It is not the question of the ability to pass or the rate of salaries, but it is the refusal of foreign countries to recognize the board.

Mr. LAGUARDIA. I understand the bill, but this gives me an opportunity to call the attention of the House to our immigration boards.

Mr. BEGG. Then the gentleman is not serious.

Mr. LAGUARDIA. I am talking about human beings, and of course I am serious. I believe a human right should get as much and as serious attention as articles of commerce and imported goods. We ought to have a properly constituted court with men learned and trained in the law with sufficient time for each case to pass upon the admissibility of human beings applying for admission to the United States.

Mr. O'CONNELL of New York. They passed on the Cathcart case.

Mr. BLANTON. They would not have to come here and take wine baths.

Mr. LAGUARDIA. Or seeking fortunes from gullibile title seekers.

Mr. BOYLAN. Does the gentleman desire to make a point that our laws are more concerned in passing on sardines than on human beings?

Mr. LAGUARDIA. That is my point. But the board of special inquiry——

Mr. CRAMTON. This board does not have the administration of the customs law but the judicial function of determining its terms, and recently a case involving an industry in this country, affecting my State, involving the prosperity of several thousand American citizens and their families——

Mr. LAGUARDIA. I hope the gentleman will not take up all my time.

Mr. CRAMTON. Well, I am using it to good advantage, I hope. [Laughter.]

Mr. LAGUARDIA. I do not think the gentleman is.

Mr. CRAMTON. The welfare of these several thousand American citizens depended upon the way in which that law was construed by this board that is now before us. It is not a question of sardines at all.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for three minutes more in order to make up for the time that has been consumed by interruptions.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three more minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Will the gentleman permit me to suggest that he is not discussing this bill?

Mr. LAGUARDIA. I am not discussing the importance of the work of the customs court, I will say to the gentleman from Michigan [Mr. CRAMTON]. The gentleman has overlooked entirely the function of the board of special inquiry. It is also judicial. That board passes upon facts and upon the law, too, and we turn over that important work to three overworked, underpaid inspectors. I have seen these boards work, and I know the disadvantage of the alien having his case rushed through under such conditions. There is one case coming in right after another, while this customs board sits leisurely, as it should, and listens to facts and to arguments and then passes judicially on the matters before it. The boards in the Immigration Service are simply mills grinding out misery to human beings. The men sitting on immigrant boards are not trained in the law. They are not paid properly. They have not the time to give to each case that it requires. They have not the facilities to go thoroughly into the merits of each case and give these human beings a real trial such as they ought to have when applying for admission under the law. I hope some day this Congress will change these conditions and create a real judicial board at the ports of entry for human beings—as we now have for merchandise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUBMARINE CABLE LAID IN THE ST. LOUIS RIVER

The next business on the Consent Calendar was the bill (H. R. 7455) to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I do not quite understand just what effect this will have on future regulations. Suppose we pass this bill, does that specifically give this cable a status as to all present laws and all future laws that other cables do not have? Suppose we should pass some kind of regulation requiring the holder of this cable to do something that was not any different from all other holders of cables, but this cable concern should come back and say that they were exempt under this law; is it the intention to permit that under this bill?

Mr. CARSS. Nothing of the kind is intended. This cable was laid under the regulations and rules of the War Department that has jurisdiction over navigable streams.

Mr. BEGG. Yes; I understand that.

Mr. CARSS. It has been properly laid. The proper signs have been put up to protect the cable and to warn shipmasters not to drag their anchors, and so on, as the regulations provide.

Mr. BEGG. Let me ask the gentleman a specific question. On page 2 of the bill, why not cut out the words "or future"?

Mr. CARSS. I have not a copy of the bill before me.

Mr. BEGG. The language is, "the same is hereby legalized to the same extent and with like effect as to all existing or future laws." I may be in error, but it seems to me if we pass a law for a specific cable company and say it is legalized for all existing laws and all future laws, it does not make any difference what we pass in the future, this is all legalized. I may be in error, but I would like to have some attorney who knows about the facts pass on that question.

Mr. CARSS. The gentleman, then, would not take my explanation?

Mr. BEGG. I would not think as a legal opinion the gentleman's information or opinion was any better than my own, perhaps, the gentleman not being a lawyer. I think it is a point that should be cleared up.

Mr. CARSS. Perhaps both of us are competent to pass upon the matter. This cable was laid without authorization. The party found out it was necessary to have an enabling act passed. They have proceeded to lay this cable. The War Department called their attention to the situation and compelled them to lay the cable according to their directions and instructions. This bill simply legalizes that action so that these people can get their pay for laying the cable.

Mr. BEGG. Let me ask a specific question and I will ask my colleague from Illinois to answer the question. This language, "to the same extent and with like effect as to all existing or future laws"——

Mr. CARSS. That is a committee amendment.

Mr. BEGG. I understand it is a committee amendment, but I question the wisdom of it. Suppose a future Congress should pass a law requiring all cables to be encased in a conduit of concrete; all these people would have to do to avoid that law would be to say, "We have a special law legalizing this cable as to present laws and all future laws."

Mr. CARSS. Would that law be retroactive?

Mr. BEGG. It might be; yes. I just want to know the effect of the language.

Mr. DENISON. I will state to the gentleman, with his permission——

Mr. BEGG. Certainly; I want the gentleman's explanation.

Mr. DENISON. This bill was submitted to the Chief of Engineers of the War Department and the Chief of Engineers drew this amendment after having consulted the expert lawyer who represents the Chief of Engineers in all such matters. They drew the amendment and submitted it to the committee. It does not mean, as the gentleman from Ohio understands it——

Mr. BEGG. What does it mean, then?

Mr. DENISON. It means just what it says, that it will have the same effect as if consent to lay the cable had been granted before the cable was laid.

Mr. BEGG. All right; but that does not answer the question. If the gentleman will permit, I want to know what this language means, "the same is hereby legalized to the same extent and with like effect as to all existing or future laws." What does that mean if it does not mean that as to every future law this cable is exempted?

Mr. DENISON. No; it means it will have the same effect as to all existing laws and as to all laws that are passed in the future as if it had been legalized in the first place. If a law is passed later that will affect this cable, this law will not change the effect of that law.

Mr. BEGG. I can not see that. What is the value of the words "or future"?

Mr. DENISON. I think, Mr. Speaker, we may very well leave the matter to the Chief of Engineers, who is charged with the duty of guarding and protecting navigation.

Mr. BEGG. I will say in reply that if the gentleman's confidence was substantiated by past experience, I would say yes; but past experience does not warrant such implicit confidence in the infallibility of the language.

Mr. DENISON. Let me say to the gentleman from Ohio that is the form of amendment which the Secretary of War or the Chief of Engineers inserts in every bill of this kind where we are legalizing a structure that has already been built, and we have passed a number of bills with the same identical language in it, and I do not think the gentleman from Ohio need worry about it.

Mr. BEGG. I would like to ask the gentleman from Minnesota whether the gentleman would accept an amendment to strike out the words "or future."

Mr. CARSS. Yes.

Mr. BEGG. I can not see any necessity for those words unless they are intended to avoid the enforcement of some future legislation, and I do not think we ought to do that in a specific case.

Mr. CARSS. All right; I will accept that.

Mr. BEGG. With the understanding that the amendment will be accepted, I will not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., by the Coyne Electric Shoppe, of Hibbing, Minn., and used for the lighting of the village of Oliver, Wis., be, and the same is hereby, legalized.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, line 5, after "Minnesota," insert "and Oliver, Wis."

Page 1, line 7, after the word "legalized," add the following: "to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly otained prior to the laying of said cable: *Provided*, That any changes in said cable which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof."

Mr. BEGG. Mr. Speaker, page 2, line 1, I move to strike out of the committee amendment the words "or future."

The Clerk read as follows:

Amendment by Mr. BEGG: Page 2, line 1, strike out the words "or future."

The amendment was agreed to.

The committee amendments as amended were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING SECTION 89, CHAPTER 5, OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 7616) to amend section 89 of chapter 5 of the Judicial Code of the United States.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

To amend section 89 of chapter 5 of the Judicial Code of the United States

Be it enacted, etc., That section 89 of chapter 5 of the Judicial Code of the United States be amended so as to read as follows:

"SEC. 89. The State of Minnesota shall constitute one judicial district, to be known as the District of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Wiona, Wabasha, Olmstead, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Big Stone, Traverse, Grant, Douglas, Todd, Otter Tail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater Mahnomen and Hubbard. Terms of the district court for the first division shall be held at Winona on the fourth Tuesday in January and the third Tuesday in June; for the second division, at Mankato on the third Tuesday in January and the second Tuesday in June; for the third division, at St. Paul on the first Tuesday in April and the first Tuesday in November; for the fourth division, at Minneapolis on the first Tuesday in March and the fourth Tuesday in September; for the fifth division, at Duluth on the first Tuesday in May and the first Tuesday in December; and for the sixth division, at Fergus Falls on the first Tuesday in January and the fourth Tuesday in May. The clerk of the district court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING CHIPPEWA INDIANS TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the committee amendments be considered and the bill be considered as engrossed and read the third time and passed. It is a long bill.

Mr. CRAMTON. If the gentleman will ask that the bill be considered as read.

Mr. BLANTON. I ask unanimous consent that the bill be considered as read.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill may be considered as having been read for amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Now, Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 9, line 16, after the word "agreement," insert the words "as provided in section 1 hereof."

Mr. CRAMTON. I will simply say that the purpose of the amendment is to clarify section 4. It makes it clear that the amendment referred there comes within the previous agreement referred to in section 1. The Indian Office thought the amendment should be made to clarify it, and I understand that the gentleman from Minnesota agrees that the amendment should be made.

The amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF SOLDIERS DISCHARGED DURING THE WORLD WAR

The next business on the Consent Calendar was the bill (H. R. 7841) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute the bill S. 1343 in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill (S. 1343), as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was discharged between April 6, 1917, and November 11, 1918, both dates inclusive, for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

Not until the boys had their discharges was this called to the attention of the War Department.

Mr. BEGG. Suppose a boy would enlist and they would discover it within 30 days? He ought not to be put in the status of a retired soldier. When I went over the bill, I checked it, and, to be perfectly frank with the gentleman, intended to not permit it to be gotten up unless I was satisfied on this point. Then I was busy about another bill, and it got by me. What percentage of these boys probably never got any further than the first week or two in camp whom it is now proposed to put upon a pension status?

Mr. BLANTON. The gentleman will not find one who has served less than 60 days.

Mr. BEGG. Then, that is not so bad.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman another question. Does not the gentleman from Tennessee think he ought to move an amendment to this bill to require the War Department to give each one of these boys a white discharge? They are entitled to it. They enlisted during the war, between April 6, 1917, and November 11, 1918. They enlisted with a bona fide desire to serve their country and their flag, and because it was discovered that the boy was 16 and said he was 21, or that a boy 17 said he was 19, ought not to deprive him of his white discharge, and the War Department has refused to give every one of them an honorable discharge.

Mr. REECE. I would be glad to see them given a white discharge.

Mr. BLANTON. Would the gentleman permit an amendment to the bill that would require that of the War Department?

Mr. REECE. If the gentleman thinks it would not endanger the passage of the bill.

Mr. BLANTON. It would not, and I believe it would help the passage of the bill in another body.

Mr. REECE. But the bill has already passed the Senate, and if it passes now it is ready for the signature of the President.

Mr. BLANTON. This worthy amendment would not endanger the bill at all, I think.

Mr. REECE. I should be personally very glad to accept such an amendment.

Mr. HILL of Maryland rose.

Mr. BLANTON. Mr. Speaker, I want to say this to my colleague from Maryland: That he does not want these boys—and there are lots of them—who misrepresented their age in order to be taken into the Army, who did it for the sole purpose of serving their country in the World War, to go through life with a discharge that is not honorable? Surely he is not in favor of that?

Mr. HILL of Maryland. Mr. Speaker, I am going to give the gentleman from Texas the greatest shock of his life. I was about to say that I entirely agree with him; that I think they ought to have an honorable discharge.

Mr. BLANTON. The gentleman says that he was about to say it? Why does he not say it?

Mr. HILL of Maryland. Because the gentleman was stating that I was not going to state that. Mr. Speaker, I think these boys ought to have their honorable discharges. In most cases they were discharged at the request of their parents.

Mr. BLANTON. Of course, and it was not the boys' fault that they were discharged; yet they are now penalized.

Mr. HILL of Maryland. It was not the boys' fault in any way. I know of a number of cases of boys who died from flu, in the flu epidemic, under their so-called forged enlistments, as they are known.

Mr. BLANTON. Mr. Speaker, I move to amend the bill at the end of it by striking out the period, adding a colon, and the words:

Provided, That in all such cases the War Department shall grant to such men the usual honorable discharge.

Mr. BLAND. Mr. Chairman, I move to strike out the last word. I introduced a bill similar to the bill which has been reported. I am in hearty accord with the views expressed by the gentleman from Texas [Mr. BLANTON]. This bill passed the Senate in the last Congress and came over here and was tied up. It failed of passage. The bill which is now being considered has already passed the Senate, and if the bill in the form in which it has been read passes this House it will go immediately to the President for his signature and become a law. These boys are held up now on their applications for adjusted compensation, and as much as I am in favor of the amendment of the gentleman from Texas, I prefer that there be no amendment, in order that the bill may go to the President, so far as my vote is concerned. I hope the Military Affairs Committee of the House will get busy on the suggestion of the gentleman from Texas and bring in a bill to correct the difficulty to which he refers.

Mr. BLANTON. Mr. Speaker, I think I can state this to my friend from Virginia, that if he will let this amendment go by, I have some assurance from certain Members in the Senate that the amendment will be agreed to and the bill passed. These boys ought to be given some relief. It is a matter that affects everybody in the United States.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLAND. Yes.

Mr. CRAMTON. If the House places an amendment upon this Senate bill, such as suggested by the gentleman from Texas [Mr. BLANTON], the bill would then go to the Senate. If that body accepted the amendment, that would end it and it would become a law. If, however, the Senate should refuse to accept the amendment, they will then send a message back to the House notifying them of that fact and asking for a conference, and the House may then elect to recede or agree to the conference. There does not seem to be much danger to the legislation by adopting this amendment.

Mr. BLAND. Very well; the House can use its judgment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 4, after the word "act" at the end of the bill insert the following: *Provided further*, That in all such cases the War Department shall issue to such men the usual honorable discharge."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was ordered to lie on the table.

FORT HALL INDIAN RESERVATION

Mr. SMITH. Mr. Speaker, I ask unanimous consent that we return to No. 122, H. R. 5710.

The SPEAKER. The gentleman from Idaho asks unanimous consent to return to No. 122, H. R. 5710. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object. I simply wish to have information as to the procedure for sale of this land under the statute.

Mr. SMITH. Mr. Speaker, section 2455 of the Revised Statutes provides for the sale in open market of land that has been unentered under the homestead or other laws because of its rough and useless character. When the Fort Hall Reservation was opened that provision of the land law was not extended to the ceded portion of the reservation, and now after 25 years there are certain small tracts of mountainous land, which have never been entered, which it is desired shall be offered for sale in the open market, under section 2455 of the Revised Statutes, known as the isolated-tract law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of section 2455, United States Revised Statutes, as amended by the act of June 27, 1906 (34 Stat. L., p. 517), and by the act of March 28, 1912 (37 Stat. L., p. 77), are made applicable to the ceded lands on the former Fort Hall Indian Reservation: *Provided*, That no land shall be sold at less than the price fixed by law now less than $1.25 per acre.

The committee amendments were read as follows:

Page 1, line 8, after the word "provided" strike out "that no land shall be sold at less than the price fixed by law now less than $1.25 per acre," and insert "That no land shall be sold at less than the price fixed by the law opening lands to homestead entry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

TO FORM A CONSTITUTION AND STATE GOVERNMENT FOR NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 3925) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I think I shall have to object, but I will reserve the right to object to make a statement.

The SPEAKER. This bill requires three objections.

Mr. BEGG. I have not seen anybody else. It does seem to me that a bill granting permission to a State to rewrite its constitution when that constitution directly affects the Federal Government ought to be of enough importance so that some more information would be available than is contained on this little bit of sheet and when the Government does not come out whole-heartedly and indorse it. That is my reason for objecting.

Mr. BLANTON. Does not the gentleman think that the little State of New Mexico, away off in the Southwest, should be granted the same privilege as all the other States? That is all it asks.

Mr. BEGG. I perhaps might think so, but there is no information available as to why it is intended to do it or what they are going to do.

Mr. MORROW. I think the gentleman desires to be fair.

Mr. SINNOTT. Mr. Speaker, this bill had very careful consideration in the committee last year and this year. The lands in their present state are practically worthless to the State because they are water-logged and they are alkaline. Now, if they are permitted to put them in a drainage district, the value of the land will be enhanced.

Mr. BEGG. Who is to pay the bill for putting them in this drainage system?

Mr. SINNOTT. The State pays the bill.

Mr. BEGG. Why can not they do it under their constitution now?

Mr. SINNOTT. Of the income derived from the land, because the constitution now says the proceeds from those lands must go into a school fund. Now, the lands are worthless in their present state. If they are drained, their value may be enhanced from $5 to $50 or $100 an acre, and with the increased value the price goes into the school fund; but at the present time they are worthless.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Are there three objections?

Mr. BEGG. Give us a chance to get a little information. If the gentleman demands the regular order, I shall be forced to object.

Mr. CHINDBLOM. Do not demand the regular order on this.

The SPEAKER. Are there three objections?

Mr. CHINDBLOM. If we can not have an explanation of the bill——

The SPEAKER. Four gentlemen are standing.

Mr. SINNOTT. I ask unanimous consent that the gentleman from New Mexico [Mr. MORROW] have an opportunity to give an added explanation of the bill.

Mr. BLANTON. I withdraw the demand for the regular order.

The SPEAKER. The gentleman from New Mexico is recognized for five minutes.

Mr. MORROW. Mr. Speaker, I think this House wants to be fair in a matter of this kind. I represent the entire State of New Mexico. I realize that when the different States received their public lands from the Government, even the gentleman's State of Ohio, there were no restrictions made concerning how those lands should be disposed of.

Mr. BEGG. If the gentleman will permit me to ask a question at the start which is a stumblingblock to me. What does the Secretary of the Interior mean when he uses this language?

The enactment of the bill will materially modify the policy expressed by the Congress in the enabling act.

Mr. MORROW. I will explain that to the gentleman. Under the enabling act these are school lands. Every township in the State of New Mexico had four sections of school lands, namely, 16, 36, 2, and 32. These lands were given for school purposes. The funds derived from them must go into the school fund. Any revenue from a lease of the lands or whatever revenue may be derived goes into the school funds. In case of sale of the land the proceeds also go into the school funds. These lands could not be drained, could not be reclaimed by any act of the State, because the State had no power to use the funds except for the particular purposes named in the enabling act. And I want to call the gentleman's attention to the fact that the Secretary of Agriculture very strongly recommends this legislation.

In the State they are forming drainage districts to reclaim the land. This land at the present time is leased at not to exceed from 3 to 5 cents per acre. It has no value except for grazing purposes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. CHINDBLOM. Will the overplus, after the cost of the drainage has been paid out of the proceeds of sale, be used for school-fund purposes?

Mr. MORROW. Absolutely.

Mr. CHINDBLOM. In that case, I submit my friend should not object.

Mr. MORROW. The purpose is to reclaim land that is worthless now.

Mr. SNELL. Will the gentleman yield?

Mr. MORROW. Yes; certainly.

Mr. SNELL. I may say that I raised a question two weeks ago in regard to this proposition, but since that time I have looked it up quite fully and I am rather of the opinion that the gentleman is right in his contention that the bill ought to be passed.

Mr. CHINDBLOM. With the explanation about the overplus, I am perfectly satisfied.

Mr. BEGG. Will the gentleman yield for one more question?

Mr. MORROW. Certainly.

Mr. BEGG. Is the proposed constitutional change only applicable to the school land?

Mr. MORROW. Only as to the particular lands that will be used.

Mr. BEGG. The school sections that have been set aside.

Mr. MORROW. The school sections that go into a drainage district. Where a drainage district is formed there is perhaps one school section, or may be two school sections, and under existing law the State can not do anything. This is for the purpose of enabling the State to pass legislation to permit these lands to bear their proportionate part.

Mr. BEGG. The school lands?

Mr. MORROW. The school lands.

Mr. BEGG. If the gentleman makes the flat statement that that is the only purpose, I shall not object; but there was no such information available before.

Mr. TINCHER. Will the gentleman yield?

Mr. MORROW. I yield to the gentleman.

Mr. TINCHER. The gentleman stated the State of Ohio, for instance, had its public lands without any such restriction as this. It is true that most of the Western States have had this restriction and most of them have a very handsome school fund.

Mr. MORROW. This does not interfere with the school fund at all. It does not interfere with the general school lands, except the particular land that is put in a drainage district.

The land may be worth at the present time $5 an acre. Under drainage it becomes worth perhaps $150 an acre. The additional cost of drainage will probably run from $15 to $30 per acre. The balance, or the profit derived therefrom, goes directly into the school fund.

Mr. TINCHER. I think that is fair.

Mr. BEEDY. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. BEEDY. I may say to the gentleman I have given some attention and thought to this bill and I think its is a meritorious one; but I want to call his attention to the fact that in the bill itself the complete title of the original act is not embodied, nor is the date of approval of the original act contained in the bill, which is the proper and the usual form. The gentleman, I take it, will have no objection to the insertion of an amendment in line 6, after the comma, adding words which will complete the title of the original act?

Mr. MORROW. I am perfectly willing to accept that.

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. BEEDY. I ask unanimous consent that the gentleman may have two minutes more, so that we can come to an agreement on this matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. BEEDY. Do I understand the gentleman has no objection?

Mr. MORROW. Absolutely no objection.

The SPEAKER. Are there three objectors to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," is amended by inserting, in section 10 of said act, at the conclusion of the second paragraph, following the word "trust," the following: "*Provided, however*, That the State, through proper legislation, may provide for the payment, out of the income from the lands herein granted, which land may be included in a drainage district, of such assessments as have been duly and regularly established against any such lands in properly organized drainage districts under the general drainage laws of said State."

Mr. BEEDY. Mr. Speaker, I offer the following amendment: On line 6, after the word "States," strike out the comma and insert the following:

And to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States, approved June 20, 1910.

The SPEAKER. The gentleman from Maine offers an amendment, which the Clerk will report.

Mr. BEGG. Mr. Speaker, I submit the amendment is not in order.

Mr. BURTNESS. If the gentleman from Maine will permit, as I understand it, all you are doing is adding to the language so as to cover the title of the original bill, and your ameadment does not affect the wording or the purpose of the bill at all?

Mr. BEEDY. Not at all.

Mr. BEGG. Mr. Speaker, I reserve a point of order on the amendment.

Mr. SNELL. If the amendment is adopted, will not that include the State of Arizona also?

Mr. BURTNESS. As I understand, there is the same enabling act for the two States.

Mr. BEGG. Mr. Speaker, I make the point of order on the amendment that it is not germane.

Mr. BLANTON. I make the point of order that the point of order comes too late.

Mr. BEGG. It does not come too late, because I reserved a point of order.

Mr. BLANTON. I beg your pardon.

Mr. CHINDBLOM. Mr. Speaker, I submit a point of order can not be in question, because the question is whether the title is properly described.

Mr. BEEDY. Mr. Speaker, the title to the original act read as follows:

A bill to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States," approved June 20, 1910.

That was the original act and here we are going to amend the original act, and it seems to me we ought to have the title of the original act.

Mr. BLANTON. To satisfy the gentleman from Ohio you should strike out what you offer to put in——

Mr. BEGG. I submit that the only part of the act we are trying to amend is the part relating to New Mexico. But, Mr. Speaker, I will withdraw my point of order.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maine.

The Clerk read as follows:

Amendment offered by Mr. BEEDY. Page 1, line 6, after the word "State," insert "and to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States, approved June 20, 1910."

Mr. BEEDY. Now, Mr. Speaker, in order to make the bill complete and harmonious there ought to be another amendment inserted on line 9, after the word "States" and before the comma. Insert, after the word States, "of New Mexico."

The Clerk read the amendment, as follows:

Page 1, line 9, after the word "States" insert the words "of New Mexico."

The SPEAKER. The question is on the amendments offered by the gentleman from Maine.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask the indulgence of the House. I want to group the rest of the bridge bills. I ask unanimous consent that the following bills on the calendar—

H. R. 5691. A bill granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses the Red River;

H. R. 7190. A bill granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes;

H. R. 8462. A bill to authorize the county of Loudon, in the State of Tennessee, to construct or acquire, by purchase or otherwise, to own, operate, and maintain a bridge, either free or toll, across the Tennessee River near Loudon, Tenn.;

H. R. 8771. A bill to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8950. A bill granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9095. A bill to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.;

H. R. 9007. A bill granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.; and

H. R. 7093. A bill granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia—

all of which are reported from the Committee on Interstate and Foreign Commerce and all of which have certain amendments—I ask unanimous consent that all these bills may be considered as called up without objection, amendments agreed to, bills engrossed and read a third time and passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bills H. R. 5691, H. R. 7190, H. R. 8462, H. R. 8771, H. R. 8950, H. R. 9095, H. R. 9007, and H. R. 7093 be considered, the amendments agreed to, the bills engrossed and read a third time and passed, and a motion to reconsider and the title amended wherever necessary. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, do any of these bills contain anything unusual, any unusual feature like the question of contribution by municipalities or States or any other element which ordinarily would require the attention of the House?

Mr. DENISON. Most of them are similar to the ones we passed a while ago. They are in the standard form which the committee has approved of, and there is nothing in the bills that will raise any opposition.

Mr. BLANTON. They are the same kind of bills we have passed to-day?

Mr. DENISON. Certainly.

Mr. BEGG. I would like to ask a question in reference to Calendar No. 132. Why have you deviated from the regular form provided for these bills?

Mr. DENISON. That is H. R. 5691. That is similar to the bills we have been passing. But that is done because it is proposed to have a toll bridge and we are passing all toll bridge bills under certain restrictions with a provision for recapture.

Mr. BEGG. As I recollect, there is a difference in the recapture clause in certain bills. Am I right?

Mr. DENISON. There is a slight difference, for instance, where the bridge is built by a municipality and where it is built by private individuals. The committee has adopted the policy of making some different provisions in those cases, but they are going to be followed in all cases where the facts are the same.

Mr. TILSON. Does the gentleman include Calendar No. 173, H. R. 9109, for the construction of a bridge across the White River?

Mr. DENISON. No; I have not. I am going to ask that next. That bill was not amended.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BLANTON. The policy with regard to the recapture clause, where the bridge is built by a corporation other than a municipality, is that within 15 years the municipality may recapture the bridge?

Mr. DENISON. Or the State.

Mr. BLANTON. Or the State, and that within five years it shall become a free bridge?

Mr. DENISON. That is the policy adopted. Mr. Speaker, I may state that within the next day or two the subcommittee on bridges of the House Committee on Interstate and Foreign Commerce is to confer with the subcommittee on bridges of the Senate committee. When we shall have reached an agreement I shall insert in the CONGRESSIONAL RECORD the forms that have been agreed upon by the committees of the two Houses with reference to these various kinds of bridge bills, and the Members will have those forms available.

Mr. LAGUARDIA. Mr. Chairman, when did the committee adopt the policy of recapture? I raised the question a few weeks ago about one of these toll bridges, and it passed the House. There was no recapture clause in it. I think it is the proper policy. I am wondering when it was adopted.

Mr. DENISON. We passed some bridge bills with such provisions at the last session of Congress, and we have adopted that policy definitely at this session of Congress.

Mr. LAGUARDIA. A few bills slipped through a few weeks ago without any recapture clause.

Mr. BLANTON. Let me make this suggestion to the gentleman from Illinois [Mr. DENISON]. I am very glad that this particular committee has to consider all of these bridge bills, and I wish it were possible, in view of what has happened in the last few days, that we could refer to this committee the further duty of considering all District bills. The committee ought to have something else to do to keep it busy. [Laughter.]

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I think that the bills should be printed in the RECORD. This is the Consent Calendar that we are considering, and it is the custom, of course, to have the bills read. They have not been read, but I think they should be printed in the RECORD.

The SPEAKER. Does the gentleman desire the entire bill printed or the title of it?

Mr. GARRETT of Tennessee. It is the custom of course with these bills on the Consent Calendar to have them read in full, and, therefore, appear in full in the RECORD. They are not very long, I take it.

Mr. DENISON. Some of them are not.

Mr. TILSON. Does the gentleman mean that these bills are printed in the RECORD in full?

Mr. GARRETT of Tennessee. Yes; when we consider the Consent Calendar.

Mr. TILSON. Some of these bills are very long.

Mr. GARRETT of Tennessee. If they are very long of course it would encumber the RECORD and I do not care to do that. All that I am interested in is just a matter of orderly procedure.

Mr. TILSON. The title could be printed.

Mr. GARRETT of Tennessee. Let it go with the printing of the title.

The SPEAKER. The Chair thinks the title would be printed without request.

Mr. CHINDBLOM. Passing them in this way, we all have a chance to see these bills to-morrow, but it may serve some good purpose to have them printed.

Mr. BLANTON. That is never done with bridge bills.

Mr. TILSON. I think it would encumber the RECORD and that the titles would be sufficient. Then anyone interested can refer to the bill from the title.

The SPEAKER. As the Chair understands all of these bills will be printed by title in the RECORD.

Mr. DENISON. Yes.

The SPEAKER. Is there objection to the course just suggested with regard to these bridge bills?

There was no objection.

So the foregoing bills were considered, read twice, the several committee amendments were agreed to, the bills ordered engrossed and read a third time, read a third time, and passed, and a motion to reconsider the votes whereby the several bills were passed was laid upon the table.

Mr. DENISON. Mr. Speaker, I have one more short request to make, and that will dispose of all of the rest of the bridge bills. I ask unanimous consent that Calendar No. 169, H. R. 8909, a bill granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River; Calendar No. 170, H. R. 8910, a bill granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River; and Calendar No. 173, H. R. 9109, a bill to extend the time for the construction of a bridge across the White River; all of which are reported from the Committee on Interstate and Foreign Commerce, not amended in any particular, be considered as called up, without objection, reported, ordered to be engrossed and read the third time, read the third time and passed, and that a motion to reconsider the votes by which the bills have been passed be laid on the table.

The SPEAKER. Without objection, the bills H. R. 8909, H. R. 8910, and H. R. 9109 will be considered as having been read twice, ordered to be engrossed and read a third time, and passed, and a motion to reconsider the votes by which the bills have been passed laid on the table.

There was no objection.

ALASKA ANTHRACITE RAILROAD CO.

The next business on the Consent Calendar was the bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for the compliance of the Alaska Anthracite Railroad Co. or its successors in interest or assigns with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled, "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska is hereby extended—

First. Said company, its successors and assigns, shall have two years from May 11, 1925, wherein to file its map of final and definite location of its Stillwater branch line running up Stillwater Creek approximately 5.79 miles; and two years from date of the passage of this act wherein to file final and permanent map of its Canyon Creek branch, and three years from date of the passage of this act wherein to complete the construction of its main line of railroad and branches.

Second. Said company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and

operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed: *Provided*, That nothing herein contained shall be held or construed to affect any now vested rights of other parties: *And provided further*, That the Congress reserves the right to alter, amend, or repeal this act.

With the following committee amendment:

Page 2, line 2, after the word "years" strike out the words "from May 11, 1925, wherein to file its map of the final and definite location of its Stillwater branch line running up Stillwater Creep approximately 5.79 miles; and two years."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING GRANTING OF PASSES ON THE ALASKA RAILROAD

The next business on the Consent Calendar was the bill (H. R. 6117) to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the title of this bill is all misleading. This railroad is a Government-operated railroad. The expenses of it are paid by the people of the United States. If this bill is passed the following persons may be granted passes not once but every time they want them during the year, to wit: All indigent persons; all destitute persons; all homeless persons; all newsboys on trains—that does not mean newsboys regularly employed, but any newsboys who want to run on that train. The bill provides that they may get passes. It provides an interchange of passes not only for officers and agents and employees of all other common carriers all over the United States that are in the employ of private corporations, but it provides all of their families, who can get an interchange of passes and all ride free on this Government-controlled railroad. Now, is the Government going to get a corresponding benefit from all these other railroads all over the United States? No, because such is not possible.

Mr. CRAMTON. The general manager or any official of the Alaska Railroad who has to come to Washington gets the benefit of the transportation.

Mr. BLANTON. Oh, yes; but that is hardly worth mentioning. The only passes the Government gets are for the employees of its one little railroad, who can not travel much. We will get one pass to one officer of the United States, and then we will have to grant passes to every officer, general manager, employee and all their families, of every railroad in the whole United States every time they want to take a summer trip up in Alaska, and that is something that would be expensive, and we do not want to do it.

Mr. JOHNSON of Washington. That will be a good thing. If the distinguished gentleman could get the presidents of all the railroads and vice presidents, directors and their families to visit Alaska and learn the particulars there it will be one of the best things that ever happened for the whole United States.

Mr. BLANTON. I do not believe in this kind of reciprocity.

Mr. JOHNSON of Washington. It costs nothing.

Mr. BLANTON. Yes; it does cost to transport tourists free. Now I have seen bill after bill passed here this afternoon by our distinguished friend from Alaska [Mr. SUTHERLAND]. I made no objection to them because it did not put a great burden on the United States. He has passed several bills. This is not his bill. Nobody from Alaska has asked that this bill be passed?

Mr. SUTHERLAND. Yes; I am asking that it be passed. This bill is the form of the law which prevails in the United States to-day giving all railroads——

Mr. BLANTON. I want to say this Alaska Railroad has already cost the people of the United States a tremendous sum of money. It has cost many millions of dollars. It is a public question, the expense of handling tourists free, and everybody will have to contribute to it.

Mr. SUTHERLAND. The Government wants the employees of the Alaska Railroad to have the same privilege which the railroads in the States have.

Mr. BLANTON. If the Government owned as many railroads as the private corporations there would be reciprocal agreement, but when it owns only one little railroad I submit in getting one pass it is not fair reciprocity, when we would have to grant free passes on this Government railroad for every manager and employee of all the many railroads in the United States and also for their families. It would eventually cost the people of the United States much money.

Mr. SUTHERLAND. That applies to all other railroads.

Mr. BLANTON. I hate to object to a bill introduced by my distinguished friend from California [Mr. CURRY], but I can not let this bill pass by unanimous consent.

Mr. CURRY. Withhold the objection. Let me tell you about this.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice until we can have it properly amended.

The SPEAKER. The gentleman asks unanimous consent the bill be passed over without prejudice. Is there objection?

Mr. CURRY. Mr. Speaker, I hope the gentleman will withhold his objection for a moment. He has made a speech against the bill and I would like to make a little explanation in reference to this bill.

Mr. BLANTON. I withhold it so the gentleman may speak, but then I must ask that it be passed over without prejudice, so that we may agree on amendments to safeguard it.

Mr. CURRY. Mr. Speaker, the fact of the matter is that the Alaska Railroad did grant these passes until the Attorney General ruled that under the law it could not do so. The railroad officials of Alaska have asked that the Alaska Railroad, a Government railroad, be placed in the same position, so far as passes are concerned, as every other railroad in the United States and with the railroad across the Isthmus of Panama, that is a Government-owned railroad, as far as passes are concerned. Under the Interstate Commerce Commission rules the employees of the roads are granted interchangeable passes over all railroads, but not for all of their families. There are certain people, indigent people, who are also granted passes, and sick persons are granted passes, and ministers of the gospel are granted passes. Secretaries of Young Men's Christian Associations are granted passes, and they are interchangeable. The fact of the matter is that none but railroad men themselves and certain people engaged in religious and eleemosynary work and indigent are to receive these passes, and the people engaged in religious and eleemosynary work are only to receive them when they are at work in Alaska. Last year if this bill had been in operation it would have saved the Alaska Railroad Co. nearly $2,000. Of course, we enacted the law to build the Alaska Railroad. It cost a lot of money. I was on the committee at the time and later became the chairman of the committee. I told this House it would be 20 years before that road would be self-sustaining, and when this House almost unanimously passed an extra $17,000,000 for the completion of the road I stated at that time there would be at least from $500,000 to $1,000,000 a year deficiency for at least 20 years, until the policy regarding Alaska was changed so that people could go there and develop the country. It is going to cost money, but here is a place where we can save a little money by having an interchange of passes. The railroad officials ask for it, the railroad trainmen have asked for it, the Governor of Alaska has asked for it, the chambers of commerce of Alaska have asked for it, and the man whom we hold responsible for the running of the railroad, Mr. Smith, the manager of the Alaskan Railroad has asked for it. I am not personally interested in it at all.

Mr. BEGG. Will the gentleman from California permit a question?

Mr. CURRY. I will.

Mr. BEGG. I thought I understood the gentleman to say a moment ago that if this law was passed it would be identical with conditions on privately operated railroads in the United States.

Mr. CURRY. Yes.

Mr. BEGG. I never knew that ministers of the gospel and Young Men's Christian Association secretaries and destitute people got passes on the railroads.

Mr. CURRY. Well, they do.

Mr. BEGG. On our railroads to-day?

Mr. DENISON. They get half-fare rates.

Mr. BEGG. I thought the only people who got passes were the operators or workers themselves on the railroads.

Mr. CURRY. The gentleman is wrong. They travel on half fare at any time—on passes when engaged on Y. M. C. A. and religious work.

If the gentleman from Texas [Mr. BLANTON] wishes to amend the bill by striking out the provision with reference to the secretaries of Young Men's Christian Associations and destitute people and ministers of the gospel, I will accept it.

Mr. BLANTON. They are not the ones I mentioned. I did not object to them. I was willing for them to stay in the bill, but I do object to all the others I have mentioned, the families of all these employees and all these managers and all these directors who want to go out there for a pleasure trip in the summer.

Mr. CURRY. It has never been abused and can not be abused because the Secretary of the Interior and the manager of the railroad will see that it is not abused. The manager of the railroad has to issue each pass.

Mr. BLANTON. Would my friend, the gentleman from California, mind letting this bill go over just this one time? I think we can get these objections out of the way and have some understanding about it in the meantime. I ask unanimous consent, Mr. Speaker, that the bill may be passed over without prejudice.

Mr. CURRY. All right. So far as I am concerned personally, it could be stricken from the calendar. I am not interested in the bill myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

There was no objection.

DESTRUCTION OF PAID UNITED STATES CHECKS

The next business on the Consent Calendar was the bill (H. R. 8034) to authorize the destruction of paid United States checks.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, would the distinguished gentleman from Pennsylvania [Mr. GRAHAM] mind an amendment that would make this limitation eight years? If the gentleman will agree to that amendment there will be no objection so far as I am concerned to this bill, but it ought to go over one full administration.

Mr. GRAHAM. The gentleman from Texas was the objector the last time this bill was on the calendar and the gentleman asked me if I had any objection to striking out in line 9 the word "six" and inserting the word "eight," and I stated to him I would accept that amendment.

Mr. BLANTON. I have no objection, Mr. Speaker.

Mr. GARRETT of Tennessee. The same amendment, of course, will have to be made in line 12, on page 2.

Mr. GRAHAM. No; I beg the gentleman's pardon. That refers to the statute of limitations and the other is the one that relates to the destruction of checks.

Mr. GARRETT of Tennessee. I thought it was the intention to make the two harmonious.

Mr. GRAHAM. There is no lack of harmony. The one exists independently of the other.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and Assistant Treasurers of the United States, or by disbursing officers and agents of the United States, six full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid-check files of the Treasury Department and of the General Accounting Office wherever stored under their respective control, after all unpaid checks and warrants have been listed as outstanding as now required by law: *Provided*, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved.

SEC. 2. All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved.

Mr. BLANTON. Will the gentleman from Pennsylvania offer the amendment?

Mr. GRAHAM. Mr. Speaker, I offer an amendment to strike out in line 9, page 1, the word "six," and insert "eight."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: On page 1, line 9, strike out the word "six" and insert in lieu thereof the word "eight."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 9, after the word "States," insert "Except checks and warrants issued between the 1st day of April, 1917, and the 1st day of April, 1920."

Mr. LAGUARDIA. Mr. Speaker, the purpose of the amendment——

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Speaker, the purpose of the amendment is to preserve warrants and checks issued during the World War. They have warrants there covering over 40 or 50 years, and certainly it will be no burden to preserve the war-time checks and warrants.

These documents have historic value and will be of great aid in the future to historians coming to Washington to look up records and look up facts and verify facts.

Now, it seems to me that it would be a great mistake after going through the World War to pass a blanket bill destroying these checks and warrants. I hope the gentleman will not object to the amendment. It will preserve the checks issued during two or three years of the war.

Mr. BLANTON. Mr. Speaker, I make a point of order against the amendment. It is not germane to the purpose of the bill. The purpose of the bill is to prevent a congestion of old papers in the hands of the Government. Its purpose is to destroy all checks within a certain time.

Mr. LAGUARDIA. May I direct the Speaker's attention in the same section to a provision that certain checks need not be destroyed if it is necessary for the public interest. My amendment specifies that certain checks shall not be destroyed.

Mr. BLANTON. I believe the gentleman is right and I withdraw the point of order.

Mr. GRAHAM. Mr. Speaker, I hope the amendment will not prevail. It is not desired by the department, it is not desired by the Comptroller General who requested that this disposition of papers be made. There is no reason why the checks should be preserved longer than eight years.

Mr. LAGUARDIA. Does the gentleman believe that the checks and warrants relating to loans to foreign governments should be destroyed?

Mr. GRAHAM. No. This is left entirely to the discretion of the Secretary, and in his letter he says that he wants to get rid of the rubbish that is encumbering the vaults. They have no space for them, and it is largely to cover papers relating to the subtreasury that has gone out of existence.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GRANT OF LAND TO THE CITY OF SPARKS, NEV.

The next business on the Consent Calendar was the bill (H. R. 8590) granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, does the gentleman think that the United States Government ought to provide dumping grounds for all of the 48 States?

Mr. ARENTZ. Oh, no; but does the gentleman see anything wrong in this bill?

Mr. BLANTON. I think it is unwise policy for the United States to embark upon.

Mr. ARENTZ. This is a rough piece of ground outside of the city and there is no other place to put the garbage. It is valueless as far as any other use that can be seen for it, and this will be putting it to a good use.

Mr. BLANTON. I do not want to see the Western States made a dumping ground.

Mr. ARENTZ. Neither do I.

The Clerk read the bill, as follows:

Be it enacted, etc., That the southeast quarter of the southeast quarter of section 2, township 19 north, range 20 east, M. D. C., Nevada,

be, and the same is hereby, granted to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes, upon condition that the city shall make payment for the land at the rate of $1.25 per acre within six months after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may provide: *Provided further*, That the grant herein is made subject to any valid existing claim or easements, and that the land hereby granted shall be urged by the city of Sparks, Nev., only for a dumping ground for garbage and other like purposes, and if the said land or any part thereof shall be abandoned for such use said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain if at any time he shall determine that the city has for more than one year abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operations of this grant.

With the following committee amendments:

Page 1, line 4, strike out the letters "M. D. C." and insert in lieu thereof the letters "M. D. M."

Page 2, line 5, strike out the word "urged" and insert in lieu thereof the word "used."

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment on page 1, line 7, after the word "other," strike out "like" and insert in lieu thereof the word "municipality," and on page 2, line 7, the same amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "other" strike out the word "like" and insert in lieu thereof the word "municipality," and on page 2, line 7, insert the same amendment.

Mr. ARENTZ. Mr. Speaker, the amendment has been discussed between the gentleman from Michigan and myself and it is perfectly agreeable to me.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

TRANSFERRING M'KENZIE COUNTY, SOUTHWESTERN DIVISION JUDICIAL DISTRICT, NORTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 290) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary as amended by the act of July 17, 1916, be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of January, 1916, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, and Billings shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, Renville, and McKenzie shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, La Moure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room: *Provided further*, That until such time as a public building with court room and offices for court officials be erected at the city of Jamestown, all cases now pending in said central division, or hereafter brought there, be tried at Bismarck."

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "division" in line 23, page 2.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF UNITED STATES DISTRICT COURTS, MONTANA

Mr. TILSON. Mr. Speaker, earlier in the day I understood the Speaker to say that he intends to recognize the gentleman from Maryland [Mr. HILL] to move to suspend the rules about 4 o'clock. As that hour has now arrived I suppose that very soon the Speaker will recognize that gentleman. We have just now passed a bill authorizing the holding of an additional term of court in the State of North Dakota. The gentleman from Montana [Mr. LEAVITT] states that there is a case in his State where he very much wishes to get permission to hold court. A unanimous report has been made upon his bill by the Committee on the Judiciary. In his behalf I ask unanimous consent that we consider that bill at this time out of order. It is Calendar No. 152, H. R. 5701.

Mr. GARRETT of Tennessee. Is there any hurry about it?

Mr. TILSON. Yes. An additional place at which to hold court in his State for the convenience of the people there is very much desired. If it is not done now the matter will go over for two weeks. If there is no objection he would like very much to have it done to-day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to consider out of order at this time the bill (H. R. 5701) to designate the times and places for holding terms of the United States District Court for the District of Montana. Is there objection?

Mr. HUDSPETH. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to go on with the calendar after the bill he is asking for is disposed of?

Mr. TILSON. If the Members will stay here, I shall be very glad to see them go on.

Mr. HUDSPETH. I have a bill on the calendar; the very next one.

Mr. TILSON. I would be very glad to see the Members stay here as long as they can.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 92 of the Judicial Code of the United States be amended to read as follows:

"SEC. 92. Montana: That the State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls on the first Mondays in May and October; at Missoula on the first Mondays in January and June; at Billings on the first Mondays in March and August; at Glasgow on the first Mondays in July and December: *Provided*, That suitable rooms and accommodations for holding court at Glasgow are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Speaker, as there is so nearly a quorum here I withdraw the point.

SALE OF SURPLUS WAR DEPARTMENT REAL ESTATE

Mr. HILL of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, with certain amendments, which I send to the desk.

The SPEAKER. The gentleman from Maryland moves to suspend the rules and pass Senate bill 1129, with certain amendments. The Clerk will report the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered as having been read.

Mr. BEGG. This is the only reading of the bill there is.

Mr. BLANTON. But we all know what is in it.

Mr. HILL of Maryland. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interest of the United States, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That no part of any such tracts or parcels as are now actually occupied under lease by a post of the American Legion shall be sold until the expiration of any existing lease.

NAME OF RESERVATION

Anatasia Island, Fla.

Andrew, Fort, Mass.

Barrancas, Fort, Military Reservation, Fla. (that portion purchased in April, 1832, and reserved by Executive order of January 10, 1838, and subsequently transferred to the War Department).

Battery Bienvenue, La.

Boca Grande Military Reservation, Fla. (all except that portion reserved for and used as a marine hospital reservation).

Casey, Fort, Wash. (that portion known as "Shields Spring" tract, about 66 acres).

Chickamauga and Chattanooga National Military Park, Tenn. (lot No. 30 and one-half of lot No. 32 on Caroline Street).

Clinch, Fort, Fla. (remainder).

Crockett, Fort, Fla. (lots Nos. 45 and 55, section 1, Galveston, Tex.).

Dade, Fort, Fla.

De Soto, Fort, Fla.

Flag Island, Fla.

Howard, Fort, Md.

Jackson, Fort, La.

Jackson Barracks, La.

Key West Barracks, Fla.

Macomb, Fort, La.

Madison Barracks, N. Y. (water lot).

Martello Tower, West, Fla. (north portion, 10⅝ acres).

Martello Tower, East, Fla. (north portion, 10 acres).

Mobile Bay (islands in), Ala.

Moreno Point, Fla.

Morgan, Fort, Ala.

Newport News warehouses, Va. (that portion lying between the right of way of the Chesapeake & Ohio Railway and Virginia Avenue in the city of Newport News, and the said right of way of the said Chesapeake & Ohio Railway and the county road in the county of Warwick, and between Forty-ninth Street in the city of Newport News and the lands of the Old Dominion Land Co.).

Norfolk, Fort, Va.

Pensacola Military Reservation, Fla. (all but 552,000 square feet reserved for a fire-control station).

Perdido Bay Military Reservation, Fla. (east side of entrance to).

Perdido Bay Military Reservation, Ala. (lands west of and north of Bay La Launch).

Perdido Bay Military Reservation, Ala. (lands on west side of entrance to).

Pickens, Fort (Santa Rosa Island), Military Reservation, Fla. (portion comprising the east end of Santa Rosa Island).

Pike, Fort, La.

St. Andrews Sound Military Reservation, Fla.

St. Josephs Bay Military Reservation, Fla.

San Diego Barracks, Calif.

Schuyler, Fort, N. Y.

Ship Island, Miss.

Smallwood, Fort, Md.

Taylor, Fort, Fla. (the detached lot fronting on Whitehead Street between Louisa and United Streets in the city of Key West, Fla.).

Three Tree Point Military Reservation, Wash.

Townsend, Fort, Wash.

Marsh Islands (opposite Powder House Lot Military Reservation) near Saint Augustine, Fla.

Wingate, Fort, N. Mex. (that portion north of the right of way of the Atchison, Topeka & Santa Fe Railroad, 9,502 acres).

Washington, District of Columbia (part of lot 4, square 377).

SEC. 2. That prior to the sale under this act of any reservation created out of the public domain the Secretary of War shall make request upon the Secretary of the Interior to determine whether or not the State is entitled to any of the lands embraced therein under the so-called swamp land grant (act of September 28, 1850, Ninth Statutes, pages 519, 520), and if the Secretary of the Interior shall determine that the State under the provisions of the said act is entitled to any lands therein, he shall cause such lands to be surveyed and patented to the State: *Provided further*, That upon request of the Secretary of War the Secretary of the Interior may cause surveys to be made either as a whole or in two or more parts as the Secretary of War may request of any reservation or reservations authorized to be sold under this act.

SEC. 3. The Secretary of War is hereby authorized, directed, and empowered, in the event it be found that any citizen of the United States, or the ancestors, the assignors, or the predecessors in title of a citizen, either separately or by tacking, shall have for a period of 20 or more years immediately preceding the approval of this act resided upon and occupied adversely or improved any part or parcel of the aforesaid designated property or exercised ownership thereof based upon a deed of conveyance, purporting to convey a fee simple title and executed 20 years or more prior to the passage of this act, and theretofore made by one claiming title to such part or parcel, to have such part or parcel so claimed separately surveyed if requested in writing by a claimant within 60 days after the service of written notice on such person or his tenant or agent that the United States claims such land and to thereafter convey title to the claimant by quitclaim deed upon payment of 10 per cent of the appraised value thereof: *Provided*, That any claimant who fails or refuses for more than 60 days after the notice herein provided to make written application for survey and submit satisfactory record and other evidence required by the Secretary of War to substantiate the claim that he is entitled to a quitclaim deed under the provisions of this section shall forever be estopped from exercising any claim of title or right of possession to the property: *Provided further*, That in carrying out the provisions of this section the Secretary of War shall not incur any expense other than that incident and necessary to giving the notices required and surveying and platting such of the property as may be claimed by a citizen of the United States.

SEC. 4. The net proceeds of the sale of the surplus War Department real property hereinbefore designated, and the net proceeds of the sale of surplus War Department real property, including net proceeds derived from the sale of surplus buildings heretofore authorized and not heretofore covered into the Treasury, shall be deposited in the Treasury to the credit of a fund to be known as the military post construction fund, to be and remain available until expended for permanent construction at military posts in such amounts as may be authorized by law from time to time by the Congress: *Provided*, That where the lands sold were originally reserved from the public domain for military or other public purposes of the United States, before the deposit of the net proceeds of the sale into the Treasury there shall be deducted from the net proceeds of the sale and paid to the State in which the land is situated in each case the 5 per cent as provided by the act of March 3, 1845 (5 Stat. p. 788), and similar acts, of the net proceeds of the sale of all such lands as were reserved subsequently to the passage of such act or acts, but excepting and excluding, however, from such deduction the appraised value of any buildings or improvements that may have been constructed by the United States upon the said lands: *And provided further*, That estimates of the moneys to be expended from the said military post construction fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget.

SEC. 5. In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the property to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such

appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 6. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold, the head of the department requiring the same shall, within 90 days after the approval of this act, make application to the Secretary of War for the transfer thereof, giving the specific reasons therefor, but no such transfer shall be made unless approved by the President.

SEC. 7. After ninety days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments, and such State or county in which such land is located, or municipality in or nearest which such land is located shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought: *And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act.

SEC. 8. Six months after the date of the notification of said appraisal, if the option given in section 7 hereof shall not have been exercised in the manner herein specified, or after receipt by the Secretary of War of notice that the State, county, and municipality do not desire to exercise the option herein granted, the Secretary of War may sell or cause to be sold each of said properties at public sale at not less than the appraised value thereof, after advertisement in such manner as he may direct.

SEC. 9. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the property hereinbefore authorized for disposition shall be paid from the proceeds of the sale of any of the properties sold under this act: *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day.

SEC. 10. A full report of all transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War upon the consummation thereof.

SEC. 11. Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with this act may be granted.

SEC. 12. The authority granted by this act repeals all prior legislative authority granted to the Secretary of War to sell or transfer any of the reservations herein designated.

Mr. GARRETT of Tennessee (interrupting the reading of the bill). Mr. Speaker, if I may interrupt the reading of the bill long enough, may I ask the gentleman from Maryland a question? The gentleman from Maryland stated there were certain amendments. Are those committee amendments, or has the gentleman from Maryland individual amendments of his own?

Mr. HILL of Maryland. They are all committee amendments, and I offer them all with the exception of the amendment on page 8, line 12. I am not offering that committee amendment because in the opinion of the chairman on appropriations it cuts out the Budget. Otherwise all of the committee amendments are offered.

Mr. GARRETT of Tennessee. The gentleman is not offering that amendment?

Mr. HILL of Maryland. I am not. In other words, I am offering all committee amendments except that.

Mr. CARTER of Oklahoma. Are all of the amendments that the gentleman is offering committee amendments?

Mr. HILL of Maryland. Yes.

Mr. McSWAIN. Do I understand the gentleman to say, representing the committee, that he fails to report and fails to recommend one amendment which the committee instructed him to report and recommend?

Mr. HILL of Maryland. I say that to the gentleman, because it cuts out the Budget.

Mr. McSWAIN. Was it not the intention of our committee to cut out the Budget?

Mr. BLANTON. Mr. Speaker, the gentleman, under the rules governing suspension, can not do that.

The SPEAKER. The gentleman may offer any motion he desires.

The Clerk continued the reading of the bill.

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, if I may again interrupt the reading of the bill and have the attention of the gentleman from Maryland, there seems to be some confusion about the question of amendments. I do not know whether it will be agreeable to the House or not, but I have in mind a suggestion which I think would expedite the consideration of the bill and at the same time open it for amendment other than the amendments that the gentleman himself intends to propose. That is, that the bill be considered by unanimous consent; that the gentleman make a request that the bill be considered by unanimous consent. That will open it for amendment. As it is now, it will not be open to any amendment except such as the gentleman includes in his motion to suspend the rules.

Mr. BEGG. Under what procedure could that be done? One man then could stop the consideration of the bill.

Mr. GARRETT of Tennessee. That is quite true. I merely make the suggestion that the gentleman from Maryland ask unanimous consent and let us see what the result will be.

Mr. HILL of Maryland. Mr. Speaker, unanimous consent would not be granted, because I know one gentleman who said that he would object to it. So far as the amendments are concerned, the only amendment not offered is the one to which I have already referred.

Mr. JOHNSON of Washington. Regular order, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I am not interested in the question of amendment, but I am interested in getting the bill considered in the best way so that it may be open to such amendments as gentlemen desire to offer. Really I do not see why anybody should object to its being considered by unanimous consent and open to amendment. I assume the gentleman has the votes to pass it by suspension of the rules. I am not making any request. I am merely suggesting that the gentleman from Maryland ask it.

A MEMBER. What would be the plan for closing the debate and reaching a vote?

The SPEAKER. It would be considered in the House as in Committee of the Whole House under the five-minute rule. Where unanimous consent is given when the Consent Calendar is under consideration, under the ruling of Mr. Speaker GILLETT, the bills are considered in the House as in Committee of the Whole.

Mr. HILL of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL of Maryland. Should unanimous consent be granted, it is my understanding the bill is read for amendment without any general debate on the bill.

The SPEAKER. It will be considered in the House as in Committee of the Whole House.

Mr. HILL of Maryland. I think it is only fair that there be at least 20 minutes on a side for those opposed and those favoring the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the bill be considered in the House as in Committee of the Whole, if unanimous consent is granted, would not the gentleman from Maryland be entitled to recognition for an hour and control that time with the right to move the previous question?

Mr. BEGG. If we want to pass this bill——

The SPEAKER. The Chair thinks that under the ruling of Speaker GILLETT it would proceed as with all other bills in the House as in Committee of the Whole with no general debate.

Mr. HILL of Maryland. I think that there should be an explanation of the bill and an opportunity for opposition on general debate before the five-minute rule comes up. Mr. Speaker, in view of the late hour, I feel if it is considered under the five-minute rule we will probably never be able to pass the bill until next week, so I request that my motion stand.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. McSWAIN. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McSWAIN. As it stands, unamended.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Maryland is recognized for 20 minutes, and the gentleman from South Carolina is recognized for 20 minutes.

Mr. HILL of Maryland. Mr. Speaker, I shall yield 10 minutes of the 20 minutes to the gentleman from Tennessee [Mr. FISHER], and out of that 10 minutes he will agree to yield to those on his side of the House in favor of the bill. Of my remaining 10 minutes, I yield 4 minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, this is a bill to authorize the sale of a large amount of property now owned by the Government for military purposes. Much property owned by the Government for military purposes is not necessary any longer for that use. There are about 320 Army posts, as I recall, and 60 are as many as there should be. Many of those Army posts were created during the war. Much property has been acquired as a result of the war. It ought to be disposed of. All the property that is proposed to be disposed of by this bill was not acquired during the war, however, but it is no longer needed in the economic management of the military affairs of the country. The bill provides for the sale of this property, and I understand that the estimated value is about $20,000,000, but it is proposed that the amount received from the sale of the properties is to be placed in a special fund and later to be used as Congress may from time to time direct for the construction of permanent military posts for the accommodation of troops that may be assigned to duty from time to time at different posts throughout the country. Before any part of the money that is placed in this special fund can be expended by the War Department, the Secretary of War, under the act, if it becomes an act, will be required to make an estimate of what he proposes to do to the Military Affairs Committee of the House and Senate. Those committees then recommend legislation that they think, after proper consideration, necessary to accomplish the purpose, and after that is done and authority is granted for the expenditure of a given sum, the Director of the Budget then will be required under this bill to estimate the amount that may be expended during any given year to the House through the Speaker, which will be referred to the Committee on Appropriations and reported back after further investigation to the House for its second consideration.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Just wait a moment. While I am opposed, generally speaking, to the creation of funds of this sort I think the menace, if such it be considered, of a special fund is more than offset by the disposal of property which is now carried by the Government at an enormous expense and which will be disposed of by the passage of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. These properties were paid for with the people's money, why should not the proceeds from their sale go back into the people's Treasury?

Mr. MADDEN. It will be in the people's Treasury, of course.

Mr. BLANTON. It goes into a special war fund.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FISHER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Speaker, to-day we are considering the Army housing bill (S. 1129) under suspension of rules, which provides for 40 minutes' debate with the privilege of amendment denied. This bill is an authorization of the sale of certain military reservations and provides the authorization to use the proceeds derived from the sale of this real property in such permanent construction at military posts as may be hereafter directed by Congress to be done.

There is one particular feature connected with this legislation which, certainly, is distasteful to me. I feel that it is incumbent upon me to register such thought, else it could well be said that I was in accord with such misuse of power by the executive branch of the Government. Some may complain that the bill is here under the rule which practically shuts off debate and conclusively prohibits a single amendment. I do not cherish such procedure, but the responsibility for it must be and is assumed by the gentlemen on the other side of the aisle, who are forwarding the administration program.

The real objection to this legislation is more fundamental than that it should receive such limited consideration under the rule. To me, it is the passage of legislation by the duly constituted authority under compulsion from the executive branch of this Government. I am fully convinced that this bill should become a law, and despite my feeling that the legislative branch of our Government is bending the knee to the Executive, I hope that the bill may become law.

We are told in the testimony of General Conner, Assistant Chief of Staff, in his testimony before the joint committee of the Sixty-eighth Congress, in February, 1925, that—

> The Director of the Budget has ruled that he will not consider items of new construction until the Congress acts on this proposed legislation. Under this ruling there were eliminated from the 1926 Budget items covering the continuation of construction work on projects already authorized—the Infantry barracks at Fort Benning, Ga.; the Atlantic storage plant, Panama; the hospital at Schofield Barracks, Hawaii. The result is that until action is taken on the pending bill no construction item can be brought before the Congress. The enactment of the pending bill will enable the War Department to submit yearly through the Budget a certain number of specific projects and will provide for the first few years funds from which the Congress may finance such specific items as it may approve. In short, the present legislation is necessary to enable the War Department to present to the Congress a request for money.

And we were told by Hon. Dwight F. Davis, Secretary of War, in the hearings before our committee in January of this year, that——

> You are probably aware of the Budget ruling that no items of new construction for the War Department will be considered by that bureau pending action on this legislation.

From this and other specific statements before these committees it is patent that the Congress of the United States is forced to sell this real estate which, for the time being probably, is not serving the full purpose for which it was procured, else no appropriation for permanent housing for our troops—construction of much-needed hospitals to shelter boys in uni- from from the elements. I submit that it is a further encroachment upon the proper function of the legislative branch of our Government, and except for the dire need exhibited to protect the men who wear the uniform of our Army, constituting the nucleus around which we may be compelled to organize vast forces in the future, I would not support it.

But anyone reading the hearings before the joint committee of the Sixty-eighth Congress can well understand the emergency that prevailed. Just recently we had a very clear-cut issue presented us as to the conditions which obtained in the hospital facilities at Schofield Barracks, Hawaii. This House proclaimed its interest in the soldiery of this country, even though it is a peace-time soldiery, in inserting in that deficiency appropriation bill the sum required to provide proper hospital housing for the sick men who may be ordered there for hospitalization.

General Hart, in the hearings before the joint committees of the Sixty-eighth Congress, in February, 1925, as I have stated, made this very pertinent observation:

> Practically all available permanent barrack space is now being occupied by troops. Many of these temporary structures now being used as barracks are in extremely poor condition. The lumber has shrunk, the foundations are rotting, and in many instances roofs are leaking to the extent that bunks have to be moved or covered during rainstorms. This has a very decided and undesirable effect upon the morale of the troops.
>
> A most unfortunate feature is the fact that the large amount of money allotted under annual appropriations for maintenance and repair that goes into the upkeep of these buildings is a pure waste, and although it is a pure waste there is nothing else to do; the men must be housed. In some instances it has been necessary to expend in one year practically one-third of the original cost on a barrack building in order to provide shelter from the elements, and money spent on such buildings merely tides over temporarily the present needs and has no effect on permanent relief; the waste is continuous.
>
> To cite a few instances indicating the wastage of repair funds: During the last fiscal year this office has received requests from—
>
> Camp Lewis for an allotment of $230,000 for purely repair work, of which $60,000 is necessary for roofing, $90,000 for floorings and replacing rotten underpinnings, and $68,000 for other miscellaneous carpentry work.
>
> Fort Bliss for $194,000 for repairs, of which $80,000 is for flooring and roofs.
>
> Fort Benning for $71,000 for ordinary temporary repairs. This is in addition to the money that is being spent for tentage at this post.
>
> Fort Bragg for $120,000 for repairs to the roofs and underpinning.
>
> A considerable part of these requests must be met immediately. The roofs and underpinnings must be attended to if the buildings are going to be occupied, and after a lapse of two or three years there will be no evidence of the expenditure of this large amount, and the work will have to be done over.
>
> On the other hand, if this amount were available for expenditure on permanent structures, a far greater number of buildings could be taken

care of; moreover, the repairs would be permanent instead of being quickly lost through the deterioration of the temporary building.

It is conservatively estimated that when soldiers are housed in tents the cost of tentage per man per year is $20. For the approximately 3,000 men at Fort Benning this would amount to $60,000 per year. This is in addition to the money necessary for repairs to the temporary buildings.

The only solution of the problem is to replace the temporary buildings as rapidly as financial conditions will permit, thereby alleviating this most unsatisfactory condition and, in addition, conserving the annual repair funds allotted for yearly maintenance and upkeep.

Which statement very clearly signifies that, from a viewpoint of economy, the repairing of these temporary barracks is a losing game.

In the hearings before our Committee on Military Affairs this year Secretary of War Davis, upon this subject, has the following to say:

In the annual report of my predecessor for 1924 great stress was laid upon the condition of the war-time cantonments in which so many of our Army troops are living, and it was pointed out that to attempt to keep them in repair was a very uneconomical proposition.

The present available temporary shelter is now, of course, in worse condition than it was last year, and it has been necessary to salvage many of these buildings either because of their unsafe condition or because of the necessity for securing material to repair other temporary structures. As an instance of the rapidity with which the temporary structures are becoming unfit for shelter, I invite your attention to the fact that on June 30, 1924, we had temporary barracks for 214,909 men. On June 30, 1925, we had temporary barracks for only 166,399 men in the United States, Panama, and Hawaii. In other words, nearly 23 per cent of this class of buildings have become unserviceable in the last year. When I say unserviceable I mean that the buildings have either burned, collapsed, or have been blown down by storms. This can be readily understood when it is borne in mind that our cantonment buildings and their accompanying utilities, which were built during 1917 and 1918, under the stress of war conditions, were designed for temporary occupancy only. It is, of course, evident that these temporary structures can not be utilized much longer for shelter.

The actual value of the temporary buildings destroyed by fire during the fiscal year 1925 was not great; the value of the contents, however, was very considerable, amounting to more than $650,000.

While some fires occurred in permanent Army posts, by far the greater proportion of the fire losses were suffered as the result of the burning of temporary wooden buildings.

No graver problem faces the War Department to-day than that of providing adequate shelter. The officers commanding units in the field are in constant dread of the outbreak of a conflagration in groups of temporary wooden buildings which are being used for housing purposes; even greater than the apprehension of the outbreak of fire in quarters and barracks is their dread of a serious fire in the temporary wooden structures which have of necessity been converted into hospitals. The danger of fire in the hospitals now used by the Army is, unfortunately, at its greatest during the summer months when those inadequate and dangerous buildings are employed not only for the hospitalization of the personnel of the Regular Army, but also of the members of the various civilian components and students of the citizens' training activities who are in attendance at the annual training camps. That a harrowing loss of human life might ensue as the result of the burning of one of these temporary buildings of tinder-box construction is evident. The longer the War Department is compelled to use war-time structures for housing and hospitalization purposes the graver this danger becomes.

It will be observed from his splendid presentation of the direct issue involved that between June 30, 1924, and June 30, 1925, 23 per cent of the temporary barracks in the United States, Panama, and Hawaii had either burned, collapsed, or were blown down by storms, and that the value of the contents destroyed by the fires of these temporary barracks amounted to more than $650,000.

In the hearings there are extensive tables showing the estimated sales value of the property which is ordered to be sold. It is charged that the properties authorized to be sold will not bring their fair worth, but the machinery under which the sale is made provides that the property be appraised by the War Department, and later, in section 8 of the bill, it is stated that the property must bring its appraised value. Now, the department, in 1925, submitted in the hearings the estimated value of certain property, and in the hearings before our committee in January I requested Mr. Davis, Secretary of War, to insert a table showing the estimated sales value in 1925 and this same value in 1926. It is interesting to note that 15 pieces of property, located mostly in Florida, show a material increase in their estimated value, and I insert these specific instances, as follows:

Name of reservation	Estimated sales value	
	1925	1926
Anastasia, Fla.	$700	$500,000
Battery Bienvenue, La.	10,000	46,700
Boca Grande Military Reservation, Fla. (portion)	11,760	151,704
Fort Clinch, Fla. (remainder)	2,500	50,000
Fort Dade, Fla.	75,000	100,000
Fort De Soto, Fla.	30,000	79,077
Fort Jackson, La.	10,000	27,850
Moreno Point, Fla.	60,000	297,900
Perdido Bay Military Reservation, Fla. (east side of entrance to)	1,100	5,800
Perdido Bay Military Reservation, Ala. (land west and north of Bay La Launch)	11,000	54,850
Perdido Bay Military Reservation, Ala. (lands on west side of entrance to)	3,000	14,900
Fort Pike, La.	6,500	32,000
St. Andrews Sound Military Reservation, Fla.	16,000	80,150
St. Joseph's Bay Military Reservation, Fla.	40,000	200,000
Total	257,560	1,640,931

It strikes me as being a very good business proposition for the Government to make the sale of these properties, which they assert are useless to it, at a time when the increased values are shown to exist. Here we see an increase of more than $1,375,000 in estimated sales value as compared with the estimated value of 1925.

Then the question must be estimated as to how the estimated sales compare with the cost value of the property, and to that question I will submit the statement of Mr. Secretary Davis in the hearings before our committee as follows:

The cost of all parcels whose sales value is estimated at $21,459,611.02 was $12,088,236.09.

Gentlemen, I submit that it is almost as necessary to be patriotic in time of peace as it is in time of war, and any Member of this House who will read the testimony in respect of the housing condition for our Army can not keep from blushing with shame at the pathetic and pitiable condition in which the soldiery of this country finds itself housed. In the name of economy, in the name of humanity, and in the name of patriotism, I will support this measure. [Applause.]

Mr. McSWAIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Speaker, the conditions just stated by the gentleman from Kentucky [Mr. VINSON] will not be remedied by this bill. This bill does not appropriate or authorize one cent for repairs.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. LaGUARDIA. In just a moment.

What this bill does is simply to authorize the sale of certain designated surplus land and real property. The gentleman from Illinois, the distinguished chairman of the Committee on Appropriations, is in error when he says that this money goes into a general fund. It does not go into a general fund. It goes into a special fund to be known as—

the military post construction fund, to be and remain available until expended for permanent construction at military posts.

It changes the whole policy of our fiscal system.

If you pass this bill, gentlemen, you are establishing a new policy whereby every department will come in and ask to sell surplus property and put the proceeds into a special fund. This bill will haunt Congress for many years to come.

In the second place, it does not provide clearly or intelligently the manner in which this property should be sold. It leaves it entirely in the discretion of the Secretary of War and allows him to go out and appoint appraisers, and in no way obligates the appraiser to act only for the interest of the Government. There is no provision making it mandatory to sell the property at public sale. This bill will surely provide a boom for the real-estate speculators—no prudent business man would permit his property to be sold under the loose provisions of this bill.

In the third place, you provide here that a municipality or State may purchase for the appraised price the same as a private person or private corporation, and yet if a private person purchases, he purchases the property outright, but if a city or State purchases the property, it must be purchased with a reverting clause, although it pays appraised value, providing that the property is to revert back to the Government in case it ceases to be used for public purposes. There is no

reason for such limitation, except to discourage a State or municipality from buying.

Further, you provide that anyone who has held this property adversely for 20 years must pay 10 per cent of the appraised value, contrary to any law of any State with respect to real property. Where land is held adversely for 20 years, title vests in the holder, and there is no reason for requiring any payment.

Why, gentlemen, if the appraised value given in your report is any indication of what you are going to sell this property for, then let me tell you gentlemen the War Department does not know what it is talking about. If the appraised value given on the property at Fort Schuyler, in my city, is any indication of their knowledge of the value of the land to be sold, then I tell you that the War Department should not be intrusted with the sale of this land. You have 52 acres in the city of New York, right in the growing section of the Bronx, with a right of way across the Sound to Whitestone, and you are placing that at $150,000. Why, it is ridiculous. Who appraised it? Is that the value to be fixed on the property? Who is going to buy it? Why, this bill will surely create "bargain day" for some people. If that particular piece of property is worth a cent, it is worth over half a million dollars.

Gentlemen, if you are going to sell $20,000,000 worth of property and give the power to the Secretary of War not only to sell this property but to sell any other property which he may designate as being useless—and that is all he has to do under this bill—you are losing millions and millions of dollars of the people's money.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. I know there is need of repairs and of new buildings in the various military reservations, but this is not the way to provide for that condition.

If the conditions are so bad, if soldiers are kept in dilapidated, unsanitary quarters, why has there been no appropriation for necessary repairs before this? Why it would take months; yes, years, before this money is available. Do not tell me you have the cash customers waiting. If the appraisal I have just cited is an indication of what you expect to get for your land, I venture to say that there are cash customers waiting. But you must give notice to the State first, and that requires time under the bill. So how can you say that this bill would provide for urgent necessary repairs? That is not the fact. If it is true that conditions are as bad in military reservations as was indicated on this floor to-day, it is a severe indictment against Congress. If the living conditions are so bad that soldiers and officers are not properly housed, that is the fault of Congress. I am willing to vote immediately to appropriate funds for necessary repairs. But that does not justify the passage of this bill. This bill is poorly, sloppily, inartistically drawn. I venture to say that not a line of it was written by any lawyer familiar with real-property law or real-estate practice. What is there to prevent an appraiser fixing a low valuation and tipping off a friendly customer? Why not write right into the bill the amendment suggested by the gentleman from South Carolina [Mr. MCSWAIN], making it a crime for an appraiser to make a false valuation or to connive for the sale of property which he himself has appraised? And I repeat, why do we have to create a special fund? I predict that before this session is over the Navy Department and other departments will come in asking for the same privilege, and instead of simplifying Government bookkeeping we are going to complicate and confuse it. Why, this system of special funds kept aside for specific purposes is contrary to the very principle and fundamental of a Budget system. I notice that the committee tried to slip the Budget director right out of the bill, and now it is repentant and seeks to at least make the requests go through the Budget office. What General Staff officer suggested the amendment which put in a line and struck out, on page 8, line 12, the words, "in the Budget," and inserted "by the Secretary of War"? That suggestion never came from a member of the committee. I can see the slick work of the General Staff in trying to slip that one across. It is at least comforting to see that the conscience of the gentleman from Maryland [Mr. HILL] would not permit him to go through with it. I wager, perhaps, the gentleman from Illinois [Mr. MADDEN] had something to do with the change back to the original wording. Why should not such an important bill be discussed under the rules of the House and open to amendment? There is no objection to selling surplus Government property. There is objection to this bill which permits the selling of millions of dollars of property without proper safeguards and without sufficient protection for the public's interest. The proceeds of this sale should go into the Treasury where it belongs, and Congress should appropriate necessary funds to make necessary repairs at military reservations.

Do not permit this valuable property to be sold in such an unbusinesslike manner. There are pieces worth millions. One piece is valued at a half a million dollars. Why do not you sell the property intelligently; put the money into the general fund where it belongs. There is no such thing as a property of the War Department; there is no such thing as a property of the Army; this is the property of the United States and should be dealt with accordingly. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. I can not; I have only five minutes.

Mr. HILL of Maryland. I do not think the gentleman should misquote the bill. It is going to be sold at public sale.

Mr. LAGUARDIA. Oh, there is nothing in the bill which makes public sale mandatory. The Secretary of War may cut up the land to suit himself; he may cut off the front and sell that, and then, of course, the back land is of no value. He can dispose of it as he pleases. You do not have to be an expert in real estate to know that. Why does not the committee bring in a proper bill to repair the barracks and the officers quarters; what is the use of going around this way? This is General Staff bill No. 1.

Mr. BLANTON. It is General Staff bill 171.

Mr. LAGUARDIA. It is the only important bill that has come out of the committee. It surely is a General Staff bill.

Mr. VINSON of Kentucky. Will the gentleman yield? Section 5 provides that the property must be appraised by one or more appraisers. Then in section 8 the property must bring the appraised value.

Mr. LAGUARDIA. Yes; but who is going to do the appraising? Where is the provision for proper advertising and public sale?

Mr. VINSON of Kentucky. In section 8 of the bill.

Mr. LAGUARDIA. That only provides for the payment if there is advertising and if there is a public sale.

The SPEAKER. The time of the gentleman has expired.

Mr. MCSWAIN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, every dollar of the money that was spent for the purchase of all this property was the people's money, and came out of the Treasury of the United States. And every dollar of the proceeds derived from its sale should be put back into the people's Treasury of the United States. It ought not to go into any special War Department fund. Just as are done with other Government revenues, it should go into the general fund of the Treasury, which is the people's fund.

You notice a little provision which provides that the War Department will have no authority to pay an auctioneer more than $100 a day. Do you know why that was put in the bill? It was because Congress found that it could not trust the War Department. You remember the fact that our friend from Kentucky [Mr. JOHNSON] put in the RECORD some time ago showing a list of the unconscionable fees paid auctioneers by the War Department, where Government property was sold by the War Department, and our colleague showed that the War Department paid one man $48,000 for one day's work and paid another man $52,000 for one day's work. We have learned that we can not trust the War Department altogether. Yet, we are about to put at least $20,000,000 and possibly $50,000,000 proceeds from the sale of this property into a special War Department fund in the Treasury so that it can not be used for anything else. When it is placed in a special fund it can not be used for anything else. Some say, "They will have to come to Congress." Do not you know that it is their purpose now to tie up and fix this money so that they may say, "We are only asking that we may spend our own funds to our credit." That is their purpose. They do not want to trust Congress.

The Secretary of the Treasury is borrowing money every once in a while for our Government, and is paying interest on same to banks, and issuing certificates that draw interest. Would not it be ridiculous for the people of the United States to have to borrow from $20,000,000 to $50,000,000 and pay interest on it to outsiders when it had from twenty to fifty million dollars in the Treasury credited to this special War Deparment fund, but thus tied up so the people could not use it?

Do you not know that if this $20,000,000 went into the general fund of the Treasury it would permit the Secretary of the Treasury to borrow $20,000,000 less than he would have to do were it tied up in a special fund, and there would be $20,000,000 less to pay interest on? And it is the people of the

United States who lose, because they are the ones who will have to pay the interest.

Why not let the War Department come to Congress when they want money to construct new officers' residences and new barracks? Why not let them put their cards on the table? Why not pass on each case as it arises? These officers always want money. Why put up a special fund in the Treasury for them? Why do they thus beat the devil around the stump? Why do not they let us authorize the sale of this property and then present to us for due consideration their building plans?

The War Department will tie up $20,000,000 of the people's money so it can not be used by the Government for any other agency but the War Department. No one in this House would object to that part of this bill which authorizes the sale of surplus property. All of us are in favor of that. But we object to creating this special War Department fund. And we object to having that provision attached to this bill and the bill called up under suspension, when it can not be changed in any particular, but must be passed just as it is written, with no chance whatever to strike out of it this vicious provision.

Our friend from Kansas [Mr. ANTHONY], than whom there is no better posted man on military affairs, a few days ago told the truth when he said that the War Department might tell Congress where to head in, as it was about a 50-50 proposition as to whether the Congress was running the War Department, or whether the War Department was running the Congress. As a matter of fact, it is the War Department that is running Congress. It is true that the War Department, with a little help from the Navy Department, is running the Government of the United States.

It is not satisfied with the millions of dollars that it annually expends on its legitimate business, nor is it satisfied with the millions of dollars it expends on rivers and harbors in its engineering department, it is not satisfied with millions of dollars but it is continually dishing in here and there, until it now has quite a number of its officers helping to run the District of Columbia, and on special commissions, and on special boards, and on budgets, and on this and that, all wanting huge sums of money to spend.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. Oh, I know the gentleman is a spokesman for the War Department, and he can get his own time, as mine is about exhausted, and I can not yield.

I want it to be the War Department of the United States Government, and not to be the War Department's United States Government. I want the Government of the United States to run its War Department, and not its War Department to run the Government of the United States.

If we could only have a record vote on the passage of this bill, there would be a chance to defeat its passage. But this is the kind of a bill that is always pushed through under a suspension of rules, where you can not change "the dotting of an 'i' or the crossing of a 't,'" and there is never a roll call. But the people will some day find out who it is that is responsible for the passage of such measures. And in my judgment they are going to hold this administration responsible, for without the approval of this administration, this bill could not pass this House.

I wish that Jim Mann, of Illinois, was back in the House; I wish you would read a speech he made a number of years ago on this very subject. He said that we must let the War Department and the Navy Department come to Congress for their needs.

Mr. JOHNSON of Washington. In this bill they do have to come to Congress.

Mr. BLANTON. If Congress wants to use $1,000,000 in this fund for any special purpose it could not do it. It could not use a cent for any purpose except for War Department purposes. This money belongs to the people and should not be tied up in this way. It is an injustice to the people.

Mr. FISHER. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I can not conceive of any bill with more common sense in it than there is in this bill. [Applause.] It disposes of certain property which the Government does not need and puts the money where it can be used for military-post funds, which it does need. Anybody that has visited the military posts and the hospital knows that the Government needs this money. The money is perfectly safe.

It goes into the United States Treasury, our Treasury, I will say to the gentleman from Texas [Mr. BLANTON], and it can not be appropriated except through an act of Congress. It is subject to appropriation just the same as any other fund that belongs to the Government. I think this is a common sense bill and I sincerely hope that the House will pass it. [Applause.]

Mr. McSWAIN. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. In its ultimate purpose and effect, this bill is unfair to the Army, unjust to the people of the country, and will eventually be a source of embarrassment to Congress. In the two minutes allotted me it will, of course, be impossible to state in detail my reasons for taking this view of the subject. However, I do call attention to the provision which makes it particularly objectionable, that is, diverting moneys belonging to the general revenues of the Treasury and, almost without precedent, employ them in establishing a special fund to be ingeniously used in unwarranted expenditures for military purposes. No one objects to the sale of these lands. In fact, scores of similar tracts should be sold or transferred from the War Department to other governmental agencies. This subject was discussed when the Army appropriation bill was being prepared last year. The gentleman from Kansas, chairman of the subcommittee, stated that the Secretary of War was invited to make suggestions relative to new construction, but—

to our great surprise when that report came to Congress the War Department submitted a list of about $20,000,000 worth of surplus property that might be sold, and a list of new construction totaling over $115,000,000. The amount requested for new construction was so stupendous that it stupefied Congress.

This bill will initiate a great military building program wholly unwarranted by existing conditions and, without justification, add to the burdens of this nature against which our people are protesting. Instead of reducing overhead charges by concentrating the troops in larger units at advantageous points, the program to be carried out under this bill will encourage construction at posts and places suiting the convenience of those directing affairs rather than the interests of the country at large.

When the Army appropriation bill was under consideration two weeks ago the question of these "sick men in shacks" was under consideration. The gentleman from Arkansas [Mr. WINGO] cited his experience and observations in a recent visit to Hawaii. He said:

That is something that I can not understand. They ought to be criticized for that. They have magnificent barracks, they have as handsome a clubhouse for officers as you will find in any resort in Florida or anywhere else. They have a wonderful place, and it made my blood boil to see the shacks in which they placed those sick boys.

They had not asked for funds with which to build hospitals, but they did ask for and secure funds for magnificent quarters and barracks. The efficient chairman of the subcommittee on military appropriations [Mr. ANTHONY] states that no request for funds to be used in constructing Army hospitals has ever been refused.

Mr. FISHER. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. Speaker, I think what the gentleman from Ohio [Mr. SPEAKS] has called to your attention are not altogether the accurate facts as they exist. I have visited a number of military posts in my own State and elsewhere. Some of them came into being during the World War, and I think perhaps your experience has been similar to mine. We all know that those buildings were temporary buildings in a great many instances, and since the war is over they have been used as divisional posts and used as training centers for the Regular Army. The enlisted men in many of these posts are living in temporary shacks. The roofs are not suitable. There is nothing to invite a man to stay in the Army. In my own State we have a number of old forts, some of them having been owned by the Government for a hundred years that are absolutely useless for military purposes. They are grown up with weeds; they do not bring a dollar into the Treasury of the United States. On the contrary, they have to have caretakers as sort of night watchmen to look after them. What can be fairer or more economical than to sell these posts that are of no value at all to the Military Establishment and let the Government, through the War Department, rehabilitate these posts, which are to be permanent military establishments, where rehabilitation is needed. I can not see any objection to that. I do not believe the Secretary of War is going to spend the entire $20,000,000 building officers' quarters. I believe both the enlisted men and the officers will benefit by the passage of this bill and the morale and efficiency of the Army improved, sell what is useless, and apply the proceeds to the needed repairs to our permanent posts rather than keep what is useless and allow what is needed to deteriorate through lack of funds. [Applause.]

Mr. HILL of Maryland. Mr. Speaker, I yield half a minute to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, this is a proper bill. It will start a program of housing for the soldiers. It will enable Budget recommendations to be made. In the State of Washington we have property that the War Department has desired to sell through act of this Congress for 20 years, but we have not been able to get action. Also in that State we have one great cantonment, Camp Lewis, with literally millions of dollars of Government property going to waste, with no protection against weather, to say nothing of soldiers improperly housed. I think the bill should pass. Then, pending sales, the War Department should begin building, using the fund on the plan that the reclamation fund is successfully used. [Applause.]

Mr. FISHER. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker, this bill does not meet my views in every particular, but the Committee on Military Affairs was kind enough to accept the amendments as offered by me for the protection of the interest of the State of Florida, consequently I think it probably is in as good shape as I may hope to get it.

The price of land in the State of Florida is very high and will go still higher, but if these military reservations are now sold several million dollars will be received from the sale of the reservations in Florida alone.

The money derived from the sale of these reservations should go into the General Treasury of the Government, as the purchase price of same came from the Treasury. I have no fear of the Congress failing to provide safe and suitable quarters for our Army officers and soldiers. I am always ready to vote to provide money for their necessities.

Mr. FISHER. Mr. Speaker, several years ago there was considerable criticism of the War Department because of the fact so much real estate was held by them for which they had no use. A part of this surplus property was authorized to be sold by Congress and many sales were made. The terms of the bill under which these sales were made are very nearly the same as in the bill we are now considering.

There can be no sound reason shown why this unused real estate should remain idle. It should be sold to the States, counties, and municipalities if they want it for a public use, and under the terms of the bill it can be bought by them if they exercise the option given them of six months' notice after the passage of this bill and the appraisement provided they will pay the appraised value.

If sold to private interests, as most of it will be, these large tracts of land will be placed on the tax books of the several States, counties, and municipalities where the tracts are located. The property would become a valuable asset, and outside of the taxes to be assessed on the property there would be revenues brought about by its development.

As applied to one of the States in which some of the surplus property is located, there is a provision in the laws of the United States, passed by the Congress when this State was admitted to the Union, which provides that 5 per cent of the sale price of public land after deducting for improvements will go to the State's school fund. The money received in other cases where no such deduction is made from the sales of the various properties after all the expenses are paid will be deposited as a military post construction fund not appropriated until a law has been passed authorizing its expenditure for the various projects and proper appropriations made thereafter by the Congress. It is well known that many of our military posts are in a very bad condition. In many cases enlisted men of the Army and Army officers with their families are housed in the poorest sort of quarters. Frequently there are leaking roofs and rotting walls. It will be a grand opportunity to do the right thing for properly housing our Army by building proper quarters. I urge your support of the bill and I hope that we can speed the day when we can pass a bill authorizing the Army post projects to be built out of a large fund which has been accumulated from the sales provided for in this bill. [Applause.]

Mr. HILL of Maryland. The gentleman from South Carolina [Mr. MCSWAIN] has seven minutes more, and I understand he has only one more speech. I yield two minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, it seems to me this bill simply presents a sane, sensible, practical business proposition. What is the first thing any private corporation would do if it had property it did not have any use for and needed the money for other purposes in connection with its business? The very first thing it would do would be to sell under the best conditions possible. What is the condition that confronts us to-day in regard to this surplus property of the Army? We do not need it any more for military purposes, but we do need the money we could get for the sale of this property to build better places for the soldiers to live in. That is the exact proposition that is before us at the present time, and there is only one sensible thing to do, and that is to sell the property and stop the expense of caring for it. When we had the Military Affairs Appropriation bill before us the other day several Members on the floor of the House showed deep interest in the condition of the various permanent buildings in which we house our soldiers at the present time, and special attention was called to the various hospitals where we have kept soldiers, and the deplorable conditions surrounding them, and also to the number of soldiers living in temporary quarters. If we sell this property we will not only be disposing of something we do not want, but we will be getting money to buy what we do want. Now, I do not claim, and no one claims, that this will furnish all the money that is necessary to properly house the men, but there is certainly no reason in God's world why we should not sell what we do not need and use the money for other things which we do need, and go as far as possible in obtaining the things that are necessary and desirable for better caring for the Nation's soldiers. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HILL of Maryland. May I ask the Speaker how much time I have remaining?

The SPEAKER. Three and a half minutes.

Mr. HILL of Maryland. I have only one more speech.

Mr. MCSWAIN. Mr. Speaker and gentlemen of the House, I believe that this bill illustrates, as well as any bill can, the danger of undertaking to legislate by a suspension of the rules that it has taken 600 years' struggle of the Anglo-Saxon people to build up. When a bill comes in like the bill the other day on the public-buildings program which involved only one proposition, to wit, to spend $165,000,000, it is relatively easy to decide. But here is a bill which involves a vast range of propositions and, as I have said in the committee, and I repeat here after mature reflection, that I believe there are enough legal propositions involved in this bill to keep the Supreme Court busy for five years with nothing else to do except to undertake to adjudicate the issues that can be made, and may be made, and probably will be made, growing out of the facts attending the various conflicts arising in regard to this property. This property is situated in 14 different States, involving 42 different tracts. Some gentlemen who may be already committed to this bill will find it loaded with trouble, because I understand that a motion to suspend the rules will not be entertained until the names of sufficient Members have already been laid on the Speaker's desk to justify the conclusion that it is inevitable that the motion will prevail, and the rules of legislation will be swept aside by a two-thirds vote and the rules will be suspended and the bill will be passed.

Mr. SPEAKS. Will the gentleman yield?

Mr. MCSWAIN. Just for a question.

Mr. SPEAKS. The gentleman from New York mentioned the fact that an appropriation was necessary for hospitals. We immediately appropriated $450,000 when the matter was mentioned to the House. The chairman of the subcommittee on appropriations informs me that no requests for funds to erect Army hospitals have ever been refused.

Mr. MCSWAIN. I will answer the gentleman, I have not time to wait for the other gentleman. I have not heard of any refusal. I have been watching the appropriations with regard to the provisions for hospitals for the enlisted personnel of the Army, and I do not believe there is a Member on the floor who has ever heard of any appropriation to take care of the sick soldiers in the Regular Army, having been denied. Here is the point, gentlemen, I assume that every piece of legislation ought to come in with great deliberation and care. Let me tell you something. This bill came from the Senate January 6. It was referred to the House Committee on Military Affairs and the report came out on January 7. The State of Florida has 26,000 acres of land involved in this bill. The State of Florida under the land act passed in 1850 owns one-half of the whole 26,000 acres. This is under what is known as the swamp land act, and under this bill, as it came from the Senate, there was no provision to care for it, and we came back in here and asked that the bill be recommitted to the Committee on Military Affairs.

Though under the original commitment there had been 11 amendments to the bill, including the amendment of the gentleman from Alabama [Mr. HILL] limiting the auctioneers' fees to $100 a day, yet when it came back under a recommitment

there were 17 amendments that were placed in the bill. But one of these has been abandoned by those in charge of the bill.

Furthermore, since this report was filed, I am of the solemn conviction that the interests of the Government and of the Treasury are not safeguarded with regard to appraisal and sale.

Gentlemen, the officers of the Regular Army are not business men. Through a little interrogation and an amendment of a bill, I saved to the Government of this country with regard to the purchase of some land at Fort Bliss, which was recommended by the Chief of Staff and the commanding general in charge of that area, $281,140. They are not business men. They have already made a partial appraisal and have estimated the value of these lands, and with regard to Madison Barracks in New York City, which was bought 113 years ago at a cost of $1,600, they estimate it will sell for $500. One hundred and thirteen years ago a little lot down there on the water front by Madison Barracks was purchased by this Government for $1,600 and these Army officers say it will only bring $500 to-day.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Just for a question, and make it short, please.

Mr. LAGUARDIA. The piece of land over here in Virginia was bought in 1923, and now they are selling it?

Mr. McSWAIN. Yes; down here at Newport News, Va., real estate was bought at a cost of one-third of a million dollars and we spent two and a quarter million dollars upon it in warehouses, and now they tell us it will sell for only $580,000. Thus, we lose about $2,000,000. Right here in the city of Washington I happened to see this morning a lot that was bought 52 years ago for $3,500, and these officers of the Army come in and estimate that this property, right here at 1913 E Street NW., will only bring $4,500 after the lapse of 52 years.

There are 26,000 acres of this land in Florida. Who is to appraise it? Who is going to buy it? Will appraisers and bidders conspire? Here is what I submit to you, gentlemen. This bill ought to come up for amendment in Committee of the Whole House. Of course, it will not, but I want the country to know that the Members have already voted on this bill. Where did they vote? They voted in their offices when somebody went around polling them to see if two-thirds would vote to suspend the rules and pass the bill. We legislate not in the Halls here. We legislate not where our constituents think we legislate. We legislated back yonder in our offices, when we had never read the bill.

Mr. BEGG. Will the gentleman yield for one question?

Mr. McSWAIN. Surely.

Mr. BEGG. Where does the gentleman get such information as he is giving to the House? I never heard of anything of that kind.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McSWAIN. I got it from a very authoritative source, and, if the gentleman insists, I will tell it. Nobody denies it.

Mr. BEGG. I would like to know.

Mr. McSWAIN. Does the gentleman deny it?

Mr. BLANTON. And if we could vote this bill down now, it would come up in the orderly way.

Mr. McSWAIN. If the Speaker orders it, I will withdraw my words. But my informant is a Member of this House, whose word no man will question.

The SPEAKER. The time of the gentleman from South Carolina expired some time ago. [Laughter.]

Mr. McSWAIN. I beg your pardon, Mr. Speaker. I am a little deaf when I am talking loud. [Laughter.]

Now, Mr. Speaker and gentlemen of the House, just to illustrate the danger and unwisdom of legislating in this manner let me call your attention to the fact that after this bill was recommitted to the Committee on Military Affairs, one amendment of the 17 amendments placed thereon was at the suggestion of the gentleman from Florida [Mr. SEARS], who advised the committee that an American Legion post had built a house on one of these parcels of land in Florida under a lease in the nature of a revocable license; and to the committee, in order to take care of him, added a proviso, in line 6, on page 2, to the effect that no parcel of land should be sold—

now actually occupied under lease by a post of the American Legion.

But for the fact that Mr. SEARS called this to the attention of the committee, after recommitment, our committee would never have known anything about this fact, and the building of the American Legion would have been sold and the proceeds of the sale put into the Treasury of the United States unless there had been much litigation to prevent same. Now, as a matter of fact, I find that the information furnished by the War Department discloses the fact that a Young Men's Christian Association is using one parcel of land; that numerous parcels are used for lighthouses, life-saving stations, one for a hospital, one for a college, and one parcel near Tampa is occupied by the Pilots' Association, which was permitted to build nine houses. Why should not all these cases have been taken care of by exceptions and provisos? I am afraid that when some Members get home and some of their constituents interested in these various institutions ask them why the Young Men's Christian Association and the hospital and the college and the Pilots' Association were not given the same treatment that the American Legion was given, some Members may be in a very embarrassing situation. This well illustrates the dangers of legislating, not by deliberation but by solicitation and by polling the Members in their offices before they have ever read the bill or know anything about it and have only the ex-parte statement of the individual conducting the poll.

Mr. Speaker and gentlemen of the House, many of these parcels of land are subject to franchises and licenses which are very valuable to the Government, but which will doubtless be practically given away under the method of sale to be conducted by the Government. For instance, one of the parcels is subject to 15 licenses to such concerns as railroads, telephone companies, lumber companies, merchants, power companies, and so forth. I apprehend that appraisers who may be in collusion with prospective bidders will argue that the land is encumbered by the licenses and that therefore the value should be appraised lower on that account. Yet, I predict that some of the purchasers who will buy enormous bargains when this land is sold will collect enough money from these very licensees to pay the whole purchase price of the lot of land itself. For illustration, the purchaser will go to these railroads, water companies, lumber companies, telephone companies, and say to them, in substance, as follows: "I have bought this land from the Government and you are occupying a portion under a revocable license, and you get off or pay me ten thousand, fifty thousand, or a hundred thousand dollars," as the case may be, and rather than relocate tracts and its lines and other businesses, the licensees will pay the price and thus the buyer, whose property is actually enhanced by these railroads, power lines, telephone companies, lumber companies, and so forth, will collect from them every dollar that he has paid the Government, and more, and have the whole amount of land, perhaps thousands of acres, absolutely free. The presence of these various franchises and licenses actually enhances the value of the property.

So, Mr. Speaker, my desire is to safeguard the Government, and to see that this property brings its reasonable value, and for that reason I proposed to offer the following amendments if the bill could have been considered, as it should have been, in the Committee of the Whole House on the state of the Union.

Amendment offered by Mr. McSWAIN: On page 11, after line 19, insert a new paragraph to read as follows:

"SEC. 13. That no person who shall have served in any capacity in connection with the appraisal of any one or more parcels of property herein authorized to be sold shall bid upon or purchase directly or indirectly, either for himself individually or as agent for any other person, firm, association, or corporation, any parcel of said property, and any person who shall violate any provision of this act, or who shall conspire with one or more persons to violate same, or shall conspire to depress or minimize the appraised value thereof, or to chill the bidding at the sale thereof, or to bring about any situation or state of facts intended and calculated to cause said property or any part thereof, to sell for less than the reasonable market value thereof, shall, upon indictment, trial, and conviction thereof, be sentenced to pay a fine not more than $100,000 or imprisonment not longer than 10 years, or both, at the discretion of the court."

Amendment offered by Mr. McSWAIN: Page 8, line 16, after the word "by," strike out the words "and appraiser or" and insert in lieu thereof the word "three."

Amendment offered by Mr. McSWAIN: Line 19, at the end strike out the period and insert a comma and add the following: "and said appraisal shall not be published, but shall be kept confidential between the appraisers and the War Department, and any violation of this obligation of secrecy on the part of any one of the appraisers, or of any officer or employee of the War Department, or of any other person coming into possession of information relating to said appraisal shall be a misdemeanor, and any person upon indictment, trial, and conviction therefor shall be fined not exceeding $10,000 or be imprisoned not exceeding one year, or both, at the discretion of the court."

The purpose of these amendments is to prevent collusion between the appraisers and prospective bidders so as to insure a fair appraisement and a fair sale. It was a serious mistake for the War Department ever to publish its own estimate

of these values, which aggregate only about $7,000,000, when, in my judgment, the property should sell somewhere between $30,000,000 and $50,000,000. If the War Department thinks that real estate brokers and agents were born yesterday and do not know their business, then the War Department will wake up after this vast asset of the Nation is gone to find out that the real estate speculators and manipulators have cleaned up on the Government out of this deal perhaps $20,000,000 or $25,000,000.

Many of us believe that very unfair advantage was taken of the Government in the sale of surplus war material after the war was over. Those experiences are remembered by us who are now trying to safeguard the Treasury, but they are also remembered by the shrewd and sagacious speculators and dealers who will be in the market to buy these vast tracts of land in Maryland, in Florida, in Alabama, and in Louisiana. This Government is entitled to the benefit of the unearned increment that these parcels of land have acquired through the labor and toil of the 115,000,000 people who earn the $65,000,000,000 of income per annum for the people of this Nation. It is easy to say, as the War Department does with regard to many of these parcels, "it costs nothing," but, as a matter of fact, there is not a parcel of land to be sold that has not cost blood, and tears, and toil of countless millions, dead and alive.

I know that most of this land ought to be sold, but I fear that it is not to be sold in any proper business sense, but is to be "given away" and sacrificed for perhaps less than 50 per cent of its true value. Therefore, I am opposed to surrendering those rules that have grown up through hundreds of years to guarantee prudent legislation and insist that it is the duty of the Members of this House to consider this bill line by line and word by word and to entertain motions to amend this bill.

It is an undue responsibility to impose upon the shoulders of the Military Affairs Committee. When we first had it we put on 11 amendments, and realizing that we had made a grievous mistake we asked that the bill be recommitted, and then we put on 17 more amendments, and I believe that if the bill had stayed in the committee another week the committee would have adopted perhaps 17 more amendments, and I believe would have adopted the 2 amendments which I at that time had not thought of, but subsequently prepared and had ready to be offered, if the request of the gentleman from Tennessee [Mr. GARRETT] had been acceded to by those in such a terrible rush to put through this bill.

But, Mr. Speaker and gentlemen, I know this protest is vain. The heads have already been counted. The die has already been cast. We have met, not to deliberate but to officially approve of that which two-thirds of the Members of this House have promised in advance that they will approve. I fear that some of them when they get home and begin to be importuned by the various persons holding licenses on these lands, by the Young Men's Christian Association, by the college, the hospital, by the Pilots' Association, by the lighthouse keepers, and the life-saving station, then they will find it very hard to explain why they agreed to legislate with their eyes shut and to vote for a bill that is loaded to the limit with legal complexities and legal confusion sufficient to keep the courts of the 14 States where the land is situated busy for the next five years. But the responsibility is off my shoulders. I have done the best I could as a member of this committee and as a Member of this House. I will follow the proceedings by which this land is brought to sale with deep interest. I will read with much concern the report that we will receive next year as to the proceeds of the sales, and I can only hope and pray that my predictions will not come true that this Government will lose perhaps $25,000,000 of value by reason of the unwise methods that make it possible for the real-estate manipulators and speculators to take advantage of my country.

Mr. HILL of Maryland. Mr. Speaker, I have only one speech remaining, and I yield the balance of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. SPEAKS. Will the gentleman yield?

Mr. TILSON. I am sorry, but I can not yield for lack of time.

Mr. Speaker, the question confronting us is simply this: We must provide proper housing for our Army. [Applause.] We must do this in one way or another, and it should not be delayed. We must either appropriate the money out of the Treasury directly or we must dispose of some of the surplus property now owned by the Government and turn the proceeds into the buildings that are necessary.

This property has become surplus by reason of many changes in conditions; such as the advance in the art of war, the increase in the range of guns, and the growth of cities that have spread out far beyond where some of our forts were originally located quite properly. Along with the changes referred to has come a change of policy calling for the concentration of troops, instead of scattering them in detachments at small posts all over the country.

The property to be disposed of is not only surplus, but it is an expense, and a heavy expense, to keep it in condition. With such a situation what is the sensible thing to do? Instead of appropriating more money out of the Treasury to build permanent quarters for the Army, why not dispose of this property that is not now needed for military purposes, and put the funds thus acquired into a special fund for necessary construction work?

Why a special fund? So that the Army may know what can be depended upon in connection with its housing program and proceed accordingly. Having put this money into a special fund it will not be idle, as the gentleman from Texas says, no more than any other funds in the Treasury are idle. It is simply a matter of accounting, but it will be there to the credit of the War Department, to be used whenever Congress sees fit to authorize its use and to appropriate it.

Gentlemen have spoken about the Budget system as if the legislation here proposed would undermine it. I have in my hands a letter containing a statement directly from the Director of the Budget. I have not the time to read the entire letter, but shall read three paragraphs of it:

In compliance with verbal request of Mr. JAMES, a copy of S. 1129 as amended was furnished to the Director of the Bureau of the Budget, who in conference stated that the legislation is not in conflict with the President's financial program.

In reply to intimations that section 4 of this bill is an attempt to undermine the budgetary procedure of the Government, the director further stated that not only is the legislation not in conflict with such procedure, but is directly in accord with it.

He further stated that he was in sympathy with the proposed bill and heartily approved it. He further stated that the creation of this fund follows the same procedure as outlined with the reclamation fund and is the best method of handling such funds.

Why should we hesitate about such a sensible proposition as this? What is the objection? If this legislation meant turning a special fund over to the officials of the War Department and allowing them to go ahead erecting buildings whenever and wherever they pleased, it would be a very different matter, but we have a double check upon the fund. Before any construction can be authorized, it must come here through a great committee of this House, and before the appropriation can be made it must run the gantlet of another great committee of the House, and the appropriation must be made here.

As I see it, there is no sound or reasonable objection to the passage of this bill. [Applause.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Maryland [Mr. HILL] to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 177, noes 30.

Mr. McSWAIN. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make the point of order there is not a quorum present as shown by the vote.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-four Members are present; a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

Tre SPEAKER. The gentleman from Tennessee asks for the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-four Members have risen; not a sufficient number.

So the yeas and nays were refused.

So two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RETURN OF CATTLE DUTY FREE

Mr. GREEN of Iowa, from the Committee on Ways and Means, by direction of that committee, presented a privileged report on House Joint Resolution 148, extending the time during which cattle, which have crossed the boundary line may be returned free, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. RATHBONE. Mr. Speaker, I am authorized by my colleague, Mr. GORMAN, to state that if he had been present he would have voted in favor of the railroad bill, H. R. 9463.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted:

To Mr. HAWLEY, from February 15 to February 27, on account of illness.

To Mr. TILLMAN, for 10 days, on account of serious illness in his family.

To Mr. GORMAN, for a few days, on account of death in his family.

To Mr. CHAPMAN, for an indefinite period, on account of the illness of his mother;

To Mr. ALDRICH (at the request of Mr. BURDICK), for an indefinite period, on account of illness;

To Mr. JONES (at the request of Mr. BLACK of Texas), for an indefinite period, on account of illness in family.

REFERENCE OF BILLS

The SPEAKER. The bills H. R. 3856 and H. R. 8709, one referred to the Committee on Public Lands and the other referred to the Committee on Irrigation by request of the chairman of those committees will be referred to the Committee on Indian Affairs. Is there objection?

There was no objection.

ELECTION TO COMMITTEES

Mr. TILSON. Mr. Speaker, I move that the gentleman from Kentucky, Mr. KIRK, be elected to the following committees: Invalid Pensions, Committee on Labor, Committee on Alcoholic Liquor Traffic, and the Committee on Railroads and Canals. I wish to say that we are indebted to the minority side for some of these vacancies. We express our appreciation for their courtesy.

The motion of Mr. TILSON was agreed to.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, there are two more bills to which I think there is no objection on the Consent Calendar.

The SPEAKER. Are the bills in the regular order?

Mr. TILSON. In the regular order.

FEES AND SUBSISTENCE ALLOWANCE FOR JURORS AND WITNESSES

The next business on the Consent Calendar was the bill (H. R. 120) fixing the fees and subsistence allowance of jurors and witnesses in the United States courts.

The Clerk read the title to the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read twice, ordered to be engrossed, and read a third time, and passed with the committee amendments agreed to.

Mr. CRAMTON. Mr. Speaker, I want to offer an amendment to the committee amendment. On page 3, line 12, strike out "$4" and insert "$5." I will say that the purpose of this bill primarily is to increase the pay of jurors in the Federal courts from $3 a day to $4 a day. My purpose is to increase it to $5 instead. It is a great injustice to the men who are called all over the judicial circuits to serve as jurors in the Federal courts—for instance, in my district they go to the city of Detroit where it costs fully $5 a day for living expenses, and I feel that the pay ought to be increased to that figure.

Mr. BLANTON. The gentleman from Michigan ought not to raise that question now at this late hour. I do not like to make a point of no quorum, but there are lots of communities in the United States where jurors come to court and where they can get fair accommodations in the town for $3 a day. They not only receive $4 per day by this bill, but they get 5 cents a mile travel each way, and they go in their own automobiles. In my colleague's district and in my district the jurors can come in automobiles, and they can ride for less than 5 cents a mile. I hope the gentleman will not insist on this amendment. If he will let the bill go through as it was, I told the gentleman from Pennsylvania I would not object to it.

Mr. CRAMTON. Will the gentleman consent to an amendment making it $5 a day except in the State of Texas where it shall be $4?

Mr. BLANTON. No; I think the committee has given a fair amount, and I think the gentleman ought to let it pass like it is, otherwise I will make the point of no quorum.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. Mr. Speaker, this is a good bill. The Committee on the Judiciary has brought in what it thinks is right. All of these members of the Committee on the Judiciary are lawyers. They have all practiced in the Federal courts of the United States and they know the needs and necessities. I do not think the gentleman from Michigan ought to raise this question.

Mr. CRAMTON. Mr. Speaker, I simply want to try the temper of the House. I certainly do not want to be the cause of a point of no quorum being made at this time.

Mr. BLANTON. That is what the gentleman will surely force if he does not withdraw his amendment.

Mr. CRAMTON. I do not want to be overinsistent upon my point of view. This is a question which the House should decide. Therefore I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

Mr. BURTNESS. Mr. Speaker, reserving the right to object, let me say this to the gentleman from Michigan: I am in entire accord with the views of the gentleman from Michigan with reference to the fee. Yet the bill has been considered carefully by the Committee on the Judiciary. As the author of the bill I am very glad to see it pass, giving this relief to jurors of an additional dollar a day, and giving much more needed relief as the bill does to witnesses. I think it is better to let this bill go through to-day as it is. I have done a great deal of work upon this matter for two or three Congresses, and possibly this is a question that could in turn be submitted to the Senate.

Mr. CRAMTON. Mr. Speaker, I do not want to take very much time or be the cause of a point of no quorum being made. Although the amount proposed is absolutely inadequate in my State, I recognize that the bill was introduced by the gentleman from North Dakota and feel I should give weight to what he says. Also that the bill must go to another body, and if that body sees the thing in a proper light, possibly we might have a further opportunity of expressing our views on this in the House. Therefore I ask unanimous consent to withdraw my amendment.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEGALIZING A MARINE RAILWAY OWNED BY GEORGE PEPPLER

The next business on the Consent Calendar was the bill (H. R. 2830) to legalize a wharf and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, Accomac County, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I have an amendment which I desire to offer to that bill. I think we would better quit.

The SPEAKER. Without objection, this bill will be passed over without prejudice.

There was no objection, and it was so ordered.

STORAGE OF THE WATER OF THE PECOS RIVER

The next business on the Consent Calendar was the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I shall be extremely sorry to object to anything that the gentleman from Texas [Mr. HUDSPETH] proposes, or to object to a further reclamation extension in that part of the country where they have made such a splendid record in paying for their former projects; but I am constrained to insist upon this. The bill authorizes a new departure. It authorizes this project to be appropriated for either out of the reclamation fund, as is the custom, or out of the General Treasury. There are $2,000,000 involved in this. Then will come along next the Columbia River Basin project and many others. I do not believe we ought to inaugurate that policy. Hence I would be obliged to object to the bill in its present form. If, however, the provision for the appropriations out of the General Treasury could be omitted, I would have no objection.

Mr. HUDSPETH. Mr. Speaker, the House has been very kind in waiting here to consider this bill. I will consent to that amendment being offered.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill may be considered as read.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I move to amend the bill by the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 5, line 23, amend the committee amendment after the word "appropriated" by striking out the word "either"; and on line 24, after the word "fund," strike out the words "or in the General Treasury"; and on page 6, line 2, strike out the remainder of the paragraph.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 37 minutes, p. m.), the House adjourned until to-morrow, Tuesday, March 2, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 2, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To authorize the coinage of 50-cent pieces in commemoration of the Oregon Trail (H. R. 8306).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate the sale of kosher meat in the District of Columbia (H. R. 7255).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 (H. R. 7379).

COMMITTEE ON INSULAR AFFAIRS

(10 a. m.)

To provide a permanent government for the Virgin Islands (H. R. 9395).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein," approved June 30, 1906, amended August 23, 1912, March 3, 1913, July 24, 1919 (H. R. 39).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 15) (changing method of making future amendments).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Department of National Defense.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON PUBLIC BUILDINGS

(10.30 a. m.)

Granting to the town of Palm Beach, in the State of Florida, certain public lands of the United States of America for the use and benefit of said town (H. R. 4520).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend sections 2804 and 3402 of the Revised Statutes (H. R. 8997) (relating to the importation of cigars and cigarettes).

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON PATENTS

(10 a. m.)

To amend the copyright law (H. R. 5245) (H. H. 8182) (H. R. 8464).

To amend the patent laws (H. R. 8379).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

376. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River, Ga., from the foot of Kings Island to the Coastal Highway Bridge (H. Doc. No. 261); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

377. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River, Ga., from the foot of Kings Island to the sea (H. Doc. No. 262); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

378. A letter from the Secretary of War, transmitting information requested in House Resolution 128, "Directing the Secretary of War to furnish to the House of Representatives the total number of commissioned officers of the Army of the United States who are now assigned and engaged in duties of a civilian nature and strictly in line with their military duties as officers and the individual names of such officers, their rank, and the nature of the duty to which they have been assigned"; to the Committee on Military Affairs.

379. A letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report on preliminary examination of Columbia River between Martins Bluff and mouth of Lewis River, Wash.; to the Committee on Flood Control.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 9038. A bill authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments; without amendment. (Rept. No. 424). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. J. Res. 148. A joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; without amendment (Rept. No. 425). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on the Public Lands was discharged from the consideration of the bill S. 545 for the payment of damages to certain citizens of New Mexico caused by reason of artificial obstructions to the flow of the Rio Grande by an agency of the United States, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 9868) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the National Highway, between Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

By Mr. ELLIOTT: A bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building; to the Committee on Public Buildings and Grounds.

By Mr. GAMBRILL: A bill (H. R. 9870) relating to length of service of certain professors of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. TOLLEY: A bill (H. R. 9871) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. WEFALD: A bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925; to the Committee on Foreign Affairs.

By Mr. HARE: A bill (H. R. 9873) to regulate commerce in adulterated and misbranded seed and to prevent the sale or transportation thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 9874) to authorize the President of the United States to name the members of the National Farm Commission, which will act for the interests of the farmers and livestock raisers; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924; to the Committee on Public Buildings and Grounds.

By Mr. MORTON D. HULL: A bill (H. R. 9876) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HOCH: A bill (H. R. 9877) to amend paragraphs (3) and (4) of section 13 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: A bill (H. R. 9878) to amend section 28 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. RAGON: A bill (H. R. 9879) granting the consent of Congress to Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to an extension of the time in which to construct a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH: A bill (H. R. 9880) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes; to the Committee on Irrigation and Reclamation.

Mr. MAGEE of Pennsylvania: A bill (H. R. 9881) to authorize the disposition of lands no longer needed for naval purposes; to the Committee on Naval Affairs.

By Mr. NEWTON of Missouri: Joint resolution (H. J. Res. 184) providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the act of October 6, 1917, and providing for the payment of American damage claims against Germany by the issuance of Treasury bonds; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Resolution (H. Res. 154) for the consideration of H. R. 9690; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorials of the following municipal governments of the Philippine Islands: Lingayen, Nanna, Ilocos Norte, San Nicilas, Ilocos Norte, favoring the passage of Senator KING's bill, which favors the independence of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 9882) granting an increase of pension to Eliza J. Williams; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 9883) granting an increase of pension to Mary E. Bradley; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 9884) for the relief of Mrs. William F. Baxley; to the Committee on Claims.

Also, a bill (H. R. 9885) granting a pension to John Ryan; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 9886) granting an increase of pension to Ida M. Snell; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9887) granting a pension to Amelia A. Conner; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 9888) granting an increase of pension to George W. Rathman; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 9889) granting a pension to Lizzie A. Veasey; to the Committee on Pensions.

By Mr. GASQUE: A bill (H. R. 9890) for the relief of T. O. Flowers; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 9891) granting an increase of pension to Mary Ann Clark; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9892) granting a pension to Lucretia Gilmore; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9893) for the relief of Lawrence Perry; to the Committee on Military Affairs.

By Mr. KIESS: A bill (H. R. 9894) granting an increase of pension to Eunice Smith; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 9895) granting an increase of pension to Elizabeth A. Lytle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9896) granting an increase of pension to Mary Ella Feay; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 9897) granting a pension to Nelle G. Eckman; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 9898) granting a pension to Fred Libbee; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 9899) granting an increase of pension to Mary E. Swick; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 9900) granting an increase of pension to Augusta M. Dolloff; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9901) granting an increase of pension to Annie E. Troop; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 9902) to correct the military record of Pleasant R. W. Harris; to the Committee on Military Affairs.

Also, a bill (H. R. 9903) to correct the military record of James Shook; to the Committee on Military Affairs.

By Mr. REID of Illinois: A bill (H. R. 9904) for the relief of E. A. Sterling, jr.; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 9905) granting a pension to Martha A. Dicken; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 9906) granting a pension to William J. Phillips; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9907) granting a pension to Michael McLaughlin; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9908) granting a pension to Adelaide A. Ryerson; to the Committee on Invalid Pensions.

By Mr. WHITEHEAD: A bill (H. R. 9909) granting an increase of pension to Ann E. Reamer; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 9910) granting an increase of pension to Susan A. Troutman; to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution (H. Res. 153) authorizing the Committee on Invalid Pensions to employ an expert examiner of pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

856. Petition of the Iowa Agricultural Experiment Association, urging the staining of imported red clover seed; to the Committee on Agriculture.

857. By Mr. BARBOUR: Resolution adopted by El Dorado Post No. 119 of the American Legion, Department of California, requesting the erection of a public building at Placerville,

Calif., as a memorial to the late Hon. John E. Raker; to the Committee on Public Buildings and Grounds.

858. By Mr. BOYLAN: Petition of the Catholic Verein of America, New York Local Branch, vigorously opposing the Curtis-Reed bill; to the Committee on Education.

859. Also, petition of the National Guard Association of the State of New York, urging an all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Rivers and Harbors.

860. By Mr. CAREW: Petition of National Guard Association, State of New York, in support of Lakes to Atlantic Ocean steamship canal through State of New York and Hudson River; to the Committee on Rivers and Harbors.

861. By Mr. CONNERY: Resolution of the Schiller-Freheit Lodge, No. 17, Lawrence, Mass., with reference to their desire for a modification of the Volstead Act; to the Committee on the Judiciary.

862. Also, resolution of the German Central Association, of Lawrence, Mass., in favor of beers and light wines; to the Committee on the Judiciary.

863. Also, resolution of the Gordon E. Denton Post, Veterans of Foreign Wars, in favor of a separate air service; to the Committee on Military Affairs.

864. By Mr. FULLER: Petition of the Interstate Iron & Steel Co., opposing any discrimination in the long and short haul; to the Committee on Interstate and Foreign Commerce.

865. By Mr. FUNK: Resolution of the Livingston County (Ill.) Bankers' Federation, of Pontiac, Ill., indorsing the Dickinson bill, etc.; to the Committee on Agriculture.

866. By Mr. GALLIVAN: Petition of Walworth Co., Boston, Mass., protesting against the Gooding bill; to the Committee on Interstate and Foreign Commerce.

867. Also, petition of Brig. Gen. Jesse F. Stevens, the adjutant general, Commonwealth of Massachusetts, recommending favorable consideration of House bill 7481, granting to officers of the Spanish War the same privileges of retirement for disabilities as are being fought for by the World War veterans; to the Committee on Military Affairs.

868. By Mr. KIEFNER: Petition of Friday Literary Club, of Fredericktown, Mo., together with professional and business men of that town, favoring the reenactment of the Sheppard-Towner Act; to the Committee on Interstate and Foreign Commerce.

869. Also, petition of the Missouri State Board of Agriculture, favoring adequate appropriations and immediate work on the Missouri River and the upper Mississippi; to the Committee on Rivers and Harbors.

870. By Mr. MEAD: Resolutions urging all-American ship canal, by the National Guard Association of New York State; to the Committee on Rivers and Harbors.

871. By Mr. MILLS: Petition of the Catholic Verein of America, New York local branch, vigorously opposing the Curtis-Reed bill; to the Committee on Education.

872. By Mr. O'CONNELL of New York: Petition of the American Association for Labor Legislation, favoring the passage of the Cummins-Graham compensation bill (S. 3170) and (H. R. 9498); to the Committee on the Judiciary.

873. Also, petition of the National Guard Association of the State of New York, urging all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Interstate and Foreign Commerce.

874. By Mr. PATTERSON: Resolution of the New Jersey State Federation of Woman's Clubs, favoring an appropriation of $10,000,000 for the erection of a building in Washington, D. C., to be known as the national building of art; to the Committee on Public Buildings and Grounds.

875. By Mr. SINCLAIR: Petition of the members of the Associated National Farm Loan Association of the States of Minnesota and North Dakota, urging the enactment of legislation to give farming the same protection that other industries enjoy; to the Committee on Agriculture.

876. By Mr. STRONG of Pennsylvania: Petition of voters of Homer City, Pa., and vicinity in favor of the establishment of a Federal department of education, free of so-called welfare agencies, but with an advisory council composed of the superintendents of public instruction of the 48 States; to the Committee on Education.

877. By Mr. VARE: Memorial of Philadelphia Board of Trade, relative to proposed legislation dealing with farm relief; to the Committee on Agriculture.

878. By Mr. WELLER: Petition of National Guard Association of the State of New York, for the construction of an all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Rivers and Harbors.

SENATE

TUESDAY, *March 2, 1926*

(Legislative day of Monday, March 1, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

Ashurst	Fess	McKinley	Robinson, Ind.
Bingham	Fletcher	McLean	Sackett
Blease	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shortridge
Brookhart	Glass	Mayfield	Smith
Broussard	Goff	Means	Smoot
Bruce	Gooding	Metcalf	Stanfield
Cameron	Greene	Moses	Stephens
Capper	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Tyson
Copeland	Harris	Norris	Walsh
Couzens	Heflin	Nye	Warren
Cummins	Howell	Oddie	Watson
Curtis	Johnson	Overman	Weller
Dale	Jones, Wash.	Pepper	Wheeler
Deneen	Kendrick	Phipps	Williams
Dill	Keyes	Pine	Willis
Edwards	King	Pittman	
Ernst	La Follette	Reed, Pa.	
Ferris	McKellar	Robinson, Ark.	

Mr. CURTIS. I wish to announce that the Senator from Massachusetts [Mr. BUTLER], the Senator from Maine [Mr. FERNALD], and the Senator from Minnesota [Mr. SCHALL] are absent because of illness.

I was requested to announce that the Senator from New York [Mr. WADSWORTH] and the Senator from Delaware [Mr. BAYARD] are engaged in the Committee on Appropriations.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness.

Mr. NORRIS. The senior Senator from Idaho [Mr. BORAH] is detained from the Chamber owing to illness.

Mr. LA FOLLETTE. I wish to announce that the Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home by illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

REPORT OF THE COMMISSIONER OF PATENTS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the report of the Commissioner of Patents for the calendar year ended December 31, 1925, which, with the accompanying report, was referred to the Committee on Patents.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana highway commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana highway commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 3862. An act to provide for the storage of the waters of the Pecos River;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation;

H. R. 7190. An act granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes;

H. R. 7616. An act to amend section 89 of chapter 5 of the Judicial Code of the United States;

H. R. 7966. An act to provide the name by which the board of general appraisers and members thereof shall hereafter be known;

H. R. 8040. An act granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Missouri River at or near Fort Benton, Mont.;

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 8316. An act granting the consent of Congress to the State highway commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala.;

H. R. 8462. An act to authorize the county of Loudon, in the State of Tennessee, to construct or acquire, by purchase or otherwise, to own, operate, and maintain a bridge, either free or toll, across the Tennessee River near Loudon, Tenn.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8513. An act to extend the time for the constuction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawatchee River on the Wicksburg-Daleville road between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala.;

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage, and other like purposes;

H. R. 8598. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct a bridge across the Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish;

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.; and

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

PETITIONS AND MEMORIALS

Mr. McLEAN presented memorials of the Hartford (Conn.) Traffic Association and the Manufacturers' Association of the City of Bridgeport, Conn., remonstrating against the passage of the so-called Gooding long and short haul bill, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Manufacturers' Association of the City of Bridgeport, Conn., remonstrating against the passage of House bill 10, the so-called Britten bill, providing for the compulsory use of the metric system, which was referred to the Committee on Manufactures.

He also presented memorials of the Diocesan Bureau of Social Service and the Hartford Council of Catholic Women, both of Hartford, Conn., remonstrating against the passage of the so-called Curtis-Reed bill, providing for a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented a paper in the nature of a petition of the executive committee of the Greenwich (Conn.) Chamber of Commerce, favoring the passage of House bill 3901, prohibiting the sending of unsolicited merchandise in the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted at the annual meeting of the Connecticut Forestry Association, protesting against the passage of Senate bill 2584, to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, which were referred to the Comimttee on Agriculture and Forestry.

He also presented a petition of members of the Woman's Christian Temperance Union, of Willimantic, Conn., praying for the passage of House bill 377, providing for punishment by fine and imprisonment for violations of the national prohibition act, and also the passage of House bill 344, providing for the deportation of aliens convicted of violating the national prohibition act, which was referred to the Committee on the Judiciary.

He also presented memorials of the Stamford Branch, N. A. A. C. P., and sundry citizens of Stamford, in the State of Connecticut, remonstrating against the passage of the bill (S. 2160) prohibiting the intermarriage of the Negro and the Caucasian races in the District of Columbia and the residence in the District of Columbia of members of those races so intermarrying outside the boundaries of the District of Columbia, and for other purposes, which were referred to the Committee on the District of Columbia.

He also presented petitions of Lieutenant Caldwell Colt Robinson Post, No. 254, Veterans of Foreign Wars of the United States, and of Leonard Wood Camp, No. 1, Veteran Soldiers, Sailors, and Marines' Association, both of Hartford, Conn., praying for the passage of legislation providing increased pensions to Spanish-American War veterans and their widows, which were referred to the Committee on Pensions.

Mr. KEYES presented a petition of members of the faculty of Dartmouth College, praying an amendment of the existing copyright law so as to include copies made by the mimeographic process as well as those made by the photo-engraving process, which was referred to the Committee on Patents.

Mr. BINGHAM presented petitions of 413 citizens of Waterbury and 47 citizens of Waterville and Waterbury, in the State of Connecticut, praying for the passage of Senate bill 98, providing increased pensions to veterans of the Spanish War, the Philippine insurrection, the China relief expedition, and their dependents, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3071) concerning the application of certain provisions of section 21 of the Federal highway act of November 9, 1921, reported it without amendment.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 186) authorizing the payment of tuition of Crow Indian children attending Montana State public schools, reported it without amendment and submitted a report (No. 229) thereon.

Mr. GLASS, from the Committee on Banking and Currency, submitted the views of the minority of that committee on the bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, which were ordered to be printed as Part 2 of Report No. 204.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam (Rept. No. 230);

A bill (H. R. 8184) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation and authorizing an appropriation of funds therefor (Rept. No. 231); and

A bill (H. R. 8652) to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz. (Rept. No. 232).

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 25, 1926, that committee presented to the President of the United States the enrolled bill (S. 2825) to grant the consent and approval of Congress to the South Platte River compact.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3357) granting an increase of pension to Carrie L. Webb (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3358) granting a pension to William Ellison (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3359) granting a pension to Mary C. Ludrick (with accompanying papers); and

A bill (S. 3360) granting an increase of pension to Marvin Z. Leonard; to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 3361) to purchase lands for addition to the Papago Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 3362) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARRELD:

A bill (S. 3363) authorizing and directing the Secretary of the Interior to examine a certain Senate report on Indian traders and to take certain action in respect thereto, and for other purposes; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3364) for the relief of A. C. Tomson (with accompanying papers); to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 3365) for the relief of Alexander Edward Metz; to the Committee on Naval Affairs.

A bill (S. 3366) for the relief of the Passaic Valley Sewerage Commissioners; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3367) granting an increase of pension to Octavus H. Hayhurst; to the Committee on Pensions.

By Mr. HARRELD:

A joint resolution (S. J. Res. 63) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

On motion of Mr. NEELY, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 3327) for the relief of Mrs. Gill I. Wilson, and it was referred to the Committee on Finance.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. JONES of Washington submitted the following amendment intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed:

On page 81, after line 2, insert the following:

"To enable the Secretary of the Interior to carry out the objects and purposes of an act entitled 'An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation thereof,' $25,000, or so much thereof as may be necessary."

MUSCLE SHOALS

Mr. HOWELL submitted the following amendments intended to be proposed by him to House Concurrent Resolution 4, relative to Muscle Shoals, which were ordered to lie on the table and to be printed:

On page 2, following the word "years," add the following: "*Provided*, That the rental payable to the Government shall not be less than that fixed in said House resolution plus the rental now received by the Government for the use of the Muscle Shoals steam-electric plant."

On page 2, following line 4, add the following: "*Provided*, That no proposed contract reported as herein provided shall include an obligation for the Government to construct or provide funds for the construction of proposed Dam No. 3."

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 3862. An act to provide for the storage of the waters of the Pecos River; to the Committee on Irrigation and Reclamation.

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known; to the Committee on Finance.

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes; to the Committee on Interstate Commerce.

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation; and

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes; to the Committee on Public Lands and Surveys.

H. R. 120. An act fixing the fees and subsistence allowance of jurors and witnesses in the United States courts;

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana; and

H. R. 7616. An act to amend section 89 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

H. R. 7190. An act granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes;

H. R. 8040. An act granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Missouri River at or near Fort Benton, Mont.;

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 8316. An act granting the consent of Congress to the State highway commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.;

H. R. 8462. An act to authorize the county of Loudon, in the State of Tennessee, to construct or acquire, by purchase or otherwise, to own, operate, and maintain a bridge, either free or toll, across the Tennessee River near Loudon, Tenn.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva, on the Geneva-Florida road, in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City, on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.;

H. R. 8598. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct a bridge across the Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish; and

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.; to the Committee on Commerce.

THE CASE OF THE COUNTESS CATHCART

Mr. WHEELER. I ask unanimous consent to have printed in the RECORD an editorial article from the Helena (Mont.) Independent of Sunday, February 21, 1926, relative to the case of the Countess Cathcart in seeking admission into the United States.

There being no objection, the matter referred to was ordered to be printed, as follows:

THE MODERN PHARISEES

"1. Jesus went unto the Mount of Olives.

"2. And early in the morning he came again into the temple, and all the people came unto him; and he sat down and taught them.

"3. And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst—

"4. They say unto him, 'Master, this woman was taken in adultery, in the very act.'

"5. Now, Moses in the law commanded us that such should be stoned; but what sayest thou?

"6. This they said, tempting him, that they might have to accuse him. But Jesus stooped down and with his finger wrote on the ground, as though he heard them not.

"7. So when they continued asking him, he lifted up himself and said unto them, 'He that is without sin among you, let him first cast a stone at her.'

"8. And again he stooped down and wrote on the ground.

"9. And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last; and Jesus was left alone, and the woman standing in the midst.

"10. When Jesus had lifted up himself and saw none but the woman, he said unto her, 'Woman, where are those thine accusers? Hath no man condemned thee?'

"11. She said, 'No man, Lord.' And Jesus said unto her, 'Neither do I condemn thee; go and sin no more.' (John, viii.)"

Countess Cathcart, an English woman, arrived by boat in New York Harbor the other day to visit friends in this country. After a lengthy brawl the little hired Pharisees, representing the great American Pharisee Nation, turned her back and would not permit her to land in this home of the brave and free.

The countess had been mixed up in some divorce scandal or other—had once ran off with the young Earl of Craven.

The little Pharisees held "moral turpitude" was involved, and as representatives of the American people, including the Department of Labor, they gave the woman a moral stoning.

Read the lines quoted above from the Gospel of St. John this Sabbath morning. Where Christ had held out a helping hand to a Magdalen, we, the American people, pointed an accusing finger at an indiscreet divorcee. Where Christ judged not, we judged. We had the audacity to take this action in the face of the story in the eighth chapter of St. John—in the face of the stinging rebuke of the Master, who said:

"He that is without sin among you, let him first cast a stone at her."

And the irony of it was that all the time Countess Cathcart was being held a prisoner on Ellis Island, the man in the case was enjoying the lavish hospitality of New York. Our officials had bowed him in and given him the glad hand without any mention of "moral turpitude."

Could anything be more discriminating? Could a nation professing to be Christian better demonstrate that we are the modern Pharisees?

America boasts of being the Benjamin of nations, the best beloved of heaven, and we delight in bragging how the starry flag of the United States flashes like a celestial light around the world—the harbinger of freedom, peace, and prosperity.

And every day we give the nations of earth a graphic demonstration of our hypocrisy, our small meanness, our bigheadedness, and conceit.

Should foreign countries—particularly England and France—choose to forget the eighth chapter of St. John and turn back those suffering from "moral turpitude," there would be a lot of Americans due for a long stay at home. Ships would leave our ports half empty, and we would come to realize why we are regarded by other nations as the "jest and riddle of the world."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAGEE of New York, Mr. WASON, and Mr. BUCHANAN were appointed managers on the part of the House at the conference.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, Mr. LENROOT, Mr. OVERMAN, Mr. HARRIS, and Mr. SMITH conferees on the part of the Senate.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The VICE PRESIDENT. The Senator from South Carolina [Mr. SMITH] is entitled to the floor.

Mr. HEFLIN. Mr. President, the Senator from Wyoming [Mr. WARREN] is very anxious to call up the conference report on the deficiency appropriation bill. I do not think it will take long to dispose of it. I certainly have no desire to delay the consideration of the conference report, and I hope the Senator from South Carolina will yield to the Senator from Wyoming for that purpose.

Mr. McKELLAR. Mr. President, I have no objection to taking up the conference report, but I would like to ask the Senator from South Carolina if he will not yield to me to make a very short statement for the RECORD before he yields to the Senator from Wyoming.

Mr. WARREN. I hardly think that the consideration of the conference report will take more than a few minutes. It will not take long to dispose of it. I hope I may be permitted to proceed with it immediately.

Mr. SMITH. With the understanding that it will not lead to any extended debate I am willing to yield. I have the floor, however, and do not care to lose it, but if the consideration of the conference report will bring about no prolonged debate I am very willing to yield in order that the report may be considered.

URGENT DEFICIENCY APPROPRIATIONS

Mr. WARREN. I move that the Senate proceed to the consideration of the conference report on House bill 8722, the deficiency appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8722) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

Mr. CAMERON. Mr. President, I gave way yesterday to the Senate on account of its being Calendar Monday, with the understanding that I would desire to make some further remarks on the conference report when it came before the Senate again. The Senate having taken a recess yesterday until to-day, I did not understand that the conference report was to be called up this morning. I therefore beg the indulgence of the Senate for a few minutes. I have sent to my office for some documents that I would like to have placed in the RECORD. I shall take only a few minutes of the time of the Senate after the documents reach me.

Mr. SMITH. Mr. President, under the circumstances, this matter being more or less of a personal nature, I will yield time for the Senator from Arizona to make his speech.

Mr. CAMERON. As soon as I can get the papers from my office I shall conclude very quickly. I ask the indulgence of the Senate for only a few moments. I have some matters that I want to place in the RECORD. I shall be brief, as I do not want to detain the Senate unnecessarily.

I may state to the Senate again that I wish it distinctly understood that this is not a personal matter on my part. It has been referred to by some Senators as being a personal matter with me, but I assure the Senate that it is not. It is a matter of principle.

I want further to explain to the Senate with reference to reporting the bill in the last Congress that I did submit the report on the supposition, but with the understanding that the letter which was sent here by the Secretary of the Interior

had been written after he had obtained the consent of the Navajo Indians. I want to make that very clear. The Navajo Indians, as I now understand the situation, had never been consulted as to the appropriation for the proposed bridge. Consequently when the law was enacted providing for the construction of the bridge they knew nothing about it. They did not know that $100,000 for the construction of the Lee Ferry Bridge was to be taken out of their tribal funds. Since then there have been sent here protests from the Five Civilized Tribes of Indians, from the Navajos, and also the very strong protest which was read by the junior Senator from New Mexico [Mr. BRATTON] the other day from the chief of the Navajo Tribe.

Half the cost of the construction of the bridge which is to be built under the proposed measure would be paid for out of the money of the Navajo Tribe of Indians. But they have no means to get away from it, not now nor even under any law that may be enacted in the future, because I doubt if the Congress would ever enact a law changing the present law now on the statute books. I believe it is a matter of gross injustice to the Indians. I do not believe the Senate of the United States should impose upon this tribe of Indians the payment of the amount of money carried in the deficiency appropriation bill and compel them over their protest as a tribe of Indians to pay that much out of their tribal funds. I do not believe we should under any circumstances force either the Indians or anyone else to pay anything by law enacted by the Congress where there are so many objections as have been set forth, and are now set forth, in the RECORD with reference to this bridge. In justice to myself and in justice to the Indians I can not allow this matter to pass without stating my firm conviction that the Indians should not be compelled under any circumstances to pay for something that is not now and never will be of any benefit to them.

Mr. BRUCE. Mr. President, will the Senator from Arizona yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. CAMERON. I yield to the Senator from Maryland.

Mr. BRUCE. I should like to ask the Senator from what funds belonging to these Indians would the Government be reimbursed, if it were reimbursed at all?

Mr. CAMERON. I will say for the benefit of the Senator from Maryland that there is now in the Treasury of the United States $116,000 to the credit of these Indians.

Mr. BRUCE. But, if I may further interrupt the Senator, I understand that fund is already preempted by prior claims on it; that the Government could not be reimbursed out of that $116,000.

Mr. BRATTON. Mr. President, will the Senator from Arizona yield to me?

Mr. CAMERON. I yield to the Senator from New Mexico.

Mr. BRATTON. In response to the inquiry made by the Senator from Maryland [Mr. BRUCE], I desire to say, Mr. President, that I hold in my hand a lengthy interview published in the Santa Fe New Mexican, under date of February 25, by Gov. H. J. Hagerman. He was formerly Governor of the Territory of New Mexico and is now commissioner to these Indians. I stated on the floor of the Senate the other day that I understood the appropriations already made, reimbursable from the Indian funds and not as yet reimbursed, totaled approximately $400,000, and that the item now under consideration would increase that sum to a half million dollars. That statement was not correct. According to Mr. Hagerman, the total sum already appropriated against these Indians is $771,000, which means that is a lien or preemption against any money the Indians will ever get from any source whatever.

Mr. BRUCE. That is exactly what I am trying to get at.

Mr. BRATTON. So before they will have any equity whatever in their own heritage they must pay $771,000. In this connection, Mr. President, I desire to say that I should like to have the interview with Governor Hagerman inserted in the CONGRESSIONAL RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The interview is as follows:

[From the Santa Fe New Mexican, February 25, 1926]

NAVAJOS WANT "DEBT" TO UNCLE SAM FORGIVEN; REIMBURSABLE TOTAL NOW REACHES OVER $700,000—GOVERNMENT PROMISED SUPPORT IF THEY WOULD BE GOOD AND THEY HAVE LIVED UP TO BARGAIN, SAY; SENATE SUPPORT TO BUREAU PLAN OF CONSULTING INDIANS AND USING MONEY FOR DIRECT BENEFIT ENCOURAGING

Now that the "reimbursable" Indian appropriation plan has begun to mean something, following development of reservation oil lands and a big income therefrom, the Navajo Indians believe that the time has come to wipe this "reimbursable" indebtedness, totaling about $771,000, off the books. These highly intelligent and businesslike red men also have a cogent argument. They say the Government promised to assist them on condition they would be good Indians. They point out that the record shows they have kept their end of the bargain.

This is brought out in an interview covering the whole Navajo situation, given the New Mexican on request, by H. J. Hagerman, commissioner to the Navajos. Incidentally Mr. Hagerman points out that the sanitation, health, industrial, and educational needs of the Indians will require all the income their oil lands will yield. He finds encouragement, for the Indian Bureau plans to use the money in this way, in the refusal of the Senate to let it be appropriated in a lump for two bridges the Navajos don't want. Mr. Hagerman's interview follows:

Congress has been in the habit for a good many years of making appropriations "reimbursable" out of Indians' funds when there were no funds. This has apparently been a gesture, at least in some cases; a method of securing appropriations which otherwise could not have been had on the theory or in the hope that the particular tribe of Indians against whom these charges were chalked up would some time, through the sale of coal, timber, oil, or something else of value, be able to liquidate the indebtedness. In the meantime the taxpayers put up the money.

COCHITI, SAN JUAN BRIDGES

Recently, right here near Santa Fe, the bridges at Cochiti and San Juan, across the Rio Grande, were built from such "reimbursable" appropriations. Neither the Cochiti nor the San Juan Indians have any tribal funds, and there is not one chance in five hundred that they ever will have. These bridges are distinctly useful to the Indians. In the case of Cochiti, the bridge there is mainly used by the Indians of that pueblo, whose lands lie on both sides of the river and who have been hard put to it to cross back and forth, especially at high water. Incidentally, it is useful to non-Indians, and particularly to tourists who want to visit Cochiti.

OTHER BRIDGES

The bridge near the San Juan pueblo is also useful to the Indians, connecting two parts of their pueblo lands, but it is mainly useful to non-Indians. So, too, is the bridge at Isleta useful to Indians, but it is mainly used as a link in the transcontinental tourist highway. The bridge across the San Juan River at Shiprock is charged to Navajo reimbursable funds. So is that at Farmington, 30 miles east of Shiprock. The Shiprock bridge is within the reservation and very useful to the Indians. They couldn't well get on without it. The Shiprock Agency schools are on the north side of the river. Most of the Navajo children could not reach the school without the bridge. The fact that the Shiprock bridge is now on a public highway and used more by non-Indians than Indians does not make it any less essential to the Navajos. The Farmington bridge is off the reservation and, while mainly a white man's bridge, is also useful to the Indians.

BLOOMFIELD BRIDGE

The proposed Bloomfield bridge, still farther east and entirely off the reservation, would be almost wholly a white man's bridge, not an Indian bridge. It would be very useful as a link in the highway from Albuquerque to Durango and more or less convenient to a handful of Indians who live on allotments around Pueblo Bonito. In a small way and in a lesser degree it would be like the Lee Ferry bridge, which has just been turned down by the United States Senate—useful to Indians, but of much more use to non-Indian travelers.

LEE FERRY BRIDGE

The Lee Ferry bridge was decided upon—passed upon as a desirable project—before there was any money in the Navajo tribal funds. If there had been any funds in these funds, it would doubtless have been an issue sooner. With the advent of oil bonuses, leases, rentals, royalties, etc., from the Shiprock lease, the "reimbursable" feature of this proposed appropriation has, according to my good friends the Navajos, turned from a gesture to a blow. The Navajos are taking notice. Naturally they want to know if their tribal fund—now that there is some prospect of its being real instead of a mere name—is to be used to liquidate indebtedness which Congress has been chalking up against them for years without any knowledge or any care, either, on their part.

$771,000 REIMBURSABLE

There is a lot of money so chalked up against them already. To be exact, $771,281.09 is the amount of appropriations heretofore made reimbursable against the Navajo Indians. Of this, approximately $100,000 is for land, $148,000 for bridges, $88,000 for roads, $96,000 for irrigation, and $341,000 for stock water.

From the present producing wells at Shiprock it would take several years of royalty payments to pay all this out, even if the production could all be shipped, which so far it can not be. If there has not been any oil discovered up there, this appropriation to build a bridge out of reimbursable funds would probably have gone through. But now it is a different story. The bridge is a most desirable one. It would open a marvelous new north and south highway.

NAVAJOS DON'T WANT TO PAY

But the Navajos do not think they ought to pay for it, or even half of it, in cold cash. Neither did the United States Senate think so when it was put up to them last week. In fact, as I understand it, it would not have had to be paid for even if the bill had passed until all the rest of the $771,281.09 had been paid up. For if these reimbursable items are actually to be reimbursed, they would have to be paid seriatum unless the reimbursable feature of these appropriations is repealed.

WANTS DEBT FORGIVEN

And that is, of course, just what the Navajos would like to see done. They would like to see Congress forgive them these debts which they never contracted but which were contracted for them. They are in a little different position from France and Germany, who want their debts to us forgiven. The French and Germans knew they were contracting them, however dire their necessity. The Navajos say, on the other hand, "We did not know." The Government responds, "No; you did not know; but we did, and we chalked them up against you, because we had to get this money for your benefit and could not get it any other way than by chalking it up against you. It has been spent for your benefit; and if you received a lot of money for oil, you ought to pay it back. Moreover, we, the Government, have spent over $10,000,000 more for you which we never expect to get back."

"So you have," says the Navajo, "but you promised to do that for us when you made a treaty with us in 1863 and we went back on the reservation and agreed to be good Indians, and we have been good." They have said that to me over and over again, in almost so many words.

So there you are.

A WAY OUT

I believe there is a perfectly reasonable way out of it—a perfectly practical way. I think the Government will find the way and that the Indians will see it. In fact, both parties—both the Government and the Indians—have already gone a long way toward adjusting the matter. At the last council in Gallup last July the commissioner sent a letter to the Indians saying specifically that the Government would use these funds along the lines that the Indians wanted them to be used, and the Indians indicated in a preliminary way how they wanted them to be used. They did not want them divided up on a per capita basis—doled out, so much per Indian. They were very reasonable about that—astonishingly reasonable. They said they wanted them used for better stock, more water, more land in spots where they needed it. They wanted to use it for bettering their tribal conditions.

SENSIBLE INDIANS

They are, in fact, a sane, sound, reasonable, and conservative bunch, these Navajos. They want the money used legitimately and wisely to meet their industrial, sanitary, economic conditions, to improve the race. In fact, they want to use the money much along the line that the Government has been using a great deal of the money which the taxpayers have been putting up for them; the $10,000,000 already spent. They wanted the reservation divided upon a population basis for the distribution of the money and for use of it. And this actually has been done, and some of the money already has been distributed amongst the various superintendencies. None of it has, as far as I know, been used for reimbursement. The Indians want to be consulted, and they are going to be consulted. They have been consulted and they want the Congress to back the department in its plans about using the money. They want Congress to back their own plans about using this money; and apparently the Senate—judging from last week's debate—is perfectly willing to back us all up in these plans.

ANOTHER COUNCIL

We are going to have another council pretty soon to discuss the matter further; to discuss this and anything else the Indians want to discuss; and to find out what they want to do about the oil leases already granted on the reservation, and about the granting of other leases, and about a number of other things.

NO ENORMOUS RICHES

There has been a lot of wild talk—a lot of bunk, in my opinion—about the Navajos getting enormously rich from oil; about their being spoiled like some other Indians have been spoiled. Take an extreme case; suppose every Indian on the reservation got a thousand dollars from the oil funds. That would scarcely spoil them. But suppose each one got a thousand dollars. That would mean about $35,000,000; and that would take, at $2.20 a barrel and a one-eighth royalty, no less than 127,000,000 barrels of oil; or a production of 20,000 barrels per day for 17 years. If you should lop off $10,000,000 for possible bonuses, it would take 90,000,000 barrels of oil, or the same production for over 12 years.

MONEY WILL DO GOOD

There is not one chance in a thousand of their getting enough oil money to hurt them, but there is a fine chance of their being enough—if everyone will get together to develop the reservation's potential oil resources and to adjust these matters about the use of the money—to greatly benefit the Navajos along sanitary, health, industrial, economic, and educational lines. That is what, as I take it, everybody concerned wants; the Secretary, the commissioner, Congress, the Navajo councilmen, and the Indians themselves. Incidentally, I believe the development up there is going to be a great thing for New Mexico, Colorado, Arizona, and Utah. Thanks largely to Commissioner Burke and our own Senator JONES, the controversy over royalties on the nontreaty area of the reservation promises to be settled at this session of Congress, and that will greatly expedite further development.

NOT VANISHING RACE

The Navajos know pretty well what they want and are not unreasonable. They are steadily advancing. They are becoming alive to their responsibilities without getting a bit heady about it. They are numerous—steadily increasing—and are cohesive. Theirs is in no way a problem of a "vanishing race." Personally they are appealing and interesting in the extreme, and on the whole have much better manners than the white man. They are cleaner than one would think possible with the little available water. They have "Turkish baths" of their own primitive sort all over the reservation. Most of them live in hogans in winter and in summer in the open. Hogans are not very sanitary, but much more so than cooped-up tenements on the East Side in New York.

AN EMOTIONAL PEOPLE

In spite of the general opinion as to their stolidity they are deeply emotional people. They accept Christianity after a fashion but practice their own religion. They see more in our Christianity than we do in their "paganism," and are generally more tolerant of us than we of them. They find a great satisfaction in their ceremonies and have a deep faith in their God. Their traditions as to cosmic creation are somewhat similar to our own, the scenario being more limited.

LEAD, NOT DRIVE

They want education but hate to be dragooned into school or church. It is much easier to lead them than to drive them, and they would prefer more of the white man's tools and less of his humanities and scholastic curricula. They are home loving and devoted to their children and their clan, but realize now that expansion must ultimately mean amalgamation or extinction. They are industrious, reserved, and have a well-developed sense of humor. They like money but have no longing for riches.

TRACHOMA, TUBERCULOSIS

Their greatest menace is trachoma and tuberculosis. Secretary Work and the Indian Office have recently done a lot toward coping with trachoma, but Congress will have to do much more through tribal funds or otherwise to meet the situation. The Indians themselves are fully alive to that. Cleanliness and sanitation in and out of the schools, good water, good food, good example is what the Navajos need and will cordially respond to.

SHEEP MAIN INDUSTRY

Sheep is their main industry within the reservation, but depleting ranges are menacing that. Government guidance as to better breeds, better marketing, better range control, and the dipping for scabies has greatly increased efficiency. In this the Indians themselves have cordially cooperated. It is fine the way the superintendents, the Federal Bureau of Animal Industry, the State authorities, and the Indians themselves have gotten together with the Indian Office in this respect. We hear a lot of crabbing about bureaucracy and red tape, but there is nothing more inspiring than the effectiveness of this coordinated campaign to increase the quality and value of Navajo sheep and wool. The same sort of coordination is rapidly being evolved in other lines. The iconoclasts would do well to study this particular accomplishment before further damning of Washington and the Indian Office.

The Navajos are sure to occupy much of public attention in the near future, and it is in the hope that the public will get its sights properly adjusted that I venture to contribute these remarks at this particular time.

Mr. BRUCE. Now, I should like to know, to use the language of the Senator himself, of what this "heritage" consists?

Mr. BRATTON. It consists of their interest in the Navajo Reservation lying in Arizona and New Mexico.

Mr. BRUCE. Is it likely to have any cash value soon, out of which the reimbursement could be made?

Mr. BRATTON. The statement has been made that those Indians will soon get a vast fortune as the result of the development of oil on this reservation. There is some development of oil on the reservation, and it is hoped that it will increase, but, according to Governor Hagerman, who has spent a great deal of his time on the reservation and who has a more intimate knowledge concerning the facts and conditions there than any other man, indulging every reasonable hope and expectation for the widest development on that reservation, it will take these Indians years and years to pay what has already been levied against them.

Mr. WILLIAMS. Mr. President, may I inquire of the Senator from New Mexico what is the amount of the liability of these Indians as stated by Governor Hagerman?

Mr. BRATTON. The sum of $771,000 is already assessed against the Indians.

Mr. WILLIAMS. Does that include the $106,000 now under consideration?

Mr. BRATTON. The interview is not clear upon that. I am unable to state whether the $106,000 is included or is not included.

Mr. WILLIAMS. The income of the Navajos is now about $10,000 a month, is it not?

Mr. BRATTON. I am unable to say definitely. I will say, however, in response to the inquiry of the Senator from Missouri, that Governor Hagerman has stated that, indulging the fairest hopes, it will take these Indians years and years to pay the $771,000 which is already assessed against them.

Mr. WILLIAMS. It would take them 77 months, would it not, if their income were $10,000 a month, to pay that indebtedness?

Mr. BRATTON. Yes; undoubtedly.

Mr. DILL. Mr. President, the Senator from New Mexico has made some investigation as to the amount for which the funds of these Indians are liable. I wonder if the Senator has any knowledge of how many million dollars have been appropriated out of the Treasury of the United States reimbursable from Indian funds that have never been reimbursed? I refer to all Indians and not merely to this particular tribe.

Mr. BRATTON. I understand that the sum referred to by the Senator from Washington runs into very large figures. The reason for that is that prior to the time the Navajo Indians and other Indians had any reasonable expectation of being able to repay the debt the Indians had no concern in the matter and manifested no attitude one way or the other.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I yield.

Mr. PITTMAN. There are $140,000 charged against this reservation, reimbursable from the Indian funds to the Government for the building of roads in the Navajo Reservation on the New Mexico side of the line?

Mr. BRATTON. Yes.

Mr. PITTMAN. Were those roads of benefit to the Indians or not?

Mr. BRATTON. Yes; to some extent they were.

Mr. PITTMAN. Was the building of those roads justified?

Mr. BRATTON. Yes; partially but not wholly so.

Mr. PITTMAN. What does the Senator mean by "partially"?

Mr. BRATTON. I mean to the extent that the Indians use them but not to the extent that the whites use them.

Mr. PITTMAN. Does the Senator approve or disapprove of the building of those roads?

Mr. BRATTON. I approve of the building of those roads.

Mr. PITTMAN. Now, let me call attention to the fact that the indebtedness to which the Senator has referred, which must be reimbursed, was almost as large at the time you added the $140,000 as it now is.

Mr. BRATTON. If the Senator will allow me, I did not add it, but others may have done so.

Mr. PITTMAN. Let me call attention to another thing. There are less than one-third of the Indians on the Navajo Reservation living in New Mexico. They have had the Gallup-Mesa-Verde road built north from their territory connecting up at Mesa Verde from Gallup at a reimbursable cost of $140,000. One hundred or so miles west of it in the State of Arizona in a territory that is separated by tremendous mountain ranges that are almost impassable live two-thirds of the Navajo Indians. They are seeking exactly the same kind of a road, running from Flagstaff north through their territory, crossing the Colorado River at the northern boundary of their reservation and going on to the Utah line, to connect with a road built by Utah to the Zion National Park and connecting also with the Arrowhead Trail. The Indians in New Mexico, who have already obtained their road, who are enjoying it, and who never fought and never protested against it, now constitute themselves a council to protest against the building of this roadway 100 miles to the west, in a section where two-thirds of these Indians live. The Senator from New Mexico, who approves the taxing of these Indians $140,000 for that purpose, is now heard to say that the building of a road for the benefit of two-thirds of these Indians at an expenditure of $100,000 of their funds is an outrage. Of course, we recognize that the patriotism of the Senator from New Mexico would impel him to help his State by providing a north and south highway across the Colorado River. Undoubtedly that is true, but it is rather difficult to see why he should object to the same development 100 miles or more west for the benefit of two-thirds of these Indians and of the whole State of Arizona, and the whole country, in fact, when those highways shall be connected. There is no serious contention here that Indians in the territory where two-thirds of them live are protesting.

Mr. BRATTON. Mr. President, what disposition does the Senator make of the action of their tribal council when they registered a protest that was sent in here by Governor Hagerman, who is commissioner for the entire tribe?

Mr. PITTMAN. Yes; they are protesting now, mind you, against paying $100,000, reimbursable, but when the bill authorizing the construction of the bridge was presented, at a time when they were seeking the permission of the Congress of the United States to build the bridge across the Colorado River—and they could never have built it without the consent of the Congress of the United States; the State of Arizona would never build a road at an expense of a million dollars north to that bridge or to that river unless that bill passed—there was no protest raised. When they had to appeal to Congress for permission to build a bridge across the Colorado River; when the building of a road straight through their territory, giving a north-and-south outlet to these Indians was at stake; when they knew there would be no road unless there was a bridge, and when they knew that, under the policy of the Government well and long established, the Treasury of the United States would not advance money to anyone for the building of roads or bridges unless to a certain extent the money so appropriated was reimbursable, they bowed to the will of Congress and they were willing to have incorporated in that bridge bill the condition that $100,000 of the amount should be reimbursable.

That was a year ago. Now when Congress is attempting to supply the money, not under any new conditions but under the general policy of the existing law for which they stood and did not fight, they come in at the last moment in the consideration of a bill of this kind and say, "No; we do not want to pay the amount." Why do they say that? They say that because they have been stimulated by politicians, on the one hand, and by greedy commissioners who desire the favor of those Indians on the other hand. Do not Senators know that politicians and Indian agents have told those Indians that they can get this bridge and the million-dollar road without reimbursing the Government?

Mr. BRATTON. No; I do not know that at all.

Mr. PITTMAN. Well, the indications are to that effect, when we see bills offered on the floor to relieve them of the payment of the hundred thousand dollars. Why would not the Indians think that they could get the improvements without paying their part of the cost when bills are introduced on this floor to relieve them of paying $100,000? Those Indians are deceived. There is not a man who has spent any time in this body or in the House of Representatives but knows that the Government of the United States, as administered by the Congress, will not even appropriate $20,000 for the benefit of an Indian reservation, unless that Indian reservation agrees at the same time out of its profits to return that $20,000.

There is now pending in the House of Representatives a bill providing an appropriation of $20,000 for the benefit of a little Indian reservation, a poor reservation. In that instance it was tried, by reason of the poverty of the Indians, to have the Government appropriate the money without being reimbursed, but it was stated:

> If we set the precedent of having the Government of the United States appropriate out of its Treasury even $20,000 and not have the condition that it shall be reimbursed out of the profits of the reservation, we have got to carry that policy clear on through as to every Indian reservation.

Mr. WHEELER. Mr. President, let me ask the Senator a question.

Mr. PITTMAN. Certainly.

Mr. WHEELER. The Senator speaks of these Indians being impoverished. Who is it that has impoverished them? Nobody else in the world but the white men of the United States who have robbed the Indians of their land. There is not any question about it at all. We have driven them from one spot to another and made treaties with them, and now we are trying to take the last drop of blood they have.

Mr. PITTMAN. Mr. President, there are some Indians that have been mistreated in the past. No one denies that. I know of no Indians that are being mistreated now, and I know that for the last 15 or 20 years the Indian Office has been exceedingly solicitous for the welfare of the Indians of

this country. I know that they have had reclamation projects built in my State at a cost of two or three hundred thousand dollars for a band of 400 Indians, men, women, and children. It is reimbursable. When I first came to the Senate 13 years ago I fought that reimbursable feature. I stated then that it was the duty of this Government to put that land in condition so that these Indians could work it. They said "No." The Indian Office said "No." The Indian Office said: "We do not want to make mendicants of these Indians. We want to give them opportunity, but we want them to pay and work out the money that the Government gives to them"; and they have made reimbursable every dollar that they put in that reclamation project. They have made reimbursable every dollar they have placed in every reclamation project on every Indian reservation in the United States. They have made reimbursable the building of these roads in New Mexico and the building of this bridge across the Colorado River to the extent of $140,000.

Now, what is the situation? This is the situation: Every practical legislator here knows that we can not change that policy. We know that for 10 or 15 years every attempt to change that policy has met with almost unanimous defeat. It is a shame, it is an outrage for politicians and Indian agents to try to convince these poor Indians that the policy of this Government is going to be changed, that this bridge is going to be built entirely out of the money of the United States, and that they will not be called on to reimburse a cent of it. If a fight is made against this appropriation on the theory that the Indians are going to get this bridge without reimbursement, they will never get a bridge across the Colorado River, and they will never have a $1,000,000 road built by the State of Arizona from the south to the north part of that great reservation. That is what they are up against.

It is said that this bridge is no benefit to these people. Can you conceive for one moment that a State highway or a Federal highway extending from the south of a great mountainous reservation clear to the north of it, across the river at the north boundary to the north line of the State of Arizona, through the southern part of Utah, connecting with another great transcontinental highway and with the Zion National Park, will be of no benefit to these Indians?

If there were 30,000 white settlers in that reservation instead of 30,000 Indians, do you not know that they would be taxed to have that road built from the south end of that reservation to the north end of it? Do you not know that if in that immense reservation the white settlers were taxed only $100,000 for that purpose they would be delighted? Do you not know that if they were white settlers their lands would be taxed for the building of that million-dollar road? Do you not know that you can not tax the lands of these Indians; and do you not know that the reason why this reimbursable policy has been adopted is because that land, which occupies nearly a fifth of the State of Arizona, is not subject to State taxation?

Mr. OVERMAN. Mr. President, what is the financial condition of the Navajo Indians, prospective as well as present?

Mr. PITTMAN. As has been stated, their income is about $10,000 a month at the present time. As the reports here show, and has been admitted, great oil structures have been discovered in that great reservation. They have actually bored wells and struck oil in that reservation. It has been stopped. Why? Because it was believed that under the leasing law of the United States the Department of the Interior had the right to grant permits there. It has now been held by the Department of the Interior that they have no right under the general leasing act to let permits there. Prospecting has been stopped. There is a bill now pending which provides that the Indian Office may grant permits for prospecting, and that all of the royalties coming from the leasing of those wells shall go into the fund of the Indians of this great reservation.

When we see all of the great oil companies seeking permits in that great reservation, with their applications pending before the Indian Office and the Department of the Interior, it does not take much imagination to know what is coming to that reservation. What they need more than anything else on earth at the present time is a road through that mountainous country. It cost about $200,000 to take one rig and set it up in there. Why? Because there were no roads through that reservation over which they could haul these great derricks and things of that kind. The building of a road north and south through that reservation is more essential to the prosperity of the Indians there than anything else that could possibly be done. There is no question about that.

We have here the report of Mr. Eakin, the commissioner of the Grand Canyon National Park, whose statement was quoted in the report of the Senator from Arizona in support of this very reimbursable bill, who outlined the tremendous benefit that this road and this bridge will be to these Indians. There is no question about it. The only question is right here: Shall we, for the purpose of deceiving these Indians, kill this thing or shall we recognize the policy of this Government as it has been for 15 or 20 years, as it is now, as the law that was passed a year ago provides that it shall be, and make this expenditure reimbursable to the extent of about $100,000? That is the question.

I tell you that if you have your way in this matter, if you convince this body that you can get this bridge by changing the whole policy of this Government and doing away with the reimbursable feature as to this $100,000, you are going to defeat the building of this bridge, and you are going to defeat the building of this road, and you are going to do an incalculable damage to the Indians in that reservation.

Mr. WILLIAMS. Mr. President——

Mr. CAMERON. I yield to the Senator from Missouri.

Mr. WILLIAMS. I understand that the reimbursable feature of these bills means that the money which is expended by the Government shall be reimbursed to the Government out of any funds in the hands of the Indians as they may accrue from time to time.

Mr. PITTMAN. That is the theory of it. For instance, I will say to the Senator, let us take a reclamation project as an example. There is a reclamation project on the Pyramid Indian Reservation in the State of Nevada. It was completed several years ago. I do not think a dime has ever been reimbursed to the Government yet; and the Government realizes that it takes those chances. It is not a question of being so much interested in when you pay, but it is the policy that the Indians should realize that they are being treated as white people; they are being treated as citizens are treated. The Government will lend them the money, lend it to them without interest, lend it to them for an indefinite period, until the improvement of their conditions allows them to reimburse the Government.

Mr. WILLIAMS. Mr. President, I understand, in the second place, after the reimbursable feature has been stated, that there have been some seven hundred and odd thousand dollars expended by the Government to be reimbursed out of Indian funds as and when they accrue. This reimbursable feature, it seems from the statement of the Senator from Nevada, has been a policy of the Government for some years. The policy of the Government in that behalf made no particular difference so long as the Indians had no funds out of which these advancements by the Government might be reimbursed. It was a matter of indifference to the Indians how much money was charged to their account if they had no account. They did not care, of course, how much money was charged to them by bills if there was no money coming to them nor any prospect of any money coming to them. The question of who are and who are not the friends of the Indians—these Navajo Indians in particular—is not at issue here. The seven hundred and odd thousand dollars which has been expended for this purpose has inured, of course, to the benefit of the States, and it has been an indirect method by which the Government has expended public funds for the benefit of the States in which these improvements were made and this money was expended. I have no objection to that.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

Mr. WILLIAMS. If the Government has great bodies of land in these States, and if that were the purpose of the bill, I should have no objection to it. I can see no reason why the Government should not honestly expend Government funds for defraying its share of the expenses necessarily incurred in the assistance of projects of development in those States, including the State of Nevada and any other State where the Government has public lands which are to be affected beneficially by such legislation. But when it is said that this fund is being affected now or that any attitude is being taken by a politician, let us see just what that means.

I doubt if there has ever been a greater friend of the Indians than Governor Hagerman. I doubt if there has ever been a man of greater character or more singleness of purpose appointed as commissioner to a body of Indians in the United States than the one who is now commissioner to the Navajos. I doubt if there has ever been a council held with the Indians like the council which took place at Gallup on the 7th of July, 1925. I doubt if there has been any such effort made to bring about a feeling of self-determination on the part of the Indians as that meeting held in Gallup. I doubt very seriously whether Mr. Meritt, who appeared before the Appropriations Committee of the House on this bill, had any knowledge of the transactions which took place, because his testimony does not reflect any knowledge on his part.

Here are projects for two bridges. One of these projects is 16 miles from the nearest point to the reservation of the Navajos. That is a physical fact. The reimbursable features were all right when there was nothing to reimburse; but if this has been the policy of the Government, I say it is high time to call a stop on such a policy and be honest, because it occurs to me, if the Senator pleases, that this is nothing more nor less than the diversion of trust funds; and if that has been the policy of the Government, it is high time that such a policy should cease.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I do.

Mr. PITTMAN. The argument the Senator is making is not new here in the Senate at all. It has been made before. I have made it time and time again.

Mr. WILLIAMS. Mr. President, it does not follow that it is any the less good and sound.

Mr. PITTMAN. There is argument, however, on the other side of it. This reservation takes up, as I say, a large portion of the State of Arizona.

Mr. WILLIAMS. I appreciate that.

Mr. PITTMAN. If this were unreserved public land, it would be the duty of the United States Government out of its own Treasury to build its part of the road across that land in conjunction with the State building its part. I recognize that, but this happens to be an Indian reservation.

Mr. CAMERON. Mr. President, may I interrupt the Senator?

Mr. PITTMAN. Just a second until I get through. This happens to be an Indian reservation. The Government has argued that this land has value. If this land were in private ownership, it would pay its proportion of the taxes for building roads and bridges.

Mr. WILLIAMS. Not if it were 16 miles away.

Mr. PITTMAN. But it is not in private ownership. One end of the bridge is resting on the Indian reservation. The land is held in trust by the Federal Government. As the Secretary of the Interior stated, the Indians are wards of the Government, and while it is the duty of this land to bear its proportion of the cost of the general improvements of the States wherein it lies, that can not be accomplished through taxation. There is only one way in which this land can be made to bear its just proportion of the expenses of building roads and bridges, and that is by taking a part of the earnings of that land and applying a just proportion toward the expenses of maintaining roads in the States that are directly beneficial to the Indians. That is the situation.

Sixty miles of road are being built across that reservation, which will cost $500,000. Yet the Indians are not asked to pay a cent of that. Their land does not contribute a cent to it. They are asked to contribute, in the course of time, $100,000 back to the United States Government. Whether the Senator is right or wrong, whether the Government should never charge the Indians anything for improvements on their reservations, the fact remains that men here who are as friendly to the Indians as Governor Hagerman, who have shown their friendship through long years, realize that if they are to get any improvements in an Indian reservation it has to be done in accordance with the policy of the Department of the Interior, who are the guardians of these Indians.

Mr. WILLIAMS. This is the time to change that policy, which is what we are attempting.

Mr. PITTMAN. I do not care how good a friend of the Indians Governor Hagerman is——

Mr. WILLIAMS. I do.

Mr. PITTMAN. He is not the only one. I want to say to the Senator that CARL HAYDEN, who has represented the State of Arizona in the lower House for about 16 years, has been a defender of those Indians ever since he has been here. He has spoken for them on the floor of that body time and time again.

It will not do to base the argument upon the ground that one is a friend of the Indians and another is not. Those who attempt to defeat this bill are in reality the enemies of these Indians, whether they know it or not.

Mr. WILLIAMS. Mr. President, my statement was made as the result of the assertion of the Senator that those opposing this bill were politicians, working against the interests of the Indians. The commissioner of the Navajos is not in any sense a politician, and my interest in this matter grows wholly out of letters and telegrams I have received from him, and is the result of my study of this particular matter.

If I am correctly informed, there is the sum of $116,000 now belonging to the Navajo Indians, and it is proposed that $106,000 of that be taken. As the bill now reads, it provides that this shall be reimbursable out of funds which are accruing to the Indians. But the $116,000 already stands charged to the $760,000 heretofore appropriated to the Indians, and I speak on behalf of men who I know are giving their lives, their time, and their interest, in sincerity and in good faith, and without pay, on behalf of these Indians. I know that the representations they have made to me are correct and true. This is a diversion of trust funds; there can not be any justification for it, and I think the bill ought to fail.

Mr. CAMERON. Mr. President, the Navajos have already been loaded with a reimbursable debt of $771,281. Now they are to be loaded with an additional debt of $106,000, to be spent for the construction of bridges, $100,000 for a tourist bridge. The mortgage is already five times their tribal fund.

The Government annual per capita expenditure of the Navajos for the period from 1920 to 1924, inclusive, was $28.50. For Indians as a whole the per capita expenditure is $54, if tribal fund expenditures be included; $42 if taxed appropriations alone be considered. Those figures are based on statistics.

Forty per cent of the Government's expenditures on Navajos in these years went to the Bureau of Indian Affairs for salaries. For medical supplies only 19 per cent was expended. Yet the official Board of Indian Commissioners reported in 1924 as follows:

> The survey of seven of the Navajo boarding schools disclosed that 46.64 per cent of the children were trachomatous.

Trachoma is curable, but, untreated, it leads to blindness. In 1922 Gen. Hugh Scott reported officially that—

> Six thousand eight hundred children in the Navajo country are growing up in savage ignorance for lack of school facilities. This has long been known to the department.

Think of it, nearly 7,000 Indians of the Navajo Tribe have no school facilities, no places to send their children to school, no school-teachers, no preparations for them. Yet the Congress of the United States will insist at this time, although the Indians have an indebtedness amounting to $771,281, on imposing on them $106,000 additional, to come out of their funds, at a time when there is no fund left. It is to be charged up to them, forever to keep them in debt, when their children, who should be in school, who should be treated for trachoma, and who should be looked after otherwise, are neglected like the wolves of the prairie.

I want to say, in answer to the Senator from Nevada [Mr. PITTMAN], that he has brought politics into this matter. When I started into this fight—and I am now in the same position I was at the beginning—I said there was no politics in this as far as I was concerned. There is not now and there never will be. As I said, I stand here as the representative of the good people who sent me here, and I intend to do the best I can while I am here.

The able Senator from Nevada also spoke about this road traversing 180 miles of the country between Flagstaff, we will say, and Lee Ferry. Part of that land is on the Indian reservation, I admit, but that is known as No Man's Land, or the Painted Desert. On miles of that land no stock of any kind could feed, because there is nothing there for them to feed upon. It is a desert. It is a waste. It is known, and has been written up by the great writers of this country; pictures of it have been exhibited, showing that it is a barren waste, a desert. The county of Coconino could not afford to build a road to Lee Ferry, or their part of the road, which would cost probably two or three million dollars.

I want to impress upon the Senate of the United States that this bridge would not in any substantial way be beneficial to the Navajo Indians. They do not use their proportional part of that section of the country; that is, on the northwest edge of the Navajo Reservation. No Indians live there; they could not live there if they wanted to. In the first place, there is no water on that part of the reservation for stock, or feed for animals. There is no place where the Indians could go and make a livelihood. Consequently there are no Indians there.

I would now like to have read from the desk a short item in the CONGRESSIONAL RECORD, found at page 4469 in the proceedings of February 24.

The VICE PRESIDENT. The Clerk will read.

The Chief Clerk read as follows:

> Mr. BRATTON. Mr. President, I desire to read into the RECORD part of a letter written to me by the Office of Indian Affairs, signed by Commissioner Burke, which contains an excerpt from the proceedings

had at the tribal council of these Indians on July 7 of last year. Mr. Hagerman, the director of Indian affairs in New Mexico, was presiding.

"Mr. HAGERMAN. All right; that is settled. Now, what do they want to talk about?

"J. C. MORGAN (Walker translating). They would like to recommend to the Government that the money they spend * * * that when Congress appropriates they would like to have Congress appropriate for the benefit of the tribe. They do not want it for the benefit of some other people. They want it for the benefit of the Navajo Tribe.

"Mr. HAGERMAN. Well, that goes without saying.

"Mr. MORGAN (Walker interpreting). What we mean is that when Congress appropriates money, like they did down here for the bridge at Lee Ferry, they do not want that Congress appropriate this money for the bridges. * * *

"CHEE DODGE—"

Who is the chief among them.

"CHEE DODGE (interpolating and finishing Walker's sentence for him). They object to the use of the tribal funds for such purpose as the bridge at the ferry across the Colorado."

Mr. CAMERON. I also would like to have read a part of the proceedings of February 25, found at page 4554 of the RECORD.

The VICE PRESIDENT. The Clerk will read.

The Chief Clerk read as follows:

"NAVAJO RESERVATION,
"*Shiprock, N. Mex., February 11, 1926.*

"DEAR SIR: We, the undersigned, the councilmen of the San Juan Navajo Reservation, do hereby in behalf of the our Navajo people and their representatives and with their consent enter this protest against the recent passing of a bill which provides the appropriation of $100,000 of our tribal funds for constructing a bridge across the upper Grand Canyon at Lee Ferry, Ariz.

"Our reasons are as follows:

"First. We want right and justice done concerning our tribal money. We protest against construction of the proposed bridge at Lee Ferry, Ariz., with our oil money, because the bridge will be absolutely of no benefit to our Indians and again because they do no trading to the north of their reservation. The Navajos who live on the western reservation with agency at Tuba City go south to trade their wool, sheep, and cattle. This has been their custom for many years.

"Second. We believe the use of our tribal oil money derived from the royalties should be for much-needed improvement on our reservation. We are thirsty for water, and, in fact, right now our cattle and sheep are dying for lack of water and feed. Would you rather feel obliged to look after the comfort and benefit of the people who have money to throw at the birds than to look out for the comfort of the desert people who are suffering for lack of many things? Please remember that water is precious in this country, and therefore we would like to see our oil money used for developing water on the reservation, so that our people may have water for themselves and their stock. This is no more than right and justice."

I digress and discontinue reading further from the letter for a moment to say that if this letter speaks the truth, if it depicts the real conditions existing on the reservation, if these Indians are suffering from lack of water, if their herdsmen are suffering from lack of it, if their sheep are dying from lack of it, if their cattle are suffering and dying, if they speak the truth when they say this bridge is of no use to the Indians and will not be used by them, but will be used by the whites, I want to know what the Congress of the United States has to say in justification of its proposed action in compelling these Indians to use $100,000 of their money to pay for bridges for the whites, bridges which the Indians do not want, which they do not need, and which they will not use. Why should the Congress compel their herdsmen and their herds to continue to suffer from lack of water for their livestock and at the same time force them to pay for bridges to be used by the whites?

Mr. President, this great Commonwealth has survived long, it has prospered greatly, it has stood high in the sisterhood of nations, and it has gained its prestige by following the lines of equity, justice, and fair dealing. It is a sad day when the richest country in the world shall compel a helpless and defenseless people to pay for something for the use of other citizens of this great country which they themselves do not want and will not use.

The letter continues:

"Third. The Indian Department at Washington wants our Indians to make improvements on their homes so as to battle against all sorts of sickness among them; but how can this be done without the necessary things? The mountains in our country are covered with some timber, but we can not get lumber from them if we can not use our oil money for it. Lumber is very necessary in building better homes, and, of course, better homes mean better health for our people, old and young. We must get out of the old hogan life for health's sake. The Indian Department has been urging our Navajos to do this; but how can it be possible if our money is used for bridges for the benefit of the tourists?"

I digress again, Mr. President, to commend the attitude taken in this letter toward the Indian Bureau. I know that the Bureau of Indian Affairs has urged these Indians to improve their condition by providing themselves with better homes. Large sums of money are being spent annually for the treatment of Indians and to minimize disease among them. This money is needed for such purposes. It is needed to get the raw timber out of the mountains and convert it into lumber and into homes in order that their scale of living may be heightened and disease may be minimized in their midst; but that can not be done so long as the Congress of the United States compels them to pay half a million dollars for things they do not need, which they do not want, and which will not be conducive to a higher plane of living among them.

The letter continues:

"Fourth. We need our tribal oil money for the improvement of our stock. As it is at present time we have some very inferior grades of sheep, cattle, and horses on our ranges, of which the white stockmen make a big howl about from time to time. We do not blame them for that, because it is true; but how can we help it unless we can use our oil money to improve our stock? We have been self-supporting by these industries for a number of years, and we hope and expect to continue to do so.

"Fifth. We need many other improvements besides all those mentioned among our people—better-paid medical doctors, who will do some good to our suffering people. There are thousands of our poor Navajos who are ailing with all kinds of sickness that are not being cared for at this time. Our tribal funds will come in mighty handy for this purpose.

"We have tried to the best of our knowledge and belief to write to you our protest against the use of our oil money for bridges that will be of no benefit to our Indians. But we have stated to you only some of the things that are so necessary in order to meet the needs and demands of our people. Hope you will consider the matter in behalf of the Navajo Indians.

"Very respectfully yours."

The communication is signed by five men as the "duly elected councilmen for the San Juan Navajo."

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I yield for a question.

Mr. PITTMAN. Were those San Juan Indians who filed the protest here?

Mr. CAMERON. They are Navajo Indians. They live in the San Juan Valley; but I will come to that feature of the discussion a little later.

Mr. PITTMAN. The San Juan Indians are in New Mexico, are they not?

Mr. CAMERON. Some of them are in New Mexico, Colorado, and some in Arizona.

Mr. PITTMAN. Their agency is in New Mexico, is it not?

Mr. CAMERON. Their agency is in Arizona, at Fort Defiance.

Mr. PITTMAN. They got roads built through their territory from north to south, and they are reimbursing to the extent of $140,000.

Mr. CAMERON. There may be a road in there. That is the only means of ingress and egress there is to the oil stratas to which the Senator from Nevada has referred. Now, I hope the Senator from Nevada will let me proceed.

The oil structures so ably referred to by the Senator from Nevada are more than 100 miles distant from the proposed bridge at Lee Ferry. There is not now and there never will be built a road from Lee Ferry to the oil fields. In the first place in order to make a connection they would have to come back from Lee Ferry to a place called Tuba City on the proposed road that he has spoken of. That is something like 90 to 100 miles. Then when they got to the town of Tuba City they would be at least 100 miles from the oil field. There is no road there now other than the desert, and there would be no reason for ever building a road across the desert to the oil fields. The bridge at Lee Ferry would not have any connection whatsoever with the oil field in the northeast part of Arizona or the Navajo Reservation and the northwestern reservation of the Navajos in New Mexico. They enter that country by way of Ship Rock or Farmington down through Utah. The country is so broken and so rough that it would be impossible to go across there from Lee Ferry. There is no chance to get in there unless they should go up the Colorado River to the San Juan River by boat, and that is utterly impracticable.

There is no use for the Senator from Nevada or any other Senator to talk about that section being benefited or the country at all being benefited or even the Navajo Indians being benefited by the construction of this bridge, for it is utterly impossible. I want the Senate of the United States

to understand that proposition clearly. The contour of the country and the roughness of the country makes it utterly impossible. The only benefits flowing from this construction go to the tourist public or citizens of other sections and not to the Indians of the reservation.

So far as deceiving the Indians is concerned, I can not conceive how any Senator would make such an assertion or remark. There is no one here that I know of who would wish to deceive the Indians. Why should they? What benefit could be derived from deceiving the Indians? The Indians in Arizona do not vote, and I refer to that because the Senator from Nevada has brought politics into the discussion. They have never voted, and it is doubtful if they ever will vote. Under our State laws very few of them can qualify even if the Government of the United States has enacted a law making them citizens of the United States.

If the Senator wants to do some real good, why not build a bridge across the Colorado River into his State? There would be the place in Mojave County where the tourists and other people can get the benefit of it, because there is a road already built to the Colorado River line down at Topock on the Colorado River. At Searchlight, one of the great mining camps of his State of Nevada, there has been a ferry for years, and if the Senator wanted to benefit the people whom he is representing, why not urge that we build a bridge across the river at Searchlight? Then the tourists and others could go in there, strike the State highway, go up the Colorado River, and go out to Gallup, N. Mex., and then get across to the oil field on which the Senator from Nevada has laid so much stress.

I mention this to show the inconsistency of the Senator's argument in saying the Lee Ferry bridge would benefit his people in getting in and out to these supposed oil fields. It is absurd. We hope to have oil fields in Arizona and New Mexico. We hope to have a lot of them, but at the present time unfortunately we have only some very small producing wells. It is not considered an oil field at the present time. However, we have many favorable conditions and many sturdy westerners are there holding on praying and hoping, even fighting the bureaucrats to hold on. Why mislead anyone by talking about oil fields? Why talk about the extension of the leasing laws? It is all in the air; it is all in the future. There are no oil fields developed at the present time, I am sorry to say, and there never will be unless the Government bureaus help the prospector instead of handicapping as seems to be the present way of handling oil permits and permittees. God knows, I for one in the United States Senate would extend the time forever on leasing laws in order to give them time to develop the oil fields. If they can improve them or if they can find oil, whether in Arizona, New Mexico, Utah, Colorado, Nevada, California, or any other State in the West, I think we ought to help them all we can, but, Mr. President, but little encouragement or intelligent assistance comes from the supervising bureaus to these worthy prospectors under our present methods.

So, Mr. President, returning to the matter in issue, let us not get in the habit of charging to the Indians $100,000 or any other sum when they are protesting, and vigorously protesting, through their tribal officers, through their chiefs and through the agencies which represent them, and asserting that this bridge is not in anywise of benefit to them. If Congress has made a mistake in the past, let us not make another one now. Let us rectify our past mistakes if we can. Let us not impose upon these poor tribes of Indians who have to-day nearly 7,000 children without school facilities, without schoolhouses, and I venture to say a great many of them without clothes.

Great stress has been laid on the fact that I reported the bill which provided for the construction of this bridge. Yes, I did; and I want you all to know that I did. Why did I make the report? I took the report that came from Congressman Snyder's committee when he was chairman of the committee of the House.

Our committee accepted that report, and it came perfunctorily through me from the committee without examination to the floor of the Senate, and the bill was passed like thousands of others are passed. Without any urging, without any discussion whatever, it went through under unanimous consent. Why try to impose upon me the intimation that I did something I am now trying to back out of? I have never backed out in my life, and I never will. I will stick to what I say the way I said it regardless of what the consequences may be. The insinuations that have been been made are wrong. I hardly think any Senator really means to insinuate; but if he does, I think it is wrong, and I resent it as far as I can.

In a brief way, I will tell Senators. This road is known as the Old Mormon Trail. That was the first road which was laid out by the pioneers and which was followed by the Mormons who came down from Utah into Arizona. They followed the Little Colorado River and went down to Snowflake, Concho, St. Johns, Springerville, Woodruff, Taylor, Alpine, and a number of other places. As long ago as 42 years I lived on the Colorado River. The only people who were in that region at that time were the travelers and the Mormons coming from Salt Lake down to these little settlements in the south and going back to the north in Utah.

God knows if I could gridiron the State with roads I would do so; but why talk about an impossibility at this time? If this bridge could be built, I should like to see that done. There is no one more in favor of building necessary bridges than am I; there is no man who has ever been more in favor of the development of the West than I have been, am now, and always shall be so long as I live. Mr. President, I call attention to the fact that the Legislature of Arizona, at its last session, refused to appropriate the $100,000 which it must appropriate in order to meet the $100,000 appropriated by Congress. Arizona will do its part in any worthy construction. And my contention is that the Federal Government should do likewise. By that I mean we should have and do need this bridge, but the Government should bear its own part instead of charging it to these unfortunate Indians. If the Legislature of Arizona should not vote to appropriate the other $100,000 I am willing to help get the appropriation, but I never want to see one dollar of it charged to any Indian tribe unless they shall come here and ask us to do so. I think when the Indians shall make the request, and circumstances warrant, it will be time enough for us to charge such expenditures to their tribal funds.

Mr. KING. Mr. President, will the Senator from Arizona permit an interruption?

Mr. CAMERON. I certainly will.

Mr. KING. I am interested in the last observation made by the Senator, to the effect that the amount which is to be charged to this tribal fund is only 50 per cent of the sum requisite for the construction of the bridge, the residue to be appropriated by the State of Arizona. As I understand the Senator, that appropriation has not been made by the Legislature of Arizona?

Mr. CAMERON. No.

Mr. KING. Is there any guaranty that Arizona will in the immediate future make the appropriation?

Mr. CAMERON. There is no such guaranty.

Mr. KING. And is the appropriation by Congress contingent upon the appropriation by Arizona? Or is it a flat appropriation, under which the Indian Bureau, or the bureau which is charged with the expenditure of the money, may proceed to build half the bridge and leave the other half up in the air until Arizona shall act?

Mr. CAMERON. That is the position, exactly, I will say to the Senator from Utah.

Mr. KING. Then why should Congress appropriate until the State of Arizona shall have taken action?

Mr. CAMERON. I can not see any reason why Congress should act as this amendment proposes, but instead should appropriate the amount out of general funds of the Government. There is no reason on earth why we should appropriate at all and charge it up to the Navajo Indians.

Mr. KING. Well, assume——

Mr. CAMERON. There is no assuming about it on my part. I am here protesting that it would be an injustice to the Indians, and that they should never pay one dollar of this money in any way, shape, or manner.

Mr. KING. If the Senator will again pardon me, I desire to say that I am in agreement with him; I am opposed to charging this amount to the tribal funds of the Navajo Indians; but assume that it were a valid charge against those funds, is it not rather premature for the Federal Government to act now until the State of Arizona, which is primarily interested, has signified its purpose to duplicate the appropriation?

Mr. CAMERON. The State of Arizona will not have a meeting of its legislature until a year from this spring.

Mr. KING. Then, if the pending conference report should be agreed to, the appropriation should be made by Congress, and it were expended, we would have to await the action of the State of Arizona; and if the State of Arizona should then refuse, the money appropriated by Congress would be wasted, unless Congress should make further appropriations for the completion of the bridge?

Mr. CAMERON. That is correct.

Mr. KING. I think the Senator's fight is a very courageous and valorous one; I am in sympathy with him; but I am afraid the parliamentary situation is rather hostile to the Senator and to myself.

Mr. CAMERON. I appreciate the Senator's statement. He ably stated the situation. It is just the plain but unfortunate fact that this unjust amendment may be allowed to stand because of the unfortunate parliamentary situation wherein many of my friends will vote for the bill with this iniquitous clause fearing the loss of the bill otherwise. I favor all other features and regret to make necessary this delay, but right and justice should prevail.

Mr. WARREN. Mr. President, both of the Senators will realize the absurdity of suggesting the building of one part of the bridge across the river and the other half being hung up in the air. That would be like some of the arguments we hear when Senators conjure up bogies.

Mr. KING. Unfortunately, that is sometimes the situation of the Federal Government. The Federal Government does just such stupid things, and the Senator from Wyoming, the chairman of the Committee on Appropriations, knows it.

Mr. WARREN. I know that nothing of the kind has ever occurred, and I know that the Senator from Utah does not know of anything of the kind having occurred.

Mr. KING. I have not time to go into the situation now, but if I had I could give many illustrations of the accuracy of my statement.

Mr. CURTIS. Mr. President, I shall ask to have inserted in the RECORD at the conclusion of the statement I am about to make a copy of the act of February 26, 1925, which provided for the building of the bridge across the Colorado River at Lee Ferry, Ariz. The money proposed to be appropriated by conference report could not be used, as has been suggested, to build one-half of the bridge, for the act authorizing the construction of the bridge provides that the money shall not be used until the State of Arizona shall have appropriated one-half of the cost of building the bridge.

Mr. KING. That is, the appropriation does not become available until the State of Arizona also shall have appropriated its share?

Mr. CURTIS. This item in the deficiency bill came to the Senate from the other body, which has refused to recede from its disagreement to the Senate amendment. If the Senator from Arizona [Mr. CAMERON] will permit me just a moment, I desire to say that I was a member of the conference committee; and I am as strongly against using the Indians' money, except where it can be shown to be for the actual benefit of the Indians, as is any Member of the Senate, as I have demonstrated every time I have had an opportunity to vote on such a question.

I thought I had a plan whereby we could satisfactorily dispose of this subject and that plan was submitted to the conference. To my surprise, however, there was brought forward the act of last year, of which, at the time, I knew nothing, and it was found that the suggestion submitted by me would have the effect, if adopted, of amending or changing an act of Congress in a conference report, which, of course, we could not do.

Then, in order to protect the Indians and to afford them plenty of time, I suggested that the word "hereafter" be inserted so that money hereafter received by the Indians could be applied to this use, knowing that the Congress could hold its hand upon the money and in the meantime could go upon record as to whether or not it wanted to repeal the act of last year. That is what influenced the action of the conferees. If we adopt the provision as embodied in the conference report none of the money now to the credit of the Indians will be used, and Congress will have ample opportunity to control the money which may hereafter be placed to their credit.

So far as I am personally concerned, I would vote for any proposition that would limit the reimbursement from the funds of the Indians to the actual benefit derived by them from the building of the bridge, and if no benefit were derived by them, I would vote to repeal the act of last year.

I ask unanimous consent that the act of Congress of February 26, 1925, to which I have referred, may be printed in the RECORD at this point.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

[Public—No. 482—Sixty-eight Congress]

An act (H. R. 4114) authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

Approved, February 26, 1925.

Mr. CAMERON. Mr. President, I appreciate the remarks of the senior Senator from Kansas. I know where he stands, and I know how he feels; but what I am trying to do, and what the Senate should do, is to undo a wrong which has been done. I think certainly there must be some way to accomplish that purpose.

I realize how easy it is to talk about enacting a law repealing the act now on the statute books or that part of it which charges half of the appropriation up to the tribal funds of the Indians. That is all very well; but charges have been made against the funds of various Indians many a time without the consent of the Indians, and I say it is about time that the Congress of the United States should take some action in regard to the bureaucratic branches of the Government which not only tell the Indians what they shall do, but tell the Congress of the United States what they shall do. We have before us now an instance of that kind, and in my feeble way I have taken this occasion to bring out the facts and circumstances.

There has been great stress laid on the results which may follow from delaying this matter, and it has been intimated that I am holding up money that is due to disabled veterans. There is no man who has worked harder than I have since I have been in the United States Senate to help the disabled war veterans. I have tried in every way to aid them and shall continue to do so, but I do not believe that such insinuations apply in this case. This is a matter where the Congress of the United States has seen fit to provide an appropriation for a bridge across the Colorado River at Lee Ferry, of which appropriation $100,000 is to be charged up against the tribal funds of the Navajo Indians without any request on their part and without even their knowing anything in the world about it. The Indian Bureau comes in here and recommends to Congress a provision which will take the food out of the mouths of the children of the Indians in order to erect a bridge which the Indians will not use, which they do not want, and which they never will want. I must say to the Senate that it is wrong. Whether I win this fight or not, I am standing here in as sincere an effort as any man ever made on the floor of the Senate for a good cause and for a good people. If we do not win now, we will win some of these days, and the wrong which has been done will be rectified. If I can assist in that direction, I will do my part as long as I am here; and when I am gone, I hope that those who follow me will take up the fight until the wrong which has been done to the Indians not only in Arizona but in the entire United States shall have been corrected.

The VICE PRESIDENT. The question is upon agreeing on the conference report.

Mr. WARREN. Mr. President, I wish to say merely a word or two. It will be remembered that two days ago I said I would drop the matter until I could make some kind of a survey regarding this particular appropriation. I have made that survey, and I am satisfied that we will do right to vote "yea" on the motion which I propose to insist upon making in a few moments.

Of course, Indians are like white men; they may change their minds some time. We have examples before us continually of men changing their minds. But to get out of the position in which we now find ourselves there is only one thing to do, and that is to vote "yea," now, upon the adoption of this conference report.

Mr. ASHURST. Mr. President, we are confronted with a practical, simple question. I am not pretending to prophesy, but mark my words, Mr. President, mark how accurately I horoscope the situation when I say that either we must adopt the conference report or the deficiency bill will fail.

The delay in adopting the report on this deficiency bill is costing the Government $250,000 a day. It is vehemently contended that we have neglected the Navajo Indians. Mr. President, such is not in accordance with the facts. Arizona, in her territorial days and since she has been a State, has had

particular regard for the rights of the Indians. No other State in the Union can point to so many memorials of friendship for and so many acts of beneficience toward Indians as can Arizona. Arizona has done her duty toward civilizing and supporting her Indian population.

So far as the particular tribe under discussion is concerned, the United States kept every treaty we made with that tribe. Since I have been in the United States Senate, which is now 14 years, I have assisted in securing for this tribe of Indians appropriations from the Federal Treasury as gratuities sums aggregating $11,054,148 to promote their support and civilization, to provide tanks, and to dig waterholes and otherwise to develop water for their stock, to build irrigation projects, to care for health and education—not reimbursable items but gratuities.

Following the precedent set by the Senators from New Mexico, who secured reimbursable appropriations for roads across the Navajo Indian Reservation aggregating some $140,000, the House of Representatives included in this deficiency bill an item of $100,000 to pay one-half the cost of a bridge across the Colorado River near Lee Ferry. The junior Senator from Missouri [Mr. WILLIAMS], serenely detached from all information on the subject, nevertheless spoke. He found that detachment from information was in no wise an impediment, and he told the Senate that this bridge would be 16 miles from the reservation, whereas one of the two termini of this proposed bridge is on the Indian reservation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CAMERON. I ask for the yeas and nays.

The VICE PRESIDENT. On that question the yeas and nays have been requested and ordered. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I understand that if present, he would vote as I expect to vote. I vote "yea."

Mr. HARRELD (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence, I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL], and will vote. I vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home on account of illness.

Mr. FLETCHER (when Mr. TRAMMELL'S name was called). I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. HEFLIN (when Mr. UNDERWOOD'S name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness. If present, he would vote "yea."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably absent. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce the absence of the Senator from Minnesota [Mr. SCHALL] on account of illness.

I desire also to announce the necessary absence of the Senator from Wisconsin [Mr. LENROOT]. If present, he would vote "nay." He is paired on this question with the Senator from Vermont [Mr. GREENE].

I also desire to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississipi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Massachusetts [Mr. BUTLER] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 43, nays 29, as follows:

YEAS—43

Ashurst	Ernst	Keyes	Robinson, Ark.
Bayard	Fess	McKinley	Sackett
Bingham	Fletcher	Mayfield	Shortridge
Broussard	George	Means	Smith
Bruce	Glass	Metcalf	Smoot
Caraway	Goff	Moses	Swanson
Copeland	Hale	Neely	Wadsworth
Cummins	Harreld	Overman	Walsh
Curtis	Harris	Pepper	Warren
Deneen	Heflin	Phipps	Willis
Edwards	Jones, Wash.	Pittman	

NAYS—29

Blease	Frazier	McNary	Stanfield
Bratton	Gooding	Norbeck	Watson
Brookhart	Johnson	Nye	Weller
Cameron	Kendrick	Oddie	Wheeler
Capper	King	Pine	Williams
Dale	La Follette	Reed, Pa.	
Dill	McKellar	Robinson, Ind.	
Ferris	McMaster	Sheppard	

NOT VOTING—24

Borah	Gerry	Lenroot	Shipstead
Butler	Gillett	McLean	Simmons
Couzens	Greene	Norris	Stephens
du Pont	Harrison	Ransdell	Trammell
Edge	Howell	Reed, Mo.	Tyson
Fernald	Jones, N. Mex.	Schall	Underwood

So the report was agreed to.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, a little while ago the Muscle Shoals concurrent resolution was laid aside by motion. I now move that the Senate resume the consideration of the concurrent resolution.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama.

The motion was agreed to; and the Senate resumed the consideration of the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. SMITH obtained the floor.

Mr. BLEASE. Mr. President——

Mr. SMITH. I yield to my colleague.

Mr. BLEASE. I have here an article on this subject which I should like to have read from the desk before the Senator starts his speech.

The VICE PRESIDENT. Without objection, the article will be read.

The legislative clerk read as follows:

[From the Washington Herald of March 2, 1926]

PUBLIC OWNERSHIP ALONE WILL SOLVE POWER PROBLEM

There is in the United States Senate one man who is experienced and expert in the management and operation of municipal lighting corporations. That is Senator R. B. HOWELL, of Nebraska.

His colleague, Senator GEORGE W. NORRIS, has given an enormous amount of time and study to the Muscle Shoals question and undoubtedly is better informed on that particular problem than any other man in the Senate, with the possible exception of Mr. HOWELL.

A large part of the Senate apparently is disposed to give away every possible governmental right to private exploitation and to decry public operation of utilities as impracticable. In the same breath they contend that it is unfair to private business that the Government should compete against it.

There are plenty of Senators anxious to give away Muscle Shoals to the first comer. There are few who want Uncle Sam to operate a great industrial plant there himself. Uncle Sam built the plant as it stands and built it well. It is certain to be enormously successful and profitable. These Senators want private interests to have the profits.

There are plenty of Senators—pretty much the same ones—who want the United States to buy the Cape Cod Canal. This was built as a private enterprise. It was not profitable. Therefore it appeals to these moral and public-spirited representatives of the American people that Uncle Sam ought to save the investment of those misguided Massachusetts business men who put their money into the Cape Cod Canal. When Uncle Sam buys it, as a result of their votes, and fails to make it pay, we shall doubtless have it alluded to on many occasions as an example of the failure of public ownership.

Among the 96 Members of the Senate there are, as has been indicated, two who are fairly entitled to be considered experts. They are able to see the economic issues involved—they are plain as a pikestaff—and they have made their views known. Senator HOWELL is firmly in favor of public ownership as a general principle. Senator NORRIS is particularly in favor of public ownership of Muscle Shoals.

Yet these men, who know what they are talking about, will dispute with the winds, and men whose only conception of public service lies in party politics, men whose training is entirely legal and not at all along economic lines, will hand over light-heartedly one of the greatest of American assets to private development.

Let no Washingtonian think that this matter does not affect him. Muscle Shoals may be in Alabama, and the Tennessee River may be a long way from Washington, but the Potomac is at our doors, and Great Falls is unquestionably our great future source of light and power.

Senator HOWELL on Saturday called upon the people of this city to fight any attempt to construct a privately owned plant at Great Falls and demanded public competition in public utilities for the protection and welfare of the public. He knows that private operation of utilities means enormous unnecessary expense for the consumer; that it is

profitable to none except those who gain the inestimable privilege of taxing the public through this legal means.

Washington, he declared, is an example to the Nation of what the rest of the country should not be. All its utilities are privately owned and operated, and their costs are far beyond what they should be.

The Washington Gas Light Co., he pointed out, wants an increase in valuation of $25,000,000, the equivalent, he asserts, of asking the people of Washington to pay for its present plant, and then pay annual interest on it in higher rates for gas. In Cleveland, with municipal operation of the electric-lighting plant, the valuation per consumer is $188; here, under private operation, it is $370.

Mr. HOWELL has placed his finger squarely on the big problem in the handling of utilities, the tendency to increase valuation figures arbitrarily and without limit. Our public services cost us vastly more than they are worth as a rule, and the more costs and valuation figures are inflated the more they are going to cost and the greater the profits will be.

Mr. HOWELL and Mr. NORRIS are quite right in opposing private operation, either at Muscle Shoals or at Great Falls. They know what they are talking about. It is unfortunate that there are in the Senate and House so few men capable of grasping the elementary ideas of economics.

If we elected more economists and fewer lawyers, Uncle Sam would be despoiled of less valuable property, and the American people would have the benefit of public operation of utilities, a benefit that would accrue very perceptibly in the American pocketbook.

Mr. SMITH. Mr. President, I deplore the fact that so few Senators are in the Chamber.

Mr. BAYARD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARAWAY in the chair). The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKinley	Robinson, Ind.
Bayard	Fess	McMaster	Sackett
Bingham	Fletcher	McNary	Sheppard
Blease	Frazier	Mayfield	Shortridge
Bratton	George	Means	Smith
Brookhart	Glass	Metcalf	Smoot
Broussard	Goff	Moses	Stanfield
Bruce	Gooding	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Tyson
Caraway	Harris	Nye	Wadsworth
Copeland	Heflin	Oddie	Walsh
Couzens	Howell	Overman	Watson
Curtis	Johnson	Pepper	Weller
Dale	Jones, Wash.	Phipps	Wheeler
Deneen	Kendrick	Pine	Williams
Dill	King	Pittman	Willis
Edwards	La Follette	Reed, Pa.	
Ernst	McKellar	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, there is a quorum present.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall adjourn until 12 o'clock to-morrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, before I begin to discuss the merits of the pending resolution I would like to call the attention of Senators to the fact that there is in the resolution now before us for consideration a provision which it seems to me is fraught with a great deal of danger to both the House and the Senate. It provides that there shall be a joint committee of the House and Senate that shall go out to receive bids from different corporations for the purpose of leasing the property. There is no use to attempt to disguise the fact that that would open the door to all manner of scandal. If we were to pass a resolution authorizing some administrative or executive body to do the work for us, it would be a different proposition; but we are attempting here to thrust Congress, the Senate and the House of Representatives, into a committee to go out and traffic with corporations and trusts and combines in order to turn over to them a property worth hundreds of millions of dollars. I not only question the propriety of it, but I do not think this body ought to commit itself to any such procedure. We are the ones ultimately to pass upon whatever bids are to come here, and surely we ought not to put ourselves in the position of being the ones who invite the bids and then traffic with these parties, and when we have accepted one of the bids, turn it over to the Congress, because it would leave us open to all sorts of surmises and suggestions.

Mr. President, I do not think there has come, or will come, before this body a matter of greater importance than this one. Doubtless it is a fact that Senators have made up their minds, and have decided how they are going to vote on this question. Some one has said that the agricultural interests of the country are asking that the matter be disposed of as the resolution provides. I think I represent, as nearly as some of the so-called officers of the so-called agricultural organizations, the agricultural interests of the country. In the first place, I do not think they fully understand what underlay the original law, what was its purpose, what was the compelling reason why it should be enacted into law, and what were the prospects so far as they were concerned for being relieved from a condition by virtue of the operation of that law. The whole discussion before the Committee on Agriculture and Forestry resolved itself largely around the question of power. As I said yesterday and repeat to-day, the original bill had in contemplation no development of power except in so far as it was incidental and necessary in carrying out the purposes that were set forth in the bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. SMITH. I yield.

Mr. McKELLAR. If it had been stated to the Congress in 1916, when the bill was before it, which authorized this great development, that as soon as it was completed the Government was to turn it over for a song to some private interest or private monopoly, does the Senator imagine the bill could have been passed through the American Congress?

Mr. SMITH. As I said yesterday, when the bill was before the Senate there was an amendment or substitute offered providing that the very thing we have since enacted into law should be done through a private corporation, and it was voted down overwhelmingly.

The history of the legislation seems not to be well understood or, if understood, disregarded. In 1916 before we ever entered the war the price of certain fertilizer ingredients, in fact, the price of nitrogen, the basic element of fertilizer, had gone so high that I made inquiry of the Ordnance Department to ascertain if they had surplus nitrates on hand which might be used at the price they paid for it in relieving the intolerable situation in which the farmers of the whole Atlantic seaboard found themselves. When I made the inquiry I found that they had only about a two weeks' supply for the ordinary purposes of the Army and Navy. Further inquiry startled me with the fact that our whole supply for the basis of explosives was imported from Chile and that all the domestic sources combined would have to be reprocessed in such a way that we could not within 10 to 14 months avail ourselves of a sufficient quantity to equip our Army and our Navy for a period of three or four months.

Here we were, a great country, on a great continent, boasting of our Navy, proud of our organized Army and its exploits in the field, spending untold millions in the construction of battleships and other millions in the equipment of our Army, providing ourselves with the most up-to-date and the last word in rifles and guns and equipment necessary to prosecute a modern war, our form of bombs, our different death-dealing submarine explosives, without a pound of American nitrate available to defend ourselves. Had Germany blockaded and embargoed the Chilean ports we could not have fired a gun, and were an enemy to-day to declare war and shut us off from the Chilean nitrate supply, our whole boasted Navy and Army would be at the mercy of the enemy. The monstrous proposition presented itself that here we were building an engine, equipping it with all modern appliances, but without any fuel or water with which to operate the engine only as we might secure a supply from a foreign source.

Not only was that so, but the ordinary sources, from which for years we have been drawing a supply for the fertilization of the land, were practically depleted. In the beginning of the last century some one discovered an island or two off the coast of South America where, in that dry climate without rain, there had been deposits by birds for ages. That material was brought to this country and experimented with. Its application to the soil was so wonderful in its results that our Government enacted a law providing that any American citizen who would discover one of the guano islands would be protected in his find by the Army and Navy, and he would be left in possession and given a certain royalty if he would permit the Government to bring that fertilizer here for the use of agriculture.

For years that was the source of our supply. That source of supply was exhausted, and here we were with our population increasing, the soil being depleted, and no source of refertilization save by crop rotation, which was slow and questionable, because we must understand that the question of refertilizing the soil by crop rotation necessarily means the leaving out of profitable cultivation a large extent of the territory so vitally needed every day and every year for the maintenance and supplying of food and seed for both animal and

man, and for clothing in the form of textile production. Here we were depending upon the same source for the same identical ingredients, the nitrates from Chile.

About this time there had been discovered a process, with great promise, for extracting nitrogen from the air in such form as to be available for commercial use. The first process was the Haber process, which required great quantities of power to produce a unit of the ingredient. We called to Washington those who were familiar with the process. I introduced a bill looking toward the setting aside of certain water-power sites for the purpose of developing the process and pledging the Government of the United States to its operation for the purpose of supplying the Army and Navy, and during peace times supplying agriculture. That bill was enacted into law. It was made a part of the national defense act. The committee in charge of selecting the site, after visiting the different sites, finally settled upon Muscle Shoals as the most promising place for the development of the water power. The site was selected because it was the most promising place for the development of sufficient power. The $20,000,000 carried in the bill was subsequently added to until the expenditures at Muscle Shoals for the specific purpose, and that purpose alone, of providing an adequate means of furnishing nitrates for the liberation of this country from foreign sources of supply and for the benefit of agriculture had increased very materially. Between the time when we selected the site and the beginning of operations for the purpose of setting up the machinery science, and particularly our own research laboratory, made experimentations to see if the process could be cheapened and the unit of nitrogen increased as the unit of horsepower decreased. And the strides have been marvelous. I wish to read to the Senate a quotation from an article entitled "Trend of developments in the nitrogen problem," by Mr. J. M. Braham, of the research laboratory:

> The problem of meeting the rapidly increasing demand for nitrogen in combined form is now engaging the attention of all the important and progressive countries. The reason for this is that nitrogen is not only the heart of explosives, and hence of primary military importance, but it is also the key element in the fertilization of crops and consequently of utmost importance in meeting the food requirements of the world.
>
> A consideration of the principal sources of combined nitrogen suitable for both agricultural and military uses, namely, ammonia from coke and gas manufacture, Chilean nitrate, and the products of atmospheric nitrogen fixation, leads to the conclusion that the latter must be largely relied upon to meet the constantly growing demands. While this method of supplying fixed nitrogen may not be the ultimate solution of the nitrogen problem, it will in all probability be the main contributor of fixed nitrogen for several decades. This general conclusion has been reached by workers in this field both in this country and abroad, and as a consequence nitrogen fixation processes are now and have been for a number of years the subject of intensive investigation and development in many countries, particularly in Germany, France, Italy, England, Norway, Japan, and the United States. The outstanding developments in the nitrogen problem are in the nitrogen fixation processes and in the new materials which are being made available to agriculture by these processes.

To give some idea as to the development which is now taking place, and the hope that we may entertain if our Government does not foolishly relinquish its hold on Muscle Shoals and turn it over to private corporations, I wish to say that we have every reason to believe that in the very near future our scientists will perfect a plan by which the fields of America may be fertilized and this country defended in time of war. Mr. Braham discusses the direct synthetic process. There are three processes. The first is the arc, the next is the cyanamide, and the third is the Haber, which modified is known as the synthetic process. Mr. Braham says:

> The outstanding developments of nitrogen fixation at present are in the synthetic ammonia processes, and it is in this direction that a reduction in the cost of fixed nitrogen can be confidently expected. This process, which consists in forming ammonia directly from the elements under conditions of high pressure and relatively high temperature in the presence of a catalyst was first operated on a commercial scale in 1913 in Germany. The urgent need for nitrogen by Germany during the World War led to the construction of the two huge fixation plants, one at Oppau, with a capacity of 100,000 metric tons of nitrogen per year, and one at Merseburg, with a 200,000-ton capacity. It will be noted that the annual output of these two plants alone is nearly equivalent in nitrogen to that produced in Chile at the present time.

Chile produces about 500,000 tons. Germany, by the Haber process, under the urge of war was liberated entirely from her dependence upon Chile and India, prosecuted the war, and is to-day leading the world in her production per acre of the crops that she plants.

Mr. President, as I go along I wish to call attention to the diminution in the power and the cost——

Mr. McKELLAR. Mr. President, before the Senator leaves that point I wish to ask a question. After Germany discovered these processes and had secured the power with which to operate them, did she, as it is now proposed for us to do, take those plants and turn them over to some private interests and let them go?

Mr. SMITH. Certainly not, Mr. President. Let me say right here and now the persons for whom I am speaking principally this afternoon are the farmers of the country, but there is not a Senator here but recognizes the fact that combinations, huge trusts, are the logical sequence of events in this country under modern conditions. The logic of capitalistic production is combination. We see that almost every staple manufactured article is owned and controlled by combinations. Economy dictates and greed cements that condition. Not only does combination conserve overhead charges, but it gives unlimited power. It is, therefore, being availed of. I say here this afternoon that the only hope for the agricultural regions of America is for the Government to stand between them and the organized industries of the world.

Mr. McKELLAR. Mr. President, does the Senator from South Carolina think that if the American Cyanamid Co., which is a part of the so-called fertilizer trust, should bid for and secure the plant at Muscle Shoals, the farmers of the country would be benefited by their securing it?

Mr. SMITH. Mr. President, we all perfectly well understand that so far as agriculture is concerned it is absolutely at the mercy of the manufacturing world. The farmer has no possible way of transmitting his cost to another. When he purchases he pays the overhead charges and all that is incident to the cost, but when he goes to sell he has got to submit to having all the costs subtracted and the balance, if any, is all he gets. Recognizing, perhaps, more or less subconsciously, that the farmer must be provided for, we passed only last week the agricultural appropriation bill. In that bill what did we do? We appropriated $6,000,000 therein to eradicate bovine tuberculosis; we have appropriated untold millions for fighting the boll weevil; we have appropriated other millions for fighting the corn borer; and we have also appropriated millions of dollars to fight the pests of plants and the diseases of domestic animals, recognizing that the disorganized mass that feeds and clothes the people of the country must be protected in part at least or the whole superstructure goes down.

I submit, Mr. President, that the diseases of animals and the diseases of plants are nothing compared to the depletion of the fertility of the soil. The farmer can not meet his expenses in a market over which he has no control and then bear the burden of a fertilizer trust exaction if he wishes to enrich his soil. I may say that when we passed the original Muscle Shoals act we passed it in good faith and in the same spirit that we pass the agricultural appropriation bill, to enable the Government to experiment and find a way by which the soil tilled by the millions of disorganized and helpless farmers might be enriched, not alone for their benefit but for the benefit of the whole country. As a matter of fact, the farmer does not get the first benefit from it. Outside parties control the price of his wheat; outside parties control the price of his cotton and his wool; all he can do is to make the stuff, and the Government has pledged itself in the law to which I refer to develop a process by which he may be enabled to enrich his soil to aid him in feeding the country.

Just the other day the question was asked here, Are we going to embark upon socialism? Mr. President, unless we recognize the stupendous problem that is face to face with us in connection with the agricultural question we will go into a worse condition than socialism. Education now is universal. The man in the sticks is becoming as cosmopolitan as the man who walks the city streets. Universal and compulsory education is training his brain; he is beginning to recognize that the difference between him and another man is an accident or worse, that it is not because of a difference in capability, and under a free government he will know why he has not the chance of the other fellow. Right now we find ourselves in a world of brain, a world of applied thought. We must take cognizance of him who can not take advantage of the marvelous results of the human brain.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. The Senator has referred to socialism. Has the Senator followed the very brave fight made by the Governor of New York relative to the water powers of that State; and has he seen in this morning's issue of the New York

World a cartoon depicting various "socialists," including the Governor of New York, ex-Justice Hughes, ex-Governor Miller, a former Republican Governor of New York, and others who are so socialistic as to approve governmental control of the water powers of New York, such as I understand the Senator is anxious to have in connection with Muscle Shoals?

Mr. SMITH. No; I have not seen it; but, Mr. President, there is an old book——

Mr. McKELLAR. Here is a copy of the newspaper. I will hand it to the Senator.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH. I yield.

Mr. WILLIAMS. Does it not occur to the Senator that the question here is one which relates to a law under which the dam at Muscle Shoals was constructed, and is it not the purpose of his argument to show that that law can be properly executed if carried out according to its original intention and according to the contemplation of those who framed the law, without reference to the character of those who might want to use it or without reference to what other persons might or might not be doing? Is not that in line with the Senator's argument?

Mr. SMITH. The Senator has stated exactly the point, and I intend to emphasize. He has summed up in a word just the thing I am attempting to say as to the present law. I would amend it in one particular; I would relieve the Chief Executive from being the one who is to execute it, form a proper commission to relieve him from the responsibility, and then let the law remain just as it is. Its purpose is definitely set forth; its object is worthy, and why at this time some are clamoring to turn it over to private interests—I was about to say it surpasses my comprehension, but it does not, for I understand thoroughly just why this change of spirit has taken place.

However, Mr. President, I desire to revert to the thought that I was trying to bring to the attention of Senators, namely, the imperative duty that is upon us to see that the agricultural interests of the country are given support until they can walk alone.

Mr. WILLIAMS. The Senator has in mind, of course, the extraction of nitrate from the air?

Mr. SMITH. Yes; from the air. About four-fifths of the air is composed of free nitrogen. A process has been discovered of fixing it and converting it, first, into ammonia, which is another form, and then converting that into crystals of ammonium sulphate.

Mr. WILLIAMS. Just like the fixing of oxygen.

Mr. SMITH. Exactly. I am glad the Senator from Missouri called my attention to the present law, because I want to ask the Senator a question.

We dedicated whatever power might be developed at Muscle Shoals to the production of that which would defend the country during times of war with the highest possible form of development, so that, like Germany, we would be independent of other countries in our defense, and during times of peace not experiment alone, but produce that which the fields need and turn it over to the farmers at cost.

The point I want to make is this: Now that we have spent $160,000,000 of the people's money, and the research laboratory and our own chemists are rapidly developing a process by which the object for which the money was spent may be realized, does the Senator think we are justified now, in the very dawn of the possibility, in aborting the whole thing and turning it over to private interests?

Mr. WILLIAMS. Mr. President, in answer to that question I should say that if this had been initially an original enterprise by the Government created for the purpose of manufacturing nitrate to be sold to the farmers, the Senate and House of Representatives undoubtedly would not have expended that money; but, having spent the money and built the plant, if it is now the purpose of the Senator and those who follow him to convert that plant into an experimental plant, part of the experimentation of the Union for the purpose of showing the arts and the sciences what can be done in the manufacture of nitrates out of the air, I think that is an entirely different question.

Mr. SMITH. No matter which view of the question one takes, it remains a fact that we dedicated this power for the explicit purposes set forth in the act. We did spend the money. We have lost no time. The undertaking was a colossal one. Even under war conditions we spent $160,000,000. We have just installed the first two turbines. Six others are ready for installation. We now have an abundance of power. We now have built, right at Dam No. 2, nitrate fixation plant No. 2. We already have nitrate plant No. 1; and later on in my speech I shall read a statement from one of the scientists to the effect that even nitrate plant No. 1, which we built hoping that we could utilize the German process, and which was a failure, can be made with a reasonable amount of readjustment to produce nitrogen by the synthetic process, by the direct pressure and heat process.

Plant No. 2 is now the largest cyanamide plant in North America. It produces a lime nitrate; and I plead guilty to the fact that when the Ford offer was here, being the initial one who saw the necessity of our developing this process for agricultural and defensive purposes, I was misled as to the availability of cyanamide for fertilizer purposes. Some of us used it, or attempted to use it, down in my section of the country, but it was too volatile, and the lime was dangerous in handling. I think some lawsuits grew out of its handling by the persons affected; but a process of oiling the dry alkali dust was found, which overcame that difficulty somewhat. Still, it was not available for plant food in the form in which the farmers needed it, and hence had to go through a manipulated process that was accomplished only by the ordinary fertilizer company. So that even in the production of cyanamide, the 40,000 tons of which we have heard so much which meant 40,000 tons of pure nitrogen expressed in terms of cyanamide, which would have been something like one hundred and ten or one hundred and fifteen thousand tons of cyanamide, holding in solution 40,000 tons of nitrogen—even that was not available; and this proposed contract that reads "as good as or better than the Ford offer" is a deceit and a fraud on the hopeful agricultural interests, who from one end of this country to the other believe that the Government, in setting aside that amount of money and directing its scientists to develop the process, was doing it for the farmers' benefit, and not merely to provide another source for the manufacture of fertilizer.

Mr. WILLIAMS. Mr. President, how did the Ford offer become a precedent?

Mr. SMITH. The Ford offer only provided that Mr. Ford would produce 40,000 tons of cyanamide annually, and because the art was not developed and some of us did not understand thoroughly just the form in which the nitrogen would be produced, we were misled. I want to say in passing right now that one reason why I gave my consent to the Ford offer in the face of my own bill and my own act was because of the doubtful attitude of the Government and the impression that Mr. Ford had made upon the country that he was not a member of any trust or combine, and that as he had impressed the country as being a man who came near giving value received for what he manufactured and turned out, perhaps he would do the same there.

Mr. McKELLAR. Mr. President, the Senator will remember, too, that our friends on the other side of the aisle had stopped the development of Muscle Shoals by failing to make an appropriation for it; and it was announced by many Senators on this floor, who had been here for many years, Senators of ripe experience, that Muscle Shoals was a liability instead of an asset. It was while the matter was in this condition that Henry Ford made his celebrated offer, which galvanized into life the whole proposal; and it was the fact that Mr. Ford came to the rescue of Muscle Shoals that caused many people to be for his offer. They thought that the Government intended to scrap the plant at Muscle Shoals, and probably it would have done so but for Henry Ford.

Mr. SMITH. In spite of the fact that no appropriation was made and it looked as though the project was going to lapse, I hope the Senator does not think that in case it had lapsed we would not have had bidders for that power. But, as I said, I digressed for just a moment in order that I might say a word in reference to one of the reasons why I supported that offer.

We have not yet, even now, developed a practical process by which the farmers of this country can be relieved; but we are moving toward it so rapidly that the scientists of our own research laboratory lead us to believe that in a very few months, perhaps less than a year, there will not only be available a process by which nitrogen can be produced cheaply and in unlimited quantities, but that another ingredient of fertilizer, upon which agriculture is as dependent as it is upon nitrogen, can be produced in this country.

We have not in America a source of potash, and there is not a wheat crop grown, there is not a grain crop grown, there is not a textile crop grown but that has to have a balanced fertilizer composed of three ingredients—potash, acid phosphate (phosphoric acid), and nitrogen. Those are the three elements composing the universal plant food. We have one in unlimited abundance—phosphate. We have not a pound of available

potash. We import our potash supply from France and Germany. In the war, when our potash supply was cut off, potash went from $30 a ton to $500 a ton.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MAYFIELD. I will say to the Senator that if Congress will pass the bill introduced by my colleague from Texas [Mr. SHEPPARD] for developing the potash fields of Texas, we will have all the potash we need.

Mr. SMITH. Mr. President, that is one of the lines along which this very work is being done. That is what we dedicated it to. What has been done along that line? In connection with the very same process by which nitrogen is extracted from the air, our Government has discovered a process by which the green shales of Georgia and other States and the green sands of New Jersey can be taken, and, by putting them in the same furnace, where by heat the hydrogen is driven off from certain substances to unite with nitrogen to produce the fixation of nitrogen in the form of ammonia, it is possible to get potash. I shall develop that a little later; but this is such a hope for the agricultural interests of this country that it is a crime for you and me to avoid it now.

Here is what is called ordinary commercial fertilizer. That is in the proportion of 3-9-3, 3 per cent ammonia or nitrogen, 9 per cent phosphoric acid, and 3 per cent potash. That material contains only 300 pounds of those ingredients to the ton, and 1,700 pounds of dirt; so that when the farmer buys a ton of fertilizer, and pays $40 for a ton of 2,000 pounds, he gets 300 pounds of plant food and 1,700 pounds of dirt. Doctor Whitney, in his exhaustive testimony before the committee, called attention to the fact that we import from Germany kainite, potash salt. That is about 12 per cent pure potash. That means 12 pounds to the hundred. That means that we import and pay the freight from Germany here on 240 pounds of plant food and 1,760 pounds of a substance we would rather not have in the field.

As our manufacturers get this stuff they grind it up. They import nitrate of soda, only 15 per cent nitrogen, the balance of it sodium, and the fields would be better without that. But it is so much cheaper for the manufacturer to grind the sodium and the chlorine all together, and then when he gets the phosphate rock, about 10 per cent pure, he grinds up the dirt with it and sells the farmer that. The freight alone on the American supply is $16,000,000 on dirt, which does not do the farmer any good. All the manufacturer has to do is to take his phosphate rock, treat it with sulphuric acid, grind it up, take his nitrate of soda, with 85 per cent sodium, and grind that up; take his potash, with so much chlorine, grind it up and sell it, and if he gets the pure ingredient from the coke and coal oven, if he gets a pure salt of nitrogen or ammonium, he gets gypsum and dirt and mixes 300 pounds of plant food into 1,700 pounds of dirt and then ships it out. Doctor Whitney says:

> Who can calculate the cost to the farmers of this country of hauling dirt from foreign countries, grinding it in American mills, and re-shipping it out to the farmer?

Our own laboratory has combined phosphoric acid, potash, and nitrogen in identically the same proportions, and when a farmer gets a ton of that he gets 1,850 pounds of pure plant food, against 300 in this other mixture. When that process is standardized and made commercial, on freight alone there will be a saving of $16,000,000 to the farmers of this country who use fertilizer. This art is in its infancy. Our laboratory is working, waiting, and ready to use the power at Muscle Shoals to develop the manufacture of fertilizer.

Let me put this to Senators as business men of common sense. You know what the debate has been before the committee. It has revolved around power.

If we lease this project now, in the dawn of the development of the art, who will do the dead work? As practical business men, hear me. Our own department has developed this process, and developed it because under the impulse of the people and our appropriations the scientists of the department have gone to work single-minded and in earnest to do the thing that we have charged them with doing.

Suppose we lease Muscle Shoals. Why would a man lease it? He would lease it for profit. Can he get a profit out of a year or two of dead work on experimentation for the purpose of bringing about that which he hopes will be commercial? No. We all know what he will do. Muscle Shoals will be converted instantly into a cyanamide process plant. Why should those who lease it take any other course? They do not lease it for the purpose of making fertilizer for the advantage of the farmer. They hope it will advantage him to the point where they can take advantage of him by the demand they can supply. You know it, and I know it.

The moment they get hold of it every process they develop they will patent and take the royalty and shut out everybody else. We develop it and furnish the process free to everybody. That is why we put the plant there and seek to perfect the process, make it standardized, and the product abundant, coming direct from us. As we sought the eradication of the cattle tick, with no charge to the farmers, we are doing this to help those who can not help themselves now.

We passed a law which committed the Government to that, and stated explicitly why we committed the Government to it. It was because, first, of the necessity of the Government, and it was therefore in accord with the Constitution. Next, it was for the production of fertilizer.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. HEFLIN. The Senator seems to have forgotten just what the bill he supported, the Ford offer, contained. The bidders do not need to operate the cyanamide plant or to use the cyanamide process. Section 14 of House bill 618 provided that—

> The company will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available.

Mr. SMITH. Which, in a word, spelled nothing.

Mr. HEFLIN. The Senator supported it.

Mr. SMITH. The Senator harps on that, when he knows the only reason why any of us supported it was the same reason which I hope actuated the Senator from Alabama. Henry Ford was not a combination man; he was not a trust man. He has made a lot of "tin Lizzies" which had tickled the public, and we felt that because he had given the poor man a chance to ride in an automobile, he might give the farmer a chance to get some fertilizer. I have grave doubt whether he would do that now, and I am clear away from that proposition, and I am sorry I signed the Senator's report. I think the Senator himself ought to be ashamed of it.

Mr. HEFLIN. I am not ashamed of it.

Mr. SMITH. Then so much the worse for the Senator.

Mr. HEFLIN. I am standing right where I stood then.

Mr. SMITH. The only consistent man I ever saw in my life was a dead one, and the Senator is just like that.

Mr. HEFLIN. Mr. President, if the Senator keeps on jumping from one side to the other, he will be a dead one soon.

Mr. SMITH. If the Senator does not change from the line along which he is going now, he will be like the fellow who carried the asafetida. He was dead and did not know it.

Mr. President, I want to impress the Senate with the fact that there is quite a cry, and not only is there a cry, but there is a propaganda, in the dawn of the possibility of relief from our own scientists, for the Government to terminate its effort to give this relief to the farmers of the country.

Mr. WILLIAMS. The Senator looks upon that as a great chemical laboratory of research?

Mr. SMITH. I do. I want to call attention to what has actually occurred. In our research laboratory our own men discovered for the first time how to produce pure acid phosphate by a furnace process. It was so economical and so splendid that the commercial world has seized upon it and is now utilizing it. Of course, the farmers do not get any benefit from that now, because the other ingredients are still in the empirical stage, and the absorption of the phosphoric acid does not benefit the farmer yet. But in this testimony Doctor Whitney calls attention to the fact that they developed that process and gave it to the public.

The farmers of this country have a right to demand that we, faithful to our pledge to them, shall carry on at Muscle Shoals until we have demonstrated whether or not the fixation of nitrogen and the combination in the concentrated form for their relief is possible.

Mr. MAYFIELD. How long will it be before that is demonstrated?

Mr. SMITH. The probabilities are, as they have carried it through the experimental stage, if we do not lease Muscle Shoals and give up the power and the laboratory there, that they can produce it on a commercial scale. I want to make this observation this afternoon: It is proposed that we lease Muscle Shoals and say in the proposition, "Yes; we are going to produce power enough to take care of agriculture and the farmer." What do we know can be produced? When we go to lease it, how are we going to draw the lease, under any conditions, in the empirical stage of this art? What sort of a

lease would we draw? What guaranty could there be that they would assiduously and honestly prosecute the development of the art for the benefit of the farmer?

This project is dedicated, in the language of the law, to the development of this art for the benefit of agriculture. Now, just as we have the equipment, just as we have the completed machinery, now when we have the trained scientists devoted to this work, in place of carrying on until we do standardize it and inform the agricultural interests of the cost of both quantitative and qualitative production, we stop right at the door of hope and shut it in the farmer's face, turn the plant over to a private corporation, and that is the last we will hear of the development of fertilizer at Muscle Shoals for the benefit of the agricultural interests of this country.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. McKELLAR. Directly in line with what the Senator is saying, I find a provision in House bill 518, on page 21, which shows just what will be done if the American Cyanamid Co., or any other of the fertilizer combinations, should get hold of this plant. It is shown in this proviso:

Provided, That if after due tests and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the lessee or the corporation that nitrates can not be manufactured by it without loss, the lessee or the corporation shall cease such manufacture and shall report to the Congress all pertinent facts with respect to such costs with its recommendation for such action as the Congress may deem advisable.

In other words, just as the Senator has said, under the very terms of the proposed lease provided for in this resolution, all the company has to do is to experiment for six years, and if they then feel that they should not experiment any further they will return the project to the Congress with their thanks.

Mr. HEFLIN. Mr. President, will the Senator yield just a moment for a brief statement? The very provision the Senator has read was supported by the Senator from Tennessee himself and by the Senator from South Carolina and by myself and all of us who supported the McKenzie bill.

Mr. McKELLAR. Oh, no, Mr. President. Just a moment, because I wrote this very provision. It was attached as an amendment to the Norris bill, which was a Government operation bill, and those who were in control of the Underwood bill at the time took out their own provision and inserted this provision, which was never intended to apply to any private concern but was only intended to be used in the event the Government kept the plant. Why did they do it? Because they never intended at any time to make fertilizer at this plant, and they seized upon this as an excuse by which they could avoid it in six years, and if a contract is brought here in conformity with the House bill 518, as proposed in this resolution, the result will be that in six years whatever company gets this plant will cease to have anything to do with it and will use the immense amount of power for its own benefit.

Mr. HEFLIN. My point is that House bill 518 is the McKenzie bill, and that the Senator from Tennessee supported that very proposition.

Mr. McKELLAR. The Senator from Tennessee did not do anything of the kind. When that proposition was transposed and put into the Underwood bill, no man fought it any harder than I did on the floor of the Senate, day after day, and we finally defeated it, much to the benefit of the farmers and of the taxpayers of this country.

Mr. HEFLIN. It is true according to the Underwood bill, and the Senator supported it in the McKenzie bill.

Mr. McKELLAR. The Senator is entirely mistaken about that. When the Senator said I at one time voted for the Ford proposition, that is true. But I never voted for the McKenzie bill nor the Underwood bill nor any other bill that had for its purpose the turning over of this vast development down there to any private corporation.

Mr. SMITH. Oh, Mr. President, that is neither here nor there.

Mr. HEFLIN. The McKenzie bill had the Ford offer in it.

Mr. SMITH. It is not a question of what one has done; it is a question of what is his duty now with the truth before him. It is not a question of whether I voted for Ford or against Ford. It is a question of what is my duty now. It is a question of what is the Senator's duty now.

Mr. HEFLIN. I am doing mine.

Mr. SMITH. God help the Senator when he does not! [Laughter.]

Mr. President, there is another angle to the proposition. As the Senator from Tennessee said, there is no intent to make fertilizer. The minute we pass the resolution what have we done? When the Senate votes that it will appoint a committee of Senators and Representatives, I believe myself it is not fair to those whom we would appoint, because it is putting them in a questionable and compromising position. The idea of legislators going out to traffic with trusts and combinations and corporations for the purpose of leasing to them a property worth in the neighborhood of $200,000,000. We ought not to allow that situation even to begin. What sort of a door are we opening by that process? I say the very moment we pass the resolution we serve notice on the American people that Congress has washed its hands of providing a means of defense as is provided in the law, and that the farmers have got to take their chance with the trusts and combinations. That is what we will have done. But before the resolution passes, God helping me, I am going to put as nearly as I can every Senator on this floor on record as to whether he is going faithfully to do his best to try to solve the intolerable burden that rests upon that disorganized mass known as "the farmer," that furnishes our table in the dining room, that puts clothes on our backs, but which, on account of the economic condition in which it finds itself, is unable to protect itself in the market places of the world.

You and I vote very readily for the eradicating of certain diseases. We have provided something like $6,000,000 in the present agricultural appropriation bill to stop the pine blister, to eradicate the cattle tick, to eradicate the foot-and-mouth disease, to eradicate bovine tuberculosis, to look after horticulture and see that the fungi and the insects and the scales that breed in the orchards shall not ruin us. And yet what is the significance of all this? That vast expenditure is not carried on by an organized corporation and therefore we go gladly about it to spend that amount of money, but the minute we talk about aiding the farmer in his fertilizer problem we bump up against the same thing that I did the other day in the mutual fire insurance question. Oh, yes; you have an organization that has been in existence and growing in power and concentration since 1840, entrenched as no other corporation in the world is entrenched, entrenched in the very necessities of agriculture. In the Senator's State—and I am speaking now to the Senator from Georgia [Mr. GEORGE]—in sections of the State represented in part by the Senator from Alabama [Mr. HEFLIN], the State represented in part by the Senator from North Carolina [Mr. OVERMAN], and other Southern States, it is useless to talk about planting a crop without artificial fertilization, and yet here we are solemnly repudiating our pledge to the American farmer that we would carry on with the power developed at Muscle Shoals, with the key of human intellect to God's great laboratory to find the message that He has for the downtrodden, and unlock it and give the farmer what is there, just as the brain of genuis unlocked the possibility of transportation in the form of the internal combustion engine and wrote that human sentence in the form of that marvelous convenience.

We are going to stop him right at the door—why? You do not think that is right? You are going to quibble over the question that we are about to get into socialism, and yet we have just appropriated $2,000,000 more to eradicate bovine tuberculosis. We have appropriated $6,000,000 for such purposes; we have spent $15,000,000 on the boll weevil; we have spent other millions trying to eradicate certain other diseases; and yet, underlying all the cattle, underlying all of our plants and orchards, is the fertility of the soil. That is fundamental; and yet, when we come to the question of going to the aid of the farmer through the brain of genius and the education of our own people by the use of our money, Senators say "No!" Why? "Fertilizer Trust." We must not enter the domain back of that door. Back up the horse! As long as we can aid him and not do violence to a combination or trust we will be glad to aid him; but if you think we are going to have the political temerity to jeopardize a campaign fund by going out here and doing that for the distressed, disorganized farmer, back up the horse! That is the situation.

Mr. McKELLAR. We have just to-day aided whoever will get the plant down there by appropriating $2,000,000 more to further complete what is being done there. If the resolution passes and a bill to effectuate its purpose is enacted into law, and if the Fertilizer Trust gets the plant, it will get that $2,000,000 along with the rest of it, and it will get a little town down there, too.

Mr. SMITH. Yes. I think I shall read into the RECORD just what is down there. I had our department send me a statement of the value of all that is down there that we are just on the eve of handing over to a private corporation.

Mr. HEFLIN. Mr. President, if the Senator will yield right there, the idea of handing it over to a private corporation is erroneous. The Senator from South Carolina knows, and other

Senators must know, that we are going to lease the plant, and the lessees are going to pay to the Government from $2,000,000 to $5,000,000 a year for its use.

Mr. SMITH. Oh, I do not doubt that.

Mr. HEFLIN. And we will get back in 50 years more than the whole thing cost.

Mr. SMITH. And take every dollar of it out of the helpless farmer. Of course they would give as much as $20,000,000. It will not cost them anything. All they have to do is to get control of it. They have a monopoly of fertilizer now; and all they have to do, if the Government gets $20,000,000 from them, is to add that amount to the cost of the fertilizer, and the poor devil who makes his crop pays it, and the Senator knows it.

Mr. HEFLIN. We are doing this to relieve the farmer.

Mr. SMITH. I know it—to relieve him of what little he has left! [Laughter.]

Mr. HEFLIN. We will relieve them of the trust, just as the Senator wants to do.

Mr. McKELLAR. Mr. President, will the Senator yield to me just a moment?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. SMITH. I yield.

Mr. McKELLAR. House bill 518, along the line of which the resolution of the Senator from Alabama directs that we shall get an equivalent offer, provides for a consideration to the Government of about $1,600,000 a year. That will not be enough to keep up the renewals on the plant. In my judgment, instead of the Government getting in a net rental out of it, it will not get enough to keep up the plant during the term of the lease.

Mr. SMITH. Everybody here who knows anything at all knows that the only reason why the resolution provides for any consideration at all is because of the seeming socialistic features that are in it. Since the bill was introduced and considered before the Committee on Agriculture and Forestry, which is practically the same as the present law, only providing a different means of administration, I have had people come to me and say, "We do not think the Government ought to go into business." Neither do I, if business would keep out of the Government. But turn about is fair play, and if we have to be estopped from doing that which we think is the necessary thing to do simply because it may run counter to the interests of certain entrenched business interests, it does not argue very well for the United States Government.

Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. SMITH. Certainly.

Mr. MAYFIELD. The commission appointed by the President last year to receive bids on the property had several months in which to receive bids, had it not?

Mr. SMITH. It had.

Mr. MAYFIELD. And it received none whatever?

Mr. SMITH. That is correct.

Mr. MAYFIELD. It gave no reason why it failed to receive any bids. If that commission appointed by the President having five or six months in which to receive bids received none, what has come over the general situation that would tend to give us any assurance whatever that a joint committee of the Congress would receive such bids within 30 days?

Mr. SMITH. None at all.

Mr. HEFLIN. Now, Mr. President——

Mr. SMITH. Just a moment, now, if the Senator please.

The PRESIDING OFFICER. The Senator from South Carolina declines to yield.

Mr. SMITH. I want to ask the Senator from Texas this question. Does he think it is a very becoming thing in us to appoint a committee of Senators and Representatives to go out and chaffer with combinations and organizations for the leasing of this tremendous Government property? Does the Senator think that is becoming?

Mr. MAYFIELD. I will say to the Senator that I do not, and I would not like to be on such a joint committee.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. SMITH. I yield to the Senator from Tennessee.

Mr. McKELLAR. Since the President's commission is dissolved, suppose the various interests that have been trying so long to gobble up the power plant down there, the Alabama Power Co. and the American Cyanamid Co. and the Union Carbide Co., have gotten together and have formed a little organization independently which would divide up in the end, could not the committee deal with that little combination? Did it ever occur to the Senator that that might be done? Why is it, after months spent by the President's commission and no bids received, that all of a sudden we are to be commanded to appoint a committee to undertake to do just what the President's commission failed to do?

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. Oh, yes; I yield.

Mr. HEFLIN. If the Senator does not want to yield I will wait until he finishes.

Mr. SMITH. Oh, surely; yes; I yield. I would like to hear what the Senator wants to say.

Mr. HEFLIN. The Senate is going to dispose of this proposition at the present session. Congress has determined to do that. The dilly-dallying tactics that have been applied for four years will not work at this session.

Mr. SMITH. Now, I do not want the Senator to make a speech in my time.

Mr. HEFLIN. The Senator from South Carolina suggested that it is unbecoming to the Congress that we should appropriate money to build the Muscle Shoals dam and use it for the benefit of the farmers and for the Government in time of war—that it is unbecoming to this same Congress to belittle itself now——

Mr. SMITH. Oh, no; not at all!

Mr. HEFLIN. That it is unbecoming to try to dispose of it to the advantage of the country and the advantage of the Government.

Mr. SMITH. No.

Mr. HEFLIN. That is the effect of the question of the Senator from South Carolina to the Senator from Texas.

Mr. SMITH. No; the question I put to him was why Senators and Representatives should be put in that questionable position. They have no business there.

Mr. HEFLIN. Why not?

Mr. SMITH. Because of a lot of why nots, Mr. President.

Mr. HEFLIN. Congress appropriates the money.

Mr. SMITH. I know we do.

Mr. HEFLIN. We have this project on our hands, and we want to dispose of it to the best advantage.

Mr. SMITH. Let somebody else be appointed and not Members of this body.

Mr. HEFLIN. Yes; but we are going to provide that the lessee shall make fertilizer. It is all right for Senators to excuse themselves with this kind of argument, but the record is against them. They supported the identical proposition themselves in the past. There is no use trying to get away from that.

Mr. SMITH. I have supported no proposition that a commission of Senators and Representatives should go out and receive bids and pass upon them and make the award.

Mr. HEFLIN. But the Senator supported the Ford bill.

Mr. SMITH. Oh, well——

Mr. HEFLIN. And this resolution is based on that.

Mr. SMITH. I am glad the Senator from Alabama lays unction to his soul by referring to the Ford bill. That is about the only thing he can afford, and I trust and hope that it is the only thing the Senate will allow him to afford.

Mr. McKELLAR. Mr. President, will the Senator from South Carolina yield to me for a moment?

Mr. SMITH. I will yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from Alabama talks about the Ford offer. House bill 518 at one time contained the Ford offer, which the Senator from Alabama charges the Senator from South Carolina and others of us with having voted for; but the Ford offer has been entirely eliminated, and the proposition which the Senator now submits to us is an entirely different one.

Mr. SMITH. Oh, yes. Now, Mr. President, I wish to impress my colleagues with this fact: We have spent $160,000,000 at Muscle Shoals in an effort to provide a way for the relief of agriculture. According to the testimony which I furnished the Senate this afternoon, we are rapidly approaching the fulfillment of the hope of agriculture as to the production of fertilizer; and right in the dawn of that realization we shut the door and turn the property over to a trust. Why did we not let the trust build the dams? We built them out of the people's money; we built them out of the taxes of all the people, and, please God, if we are honest with ourselves, the project will bring back tenfold to every taxpayer who put a penny into it; but if we turn it over to a private corporation it will bring back tenfold to the lessee; and the burden of the cost of Muscle Shoals will be a bagatelle to the burden that the American farmer will have to bear for 50 years, which is the life of the lease.

Which do Senators who sit before me here this afternoon choose to do? Are they willing to go out and tell the farmers of their States that they held the key to the kingdom of relief and, as their representatives, demanded that the Government should carry on until they were relieved of their burden; or are they willing to go back and tell the farmers that they turned the key of their hope over to the trust for 50 years? The farmer of to-day will have passed away, and his children will have taken up the sorrowful burden that the father will have laid down during the time for which it is proposed to give this organization the hope of American agriculture. Senators have got to make their choice. Talk about Government regulation! Have we not played a beautiful game in the Government regulation of everything? We tried to regulate the trusts, and the trusts are regulating us. We passed the Sherman antitrust law, and it is a breastworks from behind which the trusts carry on. We passed the Clayton Antitrust Act——

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I will do so in a moment. The Clayton Antitrust Act is not worth the paper on which it is written. The only hope that the distressed farmers of the country have as between them and the organized forces of monopoly is their own Government, and God help them if that fails them. Now I yield to the Senator from Alabama.

Mr. HEFLIN. A little while ago the Senator from South Carolina indicated that this project was going to be leased to a trust. Does the Senator mean to reflect upon the majority of Congress? We will have to indorse this lease whoever gets it. Is he going to charge in advance that Congress is going to lease this power to a trust?

Mr. SMITH. Who, in the name of Heaven, but a trust has money enough to lease it? The trusts have all the money. The Senator is merely quibbling. What is the use of trying to argue with the Senator about that?

Mr. HEFLIN. I do not know who is going to bid.

Mr. SMITH. No; the Senator does not.

Mr. HEFLIN. But I will say for the Congress—and I am a Member of it and have been for a long time—that I do not think the Congress will vote to lease it to a trust, and the Senator will have an opportunity to fight the lease if it be proposed to make it to a trust.

Mr. SMITH. No; I trust to God I shall not have an opportunity to fight any lease, because I want to fight here now and prevent the Senator from doing this nefarious thing.

Mr. HEFLIN. Well, the Senator is wasting his time.

Mr. SMITH. It will not be the first occasion that I have wasted time in a good cause, and I shall not be discouraged. I will tell you right now, Mr. President, that some of us have got to do the right thing by the American farmer some time, somewhere. He is not going to be deceived by any such subterfuge as this.

Mr. HEFLIN. Does the Senator think that he is a better friend of the American farmer than I am?

Mr. SMITH. Does the Senator think that a man can be any better friend to anybody than to himself, one of whom I am which? [Laughter.]

Mr. HEFLIN. The Senator used to have an interesting expression about "Whose bread I eat, whose song I sing."

Mr. SMITH. Yes; that is what I am doing now. I am eating the bread that I made in the field, and I will quote for the benefit of the Senator the following verse:

> The toad beneath the harrow knows
> Exactly where the tooth point goes.
> The butterfly upon the road
> Preaches contentment to the toad.

But the toad is getting darned tired of the butterfly preaching contentment to him. [Laughter.]

Mr. President, this matter is very near to my heart. Securing the enactment of the Muscle Shoals act was the one deed I did for the American farmer that I had hoped was going to result in great benefit to him. I knew what a road it would have to travel; I knew the sophistry that would be invoked; I knew the very righteous manner in which certain men would wrap the robe of their constitutional devotion about them and say, "We must not enter that field." But let us face the situation as it is. I wish to appeal to those Senators who are in earnest. I will say that I am not going to try to preach to the members of the Senate; I am not going to try to prophesy; but I will say now that the time has come in American affairs when we have got to have earnest, honest students of the science of Government. The time for playing politics in America has ended. We are in the danger zone.

I had rather follow the tenets of that old book, which is almost universally disregarded now, which says you can not put new wine into old bottles. We have got a new wine—we are in a brand-new world—and we have got to meet it with its brand-new conditions. Coming from the State that I do, I believe in tradition so long as tradition is in accordance with common sense and safety, but I do not believe in hanging on to a tradition when it becomes a "body of death."

Mr. President, I want to address myself for a little while to another phase of this subject. I am not so well acquainted with that feature of it, and yet it appeals to me.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Ferris	McMaster	Sheppard
Blease	Fess	McNary	Smith
Bratton	Frazier	Mayfield	Smoot
Brookhart	George	Means	Stanfield
Broussard	Goff	Metcalf	Stephens
Bruce	Gooding	Moses	Swanson
Cameron	Harreld	Neely	Tyson
Capper	Harris	Norbeck	Walsh
Caraway	Heflin	Nye	Warren
Copeland	Howell	Oddie	Watson
Couzens	Johnson	Overman	Weller
Cummins	Jones, Wash.	Pepper	Wheeler
Curtis	La Follette	Phipps	Williams
Deneen	McKellar	Pittman	Willis
Edwards	McKinley	Robinson, Ark.	
Ernst	McLean	Sackett	

Mr. JONES of Washington. I wish to announce that the Senator from New York [Mr. WADSWORTH], the Senator from Pennsylvania [Mr. REED], the Senator from Florida [Mr. FLETCHER], and the Senator from Delaware [Mr. BAYARD] are in attendance on the Committee on Military Affairs.

Mr. LA FOLLETTE. I desire to announce the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] on account of illness.

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS] was compelled to return home this afternoon on account of illness, so that it will be impossible for him to speak this afternoon; but he said he would be ready to address the Senate to-morrow.

The VICE PRESIDENT. Sixty-two Senators having responded to their names, a quorum is present.

FEDERAL HIGHWAY ACT OF NOVEMBER 9, 1921

Mr. WALSH. Mr. President, there was reported from the Committee on Post Offices and Post Roads this morning, by unanimous vote, Senate bill 3071, which, after having the approval of the Senate, should go to the Committee on Appropriations in connection with the appropriation bill for the Interior Department. The committee is to consider that bill to-morrow morning. Accordingly, I should like to ask unanimous consent for the present consideration of this bill. Of course, if it gives rise to any discussion, I shall be glad to withdraw it.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 3071) concerning the application of certain provisions of section 21 of the Federal highway act of November 9, 1921.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. Mr. President——

Mr. McKELLAR. I will say to the Senator from Utah that it comes from the Committee on Post Offices and Post Roads by a unanimous vote of that committee.

Mr. BLEASE. The bill is all right. The Senator from New Hampshire [Mr. MOSES] and all of us joined in reporting it favorably.

Mr. SMOOT. I am simply going to ask the Senator from Montana to explain it, because the bill has not been read.

Mr. WALSH. The bill deals with the situation arising from the fact that the public-road fund allocated to the State of Montana had lapsed by reason of a want of appropriation from the State to meet the fund. This bill provides that the fund, which would thus be allocated, instead of being distributed to the States, shall be utilized for the construction of a road into the Yellowstone Park from Red Lodge to Cooke City. It does not increase the appropriation at all. It merely provides that the money shall be applied to this particular purpose instead of being distributed to the various States according to the provisions of the act of 1921.

Mr. SMOOT. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the proviso at the end of section 21 of the Federal highway act, approved November 9, 1921, which requires that any amount of Federal funds apportioned to any State under the provisions of said act shall remain unexpended at the end of the period during which it is available for expenditure under said section shall be reapportioned within 60 days thereafter to all the States in the same manner and on the same basis as if it were being apportioned thereunder for the first time shall not apply to such portion of the sum apportioned to the State of Montana from the appropriations made for the fiscal years ending June 30, 1924, and June 30, 1925, respectively, as may remain unexpended on June 30, 1926, and on June 30, 1927, respectively, the dates on which will expire the period during which the funds apportioned for the fiscal years 1924 and 1925, respectively, are available for expenditure; and the portion of the sum apportioned to Montana for said fiscal year 1924 which shall remain unexpended on June 30, 1926, and the portion of the sum apportioned to Montana for the fiscal year 1925 which shall remain unexpended on June 30, 1927, or such amount thereof as the Secretary of Agriculture may deem necessary, shall be expended by the Secretary of Agriculture in the construction of the road from Red Lodge, Mont., through the Beartooth National Forest and the Shoshone National Forest and Cooke City, State of Montana, so as to connect with the existing highway into the Yellowstone National Park, leading to said town of Cooke City.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF ALIEN PROPERTY

Mr. PEPPER. Mr. President, will the Senator from South Carolina yield?

Mr. SMITH. I yield.

Mr. PEPPER. I send to the desk a report from the Committee on Printing recommending the passage of a resolution directing that a certain manuscript be printed as a Senate document. I ask that it be read and that consideration be given to it by unanimous consent.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the manuscript entitled "Power to Confiscate Ex-Enemy Property in Time of Peace" be printed as a Senate document.

Mr. SMOOT. Mr. President, may I ask the Senator where the document originated?

Mr. PEPPER. Yes, Mr. President. In view of the probable discussion of the status of the fund in the hands of the Alien Property Custodian, it occurred to Mr. Reuben Clark and Mr. Warren Martin that it would be of advantage to the Senate to collect together the authorities and data bearing on the law applicable to the confiscation of ex-enemy property. This is not a controversial document. It is a collection of what the Committee on Printing deemed to be a valuable mass of material for the information of Senators.

Mr. SMOOT. Did the Committee on Printing assemble those opinions?

Mr. PEPPER. No; the work was done by the gentleman whom I have named. It was submitted to the Committee on Printing, and the Committee on Printing have originated this resolution for printing it as a Senate document. The cost of it, as estimated by the Government Printing Office, will be $235.

Mr. OVERMAN. Mr. President, who is the man that prepared this document?

Mr. PEPPER. It has been prepared by Mr. Reuben Clark, who was formerly Solicitor of the State Department, and Mr. Warren Martin, formerly special assistant to the Attorney General and prior to that time associated with the late Senator Knox.

Mr. OVERMAN. I have seen a handsomely bound and very large volume prepared by a lawyer in the Alien Property Custodian's office, containing all the laws and what was done there. It is a very interesting book.

Mr. PEPPER. I am not familiar with the book to which the Senator from North Carolina refers; but this appeared to me to be a valuable noncontroversial summary of decisions and statutes and treaty provisions applicable to the status of ex-enemy property.

Mr. OVERMAN. The man to whom I refer is Mr. Iredell Mears, who is a lawyer, and who asked me to see if I could not get the book adopted by the Senate and paid for. I did not think the Senate would pay for it, and I therefore declined to take up the matter; but I know that the book contains all the laws and whatever has been done on the subject. I think probably it would be well for this matter to go over until we can consult about that.

Mr. SWANSON. Mr. President, I should like to ask the Senator from Pennsylvania a question. Of course, there are lawyers on both sides of this controversy in connection with the alien property now in the hands of the Alien Property Custodian. Briefs have been sent to me on both sides. If this is propaganda by an attorney for either side of this controversy in connection with the right of the Government to use this alien property to settle claims of the United States and its citizens against Germany, I am not willing to have the brief of any counsel in this case printed as a public document.

Mr. PEPPER. I do not know just how the Senator would describe it. It bears on no controversial question in which I am interested. It is the advocacy of a view in relation to the effect of a treaty between the United States and Germany upon the expropriation of ex-enemy property. It seemed to the Committee on Printing to be a valuable compilation.

Mr. SWANSON. A book has been written on this matter, and I have gotten briefs. I have looked into this matter somewhat, and briefs have been written by those who take the ground that we ought to return this property to German claimants without any settlement of the debts of American claimants. Others have taken the ground that under the treaty of Versailles and agreements with Germany the property can be used for the settlement of American claims, and it ought to be. I do not think documents pro and con like that should be published as public documents, to be distributed over the country for the purpose of spreading propaganda.

Mr. OVERMAN. Mr. President, the book I spoke of was not written by an attorney representing any side. It gives both sides.

Mr. SWANSON. A very valuable book has been written by some college professor—I have forgotten of what college—containing a compilation of all the statutes, laws, and treaties in connection with the matter. But there is no occasion for having that book printed, because it can be procured at the law library.

Mr. PEPPER. I feel somewhat apologetic to the Senator from South Carolina. I told him that my request would not occasion debate or delay his address to the Senate. If Senators desire to consider the matter further, I will withdraw my request for the present and renew it at another time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes;

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 3925. An act to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes;

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, County of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State;

H. R. 6097. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne,

in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 7188. An act granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River, in the State of Mississippi;

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.;

H. R. 7741. An act to construct a bridge across the Choctawatchee River, near Geneva, Geneva County, Ala., on State road No. 20;

H. R. 7814. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Piute, Shoshone, and other Indians;

H. R. 7820. An act to amend an act entitled "An act providing for the election of a delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906;

H. R. 7823. An act to authorize the building of a bridge and approaches thereto across the Potomac River between Montgomery County in the State of Maryland and Fairfax County in the State of Virginia;

H. R. 7904. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of Des Arc in the county of Prairie in the State of Arkansas;

H. R. 8034. An act to authorize the destruction of paid United States checks;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8514. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbiana-Sylacauga road between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8909. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River;

H. R. 8910. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River;

H. R. 8913. An act to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9007. An act granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.;

H. R. 9109. An act to extend the time for the construction of a bridge across the White River; and

H. R. 9761. An act to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 9761. An act to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War; to the Committee on Immigration.

H. R. 8034. An act to authorize the destruction of paid United States checks; to the Committee on the Judiciary.

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes; and

H. R. 7820. An act to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906; to the Committee on Territories and Insular Possessions.

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes;

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims;

H. R. 7814. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Piute, Shoshone, and other Indians;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor; and

H. R. 8913. An act to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation; to the Committee on Indian Affairs.

H. R. 3925. An act to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes;

H. R. 6097. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes; and

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters; to the Committee on Public Lands and Surveys.

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 5810. An act granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State;

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said

State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 7188. An act granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River, in the State of Mississippi;

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.;

H. R. 7741. An act to construct a bridge across the Choctawhatchee River, near Geneva, Geneva County, Ala., on State road No. 20;

H. R. 7823. An act to authorize the building of a bridge and approaches thereto across the Potomac River between Montgomery County, in the State of Maryland, and Fairfax County, in the State of Virginia;

H. R. 7904. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Des Arc, in the county of Prairie, in the State of Arkansas;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8514. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbiana-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson, on the Opp-Samson road, in Geneva County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala.;

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8909. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River;

H. R. 8910. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9007. An act granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River; to the Committee on Commerce.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4 providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. SMITH. I yield.

Mr. McKELLAR. There has been an interruption in the regular course of the Senator's speech, and I ask him if he will yield to me for the purpose of making a speech on a matter extraneous to the one we have under consideration. It will take only a very short time.

Mr. HEFLIN. Mr. President, I submit that the Senator from South Carolina does not have to yield to enable the Senator to make his speech, and he can not yield to a Senator to make a speech. It is all right for the Senator to permit the Senator from South Carolina to rest, and if the Senator from South Carolina wants to speak again he may do so.

Mr. BLEASE. Mr. President, my colleague, the senior Senator from South Carolina, has been suffering for several days with illness, and he is now physically exhausted. I ask that he be allowed to continue his remarks to-morrow morning. He is ill and is not able to proceed in the manner in which he would like to proceed. He has really gone further than his doctor advised him he might go, and I think it is but fair under the circumstances to permit him to continue his remarks to-morrow morning. I ask the Senate to allow the resolution to go over until to-morrow morning, in order that the Senator may get the treatment he needs and should have.

Mr. HEFLIN. Mr. President, I have no objection to having that request granted, but I do not want to have the resolution go over. We can continue the consideration of the proposition before the Senate, even if the Senator from South Carolina does not desire to remain.

Mr. BLEASE. I would like to have consent that the senior Senator from South Carolina may continue his remarks to-morrow morning.

Mr. HEFLIN. I have no objection to that course. I was merely making the parliamentary point that one Senator can not get the floor and yield it to another Senator to make a speech and then go ahead with his own speech. That is not permissible under the rule, except by unanimous consent. It is satisfactory to me to have the Senator from South Carolina speak to-morrow, but I do not want the resolution to be laid aside. I want to have it kept before the Senate.

Mr. BLEASE. I assure the Senator that there was no effort on the part of the senior Senator from South Carolina to delay matters. He is simply physically unable to go forward at this time.

Mr. HEFLIN. I have no desire to impose on the Senator.

Mr. McKELLAR. Mr. President, I desire to address the Senate, but I do not want to go into the Muscle Shoals matter until to-morrow. I had intended to speak to-morrow on that subject. I thought the Senator from South Carolina would take the greater part of the afternoon, or all of it. I should like to call another matter to the attention of the Senate for a very short time. But I do not want to go on with a discussion of the Muscle Shoals proposition this afternoon. I do not want to be put in the attitude of delaying the matter at all, but I do not want to speak on it now.

Mr. CARAWAY. Will the Senator yield to me, before he starts his speech?

Mr. McKELLAR. I yield.

Mr. CARAWAY. I want to suggest two amendments to the pending resolution. The first change will be on line 10, page 1, after the word "lease," where I wish to add the words "or leases," so that the committee would be empowered to secure an offer for a lease or leases.

Then, on line 13, page 1, after the word "purposes," I move to insert the words "such power to be equitably distributed among the communities and States to which it may be properly transported."

Then, on page 2, line 3, after the word "lease," I move to insert the words "or leases."

Mr. McKELLAR. May I not ask the Senator if he will not put that in the form of an amendment, so that we can have it before us in considering the matter? I suppose we will all have it in the RECORD, however, as the Senator has stated it.

Mr. CARAWAY. It would be somewhat difficult for Senators to read my writing, possibly, and they can read the RECORD much better.

The only purpose of the amendment suggested is that if it should become apparent that it would be more advantageous to make more than one lease the committee would have the power to do it, under my amendment; not that they are directed to do it, but if they find that it will be more advantageous, they may do it.

The second amendment is to secure the distribution of surplus power, if there be any, so that each community within the radius of possible profitable distribution of power may be in position to offer to bid for the power, instead of it being impossible, as under the resolution in its present form, for any outside community to share in the benefit, if there be any. That is the purpose of the amendment, and I shall discuss it a little more in detail at the proper time.

Mr. HEFLIN. Mr. President, if the Senator from Tennessee will just permit me at this point, I want to suggest to the Senator from Arkansas that if the committee appointed finds that it has to make more than one lease, it can come back and ask for additional authority. I have stated before that I fear that if any amendment is put upon this resolution, which was whipped into form and passed through the House by an overwhelming vote, it is growing so late that its passage would be endangered. I do not think it is necessary to have any amendments on it, because if bids come in which do not contain what Congress wants, they can be rejected. That is why I am opposed to any amendment.

Mr. CARAWAY. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. CARAWAY. In reply to the Senator from Alabama about the resolution being whipped into shape, it would be curious to know who whipped it into shape. There was not the crossing of a "t" or the dotting of an "i" from the time it was born in somebody's brain until the time it came to our desks. So it was "whipped" in private. There was no public whipping of it.

Mr. HEFLIN. I suggest to the Senator that Mr. FINIS GARRETT, the minority leader in the House, I am informed, wrote the resolution and put it in this form.

Mr. CARAWAY. I do not know who wrote it; I merely say there was no public "licking" of it. It would be obviously unwise to tie the hands of the committee so that it would have to come back here for additional authority, or compel it to negotiate a lease that would be rejected by the Senate. If there is anybody here now who really believes that a lease may be profitable to the American people and the lessee, there should be no desire to tie the hands of the agent of the Senate. I make no kind of insinuation against anybody. I think we have indulged in those things too much. But it is obviously common sense. There is not a Senator on this floor who, if he were going out to prosecute private business, if he were sending out his agent to negotiate sales, would say, "I authorize you to make this one and no other," unless he did not trust his agent. A committee of the House and Senate are to be empowered by this resolution to receive offers to lease Muscle Shoals. What good business purpose can be served by tying their hands so that they can make one kind of contract and no other?

If a combination of offers is made, it will certainly be the part of wisdom to consider it, and there would always be a question in the minds of the public as to why we were so particular that this contract and no other could be made, and why there was a prohibition against the equitable distribution of the surplus power. That is all the amendment seeks to do, and the suggestion of the impossibility of getting that ratified by the House, if the House wants the resolution, does not strike me with a great deal of force. I served in the House eight years, and if there is one thing they do and do rapidly it is to concur in Senate amendments or to adopt conference reports. Members just get time to answer "yes" or "no," and they have to be mighty quick to do that.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HEFLIN. I want to correct a statement I made a moment ago. Mr. MADDEN, chairman of the Appropriations Committee in the House, was the author of the original resolution. He and Mr. SNELL, the chairman of the Rules Committee, a leading Republican, and Mr. GARRETT, of Tennessee, from the home State of my distinguished friend, the senior Senator from Tennessee, were appointed a subcommittee to draft a resolution upon which they could all agree, and this resolution was drawn by them.

The committee to be appointed under this resolution is to go out and see if people want to make any bids. The Senator from Texas [Mr. MAYFIELD] asked the Senator from South Carolina [Mr. SMITH] if the commission appointed by the President had had any bids made to it, and he said they had not. This is the last effort of the Congress to get bids, and we ought to try this proposition out and not hamper the situation any more than possible. If people want to bid, give them a chance to bid; and if they do not make the right kind of a bid, hold this matter up until the 1st of April and then we will have to do something else with Muscle Shoals. But do not weight this resolution down with amendments so that people will not have anything to do with bidding upon it.

Mr. NEELY. As a rule, it is my good fortune to be able to approve both the parliamentary and political conceptions of the distinguished junior Senator from Alabama, but I can not concur in his opinion that the pending resolution has been "whipped into form." To my mind, it is, in scriptural language, "without form, and void." Therefore, I desire to improve it, and accordingly move to amend it.

On page 2, in line 5, by striking out the words "have leave to" so that the language will be, "said committee shall report its findings and recommendations," instead of "said committee shall have leave to report its findings and recommendations."

I further move to amend the resolution on page 2, in line 4, by striking out the word "fifty" and inserting the word "twenty" in lieu thereof, so that that paragraph will conclude, as follows: "Except that the lease shall be for a period not to exceed twenty years." If this amendment is adopted and the lease proves to be a good thing we can, at the end of 20 years, renew it. If it turns out to be a bad thing, as I fear it may, we should not be obliged to endure it more than 20 years.

I also move to amend the resolution on page 2, line 4, by inserting after the word "years" the following additional proviso:

And provided further, That there shall be reserved to the Government on the face of any lease or leases that may be executed by virtue of this resolution the right to purchase from the lessee, at the Government's pleasure and after one year's notice in writing, all improvements made by such lessee on or in connection with the Muscle Shoals project by the Government's paying such lessee the actual cost of such improvements, plus 6 per cent interest, on the said cost from the date of its payment by the said lessee to the date of the completion of the Government's purchase of and payment for the improvements aforesaid.

Mr. McKELLAR. Will the Senator allow me to make a suggestion there? Surely it ought to read, "less wear and tear" on the improvements. The improvements may not be worth anything at the time. I shall vote for the Senator's amendment, I assure him.

Mr. NEELY. If the Government elects to purchase the improvements, it will doubtless exercise its right before there has been any appreciable wear and tear. The loss from wear and tear would be comparatively trivial. But, Mr. President, I believe it to be vitally important that the resolution be so amended as to enable the Government to take over the plant at any time and operate it for the benefit of all the people of the country. This great national resource ought not to be bartered away. The Government should not surrender its control of this inexhaustible reservoir of power for the long term of 50 years.

Truly, I fear the result of the adoption of the resolution even after it shall have been amended.

But a great majority of those constituents of mine who have favored me with an expression of their opinion on the subject have urged me to support the resolution now before the Senate, because they believe that the operation of Muscle Shoals even by a private corporation will result in a great reduction in the cost of fertilizers and consequently in a great benefit to the farmers of the Nation who are in unspeakable distress. It is scarcely necessary to add that they are always as deserving as they are now unfortunate and unhappy.

I hope that my constituents have reached the proper conclusion and that our former friends will not be disappointed by the results of private operation of Muscle Shoals. I further hope that my fears are unfounded and that no power or fertilizer trust may obtain control of this enterprise and thereafter charge the general public excessive prices for its benefits.

Mr. McKELLAR. Let me express my delight that the Senator is trying to get out of the way of the monopoly that is undertaking to rule the situation.

Mr. NEELY. No; I am not trying to get out of the way of anything. I am simply trying to avert what I fear may prove to be unsatisfactory, if not disastrous, to those whom it is my duty to protect and serve. I am endeavoring to help the able Senator from Tennessee amend the resolution so that there may be neither disaster nor dissatisfaction. I hope the courageous Senator will continue to stand firm and also continue to repeat to the confusion of all who have evil designs against Muscle Shoals his Garibaldian battle cry immortalized by General Petain, at Verdun—"They shall not pass."

Mr. McKELLAR. In reference to the statement that the Senator from West Virginia has just made to me urging me to "stand firm," I suspect that the statement is a quotation from Colonel House's memoirs, now being published in several newspapers. I have been much interested in these "memoirs" because of the remarkable claims made in them. Colonel House claims that he advised Mr. Wilson to do all the good things accomplished in his administration and advised Mr. Wilson against all the bad ones which were done. In addition to that the colonel also made the startling claim that he was the father of the Federal reserve system, and he explained his paternity in this way: He said that it was necessary for him to go to Senator GLASS, then Congressman GLASS, and urge him to stand firm. Now, Mr. President, we all know how vacillating and weak (?) Senator GLASS is, and how weak (?) he was, and how necessary it was for Colonel House to urge him to "stand firm!" I imagine if Colonel House ever said anything to Congressman GLASS about the Federal reserve system in his life that it had no more influence on Mr. GLASS than it would have on the man in the moon. I have known Senator GLASS for 15 years, and no one who knows him would believe for a moment that it was necessary for anybody, much less a then unknown quantity like House, to tell him to "stand firm" in any matter in which Congressman GLASS was interested, much less a great proposition like the Federal reserve act that Congressman GLASS had given the best years of his life to enacting into a law. Such a statement from House makes his whole "memoirs" ridiculous. GLASS was the father of the Federal reserve system and knew and knows more about it in a minute than House will ever know.

Mr. NEELY. I could not think of comparing the distinguished Senator from Tennessee to Colonel (Gas) House. I have read a few of the superlatively modest deliverances of this ineffable "shrinking violet" from Texas, and I have concluded that he is not only the father of the Federal reserve system, but that in his opinion everything in the universe of which he is not the father is illegitimate. [Laughter.]

Mr. McKELLAR. At some future time I shall have something to say at some length about the memoirs of Colonel House in which he takes all the credit for everything that was done that was good during the Wilson administration, and in which he attempts to show the country that President Wilson was a little puppet that he, House, exhibited around during the eight years of the Wilson administration. Mr. President, I very earnestly resent such statements of House. I think his memoirs constitute an ungrateful presentation of a situation that is not warranted by the facts. I do not believe House or any other man ever handled as a puppet the great man who was President of this Republic from 1913 to 1921. I think it is the grossest piece of effrontery that I have ever known for this man from Texas, whom nobody ever heard of until he became associated with Woodrow Wilson, and who never would have been heard of had it not been for his worming himself into the confidence of Woodrow Wilson, to undertake to betray him and undertake to show the American people that Woodrow Wilson was not a man of force and not a man of ability, but was a mere puppet in the hands of this unknown Texas "colonel" who had never been heard of outside the sound of his own voice until he became acquainted with Woodrow Wilson.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. McKELLAR. The Senator from New York [Mr. COPELAND] has evidently been waiting to interrupt me, and I shall yield to him in a moment. I yield now to the Senator from Arkansas.

Mr. CARAWAY. I wish merely to express the hope that the Senator from Tennessee will not discuss Colonel House, because no one will ever read his articles unless the Senator has something to say about them.

Mr. McKELLAR. If I thought that I would be silent forever. I have read the articles, and it may be that some people may be misled by them.

Mr. CARAWAY. Then the Senator is the only one who has.

Mr. McKELLAR. I think of all the brazen effrontery, of all the evidences of outrageous ingratitude that I have ever known of or read from the pen of man, these articles from Colonel House show the basest ingratitude and the most monumental effrontery. No wonder Wilson finally found him out and dismissed him. Evidently he found him a faithless friend, and a fawning deceiver. I resent his sacrilege against his friend in the name of the great man who is now dead and who is unable to refute it. House had the sagacity to wait until Woodrow Wilson was dead before he ever dared to publish the little short of infamous and, as I believe, utterly untrue statements that he is now attempting to give to the public, and it will be a gullible public, indeed, if they believe these statements from this little hypocritical underling that no one ever would have heard of but for his bootlicking proclivities and his worming himself into the confidence of the great man, Woodrow Wilson. There is one thing that Colonel House absolutely proves, and that is the truth of the old French proverb that "no man is ever a hero to his valet." House, it appears, was the official valet of President Wilson during a part of his administration, and true to the French proverb this valet now undertakes to show that his master and benefactor was not a great man.

I now yield to the Senator from New York.

Mr. COPELAND. I first thought I had something to say, but during the discussion, beginning in the depths of persiflage and then going to the scintillating heights of oratory, the thing I had in mind has been driven out, I am afraid. However, I do want to ask the Senator from Alabama a question.

Mr. McKELLAR. I yield for that purpose.

Mr. COPELAND. I want to ask the Senator from Alabama what he understands the fifth line, on page 2, of the resolution to mean, where it reads "said committee shall have leave to report its findings."

Mr. HEFLIN. It is an expression used in legislative measures, employed by both Houses for a long time.

Mr. McKELLAR. Will the Senator give us an illustration of where it was ever used in any bill or resolution before?

Mr. HEFLIN. I could not point out the particular one.

Mr. McKELLAR. I am quite sure the Senator can not.

Mr. HEFLIN. But I am satisfied that every other Senator here except the Senator from Tennessee knows I am correct about it

Mr. McKELLAR. I will ask any other Senator about it, then. Here is the Senator from Utah [Mr. SMOOT]. He has been here much longer than any of the rest of us now present. Has he ever known of such an expression being used?

Mr. SMOOT. Mr. President, my attention was distracted, and I did not hear the Senator's inquiry.

Mr. McKELLAR. The Senator from Alabama said that the language on page 2, line 5, "said committee shall have leave to report," is a form of legislative expression with which every Senator is familiar.

I told him I was not, and he made the statement that every other Senator here except myself was doubtless familiar with it. The senior Senator from Utah [Mr. SMOOT], I believe, has been here longer than has any other Senator whom I now can see on the floor. I, therefore, call upon him, as he is very familiar with the processes of legislation, to know if he ever before saw that expression used in any bill or resolution?

Mr. SMOOT. Mr. President, I do not remember having seen that expression used as to a committee. The only connection in which that expression has been used, as I now recall, is as to a leave to print.

Mr. COPELAND. Mr. President, will the Senator from Tennessee bear with me for a moment?

Mr. McKELLAR. I yield to the Senator.

Mr. COPELAND. I wish to ask the Senator from Alabama what does he understand that language to mean?

Mr. HEFLIN. I understand it to mean exactly what it says. [Laughter.] I wish to explain to the Senator from New York, who was not here on yesterday, I believe, when we discussed the point of order of the Senator from Nebraska [Mr. NORRIS], that this is a concurrent resolution. A resolution in that form is not supposed to contain legislation directing certain things to be done. It will take effect when it shall be passed by the Senate without the signature of the President. The President does not have to act in connection with a concurrent resolution, and such a resolution, as I have said, must not contain legislative matters. If a resolution does contain such matter then it must be a joint resolution, and the President must approve it. The proposed committee will act purely for Congress, and it was decided that it was better that this should be a concurrent resolution. So the language used had

to be such as would not make it a joint resolution, containing a legislative matter.

Mr. COPELAND. Mr. President, I was here yesterday when this subject was discussed, and I was just as clear in my understanding at the end of the discussion as I now am. I understand the language "said committee shall have leave to report" to mean that it may do so if it wishes. Now, do I understand the Senator from Alabama to state that he thinks it means "said committee shall report its findings"?

Mr. HEFLIN. Mr. President, I said a moment ago that this resolution would become effective without the President's signature. Of course, it will not be a law; it is merely a resolution to provide a committee and suggesting what that committee may do.

Mr. McKELLAR. Does the Senator from Alabama mean "resolution" in the sense of camouflage?

Mr. HEFLIN. Not at all.

Mr. McKELLAR. Very well.

Mr. HEFLIN. It is necessary that we should have some kind of a document to be passed by Congress. I will explain to the Senator from Tennessee in detail. We have got to have some kind of a written document stating exactly what we want to do; that must be in writing, and that is what this is.

Mr. SMOOT. Mr. President, may I suggest to the Senator that if that is all that is desired, the words "may report" might be used.

Mr. McKELLAR. Why not say "shall report"?

Mr. SMOOT. The language is not mandatory but is permissive.

Mr. COPELAND. Mr. President, I wish to say to the Senator from Alabama that whether these words are in the resolution or out of it, will determine how one Senator will vote on the resolution. If the Senator from Alabama means that "said committee shall report its findings," that would satisfy me, but if the resolution is merely permissive, and the committee report shall report only if it desires to do so, that is an entirely different thing.

Mr. HEFLIN. Just on that point, I wish to ask the Senator from New York not to say that, because I hope he will vote for the resolution. If the committee should be appointed, and if it should not report back to Congress by the 1st of April, then the whole situation would be as if no resolution had ever been adopted, and no bid would be reported. Then Congress would have to take the matter up and dispose of it. Somebody would say that having been given 30 days in which to get bids, and no bids having been reported, we must do something with Muscle Shoals. I hope my friend from New York will not go so far as to say that he will not vote for the resolution unless it shall be amended in that particular. Personally, I should not object if an amendment were put on to the resolution, but I have seen so many propositions killed by amendments that in this instance I do not think we can afford to have the resolution amended at all if we expect to secure its adoption. That is the plain truth about it.

Mr. COPELAND. Mr. President, I should feel very sorry if language were chosen to cover up the real intent back of this movement. We ought not to camouflage our intentions. Either we do intend to have this report turned back to Congress for consideration or we do not. Let us make clear exactly what we do mean.

Mr. SWANSON. Mr. President, will the Senator from Tennessee yield to me for a moment?

Mr. McKELLAR. I yield.

Mr. SWANSON. The language used in the resolution is the language which is ordinarily used when committees are appointed with leave to report. The resolution is inaptly drawn. It would have been much better if the resolution had provided that the committee "shall" report; but the language used is that which is usually employed under the rules of parliamentary bodies when they are establishing permanent committees with leave to report.

Mr. McKELLAR. Mr. President, I should like to ask my friend from Virginia the same question which I asked the Senator from Alabama, namely, does he know of any other bill or resolution in which such an expression has been used?

Mr. SWANSON. I have said it is very inaptly used here.

Mr. McKELLAR. Of course, it is inaptly used. It is unusual; it ought not to be in the resolution.

Mr. SWANSON. The language is that which is ordinarily employed by parliamentary bodies in connection with the appointment of committees. A committee, for example, a committee on post offices and post roads, is appointed with leave to report. The drafter of this resolution inaptly took that language and applied it to this resolution, which provides for the creation of a committee to negotiate and report; but the resolution would have been better drawn if it had said that "the committee shall report."

Mr. McKELLAR. If the Senator thinks it is inaptly drawn, it should be corrected, ought it not?

Mr. SWANSON. I do not think it is very material, one way or the other.

Mr. McKELLAR. The Senator certainly thinks it is material whether or not the committee shall report to Congress?

Mr. COPELAND. Mr. President, so far as I am concerned it makes every difference in the world as to my vote, whether I shall vote for or against the resolution. If this means that the committee shall report, so that is perfectly plain and definite, that is one thing; but if it is merely permissive that the commission may or may not report, I want to be counted now as against it.

Mr HEFLIN. I wish to ask the Senator from New York before he takes his seat if he believes that a commission appointed by the Vice President for the Senate and by the Speaker of the House of Representatives for that body would report its findings to Congress?

Mr. COPELAND. I do not know.

Mr. McKELLAR. Does the Senator think it would report?

Mr. COPELAND. I think it would not.

Mr. HEFLIN. Why not?

Mr. McKELLAR. It would not be required to do so under the resolution as it now stands.

Mr. COPELAND. It would not be required to do so. If the Senator from Alabama is interested in having the resolution adopted, as I assume he is, he should take out of it anything which is indirect or uncertain.

Mr. HEFLIN. The Senator from Alabama is not the only one interested. The House of Representatives has to be consulted. They put the resolution in the shape in which it now is and adopted it, and I doubt whether we could get it acted upon over there again in time to have anything done if we should amend it. I have previously told the Senator from New York that.

Mr. COPELAND. I had rather see it defeated than that it should be adopted in its present form.

Mr. HEFLIN. The Senator knows how much I am interested in this matter. My colleague [Mr. UNDERWOOD] is sick and can not be here to assist the progress of the resolution. Muscle Shoals is located wholly within my State of Alabama, although, of course, the whole country is interested in it. However, I never go out of my State and meddle with things in the States of other Senators. Since I have been a Member of this body I have helped every Member who had a matter come before the Senate in which his State was interested that would be of benefit to his State. I do not reach across the continent, thousands of miles from home, and try to regulate things away off yonder. I have supported almost everything the Senator from New York has advocated here for the people of his State; I have stood by him and fought with him; and now he is serving notice on me that unless I will have the resolution amended according to his way of thinking he will vote against it. I hope the Senator will not take any such view as that. I do not think that legislation ought to be brought about in that fashion.

I will state further that we have got to have this resolution acted upon quickly; the minds of the House of Representatives and the Senate must meet. The Committee on Agriculture has reported this resolution out just as it came over from the body at the other end of the Capitol, and if we proceed to change it I fear the outcome.

Mr. COPELAND. Mr. President, will the Senator from Tennessee yield further to me?

Mr. McKELLAR. I yield once more to the Senator from New York.

Mr. COPELAND. Mr. President, I grant that there is not a man on the Senate floor who has been kinder to me than has the Senator from Alabama. He has helped me in every matter which had to do with the welfare of the people I, in part, represent.

Mr. McKELLAR. So have some of the others of us.

Mr. COPELAND. Yes; that is true; but I would not think much of a Senator from the State of New York who would come here and vote to give away a great power project like this when the governor of his State is making a brave fight to preserve to the people of New York the power possibilities of that State.

Mr. McKELLAR. I am glad I yielded to the Senator from New York.

Mr. COPELAND. I wish to say that, for myself, I do not intend to vote to turn over to private interests of any State a great project like this. If this resolution means what the

Senator from Alabama apparently thinks it means, that the commission proposed to be created is to bring back to the Senate any proposal it has for renting the property, I should be glad to consider it.

Mr. HEFLIN. There is no question about that at all.

Mr. COPELAND. But if it means that after the resolution shall be adopted a contract may be entered into and this property may be taken away from the people, I am against it.

Mr. HEFLIN. Mr. President, the Congress will have to act in any event.

Mr. BLEASE. Mr. President——

Mr. McKELLAR. Mr. President, if I will not thereby lose the floor, I will be glad to yield to the Senator from South Carolina.

Mr. BLEASE. Mr. President, yesterday I made the same suggestion which the Senator from West Virginia [Mr. NEELY] has made this afternoon. I asked the Senator from Alabama to permit an amendment to strike out the words "shall have leave," and I now offer an amendment to add on line 11, page 2, after the numerals "1926," the words:

No action of the committee shall be binding on either party, or be final, until agreed to by the Congress.

Mr. President, I have been very much pleased in the last few minutes by some references which have been made. About 12 years ago I discovered in reference to a certain gentleman just what the Senator from Tennessee seems to have discovered recently. Twelve years ago I discovered something about our friend, Colonel House. My friend from Tennessee said that Colonel House was not responsible for any of the "bad" of the Wilson administration, but was father of all the "good." I am going to ask the Senator from Tennessee, not now but at some other time, to point out what was the "good" of the Wilson administration.

Furthermore, Mr. President, the Senator from Alabama has referred to the fact that Mr. GARRETT of Tennesse was the father of this resolution. I have the highest regard for Mr. GARRETT and his parliamentary knowledge and ability, and if I change my mind between now and 1928 and feel that the Democratic Party has the slightest chance of electing a President, I shall vote for FINIS J. GARRETT of Tennessee for the nomination on the Democratic ticket.

Mr. NEELY. Mr. President——

Mr. McKELLAR. Mr. President, I yield, if I may, to the Senator from West Virginia, and I hope that then I may resume my remarks.

Mr. NEELY. Mr. President, may I inform the Senator from New York that just before he entered the Chamber I offered an amendment, which is now pending, to strike out of line 5, on page 2 of the resolution, the words "have leave to"; so that the resolution will, if the proposed amendment is adopted, conform to the Senator's suggestion.

Mr. President, I trust that my friend from Alabama will manifest his usual spirit of generosity and agree to reasonable amendments to the resolution. I hope he may become as accommodating as a certain citizen of his State who once attempted to run against him for Congress. The candidate to whom I refer was without experience in politics, and when he was asked upon his first public appearance to define his attitude toward the tariff, he said:

My friends, I have not made an exhaustive study of the question; but when I get to Washington, if I find that the tariff is too high I shall vote to lower it, and if I find that it is too low I shall vote to "higher" it.

[Laughter.]

The VICE PRESIDENT. The Chair will call the attention of the Senator from West Virginia to the fact that the pending amendment is the amendment of the Senator from Arkansas and not that of the Senator from West Virginia.

Mr. NEELY. That is correct. I offered my amendments today, so that they might be before the Senate in printed form.

Mr. McKELLAR. As I understand, the Senator has just offered these amendments so that they may be in the RECORD for future use.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Arkansas.

COMPETITIVE CONSTRUCTION OF RAILROADS

Mr. McKELLAR. Now, Mr. President, I want to take about 10 minutes of time to discuss another question entirely. I have already spoken to the Senator from Alabama [Mr. HEFLIN], and he will not charge me with trying to delay the Muscle Shoals resolution because I use this much time at this late part of the day on another subject.

In the Washington Post of February 26, 1926, in an editorial on "Building railroads," it is argued that the act of 1920, restricting competitive construction of railroads, is correct. Among other things, this editorial says:

Competition might lead to a waste of capital and an unnecessary burden on the public without adequate compensation.

And again:

The purpose of the restriction in the 1920 act is the prevention of the building of purely speculative roads and to prevent the imposing of an additional burden upon the public to maintain unproductive and unnecessary roads.

Mr. President, I do not intend to discuss at this time the Esch-Cummins Act, except in so far as it permits the imposing of an additional burden upon the public; and I shall take only a very few moments of the time of the Senate to discuss it at all. I have frequently had occasion to protest against the acts of Congress authorizing commissions to permit public-service corporations to tax the people not only to pay for the cost of creating such public-service corporations but also to pay large profits on watered stocks and, in some instances, even on watered bonds. I have many times brought to the attention of the Senate the situation here in the District, by which the street-car companies are allowed to charge 8 cents fare in order to pay large dividends on both watered stock and watered bonds. I have also protested against the enormous increase of freight rates in the country as allowed by the Esch-Cummins Act of 1920 and permitted by the Interstate Commerce Commission. These freight rates have been tremendously injurious to the farmers, and in the long run they will be injurious to business as well. As an illustration of these evils, I have before me an article which appeared in the Chicago Tribune of February 19, headed "Says Edison Co. drives Shylock deal with road." I am going to quote from this article.

I see the distinguished chairman of the Interstate Commerce Committee of this body, the Senator from Indiana [Mr. WATSON], in the Chamber, and I want to call his especial attention to a recent decision of the Interstate Commerce Commission which is here referred to. At this point, Mr. President, I ask unanimous consent that at the conclusion of my remarks on this subject there may be printed as a part of those remarks a decision on the securities of the Springfield, Havana & Peoria Railroad Co., Finance Docket 5069 of the Interstate Commerce Commission, and also the dissenting opinion thereon.

The VICE PRESIDENT. Without objection, it is so ordered.

[See Exhibit A.]

Mr. McKELLAR. Mr. President, this newspaper article quotes largely from a dissenting opinion of the chairman of the Interstate Commerce Commission, Mr. Joseph P. Eastman. It seems that the Commonwealth Edison Co. is a gigantic company furnishing power and light to the northern portion of Illinois, including Chicago. Mr. Samuel Insull not only controls this company but owns and controls a number of other public utility companies in the State of Illinois. It is frequently charged that his companies constitute a monopoly. It is publicly claimed that the probable gross earnings of the group of public utilities largely owned by Mr. Insull, who is certainly the dominant power in all of them, amounted to $125,000,000 in the year 1925. Apparently the majority of the Interstate Commerce Commission has authorized the Springfield, Havana & Peoria Railroad Co., incorporated in Illinois May 27, 1925, at the instance of the Commonwealth Edison Co., to acquire and operate that part of the old Chicago, Peoria & St. Louis Railroad, extending from Springfield to Havana and then to Pekin, Ill., a distance of approximately 77 miles.

The Chicago & Illinois Midland, controlled by the Edison Commonwealth Co., was authorized to acquire control of the Springfield, Havana & Peoria Railroad Co. by purchase of its capital stock. In order to connect its line with the Springfield, Havana & Peoria the Midland Co. is to operate over the Illinois Central between Pawnee Junction and Springfield, Ill., with the approval of the commission.

The Springfield, Havana & Peoria Railroad Co. was authorized to issue $1,960,000 of first-mortgage bonds and $500,000 of common capital stock, and the Chicago & Illinois Midland was authorized to issue $4,600,000 of first-mortgage bonds and $600,000 of common stock. The bonds and stock of the Springfield, Havana & Peoria will be delivered at par to the Chicago & Illinois Midland.

All the stock to be issued by the Midland and $2,100,000 of bonds are to be sold to the Edison Commonwealth Co. at not less than par, and the remaining $2,500,000 of bonds will be used for redemption of first-mortgage bonds outstanding. The Chicago, Peoria & St. Louis property between Springfield and Pekin is to be acquired for approximately $625,000 cash.

Chairman Eastman, of the Interstate Commerce Commission, in his opinion, among other things, says:

The Chicago & Illinois Midland is a small railroad, controlled by the Commonwealth Edison Co., of Chicago, which serves principally coal mines from which the Edison obtains much of its fuel supply. At present the Midland moves the coal which it originates comparatively short distances to connections with other lines which haul to Chicago. By securing trackage rights for 17 miles over a line of the Illinois Central and acquiring the portion of the Chicago, Peoria & St. Louis extending from Springfield to Pekin, the Midland can haul the coal a much longer distance toward Chicago. * * *

To acquire the Springfield-Pekin line, the Edison proposes to organize the Springfield, Havana & Peoria. This company, according to its plan, is to issue $1,960,000 of 6 per cent bonds and $1,000,000 par value of stock. All of these securities, when the transaction is completed, will be owned by the Midland and pledged under its mortgage. In turn the Midland will issue a like amount of its stock and 6 per cent bonds, which will be owned, for the present at least, by the Edison. The effect of the transaction will be that the Edison will pay par for the bonds and substantially nothing for the stock.

I stop here long enough to say in addition, Mr. President, that our Interstate Commerce Commission, appointed for the purpose of regulating the railroads, and under the Esch-Cummins Act given power to allow railroads a reasonable return upon money actually invested, is here deliberately permitting an entire issue of watered stock and will tax the American public to pay a reasonable return upon an issue of stock that is entirely water. I am delighted to see the chairman of the committee here, because it seems to me that his committee should make some investigation of these two opinions, which I have already asked to have printed in the RECORD.

Mr. Eastman further says:

A further part of the plan is that the Springfield shall be leased to the Midland at a rental which will cover the interest on the former's proposed bonds and 8.24 per cent upon its proposed stock.

That stock is watered stock. What have we come to, Mr. President, when the Interstate Commerce Commission is permitting returns of this kind upon watered stock and deliberately planning it in advance?

Mr. President, in my judgment the dissenting opinion of Chairman Eastman is correct. The Interstate Commerce Commission ought not to have confirmed what Chairman Eastman calls a hard bargain. It is a method of making the people pay rates that are indefensible. In my judgment it is a shame for the Interstate Commerce Commission to permit this railroad company to issue what is confessedly watered stock and then require the people to pay a reasonable return upon this watered stock. Chairman Eastman calls it a hard bargain and a Shylock transaction, but it seems to me he loses sight of the principal injury, which is to the people. The wrong is upon them, because by this method they are required to pay a reasonable return, not less than 6 per cent, upon this watered stock.

I am informed that this decision becomes the decision of the commission, because it was passed upon by a committee of three members of the commission, two members having upheld it as against one. The decision becomes the decision of the majority of the entire commission. This is a wrong procedure. Such a case as this ought to come before the whole commission. It should not be allowed. I stop here long enough to say that one of the majority of this section of the commission is Mr. Woodlock, whose nomination has been sent to this body, and the Interstate Commerce Committee has reported unfavorably upon that nomination. Is it possible that we will confirm a temporary member of the commission who is willing to commit the commission to the false doctrine that it is right and proper for the Interstate Commerce Commission to require the people to pay a reasonable return upon watered stock? I hope the commission will take back this opinion. The full commission ought to reconsider it and reverse it.

Nor, Mr. President, is the Interstate Commerce Commission wholly to blame. The Illinois Commerce Commission seems to be quite as much or more to blame. It authorized the transaction in the first instance, so I am informed. It authorized the issuance of $2,960,000 of bonds and stock against a railroad which, according to the undisputed facts, cost Mr. Insull $625,000. How Mr. Insull ever got such an order from the Illinois Commerce Commission it is difficult to say. However, it is understood that Mr. Frank L. Smith, the chairman of the commission, is a candidate for the United States Senate in Illinois and is being backed by Mr. Insull.

I do not mean to charge that there is anything wrong in these facts; but they are peculiar, to say the least of it. No wonder the farmers in Illinois and in the West are complaining of high freight rates! No wonder the farmers of Illinois and of the West are in a bankrupt situation! Is it any wonder that the farmers are suffering as never before, when State and Federal commissions permit them to be taxed to obtain returns on watered stock of railroads issued in this way?

But, Mr. President, I am informed that the principal commodity to be carried by this "Insullized" railroad is coal. The Insull Co. owns a power company at Kincaid, which is on the little Illinois Midland Railroad. The Illinois Midland is hardly large enough to be dignified with the name of a railroad, and yet Mr. Insull proposes to build another power house up near Pekin, on the Illinois River. He is going to connect the two by this rehabilitated railroad that he bought for $625,000 and is capitalizing for nearly three million, and injecting two million more dollars to refund some bonds on the intermediate corporation he is using to carry out his scheme. It is claimed that the Kincaid power house is not in the best Illinois coal field, and he will here have an opportunity to transport coal to his new power house, which, if he did it for nothing, would fully justify a $625,000 investment in the bankrupt property be bought, because of the profits he would earn on the electric current he would generate in his new power house. On this property of relatively insignificant value, which is being combined with another corporation with millions of capital securities issued upon which the people will have to pay interest and dividends, all approved by the Illinois Commerce Commission, and approved, at least in part, by the Interstate Commerce Commission, will have to pay enough dividends on a vast amount of watered securities.

Mr. President, that is not right. The Interstate Commerce Commission ought to take back its approval of this nefarious transaction. It ought not to permit this watered stock to be issued. It ought to be careful that dollar for dollar is given for all the bonds it allows to be issued.

So much for the feature of this transaction that refers to railroad rates. I now want to speak of the street-car side of the controversy. I am told that one of the properties entering into this Insull transaction is a street railroad company in the city of Chicago. It seems that 80 per cent of the street railway transportation is carried on by the Chicago surface lines. These are now operating on 7-cent fares, while the company which Mr. Insull controls is operated on 10-cent fares. The Illinois Utilities Commission, of which Frank L. Smith is president, some time ago had an order entered requiring the surface companies to demand only a 5-cent fare, while at the time it permitted the Insull Co. to charge 10-cent fares.

It seems that the court set aside the 5-cent fare order as discriminatory, and then allowed the surface companies to charge 7 cents. But the electric lines controlled by Insull were at all times charging a 10-cent fare in the same territory and serving the same people. Is it remarkable that under these conditions Mr. Insull is supporting Mr. Smith for the Senate? There may be no connection between the two transactions, but what will the public say about it?

In addition the gas company controlled by Insull is selling gas at $1.50 a thousand to the small users, and they are the great body of the users, while they are selling it to the big users at 95 cents. Under the direction of the Public Utilities Commission of Illinois, it looks as if the poor people are getting the hot end of it all along the line.

Mr. President, the Senate Interstate Commerce Committee ought to examine into this remarkable situation further. Let all the facts come out. Combinations and monopolies should not control in any part of our country. There should not be any further combinations between big business and politics.

Apparently there is a combination on between big business and politics, and the people are being squeezed on every side. They are being made to pay enormous tolls for the benefit of the speculators, for the benefit of manipulators in stocks and bonds, for the benefit of those who do not work, for the benefit of those who are helping themselves rather than helping the country, and all antagonistic to the interests of the plain people.

I call upon the Interstate Commerce Committee to make inquiry into the matter of the Interstate Commerce Commission permitting watered stock to be issued by any railroad company in this country, and especially by the railroads to which I have called attention.

I earnestly ask Senators to examine both the majority opinion and the minority opinion, which they will find in the RECORD to-morrow. They are very enlightening documents.

I say all honor to Chairman Eastman for standing by the rights of the people, standing by the purposes of regulation for which the Interstate Commerce Commission was established. I hope he will succeed in the stand he has taken, that no stock shall be issued purely as watered stock, that he will hereafter see to it that when stocks or other securities are issued, dollar for dollar will be required in payment for such

stocks and bonds. The Interstate Commerce Commission should not permit reasonable returns, or any returns, to be made on watered stock, or other watered securities.

EXHIBIT A

INTERSTATE COMMERCE COMMISSION

(Finance Docket No. 5069. This report also embraces Finance Docket No. 5070, Acquisition and Operation of Line by Springfield, Havana & Peoria Railroad Co.; Finance Docket No. 5071, Operation of Line by Chicago & Illinois Midland Railway Co.; Finance Docket No. 5072, Securities of Chicago & Illinois Midland Railway Co.; and Finance Docket No. 5073, Control of Springfield, Havana & Peoria Railroad Co. by Chicago & Illinois Midland Railway Co.)

SECURITIES OF SPRINGFIELD, HAVANA & PEORIA RAILROAD CO.

Submitted January 29, 1926. Decided February 13, 1926

1. Certificate issued authorizing the acquisition and operation by the Springfield, Havana & Peoria Railroad Co. of a line of railroad in Tazewell, Mason, Menard, and Sangamon Counties, Ill.

2. Certificate issued authorizing the Chicago & Illinois Midland Railway Co. to operate under trackage rights over the Illinois Central Railroad between Pawnee Junction and Springfield, Ill.

3. Authority granted to the Chicago & Illinois Midland Railway Co. to acquire control of the Springfield, Havana & Peoria Railroad Co. by purchase of capital stock.

4. Authority granted to the Springfield, Havana & Peoria Railroad Co. to issue not to exceed $1,960,000 of first-mortgage bonds and not to exceed $500,000 of common capital stock; said bonds and stock to be disposed of as stated in the report and order herein.

5. Authority granted to the Chicago & Illinois Midland Railway Co. to issue not to exceed $4,600,000 of first-mortgage bonds and not to exceed $600,000 of common capital stock; said bonds and stock to be disposed of as stated in the report and order herein.

6. Consideration of that part of the application of the Chicago & Illinois Midland Railway Co. for authority to acquire control of the Springfield, Havana & Peoria Railroad Co., by lease of the properties of that company, deferred.

(Buell McKeever and John E. Wing for applicants and Commonwealth Edison Co.)

REPORT OF THE COMMISSION

Division 4. Commissioners Meyer, Eastman, and Woodlock

By Division 4:

Exceptions were filed to the report proposed by the examiners and the case was argued orally. Our conclusions differ somewhat from those recommended.

The Springfield, Havana & Peoria Railroad Co., hereinafter called the Springfield, a corporation organized for the purpose of engaging in interstate commerce by railroad, on September 4, 1925, filed an application, Finance Docket No. 5069, under section 20a of the interstate commerce act, for authority to issue $1,960,000 of first-mortgage bonds and $1,000,000 of common capital stock, and on the same date filed an application, Finance Docket No. 5070, under paragraph (18) of section 1 of the act for a certificate that the present and future public convenience and necessity require the acquisition and operation by it of a line of railroad, hereinafter called the Pekin line, extending from Springfield in a northwesterly direction to Havana and thence northeasterly to Pekin, a distance of 77.02 miles, all in Tazewell, Mason, Menard, and Sangamon Counties, Ill.

The Chicago & Illinois Midland Railway Co., hereinafter called the Midland, a carrier by railroad subject to the interstate commerce act, on September 4, 1925, filed applications (1) under paragraph (18) of section 1 of the act, Finance Docket No. 5071, for a certificate that the present and future public convenience and necessity require the operation by it, under trackage rights, over the railroad of the Illinois Central Railroad Co., hereinafter called the Illinois Central, between Pawnee Junction and Springfield, a distance of approximately 17 miles, all in Sangamon County, Ill.; (2) under section 20a of the act, Finance Docket No. 5072, for authority to issue $4,700,000 of first-mortgage bonds and $1,000,000 of common capital stock; and (3) under paragraph (2) of section 5 of the act, Finance Docket No. 5073, for authority to acquire control of the Springfield by purchase of capital stock and by lease of the properties of that company.

No recommendations have been made by State authorities. A hearing has been had and no objection to the granting of the authority sought has been presented to us.

The Pekin line is a part of the main line of the Chicago, Peoria & St. Louis Railroad, hereinafter referred to as the C., P. & St. L. By our report and certificate in Abandonment of Chicago, Peoria & St. Louis R. R. (76 I. C. C. 801), the receivers of the Chicago, Peoria & St. Louis Railroad Co. were authorized to abandon operation, as to interstate and foreign commerce, of the railroad of that company extending from Pekin in a general southerly direction to East St. Louis, with branches therefrom extending from Havana to Jacksonville, and from Lockhaven to Grafton, a total distance of 234.32 miles, all in the State of Illinois. No part of the C., P. & St. L. has been abandoned. The Pekin line is now being operated by a receiver. That part of the C., P. & St. L. between Grafton and East St. Louis is being operated by the Alton & Eastern Railroad Co. pursuant to the authority granted by us in Acquisition and Operation of Line by A. & E. R. R. (94 I. C. C. 571).

By our report, certificate, and order issued December 21, 1925, in Acquisition and Operation of Line by J. & H. R. R. Co. (105 I. C. C. 243), we authorized that company to acquire and operate that part of the C., P. & St. L. between Havana and Jacksonville, and authorized the Chicago, Springfield & St. Louis Railway Co. to acquire and operate the part between Springfield and Lockhaven.

The C., P. & St. L. was sold in separate parcels on November 20, 1924, at a foreclosure sale held pursuant to order of the court having jurisdiction in the receivership proceedings. The five parcels comprising the Pekin line were sold to individual purchasers for a total of $583,000. The sale was duly confirmed by the court, but the actual transfer of title has not yet been made. It is represented that these individual purchasers will convey the five parcels to the Springfield after the authority sought in these proceedings is granted.

The Springfield was incorporated in Illinois on May 27, 1925, at the instance of the Commonwealth Edison Co., hereinafter called the Edison, for the purpose of acquiring title to the Pekin line. The Edison is an Illinois public-service corporation which supplies electric light and power to consumers in the city of Chicago. The Midland was incorporated in Illinois in 1905. It operates a line of railroad extending from Compro through Pawnee Junction to Taylorville, a distance of about 28 miles, all in the State of Illinois. The outstanding capital stock of the Midland is held by certain individual stockholders for the benefit of the Edison. The Springfield may acquire the Pekin line, including certain additional right of way, for approximately $625,000 cash, or for $337,500 cash and $337,500 in bonds of the Midland. It was testified, however, that the present plan is to pay all cash. The purchase price is to be advanced to the Springfield by the Edison.

The Midland proposes to operate the Pekin line under a lease to be executed after the approval of these applications. By the terms of the proposed lease the Springfield leases its line of railroad, rights, and franchises to the Midland for the term of 30 years from the date of execution of the lease. The Springfield agrees during the term of the lease to maintain its corporate organization; to hold all necessary meetings, to keep such records, and make such returns as may be required; and to take such corporate and other action as may be necessary to secure State and Federal authority to issue securities. The Midland agrees to pay all taxes, assessments, and other charges that may be lawfully assessed or imposed against the Springfield's capital stock, property, earnings, contracts, rights, and franchises; to insure the demised properties against loss or damage by fire; to keep the demised properties in good and efficient condition; and to pay an annual rental of $200,000 plus a sum equal to 6 per cent per annum upon all expenditures made by the Springfield for additions, extensions, betterments, or improvements to the demised properties, and for after-acquired property, such rental to be paid in semiannual installments on May 31 and November 30 of each year.

The Midland agrees to accept the demised properties in the condition in which they are at the date of the execution of the lease, subject to the following conditions as to rehabilitation: The proceeds from the sale to the Midland of $325,000 of the Springfield's first-mortgage bonds shall be used for rehabilitation of the Pekin line, and an additional $960,000 of such bonds shall be sold by the Springfield to the Midland and the proceeds used for further rehabilitation or for additions, extensions, betterments, and improvements to the demised properties. The Midland may from time to time request the Springfield to make further expenditures for additional property and for additions, betterments, or improvements to the demised properties. Funds for such purposes will be advanced by the Midland; and the Springfield, at the option and written request of the Midland, may reimburse the Midland either by drawing down bonds under its first mortgage (or under any renewal or refunding mortgage) and delivering them to the Midland, or by issuing to the Midland additional shares of its capital stock and/or its debentures, notes, or other evidences of indebtedness to an aggregate par and principal amount not exceeding the advances so made.

The Midland is given the right to assign, pledge, or mortgage the leasehold estate and is required to notify the Springfield that such assignment, pledge, or mortgage has been made. Thereafter any assignee, not including, however, a pledgee or a mortgagee, shall file with the Springfield its agreement to accept the lease and all the obligations of the Midland thereunder, and thereupon such assignee shall be entitled to all the benefits conferred and shall be subject to all the obligations imposed upon the Midland. Nothing contained in this report shall be construed as authorizing the operation of the Pekin line, or any part thereof, by any party other than the Springfield, or the acquisition of control, in any manner, of the Springfield by any party other than the Midland.

The lease may be terminated at the option of the Springfield if the Midland shall default in the payment of any sum required to be paid by it under the lease, or shall fail to perform or observe any other covenant or condition contained in the lease obligatory upon it, and such default or failure shall continue for 60 days after written notice and demand by the Springfield.

In order to connect its railroad with the Pekin line, the Midland proposes to enter into a contract with the Illinois Central for the use of the latter's line beween Pawnee Junction and Springfield for a period of 30 years and thereafter until the expiration of one year after notice in writing shall have been given by one party to the other of its intention to terminate the contract. The agreed rental is to be a sum equal to 3 per cent per annum on $1,153,564, and is to be paid by the Midland in equal monthly installments. The latter figure represents the value agreed between the parties of the Illinois Central's properties which shall or may be used by the Midland. A proportionate part of the expenses incurred by the Illinois Central for maintenance, taxes, and certain other expenses applicable to the jointly used properties is to be borne by the Midland. The rights of the Midland under the contract may be terminated at the election of the Illinois Central if the Midland shall default in any of the payments agreed to be made by it and such default shall continue for 60 days after the amount payable shall become due, or if the Midland shall fail to perform any required covenant of the contract and such default shall continue for 60 days after the Illinois Central has demanded, in writing, the performance of such covenant.

The area tributary to the Pekin line is estimated to contain 420,000 acres under cultivation, 20,000 acres of timber, and 110,000 acres in pasture. The total population in this area is estimated at 175,000. The southerly 25 miles of the territory along the line is underlaid with bituminous coal. Farming and coal mining are said to be highly developed. Parts of the tributary area between Springfield and Pekin are also served by the Illinois Central, the Chicago & Alton, and the Chicago & North Western Railroads. It is represented that the Pekin line will serve all but one of the coal mines in the adjacent territory and also a large majority of the other industries. A substantial amount of traffic is expected to be originated along the Pekin line. It is probable, however, that the major portion of the tonnage passing over the line will come from coal en route to Chicago from territory along the Midland's line.

The annual operating revenues of the Midland for the first year after rehabilitation of the Pekin line, to be derived from the combined operation of the Midland's railroad and the Pekin line, are estimated at $1,827,500. This estimate includes revenue from freight, $1,673,500; passengers, $110,000; mail, $10,000; express, $10,000; milk, $4,000; and switching, $20,000. It is estimated that about 90 per cent of the total freight revenue will come from coal, and that this revenue should increase at the rate of 10 per cent per annum. Operating expenses for the first year are estimated at $1,294,250. The foregoing estimates are based upon actual results of operation for 1924 of the Midland and of the Pekin line, to which have been added estimated amounts to represent the transportation of through-coal tonnage over the Pekin line and additional business from connecting carriers. The Midland's operating revenues for 1924 were $889,309.86, and its operating expenses $581,015.09. Its net income for 1921 was $37,738.34; 1922 (deficit), $300,135.08; 1923, $254,721.38; and 1924, $76,933.81.

The Pekin line is single track and standard gauge. Most of it is laid with 60 and 75-pound rail. The line is in fair condition. Bridges and trestles are said to be in safe operating condition. Extensive rehabilitation at an estimated cost of $1,422,875 is planned. An estimated credit of $103,920 for material expected to be recovered in connection with such rehabilitation brings the net cost thereof down to $1,318,955. Equipment is to be furnished by the Midland. It is represented that the line may be electrified and one or more additional tracks laid at some time in the future to handle the increasing volume of coal traffic expected. It is contended that the existing right of way, which varies in width from 50 to 100 feet, is not wide enough for such contemplated improvements and that the acquisition of additional right of way is therefore considered economically desirable. In order to insure continued operation of the Pekin line by inducing the Edison interests to take over the properties, certain owners of property along the line and others have arranged to have additional right of way conveyed to the Springfield, without cost to that company, sufficient to make the total right of way 200 feet wide from a point about 4.5 miles north of Springfield to a point just south of Pekin.

The Springfield proposes to increase its capital stock from $1,000, consisting of 10 shares of the par value of $100 each, to $1,000,000, consisting of 10,000 shares of the same par value. The Midland has an authorized capital stock of $2,000,000, consisting of 20,000 shares of the par value of $100 each, of which 10,000 shares are outstanding. It also has outstanding $2,500,000 of first-mortgage bonds.

The financing plans of the Springfield and the Midland are as follows: The Springfield proposes to issue $1,000,000 of common stock and $1,960,000 of first-mortgage 6 per cent 30-year bonds; $1,000 of the stock to be sold at par for cash and the remaining $999,000 to be used as part purchase price of the property to be acquired. Of the proposed bonds $625,000 will represent the balance of the purchase price of the property and the proceeds from the remainder will be used for rehabilitation of the road and for working capital. The stock and bonds representing the purchase price of the property will be held by a trustee pending completion of the plans, and all of the stock and bonds except directors' qualifying shares will eventually be delivered to the Midland for pledge under its proposed mortgage as hereinafter described.

The Midland proposes to issue $1,000,000 of common stock and $4,700,000 of first-mortgage 6 per cent 30-year bonds. Of the proposed stock, 5 shares will be purchased by the Edison for cash, and the remaining 9,995 shares will be used to acquire a like amount of the Springfield stock. Of the proposed bonds, $2,500,000 will be used for the redemption of the outstanding bonds, $240,000 for the purchase of equipment, and the remaining $1,960,000 will either be sold to the Edison for cash and the proceeds used to acquire a like amount of Springfield bonds, or $1,622,500 will be so disposed of and the remaining $337,500 exchanged for a like amount of Springfield bonds. In the event the purchase price of the Pekin line is paid in cash, the amount will be approximately $625,000, while if it is paid in cash and bonds it will be $675,000, equally divided. It is alleged that the difference is to take care of discount on the bonds. If the bonds are to be used in part payment, such use should be on basis of par. Upon completion of the proposed plan the disposition of the securities of the two companies will be as follows: 9,995 shares of the Springfield stock and $1,960,000 of its bonds will be delivered to the Midland for pledge under its proposed mortgage. The remaining five shares of stock will be used as directors' qualifying shares. Upon receipt of the Springfield stock the Midland will issue 9,995 shares of its stock in respect thereof for delivery to the Edison, which company will also purchase the remaining five shares. Upon receipt of the Springfield bonds the Midland will issue a like amount of its bonds in respect thereof for delivery to the Edison at par, of which $625,000 will represent the purchase price of the Pekin line advanced by the Edison, and the remainder will be paid for in cash, the proceeds to be used for rehabilitation of the road and working capital. As stated above, the Midland will also issue $2,500,000 of bonds to redeem a like amount of bonds outstanding and $240,000 of bonds for the purchase of additional equipment, an aggregate of $4,700,000.

The property to be acquired by the Springfield is part of a bankrupt railroad, the abandonment of which has been authorized by us. The price to be paid apparently does not exceed scrap value. An appraisal of the property, exclusive of land, made in behalf of the company as of October 1, 1925, and introduced in evidence at the hearing shows cost of reproduction new less depreciation as $2,596,509. The land included in the original right of way is appraised at $448,403, and the land for the additional right of way is appraised at $216,225, a total of $664,628. The applicants allege that by making proper adjustments to cover excess cost of acquisition, etc., the land included in the original right of way should be valued at approximately $550,000, and the land for the additional right of way should be valued at approximately $500,000.

The applicants base their contention that they should be allowed to capitalize the additional right of way acquired without cost on the ground that this land is to be used in connection with the electrification of the Pekin line, and a letter from a vice president of the Edison is submitted in which it is stated that that company proposes to electrify the line as soon as the necessary engineering and financial plans can be arranged, "which it is believed will be within a period of not exceeding two or three years from this date." For the purpose of this case the applicants will be authorized to capitalize the additional right of way at $290,000. We have made no ascertainment of final value of the property, and nothing herein is to be construed as in any wise affecting the determination hereafter to be made by us in that matter.

In their brief and argument counsel for the applicants cited several decisions of this commission and of State commissions to sustain their contention that the issue of securities should not be limited to the actual investment in the property acquired. Our decisions in the cases referred to may not fairly be taken as precedents in the instant cases for the reason that the findings in each case must necessarily be based upon the particular circumstances and facts presented therein, which may vary from those of every other case. The decisions of the State commissions cited by the applicants have had due consideration.

From the facts of record we are of the opinion that the securities of the Springfield should be authorized on the basis of the actual investment in the property plus $290,000 for the additional right of way—that is to say, an aggregate of approximately $2,235,000—and plus reasonable amounts for working capital and organization expenses. For the purposes of this case $150,000 will be allowed for working capital, including materials and supplies, and $75,000 will be allowed for organization expenses, a grand total of $2,460,000, of which $500,000 will be represented by stock and $1,960,000 by bonds. The proposed bonds will be issued under a first mortgage to be dated as of June 1, 1925, to the Continental & Commercial Trust & Savings

Bank; they will be dated June 1, 1925, will bear interest at the rate of 6 per cent per annum, and will mature June 1, 1955; all of the stock, except directors' qualifying shares, and all of the bonds to be delivered to the Midland for pledge under its proposed mortgage.

In pursuance of the above the Midland will be authorized to issue $500,000 of stock and $1,960,000 of bonds, and to sell said stock and $970,000 of said bonds to the Edison at par, the proceeds to be used for rehabilitation of the Pekin line and for working capital; also to deliver the remaining $990,000 of bonds to the same company in reimbursement of money advanced for the purchase of the Pekin line, for organization expenses, and in respect of the additional right of way. The Midland will also be authorized to issue $2,500,000 of bonds for the redemption of a like amount of bonds now outstanding. The issue of bonds for the purchase of secondhand equipment to the extent of 100 per cent of the cost of such equipment does not appear to be sound financing. We shall further authorize the Midland to issue $140,000 of bonds and $100,000 of stock, both to be sold to the Edison at par, and the proceeds used for the acquisition of equipment valued at $240,000. Upon the foregoing basis the Midland will be authorized to issue an aggregate of $600,000 of stock and $4,600,000 of bonds. The proposed bonds will be issued under a first mortgage to be dated as of June 1, 1925, to the Continental & Commercial Trust & Savings Bank; they will be dated June 1, 1925, will bear interest at the rate of 6 per cent per annum, and will mature June 1, 1955.

The financial structure is far from ideal. However, no alternative plan for continuing this railroad in service has been suggested. No one can see anything but ultimate abandonment of operation if the present plan is not accepted. Division of the property into small segments for individual operation can not be permanently successful and may be impossible of attainment even temporarily. Approval of the plan in this report has the substantial merit of insuring adequate service to the people on the line.

The rental of $200,000, which would be paid by the Midland to the Springfield under the terms of the proposed lease, represents a sum sufficient to cover interest requirements on the Springfield's proposed $1,960,000 of bonds and in addition a sum equal to a return of 8.24 per cent per annum on the Springfield's proposed $1,000,000 of stock. As the authority herein granted provides for the issue by the Springfield of $1,960,000 of bonds and $500,000 of capital stock, it would seem that the rental under the lease should be ratably reduced and the lease changed to accord with such authority. We will defer consideration of that part of the application of the Midland for authority to acquire control of the Springfield, by lease of the properties of that company, until a revised lease has been submitted which accords with the authority herein granted.

Upon the facts presented we find—

1. That the present and future public convenience and necessity require the acquisition and operation by the Springfield of the Pekin line, described in the application recorded in Finance Docket No. 5070.

2. That the present and future public convenience and necessity require the operation by the Midland, under trackage rights, over that part of the Illinois Central Railroad between Pawnee Junction and Springfield in accordance with the trackage agreement described in the application recorded in finance docket No. 5071.

3. That the acquisition by the Midland of control of the Springfield by purchase of capital stock of that company will be in the public interest, and that the terms under which the Midland proposes to acquire such stock and the consideration which it is to pay therefor are just and reasonable.

4. That the issue by the Springfield of not exceeding $1,960,000 of first-mortgage bonds, and not exceeding $500,000 of common capital stock, and the issue by the Midland of not exceeding $4,600,000 of first-mortgage bonds and not exceeding $600,000 of common capital stock (a) are for lawful objects within their respective corporate purposes and compatible with the public interest, which are necessary and appropriate for and consistent with the proper performance by them of service to the public as common carriers, and which will not impair their ability to perform that service, and (b) are reasonably necessary and appropriate for such purposes.

An appropriate certificate and order will be issued.

Eastman, chairman, dissenting:

This case has points of considerable public interest. It illustrates a species of business greed which at least we ought not to abet. The facts, as I understand them, are these:

The Chicago, Peoria & St. Louis is a railroad whose abandonment we have authorized. It has since been operated by the receiver, at great burden upon the bondholders, pending its sale, in sections, to such carriers as might have use for and be willing to operate portions of the line. The bondholders have shown solicitude, at considerable cost to themselves, for the public served by the line. Their attitude has been characterized by the reverse of the quality mentioned above.

The Chicago & Illinois Midland is a small railroad controlled by the Commonwealth Edison Co., of Chicago, which serves principally coal mines from which the Edison obtains much of its fuel supply. Its earnings have been large enough so that a proceeding is now pending before us to determine the extent, if any, to which they are subject to recapture. At present the Midland moves the coal, which it originates, comparatively short distances to connections with other lines, which haul it to Chicago. By securing trackage rights for 17 miles over a line of the Illinois Central and acquiring the portion of the line of the Chicago, Peoria & St. Louis extending from Springfield to Pekin, the Midland can haul the coal a much longer distance toward Chicago.

In pursuance of this plan the Edison has driven a hard bargain with the bondholders of the Chicago, Peoria & St. Louis, agreeing to buy the Springfield-Pekin line for a price which the majority say "apparently does not exceed scrap value." Before it would agree to do even this, however, the Edison insisted that owners of property along the line donate enough land to make the right-of-way 200 feet wide. It is represented that this additional land may at some future time be needed for double tracking and electrification. Whether it will also be useful for transmission lines of the Edison or allied electric interests does not appear.

To acquire the Springfield-Pekin line, the Edison proposes to organize the Springfield, Havana & Peoria. This company, according to its plan, is to issue $1,960,000 of 6 per cent bonds and $1,000,000 par value of stock. All of these securities, when the transaction is completed, will be owned by the Midland and pledged under its mortgage. In turn the Midland will issue a like amount of its stock and 6 per cent bonds, which will be owned, for the present at least, by the Edison. The effect of the transaction will be that the Edison will pay par for the bonds and substantially nothing for the stock. Part of the proceeds of the bonds will go to pay the purchase price for the Springfield-Pekin line and the remainder will be used for the rehabilitation of that line.

A further part of the plan is that the Springfield shall be leased to the Midland at a rental which will cover the interest on the former's proposed bonds and 8.24 per cent upon its proposed stock. It is estimated that the earnings of the combined property during the first year of operation will be ample to support this rental and leave, at least, a fair return for the Midland. If the earnings eventuate as anticipated, the Edison Co. will ultimately be able to sell the 6 per cent bonds at a profit and reap upon the stock, for which it will have paid substantially not a cent, a return of 8 per cent or more on par value.

In support of the issue of the $1,000,000 stock it is urged that the fair value for rate-making purposes of the Springfield-Pekin line, including the donated land, is much more than the purchase price and ample to cover this stock. In estimating this value the Edison figures that, judged by adjoining property, the donated land is worth $216,225, and that if condemnation had been necessary the cost to the carrier would have been $500,000. This latter figure it deems the value for rate-making purposes.

It is obvious that the Edison does not propose to use the Shylock bargain which it has been able to drive with the distressed bondholders of the Chicago, Peoria & St. Louis and landholders along the line as a means of reducing the cost of electricity in Chicago. Instead it proposes to use it as a means of reaping a most handsome side profit in an investment in the securities of a common carrier.

Whether or not the courts will eventually recognize a rate-making value for the property of the enlarged Midland system in accordance or even partially in accordance with the pleasant anticipations of the Edison, I do not know. I sincerely trust that they will, at least, disappoint its expectations in the matter of donated land. Upon this point I refer to the views which I expressed in San Pedro, Los Angeles & Salt Lake Railroad Co. (75 I. C. C. 463, 561–3). However, whatever the constitutional rights of the Midland to a "fair return" may ultimately proved to be, it clearly has no constitutional right to have any rate-making value, actual or fictitious, translated into capitalization. It may only issue such securities as we find "reasonably necessary and appropriate" for a lawful object and "compatible with the public interest." It should be borne in mind that the amount of its capitalization has no bearing whatever upon its opportunity to pay to its security holders in interest and dividends such return as it may be able and entitled to earn.

It seems to me clear that neither the securities sought nor those approved in the majority report are "reasonably necessary or appropriate" for the acquisition of the line in question and that they are not "compatible with the public interest." The securities issued should instead be held to the amount of the actual cash investment in this property in order that the actual profits ultimately realized upon the transaction may in no way be disguised, but, on the contrary, may plainly appear, so that he who runs may read. What is more, the commission can not sanction the capitalization of the value of donated land and in good conscience later question the right to a return upon such value. As for working capital, the company is apparently well supplied, and no issue of securities for the purpose of obtaining such capital is now necessary or even sought.

CERTIFICATE AND ORDER

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of February, A. D. 1926.

(Finance Docket No. 5069)

SECURITIES OF SPRINGFIELD, HAVANA & PEORIA RAILROAD CO.

(Finance Docket No. 5070)

ACQUISITION AND OPERATION OF LINE BY SPRINGFIELD, HAVANA & PEORIA RAILROAD CO.

(Finance Docket No. 5071)

OPERATION OF LINE BY CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

(Finance Docket No. 5072)

SECURITIES OF CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

(Finance Docket No. 5073)

CONTROL OF SPRINGFIELD, HAVANA & PEORIA RAILROAD CO. BY CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

A hearing and investigation of the matters and things involved in these proceedings having been had, and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is hereby certified that the present and future public convenience and necessity require the acquisition and operation by the Springfield, Havana & Peoria Railroad Co. of the line of railroad in Tazewell, Mason, Menard, and Sangamon Counties, Ill., described in the application recorded in Finance Docket No. 5070 and in the report aforesaid.

It is further certified that the present and future public convenience and necessity require the operation by the Chicago & Illinois Midland Railway Co., under trackage rights, over that part of the Illinois Central Railroad between Pawnee Junction and Springfield, Ill., in accordance with the trackage agreement described in the application recorded in Finance Docket No. 5071, and in the report aforesaid.

It is ordered that the acquisition by the Chicago & Illinois Midland Railway Co. of control of the Springfield, Havana & Peoria Railroad Co. by purchase of capital stock of that company, as described in the report aforesaid, be, and the same is hereby, approved and authorized.

It is further ordered that the Springfield, Havana & Peoria Railroad Co. and the Chicago & Illinois Midland Railway Co., when filing schedules establishing or adopting rates and fares applicable on said lines of railroad, shall in such schedules refer to this certificate and order by title, date, and docket number.

It is further ordered that the Springfield, Havana & Peoria Railroad Co. be, and it is hereby, authorized to issue (1) not exceeding $500,000 of common capital stock, consisting of 5,000 shares of the par value of $100 each, and (2) not exceeding $1,960,000 of first-mortgage bonds under and pursuant to, and to be secured by, a first mortgage to be made under date of June 1, 1925, to the Continental & Commercial Trust & Savings Bank, trustee, said bonds to be dated as of June 1, 1925, to bear interest at the rate of 6 per cent per annum, and to mature June 1, 1955; said stock and bonds to be delivered to the Chicago & Illinois Midland Railway Co. at par for the purposes described in the aforesaid report.

It is further ordered that the Chicago & Illinois Midland Railway Co. be, and it is hereby, authorized to issue (1) not exceeding $600,000 of common capital stock, consisting of 6,000 shares of the par value of $100 each and (2) not exceeding $4,600,000 of first-mortgage bonds under and pursuant to, and to be secured by, a first mortgage to be made under date of June 1, 1925, to the Continental & Commercial Trust & Savings Bank, trustee; said bonds to be dated as of June 1, 1925, to bear interest at the rate of 6 per cent per annum, and to mature June 1, 1955; all of said stock and $2,100,000 of said bonds to be sold to the Commonwealth Edison Co. at not less than par and the proceeds used for the purposes described in the aforesaid report; the remaining $2,500,000 of said bonds to be used for the redemption of a like amount of first-mortgage bonds now outstanding: *Provided, however,* That said outstanding bonds, when so redeemed, shall be canceled and the mortgage securing them discharged of record.

It is further ordered that, except as herein authorized, said stock and/or bonds shall not be sold, pledged, repledged, or otherwise disposed of by the applicants, or either of them, unless and until so ordered by this commission, nor shall the Chicago & Illinois Midland Railway Co. dispose in any manner of the securities of the Springfield, Havana & Peoria Railroad Co. in the event of release of such securities by the mortgage trustee unless and until so ordered by this commission.

It is further ordered that each applicant shall, within 10 days after the execution thereof, file with this commission a certified copy of its aforesaid mortgage.

It is further ordered that each applicant shall report concerning the matters herein involved in conformity with the commission's order dated July 22, 1924, respecting applications filed under section 20a of the interstate commerce act.

And it is further ordered that nothing herein shall be construed to imply any guaranty or obligation as to said stock or bonds, or dividends or interest thereon, on the part of the United States.

By the commission, division 4.

[SEAL.] GEORGE B. MCGINTY, *Secretary.*

Mr. WATSON. Mr. President, I know nothing of the matter to which the Senator from Tennessee has referred. I am assuming that the Interstate Commerce Commission thoroughly investigated the question dealt with before it made its findings. I have not read either the majority or the minority report, and while I shall probably do so, I know of no reason why the Interstate Commerce Committee of the Senate should, on its own initiative, start out to investigate any finding of the Interstate Commerce Commission. If somebody wants to introduce a resolution to that effect, that is a different proposition; but the Interstate Commerce Commission is dealing with problems every day and making findings all the time, and I can not conceive it to be the duty of the Interstate Commerce Committee of the Senate, on its own motion and on its own initiative, to begin an investigation of all the findings and decisions of the Interstate Commerce Commission.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WATSON. Certainly.

Mr. McKELLAR. The idea that is going through my mind is this, that so far as I know this is the first time the Interstate Commerce Commission has ever set down as a principle of its action that it had the right to authorize the issuance of watered stock. All admit that this is watered stock; there is not the slightest doubt about it; no question has been raised about it. It is the first time in the history of the commission, so far as I know, that it has ever permitted the issuance of watered stock, and a reasonable return to be had upon watered stock. That is such a vicious policy, so unfair and unjust to the American people, that I believe it ought to be inquired into most carefully.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4576. An act for the relief of James A. Hughes; and

H. R. 8722. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1926, and June 30, 1927, and for other purposes.

LANDS AT SPARKS, NEV.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8590) granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage, and other like purposes, reported it without amendment and submitted a report (No. 233) thereon.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. LA FOLLETTE. Mr. President, I desire to give notice that at the conclusion of the morning business to-morrow, and after the Senator from South Carolina [Mr. SMITH] shall have concluded his remarks, I shall endeavor to secure recognition for the purpose of discussing House Concurrent Resolution No. 4.

Mr. McKELLAR. Mr. President, I give notice that after the conclusion of the speech of the Senator from Wisconsin I shall submit some remarks on the Muscle Shoals matter.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate, under the order previously entered, adjourned until to-morrow, Wednesday, March 3, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of March 1), 1926

FOREIGN SERVICE

SECRETARY IN THE DIPLOMATIC SERVICE

Philip Adams, of Massachusetts, now a Foreign Service officer of class 7 and a consular officer with the rank of consul,

to be also a secretary in the Diplomatic Service of the United States of America.

SURVEYOR OF CUSTOMS

Edward E. Philbrook, of Portland, Me., to be surveyor of customs in customs collection district No. 1, with headquarters at Portland, Me. (Reappointment.)

COLLECTORS OF CUSTOMS

Millard T. Hartson, of Seattle, Wash., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash. (Reappointment.)

Jacob O. Bender, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, in place of D. Arthur Lines, resigned.

UNITED STATES ATTORNEY

Walter G. Winne, of New Jersey, to be United States attorney, district of New Jersey. (A reappointment, his term expiring February 16, 1926.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of March 1), 1926

UNITED STATES ATTORNEY

William D. Coppernoll to be United States attorney, third division, district of Alaska.

PROMOTIONS IN THE NAVY

To be lieutenant commanders

Hubert E. Paddock.
Herbert V. Wiley.

To be lieutenants

Arthur W. Peterson.
George B. Cunningham.
Gyle D. Conrad.
James H. McKay.
Wade De Weese.
Richard P. Glass.

To be medical director

George F. Freeman.

To be naval constructors

John W. Woodruff.
Frederick G. Crisp.

To be chief electrician

Louis M. Wegat.

To be chief radio electricians

Arthur Boquett.
Charles F. Dame.
Edgar C. Wortman.
James J. Delany.

To be chief pay clerk

Arthur Lyell, jr.

MARINE CORPS

To be major

Norman C. Bates.

To be captains

John N. Popham, jr.
Thomas A. Tighe.
Richard O. Sanderson.
Chaplain G. Hicks.
Frank R. Armstead.
Henry S. Hausmann.
Edwin J. Mund.
Lee H. Brown.
Robert E. Mills.

To be first lieutenants

Bayard L. Bell.
Vernon E. Megee.

To be second lieutenants

Earl H. Phillips.
Paul A. Putnam.
Donald M. Hamilton.
James A. Donohue.
Matthew C. Horner.
James M. Ranck, jr.
Laramie D. Snead.
Granville K. Frisbie.
Lawrence Norman.
Presley M. Rixey, 3d.

POSTMASTERS

ALABAMA

Nelson C. Fuller, Centerville.
Clarence E. Combs, Fairfax.
John B. Daughtry, Hartford.
William P. Tartt, Livingston.
Florrie Vinson, Louisville.
Robert A. Tuck, Oneonta.
Thomas L. Jackson, Phil Campbell.
James A. Anderson, University.

ARIZONA

Charles F. Mater, Morenci.

CALIFORNIA

Harry R. Borden, Angels Camp.
John Z. Shelton, Oroville.
M. L. Cogan, Santa Margarita.
William H. Hitchcock, Shafter.

COLORADO

Clarence A. Smith, Delta.

KANSAS

Vaclav Sajner, Bison.
Charles R. Fisher, Fort Scott.
Achilles A. Stiers, Uniontown.

KENTUCKY

Edna O. Jones, Mortons Gap.
Lola B. Hollaway, Sedalia.

LOUISIANA

Noemie R. Mysing, Arabi.

MAINE

Harold L. Haskell, Lee.
Charles A. Robinson, Portland.

MARYLAND

Charles G. Tedrick, Clear Spring.

MASSACHUSETTS

Harriett L. Corbin, East Brookfield.
Harlan S. Cummings, Lynn.
Hazen M. Emery, Merrimac.
Neil R. Mahoney, North Billerica.
Annie B. Ellis, Sheffield.
Arthur J. Fairgrieve, Tewksbury.
John W. Keith, Warren.

MISSISSIPPI

Frankie M. Storm, Benoit.
George H. Holley, Booneville.
Annie Laws, Hickory Flat.
Cecil W. Tinnin, Isola.
Robert R. Smith, Poplarville.
Verna P. Hollingsworth, Terry.

MONTANA

Margaret M. Colligan, Walkerville.

NEBRASKA

Edward H. Anson, Creston.
Andres P. Peterson, Lindsay.
Alice Ward, Primrose.

NEW JERSEY

Ralph G. Collins, Barnegat.
Elizabeth Packer, Sea Bright.

NEW MEXICO

Gertrude Warrender, Logan.

NEW YORK

Jay B. Purcell, Ovid.
Daniel H. DeLair, Tupper Lake.
Emil G. Schumacher, Valley Stream.

NORTH CAROLINA

Mary W. Yarborough, Louisburg.

NORTH DAKOTA

Katherine Medelman, Crary.
Lawrence D. Larsen, Kindred.

OHIO

Charles H. Murlin, Celina.
Florence R. Smith, Pomeroy.
Robert D. Weedy, Shawnee.
Harlan B. Miller, Shiloh.

UTAH

Lionel L. Peterson, Fairview.

WASHINGTON

Willis Swank, Cheney.
Lulu C. Howe, Chewelah.
Jerome E. Depew, Elk.
Franz S. Drummond, Gig Harbor.
Ralph L. Philbrick, Hoquiam.
William F. Ulrich, Index.
Howard H. Lair, Marcus.
Christopher C. Van Leuven, Molson.
Noel D. Tower, Morton.
Helen L. Hadenfeldt, Mukilteo.
Michael J. Murphy, Oakville.

Winslow M. McCurdy, Port Townsend.
Elias J. Eliason, Poulsbo.
Walter C. Sommers, Prosser.
William Busch, Raymond.
Thomas Harries, Renton.
Golda R. Moore, Roy.
Juanita Morris, St. John.
David M. Donnelly, Sedro Wooley.
William I. Leech, Steilacoom.
Wilson Howe, Tenino.
Arthur B. Foley, Wilbur.

WEST VIRGINIA

Harry E. Engle, Fairmont.
Rosa H. Brown, Institute.
Charles T. Kelly, Terra Alta.

WYOMING

Owen T. Gebhart, Basin.

REJECTION

Executive nomination rejected by the Senate March 2 (legislative day of March 1), 1926

POSTMASTER

Andrew McD. Patterson to be postmaster at Como, Miss.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 2, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Love Divine that stoops to all human need and gives the poor and humble heart the blessing of repose, verify Thy promises unto us this day. We would say: Thou art my God, my life, my all. Open wide the gates of our hearts that we may feel Thy presence inspiring a new zeal. Keep us away from temptation that we wrong no man, but especially that we do no harm to ourselves. O Spirit of God, impress us that right is right, since God is God, and right the day will win. Direct us, sustain us; hold Thou our hands that we may walk carefully, think wisely, feel deeply, and conduct ourselves nobly in the vocation to which our country has called us. Then at the last, the sweetest music that shall ever kiss our waiting ears shall be: "Well done, thou good and faithful servant, enter thou into the joy of thy Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill of the following title:

H. R. 4576. An act for the relief of James A. Hughes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 124. An act for the relief of the Davis Construction Co.;

S. 588. An act for the relief of A. T. Whitworth;

S. 1040. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;

S. 1058. An act for the relief of James H. Kelly;

S. 1430. An act to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes;

S. 1767. An act for the relief of Benjamin F. Spates;

S. 2096. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols;

S. 2173. An act for the relief of employees of the Bureau of Printing and Engraving who were removed by Executive order of the President dated March 31, 1922;

S. 2178. An act for the relief of Harry P. Creekmore;

S. 2974. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River;

S. 2975. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C.

PROPOSED PARKS EAST OF THE MISSISSIPPI

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a very interesting article written by the distinguished gentleman from Kentucky, Representative MAURICE H. THATCHER on the subject of proposed parks east of the Mississippi. This article was published in the February number of the Out Doors Pictorial, of this city, and is certainly a valuable contribution to the important national-park subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Tennessee. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

MAMMOTH CAVE—A NATIONAL PARK?—KENTUCKY'S UNDERWORLD MAY SOON BECOME THE PROPERTY OF THE AMERICAN PEOPLE

By Hon. M. H. THATCHER, Congressman from Kentucky

For more than a century the Mammoth Cave in western Kentucky has been accounted one of the seven wonders of the world. Today its fame is as great as ever before. There is hardly a school girl or boy in the civilized world who is without knowledge of this great marvel. Nowhere else in the world are there to be found such vast caverns, or such a vast system of caverns, as may here be found.

The original Mammoth Cave was in itself extensive enough to stand as the earth's premier underground attraction, but in recent years continued exploration has added nearly a dozen other cavernous areas, some of them rivaling it in vastness and in features of interest. Among these newer units are the Great Onyx Cave (the new entrance to Mammoth Cave), Crystal Cavern, Sand Cave (which was the scene of the Floyd Collins tragedy), Colossal Cavern, Proctor's Cave, Higginbottom's Cave, Salt Cave, White's Cave, Dorsey Cave, Diamond Cave, Horse Cave, and Mammoth Onyx Cave. Most of these systems are or can be connected up with Mammoth Cave and all lie in the same section. In Edmonson County alone there are 500 known caverns (including Mammoth Cave). The whole constitutes the greatest of underground worlds and has come to be called the Mammoth Cave region of Kentucky.

At the last session of Congress there was enacted an act entitled "An act for the securing of lands in the Southern Appalachian Mountains and in the Mammoth Cave regions in Kentucky for perpetual preservation as national parks." The act was approved by the President and became a law. It authorizes and directs the Secretary of the Interior to determine the boundaries and areas of certain portions of the Blue Ridge-Shenandoah section in Virginia; of certain portions of the Smoky Mountains section in North Carolina and Tennessee and the Mammoth Cave region in Kentucky; and also such other lands in the Southern Appalachian Mountains as in his judgment should be acquired and administered as national parks; and "to receive definite offers of donations of land and moneys, and to secure such options as in his judgment may be considered reasonable and just for the purchase of lands within said boundaries and to report to Congress thereon."

The act further provides that for the purpose of carrying out its provisions the Secretary of the Interior may appoint a commission of five members, composed of representatives of the Interior Department, and four national park experts; and the act authorized the appropriation of $20,000 to defray the expenses of the commission.

The sum of $20,000 was then appropriated by Congress for the indicated purpose, and the Secretary of the Interior, agreeably to the provisions of the act, appointed the indicated commission, headed by Congressman HENRY W. TEMPLE, of Pennsylvania, as chairman. Col. Glenn S. Smith is the Interior Department's representative in the commission. The other members are: Maj. W. A. Welsh, of New York; Harlan P. Kelsey, of Massachusetts; and William C. Gregg, of New Jersey.

In May, 1925, the members of the commission visited the Mammoth Cave section. The commission will shortly report to Congress its findings and conclusions on these three projects.

As all the lands involved in these projected national parks are privately owned, their acquirement by the Federal Government will involve expenditure of Federal funds. In the West the national parks have been carved out of the national domain, and the Federal expenditures have been limited to the work of building roads and the construction of other improvements in the parks. However, in the Mammoth Cave region the owners of considerable areas, both surface and underground, have offered to donate their holdings to the United States Government for national park purposes. Between 20,000 and 40,000 acres would be acquired and converted into a national park.

Should the project be consummated, it will largely be, if not altogether, self-sustaining from the beginning. In these great subterranean caverns and their ramifications—literally hundreds of miles in extent—the Federal Government will have, upon their acquisition for national-park purposes, a splendid revenue-producing proposition, undoubtedly the best in all our national park system. As the area involved is relatively small and the country accessible, the cost of roads will be

inconsiderable when compared with those in most of our national parks, which usually involve large and mountainous areas. At present many thousands visit the various caves in the Mammoth Cave region, and for the privilege pay large totals in fees or charges to the private owners. In the western national parks the Government usually charges an automobile or other fee to visitors, so a small fee would doubtless be charged to visitors to the caves if they are converted into a national park. These fees would be sufficient to construct and maintain the necessary roads in the park and in time materially reduce the cost of this project to the Government. We know of no present national park which can compare with the Mammoth Cave region as a revenue producer, though, of course, all fees and charges must in any national park be comparatively small and incidental in character.

Nature fashioned these wonderful caverns, and the greater the ravages of nature are the greater in point of interest does this underground world become. The erosion of the ages has carved mighty vaults, domes, and chambers, and channeled unending avenues. The age-old drip, drip of water has built up the stalagmites and carried down the stalactites and decorated all in a truly marvelous way. One must see these creations of nature to properly appreciate them.

In addition, this region lies in the great Ohio River Valley section of the country, and near the center of population of the United States. It is readily accessible by roadways, railroads, and an all-year navigable stream, Green River, one of the most beautiful waterways in the Nation. Parts of the proposed park area are covered by picturesque and lofty hills, and by virgin forests of oak, poplar, beech, and other noble forest growths. No better camping and recreational grounds can be found anywhere in the country, while the great caverns beneath the surface furnish attractions of the most unique and fascinating character. Their vastness thrills the imagination, their beauty delights the artistic sense, and their grim recordation of cosmic processes appeals to the scientific spirit. Here, above ground, one may camp and fish and luxuriate to his heart's content; and here beneath the pleasing surfaces he may find, in every season of the year, a hidden world, altogether incomparable.

The writer believes that all three of the proposed park areas mentioned in the outset should be acquired. Except for the Lafayette National Park in Maine, one of the smallest in our national park system, we are without parks east of the Mississippi River; and yet in this great eastern region the bulk of our population is to be found. Only a few, comparatively speaking, of this great mass of humanity have the opportunity of ever seeing and enjoying a national park. The value of national park contacts is beyond calculation. Let us establish an adequate system in the eastern section of our country, so that these millions may have the opportunity for enjoyment of national parks heretofore denied them. In this old age of strenuous, jazzy living, the healing touch of God's out-of-doors is greatly needed.

As one who voted for and helped to secure the enactment of the National Park Survey Commission bill, the writer, though believing that the Mammoth Cave region, if acquired by the Government, would prove the most satisfactory and popular of any of the national parks in the entire country, earnestly favors the other two projects as well. All three are needed. Congress, by appropriate legislation and under reasonable terms and conditions, should provide for the acquisition for national-park purposes of these three areas. From a geographical standpoint all are admirably situated; good roads connecting them will soon be completed; and they would constitute a huge playground triangle for the benefit of all our people.

In our present system of national parks we have represented practically every form and variety of natural beauty and phenomena except one. Yosemite is peerless in its great waterfalls, lofty, sentinel-like peaks, and deep mountain vales; the National Park of Hawaii contains the greatest active volcano and the most stupendous extinct crater in the world; the National Park of the Grand Canyon of Colorado holds within its boundaries the greatest, most colorful gorge and canyon system in the world; in the Yellowstone National Park are to be seen the earth's greatest geyser system; in the Glacier and other national parks of the Northwest and Alaska are to be found virgin forests and lovely lakes; also the greatest mountain and glacier groups of the North American continent; while on the rockbound shores of Maine one may find in the Lafayette National Park a most pleasing combination of sea, land, forest, and hill.

Yet in our truly magnificent national park system, the one thing that is yet lacking is a great system of caves or caverns, vast in extent, and beautiful in its effects, and near the center of our American population. This single lack will be fully supplied if the Mammoth Cave region is converted into a national park.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, in order more advantageously to utilize the remainder of the time of this week and next week I ask unanimous consent that business in order on to-morrow, Calendar Wednesday, be in order on Tuesday next, and that the places on the current Calendar Wednesday call held by the Committees on the Merchant Marine and Fisheries and Rivers and Harbors, respectively, be reversed so that on next Tuesday the Committee on the Merchant Marine and Fisheries shall be on call to be followed by the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that business on to-morrow be made in order on next Tuesday, and that the Committee on the Merchant Marine and Fisheries be given the call in lieu of the Committee on Rivers and Harbors.

Mr. TILSON. Of course, the Committee on Rivers and Harbors will follow, the two committees simply changing places. This is all the change proposed.

Mr. CELLER. Mr. Speaker, reserving the right to object, may I ask the chairman of the Committee on the Merchant Marine and Fisheries what is proposed to be taken up on that day?

Mr. SCOTT. The reason the request is made is in my judgment a very good one. We expect to take up the radio bill which obviously can not be completed in one day. It is a very important matter and the House could, in my judgment and I am sure in the gentleman's, better consider it by having two successive days than to take it up to-morrow and forget it for a week and then take it up.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand the effect of the proposal made by the gentleman from Connecticut, if agreed to, will be that next Tuesday will be Calendar Wednesday day, and that the following day will be Calendar Wednesday. In other words, there will be two Calendar Wednesdays coming together?

Mr. TILSON. That is the proposition.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Connecticut if we shall have positive assurance that the Rivers and Harbors Committee bill will come immediately after the bill referred to?

Mr. TILSON. If my request is granted the Rivers and Harbors Committee will be on call immediately following the Merchant Marine and Fisheries.

Mr. HOWARD. And nothing will come between?

Mr. TILSON. Nothing on Calendar Wednesday.

Mr. HOWARD. Mr. Speaker, we of the West have been playing fish so long in reference to these eastern interests I suppose another day will not matter. [Laughter.]

Mr. BLANTON. Mr. Speaker, reserving the right to object for the purpose of asking a question, will the gentleman tell us what is coming up to-morrow?

Mr. TILSON. We are going on with the appropriation bills, first finishing up the independent offices bill and then going on with the next appropriation bill reported.

Mr. BLANTON. For the information of the House will the gentleman state this: We are nearing the completion of the House's business. Is the gentleman prepared to tell us whether or not there is any hope of our getting away from here by the 1st of May?

Mr. TILSON. Hopes are bright for an early adjournment.

Mr. BLANTON. May 1—that would give two whole months.

Mr. TILSON. I think we could be ready to adjourn by the 1st of May. However, I do not wish to be too sanguine about it.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. EDWARDS. What is coming up from the Committee on Rivers and Harbors?

Mr. TILSON. I do not know; but this exchange of places is entirely agreeable to the Committee on Rivers and Harbors. In fact, I am informed that the business of the latter committee is not ready to go on to-morrow.

The SPEAKER. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I call up from the Speaker's table the Agricultural appropriation bill with Senate amendments, and move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8264) entitled an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. MAGEE of New York, Mr. WASON, and Mr. BUCHANAN.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly

enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4576. An act for the relief of James A. Hughes; and

H. R. 8722. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1926, and June 30, 1927, and for other purposes.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.; to the Committee on the Library.

S. 124. An act for the relief of the Davis Construction Co.; to the Committee on Claims.

S. 588. An act for the relief of A. T. Whitworth; to the Committee on War Claims.

S. 1040. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

S. 1058. An act for the relief of James H. Kelly; to the Committee on Military Affairs.

S. 1767. An act for the relief of Benjamin F. Spates; to the Committee on Claims.

S. 2096. An act to extend the benefits of the United States employees compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

S. 2173. An act for the relief of employees of the Bureau of Printing and Engraving who were removed by Executive order of the President dated March 31, 1922; to the Committee on Claims.

S. 2178. An act for the relief of Harry P. Creekmore; to the Committee on Naval Affairs.

ST. PATRICK'S DAY

Mr. TILSON. Mr. Speaker, on Wednesday, the 17th of March, is an anniversary of great importance, and I now ask unanimous consent that on that day, immediately following the reading of the Journal and the disposition of routine business on the Speaker's table, the gentleman from Rhode Island [Mr. O'CONNELL] may address the House for 30 minutes on St. Patrick's Day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Rhode Island [Mr. O'CONNELL] may be permitted to address the House for 30 minutes on Wednesday, the 17th of March, immediately after the reading of the Journal and the disposition of routine business on the Speaker's table. Is there objection?

There was no objection.

W. BOURKE COCKRAN

Mr. CAREW. Mr. Speaker, this is the third anniversary of the death of the Hon. W. Bourke Cockran, of New York. Because of the distinction that he held on this floor I ask unanimous consent, Mr. Speaker, that one of his most distinguished and generous friends and rivals, the gentleman from Ohio, Senator BURTON, may be permitted to address the House for not to exceed 10 minutes on the life and services of W. Bourke Cockran.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Ohio may address the House for 10 minutes on the life and services of W. Bourke Cockran. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker, there was a tragic suddenness in the death of William Bourke Cockran. Late in the afternoon he addressed this House with all his old-time fervor and with the vigor and strength of youth. In the morning his voice was stilled in death. Surely it may be said of him that he died like a battling warrior with all his armor on.

In the brief space of 10 minutes I can not add to the eloquent and appreciative words addressed in eulogy of him on a former occasion in this House, but his was so eminent a career that we should not forget it. His chief distinction was that of a platform orator. No one ever appeared before a public audience in the United States who had greater facility in taming an unfriendly crowd.

His rich, melodious voice, his splendid physique, his command of the English language, all gave him a most unique position as an orator. Those who have listened to him recognized the brilliancy of his wit, his quickness in repartee. Like a gladiator, he could parry and thrust. I remember an occasion when a persistent questioner was harassing him with questions and asking, "Will the gentleman from New York yield?" Mr. Cockran immediately answered, "I will not yield. I submit." [Laughter.]

But he was more than a brilliant platform orator. He was a profound student of history, a philosopher, a patriot. He loved his native Ireland with all her woes and sufferings and gave equal deference and attachment to the land of his adoption. His was a distinguished career in the United States, but that career was also a distinction to our own country, for what land under the sun could give such a golden opportunity to a poor immigrant who, at 17 years of age, came here and attained the position in our public life which Mr. Cockran attained? [Applause.]

If the words of dying men merit attention, I wish to read a very brief extract from the last speech which he delivered here:

> When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, than the employment of industry and the exercise of self-denial, and that the more rapid way is through the Treasury by the complaisance or by the connivance of politicians, then the death knell of this country's prosperity is sounded.

We live in the present. The living rule. We are in the midst of an environment full of hurry and bustle, of thrills and sensations by which we must be very materially influenced; but we shall utterly fail in our duty if we do not realize that the past is richer in its legacies of wisdom than all the present can give. We must commemorate the achievements of those who have gone before. We must measure their words. We must reverence their memory. What notable discussions there have been in this House!

If one of us should indulge in reverie, should he dream like the poet Virgil on the battle field of Philippi, this Hall of the House of Representatives would resound with the echoes of impassioned eloquence uttered by those who had the destinies of their country in their charge, and who decided all-important questions for good or for ill.

In the long list of those who have addressed this body in the years that have passed, none was listened to with greater attention than William Bourke Cockran, and I would lay a wreath of flowers upon his grave. Many things have happened in the three years since he passed away in which he would have had the keenest interest. Ah, well, those of us who are nearing the twilight hour cherish a burning desire that we may tarry yet for a few years that in weakness or in strength we may strive to do our duty to our country and to humanity.

May those of us who live, though perhaps even older than he, yet stay that our eyes may see the future developments in this most wonderful age. [Prolonged applause, the Members rising.]

CHAMP CLARK

Mr. DICKINSON of Missouri. Mr. Speaker, this 2d day of March is the anniversary of the death of the Hon. Champ Clark, of Missouri, and I ask unanimous consent that the gentleman from Tennessee, Mr. FINIS J. GARRETT, may address the House for 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Tennessee [Mr. GARRETT] may address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, it is one of the coincidences that the anniversary of the death of Mr. Cockran, of New York, and that of Mr. Clark, of Missouri, is the same. They were men of different type, but their political philosophy was very similar. Each of them rose to very great eminence in the affairs of America, and each of them attained a fame which spread far beyond our own land and into the remotest parts of all the civilized world. It is, of course, not possible by what we may say here to add to the fame of either.

The gentleman from Ohio [Mr. BURTON] has with characteristically beautiful language expressed the feelings entertained by those of us who had the honor of an acquaintance with the gentleman from New York, Mr. Cockran, concerning that great character. I wish I were able to express half so well the feelings we all entertain toward the great, vigorous, virile Missourian, who died on the 2d of March, 1921. His was a great career; his was a most positive character; his was a most delightful personality; his was a great brain; impulsive at times, yet always grounded in fundamentals of honor, truth, and veracity that caused him to command the respect of all the people of the United States. He was buried a few days later out at Bowling Green, Mo.; buried, I may say, on the anniversary of his birth. Had he lived just

a few days longer he would have attained the age of 71. He was born on the day that Daniel Webster made his famous "Seventh of March" speech in 1850.

The thoughts of unnumbered thousands turn to that grave there at Bowling Green, because we know that in it lies the form which embodied a brave, magnificent, splendid spirit, devoted to his country, devoted to his people, devoted to all that was finest and best in American life. His was a great example, a great example for those of us who are here now, a great example for those who are to come after us.

Shakespeare has Benedick say to Beatrice in "Much Ado About Nothing":

> If a man do not erect in this age his own tomb ere he dies he shall live no longer in monument than the bell rings and widow weeps.

Champ Clark did not erect his own tomb in his day, but he did erect a character and did build a career in the great affairs of his State and Nation which insures the permanency of his fame.

The Commonwealth of Missouri has honored herself by providing for the erection in his beloved city of Bowling Green of a beautiful statue of bronze which is to stand upon a base of red Missouri granite.

This is as it should be. For a quarter of a century he stood as one of Missouri's greatest and most beloved citizens. He reflected glory and honor upon her and she does well indeed to give physical expression to her appreciation of his magnificent life and service.

I deem it a very great honor—and I regret being called upon so suddenly as to have scarcely a minute in which to collect my thoughts—to have the honor of expressing that which I know is in the hearts of all of us who knew or knew of the late Champ Clark. [Prolonged applause, the Members rising.]

Mr. DICKINSON of Missouri. Mr. Speaker, on Saturday, March 5, 1921, at the public funeral of the Hon. Champ Clark, held in the House of Representatives, an eloquent address was delivered by Senator JAMES A. REED, of Missouri, and I ask unanimous consent to extend my remarks by inserting in the RECORD of to-day that address immediately following the remarks of the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] asks unanimous consent that he may extend his remarks by printing the funeral address by Senator REED of Missouri at the ceremonies here in memory of the late Champ Clark. Is there objection? [After a pause.] The Chair hears none.

The memorial address is as follows:

ADDRESS OF MR. REED OF MISSOURI

The SPEAKER. An address will be delivered by Senator REED of Missouri.

Senator REED. A wonderful stream is the river of life. A slender thread emerging from the mysterious realm of birth, it laughs and dances through the wonder world of childhood. Its broadening currents sweep the plains of youth between the flower-decked banks of romance and of hope. A mighty torrent, it rushes over the rapids of manhood and breaks in foam upon the rocks of opposition and defeat, then glides away across the barren, sterile fields of age until it is engulfed and lost within the waters of the eternal sea.

The robes of royalty, the beggar's rags, the rich man's golden hoard, the pauper's copper pence, the jeweled diadems of princes, and the thorny crowns of martyrs alike are swept by the same ceaseless tides.

The miracle of birth, the mystery of death remain the unsolved problems of all time. The shepherd philosopher who 3,000 years ago upon the Syrian plains observed the procession of the planets and contemplated the decrees of fate was as wise perhaps as is the wisest of to-day. He only knew that standing here upon this bank of time his straining eyes could not glimpse even the shadowy outline of the farther shore. He could only behold the white sails of receding fleets; ships that sail out but never come again. He only knew that at the grave's dread mouth all men must cast aside the burden of their honors and their griefs; that man takes with him only that which he has freely given away; but that even death may not despoil him of the riches of service and self-sacrifice.

Measured by that standard, he who sleeps to-day bears with him to the tomb a legacy so rare that even envy is compelled to pay the tribute of admiration.

His long life was devoted to the public weal. Upon his country's altar he placed his wonderful natural talent, the zeal of his youth, the energy of middle life, the wisdom of old age.

With tireless brain he wrought to promote the general good, with sympathetic spirit he labored to lift the burdens of sorrow from the shoulders of the oppressed. His heart cried out for all who trod adversity's harsh road. He explored every avenue of learning and burned his candle late into the night that he might gather for them the lore of other countries and of other times.

The fires of patriotic love for home and country consumed his very soul. He faced each task with the heroic courage of those who do not count the cost. His character rested upon a foundation laid deep in human love.

Champ Clark lives because his works live. He lives because he helped to defend and keep secure the Constitution that preserves our rights. He lives in the Declaration of Independence, whose principles he nurtured with a tender and fearless affection. He lives because he helped liberty to live. Men who have so achieved never die. In ever-widening circles the influences of Champ Clark will be felt, and deeper and yet deeper the tender love the people of his State have borne for him will sink into their hearts.

As time runs on and the historian surveys the picture of these troubled days there will arise in it no figure more heroic than the rugged form that lies so still to-day.

He was the best beloved of Americans.

How cold are words. Let me speak of the man as my friend. For 30 years I have known him intimately. I watched his course through all the storms of life. How big and brave and rugged was this man. He met each danger like a brave soldier. He never flinched from any task. He stood square-fronted to the world.

They say that he is dead, but we who gaze upon his marble brow must realize the man we knew does not lie here to-day. The soul that made him what he was can not have been destroyed.

To his family I can not speak; but of them let me say in all the world I never knew so much of filial affection, of wifely tenderness, of fatherly love as was manifested in his home. They must find consolation in the memory of this glorious man.

Soon he will sleep in the soil of his beloved State. As it enfolds him the very clods that touch his coffined clay will be blessed with the love he bore for the old Commonwealth of Missouri.

Mr. MACGREGOR. Mr. Speaker, I call up a number of privileged resolutions from the Committee on Accounts.

DONALD L. COLEMAN

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 118

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Donald L. Coleman the sum of $208.33, being the amount received by him per month as clerk to the late Hon. George B. Churchill.

The resolution was agreed to.

JOHN C. SPENCER—IVA S. RAKER

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House Resolution 121

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to John C. Spencer the sum of $203.33, and to Iva S. Raker the sum of $130, being the amount received by them per month as clerks to the late Hon. John E. Raker.

The resolution was adopted.

ALICE M. HEAGY AND OTHERS

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House Resolution 149

Resolved, That there shall be paid, out of the contingent fund of the House of Representatives, to Alice M. Heagy, widow of John M. Heagy; to Elizabeth Angleton, daughter of James H. Shouse; to Daisy Maxwell, daughter of Burr Maxwell; to Daisy Rubelle Blanton, widow of William Walker Blanton; relatives of deceased employees of the House of Representatives, each, respectively, a sum equal to six months' compensation of such respective employees, and an additional sum not to exceed $250 to each of the persons before mentioned to defray expenses of the funerals of the above-mentioned employees, respectively.

The resolution was agreed to.

SUPERINTENDENT OF THE HOUSE PRESS GALLERY

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House Resolution 144

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, until otherwise provided by law, to the superintendent of the House press gallery, the sum of $760 per annum, payable monthly, as additional compensation.

With the following committee amendment:

In line 5, strike out the figures "$760" and insert in lieu thereof the figures "$640."

Mr. BEGG. Will the gentleman yield?

Mr. MACGREGOR. Certainly.

Mr. BEGG. Mr. Speaker, I wish the Committee on Accounts had seen fit to have left the amount at $760. The position of the superintendent of the press gallery is just as important as any other position of a similar kind in the Congress, and if the figures $760 are left in the resolution, that makes an annual salary of $3,000. This is not quite equivalent to the salary of a clerk in your office, if I understand it correctly, if you have only one clerk. I think the duties of the superintendent of the press gallery are equivalent to the duties of the clerk of any office. I hesitate and hate to suggest that the gentleman's amendment be voted down, but I certainly am in favor of the $760, and shall so vote.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BEGG. I have not the floor.

Mr. MacGREGOR. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I sincerely hope the gentleman will not insist upon the amendment. This young man came here 15 years ago at the convening of Congress. He started as a page in the press gallery, and after serving there a number of years succeeded Mr. Mann, who was a most efficient superintendent of the press gallery. The superintendent of the press gallery has devoted all of his time constantly to this position. He has a family consisting of a wife, and may I say, twins and one other child, and it is quite impossible for him to get along on less than $3,000, and that is really not enough; he should have more.

I know the young man; he came originally from my city, but he lives here now because his duties require him to be here. But if there is any young man who ever made good, who came here as a page, this young man has done so. He not only attends to the duties of this position but he has followed every convention of the Democratic Party, the Republican Party, of the Progressive Party, and given them services at all times in their conventions. I sincerely hope that the gentleman will not insist on the amendment.

Mr. BEGG. I have been advised that this young man has not had an increase of salary in eight years. I do not think we are exaggerating our generosity or straining it if we leave it at the original amount in the resolution.

Mr. O'CONNOR of New York. I think if the gentleman from Ohio, the watchdog of the Treasury, recommends it, it ought to pass.

Mr. BEGG. I recommend it 100 per cent.

Mr. UNDERHILL. Mr. Speaker, I agree with all that the previous speakers have said in regard to the efficiency, the courtesy, and the value of this superintendent of the press gallery. But the amendment of the committee was based upon a classification which was made by a joint committee in this House and the Senate only two years ago. This man was not included in this revision of salary, and no increase was given him. So the committee placed him in a classification with the clerks of the House who receive $2,880 a year.

Mr. BEGG. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BEGG. Can the gentleman advise us what the superintendent of the press gallery in the Senate gets?

Mr. UNDERHILL. Two thousand seven hundred and forty dollars.

Mr. BEGG. I have been advised, it may be erroneously, that he was getting $5,000 a year.

Mr. CELLER. If the gentleman will yield, the superintendent of the press gallery in the Senate gets $2,750, but there is a resolution to be offered in the Senate within a short period to increase his salary far beyond what we want to pay the superintendent of the press gallery in the House.

Mr. UNDERHILL. If we are going to increase it beyond $2,880 now allowed the clerks under the classification adopted by Congress two years ago, we ought not to make it $3,000, but we ought to increase it so as to place him in another classification which would give him more. I am willing to do that, but I am not willing to upset the work of months of two committees and change the whole policy of classification. We have to have some basis in the Committee on Accounts. The minute you give this man $3,000 you invite many other employees of the Government connected with the House to make a similar request. Now, let us put him in the classification of $2,880, or else put him in the classification of secretaries of the Members to whom you pay a salary of $3,300.

Mr. BYRNS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BYRNS. Does not the gentleman think that this gentleman occupies rather a unique position that takes him out of the general class to which the gentleman refers, so that his argument does not obtain?

Mr. UNDERHILL. I dislike to say anything disagreeable, but some one must do it. If this had not come from the press gallery, there would not have been so much interest displayed in reference to this increase. That is the fact. I am willing to give this young man $3,300, but I want to insist that if you are going to have a classification, let us have it; if not, let us throw the thing wide open and let all come up and ask for what they think they are worth.

Mr. BYRNS. If the committee thought $3,300 was not too much, why did not they increase it to that amount?

Mr. UNDERHILL. I will support that, but I will not agree to any hodgepodge.

Mr. OLIVER of Alabama. If, as it is thought likely, the Senate will increase the pay of the superintendent of the press gallery in the Senate, would it not be well to wait until that is done, so that we may increase both at the same time?

Mr. UNDERHILL. This proposition comes to us on its merits, and I do not think we can gauge our action by what they may do in the Senate. They run things there in a different way.

Mr. OLIVER of Alabama. Will the Senate adhere to the classification and raise the compensation of the official there to a higher classification?

Mr. UNDERHILL. I do not know.

Mr. CELLER. Mr. Speaker, I offer a substitute amendment.

The Clerk read as follows:

Line 5 of the resolution, strike out "$760" and insert in lieu thereof "$1,260."

Mr. CELLER. This will make the salary of the superintendent of the press gallery $3,500. I quite agree with the gentleman from Massachusetts [Mr. UNDERHILL] that there ought to be a proper classification of all the employees of the House. There ought to be some sort of classification; but Mr. Donaldson, the superintendent of the press gallery, and his assistant, Mr. Thrift, do not render the ordinary service that will permit of classification like the other employees of the House. Their service is unique. They are sort of liaison officers between the Congress and the whole country through the newspapers. We all know how important the newspapers and the press are to the Members of Congress. The Government could not function without them. The superintendent of the press gallery is always at the service of Congressmen and all governmental officials. He is at my service, and he is at the service of the gentleman from Massachusetts [Mr. UNDERHILL], because I only recently saw broadcast through the press a statement of Mr. UNDERHILL concerning the independence of the Philippine Islands. Ofttimes the men who represent the newspapers of Mr. UNDERHILL's district or the district of Mr. BEGG (the gentleman from Ohio) or of many other districts, are not in the press gallery. They are in all parts of the city of Washington attending to other assignments. As soon as a man in the House gets up and makes a speech of interest to his constituents, he wants his constituents through the newspapers to have that speech, and Mr. Donaldson gets hold of the particular correspondent that might represent the particular newspaper and informs him of the contents of the speech of Mr. BEGG or Mr. UNDERHILL, and in that way he helps each and every Member of this House. Mr. Donaldson does a great deal of collateral work here. He follows the course of all bills. He explains their status to the press, procures bills and committee reports for the newspapers. He not only takes care of the men in the press gallery, but when we are not in session he works. He covers every national convention, Republican, Democratic, and Progressive. He was here during the Mitchell trial. He was here during the presidential investigation of the aircraft by the Morrow committee; he was here during the investigation of the *Shenandoah* tragedy. He supervised dissemination of news at the arms conference and at the meetings here of the Interparliamentary Union. If he slips up on anything, Congress slips up. He is quite essential to our own work. The laborer is worthy of his hire. He does a work that is worth not less than $3,500 of anybody's money. How many men do you think are up in that press gallery who are taken care of by Mr. Donaldson and by his assistant? I asked a gentleman of the House that question this morning, and he said he thought there were probably 50. My good friends, there are 287 correspondents, an astounding number, and he has to take care of each and every one of them. In the last few years the number has more than doubled. His work has doubled. That indeed is important, far more important than the salary that is offered by the committee. An importance in work and service that is commensurate with $3,500 per year. The committee amendment would give him only $2,880. For that reason I seriously offer the substitute amendment to increase the salary to $3,500 a year. Jefferson years ago said this about newspapers:

If left to me to decide whether we should have a Government without newspapers or newspapers without the Government, I should not hesitate for one moment to prefer the latter.

That is, he would prefer newspapers without a government. Newspapers are just as important now as they were then. Mr. Donaldson is just as important as newspapers, and we must, perforce, give him the increase, otherwise we deny the importance of the press.

Mr. MACGREGOR. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, we have a very unusual situation where the Members of the House are falling over themselves to pay a man more money than he asks. I intended to speak in favor of this increase and explain to the House that it seemed as though the Committee on Accounts did nothing but pass favorable resolutions to spend money out of the contingent fund of the House. On the day on which this resolution was passed it was the only one that the Committee on Accounts approved, although it turned down several. It approved this one on account of the great importance of the press. Of course, I can not tell you about that, but in my opinion this Government is run by the press. The press can make success or failure of any policy, can make or destroy any man overnight, and we were very zealous to safeguard every Member of the House in the fairness of the press so far as allowing adequate compensation could do it. But the House seems to have a new policy in overriding the committee because it does not allow greater amounts than are even asked. The Committee on Accounts feels that there should be some uniformity in appropriations. This amount ought to be either $3,300 or $2,880. The press is asking for only $3,000, and by an amendment in the committee we made it $2,880, which is the amount allowed for similar kinds of work under the classification act. That is practically what the gentleman asked, and it has the merit of uniformity and classification. I ask the House to adhere to a uniform ruling which brings practically all the gentleman asks, and follow the Committee of Accounts and make it $2,880. While this position is not included in the classification act, the action of the Committee on Accounts makes the salary comformable to it.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from New York yield?

Mr. MACGREGOR. Yes.

Mr. CHINDBLOM. Has the classification act been made to apply to employees of the House generally?

Mr. MACGREGOR. No.

The SPEAKER. The question is on the substitute offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MACGREGOR) there were—ayes 49, noes 60.

So the substitute was rejected.

Mr. LINTHICUM. Mr. Speaker, I offer an amendment to the committee amendment to make it $1,060 instead of $640.

Mr. MACGREGOR. Mr. Speaker, I move the previous question on that.

The SPEAKER. The question is on the committee amendment.

Mr. LAGUARDIA. The committee amendment reduces the amount?

Mr. BEGG. Yes.

Mr. LAGUARDIA. So if the committee amendment is rejected, the increase remains at $760?

Mr. MACGREGOR. Yes.

Mr. LINTHICUM. How about my amendment?

The SPEAKER. The Chair did recognize the gentleman from Maryland.

Mr. DOWELL. But I thought the previous question had been moved.

The SPEAKER. Not until after the gentleman from Maryland was recognized. The question is on the amendment to the committee amendment offered by the gentleman from Maryland, to strike out "$640" and insert "$1,060."

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 76, noes 19.

So the amendment was agreed to.

The SPEAKER. The question now is on the committee amendment as amended by the Linthicum amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT SUPERINTENDENT, HOUSE PRESS GALLERY

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House Resolution 145

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, until otherwise provided by law, to the assistant superintendent of the House press gallery, the sum of $720 per annum, payable monthly, as additional compensation.

With the following committee amendment:

In line 5 strike out the figures "$720" and insert in lieu thereof the figures "$280."

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the committee amendment.

Mr. CELLER. Mr. Speaker, I offer the following substitute amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out lines 5 and 6 and insert "of $2,500 per annum, payable monthly."

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 19, noes 20.

Mr. CELLER. Mr. Speaker, I demand tellers.

The SPEAKER. Thirty-two gentlemen have arisen, not a sufficient number. The question is on the committee amendment.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. LAGUARDIA. Mr. Speaker, division; the House has not understood this amendment.

The SPEAKER. The question is on the committee amendment.

Mr. SNELL. Mr. Speaker, can we have that amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. SNELL. Mr. Speaker, may I ask the chairman a question?

Mr. MACGREGOR. Certainly.

Mr. SNELL. What would be this man's proportionate——

Mr. UNDERHILL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. Debate is not in order.

Mr. SNELL. I understand that, but we would like to know what we are voting for.

Mr. UNDERHILL. We know now.

Mr. MACGREGOR. One hundred and eighty dollars.

Mr. SNELL. Does this raise it in proportion, or what should we make it to be in proportion with the other man?

Mr. MACGREGOR. Three thousand three hundred dollars is the other.

Mr. SNELL. If we are going to do it, let us put in the whole amount, $2,000.

Mr. BEGG. It ought to be $2,200.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on agreeing to the resolution.

Mr. BEGG. Mr. Speaker, give us a minute, please.

Mr. MACGREGOR. Mr. Speaker, I move to amend by making it $680 in place of the sum that is mentioned.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 5, strike out "$720" and insert in lieu thereof "$680."

Mr. MACGREGOR. Mr. Speaker——

Mr. BEGG. Two thousand two hundred and forty dollars?

Mr. MACGREGOR. Is that $720 in there now? Leave it as it is. It makes it right.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9341.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9341, with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9341, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TARIFF COMMISSION

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for phostat and other machine operators, payment in advance for subscriptions to newspapers and periodicals, and contract stenographic reporting services, as may be necessary, as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, and under sections 315, 316, 317, and 318 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922, $690,500, of which amount not to exceed $551,780 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. GARRETT of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that my colleague [Mr. HULL] may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his colleague [Mr. HULL] may proceed for 10 minutes. Is there objection?

Mr. WOOD. Mr. Chairman, reserving the right to object, I do not know that I understand the motion of the gentleman.

Mr. GARRETT of Tennessee. I moved to strike out the last word.

Mr. TILSON. It is on the bill?

Mr. GARRETT of Tennessee. On the Tariff Commission proposition.

Mr. WOOD. Evidently there will be some debate on this paragraph, and I would like to ask now that we may get along and have ample time, that all debate on this paragraph and all amendments thereto be closed in one hour.

Mr. GARRETT of Tennessee. The time to be controlled——

Mr. CHINDBLOM. Mr. Chairman, reserving the right to object, does the gentleman anticipate debate?

Mr. WOOD. There may be.

Mr. CHINDBLOM. I do not object, if we need the time.

Mr. GARRETT of Tennessee. I suggest to the gentleman that he make it not to exceed one hour, for as far as I know there will not be a demand for as much as 30 minutes on this side.

Mr. WOOD. Mr. Chairman, I modify the request and make it not to exceed one hour; one half to be controlled by the gentleman from Louisiana, and one half by myself.

Mr. CHINDBLOM. The section and all amendments thereto?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on this paragraph and all amendments thereto be not to exceed one hour, one half to be controlled by the gentleman from Louisiana, and one-half to be controlled by the gentleman from Indiana.

Mr. CHINDBLOM. Mr. Speaker, a question of order. Can an agreement be made in committee for control of the time?

Mr. TILSON. By unanimous consent.

The CHAIRMAN. By unanimous consent the Chair thinks it could be. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Tennessee [Mr. HULL] for 10 minutes.

Mr. HULL of Tennessee. Mr. Chairman, speaking personally, I would be disposed to favor striking out the entire appropriation in this section or paragraph. I am frank to say that that viewpoint should be sustained by a very unusual and most convincing state of facts or conditions. No one in the House would or should seriously consider striking out an appropriation for the maintenance of an important agency of the Government, unless a very surprising, not to say anomalous, condition had developed in connection with the activities of that agency.

We have a few outstanding facts, which I find are not controverted, relative to the course and the personnel of the Tariff Commission and its activities. I have for a number of years supported the policy of a Tariff Commission.

I voted for the commission's appropriation a year ago, when many gentlemen thought the commission had reached such a state of disruption, disintegration, and demoralization as to justify the discontinuance of the appropriation until the personnel should be readjusted and thereby made to function in accordance with the true spirit and policy of the law creating the Tariff Commission.

The gentleman from Indiana [Mr. WOOD], as I understood him, in a recent address expressed the viewpoint that the Tariff Commission should reflect the political view of the party in charge of the Government. I wish first to call attention to the fact that the platform of his party in 1924 very strongly negatived that view. On the contrary, it expressed the true purpose of the Tariff Commission as originally created, and that was that it was to be an impartial fact-finding agency of the Government as a basis for tariff legislation and rate fixing.

The President, in his speech of acceptance, also negatived that view in accordance with the platform of his party for that year. He expressed his strong approval of the elastic and flexible provision of the tariff, and concluded with the statement:

> I am in favor of the elastic provisions of our tariff laws, and I propose to administer them not politically but judicially.

That is the most recent utterance of the President on the subject. We shall see how "judicially" he administered them.

Now, Mr. Chairman, I come to just a few outstanding points, conditions, and occurrences which have gone most vitally to affect the personnel and to control and affect the functions, policies, and activities of the Tariff Commission. A number of the tariff items that came before that commission might be taken to illustrate what I would consider the importance of the true functions of the commission and the abuses and shameless conditions that have crept in.

For example, during 1923 and 1924 they had under consideration an investigation of the sugar tariff situation. That was more fully developed in 1924. Then it was that Commissioner Culbertson was taken in hand by those who were opposed to the lowering of the sugar rates on any state of facts that might be reported by the Tariff Commission. A diplomatic appointment was first suggested to him early in 1924. Mr. Commissioner Culbertson some months later was first notified by the White House that charges were pending against him before the Department of Justice because he had agreed at odd times to deliver a few law lectures before George Washington University and one up in Massachusetts. He was at the same time requested to come up to the White House. There was some conference with Secretary Slemp. In the meantime these charges were still at the Attorney General's office. They later were sent to the President. Culbertson was soon called to see the President, and, with the report of the Attorney General's office before him, the question of the so-called charges was taken up by the President and discussed between him and Mr. Culbertson, and the President, without acting on the charges, then proceeded to make a specific request of Mr. Culbertson to delay the report of the commission on the sugar tariff sugar situation. This was when Culbertson was about to leave.

These conditions operated during 1924. It was patent that there was an effort—I need not say what the motives were—but there was an effort to dictate the judicial course, the impartial fact-finding course of Commissioner Culbertson in connection with that investigation. Commissioner Lewis had an experience which brought out the policy and revealed the atmosphere which shrouds the Tariff Commission and its recent activities even more forcefully. Mr. Lewis's term as commissioner was to expire in September, 1924. During the summer of 1924 those who, I will say, believed in the highest possible tariff on sugar and were violently opposed to reducing it upon any state of facts, at least at that time, were desirous of having the vote of Lewis to postpone the report by the Tariff Commission during the summer of 1924, but he was not wild about doing so. The result was that as the expiration of his time approached he was notified by an individual direct from the President that he would most likely be reappointed, provided he was willing to sign an undated resignation and hand it to the President at the time he received his appointment.

These facts are not controverted; that is, they have not been controverted by anybody. So Lewis was to deliver a resignation couched in this language by Commissioner Culbertson straight from the White House:

I hereby resign as a member of the Tariff Commission, to take effect upon your acceptance.

He had a conference with the President at the President's request. He declined to execute this resignation as it had been prepared and delivered to him for execution. Lewis, of course, was dropped in December following.

Now, Mr. Chairman, there was an unusual condition, an outright effort to control the free and untrammeled and judicial and impartial action of two of these commissioners. I do not know whether that practice has stopped yet or not, but I noticed some time later, in August, 1925, that the President sent this telegram to the Hon. B. E. Haney, of the Shipping Board:

EXECUTIVE OFFICE,
Lynn, Mass., August 27, 1925.

Hon. B. E. HANEY,
United States Shipping Board:

It having come to my attention that you are proposing to remove Admiral Palmer, contrary to the understanding I had with you when I reappointed you, your resignation from the United States Shipping Board is requested.

CALVIN COOLIDGE.

Mr. Chairman, if all these appointments are to have strings attached to them; if the members are to deliver their undated resignations in advance, so that unless they do the bidding of the President they may wake up any morning or at any hour to find they have resigned, I submit that no agency can function according to any law or any policy that the Congress might direct. [Applause.] This is the situation. These outcroppings are sufficient to show the utter demoralization and collapsed and disrupted conditions that must exist within the personnel of this Tariff Commission organization. Messrs. Culbertson and Costigan, two men of the highest character, are responsible for most of these facts, and I dare say they will not be questioned.

I think it would be utter folly, unless we desire to ratify and approve the unheard-of and startling methods of the President in committing or striving to commit these members in advance, for us to continue to make appropriations for this commission to be conducted in that kind of manner. For that reason, Mr. Chairman, I am not able to make up my mind to vote to continue as an established policy of the Government an agency appointed and commissioned by the President with their resignations retained in his possession or an advance promise or a pledge exacted or demanded or threat held out whenever any acute stage is reached in the consideration of the fixed duties and functions of this commission in connection with a tariff item. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. ELLIOTT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8264) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCNARY, Mr. JONES of Washington, Mr. LENROOT, Mr. OVERMAN, Mr. HARRIS, and Mr. SMITH as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8722) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

APPROPRIATIONS FOR THE EXECUTIVE OFFICE AND SUNDRY INDEPENDENT EXECUTIVE BUREAUS, ETC.

The committee resumed its session.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Kansas——

Mr. CHINDBLOM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. CHINDBLOM. I rise to a question of order. I think we are proceeding in violation of the rules by permitting in the Committee of the Whole the control of time in the five-minutes debate.

Mr. WOOD. There was a unanimous-consent agreement about it.

Mr. CHINDBLOM. My point is the committee can not even do it by unanimous consent.

Mr. WOOD. You can do anything by unanimous consent.

Mr. CHINDBLOM. No.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. CHINDBLOM. I made the point of order, Mr. Chairman, when the request was made.

Mr. CONNALLY of Texas. That was the time to rule on it.

Mr. GARRETT of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. Mr. Chairman, I think the gentleman is in error as to his point of order about control of the time. The Committee of the Whole can not limit debate; that is very true; that is, the committee can not limit general debate, but by unanimous consent——

The CHAIRMAN. Would the gentlemen from Tennessee and the gentleman from Illinois permit the Chair to make a suggestion? To be perfectly frank, the Chair is very much in doubt, but rather suspects that the gentleman from Illinois is correct, but would not want to make a ruling at this time. Would the gentleman from Illinois and the gentleman from Tennessee permit the debate to go on for a few moments? The only interest the Chair has in the matter is in preserving good practice in Committee of the Whole, and there is a serious question about it. The rules positively state that in debate under the five-minute rule a man offering an amendment is entitled to five minutes, and anyone wanting to oppose it is entitled to five minutes, and the recognition is entirely within the power of the Chair as to who shall be recognized. There is not any dispute on the question of the committee's power to limit debate to any time it wants after there has been some debate. There is no question on that point. Whether the committee can take away from the Chair the right to recognize whomsoever he will is a questionable one, and the present occupant of the chair would not like to rule at this time, and therefore offers the suggestion that we allow the debate to proceed long enough for the Chair to look into the question further.

Mr. CHINDBLOM. Mr. Chairman, my only anxiety is to preserve the proper practice.

The CHAIRMAN. The Chair realizes that.

Mr. CHINDBLOM. And not to permit the present situation to stand as a precedent unless it is within the rules.

Mr. CONNALLY of Texas. Mr. Chairman, I want to submit one observation on that point. The question that seems to be in the Chair's mind is whether or not the agreement to have debate for 30 minutes on each side under the control of the gentleman from Indiana and the gentleman from Louisiana would deprive the mover of an amendment of his right to debate.

Let us suppose we are in Committee of the Whole without any agreement, the gentleman who offers the amendment has five minutes, has he not?

The CHAIRMAN. That is the Chair's understanding.

Mr. CONNALLY of Texas. He uses that five minutes and then he appeals to the committee for five minutes more and the committee grants him five minutes more, and then he wants five minutes more and five minutes more; there is no doubt that the committee can extend that time.

The CHAIRMAN. Just as far as they want.

Mr. CONNALLY of Texas. If the committee has the right to extend the time for any individual upon his individual request, it has the right to extend the time to 30 minutes on behalf of the gentleman from Indiana and 30 minutes on behalf of the gentleman from Louisiana.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CONNALLY of Texas. I am coming to the very point involved. Even if the Chair should hold that that agreement does have the effect of depriving the Chair of the right to recognize the mover of the amendment and somebody to oppose it, the agreement would be simply cumulative and would have the effect of granting an hour in addition to the five minutes which the Chair would control by recognizing the mover of the amendment and five minutes against the amendment.

Mr. CHINDBLOM. If the Chair will permit, the Manual distinctly states that a member of the Committee of the Whole having obtained recognition under the five-minute rule may not yield any of that time to some one else.

Mr. CONNALLY of Texas. All right; we are not operating under that. We are operating under a unanimous-consent agreement that the gentleman from Indiana shall have 30 minutes and the gentleman from Louisiana shall have 30 minutes. If that is in conflict with the rule under which the Chair states he is required to recognize or has the right to recognize——

The CHAIRMAN. No; the Chair simply asks permission to defer a decision until a later time.

Mr. LINTHICUM. Mr. Chairman——

Mr. WOOD. Regular order, Mr. Chairman.

Mr. LINTHICUM. I just want to make the suggestion, Mr. Chairman, that when Mr. Champ Clark was Speaker of this House practically the same question arose, and our colleague here, the gentleman from Missouri [Mr. CANNON], was parliamentarian, and the then Speaker said we had the right to do anything under unanimous consent and that the rule did not apply to unanimous consent.

Mr. CHINDBLOM. That is in the House but not in the committee.

The CHAIRMAN. The gentleman from Indiana is recognized to yield time for the present.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I rise to oppose the pro forma amendment. In other words, I am in favor of the appropriation for the Tariff Commission. While I am ready to admit that the commission is not functioning at this time as contemplated by law, I do not think that is necessarily the fault of the law. I desire at this time to have the Clerk read an editorial from the Wichita Eagle, published by Hon. Victor Murdock, a former Member of this House. I will say, however, the editorial was not written by him, as he was not in the country at that time. This editorial appeared in the issue of February 6.

The Clerk read as follows:

SUCH A SURPRISE

Nobody will exactly faint with shock from the news that abolition of the Federal Tariff Commission was urged by the national board of farm organizations down in Washington. The commission has now become a high-tariff monstrosity. It can't any more do what it was intended to do than a watermelon can grow whiskers. It was supposed to be an impartial body which should study tariff schedules and make recommendations so that the flexible provision could be used to adjust rates to changing conditions. The first time it became apparent something was the matter with this system was back in 1924 before the election when the commission recommended a reduction in the sugar schedule. Some 10 months afterwards President Coolidge took this recommendation from its pigeonhole and threw it into the wastebasket. The commissioners who voted for reduction, including Culbertson of Kansas, were then got rid of and safe, Bostonian, "home market" protectionists were substituted. A body supposed to be impartial is now packed with out-and-out high tariff advocates. Senator Norris's charge still stands, that Coolidge demanded a blanket resignation from one member in advance of appointing him. And now the farm organizations discover that this commission which is cheek and jowl with the big manufacturers doesn't seem to take much interest in the farmers' cases. Isn't it surprising?

Mr. AYRES. Mr. Chairman, notwithstanding the fact that that condition may exist, and I am not saying but that it does, I still feel that we should not destroy the commission by failing to appropriate for it. If we carried that theory to a conclusion, we might as well strike out the appropriation for the Federal Trade Commission and for the Interstate Commerce Commission, and I might mention other governmental agencies—for instance, the board of governors of the Federal Reserve. The fact that these useful agencies may have temporarily fallen into the hands of their enemies is no reason for destroying them.

Now, I have another editorial here, written by another independent Republican in the State of Kansas, William Allen White, who after dealing facetiously with the Democratic emblem, the mule, and Mr. OLDFIELD, of Arkansas, calls attention to the fact that Mr. OLDFIELD was going over the country asking that the tariff be made the paramount issue, and he says:

ISN'T THAT LIKE 'EM?

With an income tax devised largely to protect a hundred men who pay taxes above $300,000,000, with the Secretary of the Treasury under a cloud as a stockholder in a grasping trust, with a scandal lapping at the feet of the Tariff Commission, and with the Federal Trade Commission in the hands of those who believe in the divine right of big business to rule, with the clear-cut issue all down the line whether or not the Government is established to protect the people from big business or big business from the people.

It would seem from these two editorials these matters are attracting some attention throughout the country, Mr. Chairman.

Mr. SANDLIN. Mr. Chairman, I yield eight minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 6, after the word "representative" insert "or who has given any previous resignation acceptable at will or made any promise or agreement which would influence, or tend to influence, his free action as a member of said commission."

Mr. WOOD. I reserve a point of order on the amendment.

Mr. LINTHICUM. Mr. Chairman, of course, it is well known that this amendment is based upon the question which has just been discussed by the gentleman from Tennessee [Mr. HULL]. The fact that Mr. David J. Lewis, who was a Member of this House for a great many years, who was the father of our parcel-post system, a very studious and strong man in this House of Representatives, was appointed to this Tariff Commission, and, as the gentleman from Tennessee has said, before he could be reappointed he was asked to give a resignation acceptable at the will of the Executive to be used at any time by the great Chief Executive of our country.

Mr. Lewis, Scotchman that he is, refused to do any such thing, and the consequence was that he was not reappointed. He had the temerity with his colleagues to submit a report on the sugar question at a very inopportune time, during the presidential election of 1924. The consequence was that he was ousted from the Tariff Commission. Then I base it on the facts as I gather from the press and otherwise. I read from the February 24, 1926, issue of the Evening Sun, of Baltimore, about Mr. Haney, of the Shipping Board:

FIRST FAILURE OF COOLIDGE ALLEGED DO-NOTHING POLICY LOOMS IN OREGON POLITICS—PRESIDENT BELIEVED OUTMANEUVERED BY HANEY, WHO QUITS SHIPPING BOARD IN TIME TO FIGHT AS DEMOCRAT FOR SENATE SEAT

WASHINGTON, February 24.—Washington observers are commenting to-day on what they say is the first failure of the alleged Coolidge policy of settling awkward problems by doing nothing about them.

The failure is seen in connection with the resignation from the Shipping Board yesterday of Commissioner Burt E. Haney, of Oregon, who sprang into the limelight some months ago as the possessor of one of the famous Coolidge "good-behavior" appointments.

Mr. Haney, it will be remembered, filled the air with vehement protests last August when the President asked him for his resignation. In this demand, the President did not hesitate to admit that he had appointed Haney to the Shipping Board, which is a semijudicial body, with the "understanding" that Haney would always vote to give Admiral Palmer, head of the Emergency Fleet Corporation, a free hand.

When Palmer approved sale of several Pacific Shipping Board lines running out of Portland, Oreg., and Seattle, Wash., to the Robert Dollar interests, Haney voted for the admiral's ousting. Mr. Coolidge promptly asked Haney for his resignation, asserting that the commissioner had acted "contrary to the understanding I had with you when I reappointed you."

DEFIANCE WON NORTHWEST

Haney promptly replied that he would not resign, because such action "would carry an implication I can not permit"—that is, the implication, according to Haney, that he had agreed in accepting the appointment to vote as the President wanted him to.

Now, my amendment is to the point that no man can accept or be appointed to a position on this Tariff Commission or upon any other commission or upon the Shipping Board, having previously given his resignation acceptable at will, or who has made a promise to pursue any particular policy or vote in any particular way. In other words, if he is going to receive an appointment to a semijudicial position he ought to have a free hand. If we carry this to the logical conclusion, we are going far beyond what the framers of the Constitution had in mind.

It was always understood that when a man was appointed to a position he was appointed for the full term provided for that position, and it had to be sent to the Senate for confirmation, and therefore the President and the Senate created the positions in the independent offices.

Mr. MOORE of Virginia. Altogether aside from the Constitution, does the gentleman know of any precedent that would justify any such act in the whole history of the Government?

Mr. LINTHICUM. Never to my knowledge. The gentleman from Indiana quoted some practice from the Shipping Board; he is evidently incorrect about it; in fact, he does not say he is positive himself. I am informed he is absolutely wrong.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLACK of New York. Is it not a fact that in the New York State Assembly, when controlled by the Republican Party, they expelled a group of Socialist members because they had resigned to their party in advance. The Republican Party thought that was violative of the American principle of government.

Mr. LINTHICUM. What I contend is the fact that if this system is continued, if it be persisted in, then confirmation by the Senate amounts to nothing. A man will give his resignation in advance. The Senate confirms him. Two months or a month or a day after he is confirmed by the United States Senate, with full belief that he will occupy his position for the term for which it is provided, the President can accept his preappointment resignation, and the gentleman is out of office and another official must be appointed and go through the same routine. I think there is too much concentration of power in the city of Washington at the present time, and I am opposed to the further extension of any such system. I am opposed to any system that will break down the Constitution of our country, and this manifestly does that. I am not alone criticizing the President for this performance, but likewise the perniciously bad system. If he wanted an expert, a man who had been tried and found true, a man of distinction and honesty, who had served four years in the House of Representatives, one who is an expert on tariff questions, a student, well known to the whole country, no such requirement should have been necessary. To continue the practice will create distrust, discord, and the undermining of not alone the public confidence but the Constitution as well.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SUMMERS of Washington. Is the gentleman opposed to the breaking down of the eighteenth amendment to the Constitution?

Mr. LINTHICUM. When the gentleman speaks of the eighteenth amendment to the Constitution, I think my position is well known. I never did think it was right. I voted against it when it was introduced, and I am opposed to the eighteenth amendment and opposed to the Volstead Act and all other such sumptuary laws or regulations.

Mr. SUMMERS of Washington. I thought the gentleman said that he did not want the Constitution broken down.

Mr. LINTHICUM. I am opposed to the concentration of power at Washington; already the National Government has assumed many of those powers which were reserved by the States. To-day we have various agencies operating under bureaus and departments which spread their activities through the States and cities of the Union, subverting business, education, and various other activities to the investigation and scrutiny of officials and inspectors of the National Government.

The Volstead law with its numerous job holders infest the land, gathering information and misinformation, creating turmoil and disturbances, all to no avail. Those from the Health Department are located throughout the land, either cooperating or directing certain health regulations, the result of which the people are at all times uneasy and are timid in the affairs of business, and particularly when they feel that perhaps they might be violating some rule or regulation of some national department or bureau of which they have no knowledge.

What I particularly dwell upon, however, is that amid all this concentration of power, the consolidation of vast business interests, the great monopolies, formed for the regulation and control of business and of the very food products of the land, comes the assertion that the President of the United States is extending his power by requiring resignations in advance of appointment to office. Where, oh, where, will such a policy or principle land us?

If this policy is carried to its logical conclusion, then why have the Tariff Commission? Why have such a bureau as the Federal Trade Commission when it must conform to the views and wishes of the Executive, else the appointee must retire from that position?

We had hoped that through these bureaus we might ascertain certain facts and conclusions after diligent research and study, and with these facts and conclusions there might be a reduction in certain tariff schedules or that the Federal Trade Commission might regulate business in the interest of the public.

If resignations are to be a prerequisite to an appointment, then is it not possible to carry this further and to require resignations from the judiciary and other branches of the Government? So that eventually concentration more confounded will be the result; that not only will there be concentration of power in Washington under the Government but likewise concentration of activities under the President, thereby bringing all branches under his absolute control and dictation.

Born and raised in the great Commonwealth of Maryland, which since its earliest history has stood for the liberty and freedom of the people, I, for one, rebel against such a principle or practice, whether it be by the Executive or whether it shall have been performed by any previous Executive, or may be performed by any succeeding one. It is a practice which will undermine the very structure of Government itself. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, and gentlemen of the committee, this is a question in which I suppose every Kansan has some interest. Kansas people have been mentioned quite extensively in this discussion concerning the Tariff Commission. I believe that I know Bill Culbertson as well as anyone here, and I do not believe that he would serve the President in the capacity that he is serving him now if he thought there had been anything dishonorable in the President's conduct toward him. If he thought the President was not entirely honorable in his course with the Tariff Commission, I believe that he is big enough to have resigned his position, and I say that in defense of a Kansan. I think we will always have some little fuss so long as we have the tariff, and so long as we have Government we will never agree, because honest men have different views with respect to the tariff. Take an executive who is administering the laws of his country who believes that we would have a tariff on sugar, not only to raise revenue, but to protect the American producer of sugar. The present Executive of our Nation believes in that, and I think you will find the present occupant of the White House is subject to as little criticism as you will ever be able to find in any Executive, so long as we have an executive administering a law of that kind.

Mr. HULL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HULL of Tennessee. The gentleman has justified Commissioner Culbertson in his confidence in the President. What does he say to the conduct in respect to Commissioner Lewis?

Mr. TINCHER. I said that I knew Mr. Culbertson personally. I do not know Mr. Lewis. I said that I believed that if Mr. Culbertson thought that the President had done anything dishonorable or wrong, he would have resigned and have gone home. I prefer to take my acquaintance with Mr. Culbertson for that fact, rather than to take correspondence that Mr. Culbertson had with any other man. I do not know Mr. Lewis.

Mr. HULL of Tennessee. If the gentleman had been in Mr. Lewis's place would the gentleman have given his resignation as requested?

Mr. TINCHER. I do not know. I do not know whether Mr. Lewis ever ought to have been on the Tariff Commission. My private opinion about Mr. Costigan is that he ought never to have been on that body. A man is supposed to have published a letter that Mr. Culbertson wrote to him. I think it unfortunate that the man ever had any connection with this administration or any other.

Mr. HULL of Tennessee. But nobody is talking about him.

Mr. TINCHER. I say that I am not interested in that. I say that Mr. Culbertson knows that the President is right and is conducting himself properly, or Mr. Culbertson would have resigned and gone home. Let me show you how fair you are when you come to quoting things.

My friend from Kansas [Mr. AYRES], and he is my good friend and on the same side of this controversy with reference to striking out the item that I am—gives you a few hot editorials from Victor and Bill—two men he says are independent Republicans in Kansas. I guess they are independent. I shall not deny that part of the statement. He said that he was not reading all of this editorial.

Mr. AYRES. The gentleman was not present when I read the editorial, was he?

Mr. TINCHER. Yes; I was.

Mr. AYRES. If so, he will remember that I said that I wanted to read an editorial written by William Allen White, a part of which I went on to say dealt facetiously with the Democratic emblem and then said that he wrote as follows——

Mr. TINCHER. Oh, I heard every word that the gentleman said.

Mr. AYRES. I did not intend to be unfair to Mr. White.

Mr. TINCHER. I happen to know that the gentleman was not reading it all, and that is the reason I thought the rest of it would be interesting, and that is why I got it. Bill White does not agree with the gentleman entirely. Of course, Mr. White has been awfully independent throughout his lifetime as a Republican when it came to the proposition of the tariff.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. Will the gentleman yield me five minutes?

Mr. WOOD. I yield the gentleman five minutes.

Mr. TINCHER (reading):

Representative OLDFIELD, of Arkansas, declares to-day in a public statement that the Democrats are going to make the tariff the paramount issue in this campaign. Isn't that like 'em?

Then somebody took a lead pencil and struck it out.

Mr. AYRES. I did.

Mr. TINCHER. There is another part that fits in with what you read very nicely. I read:

With the clear-cut issue all down the line whether or not the Government is established to protect the people from big business or big business from the people the Democrats, whose emblem is the jackass, are starting out to make a campaign on the tariff. Now, isn't that like 'em?

That completes the article.

I think there has been a tempest in a teapot about the Tariff Commission, a good deal of excitement about it. It always creates excitement if somebody gives out a private letter. There is something about publishing a private letter that creates a lot of excitement and——

Mr. AYRES. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. AYRES. May I ask a question? I am very fond of Commissioner Culbertson and there is no question at all about his being loyal. He was appointed as a straight-out Republican, not as a Progressive. Now, is it not a fact after not agreeing with the report made by Commissioner Culbertson relative to the sugar matter, is it not a fact that Culbertson was offered a position on the Trade Commission if he would resign from the Tariff Commission, and he refused to accept it?

Mr. TINCHER. Not that I know. I know this, that Culbertson wanted a position in the Diplomatic Service. He served on the Tariff Commission during Wilson's administration and Harding's. I know when Harding was President——

Mr. AYRES. If the gentleman will permit, my understanding is after this disagreement over the sugar tariff that he was offered a position as a member of the Federal Trade Commission and refused to accept it, and afterwards he was offered the position of minister and was sent, I think, to Rumania.

Mr. TINCHER. That may be true. I know he wanted a diplomatic position, and wanted it for several years. Let me say this for the Tariff Commission and the flexible tariff law. The increase in the tariff on wheat has been the greatest change made by the Tariff Commission and the President, and has been the one thing that has benefited the Kansas wheat producer more than any one administrative act for the last two years. We know that, and we concede that out West, and I think, if for no other reason than that one act, we had better keep the flexible tariff. It is hardly fair to say that because President Coolidge thinks that instead of manufacturing 5 per cent of the sugar consumed in America we ought to manufacture half of it, because he believed in protecting the American sugar industry, that he was against agriculture. I agree with him in his opinion. Consider the sugar industry of America under the Underwood tariff law? There were mills shut down, plants closed, and you know what the sugar price was then. Some one said I said there was free sugar under the Underwood law. I never meant to say that. The sugar producer of America was not protected under that law. Compare the prices under that law and now. I hope the time will come when 80 per cent of the sugar consumed in America will be produced here.

Mr. AYRES. Is my colleague in favor of this Tariff Commission being a partisan commission or bipartisan commission?

Mr. TINCHER. I am in favor of its being a fact-finding commission. I say if we had a President who believed in the principles of the Underwood tariff law——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TINCHER. Can the gentleman yield me two minutes?

Mr. WOOD. I yield the gentleman two minutes.

Mr. TINCHER. The Republicans would find fault perhaps with the conduct of the Tariff Commission, or, if the Executive is a protectionist, the Democrats will find fault. I am convinced of one thing, that all of this talk and so-called scandal about President Coolidge and the Tariff Commission is "bunk," or Bill Culbertson would not have been drawing a salary under President Coolidge.

Mr. LOZIER. Mr. Chairman, will the gentleman yield there for a question?

Mr. TINCHER. No; I do not want to let any one else into the RECORD, just as my time expires, and anyway the gentleman does not know anything about it. [Laughter.]

Mr. WOOD. Mr. Chairman, the gentleman from Kansas yields back the remainder of his time.

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from Kansas [Mr. TINCHER] is carrying out the promise he made some time ago, in which he said that when the tariff was under attack he was going to hang around. He heard the fire bell and, like a faithful old fire horse, he comes stamping out of his stall on the way to the fire. [Laughter.]

A little while ago a Member on this side asked the gentleman from Kansas if he thought the Tariff Commission ought to be a partisan or a bipartisan commission. I rather think the gentleman from Kansas thinks it ought to be a partisan commission when the Republicans are in power and a nonpartisan commission when the Democrats are in power. [Laughter.]

Now, gentlemen, what has happened here to-day? Gentlemen on our side of the House raised the question of the propriety of having a Tariff Commission whose members are subservient instead of being independent, as the law intended they should be, instead of exercising their own judgment, their own brains in finding facts, not in determining policies, but in finding facts. This side of the House contends that when you come to find a fact you ought to have a jury that is independent of any outside influence. The gentleman from Kansas evidently believes it is all right to have a jury, a Tariff Commission, to find facts and have its members under the coercion and influence of some outside power, with a string tied to them, in order that if they did not find facts like that particular appointive agency wants them to find it may pull the strings and control their action. Gentlemen will recall at Christmas time, when they are down town, having seen on the streets street fakers with little toys and manikins dancing on the sidewalk.

The children are led to believe that these little manikins are alive. They do not know that the faker has a little black thread fastened to his forefinger and tied to the manikins, and that every time the faker wiggles his finger the manikins, pursue their gyrations and go through their dancing motions. Of course such toys impress only the gullible children and those easily fooled with the idea that they are themselves dancing. But that is the kind of a tariff commission that the gentleman from Kansas evidently wants. He wants a commission whose resignations are placed in the hands of the President before they take office, and then the American people, these supposedly guileless children, these children that may be fooled, can believe that the little dancing dolls are really dancing themselves—the gentleman from Kansas wants the American people to occupy the position of these gullible little sightseers. The dolls are not really dancing, but he wants the people to believe they are. But the gentleman from Kansas, like the father who buys the toys, knows whose finger has a string tied to it, and what is moving it; he knows that the string controls the wooden dolls, and therefore he wants the President to have in his possession the resignation of every one of them before they take office.

The idea of the gentleman from Kansas as to the confirmation of these gentlemen by the Senate is that before a man is confirmed the President shall have his resignation in his pocket. He says in substance to the Senate of the United States, "I send you the name of John Smith as tariff commissioner, and I want you to confirm him, but I am not going to tell you that before you confirm him he has already resigned." Yet he tells the Senate he wants him confirmed.

I happen to have been a member of the select committee appointed to investigate the Shipping Board, and I know something of the statements which the gentleman from Tennessee [Mr. HULL] read a little while ago, in which the President demanded the resignation of Mr. Haney. He says, "I demand the

resignation of Mr. Haney as a member of the Shipping Board." He is under oath to perform his duty according to law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. May I have two minutes more?

Mr. SANDLIN. I yield to the gentleman two minutes more.

Mr. CONNALLY of Texas. Mr. Haney, of the Shipping Board, understood that when he exercised his judgment, it should be his own judgment, and not the judgment of the President or the judgment of the gentleman from Kansas. But the President writes him a letter, in which he says: "I demand, Mr. Haney, that you resign." Because he violated his oath? No. Because he has not done his duty? No. "Because," says the President, "you have not kept a little secret agreement that I had with you; not an agreement that was spread out where the American people could see it, but a little agreement extracted from you in the privacy of my own office, to the effect that you will do a certain thing." Mr. Haney denied that he had ever made such an agreement in derogation of his duty and independence.

Other members of the Shipping Board had demands made upon them in accordance with the demands of this star-chamber agreement, which means that the Executive is encroaching not alone upon the power of Congress but upon these supposedly independent agencies. The Air Service is a matter for Congress to determine. When the Mitchell scandal broke, instead of letting Congress investigate the matter, the President appointed his own board, with Mr. Dwight Morrow, a schoolmate, as president of that board; and yesterday the papers carried the statement that the President did not want Congress to do anything with respect to aircraft except to pass upon and carry out the program outlined by his classmate, Mr. Morrow.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. May I have one minute more?

Mr. SANDLIN. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Texas is recognized for one minute more.

Mr. CONNALLY of Texas. The papers stated that the President desired Congress to adopt the Morrow report or recommendations. Will the law-making power accept the dictation of the White House? That is the kind of tariff commission the gentleman from Kansas, and evidently some other gentlemen on that side of the House, want.

I am for a tariff commission, if we can have a tariff commission that will perform its duty; if we can have one that finds facts; and between honest men there ought not to be any trouble about facts. I never heard of a jury dividing on partisan lines. When a jury is impaneled I have seen Republicans and Democrats sit on it, and when it comes to finding facts they find the facts. If we are to have a tariff commission, we ought to have one that is independent, we ought to have one that is independent of the Congress, we ought to have one that is independent of the President, and one that can speak the truth because it is the truth. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SANDLIN. Mr. Chairman, I yield four minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I have asked recognition in order to ask my friend, the gentleman from Tennessee [Mr. HULL], a question. The gentleman was very limited in his time and had no opportunity to refer to several matters, besides the two he mentioned, that relate to the conduct of the work of the Tariff Commission and its personnel. Will the gentleman recall to us the question as to whether the make-up of the commission has really been bipartisan; and in that connection restate what may have been said here before with respect to the appointment of Mr. Glassie?

Mr. HULL of Tennessee. I would say to the gentleman that as I recall the facts—and I may say that the Senator from Nebraska, Mr. NORRIS, in a most impersonal manner, placed all of this data in the CONGRESSIONAL RECORD during January and February, and it has been entirely uncontradicted and unchallenged by anybody up to this time. I dare say no one will challenge any of the facts pertaining to these unheard-of and amazing practices on the part of the President and the Tariff Commission personnel with which he has been dealing.

In the statement the facts were brought out that in an ostensible effort to keep the commission bipartisan Mr. Glassie was appointed presumably as a Democrat. They reached the sugar investigation, and as that progressed three members of the commission challenged the right of Mr. Glassie to vote on the sugar-tariff phases upon the ground that his wife possessed $200,000 of par value stock of a sugar organization. The other two members, plus Mr. Glassie, voted in the negative on the question of excluding Glassie from so voting. A deadlock resulted. They—the commission—thereupon went to the President and presented the entire matter to him for solution and for a ruling. The President declined to take any action at the time, but some time later he seems to have sent a message back to the commission by the chairman, Mr. Marvin, of Massachusetts. Mr. Marvin reported that the President's message was that Mr. Glassie should exercise his own judgment and do what he thought was right and he would back him up. That is as near as the President came to dealing with the deadlock that arose. Mr. Glassie proceeded to vote on this sugar question until Congress a year ago prohibited him from doing so by denying him in such event any salary. Since that time he has declined to vote on sugar.

These and the Culbertson and Lewis experiences are just some of the sidelights we have on this astounding condition designed to dominate the commission that has grown up, and I dare say if any official occupying a position below the Presidency should indulge in this kind of method of intimidation and of making appointments with resignations in advance, he would be summarily removed from office by a suitable agency.

Mr. MOORE of Virginia. Referring to another incident, has the gentleman seen the uncontradicted statement in the newspapers to the effect that the President was reluctant to reappoint Mr. Marvin, but was persuaded to do so by a person of great political influence?

Mr. HULL of Tennessee. I have seen that, and if I had the time I would read from the official memorandum of Senator NORRIS on that point.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, this debate so far has been founded upon the formal motion made by the gentleman from Tennessee. Before it is ended, however, I take it for granted a formal motion will follow to strike out the appropriation in this item.

I have expressed upon more than one occasion my opinion with reference to a tariff commission. This Tariff Commission or this form of tariff commission was created at a time when there was a Democratic majority in the Congress of the United States. Prior to its creation a Democratic Congress had destroyed, by striking out the appropriation, a fact-finding board or a tariff board appointed by President Taft. This new form of tariff commission was appointed, as I recall, in 1916.

There was no obstructionist upon the board as then constituted. Every member of it, with possibly one exception, was in accord with the then administration and continued so. By and by the war came on when there was not much use for a tariff commission of any character. They had but little to do, for the war had disrupted all sorts of economic propositions, and we were proceeding to do all sorts of things under war conditions.

After the war was over and after the Republicans were given charge of the administration of affairs of this Government, changes were made upon this Tariff Commission in accord with the statute that not more than three should be appointed from the same political party. This was when the friction commenced. This was when it began to be demonstrated that in passing upon facts or in ascertaining facts, the gentlemen of the commission, as then constituted, began to divide with reference to whether they were free-traders, tariff-for-revenue-only men, or protectionists.

Now, it seems that gentlemen upon this side, who are now proposing to abolish this Tariff Commission by striking out this appropriation, are not content with the existing order of things, and the great burden of their objection has been laid upon the President with respect to his action in appointing or in failing to appoint Mr. Lewis. I tried to explain the other day, as briefly as I could, the facts with reference to the appointment of Mr. Lewis.

The President of the United States did not want to reappoint Mr. Lewis to a full term. He was induced to believe, however, by Mr. Culbertson, that it would be well to leave Mr. Lewis on until the commission passed upon and determined certain cases then under consideration. These things dragged along through the vacation, and when it became necessary to appoint or not to appoint Mr. Lewis, the things supposed to be left over were not completed. The President still adhered to the idea that he did not want to appoint Mr. Lewis to a full term, but not desiring to interfere with the good conduct of the commission, not desiring to cause any delay in the investigation and report on the questions they had in hand, he agreed at the suggestion of a member of the commission,

that this appointment if made should be contingent on the acceptance of his, Mr. Lewis's, resignation. That was at the suggestion of a member of the commission, and feeling that it was in accordance with the desire of Mr. Lewis, that arrangement was made. It turned out not to be in accordance with the wishes of Mr. Lewis, and from that has come all the arguments that we have heard here.

I do not believe, myself, in having an officer's resignation in the hands of his superior. It is a bad practice, but you gentlemen on that side of the aisle ought not to complain, for it was you who first initiated the practice. When the Shipping Board was organized it was the practice then, and has been the practice ever since, that a man appointed as a member of that board should with his appointment, tender his resignation. In consequence Admiral Palmer was relieved overnight. In consequence the man at the head of the Shipping Board now may be relieved overnight by the acceptance of his resignation.

Mr. CARTER of Oklahoma. Does the gentleman think that is good policy either under a Democratic administration or under a Republican administration?

Mr. WOOD. No; I do not think it is a good policy. I think such a policy, if followed out, will result in the undermining of our system of government. When you destroy a man's initiative, when you destroy a man's independence, keep him living in a state of fear of his being relieved of his official position, you subject him to humiliation and you have destroyed his value. It ought not to be; there is no question about that proposition.

Whether or not the board is to be abolished is up to the Congress of the United States. If I had my way about appointing a Tariff Board—and I have stated it repeatedly—I would have a Tariff Commission that was in accord with the administration—in accord with the policy of the administration—and not one-half one way and one-half the other way. If this thing is to be destroyed, if it is to be obliterated and wiped out, it ought to be done in an orderly way. I will tell you why. We have been hearing much about the problem of the farmer. He has his problems. We have been appealed to and will be appealed to to relieve his situation by legislation. There are some questions now pending before the Tariff Commission, referred there under the law and the flexible provisions vitally affecting the farmer, and some of these are about to be reported. I do not want to take the responsibility, as I have stated heretofore, of having the farmers of the country say, "We have been put in a worse plight by reason of the act of Congress doing away with the very body that was investigating and trying to find relief."

Mr. McKEOWN. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. McKEOWN. The gentleman says there are likely to be decisions of interest to farmers. Does the gentleman recall that the Tariff Commission has reported a flexible rate of 86 per cent on straw hats for summer wear, and will the farmers be interested in that?

Mr. WOOD. The farmers are interested in straw, are they not?

Mr. MORGAN. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. MORGAN. Is not it a fact that the dairy interests of the country are requesting a report and the majority members of the committee are ready to make that report, but the minority members refuse to report?

Mr. WOOD. I am glad the gentleman made that suggestion. It is a question worth while for the consideration of every man in Congress. After all, we have to acknowledge that the farm is the basis of prosperity. There has not been a bank failure in Wisconsin, they tell me, in two years, and it is because of the diversification of the crops of the farmers, largely due to the dairy products. Now, not only in Wisconsin but in Minnesota they have appealed to the board for an increase of 4 per cent.

As suggested by the gentleman from Ohio, the majority of the commission is ready to report. There is one man now on that commission who has been there for no other purpose than to throw a monkey wrench into the machinery.

Mr. OLDFIELD. Under the law can not the majority report?

Mr. WOOD. Yes; but the minority gentleman has a right to file his views. He is holding it up. I have no hesitation in mentioning his name. Certainly there is nothing in the conduct of the gentleman that appeals to one side or the other of this House, for he is not a Republican or a Democrat. I mean Mr. Costigan, and if he had any respect for himself, if he had any respect for the position that he occupies or the people of the United States whom he is supposed to serve, he would resign before to-morrow night.

Mr. CARTER of Oklahoma. Why can not they make a report, regardless of this man?

Mr. WOOD. I simply state that the majority is ready to report.

Mr. KNUTSON. They have made a majority report.

Mr. BUTLER. When did they make it?

Mr. KNUTSON. Last Saturday.

Mr. WOOD. I am glad to be informed that they have made the report. I knew that it was ready and was being held up by Costigan.

Mr. CLAGUE. Let me state to the gentleman from Indiana that the majority report was made last Saturday, but that Mr. Costigan in holding it up, asking that he be allowed a few days in which to file a minority report, and he has held up this report for months.

Mr. CARTER of Oklahoma. Why not publish the report without his consent.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. DAVIS. Did the gentleman make the statement that during the Democratic administration the resignation of members of the Shipping Board was required?

Mr. WOOD. Absolutely.

Mr. DAVIS. I absolutely challenge that statement.

Mr. WOOD. My information is, and it comes from those who are in authority now, that from the creation of the Shipping Board no one has ever been appointed to membership who has not at the same time given in his resignation.

Mr. DAVIS. I challenge that statement absolutely. Let me tell the gentleman what he probably has in mind and upon which he is probably confused. The Shipping Board has required the resignation of those whom they have appointed on the Emergency Fleet Corporation, as trustees of the Emergency Fleet Corporation, but if that fact ever occurred prior to the time of Chairman Lasker, I do not know anything about it.

Mr. WOOD. My information is, and I may be mistaken about it, that from the very inception of the Shipping Board every director of the Shipping Board at the very time of his appointment gave into the hands of the Shipping Board itself his resignation.

Mr. DAVIS. They are not appointed by the Shipping Board. They are appointed by the President, subject to the consent of the Senate.

Mr. CARTER of Oklahoma. Is the gentleman from Indiana speaking of the Shipping Board or of the members of the Emergency Fleet Corporation?

Mr. WOOD. I am speaking about the members of the Emergency Fleet Corporation.

Mr. DAVIS. There is a great deal of difference between the members of the Shipping Board. They have always been appointed by the President, by and with the advice and consent of the Senate. The Shipping Board appoints the trustees of the Emergency Fleet Corporation. Under the law they may appoint these trustees or not, as they see proper, but it has been the practice, at least of the last year, for them to ask the resignation of the members of the trustees.

Mr. WOOD. It has been the practice ever since the creation of the Emergency Fleet Corporation that the trustees, at the time of their appointment, should put into the hands of the Shipping Board their resignation, as I am informed.

Mr. DAVIS. I am sure if the gentleman will investigate further he will find that that is unfounded.

Mr. WOOD. I shall investigate not only for my own satisfaction but for the gentleman's satisfaction.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired. The Chair feels justified in consuming a moment or two in view of the circumstances that arose when we started the present debate. The conditions were as follows before any debate was had on any amendment. The gentleman from Tennessee [Mr. GARRETT] received recognition of the Chair on a pro forma amendment and then submitted a unanimous-consent request that his colleague be allowed 10 minutes in which to discuss the paragraph. Then the gentleman from Indiana [Mr. WOOD] preferred a unanimous-consent request that all debate be limited to one hour on this paragraph and all amendments thereto, and that the time be divided equally between the gentleman from Louisiana [Mr. SANDLIN] and himself. Notwithstanding the fact that it has been held that such a request is in order, the present occupant of the chair believes it is an error to operate in that way in the Committee of the Whole.

The distinguished floor leader, the gentleman from Connecticut [Mr. TILSON], while in the chair, so ruled, as the present occupant of the chair should have ruled at this time. This is a Committee of the Whole House operating under different environment

and conditions than the House itself. It so operates on direct order of the House under specific rules. Those rules can not be abrogated even by unanimous consent by the Committee of the Whole. When the House authorized the Committee of the Whole to sit, it authorized the chairman of that committee to be responsible for the committee and for the rights of every Member in the committee to recognition to offer an amendment and discuss his amendment. The Committee of the Whole can by no action of its own deprive or take away from the Chair that responsibility which is vested in him, nor can the Chair, according to the reasoning of the present occupant of the chair, surrender or shirk that responsibility. There are precedents on both sides, and the Chair will not read those precedents, but will read the rule under which we are operating:

When general debate is closed by order of the House—

As was the case here—

any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it.

Now, that rule under our operation was abrogated unless the Chair is to hold that the Committee of the Whole has undone the action of the House in limiting and closing general debate. Now, this debate which we have had on this paragraph is either general debate or debate under the five-minute rule, and if it is general debate we have violated the rules of the House, its orders, and instructions. If this is debate under the five-minute rule, we again violate the orders of the House and rules of the House in conducting general debate, in that no person can yield time to another under the five-minute rule, and the present occupant of the chair will not recognize any more unanimous-consent requests surrendering the control of the time.

Mr. CARTER of Oklahoma. Will the gentleman yield?

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARTER of Oklahoma. For a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER of Oklahoma. Would that holding of the Chair go to the extent to preclude a Member from having extension of time under the five-minute rule?

The CHAIRMAN. No. The rules are very specific under the five-minute rule. Any gentleman offering an amendment is entitled in his own right to have five minutes' recognition, and if there is any discussion after the gentleman offering the amendment has five minutes, if he should yield to any other gentleman for the purpose of making a motion to close debate, the gentleman yielding would take himself off the floor in the opinion of the Chair. Now, another thing. At the end of five minutes, if the gentleman having the floor needs more time, the only way he can get it is by unanimous consent request.

Mr. CARTER of Oklahoma. The Chair thinks that this rule does not preclude the Committee from extending that time notwithstanding the action of the House?

The CHAIRMAN. Certainly not.

Mr. GARRETT of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. If I understand the holding of the Chair, it is simply this: That the Chair will not recognize a request for unanimous consent to control the time.

The CHAIRMAN. That in substance is what the present occupant of the Chair rules will be his policy.

Mr. GARRETT of Tennessee. It does not go to the extent of holding that the time can not be extended by unanimous consent?

The CHAIRMAN. No. It does not.

Mr. GARRETT of Tennessee. Nor does it affect a motion to close debate?

The CHAIRMAN. Not at all.

Mr. GARRETT of Tennessee. But it simply affects the matter of the control of time?

The CHAIRMAN. That is correct. The rules of the House place the responsibility for control of time on the Chairman, and, according to the judgment of the Chair, he can not evade it nor can the committee deprive him of it.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Does the Chair hold that because under the rule affirmatively a mover of an amendment will have five minutes and affirmatively gives the opponent to the amendment five minutes—does the Chair think because of these affirmative grants there can be no further grant of time by the committee?

The CHAIRMAN. The Chair does not.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last three words.

Mr. WOOD. Mr. Chairman, I object.

Mr. BROWNING. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BROWNING. For a parliamentary inquiry. If a limit has been placed on debate on an amendment and all amendments thereto, and after the exhaustion of that debate then an amendment which is in order is offered, does the Chair hold the proponent of that amendment would have a right to five minutes?

The CHAIRMAN. The Chair did not make that statement at all. The Chair would like to make a statement with reference to the motion of the gentleman from Ohio.

Mr. CHALMERS. I ask for protection of my rights here.

The CHAIRMAN. The Chair made the statement in the opening of his rule that he intended to let the matter go by; in other words, not go back and undo what he permitted through inexperience to be done, and permitted wrongly, and while going over these points the Chair was of the same opinion at the end of the hour's debate as he was at the beginning of the hour, and therefore the time is closed.

Mr. CHALMERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. As a Member of the House and a member of the committee I have certain rights here, and I ask the Chair to protect me in those rights.

The CHAIRMAN. In what rights, will the gentleman state?

Mr. CHALMERS. I have some interests I am representing here in the Congress that I think ought to be presented for the consideration of this committee before they act upon this matter, and I want time to present those interests to the committee, and under the holding of the Chair I claim I have the right to present my ideas before the committee is called upon to settle this important matter.

The CHAIRMAN. The Chair will decide against the gentleman. He had the opportunity to protect himself had he been in the committee when the unanimous-consent request was made. The committee has a right to close debate any time after there has been debate.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. I want to inquire of the Chair as to the effect of his ruling, because that is a very important ruling. It is important especially because it is restrictive of the freedom of debate rather than an enlargement of that power, and that ought to be very carefully considered. Let me ask the Chair if, under his ruling, a Member can offer an amendment and shall be recognized and speak five minutes, and then some one else opposing the amendment should be recognized and speak five minutes; does the Chair mean to hold that thereafter these gentlemen, having expressed a desire for further discussion, the committee would not have the power by unanimous consent to prolong the debate for an hour?

The CHAIRMAN. The Chair most decidedly did not even intimate anything like that.

Mr. CONNALLY of Texas. That is why I am propounding the question. The ruling of the Chair might be susceptible to that construction perhaps in other minds. Does the Chair rule that the debate having taken place, five minutes for and five minutes against, the committee could not by unanimous consent give the gentleman from Ohio [Mr. CHALMERS] an hour or the gentleman from Indiana [Mr. WOOD] an hour?

The CHAIRMAN. The Chair would have sustained that kind of a request if it had been stated by the gentleman in the form in which he wants it.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I have an amendment on the desk.

The CHAIRMAN. The Chair is familiar with that. The committee has the right to offer as many amendments as it wants.

Mr. BLACK of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK of New York. I would like to know how the Chair reconciles his broad ruling with the right of Members——

The CHAIRMAN That is not a parliamentary inquiry.

Mr. BLACK of New York. The Chair has not heard me fully in the expression of my parliamentary inquiry. The Chair has no right to stop me in the middle of a sentence. I would like to know how the Chair reconciles his broad ruling with the rights of individual members in the committee under the ruling he has just given.

Mr. CHINDBLOM. That is not a parliamentary inquiry.

Mr. HASTINGS. Mr. Chairman, I would like to know what is pending.

The CHAIRMAN. The Chair suggests that the gentleman read the recent discussion in the RECORD to-morrow. It would be rather long to detail it.

Mr. HASTINGS. What is the question pending before the House?

The CHAIRMAN. An amendment. Without objection, the Clerk will again report the amendment that is pending.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 30, line 6, after the word "representative," insert "or has given any previous resignation, acceptable at will, or made any promise or agreement which would influence, or tend to influence, his free action as a member of said commission."

Mr. WOOD. It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. LINTHICUM. I do. In this section, on page 30, it says:

That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Now, that is legislation on the bill, and this is only an extension of that same principle. In other words, a man if he has any special, direct, or pecuniary interest can not act under these sections, and these sections refer to the flexible system provided in the tariff act of September 21, 1922. If he can not act under this bill in cases of that kind, he certainly ought not to be allowed to act where he has submitted a previous resignation, or, like Mr. Haney in the Shipping Board, had come to a previous understanding as to what action he will take. In that case he is not subject to free agency. He is tied. I submit that if this is legislation on an appropriation bill, that which is in the bill in those sections is likewise legislation on an appropriation bill. This is merely an extension of the same principle.

Mr. BLANTON. Mr. Chairman, will the Chair hear me?

The CHAIRMAN. Yes.

Mr. BLANTON. The gentleman from Maryland [Mr. LINTHICUM] is eminently correct. The committee itself has opened up wide the flood-gates that justify just such amendments. The committee itself has put legislation on the bill. This is legislation that the gentleman from Maryland has called attention to, and it operates to make in order any other piece of legislation that is offered as an amendment thereto.

This amendment offered by the gentleman from Maryland is a germane amendment, merely extending the proposition. It comes under the same rule, that where a committee offers from the floor an amendment that is legislation to an appropriation bill, you can offer any other germane amendment to that amendment that is legislation. That has been decided time and time again without any contrary opinion. I submit to the Chair that this is in order under the rule.

Mr. CHINDBLOM. Mr. Chairman, both the gentleman from Texas and the gentleman from Maryland who have preceded me have based their arguments upon the proposition that since the bill already contains legislation, they can offer another amendment containing legislation. That is the rule where the amendment offered is germane to an amendment or portion of a bill which is subject to a point of order, but has been permitted to receive consideration without the intervention of a point of order. But that rule does not permit the offering of a new amendment subject to a point of order which is not germane to a paragraph or amendment already admitted to consideration, or which itself is a separate and distinct amendment. This is a new and distinct amendment.

Mr. GARRETT of Tennessee. That is not legislation. This is a limitation.

Mr. CHINDBLOM. I have not addressed myself to the question of limitation. The gentleman admitted it was legislation. Of course, the Chair is not bound by the admission, but the gentlemen based their argument upon the theory that what is already in the bill is legislation, and therefore they could amend such legislation by new legislation.

Mr. GARRETT of Tennessee. The proviso that is in the bill is a limitation upon the expenditure of the appropriation provided in the paragraph, and this simply adds another limitation.

Mr. CHINDBLOM. On the question of limitation I want to suggest to the Chair that the amendment is affirmative legislation rather than a limitation. It does not prevent the expenditure of the appropriation. It simply provides that it shall be expended only under certain conditions. When those conditions are complied with it will be expended, and it does not necessarily limit the appropriation or the use of the appropriation.

Mr. GARRETT of Tennessee. Mr. Chairman, it seems to me very clear this is a limitation. I do not think the question of germaneness enters into it. I do not think that is important to be considered. There is a proviso here that limits the expenditure of the appropriation. This is simply the addition of another class for which the appropriation made may be expended. It seems to me it is clearly a limitation and is not legislation.

The CHAIRMAN. The Chair is ready to rule.

The paragraph to which this amendment is offered provides that no pecuniary interest shall accrue to any member of the commission who does a certain thing. The amendment offered introduces an entirely different element in the form of a prohibition, namely, if he has committed a certain act. The Chair finds the rules are very specific and very clear, and even though the provision to which the amendment is offered may not be in order, if once allowed to stay in, an amendment that might not be in order to the bill would still be in order if germane to the provision in the bill which would otherwise be not in order if a point of order had been raised against it. The Chair sustains the point of order made against the amendment.

Mr. BANKHEAD. If the Chair pleases, the question of germaneness was not interposed as a ground of objection to the amendment at all. The entire objection made by the gentleman from Indiana was that it was legislation on an appropriation bill.

The CHAIRMAN. The Chair feels that while it is added legislation the fact it would be in order if it were germane sustains the Chair in holding it not in order because it is not germane and is legislation in that sense on an appropriation bill.

Mr. LINTHICUM. Mr. Chairman, has not the Chair overlooked the last two lines, wherein it is provided "or in which he has acted as attorney or special representative." It certainly would be germane there.

The CHAIRMAN. The Chair thinks not.

The Clerk read as follows:

EMERGENCY SHIPPING FUND

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1927, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1926, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1926, and then unpaid; (b) $13,900,000; (c) the amount received during the fiscal year ending June 30, 1927, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance; (d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1927, but not exceeding $3,000,000, as is necessary to meet the expenses of liquidation, including also the cost of the tie-up and the salaries and expenses of the personnel directly engaged in liquidation: *Provided*, That no part of this sum shall be used for the payment of claims.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 31, line 24, strike out the figures "$13,900,000" and insert the figures "$18,691,000."

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I think we all agree and subscribe to the policy of developing foreign commerce and our national defense through the establishment and maintenance of an American merchant marine. Our purposes in this regard must fail and our flag will disappear from the seas unless in these days of keen competition for the world's commerce—and it might be said in these

critical times in the life of our merchant marine—the Congress of the United States appropriates adequate funds with which to maintain our merchant ships. I have offered this amendment, which would increase the amount recommended by the Budget under subdivision (b) on page 31 for the Emergency Fleet Corporation from $13,900,000 to $18,691,000, an increase over the Budget figures of $4,791,000.

Gentlemen will recall that a few days ago when we were considering this bill under general debate the chairman of the subcommittee [Mr. WOOD] in answer to an inquiry made of him suggested that the amount carried in this bill, $13,900,000, would in all probability not be enough to maintain the lines already established and for the continuance of the service now in operation by the Emergency Fleet Corporation. He further stated it was expected that new legislation might not be passed creating a defense fund of $15,000,000, and it was hoped through certain expected economies that we could operate and maintain our service with the amount carried in this bill.

May I direct your attention, gentleman, to the testimony of Captain Crowley, the president of the Emergency Fleet Corporation, on page 507 of the hearings, and notice, if you please, what he had to say about this appropriation:

Mr. WOOD. In your opinion, how much money do you think you ought to have to continue your present operations through the fiscal year 1927?

Captain CROWLEY. I have gone into that matter very carefully. I do not see how you can do much better than $18,691,000.

Mr. WOOD. And the recommendation of the Budget is $13,900,000?

Captain CROWLEY. Yes, sir.

Mr. WOOD. In order to bring it within the $13,900,000 what would you have to do?

Captain CROWLEY. We would have to discontinue services, in my opinion.

Commissioner O'CONNOR. Either that or sell some lines.

Captain CROWLEY. I was going to say that.

Mr. WOOD. What would be the result if you did discontinue service?

Captain CROWLEY. Well, we would not be properly maintaining the American merchant marine.

Gentlemen, this statement from one charged with the responsibility of maintaining the service upon trade routes already established, and doubtless Captain Crowley feels that responsibility, presents a serious situation I am sure that this very capable official is giving his best efforts, but we can not expect him nor the Shipping Board to expand their service or to maintain it in proper vigor if we fail to provide the necessary funds. I again call your attention to his statement that we would have to discontinue services in order to bring the operations within the figures $13,900,000.

Now, do you want to discontinue, cripple, or hamper our merchant marine? The American people everywhere are vitally interested in its maintenance. I wish it understood that the Congress has never yet failed to appropriate every dollar the Shipping Board and Director of the Budget suggested was necessary for this the greatest governmental activity we have to-day, and probably the most important one.

The trouble is not with the Congress, but if I may be permitted to say so, it does seem that those charged with the responsibility of Budget estimates, by their policy of cutting down the appropriation for the merchant marine during the past few years, are slowly but surely smothering it to death. To use the language of the chairman of the Shipping Board, which I will quote hereafter, our merchant marine is actually "in retreat." If we examine the records covering a period of the last four or five years showing our gradual losses in tonnage carried under the American flag and how these losses have kept pace with the yearly decrease in appropriations, we are forced to the conclusion, discouraging though it be, that our merchant marine is certainly on the decline, if not in retreat. I do not like the use of that word "retreat" when applied to any activity of the American Government. Shippers in many sections of this country to-day are calling upon the Shipping Board for expansion of the service. I call your attention to a letter written by Mr. Emerson, of Ohio, managing director and vice president of the Armco International Corporation, in which he stated that they would be glad to use the Shipping Board ships or the ships under our flag if they could have the assurance of regular sailings and the permanency of the service. This letter was inserted in the hearings by the distinguished gentleman, Mr. WOOD:

Mr. WOOD. I received this letter recently from E. A. Emerson, of Middletown, Ohio, vice president and managing director of the Armco International Corporation. He says:

"We understand that at this time you are considering the question of the appropriation for the Shipping Board and Fleet Corporation.

"We have been endeavoring to divert as much of our tonnage as we possibly can to American flagships, and I recently wrote our freight man in New York congratulating him on some particularly good work in that connection. His reply arrived to-day, and a paragraph from it is quoted herewith:

"'Thanks very much, indeed, for your kind letter of the 21st, and it makes us feel rather pleased. There is only one thing that I regret, and that is we can not get enough American flag boats to ship on, particularly to Australia. We have about five to one, and whenever there is an American flag boat on berth we line up everything we can find.'

"The comment he makes in connection with Australia is equally true to most other foreign destinations.

"We remember very vividly, indeed, the handicaps we operated under when we were at the mercy of freight pools controlled by competing nations' steamship lines.

"To our mind, the maintenance of a strong American flag fleet is essential to our continued commercial progress in times of peace and to our military success in war; hence we greatly hope that you will use your influence toward obtaining a budget large enough to keep the American flag on important trade routes either through governmental operation or through adequate support of any private lines which take these ships to operate them."

That fellow has the right spirit, has he not, in reference to this matter?

Captain CROWLEY. Yes, sir; he has.

Many letters were sent out by the chairman of the Shipping Board, some 15,000, urging manufacturers, importers, and exporters to use American vessels, and a number of replies were to the effect that they would be glad to do so if they could be assured the American flag vessels would be continued in the service. Mr. O'Connor, let me say, is to be congratulated upon his efforts along this line, and I understand he is making every effort to interest American shippers and importers in our merchant marine.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. I regret to do so, but I must ask your indulgence for five additional minutes.

The CHAIRMAN (Mr. LEHLBACH). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. McDUFFIE. We have made some progress despite the handicaps and burdens, but the fact remains we now need other and additional trade routes and services. The chairman of the board says we need 350 ships. What are we going to do about it? Is it right for the Congress to fail in its duty to appropriate the sums of money the chairman, and those who know, say is absolutely necessary to maintain the merchant marine for another year? It is no wonder our competitors on the high seas are saying to the world, and even to our American shippers in this country, "You need not depend on the American merchant marine; it is but a little while before they will take their flag off the seas!" And why do they say so? Because of just such treatment of this great problem as is given in this appropriation bill. Oh, you say, we will have supplemental estimates and supplemental legislation, but that is speculative.

In order to let the world know that we are going to maintain the flag on the seas, let us say to all comers that regardless of costs and consequences the American flag will remain on the seven seas, and let us not fail in our duty to make adequate appropriations for the proper continuance, at least, of that service which we now maintain. [Applause.]

Now, I want to read you the language, if I may, from the hearings. Bear in mind, if you please, gentlemen, according to the hearings, that since 1924, the appropriations for the Shipping Board and Emergency Fleet Corporation have been cut down approximately 66 per cent. In 1923 you appropriated $50,000,000. In 1924 you appropriated $50,000,000. In 1925 you cut it down to $30,000,000. In 1926 you cut it down to $24,000,000. For 1927, as carried in this bill, you have cut it almost in half—it is recommended that $13,900,000 be appropriated. The chairman says that is not enough. With that cutting off each year has come less ships in operation, and we have the corresponding losses in percentage of tonnage carried. In other words, there has been a great loss of tonnage in American vessels since Congress has seen fit to pare and cut down until all the world believes the American Nation is not going to maintain its merchant marine. It is a sad commentary, but we should face the facts.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. SUMMERS of Washington. Has the gentleman in mind the fact that they are selling to American lines for operation

under the American flag vessels that have been under the Fleet Corporation? And that the $13,900,000 is to guarantee the continued operation of the vessels?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McDUFFIE. I thank the gentleman. I appreciate the statement by the gentleman from Washington. All that was taken into consideration by the subcommittee. May I direct his attention to the fact that the chairman of the board stated in some instances we have to take back a line that was sold, and if that happens now, we have not the money for the operation of that line, and consequently the flag on that line is driven from the seas, and foreign commerce is again to that extent affected by our failure to appropriate sufficient funds.

Mr. SUMMERS of Washington. There is to be allowed about $15,000,000 back of that for such emergency, by legislation anticipated——

Mr. McDUFFIE. That may be true; but that proposed legislation has not yet become the law, and it does not take away the suggestion of a failure of this Congress to do its full duty. It adds strength to the competitors who are spreading propaganda to the shipping world that the United States will eventually withdraw from the high seas.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. OLIVER of Alabama. The gentleman gave an interesting statement as to the tonnage now carried and in former years. Do I understand in that he has included not only the ships operated by the Emergency Fleet Corporation but all under the American flag?

Mr. McDUFFIE. All under the American flag, but the independent American operator has made a better showing than the Shipping Board vessels recently.

Mr. OLIVER of Alabama. So all ships whether operated by the Emergency Fleet Corporation or under American register, the tonnage has been falling off along with appropriations as they have been reduced.

Mr. McDUFFIE. That is it, exactly. Now may I call attention to the hearings, page 617, where the gentleman from Louisiana [Judge SANDLIN], a distinguished member of this committee and one who has always shown the keenest interest in the success of the American merchant marine, interrogated Chairman O'Connor as to the general situation, and here is presented the sad but true picture. I give it to you for your serious consideration:

Mr. SANDLIN. This is cotton and wheat. Take cotton, as shown in this table on page 14. Take grain; it was the same in 1924 and 1925. On cotton you handled 15 per cent in 1924 and 8 per cent in 1925, or a loss of 46.6 per cent. That is article 4 in the table on page 14. In the case of nearly every one of those commodities there is indicated quite a loss in percentage carried by American vessels.

There is quite a falling off there in nearly all those outbound shipments. I was wondering what was the cause of such a large decrease in the percentage being handled by American vessels in 1925, as compared with 1924.

Mr. O'CONNOR. I explained that to the committee the other day. Every man who has ownership in textile mills in England, where they use this cotton, is also an owner in some shipping line, and when he buys cotton it is sent back to him on a British ship. They insist on that, and the same thing is true in the case of the Japanese.

Mr. SANDLIN. They were evidently very active along those lines in 1925. Take iron and steel, copper and chemicals—they all show losses. It looks like there was a large percentage of loss in those years. What was the cause of that; was it because we did not have enough vessels, or was it for some other reason?

Mr. O'CONNOR. We have not got vessels enough. We ought to have 350 vessels to cover all the routes.

Mr. SANDLIN. That comes to this point: You need more money, do you not?

Mr. O'CONNOR. Yes; we need more money.

Mr. SANDLIN. As long as the appropriations are curtailed the services are necessarily going to be curtailed; is that true?

Mr. O'CONNOR. There is nothing else to do except to give the vessels up.

Mr. SANDLIN. In other words, the business of the American merchant marine, or the part the United States Government plays in it, is gradually slipping under the present policy?

Mr. O'CONNOR. It is in retreat. That was the name I had on this book first, but I thought it looked too harsh, and then I gave it this title "American cargoes for American ships."

Mr. SANDLIN. The figures tell the story?

Mr. O'CONNOR. Yes.

FUNDS NECESSARY TO CONTINUE OPERATION OF SHIPS IN USE

Mr. WOOD. Here is a question in connection with the various propositions submitted by Mr. O'Connor in answer to a question that Mr. WASON asked.

Is the appropriation this year large enough to operate the number of ships which the trustees believe should be operated?

Captain CROWLEY. I think you have had pretty well brought out what the effect of the proposed appropriation will be.

Mr. WOOD. Do you think it is enough for the ships that ought to be operated?

Captain CROWLEY. No, sir.

Mr. O'CONNOR. I had that proposition up with the Director of the Bureau of the Budget, and I will say that unless we can get a supplemental appropriation——

Mr. WOOD (interposing). You stated that you think we ought to operate 279 ships?

Mr. O'CONNOR. Yes, sir.

Mr. WOOD. That would be 27 more ships than we now operate?

Mr. O'CONNOR. Yes, sir; because we ought to take care of the Hamburg run. We ought to add some more ships on the Scantic run and also on the South American run.

Mr. WOOD. What would be the effect of that, so far as increasing the losses is concerned?

Mr. O'CONNOR. I do not think that a couple of vessels would amount to so much if we can cut the loss down per termination.

Mr. WOOD. You say if we had more ships they would operate at a loss, but perhaps not as great a loss. Why is it desirable to operate more ships?

Mr. O'CONNOR. To properly cover our trade routes. For instance, here is a manufacturer who wants to ship a lot of goods, and he applies to us for a ship. We have not any ship; our ship has gone. We ought to be in a position to take that cargo.

Mr. WASON. Your answer is that you want to furnish American shippers the service that they need?

Mr. O'CONNOR. Yes, sir.

That is the language of the chairman of the Shipping Board. May I again call your attention to page 619 of the hearings as to funds necessary to continue operation of ships. It has been a stupendous task for a great Nation whose flag had left the seas to go into the business again and make it successful. We have labored under many handicaps and endured hardships. There were many things to be overcome. You recall the statement of the gentleman from Maine, who pointed out to you that since the creation of the Shipping Board there have been 27 commissioners, 12 of whom served less than 1 year, 4 served 2 years; only 1 has served 5 years.

That there have been 55 trustees of the Emergency Fleet Corporation, 43 of whom served only one year, 10 two years, and only 3 more than three years. There have been 15 directors of operation, 7 treasurers, and 10 comptrollers. I marvel that we have made any progress at all. What private business under the sun could have lasted with such quick turnovers and changes in its managing and operating personnel? That is one of the great handicaps we have had to overcome in working out this mighty problem in putting the flag on the seas and in competing with those who have been active on the high seas for a thousand years. Every man who knows anything about it, even though it has been costly, says that the cost and public expenditure have been returned to the American taxpayer many times, because, as the chairman of the board stated, and as the distinguished gentleman from Indiana [Mr. WOOD] has said, it has been returned to the shipper by reason of the fact that we have been able to hold down the high freight rates that would have obtained had the American flag not been on the seas. I beg you gentlemen to give the proper and needed support to the American flag on the seas by adopting the amendment I offer to increase this appropriation. [Applause.]

Mr. WOOD. Mr. Chairman, I rise in opposition to the amendment. In opposing this amendment I do not wish any member of the committee to think that I wish for a moment to interfere with the good conduct of the American merchant marine. I have stated, as the gentleman who just preceded me says, that the millions of dollars that we have expended in paying the losses sustained in the conduct of the merchant marine since we established it at the beginning of the war have been like casting bread upon the waters, because it has been brought back manyfold in return to the citizens of the United States, who otherwise would have been subjected to all character of merciless competition, aside from the good that comes to us in the fact that this, the greatest nation on the face of the earth, is entitled to have the greatest American merchant marine on the face of the earth.

It is not the purpose of this committee to cripple the operation of the lines now being operated. It is the policy of this administration, and it is the policy of the Shipping Board,

and I think the policy of Congress, that the ships now owned by the United States, as fast as possible, should be gotten into private ownership, with the restrictions put upon them that the American flag shall be kept flying at their mastheads, and that these lines shall be operated. We have disposed of some of these lines within the last year, and there is a proposition on now to dispose of certain others of these lines. It may be that these will come back on our hands, because they must operate them under the contract of sale. If the purchasers fail to operate them, they will come back into the hands of the United States, and we will need more money if that be true.

I call the attention of gentlemen to what Captain Crowley has said on this subject:

I have been advised by Chairman O'Connor that the Shipping Board and the Budget Bureau have reached an agreement about the amount of $13,900,000, which is included in the proposed appropriation for the fiscal year 1927 to cover operations of the Fleet Corporation. I concur in the opinion of the Shipping Board that this amount would not be sufficient to cover the loss of our present service, but we are prepared to proceed with this amount since the Bureau of the Budget has agreed to give consideration to a request for a supplemental appropriation should it become evident during the next fiscal year that such will be necessary. To maintain our present service during the fiscal year 1927, it appears at the present time, would require approximately $18,691,000, but it is, of course, possible that additional lines will be sold and economies affected which will materially reduce this amount.

That is the opinion of Captain Crowley.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. OLIVER of Alabama. As I understand the action of the subcommittee in preparing this bill, it was predicated, first, upon the idea that the legislative committee would probably bring in at this session a bill providing for a $15,000,000 emergency fund?

Mr. WOOD. That is one thing.

Mr. OLIVER of Alabama. And then the further fact that it is clear from the report of the committee and the hearings before the committee that, in so far as the appropriation carried in the bill is concerned, it is not to be allocated monthly, as is usual in cases of this kind?

Mr. WOOD. That is correct.

Mr. OLIVER of Alabama. But that those in control would have the right to spend this amount even if it was all expended before Congress met in December, and then come back for a supplemental appropriation. Is that correct?

Mr. WOOD. That is absolutely correct.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. WHITE of Maine. Was there anything in the hearings to justify the assumption that the legislative committee would bring in legislation authorizing this transfer in the construction loan fund?

Mr. WOOD. Our hearings covered the necessity for this $15,000,000 appropriation. Of course, we had nothing to do with it except that we were considering it along with the appropriation and in this connection I think it would be a very great mistake if the $15,000,000 were not made possible.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. WOOD. I will.

Mr. WHITE of Maine. The gentleman from Maine feels if there was any justification for creating a construction and loan fund, in the first instance, that justification still remains.

Mr. WOOD. Then I understand the gentleman has no objection to the $15,000,000 appropriation?

Mr. WHITE of Maine. Very positive. I am objecting to transferring it from a fund created for a specific purpose.

Mr. WOOD. If that should be the attitude of the Congress and they are not to have this so-called defense fund, to my mind there not only ought to be an addition of $6,000,000 here but twice $6,000,000.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. WOOD. I will.

Mr. BANKHEAD. The chairman of the subcommittee admits that those who are responsible for the successful operation of our merchant marine say that the minimum amount that can reasonably be expected to operate upon for the next fiscal year is the sum of $18,600,000; is that true?

Mr. WOOD. Yes.

Mr. BANKHEAD. The amount proposed——

Mr. WOOD. That is for the maintenance of lines we have under governmental operation.

Mr. BANKHEAD. Well, then, it seems to me, if the gentleman will pardon me, that those of us who are very deeply interested in the success of our merchant marine will not take into consideration all of the so-called possibilities and contingencies that might be met, but will appropriate the minimum amount that they say is absolutely required.

Mr. WOOD. I will say to the gentleman from Alabama that this $15,000,000 provided for in the bill pending before the legislative committee is for the purpose of taking care of ships that might possibly come back into the hands of the United States Government, and is simply for the purpose as indicated of a defense fund indicating to the world that they might drive ships off the sea in private ownership but when they come back into the hands of Uncle Sam they will be kept on it.

Mr. BANKHEAD. That is a legislative contingency. The gentleman does not know what is going to happen to that proposed legislation, and here we have an appropriation bill carrying an amount that is required for the successful operation that is admittedly an inadequate amount.

Mr. McDUFFIE. Will the gentleman yield?

Mr. WOOD. I will.

Mr. McDUFFIE. If it turns out we can get along with less than this amount I am sure they would endeavor to do that; so what harm will there be in making assurance doubly sure by putting in the amount which they say is absolutely necessary. This other proposition as to a contingency, the gentleman heard the gentleman from Maine express some displeasure probably at the provision suggested by the legislation. We do not know that, but let us let the world know that the Congress is going to keep her merchant marine, and we can do that in no better way than to appropriate the money necessary.

Mr. DAVIS. Will the gentleman yield?

Mr. WOOD. I will.

Mr. DAVIS. I wish to state that not only have there been no hearings upon that $15,000,000 transfer bill, but there has been no discussion on the part of the committee; and, as suggested by the gentleman from Maine, that would involve a transfer of a fund at $15,000,000 and of setting it aside for a specific purpose—that is, for construction and reconditioning of ships—and transfer it to a fund to be spent upon current expenses. It would be lost entirely on that proposition; and with the expectation of this Congress adjourning in a couple of months and nothing whatever having been done upon that bill and very little likelihood of being favorably reported, does not the gentleman from Indiana think it is a rather remote contingency upon which to refuse to grant a sufficient appropriation upon this bill?

Mr. WOOD. The only answer to that question is in the fact that if these lines are transferred, it may not possibly need the amount; but, if transferred, will need more.

Mr. DAVIS. Is not that a contingency which may happen or may not happen?

Mr. WOOD. Of course, that is a contingency; but I want to correct the gentleman in reference to the $15,000,000 proposition in this legislative bill. That is a contingent fund, and in all probability there will not be a dollar used. It is for the psychological effect, at least, upon the shippers of the world, or all the world, that it may be used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. WOOD. I will.

Mr. WAINWRIGHT. I ask that the gentleman may have two additional minutes to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WAINWRIGHT. For the benefit of some gentlemen on this side who may be in doubt in reference to this amendment those of us favoring the cause of the maintenance of the merchant marine, if there is any doubt about the creation of this contingent fund, so called, why should we not vote for this amendment?

Mr. WOOD. I will say to the gentleman I will confess I was a little bit surprised to have the expression of opinion that we have had here from the gentleman from Maine. If that is not to be, if there is any mistake, this amendment ought to prevail.

Mr. WAINWRIGHT. I asked so as to have the gentleman's opinion in regard to our action on the amendment.

Mr. WHITE. I just make this statement in reference to the suggested transfer. Here it is well into March, and up to this time the matter has never been brought before the Committee on Merchant Marine and Fisheries of the House. The bill was introduced perhaps——

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I would like to ask the gentleman from Maine, in view of that fact and in view of the improbability of action by this committee, what is his idea with respect to this proposed amendment?

Mr. WHITE of Maine. I think the committee made a mistake when they reduced the amount of this appropriation below the manifest needs of the Shipping Board.

Mr. WOOD. The Committee on Appropriations simply followed the recommendations of the Budget, which is supposed to represent the understanding between the Shipping Board and the Budget.

Mr. WHITE of Maine. Your action, then, was the action of the Budget.

Mr. BLAND. As one of the members of the Committee on Merchant Marine and Fisheries, I am opposed to the proposition to transfer $15,000,000 from the construction fund.

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, I am in favor of economy with respect to the Shipping Board, as well as all other activities of the Government. I have had occasion heretofore to recommend reductions of appropriations for the Shipping Board and the Emergency Fleet Corporation, because I insisted there was then room for economy, room for a reduction of personnel, and room for a reduction of expenses. However, to-day, I wish to say that I think you are making a mistake in that you have gone too far. There has been about a 75 per cent reduction in the personnel in the Shipping Board and Emergency Fleet Corporation within the last few years, and to reduce this appropriation to the amount provided in the bill simply means a reduction in our trade routes and services which are now in existence and which mean so much to American industry and agriculture and commerce.

It has already been reduced to the very core, and when you reduce the appropriation to the points provided in the bill and refuse to adopt the amendment proposed by the gentleman from Alabama [Mr. McDUFFIE], you are going to substantially injure the American merchant marine.

We have been making substantial reductions. The annual appropriation for the fiscal year of 1924 was $50,000,000. Then the appropriation was reduced in the fiscal year 1925 to $30,000,000 and in the fiscal year of 1926 to $24,000,000, while now it is proposed to reduce the appropriation for the fiscal year 1927 to $13,900,000. The reductions have already gone further than they ought to have gone. At one time there were 1,525 Shipping Board vessels in actual successful and profitable operation. That number has been reduced until now there are only 268 ships in operation. During the past 18 months the number has been reduced 50 per cent.

Three years ago, when we had approximately 400 ships in operation, even Chairman Lasker said we had gone far enough, adding that all the remaining trade routes were essential to American commerce and ought to be maintained. And yet since that time they have kept on paring them and cutting them until we have reached the stage, as I say, of 268 shipping board vessels in operation.

It not only means a reduction in the number of ships and in trade routes, but it means reduction in the number of sailings, and that will destroy the services. Suppose that in the case of two competing railroad lines one of them operates a service every two hours and the other one operates a service every two days. How long would the latter last? They soon would not have anything to carry every two days. So in shipping. Shippers avail themselves of services which can render the most expeditious and efficient service. Our ships have done wonderful work, when you take into consideration the fact that during the past few years we have been going through the greatest slump in the history of shipping, and when you consider the fact that few foreign ships engaged in the highly competitive Atlantic trade are making any money, but simply holding on until conditions improve, when they hope to do better.

Our Shipping Board vessels have departed from our shores practically full of cargo, but they have generally returned with light cargoes, particularly from Europe, because of the very great disparity in export and import tonnage. For instance, during the fiscal year 1925 the Shipping Board vessels carried 6,377,081 cargo tons of exports, but returned with only 2,406,843 cargo tons of imports. This disparity in export and import tonnage obtained in spite of the fact that during the same period American ships carried only 33 per cent of our total exports, but returned with 45 per cent of our total imports. American-flag ships carried 71 per cent of our imports in 1921, 63 per cent in 1922, 53 per cent in 1923, and 54 per cent in 1924, and, as stated, 45 per cent in 1925, although during this period privately owned American ships increased in number and tonnage and in the amount of cargo carried by them, thus showing the reduction of our commerce carried in American bottoms as a result of the reduction in the number of Shipping Board vessels in operation. It is needless to state that if our ships could have returned anything like full instead of nearly two-thirds in ballast, they would have made handsome profits. Under the conditions which they have encountered and under the circumstances that have prevailed, I think our Government merchant marine has done remarkably well.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. May I proceed for five additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS. Now, we heard at first a good deal of talk about the $50,000,000 annual loss on the Shipping Board, and then about the $30,000,000 loss, and so forth. I want to tell you gentlemen that although the amount is now comparatively small, that is not a loss in any sense of the word. It returns to the American people many, many times the amount spent in the maintenance of these valuable trade routes from all the ports of our country to all the important ports of foreign countries. Why, it is so valuable that the leading farm organizations and business organizations, including the Middle West Foreign Trade Committee and the Cincinnati Chamber of Commerce and the Mississippi Valley Association, are imploring us not to starve this valuable service to death. That is what we are doing. We are gradually strangling it.

There have been certain interests, foreign and domestic, that have been assiduously disseminating propaganda and otherwise trying to destroy our American shipping services.

They have gone so far as to say that the Government ought to go out of the business and take off all our ships forthwith and sell to them the cream of the fleet at their own price, and then sink the balance. But that is not the typical American view. It is not a patriotic attitude. It is a selfish view; and we, as Representatives of the American people, can not afford to accede to that demand, whether it be in the form of legislation or in the form of stifling or smothering the proposition, which will be the result if we deprive our valuable ship lines of the sustenance of life. That is the proposition we are up against.

NATIONAL PLATFORM DECLARATIONS

As evidence of the fact that the two great political parties are in accord with this view, we call attention to the platform declarations of the two parties in their national conventions of 1924.

The Republican national platform declared:

> The Republican Party stands for a strong and permanent merchant marine, built by Americans, owned by Americans, and manned by Americans, to secure the necessary contact with world markets for the sale of our surplus agricultural and manufactured products, to protect our shippers and importers from exorbitant ocean freight rates, and to become a powerful arm of our national defense.
>
> That part of the merchant marine which is now owned by the Government should continue to be improved by economical and efficient management with reduction of the losses now paid by the Government through taxation until it is finally placed on so sound a basis that with ocean freight rates becoming normal, due to improvement in international affairs, it can be sold to American citizens.

The Democratic national platform declared:

> We declare for an American-owned merchant marine, American built, and manned by American crews, which is essential for naval security in war, and is a protection to the American farmer and manufacturer against excessive ocean freight charges on products of farm and factory.
>
> We declare that the Government should own and operate such merchant ships as will insure the accomplishment of these purposes, and to continue such operation so long as it may be necessary without obstructing the development and growth of a privately owned American-flag shipping.

To show you something of the value of these services in the last fiscal year, the year before the present, wheat had dropped to a dollar a bushel and below. There was a sale for it abroad, but there were not sufficient ships available to carry it, because ships will not carry commodities of that kind as long as they can get better freight-paying commodities. So the Gulf ports and various other ports were flooded with wheat for export. Not only were the warehouses full, but there were hundreds and hundreds of railroad cars on the sidetracks and on their way with wheat for export, and yet it appeared that the ships available could not carry that wheat or any large portion of it in time to be sold to advantage.

Representatives of the great Wheat Belt and others came to Washington. They first applied to Admiral Palmer and he turned them down. They then appealed to the Shipping Board and the Shipping Board put into service a sufficient number of ships that were not previously in service to move that wheat. The result was that the price of wheat immediately began rising and within a few months our wheat crop had increased in market value between $600,000,000 and $800,000,000. [Applause.]

Upon this subject I quote from an editorial appearing in the January 1, 1926, issue of the American Economist, published by the American Protective Tariff League, as follows:

NO REAL LOSS TO PEOPLE FROM GOVERNMENT-OPERATED SHIPS

The report of the Select Committee of the House of Representatives on the United States Shipping Board and Emergency Fleet Corporation operations, policies, and affairs, as presented by Representative E. L. DAVIS, of Tennessee, on December 14, is a most interesting document in every way and a credit to those responsible for it, although we do not agree with all of its conclusions. One of its features we feel sure can not be too greatly emphasized, the one which, discussing the operation of Government-owned vessels, states in the subheading that they involve "no losses to American people." Considering that some $30,000,000 more was expended for their operation during the past year than was earned by the vessels, this might seem to be a misstatement, or a paradox. The report in part says:

"Much specious argument and misleading propaganda have been disseminated about the so-called annual Shipping Board losses.

"As a matter of fact, there have been no losses to either the Government or the American people, when all the facts are properly considered. The advantages and benefits have far outweighed the expense incurred in maintaining our important trade routes, even if it be conceded that it might have been done more efficiently and economically. This fact was graphically and cogently illustrated by the occurrence last year, when the western grain farmers of the United States were unable to market their grain abroad for lack of available ocean tonnage. At that time a most serious situation confronted the agricultural interests of the United States, due to the fact that there was an exportable surplus of grain amounting to between 200,000,000 and 250,000,000 bushels, for which up to that time no market had been found and the presence of which in the United States operated to demoralize the domestic market and reduce the price of wheat to $1 a bushel or less—far below the actual cost of production.

"It was apparent that, when the demand for American wheat did arise, if the wheat could be delivered in foreign markets promptly, the result would be relief from depression and a rapid enhancement of price and increased returns to the American wheat grower. The problem was solved by utilizing Shipping Board vessels. And while it is estimated that the actual expense incurred in operating such additional vessels amounted to something less than a million dollars, yet the price of grain by reason of such movement increased more than $650,000,000. Rather a fine return upon the less than million-dollar expenditure. On the books of the Shipping Board it probably appeared that the United States lost approximately $15,000 on each Shipping Board voyage. But, on the other hand, the enhancement of the price of American grain which resulted in increases amounting to between $600,000,000 and $800,000,000 certainly vastly outweighed the initial expenditure for transportation by the Government."

The farmers of the country should ponder over that statement, in which three Democrats and one Republican joined. It vividly shows them, in a concrete manner, the value to them of Government-owned vessels when such vessels are wisely used. Much has been said adverse to the Shipping Board regarding the differences between it and the Emergency Fleet Corporation, the former insisting in having the last say on matters of policy carried out by the latter. The conclusion of the paragraph we have so extensively quoted sheds a bright light upon the wisdom of the Shipping Board's policy. It says:

"The Emergency Fleet Corporation declined to put into service the extra ships to move this grain, but upon appeal to it the Shipping Board directed that idle ships be utilized for the transportation of this grain."

As the report shows, that reversal, which the Shipping Board insisted upon, meant $600,000,000 or $800,000,000 to the American people, especially wheat growers. The Shipping Board's "losses" of that character were a blessing in disguise to the American people. Many more such concrete cases could have been presented, we are sure, showing that the alleged "losses" suffered by our Government or our people from the operation of Government-owned ships were actually vast savings instead.

The report also quotes approvingly from an editorial in the American Economist of as recent a date as November 6, 1925, which editorial we in part reproduce in order the better to emphasize what the report in this particular states:

"Our Government-owned fleet acts as a sort of protection to the American people against high ocean freight rates—they receive their imports at a less cost, and their exports reach foreign markets at a less cost than would be possible if ocean freight rates advanced. This lower cost of freight transportation brings back to our people several time over each year all that our Government 'loses' through running its ships for less than they earn. * * *

"Many foreign nations, notably Great Britain, went on building new merchant ships after the war as if the American fleet of 12,000,000 tons of shipping did not exist, or would be scrapped or laid up. This produced a condition of 'overtonnage,' and it is from that ships are now suffering; but people who have goods to send by ships are not suffering. Those in this country who pay for our $9,000,000,000 worth of imports and exports are not suffering—they are benefiting by low freight rates."

How little the facts here presented are referred to when Shipping Board affairs are discussed by the press, or even by Government officials; but how important it is that they should be invariably mentioned as explanatory of the gain to the American people through the Government's ownership and operation of merchant ships. The Davis report further elaborates and emphasizes the matter in this way:

"In addition to the enormous savings in ocean freight rates which it has provided, the percentage of American commerce carried in American vessels has enormously increased over the pre-war period, and the freight money paid out by shippers for carriage in American vessels has remained in America. This sum constitutes a huge total.

"The value, moreover, to the Nation of having a great fleet of American ships at all times available, can be readily appreciated when the condition which confronted the United States during the World War is recalled. Not only do such ships constitue an asset of the greatest value, from the standpoint of national defense and of independence upon the high seas, but also afford incomparable training in seamanship and a reserve and auxiliary force of trained seamen whose value can not be overestimated."

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. DAVIS. Under leave granted me to extend my remarks, and with further reference to the hue and cry about the alleged Shipping Board losses, I quote from the recent report of the Select Committee of the House which inquired into the affairs of the Shipping Board and Emergency Fleet Corporation, as follows:

OPERATION REVENUE AND EXPENSES

The net profits from the operation of Shipping Board vessels from inception to June 30, 1920, were as follows:

From inception to June 30, 1919, a profit of	$240,562,989.85
From July 1, 1919, to June 30, 1920, a profit of	267,527,626.95
Making a total profit of	508,090,616.80

[NOTE.—There is included in the first period $56,326,361.75 for charter hire due from the War and Navy Departments, which the Shipping Board was enjoined by congressional action from requiring payment of, as it would have simply involved the transfer of funds from one governmental department to another. On the other hand, if charges against the War and Navy Departments had been made at prevailing rates, instead of at the low rates on which they were billed, the General Comptroller estimated that it would have yielded to the board a profit approximately $78,433,896.24.]

The expenses charged against the operation covers overhead, repairs, and maintenance of both ships in operation and laid up, and all war risk, P. and I., and marine insurance losses. In the above figures nothing is deducted for interest and depreciation. However, deducting 5 per cent for interest and 5 per cent for depreciation per year on steel ships on a valuation of $200 per dead-weight ton and 7½ per cent for depreciation on wooden ships on a valuation of $125 per dead-weight ton, these figures being approximately the abnormal war-time cost of construction, there would still be a net profit from the inception to June 30, 1920, of $287,633,986.98. While this period was one of exceptional high rates and risks, it was also one of unusually high and exceptional expenses.

As before stated, the disastrous slump in shipping came in the spring of 1920, resulting in a tremendous reduction in cargo and ocean freight rates and the general demoralization which followed. During this period the ships of all nations suffered along with ours. The expenses and losses from the operation of Shipping Board and Emergency Fleet Corporation ships and other activities, calculated on the same basis as that explained with respect to the foregoing periods, for the subsequent years were as follows:

From July 1, 1920, to June 30, 1921	$36,274,653.20
From July 1, 1921, to June 30, 1922	85,617,139.40
From July 1, 1922, to June 30, 1923	28,577,737.37
From July 1, 1923, to June 30, 1924	41,196,304.59
From July 1, 1924, to June 30, 1925	30,063,788.24

[NOTE.—The figures for the last four years do not include the cost of the care of the laid-up fleet, but do include all Emergency Fleet Corporation expenses, including salaries and other expenses of the Washington and district offices.]

It will thus be noted that the net profit of Shipping Board and Emergency Fleet Corporation operation from the inception in 1917 to June 30, 1925, amounts to $336,360,903.93.

It should also be borne in mind that a good portion of the administrative expense which is charged to ship operation was incurred in the completion of ship construction, the sale of ships and various other properties, the settlement of numerous claims, litigation, etc.

Chairman Lasker, in a statement of January 5, 1922, before a subcommittee of the House Appropriations Committee, said:

"Let me emphasize that the greater share of our operating loss to-day is other than in ship operation. Ship operations—that is, the actual tonnage loss—is less than a million dollars monthly. The balance of the loss is of necessary repairs, cost of tie-up, insurance, ordinary overhead, the vast overhead expense of liquidated properties and legal expenses of settlement, which would exist in all events for the time being.

"Our loss in actual voyage operations is very small. Our loss in November on actual voyage operations was only $654,000. Our total loss of $4,000,000 came from overheads that would continue if we did not operate a single ship."

The chairman and other representatives of the Shipping Board, in testifying at the hearings on the appropriations bill for the fiscal year 1922–23, when they asked for the $50,000,000 appropriation for expenses and losses, estimated that same would be made up as follows:

Net voyage losses	$5,497,561
Other expenses: Repairs and betterment, insurance, expenses during permanent lay up, advertising	29,502,439
Administrative expenses	15,000,000
Total	50,000,000

The excess of voyage expenses (including administrative overhead) over voyage revenue for the year of July 1, 1922, to June 30, 1923, was $9,395,603.87. If there be deducted therefrom the commissions and fees paid managing operators for that period, there is left a loss for the year of only $490,256.14.

The excess of voyage expenses (including administrative overhead) over the voyage revenue for the period of July 1, 1923, to February 29, 1924 (the last figures furnished this committee on this subject), amounted to $2,802,074.31. The amount of commissions and fees paid managing operators for this period was $4,953,693.69. If such commissions and fees had not been paid to managing operators there would be a net profit during the period of $2,151,619.38. (See part B, pp. 1802–1809, of the hearings.)

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

As I understand it, Mr. Chairman, the bill carries $13,900,000 and the amendment of the gentleman from Alabama [Mr. McDUFFIE] proposes to increase that to $18,690,000, which is the minimum amount that the chairman of the board, who is the head of the organization and who is charged with the practical responsibility of handling this matter, states is necessary.

I am not criticizing the committee, but the only justification that is offered is that they felt constrained to bring in the smaller amount because of the pending $15,000,000 bill which they thought would be reported from the legislative committee.

Mr. SANDLIN. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. SANDLIN. And for the further reason that we understood there was an agreement between the Bureau of the Budget and the Chairman of the Shipping Board that this matter would be taken care of next fall in a deficiency bill, if this appropriation did not meet the needs.

Mr. WINGO. I am not criticizing the committee. I possibly may have done the same thing—I am not saying as to that. I am discussing the merits of it without criticism. I have great respect for this subcommittee, and I think they are like all the rest of us. We all want to do the best we can to meet the very pressing problem which is before us in connection with our shipping.

I think instead of relying upon an agreement between the Budget Director and the officials charged with the responsibility of these operations, Congress can not discharge its full duty without providing at least the minimum amount it is agreed is necessary to take care of these operations. I do not like deficiency appropriations.

Now, not only is it necessary from a practical standpoint, but the psychological effect of our appropriating a sufficient amount to take care of our merchant marine is very essential and will have a very potent effect.

I think all men who are studying world conditions at this time will agree that the greatest war that has ever been fought in the history of the world is the war for world trade that lies out immediately in front of us. There is going to be fierce competition. Those who study the subject and undertake to arrive at statistical conclusions agree with unanimity that if the productive capacity of America—and that includes industries of all kinds, the production of farm products and of manufactured products—if it reaches the practical maximum which is about 80 per cent of the theoretical maximum, we will have an exportable surplus of our farms and factories to the volume of $15,000,000,000. The rest of the world is becoming rehabilitated and is reaching out for world markets, and this is going to bring about a fierce conflict.

This is a matter where the agriculturalists and the manufacturers have no conflict of interest. They both have a selfish pocketbook interest in maintaining our world trade, and especially in maintaining our merchant marine.

The thoughtful man knows there are three factors that are going to dominate the world. It is not the natural wealth of our Nation that is going to give us supremacy, because natural wealth if not handled properly is a handicap instead of a help. What are the three factors? One is the factor of the financing of world trade; the other is the factor of the carrying capacity or the merchant marine of the Nation, our merchant marine, in other words; and the other is the armament of the Nation that has supremacy in swift battle cruisers and swift scout cruisers.

These are the three factors that all agree will determine world supremacy. Our financial interests, our banking institutions are taking care of the financing of world trade. Some say we are going too far. Why? Because they say that such indebtedness may be repudiated. There can be a repudiation of debts contracted for the purpose of extending our world trade, but the other two factors are within our control and can not be repudiated. If we have supremacy in scout cruisers and battle cruisers, we can maintain our naval supremacy not by actual conflict but by the potency of our capacity to win in an armed conflict. Then if we have our merchant marine to carry our goods to the ports of the earth and to the consuming millions of the earth, that is the most potent factor and will in the end be the controlling factor in giving us supremacy in world trade.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. WINGO. Now, gentlemen, I hope sincerely that in the solution of this problem and in caring for this problem the American people will not have the misfortune of having divisions along party lines. The question of the maintenance of our world trade so as to bring to this Nation that prosperity which it can otherwise never have continuously; that is, the production of our mills and our factories and our farms to the maximum capacity which will produce a $15,000,000,000 surplus over and above our home consumption—I say I hope that in the solution of that problem and in fostering those things which will guarantee that prosperity, we will find the Democrats and the Republican standing side by side, and if there is any difference at all, it will be one of rivalry as to which one is doing the most to guarantee continued prosperity in his country.

Gentlemen, let us increase this appropriation. Let us say to the other nations of the earth that our independence in shipping is going to be maintained whatever the direct cost may be to the Treasury, because, ah, gentlemen, you can not measure its cost by what comes out of the Treasury. The indirect benefit that will flow to the agricultural interests and to the manufacturing interests and to every business class in America, the indirect benefits that will flow from maintaining an independent merchant marine will be many times more than any deficit that may be caused by taking sums out of the general funds of the Treasury.

We may differ upon other questions, gentlemen. We may differ upon tariff, we may differ upon how to solve the immediate farm problems, but I hope, gentlemen, there will be no difference upon either side of this aisle, but that by our action in supporting a complete and a sufficient appropriation to maintain our shipping operations, we can say to the world that this Government proposes to maintain our commercial supremacy and to guarantee to every factory and to every farm in America an open port and an independent carriage to carry our products to the markets of the world. [Applause.]

Mr. WOOD. Mr. Chairman, I and the members of the subcommittee sitting around me have no objection to the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken and the amendment was agreed to.

Mr. LETTS. Mr. Chairman, I offer the following amendment.

The Clerk began the reading of the amendment.

Mr. BLANTON. Mr. Chairman, enough has been read of the amendment to show that it is out of order, and I make a point of order against it.

Mr. BLACK of Texas. Mr. Chairman, the amendment I send to the desk is an amendment to the paragraph, and if the amendment of the gentleman from Iowa was considered I might lose my rights if I did not insist on it.

The CHAIRMAN. The Chair thinks that the gentleman from Texas is correct. The gentleman from Texas offers an amendment to the paragraph which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On line 10, page 32, strike out the period, insert a colon, and add the following language: "*Provided further*, That no part of this sum shall be used to pay any operator of vessels under contract with the United States Shipping Board Emergency Fleet Corporation at a greater fee than 5 per cent on all export freight and 2½ per cent fee on all import freight and no other allowances."

Mr. WOOD. Mr. Chairman, I raise a point of order on the amendment.

Mr. BLACK of Texas. What is the gentleman's point of order?

Mr. WOOD. That it is legislation on an appropriation bill and that it is not germane to this section.

Mr. BLACK of Texas. It seems to me, Mr. Chairman, that the language is very similar to other limitations in other paragraphs in the bill. While, of course, it would put a prohibition on certain contracts it would fix a limit to which certain contracts by the commission could be made. I think that is within the province of Congress, and I do not think that the amendment is out of order.

Mr. WOOD. The point I wish to make is that it absolutely prohibits the discretion of those in charge of the conduct of this business. It is legislation.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Texas provides that no part of this sum shall be used by any operator of vessels under contract with the United States Shipping Board Emergency Fleet Corporation at a greater fee than 5 per cent on all export freight and 2½ per cent on all import freight and no other allowances.

The Chair is of opinion that certainly by implication the legislation restricts the Shipping Board to certain limitations to which they can go in letting contracts. The Chair therefore holds that it is legislation and sustains the point of order.

Mr. LETTS. Now, Mr. Chairman, I offer my amendment.

The Clerk read as follows:

Amendment offered by Mr. LETTS: On page 32, line 10, after the word "claims," by adding the following as a new paragraph:

"No part of the moneys appropriated or made available in this act for the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor, that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning, can be constructed, purchased, repaired, or reconditioned when time and facilities permit, in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, purchased, acquired, repaired, or reconditioned otherwise."

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment. I simply desire to say that it may be in form of a limitation, but in order to ascertain whether a ship can be constructed or rebuilt more cheaply in a navy yard than in a private yard, it requires an investigation, the acquiring of information, an affirmative action on whoever are giving out the contract, that the law does not now impose upon them.

Mr. BLANTON. It interferes with their discretion.

Mr. BLAND. Does the Chair desire all the objections stated now to this amendment?

The CHAIRMAN. The Chair would prefer not to answer that question until he hears from the gentleman from Iowa.

Mr. BLAND. I want to lodge every ground that may suggest itself to the mind of the most skilled parliamentarian.

Mr. LETTS. M. Chairman, I realize that this is a matter that has been debated a great many times on this floor, and that various chairmen have taken opposite attitudes in regard to it. I respect the opinion of those who have sustained this point of order as I do those who have overruled it. I find in looking up the precedents that the gentleman from Ohio [Mr. BEGG], who now occupies the chair, will be in good company no matter which way he rules. The Chair knows, of course, that Mr. Mann, of Illinois, and Mr. Saunders of Virginia, and our esteemed Speaker, and others, have overruled this point of order with respect to like provisions. I understand that our distinguished leader and other able parliamentarians are among those who have taken the opposite view.

The gentleman from New Jersey [Mr. LEHLBACH] raises the point of order and says that it is legislation. He makes the same criticism that has been heard before that this is affirmative legislation and not a limitation. He says that it places new duties and responsibilities upon executive officers, the officers of the Shipping Board. I submit that the officers of the Shipping Board are officials of the Government, and by the very fact that they have accepted positions to represent the public and serve the Government they assume to act honestly, intelligently, and with efficiency. I maintain that no officer of that board could discharge that duty without making the investigation which the gentleman from New Jersey [Mr. LEHLBACH] says is imposed by this paragraph. It does not appear to me that it is necessary to legislate that a public official should act honestly or intelligently. That is presumed. That is a part of the common law and arises from a sense of honor.

We place no new duty upon the officers of the Shipping Board by saying that they must make an inspection and determine where they can do this work most economically and to the advantage of the Government.

It is a matter that tends directly to conserve the public funds, to protect the Treasury against the assaults of those who would, perhaps, combine and make one bid and say to the Shipping Board, "You must take this because it is the lowest bid." It is proper and essential as a matter of good business and as a matter of public concern that the Shipping Board should submit their plans and specifications, not only to private concerns and individuals, but to the navy yards. I am of the opinion that our navy yards and our arsenals should be made reasonable use of. I am not one who contends that we should make the maximum use of those organizations, but I do say that there is a reasonable course that we could pursue. Every bid by our navy yards or arsenals is a check against extravagance and a safeguard against abuse of power and official corruption.

Let me suggest this thought: We educate the officers who manage our navy yards and our arsenals at great expense to the Government. We put them in positions of power. Is it practical for us to say that those men shall seek the easy course and say to us that it is more to their liking to let a contract and pay the price than it is to supervise a manufacturing plant? It is not good judgment to spend all this money to educate these men to run our arsenals and navy yards and then bid them make their contracts on the outside and let die the skill which has been developed in them at the expense of the Government. Shall we encourage them to take the easy course, to be satisfied to just run along and make these contracts, and then when the supplies are furnished to pay the price? The point of order should be overruled and my amendment held in order. The provision is wholesome.

Mr. BLACK of New York. Mr. Chairman, will the Chair hear from me?

The CHAIRMAN. The Chair is ready to rule.

Mr. BLACK of New York. I think I have something new to suggest on this amendment. It occurs to me that this amendment is being made for the purpose of a corporation rather than for the purpose of a department of the Government and, therefore, takes a little different turn from the ordinary appropriations in this House. It is perfectly proper that we should not legislate on an appropriation bill, and when we interfere with or undertake to guide the discretion of an executive officer we do that; but here we are appropriating money for a corporation. True, the stock of the corporation belongs to the United States Government, but nevertheless it is a separate entity from the Government and its officers are no part and parcel of the Government.

The CHAIRMAN. Will the gentleman permit a question from the Chair?

Mr. BLACK of New York. Yes.

The CHAIRMAN. The Chair is not interested in the angle the gentleman is now presenting, because that has nothing to do with the question; but if the gentleman can show that this does not add additional duties to the Government officials, the Chair would be glad to hear from him.

Mr. BLACK of New York. I am taking the position that when we add duties under an appropriation bill to the responsibilities of a Government official we might be legislating, but on this proposition we are providing a check for the Government on the use of funds provided by the Government for a corporation that is not a part or parcel of the Government. It is an entirely different situation. In this appropriation we are appropriating money for a certain purpose. We are not

appropriating money to the Emergency Fleet Corporation. We are appropriating money for the purposes of the Government and are providing by this amendment a check in the routine of the appropriating machinery to see to it that the thought of the appropriation is carried out.

Heretofore we have had rulings on this amendment. This House has adopted an amendment similar to this and so has the Senate adopted an amendment similar to this. The conference committee have adopted an amendment similar to this. Committees have come into this House, this same committee, with an amendment similar to this, and on the point of order raised against the conference report carrying an amendment such as this the Chairman, Mr. Sanders of Indiana, ruled the conferees had power to make such a report carrying such an amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of New York. Surely.

Mr. BLANTON. But the gentleman remembers that just a week or so ago when the naval bill was up and this amendment was offered to it, the Chair held this was out of order. There is the last precedent.

Mr. BLAND. The Chair may recall that the ruling of Mr. Sanders of Indiana, while he was then dealing with the conference report, was on the question as to whether the conferees acted within their powers.

Mr. BLACK of New York. Surely; and on the theory the conferees are the agents of the House and can have no greater powers than the House gave to them, and your committee being merely the agents, the House being the principal, it had such power.

The CHAIRMAN. The Chair is not troubled at all about the angle the gentleman is discussing. If he has any information to give to the Chair to show that this amendment does not add additional duties to an executive department the Chair will be very glad to hear him; otherwise the Chair believes, having regard for the expedition of business, that he should rule.

Mr. BLACK of New York. The gentleman is well disposed to meet the suggestion of the Chair. The officers of the Emergency Fleet Corporation in carrying out their duties, under the powers of that corporation and under the laws, must see to it they get the lowest bid on a proposition. They submit to various shipyards their plans and specifications for estimates and in taking them and going to the different navy yards do not do anything out of the line of duty. They then would go to those places as well as 20 other places. They do not add to their duties, but give them additional opportunities in the direction suggested by the amendment.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BLACK of New York. I will.

Mr. BANKHEAD. Does the gentleman contend under existing law is it the duty of the Emergency Fleet Corporation to do the specific things required by this amendment?

Mr. BLACK of New York. No; I did not say that; but I say it is the duty of the Emergency Fleet Corporation to get the lowest bids. It is their duty to go to every available shipyard. It is as well their duty, following that line, for them to go to the navy yards. We are not creating duties for them. We are showing them where they may go, where there are opportunities for them to get things. We are not piling work upon them at all.

The CHAIRMAN. The Chair is ready to rule. In order for this amendment to be in order at all it must come under the Holman rule as a limitation, and if it must come under that rule as a limitation it must be a limitation on expenditure under all circumstances and all conditions and all times. The Chair can readily see where a condition might arise, if this amendment were adopted and made into law, where instead of being a limitation on an expenditure it would be an extravagance. If a ship were in a foreign port and needed a minor repair before it could leave for the next port or the home port, if this amendment were written into law, it would be absolutely necessary for them to communicate with all navy yards in the United States as to how much that would cost and to communicate with the navy yards in the port where they happened to be and find out if that cost were higher. Under those circumstances, instead of being a limitation it would be an extravagance.

Mr. DOUGLASS. Mr. Chairman, I desire to draw the attention of the Chair to the amendment, which says that it may be reconditioned when time and facilities permit.

The CHAIRMAN. Very true, but the element of time is not entering into it. The Chair can readily see whereby a condition might arise with a ship in a strange port where a repair might be $25, when in a navy yard it might be, say, $20, but to get the ship from the strange port to the home port would cost a great many thousands. The Chair simply suggests that as an added reason to the precedents already held that it does add a burden on the department other than that proposed by existing law, and in that sense is legislation, and the Chair therefore sustains the point of order.

The Clerk read as follows:

No part of the sums appropriated in this act shall be used for actual expenses of subsistence exceeding $5 a day or per diem in lieu of subsistence exceeding $4 for any officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that my five minutes may be used out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, when the first challenge to enforce the law came in Boston to Governor Calvin Coolidge he met the challenge and enforced the law. There is to-day in Washington a greater challenge to the President to enforce the law than he ever met in Massachusetts. The law says that—

if any person shall advertise, or give notice by newspapers or otherwise for himself or another, the manufacture of alcoholic or other prohibited liquors, he shall be guilty of a misdemeanor and shall be fined not less than $100 nor more than $500.

That is the law of the land. The burden is upon the President, as the Chief Executive of this Nation, to enforce that law. And yet in the Nation's Capital we find this morning, in the administration's mouthpiece, the Washington Post, which is known far and wide as the administration's paper—we find a violation of that very law, printing on its first page an advertisement giving a recipe for the manufacture of beer.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question there?

Mr. BLANTON. I regret I have not the time. I want to say this: If the President is the man that this Nation has given him the credit of being, notwithstanding the fact that the millionaire editor of this paper is his personal friend, he is going to give orders to see to it that this editor and every other editor who violates this law shall be prosecuted the same as any other criminal in the land.

There is a concerted effort on the part of individuals in this Government just now to break down the law, and the challenge is to the President. What is he going to do about it? Is he going to put in jail the poor devil who violates the law and let his friend, the millionaire editor, escape? He did not let the law be flouted in Massachusetts. He met it like a man.

I appeal to the President of the United States to do to this millionaire editor what he does to the poor devil here in Washington and elsewhere who violates the laws. Let the law be enforced alike against everybody without discrimination. The time has come when American citizens expect of their Chief Executive an enforcement of law that applies equally and alike to everybody. The people are getting tired of these combinations that meet down here, as they did the other night in a banquet, and write to the authorities to find out whether they can read this recipe publicly; and then when they do not get authority to flaunt the law, they read it anyhow. And when newspapers have not dared to violate this law heretofore, the millionaire editor, the President's friend, sees fit now to do it. I protest against it. I appeal to the President to enforce the law.

The CHAIRMAN. The Clerk will read.

Mr. LEHLBACH. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New Jersey moves to strike out the paragraph.

Mr. LEHLBACH. Mr. Chairman, this paragraph limits the per diem for traveling of officers and employees of the Shipping Board and the Fleet Corporation to $4 a day and subsistence to $5 a day. The provision is unnecessary, for the reason that the Comptroller General has ruled, and accordingly his ruling is enforced, that the $5 and $4, respectively, apply not only to the officers and employees of the United States Shipping Board and the Emergency Fleet Corporation

but even to employees of the United States Lines. Consequently the paragraph is not necessary, because it is now in existence already as law.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Certainly.

Mr. WOOD. The gentleman is absolutely correct. But it is repeated in other bills.

Mr. LEHLBACH. The reason why I ask that it be stricken out is that legislation is in process of preparation to cover all the branches of the Government. If this is retained in the appropriation for these employees, it may limit them as against all the other Government employees, who are not subject to the limitation on their appropriation.

Mr. SNELL. Is not this carried in other appropriation bills for the coming year?

Mr. WOOD. I think it is carried in some of the others.

Mr. LEHLBACH. I want to say this, as to the situation, if you will bear with me for a moment: The gentleman from Ohio [Mr. BEGG], who now graces the rostrum, has introduced legislation covering the per diem and subsistence allowance of employees generally, and that is being considered by the Committee on the Civil Service, and we are cooperating with the Appropriations Committee in formulating legislation. We hope to report, and with the assistance of the chairman of the Committee on Appropriations to pass such legislation. But this paragraph in this appropriation bill might, so far as these specific employees are concerned, defer as to them the operation of such new legislation during the next fiscal year.

Mr. SNELL. How will it affect similar provisions in other bills that have already been passed?

Mr. LEHLBACH. I do not know as to other provisions.

Mr. SNELL. I think several of the bills carry such provisions.

Mr. LEHLBACH. Will the gentleman show such limitations on other people provided for in this bill?

Mr. SNELL. I do not know as to that.

Mr. LEHLBACH. That is why I am asking it be eliminated in this particular paragraph.

Mr. DAVIS. I see it is not in the Veterans' Bureau provision.

Mr. LEHLBACH. No; and there is no reason why this limitation should be imposed here. If an increase in the per diem allowance for employees generally is legislated, this limitation would nevertheless apply to the funds here appropriated.

Mr. BLACK of Texas. Let me say to the gentleman from New Jersey that in most of these appropriation bills, in some places, it is provided that the per diem shall be in accordance with the sundry civil appropriation bill of 1914, and in other places it is not so provided. I agree, of course, with the gentleman that there is no special need for this provision in the bill, but I also think the objection the gentleman urges would not be controlling because if a later law is passed by the Congress making more liberal these allowances, it would undoubtedly apply to these employees because it would be a later law of Congress and would supersede this limitation.

Mr. LEHLBACH. I understand the gentleman, and that is just the point involved. This does not refer to any existing law and does not provide that the subsistence and per diem will be limited in accordance with a law that would be repealed by later legislation. It actually limits the sum that can be paid out of this appropriation to $5 and $4, regardless of law.

Mr. BLACK of Texas. I think there would be no objection, as the gentleman says, to eliminating this paragraph.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. MOORE of Virginia. I agree with the gentleman, and does not the gentleman think in order to avoid any possible complication, the legislation which is in process of being formulated should contain a provision that will make what is proposed effective, any other law to the contrary notwithstanding? It could very easily be dealt with in that way.

Mr. LEHLBACH. Yes; any other law or any limitation on an appropriation bill notwithstanding. I thank the gentleman for his suggestion.

Mr. WINGO. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WINGO. As I understand it, the gentleman contends that even if we pass the general law, it might be contended that the general law did not apply inasmuch as the Congress had specifically placed a specific limitation on this appropriation.

Mr. LEHLBACH. Yes.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The question is on the motion of the gentleman from New Jersey to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

No part of the funds of the United States Shipping Board Emergency Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1927 if suitable space is provided for said corporation by the Public Buildings Commission.

Mr. LETTS. Mr. Chairman, I make a point of order on the paragraph. The language creates a duty and places the duty upon this executive officer of determining whether or not the space furnished by the Public Buildings Commission is adequate or not.

Mr. LEHLBACH. Mr. Chairman, in answer to the point of order I do not think the Emergency Fleet Corporation would be permitted to judge itself whether the space furnished by the Public Buildings Commission was suitable or not. It would be up to the Public Buildings Commission to say that it was suitable and they would have to accept it. Consequently, the point of order does not lie.

The CHAIRMAN. Does the gentleman from Indiana care to be heard?

Mr. WOOD. I do not care to be heard, Mr. Chairman. This is a provision that is carried in every one of these bills.

Mr. LETTS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk completed the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments en gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDRESS BY MR. KETCHAM—THE YOUTH MOVEMENT

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by my colleague, the gentleman from Michigan [Mr. KETCHAM], over the radio last Saturday night.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a speech by the gentleman from Michigan over the radio last Saturday night. Is there objection?

There was no objection.

Mr. CROWTHER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE CALL OF THE REPUBLICAN PARTY TO FIRST VOTERS

The so-called youth movement of recent months has challenged the attention and interest of the whole world. Serious-minded groups of high-grade young men and women have inspired us all with their clear thought and high purpose in relation to present-day social, economic, political, moral, and religious problems. According to the United States Census Bureau approximately 7,715,000 young people of this country will attain voting age during the four years of the present administration. Their united voting strength would be a material factor in any single national election and any political party that hopes to live must have a history, a standing, a program, and a leadership that matches the high ideals held by this forward-looking army of young people.

The Republican party was born "Under the Oaks" at Jackson, Mich., 72 years ago July 6 next. At present Michigan's House dele-

gation in Congress is solidly Republican, one member being chosen by the largest majority ever given a Representative in the history of the Nation. Our present State legislature is unanimously Republican, our administrative departments likewise. For the most part our smaller political units are also heavily Republican. Michigan has been, is, and will continue to be Republican.

With such a background my enthusiasm in sounding the call of the Republican Party to the young people of the country who are now making their first decisions as to party affiliations, will be easily understood.

First, I present the claims of the Republican Party for allegiance, because it is, and always has been, constructive. Since Abraham Lincoln's inauguration 65 years have passed. During 49 years of that period a Republican President has been in the White House, and therefore Republican principles and policies have shaped and controlled the course of government. The Republican state of mind has inevitably become and remained constructive. Responsibilities had to be discharged. The Government had to function. Both foreign and domestic adjustments had to be made to keep pace with our astonishing growth in population and wealth. The Republican Party has met each new or difficult situation with outstanding fidelity and ability and for that reason enjoys to so great a degree the confidence of the people. To be constructive is the dream of youth. To do, to be, to strive, to achieve, is the ambition of every worth-while young person. The Republican Party is the best means for young persons to apply these qualities to the problems of government. It has been and still is supreme in the field of achievement.

Brakes are vital in the equipment of a car. Holdbacks are an essential part of a harness, but you never get very far with either. The engine in the car or the collar of the harness are the determining factors in making progress. Years ago a lecturer told me that any mule can kick a structure down, but it takes an architect to built it up. The Republican Party is the engine in the car of national progress; it is the collar by which the load of national responsibility is pulled up the long, steep grade; it is the architect that conceives, plans, and supervises the noblest structure of government yet known to the world.

The Republican Party makes a stirring appeal to the heart of youth in the history it has written. A great party leader recently said, "History has recorded no party organization whose achievements can compare with ours." Born to meet the demands of a great national crisis, its course has been marked by the highest wisdom. In the policies that have been written into law as well as in their administration there has been displayed statesmanship equal to the best the world knows. In a word, the record of the wonderful years since 1861 may be summarized in a single sentence. To-day we stand in a position of unchallenged world leadership. In form of government, material possessions, production, and standards of living, we are acknowledged to be supreme. We are great because of what we have, what we do, and what we are. It would, of course, be unjust to attribute all this unparalleled record to the Republican Party but it would be none the less unfair to deny it the larger share of credit.

The Republican Party does not rest its appeal to the millions of youth on history alone. Its present standing before the country and its program for the future alike challenge interest. Since the family quarrel of 1912 there has never been shown such a spirit of unity as now prevails nor such fine teamwork in meeting the responsibilities of government. The program outlined in the party platform is being carried out conscientiously and expeditiously. The gigantic tasks of readjustment incident to the World War have been met bravely and are well on the way to accomplishment. There is peace, prosperity, and progress on every hand. The year just passed marked the high point of peace-time commercial and industrial achievement.

In the last analysis the lure of an organization for all people, but especially the young, is in its leadership. Men more than measures or policies command our admiration and allegiance. Some one has defined history as the essence of innumerable biographies. Surely that of the United States for the last three-quarters of a century could well be compassed in the lives of the succession of great and good men whom the Republican Party has honored with leadership. From Lincoln to Coolidge an unbroken line of great men have occupied the position of Chief Executive. No party lines shall be drawn there, but the Republican Party does rejoice in the belief that the great men it has called to the Presidency have been preeminently endowed with talents and capacities suited to the particular problems of their respective administrations. Literally we hold them as men to match their mountains. Likewise, the Republican Party takes great pride in the high devotion to public duty of thousands of legislative, executive, and judicial officials. They are worthy of the highest commendation, and their careers will always be an inspiration to those who follow after.

The Republican Party calls the seven and three-quarter millions of young voters of this quadrennium to party affiliation. It believes that party allegiance makes for intelligent and continuous influence in public affairs. It confidently believes that its history, its standing, its program, and its leadership best fits the ideals and temperament of dynamic youth and best guarantees the future of the United States. It calls to great opportunity and distinguished service under the banner of the greatest political party the country has ever known.

INHERITANCE TAXES

Mr. ACKERMAN. Mr. Speaker and Members of the House, because of the wide interest that has been taken in the figures that have been compiled for a number of years concerning income-tax payments paid by individuals, comparing States with States, there is given herewith a comparison of the inheritance-tax payments made to the Federal Government from 1917 to 1925, inclusive, a period of nine years.

While New Jersey, New York, Ohio, and Pennsylvania combined pay a fraction of 1 per cent less in annual income taxes than the other 44 States and Hawaii combined, yet when it comes to the amount of Federal inheritance taxes paid during the last nine years, the three States of New Jersey, New York, and Pennsylvania, having but six United States Senators and 91 Representatives, paid 51.17 per cent of the inheritance taxes during the last nine years; or more than all the other 45 States, Hawaii, and the District of Columbia combined; notwithstanding the wealth, according to the last Government census, of New Jersey, New York, and Pennsylvania amounted to $77,000,000,000; while the wealth of the 45 other States was $284,000,000,000, or nearly four times as much.

For the three States which combined pay more than the other 45 States, including Hawaii and the District of Columbia, I have set forth their figures in detail, but the nine years' total payments of every State to the Federal Treasury has been figured and a comparison made with the other States whose total equals the payments made by individuals residing in those States. The source of the figures is the Internal Revenue Bureau.

The compilation is as follows:

NEW JERSEY

New Jersey for the years 1917–1925 paid in estate taxes $41,620,382.24, or 4.820 per cent of entire estate taxes paid. Paid more than 23 other States and Hawaii combined.

	Estate tax	Per cent
Nebraska	$4,237,627.58	0.491
Florida	4,015,525.77	.465
Louisiana	3,609,473.74	.418
Kansas	3,009,054.13	.348
Oregon	2,893,362.85	.335
West Virginia	2,652,361.22	.307
Alabama	2,300,017.00	.266
Tennessee	2,296,764.75	.266
Washington	2,263,441.16	.262
New Hampshire	2,180,953.80	.252
Delaware	2,059,282.01	.238
Hawaii	1,750,305.33	.203
South Carolina	1,454,689.86	.168
Mississippi	1,288,891.70	.149
Arkansas	1,060,122.04	.123
Utah	1,040,865.54	.120
Vermont	874,590.24	.101
Montana	608,348.55	.074
South Dakota	551,131.75	.064
Idaho	410,246.84	.047
New Mexico	379,408.29	.044
Wyoming	364,237.19	.041
Arizona	280,797.12	.032
Nevada	40,730.34	.005
Total	41,612,208.80	4.819
New Jersey	41,629,382.24	4.820

NEW YORK

New York for the years 1917–1925 paid in estate taxes $308,223,175.06, or 35.684 per cent of entire estate taxes paid. Paid more than 42 other States, the District of Columbia, and Hawaii combined:

	Estate tax	Per cent
Michigan	$41,565,625.95	4.812
California	33,899,640.92	3.925
Connecticut	30,802,865.81	3.566
Ohio	28,064,170.25	3.249
Rhode Island	23,307,394.14	2.698
Missouri	12,659,157.91	1.466
Kentucky	11,556,724.24	1.338
Texas	10,659,751.73	1.234
North Carolina	10,272,515.67	1.189
Wisconsin	9,858,184.41	1.141
District of Columbia	8,624,506.52	.998
Maine	8,292,273.69	.960
Maryland	7,875,324.13	.912
Indiana	7,263,569.59	.841
Colorado	6,394,123.23	.740
Iowa	6,327,737.64	.733
Georgia	5,912,127.05	.684
Virginia	4,495,951.13	.520

NEW YORK—continued

	Estate tax	Per cent
Nebraska	$4,237,627.58	.491
Florida	4,015,525.77	.465
Louisiana	3,609,473.74	.418
Kansas	3,009,054.13	.348
Oregon	2,893,362.85	.335
West Virginia	2,652,361.22	.307
Alabama	2,300,017.00	.266
Tennessee	2,296,764.75	.266
New Hampshire	2,180,953.80	.252
Delaware	2,059,262.01	.238
Hawaii	1,750,305.33	.203
South Carolina	1,454,689.86	.168
Mississippi	1,288,891.70	.149
Arkansas	1,060,122.04	.123
Utah	1,040,865.54	.120
Vermont	874,590.24	.101
Oklahoma	696,289.76	.081
Montana	608,348.55	.074
South Dakota	551,131.75	.064
Idaho	410,246.84	.047
New Mexico	379,408.29	.044
Wyoming	354,237.19	.041
North Dakota	326,233.92	.038
Arizona	280,797.12	.032
Nevada	40,730.34	.005
Total	308,203,935.33	35.682
New York	308,223,175.06	35.684

PENNSYLVANIA

Pennsylvania for the years 1917–1925 paid in estate taxes $92,169,016.58, or 10.671 per cent, of entire estate taxes paid, paid more than 30 other States, the District of Columbia, and Hawaii combined.

	Estate tax	Per cent
District of Columbia	$8,624,506.52	0.998
Maine	8,293,273.69	.960
Maryland	7,875,324.13	.912
Indiana	7,263,569.59	.841
Colorado	6,394,123.23	.740
Iowa	6,327,737.64	.733
Georgia	5,912,127.05	.684
Virginia	4,495,951.13	.520
Nebraska	4,237,627.58	.491
Florida	4,015,525.77	.465
Louisiana	3,609,473.74	.418
Oregon	2,893,362.85	.335
Alabama	2,300,017.00	.266
Tennessee	2,296,764.75	.266
Washington	2,263,441.16	.262
New Hampshire	2,180,953.80	.252
Delaware	2,059,262.01	.238
Hawaii	1,750,305.33	.203
South Carolina	1,454,689.86	.168
Mississippi	1,288,891.70	.149
Arkansas	1,060,122.04	.123
Utah	1,040,865.54	.120
Vermont	874,590.24	.101
Oklahoma	696,289.76	.081
Montana	608,348.55	.074
South Dakota	551,131.75	.064
Idaho	410,246.84	.047
New Mexico	379,408.29	.044
Wyoming	354,237.19	.041
North Dakota	326,233.92	.038
Arizona	280,797.12	.032
Nevada	40,730.34	.005
Total	92,159,930.11	10.671
Pennsylvania	92,169,016.58	10.671

Alabama for the years 1917–1925 paid in estate taxes $2,300,017, or 0.266 per cent of entire estate taxes paid. Paid more than six other States combined, namely, Montana, South Dakota, Idaho, New Mexico, Arizona, and Nevada.

Arizona for the years 1917–1925 paid in estate taxes $280,797.12, or 0.032 per cent of entire estate taxes paid. Only paid more than one other State, namely, Nevada.

Arkansas for the years 1917–1925 paid in estate taxes $1,060,122.04, or 0.123 per cent of entire estate taxes paid. Paid more than four other States combined, namely, New Mexico, Wyoming, Arizona, and Nevada.

California for the years 1917–1925 paid in estate taxes $33,899,640.92, or 3.925 per cent of entire estate taxes paid. Paid more than 22 other States and Hawaii combined, namely, Louisiana, Kansas, Oregon, West Virginia, Alabama, Tennessee, Washington, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Colorado for the years 1917–1925 paid in estate taxes $6,394,123.23 or 0.740 per cent of entire estate taxes paid. Paid more than 11 other States combined, namely, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, and Nevada.

Connecticut for the years 1917–1925 paid in estate taxes $30,802,865.81 or 3.566 per cent of entire estate taxes paid. Paid more than 22 other States and Hawaii combined, namely, Kansas, Oregon, West Virginia, Alabama, Tennessee, Washington, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Delaware for the years 1917–1925 paid in estate taxes $2,059,262.01, or 0.238 per cent of entire estate taxes paid. Paid more than six other States combined, namely, Montana, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

District of Columbia for the years 1917–1925 paid in estate taxes $8,624,506.52 or 0.998 per cent of entire estate taxes paid. Paid more than 12 other States combined, namely, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, and Nevada.

Florida for the years 1917–1925 paid in estate taxes $4,015,525.77, or 0.465 per cent of entire estate taxes paid. Paid more than nine other States combined, namely, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Georgia for the years 1917–1925 paid in estate taxes $5,912,127.05, or 0.684 per cent of entire estate taxes paid. Paid more than 10 other States combined, namely, Arkansas, Utah, Vermont, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, and Arizona.

Hawaii for the years 1917–1925 paid in estate taxes $1,750,305.33, or 0.203 per cent of entire estate taxes paid. Paid more than five other States combined, namely, Oklahoma, New Mexico, North Dakota, Arizona, and Nevada.

Idaho for the years 1917–1925 paid in estate taxes $410,246.84, or 0.047 per cent of entire estate taxes. Paid more than two other States combined, namely, Nevada and Wyoming.

Illinois for the years 1917–1925 paid in estate taxes $44,548,208.21, or 5.157 per cent of entire estate taxes paid. Paid more than 24 other States and Hawaii combined, namely, Virginia, Nebraska, Florida, Louisiana, Kansas, Oregon, West Virginia, Alabama, Tennessee, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, North Dakota, Arizona, and Nevada.

Indiana for the years 1917–1925 paid in estate taxes $7,263,569.59, or 0.841 per cent of entire estate taxes paid. Paid more than 12 other States combined, namely, Mississippi, Arkansas, Utah, Vermont, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Iowa for the years 1917–1925 paid in estate taxes $6,327,737.64, or 0.733 per cent of entire estate taxes paid. Paid more than 10 other States combined, namely, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, and North Dakota.

Kansas for the years 1917–1925 paid in estate taxes $3,009,054.13, or 0.348 per cent of the entire estate taxes paid. Paid more than seven other States combined, namely, Oklahoma, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, and Arizona.

Kentucky for the years 1917–1925 paid in estate taxes $11,556,724.24, or 1.338 per cent of entire estate taxes paid. Paid more than 13 other States and Hawaii combined, namely, Delaware, Hawaii, South Carolina, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, North Dakota, Arizona, and Nevada.

Louisiana for the years 1917–1925 paid in estate taxes $3,609,473.74, or 0.418 per cent of entire estate taxes paid. Paid more than eight other States combined, namely, Vermont, Oklahoma, Montana, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Maine for the years 1917–1925 paid in estate taxes $8,293,273.69, or 0.960 per cent of entire estate taxes paid. Paid more than 12 other States combined, namely, South Carolina, Mississippi, Arkansas, Utah, Vermont, Montana, South Dakota, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Maryland for the years 1917–1925 paid in estate taxes $7,875,324.13, or 0.912 per cent of entire estate taxes paid. Paid more than 11 other States and Hawaii combined, namely, Hawaii, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Massachusetts for the years 1917–1925 paid in estate taxes $55,606,257.12, or 6.438 per cent of entire estate taxes paid. Paid more than 27 other States combined, namely, Iowa, Georgia, Virginia, Nebraska, Florida, Louisiana, Kansas, Oregon, West Virginia, Alabama, Tennessee, Washington, New Hampshire, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Michigan for the years 1917–1925 paid in estate taxes $41,565,625.93, or 4.812 per cent of entire estate taxes paid. Paid more than 23 other States and Hawaii combined, namely, Nebraska, Florida, Louisiana, Kansas, Oregon, West Virginia, Alabama, Tennessee, Washington, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Montana, South Dakota, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Minnesota for the years 1917–1925 paid in estate taxes $11,105,700.73, or 1.286 per cent of entire estate taxes paid. Paid more than 13 other States and Hawaii combined, namely, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, and Arizona.

Mississippi for the years 1917–1925 paid in estate taxes $1,288,891.70, or 0.149 per cent of entire estate taxes paid. Paid more than four other States combined, namely, South Dakota, Idaho, Arizona, and Nevada.

Missouri for the years 1917–1925 paid in estate taxes $12,659,157.91, or 1.466 per cent of entire estate taxes paid. Paid more than 14 other States and Hawaii combined, namely, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Montana for the years 1917–1925 paid in estate taxes $608,348.55 or 0.074 per cent of entire estate taxes paid. Paid more than two other States combined, namely, North Dakota and Arizona.

Nebraska for the years 1917–1925 paid in estate taxes $4,237,627.58 or 0.491 per cent of entire estate taxes paid. Paid more than nine other States combined, namely, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, Arizona, and Nevada.

Nevada for the years 1917–1925 paid in estate taxes $40,730.34 or 0.005 per cent of entire estate taxes paid. Paid less than all other States, District of Columbia, and Hawaii.

New Hampshire for the years 1917–1925 paid in estate taxes $2,180,953.80 or 0.252 per cent of entire estate taxes paid. Paid more than six other States combined, namely, Oklahoma, Idaho, New Mexico, Wyoming, Arizona, and Nevada.

New Mexico for the years 1917–1925 paid in estate taxes $379,408.29 or 0.044 per cent of entire estate taxes paid. Paid more than two other States combined, namely, North Dakota and Nevada.

North Carolina for the years 1917–1925 paid in estate taxes $10,272,515.67 or 1.189 per cent of entire estates taxes paid. Paid more than 13 other States and Hawaii combined, namely, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

North Dakota for the years 1917–1925 paid in estate taxes $326,233.92, or 0.038 per cent of entire estate taxes paid. Paid more than two other States combined, namely, Arizona and Nevada.

Ohio for the years 1917–1925 paid in estate taxes $28,064,170.25, or 3.249 per cent of entire estate taxes paid. Paid more than 20 other States and Hawaii combined, namely, Louisiana, West Virginia, Alabama, Tennessee, Washington, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Oklahoma for the years 1917–1925 paid in estate taxes $696,289.76, or 0.081 per cent of entire estate taxes paid. Paid more than three other States combined, namely, Wyoming, Arizona, and Nevada.

Oregon for the years 1917–1925 paid in estate taxes $2,893,362.85, or 0.335 per cent of entire estate taxes paid. Paid more than seven other States combined, namely, Oklahoma, Montana, South Dakota, Wyoming, North Dakota, Arizona, and Nevada.

Rhode Island for the years 1917–1925 paid in estate taxes $23,307,394.14, or 2.698 per cent of entire estate taxes paid. Paid more than 18 other States and Hawaii combined, namely, West Virginia, Alabama, Tennessee, Washington, New Hampshire, Delaware, Hawaii, South Carolina, Mississippi, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

South Carolina for the years 1917–1925 paid in estate taxes $1,454,689.86, or 0.168 per cent of entire estate taxes paid. Paid more than five other States combined, namely, Idaho, New Mexico, North Dakota, Arizona, and Nevada.

South Dakota for the years 1917–1925 paid in estate taxes $551,131.75, or 0.064 per cent of entire estate taxes paid. Paid more than two other States combined, namely, Nevada and Idaho.

Tennessee for the years 1917–1925 paid in estate taxes $2,296,764.75, or 0.266 per cent of entire estate taxes paid. Paid more than six other States combined, namely, Montana, South Dakota, Idaho, New Mexico, Arizona, and Nevada.

Texas for the years 1917–1925 paid in estate taxes $10,659,751.73, or 1.234 per cent of entire estate taxes paid. Paid more than 13 other States and Hawaii combined, namely, Hawaii, South Carolina, Mississippi, Arkansas, Utah, Vermont, Oklahoma, Montana, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Utah for the years 1917–1925 paid in estate taxes $1,040,865.54, or 0.12 per cent of entire estate taxes paid. Paid more than four other States combined, namely, New Mexico, North Dakota, Arizona, and Nevada.

Vermont for the years 1917–1925 paid in estate taxes $874,590.24, or 0.101 per cent of entire estate taxes paid. Paid more than three other States combined, namely, South Dakota, Arizona, and Nevada.

Virginia for the years 1917–1925 paid in estate taxes $4,495,951.13, or 0.520 per cent of entire estate taxes paid. Paid more than nine other States combined, namely, Utah, Vermont, Montana, South Dakota, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Washington for the years 1917–1925 paid in estate taxes $2,263,441.16, or 0.262 per cent of entire estate taxes paid. Paid more than six other States combined, namely, Montana, South Dakota, New Mexico, Wyoming, Arizona, and Nevada.

West Virginia for the years 1917–1925 paid in estate taxes $2,652,361.22, or 0.307 per cent of entire estate taxes paid. Paid more than seven other States combined, namely, Montana, South Dakota, Idaho, New Mexico, Wyoming, Arizona, and Nevada.

Wisconsin for the years 1917–1925 paid in estate taxes $9,858,184.41, or 1.141 per cent of entire estate taxes paid. Paid more than 13 other States and Hawaii combined, namely, Hawaii, South Carolina, Arkansas, Utah, Vermont, Oklahoma, Montana, South Dakota, Idaho, New Mexico, Wyoming, North Dakota, Arizona, and Nevada.

Wyoming for the years 1917–1925 paid in estate taxes $354,237.19, or 0.041 per cent of entire estate taxes paid. Paid more than two other States combined, namely, Arizona and Nevada.

AN AMERICAN MERCHANT MARINE A NATIONAL NECESSITY

Mr. O'CONNOR of Louisiana. Mr. Speaker—

So widen your harbors, your docks, and your quays,
And hazard your wares on the wide ocean ways.
Run out your railways and dig out your coal,
For only by trade can a nation keep whole.
Feed up your furnaces, fashion your steel,
Stick to your bargains, and pay on the deal.
Rich is your birthright and well you'll be paid
If you keep good faith with your overseas trade.

The American flag was nailed to the masthead of an American merchant marine by the people acting through Congress in an hour that tried men's souls and hearts exaltingly were throbbing and thrilling to the music and song of the "Red Cross Nurse" and "Over there." Who will dare haul that flag down? The act of 1920, determined that the ships built during that indescribable flood of patriotism should be organized into a merchant fleet to be operated by the Government until such time as it could be sold to American citizens for operation.

Apparently in accordance with the law of compensation and almost characteristically of the American people as shown by their attitude after the Revolutionary War, the War of 1812, the Mexican War, the Civil War, and the Spanish-American War, they went after the World War from the heights of emotionalism and an almost unparalleled expression of patriotic devotion and fervor into the depths of national indifference, which would have been seriously alarming if it were not for the tremendous prosperity enjoyed by the country during the several years that followed the great holocaust. It is difficult, though the day is not so remote, for the American mind to grapple with and retain the thought for more than an instant, that on August 4, 1914, a man started out to set the world on fire, and almost succeeded in doing so. Belgium went down as if struck by a hurricane. Northern France was laid in the dust. Russia was torn into fragments and her half-crazed people driven by fear of the conquering German host fled almost to China.

Shortly after Italy's entrance into that terrible conflagration which threatened to turn the world into ashes and cinders she was prostrated by the cyclonic fury of an army trained to an efficiency that approached perfection. England's back was forced to the wall. The submarine, the monster of the deep, was sending food ship after food ship to the bottom, and an appalling cry came over the ocean to come to the aid of Britain or she would be starved into submission, her navy taken away from her as a consequence of defeat, and the Allies crushed by war lords that thought themselves invincible. America had been asleep for 40 years. The valor of ignorance held our people in its deadening grasp. The idea that we could whip any army on the face of the earth with the police force of New York City was a thought common to many of our people; and that we could lick any navy afloat with our seamen in yawl boats was an unction that was flatteringly laid to many a soul and was vigorously cheered when bravely pronounced as an evidence of our matchless courage. For 40 years we had been slumbering in a fool's paradise, preaching on the 4th of July from pulpit and platform of the wonderful richness and opulence of our land, of a mineral wealth inexhaustible, of a scenery that held spellbound the eye, of an industrial expansion and a commercial greatness that made for us a "glory that was of Greece and a grandeur that was of Rome." We awakened from that fool's paradise almost too late.

In an agony not of fear but of startling realization we grasped the terrible fact that if England were beaten to her knees and had to surrender her navy as a condition precedent

to peace that the conquerors with this and their own navy could have easily brought fire and the sword to our coast, and with airplanes set in motion from any landing place could bring death and destruction to the great cities of the North Atlantic coast and many miles inland. In other words, the startling fact burst open our stimulated imagination that our turn would be next in the event that England went down and out. Then America showed herself at her best. It is doubtful if she will ever be able to surpass the magnificent stride she took. Ships and more ships went up from every throat in England, and ships and more ships became the war-like answer of aroused America. It was in that day of wonderful comprehension of what was desirable to preserve our national existence that we saw clearly and convincingly the necessity of developing all of the ports along the Atlantic and the Gulf so as to avoid that congestion at one port which almost choked us to death. Then we realized that a merchant marine is essentially a part of the Navy; then we saw, and I wish we had not lost our vision even partially, the necessity of having ships of our own under our own flag to carry under the protection of our naval guns our cotton and wheat and all other exportable products lest our people hunger and die in the face of plenty. The building of these ships for war purposes was the prime factor in the winning of the war. I do not believe that any thoughtful citizen will deny that clear cut, outstanding fact. Their building for war purposes was fully, amply justified and in addition to this we were left with a nucleus of a merchant marine in the foreign trade.

American citizens for one purpose or another have purchased many of the excess vessels. Many of the vessels that have served their purposes ought to be scrapped as not fit for our needs. But the world should be told in no uncertain terms, in language unmistakable, that the flag that was floated over the decks of our merchant marine during the war will not be hauled down and that the Nation's purse is open for its support and maintenance either under the Shipping Board or under the control of American citizens and patriots, backed by a reasonable aid, which will make for permanency. The retreat which Commissioner O'Connor refers to must be stopped. His warning to the American people, I believe, means to close ranks, to right-about face, to advance, recapture, and occupy that lost position. The Nation owes him thanks for his bugle blast, for the clarion note which he has sounded. His clear-cut utterances in notable addresses will long be remembered as important chapters in the history of our merchant marine. I can not repeat too often, and therefore will iterate and reiterate, that the merchant marine is essentially a part of the United States Navy. Admiral Fiske declared the American merchant marine in time of war is a part of the United States Navy. Chairman O'Connor magnificently supplemented that statement by declaring that a national merchant marine is at all times a part of the Navy.

Without a merchant marine the United States is no Navy at all. Inasmuch as the principal purpose of a navy is to protect and defend our commerce and as a means necessary to that end to defeat and destroy an enemy fleet in any action that might be necessary and after which to destroy his commerce it follows that we have no need for a navy if we have no merchant marine bearing across the seas our commerce, for foreign nations would protect their vessels in carrying our commerce subject to the rules of war. There may be other reasons for the existence of a navy, but just as it is with Britain so it should be with us, to destroy enemy commerce, and as a necessary step to that end his fleet or navy which would mean the uninterrupted trade of our merchant fleet. In other words, my fellow Members, the more than a thousand million dollars that we have spent on the Navy during the last three years was spent on the theory that we were perfecting an establishment that would answer to the call of the country for men and ships by saying "we are here and ready" to perform our mission and protect our flag, flying to the masthead of an American merchant marine, carrying our commerce over the seven seas under the protection of our guns even next door to any enemy country. Such a possibility of the war cry again ringing in our ears is the only justification in the world for the immense sums that have been spent upon our Navy. Every dollar spent by Congress for a gun, shell, or armor plate would be a misappropriated dollar if it were not for the fact that we believe that we have our commerce and the flag that flies from its masthead when moving over the seas to defend and protect. True indeed are the words of the great chairman, not in hope of war but in fear of war the Nation spends its millions both for a navy and a merchant marine. I am for an adequate Navy, and I regret not the expenditure of a billion dollars upon that great national service in the last three years.

I would that the refrain of "The Army and the Navy forever" were upon the tongues and in the ears of our people if not night, noon, and morning, at least upon the patriotic occasions we are wont to observe in our accustomed American fashion. As an earnest friend of the Navy which guards the Nation's honor and as a protection to its commerce I feel that it may not be amiss to say that during the last three years the Nation has spent but $151,000,000 in maintaining its merchant marine under the most trying conditions during which time it has been assailed by the criticism of thoughtless American citizens and by the malevolent shafts of foreign ship owners who would remove it from the seas in order to advance their own selfish ends and enrich themselves and their countries at the expense and shame of our Nation. For every dollar spent in the last three years on the fighting Army or the Navy 15 cents has been spent on the merchant marine which is the soldier carrying, supply carrying, export and import carrying department upon the oceans and the seas of the earth. Why does the distinguished chairman of the Shipping Board say we are in retreat? The answer comes in an instant. In 1923 the merchant marine got 15 cents where the Navy got a dollar. In 1924 the merchant marine got 9 cents where the Navy got a dollar. In all other countries that are desirous of promoting their merchant marine, shippers, merchants, and trade activities and associations have stock in the shipping companies that operate the merchant marine flying the flag of their nationals. We must arouse the patriotism of our business men to the necessity of maintaining their merchant marine through a stock interest in the companies that will operate their ships.

But under any and all circumstances and without the slightest equivocation or mental reservation must we let the world know that the Nation and its purse stand confidently behind the flag floating proudly over the merchant marine. Why, gentlemen, it is necessary for us to keep our merchant ships up to the requirement of our naval ships in order to maintain the 5-5-3 ratio agreed to at the Conference on the Limitation of Armament. That is five for us, five for the British Empire, and three for the Japanese Empire. For us to neglect our merchant marine is for us to fall below that ratio, which is equivalent to raising the British five and Japanese three. Battleships and merchant ships are of equal necessity in time of war. But the battleship is effective only in time of war, while the merchant ship is effective in time of war and in time of peace also. Were we cocksure as the sincere but deluded pacifists are that there will never be another war, the appropriations expended upon the Navy would be wasted, but the money spent upon the merchant marine could never be deemed an extravagance, as it is highly productive. Aye, my friends, I am for a merchant marine; for the greater glory of our country generally, and specifically for the development of our southern ports and the establishment of trade routes that will make for a trade that will bring riches to ourselves and promote the peace of the world; for it is only by trade that a nation can keep whole. It is only through trade that we can make for the peace of the world. Yes, my friends, the thrilling, throbbing, stirring, what should be unforgettable, fadeless memories apparently do give way to indifference and even forgetfulness.

Lest we forget let us again roll up the curtain upon the past and view the happenings of what seems to be an age, but in reality is only a few years ago. In 1914, when the nations of Europe were engaged in a death grapple, when it was war to the knife, knife to the hilt, and hilt to the heart, their people were clamoring for cotton, with cotton in millions of bales on American docks at New Orleans, Galveston, and Houston. Cotton, cotton everywhere, and not a ship to move it. The price went to less than 7 cents a pound, far below the cost of raising cotton. America had no ships and European ships were busy doing something else. The South was practically paralyzed, southern banks in common with southern planters looked ruin in the face because their country had no ships to carry the great staple product of the South across the sea. We should never forget that episode in our national history—and yet we will. In 1924, the southern planter and the western farmer had plenty of cotton and plenty of grain. The price was high in Europe for both commodities. The American farmer needed the money. His credit had been extended to the breaking point. He wanted to exchange his American products for money and he could not do it, because foreign-owned ships wanted to take most of the profits by means of exorbitant freight rates. The movement of cotton and grain was halted. The United States Shipping Board ordered a fleet of cargo vessels to southern ports. The movement of cotton and grain began, the planter and farmer got their money, banks and merchants were paid the debts due them.

Prosperity smiled upon the land where but a few months before it frowned upon their despair. It cost something to

move the cotton and grain, but the dollars paid out of the United States Treasury for the merchant marine were returned to American pockets many times over. Yes, my friends, the retreat must be halted. We must let the world know once and for all, that the flag is there to stay over our merchant marine, and that no man dare haul it down. We shall not be unmindful of lines from a poem that stirred England to the depths even when her night was long and dark.

Hark to the song of the shuttle and loom;
Keep up your commerce or crawl to your tomb.
Study new methods, open new lines,
Quicken your factories, foundries, and mines.
Think of Columbus, De Gama, and Howe,
And waste not their labors by slacking it now.
Work is life's currency—you must earn what you're worth
And send out your ships to the ends of the earth.

LEAVE OF ABSENCE

Mr. DICKINSON of Iowa, by unanimous consent, was given leave of absence for one week on account of death in the family.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, COMMERCE, AND LABOR

Mr. ACKERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9795, and, pending that motion, Mr. Speaker, I would like to see if we can agree as to the control of time.

Mr. OLIVER of Alabama. I think it would be well to agree upon the control of time.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided and that the gentleman from Alabama control one half of the time and the gentleman from Pennsylvania [Mr. SHREVE] control the other half.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that general debate be divided equally between the gentleman from Pennsylvania [Mr. SHREVE] and the gentleman from Alabama [Mr. OLIVER]. Is there objection?

There was no objection.

The motion of Mr. ACKERMAN was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TINCHER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes.

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ACKERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9795) making appropriations for the Department of State, Justice, judiciary, Departments of Commerce and Labor, and had come to no resolution thereon.

ADJOURNMENT

Mr. ACKERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 3, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 3, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925 (H. R. 439; H. R. 9872).

For the acquisition or erection of American Government buildings and embassy, legation, and consular buildings (H. R. 6771).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, approved June 30, 1906, amended August 23, 1912, March 3, 1913, July 24, 1919 (H. R. 39).

COMMITTEE ON INVALID PENSIONS

(10.30 a. m.)

To consider a number of private bills.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To prescribe the application of the civil and criminal laws of the United States and the several States to Indians (H. R. 9315).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To prohibit the sending of unsolicited merchandise through the mails (H. R. 3991).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the Lower Colorado River Basin (H. R. 9826).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

380. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor of Bristol, R. I.; to the Committee on Rivers and Harbors.

381. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Ogdensburg Harbor, N. Y.; to the Committee on Rivers and Harbors.

382. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lockwood Folly River, N. C.; to the Committee on Rivers and Harbors.

383. A letter from the Secretary of Commerce, transmitting, in compliance with section 494 of the Revised Statutes, a report of the business of the Patent Office for the year ended December 31, 1925; to the Committee on Patents.

384. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Rock Island and Moline Harbors, Ill. (H. Doc. No. 263); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 271. A bill authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" as amended; with amendment (Rept. No. 431). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. H. R. 2635. A bill for the relief of Mrs. W. H. Re Mine; without amendment (Rept. No. 432). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 5441. A bill for the relief of Geraldine Kester; with amendment (Rept. No. 433). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on Accounts. H. Res. 118. A resolution to pay Donald L. Coleman the sum of $208.33; (Rept. No. 426). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 121. A resolution to pay one month's salary to the clerks to the late Hon. John E. Raker; (Rept. No. 427). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 149. A resolution to pay salary and funeral expenses of deceased sundry employees of the House of Representatives (Rept. No. 428). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 144. A resolution for the payment of additional compensation to the superintendent of the House press gallery (Rept. No. 429). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 145. A resolution for the payment of additional compensation to the assistant superintendent of the House press gallery (Rept. No. 430). Ordered printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 7357) to pay to the heirs of J. H. McVeigh, deceased, the sum of $10,375, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 9911) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. HAWLEY: A bill (H. R. 9912) approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the adjutant general of the State of Oregon and the State of Oregon from accountability therefor; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 9913) to regulate the sale of real estate by the War Department; to the Committee on Military Affairs.

By Mr. MOORE of Virginia (by request): A bill (H. R. 9914) providing for the inspection of the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 9915) to repeal the act of January 27, 1925 (Public, No. 340), and to amend the act of March 28, 1908 (Public, No. 74), relating to timber operations on the Menominee Reservation, in Wisconsin; to the Committee on Indian Affairs.

By Mr. SINNOTT (by departmental request): A bill (H. R. 9916) to revise the boundary of the Grand Canyon National Park, in the State of Arizona, and for other purposes; to the Committee on the Public Lands.

Also (by departmental request), a bill (H. R. 9917) to revise the boundary of the Yellowstone National Park, in the States of Montana, Wyoming, and Idaho, and for other purposes; to the Committee on the Public Lands.

By Mr. BRAND of Georgia: A bill (H. R. 9918) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. FURLOW: Joint resolution (H. J. Res. 185) to provide a military guard at the Tomb of the Unknown Soldier at Arlington; to the Committee on Military Affairs.

By Mr. KETCHAM: Joint resolution (H. J. Res. 186) to provide for a National Agricultural Day; to the Committee on Agriculture.

By Mr. BACON: Joint resolution (H. J. Res. 187) authorizing the establishment of a commission to be known as the "Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States," in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9919) for the relief of Stanton & Jones; to the Committee on War Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 9920) granting a pension to James M. Bush; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 9921) granting a pension to Cornelius J. Gill; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 9922) granting a pension to Maria L. Peirce; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 9923) granting an increase of pension to Hattie E. Terry; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9924) granting an increase of pension to John Sopher; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 9925) for the relief of Katherine Gillespie Imbrie; to the Committee on Foreign Affairs.

By Mr. HAWLEY: A bill (H. R. 9926) granting an increase of pension to Alfred Blevins; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 9927) to correct the military record of James P. Davis; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 9928) granting an increase of pension to Harry L. Hetfield; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 9929) granting an increase of pension to Augusta A. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9930) granting an increase of pension to Mary E. MacAuty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9931) granting an increase of pension to Mary Putnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting an increase of pension to Elizabeth F. Taylor; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 9933) for the relief of Alonzo Campbell; to the Committee on World War Veterans' Legislation.

By Mr. KING: A bill (H. R. 9934) granting an increase of pension to Marion White; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 9935) to provide a preliminary survey of Lumber River, N. C., with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 9936) to provide a preliminary survey of Waccamaw River, N. C., with a view of the control of its floods; to the Committee on Flood Control.

By Mr. McLEOD: A bill (H. R. 9937) to refund to Clinton C. Edgar income tax erroneously and illegally collected; to the Committee on Claims.

By Mr. MOREHEAD: A bill (H. R. 9938) for the relief of Frank A. Bartling; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 9939) granting an increase of pension to Amanda L. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting an increase of pension to Julia Lackey; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 9941) for the relief of the estate of Marcus Cook; to the Committee on Claims.

By Mr. SIMMONS: A bill (H. R. 9942) granting an increase of pension to Jennie M. Strain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to Rachel A. Green; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 9944) granting an increase of pension to Elizabeth A. Shull; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 9945) granting an increase of pension to Bernett D. Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9946) granting an increase of pension to Libbie C. Cronk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9947) granting an increase of pension to Sarah A. Cronk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9948) granting an increase of pension to Fredericka Dawes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9949) granting an increase of pension to Emily J. Thompson; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9950) granting a pension to Robert McNeill; to the Committee on Pensions.

Also, a bill (H. R. 9951) granting a pension to M. A. Broderick; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 9952) for the relief of the Western Electric Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 9953) for the relief of the Western Electric Co. (Inc.); to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9954) granting a pension to Mary E. Cogdill; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9955) granting an increase of pension to Clara M. Willey; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 9956) granting a pension to Basha Edwards; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 9957) authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya Outlet by the construction and maintenance of a controlled and regulated spillway or spillways, and for other purposes; to the Committee on Flood Control.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

879. By Mr. ALDRICH: Petition of several hundred residents of Providence, R. I., against the passage of H. R. 7179 and H. R. 7822; to the Committee on Education.

880. By Mr. BACHARACH: Petition of sundry citizens of Cumberland, Burlington, and Salem Counties, N. J., protesting the passage of H. R. 7179 and H. R. 7822; to the Committee on the District of Columbia.

881. By Mr. BURTON: Petition adopted by the Ex-Service Men's Non-Partisan Association of Franklin County, Columbus, Ohio, favoring the enactment of legislation providing for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

882. Also, petition adopted by members of Immanuel Presbyterian Church, Cleveland, Ohio, favoring a more rigid enforcement of the prohibition law; to the Committee on the Judiciary.

883. Also, petition adopted at a mass meeting held at East Technical High School, Cleveland, Ohio, February 24, 1926, favoring legislation to liberalize the present immigration law; to the Committee on Immigration and Naturalization.

884. Also, petition adopted at a mass meeting held at East Technical High School, Cleveland, Ohio, on February 24, 1926, protesting against the enactment of legislation with reference to the registration and deportation of aliens; to the Committee on Immigration and Naturalization.

885. By Mr. CROWTHER: Petition of residents of Canajoharie, N. Y., protesting against House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

886. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, favoring the enactment of the railway labor act; to the Committee on Interstate and Foreign Commerce.

887. By Mr. FULLER: Petition of W. Shanhouse & Sons (Inc.), of Rockford, Ill., favoring the passage of House bill 8653; to the Committee on Labor.

888. Also, petition of the Union Overall Co., of Rockford, Ill., favoring the passage of House bill 8653; to the Committee on Labor.

889. Also, petition of the United Spanish War Veterans and others, favoring the passage of House bill 98; to the Committee on Pensions.

890. By Mr. GARBER: Resolution by the Farmers' Cooperative Grain Dealers Association, of Oklahoma, favoring the passage of agricultural relief bill known as the Dickinson bill; to the Committee on Agriculture.

891. Also, resolution by the Rotary Club of the city of Claremore, Okla., favoring a junior reserve officers' training corps for the Oklahoma Military Academy; to the Committee on Military Affairs.

892. Also, letter by National Auxiliary of the United Spanish War Veterans, favoring legislation to increase the rate of pensions paid veterans of the war with Spain; to the Committee on Pensions.

893. Also, letter of the cocoa and chocolate manufacturers of the United States, protesting against House bill 39; to the Committee on Interstate and Foreign Commerce.

894. Also, letter and article by the Deppe Motors Corporation, relating to lead-doped fuel poisoning; to the Committee on Interstate and Foreign Commerce.

895. By Mr. GREEN of Iowa: Petition of Mrs. George Everts and others, against House bills 7179 and 7822, with reference to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

896. By Mr. HUDSON: Petition of citizens of Highland Park, Mich., urging the passage of House bill 6243; to the Committee on Naval Affairs.

897. By Mr. KIESS: Petition from citizens of Carter Camp, Pa., protesting against House bills 7179 and 7822, compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

898. By Mr. KINDRED: Petition of H. C. Bohack Co. (Inc.), protesting against the enactment of Senate bill 3052 and House bill 9168, regarding the marking of packages of coffee as the country from which it came; to the Committee on Interstate and Foreign Commerce.

899. Also, petition of New York State Association of Retail Grocers, opposing the passage of the Beck bill (H. R. 5188); to the Committee on Agriculture.

900. Also, petition of the American Association for Labor Legislation, urging the passage of the Cummins-Graham compensation bills (S. 3170, H. R. 9498); to the Committee on Interstate and Foreign Commerce.

901. By Mr. LINTHICUM: Petition signed by P. B. Sisco and others, of Baltimore, opposed to passage of Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

902. By Mr. O'CONNELL of New York: Petition of the New York State Association of Retail Grocers, opposing the passage of House bill 5188, known as the Beck bill; to the Committee on Agriculture.

903. Also, petition of H. C. Bohack Co., of Brooklyn, N. Y., opposing the passage of Senate bill 3052 and House bill 9168; to the Committee on Interstate and Foreign Commerce.

904. Also, petition of the Legislative Committee, National Auxiliary, United Spanish War Veterans, Rockford, Ill., favoring the passage of House bill 8132, granting increases of pensions to Spanish War veterans, their widows, and dependents; to the Committee on Pensions.

905. Also, petition of Charles Edward Smith, of 374 Broadway, New York City, favoring the passage of House bill 7907, the Graham bill, to increase the salaries of the Federal judges; to the Committee on the Judiciary.

906. By Mr. WELLER: Petition of residents of New York City, in opposition to the bills (H. R. 7179 and 7822) for compulsory Sunday observance or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *March 3, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, grant unto us that holy boldness by which we can approach the throne of grace this morning. Give unto us such a consciousness of our need of Thee that in all the purposes of life we shall seek to know of Thy will and glory to do it. Hear us, we beseech of Thee, that the ends we aim at shall be such as shall receive Thy benediction. Be with each one of us. Father, lead us; lead us so constantly that in the tendencies of failure, of misunderstanding, and of alienation of purpose we may be guided by Thine eye through all the devious pathways and to Thy honor. Through Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PROPOSED CONSTITUTIONAL AMENDMENT—CHILD LABOR

The VICE PRESIDENT laid before the Senate a communication from the Governor of the State of Virginia, transmitting a duplicate original copy of a joint resolution passed by the Legislature of Virginia, rejecting the proposed child labor amendment to the Constitution of the United States, which, with the accompanying resolution, was referred to the Committee on the Judiciary and, under the rule, ordered to be printed in the RECORD, as follows:

Hon. CHARLES G. DAWES,

Presiding Officer United States Senate, Washington, D. C.:

I transmit to you herewith duplicate original copy of senate joint resolution passed by the Senate of the State of Virginia, the House

of Delegates concurring therein, on January 22, 1926, as to the proposed amendment to the Constitution of the United States which shall give the Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age:

"ARTICLE —

"SECTION 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. That power of the several States be unimpaired by this article, except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

In witness whereof I have hereunto signed my name and affixed the great seal of the Commonwealth, at the capitol, in the city of Richmond, this 2d day of March, in the year of our Lord one thousand nine hundred and twenty-six, and in the one hundred and fiftieth year of the Commonwealth.

HARRY F. BYRD,
Governor of Virginia.

By the governor:
[SEAL.]

B. O. JAMES,
Secretary of the Commonwealth.

COMMONWEALTH OF VIRGINIA,
Session, 1926.

Senate joint resolution in relation to the proposed child labor amendment to the Constitution of the United States

Whereas the Congress of the United States has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"'ARTICLE —

"'SECTION 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"'SEC. 2. That power of the several States is unimpaired by this article, except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress': Therefore be it

"Resolved by the Senate of the State of Virginia (the House of Delegates concurring therein), 1. That the said proposed amendment to the Constitution of the United States of America be, and the same hereby is, rejected by the General Assembly of the State of Virginia.

"2. That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States."

Agreed to January 22, 1926.

JUNIUS E. WEST,
President of the Senate.
THOS. W. OELIN,
Speaker of the House of Delegates.
C. C. VAUGHAN, Jr.,
Acting Chairman Senate Committee.
C. R. WARREN,
Acting Chairman House Committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

TRIBUTE TO SENATOR ROBERT N. STANFIELD

Mr. McNARY. Mr. President, during the summer and fall of 1925 the Senate Committee on Public Lands and Surveys, of which my colleague [Mr. STANFIELD] is chairman, held hearings on the subject of grazing on the national forests and on the public domains and the administration of these Government properties. By his painstaking and careful study of this important subject my colleague has earned the commendation of the Oregon Wool Growers' Association, and they have passed resolutions in that respect. I ask unanimous consent to have the resolutions inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions are as follows:

Whereas ROBERT N. STANFIELD, United States Senator from Oregon, has given his untiring energy and unusual ability in protecting and furthering the interests of the livestock industry in Congress and before the departments of the Federal Government; and

Whereas ROBERT N. STANFIELD, as chairman of the Committee on Public Lands and Surveys of the United States Senate, has caused an investigation to be made by the committee of the laws applicable to and the administration of the public lands, which has been of much benefit to the users of these public lands; and

Whereas ROBERT N. STANFIELD has introduced in the United States Senate a bill for the control of grazing on the national forests and the unappropriated, unreserved public domain, which contains provisions of great benefit to the users of these lands for grazing purposes by the Oregon wool growers in convention assembled: Now therefore be it

Resolved, That we express our appreciation of the valuable services rendered by the said ROBERT N. STANFIELD to our association and its members; be it further

Resolved, That we indorse the democratic manner and the efficiency in which the Stanfield investigation of public lands has been conducted; be it further

Resolved, That we indorse the purposes of the Stanfield bill for the control of grazing on the public lands; be it further

Resolved, That a copy of this resolution be mailed to each Member from Oregon in the Congress of the Unite States.

OREGON WOOL GROWERS' ASSOCIATION,
By R. J. CARSNER, *Chairman.*

PETITIONS AND MEMORIALS

Mr. FLETCHER presented the following resolutions of the Legislature of the State of Florida, which were referred to the Committee on Interstate Commerce:

House memorial 1, memorializing the Interstate Commerce Commission for the relief of those engaged in agriculture and horticulture

Whereas agriculture and horticulture are the basic industries of the State of Florida, employing the greatest number of its people, and engaging the largest amount of its capital, and the success and prosperity of these industries are essential to the welfare and development of the State; and

Whereas conditions now existing not only in this State, but in other States dependent upon agriculture, are militating to such extent against these great and necessary industries as to drive from the farm and orchard those who have been engaged in this great work, and to force them to seek employment in other lines of industry, and as a result leaving thousands of fertile acres unoccupied and uncultivated; and

Whereas the low prices received by the farmer and horticulturist for his products, and the high freights he is compelled to pay, have so reduced the returns from his labor that he is compelled to mortgage his farm to raise the necessary funds to operate it, and is denied many of the conveniences and some of the necessities of life for himself and family; and

Whereas the charges for transportation, refrigeration, storage, and demurrage enter largely into the business of moving and marketing crops, and constitute a large element of the cost of supplying the consumer with the fruits of the earth; and the laborer engaged in the transportation is paid greatly increased wages, while the farmer's return is growing less; and while the transportation companies are in

a position to exact their freight and secure a profit on their great and frequently excessive capitalization, the producer is ground between the upper and nether millstones of the transportation corporation and the broker who sells his perishable product; and

Whereas the transportation companies are protected by the Government from the effect of competition, so that they may receive a reasonable return for the services rendered and on the capital invested, the grower and producer of the fruits of the earth, in view of the perishable nature of the product of his industry, when he seeks a market is practically compelled to accept the price fixed by the purchaser; and

Whereas, by a reduction of rates on perishables and foodstuffs, encouragement would be given the farmer to increase his production, and the volume of business for the transportation companies from this class of freights would be greatly increased, and what would be lost in the decreased rate would be more than gained by the increased volume of shipments: Now therefore be it

Resolved by the Legislature of the State of Florida, That the Interstate Commerce Commission be, and is hereby, memorialized to take such action in fixing and regulating rates in interstate transportation, that the rates on agricultural and horticultural products may be reduced so that they will not exceed the rates which prevailed prior to the World War; and that the demurrage regulations may be so modified and amended as to grant to shippers and receivers of such commodities further time for loading and storage before demurrage is charged, because of the difficulties of handling and delivering farm products.

Resolved, That the Senators and Representatives in Congress from the State of Florida be requested to take such action with reference to this memorial as may be appropriate with a view of obtaining for it proper consideration by the Interstate Commerce Commission; and if present legislation is inadequate to secure the relief sought, that they take the necessary action to procure the passage of such a law; and be it further

Resolved, That the railroad commissioners of the State of Florida be requested to take such action as may be appropriate to aid in the bringing about the accomplishment of the objects of this memorial.

Resolved, That the secretary of the State be, and he is hereby, directed to mail a copy of this memorial certified under the great seal of State to the Interstate Commerce Commission, to each of the Senators and Representatives in Congress from the State of Florida, and to the governor of each State of the United States; and that the governors of the several States be requested to call this memorial to the attention of the legislature of his State at its next session, and to invite cooperation in order to secure the much-needed relief sought by this memorial.

Approved by the governor April 24, 1925.

STATE OF FLORIDA,
OFFICE OF SECRETARY OF STATE.

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of House Memorial No. 1, as passed by the Legislature of the State of Florida (regular session, 1925), as shown by the enrolled memorial on file in this office.

Given under my hand and the great seal of the State of Florida at Tallahassee, the capital, this the 24th day of February, A. D. 1926.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. WILLIS presented a petition of officers of sundry national banks of Warren, Youngstown, Jefferson, Ashtabula, Kinsman, and Geneva, in the State of Ohio, praying for the passage of House bill 2, amending the national bank and Federal reserve acts, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a resolution adopted by the Lions Club, of Lusk, Wyo., favoring the extension of the boundaries of the Yellowstone National Park so as to include the Teton Mountains, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the Cheyenne Apparel Dealers' Association, at Cheyenne, Wyo., favoring the passage of legislation to prohibit the sending of unsolicited merchandise through the mails, which was referred to the Committee on Post Offices and Post Roads.

Mr. PEPPER presented resolutions adopted by members of the Philadelphia (Pa.) Real Estate Board, indorsing and expressing gratification at the action of Congress in making an appropriation for Federal participation in the sesquicentennial to be held in the city of Philadelphia in observance of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and of the birth of the Republic, which were ordered to lie on the table.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2769) to extend the provisions of the national bank act to the Virgin Islands of the United States, reported it with amendments and submitted a report (No. 234) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 44) authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y., reported it without amendment and submitted a report (No. 235) thereon.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 2537) to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 236) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2043) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes (Rept. No. 237); and

A bill (S. 2322) to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes (Rept. No. 238).

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 1116) for the extension of Rittenhouse Street in the District of Columbia, submitted an adverse report (No. 239) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 111) for the relief of the owners of the ferryboat *Oregon* (Rept. No. 240); and

A bill (S. 116) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook* (Rept. No. 241).

Mr. BROOKHART, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 44) for the relief of Alice M. Durkee (Rept. No. 242); and

A bill (S. 45) for the relief of Yvonne Therrien (Rept. No. 243).

Mr. BROOKHART also, from the Committee on Claims, to which was referred the bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims, reported it with amendments and submitted a report (No. 244) thereon.

Mr. MEANS, from the Committee on Claims, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 464) for the relief of W. P. Dalton (Rept. No. 245);

A bill (S. 465) for the relief of William Wooster (Rept. No. 246);

A bill (S. 2848) to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.) (Rept. No. 247); and

A joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918 (Rept. No. 248).

Mr. WADSWORTH, from the Committee on Appropriations, to which was referred the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, reported it with amendments and submitted a report (No. 251) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 466) for the relief of Helen M. Peck, reported it without amendment and submitted a report (No. 252) thereon.

He also, from the same committee, to which was referred the bill (S. 467) for the relief of Joseph B. Tanner, reported

it with an amendment and submitted a report (No. 253) thereon.

He also, from the same committee, to which was referred the bill (S. 179) for the relief of J. W. Neil, reported it with amendments and submitted a report (No. 254) thereon.

RIO GRANDE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 6733) granting the consent of Congress to the construction of a bridge across the Rio Grande, and I submit a report (No. 250) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to P. D. Anderson and H. E. Dupuy, their successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rio Grande, at a point suitable to the interests of navigation at or near the point known as Presidio, Tex., on the American side of the river, opposite the point known as Ojinaga, Republic of Mexico, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Republic of Mexico.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9109) to extend the time for the construction of a bridge across the White River, and I submit a report (No. 249) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 12, 1925, to be built by the county of Independence, in the State of Arkansas, and its successors and assigns, across the White River, at a point suitable to the interests of navigation within or near the limits of the town of Batesville, in the county of Independence, in the State of Arkansas, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 3368) to supplement existing laws against unlawful restraints and monopolies in commodities imported or to be imported into the United States; to the Committee on the Judiciary.

A bill (S. 3369) for the relief of Willie G. Chapman; and

A bill (S. 3370) for the relief of Edgar Travis, sr.; to the Committee on Military Affairs.

By Mr. DALE:

A bill (S. 3371) granting a pension to Carrie A. Willey (with accompanying papers); to the Committee on Pensions.

A bill (S. 3372) to provide for steel cars in the railway post-office service;

A bill (S. 3373) to amend the act of February 28, 1925, providing for leaves of absence with pay; and

A bill (S. 3374) to fix the hours of duty and time credits for the services of railway postal clerks assigned to duty in railway post-office cars, terminal railway post offices, and transfer offices, and to provide for payment for overtime for service in excess of the standards herein provided; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 3375) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy Hospitals; to the Committee on Military Affairs.

A bill (S. 3376) to extend jurisdiction of United States courts over personal-injury suits by employees of foreign vessels; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 3377) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

A bill (S. 3378) granting a pension to Elizabeth Franklin; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3379) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore; to the Committee on Claims.

By Mr. FERRIS:

A bill (S. 3380) granting a pension to Alice L. Power; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3381) granting a pension to W. G. Madden; to the Committee on Pensions.

A bill (S. 3382) to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. JONES of Washington:

A bill (S. 3383) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 3384) to provide for the erection of a public building at Green River, Wyo.; to the Committee on Public Buildings and Grounds.

A bill (S. 3385) granting an increase of pension to Annie B. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 3386) to provide for the construction of a road from Maine, Ariz., to the south boundary of the Grand Canyon National Park; to the Committee on Agriculture and Forestry.

A bill (S. 3387) to authorize the erection and maintenance of drift fences on the public lands; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3388) to adjust the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. SCHALL:

A bill (S. 3389) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.; to the Committee on Commerce.

By Mr. McKINLEY:

A bill (S. 3390) for the relief of George M. Seward; to the Committee on Claims.

A bill (S. 3391) for the relief of Thomas R. Morrow (with accompanying papers); to the Committee on Finance.

A bill (S. 3392) granting a pension to Mary E. Taylor;

A bill (S. 3393) granting a pension to Gertrude Taylor;

A bill (S. 3394) granting a pension to Rose L. Shields;

A bill (S. 3395) granting a pension to Lydia J. Jones (with an accompanying paper);

A bill (S. 3396) granting a pension to Christofa Preston (with an accompanying paper); and

A bill (S. 3397) granting an increase of pension to Charles H. Thorburn (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3398) to amend section 2 of the act approved June 6, 1924 (43 Stat. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes"; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3399) granting a pension to John Hendricks (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3400) to regulate the sale of kosher meat in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 3401) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; to the Committee on Interstate Commerce.

By Mr. CAPPER:

A bill (S. 3402) relating to giving false information regarding the commission of crime in the District of Columbia; and

A bill (S. 3403) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914,

and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

By Mr. BRUCE:

A bill (S. 3404) for the relief of the Baltimore Copper Smelting & Rolling Co. (with an accompanying paper); to the Committee on Claims.

By Mr. STANFIELD:

A joint resolution (S. J. Res. 64) extending preference right for 90 days to certain locaters in good faith of Government land in the State of Oklahoma; to the Committee on Public Lands and Surveys.

HOUSE BILL REFERRED

The bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SALE OF REAL PROPERTY BY WAR DEPARTMENT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, which were as follows:

On page 2, line 3, after "conveyance," insert "*Provided*, That no part of any such tracts or parcels as are now actually occupied under lease by a post of the American Legion shall be sold until the expiration of any existing lease"; on page 2, line 8, after "portion," insert "purchased in April, 1832, and"; on page 2, line 20, strike out "44" and insert "45"; on page 3, line 1, strike out "Hunt, Fort, Virginia"; on page 4, strike out lines 21 and 22 and insert a period; on page 5, strike out line 6; on page 5, after line 6, insert:

SEC. 2. That prior to the sale under this act of any reservation created out of the public domain the Secretary of War shall make request upon the Secretary of the Interior to determine whether or not the State is entitled to any of the lands embraced therein under the so-called swamp land grant (act of September 28, 1850, Ninth Statutes, pages 519, 520), and if the Secretary of the Interior shall determine that the State under the provisions of the said act is entitled to any lands therein, he shall cause such lands to be surveyed and patented to the States: *Provided further*, That upon request of the Secretary of War the Secretary of the Interior may cause surveys to be made either as a whole or in two or more parts as the Secretary of War may request of any reservation or reservations authorized to be sold under this act."

On page 5, line 7, strike out "2" and insert "3"; on page 5, line 9, strike out "the heirs" and insert "the ancestors, the assignors, or the predecessors in title"; on page 5, line 9, after "citizen," insert ", either separately or by tacking"; on page 5, line 11, after "upon," insert "and occupied adversely"; on page 5, line 13, strike out "and" and insert "or"; on page 5, line 14, after "conveyance" insert ", purporting to convey a fee simple title and executed 20 years or more prior to the passage of this act, and"; on page 5, line 17, strike out "approval of this act" and insert "service of written notice on such person or his tenant or agent that the United States claims such land"; on page 5, line 19, strike out "$10 per acre or per lot if less than 1 acre" and insert "10 per cent of the appraised value thereof"; on page 5, line 21, strike out "approval of this act" and insert "notice herein provided"; on page 6, line 4, after "to," insert "giving the notices required and"; on page 6, line 7, strike out "3" and insert "4"; on page 6, line 16, after "authorized," insert "by law"; on page 6, line 17, after "Congress," insert ": *Provided*, That where the lands sold were originally reserved from the public domain for military or other public purposes of the United States, before the deposit of the net proceeds of the sale into the Treasury there shall be deducted from the net proceeds of the sale, and paid to the State in which the land is situated in each case the 5 per cent as provided by the act of March 3, 1845 (5th Stat. p. 788), and similar acts, of the net proceeds of the sale of all such lands as were reserved subsequently to the passage of such act or acts, but excepting and excluding, however, from such deduction the appraised value of any buildings or improvements that may have been constructed by the United States upon the said lands: *And provided further*, That"; on page 6, line 17, strike out "Estimates" and insert "estimates"; on page 6, line 18, strike out "this fund" and insert "the said military post construction fund"; on page 6, line 21, strike out "4" and insert "5"; on page 7, line 3, strike out "5" and insert "6"; on page 7, line 8, after "thereof," insert "giving the specific reasons therefor,"; on page 7, line 11, strike out "6" and insert "7"; on page 7, line 18, after "county," insert "in which such land is located"; on page 7, line 18, after "in," insert "or nearest"; on page 8, line 4, after "brought," insert ": *And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act"; on page 8, line 5, strike out "7" and insert "8"; on page 8, line 6, strike out "6 thereof" and insert "7 hereof"; on page 8, line 7, strike out "completely exercised," and insert "exercised in the manner herein specified,"; on page 8, line 13, after the word "direct," strike out the balance of the line and lines 14, 15, 16, 17, and 18 and insert a period; on page 8, line 19, strike out "8" and insert "9"; on page 8, line 22, after the word "act," insert: ": *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day"; on page 8, line 23, strike out "9" and insert "10"; on page 9, line 3, strike out "10" and insert "11"; and on page 9, line 8, strike out "11" and insert "12."

Mr. WADSWORTH. I make the usual motion that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. FLETCHER conferees on the part of the Senate.

RELIEF OF CERTAIN WORLD WAR SOLDIERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, which was, on page 2, line 4, after the word "act," to insert: ": *Provided further*, That in all such cases the War Department shall issue to such men the usual honorable discharge."

Mr. WADSWORTH. The House amendment to the bill brings up a technical matter of some importance which I am sure can be straightened out without any difficulty. It will be necessary, however, in my judgment, for the Senate to disagree to the amendment of the House and request a conference. I have discussed the matter with the Senator from Texas [Mr. SHEPPARD], who is the author of the bill, and this course is agreeable to him. I therefore move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. SHEPPARD conferees on the part of the Senate.

AVIATION FIELD AT YUMA, ARIZ.

Mr. CAMERON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the motion entered by me on February 17 last to reconsider the votes by which the Senate ordered to a third reading and passed Senate bill 2307, relative to the exchange of lands for aviation purposes at Yuma, Ariz.

Mr. REED of Missouri. I would like to know what is the nature of the bill?

Mr. CAMERON. It is a bill to give land for aviation purposes at Yuma, Ariz. There are two errors in the bill as passed, one a matter of description and the other where the term "county commissioners" was used instead of "board of supervisors."

Mr. REED of Missouri. I have no objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The bill (S. 2307) authorizing sale of certain lands to the Yuma Chamber of Commerce, Yuma, Ariz., is in the Senate and open to amendment.

Mr. CAMERON. I send to the desk two amendments which I ask may be stated.

The VICE PRESIDENT. The amendments will be stated.

The amendments were, on page 2, line 5, after the numerals "23," to strike out the word "east" and insert in lieu thereof the word "west," so as to read "range 23 west of the Gila and Salt River meridian"; and on page 2, line 14, to strike out the word "commissioners" and insert "supervisors," so as to read "board of county supervisors of Yuma County."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL FEDERAL DISTRICT FOR NORTH CAROLINA

Mr. OVERMAN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2849) to provide for an additional Federal district for North Carolina. When the bill was reached on the calendar the other day it was objected to by my colleague. He has withdrawn his objection and is willing to let the bill pass and go to the House and there have the provision he desires made for the district. The Senator from Utah [Mr. KING] has been notified that I would call up the bill this morning, and he has no objection to my calling it up in his absence. A similar bill has previously passed the Senate, and I do not think any objection will be made to it.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2849) to provide for an additional Federal district for North Carolina, which had been reported from the Committee on the Judiciary with amendments, on page 3, line 11, after the word "held," to insert "at Rockingham on the first Mondays in April and October"; and on page 3, line 18, after "Winston-Salem," to insert "Rockingham," so as to make the bill read:

Be it enacted, etc., That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of October 7, 1914, be, and the same is hereby, amended to read as follows:

"SEC. 98. The State of North Carolina is divided into three districts to be known as the eastern, the middle, and the western districts of North Carolina.

"The eastern district shall include the territory embraced on the 1st day of January, 1926, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell, Wake, Washington, Warren, Wayne, and Wilson.

"Terms of the district court for the eastern district shall be held at Raleigh on the fourth Mondays after the fourth Monday in April and October and a two weeks' civil term beginning on the second Monday in March; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at New Bern on the fourth Mondays in April and October; at Fayetteville on the fourth Mondays in March and September; and at Wilmington on the second Mondays after the fourth Monday in April and October: *Provided*, That the city of Wilson shall provide and furnish at its own expenses a suitable and convenient place for holding the district court. The clerk of the court for the eastern district shall maintain an office in charge of himself or deputy at Raleigh, at Wilmington, at New Bern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

"The middle district shall include the territory embraced on the 1st day of January, 1926, in the counties of Alamance, Alleghany, Ashe, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Surry, Vance, Watauga, Wilkes, and Yadkin.

"The terms of the district court for the middle district shall be held at Rockingham on the first Mondays in April and October, at Durham on the first Mondays in March and September; at Salisbury on the third Mondays in April and October; at Winston-Salem on the first Mondays in May and November; at Greensboro on the first Mondays in June and December; and at Wilkesboro on the third Mondays in May and November: *Provided*, That the cities of Winston-Salem, Rockingham, and Durham shall each provide and furnish at its own expense a suitable and convenient place for holding the district court. The clerk of the court for the middle district shall maintain an office in charge of himself or deputy at Durham, Winston-Salem, Greensboro, Wilkesboro, and at Salisbury, which shall be kept open at all times for the transaction of the business of the court.

"The western district shall include the territory embraced on the 1st day of January, 1926, in the counties of Alexander, Anson, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Madison, Macon, McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, and Yancey.

"Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October; at Shelby on the fourth Monday in September and third Monday in March; at Statesville on the fourth Mondays in April and October; and at Asheville on the second Mondays in May and November: *Provided*, That the city of Shelby shall provide and furnish at its own expense a suitable and convenient place for holding the court at Shelby. The clerk of the court for the western district shall maintain an office, in charge of himself or deputy, at Charlotte, at Asheville, at Statesville, and at Shelby, which shall be kept open at all times for the transaction of the business of the court.

"That there shall be a judge and a district attorney appointed for the said middle district in the manner now provided by law, who shall receive the same salaries now provided by law for the judges and district attorneys of the eastern and western districts, and a marshal, clerk, and other officers in the manner and at the salaries now provided by law.

"That all causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE COMMISSION DECISION IN PROPOSED RAILROAD MERGER

Mr. WATSON. Mr. President, I ask unanimous consent to have inserted in the RECORD the decision of the Interstate Commerce Commission in the Nickel Plate merger or consolidation.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION

(Finance Docket No. 4671. This report also embraces Finance Docket No. 4643, Construction of line of New York, Chicago & St. Louis Railway.)

CONTROL AND STOCK ISSUE BY NEW YORK, CHICAGO & ST. LOUIS RAILWAY

Submitted December 31, 1925. Decided March 2, 1926

1. Proposed acquisition of control of the New York, Chicago & St. Louis Railroad Co., Chesapeake & Ohio Railway Co., Hocking Valley Railway Co., Erie Railroad Co., and Pere Marquette Railway Co. by the New York, Chicago & St. Louis Railway Co. found not to be in the public interest except from a transportation standpoint. Considerations, terms, and conditions of the proposed acquisition of control found not to be just and reasonable. Transportation plan generally approved. Financial structure disapproved. Application denied.

2. Following denial of application for authority to acquire control as above stated, application of New York, Chicago & St. Louis Railway Co. to issue securities denied.

3. Application of New York, Chicago & St. Louis Railway Co. for certificate authorizing it to construct a new line of railroad denied without prejudice.

W. A. Colston, John H. Agate, White & Case, and Newton D. Baker for New York, Chicago & St. Louis Railway Co.

Edward E. Gann and C. C. Collister for New York, Chicago & St. Louis Railroad Co.

Herbert Fitzpatrick and George H. Gardner for Chesapeake & Ohio Railway Co. and Hocking Valley Railway Co.

George F. Brownell and H. A. Taylor for Erie Railroad Co.

Henry V. Poor and S. L. Merriam for Pere Marquette Railway Co.

Henry W. Anderson, Thomas B. Gay, and Irvin G. Craig for George Cole Scott et al., intervening stockholders of the Chesapeake & Ohio Railway Co.

Hornblower, Miller & Garrison and E. C. Bailly for John S. Stanton and other minority stockholders of the Hocking Valley Railway Co.

Hobart S. Bird for Albert I. Stiles, intervening stockholder of the Chesapeake & Ohio Railway Co.

Godfrey & Marx and Walter E. Godfrey for Albert L. Silberstein et al., nonassenting stockholders of the New York, Chicago & St. Louis Railroad Co.

Frank H. Ginn for C. L. Bradley, director of Chesapeake & Ohio Railway Co. and of New York, Chicago & St. Louis Railroad Co.

R. Marsden Smith for Baltimore & Ohio Railroad Co.

Squire, Sanders & Dempsey and Andrew P. Martin for Akron, Canton & Youngstown Railway Co. and Wheeling & Lake Erie Railway Co.

Moultrie Hitt for New York & Pennsylvania Railway Co.

E. E. Williamson, James, Williamson & Scott, and Ewing H. Scott for Greenbrier & Eastern Railroad Co.

Ben B. Cain for American Short Line Railroad Association.

REPORT OF THE COMMISSION

MEYER, *commissioner:*

The application in Finance Docket No. 4671 was filed by the New York, Chicago & St. Louis Railway Co., hereinafter termed the new company, a corporation organized under the laws of the State of Ohio for the purpose, among others, of engaging in transportation subject to the interstate commerce act. It seeks authority under paragraph (2) of section 5 of the act to acquire control of the Chesapeake & Ohio Railway Co., the Hocking Valley Railway Co., Erie Railroad Co., Pere Marquette Railway Co., and the New York, Chicago & St. Louis Railroad Co., hereinafter referred to, respectively, as the Chesapeake, the Hocking, the Erie, the Pere Marquette, and the Nickel Plate, or as the lessor companies. Each of the lessor companies is a carrier by railroad engaged in transportation subject to the act. They join in the application of the new company. The new company also seeks authority under section 20 (a) of the act to issue securities to be used in connection with the proposed acquisitions.

Control by the new company is sought to be acquired (1) under leases for 999 years from the lessor companies of the lines of railway and of other properties owned by them, respectively, and by assignment from each lessor company of the leases whereby such lessor company now operates existing railways of its system not owned by it or by sublease thereof from such lessor company and by the assignment of any and all trackage and operating rights over foreign lines; and (2) by the acquisition of at least a majority of the capital stock of the Chesapeake, the Hocking, the Erie, and the Pere Marquette. It will be noted that it is not proposed to acquire any of the capital stock of the Nickel Plate. The proposed leases from the Nickel Plate, the Chesapeake, the Erie, and the Pere Marquette would run directly to the new company. The proposed lease from the Hocking would run to the Chesapeake and would be assigned to the new company.

The application in Finance Docket No. 4643 was also filed by the new company. It asks for a certificate that the present and future public convenience and necessity require and will require the construction, and the operation in interstate and foreign commerce, of a new line of railroad from Valley Crossing to Gregg, Ohio, a distance of about 63 miles. The new line would form a connection between the Chesapeake and Hocking. This connection is now effected by means of trackage rights which the Chesapeake now has over the Norfolk & Western, but which will expire in 1927.

The application to issue securities and to construct and operate the new line are obviously subordinate to the acquisitions of control and our discussion will be substantially confined to the latter feature of the proceeding.

Forms of the proposed leases were submitted with the application. Their main provisions may be summarized as follows: They transfer the right to the use of all of the lessor companies' assets, personal as well as real, including, with some exceptions, the holdings of securities of other railroad companies. The Nickel Plate is the only lessor company which retains the right to acquire and operate other railway properties free from the provisions of the leases. The new company will receive the entire gross income from all leased properties subject to the provisions of the leases. It will be obligated to pay all taxes upon the leased properties or the earnings and income therefrom; all interest charges, all rentals, and other charges under all leases to and other contracts of the lessor companies; all expenses and liability from operation and maintenance of the leased properties; all expenses of maintaining the lessor companies' corporate structures enabling them to do whatever may be required by the new company under the lease or by public authorities; and all current obligations and liabilities.

The new company further obligates itself to keep insured such of the leased properties as are usually insured by railroad companies; to perform and discharge all contracts, duties, and obligations imposed on lessor companies by law or otherwise; to defend actions, suits, and proceedings against lessor companies; to maintain the leased physical properties in as good condition as when received; to replace equipment destroyed or retired; and to operate and develop the leased properties to its best ability. Each lease provides for the return of the leased properties at the expiration or earlier termination of the lease; for accounting between the parties, and for reentry and other remedies in case of default.

With respect to capital obligations of each lessor, the new company undertakes to pay them for account of the lessor, or provide for them by refunding or otherwise, with the right to reimbursement in securities of the lessor company at par, the new company to take care of such securities as all others.

In addition to control through leases, it is proposed that the new company shall acquire as much as possible of the outstanding capital stock of each of the lessor companies, with the exception, as will be developed later, of the Nickel Plate, by the exchange therefor of stock to be issued by the new company. For this purpose the new company will issue 6 per cent cumulative preferred stock and common stock, but the preferred stock is to have voting rights only upon certain rather remote contingencies. The terms of the proposed exchange are made part of the leases and require the new company to issue to the stockholders of the lessor companies, at their option, in exchange for their shares, stock of the new company at the following ratios:

For 100 shares of—	New company's shares	
	Preferred	Common
Chesapeake preferred	115	
Chesapeake common	55	55
Hocking common	50	50
Erie 1st and 2d preferred	50	
Erie common		40
Pere Marquette prior preference	100	
Pere Marquette preferred	90	
Pere Marquette common		85

As stated above, no proposal is made for an exchange of stock with the stockholders of the Nickel Plate, but it is proposed to issue to the Nickel Plate itself capital stock of the new company equal in amount and kind to the outstanding capital stock of the Nickel Plate.

The outstanding capital stock of the lessor companies affected by the plan is as follows:

	Preferred	Common
Chesapeake	$12,561,700	$65,425,725
Hocking		11,000,000
Erie	63,904,400	112,481,900
Pere Marquette	23,629,000	45,046,000
Nickel Plate	25,865,666	30,406,464
Total preferred and common	125,960,766	264,360,089 390,320,855

Against this the new company is to issue $131,715,119.75 of preferred stock and $150,753,522.75 of common stock. It is also proposed to issue $50,000 of each class of stock to be sold for cash for organization purposes, and to provide for probable increases in outstanding capital stock of the Chesapeake through the conversion of its bonds, amounting to $38,073,500 it is necessary to reserve an additional amount of $46,534,277.78 in stock of the new company, making a total stock issue of $329,102,920.28. There is also a possible increase in stock of the Erie through conversion of outstanding bonds, but such conversion is considered so improbable as to be omitted from these calculations. Applicants stress the fact that on this basis a reduction of $103,521,823.61 in total capitalization will be brought about, but if the Nickel Plate stock which is not to be exchanged for that of the new company is considered, the reduction amounts to $47,249,693.61.

The new company's capitalization, including the obligations of the lessor companies assumed by it, as of December 21, 1924, on the basis outlined would be as follows:

Preferred stock	$155,032,258.64
Common stock	174,070,661.64
Total stock	329,102,920.28
Funded debt	621,802,892.32
Total	950,905,812.60

Ratio of funded debt to stock, 1.9 to 1.

Ratio of common to preferred stock, 1.12 to 1.

No attempt has been made in this proceeding to ascertain the value of the properties of the lessor companies. Our tentative valuations of all those properties under section 19a have not been completed. A "constructive cost" to December 31, 1924, of the physical railway properties of the new system, after deducting depreciation of equipment at the rate of 4 per cent per annum down to salvage value, has been ascertained by applicant to be $991,550,474. This "constructive cost" is based on underlying engineering and land reports of our bureau of valuation and subsequent expenditures for additions and betterments as reported to us. It covers only physical railway properties and does not include allowances for material and supplies or other working capital. Applicants estimate the value of other assets of these companies to be at least $140,000,000. If our final values should not fall substantially below these tentative estimates, the proposed aggregate capitalization is conservative.

Provisions of the leases in so far as they affect stockholders of the lessor companies, other than the Nickel Plate, who do not elect to exchange their shares on the basis proposed, will be considered later.

At the outset two questions raised by interveners representing minority stockholders of the Chesapeake will be disposed of

They first contend that the application for the acquisition of control is not lawfully before us, as the application could not be lawfully authorized by a majority of the boards of directors of the Hocking and Chesapeake, or by any meetings of stockholders of these companies so long as substantial control is held by the proponents of the acquisitions. The details of this common control will be discussed later. The boards of directors of the several lessor companies have adopted resolutions authorizing and approving the leasing of the properties subject to approval of the stockholders and of governmental authority. Approval has been given by the stockholders at special meetings called to consider the question. But of course the proposed leases have not been executed by the Chesapeake, the Hocking, or the new company. Their approval by the stockholders was conditioned upon consent of the necessary governmental authorities. We have in many cases authorized under paragraph (2) of section 5 acquisition of control by one carrier under leases or other agreements where the contracting parties had directors and officers in common. While this common control must be kept in view in considering other aspects of this case it does not of itself prevent us from exercising our jurisdiction to consider the application on its merits. Without going into the matter further or discussing the many cases cited by applicants and interveners, we are of opinion that the application has been authorized by each of the applicants and is regularly before us for consideration.

The second question raised by interveners is that we are without authority under paragraph (2) of section 5 of the act to approve the application for unified control and operation in the manner proposed, as they contend it is in effect a consolidation of the carriers into a single system for ownership and operation. It seems only necessary to refer to many other cases where we have held that control effected by means similar to those proposed here did not constitute a consolidation into single system for ownership and operation, as contemplated in paragraph (2) of section 5. See Control of El Paso & Southwestern by Southern Pacific (90 I. C. C. 732). Counsel for interveners attempt to distinguish many of the Pennsylvania lease cases on the ground that no question of control by purchase of stock was involved. But we were dealing with acquisitions of control by means of 999-year leases where the Pennsylvania already controlled the entire capital stock, except in one instance where 98 per cent was held. The fact that here acquisition of control by purchase of stock and by lease is sought does not change the essential nature of the transaction from one where all the stock is already owned, and further control is sought by means of a long-term lease. We, therefore, conclude that we have jurisdiction under paragraph (2) of section 5 to consider this application.

We come now to the principal questions in this proceeding (1) are the proposed acquisitions of control in the public interest; and (2) are the considerations, terms, and conditions of the proposed acquisitions of control just and reasonable.

The Nickel Plate operates 1,695.3 miles of road, including 22.34 miles of trackage. It extends from Buffalo on the east to Chicago and Peoria, Ill., and St. Louis, Mo., on the west, with branches to Toledo and Sandusky, Ohio, and to Michigan City, Indianapolis, Rushville, and Connersville, Ind. It operates mileage formerly operated by the Toledo, St. Louis & Western, Lake Erie & Western, and New York, Chicago & St. Louis. See Acquisition and Stock Issue by N. Y. C. & St. L. R. R. (79 I. C. C. 581). It has a half interest in the Detroit & Toledo Shore Line, which extends between Detroit, Mich., and Toledo, Ohio.

The Chesapeake operates 2,649.41 miles of road, including 294.89 miles of trackage rights. It extends from Newport News, Va., through Cincinnati, Ohio, to Chicago, with a long branch to Louisville, Ky. It has many branches, particularly in the coal fields of Kentucky and West Virginia. Its mileage operated under trackage consists principally of over 85 miles over the Southern and other lines to reach Washington, D. C., 84.4 miles over the Louisville & Nashville to reach Louisville, 19.79 miles over the Chicago & Western Indiana to reach Chicago, and 62 miles over the Norfolk & Western from Valley Crossing to Gregg, forming the connecting link between the Chesapeake & Hocking. It owns over 80 per cent of the capital stock of the Hocking and thereby reaches Toledo.

The Hocking operates 348.5 miles of road, only 6.75 miles of which are operated under trackage. Its main line extends from Toledo through Columbus, Ohio, to Athens and Pomeroy, Ohio, with branches in the coal fields of southern Ohio.

The Erie system, including the Chicago & Erie, embraces 2,571.79 miles of road. This includes 127.79 miles operated under trackage rights, and 133.55 miles of the New York, Susquehanna & Western, 86.09 miles of the Wilkes-Barre & Eastern, 35.83 miles of the New Jersey & New York, and 9.20 miles of the Bath & Hammondsport railroads. These four companies are controlled by the Erie through ownership of their capital stock, but are not operated by it. This stock will pass to the new company by means of the lease, but in the application it is stated that the new company does not intend to operate the properties of any other company embraced within the system of any lessor company which are not operated by such lessor company, but on the contrary the intention is that for the present all properties so operated shall continue to be operated as they now are. This provision is only applicable to subsidiaries of the Erie and a very important exception is made in the case of the Chicago & Erie, now operated separately, but nevertheless is to be operated by the new company.

The Erie as thus outlined extends from New York to Chicago, double-tracked most of the way, the main line passing through northern New Jersey, southern New York, northwestern Pennsylvania, northern Ohio, and northern Indiana. A double-tracked line extends from Hornell, N. Y., on the main line, to Buffalo and other Niagara gateway points. Important branches serve Cleveland and Cincinnati and it is an important factor in the anthracite and bituminous coal fields of Pennsylvania.

The Pere Marquette operates 2,235.27 miles of road, of which about 337 miles are in Canada. Its main lines extend from Toledo, Detroit, and Port Huron, Mich., to Chicago and Ludington, Mich. It operates car ferries from the latter point across Lake Michigan to Milwaukee, Manitowoc, and Kewaunee, Wis. It also has a half interest in a company which operates a car ferry across Lake Erie between Erieau, Ontario, Port Stanley, Ontario, and Conneaut Harbor, Ohio. Its Canadian mileage extends from Detroit and Port Huron to Erieau and St. Thomas, Ontario. From the latter point it has trackage over the Michigan Central to Niagara frontier gateways. It has an extensive branch line mileage in the lower peninsula of Michigan.

There will thus be included in the system of the new company approximately 9,160 miles of road (including trackage rights) in the United States, and 337 miles in the Dominion of Canada. The main lines of the system will extend from the Atlantic ports of New York and Newport News to connections with the principal western, northwestern, and southwestern railroads at the important gateways of Chicago, Peoria, and St. Louis. It will also reach many other important cities and gateways like Louisville, Cincinnati, Indianapolis, Rochester, Buffalo, Erie, Cleveland, Sandusky, Toledo, Columbus, and Fort Wayne, Ind., and be strongly represented in the industrial section of Michigan; in the Mahoning and Shenango steel districts of Pennsylvania and Ohio; in the rubber industry in and about Akron; in the anthracite and bituminous coal fields of Pennsylvania; and the extensive coal fields of southern West Virginia, Kentucky, and Ohio. It will afford an outlet for the coals to tidewater, to the Great Lakes, and to the North and West. It will be in a position to serve with a single-line haul its territory, which includes the great industrial region adjacent to the Great Lakes, to and from the points above named and intermediate points.

The applicants enumerate various advantages to the public through the proposed unification of operations, among which may be mentioned the following: At common terminal points, particularly Chicago and Buffalo, certain of the lessor companies either occupy leased facilities or own facilities not proportionate to their needs. Unification will make possible a fuller utilization of terminals and more rapid, satisfactory, and frequent service. Shop facilities will be used to the maximum capacity as a result of distribution of work to shops best qualified by capacity and equipment to perform it. There are 36 points of interchange between the lines of the lessor companies, at each of which there is joint interchange, inspection, and record. The delays incident to this inspection and record will be eliminated and movement through most of the points will be continuous. Consolidation of revenue and distribution of costs will make practicable new and additional through routes. The Pere Marquette car ferries across Lake Michigan operate throughout the year, and favorable interchange arrangements are in effect with the northwestern lines at Milwaukee, Manitowoc, and Kewaunee. For the first time these routes will be connected by a single system with most of the important cities in central and trunk-line territories. It is anticipated that this ferry route can be greatly developed, with consequent economy in operation as contrasted with all-rail movement, particularly through Chicago.

Movement of coal from mines on the Chesapeake and the Hocking can be better controlled and expedited, particularly with respect to the return of empties, an important factor in coal movements. In central territory Nickel Plate, Erie, and Pere Marquette are the only important carriers which have substantially no bituminous coal production on their lines. Erie has some on its lines in Pennsylvania. On the other hand, Chesapeake and Hocking are primarily coal carriers, and the unification of all five will result in the new company resting on a broader traffic base. The tendency of this will be to increase the financial stability of the entire system, which in turn will tend to insure a higher quality of service.

The New York Central, Pennsylvania, and Baltimore & Ohio systems, the principal competitors of the new company in central territory, serve large coal areas. Unified operation will result in a better distribution of iron and steel products, automobiles, and various other manufactured products produced on the lines of the lessor companies, as they can be handled by a one-line haul throughout an extensive territory. Strengthening of the traffic relations of the Chesapeake will be beneficial to the port of Hampton Roads.

One of the most important factors in the unified system will be the movement of traffic over the most economical routes, having regard to density of traffic, congestion at terminals, and grades. Obvious examples which applicants say are certain to be adopted are as follows:

From North Judson to Griffith, Ind., about 41 miles, the lines of the Erie and Chesapeake are practically parallel. The Chesapeake's ruling grades are 1 per cent; the Erie's 0.2 per cent westbound and 0.3 per cent eastbound. The Chesapeake's through trains will be diverted to the Erie line.

After the completion of the new line between Gregg and Valley Crossing it is proposed to divert a considerable portion of the traffic now handled between Russell, Ky., the great concentration point of the Chesapeake's coal traffic, and Chicago from the Chesapeake's route via Cincinnati to a new-system route via Columbus and Marion, Ohio, thus utilizing the Erie's low-grade route from Marion to Chicago, which now has an excess capacity of 1,500 cars. Operating conditions over this route are so much more favorable than the Chesapeake's route that although the latter is 8 miles shorter the new route will require one less engine district. The estimated savings are about 400,000 train-miles per annum, 12 hours in time of transit, and $1,300,000 in annual expense. This diversion will tend to help the terminal situation at Cincinnati.

Between Lima, Ohio, and Hornell, N. Y., the Erie's line is 30 miles longer than the route from Lima over the Nickel Plate to Buffalo, thence over the Erie. The traffic of the Erie between Marion and Meadville, Pa., is at times so great as to interfere with the movement of its large volume of perishable traffic. In addition, over one operating division its ruling grades are 1.07 per cent eastbound and 1.09 per cent westbound, whereas the Nickel Plate between Lima and Buffalo loads its trains on a 0.5 per cent grade basis. It is estimated that by diverting perishable and other fast freight savings amounting to about $500,000 will result.

Altogether it is estimated that the proposed unified operation would result in annual savings of more than $6,000,000. Many, if not all, of the savings are not dependent upon unification in the exact manner proposed here, but could be brought about if control were only by stock ownership, or in many cases by intercompany contracts providing for the use of such joint facilities as it is proposed the unified system will establish. But that is not to say that the things mentioned can not more certainly and easily be brought about when the lines are under one management and control.

Without unification it is said that the Chesapeake would have to spend over $23,000,000 in revising its Chicago division, and the Erie nearly $32,000,000 in revising its lines between Marion and Meadville and between Kennedy and Steamburg, N. Y., a total of about $55,000,000. As against this capital expenditure, it will be necessary in the near future, in order to provide for the increased traffic, to complete the double-tracking of the Nickel Plate's line between Lima and Brocton, N. Y., at a cost of over $8,000,000.

Reference is made to the fact that the Erie, Chesapeake, Pere Marquette, and Nickel Plate compete to some extent with each other. Thus the Chesapeake and Erie are in competition for traffic through Atlantic ports to Chicago and the West; the Nickel Plate and Erie are in competition between Chicago and Buffalo, and, through the Nickel Plate's connections, the competition extends to New York; so, too, is the Pere Marquette somewhat of a factor in the situation. But we believe that it is unquestionable that the chief and by far the strongest competitors for traffic between Chicago and the West, on the one hand, and New York and Atlantic seaboard, on the other, are the New York Central, Pennsylvania, and Baltimore & Ohio systems.

These systems have grown to their present size and strength by a gradual process of accretion. The system proposed would create a fourth powerful competitor of the three systems named, which have long been strongly intrenched in the territory. There has been no serious suggestion that they be disrupted. One of the fundamental objects of the transportation act, 1920, of which paragraphs (2) to (8) of section 5 are an important part, is to maintain an adequate railway service for the people of the United States.

In compliance with the mandate of paragraph (4) of section 5 the commission on August 3, 1921, promulgated a tentative plan for the consolidation of the railway properties of the United States into a limited number of systems. This tentative plan provided for either nine or eight systems in the eastern region, according as the New England lines were or were not grouped in a separate system. The principal carriers in those systems were as follows:

1. New York Central and its subsidiaries, except the Lake Erie & Western, Ohio Central lines, and Indiana Harbor Belt; Western Maryland; Rutland; and alternatively, Boston & Maine, Maine Central, and Bangor & Aroostook.

2. Pennsylvania and its subsidiaries, but specifically excluding Norfolk & Western.

3. Baltimore & Ohio; Reading; Jersey Central; Monon; and alternatively, New Haven.

4. Erie; Delaware & Hudson; Lackawanna; Bessemer & Lake Erie; and Wabash east of Mississippi River.

5. Nickel Plate and properties since consolidated into present Nickel Plate; Lehigh Valley; Wheeling & Lake Erie; and Bessemer & Lake Erie, alternatively with system No. 4.

6. Pere Marquette; Ann Arbor; and Detroit, Toledo & Ironton.

7. New Haven; New York, Ontario & Western; Boston & Maine; Maine Central; and Bangor & Aroostook.

8. Chesapeake & Ohio; Hocking Valley; and Virginian.

9. Norfolk & Western and Ohio Central lines.

It will be noted that the carriers covered by the present application were placed in four separate systems. Since that time several changes have taken place in the corporate relationship of several of the carriers in the eastern group, with the approval of the commission where necessary, to wit: The New York Central has acquired further control of the Cleveland, Cincinnati, Chicago & St. Louis Railway Co., and has made the Ohio Central lines an integral part of its system by means of what practically amount to perpetual leases. The Pennsylvania has leased for 999 years several of its most important subsidiaries, and has consolidated others under State laws. The stock of the Central Railroad of New Jersey formerly held by the Reading Co. has been placed in the hands of trustees appointed by the District Court for the Eastern District of Pennsylvania, following the decision of the United States Supreme Court in United States v. Reading Co. (253 U. S. 23). The final disposition of this stock has been deferred pending consolidation proceedings, but by the terms of the decree the court may at any time enter an order for the sale of the stock. New York, Chicago & St. Louis, Lake Erie & Western, and Toledo, St. Louis & Western have been consolidated and now comprise the present Nickel Plate, one of the applicants, which, as before stated, has a one-half interest in the Detroit & Toledo Shore Line. The Wabash has acquired control of the Ann Arbor. Nearly all of the above transactions were passed upon by us. Most of them were applications under paragraph (2) of section 5, the one under which the present application was filed, or were applications under section 20(a) to effectuate some previous action taken under the State laws. In addition, the Norfolk & Western is now before us seeking authority to acquire control of the Virginian, and we are advised that the Delaware & Hudson proposes to lease the Buffalo, Rochester & Pittsburgh, subject to our approval, of course. In many of the instances where we approved acquisition of control, such groupings were contrary to the tentative plan.

We have never considered that plan as an inflexible guide to our actions under these provisions of the statute. On the contrary, although consolidations must be in conformity with our complete plan when promulgated, it is evident that it was not the intent of Congress that even the complete plan should be considered as an inflexible guide, as we are empowered at any time after its promulgation, upon our own motion or upon application, to reopen the subject for such changes or modifications as in our judgment will promote the public interest. As we stated at that time, the tentative plan was put forward in order to elicit a full record upon which the plan to be ultimately adopted can rest and without prejudgment of any matters which may be presented upon that record. Furthermore, we are here dealing with acquisitions, not consolidations, although the latter are the ultimate end sought.

At the hearings upon the tentative plan there was no advocacy of it by any witness who expressed any general opinion concerning the various proposed eastern systems. It was obvious that there was a great disparity in the mileage, property investment, and traffic of the several proposed systems. Special criticism was directed against systems Nos. 4 and 5 on the ground that those systems would not have either the financial strength or the traffic advantages which would be necessary to enable them to compete, particularly with the New York Central and Pennsylvania. The several systems were not sufficiently widely diversified in geography, traffic, and access to important centers of production and distribution to enable them to reach that stable condition of earning capacity which would be necessary if the systems established were to earn substantially the same rate of return.

As before stated, the different parts of the New York Central and Pennsylvania systems have been brought more closely together by various means with our approval. In the case of the Ohio Central lines the tentative plan proposed them as an outlet to the Lakes for the Norfolk & Western. It now has such an outlet, as well as a wide western outlet, in connection with the Pennsylvania. It is true that in approving applications under paragraph (2) of section 5 we have generally said that such approval was not to be considered as indicating our conclusion in the matter of consolidation. But, on the other hand, for the purposes of dealing with this application, we must consider the New York Central and Pennsylvania as they stand, together with the further fact that the latter still has a large interest in Norfolk & Western.

As we have heretofore pointed out, the competition which the proposed system must meet will be furnished by the Pennsylvania, New York Central, and Baltimore & Ohio systems. Applicants contend that their proposal will result in better balanced competition than is pos-

sible by the separate components of the system. They make various comparisons of population, traffic, and operating results of the proposed system with the three systems named.

The cities in the territory to be served by the proposed system having in 1923 an estimated population of more than 75,000 are served as follows:

Served by—	Number	Total population
Pennsylvania	35	19,876,125
New York Central	30	17,655,669
Proposed system	28	17,465,071
Baltimore & Ohio	19	17,266,303

No important city will be deprived of railroad competition by the proposed unification and, while traffic will be routed so as to avoid congested terminals and otherwise improve and expedite service and reduce operating costs, there is no indication that any existing route will be closed. On the contrary, from stipulations of record affecting weaker connections, a much different spirit has been manifested.

In revenue ton-miles per mile of road operated, the proposed system was third in 1923, being exceeded by the Pennsylvania and Baltimore & Ohio, and first in 1924. In total operating revenues it was third (exceeding Baltimore & Ohio) and in railway-operating revenues per mile of road fourth, in 1923 and 1924. In total net railway-operating income it was third, and in net railway-operating income per mile of line, fourth in 1923 and 1924. In both years it had the smallest average revenue per ton mile, but the greatest average haul per revenue ton. Its total investment in road and equipment was greater than that of Baltimore & Ohio at the end of 1923 and 1924, though less per mile of line than any of the other three systems. In percentage of net railway-operating income to investment in road and equipment it ranked third in 1923 (exceeding Pennsylvania) and second in 1924 (New York Central being first).

The proposed system will serve the Great Lakes and the Central Eastern and Pocahontas districts. To show that the proposed acquisitions of control tend to the realization of one of the prime objects of the provisions of section 5, namely an arrangement of systems so that—

"the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that the systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties,"

applicants make the following comparisons as between the proposed system and its three principal competitors and all roads in the three districts named:

Percentage classification of tonnage and revenues per ton-mile, 1924

	Proposed system	New York Central, Pennsylvania, and Baltimore & Ohio	All roads in Great Lakes, central eastern and Pocahontas districts
Products of—			
Agriculture	7.58	4.75	5.81
Animals	1.85	1.38	1.46
Mines	64.07	59.76	61.35
Forests	4.76	5.06	4.52
Manufacturers and L. C. L.	21.74	29.09	26.86
Revenue per ton-mile (cents)	$0.00840	$0.01058	$0.01019

Analysis of costs of operation, 1924—Percentages of railway operating revenue

	Proposed system	New York Central, Pennsylvania, and Baltimore & Ohio	All roads in Great Lakes, central eastern and Pocahontas districts
Maintenance:			
Way and structures	12.8	12.0	12.3
Equipment	24.5	22.6	22.8
Total	37.3	34.6	35.1
Traffic	1.6	1.4	1.4
Transportation	35.2	37.7	37.2
Miscellaneous and general	3.2	3.9	3.5
Total operating and maintenance	77.3	77.6	77.2
Net operating revenue	22.7	22.4	22.8
Taxes and uncollectible railway revenue	4.5	5.1	5.2
Railway operating income	18.2	17.3	17.6
Facility and equipment rentals	.8	1.6	1.5
Net railway operating income	17.4	15.7	16.1

The following comparison is limited to the four systems named and shows results for 1924, the investment in road and equipment being as of December 31, 1924.

	Miles of line operated	Investment in road and equipment	Operating revenues	Net railway operating income	Percentage of income return upon book investment
Proposed system	9,213	$1,228,863,070	$340,364,052	$59,273,642	4.823
New York Central	12,093	1,878,762,969	588,171,010	107,988,738	5.748
Pennsylvania	11,379	2,246,661,561	603,718,881	84,127,203	3.745
Baltimore & Ohio	5,316	795,447,338	227,084,805	37,773,163	4.749

From the above discussion it seems clear that the proposed unification is a step along the right lines in carrying out the policy of Congress, as expressed in section 5 of the act, of encouraging the formation of a limited number of systems, which, as it affects the eastern territory, outside of New England, and considering the railway situation in that district to-day, dominated as it is by three long-established systems, would result in nearly all of the principal producing and consuming centers of the territory being served by two or more, and in many instances by all of the limited number of systems. Each system would ramify throughout the territory. Each would have adequate access to sources of fuel supply as well as participation to a large extent in the commercial distribution of coal. Each would serve at least two of the five North Atlantic ports and have adequate access to lower lake ports. Mileage, property investment, gross earnings, and net railway operating income would be more nearly equalized than is possible in the case of the present number of systems, or even the number proposed in the tentative plan. The systems would more nearly approach an equality of opportunity to serve the public throughout the territory, to provide adequate facilities, and to make necessary extensions from time to time with reasonable expectation of securing additional traffic. A greater amount of actual and effective competition in service may be assured by a limited number of well-articulated systems than by a greater number of systems less complete.

Other meritorious groupings of these carriers might be proposed, but viewing the grouping presented in this application strictly from a transportation standpoint, we find that the proposed acquisitions of control are in the public interest.

We have now to consider the question: Are the considerations, terms, and conditions of the proposed acquisitions of control just and reasonable?

Acquisitions of control upon the considerations, terms, and conditions proposed were vigorously opposed by interveners, one of whom as a stockholders' committee, representing 143,325 shares of Chesapeake, known as the Scott committee, voted against approval of the proposed lease at a stockholders' meeting held on March 30, 1925. The Hocking interveners represent 11,590 shares of Hocking stock, or approximately 53.5 per cent of the minority stock of the company.

The plan of acquiring control of the lessor companies by lease and stock control heretofore outlined was proposed by O. P. and M. J. Van Sweringen, hereinafter referred to as the Van Sweringens, under date of August 20, 1924. At that time more than a majority of the members of the boards of directors of the Chesapeake, Hocking, and Nickel Plate were common to all three companies, with the same chairman. On August 19, 1924, the board of directors of the Nickel Plate approved the proposal and recommended it to its stockholders. On August 25, 1924, at 2 p. m. a directors' meeting of the Chesapeake was held at which similar action was taken. Of the eight directors present and voting for approval of the proposal, five had previously approved it on August 19 as members of the Nickel Plate board. Another director was president and a director of the Chesapeake and Hocking. On August 25, 1924, at 2.20 p. m. (which it will be noted was 20 minutes after the Chesapeake board had been convened) a meeting of the Hocking board of directors was held at which the proposal was approved. Of the nine directors present, seven had just voted in the Chesapeake meeting. On January 20, 1925, the boards of the Chesapeake and Hocking in formal meetings lasting a few minutes approved the proposed leases. At each meeting 7 of the 9 and 10 directors, respectively, voting were also directors of Nickel Plate. On the same day the articles of incorporation of the new company were drawn up. All of the incorporators were directors of the Nickel Plate and all except one were directors of the Chesapeake and Hocking.

A special meeting of the stockholders of the Chesapeake was held on March 30, 1925. The inspectors of election reported that 850,848 shares were outstanding and entitled to vote, and 658,460 shares present or represented at the meeting. Of this number 506,542 shares were voted by the deposit committee named in the proposal and 152,918 shares, of which interveners represented 143,328, against approval of the proposed lease. Previous to this meeting interveners had formally requested permission to prepare a list of the stockholders and only after notice was given of intention to apply for a writ

of mandamus was such a list furnished. This was done on March 12, or only two weeks before the special meeting.

Aside from the legal rights of stockholders, it seems obvious that it is in the public interest that stockholders' lists be readily available to all stockholders, possibly restricted to those holding a minimum amount of stock, under reasonable rules and regulations prescribed by the board of directors. It is not proper for officials of a railway company to inquire regarding the purposes for which a stockholders' list may be desired by a stockholder or group of stockholders. Any other course on the part of officials is in violation of their trust relationship to all the stockholders.

The special meeting of stockholders of the Hocking was held on March 28, 1925, at which 106,555 shares of the total of 110,000 shares were represented. Of these, 90,665 shares were voted by the deposit committee in favor of the proposal and 15,890 shares against it. This latter amount represented over 73 per cent of minority stock; that is, stock other than that owned by the Chesapeake.

The record leaves no doubt that the interests dominating the Chesapeake and Hocking, who, as we have pointed out, are those controlling the Nickel Plate, used every weapon at their command to crush all opposition to their predetermined course of action, and that there was an utter lack of independent and impartial representation of all of the stockholders of the Chesapeake and Hocking when consideration was being given by their directors to approval of the plan and the terms of the proposed leases. Requests made by stockholders for relevant and material information were met by evasion or refusal. All but two of the directors of the Chesapeake, who voted in favor of the plan, were vitally interested in the result from a viewpoint far different from that of mere stockholders in the Chesapeake. Of the two exceptions, one represented certain outside interests, which immediately bought amounts of Erie and Pere Marquette, and the other was the president of the Chesapeake, whose hands were tied.

The contrast between the manner in which the interests of all the stockholders of the Chesapeake and of the Hocking were represented and the manner in which the interests of stockholders of Pere Marquette and Erie were protected is striking. In the latter two instances dealings were at arm's length. None of the directors of the Erie or of the Pere Marquette were directors of the Nickel Plate. The board of directors of the Erie had the matter under consideration for months and the minutes of its several committees as well as those of the board itself show that the stockholders of that company had the benefit of the fullest consideration of the proposal and independent advice as to its terms and conditions, and certain amendments and revisions were insisted upon. The chairman of the board and president did not vote upon the question, because he considered that he represented all the stockholders, and as some of them objected to the proposal he did not deem it proper to commit himself.

A special committee of three directors of Pere Marquette was appointed to study the proposal and its minutes and those of the board of directors show that the stockholders had the benefit of the fullest consideration, as well as independent advice, which resulted in very substantial changes in the terms and conditions of the proposed lease, the rights and preferences to be enjoyed by stockholders of the new company, and the ratios of stock exchange, the results of negotiations in the latter respect resulting in an increase in the ratio of exchange from 90 to 100 for prior preference, 85 to 90 for preferred, and 70 to 85 for common stock.

Under any circumstances the burden is upon applicants to make an affirmative showing that the terms, conditions, and considerations of acquisitions and control are just and reasonable. In view of the situation described above the responsibility resting upon us to subject the entire transaction to the closest scrutiny is particularly grave, and a corresponding responsibility rested upon applicants to make a record which would disclose all the facts.

Applicants repeatedly and unreservedly invited the criticism and judgment of the commission regarding every feature of the proposal. However, applicants' original plan of presentation does not appear to have contemplated nearly as complete a showing on the record as the importance of the case and the character of the issues fairly required. Much of applicants' evidence appears to have been prepared after the hearings had begun to meet objections made by interveners and suggestions by the presiding commissioner. Great undertakings like this proposal should be supported by a strong and clear affirmative showing, which will fairly meet in advance of rebuttal every substantial objection which reasonably can be anticipated.

One of the proponents of this plan testified that "if we could not control the properties to the extent necessary to assure continuity of policy, we did not want to be interested in them." Through their control of 80 per cent of the voting stock of the Vaness Co., a personal holding corporation, the Van Sweringens now control 54.17 per cent of the voting stock of the Nickel Plate, but they control directly or indirectly only 32.85 per cent of all the voting stock of the companies affected by their proposal. But under their plan they will directly or indirectly control, without purchasing a single additional share, 50.93 per cent of the voting stock of the new company, and thus will effectually control its management and operation. The details of how this increase in voting control is accomplished are shown in the appendix. Assuming conversion of Chesapeake's convertible bonds, the percentages would be 29.43 per cent before and 44.12 per cent after the plan became effective, the latter, under modern conditions, being sufficient to effectively control a large corporation.

This is accomplished principally in two ways. The first is to have the new company issue preferred stock without voting power, except in certain contingencies not material here, in an amount which compares to the common stock as 1 to 1.12.

There are outstanding 1,000,951 shares of voting preferred stock of the lessor companies. In exchange therefor 687,843 shares of nonvoting preferred stock of the new company will be issued. The new company will also issue nonvoting preferred stock equal in amount to the nonvoting preferred stock of the Nickel Plate. Thus the preferred stockholders of Nickel Plate sustain no loss of voting rights, while preferred stockholders of other lessor companies sustain a complete loss of such rights. In addition to that, Chesapeake stockholders are offered 55 shares of common and 55 shares of nonvoting preferred for each 100 shares of Chesapeake common, while Hocking stockholders, other than the Chesapeake, are offered 50 common and 50 preferred for each 100 shares, thus effecting a further reduction in voting power. It is not proposed to issue any stock of the new company for Hocking stock owned by Chesapeake, but it is to pass to the new company under the lease. This stock is pledged to secure some Chesapeake bonds. It is explained that on this account it can not be exchanged for stock of the new company, but apparently it would not be difficult to provide for such exchange when freed from existing liens, which have at the most only six years to run. It is impossible to determine what, if any, consideration was given to Chesapeake equity in this stock. At the hearing witnesses for applicants stated that in fixing the ratios it was taken into consideration. Upon brief our attention is directed to the premium on Chesapeake's stock in exchange for stock of the new company as the consideration; but if that is so, the amount of the consideration to be paid is either less, on the basis of the amount of Chesapeake stock outstanding at the time of the proposal, or very much greater, on the basis of the amount of Chesapeake stock that will be outstanding after conversion of bonds, than is proposed to be given for stock of the Hocking in the hands of the public.

Adverting to stock control, we have heretofore pointed out that the plan does not contemplate exchange of stock by the Nickel Plate stockholders. They, therefore, suffer no diminution of their voting power. On the other hand, the Nickel Plate, having leased its railroad and received therefor stock of the new company equal to its own stock, and having exchanged its holdings of Chesapeake and Pere Marquette for stock of the new company will, in effect, be a holding company controlled by the Van Sweringens through their holdings in the Vaness Co. This will give them control of this large transportation system without the necessity of owning an actual majority of even the voting stock, much less all of the stock.

We can not escape the conclusion that the plan was arranged with the intention of keeping control in the hands of its proponents, even though their interest is a minority one in fact. Such an arrangement is not in accord with sound railroad practice. The Nickel Plate is the only railroad of importance in the country in which preferred stockholders do not have the right to vote, and now it is proposed to extend this feature to over $155,000,000 of new stock of a company comparable with the New York Central, Pennsylvania, and Baltimore & Ohio. The common stock of the new company will not greatly exceed $174,000,000 out of a total capitalization of over $950,000,000. We believe it to be self-evident that the public interest requires that the entire body of stockholders of a railroad which is bonded in excess of one-half of its investment, and not a powerful few, shall be responsible for its management. This can be done only by giving them the power to control the management. The lethargy of ordinary stockholders in exercising their power to control the management of these large corporations has often been commented on, but nevertheless the power should be in their hands to use as they see fit. It is inimical to the public interest to strip stockholders of their voting power, thus rendering it so much easier to control a great transportation system by a comparatively limited amount of investment.

Hovering in the background of this entire question of control in this case is trust agreement dated January 11, 1924, described by counsel as being in the nature of a last will and testament. Under this agreement Van Sweringens as owners of 130,000 shares of common (voting) stock of the Vaness Co., and C. L. Bradley and J. R. Nutt, both directors of the Nickel Plate, as owners of 16,250 shares each of the common stock of the Vaness Co., deposited such stock with a trustee, receiving in lieu thereof trust certificates representing "certificates of interest in the common stock" of the Vaness Co. proportionate to the number of shares deposited. The stock so deposited constitutes the entire voting stock of the Vaness Co. The certificates issued to Bradley and Nutt and the rights represented thereby are subject to purchase by the Van Sweringens under the terms of an option expressed in the agreement. The certificates are assignable and transferable upon the books of the trustee "subject

to the terms and conditions of the agreement." The agreement constitutes and appoints the four gentlemen named "managers" of the trust, which is to continue for 21 years after the death of the last survivor with the right on the part of the survivor to appoint successors to a deceased manager. Without giving further details of this trust agreement, it is sufficient to say that under it the Van Sweringens may divest themselves of all beneficial interest in the Vaness Co. stock and still retain voting control of the new company without direct or indirect ownership of a share of stock therein.

With respect to the reasonableness of the proposed terms of stock exchange, the applicants state that "those considerations, terms, and conditions were not arrived at, nor could they have been arrived at, by the use of a mathematical formula. Nor may the justness and reasonableness thereof be made the subject of any process of exact demonstration." But it is evident from the record that inadequate consideration was given to the terms from the viewpoint of the stockholders of the Chesapeake and Hocking.

The president of those two companies was not asked to submit any information or figures bearing on the matter while the plan was under consideration, and had no part in fixing the terms beyond a few general suggestions as to the factors to be considered. He first learned of the proposal from the newspapers and voted to approve it without change. Other directors acted principally on the basis of the balance sheet and income account annexed to the plan, and a general inspection of railway and financial manuals and annual reports. They could produce no memoranda or data actually considered by them or by the respective boards, although data used by the Erie and Pere Marquette boards were produced. It brings forcibly to mind what we said in Financial Transactions, C., R. I. & P. Ry. Co. (86 I. C. C. 43):

"This record emphasizes the need of railway directors who actually direct. There are too many passive directors who acquiesce in what is being done without knowledge and without investigation. A director of a railroad is a quasi public official who occupies a position of trust."

The boards of the Chesapeake and the Hocking appear to have acted as boards of ratification rather than authorization or direction with respect to these matters.

It is obvious that all of the many elements to be taken into consideration were not so considered when the proposal was being drawn up, or else the employment of experts after the commencement of the hearing to compile, adjust, and compare earnings, property values, book values, and the like, would have been largely unnecessary. The information would have been available at the opening of the hearing. One expert used 1923 only in determining "normal net income," another used 1923 and 1924, and another used 1923 and 1924 net income of the Nickel Plate, Erie, and Pere Marquette, and 1922, 1923, and 1924 net income of the Chesapeake and Hocking.

Without going into further details it is sufficient to say that whatever test applicants have used in trying to sustain the predetermined ratios they have not sustained the burden of showing that the ratios are just and reasonable as between the stockholders of the respective lessor companies. The traffic of the Chesapeake and Hocking has increased greatly year by year, and together these two roads now constitute one of the most efficient coal-transportation machines in the country and undoubtedly would constitute the backbone of the proposed system. The Hocking earned on its common stock $16.50 per share in 1923 and $24 per share in 1924, but dividends of only $4 per share were paid in each year. The Chesapeake had net income, including its equity in Hocking income, equivalent to $12.93 per share of common stock in 1923 and $19.26 in 1924, but dividends of only $4 were paid each year. Applicants refer to the "judgment of the market place," but it seems only necessary to refer to the prices on the New York Stock Exchange on August 8, 1924, when the proposal was announced, April 17, 1925, 10 days after the hearings began, and December 12, 1925. The latter quotations are not of record, but we believe we are justified in making note of the prices:

	Aug. 8, 1924	Apr. 17, 1925	Dec. 12, 1925
Nickel Plate common	110½	126⅝	178
Chesapeake common	90⅝	91⅝	122

But aside from what has been previously stated there is another matter which renders it impossible on this record to approve these ratios. We refer to the inclusion of the anthracite coal properties of the Erie. The record is confusing and vague as to their value, and renders it impossible to reach a definite conclusion as to what ratios would be fair.

As far back as the New England investigation (27 I. C. C. 500, 616) we said:

"Every interstate railroad should be prohibited from expending money or incurring liability or acquiring property not in the operation of its railroad or in the legitimate improvement, extension, or development of that railroad."

Paragraph (2) of section 5 has reference to acquisition of control of carriers. Section 20a, under which application is to issue securities, provides that we can make an order authorizing proposed issues of securities or assumption of liability only if we find (a) that the issue or assumption is for some lawful object within the corporation purposes of the applicant and compatible with the public interest which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier and which will not impair its ability to perform that service and (b) is reasonably necessary and appropriate for such purpose.

Applicants have made no such showing as to the inclusion of these anthracite properties in the proposed new system. Furthermore, the Federal courts in several instances have compelled the complete separation of common carriers and their anthracite coal properties.

We have heretofore pointed out that the new company does not intend to operate several subsidiaries of the Erie system, said to be unprofitable, although its stockholdings in those companies are to be taken over. These subsidiaries have been integral parts of the Erie system for many years, and they can not be sloughed off except on a proper affirmative showing. All show corporate deficits as of December 31, 1924, and Erie's assets are distorted to the extent of over $5,000,000, representing "traffic and car-service balances" and "miscellaneous accounts receivable" due from subsidiaries.

The provisions of the leases dealing with the rights of nonassenting stckholders of the lessor companies, other than the Nickel Plate, appear to be designed to coerce all the stockholders into exchanging their stock for that of the new company upon the terms proposed. The options given them are largely illusory. That with reference to taking average market value is conceded to be unfair but we understand applicants are willing to make this "fair value." Resort to litigation to determine the value of stock is a poor remedy.

Applicants concede not only that we have jurisdiction to pass upon the reasonableness of the considerations, terms, and conditions, but request us, particularly with reference to the ratios of stock exchange, to indicate what in our opinion would be just and reasonable. For the reasons heretofore pointed out, it is impossible upon this record, voluminous as it is, to so find. However, the burden of ascertaining or determining proper ratios of exchange should not be cast upon us. If all the stockholders are impartially represented in the preliminary discussions they should be able to reach an agreement which can secure the approval of substantially all of the stockholders. If all the stockholders of Chesapeake and Hocking had been represented by independent negotiators the transcript of these hearings would read differently and our findings would be different. The burden is upon applicants to justify the justness and reasonableness of the ratios of exchange. We should not be expected to do more than ascertain that fact upon the record. We should not be expected to arbitrate to the fraction of a share just what each stockholder should receive. Many similar applications will probably be filed in the future and if all of these applicants, like the instant ones, should request us to adjudicate their differences in the commercial aspects of buying and selling railroad properties, the law would probably become unworkable because we can not undertake, at the request of parties, virtually to trade in several hundred thousand miles of railroads and at the same time perform our legitimate duties under the law.

In view of the fundamental objections relating to the financial aspects of applicants' proposals pointed out in this report, we do not deem it necessary to discuss many other matters covered by the record. We have considered the latter in so far as they have any material relation to this proceeding. They include the means by which the present Nickel Plate was brought into being and control secured by the Van Sweringens; how the latter secured control of Chesapeake and Hocking; their personal profits, actual and prospective; various transactions in connection with the Cleveland Union terminal; the Ross Employment contract; acquisition by the Nickel Plate of terminal properties near Chicago through the medium of the Calumet trust, in which the Vaness Co. has 89 per cent of the beneficial interest; and the relations between the Van Sweringens and Union Trust Co. of Cleveland, J. P. Morgan & Co., the First National Bank, and the Guaranty Trust Co., of New York.

We therefore find that the considerations, terms, and conditions of the proposed acquisitions of control are not just and reasonable. Aside from the transportation aspect, the proposed acquisitions of control upon the considerations, terms, and conditions proposed have not been shown to be in the public interest. The application must be denied. This action necessitates similar disposition of the application for authority to issue securities.

The American Short Line Railroad Association and certain individual carriers intervened for the purpose of securing proper recognition of the interests of short lines connecting with the lines of the lessor companies should the proposed acquisitions be approved. In view of our denial of the applications, it will be unnecessary to deal with those interveners. But the importance of the problem of the short lines in their relation to this subject can not be too strongly

emphasized. One of the chief criticisms of the unifications which have been proposed or suggested has been that certain of them do not embrace related weak lines, although the union of the weak with the strong lines is one of the ends which Congress apparently had most definitely in mind.

When these unifications are being considered the problem of the short lines whose property in the public interest should be included in the systems proposed can not be overlooked if it is possible to include them upon reasonable terms. In this instance little or no consideration was given to the short-line connections of the lessor companies in the preparation of the plan, but on the contrary, as has been pointed out, it is proposed to leave out some of the weaker units of the Erie. It is apparent that such a policy nullifies one of the intentions of Congress in enacting this legislation. Every applicant should assume the burden of making reasonable provision in its plan for the possible incorporation of every connecting short line now in operation in the territory covered or to be covered by the proposed grouping or unification. No branch line or short line now in operation within the territory in question should be left out of the consideration unless by affirmative testimony the abandonment of operation of such line or its omission from the plan has been justified.

With respect to the application in Finance Docket No. 4643 the record is convincing that the construction of the proposed new line between Gregg and Valley Crossing is necessary to take care of the growing traffic of the Chesapeake. It now has trackage rights between the points named over Norfolk & Western rails, which will expire on September 17, 1927. The trackage will not be renewed as the traffic of the two roads exceeds the capacity of that portion of the Norfolk & Western's lines. Most of the preliminary work has been done by the Chesapeake and it is amply able to finance the construction. Applicant recognizes that the proposed line will form an essential part of the Chesapeake as provision has been made in the proposed lease that, in the event of its termination or expiration, such line shall be deemed an extension of the Chesapeake's lines and be conveyed to it by the new company upon payment of all construction costs. The application of the new company will be denied without prejudice to resubmission by the Chesapeake. All interested parties will doubtless be willing to stipulate relevant portions of the present record into the record of such an application, if filed.

An appropriate order will be entered.

Commissioners Hall, Woodlock, and Taylor did not participate in the disposition of this case.

EASTMAN, *chairman*, concurring:

With the result reached, namely, the denial of the application, I am quite in accord.

I am also in accord with the finding that "the proposed acquisitions of control upon the consideration, terms, and conditions proposed have not been shown to be in the public interest," and with what is said in support of this finding. Much more might have been said, but for the present it is no doubt unnecessary.

I am not in accord with the finding that the proposed plan of unification does not involve the consolidation of the carriers into a single system for ownership and operation and that it contemplates merely acquisitions of control which we have jurisdiction to approve under paragraph (2) of section 5 of the act. In dissent from this finding I am authorized to say that I am joined by Commissioners Campbell and McManamy.

Nor am I in accord with the finding that from a transportation standpoint the "proposed acquisitions of control are in the public interest." In my judgment, the evidence falls short of establishing that fact. In this view I am authorized to say that I am joined by Commissioner McManamy.

AITCHISON, *commissioner*, concurring:

With the finding in the foregoing report that the financial plan presented as a means of carrying out the acquisition of control is not reasonable, and is not in the public interest, I am in accord. The dismissal of the application for approval of acquisition necessarily follows this conclusion. But from the transportation standpoint I would find that the present record establishes that it is not in the public interest that the Chesapeake & Ohio and the Hocking Valley should be taken with the other railroads involved under common control by the new Nickel Plate Co.

Commissioner Campbell joins me in the foregoing expression. His views as to the jurisdiction of the commission have been expressed. In other respects than as so reserved he concurs in the report and the order. I concur in the report and order, qualified as herein stated.

LEWIS, *commissioner*, dissenting:

After much analysis the commission, in dealing with the question of public interest, finds that it would be served by the consolidation proposed. But private interest and what is found to be defects in the financial plan block the way and the petition is denied.

I concur in the finding that the public interest as declared by Congress would be served. I further join in the thought that the equities of certain minority stockholders have not received full recognition. I do not, however, favor denial of the petition.

This proceeding is brought under paragraph (2) of section 5. That section provides that the commission shall be authorized by order to approve and authorize such acquisition as is found to be in the public interest "under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the commission to be just and reasonable." Have we gone that far?

There certainly arise grave doubts as to whether this administrative body, having at most only quasi-judicial power, should attempt to set itself up as a court of equity to pass on various individual claims that arise in consolidation proceedings. But this body is competent and equipped to appraise, and to indicate what it would consider to be "just and reasonable terms and conditions" even as between various groups of security holders. It would certainly be within its scope of its proper activity to indicate what would bring the proposal, found to be in the public interest, into line for its approval.

The presumption is created that if the terms and conditions and financial structure are revised to a satisfactory state, not indicated, the proposed consolidation will be approved. There are, however, left a number of issues which were raised and are not passed on. Would they rise to such proportions as to block approval? Among these is the allegation of a community of interest between the Van Sweringens and the New York Central and various banking houses and trust companies, a line of attack vigorously prosecuted for months through the Cleveland Union Terminal and many other companies touched not only by the Van Sweringens personally but also by the Vaness Co. The record on this one issue is very ample and it seems to me that we should make a clear-cut finding on this vital matter. Inasmuch as it is found that the proposed new system would be a worthy competitor of the New York Central as well as of the Pennsylvania and Baltimore & Ohio systems, there is an implied failure to connect it up with the New York Central interest, but this is not clearly or affirmatively found.

It is well established in our own minds that the doctrine of stare decisis does not prevail in our procedure. Proponents of the consolidation will be entirely free to renew their petition after such revision as they may think meets the objections on which denial is based. It would, however, be much better, it seems to me, for us to retain control of the matter and to lend the way to the realization of those things which we find meet the definitions of public interest set up by Congress in its declaration of a national railroad policy.

EXHIBIT A

Percentage of voting stock of constituent companies controlled by O. P. and M. J. Van Sweringen

(Before conversion of Chesapeake & Ohio bonds)

	Total shares	Owned by	Shares	Per cent
Chesapeake & Ohio:				
Common	654,147	Nickle Plate R. R.	155,000	23.69
		Vaness Co.	174,800	26.72
			329,800	50.41
Preferred	125,617			
Total	779,764		329,800	42.29
Erie Railroad:				
Common	1,124,819	Vaness Co.	387,000	34.40
First preferred	479,044	do	24,700	5.15
Second preferred	160,000	do	52,600	32.87
Total	1,763,863		464,300	26.33
Pere Marquette:				
Common	430,460	Nickel Plate R. R.	120,000	26.64
		Vaness Co.	30,000	6.66
			150,000	33.30
Prior preferred	112,000			
Preferred	124,290			
Total	636,750		150,000	21.84
New York, Chicago & St. Louis:				
Common	304,004	Vaness Co.	164,700	54.17
Preferred	258,656		(1)	
	562,720		164,700	54.17
Hocking Valley, common	109,905	Chesapeake & Ohio Ry.	88,379	80.35
Total outstanding voting stock, eliminating nonvoting Nickel Plate stock	3,644,436		1,197,179	32.85

[1] No voting power.

Percentage of voting stock of constituent companies controlled by O. P. and M. J. Van Sweringen—Continued

SUMMARY

	Shares	Per cent
Nickel Plate owns:		
Chesapeake & Ohio common	155,000	4.25
Pere Marquette common	120,000	3.29
		7.54
Vaness Co. owns:		
Chesapeake & Ohio common	174,800	4.80
Erie—		
Common	387,000	10.62
First preferred	24,700	.68
Second preferred	52,600	1.44
Pere Marquette common	30,000	.82
Nickel Plate common	164,700	4.52
		22.88
Chesapeake & Ohio Railway owns:		
Hocking Valley common	88,379	2.43
		32.85

Percentage of voting stock of new company proposed to be controlled by O. P. & M. J. Van Sweringen

(Before conversion of Chesapeake & Ohio bonds)

	Preferred	Per cent	Common	Per cent	Total
Proposed issue of new stock	1,317,088	100.00	1,507,472	100.00	2,824,560
Nickel Plate will receive on account of stock outstanding:	238,656	19.64	304,064	20.17	562,720
On account of exchange of:					
Chesapeake & Ohio common	85,250	6.47	85,250	5.65	170,500
Pere Marquette common			102,000	6.77	102,000
Total	343,906	26.11	491,314	32.59	735,220
Vaness Corporation will receive on account of exchange of:					
Chesapeake & Ohio common	96,140	7.30	96,140	6.38	192,280
Pere Marquette common			25,500	1.69	25,500
Erie common			154,800	10.27	154,800
First (preferred)	12,350	.94			12,350
Second (preferred)	26,300	1.99			26,300
Total	134,790	10.23	276,440	18.34	411,230
Total	478,696	36.34	767,754	50.93	1,146,450

Vaness Co. owns 54.17 per cent of the voting stock of Nickel Plate. O. P. and M. J. Sweringen own 80 per cent of the voting stock of the Vaness Co.

ORDER

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of March, A. D. 1926

(F. D. No. 4643)

CONSTRUCTION OF LINE OF NEW YORK, CHICAGO & ST. LOUIS RAILWAY

(F. D. No. 4671)

CONTROL AND STOCK ISSUE BY NEW YORK, CHICAGO & ST. LOUIS RAILWAY

A hearing and investigation of the matters and things involved in these proceedings having been had, and the commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof,

It is ordered, That the applications herein be, and they are hereby, denied.

By the commission.

[SEAL.] GEORGE B. MCGINTY, *Secretary*.

CAPTAIN OLDROYD'S LINCOLN COLLECTION

Mr. WILLIS. Mr. President, Senate bill 957, Order of Business No. 235, introduced by myself, relates to the purchase of the Oldroyd collection of Lincoln relics. On that subject there appeared in the Evening Star of yesterday a very interesting and brief editorial entitled "The Lincoln Collection." I ask unanimous consent that the editorial be printed in the RECORD.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Washington Evening Star of March 2, 1926]

THE LINCOLN COLLECTION

A bill of eight printed lines has just been reported favorably by the Senate Committee on the Library, and is now on the calendar of business awaiting action. It reads as follows:

"That the Secretary of State, the Secretary of War, and the Attorney General are hereby designated as a commission with authority, in their discretion, to purchase the Oldroyd collection of Lincoln relics, and that the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to enable the commission to consummate such purchase."

This is an identical bill with that which was passed by the Senate last year, without concurrent action by the House. It is to be expected that the Senate will again pass it now, and the hope is that the House will, with more time for its consideration, make this enactment and so insure the preservation of this priceless collection as a Government institution.

This is perhaps the last opportunity that Congress will have to secure and keep in Washington this collection of relics of Abraham Lincoln. The Legislature of Illinois has voted as much money as has been asked of the Government for its purchase. Should it succeed in securing the relics they will be moved to that State. Meanwhile Henry Ford has offered a much larger sum. Colonel Oldroyd, who made the collection and who has maintained it for years in the house on Tenth Street in this city, where Lincoln died, is desirous that it be kept here, and it is due to him at least, as well as to the people of the United States who visit the Capital and who regard the "Lincoln house," on Tenth Street, with its historical contents, as a national shrine, that the Government acquire possession and insure permanent location in the Capital.

THE AGRICULTURAL SITUATION

Mr. NORBECK. Mr. President, I present and ask to have printed in the RECORD a letter from a South Dakota farmer transmitting a very comprehensive and carefully prepared marketing plan.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BURBANK, S. DAK., *February 25, 1926.*

Senator PETER NORBECK,
Washington, D. C.

DEAR SENATOR: I am taking the liberty of mailing you a copy of a relief plan for agriculture and trust that at least some of the ideas advanced will meet with your approval. We know you are fully advised of the farmers' almost helplessness under present financial and marketing conditions; also that you know the lack of a concerted plan, among the farm leaders themselves, on what should be done to bring about the better things sought for. But we assure you all farmers, as well as all other lines, are beginning to see that something must be done if the farming industry is to survive, and, of course, the farm must prosper if the rest are to enjoy prosperity for very long.

We strongly urge a more equitable system of financing the farmers, and believe if a plan to secure loans direct from the reserve banks on storage certificates directly through the farm elevator will greatly better and strengthen him financially. This, too, would be a great centralizer for the elevators, and would make the slogan, "There is no substitute for a farmers' elevator," a reality.

The elevator board at Akron, Iowa, advised to have copies printed and mailed to the Representatives and Senators of the 12 area conference States. What do you think of this? Awaiting your opinion and advice, I am,

Respectfully,

HENRY B. SMITH

Address: Burbank, S. Dak., R. F. D. No. 1.

ORDERLY MARKETING PLAN, TOGETHER WITH SHORT ARGUMENTS FOR ITS ADOPTION

(Presented by Henry B. Smith, of Burbank, S. Dak.)

It is plain to students of farm problems that there are at least three too big for present farm organization to cope with, namely, the problem of adequate farm financing, the problem of orderly marketing, and the problem of transport. These are bound up together, so that plans for relief and help in one phase must necessarily affect the other. This is especially true of problems of marketing and finance; therefore if farmers are to work out an orderly system of stabilized marketing there must be an adequate, available, and usable system of financing, and the two must work together.

That the farmers' business may be established on a more equitable and remunerative basis we ask that Congress enact laws creating an "orderly marketing bureau," to function under the Department of Agriculture, to take over, establish, and put into force and operation the following matters:

First. That this bureau take over and revise the methods of securing Government statistics of farm products, so that every grower of a crop designated as a "grain crop," which when harvested and properly conditioned can be carried in storage with reasonable safety, together with crops designated as "textile crops," as soon as so harvested and conditioned, be reported to this marketing board to the full extent and amount thereof in excess of the portion needed and intended to be fed up on the farm.

This in effect will place all grain-crop products grown in excess of farm requirements, that portion that is to be offered for marketing in the raw state, into the visible supply.

Second. Put into force and operation a storage and warehousing system—which may require a national warehousing act—so that these products when reported may be set aside under Government seal, preferably on the premises of the grower, in approved cribs, bins, or storage houses, there to be held and offered for sale only under the direction and advice of the marketing bureau.

It is the intention that these marketing helps may be extended to any farm product whenever requested by the producers of the crop affected and when a more orderly marketing of any surplus is deemed necessary. These provisions may be extended as fast as conditions warrant and facilities can be set up by this board.

Third. Amend the rules of the Federal reserve bank law so that the farmers' paper, with security based on farm products, livestock, chattels, or land, can be rediscounted at any time and at rates equal to rates of any other business; especially regulate these banking rules so a receiving grain elevator can place for rediscount paper secured on grain-storage certificates of their patrons or on grain in their elevator direct and without passing through any other agency, when the grain is carried in seal under storage and warehousing rules that may be enacted by the Congress or any of the States. This privilege to be extended to cotton in store or to other farm products.

Fourth. That a "price-finding committee" be established, empowered to inquire into and determine what in fact are fair prices for farm products, taking into consideration all costs entering into their production. To make public these findings so they may become a guide to the producer and to the consumer alike.

Fifth. That an export corporation be organized and financed to take charge of the marketing of the excess surplus over home requirements.

Sixth. That the present tariff on imports of any farm product be increased whenever it is found possible that they can be brought in and sold at lower prices than those found fair for home growers.

Seventh. The Interstate Commerce Commission has been established to inquire into and determine what are in fact fair rates to the carriers and to their patrons, and where all the pertinent matters are fairly considered, should be able to determine the question. However, we hold no rate increase should be granted on farm products until the farmers' price has been established to show a like reasonable profit.

Short arguments will hereby be advanced in support of the foregoing measures.

The first thing seems to be the reasons why the farmers' products should be stabilized and a few comments on the question of whether these prices could be so stabilized.

First, I will call attention to what happened to me personally: During the war there were the Liberty loan drives, and after the armistice there came the Victory drive. Of these bonds I subscribed for $1,800 all told. At the time I was working on a rather small salary and held land that was rented for mostly cash, with some on shares. Not having the ready cash to pay for the bonds, I borrowed on my note at the bank, and as the time of payments came along and I found myself low on cash these notes were renewed until in the fall of 1920 I was required to meet them with the following result: Corn, the thing with which I expected to pay, had been at about $1.80 per bushel up until in June, but at the time I was called was only 30 cents per bushel, so I saw that it was just multiplying the debt by 6 to pay in corn; so I turned in the Liberty's at $86.67 and took a loss of $240 on the bonds and thought mayhaps the corn would react; but the taxes and other expense items required me to sell the corn, so that with losing the $240 the Liberty bonds really cost me when paid out of the corn $10,800 and the discount, which really made $1,800 of bonds cost me $11,040. I am calling this to your attention just to show you that all debts the farmer made during the fore part of 1920 were multiplied by the figure 6 if they had to be paid with corn, and I will now give you an illustration to show you this debt is, in fact, multiplied by the same figure 6 in many instances still.

The farm adjoining me was transferred March 1, 1920, for a consideration of $200 per acre. The buyer has been unable to pay, and the farm was put up at auction December 4, 1925, and the best offer obtained was $65 per acre, so the land has shrunk in value about two-thirds; also, corn at the present time stands at about 55 cents per bushel and oats at about 30 cents, so that the price of these grains is only one-third and less than they were; so you see this debt is now multiplied by the figure 6 when these shrinkages are considered.

One more illustration: A barber in a near-by town was telling me that he had an example of what happened to the farmers.

Some time in the latter part of December, 1919, he went to a public sale and purchased a cow at a price of $135, and made a payment of $70 down on the cow and gave his note to the bank for $65, to run 10 months. Some time before the note came due the banker notified him he would be expected to meet it. Not having the ready cash, he tried to sell the cow to raise the money, but found no buyer; but the hog buyer told him he would let him tie the cow in the end of a car of hogs and she could be sold on the market for what she would bring. This he did, and she was sold on the Sioux City market for 1½ cents per pound and brought him just $12.60. I told him he only realized a part of what the farmer is up against, for the experience happened to him but the once and nothing has reduced his earning ability in his barbering work, whereas with us farmers we have had these things happening for the last six years.

I want to ask what business could be expected to withstand Jack Dempsey crushing blows like these?

It is claimed that the farmer made unwise buys of land at prices far beyond reason, and numerous other unsound investments.

In the case of the purely "wildcat" deals he made these were mostly intended as "skin games" by the promoters, but the farmland buys were fairly sound based on conditions at the time of the purchase.

So I contend it is rather the unfavorable and measley small price that has prevailed for the last six crops of the farm that has placed the farmer in jeopardy and has caused so many to lose everything he possessed.

This is the thing that has caused the farmer to fall down on paying his obligations, and in the case of forced sale has left the holder of his paper with unsecured balances that are worthless.

It has caused banks to fail and is still making trouble. Bankers are blamed for making loans to poor risks, but in ordinary fair times practically all these loans would be considered sound and would have been paid. How could anyone be expected to foresee a vertical drop of this extent or to expect such tremendous changes in farm values?

Then why should the mid-western farmer or banker be blamed for something he could know nothing about?

Just why should anyone object when he asks to have his products placed on a stabilized market?

CAN THE PRICE OF FARM PRODUCTS BE MADE REASONABLY STABLE?

We realize that under existing financial and marketing conditions and with the organization now in force among farmers for the conduct of their business they are unable by themselves to solve this stabilizing problem.

However, we do most firmly believe that with the assistance of the measures outlined, working under intelligent and energetic direction, all farm crops that can be carried in storage with reasonable safety could be placed on a stable basis, and, with the use of the recent gas-preserving process of sealing products in containers so they can be kept in their original freshness, practically all the so-called perishable farm products can be carried to the consumer on a stabilized basis.

WHAT ABOUT THE LAW OF SUPPLY AND DEMAND?

Our Congressman DICKINSON has been accused of rearing up on his hind legs and "braying like a jackass about the law of supply and demand being obsolete," and commenting that "surely no one is fool enough to believe anything can supplant that law."

The man at the head of the firm making the above comment is getting along in years and surely must have seen this wonder law circumvented many, many times—not, perhaps, entirely, but in considerable measure. He can recall hundreds of articles that have come into use in his time, and with a great portion of these new things the demand for them had to be created. Now, stop and think just what was it that created that demand. Of course, it can not be attributed to just any one thing, but salesmanship will account for a big part of the demand.

Now, suppose the amount of product the farmer has produced in excess of his own requirement is correctly ascertained for each year.

That arrangement is made so he can get, say, 80 per cent of the cash value of the product to use while carrying it in store on his farm awaiting demand by a consuming public.

That he ascertain in fact what he should have so to secure to him production cost, plus a reasonable profit.

That arrangements are made to dispose of the excess over home consumption.

That the tariff be placed to give him his home market at this determined reasonable market price.

Then, why can not his product be placed on a stable basis?

CROP REPORTS

To my mind a correct check up of the part of the crop that is to leave the farm for consumption in any one year is the real important factor to the farmer, and the consumer as well, and should be the thing sought for in making up statistics of farm products. If the

farmer is to intelligently conduct a practice of orderly marketing he must have correct and available figures on this part of the crop. He should have figures to show approximately the amount the consuming public may be expected to require annually. These figures, when compared with the constant visible, will show the surplus he has to offer to consumers in outside lands. It is deeply important to know the rate of consumption at home of any one of the farm products and also very important to know approximately the amounts that each of the foreign countries may be reasonably expected to require so that marketing direction can be regulated to avoid congestions.

To have the visible crop available at all times will be of the greatest advantage to the farmer and to the merchandiser of all other products, by giving them a basis for laying their marketing plans.

These crop reports can best be gathered through the elevators in the primary receiving stations by having a sealer of weights and measures make a check up on every farm and report either direct to the board or through the elevators.

The present Government crop reports deal almost only with the full yield of each crop and rely on figures compiled in offices to arrive at the part to be offered on the markets.

Thus they at best are only approximate figures that are really of little value to anyone. However, the speculators in grain make use of them in juggling the market prices. If the report indicates a small harvest, then the "bulls" are right in clover; if it shows an abundant prospect, then the "bears" are eating honey. This practice of reporting the full crop tends to magnify the excess of products and does a vast amount of harm to the farmer. I started in the primary receiving grain business as a country-elevator man 31 years ago. During all the years since then there has been a huge surplus shown as a carry over in farmers' hands. If there had been anywhere near the estimates claimed by the manipulators of grain, there would now be piled up in the farm granaries and cribs such a vast amount that it would require a small city on every farm to store them.

The surplus in farm hands at this time is not excessively large. The supply may, and often does, pile up in the terminals more than they should, but it is never very far ahead of consumption. The world must be fed, and what may appear as surplus usually disappears before the next crop is grown, whether the prices be high or low. So the surplus "bugaboo" is a handy instrument for the dealers in these products to use to depress prices.

THE PLACE TO STORE GRAIN

We believe arrangement should be made to carry the crops that can be stored safely on the farm where grown wherever possible to do so, there to be held and offered for sale to the consumer under the direction and advice of the ablest marketing system that can be devised. On the premises is where the grower should have the privilege of having his crop placed under Government seal for the purpose of raising funds while awaiting opportunity to sell as consumption demanded.

FAIR PRICE FINDING

The marketing of farm products is the only business of importance that has practically no data on the costs of production and that pays no attention to costs in disposing of the products. This is probably so because of the varying conditions, such as, favorable location for low rate of transport, varying yields and numerous other factors, but certainly a fair average production cost can be arrived at and should be used as a basis in pricing the products.

All grain and textile crops pass in going to the consumer one and generally several middlemen. None of these take production costs into consideration in placing their bids. All they are interested in is a profit for themselves. Are farmers asking too much in wanting a competent committee of experts to work out fair cost prices? These basic costs when determined should be published so the farmer as well as the buyer may have a cost price guide.

We know it is claimed the farmer has the entire world of consumers bidding for his products under present practices. There is some merit in this claim, but what we farmers are interested in is Do these bids show a return of production costs plus a reasonable profit? We know they have not for the last six crops.

Farm crops being sold to-day can be likened to a manufacturer of shoes who after making up a large stock of goods, advertises to the public the fact of his large overstock, and invites his neighbors to come in and give him whatever they will for the shoes. Naturally under these conditions the prices must be low, and we find the shoemaker doing nothing of the kind. Rather, when his stock of shoes begins to run up he either reduces the output or stages an aggressive selling campaign and disposes of them at a profit.

DISPOSAL OF EXCESS SURPLUS

This country does and gives promise of continuing for a number of years to come, to produce a surplus of farm products over home needs. Why should the producers of this product be compelled to turn this surplus to the exporter to carry to his chosen market at the prices he sees fit to offer? The farmer of this country should not be expected to expend his labor and drain the fertility from his soil to feed a foreign people and do this at a financial loss. We believe, with an energetic selling organization on the job working to dispose of the excess, it can be turned at a profit. At least we should have this organization to make the trial; then, if the surplus could not be turned at a profit it might be disposed of at a loss and the losses charged back to the producers. I have great faith in the selling power of an efficient and well-directed selling force and believe a well-worked-out plan of selling would solve and handle our surplus question. There is an ever-increasing demand for food products, especially grain and corn. There are three people in the United States where there was one 50 years ago; there are two in the West Indies where there was one when Spain had to give over their possession; there are more than two Filipinos where there was one when Dewey sailed into Manila Bay. The people of Siam and that portion of South Asia has doubled in 15 years. Europe absorbed our surplus in the past and it is only natural for us to look to her to take it now, but her people are impoverished so their ability to buy is restricted. Therefore we should develop markets in other lands and these fast-growing countries are our best bets and we should equip ourselves to get their trade, especially for farm products. An export corporation equipped and financed and supplied with the best business direction, we believe, is a necessary step in the way of better disposal of the surpluses.

BETTER FARM FINANCE

Any business must use money in its conduct, and the farming business perhaps requires much more than is generally believed. This is especially true of the farmer of the middle grain belt, whose operating job requires a large amount of cash or credit. He equips himself to operate on a large scale, and uses and relies on the dollar to do his work in a large measure. Since he must employ these vast amounts in the ordinary conduct of his business, we contend he should have access to the funds of the Federal reserve bank at rates equal to the rates given any other business and the terms should be arranged to fit his requirements. He should be enabled to secure at least 80 per cent of the value of his crop, while holding it in granaries on his farm, at just as low a rate as can the gambler in the product after it has reached a terminal and is placed in storage there. The dealer can do this; the farmer can not. If the banking rules governing the Federal reserve bank were modified and regulated so a receiving grain elevator could place for rediscount paper secured on grain held in store in the elevator, or on grain in store in granaries on the farm of their patrons, direct without passing through any other agency; then the farmer would have access to this reservoir of credit on equal terms with others and he thereby could carry his crop and market it in an orderly manner to avoid piling up in terminals. The farming business is the one real "big business" of our land, and there can be no good reason why it should not have access to these credits on equal terms with any of the so-called big businesses. To-day when the farmer applies to the reserve bank, or its subsidiaries, he is told to go home and have his local bank guarantee him or an intermediate do it and make his approach through them. These inequitable and cumbersome requirements practically exclude him so these wonderful resources are mobilized for others.

FUTURE TRADING

The stabilizing of farm products on a fair basis will practically stop trading in futures on the exchanges of the country. The claim that speculation is a market stabilizer and is necessary to stimulate trade has little or no grounds to back the claim. "Bulls" and "Bears" are always pictured in a terrific battle for supremacy, and if it be true, how can they stabilize the market? If the "Bulls" secured an advantage, the market should go abnormally high and the reverse also would be true. We do have market swings that seem caused by manipulation, but I have noticed they come at times when the majority of the farmers are not in a position to benefit by high spots and most all are in on the low ones. It has been estimated that there are more than a thousand bushels of the different kinds of grain bought and the same amount sold on the Chicago Board of Trade for each actual bushel that passes through that market. There is a margin-carrying charge of from 3 to 10 cents per bushel required on these future trades, so you can readily see there is a vast amount of money constantly being held in brokers' hands. Stopping this paper speculation will release this vast amount for use in real business. We believe it would be of vast good to all lines of legitimate business to release for its use much of the capital now employed in speculative lines other than in grains and farm products. A recent published survey of the loans of the New York branch of the reserve system showed 55 per cent of their extended credits placed on demand, which means for speculative purposes. It would seem to a common farmer that real legitimate business should have some preference over purely speculative lines when it comes to the matter of securing credit extensions. You will notice this plan is intended not to disturb the terminal grain man in any way who deals in real cash grain, or any other operator who conducts his business along lines laid out by the marketing board.

TARIFF

We believe the tariff on grain and many other farm products should be increased. That the tariff on linseed oil should be increased rather than decreased, so the producers of flax can have the benefit of their home market for this product. Realizing that practically all lines of manufacturing have this home market secure for them through the protection of the tariff, the farmer maintains it is only fair and equitable in order that his products may be consumed at home as much as is possible, to secure for him this market by a like protection. That wherever it is found products from outside can be shipped in and sold for less than is shown to be fair prices for home producers, then the tariff should be increased on this product. The farmer asks only for the same measure of benefit for his business that is extended to others.

RAILROAD RATES

Our Commerce Commission has been empowered with authority to inquire into and determine what are fair charges for transport. We believe that freight rates on farm commodities in effect at this time are high enough and that any increase of any kind is not justified. Not when the present general conditions are considered, and if they are to continue, the present freight rates must be lowered. We contend it is unjust and very unfair to compel the farmer to bear the cost of trying his rate problem before the railroad commission.

IN CLOSING

For the administration to say to us farmers "He must solve his own problems," is to my mind equally as heartless and cruel as it would be for people on the outside of a wrecked and caved-in mine to say to those trapped below "Let them dig themselves out." Here we ask that you reread the farmer's problems as stated in the outset of this plan and judge if the comparison be harsh.

Ignorance of our condition on the part of the administration, Congress, the industrial East, and a portion of the general public is the only reasonable excuse that can be offered for their seeming indifference to the appalling tragedy that has been and is now happening to the farmers of the corn and grain lands and to the ranchmen farther west.

The farmer has shown himself to be trustful, patient, and industrious during these discouraging conditions, for he has continued on his job, hoping things would turn better. He has proved that he loves his work, and he knows he is entitled to a more equitable and just remuneration. He now demands that his place in the business economics have just recognition. That he may continue without having his business ruthlessly and totally destroyed, he respectfully asks the Congress and administration to enact into law rules for the conduct of this business along lines submitted.

Very respectfully,

HENRY B. SMITH.

MUSCLE SHOALS

The VICE PRESIDENT. Morning business is closed.

Mr. HEFLIN. I ask that the Muscle Shoals resolution be laid before the Senate and proceeded with.

There being no objection, the Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The VICE PRESIDENT. The clerk will state the pending amendment.

The CHIEF CLERK. The pending amendment is on page 1, line 10, the amendment of the junior Senator from Arkansas [Mr. CARAWAY], where, after the word "lease," he proposes to insert the words "or leases," so as to read:

> The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, etc.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. HEFLIN. Mr. President, I do not think it is necessary to adopt the amendment. The Muscle Shoals matter has been before the Senate frequently and we know that every measure which has come here on the subject has been killed by amendments. I think under the language already used in the resolution all bids touching every phase of the subject can be had. The debate has disclosed just what Senators would like to have in it. The various parties who will bid no doubt will be influenced by what has been said here. I think we had better let the language stand as it is. The time is very short. I was very much in hopes we could pass the resolution without having to send it back to the House.

We have only until the 1st of April in which to pass the resolution, appoint the committee, get the bids, and report on them. I hope that my friend from Arkansas will not insist on the amendment.

Mr. CARAWAY. Mr. President, I have always been willing to aid in some kind of a solution of the Muscle Shoals question. I am frank to say now that I do not know whether I am bragging or confessing when I make the statement that I supported the Henry Ford offer. I supported the Underwood bill, and I should like to see something done with the matter, but I am frank to say that I am unable to see what objection there can be to the amendments which were suggested yesterday afternoon.

Mr. McKELLAR. Mr. President, will the Senator yield to me just at that point?

Mr. CARAWAY. I yield.

Mr. McKELLAR. I wish to cite a very high authority to the Senator in support of the contention that there should be no amendment to the resolution at all. I quote from the testimony of Mr. Davis, who is one of the leading officers of the Union Carbide Co., an enormous monopoly which, this officer states, is going to bid on this property. I quote from his testimony, which will be found on page 61 of the hearings, as follows:

> The CHAIRMAN. Do you think it ought to be amended in any way?
> Mr. DAVIS. I see no reason for amendment.

Here is a man, the representative of the Union Carbide Co., who has already announced that his company is going to bid on the property. He represents one of the largest monopolies in the United States, and it expects to use all the power down there. Here is the representative of an intending bidder who comes forward and boldly proclaims that he is opposed to any amendment to the resolution. I think that is one of the very best reasons why the amendment should not be granted. Of course, I am speaking in a facetious sense.

Mr. HEFLIN. Will my friend from Arkansas yield in that connection?

Mr. CARAWAY. I yield.

Mr. HEFLIN. I gather from the suggestion which the Senator from Tennessee [Mr. McKELLAR] has made that he wants to make the resolution so obnoxious that nobody will bid. I think the Union Carbide Co. has a right to bid, if it wishes to bid. If it is such a trust and monopoly as the Senator from Tennessee suggests, it is his duty, if he knows what he asserts here, to ask the Attorney General to prosecute it as a trust.

Mr. McKELLAR. I am going to submit some matters in connection with this when I get the floor that I think will satisfy even the Senator from Alabama that the Union Carbide Co. is a monopoly.

Mr. CARAWAY. Mr. President, we put in a week talking about a monopoly here and then gave it a vote of entire confidence. Do not let us get off on that question. I am not trying to assail the motives of anybody who is supporting the resolution without amendment, and I should like to say to the Senator from Alabama [Mr. HEFLIN], with whom I am on the best of terms and for whom I have the very greatest regard, that I should like to help him get through a resolution under which there would be some possibility of finally settling this question. But I wish to say to the Senate that the amendments which have been submitted are, in the first place, simply to make the resolution read "lease or leases."

If it is possible—and I have information that makes me hope it is—that two or three people may be able to handle this great industry advantageously to the Government and to the American people, I can see no reason why anyone should object to giving to the committee, which is to be appointed from the House of Representatives and the Senate, the very broadest latitude in trying to get a satisfactory lease or leases for this plant, if it is desired to lease it at all. The committee will not have to report back here two leases, but such an amendment would simply give them the power to get the very best offer they might be able to secure and report that to the Senate. If it is impossible for them to do it as the language now is—and some persons think that it is impossible—I can not see why the Senator from Alabama should object to giving the committee the power to get the very best offer that it may get. I do not know who the members of the committee are to be, but I have the utmost confidence in their integrity and intelligence. They are not going out and do a foolish thing unless we tie their hands so that they can not do a wise thing. All we seek to do is, instead of providing that they shall be authorized to procure a lease, we may authorize them to procure leases, whatever seems to be the wise thing to do.

Then, with reference to the surplus power, if there be any, one of the amendments seeks to provide that it shall be distributed among the communities and the States equitably. By

that is meant those communities and those States where it could be profitably distributed. If there is no intention of confining it exclusively to one company or to one community, there should be no objection to that language. It would not hamper the committee in getting the very best offer possible; it would simply give the committee a broader latitude. It would enable them to act in what we feel ought to be the spirit with which they should approach the question of leasing Muscle Shoals, if it is to be leased; that is, to get the very best contract possible for the American people and to distribute the surplus power, if there be any, among those communities that would be entitled to receive it, not directing that the committee shall conclude a contract whereby all the surplus power, if any, shall be used in one community, but that it shall take into consideration the needs and the opportunity successfully to use the surplus power that these various communities or States might present; that is all. The amendment is not intended in any way to hamper the effort to get a satisfactory bidder for Muscle Shoals.

I say to the Senator from Alabama frankly that I want to cooperate with him in this endeavor to get a satisfactory lease for Muscle Shoals; I want it to be a successful effort, because I have been one who has been opposed to the Government entering into private business. I do not want to send out a committee so hampered by a resolution that it is forbidden to report back the very best offer it could have secured. No one can seriously contend that a committee is hampered by an instruction that permits it to secure a lease or leases, whichever may be most satisfactory; and no one can contend that it is hampered by a provision in its instructions which authorizes it to negotiate and submit to the Senate a contract that will enable it to have distributed the surplus power, if any, among those communities and States which could use it to the best advantage. That is all the two amendments seek to do.

Mr. SMITH. What is there so sacred about the resolution?

Mr. CARAWAY. I think I thoroughly comprehend the attitude of the Senator from Alabama and I am not criticizing him. He has been told and believes—and I do not question his good faith—that the incorporation of amendments might make it impossible to get the resolution adopted as quickly as he thinks it is necessary to adopt it. But the Senator from Alabama knows, if he considers the vote in the House—and he quoted it yesterday and therefore I know he is conscious of it—that if the House wants the resolution adopted it can agree to these two amendments in two minutes, because, I repeat, there is not anybody who is a friend of this resolution who can say that there is any harm done to the resolution by giving the agents of the Senate and of the House a broader latitude. We all want them to bring back here the very best contract, if they bring back any, that may be made. We want them to bring back a contract here that we can defend upon the floor of the Senate and that we can defend at home, if challenged by those who believe honestly that the Government and not private capital should be permitted to operate this great enterprise. I do not want to feel that we have so hampered the committee that when it goes out to undertake this work it will come back with an unsatisfactory contract when it could have presented a satisfactory one, if we had made the language broad enough. It can not cost the American people a penny to accept these two amendments; it can not embarrass a single Member of the Senate if these two amendments shall be included; it can not delay the adoption of the resolution more than a few hours, if there is any serious desire to adopt it. I know, with all due deference to the Senator from Alabama, that if we give our agents the widest latitude in reporting back the best contract that can be made, a contract that can be ratified by the Congress, it will be done much easier without any limitations upon their right to make the lease. If they are able to make a combination lease that will net the American people better returns upon their investment, it will be all the easier to get it accepted by the Congress. That is all there is to the amendments.

Mr. FLETCHER. Mr. President, I appreciate the spirit and motive of the Senator from Arkansas [Mr. CARAWAY], and I am not disposed to make any issue with him with regard to his proposed amendments, but it seems to me that, instead of broadening the latitude of the joint committee, the amendments would rather restrict and limit it, especially in respect to the disposition of the power. It seems to me the Senator from Alabama is entirely justified in his position that this resolution ought to be adopted, if it can be adopted, precisely as it is and end this matter now. Let us take this step forward in solving the problem of the proper disposition of the Muscle Shoals property. This is——

Mr. McKELLAR. Mr. President——

Mr. FLETCHER. I can not yield now. Later I shall be glad to do so. This is a preliminary step. We could spend all the time from now to April the 1st talking about it and get nowhere. If we amend the resolution in any respect, it will have to go back to the House; then it will be a question for the House to decide whether they will concur or whether they will disagree and ask for a conference, and inevitably there will be delay; it can not be escaped. Even if they concur finally in the amendments made in the Senate there will be delay, and unnecessary delay, it seems to me. The whole question as to what shall finally be the outcome of this effort to make some progress in the solution of this problem will arise when the joint committee shall submit its report and make its recommendations to the Senate. We can then determine whether or not to agree to its recommendations and pass such bill as it may propose or reject the recommendation or amend the bill as we may then see fit.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. FLETCHER. I yield to the Senator from Arkansas.

Mr. CARAWAY. I should like to ask the Senator from Florida, is it not wiser to let the committee have the power to make a contract than to have them restricted in their power and come back here with a report that will then be subject to criticism and with no way to correct it? Will it not be a great deal more difficult to have ratified any report they may submit if they are so limited in their power that they will, perhaps, have to bring back an unsatisfactory agreement?

Mr. FLETCHER. Of course; but I think the Senator would encounter by his amendments the very difficulty he apprehends concerning the resolution as it is now drawn. He contends that the committee have not been given sufficient power. The resolution as it is gives them broad power—just as broad as can possibly be needed—and the amendments would simply restrict them in the exercise of power. They have not any business, any function, or any duty to conclude anything at all; they can only negotiate. The joint commission will simply negotiate for the best lease which it is possible for them to obtain, with the limitation only that the terms of the lease shall not be less favorable to the Government than as provided in the bill reported at the last session of Congress.

I think we ought to adopt this resolution precisely as it is, because, in my judgment, it gives the committee the whole broad field to explore and to consider. If they want a combination of leases or a division they can report a lease or leases without the resolution actually so providing. The resolution, as it is drawn and submitted and as it passed the House, it seems to me, gives the committee a wider and more comprehensive field than it would have if we should restrict it by putting on these amendments.

We must remember that the commission must report by the 1st of April. Here we are on the 3d of March. They will only have a few days in which to solicit and get the bids together and consider them. It may be that there are people who have been examining the subject and who are prepared to submit bids; I hope there are; but certainly the time is short; we should act now on this matter and let the joint committee go out and see what they can do in order to be able to report recommendations to Congress by the 1st of April, in accordance with the resolution.

I will say frankly that I am not so much concerned about this question of power. Everybody seems to be disturbed by the thought that somebody is going to get a monopoly of the power that is to be generated here, or that it may be used for some local purpose and will not be distributed beyond the immediate surroundings of Muscle Shoals. I am not at all worried about the power. In the first place, there are States adjacent to Alabama that can make power cheaper than Muscle Shoals can furnish it. Take the State of Louisiana: with all its gas it does not need any power from Muscle Shoals. It can make the power. Take any State with plenty of oil accessible or readily delivered on its seacoast. With Diesel engines it can make power cheaper than Muscle Shoals can make and distribute power to it. There are power possibilities and potentialities closer to these States than Muscle Shoals, so that they can solve the power problem without much difficulty, in my judgment. The Tennessee River and Little Tennessee have electric-power potentialities developed and undeveloped in millions of horsepower. The Coosa, the Chattahoochee, and other rivers in Alabama and Georgia have immense undeveloped power possibilities. There are power developments in Florida, and further surveys will show a great increase possible. What we want here is mainly to provide for the making of fertilizer for the farmers of this country. In my judgment, that is the vital and essential thing to be accomplished by the use of this plant—the making of fertilizer.

Mr. SMITH. Mr. President, will the Senator allow me to interrupt him?

Mr. FLETCHER. Just let me go on for a minute. I will yield to the Senator directly.

I was much impressed with the splendid articles and arguments on this subject by the late Senator Ladd, of North Dakota. Senator Ladd was one of the ablest Members we have had in this body, one of the most conscientious and upright, capable, and thoroughgoing men. He went to the bottom of every subject with which he had to deal, and he had technical knowledge and training on this subject of chemistry and the production of plant food. He had had experience in that field. Senator Ladd devoted a great deal of time and study to the questions involved in the problem of the wise and proper development, use, and disposition of Muscle Shoals, and I preserved some of his articles as published in the Saturday Evening Post on the subject. In the one of November 22, 1924, he furnishes a table, for instance, and shows in that table that the annual expenditures for light and power furnished by public utilities in various States—Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, and Arkansas—amounted in 1922 to $109,868,005, and the expenditures for fertilizer in those States amounted to $207,024,560. The expenditure for power does not anywhere approach the expenditure for fertilizer in these States that could be benefited by the development of Muscle Shoals. So that the important problem is, if possible, to supply this essential plant food that is needed in increasing quantities throughout almost the whole country, I take it, but especially throughout the South.

I think this work ought to go on there with the main view of taking care of national defense through the manufacture of nitrates needed for that purpose, and in order to do that it must keep all the while producing what becomes plant food. While developing and strengthening our means of national defense, it can be making the fertilizer that is so much needed, and that is now costing an enormous amount of money—something like $40 a ton for ordinary commercial fertilizer, and in that ton we are getting some 1,700 pounds of dirt, or filler, as it is called.

Mr. COPELAND. Mr. President——

Mr. FLETCHER. We ought to make fertilizer at this plant, in my judgment, and I think we ought to go ahead and see what we can do in the way of getting the best proposition that can be obtained between now and the 1st of April; and when that proposition comes in we will be prepared to discuss the question of whether or not we ought to make that sort of a contract as recommended.

Anybody can make proposals to this committee. They are not limited to any particular concern or power company or any other kind of a company, and they can consider all sorts of propositions under this concurrent resolution. I think the concurrent resolution ought to pass, and ought to pass promptly, just as it is.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. FLETCHER. Let me say further that I have no real objection to the amendments of the Senator from Arkansas.

Mr. CARAWAY. Then, if the Senator has not any objection to them, we can adopt them quicker than we can debate them.

Mr. FLETCHER. No; but I am afraid they may not be adopted promptly in the House. I am afraid that adopting the amendments means delay; and that is the danger of this whole situation—further delay. For that reason, since I believe that the concurrent resolution amply takes care of the situation as it is, and is broad and general enough to cover all conditions, I think we ought to pass the concurrent resolution without any amendment whatever. I shall vote against every amendment on that idea, because this joint committee must report by the 1st of April under the terms of the concurrent resolution. There is no use in acting at all if we are going to load it down with amendments. If we do that, we are just wasting our time.

Mr. SMITH. Suppose it does not pass at all—how are we hurt?

Mr. FLETCHER. Then kill it if you do not want to pass it; defeat it and let it go, because you are doing the same thing by putting amendments on it. Let us be frank and open about it. Vote against the concurrent resolution if you want to, but do not load it down with a lot of amendments, even though they appear to be harmless and some argument can be made for them. That is simply loading down the concurrent resolution and defeating it in the final outcome. Let us vote on it as it is.

Mr. COPELAND. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. COPELAND. I should like to ask the Senator whether he believes that if this concurrent resolution passes and a contract is made under its terms, there will be any fertilizer made at Muscle Shoals?

Mr. FLETCHER. Under the original proposal which the joint committee must observe the bidder will have to make 40,000 tons a year. They have to agree to make that as a minimum. Every bidder must offer to make not less than 40,000 tons of nitrogen to be made into fertilizer each year. This fertilizer will have to be produced and sold at a reasonable price, because it must carry a limitation of profit to the producer of 8 per cent per annum.

Mr. COPELAND. Does the Senator believe that they will do that?

Mr. FLETCHER. Why, of course, I believe it. If the Government makes that contract and makes it with responsible people, they will have to do it, or they will forfeit their contract, and I do not imagine that they are going to do that.

Mr. GEORGE. Mr. President——

Mr. FLETCHER. I yield to the Senator from Georgia.

Mr. GEORGE. May I ask the Senator if under House bill 518 there was not an express provision that after six years' experimentation they might abandon the making of fertilizer altogether?

Mr. FLETCHER. If we can get better terms than that, I want to get them.

Mr. GEORGE. I know, but that is exactly the point. Here is a concurrent resolution which says that we will get a bid as good as or better than the Ford offer.

Mr. FLETCHER. Yes.

Mr. GEORGE. It is just like offering a horse for $100, with instructions to take $50 if you can not get the $100. You can get nothing better than House bill 518.

Mr. FLETCHER. Let us not cross that bridge until we get to it. When this joint committee reports its recommendations and its bill, then we will deal with the question that is raised then, but let us at least make this one step forward.

Mr. President, I have mentioned a table appearing in Senator Ladd's article, and I ask leave to insert that portion of the article as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The comparative economic benefits of the Muscle Shoals power, when utilized in fertilizer manufacture, as against public utilities service through a superpower system, are evident when it is recognized that the farmers' expenditures for fertilizers in the 11 Southern States from Virginia to Arkansas, as shown in the following table and upon the map, were $207,000,000 in 1920, while the expenditures for electric lighting and power purchased from all public utilities as recently as 1922 in the same States amounted to only $109,000,000.

A saving of 50 per cent of the farmers' fertilizer bill in these 11 States would be a greater economic benefit to the people of that region than would result if every purchaser of public-utility light and power in those States were supplied at 10 cents on the dollar. Such a reduction would be absurd and manifestly impossible, while it is generally conceded that the cost of fertilizers can be reduced one-half at Muscle Shoals.

Annual expenditures for light and power furnished by public utilities compared with annual expenditures for fertilizers in the Southern States

[From reports of United States Census Bureau]

State	Expenditures for light and power purchased from all public utilities, 1922	Expenditures for fertilizer, 1920
Virginia	$13,940,025	$17,277,705
North Carolina	15,876,891	48,796,694
South Carolina	8,982,735	52,546,795
Georgia	14,674,362	46,196,434
Florida	7,143,546	10,316,929
Alabama	10,259,680	14,066,108
Tennessee	12,042,389	3,525,133
Kentucky	10,074,903	3,597,450
Mississippi	3,559,674	4,286,165
Louisiana	7,578,467	3,840,469
Arkansas	5,734,324	2,572,678
Total	109,868,005	207,024,560

Mr. BRUCE. Mr. President, I simply desire to add my voice to the voice of the Senator from Florida [Mr. FLETCHER] in relation to this matter.

There is not a Member of this body, I venture to say, who has made more sacrifices of conviction in relation to Muscle

Shoals than I have. To the proposition that the Government should take over Muscle Shoals and operate a great plant there I was strenuously opposed, because if there is anything that I deeply distrust it is the results of Government operation of anything in the nature of a private enterprise; and especially was that proposition obnoxious to me in view of the fact that in the City of Baltimore there is some $175,000,000 invested in the manufacture of commercial fertilizers. It never has seemed to me to be the proper thing—I might say the decent thing—for the Government of the United States to enter into business competition with its own citizens. I do not think it is possible that my views about that matter should ever undergo any change; and yet for the sake of promoting this great project, of the highest degree of moment to the whole country and of especial moment to the Southern States, I sacrificed all my prejudices, all my prepossessions of every kind, with regard to it, and from first to last was one of the adherents of the views entertained by the Senator from Alabama [Mr. UNDERWOOD] with regard to the proper development of Muscle Shoals. Now, I ask the Members of the Senate to approach this concurrent resolution in the same spirit. Nothing ever will be done at Muscle Shoals—the flow of debate about it has been as constant as the flow of the Tennessee River itself since I have been here—unless some kind of spirit of mutual concession and forbearance is developed.

I have no disposition to criticize the amendments that are proposed to this concurrent resolution. Under different conditions, possibly, I might be brought to give my support to them; but it seems to me that this is not the time for any such amendments. The time is short. Action must be taken quickly or not be taken at all. There is every reason to believe that the joint committee will be composed of men well fitted for their tasks—three of them are to be appointed by the President of this body and three by the Speaker of the House—and it is fair to assume that they will take all the elements of the situation into due account, and that their report will cover every exigency of the case.

It seems to me, therefore, that we ought to adopt this resolution without any amendments of any sort; and I just wish to ask obiter what has become of the "solid South" that we hear so much about in one way or the other? However solid it may be, it seems to have passed into a state of hopeless disintegration in relation to this measure. The States adjacent to Muscle Shoals have such an opportunity now as few States have ever had to promote their industrial welfare, as well as the industrial welfare of the whole country, by throwing no artificial or needless impediments of any kind in the way of the promotion of this great project. If, however, one Senator is to indulge the idea that some sort of vague, mythical monopoly is likely to obtain complete control of this great power, and then another one is to be influenced by some impulse arising out of possible competition between this power and the water powers of his own State, we never will arrive at any conclusion.

Of course, so far as the State of Maryland is concerned, it has no interest in this matter.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BRUCE. I yield to the Senator from Arkansas.

Mr. CARAWAY. I hope the Senator does not think that I offered the amendment because I think there is any question of getting power from my State.

Mr. BRUCE. No; not at all; and, as I have said, I have really no disposition to criticize the amendment of the Senator from Arkansas; but still I do not think it is of such a vital description that he might not, under the special circumstances, waive it.

Mr. CARAWAY. Let me ask the Senator a question. We all want—I know the Senator does, and I know other Senators do—a contract that we can with propriety accept.

Mr. BRUCE. I believe that absolutely.

Mr. CARAWAY. I am opposed to the Government entering private business, but we want brought back to us the best contract that can be made, of course, and we want it in such shape that nobody could think it was not the best one that could be made. The amendments seek merely to give to the committee the power to do the wisest thing they can do. It would be much easier to pass the legislation necessary, I think, if the matter were freed of any possible belief on the part of anybody that the contract was not the very best one that could be made. That is the whole purpose of the amendments.

Mr. BRUCE. So far as this amendment, adding the word "leases" to the resolution, is concerned, it seems to me that the authority to the committee to report a lease would be broad enough to cover leases. There is nothing in the resolution to indicate that the committee would be literally restricted to reporting a single lease. So much for this amendment.

So far as the other amendment is concerned, looking to an equitable distribution of any power generated at Muscle Shoals, it is certainly fair to assume that the committee would pay due regard to that matter. It is inconceivable to me that any committee appointed by the two Houses of Congress would give their approval to a lease that would work any kind of invidious or injurious discrimination against one of the States of the Union—Tennessee or any other State that might profit by this power. There would be no motive for it. The members of the committee, I imagine, would probably be appointed from States that have no peculiarly selfish interest in the development of Muscle Shoals at all. They could have no conceivable motive to benefit one State that might utilize power generated at Muscle Shoals, at the expense of another.

Mr. ROBINSON of Arkansas. May I say to the Senator from Maryland that if the resolution passes, in all probability there will be at least one member of the committee from the State of Alabama, and there may be two.

Mr. BRUCE. There may be two?

Mr. ROBINSON of Arkansas. In all probability there will be.

Mr. BRUCE. Not necessarily. If we can not trust the President of this body——

Mr. ROBINSON of Arkansas. The Senator is making his argument on the theory that the committee will be constituted of Members of Congress who are not residents of the State in which the project is situated.

Mr. BRUCE. Yes.

Mr. ROBINSON of Arkansas. My suggestion to the Senator is that in all probability that will not be the case.

Mr. HEFLIN. Mr. President——

Mr. ROBINSON of Arkansas. I can not understand the basis of the objection to this amendment. I am a friend of the pending resolution, and expect to vote for it, and I do not wish blindly to take any action that will prevent the resolution from becoming operative. I can not for the life of me understand why a simple resolution of this character should occasion any unreasonable delay.

Mr. BRUCE. I am sorry. I have been at considerable pains to give the Senator from Arkansas some reasons which seem to me to be valid reasons.

Mr. ROBINSON of Arkansas. I beg the Senator's pardon; I did not hear them.

Mr. BRUCE. Then the Senator belongs to the kind of men the Bible speaks of, who, having ears to hear, do not hear.

Mr. ROBINSON of Arkansas. That is entirely probable. I know that any statement the Senator from Maryland makes in explanation of a subject will be illuminating.

Mr. BRUCE. I am not so certain of that as is the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I am entirely sure of it, and I am really not trying to be humorous about it. But why should the Senate abdicate its right to legislate upon this subject, and accept a resolution in the exact form in which it is presented by the body at the other end of the Capitol? If Senators believe the resolution ought to be amended so as to make the object of the resolution finally effective, why should the Senate refrain from amending it? I am looking forward to the consummation of some arrangement for the operation of Muscle Shoals. If the Senate really believes that there should be an equitable distribution of the surplus power, it would be helpful to the committee to know the attitude of the Senate, because when the committee reports, if it reports contrary to that, the friends of this resolution will have the opposition to it augmented by those who believe that an equitable arrangement ought to be made for the distribution of the surplus power.

If nothing is done except to authorize this committee to make an inquiry and receive bids, bids may be reported back in such form as to prove objectionable, not only to those who oppose the resolution but to many of those who favor it, and I submit to Senators that the wiser policy would be to permit the Senate to give an expression of its views respecting the subject, and to amend the resolution in such a way as to reflect the view of the Senate. I do not know what that view is, but I myself think that the amendment proposed by my colleague, the junior Senator from Arkansas, is a reasonable one, particularly in view of the opposition that is asserted to it.

Mr. HEFLIN. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Certainly.

Mr. HEFLIN. The reason for not wanting to have the resolution amended, if the Senator from Arkansas wants to know the reason, is that the president of the Farmers' Organization of America, the Farm Bureau Federation, wired

me that they want the resolution as it stands, that it is satisfactory to them. They think they can get fertilizer produced. His director in the city of Washington urged, before we reported the resolution out of the committee, that we report it just as it passed the House, because they say if we amended it it would go back and forth, and that we would not get it through in time.

Mr. ROBINSON of Arkansas. When a motion is made to concur in the Senate amendment, the motion will be a preferential motion. That could be made at any time, under the rules of the House, when a Member could get the floor, when some other question was not pending, and a vote of the House could be taken on the subject.

The Senator says that some head of a farm organization has told him that it is absolutely necessary to pass this resolution without change. My question applies with equal force to the gentleman who made that representation to the Senator from Alabama. What is the reason why Senators are urging the passage of a resolution which comes from the other body without crossing a "t" or dotting an "i"? The Senate is a coordinate branch of the legislative department of the Government. It is not only our privilege, but it is our duty, to enact legislation which we think will effectuate the purpose we have in mind. I am still at a loss to understand why the resolution should be accepted in the exact form in which it comes from the House of Representatives, if the Senate feels that its purpose would be better executed by incorporating the amendment proposed by my colleague.

Mr. HEFLIN. Mr. President, just one word, if the Senator from Maryland will yield further. The Senator from Florida is entirely right in his position, and the Senator from Maryland is also. I appreciate their attitude more than I can tell them. The other side of the Chamber is ready to support this resolution as it stands, as I understand, and I hope this side will not allow itself to be charged with having tried to defeat it by putting on useless amendments.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. HEFLIN. The Senator from Maryland is absolutely right. It is not necessary to add the word "leases." The committee can take leases under the word "lease," if they want to, and when they report back, the Senate may accept the bids if it wants to. I know there is a great effort to beat this resolution. The Senator from South Carolina——

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. HEFLIN. In a moment. The Senator from South Carolina a moment ago said to the Senator from Florida that it ought to be beaten. The Senator from Florida said, "Then amend it and defeat it." The Senator from South Carolina said, "It ought to be beaten." I do not want to see it beaten. I want the farmers of the country to have an opportunity to have fertilizer made at a cheap price. It will save to the State of Arkansas about $10,000,000 a year, if we can make fertilizer at Muscle Shoals, as we say we can under the provisions of this resolution. Any bid would have to be as good as the Ford offer or better. It will save South Carolina twelve and one-half million dollars, my State ten millions, and North Carolina eighteen and one-half millions. Senators are quibbling about this resolution when there is little time left. We have to agree in the two bodies.

A resolution was worked out which it was hoped could be stood by and gotten through. It was sent over to us, and the farmers of the country are asking that it be passed. I say to the Senator from Arkansas that the power companies of New York invited the farm heads up there, and they proposed the very amendment suggested by the Senator from Arkansas, "lease or leases," and they declined to accept it. The farmers are against this amendment. The power companies are for it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRUCE. I would like to call attention to the fact that the Senator from Alabama is in no position to yield.

Mr. ROBINSON of Arkansas. Will the Senator from Maryland yield just for a moment?

Mr. BRUCE. I yield.

Mr. ROBINSON of Arkansas. I do not conceive that the farmers of the United States are against the amendment of my colleague, the junior Senator from Arkansas. I doubt whether they have ever heard of it. What I am interested in is not whether somebody is against a legislative proposal, but the reason for the objection. The Senator from Alabama may imply, if he chooses to do so, that every Senator who seeks to improve or perfect legislation is in some mysterious or secret manner trying to throttle or defeat the legislation, but I have repeatedly called on him to state a reason that sounds in common sense, a reason that will appeal to any mind in this Chamber, why the Senate should abdicate its legislative power and refuse to adopt an amendment which it believes ought to be placed upon the resolution. His only answer is that "Everybody behind me tells me that I must not see an 'i' dotted or a 't' crossed. We want to pass it just as it came from the House of Representatives." Again I ask, why?

Mr. BRUCE. Mr. President, I am not asking——

Mr. HARRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. HARRIS. Mr. President, I would like to explain to the Senator from Maryland [Mr. BRUCE] the reasons why I shall vote for the amendment submitted by the Senator from Arkansas [Mr. CARAWAY]. My State is near the location of Muscle Shoals, and I have supported measures looking to the development of Muscle Shoals in every way possible.

A power trust now practically controls the water power in both the States of Alabama and Georgia, the two companies recently combined. It was formerly the Alabama Power Co. in Alabama and the Georgia Railway & Power Co. in the State of Georgia.

If we leave the resolution as it is, so that only the word "lease" appears, it can be leased to only one person or company, and I fear this power trust may get control of it. They could make a city a preferential rate or, in the distribution of power, they could greatly injure a State or city by discriminating against it.

After using all power necessary for fertilizers, I favor the distribution of this surplus power equitably to all adjoining States, and will vote for the second amendment of the Senator from Arkansas which provides an equitable distribution of the power. Unless the resolution is amended so that there can be "leases," instead of one lease, Muscle Shoals might go to the Water Power Trust, they could use the power generated there to perpetuate the monopoly they already have, and there would be no competition in manufacturing fertilizers or furnishing power in our section of the country.

Mr. BRUCE. Mr. President, of course I am not one of those Senators who have any fear of big business. It is only bad business that causes me any apprehension. I take it for granted that the committee would do its duty, and that it would tender the proper sort of lease to anybody who might be interested in taking a lease of the property.

Mr. REED of Missouri. Mr. President, will the Senator yield to me for one question?

Mr. BRUCE. I yield.

Mr. REED of Missouri. Does the Senator think that with a proposition of this magnitude it is possible to properly handle it and properly open it to competition within the period of time fixed?

Mr. BRUCE. I might doubt that but for one fact. The matter has been agitated so much and so long, and so many interests have been concerned in one way or another in securing any business opportunity that this project might afford, that I believe that a month would answer as well as six months for the purpose of obtaining a full measure of competition.

Mr. HEFLIN. Mr. President, right in that connection, if the Senator will permit me, this matter has been before the committee for quite a while and two companies have already given notice that they are going to bid.

Mr. BRUCE. I thank the Senator for that information.

Mr. REED of Missouri. What two companies?

Mr. HEFLIN. The Union Carbide Co. and a company represented by Mr. Hooker. It is in a New York fertilizer concern.

Mr. REED of Missouri. Will the Senator pardon me for intrenching on his time?

Mr. BRUCE. Certainly.

Mr. REED of Missouri. Has the Senator from Alabama examined the question of the financial responsibility of those companies, whether or not they are in any way allied, whether or not this is a real competitive bid, and whether there are not other companies which would be willing to bid?

Mr. HEFLIN. The committee would look into that matter and report all its findings back to the Senate, and the Senate has to accept or reject the bid.

Mr. REED of Missouri. In 30 days.

Mr. BRUCE. I will say to the Senator from Georgia [Mr. HARRIS] that what I fear is not that the property may pass into the hands of some very powerful company, because no matter how powerful it is I think its powers could be restrained by proper stipulations and provisions in the lease, but that it may pass into the hands of some company that is not fully competent to perform the task of utilizing the power as it should be utilized.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. FESS. I think there is very much merit in what the Senator from Missouri has suggested as to time. It would appear to me that that would argue expedition at once on the proposition. Any amendment that is now offered and accepted, although it may seem to be a perfecting amendment, will open the way for further amendments. If we accept one, then the objection that the resolution should go back to the House unamended is removed, because it has to go back to the House for the one amendment, and if we put in any controversial amendments which we may think vital, the two Houses will not get together and it will have to go to conference, and then when it comes back to the Senate we open up the entire subject again; there is no limit to the debate. It seems to me that the friends of the resolution ought to avoid any amendment.

Mr. BRUCE. That is the way it strikes me. Of course, I am not contending for a moment that the Senate should abdicate its right to pass upon the matter, to exercise its best discretion with respect to it, nor am I suggesting that any Senator should abandon the exercise of his own individual judgment in relation to it. It is pretty notorious that of all the Members of this body perhaps the Senator from Maryland is the one who is perhaps most inclined to exercise his individual judgment under all circumstances about matters pending in the Senate, unless I except the recent addition to this body, the junior Senator from South Carolina [Mr. BLEASE].

No; I am not asking that. If any Member of the Senate believes that the proposed amendments are absolutely vital and indispensable to the public security, I have not another word to say to him with reference to the importance of the resolution being adopted as soon as possible; but, as I have endeavored to point out, there is nothing vital about the amendments. I think that any lawyer would say after considering the entire contents of the resolution, that giving the committee authority to report "a lease" is authority to it to report "leases." In other words, there is nothing in the context to indicate that any specific stress is intended to be imposed by the resolution upon the idea of a single lease. Then when we come to the other amendment, that the power shall be equitably distributed among the communities and States to which it may be profitably transported, even if I had had any doubt that the committee would properly take care of that matter, I certainly would have none now when the amendment has been under consideration in the Senate and its supposed importance has been fully pointed out.

Whatever may have been the case otherwise, it is inconceivable now that when the committee is appointed it will not take into due account the scruples that have been expressed in this body with reference to the amendment, and see that a lease is reported that is in no respect whatever of a character to give any undue advantage to one community in the region about Muscle Shoals as against another.

As I have said, Senators, the people I represent have no special interest in Muscle Shoals, no more than the people represented by the Senator from Arkansas [Mr. CARAWAY], and very little, if any, more than the people represented by the junior Senator from Wisconsin [Mr. LA FOLLETTE] at whom I am looking at this moment. We are interested in this enterprise because we believe that its successful operation will inure to the benefit of all the people of the United States and especially the people in this southern region that is in more immediate proximity to Muscle Shoals. I should like to see another such project as this opened up on the Columbia River in the west and another opened up in upper New York. I should like to see the advantages that are to flow from powers of this sort distributed as widely as possible throughout the United States.

I am interested in the matter not because it is a mere State matter, a mere regional matter, a mere sectional matter. I am interested in it because it is a matter of truly national significance, though of special significance, as I said, to the States in closer proximity to Muscle Shoals than my State happens to be. Therefore I am not disposed to jeopard in any way the chances of the Muscle Shoals project getting the proper degree of momentum at this session of Congress. I regret to say that it does seem to me as if this splendid enterprise might be slaughtered in the very house of those that should be its particular friends. It is a most extraordinary thing, manifest from the very beginning of the discussion over Muscle Shoals, that the liberality of outlook that has been exhibited about Muscle Shoals has been exhibited by representatives in this body from States that have no special interest in Muscle Shoals at all.

So far as the States which are nearer to Muscle Shoals than my State are concerned, the whole subject seems to have become entangled in a network of distrust, of suspicion, of competitive selfishness. I do not care two straws whether the competition set up by Muscle Shoals is not the best thing in the world for power generated in South Carolina or in North Carolina, and I certainly am not going to be deterred from the discharge of what I believe to be my duty as a Member of this body by some raw head-and-bloody bones in the shape of a monstrous trust conceived by the perfervid imagination of some more or less extravagant enemy of the entire project. So I call upon the Members of this body who are not immediately connected by any tie of suspicion, any tie of distrust, any tie of competition, any selfish tie whatsoever, with this grand enterprise, to come to the aid of the resolution and see that its passage is not imperiled by amendments of any description that are not deemed by the majority of this body to be of an absolutely vital nature.

Mr. LA FOLLETTE. Mr. President, the plain, common-sense thing for the Government to do with Muscle Shoals is to operate it.

The statute of 1916 which provided for construction by the Government, provided also for Government operation of the plant. There has been no change in these intervening years which makes Government operation a less desirable policy than it was then. As a matter of fact, a survey of the experiments which have been going on during this period make the desirability of public ownership and public operation of hydroelectric power even more evident than it was in 1916.

It is true that developments in the art of nitrogen fixation may have affected the wisdom of the original installation of the cyanamide process as far as fertilizer production is concerned. But that has no bearing on public operation, for private ownership and private operation are equally subject to improvements and developments in the scientific fields. Time and experience have proven that public operation of hydroelectric power is to the public advantage. Even if this plant were to be utilized solely for the production of fertilizer it would be in the public interest to have public operation of Muscle Shoals.

"Public initiative" has already accomplished, or is working on, the most difficult parts of the Muscle Shoals project—the imaginative conception, the intricate technical task of construction, the research in electrochemical processes is definitely outlined. The operation of the plant is simple. Therefore, about the only field now left for "private initiative" is the marketing and manipulation of stocks and bonds, the juggling of corporate accounts, and the cashing in on the profits of operation or of stock market rigging.

The plant is in readiness; the original statute said "operate"; common sense says "operate."

We have now had five years of delay because the Harding-Coolidge administrations did not want to follow the plain dictates of common sense and of the statute. House Concurrent Resolution 4, now before the Senate, is simply another measure of delay and avoidance of the straightforward duty of the Government to carry out the wise and sensible mandate of the Congress which conceived and dedicated this great project to public operation in the public interest.

The newspapers and the pages of the CONGRESSIONAL RECORD have been full of arguments and oratory about the 1916 "dedication" of Muscle Shoals to munitions in time of war and "fertilizer in time of peace." But there has been a significant silence on that other dedication in the 1916 act—the dedication to public operation for the public good.

GOVERNMENT OPERATION INSURES PRODUCTION OF FERTILIZER

Mr. President, I believe that every potentiality which Muscle Shoals affords for experimentation in the production of cheap fertilizer for the farmers should be developed. I am heartily in sympathy with the arguments so ably presented by the senior Senator from South Carolina [Mr. SMITH] and other Senators, who maintain that, on that ground, the Government should operate the plants and continue experiments by our experts at Muscle Shoals.

Everything that can be done to develop the best and cheapest fertilizer for farmers should be done. And Muscle Shoals under Government operation can in the next few years contribute enormously to that end, even though our experiments there may, as all expert testimony indicates, ultimately develop more economical and effective methods than those which now necessitate the use of such large quantities of hydroelectric power. If the Government continues the operation of Muscle Shoals, these experiments can and will go on, and every possible advance toward the development of cheap fertilizer will be carried forward. But if Muscle Shoals is leased to private interests, production of fertilizer will only be carried on "if it is profitable." Furthermore, under a lease any experiments

and any production of fertilizer will be carried on solely for private profit and for the benefit of whatever private interests secure this lease.

"FERTILIZER FOR FARMERS" A BLIND

Mr. President, "cheap fertilizer for the American farmer" is the blind behind which politicians and power interests conceal their opposition to Government operation of Muscle Shoals and their desire to bring about its lease to private interests. The developments of science plainly indicate that Muscle Shoals in the years to come, while always ready for national defense in times of war, is to be primarily a hydroelectric power proposition in times of peace, not primarily a fertilizer proposition. That is to say, scientific progress in the making of cheap nitrogen for fertilizer clearly points to a lessened use of water power in its production; consequently there will be a greater residue of hydroelectric power to be used for public utilities and for the purposes of industry generally.

Before taking this momentous step at Muscle Shoals we should recall the cost to the Nation of the mistakes made by Congress in the handling of the public domain in years past.

The American farmer, then called "the homesteader," was the blind behind which a few decades ago special interests put through Congress the great land-grant steals and the timber and stone act. After the music of the "poor homesteader" propaganda was over and after time had proved the real consequences of that wasteful and felonious policy what did we find? The Bureau of Corporations in its report on timber ownership showed a great concentration in the control of our timber resources, mineral resources, and the land itself—a control which it proved beyond controversy was due very largely to the great railroad, wagon road, and other land grant acts of the nineteenth century and to the timber and stone act—in the passage of all of which the "poor homesteader," "the worthy settler," was held up before the eyes of Congress as the principal and ultimate beneficiary.

Thus the great timber and mineral resources passed directly or by collusion into the hands of great corporations, giving them a tremendous unearned increment, piling up great fortunes, and adding a vast needless load to the common man's cost of living.

Whatever incidental benefit the homesteader secured in this wrongful distribution of the public domain could have been secured to him by proper legislation, without turning over our vast natural resources in timber and minerals to a concentrated and selfish private use, which, in fact, initiated the private monopoly system which now has a strangle hold on the business life of the Nation.

THE FERTILIZER JOKER

Once more the farmer with his righteous demand for cheap fertilizer is being used in his historic capacity as a blind and a stalking horse by those who want to lease this great plant belonging to the people. Once more, in the name of the farmer in particular and agriculture in general, the public is being duped; under this convenient and familiar cover the greatest and most potent of all future natural resources—hydroelectric power—is being handed over for half a century to private interests; and they will conjure with this vast wealth-producing spoils and rob the public as was done in the matter of the disposal of the public domain.

To speak mildly but plainly, the word "farmer," the word "fertilizer," in the mouth of an enemy of the public operation of Muscle Shoals, is being used in this fight as it was years ago when the public domain was at stake.

The private ownership or private operation bills which have been held out to the country as "dedicating" Muscle Shoals to "fertilizer in times of peace" have been proved on analysis to do no such thing. There was a joker in the provision, and this was the joker. The private corporation was "required" to produce the nitrogenous fertilizer, but if it could not produce it at a cost enabling it to compete with Chilean nitrates, the joker released it from the "requirement" which would necessitate unprofitable manufacture of fertilizer for the farmer and which left the private corporation free to sell and distribute the power produced at Muscle Shoals to utilities or other industrial uses at a profit.

That joker was in the House bill 518, which passed the House accepting the Ford offer. It was in the substitute as introduced in the Senate by the senior Senator from Alabama [Mr. UNDERWOOD].

The senior Senator from Nebraska [Mr. NORRIS], in his magnificent and tireless fight for public operation of Muscle Shoals, exposed this joker in the Underwood bill on the floor of the Senate last year, and by his invincible logic forced its elimination from the bill.

With the joker gone and the bill transformed into a real fertilizer production bill, absolutely requiring the production of fertilizer, even if it had to be sold at loss, what happened?

THE UNDERWOOD BILL IN THE DISCARD

This is what happened: The Underwood bill thus amended was unattractive to its sponsors. They did not want a bill that would take the great bulk of the primary power for fertilizer, with the strong probability that it would be unprofitable. The fertilizer was not the real objective. The real objective was to secure Muscle Shoals as a private hydroelectric power project instead of permitting it to be owned and operated as a public power project, in the interest of the public.

This, Mr. President, I believe, is the reason why the Underwood bill was allowed to die. And, likewise, it is my interpretation of why this new, backward-looking House concurrent resolution is now brought forward.

The concurrent resolution does not take up the matter where the Senate left it. It does not revive the Underwood bill as amended by the masterful argument of the senior Senator from Nebraska. No; it throws all that overboard and goes back to the old House bill 518, which embodied acceptance of the original Ford offer, with the same old "dedication" to fertilizer, and the same old joker, requiring the private corporation to manufacture nitrogenous fertilizer when it could do so at a cost which Chilean competition allowed.

A CLEAN-CUT ISSUE

Further, the concurrent resolution throws overboard even the promise of Government operation if a "satisfactory" private lease can not be negotiated.

Mr. President, I welcome that frankness in this new move to turn the public's great investment at Muscle Shoals over to private interests for operation.

The alternative of public operation in the background of other proposals has made it possible for many Senators to support them. They have seen in it a chance to shift the responsibility to the administration for the protection of the public interest in the lease. They felt that in the alternative they were giving the administration a club to fight with if it made an honest effort to secure a good lease; and if the administration did not use the club, well, the administration, not the legislator, would be to blame.

Mr. President, that was a lame and halting attitude for the Congress to take. I am glad that the House concurrent resolution presents the issue clearly and without evasion. The fight will now be squarely on principle, and I hope that many Senators who finally voted for the Underwood bill will oppose this resolution on the clean-cut issue.

MUSCLE SHOALS A REGULATORY WEAPON

It is not a popular thing, Mr. President, to sell or lease away the people's investment of $150,000,000 at Muscle Shoals. Even if the terms were fairly adequate and all possible safeguards were placed upon the uses and the rates, it would not be popular. For the public would have its doubts about the terms.

Mr. President, just now there exists no overweening confidence that Government regulating bodies will exercise the power intrusted to them in the public interest.

President Coolidge's course either in the matter of appointments to the great commissions created to protect the public interest or in the matter of interference with their operation has not tended to enthuse the American people over the idea of commission control of Muscle Shoals.

The big fact has got across to the public that Muscle Shoals belongs to the people, and that it is a practically completed project with vast possibilities for good or evil to a large section of the United States.

The further big fact is pretty well understood that by competition Muscle Shoals can be a dynamic regulator of power rates in a large section of the United States.

Furthermore, the big fact is now common knowledge that when efficiently operated for public account, Muscle Shoals will be an object lesson to the whole country in the true cost of power production and power distribution.

It will not be easy to convince the public that there is adequate compensating advantage, Mr. President, in any sale or any lease, however favorable, for the relinquishment of this great regulatory weapon of actual public operation.

The excess profits, open or concealed, of the private power companies of the United States during the next 50 years will aggregate a vast total even under our present system of regulation by commissions. We must not throw away our one really potent defense—public competition and public knowledge of true costs through actual public experience.

I say we must not throw away this one potent weapon. It would not be patriotic to do so. If giving Muscle Shoals over to private interests does not result in immediate condemnation and denunciation, such a policy is bound ultimately to take its place in history beside the stealing and wrongful disposal of our public domain and other national resources now so universally a subject of censure and rebuke.

A SURRENDER TO THE WATER-POWER TRUST

The conditions which a recreant Congress would bring upon the American people should it lease away this key water power were pictured to the Senate on December 17, 1924, by the senior Senator from Nebraska [Mr. NORRIS] in words far more eloquent and forceful than I can command. I will quote what he then said:

What does it mean, Mr. President? As great as this question is, one that is going to be remembered by children yet unborn, one that is going to be investigated by the honest citizens who shall follow us a hundred years hence, what have you done with this great inheritance? I outlined in my first address at the beginning of this debate what no one has disputed, but what everyone referring to the argument has admitted—that the economic force of human nature, the economy of God Himself is going to bring what in ordinary language is called the giant power, when there will be a combination of all water powers of the United States, supplemented by steam power, steam generated, as a rule, at the mouth of the mine, and the power and the light and the energy will be carried across the country on wires instead of the coal being hauled by the railroads. When that time comes—and it is coming rapidly—when that time is here, unless we do something to stay the advance of the Water Power Trust, they will hold the people of this country in their giant fingers as in a vise. There will be no escape. All the regulatory bodies in your States will not help you out. Experience has shown that they have helped out in the past only to a small extent. I admit they have done good. I would rather have them than not have them. I am not attacking that system, but I am trying to convince the Senate, if I can, that when the time comes when all these powers shall be linked up together the regulatory bodies will not save the people of the United States from what will be in effect human slavery, when the power and the light of every home will be controlled by a private interest, having no other incentive than the making of the almighty dollar.

It will do no good to talk about the law of supply and demand. It has been repealed a million times by combinations and trusts, and unless we save the national resources of our country that ought to belong to all the people, posterity is going to suffer. Unless we preserve these fundamental rights of human happiness and of humanity we are going to a certain extent to enslave posterity and make them subject to a combination, to a trust, that in its effect is going to reach every fireside and every home in this land.

THE ORIGINAL DEDICATION TO GOVERNMENT OPERATION

The act of 1916 authorizing the Muscle Shoals development directed Government construction, Government ownership, Government operation. It provided as follows (sec. 124 of the national defense act of 1916):

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. President, why should we disregard that solemn injunction of the statute and now lease these plants and water powers to some bidder that will in all probability turn out to be an agent of the Water Power Trust and affiliated, like so many other companies, with the General Electric Co.?

When, in 1919, Muscle Shoals was completed to an extent which permitted practical beginning of operations, we should have begun. Instead, under a variant of the slogan, "Get Government out of business," favored by heavy contributors to the Republican campaign funds, administration forces have been trying to "get the Government out of Muscle Shoals."

Except for this stubborn determination to kill Government operation of Muscle Shoals at all hazards, we should already have been far along under the act of 1916 in working out the management and best practical uses of the hydroelectric power and nitrate plants now installed.

With such sympathetic legislative amendments as a developing science may have indicated for the efficient production of fertilizer by nitrogen fixation from the air, we could have gone forward with Government operation successfully under the 1916 statute.

THE REAL REASONS FOR PRIVATE OPERATION

The exploiting power interests of the country want Muscle Shoals out of Government hands—

First. Because it is a prize that they want for themselves.

Second. Because under efficient public operation it would be a damaging object lesson to show the extortionate height of the power rates now charged by the private corporations.

The combined fertilizer interests of the country want Muscle Shoals out of Government hands—

Because they fear its competition with their price structure not so much now as in the future, when Government experimentation may well achieve a markedly lower cost of production.

Both power and fertilizer interests dread a Muscle Shoals dedicated to service instead of to profit.

If worst comes to worst and Government operation can not be avoided, they want an inefficient, spoils-controlled, subservient Government commission, with a dirk in its hand, secretly to stab its public purposes; a commission that will make the idea of public ownership odious by failure or by open scandal.

THE SWING-JOHNSON BILL FOR BOULDER DAM

The present administration is opposed to Government operation of Muscle Shoals. Take notice that in 1924 the present administration opposed the public ownership and operation of Boulder Dam. The administration now favors the principles of the Swing-Johnson bill, which expressly provides for the public ownership and operation of Boulder Dam. Contrast this highly inconsistent attitude of the Coolidge administration in favor of the Government ownership and operation of Boulder Dam with its opposition to Government ownership and operation of Muscle Shoals. At Muscle Shoals we have arrived at the stage of readiness to operate a substantially complete project. At Boulder Dam the project, which will cost millions of dollars of public money, as Muscle Shoals did, is outlined but not yet built.

Mr. McKELLAR. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Tennessee.

Mr. McKELLAR. May it possibly happen that after the Government development at Boulder Dam is completed a change will come over the mind of the administration, and it will be turned over to private interests?

Mr. LA FOLLETTE. Mr. President, if the attitude of the administration with regard to Muscle Shoals is any criterion by which we may judge their position in the future, that is exactly what will happen. Here we are confronted with these propositions to expend the taxpayers' money for these great power developments; and in the case of Muscle Shoals it was upon that basis—and that basis alone—that Congress appropriated money out of the Treasury of the United States.

Mr. McKELLAR. I was just going to say to the Senator——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Wisconsin yield further to the Senator from Tennessee?

Mr. LA FOLLETTE. I do.

Mr. McKELLAR. I was just going to say to the Senator that when this matter came up first in the House 10 years ago there was such an overwhelming sentiment against the private operation or ownership of this dam that a provision was put in the act that it should never go to private people; and yet it has never been operated by the Government, though the Government has ample authority to operate it, and it is now being sought to be put in the hands of private interests virtually without consideration.

I should like to call the Senator's attention to another matter while I am interrupting him.

Mr. LA FOLLETTE. I shall be glad to have the Senator do so.

Mr. McKELLAR. The President, a short time ago, sent in a message which recommended that preliminary steps be taken in this case to turn over this property to private interests. In the same message, as I recall, he recommended that the Government take over the Cape Cod Canal, and that the United States Government should operate the Cape Cod Canal in New England, which I doubt is of interest to anybody except those who have invested their money in the Cape Cod Canal.

Mr. LA FOLLETTE. Mr. President, the difference between Muscle Shoals and the Cape Cod Canal, as I see it, is just this: The plant at Muscle Shoals is constructed, ready to operate, with every indication and every testimonial of scientists who have studied the problem that it will be a great success.

Mr. McKELLAR. Yes.

Mr. LA FOLLETTE. The Cape Cod Canal—a private enterprise which has become a failure—is no longer desired by the interests who built it, and therefore they would be delighted to have the Government take over that white elephant and pay out of the Treasury money to keep it going.

Mr. McKELLAR. And money to pay them for the plant itself.

Mr. LA FOLLETTE. For the amount of money that they have lost, which is about $10,000,000.

Mr. McKELLAR. Then, Mr. President, do I understand from the Senator that the policy of this administration seems to be that where Government ownership and operation is certain to be a success it believes that an enterprise ought to be turned over to private interests, but where private ownership seems certain of failure or has already proved a failure it is time for the Government to step in, at the expense of all the people, and undertake public operation and ownership?

Mr. LA FOLLETTE. Mr. President, I do not see what other conclusion can be deduced from the position of the administration upon these divergent propositions.

Why does the administration favor public operation of Boulder Dam in the Southwest and oppose public operation of Muscle Shoals in the Southeast? To my mind there are two reasons. The first is that in the Southwest there is an aroused public sentiment which favors the public ownership and public operation of Boulder Dam when constructed. This public sentiment was expressed in no uncertain terms in the recent Los Angeles election. The administration has heard the thunder in the Southwest and realizes this may be the token of a storm which will sweep the entire State of California. It has not forgotten that the State of California, though normally Republican, went for Wilson in 1916. But there is no thunder in the Southeast. There have been no warning elections on the issue of public operation of the great natural water-power resources.

Secondly, Muscle Shoals is an immediate issue. It will be a long time before the Boulder Dam project can be in actual operation, and favoring public ownership and operation is at present an easy and innocuous way of meeting the voters' demand in California, where they have had wide experience with private and public power operation and know the difference. In 1916 the Muscle Shoals project was dedicated to public ownership and public operation. Now that the question of immediate operation arises the administration wishes to reverse this 1916 policy.

It is only upon the basis that these projects, developed with the taxpayers' money, are to be operated for public account and public benefit, that any administration or any Senator or any Congressman can hope to force through the legislative branch of the Government appropriations of public money for that purpose.

Is it supposed for one moment that the original authorization and the appropriation of money for Muscle Shoals could have been passed through the Congress of the United States if it had been stated in the act that the plant was to be later turned over to private corporations, who would reap the benefit of that expenditure of public money? Of course not. The very idea is so absurd that it at once falls of its own weight.

If the administration means what it is saying about Boulder Dam, let it demonstrate its sincerity by supporting Government operation of Muscle Shoals now. In spite of all this smoke screen of cheap fertilizer for the farmers under a private lease, Muscle Shoals and Boulder Dam are not projects involving two different principles. They are similar projects involving similar principles to be worked out in different parts of the country. What is good for the Southwest is good for the Southeast.

ADMINISTRATION BACKS PRINCIPLE OF GOVERNMENT OPERATION AT BOULDER DAM

I shall read the testimony of Secretary Work before the committee. He was discussing the tentative draft of the bill before the committee providing for public development and public operation of Boulder Dam. That bill covers the building and operation of the great development at Boulder Canyon by the Bureau of Reclamation. Secretary of the Interior Hubert Work told the Senate Committee on Irrigation and Reclamation January 12, 1926:

> This plan of power development is not an experiment, having been adopted by the Federal Government with satisfactory results in the construction of other reclamation works, where the generation of power is incident to irrigation and development.

He further said:

> It is my understanding that the primary purpose of this scheme is to regulate and control the flow of the river below the dam, so as to lessen the menace from floods to low-lying land below, to increase the water supply for irrigation in seasons of drought, and to provide an adequate water supply at all seasons of the year for household and industrial uses in growing cities and towns, and to generate electric energy both as a means of making this project a financially solvent undertaking, and contributing to the general prosperity of the southwestern part of the country. The general plan and purpose of this measure has my support, and I favor it being made a national undertaking, to be carried out and administered by the Federal Government.

Also:

> The building of a unified power plant by the Federal Government in the place of allocating power privileges, as proposed in the bill, is regarded as more efficient and cheaper than private operation.

Mr. President, I ask to have printed in the RECORD at this point, as a part of my remarks, a further paragraph from the testimony of Secretary Work and a brief table furnished by him in connection with his testimony, showing that the estimated annual surplus from the Boulder Dam Government constructed and operated project would be sufficient to repay the entire cost in 25 years.

Assuming the low estimate of three mills per kilowatt-hour at the switchboard, Secretary Work showed that even then the estimated annual surplus would be sufficient to repay the entire cost in 25 years. He said:

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SECRETARY WORK ON THE ESTIMATED COST, OPERATING EXPENSE, AND ANNUAL SURPLUS FROM THE PUBLIC CONSTRUCTION AND OPERATION OF THE BOULDER DAM PROJECT

> An approximate estimate of cost, operating expenses, and income leaves no question as to the ultimate solvency of this undertaking if carried out along the lines proposed. The main source of revenue will be power, and the rate assumed is lower than the wholesale prices now being paid in the West. Those of which we have information range from 3½ to 8 mills per kilowatt-hour, measured at the switchboard. As the largest consumers of this power would be distant, a low figure of 3 mills per kilowatt-hour at the switchboard has been assumed in the estimates which follow:

COLORADO RIVER DEVELOPMENT—BOULDER CANYON RESERVOIR
ALL-AMERICAN CANAL

Capital investment

Estimated cost for—	
26,000,000-acre-foot reservoir	$41,500,000
1,000,000 horsepower development	31,500,000
The all-American canal	31,000,000
Interest during construction on above, 5 years at 4 per cent	21,000,000
Total	125,000,000

Annual operation

Estimated gross revenues from—	
Sale 3.6 billion kilowatt-hours power at 0.3 cent	10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for—	
Operation and maintenance, storage and power	700,000
Operation and maintenance, all-American canal	500,000
Interest on $125,000,000 at 4 per cent	5,000,000
	6,200,000
Estimated annual surplus	6,100,000

or thought to be sufficient to repay the entire cost in 25 years.

Mr. LA FOLLETTE. With what grace can Congress in one breath pass the bill to spend the public's money for building Boulder Dam under solemn promise in the statute for public operation of it when built, and in the next breath take the public's money in Muscle Shoals, dedicated in the same solemn way to public operation, and turn it over to private lease?

It seems, Mr. President, that by every honorable canon of interpretation the public has a vested right to the public operation of Muscle Shoals. Its money was voted into the project on that condition. It has a vested right to have that condition fulfilled.

The Muscle Shoals act of 1916 was right in principle; the Swing-Johnson bill is right. As the public takes the risk, it should also reap the reward of operation for service, not for profit.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. When the question of the Boulder Dam comes before the Congress will the Senator have any suggestion as to what safeguards can be used to prevent the situation now obtaining with respect to Muscle Shoals? This is a very practical question. I do not see the Senators from Colorado or Nevada or from adjoining States in the Chamber, but of course the question will come up shortly, and they will be asking for enormous appropriations to build these dams. After the ex-

perience we have had at Muscle Shoals, will there be a proposal to turn the project over to private interests at the moment the Government gets the dams built, and even before it gets them built, because the Muscle Shoals project is not completed yet? Only yesterday this body passed an appropriation bill making an appropriation of $2,000,000 for the completion, in part at least, of the Muscle Shoals Dam. What assurance can be given the Congress, to lead us to expend the enormous sums necessary to build the Boulder Dam, that it will not be turned over in like manner, given away, because that is virtually what the resolution pending would do—give it away to private interests? The Government must not operate the plant itself, but shall give it away to private interests. After the Government builds it, it must not be operated for the people; it must not be operated for the benefit of all the people; it must merely be operated by the interests, for the interests, and for the sole and only profit of the interests.

Indeed, it gives the interests the right to tax the people more and more as the years go by. What suggestion would the Senator make of a means of preventing that in connection with the Boulder Dam recommendation of the President of the United States?

Mr. LA FOLLETTE. Mr. President, I can not suggest any language which would strengthen that protection to the public any further than was contained in the 1916 act authorizing Muscle Shoals. I will say to the Senator that my only suggestion with regard to a remedy for that situation is an aroused public sentiment, which will remove from Congress Senators and Representatives who come here and vote to appropriate the public money for a public development and then, after the money has been expended and the project is completed, ready to operate, are willing to give or lease that project to some private interest.

Mr. McKELLAR. If the Senator will permit me again, I want to say this at this point: I do not want to be put in the attitude of making a threat, but I want to announce a policy of my own, that if Senators interested in the Boulder Dam project vote with the advocates of this plan to turn the Muscle Shoals plant over to the interests without let or hindrance, if they go with the supporters of this plan to turn this vast property, worth several million dollars, over to the interests, as is proposed, I for one will fight with all the power of which I am capable any appropriation of the people's money to build any part of the Boulder Dam or any other dam sought to be built by the Congress of the United States.

FERTILIZER OR POWER?

Mr. LA FOLLETTE. Mr. President, I have spoken in general terms of the slogan "fertilizer for the farmer" as a blind in this Muscle Shoals matter. I do not for one instant mean that at some time in the future the production of cheap fertilizer at Muscle Shoals, and elsewhere for that matter, is not a probability. It is, and I shall work for it and welcome it eagerly. But from all that I can learn the overwhelming evidence is that the processes of the future will use far less water power than the cyanamide process now installed at Muscle Shoals and will be likely to be developed at the mouths of the coal mines with coal instead of water power as an agent.

That is why I believe that in the course of the 50-year lease contemplated for the private operation of Muscle Shoals the water power will be used more and more for power and less and less for fertilizer.

Hon. THEODORE E. BURTON, of Ohio, former Senator and now Member of the House, addressed the House on January 5, 1926, on the subject of House Concurrent Resolution 4 to establish a joint committee on Muscle Shoals to consider bids along the general lines of House bill 518 accepting the old Ford offer to produce fertilizer. Mr. BURTON, though he supported the resolution, was not satisfied with it.

I wish to quote his objection to the phrasing of the resolution which fixes fertilizer production as a primary purpose of Muscle Shoals and power as only incidental. He said (RECORD, p. 1517, January 21, 1926):

Mr. Speaker, when this question of the disposition of Muscle Shoals was before the House in March, 1924, there was vigorous opposition from a minority, of whom I was one. The objections which I alleged at that time were: First, the utter inadequacy of the Ford offer; second, it did not square with the policy of the Government as to the development of water power as embodied in the Federal Water Power Commission act of 1920; and, third, that the development of the manufacture of nitrates, whether for powder, explosives, or for agriculture, was in flux. * * *

The third of the objections which I made in March, 1924, is still effective, that the manufacture of nitrates and of the basic materials for fertilizers is still in flux, with a development which would seem to indicate that the methods adopted at the beginning of the construction of this plant at Muscle Shoals are now in a measure discredited.

There are two processes utilized in this country for the production of nitrates—the cyanamide, which is to be used at plant No. 2, and the direct synthetic process, popularly known as the Haber process, at plant No. 1. House bill 518, passed by the House in the last Congress, gives express approval to the cyanamide process and requires the grantee or lessee of the plant to maintain nitrate plant No. 2 (sec. 14, pars. a and b).

Two questions arise: First, is it wise to commit ourselves to use the power at Muscle Shoals for manufacture by the cyanamide process; and, second, is it best to bind ourselves to the use of that power, or a very considerable part of it, for the manufacture of nitrates?

It is with great hesitation that I criticize the policy outlined in this resolution; for if the action of past Congresses is to be our guide, the language of this resolution is appropriate and proper when it states that the committee must conduct negotiations for a lease of the nitrates primarily and incidentally for power purposes. I am compelled to state, Mr. Speaker, however, that I doubt the expediency of that order, nitrates primarily and power incidentally, for the reason that most remarkable progress has been made in the last 10 years in the manufacture of nitrates.

Mr. BURTON then quoted from an article on the "Trend of Developments in the Nitrogen Problem" by J. M. Braham, a leading expert and until recently connected with the Government fixed nitrogen laboratory in the Department of Agriculture. I wish, if permitted, to have this brief extract from Mr. Braham's article printed as part of my remarks, together with two paragraphs quoted by Mr. BURTON from an article by Dr. Frederick G. Cottrell, Director of the Fixed Nitrogen Laboratory.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Extracts from "Trend of Developments in the Nitrogen Problem"]

(By Mr. J. M. Braham)

There are three processes now in operation on a large scale for the fixation of atmospheric nitrogen. These are commonly referred to as the arc, the cyanamide, and the direct synthetic ammonia processes. * * *

Arc process: The arc process, in which nitrogen becomes chemically combined with oxygen by passing air through an electric arc, was put into operation in Norway in 1905. * * *

The main handicap of this process is its enormous power requirement, about 68,000 kilowatt-hours per metric ton of nitrogen fixed. Its commercially successful operation for fertilizer production is therefore limited to countries having very cheap water power.

* * * * * * *

Cyanamide process: The cyanamide process, in which nitrogen is fixed by combination with finely powdered calcium carbide at relatively high temperature, was developed in Germany shortly after the arc process was put into operation in Norway. It requires less than one-fourth the electric power of the arc process per ton of nitrogen fixed, and hence it has been much more widely employed. In 1913 there were cyanamide plants in operation in nine countries, with a combined capacity of approximately 34,000 metric tons of nitrogen. Owing to the great demand for nitrogen during the war there was a tremendous increase in the production of cyanamide, and in 1918 there were in operation or under construction 36 cyanamide plants with a combined capacity of nearly 325,000 tons of nitrogen. One of these was United States nitrate plant No. 2, at Muscle Shoals, Ala., with a capacity of 40,000 tons of nitrogen per year, the largest cyanamide plant in the world. A number of war-built cyanamide plants have since been scrapped and others have remained idle, as in the case of the Muscle Shoals plant. The present annual rate of fixation by the cyanamide process is about 140,000 metric tons. This is somewhat more than four times the production for 1913, but represents less than half of the productive capacity of existing plants.

The chief disadvantage of the cyanamide process is that the product calcium cyanamide, has not proved entirely satisfactory as a fertilizer material for general use. In this country another limitation is that the product can not safely be used except in small quantities in mixed fertilizers containing acid phosphate. Although cyanamide can be converted into other forms of fertilizer nitrogen, such as ammonium sulphate and urea, the conversion costs have thus far been too high to enable the product to compete with by-product ammonium sulphate and Chilean nitrate. The quantity of calcium cyanamide, as measured by the nitrogen content, has been very materially improved during the past few years, but there have been no decided improvements in the process in the last 10 or 12 years, and it is gradually being superseded by the direct synthetic ammonia processes.

Direct synthetic process: The outstanding developments in nitrogen fixation at present are in the synthetic ammonia process, and it is in this direction that a reduction in the cost of fixed nitrogen can be confidently expected. This process, which consists in forming ammonia

directly from elements under conditions of high pressure and relatively high temperature in the presence of a catalyst, was first operated on a commercial scale in Germany in 1913. The urgent need for nitrogen by Germany during the World War led to the construction of two huge fixation plants, one at Oppau, with a capacity of 100,000 metric tons of nitrogen per year, and one at Merseburg, with a 200,000-ton capacity. It will be noted that the annual output of these two plants alone is nearly equivalent in nitrogen to that produced in Chile at the present time.

* * * * * * *

There are now 14 synthetic ammonia plants in operation in the various countries (three in the United States), with a combined capacity of about 320,000 metric tons annually, and several are under construction. The two large German plants previously mentioned produce more than 90 per cent of the total output by these processes.

The production and purification of hydrogen is the main problem in the synthetic ammonia process, and is the chief item of cost. In the Haber-Bosch process the hydrogen is obtained through the production of water gas from coke; in the Claude process it is obtained by fractionation of coke-oven gas; and in the Casale process by the electrolytic decomposition of water. The power requirement of synthetic ammonia processes depends upon the method of hydrogen production, but as ordinarily operated—that is, water-gas hydrogen—it is only about one-fourth that of the cyanamide process. During the past three years important advances have been made in the synthetic ammonia processes not only in hydrogen production and purification but in the simplification in plant design and operation, and also in the catalysts required. It appears probable that with these improvements ammonia can be produced in this country in a large installation at 5 to 6 cents per pound. This, it will be noted, is much below the present market level for by-product ammonia, for example.

* * * * * * *

As previously indicated, the order of development of the processes is arc, cyanamide, and synthetic ammonia. It will be noted that the power requirement of the cyanamide process is only about 22 per cent that of the arc process, and that for the synthetic ammonia process, obtaining hydrogen from coal or coke, only 6 per cent. These figures, together with those for relative production by the various processes, show very clearly the trend in the fixation of atmospheric nitrogen in the direction of smaller and smaller electric requirements. In other words, nitrogen fixation is changing from what may be termed an "electrochemical industry" to a chemical one.

[Extracts from article by Dr. Frederick G. Cottrell, Director of the Fixed Nitrogen Research Laboratory, Department of Agriculture]

Muscle Shoals is on the extreme western edge of the as yet undeveloped high-tension power net of the Southwest and holds a strategic position in relation to proposed future power distribution, including the Mississippi Valley itself. With this potential demand for power for the rapidly developing public utilities and industries of this section, common sense warns us to be cautious how we come to think in terms of long periods of tying up in a particular form of energy to a particular branch of manufacture. It is only by a relatively free play of competitive factors, both technical and economic, that we can hope to see our industries struggle healthily forward to their fullest and most economic development.

It may be, for example, that with outlets and prices for electric power existing at the time of completion of the Wilson Dam nitrogen can be fixed with the aid of electric power cheaper than by the use of coke and coal, but the inevitable drift of economic and technical development will be away from this situation, and before we postulate our whole plan of action on such a situation we should carefully consider its probable duration and the necessary readjustments which changing conditions will later almost certainly make desirable.

Mr. LA FOLLETTE. The conclusion of the matter was succinctly stated by Mr. BURTON in these words:

The conclusion to be reached is that it is very doubtful whether any plan for utilization of power at Muscle Shoals should embody a committal to the cyanamide process or, indeed, to any process for obtaining nitrates by the use of water power. It should be noted that at the two very large plants in Germany, located at Oppau and Merseburg, brown coal is the source of power.

THE "FLUX" OF SCIENCE

There is then, Mr. President, a state of "flux" in the science of nitrogen fixation and the unwisdom of a 50-year private lease when there is so much half seen or unseen. This was clearly stated by a writer in the Searchlight on Congress in its issue of December 31, 1924. The author said:

What shall Uncle Sam do with his $150,000,000 investment in Muscle Shoals?

We are in the age of startlingly rapid change and development in our understanding of nature's means and forces.

Science is peering into the future toward a much cheaper production of nitrogen for fertilizer. The possibilities of a great cheapening and extension of hydroelectric power and its harnessing to human service, we are only beginning to conceive.

The possible developments of the next 5 or 10 years in fertilizer and in power stagger the imagination. At no time in the world's history have science and invention been in a stage of such rapid flux.

Shall Uncle Sam lease to a private corporation for 50 years the right to possibilities that will probably dwarf by comparison all that the past 50 years have brought to pass in these fields?

How little did the legislators of 1874 conceive the scientific and industrial triumphs in which we live in 1924! What can we know of 1974?

A lessee, as a business proposition, will only offer terms that will return a profit under processes and conditions as they are now. If the future brings into being a tenth of its possibilities, it will be "velvet" for the lessee of the deepest and softest pile imaginable.

Shall Uncle Sam lease now; or operate for himself, and himself experiment, until he can see more certainly what the meaning of the future is?

That is the question at the root of the Muscle Shoals debate, one of the greatest controversies in the history of Congress, as befits an issue involving, as it does, the welfare of the country for the next half century.

SNELL THINKS IT MORE OF A POWER PROPOSITION

Congressman SNELL, of New York, chairman of the Rules Committee of the House, reported favorably House Concurrent Resolution 4 with its declaration for fertilizer primarily and power incidentally. Yet what did he say in introducing it? Here is his statement on January 5 (p. 1513 of the RECORD):

If we were stating this whole proposition de novo to-day, I should advocate an entirely different proposition, but I do not consider that that question is before the Congress. These properties have been definitely dedicated to the manufacture of nitrates for national defense and for the production of fertilizer ingredients in time of peace. We can not get away from that. It is not a question of what I want or some other fellow wants. I think it would be a great deal better to deal with them on an entirely different basis. I think it is more of a power proposition; but there are a great many people who are just as honest as I am who do not agree with me, and I feel that that does not make any difference at the present time, and that we must deal with conditions as they exist.

Mr. President, why did Mr. BURTON and Mr. SNELL support the House concurrent resolution? I do not know, but they admit that in their personal judgment it is at least doubtful wisdom to dedicate Muscle Shoals energy to fertilizer to the exclusion of its primary use for power. Anyone who will candidly and thoroughly study the facts will, I think, reach the same conclusion.

THE WARNING EXAMPLE OF NIAGARA

The House concurrent resolution directs that the joint committee created by it shall work toward the end of a private lease, following in general and as nearly as may be the principles of the McKenzie bill (H. R. 518) of the Sixty-eighth Congress, first session.

That bill, the House acceptance of the Ford offer, was before the country, when, on March 10, 1924, Hon. O. C. Merrill, executive secretary of the Federal Power Commission, delivered an address on Muscle Shoals at Jackson, Miss. Mr. Merrill is an authority on power questions and his opinion is of great interest.

He pointed out the danger of letting Muscle Shoals be devoted, as Niagara has too largely been, to local industrial use instead of for power distribution.

He said, evidently speaking of H. R. 518, which passed the House on the very day of his address:

It is proposed to permit this enormous power resource, developed wholly at the expense of the taxpayers of the United States, yourselves among them, to be used in its entirety in the development of a private industry in one limited locality free from every vestige of public control.

In the early days of electrical development in this country another great power site, that at Niagara Falls, was developed by a private corporation without being subject to public control. At the present time more than three-fourths of the energy generated on the American side at Niagara Falls is wholesaled under long-term contracts to industrial corporations within the city limits, and less than one-fourth of the energy is available for general public service in the adjacent territory. While the cheapest electric power on the American Continent is being developed at Niagara Falls, the great city of Buffalo, a few miles distant, must supply its industries and its citizens with steam-generated power.

The largest block of cheap electric power outside of Niagara, easily capable of being sent the length and breadth of your State to serve all

its people and all its industries, comprising a very considerable part of the remaining resources of the South, is now being developed at your very doors. Are the people of the South, are you people of Mississippi in particular, going to permit this great power to be devoted to the creation of another Niagara, leaving large sections of the South, including all of Mississippi, handicapped for generations longer in their industrial development?

If you are awake to the opportunities—and the dangers—inherent in the situation, you will insist that this power be made available to the entire South for general public-service purposes, and if such provision can not be made an enforceable condition of any disposition of this site to private interests, that the Government itself shall operate the plants and, having reserved such amount of power as may be needed for nitrate production, shall either wholesale the remainder under conditions determining the territory into which it shall be delivered or shall itself construct the transmission lines and effect the delivery. The determination of no other question, I am convinced, will have so important a bearing on the industrial future of Mississippi.

THE FERTILIZER JOKER EXPOSED

The Underwood bill in the form in which it was introduced in December, 1924 (RECORD, December 8, 1924, p. 264), provided flatly in section 3 for the production of 40,000 tons of fixed nitrate annually, the lease not to be binding unless that amount of production was guaranteed in the lease.

So far, so good; but section 4 weaseled the heart out of this apparently unescapable requirement.

Section 4 read:

Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in section 3 of this act shall be used, when not required for national defense, as far as it is practicable to do so in the manufacture of commercial fertilizers.

It further provides for the manufacture of "nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand."

The joker phrases are these: "As far as it is practicable to do so;" and "according to demand."

The senior Senator from Nebraska [Mr. NORRIS] maintained that while by the cyanamide process of nitrate plant No. 2 fertilizer could be made, it could not be made cheaply enough to sell at the present price of commercial fertilizers; that, consequently, if made it would have to be sold at a loss, or stored or "dumped in the river."

He maintained that for this reason the phrases "as far as practicable" in the Underwood bill (which was also in the Ford offer), and "according to demand" would be interpreted by the courts to release the company from the obligation to produce any fertilizer at all unless it could be produced at a profit. This point was made so convincing in the debate that the senior Senator from Alabama [Mr. UNDERWOOD] was forced to agree to strike out all qualifying phrases, leaving his bill with a definite and binding requirement for the production of 40,000 tons of fixed nitrate annually, regardless of whether it could be sold at a profit.

Every one remembers the kaleidoscopic history of the Senate's rejection of the Norris public operation bill; its passage of the Underwood fertilizer bill providing for a private lease with the alternative of Government operation; then its sudden undoing of that action and adoption of the Jones substitute for further investigation; then the adoption of the Norris bill, and finally its return to the Underwood bill, which stood in the end as the Senate's action.

I am personally of the opinion, which I have already expressed, Mr. President, that the conference committee would have adopted the Underwood bill substantially as it passed the Senate, and that it would have been put through as the law for the disposition of Muscle Shoals, if it had not been for the binding requirement of fertilizer production, profitable or unprofitable, which Senator NORRIS forced into the bill.

With a binding fertilizer requirement in it, the interests which had been backing this bill as a dedication of Muscle Shoals to fertilizer and the American farmer had no further use for the measure.

THE CONFESSION OF THE FERTILIZER FALLACY

Several Senators in the debate of last year developed the same facts and the same conclusion, which I have already cited as former Senator BURTON'S view—namely, that impending developments in the science of nitrogen fixation for fertilizer purposes argue strongly against a lease to a private corporation on terms governed by costs in the present state of the science.

Again and again in the debate the senior Senator from Nebraska [Mr. NORRIS] drove that point home. The senior Senator from South Carolina [Mr. SMITH], author of the original Muscle Shoals act of 1916, put the case cogently when he said:

The process has not yet reached that stage of development which the airplane, the submarine, the steam engine, and the automobile have reached. The principle is there; we know that nitrogen can be produced from the air. When Wright first made his little tentative flight science knew that it was possible for man to navigate the air, but there was a vast difference between the plane used in that initial attempt and the present perfected airplane.

Does not the Senator from Alabama believe that Congress, appointing its own agent and that agent acting under its direction, can go there and determine what can or can not be done, and then when that fact has been demonstrated would we not be in a better position to know what we were turning over, if we desired to turn it over, than to give it up now in the very inception of what I believe to be the revolutionizing of all fertilizer production in this country?

The Senator from South Carolina [Mr. SMITH] yesterday predicted that within the short space of a year or perhaps a few months the Government is about to realize upon this development.

H. R. 518 accepting the Ford offer, the Underwood bill, the recent majority report of the Muscle Shoals Commission of inquiry, and now House Concurrent Resolution 4—all fly in the face of the facts and the logic of the case. They all dedicate Muscle Shoals water power to the production of fertilizer and lease it for 50 years on terms based on the present methods and present cyanamide costs, though we are probably just on the eve of a revolution in processes, which will cut costs and leave a large proportion of the "dedicated" water power free for general sale at a high profit.

No business corporation in the world, if it owned these properties, would make a 50-year lease at this time and under these circumstances unless it was on the verge of bankruptcy. This Government is the richest in the world, the Congress has voted cuts of hundreds of millions in the revenue, we are not on the verge of bankruptcy. It is business folly of the highest order to execute a lease under these circumstances.

Mr. President, I direct attention to the report of the Muscle Shoals inquiry for the authoritative confession that urea from cyanamide is not the final word, that it is but a stop gap, competitively dubious. The confession is not in bold type; it is in fine print embedded in the estimate cost in the appendix; but it is there, and it is basic.

This is the item, item 12, in the cost computation per ton for crude calcium cyanamide (appendix to majority report, Pt. IV, p. 64):

12. Cost of a 5 per cent 20-year sinking fund for converting nitrate plant No. 2—

That is the plant which was built to operate the cyanamide process—

to the Haber electrolyptic process at an estimated cost of $400 per ton of cyanamide, $1.37.

There you have it, Mr. President. We are to lease on the basis of producing urea by the cyanamide-Lydholm process, and in that process every ton of cyanamide is to pay $1.37 into a fund to scrap the cyanamide process and to convert plant No. 2 to the Haber electrolytic process, which takes one-fourth the water power now required for cyanamide.

I am not at all criticizing this if we are to lease and to lease immediately. I am emphasizing with all my force that it is a reason why we should not lease, and particularly why we should not lease now.

HEADED STRAIGHT FOR UNION CARBIDE CO.

The majority report of the Muscle Shoals inquiry and the appendix to that report reveal upon careful study that the Union Carbide Co. is in all probability the only bidder for Muscle Shoals under the terms of this resolution if the recommendations of the majority report are to be carried out. This statement is proven when we examine not the majority report proper, but it is shown in the appendix to the report.

The Union Carbide Co. owns options on the patents for the manufacture of urea from cyanamide.

Urea, Mr. President, so far as I find, is not mentioned in the majority report proper. There the phrase used (p. 4) is "nitrogen and other commercial fertilizers or concentrated ingredients for commercial fertilizers, or both." In the appendix to the majority report, however, it becomes clear (p. 53 following) that the nitrogenenous fertilizer on which the majority report is based is "urea."

The statement in the appendix is this:

In order to make a fair estimate of the average saving to the farmer by the operation of the Muscle Shoals properties in the manufacture of concentrated fertilizer under the plan described, two comparisons were made: First, the average cost of the average grade of mixed fertilizer which could be furnished from Muscle Shoals, was compared with the average cost of the average grade of mixed fertilizer as now purchased; second, the actual delivered price of nitrogen, phosphoric acid, and potash that is paid by the farmer when he purchases these plant foods in the average grade of mixed fertilizers used, was determined and applied to the plant foods contained in commercial ammonium phosphate and commercial urea, and the value of these materials delivered to the farmer was determined on that basis and compared with the cost of these materials delivered in various States. The results in each case showed that the claim which has been frequently made that improved fertilizers could be produced at Muscle Shoals and delivered to the farmer for a much lower price than he is now paying for them, has a sound basis in fact.

The cost tables which follow in the appendix all use urea as the nitrogenous ingredient of the proposed concentrated fertilizers.

In view of the option of the Union Carbide Co. on American rights under the Lidholm patents for making urea it seems clear, if a lease is negotiated in accordance with the recommendation of the majority report of the commission, that the Union Carbide Co. will prove the only possible bidder for the lease.

What competition would there be in such a bid? None, Mr. President. In view of the admission made in the appendix majority report of the inquiry commission that urea is the product they have in mind, and in view of the admission in the appendix of the report that urea is not the final word in the art of manufacture of fertilizer, the testimony of the expert representing the Union Carbide Co., which controls the urea patents in this country, is illuminating and worthy of study.

UNION CARBIDE TESTIMONY AND THE COMMISSION'S REPORT

Mr. President, the Union Carbide Co., two years ago, made an offer for a lease of Muscle Shoals. As to fertilizer, the company proposed to make the new organic product, "urea," which contains 42 per cent of pure nitrogen as against about 15 per cent in Chilean nitrate. It proposed to make urea at nitrate plant No. 2 by the production of cyanamide already provided for, plus the new Lidholm process, options upon which they now hold. The Lidholm process converts the cyanamide, which is not a good fertilizer, to urea, which the United States Department of Agriculture has termed "an almost ideal nitrogen carrier for all types of soil."

Mr. Frederick M. Becket, a technologist connected for 18 years with the Union Carbide Co. and vice president of the associated Electro Metallurgical Co., testified about the failure of cyanamide as a fertilizer and Lidholm's development of the process of changing it into urea. This testimony before the Senate Committee on Agriculture and Forestry, it seems to me, is in point. I quote from Mr. Becket's testimony at page 830, Muscle Shoals hearings, May 12, 1924:

Mr. BECKETT. The nitrogenous fertilizer urea warrants a brief description of its derivation from calcium carbide through a calcium cyanamide, of its relation to other nitrogenous fertilizers and to agriculture in general, and of the peculiar adaptability of nitrate plant No. 2 to the manufacture of urea in large quantities. * * *

Occurring in large quantities in natural manure, it has long been recognized as one of the most effective forms of organic fertilizer nitrogen. Organic nitrogen in commercial fertilizers has always commanded a premium over the equivalent artificial salts. Although more than one group of experimenters have done work on this problem, success was probably first attained by Johan H. Lidholm, at the works of the Wargons Co. in Sweden.

Lidholm observed that the Scandinavian cyanamide plants, and most of the German plants as well, had ceased operation for the same reason, and he recognized that calcium cyanamide was rapidly losing favor as a nitrogenous fertilizer in Europe, at least. Knowing well the inherent limitations of cyanamide as a fertilizer, Lidholm undertook to convert its nitrogen content to a form more suitable to agricultural needs, and he has since developed a complete manufacturing technique for the production of commercial urea from calcium cyanamide.

OPTION ON LIDHOLM PATENT RIGHTS FOR THE UNITED STATES

Next Mr. Becket testifies about the Union Carbide Co. and its acquisition of American license rights under the Lidholm urea patents:

The Lidholm process for the manufacture of urea was offered to us and seemed sufficiently sound to warrant investigation and test at the development plant in Sweden. Following this investigation and additional studies carried out at our own laboratory, we acquired rights to a manufacturing license under the Lidholm urea patents granted by the United States, of which there are now five covering the art and affording ample protection.

It is not, however, an actual license right which the Union Carbide Co. has acquired to the Lidholm process in the United States. It is only an option for such a license.

This appears from the company's letter of January 21, 1924, to Secretary Weeks submitting its offer for Muscle Shoals. In that letter the company says (hearings, p. 729):

We have acquired an option for a license on a royalty basis for the United States under the Lidholm process for the manufacture of urea from cyanamide. This process is covered by now issued United States patents as follows:

No.	Date issued	Title
1380225	May 31, 1921	Method of producing cyanamide from calcium cyanamide.
1436179	Nov. 21, 1922	Do.
1444255	Feb. 6, 1923	Method of producing cyanamide.
1444256	.....do.....	Method of producing a solution of cyanamide from calcium cyanamide.
1436180	Nov. 21, 1922	Method of transforming cyanmide into urea.

We have also acquired an option for a license on a royalty basis for the United States under pending applications for patents for the manufacture of "pyosphazote," a fertilizer containing urea compounds and phosphates.

COMPARISON WITH PRICE OF CHILEAN NITRATE

Mr. Becket's testimony next sets out the relation between Chilean nitrate and its present chief domestic competitor in the field of nitrogenous fertilizer, namely, ammonium sulphate, a coke oven by-product. In common with most students he reaches the conclusion that because of certain comparative disadvantages as a fertilizer ammonium sulphate can not be expected to materially influence the selling price of Chilean nitrate. So he proceeds to discuss the new urea, the product which is mentioned in the Appendix of the majority report of the commission, as a competitive possibility (p. 836):

With the foregoing problems in mind, the Department of Commerce last year investigated the economic aspects of the fixed-nitrogen supply of the United States, and as a part of this study also investigated in Chile the present and probable future cost of Chilean nitrate. The report shows that under producing, shipping, and selling conditions representative of the large and well-operated nitrate works as found in 1923, and accepting present costs, taxes, and other expenses, together with a moderate profit to the American importer, the representative cost of nitrate landed at United States seaports was then $50 per net ton. After visualizing the probable decreases and increases of the various items of cost over a long future term of years the report—

That is, the report of the Department of Commerce—

forecasted a probable minimum cost of $44 per ton, landed in this country, but at the same time envisaged the remote possibility of $35 per ton for considerable periods. As Chile nitrate contains only 15¾ per cent of nitrogen, these costs become $56 and $45 per ton, respectively, upon the conventional basis of 20 per cent nitrogen content.

That is the nitrogen content of commercial fertilizer.

Assuming that under the supposed sublease the Union Carbide Co. would receive electric power at nitrate plant No. 2 at a reasonable price, we believe that the process can produce urea fertilizer on the basis of a nitrogen content of 20 per cent far below the forecasted figure of $56 and even below the low figure of $45 per net ton.

The present price of Chile nitrate is $55 per ton, or $70 per ton on the basis of 20 per cent nitrogen content. We estimate that urea can be produced at $44 per ton of 20 per cent nitrogen fertilizer, and would therefore cost the American farmer only two-thirds of what he now pays for Chile nitrate, and in addition would save five-eighths of the freight now paid if shipped in the concentrated form containing over 42 per cent nitrogen.

You will notice, Mr. President, that Mr. Becket's estimated saving of one-third is based on the 1924 price of $55 a ton for Chilean nitrate. If that price drops to the probable minimum of $44 a ton estimated by the Department of Commerce or to the remotely possible $35 a ton, the competition might make the production of urea unprofitable. The farmer would get the benefit of the lowered price only so long as the Muscle Shoals lessee might be able to continue in business. Then Chilean nitrate would rebound to its present levels.

WHAT IF THE CHILEAN MONOPOLY SHOULD FIGHT?

And what are the elements in the price of Chilean nitrate? We must remember that at present it is a monopoly and will fight for its control of the market. How far could the price be reduced if the monopoly had to fight for its life?

The majority report of the Muscle Shoals inquiry analyzes the price of Chilean nitrate at the time of its study, which was a little over $50, and shows the following elements to be contained in the price of Chilean nitrate, quoting from page 39 of the report:

> The producer's cost has been estimated at about $13 per short ton. The producer's profit averages $12 per ton; the tax imposed by the Chilean Government since 1880 amounts to $10.40 per ton; sales expense, etc., $6.20; total, about $41.50 per ton. Freight and commissions in 1922–23 amounted to about $8.80, making the total price at Gulf or Atlantic ports $50.40.
>
> The price of nitrate and the allocation of sales are both controlled by the Chilean Nitrate Producers Association through a subcommittee in London. The ultimate decision as to price is in the hands of Chilean owned and controlled companies.

A careful examination of those figures will show a considerable latitude for price reduction if the Nitrate Producers Association were face to face with warfare for the market.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield to the Senator with pleasure.

Mr. SMITH. I desire to call the Senator's attention to the fact that during the war those that handled Chilean nitrates in this country had put up the price to something like $90 a ton and above, delivered to the farmers of this country. I introduced here a bill, which passed, appropriating $20,000,000 as a revolving fund for the Government to take its vessels, go to Chile, buy the nitrates, bring them back, and deliver them to the farmers at cost, including all costs, those of distributing agents as well as freight and the necessary crews. The result was that we reduced the price of that material almost instantly $35 per ton. Instead of its being sold here at $90 it was sold for somewhere around $64 to $65, as well as I remember the figures. The average reduction was something like $25 or $30 per ton, showing the spread of profit under the war conditions. Of course, it became cheaper afterwards.

Mr. LA FOLLETTE. And no doubt, Mr. President, they have stored up those profits and are prepared for a fight if they have one.

Mr. SMITH. As the Senator was speaking about the cost at shipside in Chile being about $13, the Chilean export duty about $12, the producer's profit about $13, the freight about $13, and the delivery and the spread of profit after it gets here about the same, bringing the total up to about $60, what saving could be brought about if the Government, as testified in the Senator's statement and by the expert, could produce it under these conditions at about the original cost at the mine of Chilean nitrate?

It seems to me it is so palpable that if we have any regard for the great disorganized mass of farmers, composed of every phase of our population, if we sincerely want to aid them in feeding this country and in clothing it—because they have no weapon to fight with, such as organized forces have—we will not quibble here one minute as to invoking the powerful aid of the Government in not only discovering the means to produce but in producing that which would relieve them in fertilizing their soil.

The Senator is touching upon the only source that we have to-day of getting this prime plant food, nitrogen, which is the Chilean source. Instead of our standing here and talking about getting bids and drawing up something to regulate somebody, what do we want with any bids? What do we want with any regulation when we already have a plant ready to go to work with the expert chemists who are doing the work for the private corporations now?

If the Senator will bear with me for one minute——

Mr. LA FOLLETTE. I am glad to yield.

Mr. SMITH. The research laboratory of our department down here discovered on its own initiative, for the first time in the history of the world, a method of producing pure phosphoric acid that made it possible to recover that ingredient even from the phosphate rock dump heaps, where the percentage of phosphate was very low, or where it was rich and there was such a presence of iron that the reaction of sulphuric acid would not produce the acid phosphate. By using a furnace that they invented, and taking common road sand and the lowest grade of phosphate rock, or that which was the highest impregnated with iron, and putting in the sand and taking the silicic, they produced the finest form of acid phosphate known to the world. Mr. Swan, I believe, had charge of it; and immediately the fertilizer people of this country and the leading chemists employed him away from the Government and took the process, and are now using it commercially throughout the country. Of course, however, they are using it for their benefit and their profit, not for the benefit of agriculture, only as it supplies their manufacturers.

I maintain that if we want to benefit those upon whom all of us are dependent we will not risk the exigency, the greed, the avarice, the selfishness that is inherent in us all by turning over the solution of the fertilization of the soil under a lease and a contract to a private company whose primary business in bidding on the lease is to make all the profit they can.

Mr. LA FOLLETTE. I appreciate the Senator's suggestion, and I am in full agreement with him on that point, as he well knows.

Mr. President, the Nitrate Producers' Association has already lost a large share of its European trade, and the United States has become the largest absorber of its nitrate, now taking 46 per cent (majority report, p. 29). This principal remaining market will not be given up without a struggle.

UNION CARBIDE WOULD NOT PRODUCE AT LOSS

If Chilean competition should carry the price below that at which the Union Carbide Co. could profitably produce urea, it naturally would not continue the business at a loss, no more than Ford would have done, nor any lessee under the Underwood bill. The offer of the company as made at that time provided for cessation of urea operations if unprofitable.

Mr. Leonard H. Davis, the representative of the Union Carbide Co., who explained its offer before the Senate Committee on Agriculture, testified as follows in the same hearings from which I have been quoting (p. 827):

> Mr. DAVIS. The price that we would charge would be the actual cost plus 5 per cent.
>
> Senator RALSTON. Without regard to——
>
> Mr. DAVIS. Without regard to what other prices were at all.
>
> The CHAIRMAN. Now, if that were higher than other prices, you wouldn't be able to sell it.
>
> Mr. DAVIS. Precisely.
>
> The CHAIRMAN. That is one of the troubles with the Ford bid, and the same trouble with yours.
>
> Mr. DAVIS. We have stated in our bid that if it should prove unprofitable and uneconomical to make the type of fertilizer stated there, then at the request of the Government we will make any other kind that the Government desires.
>
> The CHAIRMAN. If there wasn't any other kind that could be sold at 5 per cent and still meet the market——
>
> Mr. DAVIS. Then we state that if it can not be sold and the Government does not want us to make any other kind of fertilizer we will cancel the fertilizer agreement.

So much, Mr. President, for urea produced through the established cyanamide process and the newly worked out Lidholm process. It is a plan for the early use of the facilities already installed at nitrate plant No. 2. I have gone into this discussion with regard to the Union Carbide Co. because, as I stated before, as shown in the majority report of the commission, it is the most likely bidder if the recommendations of that commission should be carried out. Even this newly perfected Lidholm process is competitively dubious, Mr. President, but what of the future?

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. HEFLIN. The Senator is aware of the fact that whoever gets Muscle Shoals is not compelled to use the cyanamide process. They can use any process that they choose or that they discover. If a new plan had been discovered, they could use that.

Mr. LA FOLLETTE. Mr. President, the Senator is contending for the immediate lease of this project, and I therefore have turned to a somewhat lengthy analysis of what seemed to me to be the process which could most readily utilize the cyanamide process installed at Muscle Shoals. The Senator has not been here, but I have endeavored to show that even if that new process were used at Muscle Shoals there is a very great likelihood that it could not compete with Chilean nitrate if that monopoly sought to fight for the market.

Mr. HEFLIN. Our contention is that it can successfully compete with the Chilean nitrate monopoly and can make fertilizer at half the price at which it is sold in the United States. Under the bill, which is the basis of this concurrent resolution, they can make complete fertilizer at Muscle Shoals if they want to, but they must make 40,000 tons of fixed nitrogen.

Mr. LA FOLLETTE. Yes; they must make it if it is profitable to them to make it.

Mr. HEFLIN. But it is going to be. It will be demanded of them.

Mr. LA FOLLETTE. That is the statement the Senator makes, but I have been endeavoring to demonstrate that it is not possible.

Mr. HEFLIN. But if it is not, if they do not agree to do it and bind themselves to do it, the Senator will have an opportunity to reject their bid.

Mr. LA FOLLETTE. Ah, but the Senator in his concurrent resolution has set up the old House bill 518 as the guiding standard by which this joint committee is to operate, and under that proposition, which was the House acceptance of the old Ford offer, the lessee that gets the lease will not be required to produce fertilizer unless it is profitable. There was talk about 40,000 tons of nitrogen, but that was upon the basis that it should be profitable.

Mr. HEFLIN. But the concurrent resolution provides that we shall have as good a bid as that or better.

Mr. LA FOLLETTE. I think the answer made to that proposition by the Senator from Georgia [Mr. GEORGE] is absolutely sound. The Senator might just as well go out here and try to sell a horse and announce in his advertisement that he was going to sell it; that he wanted to get $100, but that he would take $50. Does he think anybody would come along and offer him $100 when they could get it for $50?

Mr. HEFLIN. The illustration is an unfortunate one; it is not a good one at all, because in this case the price of the horse has to be reported back to Congress, and Congress can accept it or reject it.

Mr. LA FOLLETTE. Mr. President, the point I have been trying to make is that if Congress takes another step in the direction of leasing this plant upon the basis of this resolution with the Ford offer as the minimum, when the report and the lease are brought back here all the pressure that is now exerted to pass this concurrent resolution will be invoked; and with the junior Senator from Alabama [Mr. HEFLIN] at the tiller of the combination between the Republicans and the Democrats on this proposition—a continuation of the one which existed on the tax bill—I have little doubt but that the proposition will be put over without the crossing of a "t" or the dotting of an "i."

Mr. HEFLIN. Would the Senator wish to prevent a vast majority of Congress from doing what it wanted to do? Would the Senator desire to prevent the representatives of all the American people, if they did want to pass a bill and accept a bid that came in, from doing so? Would they not have the right to do so?

Mr. LA FOLLETTE. Oh, I expect to be run over by that steam roller with the Senator from Alabama at the helm, just as I was run over by the steam roller when the senior Senator from Utah [Mr. SMOOT] and the senior Senator from North Carolina [Mr. SIMMONS] were sitting on the same chair and both of them had hold of the throttle. I am getting used to being run over by the steam roller, and it does not affect me at all. I am simply contending for what I believe to be the public interest in this proposition.

Mr. HEFLIN. If the able and brilliant Senator from Wisconsin—and he is both——

Mr. LA FOLLETTE. The Senator does not mean to be sarcastic, Mr. President?

Mr. HEFLIN. I do not mean to be; I mean what I say. If the very able young Senator from Wisconsin was run over by the steam roller, as he said, does he not think that the sooner he lets this one get into action the better it will be for all concerned?

Mr. LA FOLLETTE. No, Mr. President; I do not. I do not agree with the Senator from Alabama about steam rollers. I have been brought up in a school of politics where I was taught to fight the steam roller just as hard the second and the third and the fourth time I am run over as I do the first time.

Mr. HEFLIN. This proposition, Mr. President, simply provides that the committee can go out and ask for bids.

Mr. LA FOLLETTE. I have heard the Senator state that a good many times, and, if he does not object, I will go on with my argument.

The PRESIDING OFFICER. The Senator refuses to yield further.

Mr. HEFLIN. It would take me only half a minute.

Mr. LA FOLLETTE. If the Senator will be brief, I shall be glad to yield further.

Mr. HEFLIN. Then they have to report back, and if we do not accept one of the bids there is not anything to do but to put the Government to work down there, as the Senator suggests. Nobody could oppose it then, because we would have failed to lease it to private individuals, and we would have to do that. Now, why not let us have this opportunity to lease it?

Mr. LA FOLLETTE. I have no doubt the Senator is going to get his opportunity, but I am protesting against it; and if the Senator had been here when I started my argument, if it may be termed that—and I am not criticizing the Senator for not being here, because the Senator has been very closely in attendance upon this matter, nor am I criticizing him for not listening to any remarks I may have had to make——

Mr. HEFLIN. I will say to the Senator that I was out of the Chamber a little while ago; I was at lunch, but I heard the most of the Senator's speech.

Mr. LA FOLLETTE. What I want to say to the Senator is just this: My contention is, in a nutshell, that the public money was expended at Muscle Shoals under the act of 1916 upon the specific pledge that it was to be operated for the public account and for the public good, and that it is not just to take the public money for the development of a project of this kind and then turn around and give it away or lease it to some private corporation upon terms which are very favorable to them.

Mr. HEFLIN. We can not give it away unless the Congress approves it.

Mr. LA FOLLETTE. In my judgment, any lease based upon the old Ford offer will be giving away Muscle Shoals for 50 years.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. Practically everyone who is now trying to give this great power plant away to private interests, in 1916 was here beseeching the Government to build that plant for war purposes in time of war, and for the making of fertilizers by the Government in times of peace. They put themselves, unwittingly perhaps, in the remarkable attitude of coming to the Congress urging appropriations in the aggregate of $150,000,000, made up of taxes from all the people, to build that plant, and after we have built it they turn serenely around and say, "We will give it away to private interests. We did not mean what we said. We told the Congress then that we wanted it for public purposes, that we wanted the Government to control it for national defense, in the first place, and for fertilizers for the benefit of the farmers in times of peace. But we did not mean what we said. What we really meant was that we wanted to inveigle the Congress of the United States into developing this power for the hidden purpose, as it appears, of turning it over to private interests."

Mr. HEFLIN. I will ask the Senator to yield, as the Senator from Tennessee has reflected on another Senator.

Mr. McKELLAR. I did not reflect on any Senator.

Mr. LA FOLLETTE. I yield.

Mr. HEFLIN. The Senator speaks about an effort to give this project away to private individuals. The Senator himself voted to do that. He supported the Ford bill, with a term of 100 years as to Dam No. 2 and Dam No. 3 also.

Mr. LA FOLLETTE. Mr. President, I can not yield further. That controversy between the two Senators has been going on ever since this matter was brought up.

Mr. McKELLAR. Of course, if the Senator will permit me, the Senator from Alabama may make that assertion, if he gets any satisfaction out of making a statement time and time again which has no foundation. The truth is that House bill 518, which is the basis of the Senator's resolution, provides not for the Ford offer but for the Underwood bill, which struck out the Ford offer. House bill 518 is solely and alone the Underwood bill of last year, and the Senator knows I fought with all the vigor of which I was capable the Underwood bill of last year, which is the foundation of the pending resolution.

Mr. HEFLIN. I assert again that the Senator from Tennessee supported the Ford offer, which contained a provision for a hundred years' lease, and under which Ford could do what he pleased with all the power. The Senator from Tennessee can not get away with that sort of argument. I will show before this debate is over that he has occupied two separate and distinct positions on this question.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I yield.

Mr. SHORTRIDGE. I have not been able to be present and listen to the argument which has been in progress; hence, I desire to put a question to the Senator from Wisconsin, somewhat in this form: I understand that the proposition is to lease this property; there is to be a lessor and a lessee. I do not understand that the Government is to part with its

title; wherefore, my immediate question is, if the Government retain title, with all its rights safeguarded in a lease, is not the Government safe? Does not this resolution leave us in a position to do what, after thorough investigation, may be thought to be the wisest thing to do in the development of this great governmental project? This is a somewhat complex and mixed question.

Mr. LA FOLLETTE. I follow the Senator.

Mr. SHORTRIDGE. The point of my question is, this property is owned by our Government. We have invested a great deal of money in its acquisition and development. I understand that we are to retain title over it, but that it may be thought wise to lease it upon terms which may be deemed wise and advantageous to the Government. Is not that the situation?

Mr. LA FOLLETTE. The Senator is absolutely correct, and what I said to the Senator from Alabama in the colloquy was just this, that in making a lease, if we should take the old Ford offer as the guide, which is what this House concurrent resolution would do, we would not, in my judgment, protect the public interest. Of course, the Senator is absolutely right as far as a technical construction is concerned. The Government does not propose under this resolution to relinquish title. There is no question about that.

Mr. McKELLAR. Mr. President, if the Senator will permit me, may I ask a question of the Senator from California?

Mr. LA FOLLETTE. I yield for that purpose.

Mr. McKELLAR. The President has recently recommended that the Congress appropriate the money necessary to build the Boulder Dam on the Colorado River.

Mr. SHORTRIDGE. I so understand.

Mr. McKELLAR. For public ownership and operation. Is the Senator from California in favor of that proposal?

Mr. SHORTRIDGE. I am.

Mr. McKELLAR. How does the Senator differentiate the proposal as to the Boulder Dam, which he desires to have the Congress appropriate the money to build, and the Muscle Shoals Dam, for the building of which the Congress has already appropriated the money? Is it the purpose of the Senator to do as others have done, after he gets the Congress to build the Boulder Dam, to propose then to turn it over to private interests?

Mr. SHORTRIDGE. The Senator has put a question which would require much time to answer.

Mr. LA FOLLETTE. Then I ask the Senator——

Mr. SHORTRIDGE. I hold myself ready and able to answer, and I hope satisfactorily, the question propounded.

Mr. McKELLAR. I would like to hear the Senator answer it in his own time. I do not want to take the Senator from Wisconsin off the floor.

Mr. SHORTRIDGE. I hope to be able to gratify the Senator.

Mr. McKELLAR. I would be very glad to hear the Senator distinguish the two propositions.

Mr. SHORTRIDGE. I shall be able to distinguish them, or to harmonize them, and my position will be perfectly satisfactory.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I yield.

Mr. FESS. The Senator from Wisconsin has been very clear in his statements about the lease. I think the question asked by the Senator from California was stimulated by utterances on the other side of the aisle, rather loose, I think, to the effect that we were giving the property away. I have not heard the Senator use that language.

Mr. LA FOLLETTE. No; Mr. President, I think I have not made such a statement.

With regard to the fact that the art of fixing nitrogen from the air is in flux, I wish to call the attention of the Senate to the fact that Mr. Becket, representing the Union Carbide Co. and arguing at that time for the acceptance of his offer, frankly recognized the "flux" of the art and the probability of new applications of nitrogen fixation; and those who remained in the Chamber here yesterday afternoon to hear the able address of the senior Senator from South Carolina were given further testimony on that point.

Indeed, the company's offer provided for setting aside half of all fertilizer profit for the first 10 years for research and experimentation by it, to bring the possibilities of the future into being. Thus the representatives of the Union Carbide Co. agree with the majority of the inquiry commission that even urea is not the last word in fertilizer manufacture.

THE FERTILIZER OF THE FUTURE

Mr. Becket said (p. 837):

Nitrate plant No. 1 was built for the production of synthetic ammonia, and other proposals laid before this committee have been based upon synthetic-ammonia production. Therefore, a question has probably arisen in your minds as to the ability of urea to compete with ammonia so produced.

On an assumed but reasonable basis of electric energy at $15 per horsepower year, the bare cost of producing urea on a nitrogen basis of 20 per cent is closely estimated at $44 per ton, making the cost of the contained nitrogen 11 cents per pound, to which ammonia at 9 cents per pound is equivalent.

Therefore, until a synthetic process shall be shown capable of producing ammonia and converting it into solid commercial fertilizer at a total cost considerably lower than 9 cents per pound of the contained ammonia, it is submitted that a considerable portion of nitrate plant No. 2 should be used in the production of urea.

Recognizing the possibilities of synthetic processes for the manufacture of ammonia and of fertilizer compounds derivable from it, the company offers as a part of its proposal, during the first 10 years of the lease, to devote one-half of the profits growing out of the fertilizer manufacture to research for the development of the urea, the synthetic ammonia and other processes. Should the company develop or otherwise acquire an economical process for the synthetic production of ammonia, it proposes to operate nitrate plant No. 1 upon this product up to a nitrogen output equal to that planned for urea at nitrate plant No. 2.

The larger of the two great German synthetic ammonia plants is equipped to produce 220,000 tons of ammonia yearly. During the past year the United States consul at Leipzig reported plans to convert a large part of this ammonia output to urea. This is technically possible and may become commercially feasible. At least it suggests that synthetic ammonia produced at nitrate plant No. 1 might be converted to the excellent form of urea.

The CHAIRMAN. That is nitrate plant No. 1?

Mr. BECKET. Yes, Mr. Chairman.

At this moment the process of making urea from ammonia is not completely worked out, but there appears considerable hope that with very cheap synthetic ammonia urea may be economically produced. I mention this not only because of its possibility, urea being such a desirable fertilizer, but because it would be a very excellent form in which to utilize the ammonia.

Again he said, at the end of his summary of the whole argument for urea by the cyanamide and Lidholm process (p. 842):

Seventh. Notwithstanding the present economic superiority of urea, we admit the ultimate possibility of cheaper synthetic ammonia, and our proposal offers research toward its realization and toward its conversion to a more suitable compound than ammonium sulphate.

Once more, and this goes to the crux of the whole matter, that very little power will be required for the methods of the future (p. 843):

The CHAIRMAN. As I understand it, most scientific men, like yourself, are very much impressed, and most of you, I think, believe that we are right on the eve of cheapening that process very materially?

Mr. BECKET. I quite agree, Mr. Chairman.

The CHAIRMAN. That cheapened process does not depend to any great extent upon the use of power, does it?

Mr. BECKET. At the present moment it seems rather unfortunate that the best processes require electrolytic hydrogen, which, of course, is a great consumer of power. As expressed here, approximately five-sixths of the power is required for the electrolytic hydrogen. I have little doubt that within a very few years other methods for the production of hydrogen of desired purity will be brought forth that are likely to be cheaper than the present electrolytic method, and in that case, instead of being on a par or a little lower, for example, than I have just mentioned in total nitrogen fixed per unit of power, the synthetic process will become one requiring very little power per unit of hydrogen.

Still again (p. 845):

Senator RANSDELL. I would like the witness to give a little clearer explanation than he has done yet of his reason for thinking we are going to have this marvelous improvement that we are going to have in the very near future in the production of this product you have been discussing.

Mr. BECKET. Senator, based on theory, the result obtained at present represents a very low efficiency. In other words, the opportunity is there, and certain lines of investigation are now under way which give very considerable promise. At this moment one would not dare to say that they are practical and that you could go out and design and build and operate a factory, but the leads are so good I think we are well warranted in saying that through the improvement of the synthetic

process we are likely to appreciably cheapen the fixation of nitrogen as ammonia.

Senator RANSDELL. Then it is reasoning from what has already been accomplished, at least to a very marked degree, though not to a perfect degree of success, that you are going to get this perfect degree in the near future.

Mr. BECKET. Quite so, sir. But that is not detracting from the statements already made that the accomplishment of the fixed nitrogen laboratory will permit you to make cheaper fertilizer, provided you will transfer that ammonia to some solid salt.

Mr. President, these things are plain to one who wishes to understand them.

COAL IN FERTILIZER MANUFACTURE

Besides the possibility of lessening the water power necessary for the manufacture of nitrate fertilizers, there is also the possibility of using coal instead of water power and setting up your nitrate plants at the coal mines instead of at the water-power site.

The great German plants for air nitrogen fixation base their process, as has been said, on brown coal.

In addition to the extract from an article by Doctor Cottrell, of the Fixed Nitrogen Research Laboratory, which I have already incorporated in my remarks, let me quote from Doctor Cottrell's testimony before the Senate Committee on Agriculture in 1924. After stating (hearings, p. 1295) that he expected the near future to reveal ways of using a very much smaller quantity of water power for fertilizer production, he took up the experience of Germany in producing nitrogenous fertilizer from the air without water power at all.

Here is the testimony (pp. 1295–1297):

The CHAIRMAN. Now, if you are ready, I want to take you back to Germany. In the first place, you have been over there, Doctor, have you not? You have been through that big plant in Oppau?

Doctor COTTRELL. Yes, sir; in 1919 I went there between the time of the armistice and the closing of the treaty. I made a trip over Oppau with the Army and Navy officers.

The CHAIRMAN. Were you given access there to the plant?

Doctor COTTRELL. Yes. I went down with credentials from the Peace Commission with a party of officers from the Army and the Navy, and we inspected the plant in company with and under the auspices of the French, who had the plant in charge at that time. The Germans were in the plant and showed us over quite courteously the general features of it, and then we came back afterwards and went over it a little more in detail.

The CHAIRMAN. What is the capacity of that plant at Oppau?

Doctor COTTRELL. That is about 100,000 tons of nitrogen.

The CHAIRMAN. Per annum?

Doctor COTTRELL. Per annum, as I remember it.

The CHAIRMAN. What is the capacity of the other big one?

Doctor COTTRELL. About twice that.

The CHAIRMAN. Two hundred and forty thousand tons per annum?

Doctor COTTRELL. About 200,000.

Senator RANSDELL. That is the same kind of nitrogen that Mr. Ford is talking about getting—his 40,000 tons?

Doctor COTTRELL. Yes, sir. That refers to elementary nitrogen, everything being calculated back to that * * *.

The CHAIRMAN. * * * I want to get all the facts there are. Is there any water power there? Do either one of those big plants in Germany use water power?

Doctor COTTRELL. No.

The CHAIRMAN. They are entirely coal?

Doctor COTTRELL. They are entirely coal.

The CHAIRMAN. I. it safe to say that is the fuel-furnace method? Is that what you call it?

Doctor COTTRELL. We have referred to it colloquially as the coal or chemical method and technically and more exactly as the Haber-Bosh method. * * *

The CHAIRMAN. * * * There is no water power at either one of these places?

Doctor COTTRELL. There is no water power * * *.

The CHAIRMAN. The thing they produce there is nitrogen.

Doctor COTTRELL. Is nitrogen.

The CHAIRMAN. And that is the object of both those big concerns?

Doctor COTTRELL. That is the object of both those big plants.

The CHAIRMAN. Is it not fair to say, then, in the present state of the art, the way to extract nitrogen out of the air is to follow the process of these two big plants in Germany, and we do not need and we do not want the water power to do that, except the power that we are going to use to compress those gases when we combine hydrogen and nitrogen?

Doctor COTTRELL. Essentially so.

The CHAIRMAN. What power do they use to compress those gases?

Doctor COTTRELL. They use electric power generated by steam.

The CHAIRMAN. Generated by steam?

Doctor COTTRELL. Or gas engine. I think it is steam, as I remember it. Of course that could be generated by gas engines as well as by steam.

The CHAIRMAN. That throws a new light on the whole thing.

A TRUE FERTILIZER POLICY

Mr. President, from a study of the question of Muscle Shoals primarily for fertilizer or Muscle Shoals primarily for power I think one must necessarily conclude that the Shoals can not consistently with common sense be "dedicated to fertilizer" in the hands of private operators. It would be folly pyramided on folly to lease the shoals on terms based on using 100,000 horsepower a year in the manufacture of fertilizer for the next 50 years. Yet, that is the purport of old H. R. 518—that is the general instruction, the guiding principle laid down for this proposed joint committee in House Concurrent Resolution 4.

A true and wise fertilizer policy at Muscle Shoals is Government fertilizer experimentation, Government fertilizer operation first in accordance with present possibilities and later in accordance with the developments of the science. Meantime the Government should operate and control the power resources of the shoals, which, everything indicates, will, as the years go on, be primarily and increasingly useful for power transmission and for general industrial purposes.

Mr. President, I will now take up some of the power aspects of the Muscle Shoals and the reasons for retaining control by the Government primarily for power purposes.

VALUE OF MUSCLE SHOALS TO THE UTILITY COMPANIES OF THE SOUTH

The Wilson Dam at Muscle Shoals is the largest in the world. Realizing that many Senators have made up their minds upon this proposition and would not remain in the Chamber to hear the debate upon it, I secured, through the courtesy of the Air Service of the Army, recent pictures taken in January of the Muscle Shoals project. I have had them hung upon the walls of the Chamber in the hope that the graphic and dramatic argument which they make upon meeting the eye might perhaps appeal to Senators who have not heard the arguments in the Chamber.

The dam at Muscle Shoals will furnish the largest block of water power east of the Rockies, outside of Niagara and the St. Lawrence. The water power already installed is bigger than any other development in the South. The auxiliary steam plant will supplement that developed on other rivers with different flood and flow curves. When the improvement of the river above is completed, the total installed power will be 874,000 horsepower, and the total output between 2,000,000,000 and 3,000,000,000 kilowatt-hours a year, it has been estimated by recognized authorities. It is not surprising that the private owners and operated utility companies of the South want to get it.

UTILITIES PRIVATELY OWNED AFRAID OF PUBLIC OWNERSHIP AT MUSCLE SHOALS

But the money value of Muscle Shoals, great as it is, will not account for the extraordinary interest of the electric-utility industry in this legislation. The capacity of Muscle Shoals is only 1 or 2 per cent of the present generator capacity of the country. It is smaller than a number of the private systems. The bitterness of the electric utilities in this fight rests rather on their hostility to public ownership. They are afraid that it will be an entering wedge for more widespread public ownership and public operation of hydroelectric power. They are afraid Muscle Shoals will be another Ontario hydroelectric plant, which is providing cheaper and more abundant power than any private company in the States.

A mass of incontrovertible evidence was laid before the Senate at the last session showing that the Ontario government-operated hydro and the various municipal power plants in the United States sell power and light to the public far cheaper than the privately owned companies in the United States do. I shall not attempt to review that impressive evidence. I merely wish to call attention to an added testimonial from the practical experience of the Union Carbide Co. concerning the Canadian power.

Frederick M. Becket, of that company, in a letter dated May 15, 1924, to the chairman of the Senate Committee on Agriculture and Forestry wrote as follows:

While we believe that electric current is sold to household users and for motive power in the smaller industries in Canada at less than rates prevailing in the United States for similar purposes, we know it to be a fact that power is obtainable in Canada for electrochemical purposes for considerably less than power can be obtained in the United States. We operate plants in Canada and our experience is that we can manufacture electric-furnace products in Canada, due to a lower cost of

power, labor, and other items, at less cost than we can produce these commodities in well-located factories in the United States.

This letter is printed in the record of the Muscle Shoals hearings of the Senate committee (pp. 845–847).

The Ontario government-operated enterprise is furnishing cheap power for Ontario industries, and it is selling household current for 3 and 4 cents a kilowatt-hour instead of 8 and 10 cents. The Ontario Hydro stands out as a measuring stick against which our private electric companies may be tested, and they know that they do not show up well under this comparison. They know what the great mass of the public does not yet realize, namely, that the whole question of the comparative cheapness to the consumer of private or public ownership and operation of hydroelectric power is no longer a matter of theory; they know that wherever the two systems have been fairly tried the rates to the consumer are lower under public ownership and public operation than they are under private ownership and private operation. The Canadian Ontario public-ownership experiment has subjected them to enough unfavorable comparison, and they are fighting the public operation of Muscle Shoals because they do not want any more object lessons or measuring sticks nearer home.

The private electric utilities interests have tried unsuccessfully to discredit the results of the Ontario experiment. But their specious and untenable arguments are refuted, both by the total facts regarding the Ontario project and by the facts regarding the publicly operated plants already established in America. For the American people are not only manufacturing their own electricity in steadily increasing quantities but they are manufacturing it at rates far below those being charged by private power interests. The testimony of actual experience in this country demonstrates overwhelmingly that public operation is in the public interest.

I submit to the Senate a few of the results which are typical of public operation in some of our American cities.

The publicly operated hydroelectric system of Tacoma, Wash., made $1,000,000 profit in 1925, and the people of that city paid $1.20 a month for about 40 kilowatt hours of electricity, which is the average amount used by a modest home. The people of Tacoma are heating their homes with electricity at a special rate of only half a cent a kilowatt-hour.

The publicly operated hydroelectric system of Chicago, even as far back as 1913, was manufacturing and distributing electricity at an average rate of 1.13 cents per kilowatt-hour, and it was making money.

The publicly operated system of Cleveland, even in 1921, a time of peak prices, was manufacturing and distributing electricity to the homes of that city at 3 cents a kilowatt-hour.

The publicly operated system of Pasadena, Calif., in 1921, a year of peak prices, was manufacturing and distributing electricity to the homes at a maximum rate of 5 cents per kilowatt-hour. Before the public plant was put in operation in 1908 a private company was charging Pasadena people 15 cents a kilowatt-hour. The public plant is making money.

The publicly operated system of Los Angeles last year manufactured and distributed electricity to the homes for 5.6 cents a kilowatt-hour. A private company several years ago was charging 9 cents a kilowatt-hour in Los Angeles. Surplus earnings of the publicly operated company in 1925 amounted to $2,554,855. Since the system was put in operation in 1916 it has earned a total surplus of $12,210,447. All of this money has been reinvested in extensions and improvements. The Los Angeles public company is said to be selling power to manufacturers at a cheaper rate than any company along the Pacific coast. Even in 1921, the time of high prices, it was selling power to manufacturers at a minimum rate of 0.86 cent a kilowatt-hour.

I submit to the Senate the unreasonableness of any argument that the Federal Government can not also operate a public power project and make it pay. Is it not truly ridiculous for anyone to claim that the Federal Government can not do what a number of American cities have been doing successfully for years?

I wish I had more time to go more fully into the Los Angeles development. I commend to the attention of Senators the testimony taken before the Committee on Agriculture and Forestry recently with regard to the great success of that public enterprise.

Typical examples show, Mr. President, why the private utilities interests do not want any more actual experiments in public ownership and operation. Hydroelectric power is the key to industry of the future, and they want to keep the key. They know it has been demonstrated that the public can control and operate that key to its own advantage. But they realize the fact is not yet widely known, and private utility interests do not want it generally known until the public has given over to private interests all its remaining natural resources for hydroelectric power. They are fighting the Government operation of Muscle Shoals because they fear it will be an outstanding example which will make the desirability of public operation of electric power generally known, and convince the public of the wisdom of retaining and operating its own natural power resources.

ESSENTIAL IN PRESENT REGULATION SYSTEM

Now, I am not advocating public ownership of all the electric power systems of this country. Our policy of regulation through public service commissions has much in its favor, and the country seems in no mood to make a change. It has encouraged a rapid growth of electric service from which the people have greatly benefited. But one of the most effective ways to regulate the existing private companies is to have some examples of public operation interspersed with the private systems. In fact, regulation without examples of public operation will become increasingly difficult, not to say impossible. The public operation of Muscle Shoals would be a valuable aid to regulation.

The junior Senator from Nebraska [Mr. HOWELL] in an able article published in the January number of La Follette's Magazine makes an illuminating statement in regard to his home city of Omaha. He says Omaha enjoys its low rate "not because of actual competition but because of potential competition; that is, fear of public competition. In other words, the private company operating in Omaha, realizing it must afford reasonable rates or be confronted with public competition, voluntarily acquiesced in the rate quoted for that city, to the end of avoiding public competition. Certainly no public utility corporation would agree to a noncompensatory rate as the result of a mere threat."

UTILITY CORPORATIONS GROWING TOO BIG FOR REGULATING COMMISSIONS TO HANDLE

Thus far regulation has been very profitable to the utility companies. It has improved their credit without reducing their earnings or their speculative gains. The art of making and selling electricity is developing rapidly. Technical advances are steadily reducing costs. The utilities do not need to ask for increases in rates. All they need is to be quiet and be let alone, for, owing to decreasing costs of production, rates that may have been properly adjusted 10 years ago are now sufficient to yield a very handsome profit.

In justice to the companies be it said that they have in many instances reduced their rates voluntarily, but these changes have not reduced income. Instead of the economies in technique being passed on to the public in general rate reductions, they have been absorbed by the bankers and promoters through fresh security issues. Holding company has been piled on holding company, each pyramid adding its tier of watered stock to the claims of the security holders. In typical instances the same men acting in different corporate capacities have collected one profit on financing, another on construction, and a third on operation of the plant. Contracting among themselves these combinations of corporations can artificially fix the "costs" in a way that no State commission has either the appropriations or the ability to prevent.

At the same time the utility corporations are combining into groups so big that no single State can deal with them. The business of supplying electricity is now interstate as well as intrastate. The Federal Trade Commission has not yet reported to the Senate on the General Electric Co. and the Power Trust, but we do not have to wait for their report to know that there are already powerful groups like Stone & Webster, Standard Gas & Electric, Cities Service, North American, and others whose ramifications extend to many States. The process of integrating and trustifying the electric system in this country is rushing ahead like an express train. Every week brings news of another consolidation. Before we awake to the danger the power supply will be in the control of a few great corporations, whose ability to hurt and to harm will surpass any trust we have yet known.

That, Mr. President, is the danger we are facing. To cope with it the forces of regulation must be strengthened by every means at our command. For, as Mr. Pinchot has well said, "Whoever dominates power dominates industry." And in view of the truth of this fact, it behooves us to realize that hydroelectric power is the great power of the near future. That is why in this contest every potential leverage of State and Nation is needed. Muscle Shoals should be retained, not only in public ownership but in public operation, as an example of the alternative to private ownership of the power resources should the private utility companies abuse their trust.

REGULATION IS POOR PROTECTION

Adherents of private operation of public utilities seem to assume that regulation really checks the price for service suffi-

ciently so that there is little to choose in this matter between private and public enterprise. Yet it is difficult to see that regulation as it is now practiced furnishes much protection to the consumer. Rates are held by the courts to be confiscatory of private property unless they furnish a "fair return" on a "fair valuation." A "fair return" is often held to be 8 per cent—sometimes it is higher, but not often lower by more than a point or two. This in itself provides a far larger charge than it would be necessary to pay in interest on State, Federal, or municipal bonds, even if the valuation were the same under both private and public ownership. But the valuation is not the same.

In the case of public enterprises the value is automatically determined by bookkeeping—it is inevitably the original cost of the investment made. But the courts have often held that a valuation of a privately owned utility which considers the element of original cost alone is confiscatory if the original cost is below what it would cost to reproduce the properties, or does not include a vague commercial sort of value supposed to be possessed by a "going concern." The result is that when the price level rises, or when technical improvements or economies are made, or wider use reduces overhead and unit cost, the privately owned utility is legally enabled to take a large share of the benefits for its investors, while a publicly owned enterprise automatically passes them on to the consumer.

PUBLIC CONTROL OF PUBLIC PROPERTY FROM DAY TO DAY

The New York World in an editorial on February 4, 1926, stated the case for the retention of the natural resources of Niagara Falls, and it applies equally well to Muscle Shoals:

> It is a poor policy, just at a time when the whole electrical industry is constantly being revolutionized by new scientific progress, to permit the State's great batteries of hydroelectric power to be alienated for a period of 50 years. The first requirement of any good water-power plan is public control of public property from day to day, and not from century to century.

The Government is already operating Muscle Shoals power. As a matter of fact, the Army Engineers are already operating the dam and power house. The surplus power is being sold on terms that permit cancellation without notice for $1,000 a day. As soon as larger transmission lines can be built, this can be increased to $4,000 a day. A contract for steady supply would bring higher unit prices and much larger revenues. The property is already producing revenue, and can in a short time be placed on a paying basis without permitting control to pass from the hands of the public.

Mr. KING. Mr. President, will the Senator from Wisconsin submit to an interruption?

Mr. LA FOLLETTE. I yield, Mr. President.

Mr. KING. Has the Senator given any attention to this thought: The Federal Government permitting an incorporation in which the States in which this power at Muscle Shoals would be used would be the stockholders; they manage and control the corporation as partners in a great power development scheme, and they use the power in their respective States under such terms and regulations as they deem proper? The thought occurred to me, if the Senator will further pardon my trespass——

Mr. LA FOLLETTE. I am glad to yield to the Senator.

Mr. KING. That in connection with the Boulder Dam proposition there is potential power of great value in the Colorado River. The States of Arizona, Nevada, and California are primarily interested as well as the State of Utah and, possibly, Colorado, so far as power is concerned. There are many objections to the Federal Government appropriating from $100,000,000 to $200,000,000 for the erection of a dam, installation of the necessary hydroelectric machinery, and the distribution of the power throughout the States to which I have just referred.

The thought has occurred to me that it might be wise rather than to project the Federal Government into a paternalistic scheme, rather than to tax the people of the United States from $100,000,000 to $200,000,000 for the benefit of that limited area of territory, to permit the States, in proportion to their desires and their interests and needs to participate in a corporation to be formed and that the States themselves form that corporation, take stock in the corporation, own the plant, divert the water, and use the power as their several needs might require.

I was wondering if the Senator had thought of that, because, as the Senator must see, with his ability and his study of these questions, the State may do that which the Federal Government may not do. The Federal Government is a government of limited and enumerated powers. It ought not to be a great landlord, unless very great exigencies arise; but the States are not hampered by the constitutional limitations which are found in the Constitution of the United States, to which the Federal Government is subjected, and the States may, therefore, project themselves into what might be denominated paternalistic enterprises with propriety when the Federal Government might not have that authority.

Mr. LA FOLLETTE. Mr. President, I have not studied the suggestion as outlined by the Senator from Utah, but I wish to call his attention to the fact that here we are confronted with a definite proposition. This money was spent under an act which was passed in 1916. The public's money was spent; it was taken out of the Treasury of the United States; it created this great project at Muscle Shoals. Now the question is, in view of the fact that that original act did declare that this plant would be operated for public account after it had been completed, are we justified in turning it over through a lease to some corporation which will reap the benefit of this expenditure of the public's money? That is what I have been discussing.

THE SMALL CONSUMERS MUST BE PROTECTED

If we turn this great governmental development over to the private interests the great industrialists will absorb the benefits of the whole development, made at the expense of all the people, and leave out in the cold the small consumers who should be allowed to share in the benefits of the development they have helped pay for.

I have already quoted so conservative an authority as Mr. C. O. Merrill, secretary of the Federal Power Commission, who pointed out to the people of Mississippi that this was precisely the danger at Muscle Shoals and precisely what had happened at Niagara Falls.

PUBLIC "INITIATIVE" ON THE JOB

Mr. President, as we all know, the operation of a power plant is simple. There is nothing to prevent the Government doing it efficiently. At Muscle Shoals the highly technical work of construction has already been substantially completed, and satisfactorily so, by Government engineers. To take the next step, the simple step, and operate the power installations presents no difficulty.

Further, to fix the rates and sell the power, and to negotiate contracts for "hooking up" Muscle Shoals power with the private power systems of the South under the newly developed plan of superpower connections, are all certainly within the capabilities of Government officials.

Finally, the experimentation and research imperative for finding practical methods of materially cheapening the cost of fertilizer is distinctly a governmental function. The Department of Agriculture's Fixed Nitrogen Research Laboratory has taken a commanding lead in experimentation, and it should be given the full opportunity of the Muscle Shoals nitrate plant No. 1 for perfecting new processes.

In fact the Government, in constructing the dams and plants and in experimenting with nitrogen fixation, has already taken, or is taking, all the "initiative" that opponents of Government operation tell us characterizes only the private individual and the private corporation.

UNION CARBIDE LAUDS GOVERNMENT LABORATORY

Hear what Frederick M. Becket, a practical electrochemical engineer, connected for 18 years with the Union Carbide Co., bidders for the shoals and the largest producers of calcium carbide in the country, operating with its associated companies 99 factories, says of governmental research.

Mr. Becket, testifying in the hearings before the Senate Committee on Agriculture in May, 1924, paid a very high tribute to the work of the Government Nitrogen Research Laboratory. I will read this passage (p. 842):

> The CHAIRMAN. You say that you admit the ultimate possibility of cheaper synthetic ammonia. Have you made any study of that proposition, so you can give us some definite idea as to what the probabilities are or the possibility of cheaper synthetic?
>
> Mr. BECKET. I have made a study of it, Mr. Chairman. I think the possibilities of cheaper synthetic ammonia are very good indeed.
>
> The CHAIRMAN. What are the probabilities?
>
> Mr. BECKET. The probabilities are very good indeed * * * I am having in mind my remarks of the excellent work done by the Fixed Nitrogen Laboratory * * *
>
> The CHAIRMAN. I would like to get your opinion about the development of that improvement, as to who has brought it about. What part has been taken in it by our Government and our Government employees?
>
> Mr. BECKET. Well, I believe that it is not only due to their development of a catalyst, or improvement of a catalyst, but quite largely to a difference in method of procedure which has actually been developed in the Fixed Nitrogen Laboratory.
>
> The CHAIRMAN. This is the governmental institution?
>
> Mr. BECKET. The governmental institution.

The CHAIRMAN. All the scientific men who are studying this question all over the world have been trying to improve that method and cheapen it, have they not?

Mr. BECKET. They have.

The CHAIRMAN. There has been a great deal of study given to it by yourself and such men as you all over?

Mr. BECKET. A very great deal of study all the world over.

The CHAIRMAN. All the world over. Now, you think that in the actual improvement that has been made in our laboratory, our Government-operated laboratory, operated by our own employees, has practically taken the lead and done more in that direction than anybody else?

Mr. BECKET. So far as we know, they have * * * Yes. May I say that our hope is if we obtain Muscle Shoals and the opportunity to carry forth under one of these alternate proposals the way would be quite clear to utilize at plant No. 1 all the good work that has been accomplished by the Fixed Nitrogen Laboratory. So far as we are aware, that would be the best way to start off the production of ammonia.

DISREGARDING THE REPORT OF THE MUSCLE SHOALS COMMISSION OF INQUIRY

It seemed strange, Mr. President, that House Concurrent Resolution 4 was introduced, reported out favorably by the Committee on Rules, and adopted before the report of the President's commission called the Muscle Shoals Inquiry, especially appointed to make a final survey, was available in print for adequate study and consideration by Members of Congress. But, Mr. President, a study of that report shows much in the way of specific facts and specific recommendation which it is very plain the sponsors of the concurrent resolution did not wish to adopt or sanction. Otherwise, why were they silent regarding this report of the President's commission and why did they ignore all of the valuable facts developed in the Senate debate of last session, and the expressions of judgment as disclosed in many votes in the Senate on specific phases of the Muscle Shoals questions? Why did they go back to the McKenzie bill (H. R. 518, 68th Cong., 1st sess.)? That was a backward step.

Former Congressman McKenzie, of Illinois, author of H. R. 518 for a sale to Ford and with no alternative provision for Government operation, was also chairman of the Muscle Shoals inquiry which has just reported. Chairman McKenzie signed the majority report, in which he changed from his previous convictions and joined in recommending a private lease on satisfactory terms, failing which Government operation in 90 days.

The majority report, after setting forth the terms which it believed should safeguard any lease, stated that no satisfactory definite proposition had been made to it by any bidder. It urged one more effort to secure a satisfactory bid, and if that were unsuccessful emphasized the importance of proceeding with Government operation without further delay.

Why, I ask, did the House concurrent resolution disregard the commission's majority recommendation and go back to H. R. 518 for the guiding principle in negotiations for a lease to private parties with no alternative?

The answer, it seems to me, is that the authors of the concurrent resolution feared to refer to the majority report of the commission of inquiry because it would leave Muscle Shoals hovering too close to the brink of public operation.

To refer to the minority report would have been awkward. Besides the minority report stressed power more than fertilizer and got away from the hoary topic of benefits to American agriculture.

There is nothing else to take, from the point of view of the author of the resolution, except H. R. 518, a measure left footless by the subsequent withdrawal of the Ford offer which the bill accepted. The resolution modifies the bill by specifying the lease of all the property instead of sale of part and by specifying a 50-year term instead of 100 years.

So the resolution comes before us with all the value of the deliberations of the Senate during the last session of the Sixty-eighth Congress thrown away, and with the naked proposal of a private lease at any cost.

It is a reactionary proposition; frankly and undisguisedly so.

THE CONCURRENT RESOLUTION AND ITS MEANING

Read carefully the text of the resolution and listen to Chairman SNELL of the House Rules Committee explaining its meaning. The resolution is as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the joint committee on Muscle Shoals, is hereby established to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 1, 1926.

Chairman SNELL, explaining this measure "for the production of nitrates primarily and incidentally for power purposes," stated that its purpose is to create an agency of the Congress to receive and consider bids and to report to the whole Congress its recommendations for a final disposition of Muscle Shoals. In this duty H. R. 518 is set as a guiding star for the committee's action—not specifically but in its general principles—so that the benefits to the Government and to agriculture under any recommended lease shall be "equal to or greater than" those set forth in that bill.

The only specific modifications are, as stated, that the nitrate plants shall not be sold but shall be leased as well as the power project, and that the lease shall not exceed 50 years.

Asked whether the blind reference to H. R. 518 meant that bill as introduced, as amended and passed by the House, or as proposed to be amended by the Senate, Mr. SNELL answered:

The committee had more in mind the bill as it passed the House. (RECORD, January 5, 1926, p. 1513.)

He added:

We thought this would give some general direction without being too specific. We did not want to be too specific in directing the committee to negotiate this lease. (P. 1513.)

Asked why the resolution did not recognize the alternative provision for Government operation in the majority report of the Muscle Shoals inquiry, Chairman SNELL replied:

We did not want to go to quite that extent at the present time. (RECORD, p. 1514.)

TIRING THE PUBLIC OUT OF ITS HERITAGE

We are besought to authorize one more whirl in the whirligig of commissions and committees and to confuse and tire out public resistance so that this $150,000,000 investment of the people may be leased into private hands.

And all the while, as I have been contending, Mr. President, the plain duty of the Government to operate this great property for service, not for profit, stares us in the face. It is the solemn direction and promise of the statute of 1916 and the sole justification upon which the public money was spent in this enterprise, and for six years now we have been dodging that obligation, while we try to hoodwink the public into believing that we ought to dodge and avoid it.

In the years to come an avalanche of popular disapproval will fall upon the Members of Congress who longer ignore and falter in their public duty to put in force the perpetual public operation of this public resource promised in the act which authorized it.

However unaware the country may now be of the importance of this issue, time will reveal in no uncertain terms the betrayal of public interest by this Congress if it fails to direct Government operation of Muscle Shoals.

No doubt the elections of 1926 will take account of the votes on this question. But I appeal to Senators, not on the ground of political expediency, but on that other and higher ground, the verdict of history—the inevitable verdict of our children's children if this resolution is passed and this natural resource is turned over for private lease with all that this implies. For then the iniquity of our betrayal of a public trust will be obvious; then our sophistries and hollow slogans will be measured against the oppression of the people through intrenched private control of a great public heritage.

Looking to the long future, let us vote down this resolution and adopt, instead, plain, straight-forward Government operation of Muscle Shoals.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	La Follette	Robinson, Ind.
Bingham	Ferris	Lenroot	Sackett
Blease	Fess	McKellar	Sheppard
Borah	Fletcher	McKinley	Smith
Bratton	Frazier	McMaster	Smoot
Brookhart	George	McNary	Stanfield
Broussard	Gerry	Mayfield	Swanson
Bruce	Glass	Metcalf	Tyson
Cameron	Goff	Moses	Wadsworth
Capper	Gooding	Neely	Walsh
Caraway	Harris	Norbeck	Watson
Copeland	Heflin	Nye	Wheeler
Couzens	Howell	Oddie	Williams
Cummins	Johnson	Overman	Willis
Curtis	Jones, Wash.	Pepper	
Deneen	Kendrick	Reed, Pa.	
Dill	King	Robinson, Ark.	

Mr. COPELAND. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is unavoidably detained.

Mr. HARRIS. I wish to announce that the Senator from New Hampshire [Mr. KEYES] is engaged in the Committee on Appropriations on the Interior Department bill.

Mr. GERRY. I desire to announce the absence on official business of the Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr PITTMAN], and the Senator from Mississippi [Mr. STEPHENS].

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. McKELLAR. Mr. President, for more than 10 years the Congress has been engaged in the business of developing what is known as the project at Muscle Shoals, commonly called the Wilson Dam. It will be recalled that at that time our country was thought to be on the verge of war, and a short time afterwards war came. At that time there was in this country no adequate supply of nitrogen, an absolutely essential element in the manufacture of explosives of all kinds for use in war. If, when the United States went into the war, we had been cut off from Chile, we would have been cut off from our supply of nitrogen, which would have probably meant defeat in any war into which we might have gone at that time.

Under the stress of that war, under the stress of that absolute necessity, the Congress was asked to give the necessary appropriations to develop the vast water power at Muscle Shoals for the primary purpose of war. If it had not been for the impending war, Muscle Shoals would never have been developed by the Government.

If another war should come at any time, it will be just as essential for the Government to own that plant. If it is leased to a private industry, who knows whether it could be made available in time if a war should come? No one knows. Looked at from but one standpoint, that is, the standpoint of national defense, that plant ought to be at all times kept in the hands of the Government for the supply of nitrogen for the making of war material.

When the act was passed, it was known that even if our Government got into war, peace would come at some time, and it was believed by the Congress that when peace came the plant could be used for the purpose of making fertilizers for the farmers in times of peace. It was in answer to these arguments, it was in answer to these perfectly apparent necessities, that that plant was built by the Federal Government.

Those shoals had been there for ages. The State of Alabama had never developed them. No private interest had ever developed them. They would probably not have been developed up to this time if they had not been developed by the Government. If those who lived near the shoals, which are just outside of my State and over in the State of Alabama, if those of us who live down there had for a moment argued in 1916 that we wanted the Government to appropriate the enormous sum of $150,000,000 to develop that plant, and that as soon as the Government developed it, we were going to give it away for a song, not enough to keep it in good condition, I doubt if we would have gotten a single vote for the proposal, even under the conditions I have named.

I was a Member of the House at that time, and I offered the original amendment in the Committee on Military Affairs of the House for the appropriation of $20,000,000. If I had believed that the Congress, when it got the plant completed, was going to turn it over to private interests for private benefit, and not hold it for national defense, that we were not going to hold it for the benefit of the farmers of the country, I not only would not have supported it but I never would have asked that the Congress appropriate that money.

I feel that after having besought Congress, not once, but time and time again, to appropriate that money for a great national project, those who now turn their backs on it and seek to give it away to some private interest come near to laying themselves open to having a very ugly term applied to them.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. I hope the Senator will let me go on for a while. I will say to the Senator in advance, before he asks a question, that I voted for the Ford offer.

Mr. HEFLIN. I am not going to ask that.

Mr. McKELLAR. I voted for the Ford offer; and if it will give the Senator any satisfaction, I just want to let him know that I voted for it and spoke for it and worked for it, just as he did, and I have no apology to make about it.

Mr. HEFLIN. I will say to my friend from Tennessee that I was not going to mention that.

Mr. McKELLAR. Then it is the first time the Senator has not mentioned it when he interrupted me.

Mr. HEFLIN. The Bible says "The wicked flee when no man pursueth." My friend must have thought I was going to mention that.

Mr. McKELLAR. I did. I admit I thought that, because the Senator has mentioned it every time he has interrupted me on the floor, and I imagined that if he did not mention it right at first, he would get around to it before he got far.

Mr. HEFLIN. I shall probably mention it again.

Mr. McKELLAR. I am quite sure the Senator will.

Mr. HEFLIN. But to get back to our mutton, this is what I was going to say to my friend: We inherited Muscle Shoals as a war proposition. We built that dam because of the war. It cost $150,000,000, the Senator says, of the taxpayers' money. That is true, and I want to remind the Senator that the Old Hickory powder plant in his State cost the Government $88,000,000, and after the war it was sold for $4,500,000, at a loss to the Government of $83,500,000.

Mr. McKELLAR. Under those circumstances the Senator from Alabama, as well as I, came here and urged this appropriation, not for the purpose of turning the plant over to a private concern after it was completed, but we urged the appropriation so that the plant would be available for making nitrogen in time of war, and for the manufacture of fertilizer in time of peace.

I want to call the attention of the Senate to the law which we passed. We meant what we said in the law at the time we passed it. We put it in the RECORD, honestly meaning it, as I believe. I do not believe a man voted for this law who was not absolutely imbued with the idea of national defense first and the protection of the farmers in peace time. The law is short, and I will read it at this time:

The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

I call the attention of the Senate especially to this clause of the law:

The President—

While there was another President at that time, and while we have had two Presidents since, that law is still in effect, and it means the President of to-day—

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Those were the terms on which the Congress appropriated the $150,000,000 that went into the plant. The President was to conduct it. That act affords ample authority for the President to-day to proceed to manufacture such nitrates for war purposes as might be necessary, and to manufacture fertilizers. There is no power wanting. He does not have to have any other authority. But a remarkable situation came about after the plant was practically completed. In the first place, I remember that the senior Senator from Utah [Mr. SMOOT], after our Republican friends got control of the Senate in 1919, rose in his place and said that the Muscle Shoals dam was absolutely without value—I am just giving the substance of his statement—that it was a liability and not an asset, and that the Government ought to get rid of it in any way possible, or give it away to anybody who would take it.

About that time Henry Ford came along and made an offer to the Government, not to lease it really, because he got absolute fee-simple title to all the property except the dam and the navigation rights, and those he got for 100 years. He offered the Government what was tantamount to about $2,000,000 a year for the plant. A great many of us, feeling that Mr. Ford had been independent of all trusts and combinations and was a public-spirited citizen and wanted to help the farmer, joined in an endeavor to arrange that the transfer might be made.

After Ford made the offer our Republican friends changed their minds about it, and, as I recall, the Senator from Utah himself said that it was one of the most valuable assets the Government had and that it ought to be completed, and it has been practically completed. But the President of the United States has never operated it, as he was authorized and directed to do. We are not getting any nitrates from the plant now for war purposes and we are not manufacturing any fertilizers for peace purposes. In other words, instead of having done what the act directs, all that has been done is that the power generated in the steam plant has been leased to the Alabama Power Co. and the power generated from the dam has likewise been leased to the Alabama Power Co. The rental from the Alabama Power Co. for the steam plant, as I remember it, is $200,000 a year, which includes all the buildings of the property. The rental for the water power is about $300,000 a year, making a total of about $500,000 a year. Does any Senator know what the Government is charging the Alabama Power Co. per kilowatt for that current? Two mills! We pay 10 cents per kilowatt-hour in the city of Washington, in the city of Memphis, in the city of Nashville, right close by—10 cents per kilowatt-hour—and the Government is selling power to the Alabama Power Co. at Muscle Shoals to-day for one-fifth of 1 cent per kilowatt.

I stop here long enough to read an editorial which I saw in a paper yesterday, as follows:

WHO WILL PROFIT?

If a private power company gets control of Muscle Shoals, no one but the private power company will profit.

Consider what has already happened:

Under special arrangement with the War Department the Alabama Power Co. is buying 12,000,000 kilowatt-hours of Muscle Shoals electricity each month for one-fifth of a cent a kilowatt-hour.

That is enough electricity to supply 36 Alabama towns, or two-thirds of all the towns served by the company.

Alabama rates, however, remain just as high after the cheap electricity is turned into the distribution lines as before. They will remain just as high if the Alabama Power Co. succeeds in getting a 50-year lease on the Government's big power plant.

The Alabama Power Co. sold $10,415,887 worth of electricity in 1925 and earned $5,184,426 surplus above expenses. A company that can do that can hardly be expected to sell $18,798,723 worth of electricity and earn only $1,163,910, which the government-operated electric-light and power system did in Ontario, Canada.

Business is business.

The people of Ottawa may be getting electricity for 1.1 cents a kilowatt-hour, but the people of Birmingham will continue to pay 8.5 cents a kilowatt-hour just as long as the Alabama Power Co. retains its monopoly. And if the company gets a 50-year lease on Muscle Shoals, that will be for a long, long time.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt right there? The Alabama Power Co., as he suggested, is not paying nearly as much as the power is now worth.

Mr. McKELLAR. Mr. President, I hope the Senator will not interrupt me. Will he not permit me to proceed?

Mr. HEFLIN. It is estimated that it will earn $2,000,000 to $5,000,000 a year.

Mr. McKELLAR. I hope the Senator will pursue that course this afternoon at any rate, as a matter of courtesy, for the reasons I have already suggested.

Mr. President, why should the Government turn this property over under the circumstances to any private concern? Is it going to benefit the people for the Government to spend $150,000,000 down there in order to be able to generate electricity at one-fifth of 1 cent per kilowatt-hour, and then let some private interest sell it at the same old price of 7½ cents in Birmingham, 10 cents in Memphis, and, I believe, 11 cents in Nashville? Why, Mr. President, that was not the purpose of it. They are not making any fertilizer there now. They are not manufacturing any nitrates there now for the Government for war purposes. That never will be done until we adopt a policy. I believe it makes no difference what private company gets the plant, it is immediately going into the hands of the general power monopoly and they will prevent anybody getting any benefit from the development except the company that controls it. Why should the Government, by asking for bids or by any other method, single out some one of its citizens to the exclusion of all others and say, "You can make an enormous amount of money out of this proposal, but we are not going to let the people generally, who paid for it, get any returns." I think that is absolutely unfair.

Mr. President, I next come to the question of the present proposal, the pending resolution which is commonly referred to as leasing the project on the same terms as the Ford offer. Of course, as I have already pointed out, that is not a correct statement of the facts. The Ford offer is to be found in H. R. 518, but the Senate committee cut out the Ford offer entirely and reported what was thereafter known as the Underwood bill. That bill was entirely different from the Ford offer and differs principally in this respect: Under the Ford offer Mr. Ford, as a consideration for all the vast amount of power that was to be transferred to him, guaranteed absolutely to produce 40,000 tons of nitrogen to be made into fertilizer, and to be made into fertilizer at a reasonable price. In other words, it would have put Mr. Ford, to the extent of that 40,000 tons of fertilizer, in competition with what is commonly known as the Fertilizer Trust.

If that offer had been accepted and Mr. Ford had carried out the contract, as I have no doubt he would, it would have been a tremendous advantage to the farmers of the country not only in the matter of getting more fertilizers, but in getting them cheaper.

What is the Underwood bill, which is H. R. 518, as amended by the Senate committee? It does not provide for any such thing as the manufacture of a specific amount of fertilizer. I want to read what it does provide. I want my farmer friends to know just what it is. They have been told time and time again that the proposal in the pending resolution is just the same as the Ford offer. It is not anything of the kind, I will say to my farmer friends. Here is what section 4 of the Underwood bill, H. R. 518, provides:

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand—

I stop long enough there to say that of course if there is no demand, if the Fertilizer Trust is already supplying the demand and the lessee should conclude that there is no demand for these fertilizers, the whole thing stops under the terms of the bill. I read further—

on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic

source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and 40,000 tons the sixth year.

And here is where we find "the Ethiopian in the woodpile," Mr. President—

Provided, That if after due tests, and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the lessee or the corporation—

Not demonstrated to the satisfaction of the Government, but "demonstrated to the satisfaction of the lessee or the corporation"—

that nitrates can not be manufactured by it without loss, the lessee or the corporation shall cease such manufacture and shall report to the Congress all pertinent facts with respect to such costs, with its recommendation for such action as the Congress may deem advisable.

Let us suppose for a moment that the Union Carbide Co.—and that is the only known bidder up to date; the Union Carbide Co. is the only one that has announced its purpose of bidding; the Union Carbide Co. is the only one that has announced that it will not make a bid if this resolution shall be amended—let us suppose that the Union Carbide Co. gets Muscle Shoals, with its 102,000 primary horsepower and four or five hundred thousand secondary horsepower for eight or nine months in the year, what will they do with it? They will make a pretense of experimenting down there for six years, then they will find that those experiments are not valuable—that there is no demand—and therefore it is not necessary to proceed with the manufacture of fertilizer any longer than six years. There will not be enough manufactured in six years to affect the market in any manner, shape, or form. So, Mr. President, if the Union Carbide Co. should get it—and I am using that company at present for the sake of illustration—after six years it will have all the power for its own purposes; it will be under no obligation to make fertilizers for the Government or for anybody else, and, in my judgment, it will not do it. Why should it do it? Why should it do something to injure its own people?

Mr. President, I understand the Senator from Idaho [Mr. BORAH] wishes to have some matters considered in executive session. As I have already explained to the Senate, I am in a very poor physical condition, and I will cheerfully yield to him so that the Senate may go into executive session and shall continue my remarks to-morrow.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the doors were closed. After 30 minutes spent in executive session, the doors were reopened.

EXTRADITION WITH CZECHOSLOVAKIA

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty between the United States and Czechoslovakia for the mutual extradition of fugitives from justice, signed at Prague, July 2, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 14, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty between the United States and Czechoslovakia for the mutual extradition of fugitives from justice, signed at Prague, July 2, 1925.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 10, 1925.

The United States of America and Czechoslovakia, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the two countries, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America:

Lewis Einstein, envoy extraordinary and minister plenipotentiary of the United States of America,

and

The President of the Czechoslovak Republic:

Dr. Eduard Benes, Minister for Foreign Affairs of the Czechoslovak Republic,

who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Czechoslovakia shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of any of the crimes or offenses specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with or convicted of any of the following crimes or offenses:

1. Murder, comprehending the crimes designated by the term parricide, assassination, manslaughter when voluntary, poisoning, or infanticide.

2. Rape, abortion, carnal knowledge of children under the age of 14 years.

3. Abduction or detention of women or girls for immoral purposes.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations or by statute.

(b) Wrongfully sinking or destroying a vessel at sea.

(c) Mutiny or conspiracy of two or more members of the crew or other persons on board of a vessel on the high seas for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

(d) Assault on board ship upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

9. The act of breaking into and entering the offices of the Government and public authorities or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the governments or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debts, created by national, state, provincial, territorial, local, or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies, and marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above-mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds $100 or the Czechoslovak equivalent.

15. Embezzlement by any person or persons, hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds $100 or the Czechoslovak equivalent.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money

from them, their families, or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of $25 or more or the Czechoslovak equivalent.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds $100 or the Czechoslovak equivalent.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds $100 or the Czechoslovak equivalent.

21. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

22. Willful desertion or willful nonsupport of minor or dependent children.

The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes; provided such participation or attempt be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense committed before his extradition.

The State applied to or courts of that State shall decide whether the crime or offense is of a political character or not.

When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of any state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense committed before his extradition other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of either of the countries within the jurisdiction of which the crime or offense was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI

If the person claimed should be under examination or under punishment in the state applied to for other crime or offense, his extradition shall be deferred until the conclusion of the trial or, in case of his conviction, until the full execution of any punishment imposed upon him.

Yet this circumstance shall not be a hindrance to deciding the request for the extradition in the shortest time possible.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received unless its demand is waived. This article shall not affect such treaties as have already previously been concluded by one of the contracting parties with other states.

ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

ARTICLE IX

The expense of arrest, detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition (see art. XI).

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated belonging to either of the high contracting parties or in the occupancy and under the control of either of them during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government or where extradition is sought from territory included in the preceding paragraph, other than the United States or Czechoslovakia, requisitions may be made by superior consular officers.

In case of urgency the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of commitment in the United States, or from the date of arrest in Czechoslovakia, the formal requisition for surrender, with the documentary proofs hereinafter described, be made as aforesaid by the diplomatic agent of the demanding Government, or in his absence by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime or offense for which his extradition is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

In every case of a request made by either of the high contracting parties, for the arrest, detention, or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

ARTICLE XIII

The present treaty of which the English and Czechoslovak texts are equally authentic shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

ARTICLE XIV

The present treaty shall remain in force for a period of 10 years and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Prague this day of 2d of July, 1925.

LEWIS EINSTEIN.
DR. EDUARD BENES.

CONVENTION WITH BELGIUM TO PREVENT SMUGGLING OF LIQUORS

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and Belgium to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed at Washington, December 9, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 14, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between

the United States and Belgium to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed at Washington, December 9, 1925.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 10, 1925

The President of the United States of America and His Majesty the King of the Belgians, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States; and

His Majesty the King of the Belgians: Baron de Cartier de Marchienne, His Majesty's ambassador extraordinary and plenipotentiary to the United States of America.

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) His Majesty the King of the Belgians agrees that Belgium will raise no objection to the boarding of private vessels under the Belgian flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be effected.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit on offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Belgian vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Belgian vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to an umpire selected by the two Governments. Should they fail to agree on the choice of that umpire, it shall be referred to the Permanent Court of Arbitration at The Hague, described in the convention for the Pacific Settlement of International Disputes, concluded at The Hague October 18, 1907. The arbitral tribunal shall be constituted in accordance with article 87 (Chap. IV) and with article 59 (Chap. III) of the said convention. The proceedings shall be regulated by so much of Chapter IV of the said convention and of Chapter III thereof (special regard being had for articles 70 and 74, but excepting articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within 18 months after the date of the final award without interest and without deduction, save as hereafter specified. Each government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it at a rate of 5 per cent on such sums or at such lower rate as may be agreed upon between the two Governments. The deficiency, if any, shall be defrayed in equal moities by the two Governments.

ARTCLE V

This convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year either of the high contracting parties may give notice of its desire to propose modifications in the terms of the convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose, as provided above, three months before its expiration modifications in the convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year the convention shall lapse.

ARTCLE VI

In the event that either of the high contracting parties shall be prevented, either by judicial decision or legislative action, from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this convention not been concluded.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Belgians in accordance with the constitutional laws of Belgium; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate in the English and French languages and have thereunto affixed their seals.

Done at the city of Washington this 9th day of December, 1925.

FRANK B. KELLOGG. [SEAL.]
BRN. DE CARTIER DE MARCHIENNE. [SEAL.]

SUPPLEMENTARY EXTRADITION TREATY WITH CUBA

In executive session this day, the following supplementary extradition treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary extradition treaty between the United States and Cuba, signed at Habana, on January 14, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 1, 1926.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a supplementary extradition treaty between the United States and Cuba, signed at Habana, on January 14, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 30, 1926.

The United States of America and the Republic of Cuba, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to criminal acts committed in the United States of America or in the Republic of Cuba under the treaty concluded between both nations for the extradition of fugitives from justice, signed April 6, 1904, and the protocol amending the Spanish text of said treaty, signed on December 6, 1904, with a view to the better administration of justice and the prevention of crime, have resolved to conclude the present additional treaty and have appointed for this purpose as their respective plenipotentiaries:

The President of the United States of America: Mr. Enoch H. Crowder, ambassador extraordinary and plenipotentiary of the United States of America in Cuba; and

The President of the Republic of Cuba: Señor Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba,

Who, after having communicated to each other their respective full powers, which were found to be in good and proper form, have agreed to the following articles:

ARTICLE I

No. 10 of the list of crimes contained in Article II of the extradition treaty concluded between the Republic of Cuba and the United States of America is increased by the addition of the crime of immoral abuses made criminal by the laws of both countries, said number being drafted to read as follows: 10. Rape, bigamy, immoral abuses when made criminal by the laws of both countries.

ARTICLE II

The following punishable acts are hereby added to the aforementioned list of crimes:

18. Abortion.

19. Seduction and corruption of minors if made criminal by the laws of both countries.

20. Crimes against bankruptcy and suspension of payment laws if made criminal by the laws of both countries.

21. Crimes against the laws for the suppression of the traffic in narcotic products.

22. Infractions of the customs laws or ordinances which may constitute crimes.

ARTICLE III

The present treaty shall be considered as an integral part of the aforementioned extradition treaty signed April 6, 1904, which shall be read as if the list of crimes therein contained had originally comprised the additional crimes added to it under the numbers which appear in Articles I and II of this treaty.

ARTICLE IV

This treaty shall be ratified by the high contracting parties in accordance with their respective laws, ratifications to be exchanged in the city of Havana, as soon as it may be possible, and it shall take effect from the date of the exchange of ratifications and shall remain in force for a period of six months after either of the high contracting parties shall have given notice of a desire to terminate it to the other party.

In witness whereof the plenipotentiaries above mentioned have signed the two originals of the present treaty and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the city of Havana, on this 14th day of January, 1926.

[SEAL.] ENOCH H. CROWDER.
[SEAL.] CARLOS MANUEL DE CÉSPEDES.

PREVENTION OF SMUGGLING WITH MEXICO

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty signed on December 23, 1925, between the United States and the United Mexican States, having for its objects the prevention of smuggling into their respective territories of merchandise, narcotics, and other commodities, the importation of which is prohibited by the laws of either country, and of aliens, the promotion of human health, the protection of animal and plant life, and the conservation and development of the marine life resources off certain of their coasts.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 6, 1926.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty signed between the United States and the United Mexican States on December 23, 1925, to prevent the smuggling into their respective territories of merchandise, narcotics, and other commodities, the importation of which is prohibited by the laws of either country, and of aliens, as well as to promote human health, to protect animal and plant life, and to conserve and develop the marine life resources off certain of their coasts.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 5, 1926.

The Government of the United States of America and the Government of the United Mexican States being desirous of cooperating to prevent the smuggling into their respective territories of merchandise, narcotics, and other commodities the importation of which is prohibited by the laws of either country, and of aliens, as well as to promote human health and to protect animal and plant life and to conserve and develop the marine life resources off certain of their coasts, have resolved for these purposes to conclude a convention, and to that end have named as their plenipotentiaries:

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United Mexican States,

Don Manuel C. Téllez, ambassador extraordinary and plenipotentiary of Mexico at Washington.

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

SECTION I.—SMUGGLING

ARTICLE I

The high contracting parties agree that all shipments of merchandise crossing the international boundary line between the United States and Mexico, originating in and consigned from either of the two countries, shall be covered by a shipper's export declaration, and a copy of same, verified by the appropriate officials of the country of origin, shall be furnished to the customs officials of the country of destination. It is agreed also that the appropriate officials of either country shall give such information as the appropriate officials of the other country may request concerning the transportation of cargoes or the shipment of merchandise crossing the international boundary line.

ARTICLE II

The high contracting parties agree that clearance of shipments of merchandise by water, air, or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries.

It shall also be deemed to be the obligation of both of the high contracting parties to prevent by every possible means, in accordance with the laws of each particular country, the clearance of any vessel or other vehicle laden with merchandise destined to any port or place when there shall be reasonable cause to believe that such merchandise or any part thereof, whatever may be its ostensible destination, is intended to be illegally introduced into the territory of the other party.

ARTICLE III

The high contracting parties reciprocally agree to exchange promptly all available information concerning the names and activities of all persons known or suspected to be engaged in violations of the laws of the United States or Mexico with respect to smuggling or the introduction of prohibited or restricted articles.

ARTICLE IV

The high contracting parties agree that no merchandise or property of any character shall be authorized to be cleared or dispatched out of either country, across the international boundary line, except through ports or places duly authorized to clear such merchandise or property, and to or through duly authorized ports or places on the opposite side of said

boundary line: *Provided*, That merchandise or property may be transported across said boundary line at any convenient place under special circumstances and after permits by both countries have been issued therefor.

ARTICLE V

The high contracting parties agree that they will exchange all available information concerning the existence and extent of contagious and infectious diseases of persons, animals, birds, or plants, and the ravages of insect pests and the measures being taken to prevent their spread. The parties will also exchange information relative to the study and use of the most effective scientific and administrative means for the suppression and eradication of such diseases and insect pests.

SECTION II.—MIGRATION OF PERSONS

ARTICLE VI

Each of the high contracting parties agrees to employ all reasonable measures to prevent the departure of persons destined to territory of the other, except at or through regular ports or places of entry or departure established by the high contracting parties.

ARTICLE VII

In all cases in which a national of one of the high contracting parties is to be deported or expelled from the territory of the other, and in the cases in which a national of either country subject to deportation is allowed voluntarily to depart for the country of his nationality in lieu of deportation, due notice will be given the proper consular representative of the country of such national.

ARTICLE VIII

In all cases in which either of the high contracting parties may suspend or waive its regulations relating to the contracting of laborers in the territory of the other, or in cases where either of the high contracting parties may grant special permits for contract labor, the country granting such permits or so suspending or waiving its regulations will give due notice thereof to the other.

ARTICLE IX

The high contracting parties mutually agree that they will exchange information regarding persons proceeding to the country of the other and regarding activities of any persons on either side of the border when there is reasonable ground to believe that such persons are engaged in unlawful migration activities or in conspiracies against the other Government or its institutions, when not incompatible with the public interest.

SECTION III.—FISHERIES

PREAMBLE

For the three following purposes, namely:

(1) To facilitate the labors of the corresponding authorities in conserving and developing the marine-life resources in the ocean waters off certain coasts of each nation;

(2) To prevent smuggling in all kinds of marine products;

(3) And to consider and to make recommendations with respect to the collection of the revenue from fish and other marine products.

The Government of the United States of America and Government of the United Mexican States agree as follows:

ARTICLE X

The high contracting parties agree that the waters dealt with under this convention shall be the waters off the Pacific coasts of California, United States of America, and Lower California, Mexico, including both territorial and extraterritorial waters, the latter being the westward extension of the former.

ARTICLE XI

The high contracting parties agree to establish within two months after the exchange of ratifications of this convention a commission to be known as the international fisheries commission—United States and Mexico—that shall consist of four members, two to be appointed by each party. This commission shall continue to exist so long as this convention shall remain in force. Each party shall pay the salaries and expenses of its own members and the joint expenses incurred by the commission shall be paid by the two high contracting parties in equal moieties.

The commission is hereby empowered to organize, to appoint its staff, and to fulfill the requirements of this section.

The commission shall make a thorough study of whatever subjects are necessary for carrying out the purpose of this section and shall submit recommendations unanimously approved by the commission to each government for consideration and approval covering whatever the commission deems necessary for the accomplishment of the purposes of this section. This study shall be undertaken within two months after appointment of the commission and the recommendations shall be submitted as soon as practicable.

ARTICLE XII

The high contracting parties agree that if, after its study of conditions, the international fisheries commission recommends the adoption of regulations regarding the subjects set forth in the preamble and such regulations are approved by each Government, they shall become binding upon the authorities of both countries and shall be enforced by them.

The high contracting parties agree that the authorities of their respective ports shall refuse to permit any and all fish or marine products to enter the ports if brought into port from the waters specified in Article X and if the port authorities have reasonable grounds to believe that the master has obtained his cargo in violation of the laws of either of the high contracting parties, the regulations which may be adopted, or the provisions of this convention. Fines may be imposed in such cases or such cargoes thus illegally obtained may be declared forfeited and sold at auction to the highest bidder. Any proceeds therefrom shall be regarded as belonging to the high contracting parties in equal moieties and to the extent that may be determined by the high contracting parties to be necessary shall be made available for use in payment of the salaries and expenses of the commission as provided for in Article XI of this convention.

The international fisheries commission will inform and will keep informed all port authorities of both nations concerning any and all regulations which may have been established.

SECTION IV.—GENERAL PROVISIONS

ARTICLE XIII

It is agreed that when compatible with the public interest the officers and employees of the respective Governments of the United States and Mexico shall, upon request, be directed to furnish such available records and files, or certified copies thereof, as may be considered essential to the trial of civil or criminal cases. The costs of transcripts of records, depositions, certificates, and letters rogatory in civil or criminal cases shall be paid by the nation requesting them. Letters rogatory and commissions shall be executed with all possible dispatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

This article shall apply only to cases involving matters covered by this treaty.

ARTICLE XIV

The high contracting parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this convention with appropriate penalties for the violation thereof.

ARTICLE XV

This convention shall be ratified, and the ratifications shall be exchanged at the city of Washington as soon as possible.

The convention shall come into effect at the expiration of 10 days from the date of its publication in conformity with the laws of the high contracting parties, and it shall remain in force for one year. If upon the expiration of one year after the convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force until 30 days after either party shall have given notice to the other of a desire to terminate the convention.

In witness whereof the respective plenipotentiaries have signed the present convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the city of Washington this 23d day of December, 1925.

[SEAL.] FRANK B. KELLOGG.
[SEAL.] MANUEL C. TELLEZ.

PREVENTION OF LIQUOR SMUGGLING WITH SPAIN

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy, was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed between the United States and Spain on February 10, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 12, 1926.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive that body's advice and consent to ratification, if his judgment approve thereof, a treaty between the United States and Spain to aid in the prevention of the smuggling of alcoholic liquors into the United States, signed at Washington on February 10, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 12, 1926.

The President of the United States of America and His Catholic Majesty the King of Spain, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America; the Hon. Frank B. Kellogg, Secretary of State of the United States; and

His Catholic Majesty the King of Spain; Don Juan Riaño y Gayangos, his ambassador extraordinary and plenipotentiary at Washington, knight grand cross of the royal and distinguished Order of Charles III, grand cross of Isabel the Catholic, grand cross of the military merit, grand cross of the naval merit, grand star of honor of the Spanish Red Cross, gold medal of the San Payo Bridge, grand cross of the Order of Cambodge, Danebrog of Denmark and St. Olaf of Norway, commander of the Legion of Honor of France, knight of Leopold of Belgium, of the Conception of Villaviciosa of Portugal, his gentleman of the chamber, etc., etc., etc.;

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties, respectively, retain their rights, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

His Majesty, the King of Spain, agrees that he will raise no objection to the boarding of Spanish merchant vessels outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories, or possessions in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel, which shall have given ground for such suspicion, may be initiated.

ARTICLE III

If there is reasonable cause for belief that the vessel has committed, or is committing, or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with the pertinent provisions of law.

ARTICLE IV

The boarding referred to in Article II of this convention shall not be made at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in that the liquor is intended to be conveyed to the United States, its territories, or possessions by a vessel other than the one boarded and searched it shall be the speed of the first of the said vessel and not the speed of the vessel boarded which shall determine the distance from the coast within which the action referred to in Article II may be taken.

ARTICLE V

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors when they are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Spanish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal: *Provided*, That such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories, or possessions.

ARTICLE VI

Any claim preferred in behalf of a Spanish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this treaty or on the ground that it has not been given the benefit of Article V shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties and whose decision shall be given effect if made in common accord.

Otherwise, that is to say when the said persons shall fail to agree, the claim shall be referred to the Permanent Court of Arbitration at The Hague created by the Convention for the Pacific Settlement of International Disputes, signed at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with articles 87 and 59 (chapters 4 and 3 of that convention). The proceedings shall be regulated by the provisions in the said chapters 3 and 4 (special regard being had to articles 70 and 74, but excepting articles 53 and 54) which the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. The sums of money which may be awarded by the tribunal on account of any claim shall be paid within 18 months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of 5 per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two governments.

ARTICLE VII

This convention shall be ratified by both parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of ratifications, which shall take place at Washington as soon as possible and shall remain in force for one year.

Three months before the expiration of the said period of one year either of the high contracting parties may give notice of its desire to propose modifications in the terms of the convention. If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the convention shall lapse at the end of said period. If no notice is given on either side of the desire to propose modifications the convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the convention that they may deem expedient, and in case they fail to arrive at an agreement regarding these before the end of the term the convention will cease and determine at the end of said period.

ARTICLE VIII

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each high contracting party shall enjoy all the rights which would have possessed had this treaty not been concluded.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate, in the English and Spanish languages, and have thereunto affixed their seals.

Done at the city of Washington this 10th day of February, 1926.

FRANK B. KELLOGG. [SEAL.]
JUAN RIAÑO Y GAYANGOS. [SEAL.]

RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at noon.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Thursday, March 4, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 3, 1926

UNITED STATES MARSHALS

Francis Marion McCain, of Kentucky, to be United States marshal, western district of Kentucky, vice Thomas N. Hazelip, whose term has expired.

Louis Buchwald, of West Virginia, to be United States marshal, northern district of West Virginia. (A reappointment, his term having expired.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1926

POSTMASTERS

CONNECTICUT

Helen O. Gatchell, Andover.
Samuel H. Kellogg, Colchester.
Samuel E. Louden, Riverside.

DELAWARE

W. Bateman Cullen, Clayton.

HAWAII

J. Frank Woolley, Honolulu.

ILLINOIS

Henry C. Norcross, Carlyle.
Harry Pensinger, Cerro Gordo.
Hamil E. Veach, Clayton.
Charles O. Anderson, Creal Springs.
Charles L. Smith, Cutler.
Edgar C. Seik, Grafton.
John R. McIntire, Grand Chain.
John E. Crowley, Highwood.
William E. Erfert, jr., Lansing.
Delta C. Lowe, Mason City.
Arthur J. Mollman, Millstadt.

MICHIGAN

McKinley A. Watson, Alto.
Jay B. Deutsch, Big Bay.
William M. Hovey, Rosebush.
Lydia A. McElhinney, Snover.
Willard L. Claver, Zeeland.

NEW JERSEY

John D. Seals, Kenvil.

PENNSYLVANIA

Thomas B. Conrad, Lilly.

WISCONSIN

Giles H. Putnam, New London.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 3, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God is Love, and He is changeless. O could we understand the height, the depth, and the stretch of its holy meaning! The zone of Thy Fatherhood in its sympathies, capacities, provisions, and invitations is as wide as the races of men. All glory and honor and majesty be unto Thy name, O Lord most high. Spare us from life's sorest loss, namely, a loving and a believing heart. Give us a realization that the noblest motive is the public good. Bless us with convictions that take risks and for which criticisms have no fears. Dismiss from us mere prudence and calculation, and may we willingly be bound by such purposes which mean difficulty, pain, and labor to the full measure of our strength. Bless all of us with comradeship, refreshment, and peace, and keep the light in the window until the last. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4576. An act for the relief of James A. Hughes; and

H. R. 8722. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3071. An act concerning the application of certain provision of section 21 of the Federal highway act of November 9, 1921; to the Committee on Roads.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.;

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, COMMERCE, AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795, with Mr. TINCHER in the chair.

The Clerk read the title of the bill.

Mr. SHREVE. Mr. Chairman, I yield 40 minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, ladies and gentlemen of the committee, in the preparation of the bill now under consideration the subcommittee considered the items strictly upon their merits.

We had plenty to do in examining the various details and in this connection our experienced, resourceful, and capable chairman [Mr. SHREVE] and the ranking member of the minority [Mr. OLIVER], who was most conservative, thoughtful, and painstaking, are deserving of the thanks of the entire country for their untiring efforts.

These two gentlemen brought to bear on all the questions put before the subcommittee their wide experience in dealing with departmental appropriations, to the end that there should be less time consumed and fewer controversial questions in this bill than in any other measure which has or will come before us this session.

When we stop to consider the wide field of governmental and personal activities covered in this bill it is a very material contribution to a constructive program of legislation which has as its motive economy and tax reduction.

I appreciate that tax-reduction measures are not generally considered as coming from the Committee on Appropriations, but there can be no question that unless that committee has economy and tax reduction in mind in its consideration of appropriations, the work of the Committee on Ways and Means would be very differently done.

This bill appropriates for the Departments of State, Justice, Commerce, and Labor. Upon its enactment into law they will be able to function for the next fiscal year beginning July 1. The hearings in its over 1,000 pages explain fully the purposes and reasons for the items making up the sum total for these different departments.

Having had experience in business activities before coming to the House of Representatives, I am especially interested in the testimony of the officials of the Department of Commerce and the State Department. In using the word "commercial" I apply it in its broadest meaning. Many of the activities I classify under this head do not in any sense deal in dollars and cents, but their results are so closely related with those that do, therefore no other classification is possible.

Take, for instance, the work of the Coast and Geodetic Survey, the Bureau of Navigation, the Bureau of Standards, and the Bureau of Lighthouses. Their work is not strictly commercial in the term of dollars and cents, but it is a most important factor to those whose activities deal in articles of trade and commodities of all kinds.

The charting of little known waters and coast lines, soundings of water depth, gauging and measuring tide movements and other elements entering into making navigation safer is the highly technical and scientific work of the Coast and Geodetic Survey. The men engaged in this work must possess

something more than a mere lure for exploration in strange lands and seas, or love of the great outdoors. They must be skilled in the science of engineering and map making, must be physically fit and inured to the solitude and lonesomeness of noncommunication with civilization for long periods at a time.

May I call the attention of the members of the committee to what the Director of the Coast and Geodetic Survey, Col. E. Lester Jones, has to say about the wonderful tide-predicting machine that is housed in the building on New Jersey Avenue and which has for many years performed the work of a small army of employees. He says:

Early in the summer of every year the Coast and Geodetic Survey issues tide tables and current tables for the use of the Navy and merchant marine. These tables give for the tide, advance predictions of the time and height of each high and low water for the whole of the following year at 84 of the principal ports of the world. Current tables give for the 22 most important waterways the predicted times of slack water, enabling the mariner to pass through these passes at a time when they may be navigated safely. These predictions are made by means of a machine which was conceived, designed, and constructed in the office of the Coast and Geodetic Survey. With the use of this machine one tidal mathematician is sufficient for making the predictions of the tides. Without this machine it is doubtful whether 50 to 100 mathematicians could do the work and it is certain that they could not do it as well, for the tide-predicting machine is not subject to the human equations so that its predictions are very accurate. It is therefore a conservative estimate that the machine is saving the Government at least $100,000 a year.

It has now been in use for more than 15 years, yet a recent careful check of its performances showed that it was just as accurate as when it was first put into operation.

Letter from George K. Burgess:

* * * * * * *

In reply to your question as to an example of what the Bureau of Standards has done to save money for the Government, I would say that there are two general classes, one resulting in savings in our own operations and the other assisting other Government departments in working savings.

Our scientific work is to a large degree a direct function of the scientific man power on the job. Nevertheless, we have from time to time found it possible to install automatic working and recording apparatus to dispense with assistants. For example, the bureau developed an automatic test equipment for elevator interlocks, which with only occasional supervision runs 24 hours a day, and in the course of two weeks gives a five-year test on the equipment, recording the number of failures and operations. As a result of this test the bureau saves easily two employees by the automatic feature, but more important than this is the saving of life by virtue of the test. Already the casualty insurance underwriters give a 10 per cent reduction in insurance rates to elevator owners where an interlock is used that passes this test. Practically all the manufacturers have improved their product to meet this test, and as a result approximately a million dollars a year is saved to the public by reduced insurance costs on elevators.

The bureau has installed a special computing machine on a spectrophotometer which in two months' time will save its cost in reduced cost of assistants. Likewise we are having constructed an automatic working machine for certified clinical thermometers which will enable us to mark more than double the number of clinical thermometers than is possible by the old methods with the same personnel. We have changed a second one of our elevators to an automatic in order that it may do more continuous service. These are only illustrations of this class of savings.

The more important savings have been those in cooperation with the other Government departments. For the Bureau of Engraving and Printing and the Bureau of Efficiency the Bureau of Standards has done research work on the paper used in paper currency. In this work the bureau, with the cooperation of the manufacturers, has in one year's time been able to improve the life quality of the currency paper by a factor of about 400 per cent. The demands on the Bureau of Engraving and Printing for paper money have decreased so rapidly that it is impossible for us to estimate the tremendous value of this improvement.

Likewise this bureau has succeeded in making chromium surfaced printing plates for currency which wear several hundred per cent longer than those used previously. This also is of inestimable value to the Bureau of Engraving and Printing in meeting the severe demands of the public for money.

This bureau developed for the Coast and Geodetic Survey a combination sound and radio position fixing apparatus, which enables that service to work more efficiently and during foggy and otherwise impossible weather.

The bureau has developed a quartz plate oscillator for testing the frequency of radio transmitting stations and has furnished these to the Government inspectors and leading broadcasting stations. This is of very great value in increasing the effectiveness of broadcasting stations to stay within their wave-length band and consequently makes it possible for more stations to operate simultaneously.

The bureau has built an automatic brake lining testing equipment which has been the key to the rapid and enormous improvement in quality. In fact, the average quality on the market has been improved about seventeenfold. This has resulted in probably hundreds of thousands of dollars saving to the Government, and for the country at large amounts to about $50,000,000 annually.

Through the chief coordinator the bureau has coordinated the Government telephone service in the District with a reduced expenditure of about $100,000 annually without impairing the efficiency.

The bureau has developed an automatic battery testing apparatus and written specifications for batteries. Since this standard was developed the life of dry batteries has more than doubled. Not only has the Government saved tens of thousands of dollars on its batteries, but the country at large has benefited many times as much.

The bureau developed specifications for varnish which last year saved one department of the Government alone $87,000 on its purchases of this material.

These are only examples of our work, which I trust will illustrate what you wish.

* * * * * * *

Very sincerely yours,

GEORGE K. BURGESS, *Director.*

SOME OF THE OUTSTANDING ECONOMIES EFFECTED BY THE UNITED STATES COAST AND GEODETIC SURVEY

Foremost among the economies effected in the Coast and Geodetic Survey is that due to the tide-predicting machine, which was conceived, designed, and constructed in this bureau. One mathematician using this machine can easily work out the predictions of time and height of each high and low water for the 84 principal ports of the world and current predictions for 22 of the most important waterways. These predictions are made for a year in advance and are published annually in tide and current tables for the use of the Navy and commercial vessels. Without the tide-predicting machine it is doubtful whether 50 to 100 mathematicians could do the work, and it is certain that they could not do it as accurately. At a conservative estimate this machine saves the Government at least $100,000 a year.

Another great saving has been achieved in the geodetic work of the survey by making observations at night, using specially designed electric signal lamps which are powerful enough to be seen by the naked eye for a distance of 152 miles. Occupying stations 100 miles apart, geodetic engineers make their observations regardless of hazy nights and long lines, using the daytime for traveling to their next station, so that there will be no delay. The automobile truck has made this rapid progress possible. Prior to 1914, when horses and wagons were used, it required five days to move an observing party 100 miles. In addition, it was necessary to rely on signal poles and heliographs, the latter being useless on days when there was no sun. But for modern methods these surveys would be double their present cost, but by the means described they have been kept at the same unit cost, in spite of great increases in salaries of observers and in other expenses of parties. Thus surveys which would require appropriations of $120,000 with old methods now approximate only $60,000.

An apparatus similar in purpose to the signal lamp in that it permits operations regardless of bad conditions is the radio acoustic ranging apparatus used by Coast and Geodetic Survey vessels in obtaining positions for offshore soundings. Ordinarily the vessel's position is determined by taking the bearing of two or more visible points on shore and fixing the position by triangulation. By the new method, which combines sound and radio signals, visibility is not necessary, nor will rain, fog, or darkness interrupt the work. Owing to the newness of the system the ultimate saving can not be estimated now, but on one vessel alone the additional work accomplished in a single season amounted to $10,000.

The development of a new type of electrically driven deep-sea sounding machine has resulted in three distinct savings:

(1) One man can now perform work formerly done by two men on each machine.

(2) The time of taking soundings has been reduced 30 per cent.

(3) An improved control results in fewer accidents to the machines. Formerly it was not uncommon to lose wire, detaching rod, specimen bottle, and deep-sea thermometer. Savings from these new machines on all vessels of the survey will be over $7,000 a year.

Hydrographic pressure tubes formerly costing $31 have been replaced by more efficient tubes designed in this bureau and purchased in quantity lots for $3.52 each. Beside the saving of $27.48 on each tube there is a noticeable reduction in the

cost of hydrographic surveys, as the improved tubes result in a 30 to 50 per cent increase in the output of each party. This saving runs into thousands of dollars annually.

A new hand sounding machine designed in the survey costs $30 less to manufacture and lasts twice as long as the old type. The approximate saving per year will be $1,100.

Improved equipment for the wire drag, which is used to reveal submerged rocks in ship lanes, has already resulted in a saving of at least $1,000 a year through decreased cost and increased efficiency.

There are various other economies which, when taken together, amount to thousands of dollars. The use of 50-meter invar tapes for geodetic base measurements, instead of the cumbersome 5-meter bars formerly used, has speeded up surveying and has reduced the cost by more than two-thirds. Through more efficient methods the productive capacity of the chart section has been doubled in 10 years. For example, the average cost and elapsed time of producing new charts has been reduced from $1,680 and 26½ months, respectively, to $1,284 and 12 months since the year 1920. This was effected in spite of a 41 per cent increase in salaries under the reclassification act. Replacement of type setting in magnetic publications by photolithographic methods, with a consequent elimination of proof reading, and blue printing of seismological reports instead of typewriting has caused a saving of $3,315 per year. Substitution of trucks for commercial means of transportation has reduced expenses of one division by $540.

Means of further savings are continually being studied. Prospective changes in one division alone—that of terrestrial magnetism and seismology—will work an economy of $2,895 per year, mainly by elimination of steps in publishing data.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

It is, perhaps, not generally realized that the Bureau of Foreign and Domestic Commerce is operating daily in a field thirty times greater than its scope in 1910. Only four years ago they were answering 700 inquiries a day—now 7,500 a day. This is a most remarkable advancement, and, in my judgment, justifies every cent of the appropriation made for it.

Reference to the bill will show that the total amount appropriated for the Department of Commerce is $29,735,847. Of this sum $3,245,917, or 10.9 per cent, is for use by the Bureau of Foreign and Domestic Commerce. Compared with the wealth of the United States as indicated by the last census—$320,000,000,000—this is $1 for every $100,000.

If the income of the United States is, as it is said by the Alexander Hamilton Institute to be, $90,000,000,000 per annum, this contribution for increased activities is less than $4 for every $1,000,000 of income. Figured still lower, it shows that $1 for $25,000, or a quarter of a dollar for $6,250, of income, or an annual expenditure of less than 3 cents per person per annum in the United States.

When the permission was given me of addressing the committee a year ago on a similar bill, the improved condition of the world's trade showed that the volume of exports exceeded the imports by a total of $1,286,000,000. The latest statistics show that this favorable trade balance has increased additionally in the sum of $774,000,000, making a total for 27 countries of $2,060,137,000.

The total foreign trade, both import and export, of 62 countries (not including the United States) was $39,559,904,000 in 1923 and $45,110,690,000 in 1924, an increase of $5,550,786,000. Again this sum exceeding forty-five billions is only one-half of the annual income of the United States as previously mentioned.

With the exception of 1 year in the last 10, that of 1920, the value of our imports is greater to-day than at any time during that period, while the revenue collected is $400,000,000 more than it was in 1918.

Since 1922, when the Fordney-McCumber tariff became effective, our imports and exports have both increased, and the customs revenue therefrom has increased from $451,356,000 in 1922 to $570,829,000 in 1925. This is an increase of $119,400,000, which, of course, has been a contributing cause toward a reduction of taxes.

At the same time our imports have increased from $3,112,000,000 in 1922 to $4,224,000,000 in 1925, a billion-dollar increase. During the same period our exports rose from $3,831,000,000 in 1922 to $4,908,743,000 in 1925—over another billion dollars. The increase alone would equal a belt of silver dollars encircling the globe at the Equator! These facts, compiled from official Government figures, show conclusively that the United States has increased both its import and export trade a billion dollars each, and its total export excess to 50 per cent of the favorable balance of trade of all the 27 countries of the world, having favorable trade balances, as previously noted. Who will deny this is not a wonderful showing? Paradoxical as it may at first appear, here is a case of "eating your cake and having it, too."

In the district which I have the honor of representing are located factories having world-wide points of distribution. I have seen their products in the markets of the world from Iceland to the Soudan, in Russia, in China, in Java, in Brazil, in the Argentine, and the islands of the sea. The hold, which by diligent endeavor they have secured in these world markets, must be maintained if they are to keep steadily employed the thousands of working men and women who now enjoy the highest wages even known in the history of industry.

I will at this point insert a table, prepared at my suggestion by the Bureau of Foreign and Domestic Commerce, showing the list of 27 countries having an excess of exports over imports during the calendar year 1924:

FOREIGN TRADE 1924

List of countries having excess of exports over imports and amount of such excess, in thousands of dollars

Country	Exports	Imports	Excess of exports
British India	1,216,622	774,761	441,861
Dutch East Indies	584,858	259,173	325,685
Canada	1,057,039	797,435	259,604
Cuba	434,865	289,831	145,034
Argentina	790,206	647,471	142,735
Brazil	422,684	307,645	115,039
Mexico	238,938	155,084	83,854
Chile	199,252	120,340	78,912
Egypt	304,355	229,853	74,602
France	2,170,953	2,101,743	69,210
Russia	155,704	112,140	43,564
Ceylon	131,802	96,105	35,697
Czechoslovakia	502,837	468,572	34,265
Colombia	84,413	51,434	32,979
British Malaya	368,614	336,799	31,815
Peru	102,842	73,829	29,013
Philippines	135,345	108,011	27,334
Yugoslavia	122,268	105,386	16,882
New Zealand	229,180	214,348	14,832
Siam	84,421	70,061	14,360
Dominican Republic	30,263	21,581	8,682
Persia	71,672	64,756	6,916
Finland	124,518	118,192	6,326
Lithuania	26,658	20,653	6,005
Costa Rica	16,565	12,003	4,562
Nicaragua	12,990	8,807	4,183
Guatemala	24,457	18,271	6,186
Total, 27 countries	9,644,421	7,584,284	2,060,137

Total foreign trade of 62 countries (not including United States)

	1923	1924
Imports	$20,948,370,000	$23,958,318,000
Exports	18,611,534,000	21,152,372,000
Total	39,559,904,000	45,110,690,000

An increase of $5,550,786,000.

Personal observation has convinced me how necessary it is for the United States of America to be properly represented in the diplomatic and commercial activities abroad, if we are to keep abreast with our competitors in the markets of the world.

However, for the honor of serving abroad, the American diplomat finds he must dig deep into his private funds, if he means to compete in dignity and usefulness with the other representatives of the great powers. In truth, one of them told me last year that it cost him over $100,000 out of his own pocket to rehabilitate the embassy headquarters to which he had been accredited. And he said this, not in a spirit of complaint but as a simple statement of fact.

Although an ambassador's salary approximates twice that of a Member of Congress, it is little more than a bagatelle, as compared with the liberal allowances given by other great powers to their officials abroad. For the entire operations of the Bureau of Foreign and Domestic Commerce in all its manifold lines and activities we spend less than a cent for each dollar of revenue collected at the customhouses.

The War Department and the Navy Department have ten times the amount appropriated for the Department of Commerce, which it is a part of their function to protect.

If the wealth of this country is $320,000,000,000, the whole annual Budget is less than 1½ per cent of that amount, and the amount appropriated for the entire Department of Commerce is less than one one-thousandth of 1 per cent of the country's wealth.

For the most part the activities of the Department of Commerce have been directed in the past toward trade expansion—that is, finding places where American goods can be used and suggesting means whereby the American manufacturers could place his article in the foreign field. Of late, however, the Secretary of Commerce, Mr. Hoover, has set in motion certain machinery purely local in character and largely voluntary on the part of the American producers to cut out waste in the manufacture of their products.

This is an economic problem. At first sight it appears simple. Naturally, one would say, any manufacturer would be glad to eliminate waste from his mill or factory. That is true so far as waste of material, time, or any of the other elements or factors of production are concerned. A prudent man already would have seen to these things in his works. What he could not see to, however, was the works of his competitors. Here is where the Department of Commerce comes in.

It was discovered that by adopting a standard of stock sizes in lumber, steel, and other industries much waste could be eliminated. Odd sizes and shapes were eliminated, with a great saving and no detrimental effect on the industry.

It is estimated that in the lumber industry alone $200,000,000 was saved last year through the adoption of standardized sizes and shapes. This is only one of a score of industries in which simplified standards were adopted through the efforts of Secretary Hoover.

Other estimated savings were $1,000,000 in paving brick, $2,400,000 in sheet steel, $4,500,000 in steel reinforcing bars, $5,500,000 in range boilers, and $10,000,000 in builders' hardware.

The papers tell us that the United States of America in 1925 set a record for industry that had never before been equaled.

In all lines production increased, and America is now fourth in shipbuilding. Yet the total amount that is suggested by the Budget for the expansion of foreign and domestic commerce is not as much as is allowed for the supervision of immigrants and the deportation of the 11,000 aliens per year that the Labor Department is proposing to deport.

The advantage of having a district office, located in a community, is evidenced by the fact that chambers of commerce, boards of trade, and manufacturers' associations are offering suitable quarters, rent free, for the working staff of the Department of Commerce in sending to communities which have hitherto had no district offices. Undoubtedly the future will show that foreign offices—namely, those located beyond the boundaries of Continental United States—will receive the cooperation of mercantile bodies on a corresponding basis.

As a specimen of the work done by those in charge of these offices the department has furnished me with a list of transactions in which American-made goods were placed with foreign consumers:

A New York manufacturer of automobile accessories reports that he sold $7,000 worth of his product in Mexico as a result of the efforts of the bureau.

A Chicago manufacturer of food products has informed the bureau that his company has done business to the amount of $54,298 as a result of the bureau's services.

Through trade opportunities furnished to a Seattle firm by the bureau's office in that city the firm was able to consummate business to the extent of $50,000.

Another Seattle exporter says he has obtained foreign business as a result of answering four trade opportunities of the foodstuffs division, amounting to $60,037.82.

Still another Seattle firm exporting foodstuffs states it has secured business to the amount of $55,060 as a result of the bureau's services.

A New York exporter of foodstuffs reports foreign business as a result of the activities of the bureau amounting to $495,874.57.

A Seattle export company obtained lumber orders as a result of answering three trade opportunities amounting to $226,573.47.

A Portland manufacturer of doors secured business in the United Kingdom from firms whose names were furnished by the bureau amounting to $287,331.84.

A Chicago sawmill company reports establishing an export business through services of the bureau which now amounts to $75,000.

Lumber company of Portland, Oreg., was furnished with the names of two foreign importers by the bureau. First orders amounted to $16,105.70.

RECENT DOLLARS-AND-CENTS RESULTS SECURED THROUGH THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

A representative of a motor-car company located in Moline, Ill., was assisted by our commercial attaché in Berlin, and as a result succeeded in placing a contract for the annual sale of cars running from 500 to 1,000. Sales for first year amounted to $1,500,000.

As a direct result of information furnished by our Ottawa office a Pennsylvania steel corporation obtained orders for structural steel from Canadian firms totaling $250,000.

Due to the efforts of our commercial attaché in Bogota the Colombian Government requirements for $160,000 worth of highway machinery are being met by American manufacturers.

An American telephone company did a $100,000 business in Poland, and states that this business could not have been obtained without the effective assistance of our commercial attaché at Warsaw.

An American firm was assisted by our commercial attaché in Bucharest and in the face of strong British competition received an order from a Rumanian firm for oil-well equipment amounting to $50,000.

Orders amounting to over $50,000 received from all parts of the world are reported by a Chicago trading corporation as resulting from following up our trade opportunities.

Our office in Lima, Peru, furnished information to a Connecticut electric boat manufacturer which resulted in sales amounting to $28,000.

A claim amounting to $14,000 of an electric and radio corporation of New York City against a Spanish firm was considered practically lost when our representative was called upon to lend his assistance, and due to his cooperation, the firm states, they were able to save the whole amount.

Through the efforts of our trade commissioner in Ottawa, Canada, a bakery in Ottawa placed orders with American firms for equipment amounting to $25,000.

An order for approximately $30,000 worth of trucks was secured by an American firm as a direct result of aid given by our Berlin office.

A Bridgewater, Mass., shoe manufacturer reports placing orders in Newfoundland and Colombia amounting to $27,360 and establishing a very good trade in Denmark and Norway as a result of information gathered by their representative when visiting the bureau.

A merchant in Johannesburg, South Africa, purchased $27,000 of hosiery in this country after being furnished with the names of American manufacturers by our trade commissioner.

A Melbourne lighting service company after a conference with our trade commissioner in that city placed an order with an American firm amounting to $1,400, and later gave instructions to ship $700 worth monthly.

A California firm dealing in raisins was enabled to make a saving of $9,100 because of the intermediation of our trade commissioner in Ottawa, which averted an embargo from going into immediate effect that had been placed on its products by the Dominion health department.

A Massachusetts manufacturer sent an elaborate machine to Canada, but after installation its return to the plant was demanded, and although a duty of $1,600 had already been paid, authority for its refund was secured through the assistance of our trade commissioner in Ottawa.

Our commercial attaché in The Hague rendered assistance to a Detroit truck manufacturer, with the result that approximately $20,000 worth of trucks were purchased by the ministry of war from this firm.

A chemical company of Greensboro, N. C., has placed $10,000 worth of business in Johannesburg, South Africa, with an agency connection which was brought about with the assistance of our trade commissioner in that city.

A Pittsburgh, Pa., manufacturer of track braces states that our Philadelphia district office furnished them information which led to $11,000 worth of export business in 1925.

An order for $6,300 worth of seed wheat was placed with a firm in Bird City, Kans., by a railway company in Buenos Aires, due to assistance rendered by our trade commissioner in Buenos Aires.

A California firm dealing in orange products reports a saving of $4,000 because of being promptly advised by the bureau of a bankruptcy action on the part of one of its customers in Buenos Aires.

A representative of a Buffalo, N. Y., manufacturer of horseshoe nails was placed in touch with Santiago, Chile, importers by our commercial attaché, with the result that he succeeded in placing $7,000 worth of business.

Through the intermediation of our trade commissioner in Johannesburg, South Africa, a Cleveland tractor company was able to interest a Portuguese East African firm in their trucks, resulting in sales amounting to $10,000 and reports further business pending.

The bureau greatly assisted a Seattle export company after becoming involved in serious difficulties in connection with foreign lumber sales amounting to $150,000.

Kansas City manufacturer of engines informs the bureau that its foreign sales resulting from the bureau's services amounts to about $112,000 annually.

Through the efforts of our district offices an Australian architect placed orders with a company on the coast for plumbing fixtures, kitchen devices, etc., amounting to $85,000.

Bureau's efforts resulted in securing for a Reading, Pa., manufacturer an order for goggles from the Indian Army amounting to $10,290.

New York manufacturer of office specialties reports sales last year amounting to $27,500 as a result of the efforts of the New York office.

An exporter of tobacco states that he has sold $61,000 worth of tobacco as a result of the services of the bureau.

A New York exporter of foodstuffs states that he has sold to one connection furnished by the bureau $121,000 worth of milk, lard, and wheat.

A Kansas flour milling company states it has done business to the amount of $98,182.50 with a connection furnished by the bureau.

Doctor Klein in his testimony given in the hearings stated that the cost this year of his bureau for the promotion and extension of foreign trade was $3,245,917. Now what are we appropriating this money for? Not for creating more places simply to be filled by office holders among other things, for the extension of the bureau's activities in opening up new fields in Iowa, Kentucky, Tennessee, and Texas. Perhaps some of the membership of the committee may find time to read the hearings on the reasons why these new offices should be established.

They appealed to the members of the subcommittee when we heard them, and they appealed to the Budget Bureau as well.

I am inserting at this point a table showing the United States exports in 1924 by States, of which the South shared to the extent of $1,564,000,000, and the West to the extent of $1,146,000,000. New York, Pennsylvania, and Illinois were distanced by Texas, and the exports from Louisiana were greater than those of Ohio or Massachusetts:

Exports by States of original shipment for the year 1924

Texas	$737,218,927
New York	731,593,502
Pennsylvania	293,299,153
Illinois	239,314,270
California	234,684,210
New Jersey	223,921,264
Louisiana	222,847,224
Michigan	177,876,654
Virginia	150,198,225
Ohio	133,559,362
Massachusetts	114,418,430
Minnesota	99,880,490
Washington	98,930,096
Wisconsin	89,290,895
Georgia	84,963,380
Maryland	71,178,310
Oregon	70,503,939
North Carolina	62,321,924
Mississippi	55,647,497
Indiana	55,585,910
Missouri	48,142,937
Oklahoma	47,897,006
Tennessee	43,041,084
West Virginia	39,117,227
Arkansas	38,899,816
Kansas	36,892,053
Kentucky	35,986,200
Alabama	35,739,440
Connecticut	35,503,405
Iowa	33,992,701
South Carolina	29,866,769
Florida	27,459,986
Nebraska	19,628,594
Rhode Island	13,576,560
Porto Rico	9,479,436
Arizona	9,198,505
New Hampshire	6,014,221
Maine	5,503,356
South Dakota	5,240,833
Delaware	5,208,338
Montana	4,775,365
Wyoming	4,636,612
Colorado	2,766,822
Hawaii	2,491,080
Vermont	2,367,212
North Dakota	2,199,103
Idaho	1,881,420
Alaska	1,280,369
New Mexico	792,960
District of Columbia	555,008
Utah	550,443
Nevada	233,413
Total	4,498,151,936

A comparison of European and American expenditures for trade promotion

	British Empire	France	Italy	United States
Amount spent on foreign trade promotion	$8,628,788	$700,948	$230,948	$2,994,064
Exports	6,247,976,021	1,906,807,728	515,448,000	4,590,984,000
Total budget expenditure, 1925	4,654,189,519	1,524,900,000	862,769,200	4,129,234,924
Value of exports per $1 of expenditure on foreign trade promotion	724	2,720	2,232	1,533
Total budget expenditure per $1 of expenditure on foreign trade promotion	£39	2,175	3,822	1,379

I have also before me a newspaper dispatch dated Berlin, January 29, 1926, which is as follows:

TO INSURE GERMAN EXPORTS—REICH HOPES TO INTEREST EXPORTERS IN NEW MARKETS

BERLIN, January 29 (Associated Press).—In the hope of stimulating exports, thereby enabling Germany to meet her reparation payments more easily, the Government plans to create an export credit insurance fund patterned on the British system.

Experts, as well as representatives of exporting and other interests affected, have been invited by the Ministry of Economics to meet next week and pronounce on the feasibility of such a plan.

The sum of 10,000,000 marks is mentioned as the initial fund with which to test the practicability of the scheme, which is aimed especially at opening European, Central and South American, Australian, and African markets, in which German exporters have been loath to attempt pioneer work.

Believing it would be advantageous to have the information, I asked the department to prepare a statement showing the monetary value of our great activities and the amount expended for their maintenance, and I attach a table showing the result of the investigations:

Appropriations for fiscal year 1925–26

[Compared with the value of trades or products of industries served]

Industries of trades	Federal appropriations available directly for promotion work (nonregulatory functions), 1925–26	Value of product of industries served, 1923 or 1924–25	Appropriation per million dollars of product
Agriculture	[1] $40,986,000.00	[2] $12,136,000,000.00	$3,377.20
Mining	[3] 3,705,433.00	[4] 5,318,000,000.00	696.77
Manufactures	[5] 3,798,900.00	[6] 60,556,000,000.00	62.74
Foreign commerce	2,962,285.00 2,085,238.00	[7] 8,689,000,000.00	580.90
Total	[8] 5,047,523.00		

[1] Does not include appropriations for such regulatory services as mean inspection, enforcement of grain futures act, enforcement of packers and stockyards act, etc., nor appropriation for "Forest Service" and "Public Roads."
[2] Estimated value of all farm products 1924–25.
[3] Includes Bureau of Mines and Geological Survey appropriations, and one item of Bureau of Standards.
[4] Estimated value of metal and mineral products, 1924.
[5] Includes appropriations for Census Bureau and Bureau of Standards.
[6] Total value of manufactures of United States for 1923.
[7] Total foreign trade in 1924–25 (exports plus imports).
[8] Includes appropriations of the Bureau of Foreign and Domestic Commerce (less item of $56,000 for domestic commerce) and one-third of funds of Consular Service. Other two-thirds of consular appropriation is assumed to be for consular routine and regulatory functions.

We therefore see that manufactures comprise our greatest value of over $60,000,000,000. Agriculture next with over $12,000,000,000, then foreign commerce, imports, and exports, nearly $9,000,000,000, and then comes mining, exceeding $5,000,000,000.

To assist agriculture we appropriate nearly $41,000,000, or $3,377.20 per $1,000,000 of product. For mining $696.77 per $1,000,000 of product; for foreign commerce, $580.90 per $1,000,000 of product; and for manufactures only $62.74 per $1,000,000 of value.

According to the Treasury Department, on January 1, 1926, there were in the continental United States, exclusive of our island possessions, 114,813,000 people. This is 7,300,000 more than at the time of the armistice and 1,418,000 more than a year ago. The population of the United States is growing at the present time at the rate of 118,000 persons per month.

If we divide the total amount of revenue received by the Treasury Department through the customhouses of this country, let us say, $570,000,000 per year, which it was for the last calendar year, by 114,813,000 people, we will have slightly less than $5 per individual as a year's contribution to this amount. This is slightly over 1 cent per day, but certainly less than the price of a 10-cent cigar a week. Who will declare that this is too much to pay to protect our home market and thereby preserve the high economic level of this country as compared with the level elsewhere?

It will be of value for purposes of comparison to mention in this connection that a per capita rate of $13 per year, or about 25 cents per week per individual, obtains in Canada, and £2 5s. per year per individual, or 21 cents per week per person, in Great Britain, the hitherto so-called par excellence free-trade country.

"Less than a dime a week" is the highest possible tax that under these conditions could be extracted from each inhabitant in the United States, predicated, of course, upon the assumption of the opponents of protection that the entire burden of the receipts at the customhouses is borne by the people in increased costs, as added to the price of the articles imported.

I can not conceive how any thinking person could object to this charge of the price of a good cigar weekly out of his own pocket as his contribution to active business conditions. For the month of January, 1926, imports exceeded exports by $15,000,000, and they were the largest for that month since 1920. That being so, the joy of those who advocate free trade should not diminish. Their argument that the Fordney-McCumber tariff hinders imports totters and falls to the ground.

The farmer, if he did not have the activity of manufacturing to fall back upon, might be—yes, would be—more hampered in marketing his crops than he claims he is at the present time. Of course the war exhilaration had its after effects, and everyone is sorry that the farming community suffered, but I am sure that any reduction in the tariff would not relieve the farmers at all, but would only serve to accentuate it.

To assist agriculture we appropriate ten times as much as is appropriated for manufacturing, but when that figure is reduced to millions of product we are appropriating fifty times as much. I am glad we are doing so. I do not begrudge it. If further appropriations would assist in making the farmers' lot easier, I can be counted on to vote in favor thereof.

Undoubtedly prosperity is here to stay if we improve the opportunities ahead of us. The Department of Agriculture is preaching diversification of crops and moderation in planting, and manufacturers undoubtedly will do likewise, but business generally is good, and this is strikingly exhibited by the fact that the newspapers a few days ago reported that greater retail sales among the larger retail stores were predicted and instances the fact that sales at Gimbel Bros. are expected to run as high as $130,000,000; R. H. Macy & Co.'s sales are calculated at $65,000,000. Estimates of other large stores include John Wanamaker, Philadelphia, $48,000,000, and John Wanamaker, New York, $35,000,000; B. Altman & Co. New York, $45,000,000; Strawbridge & Clothier, Philadelphia, $42,000,000; Bamberger & Co., Newark, $35,000,000; the Fair, Chicago, $27,000,000; Hamburger, Los Angeles, $20,000,000; and Lord & Taylor, New York, $18,000,000; and Associated Dry Goods Corporation probably will exceed $80,000,000.

The Comptroller of the Currency announced a few days ago that the resources of the National Banks on December 31, 1925, were $25,852,000,000, and that the American people had $21,000,000,000 in the same. This was $1,080,452,000 more than on December 31, 1924, which is indicative of a healthy increase.

What the country wants is expansion of profitable business, which in turn produces increased revenue for the Treasury Department. This augments the surplus which President Coolidge says we should have a substantial increase thereof if we are to enjoy further reduction in taxes. [Applause.]

The following tables and explanatory notes were furnished to me by the legislative reference service of the Library of Congress:

Expenditure for the promotion of foreign trade in certain countries

BELGIUM [1]

	Calendar year	
	1924	1925
1. Miscellaneous expenses and trade promotion; purchase of commercial documents for the legations and consulates; scholarships; publication of works on commerce and industry. Share of Belgium in the expenses of the International Commercial Institute. Commercial missions. Subsidy to the Agence commerciale belge de l'Est africain	*Francs* 198,000	*Francs* 273,000
2. Service of information and propaganda	250,000	250,000
Total, francs	448,000	523,000

FRANCE [2]

	Francs	*Francs*
1. French commercial bureaus abroad	1,335,000	1,835,000
2. Office National du Commerce Extérieur	1,000,000	1,200,000
3. Commercial attachés and agents; salaries	1,659,891	1,600,000
4. Commercial attachés and agents; missions, expenses of installation, traveling expenses, etc	2,176,137	2,600,000
5. Commercial attachés and agents; compensating allowances for exchange losses	2,200,000	3,933,000
6. Commercial attachés and agents; compensating cost of living allowances, etc., in countries with depreciated currency		1,200,000
7. Subventions to French chambers of commerce abroad and to commercial museums; commercial missions	500,000	510,000
Total, francs	8,871,028	12,878,000

[1] Loi contenant le budget du Ministère des affaires étrangères pour l'exercice 1924 [-1925] (Moniteur belge, 1924, Nos. 217-218, Aug. 4-5, p. 3069-3072; 1925, Nos. 236-237, Aug. 24-25, p. 4266-4269).

[2] Loi portant fixation du budget général de l'exercice 1924 (act of June 30, 1923, applicable by extension to the year 1924), 1925 (act of July 13, 1925).

Expenditure for the promotion of foreign trade in certain countries—Continued

GREAT BRITAIN [3]

	Fiscal year ending Mar. 31—	
	1925	1926
1. Department of overseas trade	£307,882	£344,907
2. Department of overseas trade, salary of directors	2,544	2,544
Total	310,426	346,451

ITALY [4]

	Fiscal year ending June 30—	
	1926	1927 [5]
1. Italian chambers of commerce abroad; commercial agents and agencies abroad; organization of, and institutions for, the promotion of foreign trade; commercial museums and field exhibits; commercial scholarships	*Lire* 1,000,000	*Lire* 1,500,000
2. Commercial agents; housing allowances, etc	2,000,000	2,250,000
3. Expenses for the installation of new offices for the said agents, office and traveling expenses, etc	2,000,000	2,250,000
4. Expenses connected with the promotion of production and export of citrus fruits in application of the act of July 8, 1903	12,500	12,500
5. Printing of publications concerning customs tariffs and commercial treaties	130,000	130,000
6. Purchase of books and subscriptions to foreign and Italian newspapers and periodicals for the Ufficio dei Trattati di Commercio (Bureau of Commercial Treaties)	15,000	15,000
7. Contribution to the expenses of the International Commercial Institute of Brussels	37,000	37,000
8. Expenses of the Ufficio Speciale d'Informazioni Commerciali sull'Estero (Special Foreign Trade Information Bureau)	65,000	150,000
Total	5,297,300	6,374,500

SPAIN [6]

	Fiscal year—		
	1923–24	1924–25	1925–26
1. Instituto de Comercio e Industria (Commercial and Industrial Institute)	*Pesetas* 100,000	*Pesetas*	*Pesetas*
2. Spanish chambers of commerce abroad	100,000	150,000	150,000
3. Organization of and subventions to commercial missions to the South American Republics	100,000		
4. Centro de Información Comercial (Office of Commercial Information) and Junta de Comercio de Exportación (Export Trade Council)	25,000		
5. Comisión Protectora de la Producción Nacional (Commission of Defense of the National Production)	70,000		
6. Consejo de la Economía Nacional (Nacional Economic Council), decree of Mar. 8, 1924		750,000	578,000
Total	395,000	900,000	728,000

[3] Estimates, civil services, 1925–26, Class II, 10: Department of overseas trade.

[4] Stato di previsione della spesa del Ministero dell'Economia Nazionale per l'esercizio finanziario dal 1° luglio 1926 al 30 giugno 1927 (Camera dei deputati, No. 693), p. 35–36.

[5] Estimates.

[6] Gaceta de Madrid, Apr. 1, 1923, July 1, 1924, July 2, 1925.

SWITZERLAND

(Rapport du Conseil Fédéral à l'Assemblée Fédérale sursagestion en 1924, pp. 532–535)

There exist in Switzerland two organizations having for object, inter alia, the promotion of foreign trade, namely, the Bureau suisse de renseignements pour l'achat et la vente de marchandises (Swiss Bureau of Informations for the purchase and sale of merchandise) and the Bureau industriel suisse (Swiss Industrial Bureau). These organizations are placed under the control of the commercial division of the Department of Public Economy.

On September 12, 1923, was held in Lausanne the first conference for economic expansion and Swiss propaganda abroad. The conference passed a series of resolutions that were referred to the commercial division of the department of public economy, urging it to conform to them as soon as possible. Two of these propositions recommended:

1. To establish more intimate relations between the different organizations devoted to the promotion of Swiss exports and between those organizations and the Federal Government.

2. A better utilization of the economic information furnished by Swiss representatives abroad and a certain concentration in matters of publicity of economic information.

In compliance with the latter resolution the department started the publication in January, 1924, of a "Supplément économique," annexed to the "Feuille officielle suisse du commerce," the scope of which was also enlarged.

The second conference for economic expansion and Swiss propaganda abroad was held at Lausanne on September 17, 1924. It adopted resolutions recommending the study of the questions connected with the extension of Swiss propaganda abroad and with the promotion of Swiss exportation to foreign countries, especially Great Britain. These resolutions were referred to the department of public economy for consideration and action.

Figures showing the amount expended by the Federal Government for the promotion of foreign trade are not available for recent years.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 40 minutes to the distinguished gentleman from Virginia [Mr. TUCKER]. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present, a quorum. The gentleman from Virginia [Mr. TUCKER] is recognized for 40 minutes.

The following excerpts displayed on charts were used by Mr. TUCKER during his speech:

THE POWERS OF CONGRESS UNDER THE PLANS OF HAMILTON, RANDOLPH, PATTERSON, AND PINCKNEY, SUBMITTED TO THE FEDERAL CONVENTION, 1787

HAMILTON'S PLAN, JUNE 18, 1787

The supreme legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate, who together shall form the Legislature of the United States with powers to pass all laws whatsoever subject to the negative hereafter mentioned.

(The Executive to have a negative on all laws about to be passed.)

RANDOLPH'S PLAN, MAY 29, 1787

The National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation and moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of the Union.

PATTERSON'S PLAN, JUNE 15, 1787

Resolved, That in addition to the powers vested in the United States in Congress, by the present existing Article of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandises of foreign growth or manufacture, imported into any part of the United States, by stamps on paper, vellum, or parchment, and by a postage on all letters or packages passing through the general post office, to be applied to such Federal purposes as they shall deem proper and expedient; to pass acts for the regulation of trade and commerce as well as with foreign nations as with each other, and so forth.

PINCKNEY'S PLAN, MAY 29, 1787

The Legislature of the United States shall have power to lay and collect taxes imposts duties and excise

To regulate commerce with all nations and among the several States

To borrow money and emit bills of credit

To establish post offices.

To raise armies

To build and equip fleets

To pass laws for arming organizing, and disciplining the militia of the United States

To subdue a rebellion in any State on application of its legislature

To coin money and regulate the value of all coins and fix the standard of weights and measures.

To provide such dock yards and arsenals and erect such fortifications as may be necessary for the United States and exercise exclusive jurisdiction therein

To appoint a treasurer by ballot

To constitute tribunals inferior to the Supreme Court

To establish post and military roads

To establish and provide for a national university at the seat of the Government of the United States

To establish uniform rules of naturalization

To provide for the establishment of a seat of Government for the United States not exceeding —— miles square in which they shall have exclusive jurisdiction

To make rules concerning captures from an enemy

To declare the law and punishment of piracies and felonies at sea and of counterfeiting coin and of all offenses against the laws of nations

To call forth the aid of the militia to execute the laws of the Union enforce treaties suppress insurrections and repel invasions.

And to make all laws for carrying the foregoing powers into execution—

(In all, 21 specific grants of power.)

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I rise to oppose a proposition in this bill, which, to my mind, is clearly unconstitutional, null, and void. That is the proposition appropriating $1,232,079 for the welfare and hygiene of maternity and infancy. We have been appropriating money to that purpose and it looks as if we were trying to adopt a principle by which Uncle Sam is to be the midwife of every expectant mother in the country, and when the baby arrives, presto change, the old man, with his loving heart and sympathy is to become the wet nurse of the baby. This is State socialism; and I am against it. I am against the Federal Government appropriating any money to any function which belongs to the States. [Applause.] I stand with eminent authority. I stand, I think, with the President of the United States, Calvin Coolidge, upon this subject. [Applause.]

Mr. Chairman, when we want to find out the exact function of some part of a mechanical device, it is a wise thing to go down to the shop where the instrument is manufactured, and there study it in its relations to every other part of the mechanism. I want you to go with me this morning for half an hour to the city of Philadelphia where, 139 years ago, certain governmental artisans, noted in the history of this country for their skill in statecraft, were building the machinery for the Ship of State, the United States of America. Let us go and see exactly what this thing means, because, as I understand it, this proposition and those of kindred character are justified under what is known as the general welfare clause. In my judgment, there is no such clause, and, therefore, I beg your indulgence for a while to consider the proposition.

The Federal convention met, it will be remembered, on the 25th of May, 1787, in old Independence Hall. Sixty-five members were elected to it, but only 55 came. They began their deliberations on the 25th of May, and on the 29th of May Mr. Randolph and Mr. Pinckney offered plans, in the rough, for a Constitution for this country.

On the 15th of June Mr. Patterson offered a plan, and on the 18th of June Mr. Hamilton's plan was read to the convention. We are not interested in this discussion in knowing the whole plan, but we want to follow the exact powers given to Congress from the beginning to the end of the convention. Luther Martin, who was one of the greatest lawyers the country has produced, when he got back home from the convention, told his people in Maryland that three parties were developed in the convention, one led by Mr. Hamilton, that wanted a strong, monarchial Constitution and wanted practically to do away with the States, while another set wanted not the abolition of the States, but to magnify the power of the great States, and a third that he denominated Federal Republicans, who, he said, in numbers in the convention were equal to both of the others.

Gentlemen, look first at Mr. Hamilton's plan as to the powers of Congress:

The supreme legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate, who together shall form the Legislature of the United States, *with power to pass all laws whatsoever*, subject to the negative hereafter mentioned.

This negative was that the President of the United States could prevent a proposed law. Congress could pass the law, but every law the President had the power to negative. But it was not the veto power as we have it. That is a sweeping power. No exemption of local rights in the States, but a sweeping power to Congress to pass all laws whatsoever. Mr. Randolph's plan, which I will not stop to consider, squints very much toward Mr. Hamilton's plan—not so inclusive—but as you read it here you will see it squints in that direction.

Mr. Patterson's plan, on the other hand, is of interest. That limits the power of Congress to pass acts for raising revenue by levying a duty or duties on goods or merchandise of foreign growth, on stamps, and so on, passing through the general post office, all of which to be applied for such Federal purposes as they shall deem proper and expedient. That was a very sound proposition, afterwards indorsed by Judge Marshall, that the Government of the United States in levying taxes must levy them for purposes of the Government of the United States. Here is Mr. Pinckney's plan, and I call special attention to that. When I began an examination of this question I was struck with the fact that this plan, as first introduced on the 29th of May, was in substance adopted by the convention on the 15th of September. It kept the center of the stage. It was always in the front. Look at it. You see there is no punctuation in it except here and there occasionally, but the arrangement of it is just what the arrangement is to-day, and Mr. Pinckney, on the 30th of December, 1818, wrote a letter to John Quincy Adams, telling him that this was the plan which

he took to the convention. You notice in it there is a provision to provide for a university. That does not appear in the Constitution as finally adopted. This proposition was offered in the convention on the 18th of August with 20 other propositions, and this proposition and one granting to Congress the power to grant incorporations were voted down. For nearly two months the convention was engaged in discussing general propositions. They were feeling their way. They knew that the Articles of Confederation under which they had been living were perfectly inadequate. They wanted to secure a real government. They wanted a government national in certain characteristics but recognizing the States in all their integrity, and for six weeks they were feeling their way adopting all sorts of resolutions, but nothing was done looking to the formulation of a Constitution until the 24th of July.

On that day, on motion of Rutledge, of South Carolina, a committee was appointed, composed of Rutledge, Randolph, Gorham, Ellsworth, and Wilson—James Wilson, of Pennsylvania, one of the greatest men in the convention—that committee, mark you, was appointed to bring in a form of a constitution, and to it was referred the plan of Randolph and Patterson, but not Hamilton's. It seems to have been not even considered, his plan. But they referred Patterson's and Randolph's plan to that committee, and with it, mark you, a resolution which had been adopted early in the convention which provided that Congress should have power "to legislate in all cases for the general interest of the Union." Judge Story refers to this resolution more than once. That resolution, mark you, was passed on the 17th of July by the convention giving Congress the power "to legislate in all cases for the interest of the Union." That also was referred to this committee. What did they do with it? On the 6th of August, and that is one of the great landmarks in the history of the convention—on the 6th of August they brought in a draft of a constitution. There was the taxing power of Congress. Practically as you see it there, in the draft submitted May 29, with some slight exceptions; there are 21 specific grants here, and in the Constitution as we have it there are 18. Practically all the powers of Congress in the Pinckney draft of May 29 you find were reported on the 6th of August.

Mr. ROBSION of Kentucky. Will the gentleman yield for an interruption?

Mr. TUCKER. I will.

Mr. ROBSION of Kentucky. Did I understand the gentleman to say that the Pinckney plan was not submitted to this committee, but it was practically adopted finally?

Mr. TUCKER. No. The Pinckney plan was submitted with the Randolph and Patterson plan, but the Hamilton plan was not. Now, gentlemen, they went at once to the consideration of that plan, and on the 16th of August they had adopted the powers of Congress in that plan.

Then on the 18th of August a motion was made to submit 20 other propositions, giving Congress certain other powers, among them the ones I mentioned, to establish a university and the right of incorporation, and to establish—hear me, Mr. ROBSION—to establish seminaries for the promotion of learning and science, and, in addition, to establish public institutions, immunities, and awards for the advancement of commerce, agriculture, manufactures, and so forth.

Those last two propositions were never heard of afterwards. The one to establish a university was voted down. These last two that I have mentioned were not voted down, but they were not heard of in the committee afterwards.

Now, on the 22d of August a committee was appointed, one from each State—and I love to read the names of those men—for the purpose of considering the fourth, fifth, and sixth sections of Article I, which did not involve the taxing power of Congress; but on the 4th of September that committee, consisting of one from each State, brought in a proposition to amend this first clause of section 8.

And what did they bring in? Let me read the names of the committee first: John Langdon, of New Hampshire; King; Johnson, of Connecticut; Livingston; Clymer; Dickinson; Luther Martin; Madison; Williamson; C. C. Pinckney; and Baldwin—that great committee that brought in on September 4 a proposition amending clause 1, section 8, Article VII, by adopting the words that we have now in the Constitution. In other words, this committee that was appointed for one purpose brought in a resolution on another subject; the convention adopted it at once, and it is exactly the wording we have in the Constitution to-day:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States;

The limitation clause as to duties, imposts, and so forth, was added later.

That was on the 4th of September. Mark you, the convention adopted the Constitution on the 15th of September. On September 8 another committee was appointed to revise the style and arrange the articles of this proposed Constitution. Who were on that committee? Hear them: Johnson, Hamilton, Gouverneur Morris, Madison, and King; a great committee.

Now I must turn to this other chart for a while. They brought in on the 12th of September this proposition, Article I, section 8:

ARTICLE I

SEC. 8. The Congress may, by joint ballot, appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States.

Then follows the 17 grants of power to borrow money, to regulate commerce, and so on, located and punctuated and in the same language exactly of the Constitution as finally adopted. Congress shall have power—

to lay and collect taxes, duties, imposts, and excises.

A distinct separate power. Look at the next. A separate clause, an independent clause:

To pay the debts and provide for the common defense and general welfare of the United States; * * *.

These words are taken from their dependent position as seen in the form adopted September 4, and by change of location and punctuation are made a distinct, substantive, and independent power like each of the other 18 grants.

But mark you, gentlemen, the form in which this proposition that had been adopted on the 4th of September is just as we have it in the Constitution to-day. The scrivener who made this chart has left out the words—

but all duties, imposts, and excises shall be uniform throughout the United States.

That is the form in which we have it. That is the form in which it passed on the 4th of September; it passed finally into the Constitution on September 15. But on the 12th of September they take the words, "to pay the debts and provide for the common defense and general welfare of the United States," out of that clause and make it a separate, independent, substantive clause, just like every other clause. There were 18 of them. The sentence has 18 clauses in it, each distinct and separate from the other, divided by a semicolon.

Gentlemen of the House, if that proposition brought in on the 12th of September had been adopted by the convention, I would not be here to-day contesting this question. Why? Because it is a separate, independent, substantive clause, just like the other 17, and it was exactly what Mr. Hamilton had been working for, and he was on the committee that brought it in.

How do those words stand in the Constitution as of September 4 and as of to-day? They are not in a separate clause there; "the power to lay and collect taxes, duties," and so on, was granted to Congress, "but all duties, imposts, and excises must be uniform throughtout the United States." At the end of the clause is a limitation on the grant, and right in the middle, between the power to tax and the limitation of that power, right in the bowels of that power, these words are put, "to pay the debts and provide for the common defense and general welfare of the United States." Would Mr. Gouverneur Morris, the master of style; would Mr. Madison, the grammatical scholar, have put into the bowels of one power another power, if it was really intended to be such a power? If so, it is the only one of the 18 that is not a separate, independent power to itself. Can Gouverneur Morris and Madison, the masters of style and grammatical precision, be charged with such a blunder? I answer, no; the location of the words alone shows that they are merely descriptive of what follows.

But how did this happen? It is a most interesting thing to me as I study this question. The convention, gentlemen, was three days off from ratifying this Constitution. Hamilton, who had been struggling throughout the convention to accomplish his point, had failed at every point to get his idea of an unlimited power in Congress endorsed.

This committee of Johnson, Hamilton, Gouverneur Morris, Madison, and King brought in this proposition making it an independent power. Johnson brought it in and offered it to the convention. The voice was the voice of Jacob, but the hands were the hands of Esau. Mr. Hamilton, within three days from the ending of this great struggle, found that he was hopelessly

defeated. Five times the convention had practically voted against his proposition, and just a week before September 4 it had adopted a proposition fatal to his desires. The committee, evidently to give him one more chance to give unlimited power to Congress, allowed it to come in in that form on the 12th, and if that had been adopted there would be a real general-welfare clause of the Constitution. What became of it? That was on the 12th. On the 13th they tell us in the journals of the convention that things became so involved that notes were no longer taken, except fragmentary notes of Mr. Madison. There is no record in the journal of what the convention did to change this clause which had been brought in as an independent, substantive clause and for which they substituted the clause adopted on September 4. We simply note the fact that the change was made and we were saved the destructive process that an unlimited power to tax, united to an unlimited power of selecting objects of benevolent favors, would certainly have produced.

Now, gentlemen, I beg you to observe this. Mr. Hamilton was appointed on this committee on the 8th. On the 4th the proposition which had been adopted was inimical to his ideas. Mr. Hamilton recognized that this clause as adopted on September 4 did not carry out his idea of an unlimited power in Congress. He was going to make one more trial, and the committee brought this in, brought it in, no doubt, in deference to and in consideration for the position of Mr. Hamilton. When it came out from the Constitutional Convention it came out as it had been passed September 4, and the battle for a government of limited powers had been won.

I find as an appendix to one of the old journals this statement:

> Copy of a paper communicated to James Madison by Colonel Hamilton about the close of the convention in Philadelphia, which he said delineated the constitution which he would have wished to be proposed to the convention. He had stated the principles of it in the course of the deliberations.

That is in Mr. Madison's handwriting, what I have read, and the copy of the Constitution that he refers to is also in his handwriting. What does that copy of the Constitution that Mr. Hamilton was leaving with his friend, Mr. Madison, as the convention was closing, mean? It seems to me, gentlemen, it means this: "I have fought my fight, I have lost, but you, as the great master mind of this convention, I want you to have for future reference what I would like to have seen adopted here for I do not believe the Constitution you have adopted is going to last."

What does he have in it under the powers of Congress?

> The Legislature of the United States shall have power to pass all laws which they shall judge necessary to the common defense and general welfare of the Union.

All laws of every sort! Mr. Hamilton was a great man and a great patriot. He had made his fight. He saw toward the end of the convention, on the 4th of September, that if that proposition went into the Constitution his proposition was gone. Not only that, but he leaves with Mr. Madison this document which contains exactly what he wanted adopted as to the powers of Congress, and he knew that what the convention adopted was not what he wanted or had offered. Yet there are gentlemen here to-day living in this country who are trying to show that the words "common defense and general welfare" in this clause mean what Mr. Hamilton wanted to be put in the Constitution and failed to get. Do they know better than he? Why did he get the committee of five to offer the provision of September 12 if that of September 4 was satisfactory? He saw it did not mean the same thing. As soon as the proposition of September 4 was adopted he tried to get the proposition offered September 12 adopted; why, if the proposition of September 4, as gentlemen now claim is the Hamiltonian doctrine of unlimited power in Congress? But there are gentlemen to-day bringing in bills, maternity bills, educational bills, all sorts of bills, the object of which the Federal Government has no power or control over, claiming that Mr. Hamilton did not know what he was talking about when he tried to get this proposition of September 12 into the Constitution. [Applause.]

Mr. OLIVER of Alabama. May I interrupt the gentleman to make an inquiry here?

Mr. TUCKER. Yes, sir.

Mr. OLIVER of Alabama. I am very much interested in the very informing and scholarly statement the gentleman is making, and would like to inquire whether it is his opinion that the power to levy a tax by the Federal Government is confined to the recited powers set out in the Constitution, to which powers the gentleman has referred.

Mr. TUCKER. I will be very glad to discuss that.

Mr. OLIVER of Alabama. And may I further inquire whether it is the opinion of the gentleman that no broad discretionary power is vested in Congress to determine what is for the general defense and what is for the general welfare.

Mr. TUCKER. The gentleman anticipates me somewhat.

Mr. COOPER of Wisconsin. And if the gentleman will permit, in answering the question of the gentleman from Alabama, will the gentleman include an answer to this question: Was not the whole struggle with respect to this particular clause, and has not the whole struggle been since the adoption of the Constitution, the question of what can be included under the general term "general welfare"?

Mr. TUCKER. Well, very much so by those who hold there is a general-welfare clause.

Mr. COOPER of Wisconsin. Is not that the whole question?

Mr. TUCKER. I promise not to let anything slip by me on that.

Mr. BLANTON. I want to interrupt the gentleman, if the gentleman will permit?

Mr. TUCKER. All right; I was looking for you. [Laughter.]

Mr. BLANTON. Is not this the trouble? The other day educators from every part of the United States met in convention in Washington, and disregarding the Constitution, throwing the Constitution to the winds, they demanded of Congress that we pass a general educational bill establishing a department of education, which ultimately would control education in every State in the United States. When we have teachers who do that, what can be expected of Congress?

Mr. TUCKER. I know, as a fact, that there were very many teachers here at that meeting who did not favor that resolution. Now, gentlemen, if I have succeeded in anything, it is in establishing this—that at least in the passage of this provision through the constitutional convention the Hamiltonian principle was lost and was practically voted down six times during its deliberation.

I am now going to ask your attention to another view, obtained by a critical examination of the journal of the convention. I make this bold declaration; hear me! Six times during the progress of the convention either the Hamiltonian theory was voted down or another proposition was voted up that was in contravention of it.

Judge Brewer in the case of Fairchild *v.* United States (181 U. S.), in passing upon the question there presented, in which a certain construction was sought to be advanced as to a certain clause in the Constitution said, in effect:

> That can not be, because that construction was voted down in the constitutional convention.

But there is another thing—I shall be perfectly fair with you—twice during the Constitutional Convention Mr. Hamilton's proposition was approved. I want to examine those resolutions with you. The first time it was approved was on the 31st of May in the Randolph plan. This plan was not submitted to the convention until the 29th of May. On the 31st of May all the members had not reached there. There were only about 37 members present at that time, and I am going to astonish you probably when I tell you that the two propositions—one of which Judge Story relies upon very much, adopted by the convention—I would have voted for if I had been a member of that convention. What were they?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman 20 additional minutes. [Applause.]

May I interrupt the gentleman at this point to ask if a report submitted by Mr. Henry St. George Tucker in 1817, in which he declared that there was a very broad, if not unrevisable, discretion vested in Congress to determine what was for the general welfare, and whether such declaration is not in conflict with the position now taken by the gentleman from Virginia?

Mr. TUCKER. Not at all; I am glad my friend has been reading such good doctrine. [Laughter.] I am very familiar with that.

Now, I beg your attention to these two propositions in the convention. One was offered on the 17th of July—and I may as well take them up now—and one was offered on the 31st day of May, when nobody could know where the convention would land.

They knew what they came there for, but they were feeling their way. They adopted these propositions giving to Congress the power to legislate in all matters in the interest of the Union. No powers had yet been given Congress. When given they would be national powers, and all that Congress would be expected to enforce, for the convention would certainly give all national powers needed for the new government. What those national powers would finally be was not known, but when known and determined the power of Congress as to them was to be supreme and without interruption by the State.

I said if I had been in the convention I would have voted for them. Why? Because the convention met to form a national Government in part, of enumerated powers, and as to those powers Congress ought to have full, untrammeled power to carry them out. That was what the convention was driving at. They had not gotten to the point where the proposed Constitution had been formulated. All the drafts submitted except Pinckney's were in the form of resolutions. They were feeling their way, but everybody was willing for Congress to have ample power to legislate for the Union, but no powers had yet been given to the Union, and that is all that was meant, because on the 31st of May and the 17th of July they had not determined what powers should be given to Congress. No form had been recommended by any committee of the convention, it was all in the dark, but there was a general feeling that when these powers came into life by the adoption of the Constitution they were to have free course for their complete fruition.

But, mark you, both these resolutions were passed favoring Hamilton's scheme before the 24th of July, when the Rutledge committee was appointed, the last one on the 17th of July.

I give the two resolutions with the pertinent observations of Butler, Gorham, and Rutledge.

May 31, on a motion of Mr. Randolph, it was—

Resolved, That the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation; and moreover, to legislate in all cases, to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by exercise of individual legislation; to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the articles of the Union.

On the 16th of July, on a consideration of the above, Mr. Butler, of South Carolina, called for an explanation of the extent of this power, particularly of the word "incompetent."

The vagueness of the term renders it impossible for any precise judgment to be formed.

Mr. GORHAM, of Massachusetts. The vagueness of the terms constitutes the propriety of them. We are now establishing general principles to be extended hereafter in which details will be precise and explicit.

Mr. Rutledge, of South Carolina, urged a recommittal—

To the end that a specification of the powers comprised in the general terms might be reported.

By Mr. Bedford, July 17:

Resolved, And moreover to legislate in all cases for the general interests of the Union; and also in those to which the States are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation. (Passed 6 to 4.)

After the 6th of August when the Rutledge committee brought in Pinckney's plan, then they knew what powers Congress was to have. No such resolution as these two could have passed after that was adopted, for they had then determined upon the powers to be given to Congress and the legislation of Congress, of course, was to be confined within those limits.

Now, I have here, and I will give you the list of the six cases in which, during the convention, the Hamilton proposition for unlimited powers for Congress was rejected. On the 17th of July the convention rejected a resolution offered by Mr. Sherman proposing to give Congress power to make laws binding upon the people of the United States in all cases which might concern the common interests of the Union. That was rejected 8 to 2. On the 16th of August, when the convention ratified the Pinckney plan giving Congress definite and specific powers, that was voted up and was a proposition directly in the teeth of Hamilton's plan, and, therefore, his plan was practically voted down.

On the 22d of August Rutledge offered an amendment, and on the same day Robert Morris, of Pennsylvania, offered one in practically the same language that the legislature should "fulfil the engagements and discharge the debts of the United States." What engagements had the United States? They were specified in 18 specific grants in the Pinckney plan adopted August 16, such as coinage of money, roads, post offices, and so on. Three times in two days that doctrine was indorsed by the convention, showing they intended the powers of Congress to embrace the engagements or necessary expenses of the United States and nothing more.

Mr. OLIVER of Alabama. Would it be out of place here if I should read to the gentleman some statements from eminent legal writers and ask his opinion thereon?

Mr. TUCKER. No.

Mr. OLIVER of Alabama. I wish to read first from Story on the Constitution:

The grant of power to tax and appropriate in the first clause of section 8 is distinct from the grants of power in each of the other 16 clauses of that section and there is nothing in the sweeping term "to provide for * * * the general welfare" to show that the power to appropriate money was given merely in aid of the grants in those other clauses. It is not said to "provide for the common defense and the general welfare in manner following, viz," which would be the natural expression to indicate such an intention; but it (the clause) stands entirely disconnected from every subsequent clause, both in sense and punctuation, and is no more a part of them than they are of the power to lay taxes.

I now wish to read from Pomeroy, Introduction to Constitutional Law, sections 274–275, where he declares:

Common defense and general welfare are terms of the broadest generality, and within them can be easily included all objects for which governments may legitimately provide. What measures, what expenditures, will promote the common defense or the general welfare, Congress can alone decide, and its decision is final. This recantation shows * * * a virtual adoption of the Hamiltonian theory that the power of Congress over the Treasury is, in effect, absolute and extends to the appropriation of money for any object which, in their judgment, will conduce to the defense of the country or promote its welfare. Such, in fact, has been the practice since the Government went into operation, and the right can hardly be disputed in the face of a usage which will soon extend through an entire century.

Mr. TUCKER. Oh, yes; but I will answer them later.

Mr. OLIVER of Alabama. Are not those statements in conflict with the position taken by the gentleman?

Mr. TUCKER. They may be, but I have not reached that question yet in the discussion. I am trying to get at how this proposition got through the convention first, and then I am going to take up this specific clause.

Mr. TYDINGS. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. TYDINGS. What would be the use of the other 17 powers if the general-welfare clause gave power to Congress to do everything, anyway?

Mr. TUCKER. I do not know. Nobody could tell.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. COOPER of Wisconsin. There are many who think that Hamilton was entirely successful when he succeeded in having retained the words "general welfare" in that clause, however one is minded to picture it. For instance, the whole doctrine of internal improvement, river and harbor improvement, the protective tariff, and many other things have been justified under the general-welfare clause, a clause which can not be interpreted except by Congress.

Mr. TUCKER. I am trying to show that what has been done in the past has been done under an unreasonable interpretation of it, and I am especially interested in the fact that each day we are carrying it further. I recognize that we can not undo much that is past, but, good heavens, unless this Congress comes to a realization of the true condition of the country we will drive on to its destruction. A most intelligent gentleman said to me only a few days ago:

TUCKER, your grandchildren will live to see the day when this Constitution is no longer in existence.

Unless we put the brakes on, unless we come to some proper determination of these things, we will drive to a concentration of power that will be perfectly irresistible.

On the 25th of August another proposition offered by Mr. Sherman, upholding the Hamilton plan, was rejected, Connecticut alone voting yea. Then on the 12th of September the committee which had been appointed on the 8th of September to revise and arrange the articles of the Constitution, consisting of Johnson, Hamilton, G. Morris, Madison, and King, reported to the convention a substitute for Article I, section 8, adopted on the 4th of September (which is the language of the present Constitution) the following:

ARTICLE I

SEC. 8. The Congress may, by joint ballot, appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States;

To regulate commerce;

To coin money—

And so forth. Followed by the other 17 grants of power located and punctuated exactly as in the Constitution as finally adopted. When the Constitution was ratified by the convention, this clause does not appear, but the clause as it passed the convention on the 4th of September remained.

That makes the sixth. We come now to a discussion of the clause itself. What does the phrase mean? I have shown you that on the 22d and the 23d of August the convention passed resolutions declaring that the legislature shall fulfill the engagements and discharge the debts of the United States. Is that consistent with the clause as it now stands? Do not the words "pay the debts" and "fulfill the engagements" interpret the meaning of "common defense" and "general welfare" for the makers of the Constitution gauged the extent of our national "general welfare" by the national powers they gave the Federal Government? Those powers constitute the engagements of the United States and the "engagements of the United States" constitute our national "general welfare." They have used different words—"to provide for the common defense and general welfare." They were old words; they were found in the Articles of Confederation and were perfectly harmless there. It always has occurred to me that the makers of the Constitution, finding these old, well-sounding, harmless words, brought them in here as "filling" for the clause. Why not? The article provides that Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and to provide for the common defense and general welfare of the United States. Judge Story says that every word in the Constitution must have a meaning. This I doubt. Does any man doubt that the United States could pay its debts if that provision, "pay the debts," had been left out? Of course, under the coefficient clause we could have paid the debts, and the old debts were provided for in the Constitution itself. Why were those words "to pay the debts" put in there? They were put in because those men at the very birth of the Government, when repudiation was rampant all through the country, when the States were passing laws to repudiate their debts, to foreign creditors, had no idea of starting on this troublesome sea without having it distinctly understood that the first thing the young nation was to do was to pay its debts; but if the words had been left out, there is no question of our power to pay the debts. So the words "pay the debts" were useless and unnecessary.

Suppose the words "to provide for the common defense and general welfare of the United States" are left out, what would you have? You would have the Congress with the power to lay and collect taxes; and for what? To pay debts, and that alone. But what about the 17 other grants? What about commerce, what about post offices, what about post roads, if the expression "to pay the debts" had been left alone in the clause? Judge Story, in his commentary which my friend reads from, refers to the necessity of having something after "debts." It would have been a very awkward thing if it had ended there after "debts," which they were so anxious to put in to show the world that they were going to pay them; and had they put nothing else there it might have excluded Congress from appropriating money to provide for those other 17 propositions. Now, what additional words are used? The words "to provide for the common defense and general welfare of the United States." Judge Story says that those words, "to pay the debts and provide for the common defense and general welfare," show the object of laying and collecting taxes; that they are words of limitation on the powers to tax. At first sight it is a very reasonable construction, and I might go with him but for this trouble. He says that they are words merely of limitation; that Congress can not lay a tax for any other purpose except the common defense and general welfare. That is the limit. It is a pretty big limit. I think it is an expansion of power rather than a limitation.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman 15 minutes more.

Mr. TUCKER. Mr. Chairman, I want now to read from Judge Story, because I rely upon him also. In section 909 Judge Story says:

The Constitution was, from its origin, contemplated to be the frame of a national government of special and enumerated powers and not of general and unlimited powers. If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances the Constitution would practically create an unlimited national power.

Judge Story says that under such circumstances the Constitution would practically create an unlimited national power. Now, Congress has the power to lay and collect taxes. Suppose now, as is claimed by Judge Story and others, that the Congress has the power of determining what is the general welfare, then the entire power to determine the general welfare, united to the power of taxation without limit and the power of spending without limit, would create an unlimited Government, which Judge Story says, in the paragraph just read, the Constitution was never intended to form.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. OLIVER of Alabama. Do I understand the gentleman to take the position that the power vested in Congress to tax is limited to certain declared purposes or powers set out in the Constitution, and these same declared powers or purposes likewise define and fix the limits on the power of Congress to appropriate money? Is that correct?

Mr. TUCKER. I certainly do hold, as every judge on the Supreme Court discussing this subject has held, that taxes can be levied only for public purposes, and those purposes are limited to the powers of the Government.

Mr. OLIVER of Alabama. If that be true, how does the gentleman reconcile his position with that taken by Mr. Hamilton, to whom he has referred, where he urged appropriations for bounties, and by Mr. Madison, where he urged appropriations for bounties, and with the position of Mr. Calhoun, a strict constructionist, who recommended an appropriation of $50,000 to buy provisions for the people of Venezuela?

Mr. TUCKER. I am very familiar with that.

Mr. OLIVER of Alabama. And how, may I ask, does the gentleman reconcile his position with this statement by a distinguished Virginian, whom I believe was the grandfather of my friend, the gentleman now speaking, where he said in 1818:

There is, perhaps, no part of the Constitution more unlimited than that which relates to the application of the revenues which are to be raised under its authority. * * * It would be difficult to reconcile either the generality of the expression, or the course of administration under it, with the idea that Congress has not a discretionary power over its expenditures, limited only by their application "to the common defense and general welfare." * * *

Nor is there any danger that such a power will be abused while the vigor of representative responsibility remains unimpaired.

Mr. TUCKER. A very good doctrine, but not applicable to what I am discussing. I am familiar with it, but if the gentleman will just hold on a little while I hope to get to that. I am trying to see exactly what these words in this clause mean now, and I am taking them on the line that Judge Story has construed them, as words of limitation on the taxing power. Judge Story said that this Government was intended to be one of limited power, and when you give to Congress the power to tax—which the courts have said when the object is proper is almost an unlimited power—and let that power be united to an unlimited power to determine to what these objects should be, you come in conflict with the warning laid down by Montesque, quoted by Mr. Hamilton, in the Federalist, in which he said:

There is no liberty if the power to judge—

That is, the power to determine what is the general welfare—

be not separated from the legislative and executive power.

You must keep them apart, for if you adopt this construction you are led into what Judge Story declares is a National Government * * * of unlimited powers.

Which was never intended, and no construction that leads to an unconstitutional act can be accepted as against one that is reasonable and free from that vice. These words are merely words of general import, which are explained by the subsequent enumeration. This is a common practice and indorsed by Judge Story himself, and under this construction

there will be no union of a "judging" power and the legislative power.

What does Judge Story say in section 910?

Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars.

The words "common defense and general welfare" which are found in this first clause relate to every grant of power in the whole sentence. The sentence is not completed with a full stop until the end of the eighteenth grant of power—"shall have power to pass all laws necessary and proper," and so forth. These are words of general import; indeed, that is emphasized by the fact that they are in the preamble of the Constitution. It is recognized that they carry no force, no power, but are in the preamble merely to indicate the general scope and purpose of the Constitution which is to follow. Here they are at the beginning of a long sentence, in the first clause of it, and evidently left there to bear the same relationship to that section, all of which is one long sentence, that the same words bear in the preamble to the Constitution; and this is emphasized with a force that can not be disregarded by the fact that every one of the 18 grants in that section and in that sentence may be referred either to the question of common defense or general welfare of the United States.

Judge Story, as we have seen above, recognizes this as a common method of writers, and the alternative drives us, as Judge Story says, into an absurdity, for why enumerate 18 powers if one embraces all of them?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TUCKER. Yes.

Mr. GARRETT of Tennessee. Is not there a line of decisions that holds that the words "The United States" have a technical meaning; that is, of the Government of the United States?

Mr. TUCKER. Yes.

Mr. GARRETT of Tennessee. As regards the general welfare. It does not mean the general welfare of the people of the United States, but it means the general welfare of the Government of the United States.

Mr. TUCKER. That subject was beautifully brought out by George Ticknor Curtis, that I referred to on another occasion. He made a point there that is almost unanswerable, I think, and I shall include it in my remarks.

Mr. George Ticknor Curtis, a scholarly student of the Constitution, delivered before the Georgetown University law school an address in February, 1886, in which he said:

We hear much nowadays about the so-called "general-welfare clause" of the Constitution. The Constitution uses the words "general welfare" in just two places, and no more. In the preamble the promotion of the general welfare is one of the objects enumerated along with five others for which the people of the United States ordain and establish the Constitution. The wildest and most latitudinarian constructionist would hardly venture to tell an audience of intelligent law students that the preamble of the Constitution contains any grant of power. It simply asserts the grand objects which the people aimed to secure by the Constitution, but as to the means by which they do secure these desirable objects we must look into the body of the Constitution and among its enumerated powers.

Looking into the body of the instrument, we come upon the first clause of the eighth section of Article I of the Constitution, which contains the grant of the taxing power. Here the words "general welfare" are used again; and, strange to say, there are persons who suppose that this clause contains a grant of authority to tax in order to promote the personal welfare of every man, woman, and child in the United States! I shall merely counsel you to analyze the clause and see how strange this notion is. The clause grants to Congress a power to tax the people for three special purposes: First, to pay the debts of the United States; second, to provide for the common defense of the United States; third, to provide for the general welfare of the United States.

In every one of these special purposes for which the taxing power is to be exercised "the United States" means the political corporation known as the United States and not the individual inhabitants of the country. The debts that are to be paid are the debts of the Government; the common defense that is to be provided for is the defense of the Government in all those matters it has duties of defense to discharge for the whole country; the general welfare that is to be provided for is the well-being of the Government in all those matters of which it has special cognizance and in respect to which its efficiency concerns the whole Union. In the very next clause, which contains the grant of power to borrow money on the credit of the United States, the "United States" is used in the same sense, meaning the Government known as the United States. It is on the credit of the Government, not on the credit of individuals or of States, that Congress is authorized to borrow money.

Now, look at the stupendous communism that is wrapped up in the taxing power on the supposition that it includes a power to tax for the promotion of the welfare of individuals. There is no limit to the taxing power excepting that duties, imposts, and excises must be uniform throughout the United States. All the property in the country may be taxed without limit for the legitimate objects of taxation. If one of those legitimate objects is the welfare of individuals or masses or classes or of the whole people, the two Houses of Congress and any President acting together can divide up all the property in the country upon the plea that a general division will promote the general welfare. By this process this Government could devour itself, and there would be nothing left for it to subsist upon.

Additional force is added to the above view from a statement by the Encyclopædia Britannica, volume 7, in its reference to Mr. Curtis. It says:

This history [his Constitutional History of the United States] which had been watched in its earlier progress by Daniel Webster may be said to present the old Federalist or "Webster-Whig" view of the formation and powers of the Constitution.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. BLACK of New York. I am wondering if the gentleman can see any analogy between this limitation in this section and the rule of this House providing that there can be no legislation on an appropriation bill. It is just simply an appropriating feature of the Constitution to which can be carried no general legislation.

Mr. TUCKER. It is very similar.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TUCKER. I will.

Mr. CHINDBLOM. Does the gentleman conceive of any other explanation than that made a moment ago, namely, the anxiety of the convention to proclaim to the world its purpose to have the debts of the Colonies paid? Can the gentleman conceive of any other explanation of that for giving a different construction to these first words of the clause, payment of the debts, to the following portion of the clause, providing for the common defense and general welfare? Does the gentleman understand my question?

Mr. TUCKER. I think I do.

Mr. CHINDBLOM. The gentleman before gave an independent, original meaning to the phrase, "pay the debts."

Mr. TUCKER. Yes.

Mr. CHINDBLOM. The gentleman does not give that same independent, inherent meaning to the provision, "the common defense and general welfare." In other words, in one part of the phrase the gentleman, following into an unusual construction, of course, refers specifically to the payment of the debts. In the other the gentleman's construction evidently means that what is there intended is what is subsequently included in the enumeration.

Mr. TUCKER. I want to try to finish along the line the gentleman suggests, and I hope I shall be able to meet his views.

James Wilson, of Pennsylvania, who was on the Rutledge committee that brought in the Pinckney plan on the 6th of August giving enumerated powers to Congress, afterwards became a justice of the Supreme Court. His position on this question is most enlightening. In a lecture on the powers of Congress, when he got to section 8, Article I, he went through the 18 powers with his class, indicating to them as he enumerated each separate power to which of the two—the common defense or the general welfare—it belonged, pointing out that the regulation of commerce was clearly for the general welfare; so the coining of money, establishing post offices and post roads; while the raising of armies, regulation of the militia, and so forth, pertain to the common defense. When he had gotton through, he closed with these words. His conclusion is irresistible:

For the exercise of the foregoing powers and for the accomplishment of the foregoing purposes a revenue is unquestionably indispensable. That Congress may be enabled to exercise and accomplish them, it has power to lay and collect taxes, duties, imposts, and excises. (In a lecture on "The National and State Constitutions—the Legislative Department," by James Wilson, Wilson's Works, Andrews, Vol. II, pp. 56–59.)

The word "them" refers to the enumerated powers, for nowhere does he refer to "common defense and general welfare" as a power of Congress.

This same view of Judge Wilson's we find advanced in The Republic of Republics, written by B. J. Sage, of New Orleans, some years ago, a book which contains the researches of one of the most acute and analytic minds of his day. I remember Mr. Sage; I knew him personally slightly, a very remarkable

man. In this book he says that in determining the real meaning of a sentence it is often valuable to change the collocation of the sentence, making no change in the words or punctuation, but changing the paragraphs from one location to another. Applying this principle to Article I, section 8, he said it would bring out the proper meaning to the whole section, for under the arrangement of the section the words, "Congress shall have power," which is used in the first clause, relates to every one of the clauses to the last.

Applying these principles, Mr. Sage would have that read as follows:

SEC. 8. The Congress, to pay the debts and provide for the common defense and general welfare of the United States, shall have power—

To lay and collect taxes, duties, imposts, and excises.

To borrow money.

To regulate commerce,

And so forth, continuing through the 17 grants of power. Is not this the reasonable and true interpretation of this section?

This subject may be illustrated in concrete form by the following contract:

This contract between H. A. Donald and H. St. George Tucker, of the town of Lexington, Va., witnesseth:

That said Donald agrees to build for the said Tucker a large, commodious, and convenient residence on a specific lot in said town of the best material in all respects; the house to contain 10 rooms, of which 6 are to be bedrooms, a dining room, parlor, kitchen, and pantry, and 4 bathrooms, 3 upstairs and 1 downstairs; the dining room to be 20 by 30 feet in dimensions, of oak floor; the parlor to be 25 by 35 feet, of maple floor, etc., and on his part said Tucker agrees to pay said Donald, on completion of the building, the sum of $25,000.

Under this contract Donald has agreed to build for me "a large, commodious, and convenient house of the best material in all respects" in the first clause of the contract; but this clause has been modified by subsequent enumerations which explain what is meant by "a large, commodious, and convenient house." Can Donald meet the demands of this contract by building me a house with a dining room 15 by 20 feet, a parlor 20 by 20 feet, with 8 instead of 6 bedrooms, and with 2 instead of 4 bathrooms, with dining-room floor of North Carolina pine and the parlor floor of oak? Is it not perfectly clear, under the proper construction of the contract, that the unlimited discretion conveyed in the words "a large, commodious, and convenient house, of the best materials in all respects," is explained and modified by the subsequent words giving the number and size of rooms, character of floors, and so forth? The real meaning of this contract is that Donald has agreed to build me a house with a certain number of rooms; certain number of bathrooms, with the floors of the rooms specified of certain material, the size of each clearly indicated, and that when this is done the house will be regarded by me as "a large, commodious, and convenient house." In other words, the specific enumerations constitute the real contract, and the words in the first clause are merely words of general import. And so "the common defense and general welfare" are explained in their meaning by the enumerated clauses.

Judge Miller, in the case of Loan Association against Topeka (Kans.), makes this strong declaration:

The theory of our Government—

Just following Judge Story—

State and National, is opposed to the deposit of unlimited power anywhere. The executive, legislative, and judicial branches of this Government are all of limited and defined power. A government which held the lives and liberty and property of citizens subject at all times to the absolute disposition and unlimited control of even the most democratic repository of power is, after all, but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so. But it is none the less a despotism.

Now, gentlemen, look at this. I have been diverted. I wanted to answer the gentleman from Alabama [Mr. OLIVER] on one point before I proceeded further. The gentleman from Alabama asked me about appropriations of money to the States. I stand, gentlemen, on the declaration of Judge Marshall. We are in the habit of referring to Judge Marshall as one who breathed life into the Constitution. I could rest this case right here. Judge Marshall did breathe life into the Constitution. He has made us a great Constitution. But hear me: Not by robbing the States! [Applause.]

He has made it by developing and magnifying the just powers of the Federal Government given in the Constitution. But where can you find that Marshall has trodden upon the States in order to obtain the power that he gave to the central Government when he gave life to the Constitution?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SHREVE. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. TUCKER. I am very grateful to the gentleman. I shall try to conclude in that time.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes more.

Mr. TUCKER. I beg the attention of the gentleman from Alabama [Mr. OLIVER]. Judge Marshall, in Gibbons *v.* Ogden, in discussing the powers of taxation, the power belonging to the States and the Federal Government alike, uses this language:

Congress is authorized to lay and collect taxes, to pay debts, etc. This does not interfere with the power of the States to tax for the support of their own governments, nor is the exercise of that power by the States the exercise of any portion that is granted to the United States.

In imposing taxes for State purposes they are not doing what Congress is empowered to do.

Selah! Hear me. I rest my case here. *Congress is not empowered to tax for those purposes which are within the exclusive power of the States.*

Where, then, do you get the power? You quote Marshall when it suits you. Take him now, when he is declaring what the law is. These two governments are separate, each revolving in its own orbit, each designated to discharge great functions; the one possessing great national powers and the other those local powers which belong to the people and which they are not going to give up if they can help it.

But day by day the aggressions are going on. Gentlemen ask me about these appropriations. Yes; I am opposed to the appropriation of money by the Federal Government to the States for those things which the States have the exclusive right to. How is it done? It is very curious how it is done. They pass, some of them, with no string to it; you give it straight to the States. Others they have a string to. I deny the power in either case. What constitutional right have you to do either? Gentlemen, you are trustees. Do you know what that means? This right to lay taxes is not just a thing you may do at pleasure. You are a trustee for that purpose. What power has the trustee to take funds and use them for purposes not involved in the trust? If you give that money to the States without any string to it, you are violators of the trusteeship with which you have been endowed; and if there is a string to it, if you say, "We will give you this money provided you do so-and-so," you have a right to do that; I mean a man who gives away money has the right to put conditions on it; but just to the extent of the conditions imposed you are attempting to rob the States of their rights and transferring them to the Federal Government. In either case it can not be justified.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. BLACK of New York. Does the gentleman believe it would be better justified if there was a string to it than if there was no string to it?

Mr. TUCKER. I do not know. I am against it, both ways. The string to it is very seductive.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield there to a small question?

Mr. TUCKER. Yes.

Mr. CHINDBLOM. Does the gentleman believe that there are any purposes that are common to both the States and Federal Government?

Mr. TUCKER. Yes. They are well defined. Judge Marshall, as we all know, in speaking of the powers reserved to the States, says they represent—

that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State.

What does that mean? It does not mean that the Federal Government may not have need for a health department for its soldiers, sailors, and so forth, but all the health of the people in the States, maternity, hygiene for infants is not involved in this power and must be provided by the States or the people; and the attempt of the Federal Government to take over this power is in the teeth of the great Chief Justice's doctrine that all health laws of every description are left and must abide with the States.

I may just say in passing, when the Federal Government has the power to make appropriations to run a concern in

a State that alone can be created and run by the State, it is going to control it. "Money makes the mare go." This is seen every day in the States where this 50-50 appropriation system exists. Carnegie's money, by conditions made with the gift, controls the great educational centers of the country.

Mr. LAGUARDIA. Right there will the gentleman permit an interruption?

Mr. TUCKER. Yes.

Mr. LAGUARDIA. Does the gentleman believe under the defense clause and the Army clause of the Constitution we can properly appropriate money for the raising of horses for the Artillery and Cavalry of the Army.

Mr. TUCKER. I have never considered it, but I have no doubt of its propriety as being constitutional.

Mr. LAGUARDIA. Is not healthy manhood just as necessary for a proper defense and for the maintenance of an army?

Mr. TUCKER. Yes; but the power to make war is given to the Government of the United States by the Constitution, and the power to make healthy men in the United States is not given to it, but, thank God, is reserved to the States, and I prefer to stick by the Constitution or else we get into trouble. [Applause.]

Here is what Judge Marshall says in McCullough against Maryland, and this is very striking:

> That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government—the Federal Government—a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions which are not to be denied.

Yet these principles are denied on this floor, and men bring measures into this House to give to the Federal Government control of things that are reserved to the States under the Constitution. I quote Judge Marshall? Yes; Judge Marshall, the Federalist, and I would to God that this Government could be run upon the declarations and principles which he has declared and set forth in his great opinions.

Mr. COOPER of Wisconsin. Will the gentleman from Virginia permit an interruption there?

Mr. TUCKER. Yes.

Mr. COOPER of Wisconsin. Do I understand the distinguished gentleman to say that the United States Government has no right to pass a statute to protect the health of the people of the United States?

Mr. TUCKER. Oh, no. I said it has the power——

Mr. COOPER of Wisconsin. I was just about to refer to the antinarcotic importation act, which is of paramount importance in connection with the health of the people.

Mr. LAGUARDIA. That is a revenue measure.

Mr. COOPER of Wisconsin. But it protects the health of the people.

Mr. LAGUARDIA. Yes; indirectly.

Mr. TUCKER. That is a revenue measure, but very attenuated on the revenue. [Laughter.]

Now, gentlemen, how does the account stand on this proposition?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman five minutes more.

Mr. TUCKER. I thank the gentleman.

Gentlemen, necessarily it is hard to run this matter through connectedly, but I make this broad statement. The most noted writers and commentators who hold to the view that the Federal Government can not appropriate money to a State object that is under the control of the State may be given as follows:

Judge Marshall, primus inter pares; Monroe, often quoted the other way; Judge Miller, of the Supreme Bench; that grand old man, Judge Cooley, of Michigan, of fair renown; Willoughby; James Wilson, of Pennsylvania, one of the greatest men we had in the convention; Von Holtz; Duer; Francis Wharton, of Philadelphia; Madison; Jefferson; Grover Cleveland; Calvin Coolidge; George Ticknor Curtis; and Tucker. [Applause.]

The views of the above judges and authors sustaining my position will be found as follows:

Story on the Constitution, sections 907–909–910.
Judge Marshall in McCullough *v.* Maryland, 4th Wheat. 316.
Gibbons *v.* Ogden, 9th Wheat. 1.
Virginia Constitutional Convention, 1829–30, on the militia.
Judge Brewer in Kansas *v.* Colorado, 206 U. S. 89.
Judge Miller in Loan Association *v.* Topeka, 20th Wallace 655.
Judge Miller on the Constitution, page 229, note 2.
Mr. Madison, Resolutions of 1798.
Federalist No. 41.
Veto Message March 3, 1817.
Letter of Madison to Andrew Stevenson.
Supplement to letter to Andrew Stevenson (Writings of James Madison by Gaillyard Hunt, Vol. IX, page 424).
Cooley on Taxation, 2d edition, page 110.
Cooley, Constitutional Limitations, page 11.
Willoughby on the Constitution, Vol. 1, page 40.
James Wilson (Wilson's Works, Andrews, Vol. 2, pages 56–59).

Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.

Letter to Judge Spencer Roane October 12, 1815. (Works of Jefferson by Paul Leicester Ford, 1905, Vol. XI, page 489.) Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.

Hare, American Constitutional Law, Vol. 1, pages 242–243.

William A. Duer, Constitutional Jurisprudence, 2d edition, page 211.

Grover Cleveland, veto message to the House of Representatives making appropriations for drought-stricken counties in the Southwest.

Calvin Coolidge, addresses of, Budget meeting January 21, 1924, and Annual Message December 8, 1925.

Tucker on the Constitution, Vol. 1, pages 477–478–480.

Who uphold the opposite view? Judge Story and Pomeroy. Where is the weight of the authority?

Now, gentlemen, that is the line-up. All of those authors hold this can not be done constitutionally, and therefore ought not to be done; and who do we have on the other side? Judge Story, holding that these words create no substantive grant of power, but that Congress may appropriate money to an object it can not create, and by conditions in the gift effectually control it, against Judge Marshall's great judgment in McCulloch against Maryland, just quoted.

I take pleasure in giving the position of President Coolidge on this subject, and also to vindicate the memory of Mr. Monroe, who is quoted so often as favoring this doctrine, as follows:

[From President Coolidge's message to Congress transmitting Budget for fiscal year ending June 30, 1926]

For Federal aid to States the estimates provide in excess of $109,000,000. These subsidies are prescribed by law. I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is that they can be curtailed with benefit to both the Federal and State Governments.

Mr. Monroe says (International improvements, May 4, 1822):

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes.

I was very much impressed the other day by the reading by my friend RANKIN, of Mississippi, of President Washington's Farewell Address. I want to read a passage of it to you.

If—

Says General Washington—

in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation.

Do you catch that word?

Let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

I commend those words to the membership of this House. Ought we to have more power to provide for the people of

Samoa, to vote appropriations to celebrate at Philadelphia the sesquicentennial, and many other powers; ought we? If so, let us have it done legally. Precedent? Suppose George Washington had lived until this time. If a man can find a precedent for a thing, he feels secure. He says: "Well, look at the bootlegger; he takes the risk, it is big pay, he may get through; and if he gets through, he gets big pay. So I believe I will try the bootlegger route. It is not right, it is unconstitutional, it is illegal; but I will take the risk." Oh, gentlemen of the House, let us stop this bootlegging legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes more to the gentleman, and I would like to ask him a question.

The gentleman's position, I think he will agree, is opposed to the weight of authority and the practice which has obtained almost since the Constitution was adopted.

Mr. TUCKER. Oh, no; not the weight of authority. I have just shown that Story and Pomeroy stand alone among the authors against the field.

Mr. OLIVER of Alabama. Take the gentleman's own State, you have more than 15 appropriations by the Federal Government, which Virginia accepts and uses, some absolute, without any conditions attached, and some with conditions attached. As I understand, it is the opinion of the gentleman that these appropriations are not authorized.

Mr. TUCKER. If any of those appropriations go to the State of Virginia to aid in carrying out an object which is under the control of old Virginia, I am against it first and last.

Mr. OLIVER of Alabama. The appropriations for teachers' vocational education, for promoting vocational rehabilitation of persons disabled in industry, for vocational home economics, and so forth, for farm extension work in connection with State land-grant colleges would all fall within the gentleman's inhibition.

Mr. TUCKER. No. I do not think the land-grant colleges come under that head. I have discussed that question quite fully in a speech in the House of Representatives January 2, 1924, against one of these iniquities, the Sterling-Reid educational bill. The trouble about the gentleman is, he does not discriminate. I believe, of course, in the right of the Government to appropriate for roads; I think that is a constitutional right. I do not like the way it is done, but I think there is a constitutional right. I think the question of vocational schools I discussed two years ago. Every dollar that goes to the schools from the public lands is just and proper, for they are impressed with a trust for school purposes. I have no trouble about that, but wherever there is a function or object that belongs to the State I say to the Federal Government, "Shinny on your own side."

Mr. OLIVER of Alabama. Does not the gentleman recognize it to be a proper canon of construction and one which all courts observe that a legislative practice of long standing may be looked to in determining constitutional authority to appropriate? Take the case I refer to where Congress in 1912 appropriated $50,000 for the aid of Venezuela in purchasing clothes for its people.

Mr. TUCKER. Clearly unconstitutional, and Judge Story says so as to that very case of Venezuela; he refers to it.

Mr. OLIVER of Alabama. Here is what Mr. Calhoun said of it.

Mr. TUCKER. When did Calhoun say it?

Mr. OLIVER of Alabama. In 1817.

Mr. TUCKER. Let the gentleman get what he said in 1836, when he said in effect, When I was a young man I had another opinion, but by study and practice and experience I find I was wrong. Read that.

Mr. OLIVER of Alabama. Does not the gentleman recall that Calhoun consistently stood for internal improvements?

Mr. TUCKER. Yes; in his early life; but read his speech in 1837.

Mr. OLIVER of Alabama. That was the position of Mr. Calhoun throughout his long public career, and I do not think the gentleman will find that Mr. Calhoun ever retracted this statement:

> If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. * * * Our laws are full of instances of money appropriated without any reference to the enumerated powers. * * * If we are restricted in the use of our money to the enumerated powers, on what principle, said he, can the purchase of Louisiana be justified? * * * To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. * * *

He referred to these instances to prove the uniform sense of Congress and the country (for they had not been objected to) as to the powers of Congress.

Mr. TUCKER. I have not the citation here, but I will give it to you to-morrow; I have it in my office. (See Exhibit A.) I am perfectly familiar with that, and there never was a more repentent spirit in the world than John C. Calhoun. [Applause.] Now, my friend says, "Does not the practice of the Government mean something?" Yes, it does; but how much? Read Judge Brewer; read all of the great judges. They say the practice of the Government can not make an illegal thing legal. Read Judge Cooley where the great old man upholds Brewer and others who hold that only in doubtful cases can the practice of the department be even considered. Is it possible that because men have gone wrong and continue doing wrong that that makes it finally right? How often must a crime be committed to make the act innocent, or how many infractions of the law will it take to make the act legal? That is the gentleman's argument. If you have a precedent which is a wrong one and keep on with that precedent in the same line, how many illegal precedents will make it legal and constitutional?

> Must we continue in sin that grace may abound? God forbid!

Here is a bootlegger. He has been violating the law not in Virginia but up in Pennsylvania. He is finally caught and brought into court. What does he say? "Judge, you will have to let me off. Why? I am acting on a precedent. I have done this thing forty times already and you have not brought me up." How many illegal precedents must a man make before it becomes legal?

O brethren, put your armor on and let us fight for this Constitution as our fathers gave it to us. Let us not give up the fight. I know not what others may say, but for myself, I can say with Fitz-James, "Come one, come all, this rock shall fly from its firm base as soon as I" in defending its principles as long as I shall remain a Member of this House. [Applause.] God save the United States of America! But they can not be saved unless we abide by the provisions of this Constitution. [Applause.]

EXHIBIT A

Mr. Calhoun's position on the general-welfare clause has been misunderstood because of a speech he made as a young man soon after he entered public life, in the House of Representatives, on February 4, 1817. (See Works of Calhoun, vol. 2, pp. 192–193.)

His statement in that speech is undoubtedly a complete admission of the Hamiltonian theory as to the general-welfare clause. But 20 years afterwards, when the bill for the purchase of the Madison papers was before the Senate, Mr. Calhoun spoke against the bill, on February 20, 1837 (see Works of Calhoun, vol. 3, p. 36, etc.), wherein he says:

> But where, Mr. Calhoun asked, was the special power in the Constitution for Congress to publish such a work? This was a solemn question the answer to which should be shown not by precedent but by the Constitution. The practice of Congress, Mr. Calhoun said, had been most loose on this and all other points. But the real question was whether there was such a power in the Constitution. The chairman of the committee had not rested his argument on this, but on the broad general principle that these papers would throw a new and brilliant light upon our institutions, and so on. * * * Mr. Calhoun felt that his position in opposition to this resolution was a painful one, but the opinions of Mr. Madison, which were the textbook of Mr. Calhoun and of those with whom he acted, demanded that he should not abandon it. And, further, Mr. Calhoun admitted that when a young man, and at his entrance upon political life, he had been inclined to that interpretation of the Constitution which favored the latitude of powers; but experienced observation and reflection had wrought a great change in his views, and, above all, the transcendent argument of Mr. Madison himself in his celebrated resolutions of 1798 had done more than all other things to convince him of his error. The opposite course tends to a government of unlimited powers, and in such a government the executive department must inevitably swallow up all the rest together.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. BACHARACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; and

H. R. 9100. An act to extend the time for the construction of a bridge across the White River.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. FLETCHER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, had requested a conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. SHEPPARD as the conferees on the part of the Senate.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY

The committee resumed its session.

Mr. SHREVE. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Chairman, I have been considering for some time bringing to the attention of the membership of this House a matter that affects not only the rights and prerogatives of a Congressman, and not only the welfare of the Republican Party, but it affects the Nation as a whole. If the matter I shall discuss concerned only my party, it could with more propriety be discussed before a party organization as a strict party affair. It has passed beyond that stage, however, and has grown into a matter of national interest, into a national scandal, rather. I refer to the vicious system and practice of Federal patronage distribution in Southern States. The Republican Party of to-day has inherited the system, but regardless of its origin, or the responsibility for its continuance, the fact remains that the cancerous growth that is sapping the vitality of southern Republicanism, must sooner or later be removed, root and branch, or the party is doomed in the South. If a major political surgical operation is necessary it ought to be performed before the patient dies.

The system and practice of exchanging or "swapping" southern patronage for southern delegates to Republican national conventions, or vice versa, is bringing our party into disrepute and contempt with the best people of the South. Everyone concedes that the system is indefensible from the standpoint of good morals as well as from the standpoint of good politics. Ninety per cent of the people of my State feel exactly as I do on the subject. Theodore Roosevelt, while President of the United States, denounced the system and millions of Americans heartily indorsed his denunciation of it. In a letter to his warm personal and political friend Senator Lodge, on October 11, 1901, he had this to say:

> In the South Atlantic and Gulf States there has been really no Republican Party—

And then in language even stronger than I would want to use, describes the make-up of the party in the South, and then continues—

> who have wrangled fiercely among themselves and who make not the slightest effort to get any popular votes, and who are concerned purely in getting the Federal offices and sending to the national conventions, delegates whose venality makes them a menace to the whole party. I see no advantage either to the party or to the Nation in striving to perpetuate such a condition of things.

No American stands higher in the estimation of the American people than this foremost champion of political honesty and civic virtue, and I am proud to champion in my feeble way the cause he so valiantly championed in his lifetime. What President Roosevelt said in 1901 is just as true to-day. As a Republican Congressman from the South I am familiar with political conditions in my State, and I am informed that the same conditions exist in other Southern States. Patronage is the beginning and end, the alpha and omega, of political interest and activity of Republican State organizations in Texas and other Southern States. In exchange for the patronage they receive they deliver the delegate votes to Republican National Conventions. The national committeemen handle one end of the patronage delegate exchange system and usually the Postmaster General handles the other end. Party loyalty—loyalty to party principles—does not enter into the consideration of the criminal exchange in the remotest degree. It is a spoils system pure and simple, without one redeeming quality. The ordinary spoilsman buys influence with his own money. Under the system I am attacking, influence is bought with public office.

Not only is there an entire absence of party loyalty involved in the system, but no other loyalty, political or personal, prompts the action of your southern patronage politician, for he is quick to turn from the hand that feeds him if it is to his personal selfish interest to do so. [Laughter and applause.] His whole thought is to be on the right side, the winning side, and I want to tell you that your southern Republican delegate has an uncanny political foresight and never fails to get on the right band wagon. [Laughter.] Your ordinary Republican delegate sometimes gets on the wrong wagon in the big parade, but no hungry and ever-watchful pie delegate from the South ever makes that sad mistake. The political tides may surge and ebb and flow ever so tempestuously and ever so unexpectedly, but they do not surge or ebb or flow too quick for him. You will always find these worthies riding the topmost crest. And once the merry band wagon gets well started, it may skid or stall or turn fast corners, but you will find your Republican delegate gentleman from the sunny South hanging on somewhere somehow. [Laughter.] Generally you will find them all safely ensconced on the very front seat, from which vantage point they have shouted out all the delegate "runts" from the North, East, and West. These latter do not enter into their scheme of things at all, at all. Occasionally, but oh, so seldom, you may discover a remnant, the less hardy ones in the band wagon scramble, hanging onto the very tail gate. It is truly an inspiring spectacle and one to make the angels weep. But they will all be aboard as sure as you are born, "whooping her up" to beat the band, and from that time on and until the plum crop is fully harvested, each modestly (?) proclaiming himself the only and original Harding man or Coolidge man, as the case may be and as the circumstances call for. And all for what? For patronage purposes only! [Applause and laughter.]

I have watched these "patriots" for many years. I have heard them orate and I have seen them sweat for the Grand Old Party. On the hustings, and in defense of Republican principles and policies, did I hear you ask? Not on your life! Their labors begin and also end in convention halls. [Laughter.] To hear some of these southern patronage delegates at Republican National Conventions or caucuses you would believe that each one of them controlled thousands and thousands of votes at home, when, as a matter of fact, not one out of a dozen controls or favorably influences a score of votes in the community where he is best known. The farther they are away from their homes the louder they boast. In their own bailiwicks they act with a most becoming modesty, because they know they can not fool the home folk.

I said a while ago that their labors begin and end in convention halls, but I want to take that back. Have you ever seen them here in this fair city, like bees around a honey-pot, just about the time a new Republican administration is inaugurated? I know you have, and so have I. This is strutting time for them, and all Washington is their "Peacock Alley." [Laughter.] They have the air of "I am Sir Oracle, and when I ope my mouth let no dog bark." A mere Republican Congressman from the South had better look out or he will be stepped on sure. I know, for I have got their hoofprints all over my poor body. And the remarkable and sad thing about the whole business is they are able to put over their political "bunk" on administration leaders. It is a standing joke in my State that these gentlemen who loom so large at the Republican pie counter could not for their very lives carry their own little precincts for any office from justice of the peace up—or down. [Laughter.] Democrats and Republicans in Texas, everybody, knows that what I say is literally true.

I want you Republican Congressmen here to know, as my Democratic colleagues from the South already know, that we have thousands upon thousands of as good, faithful, and true Republicans in the South as can be found anywhere in this country. They love their party and are devoted to its principles and traditions, but they despise the class that is contemptuously spoken of as "patronage or pie Republicans."

Southern Democrats when in a frank mood will cheerfully admit that the element in control of Republican politics in the South is Democracy's best assurance of its continuance in power in the Southern States. This condition ought not to be permitted to continue if national Republican leadership expects to elect Republican Congressmen from that section of the country. If, however, the party's whole interest and concern is only, quoting President Roosevelt, to send "to the national conventions delegates whose venality makes them a menace to the whole party," why, then, of course, you have got

a beautiful system, and you ought to perpetuate it, even at the risk of wrecking the party.

It would be worth the while of you Republicans to look into this situation. You can easily determine whether or not I am giving you a true picture of southern political conditions. You have friends that have left their northern and western Republican homes to live in the South. Write to them, and you will find that I am moderate in my condemnation of the system. They will inform you that before they have lived 60 days in their new political environment they will have identified themselves with the Democratic Party. This new alignment is not due to the fact that they have acquired a sudden affection for the Democratic Party or that they have changed overnight the political convictions of a lifetime. Not so. The reason they will give you is that they refuse to identify themselves with the Republican Party in the South because of present southern Republican leadership. I hope that northern and western Republicans now in the South who read this statement will communicate with the Senators and Representatives in Congress of the districts in which they formerly lived, and confirm or deny what I say. This is not only my fight; it is, or at least ought to be, the fight of every decent Republican in the South. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. ROBSION of Kentucky. When was the gentleman himself first elected as a Republican Member of Congress from Texas?

Mr. WURZBACH. In 1920.

Mr. ROBSION of Kentucky. And the gentleman has been elected each time since then?

Mr. WURZBACH. That is the fact.

Mr. ROBSION of Kentucky. I have heard it said that persons within the Republican organization in the State, as it is constituted, undertook to defeat the gentleman because they did not want to divide the patronage with anybody. Is that true?

Mr. WURZBACH. That is the fact.

Mr. ROBSION of Kentucky. And it is that sort of condition that the gentleman is talking about now?

Mr. WURZBACH. Yes. I expect to go into all of that before I get through.

Mr. ELLIS. And before the gentleman resumes the thread of his remarks, will the gentleman state in that connection what his majorities have been and the increase in them, notwithstanding that opposition?

Mr. WURZBACH. I had substantial majorities, in the neighborhood of 3,600 in my first two campaigns. In the last campaign they were good enough in my district to give me a majority of nearly 13,000. [Applause.]

The conditions I am trying to picture have aroused the righteous indignation of the better class of Southern Republicans. They protest against a system that prevents the healthy growth of the party to whose principles they are attached. They feel that if the Republican national leadership does not see proper to aid in the upbuilding of a respectable Republican Party in the South, it should at least not impose upon them a vicious system which prevents its growth and development, and which prevents the rank and file from having a fair chance to take control of the organization for the party's welfare. The present venal system is armed by the national Republican leaders with the bludgeon of Federal patronage to beat the rank and file into submission. If it is intended to use my State and other Southern States for all time to come for national delegate purposes only, and if southern patronage politicians are to be permitted to use their patronage power in turn for purposes of "revenue only," we want to know it. I go on record here and now that I shall no longer submit in silence to such a system and such a practice. [Applause.] My protests will probably go unheeded. So did Roosevelt's. But some day a change will come. God grant that it may not come too late.

The present Coolidge administration has not benefited by the system nor is it responsible for the system's establishment or continuance, but no past administration has ever been in a better position to effect a change or abolishment of the system than has the present administration. President Coolidge, if his name should be presented to the next Republican national convention, and I hope it shall be, will not need the support of organization Republicans of the South. He is undoubtedly stronger with the rank and file of the party in the South than any Republican President of the past. He is the one political Moses who could lead us out of the wilderness of political despair into the promised land of something better.

Southern States (not including Tennessee and Kentucky) are solidly Democratic so far as presidential elections go, and they are not expected to furnish a single electoral vote for a Republican presidential candidate. Yet they hold the balance of power in Republican conventions. With such tremendous power for good or evil there ought at least to be an honest political responsibility. It is not necessary for me to say that I favor Southern States representation in Republican national conventions, but I do believe that delegates of the South should not be venal, should come clean, from a clean source, and with clean and honest motives. But the system forbids and prevents that. The system induces them to remember that they have received the price of official favor and induces them to hope for a continuance of like favors in the future. The system furnishes the motive and the inducement to southern patronage organizations to preserve their patronage power at all costs, even to the betrayal of the State Republicans they are supposed to represent. These organizations are built upon patronage. They feed upon it and can not live without it. Take Federal patronage from them, and they have neither the means nor the desire of life. To preserve itself the organization will betray its most sacred trust. To save its patronage power it opposes the election of Republican Congressmen for fear of losing a part of its patronage power. The system forces it to do that very thing. I know whereof I speak. After a five years' experience of service as a Republican Congressman from Texas, I have learned that administration patronage influence goes to the self-appointed officers and not to elected representatives of the party. At this point, I want to read a real gem of editorial excellence from the Dallas (Tex.) Morning News of February 19 last. It is rich in truth as well as humor:

THE SAD CASE OF G. O. P. PATRONAGE IN TEXAS

Poor Mr. WURZBACH! He is a fine man personally. He goes to work and gets himself elected as the only Republican Congressman from Texas. He arrives in Washington and rolls up his sleeves, serving his constituency and determined to show the Capital that Republicanism is alive and doing in Texas, reports to the contrary notwithstanding. For all his merit, all his popularity, all his achievements, does Mr. WURZBACH get anything in the way of recognition and reward from his party? He does not. He gets nothing but harsh words of rebuke. It is all very sad.

[Laughter.]

Mr. Creager says that the "organization" in Texas needs no defense at his hands, and he gives the newspapers a column of no defense accordingly. "Results," he says, "show for themselves." Precisely. That is what Mr. WURZBACH is raising his voice in ululation about. Results obtained in Texas are all to Mr. WURZBACH'S credit, and results obtained where the pie counter stands are all for the "organization." What is the use of getting results if the results are not themselves resultful, wonders Mr. WURZBACH.

It seems that Mr. WURZBACH gummed up the works, so to speak, when he got himself elected. Republicans who are somebody in Republicanism in Texas get themselves appointed to office, not elected. That is where the gentleman from the fourteenth district made his terrible mistake. He lost caste by shaking too many hands and being nice to too many babies.

[Laughter.]

He took his candidacy for an elective office too seriously. He overdid the thing. He actually expected to win the office to the point where he made no advance arrangements for an appointment in case his campaign fell through. He will go down in history as a dismally successful Republican in a State where unsuccessfulness is an element of eligibility to prominence and power in the political councils of his tribe.

The Democrats, of course, are viewing the case with sympathetic tears. Alas, even Democrats sometimes quarrel with one another and call one another names in Texas. But it can scarcely be said that among Democrats getting elected to Congress is a stigma against a man's character. Getting elected to anything amounts to triumph in the Democrat's scale of things. His standards of value are fully as crude as that. Somehow or other, Federal appointments have been so removed from the Democratic horizon that a true Democrat rarely refuses the mandate of the ballot box, once it is offered to him.

[Laughter.]

I am glad that I have retained a sufficient sense of humor after my unhumorous political experiences to enjoy the editorial I have just read as much as I know all of you have enjoyed it. It is so good that it is worthy a place in the CONGRESSIONAL RECORD. The author may or may not consider that a compliment or honor, but as he is not present to protest I shall do so, anyhow. [Laughter.]

Coming back again to the subject I set out to discuss and my justification for discussing that subject here. Federal appointments in the South as elsewhere touch all the people—Democrats as well as Republicans—and all the people have a common interest in the offices they hold. They serve all alike, and no administration has the right to foist upon them Federal appointees who hold their places by the grace of irresponsible, disreputable, and corrupt patronage machines. I do not intend to charge that the appointees are corrupt. In many cases they are men of high standing and unquestioned probity. I do know that under the guise of voluntary party contributions tribute is levied by the "organization" upon the salaries of many, if not most, of the Federal appointees in Texas. The money collected is not used for legitimate party campaign expenses, but it goes into the coffers of the State organization for the building up of the patronage machine. While Congress and the President are holding down the expenses of Government and the salaries of Federal offices at this end, political vampires at the other end are sucking at their lifeblood with demands for "organization contributions." These demands are often in the form of quarterly installment notes. Early in 1921 when there were many hungry patriots among the faithful and near faithful and the plum crop was a bumper one nearly $100,000 was collected in Texas alone. I have seen some of the blank installment notes, and I know whereof I speak. Many were "called" to contribute, and many did contribute with the inspired hope that they would be among the "chosen elect." But alack, and alas, even as in the good old days of long ago, "many were called but few chosen." [Laughter.] Those left at the post in the patronage free-for-all let out a dismal wail when called upon to pay the little installment notes, and justly complained there was an entire "failure of consideration," and that they should not be asked to pay for something they did not get. And can you blame them much? [Laughter.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. ROBSION of Kentucky. What has been the attitude of the national committeeman from Texas and the State chairman of the Republican organization of Texas toward the election of the gentleman himself?

Mr. WURZBACH. I expect to speak of that later on.

When I speak of the Texas Republican State organization I want to be understood as referring particularly to the national committeeman, R. B. Creager, and the State chairman, Eugene Nolte. These two practically control the organization with the patronage they are able to dispense. Without patronage they would be just ordinary plain Samsons "shorn of their locks." I could name members of the committee who are not only true and loyal Republicans but work for the party and its nominees and who have rendered me loyal and faithful support in each of my campaigns. It is an unpleasant duty for me to discuss Messrs. Creager and Nolte at all, but I have borne their unjustifiable attacks upon me, sometimes in the open, oftener in the dark, for five long years, and my self-respect forces me to keep silent no longer. I do not complain of the effects of their opposition, but of the motive that prompts it. Their opposition, as a matter of fact, has been an asset to me in the general-election campaigns; their support would be a most decided liability. [Laughter.] I have not suffered from their opposition in that respect. This is amply proven by the fact that I am serving my third successive term in Congress, and that my majorities increased from year to year as their opposition increased.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. JOHNSON of Texas. Then is it not true that to secure the appointment to a post office in Texas under the present administration one must have the indorsement of R. B. Creager, national committeeman from that State?

Mr. WURZBACH. Yes.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. GARNER of Texas. But that is not so in the gentleman's own district, is it?

Mr. WURZBACH. No. The post offices have been conceded to me in my district, although in 1921 my recommendations for the postmastership at San Antonio, the chief city in my district, were not followed.

Mr. GARNER of Texas. But the gentleman did confirm that appointee, however, in his reappointment?

Mr. WURZBACH. I found out that he is a good man and has performed good service. I found out, further, that he is a loyal Republican, working for the interests of the Republican Party in my district, and I cheerfully gave him my recommendation in 1924, although I did not recommend him in 1921.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. HASTINGS. The gentleman does not mean to tell the House that these postmasters are not under civil service in Texas, does he? [Laughter.]

Mr. WURZBACH. I do not care to go into that.

I am not complaining especially of the rank discrimination that has been made against me in the matter of appointments in my own district. There are things vital to the interests of my district that I am more concerned about than patronage, and these always have my undivided attention, as do those more or less personal interests of my constituents. Truth to tell, it has been so long since I have been consulted and favored in patronage affairs that I have about lost my appetite for a particular kind of fruit that only grows and ripens every four years. [Laughter.] Should I ever decide to specialize in patronage I will have sense enough not to fool away my time and waste my efforts running for and being elected to Congress in Texas as a Republican. What I do complain of and strenuously object to is the efforts that have been made by the "pie-counter brigade" to discredit me with Republican administrations in Washington since my first election in 1920. Their labors were worthy of a better cause. [Applause.]

When I first came to Washington in the spring of 1921 the patronage "gang" had already arrived, and what they did to me was a plenty. They confided to President Harding that he need not consider me in the Texas Republican scheme of things at all; that I was an annual and by no means to be considered a perennial plant destined to bloom year after year [laughter]; that I was at best a political accident, a one-termer, without hope of life expectancy; in short, that I was just a pebble that was washed along in the great Harding landslide. [Laughter.] They went so far in their abominable schemes to discredit me with President Harding as to deliver to him bogus office copies of letters I had never written and forged letters which they bought of a crooked secretary I had in my office for less than three months and who I discharged on May 23, 1921. When I say "they" I mean R. B. Creager and Eugene Nolte, and when I say "crooked secretary" I mean one P. W. Reeves, who is now a fugitive from justice and who has been since his indictment under the protective care of Creager and Nolte. Let me recite the sordid story of political corruption. When I discharged Reeves in May, 1921, I had hoped I had seen and heard the last of him. Vain hope. More than a year later, in the summer of 1922, Nolte met Reeves in New York City, when and where the latter offered to turn over to Nolte certain letters to be used against me in the approaching congressional contest. A short time after this conference Reeves turned up in San Antonio and sold to my Democratic opponent a forged letter, which was held until just a few days before the election and then given the widest publicity. In libel suits brought by me against certain newspapers that published the forgery and against my Democratic opponent the latter was requested to state in his oral depositions whether Nolte had contributed to his campaign, and he declined to answer the question, claiming that it was immaterial to the issue. [Laughter.] It was generally known that Nolte conferred with the Democratic nominee at his headquarters, and it was generally understood that he had contributed to his campaign and positively known that he was doing all in his power to defeat me, although I had received the unanimous vote of the district convention that nominated me.

In passing I want to say that the courts found that the forged letter, known as the Willie Blount letter, was in fact a forgery; that it was forged by the said Reeves, and I recovered substantial damages from the defendants. The defendants in fact confessed the forgery. [Applause.] Shortly after the 1922 campaign the said Reeves was indicted in San Antonio, Tex., for a felony unconnected with the forgery. He has escaped arrest and trial for this offense, although I employed the Burns agency at considerable personal expense to bring about his arrest, and I am just as anxious to locate him now as I ever was. [Applause.]

In January, 1925, I learned that the said Reeves was under investigation by the Department of Justice for the alleged commission of another offense, namely, with the offense of forging the indorsement on a Veterans' Bureau check and with cashing the check and appropriating the proceeds thereof. This offense was charged to have been committed while the said Reeves was in the employ of W. T. Eldridge, of Sugarland, Tex., about June, 1924. Notwithstanding this criminal record, and notwithstanding the fact that the said Reeves had forged my name to the Blount letter and sold the same to my Democratic opponent,

and notwithstanding that R. B. Creager and everyone else in Texas interested in politics knew of the infamous conspiracy to defeat me in the manner stated, yet in the face of all this the said Creager interceded with the Federal district attorney of the southern district of Texas in behalf of the said Reeves, and requested the said attorney to give the case his special personal attention, and informed the district attorney that he, Creager, after talking with Reeves, was satisfied that he was not guilty of the offense charged. The investigation was dropped. It is interesting to note that Harry M. Daugherty, then ex-Attorney General of the United States, joined Creager in his intercession in behalf of Reeves. I am forced to the conclusion that Creager protected and harbored this criminal not because he justified or condoned his criminal conduct, but because he had put himself in Reeves's power when he conspired with him in the spring of 1921 in procuring bogus and forged letters with which to poison President Harding's mind against me.

The power and influence of these patronage politicians in Washington is simply amazing and almost incredible. This is true especially with regard to the Postmaster General and his first assistant and the men holding important places in that office, especially one, Charles F. Trotter. With these gentlemen I am strictly persona non grata, and their feelings are but the resultant of the sinister influence of State Chairman Nolte and National Committeeman R. B. Creager, of Texas. Let me give you a glaring example and illustration of the treatment I have received at the hands of the Postmaster General. The city of Seguin, with a population of about 5,000, is my home town, where I have lived for the past 25 years. About 12 years ago the Seguin post office was moved to what is known as the Baker site, and where it remained until December of last year. Not less than 80 per cent of the patrons of the office were in favor of the Baker location at the time of its removal about three or four months ago. For the past 8 or 10 years there was no demand for its removal, nor even a murmur of dissatisfaction. The Baker leased site adjoins a quarter block of land which was donated by citizens of Seguin to the Federal Government by warranty deed, dated May 1, 1914, and which the Government accepted as the permanent site if and when Congress saw fit to make an appropriation for that purpose. The Government has held this property and exercised ownership over it since 1914. I refer to this merely to show that the Government having held this property for so many years and intending to use it for a permanent site, that then the adjoining Baker site was certainly not objectionable as a rented site so far as location is concerned.

In the summer of 1922, during a recess of Congress, I left Washington and went to Texas. I had been home only a short time when I learned that State Chairman Nolte and R. B. Creager were in Washington endeavoring to induce the Postmaster General to remove the Seguin office from the long-established Baker site to a building owned by said Nolte. The matter of the removal had not been mentioned to me by Nolte or anyone else. Shortly thereafter I received notice from the Post Office Department that the office would be moved and that the Baker lease, which by its terms ran to November 1, 1925, would be canceled. I wired my protest, requesting postponement of final action until I could return to Washington and appeal to President Harding if necessary. The chief interest the said Nolte had in attempting to bring about this removal was to discredit me in my home town and district by demonstrating his ability to cancel a Government contract and remove a post office in a Republican Congressman's home town without the latter's knowledge or consent.

They waited until I had left Washington and then took advantage of my absence from this city. As soon as I was able to return to Washington, and after first failing to get any relief from the then Postmaster General, I presented the facts in person to President Harding, who quickly sustained me in my opposition to the removal and wrote for me and handed to me, for delivery to the Postmaster General, the following letter:

WHITE HOUSE,
Washington, August 30, 1922.

MY DEAR GENERAL WORK: If you can consistently meet the wishes of Congressman WURZBACH in the matter of post-office location (not a change, but a retention) in his home city, I will be glad. Unless there are *very urgent* reasons for a change, I think his recommendations ought to carry full weight.

Yours,

WARREN G. HARDING.

This letter was given to me to deliver in person; but before delivering the same, and with the consent of the President, I made a copy of it for my files, as I feared that the letter might disappear from the post-office files. That fear or suspicion was justified, as later events prove. When I delivered the letter to Doctor Work he informed me, of course, that in view of the President's request the matter could be considered by me as closed and that the post office would not be moved. I heard nothing further of any removal efforts, and, in fact, had discharged the matter from my mind, until, about the last of February, 1923, just before adjournment of Congress, I was preparing to leave again for home, when I got another jolt. I was called by phone by the office of the First Assistant Postmaster General and informed that it had been decided to move the Seguin office and to cancel the Baker lease, which still had two years and nine months to run. My protests were again unheeded by the department. I called attention to the letter of President Harding of August 30, 1922, and then ascertained that the same had disappeared from the files. I furnished the department with a certified copy of the letter that I had brought with me to meet that expected emergency [laughter] and requested that it be filed in place of the original.

When I searched the files about two weeks ago the copy had also disappeared and the original letter has not seen the light of day to this good hour, as I was informed by Charles F. Trotter. On the night of the same day that I had my conference with the Postmaster General—that is, about the last of February, 1923—I mentioned the matter at a meeting of the National Republican Congressional Committee, of which I am a member, and three members of the committee, WILL R. WOOD, chairman, Mr. TIMBERLAKE, of Colorado, and Mr. WASON, of New Hampshire, were kind enough to volunteer and take up the matter with the Postmaster General in my behalf. Without going into the details of their conference with the Postmaster General, it is sufficient to say that President Harding again interceded in my behalf, and again I was informed by the Postmaster General that I might set my mind at rest and that the post office at Seguin would not be moved.

President Harding departed this life about six months later, on August 2, 1923, and on December 19 following I received from Postmaster General New a letter notifying me that there would be a relocation of the Seguin office from the Baker site to a site owned by State Chairman Nolte. Nothing was said in this letter that bids would be called for, but just the plain, bare statement that the site would be changed to property owned by Nolte. This letter clearly shows that it was determined to carry out the insistent demands of Nolte by fair means or foul. The later advertisement for bids, which I shall bring to your attention in a little while, were mere gestures on the part of the Postmaster General. Upon receipt of the last letter, I again wended my weary way to the department and informed the Postmaster General that I had gotten to a point where I would no longer beg for what I knew were my rights, but that I intended to make my protest on the floor of the House. I called his attention to the fact that he, as well as Creager and Nolte, were supposed to have been warm personal friends of President Harding during his lifetime, and that they, and each of them, had received many favors from his gracious hands; and I said that it appeared strange to me that they could wait hardly long enough for the President's body to grow cold in his grave before they, his favored friends, proceeded to overrule and override his well known and expressed wishes in this post-office removal affair. Before I left the postmaster's office he informed me that he had not quite fully understood the situation, and that he would write Messrs. Creager and Nolte in Texas that the office would not be moved.

This was the situation when the last Congress adjourned March 4, 1925, and so it continued until the summer of that year. The Baker lease was due to expire November 1, 1925. On July 16, 1925, Post Office Inspector O. E. Smith, of Dallas, Tex., issued notices that—

he would receive sealed proposals up to and including August 15, 1925, for furnishing suitable quarters for post-office purposes at Seguin, Tex., including equipment, water, light, heat, etc., under a lease for 5 or 10 years from November 1, 1925.

Notices were accordingly sent the Seguin postmaster, which were posted and proper advertisement made, all calling for sealed bids for leases for 5 or 10 years, bids to be opened in Dallas, Tex., on August 21, 1925. I wrote Postmaster General New in July, and on July 27, 1925, he wrote me stating that—

in negotiating new leases we prefer not to change the location of post offices, other conditions being equal, and that any bid submitted by the owner of the present quarters at Seguin will be given every possible consideration.

This letter, I understand, expresses the general and usual policy of the Post Office Department in similar cases.

On August 20, 1925, Nolte first bid $900 per annum, and on August 24, nine days after the time set for receiving bids and

five days after the time for opening bids, he was permitted to amend his proposal from $900 to $600 per annum. D. D. Baker, for the Baker heirs, submitted a bid offering the Baker site at $1 per annum for the first five years and $840 per annum for the second five years. The bid was put at this ridiculously low rental of $1 per year because the previous action of the department in trying to cancel the old lease in the manner heretofore shown caused Baker to believe that if the department was given but the slightest excuse or pretext it would discriminate against the Baker proposal and in favor of the Nolte proposal. The suspicion that the letting would not be a fair letting and in accordance with postal regulations and usages was more than justified. The same influences that controlled the department in its earlier actions, but which were frustrated by President Harding, again began to operate.

On August 28, 1925, the said Nolte wrote the following letter:

SEGUIN, TEX., *August 28, 1925.*

Gen. J. H. BARTLETT,
First Assistant Postmaster General,
Washington, D. C.

MY DEAR GENERAL: The Seguin post office situation is up again. Your department has advertised for bids and the post-office inspector has made the necessary examination and no doubt will be sending his report in shortly.

I recall that you suggested to me about a year and a half ago that I take this matter up with the Postmaster General, and which I did at that time, and presume that you will again want me to talk this matter over with him. I will ask that you defer any action on this matter until I can come to Washington and talk this matter over with you both. It is my information that the Postmaster General is away from Washington and will not return until about the 9th. Therefore it is my intention to defer my visit until he returns.

With highest personal regards, I remain,

Sincerely yours,

EUGENE NOLTE.

When this letter was written the said Nolte had already been informed by the post-office inspector that he favored the acceptance of the Baker bid and that he would so recommend to the Post Office Department. Nolte had unsuccessfully urged the inspector to make a report favoring the Nolte bid.

Before the above letter was written there had been previous correspondence between Nolte and the Postmaster General, as is shown by the following "memo" appearing in the department files, as follows:

AUGUST 17, 1925.

First Assistant MCMILLAN:

Bids have been asked for post-office lease at Seguin, Tex. I would like to have the whole matter brought to my attention before action is taken. I have in my private files a letter from E. Nolte, of Seguin, under date of August 13, which bears upon this matter and which should be consulted in connection with the lease.

H. S. N.

I am wondering what important information is contained in this private letter to the Postmaster General "which bears upon this matter" of a business proposition of the Government to secure a lease contract in the interests of the Government. I am also wondering what was contained in the reply of the Postmaster General to the Republican State chairman, which no doubt now lies snugly in the latter's "private files." [Laughter.]

I also wrote the Postmaster General on September 5, in which I respectfully requested that if it were contemplated accepting the Nolte bid and the consequent removal of the post office that I would like to be "given an opportunity to be heard" before final action is taken on the proposals submitted. I wrote as a mere Congressman and without the influence of a Republican State chairman, and my letter was not dignified by being placed in the private files of the Postmaster General. [Laughter.] At any rate I received a reply, and that is the important thing, as follows:

WASHINGTON, D. C., *September 9, 1925.*

Hon. HARRY M. WURZBACH,
House of Representatives.

DEAR CONGRESSMAN: I desire to acknowledge receipt of your letter of the 5th instant with respect to the post-office quarters at Seguin, Tex. I note that you are greatly interested with respect to bids which have recently been submitted to an inspector to provide quarters for the office from November 1 next.

Upon investigation it is ascertained that the inspector's report has not been received, but a notation will be made on the case that you are especially interested in this matter, and you will be given an opportunity to be heard before a final decision is reached.

Sincerely yours,

HARRY S. NEW, *Postmaster General.*

Of course I did not know when I received this letter that our State chairman had a month earlier written a private letter to the Postmaster General and which was then in his private files, nor did I know that General New had sent a "memo" to his first assistant on August 17 not to lose sight of the interest of the writer of that mysterious epistle. I had foolishly deluded myself with the hope that a Republican Congressman would be given just a wee bit of consideration in the matter of his own home-town post office. When I wrote the Postmaster General on September 5 I had it in mind that as President Harding had taken the view that my "recommendation ought to carry full weight" that probably President Coolidge would take a similar view, and it had been my intention to appeal to the President if necessary and it appeared that final adverse action was contemplated by the department. This was another one of my vain hopes [laughter], and the Postmaster General made it impossible for me to take that course by deliberately and designedly concealing from me the department's preliminary acceptance of the Nolte bid on September 15, as I shall proceed to demonstrate.

The Postmaster General in his letter to me of September 9 says:

Upon investigation it is ascertained that the inspector's report has not been received.

He must have overlooked the following memorandum in the files of his office:

REPORT OF INSPECTOR SMITH, DATED AUGUST 29, 1925

The present site is at the rate of, etc. Baker estate bid, etc., for 10 years at rental of $1 per annum for first 5 years and $840 per annum for next 5 years. Nolte bid, $600 per annum, etc.

It is possible that Inspector Smith held this report in Dallas for more than a week before mailing it, but it is more probable that the Postmaster General overlooked this when he wrote me on September 9. But this oversight is really not so very important, and I shall continue with the main thread of my story.

State Chairman Nolte, true to his promise of August 28, repaired to Washington and reached his destination about September 9, or a little later. We in Seguin, remembering past experiences, were not made to feel any easier by the knowledge of this fact, but we were buoyed up with the hope that it would be a rather extraordinary proceeding for the Government to turn down a bid in the nominal sum of $1 per year for property easily worth an annual rental of $1,500; we knew that the nonacceptance of the Baker bid would mean the removal of a post office from an established location of more than 10 years' duration, and we did not forget General New's assurance of July 27 that—

in negotiating new leases we prefer not to change the location of post offices, other conditions being equal.

As I say, we were, therefore, not particularly alarmed about the chairman's Washington visit. And would not you have felt the same way? Later developments again proved that we were simple and deluded optimists. [Laughter.] We had, unfortunately, lost sight of the fact that when a southern Republican State chairman goes forth to battle, armed cap-a-pie with the spear of southern delegate influence, in his coat of mail of southern patronage, that then postal regulations, sound and honest Government business rules and usage are mere matters of detail, of no importance, and to be thrown into the scrap heap of political inexpediency. [Laughter and applause.]

We left the State chairman in Washington and business started to pick up at once in the Post Office Department. [Laughter.] He and his confederates realized that they were confronted with a very difficult situation; the Baker bid was the lowest bid; the post-office inspector, after thorough investigation, had recommended its acceptance over the Nolte bid; and the retention of the old site would be not only in accord with the expressed views of President Harding but in accordance with the views and policy of the department, as expressed to me on July 27 by General New himself. Some method had to be devised to make possible the acceptance of the State chairman's bid. And this is the plan that was evolved. A telegram was sent to Mr. Baker, reading:

WASHINGTON, D. C., *September 11, 1925.*

D. D. BAKER, *Seguin, Tex.:*

Your proposal lease post-office quarters Seguin. Rental should be same each of 10 years, not $1 for first 5 years, and $840 for second 5 years, as you have it. Wire revised price to-day.

BARTLETT,
First Assistant Postmaster General.

Baker, suspecting no trickery, and relying upon governmental good faith, replied:

SEGUIN, TEX., *September 14, 1925.*

First Assistant Postmaster General BARTLETT,
Washington, D. C.:

Answering, if you want only a 5-year lease, I offer post-office quarters at Seguin for $1 per annum; but if you prefer a 10-year lease, I offer quarters at $420 per annum; both offers carry full equipment as specified by Inspector Smith.

D. D. BAKER.

Baker's original bid of $1 per year for the first 5 years and $840 for the next 5 years was lower than the last and best bid of Nolte of $600 per annum for the full 10 years' period. For the full 10 years the Baker lease would have cost the Government $5, plus $4,200. The Nolte bid, $6,000, or a difference in favor of the Baker bid to the Government of $1,795. For any period less than 10 years the difference in favor of the Baker bid would have been proportionally and actually greater. The Baker bid was in response to and in strict compliance with the Government's advertisement for bids, and the inspector had found no fault with it, in form or substance, and had in fact recommended that it be accepted as the best and lowest bid.

This was the situation when Nolte called at the Post Office Department in Washington on or about September 9, 1925, and this was the situation on the very day the Baker wire was sent. It was determined by the Washington Post Office authorities in conference—I would be justified in saying, but I will not, in conspiracy—[laughter] with Nolte that it was necessary to induce Baker to offer a new bid in order to give Nolte a chance to change his bid. Otherwise what was the purpose of the telegram? Baker did not fall into the trap. His telegraphic bid of September 14 was exactly the same as his former sealed bid, except that the one spread the annual payments over a 10-year period and the other over the last 5-year period. Notwithstanding the miscarriage of the telegram trick the department was determined to pursue its outlined course of action and permitted Nolte to reduce his bid of $600 to $360 per annum.

It is certain that Nolte was present at the very time and place that the Baker wire was sent, and also when the reply was received. The circumstances prove this to a moral certainty. It is definitely known that he was present in the city of Washington at this particular time, and it is just as definitely certain that he came to the Capitol for the very purpose of securing the removal of the Seguin office to his own building. The correspondence I have set out proves that fact. The files of the Post Office Department also prove that on September 15 Nolte was permitted to file a new bid of $360 per annum, and this bid was not mailed to the department or wired, but was handed in person by him to the Post Office Department. And more remarkable still, the Nolte bid was accepted on the very day it was handed in, as evidenced by the following notation on the Nolte $360 bid: "Accept McM 9/15." The initials stand for McMillan.

Mr. KNUTSON. Was the second or last Nolte bid submitted as the result of public advertisement?

Mr. WURZBACH. Not at all.

I quote further the following interesting written memoranda in the Seguin post-office file of the department:

Memorandum

Congressman WURZBACH has written the Postmaster General several times in the interest of the Baker estate. Eugene Nolte (proposal No. 2) has visited the department about this and correspondence in the files indicates that he is coming again when the inspector's report is received. * * *

This memorandum is not dated. There is another undated memorandum as follows:

There is a memorandum from the Postmaster General directing that the matter be brought to his attention before the case is disposed of. He states that he has in his private files a letter from E. Nolte, of Seguin, which bears on this matter and which should be consulted in connection with the lease.

And then the following memorandum:

We have wired the representative of the Baker estate requesting that he make the rental the same for each of the 10 years, and asked for answer to-day.

This last memorandum was made on September 14. The date is fixed by reference to the day that the Baker wire was sent. It will be noted that the Congressman wrote about this matter, but "Eugene Nolte visited the department." Final results demonstrate the greater efficacy of "personal visits" over written correspondence and of "private letters" of a patronage politician over letters of a Congressman.

Here follows another interesting memorandum which explains why I was not furnished the information that had been promised me in the letter of September 9:

SEPTEMBER 15, 1925.

FIRST ASSISTANT:

Keep this until we get final return on this case and then bring to my attention.

H. S. N.

When this notation was made the Nolte bid had been accepted the same day, as shown by the marginal notation above. And the memorandum of the Postmaster General meant simply that nothing was to be given out until the Budget officer had first approved the acceptance and the Nolte proposal and the department's acceptance was a completed and irrevocable act, and all opportunity closed against a Congressman "butting in" on such a private affair!

Mr. GARNER of Texas. No contract made for post-office rental is irrevocable. They can revoke it at any time.

Mr. WURZBACH. I meant that in the contemplation of the parties it was irrevocable.

Mr. GARNER of Texas. I understand that.

Mr. WURZBACH. Keeping in mind my letter to the Postmaster General of September 5 and his reply to me of September 9, in which it was promised that I would "be given an opportunity to be heard before a final decision is reached," and keeping in mind also that I was kept in total ignorance during the entire period that the matters referred to were being heard, I want you to consider the solicitude displayed by the department for the interested bidder, Chairman Nolte. He was kept posted with all of the proceedings after he left Washington for New York. His bid had been accepted on September 15, but certain formalities had to be complied with, as shown by the following letter of confirmation:

CONFIRMATION OF TELEGRAM

This is to confirm telegram sent you on September 29, 1925, reading as follows:

"EUGENE NOLTE,
"Roosevelt Hotel, New York, N. Y.:

"Budget officer has approved acceptance of your proposal for Seguin post office. Formal acceptance follows."

TROTTER,
Acting First Assistant Postmaster General.

This would have been a nice time to have sent me a little message. [Laughter.] But that was contrary to all their plans. The first intimation I had that the Baker bid had been rejected and the Nolte bid accepted was on October 2, full two weeks after the department had accepted the Nolte bid, and the news came to me by way of rumor. It was reported in Seguin on that day that Nolte had written or wired from New York that he was the successful bidder. I did not credit the report at first, as I remembered that the Postmaster General had given me his promise in writing that I would be consulted before final action was taken on the proposal. These rumors became so insistent that I finally decided to send and did send the Postmaster General the following wire:

SEGUIN, TEX., *October 2, 1925.*

Hon. HARRY S. NEW,
Postmaster General, Washington, D. C.:

It is reported here that your department has accepted Nolte bid for Seguin post-office building. In view of your letter to me of September 9 that I would be given opportunity to be heard before final action taken, I can not credit report. Will you kindly wire me, my expense, if report true or not.

HARRY M. WURZBACH.

And in response I received this remarkably naïve reply:

WASHINGTON, D. C., *October 3, 1925.*

HARRY M. WURZBACH,
Seguin, Tex.:

Department accepted Nolte bid September 16. As both bids were in, it was naturally assumed you were fully informed.

HARRY S. NEW,
Postmaster General.

[Laughter and applause.]

I want you to get that. The Postmaster General assumed that I was fully informed that the department had accepted the Nolte bid on September 16, *because both bids were in.* [Laughter.]

I have tried to be fair in my judgment of the Postmaster General and of the motives that prompted him in this entire business. Before I received that wire I was giving him the benefit of every doubt. I could not believe that a Cabinet

officer, charged with the performance of official duties and representing the Chief Executive of the Nation, would or could misuse his power to favor an individual at the expense of the Government; but when I read the above wire I was forced to the conclusion that he had aided and abetted in the doing of an act that was not only unfair and unjust and against the interest of his own Government, not only that he had deliberately broken faith with me, but that he acted in flagrant violation of the rights of a private citizen and taxpayer of my State and district. Baker had a right to expect when invited by public advertisement to submit a bid a fair and honest consideration of the same. He did not receive that decent treatment at the hands of the Government due the humbliest citizen of the land. [Applause.]

Mr. KNUTSON. Does the gentleman know that nominations made by the Republican Members of Congress are held up in the Post Office Department at the request of the other end of the Capitol?

Mr. WURZBACH. As I said a while ago——

Mr. KNUTSON. That is true; and I want it in the RECORD.

Mr. WURZBACH. I have been consulted so little in the matter of patronage that I am not very well posted on these matters. [Laughter.]

I realize, my colleagues, that I have already presumed too much upon your kind indulgence, and I do not feel justified in taxing your patience any further. The moving of a post office is of itself of slight importance to you or to me. I have gone into this only to show the operations of the vicious patronage system. How it extends its pernicious influence even beyond patronage and Federal appointments, and also to point out the apparent subservience of a great department of Government, to the influence of the southern Republican patronage politician. Such abuse of power, as I have indicated, involves not only myself but it involves the congressional prerogatives of each and all of you. I feel that as the lowliest post-office employees are subject to punishment for violations of postal regulations that the head of the department ought to set them a good example by also carrying out the letter and spirit of the law. I leave it to you whether in this case that has been done or not. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. I state for the gentleman's information that I am in need of an assistant whip. [Laughter.]

Mr. WURZBACH. Before I close I want to challenge the false statement that is so frequently made by Committeeman Creager, that the Republican Party in Texas has made gains "by leaps and bounds," as he expresses it, since he has assumed leadership. The gains are only apparent and not real. The same claims have been made by him here in Washington. He frequently refers to the votes polled for George Peddy, Republican nominee for Senator in the 1922 campaign, against EARL MAYFIELD, and to the votes polled for Doctor Butte for governor in the 1924 campaign against Mrs. Miriam Ferguson, to support his false and foolish claims. Everybody in Texas knows that these two campaigns under his leadership have proven Creager the greatest political acrobat in the history of Texas. [Laughter.]

Everyone knows that Peddy, a popular young gentleman, ran as a Democrat on the Republican ticket, declaring himself at all times and in every speech he made a Democrat, and almost apologizing for the fact he was running on the ticket of a party with which he was not in sympathy. Doctor Butte, though a Republican, did not, so far as I was able to discover from a reading of his reported speeches, utter a solitary word in defense of Republican principles, or even mention the name of Calvin Coolidge, who was running on the same ticket with him. It is also known that Peddy appealed to a certain element of Texas voters in his campaign, and that Doctor Butte appealed to exactly the opposing element in 1924. [Laughter.] And Creager was sponsoring both candidates with only two years intervening in their campaigns. [Laughter] One element hates him and the other now despises him. It will take a long, long time for the Republican Party in Texas to live down and survive his insincere and duplicatious leadership. But it has served the one purpose it was intended to serve, and that purpose is all-sufficient for patronage purposes. It has served the purpose of deceiving Republican leaders in Washington into the belief that the Republican State organization has accomplished Republican wonders in Texas.

Let me make a true comparison of Republican development (?) in Texas. In 1896 Texas, with a population of two and one-half millions, cast 158,894 votes for McKinley, and in 1924 Texas, with a population of 5,000,000, gave Coolidge only 130,025 votes; in other words, with a population increase of 100 per cent the Republican vote decreased by nearly 30,000 votes. In 1900, Hanney, Republican nominee for governor, polled 109,172 votes in Texas, while in 1922, under Creager leadership, the Republican nominee for governor polled 73,977 votes.

The same poor showing is made in the Republican congressional vote. In 1920 the combined Republican vote in 13 congressional districts (exclusive of my district), was 59,877. This was before Creager took charge. In 1922 the combined vote of 16 Republican congressional candidates in Texas, again excepting my district, fell to 41,633 votes, or 18,000 votes less than in 1920, although the latter vote includes three more districts than in 1920. In the 1924 campaign, with 13 congressional candidates, the same number as in 1920, the combined congressional vote was more than 4,000 votes less than the 1920 total.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. UPDIKE. I want to say to the gentleman that my experience with the Post Office Department gives me a sympathetic understanding of the difficulties experienced by the gentleman from Texas. [Laughter.]

Mr. WURZBACH. It is my understanding that Creager and Nolte have called upon their "cohorts" to defeat me for nomination in the July primaries. Failing in that, they have let it be known that they would throw whatever strength they have to the Democratic nominee to defeat me in the general election. I have it on good authority that one of the Democratic aspirants met with Creager and Nolte and other alleged leaders a few months ago, and was assured of their support in the November election. It is my present intention—subject to change, of course—not to make an active campaign for the Republican nomination, leaving it to the participants in the Republican primary to make their own free choice. If my record in Congress and service to my constituents does not entitled me to the nomination, I shall submit to their judgment. I do know that if there shall be a fair participation of real Republicans in the primary election my nomination is certain. [Applause.]

Mr. OLIVER of Alabama. Mr. Speaker, seldom, if ever, has the House listened to a statement more replete with interesting, informing, and surprising facts, so delightfully told, than that we have just heard from the distinguished, frank, and honest Republican, the gentleman from Texas [Mr. WURZBACH]. [Applause.] Now, since he has suggested that, perhaps some honest, frank Democrat from the South could doubtless corroborate, if not supplement, some of his statements, I feel that the House might enjoy at this time hearing from such a Democrat. Now, while all on this side can meet the qualifications of honesty and frankness, yet I am sure that, without exciting the envy of anyone, I can with perfect propriety yield some time to one, who, because of his long service, signal ability, and outstanding frankness enjoys in the fullest the confidence, the esteem, and affection of every Member of the House on both sides of the aisle—so I am going to yield 20 minutes, without consultation, and ask that it be used by my friend, that distinguished Democrat, the gentleman from Texas [Mr. GARNER]. [Applause.]

Mr. GARNER of Texas. Mr. Chairman, the tribute paid to HARRY WURZBACH by the gentleman from Alabama [Mr. OLIVER] is deserved. [Applause.] I have had great sympathy for him ever since he has been a Member of Congress from Texas on the Republican side. I wanted to beat him, and I want to beat him now, but I still have a sympathy for him and great respect and a real affection. I know something about the matter he told you of, about Seguin, Guadalupe County. It is in the district I represented for some 12 or 14 years. I took hold of Guadalupe County when it was 1,200 and something Republican, and when I quit it was six hundred and eighty-odd Democratic, showing you can educate people even in Guadalupe County. I used to visit HARRY. He had a sympathetic Democratic feeling then for certain candidates and——

Mr. WURZBACH. If the gentleman will permit, I reformed after that.

Mr. GARNER of Texas. I want to give a little testimony, if I may, in reference to the Seguin post-office site. The gentleman from Texas [Mr. WURZBACH] has spoken of one of my constituents, and I must defend him. I am going to leave what he said about Mr. Nolte to him. He is his neighbor, his friend, I will not say his friend, but his neighbor, and they were together when he tried to beat me for Congress in Guadalupe County. But Mr. Creager is one of the ablest lawyers in Texas. He is an outstanding man in that State. He has the respect, I think, of everybody—I mean in the Democratic Party. I do not know about the Republican Party, but I have great respect for Mr. Creager. He is a gentleman in my opinion,

and while what HARRY says about him in reference to manipulation of politics I think is true; I am speaking now about him as an individual citizen and not as a Republican politician. Let me tell you about the Seguin post office, if I may just for a moment. In 1913, I believe it was, yes, 1913, we passed a Post Office appropriation bill, the last one passed by the House of Representatives, aside from this monstrosity we passed the other day.

Mr. CARTER of Oklahoma. A public buildings bill?

Mr. GARNER of Texas. And in the public building bill I secured an authorization for a site at Seguin, and the Government sent a representative of the Treasury Department out there to locate this site. Now, I am going to give you something definite in reference to Eugene Nolte. That man had so much influence through certain New York banks that I had to threaten the Assistant Secretary of the Treasury to denounce him on the floor of the House if he undertook to collaborate with Nolte in reference to this site at Seguin, and I got along better than you did. My efforts got results. It seems that the gentleman from Texas [Mr. WURZBACH] never made his demands effective. What I would have done and what he ought to do is in place of coddling up to Calvin Coolidge as he did he ought to denounce him; he, Calvin Coolidge, is responsible.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WURZBACH. I was about to say what the President told me, but I do not think that is proper. Yet I do not think the gentleman's statement is justified—I will go that far—so far as the President is concerned, and the removal of the Seguin post office.

Mr. GARNER of Texas. Let us see. Who is at the head of this administration? Who can tell Harry New what to do? You say it is an outrage, and I know it is an outrage; and yet President Coolidge has the power to-morrow to say, "Mr. New, come to my office. This is wrong. You have treated the Congressman wrong. You have treated the people wrong in changing that contract and in changing the Baker site." Why does he not do it?

Mr. WURZBACH. I am expecting he will do it.

Mr. GARNER of Texas. Then you ought to say that if he does not do it you will go back to your district and denounce him. Are you going to do it?

Mr. WURZBACH. No.

Mr. GARNER of Texas. Oh, no. You will denounce Harry New, and you will indict the Department of Justice, as you did. You said he was shielding a criminal at San Antonio, a district attorney. Is he still a district attorney?

Mr. WURZBACH. I did not say it was the district attorney. I said Mr. Creager visited him.

Mr. GARNER of Texas. He did visit him at the instance of Mr. Creager. He is still district attorney, and he shielded a criminal.

Mr. WURZBACH. Let me correct one statement of the gentleman. I made no reference to the district attorney at San Antonio. I mentioned the district attorney of the southern district at Houston.

Mr. GARNER of Texas. He is still in office, is he not?

Mr. WURZBACH. He is still in office.

Mr. GARNER of Texas. I call attention to the fact that you stood on the floor of the House and indicted the administration, the Postmaster General, and the Attorney General, and then you say, "Poor Calvin Coolidge can not help himself," and you add that you are still for Calvin Coolidge. I would not do that. I would not go that far, HARRY.

Mr. WURZBACH. Let us keep the record straight.

Mr. GARNER of Texas. Certainly.

Mr. WURZBACH. I did not say the Assistant Attorney General. I did say that the ex-Attorney General, while Attorney General, stated in behalf of P. W. Reeves——

Mr. GARNER of Texas. I understand. Here is what you said: You said that the district attorney, at the instance of Nolte and Creager, shielded a criminal, and I agree with you that he was a criminal, and one of the worst that I ever knew of in my life. But, HARRY, you had some knowledge of him before you took him. That is the only criticism I have to make.

Mr. WURZBACH. That is not fair.

Mr. GARNER of Texas. A gentleman here notified you.

Mr. HUDSPETH. Yes. I notified him that he was a crook, and I gave him my authority. I had duly warned the gentleman about that secretary before he ever brought him here.

Mr. WURZBACH. That was after I had employed him, and the gentleman did not give me the facts about——

Mr. HUDSPETH. I have given the authority.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. STEVENSON. I want to find out the location of the proposed site, whether they located it with Nolte or Baker.

Mr. GARNER of Texas. Here is what happened about the Seguin site: More than 80 per cent of the people down there, as my colleague from Texas [Mr. WURZBACH] said, wanted the site located in the center of the town. Mr. Nolte owned some property away down south in the bushes, and he wanted the Government to take it over and put the post office down there because he thought it would help his business. The people succeeded, with what little assistance I could give them, in locating the site where it ought to be. What happened? Baker and his associates had some land right beside it. They said, "The post office is away down here outside, in an inconvenient place, in a building that is not suitable. We will build you, Mr. Post Office Department, a building if you will give us a lease for 10 years." They built it right beside the Government property, where the people wanted the post office to be. The post office was held there for 10 years.

But you talk about this Mr. Nolte. It is not necessary, it is not right to say on the floor of the House what you may think. Why, HARRY, when I ran for Congress in 1902, I saw a letter written to a woman demanding $5 for a post office for partisan purposes.

You have been right with them, old top. There is no doubt about that; and you went to the national convention the last time and trained with them. [Laughter.] I agree with what you say about that bunch down there. But, old pard, you are a little bit mixed up with them yourself. [Laughter.]

Of course, you talk about the administration paying no attention to you. What do they care for you? They have enough of those boys already. But if they want those thirty-odd delegates to the national convention, that makes it very important, and that is the reason why Coolidge is going to do what Gene wants him to do. Mr. Coolidge is not coming to your assistance, because if he undertakes to interfere down in Texas there will be thirty-odd delegates down there who will put a little business under Calvin. He wants them.

Oh, sir, what I blame you for—and I said it before—is, if you give me the position of being the only Congressman from Texas elected on the Republican ticket, I will control the boys and the machine. [Laughter and applause.] That is what I would do. Then you would have a real live Congressman here. You have undergone humiliation ever since you were elected. You have kept your mouth shut for five years. I welcome you to the Democratic Party, if you want to come in. Do not go over to the LAGUARDIA outfit. Come over with us. [Laughter and applause.]

Why, of course, the Republican vote falls off in Texas. I represent a district that some of you gentlemen over on this side know nothing about. There are a lot of fellows who come down there that we call "snow diggers." They come from Iowa, Minnesota, the Dakotas, and out in that country. They come down there, and they are Republicans. They have always been Republicans, and have never voted anything but the Republican ticket in their lives. They get down there and find out there are only Democrats down there. They buy property and they locate there, and they soon discover that commissioners of the court are to be elected to equalize taxation and value their property, and a real shrewd fellow in this crowd says to himself, "By golly, I am not having anything to do with this, and I tell you what I believe I will do. I will still be a Republican, but I will vote the local Democratic ticket." So he votes the local Democratic ticket, still declaring he is a Republican because he does not feel like changing.

Well, he votes the Republican ticket in the general election, and then two years roll around, and he says, "Oh, well, I will just vote the straight ticket this time." He votes the straight ticket that year, and, being a smart, shrewd, splendid fellow, a good citizen, hail fellow well met, maybe a Republican politician, he says, "By jimminy, I voted the straight ticket the last time and I voted the straight local ticket," and so he runs for office on the Democratic ticket, and, by golly, he is elected. [Laughter and applause.] Now, that is not exaggerated. That is literally true; and as you said, HARRY, the respectable people down there are Democrats, and everybody wants to get in with them. [Applause.] You would want to get with the respectable bunch, of course, if you were not holding this office. Of course, if we have got to have a Republican from down there, I want you to stay here, but I would like to put the skids under you with a good Democrat, so as to be unanimous up here. It looks better and sounds better. It really is bad for Texas to have a Republican Member here; but if we are to have one, I hope it will be you, and I wish there were more of them from the North who would take the same stand

you took to-day. There was a youngster here a while ago who said he was in sympathy with you, but he has not got nerve enough to do what you did, and it took you five years to get the nerve. It takes such a long time for a Republican to get mad enough to say what he thinks about his party. [Laughter and applause.]

Mr. BANKHEAD. The gentleman has not told us about the location of the post office.

Mr. GARNER of Texas. The gentleman from Alabama says I did not finish telling about the post office. I sort of want to get on to this Republican Party, and I keep forgetting about the post office.

The post office, as now located in the Nolte Building, is an outrage to the citizens of that community, aside from the price paid for it. Men have to walk from way up town down into the brush on the south side of town in order to get their mail. Now, that is not right, gentlemen. It is not morally right; it is not legally right.

Now, what are you going to do about it? New is Postmaster General and Creager has the delegates from Texas. Now, what are you, my friend WURZBACH, and Cal going to do about it? [Laughter.] I think you ought to get out in your district and say that this thing has got to be fixed; and since you have indicted the entire administration, I think you ought to go further and say what the facts are and tell them that Mr. Coolidge is the head of this administration. He has Harry New for his Postmaster General, and he has for his Attorney General a man who can remove the district attorney that you say shielded a criminal. If you were Attorney General, would you not remove a man if you found he had been shielding a criminal at the request of prominent politicians? If that is so—and I do not doubt it, because he was a criminal, although I do not know the details about shielding him—but if that is so, gentlemen, Mr. Sargent should either remove him or the President should remove Mr. Sargent, one of the two. In the last analysis, gentlemen, you can not get away from it. The President of the United States is responsible for his Cabinet officers and all the officers he appoints.

A man who will tell the truth in a way that conveys a lie—and the telegram you read here from New pretty nearly does that—HARRY, it misled you, did it not? Truth that misleads is a lie in disguise, and you can not make anything else out of it, and do you suppose you would want to support an administration that continued to keep a Cabinet officer who would mislead you; who would connive in this way with somebody? I do not think you would.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. GARNER of Texas. I yield.

Mr. CONNALLY of Texas. As I understood the gentleman from Texas [Mr. WURZBACH], he said these gentlemen could not live a moment down there without patronage. Where do they get the patronage?

Mr. GARNER of Texas. Well, it does not look like they get it from HARRY. But this must be said——

Mr. UPDIKE. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. UPDIKE. You said a while ago that I did not have nerve enough——

Mr. GARNER of Texas. Oh, I probably should amend that——

Mr. UPDIKE. Just a minute. I want to say to the gentleman from Texas that I am too good a Republican to let a post-office matter stand in my way in regard to my Republicanism. [Applause.]

Mr. GARNER of Texas. Well, I do not blame the gentleman for not letting it stand in his way in regard to his Republicanism, but I would try to reform that kind of Republicanism. That is what I would do if I were in your place. I would not take a beating just because it was being given to me by my party. [Applause.]

Mr. UPDIKE. Just a minute. I am not beaten yet, either. [Laughter and applause.]

Mr. GARNER of Texas. I do not mean by the voters; I mean by the administration.

Now, what was the question my colleague from Texas asked me?

Mr. CONNALLY of Texas. My question was this: The gentleman said these two politicians could not live in Texas a moment unless they had the distribution of patronage——

Mr. GARNER of Texas. Oh, everybody knows Texas is Democratic, and there is not a thing to come from Texas except delegates, and in order to get the delegates the postmasters and district attorneys are all appointed in this way, and they make up the bunch that go to the convention; and just like he, Mr. WURZBACH, says, they go up there to get office and to sell out whenever they can. That is all there is to that. I think it is that way in most of the Southern States. Is not that so? You people who know, is not that so with respect to your States?

SEVERAL MEMBERS. Yes.

Mr. CONNALLY of Texas. That is true because the administration gives them these offices to distribute.

Mr. GARNER of Texas. Oh, yes; and they do not care who it is just so they get the delegates and keep them out of jail. So long as you can get the delegates and keep them out of jail, everything goes.

Mr. RANKIN. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. RANKIN. Are these men, Creager and Nolte, white men?

Mr. GARNER of Texas. Yes, sir.

Mr. RANKIN. Then Texas just has a symptom of the real disease.

Mr. GARNER of Texas. I understand the Republican Party is altogether colored in Mississippi, but I will tell you what I would rather have. I would rather they would be negroes and sell out for money than to sell out for office. Of the two I will take the money delegate rather than the office delegate, and I know a lot of them that pretend to be Republicans that are not Republicans except to get office, and I think the gentleman from the fourteenth district has been controlling the post offices down there. They do let you O. K. these, but he pays as much attention to the civil-service rules and the law as the Postmaster General did with reference to locating this site.

Mr. WEFALD. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WEFALD. I would like to know how the Republicans get along down there under the Democrats' control of patronage?

Mr. GARNER of Texas. I do not know what the gentleman means if he says the Democrats control the patronage.

Mr. WEFALD. I mean when you have a Democratic administration.

Mr. GARNER of Texas. Oh, then we have all good people filling the offices down there. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. I yield the gentleman 10 minutes more. In yielding the time on this side I said I did it without consultation, and I want to add after consultation, of course, with a question mark.

Mr. GARNER of Texas. I do not want much additional time. I want to bear testimony to the gentleman from Texas [Mr. WURZBACH] that he is a delightful man; and if a Republican is coming from Texas, I want to see him come. And I want to bear testimony to the fact that it is a damnable outrage, not on Mr. WURZBACH, but on the community, to locate that post office for a term of 10 years out in the bushes at the behest of the chairman of the executive committee, Mr. Nolte, of the Republican organization in Texas. No decent man will indorse it. That is as strong as I can make it.

Mr. RANKIN. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. RANKIN. The gentleman said a few moments ago that he would rather the Republicans would be niggers and sell out for money than to be white people and sell out for delegates in the national convention. I wonder if it ever occurred to the gentleman from Texas that black Republicans in other Southern States are selling out for both.

Mr. GARNER of Texas. Yes; they sell out if they get a chance.

Mr. STEVENSON. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. STEVENSON. The gentleman has referred to the Attorney General's office as well as the Postmaster General. I want to be indulged a minute right here to speak of the situation in other places. Two years ago the Post Office Department found that the civil-service men were investigating the sale of offices in my State. They sent a post-office inspector down there so that they might have control of the report when it came in. They went around and got the evidence. I saw the evidence they got, and it was as damning as anything that could be written on paper anywhere. The Post Office Department got it and Mr. New notified me that it would not require any further attention.

I introduced a resolution to have it sent to Congress, and the Speaker of the House agreed to recognize me to call it up as a privileged resolution. Then, they notified me that it went to the Attorney General's office for action. The Assistant Attorney General, Mr. Donovan, sent for me and said, "We are going to prosecute there wherever it is necessary, and there is

evidence to sustain a prosecution." Then they sent two other fellows down there, and they got case after case which would warrant an indictment and made a report. I went to call on them and found that Mr. Donovan had been transferred to another position, and they said, "Take it up with the Attorney General." I could not get anything out of them. But I propose to introduce a new resolution calling on the department to send the information here; and if it comes, it will make the revelations of the gentleman from Texas look like 30 cents. [Laughter.]

Mr. GARNER of Texas. I hope the gentleman will get the information.

Mr. ROMJUE. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. ROMJUE. I want to ask the gentleman from South Carolina how long it has been since they began to investigate?

Mr. STEVENSON. Two years. And if the cases are not prosecuted the statute of limitation will run.

Mr. GARNER of Texas. If you send them to the penitentiary you are liable to get delegates to the national convention. That, you know, would never do. [Laughter.]

Mr. STEVENSON. The delegates to the national convention are usually colored ones, and they sell them three or four times. One of them said that a colored man was worth more in Chicago in 1888 than he was in South Carolina in 1860. [Laughter.]

Mr. GARNER of Texas. Was there not a nigger in the woodpile in this instance?

The gentleman from Texas [Mr. WURZBACH] read from the declarations of President Roosevelt. Roosevelt was a Republican and a great American; he was a good Republican except when he was a Bull Mooser. But let me tell you about his administration in Texas. Some of his appointees were Democrats, and they never changed their politics, and he never required them to change them. [Applause.] If you had a man in the White House with Roosevelt's courage and the gentleman from Texas would draw his attention to the facts, he would get results. But you have not got a man there like Roosevelt, and you will not get any results.

Mr. MANLOVE. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. MANLOVE. Before the Civil Service Committee the other day, one gentleman appearing from the Post Office Department made the statement that at the present time there has been a large number of efficient Democratic postmasters reappointed under the present administration.

Mr. GARNER of Texas. Well, I do not know anything about that. If Creager is in favor of a man he will be appointed. I told them when they came to me that I did not have anything to do about it. I did not try to make them think that I could have anything to do with it, because that would be lying about it.

I do not have any more to do with it than the man in the moon, nor does anybody else, and if they have a man in there that does not do their bidding, he is not going to be reappointed, although he may stand at the head of the list, because that little pin check gets the man.

Mr. OLDFIELD. And I want to say that the statement of the gentleman from Missouri [Mr. MANLOVE] as to what the civil-service man stated is not true as far as Arkansas is concerned. They have not been appointing Democrats in my State. They appoint whoever Colonel Remmel tells them to appoint.

Mr. GARNER of Texas. There have been a few good Democrats in Texas appointed.

Mr. MANLOVE. And I was going to ask the gentleman from Arkansas if there are not some districts in his State where it is practically impossible to get a Republican. Pardon me, because I do not want to butt into this colloquy, but before the Civil Service Committee the other day on the question of whether we would put postmasters of the first, second, and third class under the civil service this man who represented the Post Office Department made that statement.

Mr. GARNER of Texas. I do not care what he says or what anybody else in the country says, the civil service as applied to postmasters is a farce, and you Republican gentlemen know it, and we Democrats know it, and the country knows it. Is it not so? I pause for an answer. Nobody denies it.

Mr. LANKFORD. I think that I can throw some light upon the question of the appointment of Democrats. In order to be in good standing with the Republican organization the Democrat to be appointed must first make a substantial donation.

Mr. GARNER of Texas. So far as the post-office service in Texas is concerned, the postmasters that have been appointed are pretty good. They have selected pretty good men in the post offices in Texas.

Mr. BEEDY. I want to say to the gentleman that I do not think the civil service as applied to the appointment of postmasters is a farce, unless a Congressman wants to soil his hands with an attempt to subvert the civil service. I have never done it, and in my district it is not a farce. Postmasters are appointed upon their merits.

Mr. GARNER of Texas. Does the gentleman mean to say that he takes the top man every time?

Mr. BEEDY. No; I pick one of the three, and that is the law. [Laughter.]

Mr. GARNER of Texas. I will let the gentleman's answer stand.

Mr. BEEDY. And I say to the gentleman that in my time I have picked two Democrats, because the people wanted them.

Mr. GARNER of Texas. An examination is to be held. You want a good fellow on the list. You want to appoint the postmaster.

You have him take the examination, and if he happens to be a little low you throw it out, let him study a bit, and have another examination, and perhaps he gets on the list. If he happens to be the lowest man and you want him nevertheless, you just put your little pin prick by his name, and he gets the job. That is not the merit system.

Mr. BEEDY. The gentleman knows that you can not throw out an examination unless less than three qualify.

Mr. GARNER of Texas. Oh, that is ridiculous. I have heard instances where an examination has been held, where more men have qualified than necessary and only three could get on the list, and they have thrown the whole bunch out and have held another examination. And what for? Why, to get the particular fellow they wanted. [Applause.]

Mr. Chairman, the following newspaper reports will indicate the position of the Republican factions in Texas. I think it is but fair that both sides should be presented to the country, and therefore I am submitting the statement of each for your consideration:

[From the Dallas Morning News, Thursday, February 18, 1926]

HURLS ANSWER TO WURZBACH—CONGRESSMAN REBUKED BY CREAGER ON G. O. P.'S "PATRONAGE"

SAN ANTONIO, TEX., February 17.—Reply to the statement of Congressman HARRY WURZBACH that the control of the Republican Party in Texas and other Southern States was "in the hands of a group of selfish politicians and patronage dispensers" was made Wednesday night by R. B. Creager, national committeeman from Texas.

Rebuking the Congressman in strong terms, Mr. Creager declared that the former had not during the last five years "made a speech or lifted a finger to help any Republican candidate other than himself."

Mr. Creager cited figures in an attempt to disprove Mr. WURZBACH's declaration that "until the vicious practice of trading patronage for delegations to Republican National Conventions is stopped the Republican Party will never grow in the South." He pointed out that official records show that for five years the Republican vote in Texas has been mounting by leaps and bounds at each successive election, and during this period the largest Republican vote in the history of the State has been cast.

COUNTY BODIES INCREASING

"There now are 240 Republican county organizations in Texas, where five years ago there were fewer than 80. For the first time in the history of any Southern State a permanent State headquarters has been maintained for five consecutive years."

Mr. WURZBACH himself, Mr. Creager added, was a delegate at large to the last national convention, and on all occasions he voted with the other Texas delegations.

"Does he mean that he and his vote were traded for patronage?" the committee man asked.

The Creager statement follows:

"Of course, Mr. WURZBACH'S statements are untrue. He covers a great deal of territory, more, it seems to me, that a really wise man would try to cover, when he says of his charges 'the same thing holds good throughout the South.' Why, this gratuitous and wholesale reflection on Republican leaders in the South, with most of whom and with the conditions in whose States he is not even acquainted?

LANGUAGE IS RECKLESS

"Again, his language would seem reckless when he charges the trading of patronage for delegations to Republican national conventions. One can but wonder if the Congressman realizes and intends the plain meaning of his words. Statement and inference are alike untrue and I can not believe so unjustifiable an attack, aimed at national as well as State leaders, will redound to the credit of Mr. WURZBACH. Mr. WURZBACH himself, through the grace of the State organization he now attacks, was a delegate at large from Texas to the last national convention. On all occasions he voted as did the other Texas delegates. Does Mr. WURZBACH mean that he and his votes were traded for patronage? Does he not realize how gross and

offensive a reflection he casts, not only upon national leaders but upon the honorable men and women who have constituted our Texas delegations?

"The Congressman's attack upon State Chairman Eugene Nolte and myself comes with ill grace, since every informed Republican in the fourteenth district knows he owed his first nomination absolutely to Chairman Nolte, and I have helped and supported him in each of his campaigns, both by urging my friends in his district to vote for him and by personal financial contributions, some of them made to and accepted by him in person.

"The present Republican organization in Texas needs no defense at my hands. Results show for themselves. This year, for the first time in the history of Texas, Republicans are in the 'major-party' class with the Democrats and hold primary elections by reason of the 300,000 votes cast in 1924. Official records show that for the last five years the Republican vote in Texas has been mounting by leaps and bounds at each successive election, and during this period the largest Republican vote in the history of the State has been polled. There are now 240 Republican county organizations in Texas, where five years ago there were less than 80. For the first time in the history of any Southern State a permanent State headquarters has been maintained for five consecutive years, and this, I may add, without the slightest aid or assistance from Mr. WURZBACH, who, so far as I am informed, has during these five years never made a speech or lifted a finger to help any Republican candidate other than himself.

BELONGS TO NO ONE MAN

"The present leaders of the Republican organization of Texas have an ambition higher than Mr. WURZBACH is apparently able to vision—the ambition by constant, uniform, unremitting, and state-wide effort of eventually making of Texas a two-party State—this to the great and lasting benefit of Texas and the National Republican Party. Texas Republicans desire to keep a Republican in Congress from the fourteenth district, but they can not rest content with this accomplishment. If the keeping of a lone Republican in the lower House in Washington for a few terms is the limit of their ambition, then those who have been devoting their effort toward the building of the party in Texas have little conception of either their responsibilities or opportunities.

"The Republican Party belongs to no one man, and I do not believe that the Republicans of either the Nation or State approve of a lone Congressman, whoever he may be, impugning motives in the reckless manner so recently attempted by Congressman WURZBACH.

"The question is in the hands of the Republicans of the fourteenth congressional district, and it will be for them to determine in the July primaries whether their Congressman shall be a man who believes in the integrity of our national party leaders or Mr. WURZBACH."

[From the San Antonio Express, Friday morning, February 12, 1926]

WURZBACH OPENS WAR ON TEXAS G. O. P.—TELLS COOLIDGE PATRONAGE FIRST CONCERN OF BOSS

(Express Staff Special)

WASHINGTON, February 11.—"The control of the Republican Party in Texas and other Southern States is in the hands of a group of selfish politicians and patronage dispensers, who do not have the interests of their party at heart," Representative HARRY M. WURZBACH, of Texas, told President Coolidge Thursday in the course of a 25-minute interview. He announced that he will "expose conditions as they really exist" in a speech in the House in the near future.

"Until the vicious practice of trading patronage for delegations to Republican national conventions is stopped," WURZBACH told the President, "the Republican Party will never grow in the South under the present system as practiced in Texas and in the other Southern States. Our party can never gain any real strength. It is a system that furnishes motive and inducement for these leaders and the organizations of these States to oppose the election of Republican Congressmen, because their election would reduce to some extent the patronage powers of the leaders."

Asked if he was speaking generally of conditions in the Southern States as he viewed them, WURZBACH replied:

"No; I was speaking to the President particularly of conditions in Texas, of Eugene Nolte and R. B. Creager. But the same thing holds good throughout the South."

WILL BE CANDIDATE

The lone Republican Member of the Texas delegation in Congress said his decision to become a candidate for reelection was a challenge to the Republican leaders of Texas.

"I had thought of not running again," he said, "until I learned from reliable sources that State Chairman Nolte had stated to a number of my Republican friends that he would see that I was not renominated. That is the real reason behind my decision to run again. I knew that if I did not make the race that it would be claimed by Nolte and other Texas Republican leaders that I feared defeat in the primaries and that that was my reason for not running.

"I have never run away from a fight in my life, and you can say for me now," he added, "that I intend to show them in the July primaries that the combined patronage Republicans of Texas can not muster 10 per cent of the Republican vote in my district against my renomination."

WURZBACH said he told the President that the best description of the southern Republican leaders that he knew was contained in a letter President Roosevelt wrote to Senator Lodge, which follows:

"Men who have wrangled fiercely among themselves, who have not made the slightest effort to get any popular votes, and who are concerned purely in getting Federal officers and sending to the national conventions delegates whose venality makes them a menace to the whole party. I see no advantage either to the party or to the Nation in striving to perpetuate such a condition of things."

News of WURZBACH'S conference with the Chief Executive caused much discussion among Congressmen. A humorous phase of the situation which they pointed out was the fact that in 1912 WURZBACH stuck with the Republican organization, while both Nolte and Creager bolted over to the side of Roosevelt.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHREVE. Mr. Chairman, I yield one hour to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I believe in the separation of church and state in fact, as provided in our Constitution, and in the separation of church and state in spirit, which has been an American principle and part of the social compact existing among our people from the adoption of our Constitution until recent time.

Contrary to our Constitution, its spirit and this principle, certain sectarian church bodies as such have now established a theocracy in the United States. They have surrounded the Capitol with their offices and buildings, have filled the corridors of the Capitol and the committee rooms with their paid professional agents, have attacked many constitutional principles and legislative practices, have directed judicial appointments, and are attempting to dictate international, domestic, and economic policies. They have succeeded, after the expenditure by their agent of vast sums of money never publicly accounted for, in adding to the Constitution a sumptuary law which has deprived the American people of their fundamental liberties as individuals, spread corruption throughout our land, and disorganized our whole social structure. I refer to the eighteenth amendment to our Constitution, known as the prohibition amendment.

The surrender by churches of spiritual direction for the exercise of temporal power and the promotion of political aims has given rise to emphatic protests in denunciation of some of the political policies of these churches, even from many ecclesiastical sources. I wish to read statements from a few of these ecclesiastical sources recently published:

[Boston Traveler, February 4, 1926]

STATEMENT OF REV. DR. GEORGE A. GORDON, OF THE OLD SOUTH CHURCH (CONGREGATIONAL), BOSTON, MASS., THE MOST EMINENT CONGREGATIONAL MINISTER AND ORATOR OF NEW ENGLAND

It is evident to every thoughtful citizen that the present prohibitory law has broken down and the worst kind of a moral situation exists. When a dry agent can stage a dinner in a Washington hotel in order to find out who sells liquor, the whole thing being false from start to finish on the part of the dry agent, law enforcement has come to a terrible pass. I believe that a revision of the prohibitory law along lines proposed would result in a great gain for temperance.

[Article published in the Boston Evening Transcript, February 9, 1926, in relation to a statement made by Cardinal O'Connell, senior American Cardinal of the Roman Catholic Church]

CARDINAL SAYS PROHIBITION IS OPPOSED TO BIBLE—IS OPPOSED ALSO TO THE CATHOLIC TRADITION, ADDS PRELATE IN FIRST PRONOUNCEMENT—LAWFUL USES IN LIGHT DRINKS—HITS DRUNKENNESS, BUT TAKES FIRM STAND FOR MODERATION AND FOR PERSONAL LIBERTY

Taking a definite public stand against prohibition, Cardinal O'Connell in a statement given out yesterday at the Diocesan House on Granby Street, announced for the first time his official view on this national question and summarized the view of the church in the pronouncement that "compulsory prohibition in general is flatly opposed to Holy Scripture and to Catholic tradition." "It is grossly untrue," he added, "to say that pathology and dietetics have brought in a verdict of guilty against the immemorial beverages of the Old World."

Following upon the announcement of the movement of the Church Temperance Society of the Protestant Episcopal Church to modify the Volstead Act and legalize the sale of light wines and beer, the statement of Cardinal O'Connell establishes the official attitude of the church in which he is dean of the American hierarchy. In his statement the cardinal emphasizes the fact that for 1,900 years the Cath-

olic Church has worked for temperance and will continue to do so. But he sees a tremendous difference between laudable voluntary temperance, even voluntary total abstinence, and a law which automatically bars the use of liquor without regard to the wish of the individual and his liberty of action. Neither does he believe that fermented liquors, which when rightly used can be a boon to mankind, should be held guilty for the deplorable effect of excessive indulgence in them.

AGITATION AND CONFUSION

The full text of the cardinal's statement is as follows:

"I have been asked repeatedly of late to give my views with regard to compulsory universal prohibition. Up to the present I have preferred to keep silence, but the misrepresentation, whether due to ignorance or malice, of the position of the church generally, and especially in these United States, would seem to require some clear statement of the subject.

"I have read the controversial attitudes pro and con as voiced by prominent laymen and also by Protestant ecclesiastics of different denominations, and I think that on account of these declarations coming from people of various walks of life, while they surely indicate a deep agitation on the part of the public, they also manifest an extraordinary amount of confusion, both of principle and of fact. That, I suppose, is to be expected from sources which depend more upon emotional than doctrinal principles.

"If this most important matter of enforced prohibition were merely a question of personal conjecture or personal taste, we might wait for the time when the public would arrive at settled convictions concerning it, and hope for sane legislation. But some of the utterances, especially those purporting to give a Catholic point of view, are so distorted from Catholic principle that it may be of interest to the general public to know the true Catholic standpoint.

"Now, I know of no better way for the present to set the Catholic standpoint forth than by reproducing an article entitled 'Catholics and Prohibitionists' printed in the London Tablet of January 23, 1926.

"The statement is so clear and so comprehensive that I do not hesitate to make it my own and to take my position alongside of it as enunciating genuine Catholic doctrine. I will not give the whole article, though it would be worth while reading, but I will epitomize it in the following form:

THE ABUSE OF A THING

"The Catholic Church is the oldest and largest ethical society in the world. Therefore Christendom's moral reformers, both the right headed and the wrong headed, ardently desire Catholic cooperation.

"From their pulpits their theologians brand us as traitors to the gospel, but on the public platforms our active partnership is acclaimed with delight. Their orators tell us that Rome is the scarlet woman, but they find she is quite prettily clad in pale pink when they want her to march with them in a temperance crusade.

"Not that the church needs persuading to fight against intemperance. From the days when St. Paul warned the Ephesians not to be drunk with wine the church's pastors have dealt faithfully with this ugly vice, but—and here is the real principle—'Abusus non tollit usum' (the abuse of a thing does not destroy its use). Ale, wine, and their like are not in themselves evil. They have their lawful uses, ranging down from the supreme honor paid to wine along with bread, as the matter of the Holy Eucharist, to their general work of moistening and enlivening the laborer's rough fare.

"Unhappily this is not the view of some Protestants with whom we are asked to associate ourselves for temperance progress. Reviving the hoary heresy of the Aquarians, they would banish wine even from the sacrifice of the alter. As Neo-Manichees, they would have us err and stray with them in the thornbrakes of false physics and false metaphysics.

PLAN TO ENTRAP POPE

"To these appeals the Catholic Church can not accede. Voluntary total abstinence she applauds, as in the case of a strong-willed man who renounces fermented liquor for the sake of a weak-willed brother.

"But compulsory universal prohibition is a different thing, for compulsory prohibition in general is flatly opposed to Holy Scripture and to Catholic tradition. Moreover, it is grossly untrue to say that pathology and dietetics have brought in a verdict of guilty against the immemorial beverages of the Old World.

"Although it has been made clear a thousand times that we will work with our separated brethren as temperance men, but will not as the tools of those whose confessed policy is world-wide prohibition by installments, disloyal attempts are still being made to entangle us.

"A few months ago some prohibitionists in the United States concocted an ingenious plan to entrap the Pope by begging him to give his moral support to secure the law of prohibition. The ruse failed badly. Protestants as well as Catholics were indignant at the idea of the prohibitionists attempting to gain the moral power of the 'foreign potentate' to interfere in their country's domestic concerns, and so these disloyal Americans, seeing the mess they had created, got from under this crazy project of an appeal to the Pope before it came crashing about their ears. They are now tumbling over one another in their hurry to disavow it.

HABIT OF MISREPRESENTATION

"Prohibitionists, having formed the bad habit of misrepresentation, will continue to repeat that same attitude. They have made misrepresentation their all-the-year-round practice. Go with them a mile and they will boast that you have gone with them twain. Promise to work with them by education and moral suasion for the genuine virtue of temperance and they will ultimately compromise you with compulsory total abstinence.

"Recently the Cardinal Archbishop of Westminster stated the following position: 'Prohibition is certainly not educational. To my mind, prohibition is the antithesis and contradiction of temperance. It is an open confession of failure. Local option is merely a means to an end.'

"These words of the Cardinal Archbishop of Westminster are perfectly clear, yet it is constantly being asserted at public places that the cardinal is solidly supporting local option.

"Unhappily the prohibitionists do not stop short of trying to mix up Catholic clerics with their conspiracy of prohibition, and when they find a Catholic taking part in anti-prohibition propaganda, true to their methods they attempt to impugn his good faith and honor. Only a short time ago Mr. Caldwell, an excellent and able Catholic, had a most incredibly hateful charge thrown at him because he spoke against prohibition. Mr. Caldwell brought the case to court, won his case on every point, and was awarded £500 damages.

INTEMPERANCE THE ABUSE

"Let me conclude with the words taken from a homily of St. John Chrysostom read in the court at that very trial by the judge of the high court:

"'I hear many cry when these excesses happen: "Would that there were no wine." Such folly, such madness. When men sin you find fault with the gifts of God. This is madness! Is it the wine that causes the abuse? Certainly not! It is the intemperance of those who abuse it. If you shout: "Would there were no wine," then you ought also shout: "Would there were no iron because of murderers, would there were no night because of thieves; would there were no light because of informers."' (And this is really delicious—informers!) But St. John Chrysostom goes on, 'Do not reason that way for this is a satanical mode of reasoning. Do not find fault with the wine but with the intemperance and say to the drunkard: "Wine was given to us that it might produce in us a sweet joy, that we may laugh, that we may enjoy health, that it may be a remedy for our bodily weakness, not to deprive the soul of her strength. God honored you with the gift; do not dishonor yourself with the excess of the gift."'

"In other words, the Quarterly Review says the same thing: 'The moral issue is quite other than the prohibitionists assume. The real moral issue is the eternal issue of liberty, upon which prohibition stamps as though it were a reptile to be destroyed. Catholic work for temperance will go on just as it has gone on for 1,900 years; but the extent to which we can go as Catholics in association with others must depend upon their willingness to run straight and fight clean.'"

[Applause.]

Mr. UPSHAW. Will the gentleman yield?

Mr. TINKHAM. I can not yield.

THE CATHOLIC VIEWPOINT

"If there is any other statement which embodies more truly and more clearly the Catholic standpoint, I have yet to see it. Meanwhile, let me add, it is not a new thing to find that some people who are rabidly in favor of prohibition have no hesitation to break even more sacred laws, and therefore no one need be surprised that intemperate orators and writers who are so much concerned with a controverted civil law do not hesitate to break canon law. It may be of interest to editors in particular and the public to know that there are very wise and prudent church laws guiding ecclesiastics against rushing into print. And I would venture to say that the general public feels that a cleric who disobeys his own church laws has nothing of importance to communicate that is really worth printing."

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, by actual count there are only 37 Members on the floor. There should be more to hear this specially prepared speech by the distinguished gentleman from Massachusetts, who has been given an hour, and we should have an audience here for him unless the gentleman merely wants to put this in the RECORD for some special reason, but if he wants an audience I desire to get him one, however much I disagree with him. It is nothing more than right he should have one.

Mr. TINKHAM. The honorable Representative from Texas may use his discretion in the matter.

Mr. BLANTON. If the gentleman is willing to proceed with a handful of gentlemen present—I see the gentleman from Maryland [Mr. HILL] is here—if he is willing to thus proceed, I will withdraw the point of order.

Mr. TINKHAM. I am willing to proceed.

Mr. BLANTON. Then I will withdraw the point of order.

Mr. ALLGOOD. Will the gentleman yield?

Mr. TINKHAM. I can not.

[Article published in the St. Louis Globe-Democrat in relation to a statement by Bishop C. White, of the Springfield diocese of the Episcopal Church]

SPRINGFIELD, ILL., February 8 (Associated Press).—Bishop C. White, of the Springfield diocese of the Episcopal Church, to-day expressed his opposition to the Volstead Act "on absolutely conscientious grounds."

"I do not believe," Bishop White said, "that the present law can be readily enforced without a standing army. It has been largely a joke—everyone is laughing at it—and the source of corruption of our young people.

"It is a gold mine for bootleggers in every grade of society. This is my honest and heartfelt opinion after carefully observing the matter over my diocese and wherever I have been.

"I have faith enough to believe that the Church Temperance Society, which recently urged modification, would not make the report that it has made without being absolutely sure of its grounds."

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TINKHAM. I can not.

[Article published in the New York Times February 12, 1926, in relation to a statement made by Right Rev. Chauncey B. Brewster, Protestant Episcopal bishop of Connecticut]

(Special to the New York Times)

HARTFORD, CONN., February 12.—Modification of the Volstead Act to permit light wines and beer, as a concession to the foreign born, was urged to-day by the Right Rev. Chauncey B. Brewster, Protestant Episcopal bishop of Connecticut, who believes the law should be changed because it is unenforceable at present.

Bishop Brewster, who is a brother of the Episcopal bishop of Maine, differs with his suffragan bishop, the Right Rev. E. Campion Acheson, of Middletown, who denounced last week the Empringham pronouncement and urged a stronger attempt to enforce the Volstead Act.

In a statement to-day Bishop Brewster said:

"I am not a member of the Church Temperance Society. It is a voluntary organization, and its announcement does not commit the church. I have stood and will stand for the enforcement of law. But that is not the question which, as I understand, is now before the public.

"Personally, and speaking for myself alone, I have often wished a distinction had been and might now be made between stronger liquor and light wines and beer. This I have desired especially for the sake of our foreign-born folk, to whom the use of light wines is as innocent as tea drinking is. In Italy, for instance, I do not remember of ever seeing a drunken person.

"For this reason, and because of the apparent failure in large measure to enforce the law as it is, I should like to see, if possible, such modification of the Volstead Act."

[Article published in the New York Herald and Tribune in relation to a statement made by the Right Rev. Alexander Mann, bishop of the Pittsburgh diocese of the Episcopal Church]

PITTSBURGH, February 5.—The Right Rev. Alexander Mann, bishop of the Pittsburgh diocese of the Episcopal Church, believes that prohibition can not be enforced, and favors modification of the Volstead Act to permit light wines and pure beer.

Bishop Mann gave his views on the prohibition question to-day in commenting on the advocacy of beer and light wines by the Church Temperance Society of the Episcopal Church.

"Personally, I do not believe in the eighteenth amendment," he said, "and I think the Volstead Act is a bad law. Prohibition can not possibly be enforced. The law is resented by many persons, good and bad, who feel it is a serious infringement of personal liberty.

Mr. BLANTON. Mr. Chairman, I want to make one other point of order in the interest of fair play to the absent Members. When the gentlemen scores a wet point, and there is applause from the gentleman from Wisconsin [Mr. SCHAFER] and the gentleman from Maryland [Mr. HILL], it should not go into the RECORD as being applause from the House. The Reporter should note that it comes from the gentleman from Wisconsin and the gentleman from Maryland who are stationed on both sides of the aisle for that purpose.

Mr. HILL of Maryland. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. HILL of Maryland. May I have one word on the point of order?

Mr. BLANTON. I withdraw the point of order.

Mr. HILL of Maryland. When the gentleman from Texas talks he does not represent anybody at all except himself.

Mr. BLANTON. It is quite true that those I represent are not the ones whom the gentleman from Maryland represents.

Mr. TINKHAM. Let me state that Bishop Mann was rector of the largest Episcopal Church in New England, and is the most eminent orator and leader of thought in the Episcopal Church. There is no member in that church who ranks higher than Bishop Mann:

"The fact that every bootlegger would vote for continuance of the Volstead law is proof that it is not a good law. Understand me plainly, I do not believe in breaking any law, believe in keeping the law once it is passed, but I do believe that bad laws should be modified."

[Applause.]

[Article published in the Brooklyn Times, February 4, 1926, in relation to statements made by Rev. Dr. Frederick W. Norris, rector of the Church of St. Matthew, Macon Street; Very Rev. Mgr. John L. Belford, pastor of the Roman Catholic Church of the Nativity, Classon Avenue; and the Rev. Dr. Alexander Lyons, of the Eighth Avenue Temple]

The Rev. Dr. Frederick W. Norris, rector of the Church of St. Matthew, Macon Street, heartily indorsed the action of the temperance body, as did the Very Rev. Mgr. John L. Belford, pastor of the Roman Catholic Church of the Nativity, Classon Avenue, and the Rev. Dr. Alexander Lyons, of the Eighth Avenue Temple.

Doctor Norris said that he was glad the Episcopal Society had shown the courage to come out for what it believed was right. He felt, he said, that wine and beer would satisfy the greater majority of people who are now supporting speak-easies.

Mr. LEAVITT. Will the gentleman yield?

Mr. TINKHAM. I can not.

Mr. LEAVITT. Mr. Chairman, I make the point of order that there is no quorum present. The audience now is about 20.

Mr. BLANTON. Will the gentleman withdraw that; no one will pay any attention to it anyhow.

Mr. HILL of Maryland. Mr. Chairman, a point of order. The gentleman has refused to yield, and gentlemen have no right——

Mr. LEAVITT. I make the point of order there is no quorum present.

Mr. UPSHAW. May I say in response to the point of order the gentleman knows I am unanimously against what he is saying, but I think he ought to have a square deal.

Mr. BLANTON. We may want to be heard in reply.

Mr. UPSHAW. The gentleman from Massachusetts has declared his willingness to proceed, and I think we ought to stay here if we have not more than two or three men and give him a chance. [Applause.]

Mr. BLANTON. This and the negro question are the only subjects on which he ever speaks.

Mr. LEAVITT. I withdraw the point of order.

Mr. UPSHAW. I will answer him to-morrow.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. SCHAFER. Will the gentleman yield?

Mr. TINKHAM. I can not.

Monsignor Belford said he believed—

most sane people are in favor of a less stringent prohibition law.

He paid a high compliment to the Episcopal clergy, who, he said, had shown themselves to have—

high ideals about religion and can not be swayed by emotion and propaganda.

Doctor Lyons declared that the determination of the Episcopal Society is a wise counsel of expediency.

Prohibition—

He said—

seems to be producing an unwarrantable amount of evil in behalf of a certain amount of good. A conservative modification of the Volstead Act would remove some of the evil of the present system and lead to a nearer realization of temperance.

[Article published in the Washington Herald in relation to a statement made by the Right Rev. George Winslow Plummer, ranking prelate of the Anglican Universal Church in America]

NEW YORK, February 9 (Universal Service).—"The use of light wines and beer, we believe, should be permitted."

This statement was issued to-night by the Right Rev. George Winslow Plummer, ranking prelate of the Anglican Universal Church in America.

Doctor Plummer, joining with Cardinal O'Connell of the Roman Catholic Church, the Church Temperance Society of the Episcopal Church, and President Butler, of Columbia University, all of whom recently advocated temperance as opposed to legal prohibition, said:

"Prohibition in itself is not a moral issue, much as some may believe it to be so. It is essentially a principle of compulsion, which eliminates all personal and individual merit of moral sense.

"The great desideratum is temperance, which requires conscious, willing, and intentional self-control."

The Anglican Universal Church in the United States is a branch of the Ecclisein Christ Chaldean, an eastern church which has continued her mission in what is now called Iraq since A. D. 56. The see house is at 321 West One hundred and first Street, New York City. Doctor Plummer is ranking prelate and archbishop, and Mon. John Emmanuel is vicar general.

[Article published in the New York Times, February 5, 1926, in relation to statement of Right Rev. W. W. Webb, Bishop of Milwaukee diocese]

The Right Rev. W. W. Webb, Bishop of Milwaukee diocese, expressed the view that modification of the Volstead Act so as to legalize light wines and beer would tend to improve conditions.

[Article in New York Times, February 5, 1926, in relation to a statement made by the Rev. N. B. Hutton, of St. Chrysostom's Protestant Episcopal Church.]

The Rev. N. B. Hutton, of St. Chrysostom's Church, member of the standing committee of the Protestant Episcopal Church, said:

"I think prohibition a total failure and that it was recognized as such by many before it even was put into force. I believe that the stand of the Church Temperance Society of the Protestant Episcopal Church is a laudable one. I'm not for liquor, but for temperance at the same time, and I entirely indorse the society's suggestion that Government revenues derived from the sale of liquor be used to educate the country in temperance."

[Article in New York Times, February 5, 1926, in relation to statement by the Rev. William A. Sims, rector of St. Mark's Episcopal Church.]

The Rev. William A. Sims, rector of St. Mark's Episcopal Church, declared himself in favor of the stand taken by the society.

"I am heartily in sympathy with the statement issued by the Church Temperance Society," he said, "and the claims set forth in it."

[Article in the Times, Los Angeles, Calif., in relation to a statement made by the Rev. H. C. Hengell, pastor of St. Paul's University Chapel, Madison, Wis.]

MADISON, WIS., January 17.—The principles of democracy have been turned into a political blunder by the adoption of the eighteenth amendment.

This is the opinion of Rev. H. C. Hengell, pastor of St. Paul's University Chapel here, expressed in an interview on the sixth anniversary of national prohibition.

[Applause.]

"The cause of temperance was making great headway when the prohibition amendment challenged Americans to take a drink if they dared," the clergyman declared.

"A revolution might have been expected, but with their saving sense of humor the people resorted to their usual method of getting rid of surplus laws, namely, nullification. Popular nullification has rendered the prohibition amendment not only impossible, but ridiculous.

"It would be far better, of course, to repeal the prohibition amendment in a formal manner, but that is practically impossible. It is probable, however, that Congress, ultimately responsive to public opinion, will repeal all enabling acts to the eighteenth amendment. Then it will stand merely as a monument to the folly of those who believe that mere legal enactment can deprive man of natural rights."

[Applause.]

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

[Article in relation to statement made by Archbishop Messmer, of the Milwaukee diocese, the oldest Roman Catholic Bishop in the United States]

ARCHBISHOP FAVORS BEER—MESSMER THINKS MODIFICATION WOULD DIMINISH USE OF HARD LIQUOR

MILWAUKEE, WIS., February 3.—The Milwaukee Sentinel printed a copyrighted story of Friday quoting Archbishop Messmer, of the Milwaukee Catholic diocese, as favoring modification of the Volstead Act to permit the sale of light wines and beer, but barring the saloon.

Archbishop Messmer, the oldest Catholic Bishop in the United States, characterized the Volstead Act as "an attempt to ram morality down the throats of the American people." He was quoted as expressing his belief that with the return of light alcoholic drinks Americans would discontinue the use of hard liquor.

Present conditions under prohibition enforcement were attacked by the churchman, who indorsed the statement on prohibition this week by Cardinal O'Connell, of Boston. The archbishop declared the law was "an unnecessary violation of the liberty of the individual," and deprecated the increase of drunkenness among young people since the act went into effect.

"The law of prohibition was absolutely unnecessary to remedy the evil of drunkenness at the time it was passed," said the archbishop. "If the United States had spent one-half in enforcing the existing laws for the repression of drunkenness that it now spends to enforce the Volstead Act there would be no chance and no call for the eighteenth amendment. The laws were sufficient, but they were not enforced."

[Applause.]

[Article in relation to a statement made by Bishop Joseph Schrembs, of the Cleveland Catholic diocese]

CLEVELAND, February 10.—The Cleveland News, in a copyrighted story to-day, quotes Bishop Joseph Schrembs, head of the Cleveland Catholic diocese, as declaring "prohibition is fanaticism" in commenting on published statements of Cardinal O'Connell, of Boston, on the position of the Catholic Church with relation to the dry law and its enforcement.

Mr. MURPHY. Mr. Chairman, I make the point of order that there are only 37 Members here. It is now 5 o'clock. We have sat here long enough. I think the gentleman from Massachusetts can have his time to-morrow as well as this evening.

Mr. BLANTON. He can get unanimous consent for an extension of his remarks and put the balance of them in and not keep the House here longer.

Mr. SCHAFER. Mr. Chairman, the point of order made by the gentleman from Ohio [Mr. MURPHY] is out of order. The gentleman from Massachusetts [Mr. TINKHAM] has not yielded.

Mr. MURPHY. Mr. Chairman, I insist on my point of order.

Mr. TINKHAM. Of course, Mr. Chairman, I know that what I am reading is very unpalatable to some of the honorable Representatives here; but if my rights allow me to, I shall insist upon reading the rest of the statements which I have.

Mr. MURPHY. Mr. Chairman, I insist on my point of order.

Mr. BLANTON. I suggest to the gentleman from Massachusetts that he print the remainder of his remarks in an extension.

The CHAIRMAN. The gentleman from Ohio [Mr. MURPHY] makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. Let the gentleman from Ohio withdraw his point of order.

Mr. MURPHY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Massachusetts will proceed.

Mr. TINKHAM. Here is an article in relation to a statement made by the Rev. Dr. William E. Gardner, rector of the Church of the Messiah (Episcopal), Boston, Mass.:

DRY REGIME HIT AS "UN-CHRISTIAN"—REVEREND DOCTOR GARDNER SAYS LAW PUTS BEST IDEALS IN COLD STORAGE—CITES LINCOLN'S VIEW OF REFORM

The Rev. Dr. William E. Gardner, preaching at the Church of the Messiah, St. Stephen and Gainsborough Streets, yesterday morning, urged the disentanglement of temperance from prohibition. He declared that a Christian congregation should take a deeper interest in temperance than in prohibition.

"Before considering temperance," he said, "I want to make clear my position on the present legislation.

"The Volstead Act was unusual in a democracy. Many did not approve of it. Bishop Lawrence has said, 'Hundreds of thousands of workmen who found solace and comradeship after the day's work in what they felt to be their innocent glass of beer had it snatched from them. Thousands and thousands of reputable citizens had their personal liberties and domestic habits broken in upon. Ever since the

prohibition constitutional amendment was passed its enforcement has been accompanied by a bitterness of discussion, which augers unhappiness and dissension in our social and national life.'

HAVE LOST IDEAL

"The sad thing is that we have lost the ideal of temperance. I hold no brief for the drunkard. I am as anxious as you to rid the road of every automobile driver who has been such a blackguard as to drink while driving; but I do raise the question: What is the future of the virtue of temperance when it is entangled with the movement to suppress or reduce the use of alcoholic liquors? Temperance means moderation. It is a virtue of peculiar beauty and power, but to-day when I use the word 'temperance' the meaning is immediately narrowed. If I look up the word in the encyclopedia, I find a sentence on the virtue but pages on the movement.

"In prohibition we are denying one of the great principles of Christ. He called for temperance in thought, word, and act. Our Lord's ideas of social morality were built on the family relationship of God and man. When He condemned the prohibitions of His times, He had in the background of His mind the right of God's sons to make choices, the necessity of God's sons making choices if they were to grow into full sonship.

INCOMPATIBLE WITH CHRISTIANITY

"The man who tries to be a Christian and a prohibitionist must lead a double life. He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured. This may be necessary, but it is not according to the best in Christ's teaching or the best in experience. It savors more of the mother who tied her boy with a clothesline to keep him from running into the street. Such an act may be necessary for a time, but if the mother and the boy are ever to attain the best, there must be no line.

"Prohibition is not only incompatible with Christianity, it is also a bad educational method. Abraham Lincoln put this aspect clearly in an address to a temperance society in 1842. Speaking of the unwisdom of some reformers, he said: 'Too much denunciation against dram sellers and dram drinkers' was indulged in. This, I think, was both impolitic and unjust. It was impolitic because it is not much in the nature of man to be driven to anything, still less to be driven about that which is exclusively his own business, and, least of all, where such driving is to be submitted to at the expense of pecuniary interest or burning appetite.

"When the conduct of man is designed to be influenced persuasion, kind, unassuming persuasion, should ever be adopted. It is an old and true maxim that 'a drop of honey catches more flies than a gallon of gall.' So with man.

"In the clutch of circumstances we must keep our thinking clear. Prohibition may turn us in the right pathway, but it is not Christian, and it is not good education."

Let me repeat a sentence:

"The man who tries to be a Christian and a prohibitionist must lead a double life."

[Applause.]

I desire to draw that sentence to the attention of the honorable Representative from Texas [Mr. BLANTON] and of the honorable Representative from Georgia [Mr. UPSHAW], who sits in front of me.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

Mr. UPSHAW. If the gentleman calls my name, I have the right to reply.

Mr. TINKHAM. I read again:

He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured.

Mr. MURPHY. Mr. Chairman, I make the point of order that there is not a quorum present. The gentleman a little while ago said if he were permitted to continue he would not detain the House longer, but would extend his remarks. That is what has kept us here.

Mr. TINKHAM. I never made such an agreement.

Mr. BRITTEN. Mr. Chairman, the gentleman on the floor never made such a promise. The gentleman from Ohio, who is a dry leader, is irritated.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts is within his rights. I want to give him all the rope he wants, so that he may properly hang himself.

Mr. BRITTEN. Another dry leader heard from. [Laughter.]

Mr. BLANTON. I am in favor of giving him all the rope he wants for the purpose I mentioned.

Mr. UPSHAW. He is hanging himself every minute.

Mr. TINKHAM. I repeat, Mr. Chairman:

"The man who tries to be a Christian and a prohibitionist must lead a double life. He will be forced to put some of his best ideals in cold storage in order that safety and certain standards of social manners may be secured. This may be necessary, but it is not according to the best in Christ's teachings or the best in experience. It savors more of the mother who tied her boy with a clothesline to keep him from running into the street. Such an act may be necessary for a time, but if the mother and the boy are ever to attain the best, there must be no line."

[Applause.]

[Article in relation to a statement made by Prof. Theodore Graebner, editor of the Lutheran Witness, through the American Lutheran Publicity Bureau of New York. February 14]

LUTHERANS OPPOSE PROHIBITION ACT FOR LAW ENFORCEMENT, BUT AGAINST PRINCIPLE, SAYS OFFICIAL ORGAN

NEW YORK, February 13.—A statement asserting that the synodical conference of the Lutheran Church believes that the Volstead Act should be obeyed, but "is out of sympathy with the prohibition act," was issued to-day by Prof. Theodore Graebner, editor of the Lutheran Witness, through the American Lutheran Publicity Bureau of New York.

Professor Graebner, who is a member of the faculty of Concordia Seminary, and whose publication is the official organ of the Missouri Synod, cited Martin Luther, John Knox, John Wesley, and other leaders of the Reformation as drinkers of wine and beer. He asserted that "the insistence of some churches on total abstinence is a reversal on this point of historic Protestantism," but added that the Lutheran church believed the prohibition law should be obeyed.

"While solidly ranked on the side of law enforcement," the statement continued, "the Lutheran Church is out of sympathy with the prohibition act and with the entire type of legislation which it represents. The Lutheran Church holds that everything not forbidden in Scripture is permitted. The churches which have put over prohibition through the political organization, the Anti-Saloon League, hold that nothing is permitted unless specifically authorized in the Bible.

"These churches furthermore look upon the State as the secular arm of the church, which shall enforce obedience to church regulations by the policeman's billy and handcuffs. The kingdom of God, according to these churches, is not peace and joy in the Holy Ghost, but is meat and drink to be regulated by the police authorities."

Mr. Chairman, in closing I have only this one remark to make—

Truth, crushed to earth, shall rise again.

[Applause.]

Mr. UPSHAW. Mr. Chairman, will the gentleman yield now?

Mr. TINKHAM. No; I have finished.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to address the House for one minute.

Mr. BLANTON. That is out of order, unless the gentleman can get time yielded to him.

The CHAIRMAN. The time is all controlled by the committee.

Mr. OLIVER of Alabama. I yield the gentleman one minute.

Mr. UPSHAW. I wish to be perfectly fair with the gentleman from Massachusetts. I asked that his time be extended until he could finish. But I want to state now, before this House adjourns, that that declaration of that Catholic prelate that "prohibitionists habitually practice misrepresentation" is a miserable lie, and I will pay my respects more at length to such an unwarranted, outrageous statement in my speech tomorrow.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

Mr. BRITTEN. Mr. Chairman, will the gentleman withhold that motion for a minute while I ask a question of my distinguished friend from Georgia?

Mr. SHREVE. Yes; I withhold.

Mr. UPSHAW. If I have time left.

Mr. BRITTEN. Does the gentleman suggest that the statement read by the gentleman from Massachusetts, referring to the language of the cardinal named, was misquoted here?

Mr. UPSHAW. I said that his statement to the effect that it is "the habitual practice of prohibitionists to misrepresent the truth" is miserably false.

Mr. BRITTEN. I understood the gentleman to say that the Catholic prelate was misquoted.

Mr. UPSHAW. I did not say he was misquoted. I did not even catch his name, but I do say that such a statement of the Catholic prelate or any other man who makes the unqualified charge that all prohibitionists are given to habitual misrepresentation is infamously and outrageously false.

Mr. BRITTEN. Whose statement was it that the gentleman read?

Mr. UPSHAW. He said it was the statement of a Catholic prelate.

Mr. BRITTEN. Was that statement misquoted?

Mr. UPSHAW. I do not know whether it was misquoted, and I am sorry that any man was foolish enough and cruel enough to say it, but as it was read to this House as a wholesale charge against millions of the noblest, truest people on earth it is an uncalled-for, unwarranted, miserable lie, and I will not stand for it without vigorous protest.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

Mr. ABERNETHY, by unanimous consent, was granted leave of absence for two days on account of illness.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Thursday, March 4, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 4, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress amongst the several States under the Fourteenth census (H. R. 111, 413).

To carry out the provisions of Article I of the Constitution (H. R. 398).

For the apportionment of Representatives in Congress among the several States under the Fourteenth census, reducing the number from 435 to 304 (H. R. 3808).

COMMITTEE ON CLAIMS

(10.30 a. m.)

To provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn. (H. R. 5945).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

Extending the use of metric weights and measures in merchandising (H. R. 10).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To secure Sunday as a day of rest in the District of Columbia (H. R. 7179).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925 (H. R. 439).

A bill authorizing the erection of a monument in France to commemorate the valiant services of colored American Infantry regiments attached to the French Army (H. R. 9643, 9694).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

To develop hydroelectric power on rivers within the Menominee Indian Reservation, in the State of Wisconsin, from tribal funds and for the benefit of the Indians of the said reservation (H. R. 9798).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce (H. R. 8305).

COMMITTEE ON MILITARY AFFAIRS

(11 a. m.)

Authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot near the city of Little Rock, in the State of Arkansas (H. R. 4807).

Providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury (H. R. 3924).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON WAR CLAIMS

(10.30 a. m.)

To provide for the payment, under certain conditions, to Lester P. Barlow of royalties accruing to him by reason of the use of certain inventions by the United States (H. R. 8785).

EXECUTIVE COMMUNICATIONS, ETC.

385. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a draft of a bill "to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 52. A joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; without amendment (Rept. No. 434). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 8120. A bill to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; with amendment (Rept. No. 435). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 6729. A bill to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917; with amendment (Rept. No. 441). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 8916. A bill granting public lands to the county of Kern, Calif., for public park purposes; without amendment (Rept. No. 442). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama. Committee on Military Affairs. H. J. Res. 180. A joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926; without amendment (Rept. No. 443). Referred to the House Calendar.

Mr. HOOPER: Committee on the Public Lands. S. 1876. An act providing for the sale and disposal of public lands within

the area heretofore surveyed as Booth Lake, in the State of Wisconsin; without amendment (Rept. No. 444). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 9685. A bill providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia; with amendment (Rept. No. 446). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2673. An act to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia"; without amendment (Rept. No. 447). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 8534. A bill to amend an act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes"; with amendment (Rept. No. 449). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 9508. A bill to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages; without amendment (Rept. No. 450). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 8817. A bill reserving certain described lands in Coos County, Oreg., as public parks and camp sites; with amendment (Rept. No. 451). Referred to the House Calendar.

Mr. SWING: Committee on the Public Lands. H. R. 7979. A bill granting to the Yosemite Valley Railroad Co. the right of way through certain public lands for the relocation of part of its existing railroad; without amendment (Rept. No. 440). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 8715. A bill to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916; without amendment (Rept. No. 436). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on the Public Lands. S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvemnet of the Medicine Bow National Forest; without amendment (Rept. No. 437). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 3064. A bill for the relief of Richard H. Beier; without amendment (Rept. No. 438). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 9966. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 439). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on the Public Lands. H. R. 7276. A bill to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Kansas; with amendment (Rept. No. 445). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. J. Res. 53. A joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; without amendment (Rept. No. 448). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6081) granting a pension to Mary E. Haydock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9677) granting an increase of pension to Julia Gunderman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McFADDEN: A bill (H. R. 9958) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. FLAHERTY: A bill (H. R. 9959) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on the Civil Service.

By Mr. PARKS: A bill (H. R. 9960) to forbid the publication of confidential information; to the Committee on the Judiciary.

By Mr. STEDMAN: A bill (H. R. 9961) to establish a national military park at the battle ground of Alamance, N. C.; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 9962) to regulate narcotic drug traffic, to incorporate the Federal Narcotic Bureau, and for other purposes; to the Committee on Ways and Means.

By Mrs. KAHN: A bill (H. R. 9963) to increase the salaries of the United States custom guards, and for other purposes; to the Committee on Ways and Means.

By Mr. MADDEN: A bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 9965) to authorize the construction of a memorial building at or near the battle field of New Orleans; to the Committee on the Library.

By Mr. KNUTSON: A bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

Also, a bill (H. R. 9967) authorizing an expenditure of $6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation; to the Committee on Indian Affairs.

By Mr. ZIHLMAN: A bill (H. R. 9968) relating to giving false information regarding the commission of crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEAVITT: A bill (H. R. 9969) to extend the boundaries of the Absaroka National Forest, in the State of Montana, and for other purposes; to the Committee on the Public Lands.

By Mr. SCHNEIDER: A bill (H. R. 9970) to establish a fish-cultural station in the northeastern part of the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. WHITE of Maine: A bill (H. R. 9971) for the regulation of radio communications, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9972) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 9973) to amend the immigration law of 1924, providing for nonquota status to American veterans of the World War and their wives and unmarried children; to the Committee on Immigration and Naturalization.

By Mr. THOMAS: Joint resolution (H. J. Res. 188) authorizing and directing the Secretary of the Interior to extend preference rights to certain applicants under the Red River Relief Act, and for other purposes; to the Committee on the Public Lands.

By Mr. BLACK of New York: Resolution (H. Res. 155) to investigate the reported premature circulation of information in regard to the decision of the Interstate Commerce Commis-

sion prior to the release of said decision; to the Committee on Rules.

By Mr. MacGREGOR: Resolution (H. Res. 156) to amend Rule XXI of the rules of the House of Representatives by adding a new section; to the Committee on Rules.

By Mr. WOODRUM: Resolution (H. Res. 157) asking for information from the Secretary of State; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. DRANE: Memorial of the legislature of the State of Florida, asking relief for those engaged in agriculture and horticulture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 9974) granting a pension to Frances C. Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting a pension to Alice Durston Rice; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 9976) granting a pension to James R. Parker; to the Committee on Invalid Pensions.

By Mr. CARTER of California: A bill (H. R. 9977) granting an increase of pension to Hattie H. Hill; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9978) granting a pension to Elizabeth M. Adrian; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 9979) granting an increase of pension to Sarah E. Gilchrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to Elizabeth McDuff; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 9981) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band; to the Committee on Naval Affairs.

By Mr. ELLIOTT: A bill (H. R. 9982) granting a pension to Phebe Michael; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9983) granting an increase of pension to James Devlin; to the Committee on Pensions.

Also, a bill (H. R. 9984) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. HAWES: A bill (H. R. 9985) granting an increase of pension to Luransa Creath; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 9986) granting an increase of pension to Ida H. Stokes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting an increase of pension to Julia Ragon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) granting an increase of pension to Margreat Neef; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 9989) granting an increase of pension to Mary McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting a pension to Dora Butcher; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9991) to provide an examination and survey of Skamokawa Slough Channel, Wash.; to the Committee on Rivers and Harbors.

By Mr. LAMPERT: A bill (H. R. 9992) granting an increase of pension to Marion L. Holvenstot; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9993) granting an increase of pension to Mary A. Crom; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9994) granting a pension to Ellen C. Troupe; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 9995) granting an increase of pension to Belinda Martin; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 9996) for the relief of William H. Connors; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 9997) granting an increase of pension to Anna E. Socks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9998) granting an increase of pension to Eliza J. Drawbaugh; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 9999) for the relief of John McIntyre; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

907. By Mr. ALDRICH: Petitions of residents of Rhode Island, protesting against the passage of House bills 7179 and 7822; to the Commitee on the District of Columbia.

908. By Mr. ARNOLD: Petition from various citizens of Mount Carmel, Ill., and vicinity, protesting against the passage of the Kelley bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

909. By Mr. BACHARACH: Petition of sundry citizens of the second congressional district, protesting the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

910. By Mr. BOYLAN: Petition of Catholic Daughters of America, State of New York, protesting against the passage of the Curtis-Reed bill; to the Committee on Education.

911. Also, petition of Catholic Women's Union of New York, protesting against the passage of the Curtis-Reed bill; to the Committee on Education.

912. Also, petition signed by residents of Brooklyn, N. Y., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

913. By Mr. BURDICK: Petition of George W. Robblee, of Providence, R. I., and others, protesting against the passage of certain so-called compulsory Sunday observance bills and any other national religious legislation pending; to the Committee on the District of Columbia.

914. By Mr. CULLEN: Resolution of New York State Association of Retail Grocers, opposing tax on margarine; to the Committee on Ways and Means.

915. By Mr. ROY G. FITZGERALD: Petition of citizens of Dayton and Montgomery County, Ohio, protesting against House bill 7179, compulsory Sunday observance; to the Committee on the District of Columbia.

916. Also, petition of residents of Montgomery County and Dayton, Ohio, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

917. By Mr. FULLER: Petition of various individuals, favoring the passage of House bill 98; to the Committee on Pensions.

918. Also, petition of citizens of Sheridan, Ill., opposing the passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

919. By Mr. GALLIVAN: Petition of Kathryn T. Salmon, Catholic Daughters of America, Boston, Mass., protesting against Curtis-Reed educational bill; to the Committee on Education.

920. By Mr. GARNER of Texas: Petition from citizens of Laredo, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

921. By Mr. HADLEY: Petition of residents of Marysville, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

922. Also, petition of residents of Mount Vernon, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

923. Also, petition of residents of Bellingham, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

924. Also, petition of residents of Clear Lake, Wash., and vicinity, protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

925. Also, petition of residents of Snohomish, Wash., protesting against House bill 7179, or any similar measure; to the Committee on the District of Columbia.

926. By Mr. HOOPER: Petition of Mrs. Lydia Baird and 36 other residents of Bedford, Mich., protesting against the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

927. Also, petition E. C. Waggoner and 13 other residents of Burlington, Mich., protesting against the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

928. By Mr. KIESS: Petition of citizens of Coudersport, Duboistown, Williamsport, Castanea, and Port Allegany, all in Pennsylvania, protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

929. By Mr. LEHLBACH: Petition of residents of Newark, N. J., and suburbs, protesting against House bills 7179 and

7822, compulsory Sunday observance; to the Committee on the District of Columbia.

930. By Mr. LINTHICUM: Petition of Towson Nurseries, Towson, Md., favoring the Luce-Pepper bills authorizing a national arboretum; to the Committee on Agriculture.

931. Also, petition of Prof. Adolf Meyer, Johns Hopkins Hospital, Baltimore, advocating metric standards; to the Committee on Coinage, Weights, and Measures.

932. By Mr. McDUFFIE: Petition of sundry citizens of Mobile, Whistler, Crichton, and other parts of the first district of Alabama, opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

933. By Mr. McREYNOLDS: Petition of residents of Hamilton and McMinn Counties, Tenn., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

934. By Mr. MAGEE of New York: Petition of citizens of Syracuse, N. Y., in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

935. By Mr. MANLOVE: Petition of 96 residents of Anderson, Lanagan, and Pineville, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

936. By Mr. MAPES: Petition of Mr. H. Bespaloff and 118 other residents of Grand Rapids, Mich., indorsing and recommending the passage of legislation permitting relatives of persons in the United States who have received their first naturalization papers to come to this country without regard to existing quota requirements; to the Committee on Immigration and Naturalization.

937. Also, petition of Reuel E. Root, Coopersville, Mich., and 82 other residents of that vicinity, protesting against the passage of compulsory Sunday observance bills, H. R. 7179 and H. R. 7822, or any other national religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

938. By Mr. MOONEY: Petition of the Central Body of the Polish Roman Catholic Union, of Cleveland, Ohio, protesting the Aswell registration of aliens bill and indorsing the Perlman immigration bill; to the Committee on Immigration and Naturalization.

939. By Mr. O'CONNELL of Rhode Island: Petition of citizens of the cities of Pawtucket and Central Falls, R. I., in opposition to legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

940. Also, petition of residents of Pawtucket, R. I., protesting against House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

941. By Mr. O'CONNELL of New York: Petition of citizens of the greater city of New York and New Jersey, earnestly petitioning Congress not to pass the compulsory observance bills, H. R. 7179 and H. R. 7822, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

942. Also, petition of C. A. Weed, of New York City, favoring the passage of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

943. By Mr. PATTERSON: Petition of citizens of the first district of New Jersey, against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

944. By Mr. PORTER: Petition of 86 citizens of Allegheny County, Pa., favoring the acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States; to the Committee on the Judiciary.

945. By Mrs. ROGERS: Petition of residents of Lowell, Mass., opposing House bill 7179, compulsory Sunday observance; to the Committee on the District of Columbia.

946. By Mr. SINNOTT: Petition of sundry citizens of the second congressional district of the State of Oregon, opposing House bills 7179 and 7822, compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

947. By Mr. SWING: Petition of Southeastern California Conference of Seventh-Day Adventists, protesting against passage of Lankford Sunday closing bill (H. R. 7179) for the District of Columbia; to the Committee on the District of Columbia.

948. Also, resolutions of San Diego Woman's Club, San Diego, Calif., indorsing House bill 8821, for the relief of Indians in California; to the Committee on Indian Affairs.

949. Also, letter from California State board of health, indorsing the extension of the Sheppard-Towner maternity act; to the Committee on Education.

SENATE

THURSDAY, *March 4, 1926*

(Legislative day of Wednesday, March 3, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Robinson, Ark.
Bayard	Ferris	Lenroot	Robinson, Ind.
Bingham	Fess	McKellar	Sackett
Blease	Fletcher	McKinley	Sheppard
Borah	Frazier	McMaster	Shipstead
Bratton	George	McNary	Shortridge
Brookhart	Gerry	Mayfield	Smith
Broussard	Glass	Means	Smoot
Bruce	Goff	Metcalf	Stanfield
Cameron	Gooding	Moses	Stephens
Capper	Greene	Neely	Swanson
Caraway	Harreld	Norbeck	Tyson
Copeland	Harris	Norris	Walsh
Couzens	Heflin	Nye	Warren
Cummins	Howell	Oddie	Wheeler
Curtis	Johnson	Overman	Willis
Dale	Jones, Wash.	Pepper	
Deneen	Kendrick	Pine	
Dill	King	Reed, Pa.	

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably detained from the Senate. I will let this announcement stand for the day.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate because of illness: The Senator from Massachusetts [Mr. BUTLER], the Senator from Maine [Mr. FERNALD] the Senator from Missouri [Mr. WILLIAMS], the Senator from Colorado [Mr. PHIPPS], the Senator from Minnesota [Mr. SCHALL], and the Senator from New Hampshire [Mr. KEYES].

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

PETITIONS

Mr. SHIPSTEAD presented a petition of 10 members of the faculty of the University of Minnesota, at Minneapolis, Minn., praying an amendment of the existing copyright law, so as to include copies made by the mimeographic process as well as those made by the photoengraving process, which was referred to the Committee on Patents.

Mr. JONES of Washington presented a petition of sundry citizens of Seattle, Wash., praying for the imposition of a tariff duty on shingles entering the United States, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Retsil, Wash., praying for the passage of legislation granting increased pensions to Spanish-American War Veterans and their widows, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. McKINLEY, from the Committee on Commerce, to which was referred the bill (S. 1809) granting the consent of Congress to the State of Illinois and the State of Indiana to construct, maintain, and operate a bridge and approaches thereto across the Wabash River on the State line between Illinois and Indiana, in section 21, township 3 north, range 10 west of the second principal meridian, reported it with amendments and submitted a report (No. 255) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1155) for the relief of Margaret Richards (Rept. No. 256); and

A bill (S. 1450) for the relief of the estate of John Stewart, deceased (Rept. No. 257).

Mr. STEPHENS also, from the Committee on Claims, to which was referred the bill (S. 2192) for the relief of Ella H. Smith, reported it with an amendment and submitted a report (No. 258) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 56) to amend an act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other

purposes," approved March 3, 1925, reported it without amendment and submitted a report (No. 259) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 7820) to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, reported it with an amendment and submitted a report (No. 260) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 3925) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," reported it without amendment and submitted a report (No. 261) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 3405) to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys; to the Committee on Agriculture and Forestry.

By Mr. COUZENS:

A bill (S. 3406) granting privilege of the floor and right to participate in debate to heads of executive departments and other officers; to the Committee on Rules.

By Mr. SHIPSTEAD:

A bill (S. 3407) to amend the immigration act of 1924; to the Committee on Immigration.

A bill (S. 3408) granting an increase of pension to John Bowe; and

A bill (S. 3409) granting an increase of pension to Robert T. Bice; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 3410) for the relief of Charles Callender; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3411) to establish a border patrol for the more efficient enforcement of laws applicable to the international and maritime borders of the United States; to the Committee on the Judiciary.

By Mr. BROUSSARD:

A bill (S. 3412) for the relief of Gordon A. Dennis (with an accompanying paper); to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3413) for the relief of John W. King; to the Committee on Claims.

Mr. CAMERON (by request):

A bill (S. 3414) to provide for the protection and development of the Lower Colorado River Basin; to the Committee on Irrigation and Reclamation.

By Mr. CAPPER:

A joint resolution (S. J. Res. 65) to provide for a national agricultural day; to the Committee on Agriculture and Forestry.

EXTENSIONS OF TIME UNDER OIL AND GAS PERMITS

Mr. STANFIELD presented a paper to accompany the bill (S. 2461) to grant extensions of time under oil and gas permits, which was ordered to be placed on file, the bill having been passed by the Senate.

DISTRICT AND COOPERATIVE OFFICE SERVICE

Mr. SHEPPARD submitted an amendment proposing to increase the appropriation for expenses necessary to operate and maintain district and cooperative offices, under the Bureau of Foreign and Domestic Commerce, from $330,000 to $340,000, intended to be proposed by him to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, which was referred to the Committe on Appropriations and ordered to be printed.

CORN BELT FARM SITUATION

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed by Mr. George N. Peek, chairman of the Executive Committee of Twenty-two, of the North Central States Agricultural Conference, to Mr. George E. Roberts, of the National City Bank of New York, relating to the Corn Belt farm situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE COMMITTEE OF TWENTY-TWO OF THE
NORTH CENTRAL STATES AGRICULTURAL CONFERENCE,
Chicago, Ill., February 27, 1926.

Mr. GEORGE E. ROBERTS,
National City Bank, New York, N. Y.

DEAR MR. ROBERTS: Your comment in the February Bulletin of the National City Bank on the Corn Belt farm situation has been called to our attention by several bankers. We can not avoid the conclusion that this was an extremely unfortunate utterance. Many readers have grown to respect your views on industrial finance, and a number of informed men in the agricultural States are at a loss to account for the ill-considered comment on the farm situation contained in this bulletin.

To get at even a part of the truth relating to the agricultural problem which is manifesting itself in the Corn Belt most clearly at the present time it is necessary to go into the facts in some detail.

Before taking up your article directly, permit us to lay down this premise upon which knowledge of the facts must compel agreement: That corn growers can not regulate their production to demand because of factors which they, singly or as a whole, can not control; therefore it is impossible to calculate almost a year in advance the number of hogs that would be necessary to consume a coming corn crop. The range of variation in corn production between 1920 and 1924 in the United States amounted nearly to 1,000,000,000 bushels on the same round number of millions of acres planted. Some figures are given here to illustrate this uncontrollable and unpredictable variation of corn yields:

Year	Acreage	Production (bushels)	Difference (bushels)
1920	101,599,000	3,208,584,000	895,839,000
1924	101,076,000	2,312,745,000	
1925	101,631,000	2,900,581,000	587,836,000
1924	101,076,000	2,312,745,000	

In other words, the farmers who will plant corn this year can not know whether they should have raised hogs enough to consume the hogs' share of a 2,000,000,000 bushel crop, or of a crop that may be nearly a billion bushels larger.

Your bulletin states:

"Our sales of pork abroad in 1925 were $42,000,000 less than in 1923, and presumably the falling off of purchases was due to the rise of the average cost of hogs from $7.59 to $11.81. We sold 1,987,734,205 pounds of pork products abroad in 1923, and only 1,221,816,952 pounds in 1925, and this leads one to wonder how high the price of hogs would have gone if foreign consumers had not reduced their purchases? This foreign demand probably will revive whenever the price lowers and thus serve to prevent as large a decline as might otherwise be expected.

"The foregoing information shows very clearly what is the matter in the Corn Belt, from whence comes the cry for an export corporation, financed by the Government, to dispose of an alleged surplus of corn."

The quoted paragraph certainly does not show what is the matter in the Corn Belt. Evidently your readers are to believe that the trouble is that things are not in 1925 as they were in 1923, and that you would reestablish the 1923 supply and demand relation. But you fail to note that the average price of hogs on the farm in 1923 ($7.11) was only 95.6 per cent of the pre-war dollar price and had only 62.2 per cent of the 1913 purchasing power. It is of that very condition that the farmers complain. It is that which has reduced the exchange value of the Corn Belt farm lands to but 79 per cent of that of 1910.

You can easily answer the question you ask in the above quoted paragraph. If foreign consumers had not reduced their purchases in 1925, the domestic price of hogs would have gone just to the point at which domestic consumers could and would turn to other supplies of meats and fats to satisfy their needs and no higher. This is true in both foreign and home markets. That is what happened in 1925. As the price rose because of the reduced supply, other fats and meats abroad were relatively cheaper and foreign consumption fell. But the inference from your bulletin is that you want a hog price so low that foreign buyers will find our pork cheaper than meats from new lands of low production costs, and fats from low standard tropical countries, while at the same time the American consumers buy the pork and lard which is sold at home, at a price largely influenced by the foreign price fixed by the production costs of our meat and fat competitors. This is what the farmers object to; they seek to control their surplus production so that the price at which an incidental surplus sells abroad does not become automatically the price in the home markets.

You then say:

"The number of hogs slaughtered under Federal inspection in the year 1925 was more than 10,000,000 less than the average of the two preceding years, and the pig crop of 1925 was about 10,000,000 less than the average of the two preceding years, the falling off being ap-

proximately 20 per cent in each case. The natural result is very high price for hogs as compared with corn. The farmer who had both hogs and corn is in a balanced situation and doing well, the farmer who has hogs but is without enough corn for them can buy corn at a low price, and the farmer who has corn and nothing to feed it to wants the export corporation to buy his corn above the market price and dump it in Europe at a loss, and charge part of the loss to his neighbor who has foresight enough to grow something to eat his corn."

The lesson you seem to establish here is that the wise farmer is he who always keeps hogs enough on his farm to eat up his corn, or who keeps hogs in excess of the number his home-grown feed will support in order that he may buy corn from his neighbor. We were amazed to encounter such reasoning in your bulletin, and do not believe you would reason this way in fields closer home to you.

What would have happened to the hog price in 1925, Mr. Roberts, if the farmers had applied your reasoning and had bred and kept on hand as a sort of corn-eating reserve army enough hogs to consume the 587,836,000 bushels of corn by which the 1925 crop exceeded that of 1924? The thing that puzzles us is that, even if farmers had now the extra 10,000,000 head of hogs of whose lack you complain, they would eat up, in attaining an oversized 250-pound average weight, only about one-third of the quantity by which the 1925 corn crop exceeded that of 1924, and as far as we can see, we would still have a corn-surplus problem. But if we had the extra hogs, we wish you would tell us if, in your opinion, that would not have resulted in the old hog price, so we would be no better, but would probably be worse off than now.

* * * * * * *

We are constrained to ask if you advocate, as a regular policy, the production of enough hogs each year to eat up all the corn that may be produced by a bumper crop? Your bulletin implies so.

Do you advocate, as sound business practice, the operation of one distinct and separate stage of Corn Belt farming at a loss (production of corn) in order that another phase (production of pork) may show a profit? Should not proper farm organization show a profit to the efficient farmer on both enterprises? We can not conceive that you would consider the iron and steel industry sound if the production and sale of pig iron were conducted at a distinct loss, even if the steel manufacturers might show a profit. Nor would you consider the situation satisfactory if the pig-iron operations in a single company were conducted at a loss and the steel operations of the same company showed a profit. Would you not recommend control of production and supply as a necessary step in readjustment? We yield to the temptation to inquire if you would not approve of the orderly disposition abroad of a relatively small surplus even at competitive prices abroad, if the sale in this country would upset the adjustment of supply to demand in the domestic market.

Before leaving this part of the discussion, we ask you to explain in detail just how you would advise corn and hog adjustments if you were a Corn Belt banker, in view of the fact that we do not know within eight or nine hundred million bushels what will be the size of next year's corn crop, and when we must decide on our hog breeding long before the corn is planted. You have expressed your views upon a subject which concerns us more vitally than it does you, so we wish to ask if, as an economist, you do not believe that the Corn Belt farmers who in 1924, when corn was high and hogs low, reduced their herds, were making an economically sound adjustment? And whether those farmers who, in response to present hog and corn price relations, increase their hogs, may not be inviting disaster which will be particularly severe if next year's corn crop should prove light?

As for your reference to the Dickinson bill, we believe that you would not deliberately misstate facts or misrepresent them in a matter of such importance as this, so we conclude that you have never carefully studied the measure.

Your statements are:

"The bill for such a corporation, introduced by Congressman DICKINSON of Iowa, provides that the loss shall be charged pro rata to all producers, which would mean that the farmers who study conditions and conform their operations to the needs of the consuming public would be penalized by being made to pay a subsidy to those who simply produce at random. The theory of this proposal is that farmers may grow anything they like and in any quantity, regardless of consumption requirements, and that the Government will take care of the results.

"The theory of penalizing the farmers who plan their operations to suit the needs of consumers for the benefit of those who do not is of the very essence of the most objectionable kind of socialistic doctrine, and there is no reason to suppose that any considerable portion of the farmers will support it when they understand it. They are told that it is a plan to put them on a level with the protected manufacturers, but it lays no part of the cost on the manufacturing industries, except as it increases the cost of living to all consumers, which would tend to increase wages and the cost of all the products and services which farmers buy."

The purpose of the measure referred to is to enable producers to regulate supply to demand in the domestic market, and it is not our intention to spend time on a discussion of the bill's details except those misstated, or we regret to say misrepresented by you.

You refer throughout to the "export corporation" when none is created or mentioned by the Dickinson bill; you say "financed by the Government" when the bill you refer to sets machinery in motion that is financed by the producers themselves. You warn that part of the loss (from sales abroad) would be charged to the farmer "who had foresight enough to grow something to eat his corn," when this is entirely incorrect, and your conclusion could not possibly be derived from a careful reading of the measure in question. Collection under the Dickinson bill would be made only on corn, for example, that moved in regular trade channels, through sale for resale or processing or shipment by common carrier, and would not affect the corn consumed at home in the illustration you use. The same apparent lack of study is evident in your every reference to the bill. If this letter had not already grown too long, we would like to consider them in detail.

Briefly the Dickinson bill provides a method by which producers of certain farm commodities can control and dispose of the surplus above what the domestic market can absorb, at a fair exchange value, in such manner as to maintain an American price in the home market. Only actual sales in commerce would contribute to the operating fund. The buying, storing, and selling involved in handling the surplus would be done by associations or corporations created and controlled by the producers themselves.

As to your remaining point that this would set in motion wage increases and consequently higher costs of articles and services that farmers buy, will you not agree that such merit as this argument possesses applies with equal force against any increase in farm prices, no matter what the cause, and that in using it you are merely arguing against improved farm product prices in any degree and from any causes?

It is disappointing to us to find you using appeals to prejudice to replace economic reasoning. Discussion of the agricultural situation should deal with facts and economic forces, rather than misinformation and class prejudice. There is no more merit in the charge that the surplus control operations under the Dickinson bill are to be financed by the Government than for us to charge that Wall Street speculation in stocks amounting to billions is financed by the Government.

Neither does the measure aim primarily at the present corn-price situation. Farmers want to do the economic thing to restore impaired income by adjusting supply to demand in the home market. The Dickinson bill outlines one practical method to do it. If you have a better plan in mind, we should all like to hear it.

In conclusion and in all sincerity may we suggest that with those of your readers who are familiar with the farm problem you are losing an enviable reputation, gained by clearness in your field of industrial finance through such thinking in the field of applied agricultural economics. We desire your constructive thought, and if you have in mind any plan to improve the situation, we think it is your duty to make it known.

Yours very truly,

EXECUTIVE COMMITTEE OF TWENTY-TWO,
By GEORGE N. PEEK, *Chairman*.

THE AGRICULTURAL SITUATION

Mr. McMASTER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Evening Republican, of Mitchell, S. Dak., of February 3, 1926, entitled "Sees no hope for farmers"; an editorial from the Sioux City Daily Tribune of February 4, 1926, entitled "High lights of the Agricultural Conference"; and an editorial from the Yankton (S. Dak.) Press and Dakotan, of February 5, 1926, entitled "The West has spoken."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Evening Republican, February 3, 1926]

SEES NO HOPE FOR FARMERS

Not only does the Journal of Commerce of New York, an avowed Wall Street organ, see little hope for farm relief at the coming session of Congress, but it expresses the poorly veiled hope that Congress will be unable to do anything for the farmer. At the same time it mourns because there seems to be little likelihood that any legislation favorable to the railroads or industry in general will be passed. Discussing the financial situation and its relation to the present session of Congress the Journal of Commerce says:

"As for railroads, it still continues true that but little chance of real legislation is visible, while little or no prospect of anything favorable along other financial or industrial lines is now predicted. About the best that can be done will be to prevent drastic action on farm-relief measures and to avoid something foolish in connection with banking. Nothing constructive on either subject is in sight, and nothing seems likely to be developed at any early date. That Congress will continue working along its present lines and adjourn comparatively early, with no further definite action than is at present indicated,

would be about the most favorable condition to be looked for, and it is fair to think is about what will happen. The stock market therefore must look elsewhere for material with which to build up an increasing enthusiasm."

Here, then, is another reflection of the sentiment of the industrial and capitalistic East regarding the farmer. It seems strange that the decendants of those Pilgrim pioneers who first wrested the Atlantic coast from the red man, and who tilled the fields with a gun by their side, should have so far forgotten their own trials and tribulations as an agricultural country that they bitterly oppose any congressional action which might assist the American farmer to his place in the sun.

The Middle West knows that the only thing that can help the farmer is "drastic action." Yet the Journal of Commerce says about the present Congress that "about the best that can be done will be to prevent drastic action on farm-relief measures."

Ever since the high protective tariff was conceived the farmer of the Middle West has suffered from "drastic legislation." Yet now, when these same farmers have tried to band together, agreeing to certain legislation which would restore to them a dollar worth 100 cents, publications like the Journal of Commerce throw the weight of their influence against the farmer.

In the same review the Journal says:

"The question: How is business? is being heard with increasing frequency largely because of the apparent tendency to slow down and wait somewhat on account of the slight overproduction that has occurred in some lines. Statistics are showing that things went ahead a little too rapidly last autumn in the matter of activity, and now the time has come that absorption must take place in an equal amount. This has slowed down the orders in a number of lines to some extent—a condition in itself which is a trifle worrying. However, there is nothing in sight that indicates anything more than a temporary lull. Some business managers now anticipate comparatively quiet production during the early spring, waiting to see how the first crop reports turn out, and how purchasing will hold up. They do not believe that the same high speed as last year can be maintained without a check. This is not due to pessimism, but is merely a statistical conclusion based on the average returns of recent years."

Thus the Journal presents a paradoxical argument. It desires that no farm relief legislation be passed, and it fears for a slump in the year's business. Surely the Journal must know that the prosperity of the greater part of the Nation depends upon the prosperity of the farmer. It must know that if the farmer's dollar was given as equal value with the industrial dollar that the business of the entire Nation would improve because the purchasing power of the farmer would be increased by just that much. But, like its provincial associates, the Journal fears "drastic action" for the farmer would tend to increase by just a little the cost of its bread and butter, and so it hopes that the farmer will fail to get that relief to which he is economically entitled and for which he is really beginning to fight.

[From the Daily Tribune, February 4, 1926]

HIGH LIGHTS OF THE AGRICULTURAL CONFERENCE

There should be no doubts in the minds of anyone about the purpose and program so definitely stated and agreed upon by some 1,500 delegates to the "All agricultural area" marketing conference held at Des Moines, Thursday, January 28. Resolutions adopted are both defi and challenge to the administration forces at Washington. There was no mincing of words; no pussyfooting. Big men and strong men from the cities and farms of the Middle West declared themselves unequivocally in favor of legislation which would equalize the agricultural and the manufacturing dollar, which would put the basic farm industry on a parity with all the other industrial organizations of America.

Positive statements by speakers brought rounds of applause and unqualified support from the hundreds of delegates. However, there were no illogical or fantastic schemes or statements advanced. The spirit of the day was to give and take on any questions of means and methods, but there was not one indication of failure to agree and to fight through to the bitter end on the great fundamental principles of equalization involved. There was no petty bickering, no quarreling as to the main purpose, though there were men from many walks of life and men who have had many divergent views as to how best to bring justice to the great agricultural States. There were plain, blunt statements of fact made regarding the hostility and indifference of Hoover, Jardine, Butler, Barnes, and the administration generally, to any specific legislation which would be fair and helpful.

TROUBLE MAKER EXPOSED

When a certain W. I. Drummond, secretary of some genteel, white-collar farm organization, tried to inject differences by urging delay of the program, with a charge that the conference was not representative and that Governor Hammill, with the other Iowa leaders, had not given delegates an opportunity to express their feelings and their plans, there was an outburst of pent-up feeling. Governor Hammill and the audience gave Drummond the opportunity to express himself fully and to present his plan. Drummond proved a dud. Whether he represented administration forces at that conference, as he represented them at the Cleveland convention and during the campaign in the Middle West, he certainly embarrassed the antifarm gang at Washington by his stupidity at Des Moines. When he stated that he would not be for a bill similar to the Dickinson measure because it would not pass and because it was unsound, a delegate from Ohio asked him if he would vote for it if it could be passed and if it could be shown to be fair. Mr. Drummond hesitated—and was lost. Immediately ensued a machine-gun barrage, led by Mark D. Woods, of Lincoln, who uncovered the said Mr. Drummond and lashed him to the queen's taste. Mr. Woods reviewed the history of Drummond as an administration politician and as a hired man of Mr. BUTLER, of Massachusetts. He reminded the delegates of a statement made by Mr. BUTLER in the presence of a number of the farm delegates, when he declared himself tersely to the effect that he was opposed to any and all programs looking to higher agricultural prices, and that he [Mr. BUTLER] and his forces stood frankly for high protection and prosperity for the industrial East; and Mr. Woods said that Drummond knew all this better than anyone else. He told of bad faith and broken pledges also. Lacking any vestige of support, Drummond failed ignominiously to divert the minds of the massed delegations from the single aim to work out a definite legislative program for relief.

When Drummond took exception to a statement made earlier in the day by Frank O. Lowden that tubercular cattle were killed for the sake of the cattle industry over the protests of some few owners, Mr. Lowden shouted from the floor that we are fighting for the health of the Nation. Delegates cheered long and loudly. In these last words ex-Governor Lowden epitomized the convictions of the vast majority of farmers and business men in the great agricultural area. The delegates, representing 12 States, are inspired and will fight to a finish, not only for their own salvation but for the salvation of the United States. Over and over again the fact was declared that when agricultural interests and communities fail nations decay.

After George Peek, president of the American Council of Agriculture and foremost economist, had delivered a carefully prepared speech on "Equality for agriculture," some delegate inquired as to who was meant by "the powerful leaders of opposition at the present and for some time past." Without hesitation, Mr. Peek replied from the stand: "Hoover and Barnes." Throughout his address Mr. Peek had been careful to avoid any personalities. He outlined the troubles and the source of troubles and proved the justice of the proposed legislation. He showed that the oft-repeated statement that the decline in farm prices was due to a marked decrease in exports was an outright fable. Exports have increased. With all other speakers he urged immediate and definite action and very plainly suggested that favorable laws could be passed by the middle westerners combining with the southern agricultural interests.

THE SOUTH WILL JOIN

Carl Vrooman, former Assistant Secretary of Agriculture, in a fiery appeal, pointed the way to success. With deep feeling he declared that the Democratic Congressmen from the South would join in a broad movement to gain equality and pledged the efforts of himself and others to work to this end. Rather than an indication of partisanship and prejudice, the speeches and discussions proved conclusively that the conference was nonpartisan and nonpolitical; that despite parties or party feeling the great agricultural States of the West and South were going through shoulder to shoulder to the end that agriculture shall be established on a parity with all other business; that again farm homes and farm life shall be attractive; and that the people who are feeding the world shall be rewarded equitably for their labors.

L. J. DICKINSON, Representative in Congress from the tenth district of Iowa, and chosen representative of the Iowa congressional delegation, made a splendid and forceful appeal, not particularly for the approval of the precise details of the marketing bill bearing his name but for united and unquestionable support for any legislative program to be worked out by the committee from the 12 States gathered at that conference. In reviewing the history, almost wholly one of defeat, of national farm legislation, he pointed out the dangers of unpreparedness and the fatal danger of opposition within their own ranks. He was given an ovation.

Among others who spoke there was a unanimity of agreement and a joint determination to carry out the will of the majority that was wonderfully pleasing. Governor Gunderson, of South Dakota, who was called on first by Governor Hammill, pointed the way to successful culmination by urging harmony and understanding. He pledged the full strength of South Dakota.

C. E. Hearst, president of the Iowa Farm Bureau Federation, spoke concisely and to the point at issue. William Hirth, president of the Missouri Farm Clubs, let it be known that he stood with the delegates and would work unceasingly for the general good. Former Governor Lowden, of Illinois, spoke at length with deep feeling and with wisdom born of wide and long experience. All those who heard him were impressed with his understanding and his vision. He was given ovations a number of times.

PASSION FOR JUSTICE

Out of it all comes a grave determination to force the issues and to win justice and equality for the agricultural States at any cost. Political fortunes of any small group of selfish politicians opposed to the program will not be even considered. The great agricultural area has spoken. Official Washington must make no mistake in its interpretation of the intent. The legislative committee named to carry the fight to success is made up of business men and farmers who are capable and courageous enough to carry on. Their instructions are broad and all inclusive. They must and will not falter, nor lose sight of the great problem involved—to enact national legislation that will bring justice and equality that will restore the Nation's greatest business. There are dangerous shoals ahead, but the passion for justice will prevail. Victory is ahead.

[From the Yankton Press and Dakotan, February 5, 1926]

THE WEST HAS SPOKEN

Out of the bedlam of demands from agriculture and its friends for something that would stabilize this most vital industry of our land for legislative recognition and removal of the artificial handicaps under which it is struggling, there has recently come forth one clear call for action, insistent, emphatic, specific in its appeal, significant in the note of authority it contained. It was the voice of a united Middle West, an agricultural Middle West, sounding its war cry to herald a battle for economic rights against a reluctant Goverment and an opposing East. It came, that voice, from the depths of the world's bread basket, and its meaning can not be mistaken. American agriculture has found its voice and has spoken.

Meeting in Des Moines more than a week ago, representatives of 11 Middle Western States—farmers, bankers, business men, even governors—found themselves as one in purpose, as they were in plight. Their problems were identical as to cause and, they discovered, as to solution as well. With something of poetic justice they further discovered that cooperation, the panacea for agriculture held out to them heretofore, was at once their lack and their need. It offered, they found, the only solution of their mutual problem, the only hope of successfully pressing their demands. From Des Moines, therefore, came the united voice of the great Middle West focusing at last the myriad vague complaints and appeals and demands which have been wrung from a suffering industry in the past.

That this was the real West speaking is manifest from the representative character of the gathering, with 11 States participating and joining in the appeal. That the West is in earnest, determined, is equally manifest. Skeptics in the East and elsewhere would do well to heed the new sign, for here already are two requisites of successful effort—unity and determination. The third—definite objective—long a stumbling block in the path of agricultural progress, the nemesis of those who have in the past sincerely striven for stability in the industry, is likewise contained in this summons from a united West.

Agriculture is asking only a square deal. It wants nothing from the Government but what is already given to other industry, namely, protection from foreign competition. Behind a high-tariff wall and a stringent immigration law, American factories and American laboring men maintain their American prices and American wage scales, largely independent of world conditions, while the American farmer must sell his products in competition with the peasant of Europe and the peon of South America. Rectification of this unfair situation is what agriculture is demanding. What is economically sound for one industry should be economically sound for another—agriculture reasons—and rightly.

It is a well-known fact that the farmers of the country have taken a depreciation of $20,000,000,000 in the value of their crops in the last few years. The average earnings of those engaged in farming, the Middle West points out, are 23.1 cents an hour, while factory workers receive 56.1 cents, railroad employees 58.3 cents, anthracite miners 83.4 cents, and workers in building trades 105 cents. Or, presented in another way, the buying power of agricultural products in 1924 was 91 per cent and of nonagricultural products 153 per cent, and in 1925 the buying power of farm products was 87 per cent as compared with 164 per cent for nonagricultural products. The handicap under which the industry is laboring is thus apparent to anyone.

This being true, agriculture, speaking now with united voice, demands equalization of opportunity. It points out that the prices of its products are determined by the surplus, that portion which is not possible of consumption at home and which must go into the world market to compete with products from other agricultural countries. The result is a level of prices fixed by world supply and demand which takes no reckoning of American costs of production or of American standards of living.

The objective set forth by the Des Moines conference of Middle Western States calls for governmental action in setting up an export corporation to handle this surplus in the world market, and thereby placing agriculture in the same protective relation to the Government as other industries now enjoy. Because of its extremely decentralized character, agriculture is unable to launch such an organization itself. Cooperatives eventually might do so independently of the Government, but the need for stability is immediate. Hence the demand of the Middle West for governmental assistance in inaugurating such an export corporation, the costs of operation and losses incurred in foreign sales to be borne by the industry itself and not by the Government.

This in substance is the demand of the united Middle West, given definite shape and emphatically voiced by the Des Moines conference. It is agriculture's challenge to the administration and to the Congress at Washington to meet the issue squarely and fairly, in spite of pressure from the industrial East. There is real significance in the unity behind a cause and in the outstanding leadership of former Governor Lowden, of Illinois, in that cause, which can hardly be lost upon the administration. The West has spoken. It is waiting for an answer.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The VICE PRESIDENT. The pending question is on agreeing to the amendment submitted by the junior Senator from Arkansas [Mr. CARAWAY].

Mr. HEFLIN. Mr. President, I ask unanimous consent that at not later than 4 o'clock this afternoon the Senate shall vote, without further debate, upon the pending amendment and all amendments to be offered and upon the resolution.

I make this request because several Senators are sick and others are threatened with the grippe. We are anxious to dispose of the matter so that they will not have to stay in the Chamber when they ought not to be here. I ask it also for the purpose of knowing exactly when we may vote, so that my colleague [Mr. UNDERWOOD], who is ill at home, but who wants to come here to vote, may know when to be present for that purpose. He does not want to have to remain at the Capitol very long when he comes here.

The proposition to lease Muscle Shoals has been discussed many times in the Senate. It has passed both branches of Congress. The Ford measure passed the House and the Underwood bill passed the Senate. Both those measures provided for private leasing. This concurrent resolution was introduced in the House by Congressman MADDEN, of Illinois, in December. It passed the House early in January and came to the Senate and was referred to the Committee on Agriculture and Forestry. That committee reported out the resolution on the 3d of February, and it is now the 4th of March. The resolution must be passed, the joint committee appointed, bids received and reported back to Congress by the 1st of April. We have only 27 days from to-day in which to do that. I think that the resolution will pass by a good majority in the Senate. We are anxious to get action upon it. If those who oppose the resolution and who favor the idea proposed by the Senator from Nebraska [Mr. NORRIS] will let us pass the resolution, and we do not get bids, they will find that there is nothing in the way of proceeding in some other manner to dispose of Muscle Shoals after the 1st of April.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. SMITH. Of course, Senators are not staying here to hear the debate and to hear the facts that are put in the RECORD on this very important matter, involving, as it does, our policy with reference to these great public resources. I do not think there is any disposition to filibuster, but I for one feel that it is our duty to put such facts as we have in regard to the matter into the RECORD and before as many Senators as will stay and give their attention to the discussion involving such vital interests of the entire American people. I am sure that the Senator from Alabama agrees with me that our first duty is to prepare ourselves for whatever disposition the Senate may see fit to make of the proposition. It can not make any disposition rightly unless it knows all the facts pertaining thereto. I am sure we can not get ready to vote on the resolution this afternoon.

Mr. HEFLIN. In addition to what I have said I want to say that the majority leader, the Senator from Kansas [Mr. CURTIS], is sick. We all know that. He has just had an operation. He has been coming here each day when he possibly should not have done so. The doctors have advised him to go South, and he is to leave this afternoon at 6 o'clock. I want to ask Senators if they will not agree upon a time to vote to-day, so as to permit the Senator from Kansas and my colleague to vote on the resolution? One of them has to go away, and the other is confined to his room and does not want to come out until the time comes for a vote on the pending resolution.

I think the resolution will pass by a large majority of the Senate. There has not been a single vote changed against the resolution since the debate commenced. A few Senators on this side of the aisle will vote for amendments, but they will vote finally for the resolution. I do not think we ought to sit back and keep on delaying this measure for the purpose of defeating the legislation when four-fifths of the entire membership of the Congress favor its passage.

I repeat that we have to get through with it, and it must all be finished and the report submitted to Congress by the 1st of April. If the resolution remains here much longer, somebody will get up and suggest that the time for the joint committee to report be extended, and then when that time comes Congress will be ready to adjourn, and those who have heretofore succeeded in defeating legislation to lease Muscle Shoals will be able to accomplish their purpose again. If the bids should be reported back to Congress in the closing hours of the session they would be able prevent final action.

Mr. DILL. Does not the Senator think, without waiting for any other further discussion on the matter, that the time ought to be extended at least until the 15th of April?

Mr. HEFLIN. No; I do not, because two companies have already given notice before the committee that they would bid.

Mr. DILL. But there may be other companies that would want to bid.

Mr. HEFLIN. As soon as the resolution shall pass the daily press will carry the news throughout the country that the committee is now ready to receive bids. Certainly bidders can then send in their bids, and the committee can come back and report just what it has done; that it has received bids or that it has not. If it has not, then there will not be anything to do but to take up the measure of the senior Senator from Nebraska [Mr. NORRIS] or some other measure and immediately dispose of this matter.

Mr. President, I do not want to prevent any Senator from debating the resolution, but I am pleading in behalf of a proposal here that I think, and a large majority here think, is just and fair. I have stated that my colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is sick, and I should like to have a time fixed when he may come here and vote for the resolution. My colleague desires to be here, but he does not wish to be out long, and his doctors have advised him against doing anything which might make against his speedy recovery. As said a moment ago, the Senator from Kansas [Mr. CURTIS] has to leave here to-day. So it seems to me that Senators should agree to this unanimous-consent request for a vote to-day. There have been about nine hours already consumed in debate by the opponents of the measure and only two hours by those who favor it. The senior Senator from Nebraska [Mr. NORRIS], who wishes to speak, has himself been sick. I do not believe he will speak over an hour and a half or two hours. The junior Senator from Nebraska [Mr. HOWELL], I understand, wishes to speak, and also my friend the Senator from Tennessee [Mr. MCKELLAR], who has spoken frequently on the subject in my time and in the time of other Senators and in his own time. Under the circumstances I believe that we ought to be able to vote on the resolution by 4 o'clock this afternoon.

Mr. MCKELLAR. Mr. President, I believe that under the rules of the Senate I have the floor, and I wish now to speak a little in my own time, but the Senator from Alabama has been occupying my time.

Mr. HEFLIN. I shall not hold the floor much longer.

Now, Mr. President, I wonder if we can not reach an agreement? What does the junior Senator from Nebraska think about fixing some early time when a vote may be taken?

Mr. HOWELL. I have been conferring with Senators upon the minority side of the Chamber, and I find that several of them have extended remarks to make. I am sure there are also several Senators upon the majority side of the Chamber who wish to speak. Therefore, I do not see how Senators could complete their speeches by 4 o'clock. So I think it the part of wisdom to postpone the vote, we will say, until some time to-morrow.

Mr. HEFLIN. I have stated to the Senator from Nebraska that the Senator from Kansas [Mr. CURTIS], who is sick, must leave the city to-day. He favors the resolution and would like to vote for it.

Mr. FLETCHER. I suggest to the Senator from Alabama that he ask for a vote on to-morrow.

Mr. HEFLIN. Mr. President, in view of the suggestion of the Senator from Florida and also the suggestion of the junior Senator from Nebraska [Mr. HOWELL], I ask unanimous consent that to-morrow afternoon, at half past 4 o'clock, we proceed without debate to vote upon the resolution and all amendments.

Mr. GEORGE. Mr. President, I dislike to object, but if we are considering a resolution which can not be amended, I am not disposed to cut off debate on it. We are occupying a peculiar position here to-day. The Senator from Alabama [Mr. HEFLIN] has repeatedly reminded us that we can not amend the resolution.

Mr. HEFLIN. No; Mr. President, the Senator from Alabama has stated that he was opposed to amending the resolution. I think a majority of the Senate is opposed to amending it, and the Members of the House of Representatives with whom I have talked hope that we may pass the resolution as it came over here. The farmers of the country have indorsed the resolution just as it passed the House. I have a letter here now from one of the leading officials of the Farm Bureau Federation, Mr. Gray, asking us to pass the resolution just as it came over from the House of Representatives. He feels as the officials of the Cooperative Marketing Association of the South feel that any amendment at this late day which will necessitate sending it to conference will delay its passage and may defeat the measure.

Mr. GEORGE. Mr. President, I understand that there is a resolution pending here which the Senate is not at liberty to amend.

Mr. CUMMINS. Mr. President, if the Senator from Georgia will allow me, I simply desire to remind the Senate that we already have a unanimous-consent agreement to go into executive session to-morrow at 3.30 o'clock for the disposition of a nomination that has been pending before the Senate for a long time. I would not want to see another unanimous-consent agreement entered into that would interfere with the one to which I refer.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Alabama that he ask for a vote on the resolution at 2.30 o'clock to-morrow afternoon.

Mr. HEFLIN. In view of the suggestion of the Senator from Iowa [Mr. CUMMINS] and of the minority leader, the Senator from Arkansas [Mr. ROBINSON], I will modify my request and ask that a vote be taken on the resolution and all amendments at 2.30 o'clock to-morrow afternoon.

Mr. GEORGE. Mr. President, I do not wish to be put in the attitude of making a captious objection. I think, probably, that the resolution should reach a vote to-morrow, but I am going to object to fixing an hour to-morrow to vote on the resolution.

Mr. HEFLIN. I have stated to the Senator from Georgia that my colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is sick, and I wish to have a time fixed for a vote on the resolution, so that I may notify him in time to come here and be present; but if the Senator from Georgia wishes to make his objection under the circumstances that I have stated he is, of course, at liberty to do so.

Mr. GEORGE. Mr. President, there are some Senators who are now present who are going to vote against this resolution as it stands, who have to leave the Senate this afternoon and can not be here to-morrow, I will say to the Senator from Alabama.

Mr. HEFLIN. Mr. President, are we going to be held up by Senators who are going off on a visit, it may be to try a lawsuit at home?

Mr. SMITH. But the Senator from Alabama is trying to get us to vote because some Senators are going away.

Mr. GEORGE. Mr. President, one Senator is going to leave this afternoon on account of serious illness in his family.

Mr. HEFLIN. And the Senator would have us hold this proposition up, when we have only 27 days remaining in which to agree upon a plan to give an opportunity to have cheap fertilizer for the farmers of Georgia and Alabama and all the other Southern States.

Mr. SMITH. Let me suggest to the Senator from Alabama that we postpone any action on the resolution until all Senators get well and can come in and vote on it.

Mr. HEFLIN. I think the Senator from South Carolina would like to postpone a vote on the resolution indefinitely.

Mr. SMITH. Undoubtedly I would.

Mr. GEORGE. I think that we can get a vote on the resolution at a very early time. There is no disposition to prolong the time when we can get a vote.

Mr. HEFLIN. The disposition to do that has already displayed itself, and it has carried the resolution along and prevented a vote on it for nearly four days.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. HARRIS. I think the Senate ought to consider the suggestion of the Senator from Alabama about not delaying a vote

with long speeches. He has been here for several years and has never delayed a vote by any speeches. I think, for that reason, we ought to listen to him.

Mr. HEFLIN. That is a very valuable and helpful suggestion, Mr. President, and I trust all Senators will grasp and hold it. [Laughter.]

Mr. McKELLAR. Does the Senator mean the sarcasm of the suggestion?

Mr. HEFLIN. Maybe. Mr. President, I will ask, Does the junior Senator from Georgia object to my request?

Mr. GEORGE. Yes, sir; I object to fixing a time to-morrow.

Mr. HEFLIN. Mr. President, then, I request unanimous consent that at 2 o'clock on Saturday we proceed to vote upon the resolution and all amendments thereto without further debate.

The VICE PRESIDENT. Is there objection?

Mr. GEORGE. Mr. President, if the Senator will allow the matter to go over the Sabbath, during which time we will have opportunity to meditate on this resolution which he does not want amended or changed or altered, and ask that an hour be fixed on Monday, I shall not make any objection.

Mr. HEFLIN. Mr. President, I have told the Senator from Georgia that the committee to be appointed under the resolution has got to go out and get bids if any are to be made and report them back by the 1st of April. Does the Senator want to see that committee tied up so that it will not have sufficient time in which to try to lease this Government property to some private individual?

Mr. GEORGE. Mr. President, I am very willing to vote for an amendment to the resolution to extend the time in which the committee shall receive bids; but I understand the Senator from Alabama takes the position that the resolution ought not to be amended.

Mr. HEFLIN. I do; that is my position. Have I not a right to take that position? Have I not a right to favor the resolution just as it came from the House? Have not the majority of Senators that right, and have not the farmers who have written to us and asked us to vote for the resolution just as it passed the House got a right to be heard? Mr. President, I am suggesting a time when amendments may be voted on, but the Senator will not let us take them up to be voted on. He will have a chance to vote on them when we fix the time which I have suggested, and then if the resolution shall be amended of course it will have to go back to the other House and we may never hear from it again at this session.

Mr. ROBINSON of Arkansas. Mr. President, I think the request of the Senator from Alabama is a reasonable one. As I understand, he is not making an effort to restrict liberal discussion of the resolution. He is merely, for the convenience of his colleague who is sick and who desires to vote on the resolution, trying to arrange a time for a vote.

It is the custom of the Senate to make such arrangements as that suggested by the Senator from Alabama. In nearly every instance where sharp conflicts of opinion arise touching measures proposed we discuss them for a time and then reach a decision and effect an arrangement for voting. If there was anything here to indicate that his proposal for a vote day after to-morrow would unfairly limit the debate or would prevent any Senator from enjoying the privilege of expressing himself touching the pending resolution or any amendment, I would not be inclined to join in his request; but it does seem to me that his proposal is a reasonable one, and I hope that Senators will be kind enough to give it friendly consideration. I hope the Senator from Georgia, unless there is some reason in his mind which makes it imperative for him to pursue a contrary course, will consent to an arrangement by which a vote may be reached this week.

Mr. GEORGE. Mr. President, I have no disposition to delay a vote beyond this week, and really I think the debate will have exhausted itself, perhaps, some time to-morrow, so far as that goes.

Mr. HEFLIN. But the point is, perhaps, I will not be able to notify my colleague in time to get here unless some hour is fixed. He lives 15 miles out in the country.

Mr. GEORGE. If the Senator will pardon me, the Senator from Tennessee [Mr. McKELLAR], who is, of course, interested in this matter and very much interested in it, has a notice calling him away from the city on account of serious illness in his family, and he can not return by Saturday.

Mr. HEFLIN. The Senator from Kansas [Mr. CURTIS] will, perhaps, not be able to return in time if we do not agree to vote to-day, and the Senator from Georgia has already objected to that.

Mr. ROBINSON of Arkansas. Mr. President, in all probability the Senator from Tennessee, if he goes to his home in that State, will be unable to return within a week or 10 days. I do not know what his plans may be.

Mr. McKELLAR. I hope I shall be able to be back on Monday, but I am not going to ask for a continuance of the resolution.

Mr. ROBINSON of Arkansas. So far as that is concerned, Senators, fairly and frankly, it is not right, it seems to me, to make this vote depend upon the convenience of any one Senator.

Mr. McKELLAR. I am not asking that, and I am not objecting.

Mr. ROBINSON of Arkansas. I know the Senator from Tennessee is not, but to-morrow I myself might find occasion to leave; the Senator from South Carolina [Mr. SMITH] might be going away the next day, and other Senators on subsequent days, so that no vote would ever be arranged for. I think that debate having almost been exhausted we ought to serve the convenience of Senators, if we can, and arrange a vote.

Mr. SMITH. Mr. President, allow me to suggest that we make no definite arrangement to-day. I think perhaps we will get a pretty clear idea as to what will be the extent of the debate after to-day, and we could take this matter up to-morrow. I do not think that at present anyone is fully apprized as to who wants to speak on the resolution. I have not heard the slightest disposition on the part of anyone to filibuster against this measure; but Senators desire to express their opinion on the floor of the Senate as to what is to be our attitude toward a great public project. The whole issue of our relations to it is involved.

Mr. ROBINSON of Arkansas. I do not think there is any evidence of a filibuster, and I agree with the Senator that there is nothing to justify a procedure here on the theory that there is a filibuster.

Mr. SMITH. No; I do not think there is. Therefore, Mr. President, I suggest to my friend from Alabama that he let this matter of fixing an hour for a vote go over until to-morrow, at which time we can, perhaps, get a clear idea as to just who wants to speak, and then we may have a more definite understanding.

Mr. FESS. Mr. President, will the Senator yield to a question?

Mr. SMITH. Yes.

Mr. FESS. Would there be any objection to limiting the debate after 4 o'clock to-day to, say, 15 minutes?

Mr. SMITH. Oh, yes; Mr. President. I shall not throw any obstruction at the proper time in the way of fixing an hour certain for a vote, but in a question involving such great principles and policies as this I am not going to give my consent to restricting debate to any length of time. I will join with the others at the proper time to fix an hour when debate shall cease; but this is a matter of too much importance to have debate restricted as the Senator from Ohio suggests.

Mr. HEFLIN. Mr. President, in view of the suggestion of the Senator from South Carolina that other Senators may want to speak, I am going to ask that on Monday next at 2.30 o'clock we proceed to vote upon the resolution and amendments thereto without further debate. That will give to all Senators who want to speak ample time in which to again discuss every phase of this whole question.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I sincerely hope we will reach a vote on this matter before that time. I believe that if it is left without any agreement we will. I had hoped that we would vote to-day; and I think fixing the time next Monday would simply prolong the debate much more than if the ordinary course is pursued.

Mr. HEFLIN. I have suggested an hour for every day this week for a vote.

Mr. NORRIS. I am aware of that; but the Senator knows that there is always serious objection to saying that at a certain moment debate shall cease. I like the suggestion of the Senator from Ohio [Mr. FESS]. I think the Senator from South Carolina is wrong when he says that on account of the importance of the matter he will agree to a definite time when there shall be no further debate and still will not agree to a limitation of speeches. We know that when that is done in the Senate, nine times out of ten it is unsatisfactory to everybody when the debate is over, because some amendment is offered, and nobody dares say a word in explanation of it or in opposition to it, and Senators have to vote more or less blindly.

Mr. SMITH. Let me correct the Senator. The expression I used was unfortunate. What I meant to say was that when those who desired to debate this question shall have had an

opportunity to do so in good faith, I shall not be averse to fixing an hour certain. I agree with the Senator that the debate may end and without any agreement we may reach a vote, as we ought to reach a vote.

Mr. NORRIS. I think that is what we ought to do, and I think that is what we will do if no request is made.

Mr. SMITH. I think so myself.

Mr. NORRIS. The Senator from Alabama referred to the Senator from Nebraska once as talking for a couple of hours. I do not know whether he meant myself or my colleague [Mr. HOWELL]; but, since I have taken some part in discussing this question, perhaps he referred to me.

I have no disposition to debate the matter. I had intended to go into it in great detail, but it is a physical impossibility for me to do so, and I am not going to ask the Senate to delay a vote on that account. There would be no likelihood of changing any votes here, but there would be some satisfaction in making a record which I feel that I am prepared and qualified to make; but I am not going to try to do it. Even if a vote were delayed until Monday, I doubt very much whether I could do it; so there is not any disposition on my part to take up any of the time. So far as I am personally concerned, I am willing that the roll shall be called now on the passage of this concurrent resolution; and yet I may, before it is through, take a few minutes to discuss it. I would not, however, shut off debate from anybody who wants to debate either side of the question.

There has not been any debate on either side but that has been in the best of faith. Senators are in earnest. They mean what they say, and they ought to be allowed to debate the matter, notwithstanding there is a limit of the 1st of April when it must be reported back. We can not, however, permit the House of Representatives to limit debate in the Senate by saying in a concurrent resolution, "You get that back here in three days in order that we may have time to have deliberation on the part of the committee that is to be appointed." It would not be a great misfortune if that time were extended. I do not see any disposition, however, to extend it.

So far as I know, with only one exception, there is not anybody here who contemplates making any extended remarks on this matter. If there is such a Senator, I want him to have the privilege of doing so; I do not care which side he is on.

I think the Senator from Alabama, the present leader, makes a mistake in trying to fix this vote for Monday. I am satisfied that we will reach a vote before that time. I will do everything I can, outside of trying to prevent anybody from having a fair hearing, to expedite it. I will say to the Senator further that while we all regret that the Senator from Kansas [Mr. CURTIS] is compelled to leave this afternoon, he would not be here at any of the times the Senator has suggested, so that it would not help him any to fix one of those times for a vote. Furthermore, as far as the leadership of the Senate is concerned, that is now in the hands of the Senator from Alabama, the representative of the President; and the Senator from Kansas can leave now better than at any other time I have ever known, because his leadership is taken away from him at the present time. He is temporarily out of command, and he can have a little recruiting of his health all by himself, which will do him good, and will not injure the Senate at all.

As far as the Senator's colleague [Mr. UNDERWOOD] is concerned, I want to say to the Senator that if his colleague does not already have a pair by which he can be protected, I will volunteer to pair with him. I will vote opposite to him, I presume, on every vote that is taken; and if the Senator's colleague is sick and not able to be here, I will volunteer now to pair with him on every vote. I may be absent myself.

Mr. HEFLIN. Mr. President, in view of what the Senator from Nebraska has said, and in further view of what the Senator from South Carolina suggests—that the matter rock along until to-morrow, and he thinks perhaps we can get a better line on it then—I will permit the matter to go over. Several Senators have come to me since I have been standing here, and have said that they think we will get a vote some time to-morrow, and I am hoping and praying that we may. I am going to let the matter go over until to-morrow, as my friend from South Carolina has suggested. I am hoping at that time we may be able to agree upon a time for an early vote.

Mr. NORRIS. I am glad the Senator is going to do that, because we have lost only 35 minutes now by this procedure.

Mr. McKELLAR. Mr. President——

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. COPELAND. With the indulgence of the Senator from Tennessee, I desire to refer to an article in last night's Evening Star, an Associated Press dispatch. The headlines are:

SUPERPOWER PROJECT DUE IN EASTERN UNITED STATES WITHIN YEAR—ELECTRIC COMPANIES PLANNING CONNECTIONS FROM CANADA TO GULF TO INTERCHANGE—CURRENT EXPERT PREDICTS MILLIONS OF DOLLARS

ATLANTA, GA., March 3.—The Atlanta Journal, in a copyrighted story from New York, to-day said that within the year electric-power companies in this country will have established physical connection of their transmission lines to an extent that will make possible the interchange of power from one system to another throughout the eastern half of the United States.

Mr. President, without further reading, I ask to have the remainder of the article included in the RECORD.

The VICE PRESIDENT. Without objection, leave will be granted.

The matter referred to is as follows:

"When these connections are complete," the story said, "it will be possible for power-generating stations on the Canadian border to come to the aid of power-generating stations on the Gulf of Mexico, and vice versa. Thus the surplus power in Minnesota can be utilized to meet a shortage in Pensacola, Fla., and the surplus power in Danville, Va., can fill a shortage in South Bend, Ind."

ADVANTAGES ARE OUTLINED

The Journal interviewed Sidney Z. Mitchell, president of the Electric Bond & Share Co. in New York, and obtained plans of this great country-wide distribution of electric power. Mr. Mitchell outlined the results to follow when these plans have been finally put into effect.

He said that the following advantages already have resulted from the linking up of power companies:

Elimination of power shortages, a reliable and continuous supply of power to American industries, reduction of expensive spare power units from 50 per cent idle power to 10 per cent, with a consequent saving of millions of dollars which would otherwise be necessary to equip and maintain the spare units; joint and related use of the hydroelectric plants on rivers and streams with existing coal-generating plants and the generating plants in the natural-gas fields, conservation of the use of rainfall so that water power may make a larger contribution to the general good.

PROCESS OF DISTRIBUTION

While Minnesota would be connected with Georgia through high-power transmission lines, the power generated in that State would not actually find its way into Georgia. The way it would work was illustrated as follows:

Minnesota would transmit power to one end of the adjoining transmission line, and this second company, which borrowed from Minnesota, would pass on at the other end of its own system an amount of power equal to that it had taken from Minnesota. This process of borrowing and passing on would be continued in steps of not more than 250 miles each until the power is delivered where it is needed.

It was pointed out that where any connection had been made between the transmission lines of various companies surplus power capacity is passed on from one line to another, just as surplus railroad cars are borrowed by one railroad from another.

The Journal said that the few remaining gaps, which will probably be closed this year, will mean "connected transmission lines will run all the way from Louisiana and Florida to within a few miles of the Canadian border. And plans under way call for interconnections that will extend the projected system of interconnection to practically all Southern States, to many Middle Western States, and to several Western States.

"The connected system will then traverse the eastern half of the country in this wise: From the Canadian boundary to St. Cloud, Minn.; from St. Louis to Viroqua, Wis.; from Viroqua to Apple River, Ill.; from Apple River to Crystal Lake, Ill.; from Crystal Lake to Blue Island, Ill.; from Blue Island to Michigan City, Ind.; from Michigan City to South Bend, Ind.; from South Bend to Lima, Ohio; from Lima to Glen Lyn, Va.; from Glen Lyn to Roanoke, Va.; from Roanoke to Danville, Va.; from Danville to Roxboro, N. C., and to Durham, N. C.; from Durham to Tallulah Falls, Ga.; from Tallulah Falls to the Alabama State line; from the Alabama State line to Pensacola, Fla.; also from the east Alabama State line through Selma, Ala., to Jackson, Miss., and from Jackson to Monroe, La.

"Some of the principal power companies whose lines are connected to make this country-wide system are the Minnesota Power & Light Co., St. Cloud Public Service Co., Northern State Power Co., Wisconsin-Minnesota Power & Light Co., Janesville Electric Co., Southern Wisconsin Electric Co., Wisconsin Railway, Light & Power Co., Public Service Co. of Northern Illinois Power & Light Corporation, Northern Indiana Gas & Electric Co., Indiana & Michigan Electric Co., Indiana General Service Co., Ohio Power Co., the Ohio Service Co., West Virginia Water & Electric Co., Appalachian Power Co., Roanoke Electric & Railway Co., Carolina Light & Power Co., Southern Power Co., Georgia Railway & Power Co., Alabama Power Co., Mississippi Power & Light Co., and Louisiana Power & Light Co."

VARIOUS PLANTS CONNECTED

The story pointed out that this plan would connect the hydroelectric plants, the large steam generating plants in and near the coal fields, and the great steam-generating plants in the natural gas fields of Louisiana, where the natural gas fuel supply flows at high pressure from the earth beneath the boilers.

Reference was made to the fact that 72 per cent of the country's water power, developed and undeveloped, is west of the Mississippi River, principally in the Rocky Mountain region, while 79 per cent of the country's industries are to the east of the Mississippi River. Declaring that the water power, developed and undeveloped, in the South can be easily delivered where it can be advantageously used by industry, the story said that "with its adequate power supply the South is certain, and at no distant day, to become a great industrial section."

One of Mr. Mitchell's associates pointed out that for every dollar of revenue which an electric company receives it must in concentrated steam electric developments first make an investment of at least $4, and in the case of hydroelectric development sometimes as much as $7. He asserted also that demands on electric companies for service has more than doubled every five years.

LONG ACTIVE IN FIELD

Mr. Mitchell organized the Electric Bond & Share Co. 20 years ago to handle securities of public utilities, principally electric companies. Mr. Mitchell told the Journal that, although the Electric Bond & Share Co. supervises the operations of groups of electric companies in 32 States, it is not a holding company and does not control a single one of them.

Mr. Mitchell is also a director of the Southeastern Power & Light Co. and of numerous other public utilities, as well as a number of other corporations.

Mr. COPELAND. Further, Mr. President, in the New York World of Tuesday, March 2, there is a very interesting editorial headed:

The Senate on trial. Granted that Muscle Shoals is an old issue—

And so forth. I shall be glad also to have that printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The editorial is as follows:

[From the New York World, March 2, 1926]

THE SENATE ON TRIAL

Granted that Muscle Shoals is an old issue, and granted that public opinion is both confused about it and weary of hearing it discussed; even so, is it quite safe for the Senate, at the end of four years of debate, to choose the worst solution for the problem of Muscle Shoals which has yet been offered it? That is what the administration proposes, backing House Resolution No. 4.

House Resolution No. 4 has been rushed through the House of Representatives. It has been rushed through the Agricultural Committee of the Senate. Administration leaders have now ordered that it be made the unfinished business of the Senate, not to be set aside till it is passed. What they propose, with the resolution, is that a committee be authorized to conduct negotiations for a 50-year lease of the Government's whole property at Muscle Shoals "upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in House bill 518."

And House bill 518? House bill 518 was the famous bill of 1924 in which the House of Representatives proposed to turn over Muscle Shoals to Henry Ford upon terms which would net the public less than 6 cents on its invested dollar, terms which would flagrantly violate every essential provision of the Federal power act, and terms whose interest rates were computed by the Norris committee in the Senate as equivalent to a cash gift to Mr. Ford of $236,250,000, with the affectionate admiration of a listless and bewildered public. House bill 518 was ultimately knocked into a cocked hat. Now it is proposed that Muscle Shoals be leased on terms which, "so far as possible," provide benefits equivalent to the benefits of this discredited and discarded bill of 1924. It is small comfort to observe that the committee which is to do the negotiating must report back to Congress. Why should Congress commit itself in advance to acceptance of a lease whose public benefits are zero? Surely a wiser course is for Congress to set minimum terms which really do protect the public interest, instruct its negotiators to take nothing less, and announce that it is ready to fall back on public operation of Muscle Shoals if no satisfactory offer is forthcoming.

Has the moment passed when on any question relating to Muscle Shoals the Senate is incapable of exercising ordinary common sense? We shall shortly have an answer. But it may be noted that the trouble with Muscle Shoals as a field for the display of common sense is this: Any old proposal which proposes "to do something quick" is likely to have behind it the support not only of administration Senators who toe the line from force of habit but of a number of southern Democrats who are committed to the notion that somehow Muscle Shoals will do something miraculous for the southern farmer.

In these circumstances House Resolution No. 4 may be rushed through the Senate. The Senate in that case will accept responsibility for a measure which is as unnecessary as it is unwise—a slipshod, careless piece of legislation which flouts public trust and common sense.

Mr. McKELLAR. Mr. President, it seems to me that the argument we have heard this morning about the short time between now and April 1, when this committee is to report, has not a great deal of force in it, for this reason: So far as I have been able to understand from the record of the hearings, there is only one bidder for this property, and there probably will be but one bid put in. That bid will be put in by the Union Carbide Co. of New York. It may already be in; and it is very interesting to note that this company that has put in a bid for the power at Muscle Shoals says that the Cove Creek Dam site in Tennessee, which is the largest one of the Tennessee River dam sites and the most valuable one, of course, should go along with it. I do not believe the engineer of the Union Carbide Co. wants the Congress to give permission at this time for that, but they have already made an application for it, and they assume that they will get it from the Federal Water Power Commission; and when that Cove Creek Dam is added to Muscle Shoals, the Union Carbide Co. owning or controlling both plants, both of them will be of greater value—the Muscle Shoals plant because the primary power will be tremendously increased by the building of the Cove Creek Dam on the upper Tennessee.

Mr. President, as there probably will be but one bid, it seems to me that evidently the other companies that have been interested in the matter, like the Alabama Power Co. and the American Cyanamid Co., have about concluded to pool their interests. I hope they have not; but there is no suggestion up to this date that they have not pooled their interests, and that there will be more than one bid. That bid doubtless will be along the lines of the Underwood bill of last year, by which, for some sixteen or eighteen hundred thousand dollars a year for 50 years, this company and its allies and associates will obtain this power, and the American people, and especially those in proximity to the shoals, will not benefit to the extent of a single, solitary cent by reason of the Government's building this great project.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from West Virginia?

Mr. McKELLAR. I yield.

Mr. NEELY. Does the Senator know to what extent the farmers will benefit by the leasing of this plant?

Mr. McKELLAR. Mr. President, if this plant goes into private hands the farmers of the United States will not benefit to the extent of a single, solitary cent by reason of the Government's having built the plant and developed this power. I will elaborate on that just a little later, because I am going to discuss this question in so far as it relates to the farmers of the United States and to their fertilizer situation.

Mr. NEELY. Will the Senate permit another interruption?

Mr. McKELLAR. Certainly.

Mr. NEELY. The Senator has stated the probable amount of rental that will be paid by the lessee to the Government for the privilege of using the plant for 50 years.

Mr. McKELLAR. Yes.

Mr. NEELY. Can the Senator tell us about what percentage that amount will represent on the Government's investment of $150,000,000 at Muscle Shoals?

Mr. McKELLAR. The way they arrive at $1,800,000—I am just using round figures—is that it is 4 per cent on the $45,000,000 that was expended by the Government on the Wilson Dam since the war. They take all the other $81,000,000 of property that has been accumulated there prior to that time for nothing under the Underwood bill, H. R. 518, which is adopted in this concurrent resolution. I want to take up that matter later; but right now, while our attention is called to it, let me say that the Underwood proposal, H. R. 518, is that the lessee shall pay 4 per cent on the money actually expended since the war, since Henry Ford revitalized it in 1920, which is about $45,000,000; and all the other $100,000,000 that was spent by the Government before that time, with all the property that goes along with it—something like 3,000 acres of land, as I recall the number of acres, right in the heart of Sheffield, with innumerable houses on it, all of which I will call to the attention of the Senate, with the great steam plant that cost many millions of dollars—all those go in for nothing

under House bill 518. I shall be more specific and more accurate about what the lessee is going to get under that proposal in a short time, and I shall get to it in a few moments; but I want to show at this time that the consideration proposed in House bill 518, which the pending concurrent resolution indorses and adopts, is wholly inadequate as a consideration for this great plant.

I want to speak first about the nature of the company, which apparently has assumed the leadership among the monopolists and is going to get this property. I want for just a moment to read from the testimony of the chief agent of this company, Mr. Davis, the chief engineer:

The CHAIRMAN. You say you are in favor of this House resolution?
Mr. DAVIS. Yes, sir.
The CHAIRMAN. Do you think it ought to be amended in any way?
Mr. DAVIS. I see no reason for amendment.

In another place he said they were going to bid on it. The Union Carbide Co. is the only prospective bidder there is.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. I say, so far as the record shows.

Mr. HEFLIN. No; Mr. Hooker stated before the committee that he expected to bid.

Mr. McKELLAR. I do not recall the testimony; that is all I can say about it. Apparently the only bid will be that of the Union Carbide Co.

Now I want to tell the Senate something about the Union Carbide Co. That company, a dominant corporation in America with assets approximating $250,000,000, engaged in the production of numerous chemical, electrochemical, and related products, has heretofore been a bidder for the Muscle Shoals properties. Its representative, Mr. L. H. Davis, its consulting engineer, testified before the Senate Agriculture Committee on January 18, 1926 (pp. 111 and 114, Senate hearings, S. J. Res. 35), that the Union Carbide Co. intends to submit a bid under the terms of Concurrent Resolution No. 4. The Union Carbide Co. is also an applicant, before the Federal Water Power Commission, for permission to construct four large water-power developments on the upper tributaries of the Tennessee River, including the proposed Cove Creek storage dam on the Clinch River, approximately 400 miles, as the water travels, from Muscle Shoals. Mr. Davis advocated that whoever should lease Muscle Shoals should also control and operate the Cove Creek storage dam. He stated in his opinion that the Cove Creek storage dam would increase the primary power output at Muscle Shoals from approximately 100,000 horsepower to substantially 200,000 horsepower (p. 113, Senate hearings).

The East Tennessee Development Co. also is an applicant before the Federal Water Power Commission for permission to construct the Cove Creek storage dam, together with a number of other water-power projects on the Tennessee River and certain tributaries, all above Muscle Shoals, for the development of power for general distribution as a public-utility company. Mr. Davis (p. 115, Senate hearings) put into the record copy of a protest submitted to the granting of any permit or license for the construction of the Cove Creek storage dam, because the Union Carbide Co. is interested in a lease of the power and nitrate plants at Muscle Shoals and contemplates making a further proposal. He insisted that the storage reservoir at Cove Creek and other dams above Muscle Shoals should be so constructed and operated as to supplement and complete the Muscle Shoals power project and that both Muscle Shoals and Cove Creek should be operated by the same concern, namely, the Union Carbide Co.

I digress here long enough to say it is a very small concern! It has assets of only $250,000,000, and naturally no exception can be taken to its financial ability. He questioned the wisdom of granting any permit or license for these projects until the leasing or disposition of Muscle Shoals is settled. He asserted (p. 121, Senate hearings) that any bidder could make a better bid for Muscle Shoals if Cove Creek were included.

On February 2 Mr. Davis again appeared before the Agriculture Committee (hearings, H. Con. Res. No. 4, pt. 1). He further discussed the purpose and reasons for the protest to officers of the Federal Power Commission to the granting of a permit to a public-utility power-distributing company and again emphasized the importance of operating Muscle Shoals in connection with the Cove Creek storage dam, when the chairman [Mr. NORRIS] inquired about his attitude toward House Resolution No. 4, as follows:

The CHAIRMAN. You say you are in favor of this House resolution?
Mr. DAVIS. Yes, sir.
The CHAIRMAN. Do you think it ought to be amended in any way?
Mr. DAVIS. I see no reason for amendment.
The CHAIRMAN. I understood your testimony the other day that you thought that whoever got Muscle Shoals ought to get this other also?
Mr. DAVIS. Yes, Senator.
The CHAIRMAN. Well, do you think that ought to be in the same bid?
Mr. DAVIS. There is no reason why it should not be in the same bid.
The CHAIRMAN. This resolution would not put it in the same bid, if it was passed.
Mr. DAVIS. Not necessarily, but it would permit it, would it not?
The CHAIRMAN. Well, the Power Commission could do as they pleased about it. They would not necessarily have to do that unless they are directed to do it by Congress.
Mr. DAVIS. I think, Senator, that the Clinch River storage dam and the Muscle Shoals project should go together.
The CHAIRMAN. Then you do not want this resolution, if that is what you are standing for, as it stands now at least, because it does not include them both. I thought the basis of your entire testimony was that the corporation that got Muscle Shoals ought to have this other also, because they would work in conjunction, and that was the way to get the maximum amount of electricity at a minimum cost?
Mr. DAVIS. That is true.
The CHAIRMAN. This resolution does not provide for that at all.
Mr. DAVIS. The resolution, as far as I understood it, was merely to provide a proper board of authority with which the prospective lessees might engage for the lease of the property.
The CHAIRMAN. All right.
Mr. DAVIS. That is the point that I favor with respect to the resolution. (H. Con. Res. No. 4, hearings, pt. 1, p. 61.)

With regard to the obligation that the Union Carbide Co. would assume toward the distribution to the public of power in response to questions by Senator RANSDELL, Mr. Davis said that in his opinion the secondary power should be distributed, and that in his opinion possibly one-third of the power should go into distribution, clearly indicating that the purpose is to utilize the most valuable part of the power for private operation. The following is taken from pages 62 and 63 of the hearings:

Senator RANSDELL. Under the terms of this resolution, No. 4, it says here that the lease is to provide for power purposes and to serve the national defense, agriculture, and industrial purposes. Suppose your company would lease this plant, would you contemplate spreading that power around generally for industrial purposes in the various States, or would you use it in your own business?

Mr. DAVIS. We would do both. We would use some of it industrially where it could be cheaply used, and the balance would be distributed around.

Senator RANSDELL. Who would determine, as you view the situation, how much would be generally sold to communities, corporations, and municipalities, and how much you would use in your own business?

Mr. DAVIS. That would be determined entirely by the demand, Senator.

Senator RANSDELL. But you would be the judge of that, I assume? Your company would be the judge?

Mr. DAVIS. If there is any authority that has jurisdiction, I have no objection at all to their exercising that jurisdiction.

Senator RANSDELL. There is nothing in the resolution whatsoever which indicates that it would be used throughout a certain territory, but it just says: "For industrial purposes." Mr. Ford was going to use it for industrial purposes.

Mr. DAVIS. Does it not say "distribution" also?

Senator RANSDELL. It says, "Power for industrial purposes," but not for general distribution. My purpose in calling the attention of the committee to that is that I have a score of telegrams from my people which read somewhat like this; this is from Monroe, La.:

"Re Muscle Shoals. Use full influence to secure for Louisiana share in power developments. Will be essential in 20 years. Only eventual substitute for gas."

They are making electricity from gas in the vicinity of Monroe, La., but Louisiana is a flat State. We have no water power at all. The people down there are anticipating that the gas is going to give out after a while and they want Muscle Shoals so arranged that they can get some of that electricity themselves.

Senator HEFLIN. Has not the power commission authority now to require that that power be transmitted across the line if it is necessary to serve the people in other States?

Mr. DAVIS. I am not competent to answer that, Senator HEFLIN. May I answer further your question, Senator RANSDELL?

Senator RANSDELL. I would be glad if you would.

Mr. DAVIS. There is a certain amount of power there which could not advantageously be used for industries in the immediate vicinity. That is the so-called secondary or surplus power. That is the kind of power which will inevitably be connected to distributing and transmission systems, and will be used for public utility purposes.

Senator RANSDELL. The secondary or surplus power?

Mr. DAVIS. Yes, sir.

Senator RANSDELL. But the primary power you would want to use in your own industry?

Mr. DAVIS. No; not all of it. There is a considerable portion of that primary power that could be used for fertilizer purposes. A certain other proportion would doubtless be used for electrochemical and other industries that can advantageously use the plants themselves and keep them going. There will be a very large amount beyond all those, both primary power and secondary power, which will be available for distribution and for which, in order to secure a satisfactory market, must go into general distribution. I do not think there is any doubt but that one-third of all of the power would go into general distribution.

Senator RANSDELL. Can the secondary power be used satisfactorily for general distribution to the municipalities and manufacturing establishments?

Mr. DAVIS. Yes, sir.

Senator RANSDELL. I thought they would have to have a continuous supply?

Mr. DAVIS. They will; but all of that secondary power at some place or other will have auxiliary power. There will also be other sections, such as at the Cherokee Bluffs development of the Alabama Power Co. and the Cove Creek Dam on the Clinch River, auxiliary power, during the low-water months will be available from those hydroelectric plants, and those two put together will make continuous power. Also steam power in connection with that will make continuous power.

The above colloquy indicates very clearly that the plan is to distribute secondary power, which is useful only to the extent that it is made primary power through outside sources, such as steam power plants and storage dams in Alabama and in Tennessee belonging to private interests. Thus the public would have access to the use only of that power which is called dump or secondary power and which could not be used in the private operations of the Carbide Co. or any other private lessee of the entire Muscle Shoals properties.

The language of House Concurrent Resolution No. 4 fits into the scheme of the Union Carbide Co., and unamended will make possible the negotiation of one contract that will deny the use of surplus power to the public, including Mississippi and west Tennessee and other sections of the South, even to private industry located in the immediate territory.

In this connection it is important to know something of the Union Carbide Co. and why it is interested in making an application for Muscle Shoals in order to secure this tremendous amount of power for its own use.

If it or some other great industrial concern were to negotiate a bid with the joint committee proposed under Resolution No. 4, and that bid were accepted by Congress, it would, of course, agree, as an inducement for its acceptance, to produce a certain amount of fertilizer to be sold at a limited profit.

Here I want to call the attention of the Senate to the fact that the amount of fertilizer is limited under this resolution, at the option of the company, for only six years.

This is where the Union Carbide Co. comes in, and this is where the interest of the farmers comes in. The farmers of this country are expecting some good from the operation of this great project. What can they expect? They can expect experiments upon the part of the American Cyanamid Co.; and I want to show the peculiar interest of the American Cyanamid Co. They own all of the processes down at Muscle Shoals, which will pass to the Union Carbide Co., all of the processes and patents under which nitrogen is obtained. If the Carbide Co. gets this, the American Cyanamid Co., the representative of the fertilizer interests of this country, will experiment for six years and then stop, and the farmers will get no possible benefit out of the proposed development.

I go a step further about this Carbide Co., to show what it is and what it manufactures.

UNION CARBIDE & CARBON CORPORATION

This corporation occupies a unique place in industry. It is a holding company with 22 principle subsidiary companies. The business of these subsidiaries falls into the following general classifications:

1. The manufacture and sale of calcium carbide for the production of acetylene gas.

2. Production and sale of acetylene gas in containers for use in welding and cutting and for lighting and cooking.

3. The manufacture and sale of oxygen. Oxygen and acetylene supply the materials for the oxy-acetylene flame widely used in industry for cutting and welding.

4. The manufacture and sale of equipment and apparatus for generating and utilizing acetylene and oxygen.

5. The manufacture of certain chemical solvents and intermediates used in the manufacturing processes of the corporation and in the refrigerating and other industries.

6. The manufacture and sale of ferro-alloys for use in the production of special steels.

7. The manufacture of carbon electrodes, brushes, and other carbon specialties.

8. The manufacture and sale of storage, radio, and dry batteries.

The company thus serves several distinct and not too closely allied industries and several of its products and processes are patented and are trade-marked ones and to that extent are noncompetitive.

Among such products are the patented alloy stellite, the dissolved gas Prest-O-Lite, and stabilized gasoline.

The corporation in 1924 had 98 separate plants and factories located in the United States, Canada, and Norway, and maintained 91 district and sales offices.

A list of the plants and factories of its subsidiaries is as follows, and this is the institution that is going to help the farmer get cheaper fertilizer under this resolution:

Union Carbide Co., Sault Ste. Marie, Mich., and Niagara Falls, N. Y.

Union Carbide Co. of Canada (Ltd.), Welland, Ontario.

Electro Metallurgical Co., Niagara Falls, N. Y.; Holcomb Rock, Va.; and Glen Ferris, W. Va.

Electro Metallurgical Co. of Canada (Ltd.), Welland, Ontario.

Electric Furnace Products Co. (Ltd.), Sauda, Norway.

Michigan Northern Power Co., Sault Ste. Marie, Mich.

Haynes Stellite Co., Kokomo, Ind.

Carbide & Carbon Chemicals Corporation, Niagara Falls, N. Y.; Clendenin, W. Va.; and South Charleston, W. Va.

Oxweld Acetylene Co., Chicago, Ill., and Newark, N. J.

The Linde Air Products Co., Birmingham, Ala.; Denver, Colo.; Atlanta, Ga.; Savannah, Ga.; Chicago, Ill.; East Chicago, Ind.; Indianapolis, Ind.; New Orleans, La.; Baltimore, Md.; Boston, Mass.; Worcester, Mass.; Detroit, Mich.; Minneapolis, Minn.; North Kansas City, Mo.; St. Louis, Mo.; Omaha, Nebr.; Elizabeth, N. J.; Brooklyn, N. Y.; Buffalo, N. Y.; Utica, N. Y.; Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Youngstown, Ohio; Tulsa, Okla.; Norristown, Pa.; Philadelphia, Pa.; Pittsburgh, Pa.; Trafford, Pa.; Norfolk, Va.; and Milwaukee, Wis.

The Linde Air Products Co. of Texas, Dallas, Tex.

Linde Air Products Co. (Pacific coast), Los Angeles, Calif.; Oakland, Calif.; Salt Lake City, Utah; and Seattle, Wash.

Dominion Oxygen Co. (Ltd.), Toronto, Ontario, and Montreal, Province of Quebec.

The Prest-O-Lite Co. (Inc.), dissolved acetylene, Los Angeles, Calif.; South San Francisco, Calif.; Denver, Colo.; Atlanta, Ga.; Hammond, Ind.; Indianapolis, Ind.; Davenport, Iowa; Des Moines, Iowa; New Orleans, La.; Baltimore, Md.; Elkton, Md.; Cambridge, Mass.; Indian Orchard, Mass.; Detroit, Mich.; Duluth, Minn.; St. Louis Park (near Minneapolis), Minn.; North Kansas City, Mo.; St. Louis, Mo.; Omaha, Nebr.; Newark, N. J.; Buffalo, N. Y.; Cincinnati, Ohio; Cleveland, Ohio; Tulsa, Okla.; Pittsburgh, Pa.; Dallas, Tex.; Richmond, Va.; Seattle, Wash.; and Milwaukee, Wis.

The Prest-O-Lite Co. (Inc.), storage batteries, San Francisco, Calif.; and Indianapolis, Ind.

Prest-O-Lite Co. of Canada (Ltd.), dissolved acetylene, Winnipeg, Manitoba; Merritton, Ontario; and Shawinigan Falls, Province of Quebec.

Prest-O-Lite Co. of Canada (Ltd.), storage batteries, Toronto, Ontario.

National Carbon Co. (Inc.), San Francisco, Calif.; Chicago, Ill.; East St. Louis, Ill.; Jersey City, N. J.; Long Island City, N. Y.; New York, N. Y.; Niagara Falls, N. Y.; Cleveland, Ohio (two plants); Fostoria, Ohio; Fremont, Ohio; Pittsburgh, Pa.; and Clarksburg, W. Va.

Canadian National Carbon Co. (Ltd.), Toronto, Ontario.

Union Carbide & Carbon Research Laboratories (Inc.), Long Island City, N. Y.

The company's capitalization consists of 2,649,733 shares of no-par-value stock, the current market price of which is $82 a share, giving a market valuation to the stock of the company of $218,000,000. The corporation has no funded debt of its own and no preferred stock, but its subsidiaries have outstanding $9,789,700.62 of funded debt and $6,471,000 of preferred stock. A summary of the consolidated balance sheet and earning statement of the corporation as of December 31, 1924, being the latest available, is as follows:

Union Carbide & Carbon Corporation and subsidiary companies—summary of consolidated balance sheet as of December 31, 1924

ASSETS

Cash items	$27,410,481.78
Raw materials	29,827,463.24
Cylinders for shipment of compressed gas	22,785,559.53
Land, buildings, machinery, equipment	116,429,810.06
Power leaseholds, undeveloped water power, trademarks, etc	36,055,672.49

Real-estate leaseholds	$505,284.80
Investments	2,484,736.78
Deferred charges	1,076,279.54
Total	236,582,297.22

LIABILITIES

Current liabilities	14,745,244.88
Reserve for depreciation and amortization	21,128,999.75
Funded debt of subsidiary companies	9,789,700.62
Preferred stock of subsidiary companies	6,471,000.00
Capital stock, 2,659,733 shares, no par value	109,112,421.40
Surplus (capital and earned)	75,334,930.57
Total	236,582,297.22

Consolidated statement of income and surplus, fiscal year ended December 31, 1924

CONSOLIDATED STATEMENT OF INCOME

Earnings (after provision for income taxes)		$23,939,638.61
Less amount charged for depreciation, bad debts, write-offs, etc		6,178,214.60
Net earnings		17,761,424.01
Deduct—		
Interest on bonds and debentures of subsidiary companies	$489,851.52	
Dividends on preferred stock or subsidiary companies	500,260.00	
		990,111.52
Net income		16,771,312.49

It is to be noted that lands, buildings, machinery, and equipment of the company have a book value of $116,429,819.06. The company does not make public its gross income; its net income for the year was reported at $23,939,638.61 after income taxes but before depreciation and other write-offs. If the experience of one of its principal competitors, Air Reduction Co., can be accepted as a guide, its gross income is probably at least three times its net income before deducting taxes, interest, and write-offs, which would fix its minimum gross income at approximately $80,000,000, though this figure might be underestimated largely.

The importance of this company in the field which it serves may be estimated by considering the value of the entire output of the principal industries affected. The values given for the industry for the year ending December 31, 1923, are secured from the Biennial Census of Manufactures for the year 1923 of the Bureau of Census of the Department of Commerce. Not each class of industry included in the table below is given directly in such census, but it is possible to secure the values by subtracting the value of one class from another, as shown. The table follows:

	Value
Acetylene (Table 15, census of 1923)	$13,089,232
Oxygen (Table 15, census of 1923)	23,382,236
Hydrocarbons (Table 17, census of 1923)	833,486
Calcium carbide (Table 17, census of 1923)	8,818,221
Other carbon compounds	14,390,177
	60,504,352
Ferro-alloys (Table 18, census of 1923)	20,899,085
Rare metals and alloys (Table 18, census of 1923)	1,425,446
Batteries:	
Storage (census of 1923)	92,843,390
Primary	31,787,077
Total	124,630,467

For the year 1923 the net income of the corporation was $22,708,858, after operating expense and Federal taxes, and its probable gross was more than $75,000,000. This latter figure is, of course, an estimate, as the corporation does not publish its gross sales. The principal competitors of this corporation in the acetylene, oxygen, and compressed gas industry is Air Reduction Co. This company has an investment in lands and buildings and manufacturing equipment of $6,126,920 (December 31, 1924), as compared with $116,429,819 of the Union Carbide & Carbon Corporation, which corporation has an additional investment in cylinders for the shipment of compressed gas amounting to $22,783,559 (December 31, 1924), which is more than three and one-half times its principal competitor's investment in manufacturing plant and equipment.

The gross income of Air Reduction Co. in 1923 was	$10,201,061
Net income before taxes was	3,725,597
Federal taxes amounted to	302,503
	3,423,094

So that its net income after taxes, but before depreciation interest, was approximately one-third of its gross income.

From an examination of preceding and following data, it is apparent that the corporation clearly dominates the following industries: Calcium carbide, acetylene, Prest-O-Lite, stellite, oxygen, ferro-alloys, manufacture of oxygen acetylene equipment, stabilized gasoline, dry cells, flashlights, and that it is an important producer but not a dominant one of carbons and storage batteries and certain solvents, intermediates, and hydrocarbon gases.

The gross value of principal products of all the industries affected other than batteries in 1923 was approximately $83,000,000, and as the gross business of the Union Carbide & Carbon Corporation was probably a minimum of $75,000,000, and as the majority of its assets and resources are devoted to products other than batteries, its dominating position is clearly apparent.

TARIFF

The industry is a protected one; practically all products of the corporation which might encounter foreign competition have import duties imposed on them. Among its products on which specific duties are imposed by tariff act of 1922 are the following: Calcium carbide, ferrosilicon, refined silicon, aluminum silicon, copper silicon, high carbon ferrochromium, low carbon ferrochromium, chromium tungsten, standard ferromanganese, low carbon ferromanganese, manganese metal, copper manganese, silico-manganese, zirconium alloys, carbon electrodes, acetaldehyde, acetone, aldol, diethyl sulphate, ethylene dichloride, ethylene chlorhydrin, ethylene glycol, ethylene oxide, glycol diacetate, storage batteries, hydrated lime, dry cells, brushes, illuminating carbons, carbon specialties.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. WHEELER in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield with pleasure.

Mr. BRUCE. Just exactly what disposition does the Senator think ought to be made of Muscle Shoals?

Mr. McKELLAR. I think the same disposition ought to be made of it that was made by the act of 1916 under which it was developed, namely, that the Government should hold it and at all times have it ready for operation for the manufacture of nitrates in time of war, and that in times of peace it should be devoted principally to the manufacture of cheaper fertilizers for the farmers of the United States.

Mr. BRUCE. By the Government itself?

Mr. McKELLAR. By the Government itself in accordance and in exact accordance with the terms on which the plant was built by the American people through their Government.

Mr. BRUCE. Has not the observation of the Senator from Tennessee been that Government operation of industrial plants of every sort has invariably been attended with financial disaster?

Mr. McKELLAR. No; not plants of this kind. When Theodore Roosevelt built the Panama Canal at a cost of about $400,000,000, as I remember the gross figures, it was said that generations a thousand years hence would not have finished paying for the cost of the plant. That great project was carried through by the Government and tolls were established by the Congress, just as tolls ought to be established in connection with the water-power proposition at Muscle Shoals. What has been the result? As I recall the figures, the income from the Panama Canal to-day is something like $25,000,000 a year. It will not be long before the entire indebtedness of the Panama Canal will have been paid, all the bonds which were authorized for its construction will have been taken up, and the Government will be receiving from that great development something like $25,000,000 income a year. I think the Government in business there has been a great success. I believe it would be a like success in business at Muscle Shoals.

I call the Senator's attention to another thing. The farmers of the country have been burdened with enormous rates of interest from time immemorial until the Congress a few years ago, under the leadership of the great Woodrow Wilson, who was admired by both the Senator from Maryland and by myself, enacted a law invading private business. The Congress at his suggestion enacted a law invading the private business of loan companies. We established the farm-land banks, thereby saving to the American farmer millions and millions of dollars in the way of interest rates. We invaded that realm of private business to the great benefit of the great mass of the farmers in America. It has been a marvelous success. I do not believe we could get a single vote in this body to repeal the farm loan act, which was an invasion of private business.

The Senator has been abroad. He knows what kind of postal systems there are in other parts of the world. Here in the United States we have a postal system, not run perhaps as well as it might be—I hope it may yet be run even better—but it is one of the most remarkable successes in the world. As a part of that system we adopted another innovation.

Mr. BRUCE. May I interrupt the Senator?

Mr. McKELLAR. I will yield to the Senator again in just a moment. Upon the suggestion of President Wilson the Congress several years ago during his administration adopted what is known as the Parcel Post System. It was an invasion of private business. It interfered with the business of the express companies of the country. It was fought vigorously by all those who felt that the Government ought not to invade the realm of private business. But we did it, and the users of that system to-day are millions of the American people. It has brought down rates, perhaps cut them in two and even more. It has been a wonderful success. It is more than paying its way to-day, as the post-office records show. The express companies in competition with that system are still doing business and still making money, yet the American people, the users of this great system, have been vastly benefited by it. I say that is another splendid exception to the rule that the Government should not go into business. I doubt if anybody offering a bill to repeal the parcel post law could get half a dozen votes in either body in favor of it.

Those are examples of the Government going into private business. Whenever it has done it, it has been of inestimable value, and if the Senator from Maryland will listen to that part of my speech which I expect to make in a very short time showing how this great plant can be used to cut the prices of electricity at least in half, I believe I will be able to demonstrate to him that possibly the best bill that could be passed at this session of Congress would be a bill directing either the President or a commission to proceed to utilize the great power that has been created at Muscle Shoals for the benefit of the people, for the benefit of the users.

We could cut the rates in half. We could give the people within transmission distance of electrical power down there the means to make them a prosperous and happy people. It ought to be done just as we did it for the users of the parcel post and just as we did it for the use of the farmers of the country in establishing the farm-land banks, and just as we have done it for the benefit of the American people in establishing the great canal at Panama.

Mr. DILL. Mr. President, the Senator omitted to mention the Waterways Corporation that made such a marvelous development on the Mississippi River.

Mr. McKELLAR. That is true. It was an outgrowth in exactly the same way. I thank the Senator for the suggestion. That has been a success. It is making money. What more is it doing? We have that waterway on the Mississippi River. It has reduced the freight rate for the people a long distance from the Mississippi River, because the railroads are required to make combination rates with the carriers on the Mississippi River. It saves the people at least 20 per cent in their freight rates. Is not that a desirable thing? The railroads are doing well and making splendid money——

Mr. DILL. More than they ever did before.

Mr. McKELLAR. Yes; more than they ever did before, and the American people are getting the advantage of the cheap rates.

I am going to show to the Senator from Maryland, when I get to that part of my argument, that out in the city of Los Angeles was a company that was charging 10 cents per kilowatt for electricity to all the people of Los Angeles. As the Senator may recall, Los Angeles had to find a water supply. She did not have an adequate water supply near by, so she went 150 or perhaps 250 miles to the mountains to get a water supply. She brought it from several thousand feet above; she had to build aqueducts to bring the water to Los Angeles. After they had built the plant for the water they found there was an immense power that could be developed, so they issued bonds, as I remember, something like $23,000,000, and established a power plant and generated enough power to more than supply or nearly supply the city of Los Angeles.

What was the result? The first result was that they cut the price of that power in half. They cut it from 10 cents per kilowatt to 5 cents per kilowatt. I believe they had to add a small percentage above that to take care of the bonded interest and the sinking fund and that the rate is actually 5.4 cents per kilowatt. But in 40 years they will have paid off every dollar of that indebtedness. They are using a part of the returns, which more than take care of the sinking fund and the bonded interest and the other expenses, for other city purposes. Marvelous though it may seem, the great private company, which had hitherto manufactured electricity by means of oil burners, and very cheap oil, too, had to cut their rates to 5 and a fraction cents, but the company has paid more dividends than it ever did before. What has been the advantage? By the development of this public institution the rate users of Los Angeles and surrounding territory have been receiving their electricity for about one-half of the price they had previously paid.

That is precisely what we ought to do at Muscle Shoals. There are great cities near by that region. It is the only power site within electrical-transmission distance of cities like New Orleans, Memphis, Nashville, and Birmingham. That power is being generated at 2 mills or less than 2 mills per kilowatt. It is being sold to-day for 2 mills. What is the distributing company charging for it? It is charging 8½ cents per kilowatt. I shall refer to the exact figures in a few moments, but I am now merely answering the Senator's question. Why are we standing here fighting in this way? It is for the purpose of making this great power plant of value not to this great monopolistic corporation with $250,000,000 capital, but to make it a genuine benefit to the people whose money paid for it.

I ask the Senator why should Congress spend $150,000,000 under the pretense of using this plant for military purposes in time of war and for the farmers in time of peace and as soon as we get it built turn it over to a great corporation, such as the Union Carbide Co., and the people not get a cent out of it? That company will make untold millions if it gets it, and the people will not get a cent; they will not even get a reduction of any rates. Electricity is being produced there now at less than one-fifth of a cent, and the people of that community are paying from 8½ to 11 cents for it. The people in Memphis pay 10 cents, in Knoxville 10 cents, in Nashville 11 cents, in Birmingham 8½ cents, and in New Orleans they pay 10 cents. Those are some of the rates. Would the Senator say that we ought to let this monopoly utilize that plant? Did the Senator hear how many things this company does? It is engaged in almost every kind of manufacturing business. It will use all of the power down there for its own purposes, and the price provided to be paid in House bill 518, which we are asked to indorse in this resolution, will be less than the cost of the Government keeping the plant in repair.

Mr. BRUCE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Maryland.

Mr. BRUCE. The Senator from Tennessee ought to feel indebted to me for giving him an opportunity to make an entirely fresh start.

Mr. McKELLAR. No, sir; but I am always indebted to the Senator whenever he interrupts. I will say that the Senator always asks questions that are important; he always contributes to the debate, and I am always glad to yield to him.

Mr. BRUCE. And I am bound to admit that the Senator from Tennessee makes very prompt answers.

Personally, I do not believe that one solitary instance can be cited in the history of the Government where the Government has ever operated any industrial enterprise except at a loss.

Mr. McKELLAR. Mr. President, will the Senator allow me to ask him a question at that point?

Mr. BRUCE. Yes.

Mr. McKELLAR. If I should introduce a bill—which I am not going to do—to repeal the parcels post law, would the Senator vote for such a bill?

Mr. BRUCE. I am glad the Senator brings up the subject of the postal department of the Government. Of course, there are some functions that the Government must perform, whether it performs them at a loss or not.

Mr. McKELLAR. But the parcel post is not one of those functions.

Mr. BRUCE. One of the functions which the Government must perform is the postal function, which, of course, brings the Government into most intimate relations with the people. For that reason and for many other reasons that particular function ought to be taken over by the Government, but surely the Senator from Tennessee is aware of the fact that the postal department of the Federal Government is habitually run and has for years been run at a loss. Several years ago Secretary Burleson on the stand testified that if he could let out the Rural Free Mail Delivery Service of the United States to private contract he would save the Government $18,000,000 a year.

Mr. McKELLAR. Just one moment——

Mr. BRUCE. The Senator from Tennessee is also aware of the fact that a large proportion of the expenses of the postal department of the Government are not charged to postal receipts, but are charged to the general receipts of the Government; that is to say, to the general Treasury of the Government. So, instead of being run at a profit, the postal department of the United States is run every year with a large deficit.

Mr. McKELLAR. Mr. President, I hope the Senator from Maryland will permit me to interrupt him, for I know he does not want to make a mistake about his figures. I happen to be on the Senate Post Office Committee, and have served on that committee for many years. I was serving on the committee when Mr. Burleson was Postmaster General. My recollection is—I will not be positive, but will put the figures into the RECORD so that there can not be any question about it—that during six out of the eight years that Mr. Burleson ran the Post Office Department he ran it at a profit, and during the entire eight years of the Wilson administration, under Mr. Burleson, my recollection is, the Post Office Department showed a substantial profit. The recent changes have not been economical. Notwithstanding what has been claimed about economy, it has not been brought about. While recently the Post Office Department has been run at a loss, I think that condition is temporary, being occasioned by the increase in wages, but I have no doubt economies can be brought about.

However, I asked the Senator from Maryland this question: Would he vote to repeal the parcel post law? The parcel post is no ordinary postal function. Senators stood here when that law was in the process of enactment and stated that it was not a postal matter, but was an invasion of private business; and so it was. It has been, however, a wonderful success. It is paying its way and more than doing that. I will say to the Senator from Maryland—and I serve on the Post Office Committee of the Senate, and I know the facts—that it will produce at least $8,000,000 more than the service costs. Would the Senator from Maryland be willing to vote to repeal the parcel post law of 1913, I believe it was, which has done such great good in bringing down the rates on articles that are sent by parcel post?

Mr. BRUCE. As at present advised, I am not willing to repeal any part of the laws of the United States relating to the Post Office Department, because, as I have said, that is a department which the Government should run, whether it runs it at a pecuniary loss or not.

Mr. McKELLAR. That is a frank statement.

Mr. BRUCE. But I now challenge the statement of the Senator from Tennessee that at any time in recent years the operations of the Government postal department have resulted in a profit.

Mr. McKELLAR. I will ask to have the figures sent me of the receipts and expenditures during the eight years of the Burleson administration of the Post Office Department, and I will later give the Senator the exact figures. There is no use in our differing about figures.

Mr. BRUCE. There is no difference between the Senator from Tennessee and myself, I imagine, despite any figures he may produce. The point is that a large part of the expenses of the Postal Department of the Federal Government are not paid out of the postal receipts but out of the general receipts of the Treasury.

Mr. McKELLAR. That has only been so during the last three or four years.

Mr. BRUCE. I suppose that is as true this year as it has been true in past years.

Mr. McKELLAR. It is true this year because the increase in the wages of postal employees, as I remember, amounted to $68,000,000. We raised the postal rates to make the increase pay for itself, under the direction of the President and at his earnest insistence, and the result was that we raised postal rates higher than the traffic would bear in some instances, and we have not obtained the revenue which was anticipated. We had a hearing on that last summer. I was a member of the commission, and I am thoroughly familiar with it. I heard all the evidence, and I have no doubt that a bill can be prepared which will rearrange those rates in such a way that the Post Office Department can be made absolutely self-sustaining, just as it was during the Wilson administration. The people have been enormously benefited by these invasions into the realms of private business.

Mr. BRUCE. I am not speaking of the increases in rates to which the Senator refers. They have resulted, of course, in an additional deficit; I am not speaking of those, but I am speaking of the general course of experience of the Postal Department of the Government. The Senator is aware, I am sure, that a large part of all the expenses of the Postal Department of the Government are paid out of the general receipts of the Treasury. Is not that true?

Mr. McKELLAR. Oh, no.

Mr. BRUCE. Suppose a post office is erected, we will say, in Cleveland or some other city in the West or in some city in the South; is the expense of erecting that post-office building paid out of the postal receipts? The Senator knows it is not.

Mr. McKELLAR. I have been a Member of the Senate for nine years, and we have practically spent nothing for the erection of post offices during that time. I do not believe we have had a public buildings bill since I have been in either body of Congress. But, since the Senator says he would not vote to repeal the parcel post law, I want to ask him about another invasion of the Government in the domain of private business.

Mr. BRUCE. Will the Senator let me continue a little longer on the line that he has opened up, and then I will be very glad to answer any question.

Mr. McKELLAR. Very well.

Mr. BRUCE. The salaries of postal employees, at any rate, of the chief officers of the postal department are paid out of the general receipts of the Treasury, are they not?

Mr. McKELLAR. All salaries are paid out of the general receipts.

Mr. BRUCE. Precisely.

Mr. McKELLAR. But let me show the Senator what the fact is. My recollection is that we have appropriated this year for the Post Office Department, in the bill which was recently passed, something like $700,000,000. It is estimated that because of the increase in postal salaries there will be a deficit of about $30,000,000 this year. That is, $30,000,000 out of $700,000,000. In other words, the postal receipts of the Government to be covered into the Treasury will probably amount this year to $670,000,000, and the amount paid out of the general fund will be $30,000,000, as compared with $670,000,000. The Senator sees that that is not a very great discrepancy. During the Burleson administration a number of millions were made on the other side of the ledger, but after 1921 when our Republican friends came in there some added extravagances in the department; there was, of course, the natural growth of the department, and there were, perhaps, additions to salary. Those additions caused a loss of, I think, one year $6,000,000, and another year of, perhaps, $10,000,000, and the deficit reached as high probably as $20,000,000 before the last addition to postal expenses. However, I will say to the Senator that the receipts from the Post Office Department increase about $36,000,000 a year; that is merely the ordinary increase; and it can not possibly be longer than two years under the present arrangement before the department will be more than self-sustaining; indeed, there is no reason, except extravagance, why it is not self-sustaining now.

Mr. BRUCE. If I am correctly informed, for years past, if the expenses of the Postal Department paid out of the General Treasury of the United States are taken into account, the Postal Department of the United States has been run at a deficit.

Mr. McKELLAR. I have explained to the Senator that in the Democratic administration it was run at a profit. In the last two administrations it has been run with a comparatively small deficit. That is the fact about it.

Mr. BRUCE. It is not a great deficit, but I say when we take into account——

Mr. McKELLAR. I have said it is $30,000,000 as compared with $670,000,000, which is not a very large deficit in governmental figures.

Mr. BRUCE. To repeat what I said a little while ago with regard to the Rural Free Delivery Service, I myself read with my own eyes the testimony of Secretary Burleson to the effect that if he were allowed to let out the Rural Free Mail Delivery Service of the United States to private contract he could save the Government of the United States $18,000,000 a year, and I have not the slightest doubt that the same thing would be true of the Parcel Post System.

Mr. McKELLAR. All I can say about the parcel post is to refer to the report of Postmaster General New, who is a very fine and a very accurate man, and is making a splendid Postmaster General. We have his report; I have it in my office now; it is confidential until given out by the chairman of the Post Office Committee; but I will show it to the Senator in confidence. That report shows that the parcel post service is making a profit of about $8,000,000 a year. So that service has been a success.

Now, I want to ask the Senator would he vote to repeal the farm-loan bank system? That was an invasion into the domain of private business. Would the Senator vote for its repeal?

Mr. BRUCE. No; I would not simply——

Mr. McKELLAR. I am glad to hear the Senator say so.

Mr. BRUCE. Simply because that falls within the same category of Government enterprises as that of which I spoke a few moments ago. I think the Government ought to furnish the farmers with banking accommodations of that sort, even if it does so at a loss.

Mr. McKELLAR. The Government does not to-day furnish the general public and business with banking facilities.

Mr. BRUCE. I am talking about industrial enterprises.

Mr. McKELLAR. It does not furnish industries banking facilities. They have to get their banking facilities as they can and upon their merits. The farmers are allowed to borrow not from a Government-aided bank but a Government-established bank under the control of the Government. The Government lends them the money, and I think it is one of the wisest invasions of business that I have ever known, and I am glad to hear the Senator say that he would not vote to repeal it. I would not do so either. I am sure the Senator would not vote to repeal the Panama Canal tolls act.

Mr. BRUCE. I am not so certain about that. I should like to know from the Senator from Tennessee whether he has ever seen any detailed statement showing every dollar of receipts received by the Panama Canal agency and every dollar of expense.

Mr. McKELLAR. Yes, sir.

Mr. BRUCE. And I also want to know how far the expenses of operating the Panama Canal come out of the general Treasury of the United States Government.

Mr. McKELLAR. All of the expenses come out of the Treasury.

Mr. BRUCE. And I should like to know the same thing in regard to the Waterways Corporation, of which he speaks.

Mr. McKELLAR. I will give the Senator the facts in both cases if the Senator will permit me to do so.

Mr. BRUCE. Of course the fact that the Government gives the people lower rates is not a matter of any real significance if the Government is covering up its deficits in the tax rates or is increasing the general burden of taxation to its people.

Mr. McKELLAR. If the Senator asks me a question, if he will let me answer it, I shall be glad to do so.

Mr. BRUCE. Why, of course, I will.

Mr. McKELLAR. The Senator asked two questions, and I want to answer them both.

The Senator asked me about the receipts and expenses of the Panama Canal, and whether I had the detailed figures. If the Senator will look into the report of the Secretary of the Treasury for the last year of receipts and disbursements, he will find that the gross receipts from the Panama Canal are stated there, and the gross amount of the expenses is stated there. There will be no trouble in the world about that. If the Senator will write a letter to the Comptroller General of the United States and ask for those figures he will have them in his office to-morrow.

As to the river barge line, that is somewhat different. That is run by the Government; but it is run through a commission, and that commission runs its own affairs. By the way, the expenses of this line are not paid out of the Government Treasury. They are paid by the barge line, and the receipts go to the barge line. It is Government owned, Government controlled, of course. For the first two or three years there were very great losses on the Warrior River, which is a small river in Alabama, running from near Birmingham to Mobile, and there were profits on the Mississippi River at the same time; but, as I recall, for the first two or three years there were not sufficient profits on the Mississippi barge line to overcome the losses on the other. For the last two or three years, however, there has been a big profit on the Mississippi line, and the losses on the Warrior line have become less; and the result is that there is a net profit to the Government in running both of those lines, taken together.

Manifestly, if the users of freight, the merchants and business men of the country, can get their transportation for 20 per cent less by reason of these barge lines, they have done a great work, and their existence certainly has been a great thing for the whole Mississippi Valley. I hope to present a bill before a great while, and I hope the Senator will vote for it, to give us a barge line all the way from Chicago to the Gulf. It will be an inestimable boon——

Mr. BRUCE. To be run by the Government?

Mr. McKELLAR. To be run by the Government.

Mr. BRUCE. The Senator will never gain my assent under any circumstances.

Mr. McKELLAR. I am sorry.

Mr. BRUCE. It was only at the last session of Congress that persons interested in water transportation on the Mississippi came before the Interstate Commerce Committee and said it could not stand up under competition with the railroads and asked for the passage of the Gooding long and short haul clause bill in order that it might be able to compete with the railroads.

Mr. McKELLAR. The Gooding long and short haul bill, as I understand, has not the slightest connection with the barge line on the Mississippi.

Mr. BRUCE. Yes; it has all the connection in the world.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. I do.

Mr. SMITH. If the Senator from Tennessee will allow me, I intend this afternoon, if I can get the floor, to include in my remarks a detailed story by General Ashburn of the history of this barge line on the Mississippi.

Mr. McKELLAR. It has been a success.

Mr. SMITH. And I think it will convince the Senator, not against his determination that the Government should go into things of that kind, but that they have made a success, and that they could not make it otherwise.

Mr. McKELLAR. The Senator from South Carolina mistakes the position of the Senator from Maryland, because he has already said that he would not vote for the repeal of the farm land bank bill, and he would not vote of the repeal of the parcel post law. Both of those were invasions of public business. I think that is a very valuable admission coming from the Senator from Maryland, and I hope he will grow in grace and come out on the side of the people in this matter.

Mr. BRUCE. Nor would I vote for the repeal of a provision in a city charter empowering the city to conduct its own water department to supply itself with water. I think a large city ought to take over the function of supplying its citizens with water, even though it conducts its operations at a loss; but I am speaking now of industrial enterprises. So far as I can see, the Senator's objection to this corporation that he thinks will become the lessee of Muscle Shoals is simply that it is a big corporation, that it has enormous capital and a vast volume of business.

Mr. McKELLAR. Oh, no; I simply want to know what sort of a corporation it is.

Mr. BRUCE. All those things recommend it to me. The Senator surely does not want some weak, incompetent corporation to take over Muscle Shoals.

Mr. McKELLAR. I do not want any corporation to get it. The law says that no corporation shall have it, and I want to stand by the law as it is.

Now I want to ask the Senator one other question. The Senator says that he wants to turn this plant into the hands of a private institution to lease it. The Senator knows that the United States now has no known source of nitrates sufficient in time of war, except the Chilean nitrates, that are found down near the coast of Chile. If a nation like Japan should become an enemy of ours and should cut off communication between the United States and Chile, we would be cut off from our supply of nitrates which would allow us to manufacture explosives. The Government built this plant at Muscle Shoals with the primary intention and the honest and sincere intention of being removed from that menace. We built this plant to have it ready at all times to manufacture nitrates in case we were cut off from Chilean nitrates. Is the Senator willing to put this plant in the hands of private manufacturers of various other commodities and have it devoted to uses that are wholly antagonistic to the making of nitrates in time of war when the Government will have to condemn the plant if it takes it over in time of war? In all reason, as a matter of national defense, having built this plant at the enormous cost of $150,000,000, and since it is a perfect defense in case of trouble from the outside, does not the Senator think it is a matter of prudence for the Government to keep that plant in its hands, always ready to make nitrates in time of war?

I hope to God we never will have another war. I think war is one of the most awful things in the world, and I hope America never will be subjected to it again; but we never can tell. We ought to keep that plant ready at all times to make nitrates in time of war. If there were not any other question involved, I would be in favor of keeping the plant, and I would be opposed to its disposition to private interests; but it is proposed here not to dispose of it for a consideration, but to give it away. I say to the Senator that the consideration mentioned in House bill 518 is not enough to pay for the cost of keeping up that plant, and the Government has to keep it up.

Mr. BRUCE. When the Senator refers to the national defense, he touches me at a very sensitive point. I feel about that exactly as he does.

Mr. McKELLAR. I am glad to hear it.

Mr. BRUCE. I know very well for many reasons—if I did not have any other reason, because of what we all ob-

served during the war—that Tennessee has a true fighting spirit.

Mr. McKELLAR. I thank the Senator.

Mr. BRUCE. But I answer his question by saying that I see no reason why there should not be inserted in this lease, no matter to whom the lease is made, a provision that the lessee shall turn out a certain amount of nitrates every year for the purposes of the national defense, and that in time of war the Government shall have the same right that it exercised in relation to the railroads of this country during the World War; that is to say, of taking over, if it sees fit, this plant and conducting it through the agency of its own officers and employees. In time of war I would care but little whether Government operation resulted in a deficit or not, just as I cared but little during the World War whether the governmental operation of the railroads resulted in a deficit or not.

Mr. McKELLAR. I am glad to hear the Senator say that.

Mr. BRUCE. So, if the Senator will pardon me just one moment, I think all his objections could be met by giving the proper form to this lease.

Mr. McKELLAR. I have great hopes for the Senator being on our side of the matter before this debate is over for this reason: The company that has been referred to, engaged as it is in manufacturing various articles in this country, will never agree to a lease with the provisions in it that the Senator has stated. It will never go into this lease on those terms. Tney are not in the one that was proposed here last year. The only rights that the Government would have in that property would be to take it over, if it saw fit, and pay for it just like it would pay for any other property should war come.

Mr. BRUCE. May I interrupt the Senator again?

Mr. McKELLAR. Just a moment. I agree with the Senator that if this great plant should unhappily and unfortunately go into the hands of private interests the provision that the Senator mentions should be in the lease. I say that we ought not to be under the menace at any time of having to keep up communication between here and Chile in order to get nitrogen when it is possible for us to obtain it here in untold quantities. We can take it out of the air at Muscle Shoals with property that we already own; and, so far as I am concerned, regardless of excess power, regardless of what good it may do anyone else, I will never vote for any measure that will put this property into the hands of an individual in contravention of the best interests of the United States, which would be served by holding it there for time of war.

Why, I will say to the Senator that until last October one of the contestants for this power was the Alabama Power Co., which at that time was owned to the extent of 70 per cent by British interests. It has since admitted it. It claims now that it has sold additional stock, and that the majority of its stock is now held in this country. That is the claim.

By manipulations of some kind it may be figured out so; but the real interest in the Alabama Power Co. is in Great Britain. It is unthinkable that we should have our best war asset in the hands of a foreign corporation, one of our rivals in business and trade.

I hope to heaven that we may never have a war with Great Britain. They are kinspeople of ours, and I admire them extravagantly. They are wonderful people; but my idea is that we ought never to turn over our principal war asset to any concern whatsoever, and especially not to a foreign-owned concern. Why, it would be just the same as leasing our battleships to Great Britain. Great Britain is friendly to us now; why not just lease them to her? This war plant down here at Muscle Shoals is infinitely more important than any battleship, because a battleship is useless unless it has explosives, and that plant is the only one in the country where we can get a sufficient amount of explosives. It is an absolute necessity in war. We ought to keep it for that purpose at all times. We ought not to let the title pass out of the hands of the United States.

We should not let the control and possession pass out of the United States to any company whatsoever. I take it that only one of the bids that has really been made amounts to anything, and that is the bid of the Union Carbide Co. I have a notion, because of the quietude of the Alabama Power Co., that they have made an arrangement; that they have found they can not work it if they bid against each other, they have found that if these three companies, the American Cyanamid Co., the Union Carbide Co., and the Alabama Power Co., all fight for it, probably none of them will get it. So I have no doubt that they have concluded to just let one take it over on the best terms they can get, and then divide up the spoils. I can not prove that fact, because I do not know, but I have a very strong notion that there are very accurate moccasin tracks surrounding this.

Mr. BRUCE. The committee would be under no obligation to recommend a lease to the Alabama Power Co. If they did, and if the foreign ownership of its stock was a reason why the lease should not be made to it, the committee might report a lease containing a provision that if war came, then, no matter whether the stock of the lessee were held by foreigners or held by our own people, our own Government should have the right to take the plant over and operate it. It seems to me that meets the objection of the Senator from Tennessee completely.

Mr. McKELLAR. That is a detail, I will say to the Senator. I offered an amendment of that kind to the Underwood bill, and even Senator UNDERWOOD accepted such an amendment. As soon as that amendment was included in the bill the Alabama Power Co. reorganized itself.

It was said that the real Alabama Power Co. that was bidding for the plant had been reorganized so that a majority of the stock was held in this country. But we all know where the ownership is. However that may be, that is immaterial, because, in my judgment, if the Senator will permit me, there will be but one bid, and that the bid to be made by the Union Carbide Co. The Union Carbide Co., through its principal officer, stated that they did not want any change or amendment in this resolution. It is very remarkable that that officer of the company should have taken that course. He did not want the Congress to make any change, and the Senator in charge of the resolution is saying right now that there will be no change in it, that there must not be any change in it. All amendments must be voted down, however proper and right the amendments may be. Whatever safeguards are placed around the disposition of this property, if it is disposed of, must not be provided in this resolution. They must all be left to this committee, under one direction, the direction of the Underwood bill of last year.

Mr. BRUCE. If the committee reports a lease that is not satisfactory to the Congress, of course the Congress will have a right to reject it, will it not?

Mr. McKELLAR. Oh, yes. I want to take just a moment on that subject. I am glad the Senator asked the question. Congress would have a right to reject it, it is true. If a bid is made by the Union Carbide Co. which does not afford an adequate consideration, and it comes before Congress, the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], the Senator from Nebraska [Mr. NORRIS], the Senator from Georgia [Mr. GEORGE], I myself, and some others will be found fighting it if the bid comes in with no provision about the distribution of the excess power, and there will be a number of Senators on the other side, a much larger number, probably, fighting for it.

Mr. BRUCE. I think I would be fighting it, too.

Mr. McKELLAR. I am glad to hear the Senator say so. I want to call to the Senator's attention the fact that there are many Senators from away on out the Pacific coast, many from out in the great West, and up in the North, thousands of miles removed from this project, who are not taking any interest in it. They are not interested in it at all. The only men from up in that country who are interested in it are scholars like the Senator from Maryland, like the Senator from Nebraska [Mr. NORRIS], who is one of the great students of this body, a man of wide information, who has given long and great study to this question. The Senators who are not particularly interested are going to say, "Oh, well, the President wants it to go through. He wants this carbide company to have it. We will just let it pass." And it will pass, and this great institution, which is an absolutely necessary institution in the protection of this Republic in time of war, which cost the American people $150,000,000, will go for a song.

Mr. BRUCE. It seems to me that the further removed a Member of the United States Senate is from Muscle Shoals in point of distance the sounder is his judgment.

Mr. McKELLAR. That may be so.

Mr. BRUCE. That appears so to me. The trouble about the exercise of judgment, it seems to me, on the part of individuals who live in proximity to Muscle Shoals, is that their views are naturally enough colored by all kinds of considerations, I will not say selfish considerations, but all kinds of secondary considerations, which do not appear to influence the minds of Senators from other parts of the United States at all with respect to this plant. I am not speaking of the Senator from Tennessee, because, of course, he has committed himself to this idea of Government ownership, just as has the Senator from Wisconsin, and I know he is perfectly honest and sincere in the views he entertains. But it does seem to me that a network of suspicion, distrust, and competitive selfishness, if I may use such an expression, has been thrown about this whole proposition, and it has created a large part of the difficulty

we find in dealing with it. But, as I have said, I know nothing can be more perfectly honest and perfectly sincere than the position taken by the Senator from Tennessee, and I want to thank him for the opportunity he has given me to express my views about the matter, and for the pleasure and instruction I have derived from the expression of his views.

Mr. McKELLAR. I am very happy that the Senator has interrupted me. I now introduce a statement as to the principal companies making up the Union Carbide & Carbon Corporation group.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

American Ever Ready Co., California Chrome Co., Canadian National Carbon Co. (Ltd.), Carbide & Carbon Chemicals Corporation, Clendenin Gasoline Co., J. B. Colt Co., Dominion Mines & Quarries (Ltd.), Dominion Oxygen Co. (Ltd.), Electric Furnace Products Co. (Ltd.), Electro Metallurgical Co., Electro Metallurgical Sales Corporation, Carbide & Carbon Realty Corporation, Haynes Stellite Co., the Linde Air Products Co., the Linde Air Products Co. of Texas, Linde Air Products Co. (Pacific coast), Michigan Northern Power Co., National Carbon Co. (Inc.), Northern Industrial Power Co., Oxweld Acetylene Co., the Oxweld Railroad Service Co., the Prest-O-Lite Co. (Inc.), Prest-O-Lite Co. of Canada (Ltd.), the Prest-O-Lite Co. of Indiana, Union Carbide Co., Union Carbide Sales Co., Union Carbide Co. of Canada (Ltd.), Union Carbide & Carbon Corporation, Union Carbide & Carbon Research Laboratories (Inc.), Zircon Tool & Alloy Corporation.

Mr. McKELLAR. I next offer a statement as to the detailed uses, competition, duties, and production of various articles manufactured by the corporation.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

DETAIL OF USES, COMPETITION, DUTIES, AND PRODUCTION OF VARIOUS PRODUCTS MANUFACTURED BY THE CORPORATION ARE INCLUDED ON THE FOLLOWING PAGES

CALCIUM CARBIDE

This product is made by the Union Carbide Co., a subsidiary, which is one of the most important of the companies and has outstanding capital stock of $39,757,854.

Calcium carbide is used to produce acetylene gas; the principal uses of acetylene being—

(a) For welding and cutting of metals.

(b) For lighting and cooking.

(c) For use in miners' lamps.

Number of establishments in the United States, 6.

Principal competing companies (i. e., rated $1,000,000 or over):

Air Reduction Co., New York.

Federal Carbide Co.

Production in the United States (1923 census), 118,702 tons.

Value of product (selling price at factory, 1923 census), $8,818,221.

Import duty (tariff act of 1922, sec. 1, par. 16), 1 cent per pound.

Produced by Union Carbide Co. manufacturing plants at Niagara Falls and Sault Ste. Marie, Welland, Ontario.

Product is sold under trade names, Union Carbide, Cameo Carbide, Imperial Carbide, and Amazon Carbide.

Production by Union Carbide Co. is believed by the industry to be well in excess of 50 per cent of total production—its exact production is not available. The company maintains more than 150 warehouses throughout the United States, but no competing company approaches the size or resources of Union Carbide Co. which easily dominates its field.

FERRO-ALLOYS AND ALLOYING METALS

These products are manufactured by the Electro Metallurgical Co., a subsidiary, which has outstanding capital stock of par value of $5,000,000, substantially all of which is owned by the Union Carbide & Carbon Corporation, and $1,165,000 bonds.

Ferro-alloys are used chiefly in the manufacture of steel and are themselves mixtures or compounds of iron with such metals as silicon, chromium, and manganese. Chromium, silicon, and manganese are also produced virtually free from iron and are sold as commercially pure metals.

The plants of this company are at Niagara Falls, N. Y.; Holcomb Rock, Va.; Glen Ferris, W. Va.; and of its foreign subsidiaries at Welland, Ontario, and Sauda, Norway.

The importance of the industry may be shown from Table 30, census manufactures of 1923:

Ferro-alloys.

Number of establishments, 28.

Quantity produced, 215,424 tons.

Value of product, $20,899,083.

Rare metals and alloys, 9 plants.

Value of product, $1,745,996.

Principal competing companies engaged in the production of ferro-alloys are as follows:

United States Ferro-Alloys Corporation, a subsidiary of Vanadium Corporation of America, with authorized capital of $3,000,000.

Metal & Thermit Co., whose principal business is detinning, but one of whose plants makes thermit and alloys. Company has 45,437 shares of no par-value stock and $774,000 of preferred.

Rogers, Brown & Crocker.

Baltimore Electric Alloys Co.

Molybdenum Corporation of America.

Several of the larger steel companies produce manganese as a by-product.

There is no competing company which approaches the Electro Metallurgical Co. and its subsidiary or allied companies in the matter of resources, water power, manufacturing capacity, or sales organization. It clearly dominates the industry and is believed to have more than 60 per cent of the available business.

Details of certain of its products are as follows:

Ferrosilicon is used in the manufacture of steel. Its function is to deoxidize steel, eliminating gases and other impurities, and permitting the manufacture of steel solid and free from blowholes and other imperfections. It is also used in the manufacture of steel castings and in the manufacture of steel springs and transformer cores.

The duty on ferrosilicon (tariff act of 1922, par. 302):

"Ferrosilicon containing 8 per cent or more of silicon and less than 60 per cent, 2 cents per pound on silicon contained therein; containing 60 per cent or more of silicon and less than 80 per cent, 3 cents per pound on the silicon contained therein; containing 80 per cent or more of silicon and less than 90 per cent, 4 cents per pound on the silicon contained therein; containing 90 per cent or more of silicon and silicon metal, 8 cents per pound on the silicon contained therein."

Chromium is used principally as an alloy in the production of steel for automobiles, heavy high-duty machinery, armor plate, and metal working.

Ferrochromium is used for production of high-chromium special steels and is perhaps the most widely used of all the alloying metals.

The import duty is as follows:

"Ferrochrome or ferrochromium containing 3 per cent or more of carbon 3½ cents per pound on the chromium contained therein; ferrochrome or ferrochromium containing less than 3 per cent of carbon and chrome or chromium metal, 30 per cent ad valorem." (Tariff act of 1922, par. 302.)

Manganese is used to give hardness and heat resistance to steel.

It is produced as a by-product by several of the steel companies as well as being a product of the electric furnace.

Duty on manganese is as follows:

"Ferromanganese containing more than 1 per cent of carbon, 1⅞ cents per pound on the metallic manganese contained therein: *Provided*, That ferromanganese for the purposes of this act shall be such iron manganese alloys as contain 30 per cent or more of manganese; manganese metal, manganese silicon, manganese boron, and ferromanganese and spiegel eisen containing not more than 1 per cent of carbon, 1⅞ cents per pound on the manganese contained therein and 15 per cent ad valorem." (Tariff act, 1922, par. 302.)

Molybdenum, used as an alloy to add hardness to steels.

Duty: "Molybdenum ore concentrates, 35 cents per pound on the metallic molybdenum contained therein * * * ferromolybdenum, metallic molybdenum, molybdenum powder, calcium molybdate, and all other compounds and alloys of molybdenum, 50 cents per pound on the molybdenum contained therein and 15 per cent ad valorem." (Tariff act of 1922, par. 302.)

Tungsten in the metallic state used principally in the production of high-speed steels including tool steels.

Duty: "Ferrotungsten, metallic tungsten, tungsten powder, tungstic acid, and all other compounds of tungsten, 60 cents per pound on the tungsten contained therein and 25 per cent ad valorem." (Par. 302, tariff act, 1922.)

Vanadium, used in the production of vanadium steel.

Duty: "Ferrovanadium, vanadium nickel, chromium vanadium, and all alloys used in the manufacture of steel not specifically provided for, 25 per cent ad valorem." (Par. 302, tariff act, 1922.)

STELLITE

Stellite is a trade name for a series of alloys, all of which contain the metals cobalt and cromium and most of which also contain tungsten. This being a patented alloy there is no direct competition for it, though the alloy competes with other alloys and steels from which tools, instruments, and other articles are made and fabricated.

It is claimed that stellite will not rust, stain, or tarnish, and that it is proof against the destructive action of most chemicals and acids and that except for slight changes in color it is not affected by heat up to 1,500° F. It is manufactured at the plant of the Haynes Stellite Co., at Kokomo, Ind., a subsidiary of the Union Carbide & Carbon Corporation.

No duty is specifically provided for stellite as none is imported, the process being a patented one and controlled by the corporation. Competitive articles, however, would carry the duty on any alloys used in the manufacture, as provided particularly in paragraph 302, tariff act, 1922.

GENERATORS, FIXTURES, BURNERS, AND IGNITERS FOR ACETYLENE GAS

These products cover the equipment necessary to install a complete gas plant for lighting and cooking in country homes.

This portion of the business is handled by the J. B. Colt Co., a subsidiary.

There are 31 companies which manufacture acetylene generators in the United States. Only two competing companies are rated at $1,000,000 or over. They are—

Air Reduction Co., of New York.

C. M. Hall Lamp Co., of Wisconsin, which, however, manufactures acetylene generators for auto and motorcycle use. In the manufacture of acetylene burners only the Prest-O-Lite Co., of New York, a subsidiary of the Union Carbide & Carbon Corporation is rated at more than $1,000,000.

In the manufacture of general acetylene machinery there are 15 companies, of which only Air Reduction Co. is the only competitor rated at more than $1,000,000.

The duty on acetylene generators and fixtures is not specifically provided, but it is probably included under paragraph 215, tariff act of 1922, which provides as follows: "Gas retorts, 20 per cent ad valorem; lava tip burners, 10 cents per gross and 15 per cent ad valorem; and magnesia clay supporters consisting of rings, rods, and other form of gas manties, 35 per cent ad valorem."

SOLVENTS, INTERMEDIATES, AND COMPRESSED HYDROCARBON GASES

These are among the less important products of the Union Carbide & Carbon Corporation from the point of view of present gross sales. They are manufactured by the Carbide & Carbon Chemicals Corporation, a subsidiary. Its manufacturing plants are located at Niagara Falls, N. Y., Clendenin, W. Va., and South Charleston, W. Va. These products are divided into three groups:

1. Products used by other subsidiaries of the corporation, such as acetone, a large amount of which is required by the Prest-O-Lite Co. (Inc.).

2. Products used as solvents and intermediates in the rubber, dye, and varnish industries and tax-free alcohol for industrial and pharmaceutical uses. Included in this class are isopropanol, paraldehyde, ethylene, chlorohydrin.

3. New products commercially available for the first time in quantity for use in the explosive, tobacco, anti-freeze compounds, and flavoring extract industries. Representative products are ethylene, glycol, glycol diacetate, ethylene oxide.

4. Compressed hydrocarbon gases; included in this list are butane, ethylene, ethane, propane, pyrofax, pyrogen. Butane, ethylene, and ethane have value as refrigerating gases and ethylene as an anesthetic. Propane is used for refrigerating purposes, pyrofax as a household fuel, and pyrogen is used to supplement acetylene and oxygen in the process of cutting metals. Stabilized gasoline, another product of the company, is obtained by a patented process from natural gas. This process is of general application, and the patent rights of the company have been actively asserted. Activated carbon is a gas absorbent and is also used for solvent recovery. The duties on these products are as follows: "Acetaldehyde, aldol, ethylene dichloride, ethylene chlorohydrin, ethylene oxide 6 cents per pound and 30 per cent ad valorem." (Tariff act, 1922, par. 2.)

"Acetone 25 per cent ad valorem" (par. 3, tariff act, 1922); "diethyl sulphate 25 per cent ad valorem" (par. 38, tariff act, 1922).

Several of these products are the result of research carried on by the corporation and are either patented or trade-marked.

The business of this subsidiary of the corporation should increase in importance and volume as new and more general uses are developed for its products.

WELDING AND CUTTING APPARATUS AND ACCESSORIES

These products are manufactured by the Oxweld Acetylene Co., which manufactures a complete line of oxyacetylene apparatus and supplies for welding and cutting metals. Among its products are welding torches, cutting torches, pressure-reducing valves for oxygen, and acetylene cylinders, patented and special analysis rods for welding, and fluxes. Its products are marketed under the trade-mark "Oxweld" and "Everendy."

Four subsidiaries of the corporation work closely together in this industry. They are Union Carbide Co., which supplies the carbide; Linde Air Products Co., which supplies oxygen; Prest-O-Lite Co., which supplies the acetylene; the Oxweld Acetylene Co., which supplies the apparatus and equipment.

A special service for railroad companies is conducted by the Oxweld Railroad Service Co., which was formed to supervise all welding and cutting operations, together with instruction of the railroad company's operators, and also to furnish all of the apparatus for welding and cutting necessary to properly equip machine and car repair shops, engine terminals, and track workers' departments.

The company has manufacturing plants at Chicago, Ill., and Newark, N. J., and has outstanding $3,685,000 of common stock, substantially all of which is owned by the Union Carbide & Carbon Corporation. The railroad service department of this company, known as the Oxweld Railroad Service Co., has outstanding 25,000 shares of common stock, substantially all of which is owned by the Union Carbide & Carbon Corporation. This company practically dominates its field, the principal competition being supplied by the Air Reduction Co. No figures on gross sales are available in this industry. No tariff duty is specifically imposed on this equipment. Paragraph 215, imposing a duty of 20 per cent ad valorem on gas retorts, and paragraph 311, would probably apply, which provides: "No article not specifically provided for which is wholly or partly manufactured from tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel, or of which such tin plate terneplate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made or of which it shall be the component thereof of chief value."

PREST-O-LITE

This product, dissolved acetylene, is manufactured and marketed by the Prest-O-Lite Co. (Inc.), and is made by dissolving carbide in acetone. This gas is marketed in returnable steel containers. There are two principal uses for Prest-O-Lite; the first is in welding and cutting metals, the second for lighting and heating purposes wherever portability is required.

This gas is particularly used on heavy-duty motor trucks, motor cycles, and supplies lighting systems for tractors, camps, boats, and for other services.

In addition to the marketing of Prest-O-Lite the company manufactures storage batteries for automobile and motor starting and lighting, for farm lighting and power plants, for radio sets and railway signals.

The company has 21 gas-manufacturing stations and 2 battery-manufacturing plants.

The Canadian branch has three gas-manufacturing stations and one battery station.

Capitalization of the Prest-O-Lite Co. is 100,000 shares of no par value common stock, of which 91,972 shares are issued and outstanding, substantially all of which are owned by the Union Carbide & Carbon Corporation.

Indication of the size of the company's business may be had from an item in the 1924 balance sheet, which shows among the assets of the parent corporation $22,783,559 worth of cylinders and containers for the shipment of gases. The principal competitor of Prest-O-Lite Co. (Inc.) in acetylene is the Air Reduction Co., and as the total investment of this company in manufacturing plant is listed at some $6,000,000 it is obvious that the Prest-O-Lite Co. dominates its field. While the Prest-O-Lite Co. dominates in the sale of acetylene in cylinders yet it does not take first rank in the sale of storage batteries. Its storage batteries are marketed under the names Prest-O-Lite and Columbia, and there are several companies whose production is in excess of the Prest-O-Lite Co.'s. There is no duty specifically imposed on acetylene, and as Prest-O-Lite is a trade-mark for acetylene in cylinders no duty is imposed thereon. Storage batteries, which are the other product of the company, however, are covered by paragraph 320 of tariff act, 1922; the provision is as follows: "Electric storage batteries and parts thereof, storage-battery supplies, and storage-battery plate material, wholly or partly manufactured, all the foregoing not specifically provided for, 40 per centum ad valorem."

OXYGEN

This product is manufactured by the Linde Air Products Co. and is used for cutting and welding metals, brazing, and lead burning, and is also used in the medical profession and for other special applications. Other products of the company extracted from the air are neon, argon, and nitrogen, used in the illuminating, chemical, fertilizer, rubber, and other industries.

Linde Air Products Co. manufactures oxygen in 37 plants and distributes them from 16 sales offices. The company has two subsidiaries—Linde Air Products Co. of Texas and the Linde Air Products Co., Pacific coast. Canadian business is handled through the Dominion Oxygen Co. (Ltd.). The Linde Air Products Co. has outstanding $11,912,333 of common stock and $750,000 of 6 per cent cumulative preferred stock, the common stock being substantially all owned by the Union Carbide & Carbon Corporation.

No import duties are specifically imposed on these products, nor is there record of the amount imported, which, however, is believed to be small.

The principal competitor of this company is the Air Reduction Co. The Linde Air Products Co. was believed a few years ago to control more than 80 per cent of the business. The amount of the business which it controls at present is not definitely known but is believed to be considerably in excess of 50 per cent.

The census of manufactures (1923) gives the following data concerning the oxygen industry:

Number of establishments (the Linde Air Products Co. has 37 oxygen-producing plants)	121
Cubic feet—thousands	1,057,526
Value	$23,382,236

BATTERIES

Batteries are manufactured by two important subsidiaries of the corporation—

(1) The Prest-o-Lite Co. (Inc.).

(2) National Carbon Co. (Inc.).

Storage batteries sold under the trade names Prest-o-Lite and Columbia are manufactured by the Prest-o-Lite Co.

These batteries are used for automobile and motor-boat starting and lighting, for farm lighting and power plants, and for radio sets and railway signaling.

Some indication of the extent of this industry can be obtained from the following data taken from the Census of Manufactures for the calendar year 1923:

Batteries, parts, and supplies

Storage	$92,843,390
Primary	31,787,077
Total value	124,630,467

The storage-battery value was divided between batteries and parts, as follows:

Batteries	$66,922,291
Parts and supplies	25,921,099
Total	92,843,390

Among the principal competing companies making storage batteries are:

Electric Storage Battery Co., manufacturers of Willard and Exide batteries. The gross business of this company in 1923 was $11,836,000.

Philadelphia Storage Battery Co., Edison Storage Battery Co., Gould Storage Battery Co., United States Light & Heat Corporation, Manhattan Electrical Supply Co., Westinghouse Union Battery Co., American Electric Battery Works, Burgess Battery Co., General Lead Batteries, Hartford Battery Co. of New York (Inc.), Independent Electric Battery Co., International Battery Co., Marko Storage Battery Co.

Primary batteries are further divided as follows:

Dry	$9,848,345
Other	9,054,924
Wet	2,542,829
Parts and supplies	10,340,979
Total	31,787,077

The National Carbon Co., a subsidiary of the Union Carbide & Carbon Corporation, is the predominant maker of dry cells and flash lights, there being no comparable competing company. Its products, Columbia dry cells, Everready radio batteries, and Everready flash lights and batteries, are sold through 60,000 dealers.

There are many small companies engaged in the manufacture of both storage and primary batteries; the Union Carbide & Carbon Corporation, through its subsidiaries, the Prest-o-Lite Co. (Inc.) and National Carbon Co., plays a very important part in the storage-battery industry and dominates the dry cell, radio, and flash light battery portion of the industry.

ELECTORS FOR ELECTRIC FURNACES, BRUSHES FOR ELECTIC MACHINERY, CARBON SPECIALTIES

These products are manufactured by a subsidiary, the National Carbon Co., which has 14 plants and factories and was the pioneer producer of carbon for arc lights. The company has an authorized issue of 500,000 shares no par value common stock of which 419,250 shares are outstanding, substantially all of which are owned by the Union Carbide & Carbon Corporation. It has also $5,650,000 of 8 per cent preferred. The value at the factory of carbons, electrodes for lighting and furnaces, brushes and specialties was reported at $14,390,177 in the biennial census of manufactures for the year ending 1923.

The principal companies other than National Carbon Co. engaged in the production of carbons are:

Morganite Brush Co., Pure Carbon Co., Thomas Dixon Crucible Co., United States Graphite Co., General Electric Co., Westinghouse Electric & Manufacturing Co., Achison Graphite Co., Republic Carbon Co., Harshaw Fuller & Goodwin, Lincoln Electric Co.

While figures are not available to fix the exact position of the Union Carbide & Carbon Corporation in the industry, yet its position is generally recognized to be a dominant one through the adequacy of its manufacturing and sales organization and the volume of the business which it transacts.

Mr. McKELLAR. I also want to introduce, in addition to the complete history of this organization's activities heretofore inserted, an index for the use of Senators, so that there can be no doubt in their minds of just what this corporation does. I ask unanimous consent that that may be put in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

INDEX

Union Carbide & Carbon Corporation.
Union Carbide & Carbon Corporation balance sheet.
Consolidated statement of income and surplus.
Tariff.
Calcium carbide.
Ferro-alloys and alloying metals.
Stellite.
Generators, fixtures, burners, and igniters for acetylene gas.
Solvents, intermediates, and compressed hydrocarbon gases.
Welding and cutting apparatus and accessories.
Prest-O-Lite.
Oxygen.
Batteries.
Electrodes for electric furnaces, brushes for electric machinery, carbon specialities.
Chemical industry, Table 1.
Chemical industry, Table 2.
Chemical industry, Table 3.

Mr. McKELLAR. I am advertising the Union Carbide Co., and I am glad to do it; but I have a statement here of its plants. I wish I could put in the RECORD a map showing where this company is manufacturing. In this pamphlet there is a complete statement of its plants, factories, and offices, and I ask unanimous consent that that may be printed in the RECORD for reference of Senators when the fight shall come up against the ratification of the sale to this company.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PLANTS AND FACTORIES

Union Carbide Co., Sault Ste. Marie, Mich., and Niagara Falls, N. Y.

Union Carbide Co. of Canada (Ltd.), Dain Avenue, Welland, Ontario.

Electro Metallurgical Co.: Niagara Falls, N. Y.; Holcomb Rock, Va.; and Glen Ferris, W. Va.

Electro Metallurgical Co. of Canada (Ltd.), Welland, Ontario.

Electric Furnace Products Co. (Ltd.), Sauda, Norway.

Michigan Northern Power Co., Sault Ste. Marie, Mich.

Haynes Stellite Co., Kokomo, Ind.

Carbide & Carbon Chemicals Corporation: Niagara Falls, N. Y. (under construction); Clendenin, W. Va.; and South Charleston, W. Va. (under construction).

Oxweld Acetylene Co.: Thirty-sixth Street and Jasper Place, Chicago, Ill., and 646 Frelinghuysen Avenue, Newark, N. J.

The Linde Air Products Co.: Tenth Avenue and Twenty-eighth Street, Birmingham, Ala.; 695 South Broadway, Denver, Colo.; Pylant Street and Southern Railroad, Atlanta, Ga.; Stiles Avenue and Gwinnett Street, Savannah, Ga.; 3633 South Wall Street, Chicago, Ill.; One hundred and forty-fifth Street and Kennedy Avenue, East Chicago, Ind.; 2919 Roosevelt Avenue, Indianapolis, Ind.; 432 North Anthony Street, New Orleans, La.; Twenty-fifth and Montebello Avenue, Baltimore, Md.; East First and K Streets, Boston, Mass.; 961 Southbridge Street, Worcester, Mass.; 7501 St. Aubin Avenue, Detroit, Mich.; 1809 East Hennepin Avenue, Minneapolis, Minn.; Fourteenth and Charlotte Streets, North Kansas City, Mo.; 4218 Forest Park Boulevard, St. Louis, Mo.; Fifty-sixth and Center Streets, Omaha, Nebr.; Linden Road, Elizabeth, N. J.; 475 Driggs Avenue, Brooklyn, N. Y.; 155 Chandler Street and 1811 Broadway, Buffalo, N. Y. (two plants); Schuyler and Walnut Streets, Utica, N. Y.; Stanton and Mellish Avenues, Cincinnati, Ohio; 803 East Seventy-second Street, Cleveland, Ohio; Marion Road and Champion Avenue, Columbus, Ohio; 601 Jones Street, Youngstown, Ohio; 1011 North Lewis Avenue, Tulsa, Okla.; Norristown, Pa.; Eighteenth and Cambria Streets, Philadelphia, Pa.; 1920–1938 Westhall Street, Pittsburgh, Pa.; Trafford, Pa.; Colonial Avenue and Twenty-second Street, Norfolk, Va.; and 3623 National Avenue, Milwaukee, Wis.

The Linde Air Products Co. of Texas, 2501 South Harwood Street, Dallas, Tex.

Linde Air Products Co. (Pacific coast): Johnson and Mission Road, Los Angeles, Calif.; Watt Street and Santa Fe Railroad, Oakland, Calif.; 863 South Fourth West Street, Salt Lake City, Utah; and Henrietta Street and Eighth Avenue, South, Seattle, Wash.

Dominion Oxygen Co. (Ltd.): Hillcrest Park, Toronto, Ontario, and Point St. Charles, Montreal, Province of Quebec.

The Prest-O-Lite Co. (Inc.) (dissolved acetylene): Del Monte Road, Los Angeles, Calif.; Railroad and Linden Avenues, South San Francisco, Calif.; West Exposition Avenue and Cherokee Street, Denver, Colo.; 23 Kuhrt Street, Atlanta, Ga.; Chicago, Indianapolis & Louisville Railway and Marble Street, Hammond, Ind.; Speedway, Indianapolis, Ind.; 500 South Howell Street, Davenport, Iowa; 532 Southwest Seventh Street, Des Moines Iowa; Jefferson Avenue and Yazoo & Missis-

sippi Valley Railroad, New Orleans, La.; Franklin Post Office Station, Baltimore, Md.; Elkton, Md.; 539 Concorn Avenue, Cambridge, Mass.; Pasco Road, Indian Orchard, Mass.; 7301 Clayton Avenue, Detroit, Mich.; 350 South First Avenue East, Duluth, Minn.; Lake and Monitor Streets, St. Louis Park (near Minneapolis), Minn.; Twelfth and Charlotte Streets, North Kansas City, Mo.; 4018 Duncan Avenue, St. Louis, Mo.; Eleventh Street and Avenue H, Omaha, Nebr.; 351 Doremus Avenue, Newark, N. J.; 90 Hopkins Street, Buffalo, N. Y.; C., H. & D. R. R. and Dempsey Avenue, Cincinnati, Ohio; 1792 La Moille Street, Cleveland, Ohio; 700 North Birmingham Street, Tulsa, Okla.; Lincoln and Tabor Streets, Pittsburgh, Pa.; 1304 South Austin Street, Dallas, Tex.; Fulton, Richmond, Va.; 8800 East Marginal Way, Seattle, Wash.; and 619 Trowbridge Avenue, Milwaukee, Wis.

The Prest-O-Lite Co. (Inc.) (storage batteries): 351 California Street, San Francisco, Calif.; Speedway, Indianapolis, Ind.

Prest-O-Lite Co. of Canada (Ltd.) (dissolved acetylene): St. Boniface, Winnipeg, Manitoba; Merritton, Ontario; and Transmission Avenue, Shawinigan Falls, Province of Quebec.

Prest-O-Lite Co. of Canada (Ltd.) (storage batteries): Hillcrest Park, Toronto, Ontario.

National Carbon Co. (Inc.): 599 Eighth Street, San Francisco, Calif.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; Rock Road, Signal Hill, East St. Louis, Ill.; 580 Henderson Street, Jersey City, N. J.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 237 East Forty-first Street, New York, N. Y.; College Avenue and Fifteenth Street, Niagara Falls, N. Y.; West One hundred and seventeenth Street and Madison Avenue; West Seventy-third Street and Lake Shore, Cleveland, Ohio (two plants); Tiffin and Town Streets, Fostoria, Ohio; West State Street, Fremont, Ohio; 3 Barber Place, Pittsburgh, Pa.; and Phillipi Pike, Clarksburg, W. Va.

Canadian National Carbon Co. (Ltd.), Melita Avenue, Hillcrest Park, Toronto, Ontario.

Union Carbide & Carbon Research Laboratories (Inc.), Thompson Avenue and Orton Street, Long Island City, N. Y.

SALES OFFICES

Union Carbide Sales Co.: Balfour Building, San Francisco, Calif.; Peoples Gas Building, Chicago, Ill.; 30 East Forty-second Street, New York, N. Y.; and Royal Bank of Canada Building, Havana, Cuba.

Union Carbide Co. of Canada (Ltd.), 80 Adelaide Street, East Toronto, Ontario.

Electro Metallurgical Sales Corporation: Balfour Building, San Francisco, Calif.; 30 East Forty-second Street, New York, N. Y.; and 817 Oliver Building, Pittsburgh, Pa.

J. B. Colt Co.: 599 Eighth Street, San Francisco, Calif.; 1001 Monadnock Block, Chicago, Ill.; 716 New York Life Building, Kansas City, Mo.; 31 Exchange Street, Rochester, N. Y.; and Sixth and Market Streets, Chattanooga, Tenn.

Carbide & Carbon Chemicals Corporation: 30 East Forty-second Street, New York, N. Y.

Haynes Stellite Co.: Peoples Gas Building, Chicago, Ill.; General Motors Building, Detroit, Mich.; 30 East Forty-second Street, New York, N. Y.; and 4503 Euclid Avenue, Cleveland, Ohio.

Oxweld Acetylene Co.: 2128 First Avenue, Birmingham, Ala.; 1310 Santee Street, Los Angeles, Calif.; 1050 Mission Street, San Francisco, Calif.; 1109 Broadway, Denver, Colo.; Haynes and Rhodes Streets, Atlanta, Ga.; 3642 Jasper Place, Chicago, Ill.; 609 Iberville Street, New Orleans, La.; 645 North Eutaw Street, Baltimore, Md.; 178 High Street, Boston, Mass.; 338 John R. Street, Detroit, Mich.; 423 South Fifth Street, Minneapolis, Minn.; 1522 Olive Street, St. Louis, Mo.; 115 North Twelfth Street, Omaha, Nebr.; 646 Frelinghuysen Avenue, Newark, N. J.; 884 Washington Street, Buffalo, N. Y.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 30 East Forty-second Street, New York, N. Y.; 1000 West Palmer Street, Charlotte, N. C.; 6 East Court Street, Cincinnati, Ohio; 1909 East Seventeenth Street, Cleveland, Ohio; 305 East Fourth Street, Tulsa, Okla.; 163 East Water Street, Portland, Oreg.; 1615 Vine Street, Philadelphia, Pa.; 102 Bowman Building, Pittsburgh, Pa.; 354 South Main Street, Memphis, Tenn.; 602 Stewart Building, Houston, Tex.; 113 West Second South Street, Salt Lake City, Utah; 119 Jackson Street, Seattle, Wash.; and 507 Matthews Building, Milwaukee, Wis.

The Oxweld Railroad Service Co.: Room 333, Railway Exchange Building, Chicago, Ill.; and 30 East Forty-second Street, New York, N. Y.

The Linde Air Products Co.: 512 Hurt Building, Atlanta, Ga.; 1955 Peoples Gas Building, Chicago, Ill.; 628 Whitney Central Building, New Orleans, La.; 906 Lexington Building, Baltimore, Md.; 947 Old South Building, Boston, Mass.; 2–242 General Motors Building, Detroit, Mich.; 716 First National Soo Line Building, Minneapolis, Minn.; 1028 New York Life Building, Kansas City, Mo.; 1027 Arcade Building, St. Louis, Mo.; 1007 White Building, Buffalo, N. Y.; 30 East Forty-second Street, New York, N. Y.; 400 Union Building, Cleveland, Ohio; 404 First National Bank Building, Columbus, Ohio; 924 City Center Building, Philadelphia, Pa.; 907–909 Fulton Building, Pittsburgh, Pa.; and 1434 First Wisconsin National Bank Building, Milwaukee, Wis.

The Linde Air Products Co. of Texas, 810 Kirby Building, Dallas, Tex.

Linde Air Products Co. (Pacific coast): 1310 Santee Street, Los Angeles, Calif.; 507 Balfour Building, San Francisco, Calif.; 108 West Second South Street, Salt Lake City, Utah; and 304 Railroad Avenue, South Seattle, Wash.

Dominion Oxygen Co. (Ltd.): 80 Adelaide Street, East Toronto, Ontario; and 225 Bourgeois Street, Montreal, Province of Quebec.

Canadian National Carbon Co. (Ltd.): Melita Avenue, Hillcrest Park, Toronto, Ontario; 301 St. Paul Street, West, Montreal, Province of Quebec; and 605 Tache Avenue, St. Boniface, Winnipeg, Manitoba.

The Prest-O-Lite Co. (Inc.) (cutting and welding gas): 1310 Santee Street, Los Angeles, Calif.; 507 Balfour Building, San Francisco, Calif.; 512 Hurt Building, Atlanta, Ga.; 1955 Peoples Gas Building, Chicago, Ill.; 628 Whitney Central Building, New Orleans, La.; 906 Lexington Building, Baltimore, Md.; 947 Old South Building, Boston, Mass.; 2–242 General Motors Building, Detroit, Mich.; 716 First National Soo Line Building, Minneapolis, Minn.; 1028 New York Life Building, Kansas City, Mo.; 1027 Arcade Building, St. Louis, Mo.; 1007 White Building, Buffalo, N. Y.; 30 East Forty-second Street, New York, N. Y.; 400 Union Building, Cleveland, Ohio; 404 First National Bank Building, Columbus, Ohio; 924 City Center Building, Philadelphia, Pa.; 907–909 Fulton Building, Pittsburgh, Pa.; 810 Kirby Building, Dallas, Tex.; 108 West Second South, Salt Lake City, Utah; 304 Railroad Avenue, South Seattle, Wash.; and 1434 First Wisconsin National Bank Building, Milwaukee, Wis.

The Prest-O-Lite Co. (Inc.) (storage batteries and small-tank departments): 599 Eighth Street, San Francisco, Calif.; 213 Atlanta National Bank Building, Atlanta, Ga.; Speedway, Indianapolis, Ind.; 963 Commonwealth Avenue, Boston, Mass.; 5765 Woodward Avenue, Detroit, Mich.; 732 Brandeis Theater, Omaha, Nebr.; 30 East Forty-second Street, New York, N. Y.; 1812 East Twenty-second Street, Cleveland, Ohio; 3577 Bigelow Boulevard, Pittsburgh, Pa.; and 811 Kirby Building, Dallas, Tex.

Prest-O-Lite Co. of Canada (Ltd.) (dissolved acetylene): 605 Tache Avenue, St. Boniface, Winnipeg, Manitoba; 80 Adelaide Street, East Toronto, Ontario; and 225 Bourgeois Street, Montreal, Province of Quebec.

Prest-O-Lite Co. of Canada (Ltd.) (storage batteries): Hillcrest Park, Toronto, Ontario; and 301 St. Paul Street, West Montreal, Province of Quebec.

National Carbon Co. (Inc.): 419 East Second Street, Los Angeles, Calif.; 599 Eighth Street, San Francisco, Calif.; 383 Whitehall Street, Atlanta, Ga.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; Nineteenth and Campbell Streets, Kansas City, Mo.; Thompson Avenue and Orton Street, Long Island City, N. Y.; West One hundred and seventeenth Street and Madison Avenue, Cleveland, Ohio; 502 Artisans Building, Portland, Oreg.; and 1206 L. C. Smith Building, Seattle, Wash.

WAREHOUSE STOCKS

Union Carbide Sales Co.: 12 South Twentieth Street, Birmingham, Ala.; 16 South Commerce Street, Mobile Ala.; 21 Washington Avenue, Montgomery, Ala.; 42 South Central Avenue, Phoenix, Ariz.; 201 Rogers Avenue, Fort Smith, Ark.; 1400 East Sixth Street, Little Rock, Ark.; 932 H Street, Fresno, Calif.; 639 Gibbon Street, Los Angeles, Calif.; 1717 Third Street, Sacramento, Calif.; Seventh and J Streets, San Diego, Calif.; 351 California Street, San Francisco, Calif.; Nineteenth and Wazee Streets, Denver, Colo.; 409 Windsor Street, Hartford, Conn.; Maryland Avenue and Ninth Street SW., Washington, D. C.; 13 Cedar Street, Jacksonville, Fla.; 1702 Grand Central Avenue, Tampa, Fla.; Haynes and Rhodes Streets, Atlanta, Ga.; Ogeechee Canal, south of Bay Street, Savannah, Ga.; 122 South Michigan Boulevard, Chicago, Ill.; 511 Oak Street, Danville, Ill.; 133 West William Street, Decatur, Ill.; 700 Broadway, East St. Louis, Ill.; 856 South Fourth Street, Eldorado, Ill.; 631 North Webster Street, Harrisburg, Ill.; 315 South Granite Street, Marion, Ill.; 509 South First Street, Monmouth, Ill.; 100–110 Edmund Street, Peoria, Ill.; 313 Delaware Street, Quincy, Ill.; 1801 Washington Street, Springfield, Ill.; 501 East Hickory Street, Streator, Ill.; 102 East Mulberry Street, Clinton, Ind.; 1601 Illinois Street, Evansville, Ind.; 2206 Broadway, Fort Wayne, Ind.; 601–637 Kentucky Avenue, Indianapolis, Ind.; 714 North Fifth Street, Terre Haute, Ind.; 118 Harrison Street, Davenport, Iowa; Third and Elm Streets, Des Moines, Iowa; Eighth and Washington Streets, Dubuque, Iowa; Central Avenue and Sixteenth Street, Fort Dodge, Iowa; 207–211 South Washington Street, Ottumwa, Iowa; 410 Court Street, Sioux City, Iowa; 1209 East Fourth Street, Waterloo, Iowa; 1201 North Broadway, Pittsburg, Kans.; 154 North Fifth Street, Salina, Kans.; Douglas and Sycamore Avenues, Wichita, Kans.; Allen, Ky.; 306 Broad Street, Central City, Ky.; Brook and Main Streets, Louisville, Ky.; 1701 Cumberland Avenue, Middlesboro, Ky.; 118 North Front Street, New Orleans, La.; 615 Market Street, Shreveport, La.; 11 Exchange Street, Portland, Me.; 19 East Lombard Street, Baltimore, Md.; 18

North George Street, Cumberland, Md.; 406 Main Street, Salisbury, Md.; Pasco Road, Indian Orchard, Mass.; 15 Federal Street, Worcester, Mass.; 5785 Hamilton Avenue, Detroit, Mich.; 500 Shawmut Avenue NW., Grand Rapids, Mich.; First National Bank Building, Hancock, Mich.; 513 Stephenson Avenue, Iron Mountain, Mich.; 321 Carnegie Avenue, Iron River, Mich.; Ironwood, Mich.; 412 East Division Street, Ishpeming, Mich.; 518 South Water Street, Jackson, Mich.; 617 East Shiawasee Street, Lansing, Mich.; 301 West Western Avenue, Muskegon, Mich.; 1830–1840 North Michigan Avenue, Saginaw, Mich.; Sault Ste. Marie, Mich.; 334 North First Street, Minneapolis, Minn.; 413 Chestnut Street, Virginia, Minn.; 1701–1703 Levee Street, Vicksburg, Miss.; 1422 St. Louis Avenue, Kansas City, Mo.; 920 South Sixth Street, St. Joseph, Mo.; St. Louis, Mo. (see East St. Louis, Ill.); 1007–1011 Jones Street, Omaha, Nebr.; Front and Division Streets, Camden, N. J.; 251–255 Ridgewood Avenue, Newark, N. J.; 108 Third Avenue, Albany, N. Y.; 85 Prospect Avenue, Binghamton, N. Y.; 382 Metropolitan Avenue, Brooklyn, N. Y.; 1345 Genesee Street, Buffalo, N. Y.; 261 Exchange Street, Geneva, N. Y.; Hurleyville, N. Y.; 11 New York Avenue, Jamaica, N. Y.; O'Neil Street, near Broadway, Kingston, N. Y.; Niagara Falls, N. Y.; Smith Street and New York, New Haven & Hartford Railroad, Poughkeepsie, N. Y.; 135 Hotel Street, Utica, N. Y.; 438 Court Street, Watertown, N. Y.; Main Street, Whitehall, N. Y.; 1000 Palmer Street, Charlotte, N. C.; McCullough and Lenoir Streets, Raleigh, N. C.; Surry Street, between Castle and Queen Streets, Wilmington, N. C.; 700 South Goldsboro Street, Wilson, N. C.; Fifth Street and Second Avenue north, Fargo, N. Dak.; Factory and Moore Streets, Athens, Ohio; 618 Mulberry Road SE., Canton, Ohio; 67 Plum Street, Cincinnati, Ohio; 631 Hannah Building Annex, Cleveland, Ohio; 330 Dublin Avenue, Columbus, Ohio; 104–114 South Wayne Avenue, Dayton, Ohio; 700 First Avenue, Gallipolis, Ohio; 338 East High Street, Lima, Ohio; 40 West Third Street, Mansfield, Ohio; 324 North Seventh Street, Steubenville, Ohio; 414 South Erie Street, Toledo, Ohio; Jones and Brittain Streets, Youngstown, Ohio; Main and Second Streets, Zanesville, Ohio; 8 North Main Street, McAlester, Okla.; 4 West Park Place, Oklahoma City, Okla.; 1–11 North Boulder Street, Tulsa, Okla.; Fifteenth and Hoyt Streets, Portland, Oreg.; 224 Buffalo Street, Beaver, Pa.; Weber Avenue and Franklin Street, DuBois, Pa.; Clark and George Streets, East Greensburg, Pa.; 1502 Sassafras Street, Erie, Pa.; 25 South Tenth Street, Harrisburg, Pa.; 223 East Mine Street, Hazleton, Pa.; Messenger Street and Baltimore & Ohio Railroad, Johnstown, Pa.; Second Street and Fishers Avenue, Philadelphia, Pa.; North Front Street, Philipsburg, Pa.; 1202 Chamber of Commerce Building, Pittsburgh, Pa.; Railroad and Sanderson Streets, Pottsville, Pa.; Penn Avenue and Vine Street, Scranton, Pa.; Fifth and Walnut Streets, Shamokin, Pa.; Budd Street and South Irvine Avenue, Sharon, Pa.; Bigler Avenue, Spangler, Pa.; 150 East Northampton Street, Wilkes-Barre, Pa.; Canal and Court Streets, Williamsport, Pa.; 3 Liberty Street, Charleston, S. C.; 312 Pound Building, Chattanooga, Tenn.; 426 West Depot Street, Knoxville, Tenn.; 671 South Main Street, Memphis, Tenn.; 102–108 Broadway, Nashville, Tenn.; 366 Liberty Street, Beaumont, Tex.; 400 South Poydras Street, Dallas, Tex.; First and Kansas Streets, El Paso, Tex.; 810–820 Live Oak Street, Houston, Tex.; 115 South Medina Street, San Antonio, Tex.; Thirteenth and Mary Streets, Waco, Tex.; 108 West Second South Street, Salt Lake City, Utah; 1324 Commerce Street, Lynchburg, Va.; Virginia Avenue and Virginian Railway, Norfolk, Va.; 1709 East Cary Street, Richmond, Va.; 804 Railroad Avenue south, Seattle, Wash.; 162 South Post Street, Spokane, Wash.; 195 Roanoke Street, Bluefield, W. Va.; Broad Street and Kanawha & Michigan Railway, Charleston, W. Va.; 608 North Third Street, Clarksburg, W. Va.; Railroad Avenue and First Street, Elkins, W. Va.; Auburn Street, Fairmont, W. Va.; Seventh Avenue and Elm Street, Huntington, W. Va.; 610 University Avenue, Morgantown, W. Va.; Mount Hope, W. Va.; Mullens, W. Va.; Forty-third and McCulloch Streets, Wheeling, W. Va.; Williamson, W. Va.; Front and King Streets south, La Crosse, Wis.; 513–519 Williamson Street, Madison, Wis.; 120 Jefferson Street, Milwaukee, Wis.; 218–234 Industrial Avenue, Casper, Wyo.; 8 main warehouses and 207 distributing points, Cuba.

Union Carbide Co. of Canada (Ltd.), (distributing points): Calgary, Alberta; Drumheller, Alberta; 10238 One hundred and fourth Street, Edmonton, Alberta; 1216 First Avenue south, Lethbridge, Alberta; Nelson, British Columbia; 349 Railway Street, Vancouver, British Columbia; 148 Ninth Street, Brandon, Manitoba; 605 Tache Avenue, St. Boniface, Winnipeg, Manitoba; 73 Prince William Street, St. John, New Brunswick; Minto, New Brunswick; Bracebridge, Ontario; Cobalt, Ontario; 40 McRae Street, Niagara Falls, Ontario; North Bay, Ontario; Port Carling, Ontario; Sault Ste. Marie, Ontario; Sudbury, Ontario; Timmins, Ontario; and Sherbrooke, Quebec.

J. B. Colt Co.: Eighth and Brannon Streets, San Francisco, Calif., and Speedway, Indianapolis, Ind.

Haynes Stellite Co.: Peoples Gas Building, Chicago, Ill.; General Motors Building, Detroit, Mich.; 251 Ridgewood Avenue, Newark, N. J.; and 4503 Euclid Avenue, Cleveland, Ohio.

Carbide & Carbon Chemicals Corporation: South San Francisco, Calif.; 79 Arch Street, Greenwich, Conn.; Maryland Avenue and Ninth Street SW., Washington, D. C.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; 482 North Anthony Street, New Orleans, La.; 7301 Clayton Avenue, Detroit, Mich.; Morristown, N. J.; 351 Doremus Avenue, Newark, N. J.; East Williston, N. Y.; Huntington, N. Y.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 637 West Fiftieth Street, New York, N. Y.; 462 Bedford Road, Pleasantville, N. Y.; 35 Brookfield Street, Westmoreland Avenue, White Plains, N. Y. (two warehouses); 1792 Lamoille Street, Cleveland, Ohio; Lincoln and Tabor Streets, Pittsburgh, Pa.; and Richmond, Va.

Oxweld Acetylene Co.: 2128 First Avenue, Birmingham, Ala.; 1310 Santee Street, Los Angeles, Calif.; 1050 Mission Street, San Francisco, Calif.; 1109 Broadway, Denver, Colo.; 3642 Jasper Place, Chicago, Ill.; 609 Iberville Street, New Orleans, La.; 645 North Eutaw Street, Baltimore, Md.; 178 High Street, Boston, Mass.; 338 John R. Street, Detroit, Mich.; 423 South Fifth Street, Minneapolis, Minn.; 1522 Olive Street, St. Louis, Mo.; 115 North Twelfth Street, Omaha, Nebr.; 646 Frelinghuysen Avenue, Newark, N. J.; 884 Washington Street, Buffalo, N. Y.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 1000 West Palmer Street, Charlotte, N. C.; 6 East Court Street, Cincinnati, Ohio; 1909 East Seventeenth Street, Cleveland, Ohio; 305 East Fourth Street, Tulsa, Okla.; 163 East Water Street, Portland, Oreg.; 1615 Vine Street, Philadelphia, Pa.; 102 Bowman Building, Pittsburgh, Pa.; 602 Stewart Building, Houston, Tex.; 113 West Second South Street, Salt Lake City, Utah; and 119 Jackson Street, Seattle, Wash.

The Linde Air Products Co.: 16 South Commerce Street, Mobile, Ala.; 812 East Second Street, Little Rock, Ark.; 10 Whitney Street, Bridgeport, Conn.; 412 Trumbull Street, Hartford, Conn.; 447 Grand Avenue, New Haven, Conn.; Maryland Avenue and Ninth Street SW., Washington, D. C.; 1008 East Bay Street, Jacksonville, Fla.; Morgan and Water Streets, Tampa, Fla.; 23 Kuhrt Street, Atlanta, Ga.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; 700 Broadway, East St. Louis, Ill.; 113 Depot Street, Peoria, Ill.; 414 East Columbia Street, Fort Wayne, Ind.; Marble Street and Chicago, Indianapolis & Louisville Railway, Hammond, Ind.; Speedway, Ind.; 541 North Fourth Street, Terre Haute, Ind.; 500 South Howell Street, Davenport, Iowa; 537 Southwest Seventh Street, Des Moines, Iowa; 115 North Mead Street, Wichita, Kans.; 128 East Main Street, Louisville, Ky.; Commerce and Lake Streets, Shreveport, La.; 11 Exchange Street, Portland, Me.; Franklin Station, Baltimore, Md.; 541 Concord Avenue, Cambridge, Mass.; Indian Orchard, Springfield, Mass.; 7301 Clayton Avenue, Detroit, Mich.; 500 Shawmut Street, Grand Rapids, Mich.; 401 West Western Avenue, Muskegon, Mich.; 300 Carrollton Street, Saginaw, Mich.; South Seventh Avenue west, Duluth, Minn.; Lake and Monitor Streets, St. Louis Park, Minn.; 1824 Locust Street, Kansas City, Mo.; 1007 Jones Street, Omaha, Nebr.; 251 Ridgewood Avenue, 351 Doremus Avenue, Newark, N. J. (two warehouses); 108 Third Avenue, Albany, N. Y.; 90 Hopkins Street, Buffalo, N. Y.; 637 West Fiftieth Street, New York, N. Y.; 55 Railroad Street, Rochester, N. Y.; Westmoreland Avenue, White Plains, N. Y.; Palmer Street and P. & N. R. R., Charlotte, N. C.; 120 Fifth Avenue, Fargo, N. Dak.; 97 East South Street, Akron Ohio; 638 Mulberry Road SE., Canton, Ohio; 320 Dublin Avenue, Columbus, Ohio; 521 East First Street, Dayton, Ohio; 338 East High Street, Lima, Ohio; 160 McWilliams Court, Marion, Ohio; 703 Market Street, Portsmouth, Ohio; 414 South Erie Street, Toledo, Ohio; 1–5 East Grand Street, Oklahoma City, Okla.; 1 North Boulder Street, Tulsa, Okla.; 311 Gordon Street, Allentown, Pa.; 1502 Sassafras Street, Erie, Pa.; 239 South Cameron Street, Harrisburg, Pa.; Messenger Street and Baltimore & Ohio Railroad, Johnstown, Pa.; 104 South Front Street, Milton, Pa.; Lincoln and Tabor Streets, Pittsburgh, Pa.; Front and Franklin Streets, Reading, Pa.; Penn Avenue and Vine Street, Scranton, Pa.; 150 East Northampton Street, Wilkes-Barre, Pa.; Allens Avenue and Oxford Street, Providence, R. I.; 212 King Street, Chattanooga, Tenn.; 200 Humes Avenue, Knoxville, Tenn.; 475 North Main Street, Memphis, Tenn.; 210 Tenth Street north, Nashville, Tenn.; Richmond, Va.; Penn Avenue and Bridge Street, Charleston, W. Va.; 1639 Seventh Avenue, Huntington, W. Va.; Main, South, and Sixteenth Streets, Wheeling, W. Va.; Sixth and Commercial Streets, Manitowoc, Wis.; and 218 Industrial Avenue, Casper, Wyo.

The Linde Air Products Co. of Texas: Forrest and South Streets, Beaumont, Tex.; Avenue B and Fifteenth Street, Galveston, Tex.; Live Oak and Walker Streets, Houston, Tex.; 321 Fort Worth Street, Port Arthur, Tex.; 15 Medina Street, San Antonio, Tex.; and 810 Scott Avenue, Wichita Falls, Tex.

Linde Air Products Co. (Pacific coast): 932½ H Street, Fresno, Calif.; 217 O Street, Sacramento, Calif.; 301 Third Street, San Diego, Calif.; Eighth and Brannon Streets, San Francisco, Calif.; South San Francisco, Calif.; Fifteenth and Hoyt Streets, Portland, Oreg.; Seattle, Wash.; 121 South Madison Street, Spokane, Wash.; and 1721 Jefferson Avenue, Tacoma, Wash.

Dominion Oxygen Co. (Ltd.): 63 York Street, Hamilton, Ontario; Merritton, Ontario; Welland, Ontario; 620 Pitt Street west, Windsor, Ontario; Grant and Des Fosses Streets, Quebec, Quebec.

The Prest-O-Lite Co. (Inc.) (welding and cutting gas): 12 South Twentieth Street, Birmingham, Ala.; 932 H Street, Fresno, Calif.; 1310 Santee Street, Los Angeles, Calif.; 400 Alice Street, Oakland, Calif.; 217 O Street, Sacramento, Calif.; Eighth and Brannon Streets, San

Francisco, Calif.; 1126 Front Street, San Diego, Calif.; Maryland Avenue and Ninth Street SW., Washington, D. C.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; 113 Depot Street, East Peoria, Ill.; 700 Broadway, East St. Louis, Ill.; 541 North Fifth Street, Terre Haute, Ind.; 432 North Anthony Street, New Orleans, La.; 115 North Mead Street, Wichita, Kans.; 128 East Main Street, Louisville, Ky.; Twenty-fifth and Montebello Avenue, Baltimore, Md.; 500 Shawmut Street NW., Grand Rapids, Mich.; 300 Carrollton Street, Saginaw, Mich.; 1824 Locust Street, Kansas City, Mo.; 1007 Jones Street, Omaha, Nebr.; Linden Road, Elizabeth, N. J.; Broadway and Ideal Street, 155 Chandler Street, Buffalo, N. Y. (two warehouses); 637 West Fiftieth Street, New York, N. Y.; Walnut and Schuyler Streets, Utica, N. Y.; 120 Fifth Avenue, Fargo, N. Dak.; 97 East South Street, Akron, Ohio; 638 Mulberry Road SE., Canton, Ohio; 910 Walnut Street, Cincinnati, Ohio; Marion Road and Champion Avenue, 320 Dublin Avenue, Columbus, Ohio (two warehouses); 414 South Erie Street, Toledo, Ohio; 601 Jones Street, Youngstown, Ohio; 1 North Boulder Street, Tulsa, Okla.; Fifteenth and Hoyt Streets, Portland, Oreg.; 311 Gordon Street, Allentown, Pa.; Norristown, Pa.; Messenger Street and Baltimore & Ohio Railroad, Johnstown, Pa.; Eighteenth and Cambria Streets, Philadelphia, Pa.; 150 East Northampton Street, Wilkes-Barre, Pa.; 2308 Avenue C, Galveston, Tex.; Live Oak and Walker Streets, Houston, Tex.; 118 West Second South Street, Salt Lake City, Utah; Colonial Avenue and Twenty-second Street, Norfolk, Va.; Seattle, Wash.; 162 South Post Street, Spokane, Wash.; 1721 Jefferson Street, Tacoma, Wash.; Penn Avenue and Bridge Street, Charleston, W. Va.; and 218 Industrial Avenue, Casper, Wyo.

The Prest-O-Lite Co. (Inc.) (storage batteries and small-tank departments): 1801 South Figueroa Street, Los Angeles, Calif.; 599 Eighth Street, San Francisco, Calif.; 988 Cherokee Street, Denver, Colo.; 304 Peachtree Street, Atlanta, Ga.; 3642 Jasper Place, Chicago, Ill.; 508 North Capitol Avenue, Indianapolis, Ind.; Twelfth and Locust Streets, Des Moines, Iowa; 963 Commonwealth Avenue, Boston, Mass.; 5765 Woodward Avenue, Detroit, Mich.; 2901 Nicollet Avenue, Minneapolis, Minn.; 3001 Gillham Road, Kansas City, Mo.; 1105 North Twelfth Street, St. Louis, Mo.; Seventeenth and Webster Streets, Omaha, Nebr.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 12–14 West End Avenue, New York, N. Y.; 575 East Genesee Street, Syracuse, N. Y.; Park and McMillan Streets, Cincinnati, Ohio; West One hundred and seventeenth Street and Madison Avenue, 1812 East Twenty-second Street, Cleveland, Ohio (two warehouses); 414 Couch Street, Portland, Oreg.; 1343 Brandywine Street, Philadelphia, Pa.; 3577 Bigelow Boulevard, Pittsburgh, Pa.; Bryan and Harwood Streets, Dallas, Tex.; 1021 Main Street, Houston, Tex.; Oakland and Lexington Streets, San Antonio, Tex.; 918 West Broad Street, Richmond, Va.; and 345 Eleventh Avenue, Milwaukee, Wis.

Prest-O-Lite Co. of Canada (Ltd.): 65 York Street, Hamilton, Ontario; 620 Pitt Street west, Windsor, Ontario; 225 Bourgeois Street, Montreal, Quebec; and Grant and Des Fosses Streets, Quebec, Quebec.

National Carbon Co. (Inc.): 419 East Second Street, Los Angeles, Calif.; 599 Eighth Street, San Francisco, Calif.; 383 Whitehall Street, Atlanta, Ga.; Thirty-seventh Street and Jasper Place, Chicago, Ill.; 139 North Santa Fe Street, Wichita, Kans.; Fifth and Congress Streets, Detroit, Mich.; Nineteenth and Campbell Streets, Kansas City, Mo.; Thompson Avenue and Orton Street, Long Island City, N. Y.; 135 West First Street, Oklahoma City, Okla.; 502 Artisans Building, Portland, Oreg.; 1307 River Street, Dallas, Tex.; Campbell and Mills Streets, El Paso, Tex.; and 1113 Vine Street, Houston, Tex.

Canadian National Carbon Co. (Ltd.): 122 Eleventh Avenue west, Calgary, Alberta; 898 Seymour Street, Vancouver, British Columbia; 605 Tache Avenue, St. Boniface, Winnipeg, Manitoba; 301 St. Paul Street west, Montreal, Quebec.

Mr. McKELLAR. What is the argument from all this? The Senator from Maryland says I am objecting because this is a great corporation. I am not. It takes great amounts of wealth to develop power companies, but it does not take a great amount to operate them. If we want to give this to a company for operation, probably a million dollar or a two million dollar company would be just as good as a $250,000,000 octopus.

Why should we turn it over to this concern? Let us see why. It manufactures probably a hundred different articles. If it gets this great plant, it will manufacture fertilizer. The various fertilizer companies will become a part and parcel of it if they have not already done so. It will not be to the interest of the users of fertilizers that a great concern like this shall have a monopoly. Are they going to sell fertilizer to the farmers at any lower prices? We know they are not. Under the provisions of House bill 518 they do not have to manufacture it at all, even for experimental purposes, after six years. How can the farmers get anything out of it? What is the Union Carbide Co. going to do for the farmers in the way of the production of fertilizer?

A committee representing farmers called on me—some of the very best men I know. One of them is a distinguished and splendid gentleman from my own State—one of the best men I know, honest as the day is long. They said they came in to recommend this resolution. I asked them what they expected to get from it, whether they expected to get a reduction of rates. They could not say they would, because there is no reduction of rates provided for in it. I said, "You representatives of farmers are coming here recommending this resolution to me, and I want to show you the letters I got this morning." I had a large bundle of letters which I had received that very morning from citizens of New York urging me to vote for this resolution. What did that mean? It simply meant that the Union Carbide Co. had gotten very busy and were getting letters sent, that is all. It was not the farmers of the country. As I recall, the only farmer who has written to me from my own State about this matter on the side of the Carbide Co., or in favor of transferring the property to a single concern, is this distinguished and splendid gentleman who called on me the other day. The farmers, if they know what is good for them, know that the Union Carbide Co., manufacturing everything except fertilizer, have a contract with the American Cyanamid Co. for the machinery that is in this very plant, and the farmers ought to know that they are not going to get fertilizers any cheaper. We know it. There is not a man in the Senate who does not know that it will never make one cent of difference in the price of fertilizer to the farmer if this plant goes into the hands of any one of these great concerns after it.

What will happen if this concern gets this plant instead of the Government having it? Instead of the Government having this plant for use in time of war, instead of the farmers getting the use of this plant in peace times, instead of the excess current being distributed in a fair and equitable manner to the manufacturers of my State and the States of Alabama, Mississippi, Georgia, and other surrounding States, what will happen? This concern will get the usufruct of every dollar the Government has spent. There will not be a single beneficiary except those who get the concern. We all know that.

If there were any doubt about it, I could give the facts now. The Alabama Power Co. is now using this property, and has been using it since last July. The Government is selling at one-fifth of a cent to the Alabama Power Co. The Government's return for that sale—and I hope the Senator from South Carolina will listen to these figures—the rental, if we may call it that, or the proceeds of the sale of this current at one-fifth of a cent for the month of November was $26,000.

For the month of December it was $27,000, but that is an unusual month, so we will take the month of November, which was probably an average month. The Government got for the power given to the Alabama Power Co. in November $26,000. What does the Alabama Power Co. get for it? If they sold it at 1 cent per kilowatt they would get $130,000 a month. If they sold it at 2 cents it would be $260,000 a month. If they sold it at 3 cents it would be $390,000 a month. If they sold it at 4 cents, approximately one-half what they charge their consumers, it would be $520,000 a month. If they sold it at 5 cents, and the average must be greater than that, it would be $650,000 a month. If they sold it at 6 cents it would be $780,000 a month. If they sold it at 7 cents it would be $910,000 a month. If it sold at 8 cents they would get $1,040,000 a month for it. If it sold at 8.5 cents, which is the highest price, they would get $1,105,000 for it. But if we suppose that it sells on the average at only 4 cents, the company would get $525,000 a month, or $6,240,000 a year profit on this business.

I wonder if any of the people in Alabama represented by my distinguished and beloved friend, the junior Senator from that State [Mr. HEFLIN], would get a reduction of rates if all of this power should go into the hands of the Alabama Power Co. at one-fifth of a cent per kilowatt? I am sorry the Senator from Alabama is not here so he could answer that question. I venture to say, based on the very great number of letters I have received from Alabama urging me, in the words of Colonel House to the distinguished Senator from Virginia [Mr. GLASS], to "stand firm," that there is not a reduction in the price of current to any consumer in Alabama. We all know that there will be no reduction. The Alabama Public Utilities Commission not only said that they would regulate the rates—and under their regulation the users are charged on a basis of 8.5 cents—but they are not going to let the power go out of Alabama at all, and it does not make any difference what the Government of the United States does, that is their attitude.

More than $6,240,000 of profit! They have already made, according to the figures General Taylor furnished, something more than $3,000,000 during the six months' time referred to. The Carbide Co., who manufacture all these other things, including fertilizer, under this arrangement with the American

Cyanamid Co., will continue to make them and the American people will not benefit a particle, just as the people of Alabama have not benefited a particle in a reduction of rates up to this time. The people of the country know, and we all know, and every Senator in this body knows better than to think there is going to be any reduction of rates for electricity if this property is turned over to a private interest.

Let me show now how the property could be managed so as to be a boon to the American people. Suppose that the Government, according to the bill of the Senator from South Carolina [Mr. SMITH], or the bill of the Senator from Nebraska [Mr. NORRIS], or the bill of the Senator from Louisiana [Mr. RANSDELL], or the bill I had the honor to introduce, should continue to keep the plant for service in time of war. Suppose it should experiment and make fertilizers for the farmers at reasonable prices in times of peace, and after it had done all that, suppose the Government should dispose of the surplus current, what would happen? It would be similar to just what happened in Los Angeles or Cleveland or Seattle where the government built the plant.

Mr. KING. Does the Senator mean the Government or the city?

Mr. McKELLAR. I mean the city government, the municipalities which did it in those cases, and here exactly the same thing would happen. Here is a large surplus that the Government could sell at a profit for two-fifths of a cent per kilowatt. I was about to take my own city as an example, but I see the junior Senator from Kentucky [Mr. SACKETT] is listening attentively, so I will take his city of Louisville, and a great city it is, too. The Senator's city of Louisville now pays 10 cents per kilowatt, as I recall the figures. It would cost his city about $2,000,000 to build a transmission line from Louisville to the shoals. I have no doubt his city could easily make a contract with the shoals commission, which would be appointed under either of the Government control bills to which I have referred, to furnish the electricity at one-fifth of a cent per kilowatt. His city could afford to pay for those transmission lines and could then supply electricity to the people of Louisville at less than one-half the rate they are paying now, and could pay off every bond and pay all of the expenses of the transmission line and of those who operate it. That is what would happen if either of the bills which have been offered by the four Senators to whom I have referred should be enacted into law.

I doubt even whether they would have to build a line to Louisville, I will say to the Senator from Kentucky. What would happen would be that the moment the city of Louisville undertook to establish and operate an electrical transmission line to get the power and lights from Muscle Shoals, the company now operating there would say, just as the Los Angeles company should have said, "For what figure do you estimate you can get your electricity from Muscle Shoals?"

The city would reply, "We can get it for one-fifth of a cent, and we can afford to sell it to the people of Louisville, when we get it here and put in our distributing system, at about a 5-cent base rate." The company would immediately come to that rate; and if they did not do it, the city could force them to do it just as they did in Los Angeles.

To-day the citizens of Los Angeles, as I said a while ago, by reason of such an arrangement get their electricity on a base rate of 5.4 cents, whereas we in Memphis, Louisville, Nashville, Knoxville, Atlanta, and other cities near by the shoals pay 10 cents, and in one city 11 cents per kilowatt is the base rate. Is it possible that, instead of doing that for all the people and to benefit all of the people, we are going to turn this great institution over to the Union Carbide Co., a concern that is already doing well enough, in order that we may increase the millions of the gentlemen who own the Carbide Co.?

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield.

Mr. DILL. In this connection I want to say to the Senator that in my State the Stone & Webster interests, which own the private distributing systems of electricity, are charging from three to five times the cost of electricity in Seattle and Tacoma where they have municipal competition. They are charging three to five times that cost in cities adjoining and surrounding Seattle and Tacoma that do not have municipal plants. That is the best illustration of what the Senator is saying will happen. Previous to municipal ownership they charged in those cities similar rates.

Mr. McKELLAR. The same thing I pointed out for the city of Louisville, from which the Senator from Kentucky [Mr. SACKETT] comes, would happen in Memphis, Birmingham, Atlanta, New Orleans, Nashville, Knoxville, Chattanooga, and all surrounding cities, and what would it mean? It would mean that the residents of those cities would be given an infinitely less price for electricity.

What about the manufacturers of those States if this great manufacturing concern, the Union Carbide Co., gets this plant, as it seems probable they will, as they are the only real bidder in effect? They are now manufacturing some 50 or 75 or 100 different articles. They would manufacture every allied article that it would be to their interest to make. They would take the electric power, and what would be the result?

The smaller manufacturers all over my State in Memphis, Nashville, Jackson, Lebanon, Gallatin, Columbia, and east Tennessee, would be virtually thrown out of business entirely by this great concern or they would be so hamstrung in the way of interference that they could not make a decent living. That is what would happen to the manufacturers of my State.

I can not imagine a greater calamity than for the Government to give this great enterprise virtually for nothing to the institutions that would disrupt our business interests that are now in existence down there. So far as I am concerned I want to stand by the manufacturers of my State in this great project to get an equal distribution of the great power that comes from this plant that was built with the people's money. I was born in Alabama. I love every inch of her soil, and I love her people, but it is not fair for Alabama to have a monopoly of this power that was created by the money of all the people of the United States. The surplus should be fairly and justly and equitably distributed for the benefit of all the people. It should not go into the hands of the monopoly.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield.

Mr. DILL. The Senator said this power could be sold at 2 mills per kilowatt, I think.

Mr. McKELLAR. That is what they are selling it for now.

Mr. DILL. At what rate are the companies which buy it selling it to their customers?

Mr. McKELLAR. The Alabama Power Co. is buying it all. It has a base rate of 8.5 cents in Birmingham, and my understanding is it has in other towns and smaller places a base rate all the way from that rate up to 12 cents per kilowatt.

Mr. DILL. Is there any considerable amount of power being sold?

Mr. McKELLAR. I called attention a few moments ago to the marvelous figures disclosed by General Taylor. The Government sold enough power in November last at one-fifth of a cent per kilowatt to bring $26,000 to the Government. If the Alabama Power Co. resold it at just 1 cent per kilowatt, it would make $130,000 a month; at 2 cents it would make $260,000 a month; at 3 cents it would make $390,000 a month; at 4 cents it would make $520,000 a month; at 5 cents it would make $650,000 a month; at 6 cents it would make $780,000 a month; at 7 cents it would make $910,000 a month; at 8 cents it would make $1,040,000 a month; at 8.5 cents it would make $1,105,000 a month from electricity that it buys from the Government for $26,000.

Mr. DILL. Does the Government make no attempt to regulate the rate at which it is sold?

Mr. McKELLAR. None whatever. It just sells it, as I understand it, for practically nothing under the present contract.

Mr. DILL. Does the Senator think that was the intention of those who framed the bill which provided for the construction of the dam?

Mr. McKELLAR. If it had been suggested that any such thing as that could occur the original bill never would have become a law. I was one of its most earnest advocates, and I introduced an amendment through the Committee on Military Affairs of the House which provided for the appropriation of $20,000,000 for the beginning of its construction. I say I never would have offered such an amendment if I had thought that after we had constructed this great improvement the Government was going to turn it over to one individual concern for its benefit, to the exclusion of the Government itself and all of the American people.

Mr. HEFLIN. Mr. President, would it offend my friend from Tennessee if I should remind him that he voted to turn all of it over to one individual—Henry Ford?

Mr. McKELLAR. Oh, yes; I could have answered the Senator's question before he arose. Senators, I say in answer to the question that has been asked me probably 40 times during this debate that, while I did not vote to accept the Ford offer,

because I never got an opportunity to vote, I favored turning it over to Henry Ford for reasons that I have heretofore given. Now, every time the Senator asks me that question I hope the Senator and the Senate will know that that is my answer. I have already stated it 40 times, and if it will do the Senator from Alabama any good, I will say it 40 times more.

Mr. HEFLIN. But every time the Senator says we are trying to turn the Muscle Shoals Dam over to a private individual, I want to show that we are standing for just what he stood for just a few months ago.

Mr. McKELLAR. I know; but he does not stand there any more, I will say to the Senator from Alabama.

Mr. HEFLIN. I want to ask the Senator about the question of equitable distribution. The few Senators who agree with the Senator from Tennessee keep talking about this power down there as though the Government were going to give it to somebody. If that were true, if the Government should give it to somebody, then it would be all right to say that whoever got control of it should distribute a little power here and a little power there to the surrounding States; but the Government is going to lease it to somebody. Now, if the Senator's position is sound——

Mr. McKELLAR. Mr. President, the Senator is not asking me any question; he is merely inserting his remarks in my speech, and I will have to ask him to excuse me.

Mr. HEFLIN. If the Senator wants to refer to me and attack me while I am off the floor at my lunch, and when I come in and ask a question he does not desire to give me the opportunity to interrupt him, then I will wait and reply to him in my own time.

Mr. McKELLAR. I merely want to say to the Senator that I have not said anything about him while he was absent that he would object to in the slightest. I did not know he was absent, for that matter—and I would not have done so. If there is anything that I have said about him of a derogatory character, I certainly did not intend it, and I shall be very glad to withdraw it.

Mr. HEFLIN. I do not know that the Senator has done so; but a Senate page came to me while I was at lunch and told me that Senator McKELLAR was replying to some things that I had said. I hurried through my lunch and came in, and the first question I ask the Senator he objects to my interrupting him.

Mr. McKELLAR. Now, Mr. President——

Mr. HEFLIN. If the Senator will permit me to say what I was going to say about equal distribution of power, it will take but a minute.

Mr. McKELLAR. Very well; if it will take the Senator but a minute, I am willing to yield to him.

Mr. HEFLIN. If it is fair to provide by law for a distribution of this power to the surrounding States, it is fair to divide the pay for that power with the 48 States in the Union. If that theory is to be followed out, why should not the States that can not be reached by the power be entitled to share in the funds derived from the sale of such power?

Mr. McKELLAR. The Senator said something about my mentioning him. If I did, I mentioned him in a way to which he would not object. I wish to call his attention to the fact that he himself has a record in this matter. I want to read from the CONGRESSIONAL RECORD of June 17, 1922; and if there are representatives of the farmers in the gallery, I hope they will listen to this. It is a statement which I entirely indorse. I read from the CONGRESSIONAL RECORD on page 8895:

THE MUSCLE SHOALS PLANT

Mr. HEFLIN. Mr. President, we have been told, and truly, that agriculture is the cornerstone upon which all other industries rest. I want to supplement briefly what my colleague [Mr. UNDERWOOD] said about the Muscle Shoals project.

I hold in my hand an article from the Florence Times, a newspaper published in the county where the Muscle Shoals Dam is located. It deals with the question of fertilizer, and reads:

I want it to be remembered that there is a community of interest between the Union Carbide Co., which is proposing to bid for this plant, and the American Cyanamid Co., in that the Union Carbide Co. and the Cyanamid Co. have the processes and the patents that are used down there now; they do not belong to the Government, but they belong to those companies; and consequently there is a community of interest between them. I ask Senators to listen to this:

"Exposure of fertilizer-sale plans—County agent deal shows up method of imposition upon farmers—112 per cent charged them—Actual contract that nearly 500 Lauderdale farmers have signed is reproduced."

"Lauderdale" in this contract means Lauderdale County, Ala., which is in the northern part of the State and right near the shoals. I ask Senators to listen to this contract:

First. Following is a note or mortgage that came into my hands, and which hundreds of farmers in this county have had to sign in order to get fertilizers for this year's crops. Please note the undue stringency and injustice of it.

INTEREST-BEARING NOTE

"ALABAMA, 1922.

"STATE OF ALABAMA,
"*Lauderdale County:* R. F. D.

"On or before the 1st day of October next I, we, or either of us, jointly and severally, promise to pay to the order of (company's name furnished on request) the sum of ——— dollars, with interest thereon at the rate of 8 per cent per annum from May 1 of the year this note bears date until paid, for value received, in fertilizers. This note with annexed agreements forming one contract. It is agreed that I purchased, received, and used said fertilizers without any warranty whatever on the part of the seller save only that the analysis is true and correct as printed upon each bag, and I admit that the said fertilizers have been inspected, tagged, and branded in accordance with the laws of this State, and no failure of consideration shall be pleaded by me in any action on this note. Further, it is expressly understood and agreed that the seller has neither expressly nor impliedly warranted the effects of said fertilizers on crops, and that I can not hold the said company responsible in any way for practical results. And to further secure the payment of the above sum, and all recording expenses, and all other debts I or we now or may owe payee before the surrender of this note, I or we mortgage to payee the following unencumbered property, to wit, ———, my entire crops and rents of corn, cotton, and other produce for this year and each succeeding year until the same is paid, and I empower payee to take possession of said property whenever it elects to do so, and if, when any part of this indebtedness falls due, it is not paid, to sell said property at public sale after 10 days' notice by posting at the courthouse door. The proceeds it will apply to any indebtedness, whether due or not, and payee is authorized to purchase at said sale. If not paid at maturity, I agree to pay a reasonable attorney's fee and all other expenses for collecting or adjusting same. The makers and indorsers hereof waive all rights of exemption under laws of this and all other States.

"Signed, sealed, and delivered in the presence of ———.

"Witness my hand and seal this day and year above written."

Commenting upon that contract the county agent, Mr. Deal, according to the Senator from Alabama, said:

"You will observe that it could fairly take the shirt off the signer's back, and everything except his wife and child and hope of Heaven. Also note that the company may take possession of his crops or property under this mortgage at any time, even one day after signing. It only requires close reading to appreciate the dastardly unreasonableness of its requirements.

"And, second, the farmer is paying approximately 110 per cent for the privilege of signing. Note the following: Evidently in order to be in line with farm bureau prices, which handles fertilizer materials for cash only, the cost price, for instance, on acid phosphate was set at $13 per ton; but the credit price is $18.50. This means a charge of $1.10 per month for the five months that the note is made for. This might be considered interest No. 1, and on annual basis would mean $13.20, or 101$\frac{7}{13}$ per cent interest on a principal of $13. Then, in addition, a regular 8 per cent per annum charge is made, not on the first or cash price but on the $18.50 price, resulting in a total interest charge of one hundred and twelve and a fraction per cent per annum."

Here is what the Senator from Alabama [Mr. HEFLIN] said:

Mr. President, that is why the farmers of America are asking that the Ford offer be accepted. That is why the farm organizations in the North, in the West, and in the South are asking that the Ford offer be accepted. They are seeking to be delivered from the merciless greed of the Fertilizer Trust of the United States.

They are seeking to be delivered from the Fertilizer Trust; and day before yesterday when I asked the Senator from Alabama if the fertilizer company should make a bid for this property would he uphold it. He replied that he would wait and see.

Mr. HEFLIN. Mr. President, I stand by all that I said in the RECORD from which the Senator has read. I am still fighting for those farmers who are oppressed by the Fertilizer Trust. I do not know who is going to bid for this property. The Senator seems to be in the confidence of the power concerns; I do not know; but I will not accept a bid unless it is a good bid and to the best interests of the farmers of the country.

Mr. McKELLAR. I will ask the Senator, will he accept a bid if it comes from the Fertilizer Trust?

Mr. HEFLIN. I do not know what is the Fertilizer Trust.

Mr. McKELLAR. If he believes it to be the Fertilizer Trust, will he vote to accept the bid?

Mr. HEFLIN. No; I would not vote for it.

Mr. McKELLAR. The Senator knows that the American Cyanamid Co. is a part of the Fertilizer Trust.

Mr. HEFLIN. No; I do not.

Mr. McKELLAR. The Senator does not know that?

Mr. HEFLIN. No.

Mr. McKELLAR. Would the Senator be willing to vote to accept a bid if it came from the American Cyanamid Co.?

Mr. HEFLIN. I am not sure about that. It is a big fertilizer company. I voted once to let them have a dam on the Coosa River to do business down there.

Mr. McKELLAR. Yes, and they promised to make fertilizer, and I think the Senator's colleague [Mr. UNDERWOOD], then in the House, assured the Congress that that company was going to make fertilizer at that point, but I say to the Senator and to the Senate that it never made a dollar of fertilizer at that plant.

Mr. HEFLIN. That question was up here once before. The Senator is entirely mistaken about that. That company never got the plant at all. They went to Canada.

Mr. McKELLAR. Well, that is the record, that there has been no fertilizer made there.

Mr. HEFLIN. That was a power dam; the Alabama Power Co. got the dam, and the Cyanimid Co. went out of the country to Canada.

Mr. McKELLAR. Mr. President, I want to commend some more good doctrine to the Senator from Alabama, a doctrine that I indorse, but if this power plant goes to the Fertilizer Trust or to its allied interests, as the Senator seems to desire that they or others be given a chance to bid on it, he will have to take back what he said when the time comes. I want to read from the RECORD of December 7, 1922, a speech made by the Senator on the Muscle Shoals question. The Senator from Alabama said:

> I know, and I think every other Senator here knows, that the fertilizer concerns of this country are so big and powerful that they are not going to permit those who now control the Government to manufacture fertilizer to be sold in competition with their products.

And we all know it. What the Senator said was as true as Holy Writ. He goes on to say:

> At this time the mere suggestion of that course would seem to mean another effort to postpone favorable action on the Ford offer for Muscle Shoals.

Ah, Mr. President, the Senator then was opposed to any of the allied interests, including the Power Trust, getting this property.

Mr. HEFLIN. I am opposed to them getting it now.

Mr. McKELLAR. Well, the Senator is doing exactly what they want. The Senator even goes so far as to use the very words of Mr. Davis, the representative of the allied interests, one of the men who owns in part the cyanimid process now in use at Muscle Shoals. Mr. Davis says the pending resolution must not only be adopted without the crossing of a "t" or the dotting of an "i," but there must be no amendment of any kind; it must be adopted just as these large interests demanded in the hearings. He is not willing even to give a little time for honest debate, because no one here wants to postpone this matter, but we want to talk about it. We want to let the people of America know just exactly what kind of a concern is going to get this power down there; and we all know in our hearts—I am sure the Vice President knows in his heart, and I am not asking him for an expression—that if it goes into the hands of private interests, the people, the users of fertilizers, the users of power, the plain people of this country, never will get a cent's benefit from it. We own it, and yet Senators stand here on this floor and demand that this concurrent resolution turn it over to some private interest for an inconsequential consideration, not enough to keep up the plant.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. I will yield to the Senator in just a moment. It is demanded that that shall be done without the dotting of an "i" or the crossing of a "t"; that it must be instantly done; that the name of any man who stands up here and pleads for the rights of the plain people ought to be anathema; that he ought not to be permitted to stand on this floor and talk in opposition to the judgment of the great Union Carbide Co., with their $250,000,000 of capital, manufacturing hundreds of articles. They want it, and no man should stand up and say them nay.

I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, the Senator says that Mr. Davis said that the concurrent resolution ought not to be amended, and that he represents some power company.

Mr. McKELLAR. No; he represents the fertilizer people incidentally, jointly.

Mr. HEFLIN. I want to ask the Senator what he says about the National Grange, and the Farm Bureau Federation of America and the farm bureau men of his State and my State who are here asking that the concurrent resolution be not amended at all. Does he put them in with the trust?

Mr. McKELLAR. I have already discussed that matter. The Senator evidently was not here.

Mr. HEFLIN. Why does not the Senator line me up with the farmers instead of trying to put me in with the trust?

Mr. McKELLAR. I will tell the Senator exactly what I think. I think several gentlemen here in this city who are agents for farmers' organizations—and I do not mean to criticize them in the slightest—have been misled about this matter, just as I think the Senator from Alabama has been misled in all sincerity, because I know that the Senator from Alabama is a true friend of the farmer. He has been preaching for the farmer here, to my certain knowledge, for 15 years. I served in both Houses with him, and I think he is a sincere believer in the farmer and the plain people; and I think he has been misled about this matter. This is the first time I ever saw him on the wrong side of a proposition of this sort.

Mr. HEFLIN. The Senator thinks I have the zeal of God without knowledge?

Mr. McKELLAR. I think the Senator has been misled. I think the great power interests in his State and the great fertilizer interests in his State have misled the Senator, and have misled these splendid representatives of the farmer; and I want to tell you how they have done it. They have said to the farmer and they have said to the Senator from Alabama: "What you are going to get is a command to make 40,000 tons of nitrogen a year, and sell it at cost, or even less than cost, according to the Ford offer." That is what they are telling him. Now, House bill 518 is not the Ford offer at all. It is the Underwood bill. The Ford offer has been stricken out. House bill 518 is the simple statement that they are to experiment with it for six years. The Senator from Nebraska will recall that that was a very ingenious step on the part of the interests that are seeking this power plant down there. An amendment was offered to the bill of the Senator from Nebraska [Mr. NORRIS] under which the Government would control it, and the Ford provision for the manufacture of the absolute amount of 40,000 tons a year was stricken out, and this provision that applied only to a Government bill was inserted.

Mr. HEFLIN. Mr. President, before the Senator gets away from that——

Mr. McKELLAR. Just one moment. Here is the Ford bill in the first part of House bill 518. It has all been marked out; and I think the Senator from Alabama, when he saw H. R. 518, overlooked that and thought that was still in there. He has had so much to say about the Ford offer that he thought it was still in House bill 518. It is not in House bill 518 at all.

Mr. HEFLIN. My friend wants to forget the Ford offer.

Mr. McKELLAR. No; I am calling attention to it. Every line of the Ford offer has been stricken out of this bill. I ask Senators to send for it and get it. Every line has been stricken out of it. There is not a line of the Ford offer in House bill 518.

Mr. HEFLIN. That was the McKenzie bill.

Mr. McKELLAR. Yet the Senator's resolution, House Concurrent Resolution No. 4, indorses House bill 518, which is not the Ford offer at all but the Underwood bill of last year; and we all remember what the Underwood bill was.

Mr. HEFLIN. The concurrent resolution refers to House bill 518, the McKenzie bill, which had the Ford offer in it.

Mr. McKELLAR. It had not the Ford offer in it. It is stricken out. I ask the Senator to look at it and see if it is not stricken out.

Mr. HEFLIN. I know it is not. The same number was given to the Underwood bill, and it is substituted for it.

Mr. McKELLAR. The Ford offer is stricken out of House bill 518.

Mr. HEFLIN. But the concurrent resolution refers to House bill 518.

Mr. McKELLAR. Of course, I knew my friend from Alabama had been misled about it.

Mr. HEFLIN. Misled? I am giving the Senator the record.

Mr. McKELLAR. Just one moment; we can not both talk at one time. I knew he thought that we were still talking about the Ford offer and that we were going to get something

like the Ford offer, but it is not the Ford offer at all; and I want to say this to the farmers of the country:

I do not believe any man has ever been more loyal to the interests of the farmers than I have. I have gone to every length to serve them, and I am willing even to go to still further lengths to serve them. I think they are the groundwork of all of our prosperity in this country. They are the men that ought to be more considered than any other class in our country, because they have to stand the greatest hardships of all of us. I have been a farmer myself. I was a farmer's boy. I was born and reared on a farm. I know all the hardships that the farmers have to undergo; and I am here to-day pleading for the farmers of my State and surrounding States when I ask that this enormous plant shall not be turned over for the benefit solely of private interests, but that it may be used by the Government of the United States for the making of fertilizers—cheaper fertilizers, better fertilizers—for the farmers of the United States.

Now, Mr. President, I want to refer again to the Senator from Alabama. The Senator from Alabama used to be on the same side of the house that I am on. In the same speech of December 7, 1922, the Senator from Alabama said:

> The Senator from Nebraska went so far as to try to defend the Fertilizer Trust—

The idea of accusing the Senator from Nebraska of defending the Fertilizer Trust! He may have done it at some time—the Senator from Alabama may have been correct about it—but I want to stop here long enough to say that during my service in the Senate—now nine years—I have never been associated on any committee with the Senator from Nebraska, but I have been associated with him on this floor, and he and I have been here most of the time—we are rarely absent—and I want to say that I have never known the Senator from Nebraska to be on the side of any trust. I believe that if there is a sincere friend of the farmers in this country, a sincere friend of the people, a sincere friend of good government, a sincere friend of honest government, that man is GEORGE NORRIS. He is able to take care of himself, and needs no defense from me, and I am not attempting to defend him; but after the splendid fight he has made to prevent these monopolies from getting this great plant away from the people and putting it into private use, where it will benefit but one concern, I think it is as little as I can do to thank the Senator from Nebraska for his great work. Whether we win or lose, my admiration and respect for him will continue, because he is an honest and a true man.

The Senator from Alabama said:

> The Senator from Nebraska went so far as to try to defend the Fertilizer Trust, saying there was no trust, and he said they had a man over there before the committee who was supposed to be the head of it, and that I did not ask him any questions.
>
> Mr. NORRIS. Was not that true? The Senator did not ask him a question. I got him there on purpose so that the Senator could develop the fact if there was a Fertilizer Trust. I did not say there was none; I said "I do not know." The Senator has said there was so often that I gave him an opportunity to produce the evidence, and he did not do it. I do not know anything about it.

Why, he had said that as often as he has said that I have changed my views on the Ford bill, which is not before the Congress in any way.

> Mr. HEFLIN. Mr. President, the farmers around the country say there is a Fertilizer Trust.

The farmers say it! I wonder if the farmers do not think there is a trust now! I want to say that if this great concern, the American Cyanamid Co., or the Union Carbide Co., or any of the allied interests, get this plant, every farmer in the Senator's State will know that there is a Fertilizer Trust and every farmer in the State of the Senator and every farmer in my State who uses fertilizer will be paying tribute to that trust, and the Senator will be rejoining me in demanding cheaper prices for fertilizers for the farmer.

> Mr. HEFLIN. Mr. President, the farmers around the country say there is a Fertilizer Trust. They pass resolutions in the South, and some in the West, denouncing the Fertilizer Trust and the treatment of the farmers by the Fertilizer Trust, and the Senator says now that he wanted me to develop the case against the trust by the testimony of the individual at the head of it. Now, think of that—a trust magnate, the fellow who engineers the thing that sucks the lifeblood of the farmers of the country and makes him millions of dollars—expecting him to tell how it was done and to plead guilty to engaging in crooked conduct.

Ah! and yet day before yesterday, when I asked the Senator from Alabama: "Are you willing to transfer this property, belonging to all the people, to the Fertilizer Trust?" he said he did not know that there was one, as I remember his language; and when I asked him the specific question: "Are you willing to transfer it to the American Cyanamid Co. or the Union Carbide Co., which are believed to be allied with the Fertilizer Trust?" he said he would wait until the bids came in. He has changed somewhat.

Mr. HEFLIN. Mr. President, I said that I would be the judge as to whether the thing was a trust or not; that I could not take my friend's judgment on that, because he might change the next day and leave me alone.

Mr. McKELLAR. Mr. President, I may be a very changeable man, but I have never in my service in either House knowingly been against the plain people of America. I am for the farmers. I am for the laboring men.

I am for the men who make an honest living by the sweat of their brows or by the work of their brains, wherever they are. I think it is little short of criminal for us to take the money of all the people and build this great plant for the benefit of the Government first, and afterwards for the benefit of the farmers, who need help at this time as never before, and then turn it over to the private interests, who, no doubt, the moment they signed the contract, for it would issue probably somewhere between $300,000,000 and a billion dollars' worth of stock, and sell it to a gullible American public and earn dividends on it and make the people of my section and the people of this country pay the income from which to declare those dividends.

Some of these gentlemen toil not, neither do they spin, but they are very shrewd at making combinations and making the people pay incomes on values which they get in this way.

I have another excerpt which I would like to read. This occurred on December 20, 1922. How the spirit of change comes over our dreams. I will have to quote myself in order to make the connection. I am speaking to the Senator from Alabama, my good, esteemed, and delightful friend. I read:

> Mr. McKELLAR. I call the Senator's attention to the fact that the Alabama Power Co. is using Plant No. 2 now in just the way the Senator has pointed out. It does not have to wait for the future; it is being done right now. They are renting the plant at a nominal figure and using it.

Speaking of the steam plant:

> Mr. HEFLIN. I understand that is true. I have no objection to Plant No. 2 being used by the Alabama Power Co. while the matter is pending. Of course, I would rather it would be used and the Government get a little something for it than to have it stand idle. But the aim and end of those who are opposing the Ford offer is to defeat the Ford offer and then to put the Norris bill to sleep, and then come to the Government and get the project at Muscle Shoals for a song.

He was just anticipating by four years what he proposes to do to-day. The Ford offer was withdrawn, the proposed Underwood disposition of the plant was defeated, and now what has happened?

Mr. HEFLIN. I am still——

Mr. McKELLAR. The Senator said, "Then come to the Government and get the project for a song." That is precisely what is happening here to-day. The Union Carbide Co., the only one that has offered to bid, its associate, the American Cyanamid Co., and perhaps the Power Co. will get in late, but I doubt it. I think these three great companies have made a deal, although I have no proof of it. I want to say that to them if they are listening. I say to the Senate in all frankness that I have no proof of it but the moccasin tracks, as my old law partner used to say, are all there. What are those moccasin tracks?

There has been the greatest rivalry in the world between the Power Co. and the Cyanamid Co. and the Carbide Co. heretofore. They have been very jealous of one another. They have been fighting. They fight on one side and then on the other. But now everything is lovely. They have a resolution here by which they can get this for a song, and as I just pointed out, the power alone that is being made in the units now developed gives them a return of more than $6,000,000 a year, after paying the Government one-fifth of a cent for the power.

Six million dollars a year is a large sum. That does not take into consideration the steam plant, it does not take into consideration the other units of this plant now being built. Three companies could very well afford to go in together on $6,000,000 a year. Three companies have combined many times for less than that per year. Two million dollars a year is a very substantial amount. I do not know that they are

going to combine but it looks peculiar. I wonder if they are. I wonder——

Mr. HEFLIN. I wonder if my friend is going to yield to me.

Mr. McKELLAR. I beg the Senator's pardon. I yield.

Mr. HEFLIN. The Senator says I want to dispose of it for a song. I said that was what they would probably do if they beat the Ford offer. Now we are going to provide that they shall pay the Government anywhere from two to five million dollars a year, I understand, and in 50 years the Government will get back more money than the plant cost in the outset.

Mr. McKELLAR. Mr. President, they will get back a million six hundred thousand dollars a year. The replacements, of the gates, for instance, and other things, are immensely expensive. The painting and all other expenses which the Government will have to bear will probably cost more than the $1,600,000 that is proposed under this offer.

If that language of the Senator did not suit him, I call his attention now to a doctrine which I know he must have felt honestly then, and I can not believe but that he feels it now. He had just said that they would be here, just as it is proposed here now, to get it for a song. Then he said:

I repeat they are not going to do that with this project. The Government has been imposed on many times in the past that way, but the people are getting wise to it.

Thus spoke the Senator from Alabama on December 20, 1922.

They are not going to do it, because the people are getting wise to it.

Mr. HEFLIN. Now, if the Senator will yield——

Mr. McKELLAR. What has changed the spirit of the dreams of the Senator from Alabama? Is it possible that he believes that the people are not wise to it now? I assure him and assure the Senate that if this property is transferred to any private concern, in violation of the sacred compact made between the Government and the people when this plant was built, the people will get wise to it, and even farmers' representatives here will get wise to it, if they have not already gotten wise to it. I want to urge those representatives of the farmers, whom I believe to be good men, not to be misled, but to take the advice of the Senator from Alabama given in 1922. Just call on him again to stand by what he said then. As Colonel House said to Senator GLASS, "Stand firm; stand firm for the rights of the people," just as the colonel said to Senator GLASS when the Federal reserve bill was before the Congress, and was about to go by the board because of what he called the vacillating position of Senator GLASS. He urged him to "stand firm, and I will stand by you." It will not do me any good to stand by the Senator from Alabama. He is capable of standing by himself; but I ask him to stand firm to the doctrine he so well and so eloquently put before the Senate of the United States in 1922.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. HEFLIN. At that time the Senator from Tennessee and I were standing side by side. We were supporting the Ford offer. He was right up by me, and he helped me to stand firm. I am standing where I stood then. Look where he is. He has gone off and left me.

Mr. McKELLAR. The Senator has left the Ford offer.

Mr. HEFLIN. I want to get him back before it is everlastingly too late. And I want to say to the Senator, Mr. President, that the people are wise. The farmers ought to know what they want. They are here supporting this resolution. The Senator keeps saying we are favoring the trusts. The trusts are against the resolution, the farmers are for it, and the Senator from Tennessee is fighting it.

Mr. McKELLAR. I want to quote the Senator again. The Senator, not satisfied——

Mr. HEFLIN. Keep that up, because that is the best part of your speech. [Laughter.]

Mr. McKELLAR. It is. I do not think there is any man in this body, as many eloquent men as we have and as many splendid speakers as we have, more forceful or more attractive in presenting any subject to the Senate, whether it be one side or be the other, than the Senator from Alabama. He is always eloquent and always forceful when he is standing for the plain people, when he is not asking that bids be made by some big concern that will go down and take the people's property.

Mr. HEFLIN. I thank my friend for his compliment, although he may not feel that way to-morrow. [Laughter.]

Mr. McKELLAR. I am sure I will feel that way all the time. I want to call the attention of the Senate to what the Senator from Alabama said on March 10, 1922, and he presented our case splendidly:

Another thing, Mr. President: The Fertilizer Trust of the United States is bitterly opposed to Henry Ford getting the Muscle Shoals plant, because he would manufacture fertilizer, and that would bring down the price they now charge, and millions of farmers in the South and West would profit by that very thing. The Fertilizer Trust wants to be let alone and permitted to have a monopoly of fertilizer production in the United States.

Senators, that raises a very nice question. Are we going to be dominated by a power like that?

Yet here we are about to let this power company come in and take this Government property. The Senator said further:

We ought to do that which is best for the people. We ought not to serve a special interest.

Are the farmers asking to bid on this property? Has the Senator or anyone else heard of a farmers' organization that is proposing to bid on this property? Has anybody from the people come forward with a bid on this property? The Union Carbide Co.—and what was the other bidder?

Mr. HEFLIN. Hooker Bros., of New York.

Mr. McKELLAR. Hooker Bros., of New York. I do not know whom they represent.

Mr. HEFLIN. They represent themselves. They are fertilizer manufacturers.

Mr. McKELLAR. Let me state how these bids are made. For instance, down in Tennessee the General Electric Co. and the Knoxville Light & Power Co., I believe it was, and perhaps three or four other companies, all put in applications for temporary permits for 11 great power sites in east Tennessee. Day and night they met in Chattanooga for the purpose of putting in the bids, but another company, which was just organized and represented them all, put in the only bid that was presented.

The others had agreed on one concern, and then later on the Union Carbide Co. did put in a bid for part of it. There is a community of interest. There is not a Senator on this floor who believes that if a bid comes in here it will not come from all of those who will profit by it. They are not going to bid against one another. They are going to put in a bid for those who will get the property, as the Senator from Alabama predicted so long ago and so well, for a song. Should we do it?

Mr. HEFLIN. Mr. President, if the Senator will pardon me there——

Mr. McKELLAR. I want to appeal to Senators not to let this great Government project, so necessary in time of war, so necessary for the manufacture of cheap fertilizers for the farmers of the United States, go to a concern of this kind, whose only interest—and I do not criticize that interest—is to make money out of it, which has no interest in the farmer and none in the Government, if it interferes with their making money out of it.

Mr. HEFLIN. I want to say again that I do not know who is going to bid. Two companies gave notice, or stated before the committee in the hearings, that they intended to bid. But whoever bids, the bids will come back to Congress, and the House and the Senate will either accept or reject the bids. If those bids were to be let by the committee, I would not favor it myself, but since Congress will have a right to accept or reject, then we still have a final say as to who shall get the property, and under what terms. That is why I say that I can not understand why the Senator and others are holding back this resolution.

Mr. McKELLAR. I want to say to the Senator that while I am not holding it back, I am opposed to it, and I expect to vote against it if I am here. If I am not able to be here, I want to be paired against it, because I believe it is the first step in the taking over of this property by a private interest that has not the interest of either the Government or the farmers at heart; by a private interest which will use it simply for the purpose of making private profits, as it would have a right to do if it got it. I believe that it is not to the interest of any of the people of this Republic to let a private interest get that plant under these circumstances.

I want to refer for a moment to the Boulder Dam proposition. I do not believe there are present any Senators who are interested in that project. I want to discuss it for just a moment.

I understand the President of the United States has recommended that the Boulder Dam be built. I wonder on what terms it is going to be built. I wonder if it is proposed to build the Boulder Dam, which I understand is to cost $200,000,000, and as soon as we get it built to turn it over to some private concern. If that is the intention we ought not to build it at

all. The American Government ought not to spend money ostensibly for all the people and then after we have spent it turn the property over to some private interest. I do not see how I could support a measure providing for such a course as that. If after the expenditure of $150,000,000 it is proposed that we shall turn over this great plant to a private interest, whatever the consideration, I do not believe I would be willing to vote to do any such thing.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. What has the Senator to say about the acquisition of the Cape Cod Canal?

Mr. McKELLAR. We all know what the Cape Cod Canal is. That canal was built by private interests and was not successful and the owners want to unload it on the Government. That is all there is to that proposition. I sometimes wonder if we are doing right in many such matters. Ought we to take these nonpaying propositions off the hands of their owners where they have not been successes? I say to the Senator from New York that I believe in the manhood of the Senate. I believe it has courage. I believe it wants to do the right thing. I have been a long time in the Senate, and I have never seen any other purpose than to do the right thing when it comes down to the crux of the situation. I do not believe the Senate will agree to take over the Cape Cod Canal.

We fought the Muscle Shoals matter for a long time. Ever since the Henry Ford offer was withdrawn I have joined hands with the Senator from Nebraska [Mr. NORRIS] in undertaking to carry out the law as it is. The law now provides that the plant shall be run by the Government in time of war and devoted to the manufacture of fertilizer for the farmers in times of peace. Notwithstanding the resolution which the Senator from Alabama is sponsoring and which may pass tomorrow, that is my attitude. I understand it has been arranged for the resolution to pass, but I do not believe it will ever result in anything. I do not believe the good sense of the Senate will ever permit this plant to be turned over to a private individual or corporation solely for that individual's or corporation's own profit and not for the benefit of the people.

I do not believe it can be done. I do not believe that purpose will be accomplished. I want to say that I think the Senator from Alabama is on a cold trail and the plan will not go through, in my judgment. As a matter of fact, most great questions of this kind in the Senate are settled and settled right, and I believe that this one will be settled right.

Mr. HEFLIN. Mr. President, the Senator has said that he has great faith and confidence in the patriotism and judgment of the Senate in its final action on anything and everything. The Senate must act finally upon this resolution, as I said a little while ago. Why is it that the Senator is not willing for the Senate, in which he has such confidence, to have an opportunity to vote on the resolution?

Mr. McKELLAR. I am certainly not only willing for them to have an opportunity to vote, but there is no possible chance of preventing a vote at any time, and no one is trying to do that. I am unwilling for the Senate to vote on the matter without argument, however. I believe that the arguments which have been made here have been of great benefit to Senators. All of them have not heard all that has been said, of course, but from time to time they come into the Chamber and listen, and many things have been said in the course of the debate that I believe have changed the viewpoint of a number of Senators. That does not often happen, I admit. I do not believe there are many Senators in this body who have not considered the Muscle Shoals problem as long as it has been before the Senate.

Complaint is made that we are dilatory. The Muscle Shoals plant is not yet finished. We authorized day before yesterday a $2,000,000 appropriation for use down there, and, by the way, nothing is said in the pending resolution about that $2,000,000. Are we going to turn the property all over to some private concern, including the $2,000,000 to be used for transformers? Is $2,000,000 such a small amount of money that we are not to give it any consideration at all? I stop here long enough to show what we are doing, and I shall detain the Senate only a little while longer. I want to show the Senate what is being received for this $1,600,000 a year. I think there are many of us who do not understand the enormous value of the property down there. I quote from the Senate report submitted on May 31, 1924, as follows:

> It is well to describe somewhat in detail the property that is about to be conveyed to Mr. Ford. In the aggregate, it has cost the Government of the United States nearly $90,000,000.

That was before we had spent the $48,000,000 or $49,000,000.

> When the Government commenced the construction of these great plants it was necessary to build homes for the workers. In fact, the Government bought sufficient land and built a town at nitrate plant No. 1 and another town at plant No. 2. It constructed over 48 miles of standard-gauge railroad track on the property.

Forty-eight miles of railroad track is very valuable and cost a lot of money.

> It constructed over 48 miles of standard-gauge railroad track on the property. There are 13 locomotive engines. There are a large number of other kinds of cars and railroad equipment. At nitrate plant No. 1 we have 112 permanent houses. At nitrate plant No. 2 we have 186 permanent residences. At Waco Quarry we have 14 permanent residences, and at Gorgas we have 35 permanent residences.

That property has since been disposed of.

> The houses at the nitrate plants are fully equipped with every modern convenience. They have electric light, heating plants, running water, bathrooms, and are in every way modern. At nitrate plant No. 1 there is a large water-filtration system, and the water is forced through the streets by means of a standpipe. This water system is so large that it will not be economical to use it until this town has grown into a city. At nitrate plant No. 2 there is another water-filtration plant. Instead of a standpipe, the Government utilized a large hill and constructed a reservoir on its top. These towns are about 5 miles apart and are both capable of almost indefinite expansion.

I understand that real estate down there is worth something like $1,000 to $2,000 an acre. In all I think there are over 4,000 acres of it. That is quite an item of real estate. I suppose the land with the houses on it is worth certainly not less than $1,000,000.

> The houses are surrounded by beautiful, well-kept lawns and have macadamized streets and cement sidewalks. There are also at these plants nearly 500 other houses that were built for temporary purposes. Altogether there are 30 miles of macadamized roads on this property. There are 28 miles of sewers, 23 miles of water mains, and 54 miles of electric-light facilities. At the Government town located at nitrate plant No. 2 there is a furnished hotel of 100 rooms.
>
> The Government still owns a large amount of land suitable for the construction of additional homes and for other purposes. At these two Government-owned towns there are altogether 4,200 acres of land, a great portion of which is still vacant and ready for additional improvement. There are also at Waco Quarry 450 acres of land.

So there are 4,650 acres of land instead of the number of acres which I stated a little while ago.

> In addition to all this, the Government, under Mr. Ford's offer, will turn over to him more than $2,000,000 worth of personal property, much of which is absolutely new and has a definite market value. For instance, there is a vast quantity of all kinds of building material properly stored in sheds. None of this is second hand, and was all bought with the idea of building permanent homes and other structures. For instance, there is more than 6,000,000 feet of lumber. There are shingles, doors, plaster, windows, several million of various kinds of common and fancy brick, lath, slate shingles, hollow building tile, etc.; there are 10,500 wooden doors, 3,000 screen doors—all of which the Ford corporation could sell on the market the next day after the transfer was made. In addition to this, there are many cars and railroad engines which were used in the construction of nitrate plants Nos. 1 and 2, which are now absolutely unnecessary in the operation of these plants. These engines and cars and much of the railroad track, although second hand, could be sold at a fair value for cash. In addition to this there is a vast amount of other material that has been used in the construction of these plants that is unnecessary in their operation. This consists of a great deal of secondhand lumber, tools, office furniture, consisting of typewriters, desks, etc., and a large amount of camping equipment that was used at the beginning of the construction period, camping furniture of all kinds in enormous quantities, temporary structures for the housing of employees during the construction period, which could be readily sold for cash and in the open market. A careful valuation of property of this description has been made and very conservatively valued, and it shows that $1,500,000 could be realized from this source alone. Putting it all together, the personal property, both new and second hand, that is of no value in the operation of these plants, which could be sold without any injury whatever, there would be a total value, at a very conservative estimate, of over $2,000,000.
>
> There is other personal property there which under Mr. Ford's offer the corporation would get title to, consisting of supplies for these plants, which would not be exhausted in the ordinary course of operation for a long period of time. Much of it has a definite market value and could be sold upon the market if the corporation was in need of ready cash. For instance, there is one item of platinum of a definite and known value of $735,000—enough for use in the operation of ni-

trate plant No. 2 for a very long period. A large portion of it could be sold, and when additional supplies were necessary the same could be bought upon the market.

It must be remembered that with the exception of the machinery in nitrate plant No. 1 all of this property is in first-class condition. None of it is injured in any way. It is all fully protected and cared for.

The two steam plants, capable of developing more than 120,000 horsepower, are as modern as any steam plants in the world. Nitrate plant No. 2 is complete in every respect. There is nothing in the world superior to it. It can be started in full operation upon a day's notice. The residences are ready to be moved into—some of them are even furnished. Never in the history of the world has a town or city been constructed more complete and up to date than these two Government towns. The taxpayers of the country have expended practically $90,000,000 in the acquisition of this property. While it could all be reproduced now at a less cost, the fact remains that if a city grows up in the vicinity of Muscle Shoals, which is very fair to presume, the value of this property, particularly the residences and the large tracts of additional land that would go to the Ford corporation, could be sold at many times their original cost.

It is the acknowledged intention of Mr. Ford, if he gets this property, to build manufacturing plants and utilize the cheap power that he will own by the lease of the dam that will be hereafter described. Owners of adjacent real estate have, in anticipation of the growth of this city, laid their property out in lots and are extensively advertising it now for sale. These real-estate speculators are organizing a wonderful propaganda in favor of the acceptance of Mr. Ford's offer. Some of them are maintaining an office now in the city of Washington for the purpose of disposing of their property. They have flooded the country with their letters and circulars, particularly among the farmers, in which they falsely represent that Mr. Ford has agreed to make fertilizer at one-half its present cost, and thus they have brought to the aid of their real-estate speculations thousands of honest farmers throughout the country. They have platted the country for miles in all directions. If their propaganda is anywhere near true, there will be, if Mr. Ford gets this property, a city spring up there which will make New York look like a country village. Why a warranty deed to the Capitol at Washington is not included in this great transfer of Government property to this wonderful corporation has never been explained. This omission came about no doubt because of some sympathetic feeling that the agents of this corporation felt toward the taxpayers of the country. Notwithstanding this apparent neglect, the transaction still remains the most wonderful real-estate speculation since Adam and Eve lost title to the Garden of Eden.

I refer to that statement not only to show the vast value of what is going to be virtually given away, but to show that there is no use in selling the real estate at all in that way. It ought to be sold on the market. It is not a part of the plant. The real estate to which I have referred is not a part of the plant. Why should it be sold? Why should these town sites be sold? Why should they not be sold to private owners? Why should the corporation get them? Yet under the resolution unamended none of these matters can be taken into consideration, and they all go with the main plant.

I shall conclude in just a moment. I have taken more of the time of the Senate than I intended, and my excuse for it is that I have never in my whole life been more earnestly concerned about the disposition of any of the property of this great Government. If this property is transferred to a private corporation, then no one gets the benefit of it except the stockholders and officers of that private corporation.

If it were kept by the Government and developed for war purposes and for fertilizer purposes and for power purposes, then it would benefit a great number of people all over our common country in the South. It would be of enormous benefit to them. It was never intended that it should go into private hands. It ought to remain where it is.

I now come to what we propose to do, and I can not better state that than as it is stated in an amendment to a bill which I have here. Instead of turning the plant over to a private interest, this is what those of us who believe that the public is entitled to it think ought to be done with it. I want to read very briefly:

(b) In the disposition of such excess power the commission may give preference to the power requirements of States and political subdivisions of States, including municipalities, and thereafter dispose of the remainder to farmers, manufacturers, and all other users or distributers of current, whether individuals, partnerships, associations, or corporations, in territory within economical transmission distance from Muscle Shoals, equitably and without discrimination, and without reference to State lines, and at rates fair and reasonable and as low as practicable. The commission is authorized and directed to make classifications and shall serve all customers in the same class at like rates and under same conditions of service, and no locality or section shall be favored over any other locality or section. Should the commission sell a portion of such power to a public utility company for distribution, it shall have the power and it is hereby directed to regulate by provisions in the contract the prices to be charged by such utility company in the resale of such power to consumers.

Mr. President, that is a fair and just method of distributing the excess current. It is fair to the people of all the States.

The Senator from Alabama has stated, or his argument would seem to lead to the conclusion, because this plant is located in Alabama that Alabama has some different interest in it from the other States. That can not be. This river merely touches the State of Alabama. Its principal source is in the State of Virginia. It runs all through the State of Tennessee, dips down into Alabama for but a few miles, turns back and again runs through Tennessee, and empties into the Ohio River in Kentucky. Nine-tenths of the water that furnishes power at Muscle Shoals comes from Tennessee. The people in Tennessee ought not to be shut out and they should have a fair and equitable proportion of the surplus power; we ought not to be excluded from it; yet, the Alabama commission the other day gave out a statement which the newspapers thought indicated, and they so reported, that the power would not be allowed to go beyond the confines of Alabama. It is perfectly obvious that if this great concern which is bidding for Muscle Shoals gets it the power produced will not go beyond the confines of Alabama; it will all be used there; it will be used within the State of Alabama for the benefit of that particular company and even the citizens of Alabama, outside of the immediate locality, will not profit by it.

Mr. President, I sincerely hope that the Senate of the United States will not adopt this resolution.

Mr. McKELLAR subsequently said: Mr. President, during my speech to-day the Senator from Maryland [Mr. BRUCE] made a statement that there was ordinarily a large deficit in the revenues of the Post Office Department. I told him that he was mistaken about it, and that in the eight years from 1913 to 1921 I thought for most of the years there was a surplus. I told him I would get the figures. The figures were laid upon my desk, but I inadvertently failed to put them in the RECORD, and I ask unanimous consent that they may be printed in the RECORD at the end of my speech.

The surplus for 1913 was $4,510,650.91. For 1914, the surplus was $4,376,463.05. In 1915 there was a deficit of $11,333,308.97. In 1916 there was a surplus of $5,829,236.07. In 1917 there was a surplus of $9,836,211.90. In 1918 there was a surplus of $19,626,774.08. In 1919 there was a surplus of $2,342,851.96. In 1920 there was a deficit of $17,270,482.72. By a simple addition and subtraction we find that during the eight years there was a net profit of $17,918,301.28, or an average of a little over $2,000,000 a year. That verifies the statement I made before.

Mr. McKINLEY obtained the floor.

Mr. JONES of Washington. Mr. President, will the Senator from Illinois yield to me?

Mr. McKINLEY. I yield.

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

REGULATION OF RAILROAD RATES

Mr. McKINLEY. Mr. President, Senate bill 575 is one of the most pronounced pieces of class or sectional legislation that has ever been proposed in the history of the deliberations of this Chamber. It was designed with the idea that it would produce a financial advantage for the few jobbers in the so-called intermountain territory, which is the hinterland to the Pacific coast, at the expense and to the financial disadvantage of the millions of people in the great Mississippi Valley. With the interests of the citizens of Illinois in mind, I am, therefore, compelled to oppose this bill because it is inimical to the welfare of our State and for a further and broader reason—that it is directly opposed to the best interests of all of the people of all of the States of this Nation. If enacted into law, it will forever exclude the products of Illinois from the markets of the Pacific coast in competition with territory on and adjacent to the Atlantic seaboard, which enjoys the Panama Canal as a transportation agency. If it shall become a law, it will seriously reduce the revenues of the carriers in the United States who participate in transcontinental traffic. Loss of revenue will mean one of two things: Either an increase in freight rates or deterioration of freight service, and that will vitally affect every man, woman, and child in the Nation. We are now trying to devise means of affording some relief to the farmers of our country.

The commission is investigating the entire rate structure of the country pursuant to the Hoch-Smith resolution with the idea of seeing if it is possible to effect a reduction in rates on agricultural products. The farmers of this country will watch the vote on this bill with a great deal of interest, a bill which has the possibility of an increase rather than a reduction in freight rates on the products he has to sell. The shippers and the traffic men of the entire country, with the exception of the territory which is supposed to be benefited by this bill, are practically unanimously opposed to it, and they are thoroughly alive to the situation. They can plainly see that it is an attack upon the integrity and reputation of the Interstate Commerce Commission. They know that the bill is pointed in the direction of Government ownership and that it is nothing but an attempt at political rate making. The people of my State are waking up to the facts of the case, Mr. President, and I assure you, sir, that the public generally has a better understanding to-day of the dangers of this proposal than it has ever had in times past when it has come up for consideration in different forms.

It is unfortunate, it seems to me, that in the debate between the proponents and the opponents of this bill, as well as others of like nature, the issues have very often become obscured by the introduction of questions of the justice or reasonableness of certain freight rates or freight-rate adjustments. This discussion should be confined primarily to the determination of what is sound governmental regulation. It is undoubtedly admitted by all of us that it is a proper function of Congress to set forth in our statutes a declaration of the principles to be observed by the regulating authority in making rates or administering the law concerning rate structures. Transportation is the second largest industry of our country. It is an intricate problem. Neither oratory nor a superficial citation of so-called maladjustments of freight rates will solve it. It requires intelligent study. With all due regard for the sincerity of the proponents of this measure, I may safely say that Congress is not equipped to consider and pass upon an involved economic question such as each of the thousands of rate adjustments which are embodied in complaints each year by different citizens, groups of shippers, and entire cities, communities, or sections of our land. It is necessary, therefore, that Congress delegate the task of administering the principles laid down in our statutes to some governmental body, and for the past 39 years that duty has been intrusted to the Interstate Commerce Commission.

We have set forth in the statutes the principles that rates shall not be unreasonable nor unduly discriminatory. In order to determine what discrimination is undue it is necessary to exercise judgment on the face of ascertained facts and conditions. To prohibit undue discrimination is within the province of Congress; to apply such a rule is not; and to the extent that Congress undertakes to substitute its conclusions for those of the Interstate Commerce Commission our country is deprived of the experience, impartiality, training, and responsibility of its administrative body in the solution of our traffic problems.

It is stated by the proponents of the bill that for Congress to set forth a rigid long-and-short-haul provision is quite as much a matter of stating principles as for us to declare it a matter of principle that the giving or taking of rebates shall be illegal. This argument is fallacious in that a rebate is a departure from the legal tariff rate in favor of one as against other shippers over the same route to the same destination. The giver and receiver are made criminals and proper penalties are provided. Long-haul relief from the provisions of the fourth section, on the other hand, is simply legal sanction for a published rate available to all shippers.

Since its inception in 1887 the Interstate Commerce Commission has been the one outstanding governmental body in our scheme of government. The high standard of its personnel in character, ability, efficiency, and technical fitness outranks that of any other governmental bureau. Its efficiency, volume of work accomplished, and integrity have not been surpassed. The justice, soundness, and impartiality of its decisions have repeatedly been praised by shippers and carriers alike, although its decisions at times have been adverse to both of these interests. In fact, the Interstate Commerce Commission, to my mind, is the marvel of our form of popular government. There have been many distinguished men who have served upon the commission—men like Judge Thomas M. Cooley, of Michigan; Judge William R. Morrison, of Illinois; Judge Augustus Schoonmaker, of New York; Judge Martin A. Knapp, of New York; Judge Charles A. Prouty, of Vermont; Judge Judson C. Clements, of Georgia; Franklin K. Lane, of California; Francis M. Cockrell, of Missouri; and Edgar E. Clark, of Iowa. It is significant that during the entire 39 years this commission has been in existence but two members of the commission have favored an inflexible long-and-short-haul provision in the act. The two members referred to are on the commission at the present time, namely, Commissioners Campbell and McManamy. Commissioner Campbell was for many years the attorney for the Intermediate Rate Association and other organizations whose main purpose was to obtain an inflexible fourth section. His judgment, therefore, may not be wholly unbiased.

This bill gives an excellent illustration of members of this body trying to be clear-sighted enough to deal with absolute confidence for all time to come with the development of economic principles by the adoption of a dogmatic rule of this kind. Under the law the fourth section of the act, which deals with the long-and-short-haul clause, is subject to the limitations of the first section that rates shall be reasonable; of the second that they shall not be unjustly discriminatory; and the third section, which forbids the giving of any undue or unreasonable preference or advantage to any particular person, locality, or any particular kind of traffic in any respect whatever. In permitting relief from the fourth section the Interstate Commerce Commission is absolutely bound by the provisions of those three sections. In other words, in granting permission to a carrier to make a rate to a point to meet water competition, such rate must be determined by the commission to be not only reasonable but reasonably compensatory. If the carrier is granted permission to hold rates to intermediate points to the normal level, which is higher than the competitive rate to the point beyond, it is necessary that the rates at the intermediate points must not be discriminatory.

The commission has also been charged with administering a matter of principle laid down by Congress in section 500 of the transportation act "to promote and encourage the development of water transportation, service and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation." It is clearly evident that the present law, if fully administered according to the principles laid down by Congress, can not injure any individual, group of individuals or sections of the country. The proponents of this bill are not willing to leave the administration of the law in this respect to the commission and the mere offering of this sort of legislation is a direct attack upon the integrity of the commission which has been unimpeached for the past generation.

This question of a long-and-short-haul provision has been investigated many times by Congress. The commission has made an intensive study of its every phase as is shown in 90 volumes of its reports dealing with hundreds of cases covering it. It has been given serious consideration by the parliament of Canada and English lawmakers have dealt with it for a generation. Only one conclusion has been reached and that is that some flexibility should be permitted in the long-and-short-haul provision of the law. In 1887 when the first regulatory bill was considered it provided an inflexible rule on the long-and-short-haul question which was debated in Congress and rejected. In 1910 an amendment was proposed by Mr. Hardy of Texas, the effect of which was to establish an inflexible rule. That also was rejected. Mr. Mann of Illinois had charge of the bill in 1910. The question had been raised as to whether the discretion created by the proviso of the act was a limited or unlimited discretion and, therefore, whether or not it was a delegation of legislative power. On page 4796 of the CONGRESSIONAL RECORD Mr. Mann said:

> Remember, whatever the commission does in respect to this matter, it is always bound by the act of Congress that rates shall be just and reasonable and that railroad companies shall not establish unjust and unreasonable rates; so that practically what we do here is to give the commission power to say what in a particular case shall be a just and reasonable rate, although we declare, as a general proposition, that it shall be unjust and unreasonable to charge a higher rate for a short haul than for a long haul.

And on page 4795 of the CONGRESSIONAL RECORD he said:

> The intention of the act—the original act—was undoubtedly to provide that in general, as an ordinary proposition, a railroad company could not charge less between two points than it charged between one of those points and a point midway, or part way, between the original two points. In other words, they should not be allowed to run freight from point A through point B to point C and charge less between A and C than they charge between A and B. And yet water competition seems to prevent a hard and fast rule on that subject, because railroads are necessarily in competition not only with regular passenger and freight steamers, but also with tramp ships on the ocean and on the lakes and rivers, and must compete with these vessels.

And it may often happen that the railroad company under the principles which underlie the making of freight rates can not afford to make its rate lower than it does between points A and B, and yet can afford to make some profit out of carrying freight at a lower rate between points A and C. That theory controlled Congress when it enacted the original act, and I think no one has ever contended that there may not be cases where, under proper management of railroads, a less charge may be made for a long haul than for a short haul.

And again he said:

The commission may say what is a reasonable rate to different points; but if, in order to get some of the business which otherwise would all go to water, the railroad company wants to carry freight at less than is a reasonable rate on all its business, nobody would wish to prevent it doing that, because to that extent you could lower the rates.

And again, on page 4797, in answer to the question—

Is it practical to legislate so as to deprive New York and San Francisco of the benefit of the ocean, that no injustice may be done to the towns inland?

Mr. Mann said:

I think not. I think that San Francisco and New York and other ports on the ocean have a natural advantage which can not, and ought not if it could, be taken away from them. In other words, when you come to the question of fixing freight rates, please remember these propositions: A railroad company must pay its operating expenses. It must pay the cost of maintenance. It must pay the cost of its general offices. It must pay the interest on its bonds. It must pay, if it is successful, dividends on its stock. It must carry some freight at profit enough to make dividends on the stock.

It may carry some freight which will help it to pay interest on its bonds and it may be met by a situation where it can carry a large amount of freight at rates which will more than pay the operating expenses or a proportionate share of the operating expenses, which will more than pay its proportionate share of the cost of maintenance, which will more than pay its share of the cost of the general offices, which will contribute something to the interest on the bonds, but which will not contribute anything toward dividends on the stock or which will not even contribute enough toward the interest on the bonds to pay more than 1 or 2 per cent, whereas the rate would be 4 or 5 per cent. Now, with that large amount of freight which it may get if it competes successfully with other methods of transportation, it is the duty of the railroad company to secure that freight at lower terms than are practicable to pay interest and dividends if it carried all freight on the same basis, and that will be true forever in railroads in competition between New York and San Francisco, competing with ocean methods of transportation, and ought to be so. It is true through many parts of the United States, and ought to be so, because in the end it tends to reduce the rates on freight through the country.

* * * * * * *

Of course, under the existing law, as construed by the courts, the long-and-short-haul clause amounts to nothing. Under the proposition which we have presented, if enacted into law, there must be application made in special cases to the commission which grants authority to charge a less amount for the longer distance than for the shorter distance, and we think the power can safely be lodged in the hands of the commission. It is perfectly patent it must be lodged somewhere.

We will never reach a basis in this country, and ought not, with our immense railroad mileage and with our great water carriage, with our long lines of road, where we charge railroad rates on the mileage basis or where we put all classes upon the same basis.

It is thus clear that the framers of the present law recognized the fact that transportation is a commodity which must be sold on a competitive basis (influenced by the natural law of supply and demand) just the same as any other commodity is sold.

In the case of the Louisville & Nashville Railroad Co. *v.* Behlmer (175 U. S. 674) Judge Cooley said:

Every railroad company ought, when it is practicable, to so arrange its tariffs that the burden upon freights shall be proportional on all portions of its line and with a view to revenue sufficient to meet all the items of current expense, including the cost of keeping up the road, buildings, and equipment, and of returning a fair profit to owners. But it is obvious that in some cases, when there is water competition at leading points, it may be impossible to make some portion of the traffic pay its equal proportion of the whole cost. If it can then be made to pay anything toward the cost, above what the taking of it would add to the expense, the railroad ought not in general to be forced to reject it, since the surplus under such circumstances would be profit. As has been tersely said by M. de la Gournerie, formerly inspector general of bridges and railways in France, a railroad "ought not to neglect any traffic of a kind that will increase its receipts more than its expenses"; and long-haul traffic which can only be had on these terms may sometimes be taken without wronging anyone, when to carry all traffic, or even the major part of it, at the like rates would be simply ruinous. But we desire to apply generally to every kind of competition herein discussed the observation above made, that when competition leads to the transportation of property below actual cost, fairly computed, it ceases to be legitimate. Fair and reasonable competition is a public benefit; excessive and unreasonable competition is a public injury. Competition is to be regulated, not abolished. The other sections of the law themselves imply authority for its regulation, and in connection with the fourth section support the interpretation that it is wholly inadmissible to press competition to a point where expenses are increased beyond the increase of income.

The Joint Commission of Agricultural Inquiry, composed of Members of both the House and the Senate, made an exhaustive investigation of this question in 1921, making their report to the Sixty-seventh Congress, first session. On page 405 of part 3 of this report the commission in considering the long-and-short-haul-rate rule said:

In a country where there is as wide a variation of local conditions of competition both as between industries and as between different means of transportation as in this the application of a rigid proposition against charging higher rates for short hauls than for long hauls under any circumstances would result in greater discrimination and more rigid restriction upon competition as between industries and means of transportation than would result from the exceptions which might be permitted under a more flexible provision.

A careful examination of the report of the hearings before the Senate Committee on Interstate Commerce on this bill shows clearly that the shippers of the great Mississippi Valley section of our country are united in opposition to the bill. It shows that a large majority of the shippers on both the Atlantic and Pacific coasts are opposed to the bill. It also shows that the so-called intermountain territory from which the main support of the bill comes is not unanimously in favor of it.

The flood of oratory and the heated arguments put forth by the friends of this measure is an effort to make you believe that they are fighting for the very "homes and firesides" of their constituents in the so-called intermountain territory. They would have you believe that the situation is critical and desperate. I submit, sir, that a calm survey of the facts should be made before a vote is taken on this proposition. In just what ways will this proposal change the situation in that strip of territory known as intermountain from what it has been during the past eight years? No departures from the fourth section of the act have been permitted by the Interstate Commerce Commission on traffic to the Pacific coast since 1918. Applications made by the carriers for such departures have been denied. The products of this intermediate territory are essentially those of the soil. In other words, whatever difficulties it has been experiencing in the economic readjustment since the war are the same difficulties experienced by the farmers generally throughout this broad land of ours. Whatever depression there may be is brought about by some other causes than the long-and-short-haul principle of the present law, because for eight years their rates have been on a basis exactly the same as they would have been if this law had been made effective in 1918. This clearly shows how fallacious and unjustifiable is their attack upon the Interstate Commerce Commission in general and the present fourth section of the act in particular. An application is pending for permission to depart from the fourth section on a selected list of commodities. The commission has that matter under advisement. Its decision will undoubtedly be in accordance with the law as its decisions have been in the past, and I repeat that if the provisions of the fourth section as now constituted are justly administered it is impossible that any part of this country will be injured thereby. Whether or not the commission shall in the future permit departures in regard to this long-and-short-haul clause, under changed conditions which may arise in the future, will depend entirely upon a full and complete development of the facts in each case, and judging by the experience of the commission during the past generation its decision will be based upon a cold and calculating prudence and an absolutely impartial judgment. What more could any fair-minded man require?

The unwillingness to rest their case with the commission under the present law makes it plain that this bill providing for political rate making is an attempt to secure for its constitutents an unfair advantage at the expense of the mid-west.

If this bill becomes a law, the carriers will not meet the water competition at Pacific coast points. That fact is attested to by the railways' representative in his testimony before the Senate committee regarding this matter. In other words, they feel that the loss of revenue in reducing rates at intermediate points will far more than offset any gain in through transcontinental traffic at Pacific coast points. Congress has very

properly refused to make any provision in the law whereby the carriers may be compelled to meet this water competition. If the coast rates are not reduced, certainly the rates at the intermediate or so-called intermountain territory will not be reduced. The rates by the boat lines to and from the Pacific coast will be advanced. This is a certainty, because the eastbound rates, due to lack of rail competition, have already been advanced 10 per cent January 1, and a similar or greater advance on seasonal commodities, such as wool, dried fruits, cotton, canned goods, and so forth, took effect March 1. These advances were agreed to by members of the United States Intercoastal Conference, and there is no legal way by which their decision may be reviewed by any governmental body and the effectiveness of the new rates prevented. The rates on westbound traffic as a matter of good business on the part of the boat lines will undoubtedly also be advanced. In fact, if the carriers are not able under the law by reason of the enactment of this bill to meet the competition at the Pacific coast, it is a foregone conclusion that the boat lines will advance their rates to a point just sufficiently low enough to enable them to secure all of the business. This will certainly be a violation of the principle laid down by Congress that both rail and water transportation is to be fostered and developed to its full strength and vigor. The law as now constituted carries out that principle in the only way it can be carried out to-day, by making the rates at the coast points such as will develop a healthy competition between both the boats and the railroads, giving them an equal chance at the traffic on an equal footing. If the water rates are advanced on account of this legislation, the Pacific coast will be deprived of its natural geographical advantage. The proponents of this bill have charged that the manufacturers of Chicago desire to move the Atlantic seaboard westward to that city. No more inaccurate statement could be made. But it is a fact that their attempt in this instance is to move the Pacific coast eastward as far as Spokane, Salt Lake City, and so forth.

The friends of this bill have argued that the tonnage handled through the Panama Canal is so small that it is only a drop in the bucket compared to the total tonnage of all the railroads operating in western territories. By this comparison they attempt to show that the revenue derived from competitive business to the Pacific coast is so small that its loss will be insignificant. This argument must fail completely for two reasons. In the first place, if only the matter of tonnage is to be considered the tonnage handled through the Panama Canal should be compared with only the tonnage of like kind handled to Pacific coast points by the railways. In the second place, a ton of freight handled one mile is one thing and a ton of freight handled two or three thousand miles is a thing vastly different from the standpoint of revenue. It is therefore necessary that if any just comparison shall be made it shall be made between ton-miles rather than tons. It was developed at the hearings on this bill that if the transcontinental railroads could obtain 50 per cent of the Pacific coast traffic handled through the canal in the year 1923 it would have added over $15,000,000 to their revenue. On page 239 of part 2 of the Senate Committee on Interstate Commerce hearings on this bill is shown a record of the tonnage handled through the Panama Canal. It shows for the year 1923 19,567,875 tons total of all flags. In 1925 there were handled 23,958,836 tons, an increase of approximately 20 per cent. According to the statistics of the Bureau of Railway Economics the volume of freight traffic for the year 1925 exceeded the volume of traffic handled during the year 1923 by only three-tenths of 1 per cent.

We all are familiar with the fact that our western carriers have failed to earn in the aggregate a return which the commission has fixed as being fair when based upon their investment. These roads have applied to the commission for an increase of 5 per cent in their rates. Admitting that the value of the transcontinental business to the railroads can not accurately be determined at this time, we know that if by a just administration of the present fourth section of the act it were found proper to permit these transcontinental carriers to participate in this competitive Pacific coast traffic, it would add materially to their revenue. On the other hand, if this measure is enacted into law they will forever be precluded from securing a hearing on the matter and the door of investigation will be closed for all time even though it is conceivable that changing conditions might make it desirable not only to the carriers but to the people of this country that the rigid provision of the long-and-short-haul clause be departed from in certain instances. It is conceivable that if this bill becomes a law it will result in an advance of all freight rates of our western transcontinental carriers. This may mean not only an advance upon agricultural products of the farmers in the great Middle West, but an advance on all freight to and from the intermountain territory and the Pacific coast as well.

If the carriers are not allowed to earn sufficient revenue to enable them to carry on, common sense would indicate that the only alternative is a reduction in operative expense, a reduction in expense for equipment and maintenance, and a corresponding decrease in service rendered. It has been aptly stated by one witness at the hearings on this bill that the farmers of Idaho, for example, will be very little concerned about the freight rate he must pay on his potatoes if he is unable to secure cars to ship them in before they freeze. One fact has been brought out time and again in connection with this fourth-section matter to which we should give earnest consideration. That is, that if transportation is to be furnished to the intermountain territory on the best possible terms, there must be some way of utilizing the transportation capacity of the railroads west as well as east. It can not be made the cheapest transportation if the cars are handled west empty to be handled east loaded. The preponderance of empty box-car movement in that western country is westbound. During the period January 1 to November 30, 1925, there were handled loaded box cars to the number of 76,611 westbound and empty box cars westbound number 107,268. This count was made through the following gateways: Avery, Idaho; Cutbank, Mont.; Paradise, Mont.; and Huntington, Oreg. During that same time there were handled westbound 9,662 loaded refrigerators and 31,675 empty refrigerators. This vast amount of empty equipment could be utilized in handling some of this competitive Pacific coast traffic, but the possibility of doing that thing will be forever eliminated by the passage of this bill.

The prosperity of any community, and particularly of a developing community, depends upon what it produces and what it gets for its products rather than what it consumes. The intermountain territory is more vitally interested in the freight rates on its outbound products than it is on its inbound shipments from the east. The Pacific coast is the nearest and most natural market for the intermountain territory. Under the present fourth section of the act it will be possible to rapidly develop this Pacific coast territory under freight rates made by competition between both railroads and water lines, and anything which develops that territory will enhance the market for the intermountain country. Eliminate competition and the reverse of this will be the result.

If this bill is passed, it will mean that producers in the interior of the country will be unable to meet the competition of foreign manufacturers at coast cities. The illustration which has been most often used and which has most recently developed is that of the paper mills in Wisconsin which have been granted rates to New Orleans, for example, on newsprint paper which will enable them to sell their product in that city in competition with paper manufactured in Germany and the Scandinavian countries. They were able to do this by reason of a fourth-section departure being granted by the Interstate Commerce Commission. To show that the commission does not treat this matter lightly it is well to note that the same application was made for relief as to Galveston, Tex., but that the proof of competition from a foreign country was not adequate and it was denied in that case.

The Canadian railroads which reach the Pacific coast are not hampered by a rigid long-and-short-haul provision. If this bill is enacted into law, the manufacturers in Canada who are in competition with American manufacturers will be able to lay their products down at Pacific coast points at lower rates than can the American manufacturers. Do you think it wise to legislate to drive business away from our own transcontinental lines to those of the Canadian railroads? Is it wise to give this sort of an advantage to the Canadian manufacturer over the American manufacturer? I, for one, do not think so.

There is another feature in regard to this matter which should be thoroughly considered before we go any further. The proponents of this bill are loud in their statements that it is "absurd for Congress to consider appropriating large public funds to improve our rivers for the purpose of restoring water transportation upon them and at the same time to allow another branch of the Government to put into effect a system of freight rates which will destroy water transportation." There seems to be no question but that the time is ripe for the improvement of our waterways and the completion of the various projects as outlined by Secretary Hoover in his testimony before the Committee on Rivers and Harbors of the House of Representatives. This measure is an entirely different matter, and either its passage or its defeat will have no effect whatever upon water transportation. The policy of Congress as set forth in section 500 of the transportation act that

both rail and water transportation shall be fostered and developed has been rigidly adhered to by the Interstate Commerce Commission in its administraton of the present fourth section of the act. No departure therefrom can be permitted if it results in destruction of the water competition. Let us not be misled by this attempt to cloud the issue in this case.

MEDALS FOR CREWS OF RESCUING SHIPS

Mr. JONES of Washington. Mr. President, during the last month or two there have been some remarkable rescues at sea, and great heroism was shown by the crews of several ships in rescuing crews of other ships which were threatened with destruction.

The House passed a concurrent resolution expressing the thanks of Congress and its appreciation for these acts of heroism. That action extended to all the members of the crews, and those who had anything to do with the conduct of the ships. House Concurrent Resolution 11 has been considered by the Committee on Commerce of the Senate. We are all heartily in favor of the action of the House, but we also believe that special recognition should be given to the special acts of heroism of those who faced the actual dangers in connection with these rescues. So we have recommended a substitute which covers the action of the House, and also provides for medals to be given to those who may be certified by the captains of the various ships as having manifested special heroism.

I report back from the Committee on Commerce, with an amendment in the nature of a substitute, House Concurrent Resolution No. 11, to tender the thanks and appreciation of the Congress of the United States for heroic service rendered by the officers and crews of the steamships *President Roosevelt, President Harding, American Trader, Republic,* and *Cameronia,* and I submit a report (No. 262) thereon. I ask for the immediate consideration of the concurrent resolution.

Mr. COPELAND. Mr. President, I was not present when the matter was considered in the committee. There is no conflict between this action and the Lindsay bill in the House?

Mr. JONES of Washington. There is not.

Mr. COPELAND. This includes all the provisions of his bill, and a little more besides?

Mr. JONES of Washington. It covers everything his bill covers, and the additional matter relating to medals.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BLEASE. Does this mean that a man can not get a medal unless the captain says he shall?

Mr. JONES of Washington. The captain is to certify to the conduct of the members of the crew.

Mr. BLEASE. Suppose the captain has some favorites on board, and some poor devil who should get a medal would not be certified?

Mr. JONES of Washington. I can hardly think the captain of any one of these ships would do such a thing under the circumstances. Of course, I know things like that are possible, but I do not know how we can guard against it.

Mr. BLEASE. I have seen that done in private life, and I do not know why it should not be done on a ship. I think there ought to be some provision, in case a captain showed some prejudice toward one of the men, so that we would have a right to investigate the matter.

Mr. JONES of Washington. I think we can take care of that phase of it in conference.

Mr. BLEASE. That is all right.

The VICE PRESIDENT. The amendment reported by the committee, in the nature of a substitute, will be read.

The CHIEF CLERK. Strike out all after the resolving clause and insert:

That the term "crew" as used in this concurrent resolution shall mean and include any person carried on the ship's register or serving on the ship in any capacity, regardless of rank or rating, at the time of the rescue referred to in this concurrent resolution.

SEC. 2. That the thanks and appreciation of the Congress of the United States be, and they are hereby, tendered to the families of Uno Wirtenan and Fritz Steger, who lost their lives, and to the officers and crew of the U. S. S. *President Roosevelt,* as constituted on January 24 to 28, 1926, inclusive, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the British steamer *Antinoe;* to the officers and crew of the U. S. S. *President Harding,* as constituted on October 25, 1925, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Italian steamship *Ignacio Florio;* to the officers and crew of the steamship *American Trader,* of the American Merchant Line, as constituted on October 26, 1925, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Norwegian steamship *Elven;* to the officers and crew of the U. S. S. *Republic,* as constituted October 10, 1925, for the heroic conduct and noble service rendered in the rescue of the officers and crew of the U. S. patrol boat *No. 134;* and to the officers and crew of the British steamship *Cameronia,* as constituted on October 11, 1925, for the heroic conduct and noble service rendered in the rescue of the crew of the United States Coast Guard patrol boat *No. 128.*

SEC. 3. That the Secretary of the Treasury and the Director of the United States Mint be, and they are hereby, authorized and directed to prepare a suitable die and to strike suitable gold medals commemorating the heroic conduct and noble services rendered in the rescues described in section 2 of this concurrent resolution, and present, in evidence of the esteem of the Nation for valorous conduct on the high seas in the face of great danger, as demonstrated in such rescues, one of such medals to the captain of each of said rescuing ships, and one to each person certified by the captain of the respective rescuing ships to have shown special courage and to have faced special danger in such rescues, and one to each of the families of Uno Wirtenan and Fritz Steger.

SEC. 4. That there is hereby authorized to be appropriated from moneys in the Treasury, not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to cover the cost of designing, producing, and distributing said medals in the manner described in this concurrent resolution.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

The title was amended so as to read: "A concurrent resolution recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. steamships *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Camaronia,* and for other purposes."

Mr. HOWELL subsequently said: Mr. President, in connection with the concurrent resolution which was passed by the Senate this afternoon, I ask unanimous consent to have inserted in the RECORD an article entitled "Passenger log on board steamship *President Roosevelt,*" by Mary Washburn Baldwin, appearing in the Outlook for February 24, 1926.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PASSENGER'S LOG ON BOARD STEAMSHIP "PRESIDENT ROOSEVELT"

By Mary Washburn Baldwin

(When she wrote this diary Mrs. Baldwin was on her way to Europe to join her husband, Dr. Elbert F. Baldwin, of The Outlook's editorial staff. An experienced traveler, she had no expectation of an adventurous experience. What happened to the steamship *President Roosevelt,* on which she was a passenger, has already been told in the daily press of the world, but not with the graphic skill of this simple and thrilling narrative.—The editors.)

THURSDAY, *January 21, 1926.*

This trip is a perfect joke. My thirty-seventh, and a winter crossing. I was all set for uproarious things. This is Thursday evening. We might well be on a Hudson River boat. Up here in the writing room is vibration from the engines; in my cabin it is absolutely motionless. But it is amazingly restful after my busy month at home. I slept nine hours. I have all my pictures and pretties about and am having a fine time with myself. Such a nice lot of people!

SUNDAY, *January 24.*

The foregoing is the joke. For ever since Thursday we have been piling up the most amazing seas. At midnight my steward—none other than little Miller, who crossed with us three years ago on the *Van Buren*—came in and screwed on both iron shutters. The wind was beginning to sing. At 4 this morning came radio S O S reporting the 8,000-ton *Antinoe* in dire distress. The *Roosevelt* (you would know T. R. would) instantly left our course to follow indicated trouble. Everyone on board, I believe, has been watching out over these wind-swept mountainous seas. I was on the glass-covered deck, saw a huge wave bearing down, stepped aside, and two big, heavy panes of glass burst and fell at my feet. The steward came running, but I was only drenched to the knees. We were rolling beyond belief—the story-book waves-ran-mountains-high effect.

Later; noon: Great excitement; boat *Antinoe* sighted. There she sits, steering gear deranged, half of bridge and lifeboats gone, bulkheads started, cargo of wheat soaked, and cabins flooded. Utterly impossible to reach her. Terrific seas prevent near approach. Captain Tose [of the *Antinoe*] still hopes to adjust his trouble and hold his own. Commander Fried promises to stand by. Twenty-five men are depending on us. Our staterooms, the entire ship in chaos. Several are hurt; my friend Mrs. W. has broken her ankle. Overturned furniture smashed and crockery shattered. We think of those 25 poor souls hanging on our nearness and encouragement. Everyone eager to share, to see it through. It is hazardous to move about. Spent the afternoon in a screwed-down chair in the social hall. Could watch through the porthole behind me. Couch, tables, chairs with people in and about them were picked up by a davenport, accompanied by a stout gentle-

man, and all landed on the other side of the boat in a heap. You never saw such a genial lot of people. Only a few were frankly scared; first voyage, etc. Doctor Cochran, of the American Church, Paris, on board with his nice sister and niece. Commercial Attaché Miller is on his way to his new post in Rome. It really is too rough to write. Our engine is going just enough to help discount storm.

Sunday night: Sleet and rain, waves like bombs batter the ship. I wish you could see my stateroom. Trunk and chair brought up under the washstand; my bed pulled the securing hooks out by the roots and moved right out into the middle of the floor with me in it. It's all in the game—but it was a joke to think of a Hudson River excursion. The *Roosevelt* is splendidly seaworthy and Captain Fried's spirit an inspiration to all. The general morale excellent.

Monday: I am sure Conrad and brother Eb would appreciate the sea we have to-day. Rain and sleet. The *Antinoe* disappeared last night in a blinding snowstorm. She had been reported to be getting into safer shape, so they hope she has not gone down. It is a day of fearful apprehension. The buffeted *Roosevelt* has searched 12 hours; 40-foot waves and 90-mile wind. In the companionway "T. R." looks down from a copy of the familiar Sargent portrait. He would stick this out, we know. The seas are worse than yesterday. A certain few are getting bored and cross, but a man who protested in a note to the captain and wished to proceed for an engagement on Saturday was nearly thrown overboard. Rejoinders to a flapper of 40 who decided we had heard enough of the "ethics of the sea" were not conducive to further similar comments by others.

The stewards are fine. They are hard put to it. They give one a dish at a time—just can not keep anything literally on the table. The silly dining-room chairs, charming mahogany ones that really belong to a summer-home equipment, are not screwed down, so we are all roped together at meals and let in and out by the steward. In this respect this boat is not fashioned for the North Atlantic in winter. All the wandering social hall chairs have been lassoed and are corralled by themselves in a corner. Despite all the tumult, everyone seems to be diligently eating.

I really have deserted my cabin, as my trunk and chair leap blithely around after me and charge at me maliciously from under the bed while I am dressing. It is dreadful, but there is a funny side. Flappers were in shrieks of amusement yesterday, but the novelty grows less; yearnings "to proceed" appear. But we shall stand by. We shall surely find them yet. This is the only chance this poor boat has, and ultimately the storm must abate. We are just uncomfy; they are desperate. We get no word. The inference is that their radio is out of commission but that they still float. I am planted in a deep puffy chair at the head of the stairs, where nothing but the clock and the fire extinguisher could fall upon or charge at me. People go by with varying opinions, but are pretty unanimous not to give up the hunt. These *Antinoe* people are English; they will stick by. Anyway, it is up to us; it is the ethics of the sea, and of humanity; nothing must be left undone. We are cruising slowly, round and round, buffeted terribly.

Monday afternoon: Thrills! The lost boat is found. There she is in a hollow of the sea. Such a sea! Our many turnings in the search have flung us all over the place. The *Antinoe* has a terrible list, rudder and bridge gone, anxiety intense. The *Roosevelt* edges close to the doomed wave-swept boat. Desolate spectacle. Rescue implored. A stupendous afternoon. Eight of our men volunteer for a rescue, led by our First Officer Miller. Commander Fried draws on our own fuel supply to pump oil on the waves. Eager manning and lowering of boat. Just as the boat descends comes a sudden squall of terrific wind. An attempt to reverse the order is too late. Three men are washed from the boat, but get back. She is lifted on a hill of green water, overtaken by a comber, and suddenly all are floundering in an oily sea. Frantic throwing of ropes and life preservers. Six of the eight are dragged back on board. Two are lost. One, knocked senseless, disappears. The other drifts away, waving his arm, and passes within 10 feet of the *Antinoe*, too exhausted to respond to their efforts. This boy was to have been married on landing. Took communion on deck, sent a radio message to his girl, $12 of his wages—and went—

Monday evening: It has been a tremendous experience, if we can only make good. The thought of those 25 marooned men brought out our boys instanter. They know what the peril of the sea signifies. This calm, unconscious, spontaneous heroism casts a glow over all. Doctor Cochran responded to the general need and at 10 to-night a touching memorial service of prayer was held. Four of our battered, bandaged boys came in. The sea is so rough all are obliged to sit on the floor. The captain had prayed all night that he might find the wandering boat. None are without supplicating hearts to-night. May to-morrow mean successful effort and all safely out of this dangerous, tumultuous zone! Toward dawn a calmer sea is apt to come. One just doesn't undress these nights. Nothing matters but the deliverance of these men.

TUESDAY, *January 26*—4 *a. m.*

A few hours' sleep. Another gale. Cabin in a tumult, noisy with booming water, trundling trunk, etc. Ten disabled, armless, legless chairs are huddled in a corner near my cabin. I came up here in the companionway. Several have been here all night. The *Roosevelt* has continuously circled about the wreck all night, fearing the *Antinoe* might again drift from us in the darkness. Frequent careening turns in trough of sea make great confusion. Dawn comes and the forlorn old boat is still visible. What must these hours have meant to those poor beings over there? We approach closely, see men running about the deck. Surely we must succeed to-day. The two young lives lost yesterday sadden our ship.

10.30 a. m.: More heavy squalls, everyone squeamish about risking more of our men. *Antinoe* urges help. Many vain attempts are made to land a rope with cannon and rockets. One remaining charge is left. Our hearts stand still. Charge falls short. Renewed talk of another attempt to launch a crew. As usual, the effort is discounted by a stiff gale with sleet and snow. Everything seems futile. General despair. Frantic signals from *Antinoe*.

2.30 p. m.: We are beside ourselves with apprehension. Projectiles are all used up. Sending more rockets perfectly helpless in this wind. We passed parlously near the wreck, signals insistent that but short time left. It becomes monstrously horrible.

3.50 p. m.: Only an hour more of daylight, and all efforts fail. Three of our sailors actually offer to swim across. This, after yesterday! No one could live half an hour in this winter sea. It certainly is in the hands of the Lord. "Of ourselves we can do nothing." Situation seems beyond human aid. Night settles down again ominously. The wind comes up. A sort of calmness of despair or faith seems to settle upon us. People ask each other indignantly why we are not all on our knees. But, figuratively, I am sure our spirits really are on their knees. Hasty searching of Psalms—"The waves of the sea are mighty; the Lord, who dwelleth on high, is mightier." "Whoso dwelleth under the defense of the Most High shall abide under te shadow of the Almighty." (This Ninety-first Psalm, he claims, took Stanley through his Rumanian campaign!) "I will say of the Lord, He is my hope, my stronghold; my God; in Him will I trust." "His faithfulness and truth shall be thy shield and buckler." "He shall call upon me and I will hear him, yea, I am with him in trouble, I will deliver him." How dynamic the Psalms! Just to copy this helps.

We frame up a message to the captain. To-night, with seeming failure as a result of his heroic persistency and resourcefulness—to-night we should register our affectionate devotion to our leader in whom the deep responsibility of this great venture is vested. Just suppose we had a captain who was a quitter and we perforce sailing away leaving these helpless men. He is doing for us each an endless boon.

Later: Another attempt at 10 to-night to launch a boat. A little flickering light tells horrible fear of sudden foundering. Again the deck is alive with quick feet. Ropes, chains, ladders, and nets in heaps for readiness. Our searchlight brings the plunging hulk out against the black sky, so nearly reeling over with each sweep of the sea that men urge their wives to leave the deck lest the boat go down before their eyes. New volunteers stand ready; then, as so often before, a sudden wind and blinding squall of snow. Our men, all shining rubber coats and life preservers, are ordered down to wait another chance. Yet another trial at 1.30 a. m., but again the order canceled. But a trailer boat is released with half a mile of cable, but is lost.

WEDNESDAY, *January 28—10.30 a. m.*

Very rough. The sun is out and every effort being made. Impossible to risk a crew. I watched the third lifeboat launched from our ship side, trail at our stern. Again we got so close to the *Antinoe* it seems we could throw a line across. Our boat tries to jockey the lifeboat into position, in circling the wreck with a long rope, but the heavy sunken cable passes under the *Antinoe's* keel. We come terribly near in all this maneuvering. Finally, this lifeboat is also lost. Crew and passengers keeping up wonderfully. They seem to find a second wind and fresh poise. Our ship's morale is high. That all helps.

Later—Wednesday: The officers make heavier projectiles overnight. Finally, at 1 o'clock, boom!—and a shot at last carries a rope across the *Antinoe's* deck. Apparently snatched by every man there! Wild shouts of joy from both boats. The rope attached here to a lifeboat. Everyone nearly weeping with thankfulness. Suddenly they wigwag from the *Antinoe* heartbreaking disappointment. Terrific strain has snapped the cable. Squalls follow an icy wind. Quick aid implored. Situation desperate. Late in the afternoon passengers feel renewed apprehension over proposed launching of another crew. On the way to my cabin I meet our gentle little Miller, my steward. All buttoned up tight in his blue uniform.

"I am leaving to-night," he tells me quietly.

"Where to?" I ask.

"As soon as it's calmer captain can use volunteers," he answers.

I protested, "But, Miller, you've a wife and two children."

"How many children have those men over there?" he rejoins. He looks so small and pitiful.

"But you are not really so very strong, Miller," I venture.

"I was in the Navy nine years," and off he goes.

It seems he has hounded the officers, appeared life-preserver and all in readiness. I found him later on deck, weeping. Of course, they had turned him down. All was ready when the usual squall arose; we seem to have a mortgage on all of the unrest of the Atlantic!

Bit by bit a quieter mood is evident on the ocean. It begins to clear overhead. However, it is with apprehensive hearts we see the lifeboats and a fresh crew of determined men lowered from the upper deck. It has grown quite dark. Breathlessly we watch them pull loose from our ship. They were launched to take advantage of the wind. The *Roosevelt* steams to the farther side of the *Antinoe* to give the same advantage in the return trip to us. It seems incredible, for in 40 minutes we saw them on the way back. The moon had emerged. They came on in the full radiance of our ship's searchlight with half of the *Antinoe's* men. Can you think how all those upturned faces looked to us?

Many collapsed on deck; one was carried by on a stretcher, unconscious. We were hustled behind a stretched rope and saw them pass to the warm cabins and the care prepared for them; a dazed, worn, bewildered lot. I was on pins and needles before they got out the second boat, lest this treacherous sea rise again. The prow of the lifeboat had been smashed by the pounding wreck during the rescue.

Finally, at midnight, the second trip was safely consummated. It seemed incredible, a miracle. Again the heavy lifeboat floundered back with the remaining 13. The waiting had seemed interminable to those on the wreck, so the wireless man, Evans, told me later; they suspected their number, 13, might queer their chances. Captain Tose, of the *Antinoe*, was carried on deck, taken up to the bridge (the Englishman, as ever the courteous gentleman at sea) to thank our commander, and then fainted, utterly spent. Up they all came and our own splendid men. We all gathered up front, shouting for Commander Fried. He came out on the bridge. So fine. He said simply, "It has taken a long time, but it is worth it." We all said, "Amen" in our hearts. It was stirring, solemn. The supremely exalting experience of a lifetime, the very symbol of human dependence, a faith justified. It is all well-nigh incredible. Personally, it seemed to me we should be sailing back and forth, round and round, for the rest of our lives. It was hard to remember there ever had been, ever would be, anything of importance again, so completely dedicated and absorbed did we become sharing vicariously in this supreme effort.

The great whistle sounds our departure. Like our searchlight tonight, the unconscious selfless heroism and devotion casts a radiance over all, as with thankful, reverent spirit we start full speed ahead on our course. Above us a bright moon, a starry sky.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. SMITH. Mr. President, it is a coincidence that the figures which the Senator from Tennessee [Mr. McKELLAR] read, which he asked to have inserted at the end of his speech delivered to-day, are along the line of an article which I want to read and comment upon.

I said this morning that we are face to face with a condition which must be met. It has become intolerable. It can not go on without danger to the whole structure of our Government. There is not a Senator here but who recognizes that the problem which confronts us now, clamoring for solution, finds its first manifestation in the condition of agriculture and stock raising, as compared with the industries, so-called, of this country. It is a rather startling thing to read that our railroads are, perhaps, making an earning greater than ever before in the history of transportation in this country. Manufacturing enterprises of all kinds are giving out a very happy note of prosperity, while the masses of the people are, perhaps, more nearly hopeless and bankrupt than has ever been the case in the history of this country.

As I said, we have to meet a condition. We can not meet it with traditions. We have to meet it with exactly the same force with which our forefathers met the conditions which existed at the time they set up this Government.

I shall not take the time this afternoon—I will do so at another time—to compare the principles of production and the necessary policies of the Government which grew out of it, with the absolutely new condition which confronts us now. It is idle for us to say any more than that the Government shall not enter into business. Government has to hold the balance of equity between the disorganized and the organized until such time as it shall find a means for the organization of the disorganized, so that in the field of opportunity each class of our citizens may win according as they have capacity for winning.

The particular thing I want to call attention to is the slogan that has gone out all over this country that the Government can not run anything because of its inefficiency and its extravagance. I wish I had had the time to get for the Senate, and for the purposes of this argument, a statement of the amounts of money we have spent in improving our rivers and other inland waterways, and the net result to us as a return for that expenditure.

I doubt very much if there has been enough return on that expenditure really to be calculable, because of the presence of a powerful organization, privately owned and operated, that furnished the very thing that we were appropriating money to have our rivers and inland waterways do. What was the result? Why had we no return? Simply because there was power in the organization that furnished the transportation to destroy this competition. It so happened that during the war, when there was a congestion of freight and a necessity for additional transportation, we organized a corporation to try to experiment, with all the taxing power of the Government back of it and with all the other power of the Government back of it, to meet that condition on the part of a river that is always navigable and to carry on until it did prove whether or not it was feasible to maintain railroad transportation profitably and also to maintain river transportation profitably. One is inately and inherently cheaper than the other. The railroad transportation is the more costly, and yet it is very manifest to anyone, it is axiomatic that a railroad can not transport things on water nor can a boat transport things on land, and yet, strangely paradox as it was, the railroads were complaining that the boats were taking their business and the boats proved the fact that the railroads took their business and destroyed the possibility of their carrying freight on the river. But we inaugurated this system, and I want you to hear the official statement of General Ashburn as to what has been the result up to date of the Government maintaining the system in the face of all opposition and in the face of the competition of the railroads, and what he has said in regard to the use of boats under Government control, supported by Government appropriation, and officered by Government employees, for the last seven or eight years. Here is his official report. The point that I want to make—for I shall not comment longer on this matter—is this senseless clamor and propaganda that in this age of the tremendous and universal corporate control of the basic facilities and the basic opportunities of the American people the Government shall not put its hand on that which a trust or combination can run and operate. I wrote and asked General Ashburn to give me a detailed report of what he had done, and here is what he said:

Pursuant to your request, I give you in the following a brief résumé of the history and results of the organization now known as the Inland Waterways Corporation, which is owned by the United States, governed by the Secretary of War, and operated by me as its chairman and executive.

During the war rail congestion became so acute that there was a survey made of the navigable waterways of the United States with the end in view of supplementing rail transportation by water transportation. This was done by the Railroad Administration, and under the general authority lodged in the President, which he delegated to the Railroad Administration, contracts were let for the construction of fleets upon the Erie Canal, commonly known as the New York Barge Canal; the Mississippi River from St. Louis to New Orleans; the joint coastal and river route from New Orleans, via Mobile, to Birmingport, Ala.; and upon the upper river from St. Louis to the twin cities of St. Paul and Minneapolis.

None of these fleets was completely constructed at the time the Railroad Administration passed out of existence on March 1, 1920. But the transportation act of 1920 imposed a mandate upon the Secretary of War to carry on these operations, which had been started with a miscellaneous mass of misfit boats to demonstrate the economic feasibility of water transportation. To do this the Secretary of War created the service which was known as the Inland and Coastwise Waterways Service of the War Department, which functioned until June 3, 1924, when the present corporation was created by the approval of the President to Public, No. 185.

The general policy of Congress to promote, encourage, and develop water transportation and to foster and preserve in full vigor both rail and water transportation was announced in the first paragraph of section 500 of the transportation act of 1920, and the Interstate Commerce Commission was delegated as the agent of Congress to see that both the waterways and railways had a fair show in this development.

The problem that confronted the Inland and Coastwise Waterways Service then was how to carry out the policy of Congress through the instrumentality of the facilities which had been turned over to the Secretary of War by the transportation act. Water transportation had completely disappeared from our rivers—

I want Senators to mark that—

water transportation had completely disappeared.

Water transportation had completely disappeared from our rivers, which formerly had carried a large proportion of the freight, so that it was necessary to consider first:

1. Why water transportation had been driven from the rivers.

2. The methods by which our rivers could be utilized in such a way as to carry out the mandate of Congress.

Here we have, constructed by nature, a means of transportation inherently cheaper, a natural highway that had not to be kept up in an expensive way, a simple process of dredging from time to time answering the purpose. The highway is as eternal as the earth, and yet in spite of its inherent cheapness, in spite of its feasibility, because it ran through the interior, just as the railroad, furnishing for a contiguous territory a natural highway right at their hands, the transportation on it had been utterly destroyed and the people were denied the facility that nature had given them. Now, why? This is the point that General Ashburn is discussing, and this is the point that we have been discussing in connection with the problem of Muscle Shoals. The very force that destroyed the water transportation is the force that is destroying the possibility of an adequate supply of the material that we all acknowledge the agricultural interests of the country stand so sorely in need of. The two things they do stand in need of are the wherewithal to enrich their soil to produce the crops and an adequate transportation that will carry those crops to market.

The Senator from Georgia [Mr. GEORGE], sitting here before me, knows that even within his own State the cost of freight transportation from his farm to one of his own cities on a necessary food article was so exorbitant that it did not pay him to put the roasting ears in the refrigerator car, and he had to feed them to his pigs and had to lose his entire crop. There is not a Senator within the sound of my voice but can bring proof that the freight rates in this country have been the greatest bar to the development and distribution of the necessary articles of food and the other necessities of life. Here is what General Ashburn said:

1. Why water transportation had been driven from the river.

2. The methods by which our rivers could be utilized in such a way as to carry out the mandate of Congress.

Investigation led me to believe that water transportation had been destroyed through the efforts of the railroads, and that our waterways could be utilized by private, contract, and common carriers. We found that while the utilization of our rivers by private and contract carriers advantage certain particular people and did some good, they had in them an element of danger in that they might be used solely by powerful corporations to crush competition.

This is General Ashburn speaking in behalf of the Government in carrying out a mandate of Congress, and as our servant he is making a report over his own signature, and substantiates it by figures which I shall place in the RECORD.

We found that the utilization of our rivers by great common carriers probably offered the solution we were seeking.

Public opinion was not fully aroused as to the advantages offered by river transportation. Very few people were interested in such utilization, and these few people were divided into two groups, one of which was demanding that our streams be made navigable solely for the purpose of using them as a club to force down the rates of railroads which were natural competitors of the rivers; the other group was opposed to the expenditure of public money for such purposes on the ground that it was an inequitable system of taxation whereby the people of the United States were taxed to create conditions favoring certain localities, particularly those located along the banks of navigable streams.

There were various bodies of waterway proponents and opponents scattered throughout the country which were working at cross purposes. It was necessary for this office to formulate some basic principles upon which these various factions could be brought together, and we laid down the following principles which might be accepted, and which to-day are almost universally accepted:

1. That there is not enough transportation presently existing in the United States to meet the increasing needs of our developing commerce. As the transportation demands of the United States normally double in from 10 to 12 years the question that confronted us was how to furnish transportation facilities necessary to meet such increasing demands at the least possible expense to the public.

The railroads announced that it would cost them a billion dollars a year for 10 years to meet such increasing demands, and the thought arose naturally that if the people were compelled to spend this $10,000,000,000, which they undoubtedly would have done in one way or another, to meet such increasing demands, that at the end of 10 years the railroads would again be confronted with a similar problem of congested transportation.

The United States has spent only about a billion dollars in the development of its interior waterways in the hope that there would spring up transportation facilities upon its rivers and canals that would give cheaper transportation to the public at large. But there were no such transportation facilities of any importance operating upon any of the streams for which money had been spent, nor did there seem to be any prospect that such transportation facilities would spring into existence.

The second basic principle was that water transportation was inherently cheaper than rail transportation, and since the money had been spent by Congress to make these rivers navigable they should be utilized to the fullest extent.

The third basic principle was that as this money had been furnished by all the taxpayers of the United States the benefits to be derived from cheaper water transportation should be extended to as many people of the United States as was possible.

As I said before, we decided upon a great common carrier and at once began to study what was necessary to put a great common carrier back upon our streams. It developed that every condition precedent to the success of great common carriers upon our streams was a deterrent to private capital. I will simply enumerate the conditions precedent to the success of a great common carrier which had to be created, and ask you to bear in mind that the creation of these conditions involve in themselves deterrents to the investment of private capital:

1. There must be a suitable navigable stream, which can only be created by the United States or by the States proper, through the building of canals.

2. There must be suitable boats for particular streams, and these boats are matters of experimentation which in itself does not appeal to private capital.

That is the very point that we have been trying to impress upon Congress in regard to the fixation of nitrogen for explosives and for fertilizer purposes. "Experimentation" does not appeal to private capital. Capitalists want the inventor to work out the experiment, to spend hours in his laboratory, at his own risk and cost; but the minute the genius has perfected the device, then capital seizes upon it. The history of our inventors is actually a shame upon the American people. Some of our greatest inventors have died in poverty, while the men who have not had the genius to discover that which was born in the brain of the inventors have made their millions as the result of the inventor's labor. Now, listen:

3. There must be suitable terminals. The proper kind of terminal to be built is a matter of experimentation, dependent largely upon the growth of the transportation facility using it, and its location.

4. There must be balanced freight up and down stream. By balanced freight I mean not only freight up and down stream but freight producing revenue in different degrees. Ordinarily bulk cargo, a low-paying freight, forms the bulk of the great water transportation agency, but it must be, in somewhat technical language, "sweetened." That means that the average revenue per ton must bear a relation to the average cost per ton such that the net result is a profit. Such balanced freight can only be produced through cooperation with the railroads.

The public has also to be offered a durable and dependable service; dependable meaning that there are regular fixed sailings upon which reliance can be placed, as the time involved in the transportation of commodities is frequently a considerable factor in business relations.

Further, in order to reach any of the people not fortunately located upon the rivers, the railroads must bring to and take from such ports as they touch commodities destined to or consigned from the interior.

5. When relations are entered into between the railroads and the waterways whereby freight is jointly hauled, the accruing revenue must be equitably divided between the waterway and the railway, or one of them will fail. The agency created by Congress to see that such divisions are fairly made is the Interstate Commerce Commission.

Up to the time of the passage of the transportation act the principle that any sort of transportation, except rail, should be encouraged, promoted, and developed had never appeared in any of our laws, and it was a most difficult task for us, the commission, and the railroads to arrive at a working basis whereby the waterways could offer joint-rail-water rates to the public cheaper than all-rail rates, dividing the accruing revenue in such a way that both railways and waterways should get a living revenue therefrom. It finally resolved itself into a general enunciation by the commission that this corporation should deal individually with railroads, and if we could not arrive at an amicable adjustment of our differences in regard to the division of the accruing revenue, the Interstate Commerce Commission would take cognisance of that particular case and give a prompt decision. This put in the hands of the Government a power-

ful weapon to force just divisions, but it also put in the hands of the railroads the power to destroy a private corporation operating a common carrier without much trouble.

During the closing days of the Railroad Administration, certain joint rates were approved by the commission over a limited scope of territory. Since that time we have succeeded in extending such joint rates until to-day we have relations with 165 railroads and take into or carry from 39 separate States of the Union offering to all shippers in these States joint rail-water rates at an average of 80 per cent of the all-rail rate.

A lowering of freight rates which the public had hitherto paid over that vast territory.

In the creation of these conditions precedent to the success of the organization created by Congress in the transportation act of 1920, it was found that there were so many handicaps placed upon the operations and the management of the operations that it was futile to attempt to carry out the policy of Congress without some modification of the law.

During the four years that we operated under the old law, and as our expansion became greater, these handicaps became increasingly difficult to overcome, and I laid before the Secretary of War, the mandatory of Congress, a full report of what we had done, pointed out why we had been unable to accomplish more, and suggested to him the creation of a corporation which would overcome all the handicaps of governmental operation. He authorized me to draw up a bill and present it to Congress, which I did. This bill, as finally passed almost unanimously, embodied all the features which are now in Public No. 185.

The old organization was cast aside and the corporation organized along the lines of a private transportation agency, and is operated precisely as if it were privately owned. It probably has more powers granted than any corporation ever created by the United States. In fact, after specifying various powers, the concluding paragraph of the specification of its powers is as follows:

"In addition to the powers specifically granted, shall have such powers as may be necessary or incidental to fulfill the purposes of its creation."

The results of this reorganization were astonishing, as will be shown by figures which I shall attach hereto. I think that its success is due to the fact that it has been practically an organization controlled and directed by one man, where a single individual has had the power to decide and to act.

I believe a fair comparison may be drawn between this corporation and the Emergency Fleet Corporation in this respect.

No matter whether the one individual with power is right or wrong in a business organization which he controls, he can and does decide upon a definite policy which either proves right or wrong. If it is not in all respects right, he has within himself the power to remedy such defects, and there is no internal dissention.

There still remains in our corporation effective means whereby inefficiency on the part of this one man may be promptly remedied. Of necessity the Secretary of War, who is the governor of the corporation, can not give his immediate attention to anything but broad questions of policy, but the law authorizes him to delegate to the chairman of the board, who is the executive of the corporation, all the functions vested in the Secretary by this act.

The law permitted the Secretary of War to detail an officer as chairman and executive, with the rank of brigadier general while so serving.

Please note the power that rests in the Secretary to change this officer or to appoint a civilian provided he is inefficient or unsatisfactory. I think this is a wise provision, as otherwise the Secretary of War might have saddled upon him some chairman and executive who might be exceedingly unsatisfactory and inefficient.

Before I proceed further I wish Senators who are present to compare the almost perfect analogy between what was proposed by our Emergency Fleet Corporation and what is proposed in the Muscle Shoals proposition. Now let us see if we can not get some actual, practical, usable information from this.

If the war-time facilities created purely as a war measure had been sold upon the basis of other war created transportation facilities at 5 cents on a dollar of the cost, which would have been very liberal at that time, the entire amount to be received would not have exceeded $650,000.

When the corporation was created under the terms of the law, we had it appraised, and we had succeeded in building up the organization so that the American Appraisal Co., of Milwaukee, appraised its value as a going concern at slightly less than $10,000,000. This increase in its appraised value is several million dollars more than has ever been appropriated by Congress for either the inland and coastwise waterways service or the Inland Waterways Corporation.

The law creating the Inland Waterways Corporation authorized an appropriation of $5,000,000. Of this only $3,000,000 has been appropriated. Of this $3,000,000 appropriated, $1,500,000 still remains in the Treasury untouched. Of the other $1,500,000 which has been expended, $650,000 was immediately spent to pay off outstanding indebtedness and to put the corporation on a firm financial foundation free of debt. Eight hundred and fifty thousand dollars was spent for new equipment. To offset this $650,000 which went to pay outstanding indebtedness, over $150,000 of additional equipment has been bought.

We have on deposit in cash in the various banks, and in immediately available assets over a half million dollars. Besides this we have properly secured loans with the cities of Memphis, Vicksburg, and New Orleans, payable in yearly installments, nearly three-fourths of a million dollars.

Further, we have notes guaranteed by a bonding company, payable within one year, of $350,000, still due upon the sale of the equipment of the New York Canal.

In the calendar year 1925, the first full year of our existence as an independent corporation, we showed a gain of $505,567.76 in our net income, and this in spite of the fact that during the calendar year 1925 our equipment on the Mississippi was only 60 per cent of the equipment we had in 1924; 40 per cent being in litigation and used by another company.

Herewith inclosed you will find a comparative statement of tonnage, revenues, and expenses for the calendar years 1924 and 1925.

I am going to just roughly give you some figures in round numbers to show you how the tonnage has increased since operation began on the Mississippi section.

In 1918 is was 33,000 tons; in 1919, 235,000 tons; in 1920, 360,000 tons; in 1921, 672,000 tons; in 1922, 860,000 tons; in 1923, 979,000 tons; in 1924, 1,071,000 tons; and in the first 10 months of 1925 it was approximately 1,000,000 tons.

Now, that has increased in seven years from 33,000 tons to over 1,200,000 tons a year.

Now, here is another thing that will astonish you. When we started, the proportion between the all-water tonnage, carried all by water, and that carried by joint water-rail, was as follows:

The all-water the first year was 25,000 tons; the joint rail-water was 8,728 tons.

The next year, 1919, it was 175,000 tons all-water, and 60,000 tons joint rail-water.

The next year, 1920, it was 192,000 tons all-water, and 168,000 tons rail-water.

The next year, 1921, it was 348,000 tons all-water, and 323,000 tons joint water-rail.

Until to-day, in the 10 months of 1925, 315,000 tons is all-water, and 678,725 tons is joint rail-water.

In other words, the astonishing thing has arisen that by working with these railroads the all-water had dropped to a certain extent, but the water-rail has increased tremendously.

I trust that this will give you the information which you desire.

With much esteem, I am,

Very sincerely yours,

T. Q. ASHBURN,
Brigadier General, United States Army,
Chairman and Executive.

Mr. President, I desire to have printed in the RECORD his statistical tabulation, and then I am not going to take any more of the time of the Senate. We have heard so much here to this effect: "Oh, the Government can not run anything. We have spent a billion dollars on our rivers and inland waterways and have not gotten any return," because we have not put a restraining hand on the railroads and have not imposed the power of the Government to demonstrate to these people what could be done in terms of river transportation. We took the case in hand, equipped this company with sufficient capital, backed them up with a law sufficient to carry out the intent of Congress, and in seven years raised the tonnage from 33,000 to 1,700,000 and the profits accruing to the Government to more than $1,000,000, besides lowering the freight rate 20 per cent.

We are sent here to represent the people of America, and to make it as easy as possible to do right and as hard as may be to do wrong; but we have reversed that policy.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. SMITH. I yield; yes.

Mr. BRUCE. Will the Senator from South Carolina please refer me to some detailed statement showing all the receipts of the Government from that source and all its expenditures in that connection?

Mr. SMITH. Yes, sir; they are right in this table. The Senator can study them at his leisure, and I hand them in with a great deal of pleasure.

The PRESIDING OFFICER. Without objection, the statement referred to will be printed in the RECORD.

The statement is as follows:

Comparative statement of tonnage revenues and expenses, Mississippi-Warrior service

[Calendar years 1925 and 1924]

	1925	1924
Total tonnage	1,141,973	1,071,848
Total revenue	$3,978,951.93	$3,503,751.59
Total expenses	4,006,994.59	4,036,362.01
Net income (loss in italic)	*27,042.66*	*532,610.42*
Depreciation	329,839.70	353,276.52
Net income before charging depreciation	302,797.04	179,333.90
Mississippi division: Total tonnage	910,462	849,503
Total revenue	$3,521,495.88	$3,097,348.33
Total expenses	3,252,387.31	3,223,408.30
Net income (loss in italic)	269,108.57	*126,059.97*
Depreciation	254,007.19	285,782.77
Net income before charging depreciation	523,115.76	159,722.80
Warrior division: Total tonnage	231,511	222,345
Total revenue	$457,456.05	$406,403.26
Total expenses	753,607.28	812,953.71
Net income (loss in italic)	*296,151.23*	*406,550.45*
Depreciation	75,832.51	67,493.75
Net income before charging depreciation	*220,310.72*	*339,056.70*

NOTE.—Figures for 1925 include estimated results of December operations.

The corporation, as a whole, shows a gain of $505,567.76 in its net income, and this despite the fact that during the calendar year 1925 its equipment on the Mississippi was only 60 per cent of the 1924 equipment—40 per cent being in litigation and used by another company.

This $505,567.76 is made up as follows:

Mississippi division:		
Changing a loss of	$126,059.97	
To a profit of	269,108.57	
		$395,168.54
Warrior division:		
Reducing a loss of	406,550.45	
To a loss of	296,151.23	
		110,399.22
		505,567.76

In 1924 the corporation expended in actual operations $179,333.90 more than its gross income; 1925, the corporation expended in actual operations $302,797.04 less than its gross income.

Mr. SMITH. Now, Mr. President, I desire to define my position, and then I am through.

I think myself that perhaps it might be questionable to open the door of unlimited government interference in business. I think we here have sense enough to know where we should inject the government and where we should stop. Our forefathers set us the example. They delegated to the general government those things that the general government could do for each State better than the State could do them for itself, and reserved to the States those things that the States could the better do. That was in the governmental realm. With the advance of intelligent application of the forces of nature we have reached a point where individual initiative is practically a thing of the past. The necessities of life are produced in their finished form by great corporations, which in themselves are essential. We are not in a position to audit their books or to know their costs, but the people who pay the bills know the cost to them. In justice to these corporations, and in justice to those for whom we legislate, it is the duty of the Government to find out by actual experimentation what is the reasonable cost beyond which it will not allow these corporations, under the franchises and privileges granted to them, to take from the people more than is just and proper.

There is a realm in our economic life where the Government should not go. There is a realm where modern conditions are forcing it to go in behalf of those who can not be the beneficiaries directly concerned in the operation of these great corporations or these great manufacturing plants. We are in a new world, and we have to meet it with new policies and new laws.

When the foundations of our government were laid, the conditions were ripe for producing the perfect flower of democracy. Each man had his own railroad train, his own passenger-freight train, his own factory. His home was a completely equipped plant for producing all that he needed; but with the advent of the imperial power of steam his individual initiative was destroyed and supplanted by this great monopoly, whose product was cheaper perhaps to him, but nevertheless in the cheapening he became a servant of this great power.

The hand loom was replaced by the power loom. It made the man's clothing cheaper, but exacted as a payment of that cheapening his absolute dependence upon and servility to the power loom. And so it went, Mr. President, until the democracy of American economic life was absolutely overthrown and destroyed by the imperial power discovered by genius, and applied in our producing and manufacturing world.

Hence, the law that was so simple and easy when these things were not present can not apply to-day. By virtue of our facilities for communication, transportation, the hauling of enormous tonnage, and the magical power of machines to do at the touch of one hand the work that formerly thousands of hands were required to do, the law that was applicable then is not applicable now; and we are not brave, we are not courageous, we are not fit to sit in this historic place, if we do not modify tradition and modify law that applied a hundred years ago, and meet the situation as it is now.

To say that government has no more concern with business to-day that it had at the time of the foundation of this Government is to fly in the face of the very logic of the situation. We have attempted in an indirect way to do this thing, and have found it an utter failure. We passed the Sherman Antitrust Act, we supplemented it with the Clayton Antitrust Act, and by the very ingenuity of the brain of those against whom it was aimed it has become a breastwork from behind which they may ply more successfully the power that they possess.

If the Clayton antitrust law and the Sherman antitrust law do not meet the situation, shall we, because of a tradition, because of the fetish of an expression of our fathers, not gird ourselves up as they did when they threw overboard the tradition of King George III, and took the crown from his head, and placed it on the head of every sovereign American citizen?

The responsibility that was in King George III has been transmitted, with all of the responsibility of sovereignty, to every American citizen; and you and I have to meet our responsibility in this new world in which we find ourselves as our forefathers met their responsibility at Bunker Hill, and then on through the glorious fight for freedom.

We are to-day face to face with an army as imperial, as autocratic, and more dangerous, because it has not the responsibility of government on its shoulders—the army of entrenched and organized power, expressing itself through modern inventions a million times more efficiently than money was ever capable of expressing itself—and you and I have to meet it, and meet it as American citizens, meet it as democrats who believe that if the powers about us are imperial, if the powers about us are monopolistic, the Government shall see to it that in the great field of opportunity opened by these wonderful inventions the law shall be so framed that each American citizen shall win in that field according as God has given him capacity.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA

Mr. BINGHAM. From the Committee on Commerce I report back favorably, with amendments, the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; and I submit a report (No. 263) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 4, after the numerals "1906," to strike out the period and insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it"; in line 14, after the name "Kentucky," to strike out the comma and the words "or any official agency of either thereof or any political or other subdivision or subdivisions thereof within or adjoining which such bridge is located"; in line 17, after the word "after," to strike out "15 years from"; at the beginning of line 24, to strike out the word "If" and insert a colon and the words "*Provided*, That if"; in the same line, after the word "condemnation," to insert "at any time after five years after the completion of such bridge"; and on page 3, line 7, after the word "acquisition," to strike out "After five years from the date of acquiring such bridge by such State or States or any

official agency or agencies thereof or any political or other subdivision or subdivisions thereof the same shall be maintained and operated as a free bridge," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Midland & Atlantic Bridge Corporation, a corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Big Sandy River at a point suitable to the interests of navigation, one end of such bridge to be in the city of Catlettsburg, in the State of Kentucky, and the other end at a point on the opposite side of said river, in the city of Kenova, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. The said Midland & Atlantic Bridge Corporation, its successors and assigns, are hereby authorized and empowered to fix and charge just and reasonable tolls for the passage over such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the States of West Virginia and Kentucky may jointly or severally at any time after the completion of such bridge, by agreement or condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge: *Provided*, That if such bridge is acquired as aforesaid by condemnation at any time after five years after the completion of such bridge, in determining the measure of damages or compensation to be paid for the same, there shall not be included any credit or allowance for good will, going value or prospective revenues or profits, but the same shall be limited to such an amount not exceeding the original cost thereof as shall represent the cash value of the bridge and its approaches and appurtenances and any improvements thereto at the time of such acquisition.

SEC. 4. The said Midland & Atlantic Bridge Corporation, its successors and assigns, shall, immediately upon the completion of such bridge, file with the State highway departments of the States of West Virginia and Kentucky an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such itemized statement of cost may be investigated by the highway department of either of such States at any time within three years after the completion of such bridge and verified or corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or mistake.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BINGHAM. Mr. President, in explanation of the proposals contained in the various amendments to the bill, I should like the privilege of stating that recently the Committee on Commerce has gone very fully into the whole problem of toll bridges over navigable streams where the application for the franchise comes from private parties as well as from States and the subdivisions thereof.

The committee believes, in the first place, that all permits for bridges over navigable streams, and all bridge bills, should contain the proviso which will be noted as the first amendment to the bill now before us, that such bridge be not constructed or commenced until the plans and specifications thereof shall be submitted to and approved by the Secretary of War and the Chief of Engineers as being satisfactory not only from the point of view of navigation but also from the standpoint of the volume and weight of the traffic which will pass over it. In the past the only concern of the Chief of Engineers has been as to interference with navigation. In the future, we believe it should be also his concern to see to it that the bridge is properly constructed from the standpoint of the use to which it is to be put.

In cases where the right is sought by private capital to construct a toll bridge over a proposed or main highway, we believe that such permit should be denied unless the highway commission or commissions of the State or States affected approve the application for such permit; and, in general, it is not our intention to report favorably a bridge bill containing permission to construct a bridge over a navigable stream unless we have first satisfied ourselves of the approval of the highway commission of the State or States concerned.

The committee believes that another condition of granting such permit should be the requirement that the State or States, or any political subdivision thereof, may at any time acquire the ownership of such a bridge by purchase or condemnation proceedings, as may be prescribed by the laws of such State or States; provided, that if the bridge be not condemned until after a reasonable period for the amortization of the cost of said bridge has passed, the courts, in determining the compensation to be paid under the condemnation proceedings, shall not include any claim or allowance for good will, going value, prospective revenues or profits, but that in such a case the amount to be paid shall be limited to an amount not to exceed—

(a) The actual cost of constructing the bridge, less reasonable deductions for actual depreciation.

(b) A charge for reasonable promotion and financing charges, not to exceed 10 per cent of the cost of construction.

(c) Actual expenditures for betterments or improvements; provided further, that immediately after the construction of the bridge the company building the bridge must file with the State highway commission a sworn statement showing the actual cost of all items.

It is the recommendation of the committee that the power of condemnation, with full recognition of the actual value of the bridge as a going concern and with due regard to prospective revenues or profits therefrom, shall be limited to a period varying from 5 to 25 years, corresponding with reasonable prospects for amortization; this period to be specified in each bill, and to be determined by the committee after consultation with the Federal engineers as to the length of time likely to be required for amortization of the project; and that thereafter condemnation proceedings be permitted which shall merely remunerate the builders for the cost of the bridge as aforesaid without regard to its value as a going concern or to any prospective profits therefrom. In other words, the committee wishes to give the bridge company the right to full payment for their property as a profitable concern for a limited time sufficient for amortization. And thereafter the committee wishes to give the public the right to condemn it without regard to its earning power but with due regard to its cost.

Furthermore, the committee does not approve the limiting of the rights of the States, or any subdivision thereof, in connection with tolls to be charged, except that the tolls shall be reasonable, as under the general bridge act.

The committee feels that the citizens and communities involved may be trusted to demand from their State or local governments the freeing of the toll bridges as soon as the taxpayers are willing to bear the burden, and that it is not in the province of Congress, in its control of bridges over navigable streams, to do more than limit the tolls to a reasonable amount, as already is done by the bridge act approved March 23, 1906.

These ideas are contained in the amendments and in the bill now presented, and it is proposed and suggested that this bill be passed as amended, in order to enable us, if necessary, after conference with the House committee, to determine a policy with regard to toll bridges.

Heretofore it has been the custom to permit toll bridges to be built provided they did not interfere with the navigable streams, but owing to the enormous amounts of money spent by the Federal Government and by State governments in building roads these toll-bridge franchises have become enormously profitable, and it is the hope of the committee in this way to protect the public against private monopoly.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXPORTABLE SURPLUS OF AMERICAN FARM PRODUCTS

Mr. CAPPER. Mr. President, I have copies of the interesting correspondence between Sir Josiah Stamp, the noted British economist, and Mr. Chester C. Davis and Mr. George N. Peek, well-known American economists, on the subject of the exportable surplus of American farm products. This correspondence is the outgrowth of a suggestion from the Vice President of the United States, who, with others, has been deeply interested in this problem of the grain surplus. It is the hope of those who have been interested in the program of relief for the western farmer that some plan could be devised, through an agricultural export corporation, or other marketing machinery, that would make it possible to dispose of this surplus on the world market without adversely affecting the price of the

domestic market. It is through control of this surplus that we hope to stabilize the domestic price. This correspondence throws a great deal of light on what is now regarded as agriculture's greatest economic problem. I ask unanimous consent to have these letters printed in the RECORD.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE AGRICULTURAL PROBLEM OF THE EXPORT SURPLUS

DISCUSSION OF GEORGE N. PEEK AND CHESTER C. DAVIS WITH SIR JOSIAH C. STAMP

(This correspondence, which has extended over the period of a year, is a contribution to the economic discussion of the problem)

THE AGRICULTURAL PROBLEM OF THE EXPORT SURPLUS

The following correspondence has been carried on between the proponents of certain measures for agricultural relief and Sir Josiah Stamp of England. The gentlemen who state the American agricultural case are George N. Peek and Chester C. Davis. It is a contribution to the economic discussion of the problem.

The following cables and letter are printed as explaining the reason for publication and the conditions attached thereto:

WASHINGTON, D. C., *December 18, 1925.*

Sir JOSIAH STAMP,
Noble House, Buckingham Gate,
London, S. W. 1, England:

To my surprise one of the agricultural leaders of the West, in a speech yesterday, referred to the debate being carried on by agricultural economists and yourself through me as an intermediary. As a result, to-day I am besieged from all quarters for your comments and theirs. I have stated to the press I am cabling you for your permission to have them published. Sincerely trust you will authorize this. Answer Washington.

CHARLES G. DAWES.

LONDON, *December 21, 1925.*

General DAWES,
Vice President's Chamber, Washington:

Agree if whole documents published, including your letter January 5, showing how I came into it.

STAMP.

MR. DAWES'S LETTER OF TRANSMITTAL

JANUARY 5, 1925.

Sir JOSIAH C. STAMP,
Tantallon, Park Hill Road, Shortlands, Kent, England.

MY DEAR FRIEND: As I signed my letter of January 3, written before I had commenced reading your book, I find that I must write you another, in order, first, to let you know something of the interest and admiration which it excites in me; and, second, to ask a little help in clearing my mind upon an economic question. I am sure you will be willing to give just a little thought to the matter for my sake.

I am inclosing you a typewritten document which a very energetic group of farm associations throughout the country has prepared. In order that you may understand my own attitude, I inclose a copy of an address on agriculture which I delivered at Lincoln, Nebr., in August of last year, a portion of it extemporary but the bulk of it carefully prepared.

Putting to one side the question of the practicability of the plan for an export corporation as one of the means of giving an American market to American agriculture, as outlined in the paper inclosed, let me ask you this: If the Government should pay an export bounty of say 40 cents a bushel on wheat, reimbursing itself by an excise tax upon wheat production equivalent to the bounty paid, would this tend to solve the problem of the exportable surplus, and the present necessity, where a surplus exists, of supplying local demand for wheat at a price based upon the world's price?

Again if the plan would work temporarily, what would be the ultimate effect in stimulating production?

I realize that an increase in production with the farmer means an increase in the number of producing units with no decrease in the cost of production; and this fact differentiates him from the manufacturer. The latter can operate at less than capacity production and would be less liable, after having had a profitable season, to immediately increase his output irrespective of the prospects of profitably disposing of it. Is or is not the regulation of production the only solution of the farmer's problem in the United States in the long run?

Personally, I do want to be constructive and helpful but realize that nothing is such in this problem that is not based upon sound economic principles and the lessons of experience. As a friend I want the benefit of your incomparable economic thought on this question. I fully realize how much I am asking but something tells me you will give me a little help.

Most of my speeches were extempore, but I enclose you one or two others on other subjects which possibly may interest you.

With best regards,
Your friend,

CHARLES G. DAWES.

MEMORANDUM FROM SIR JOSIAH C. STAMP

APRIL 3, 1925.

If 1 in every 5 bushels is exported, the excise tax upon the whole production would need to be 8 cents per bushel to square the Government account. Now, if we assumed that 1 in 5 of every individual farmer is exported then the effect upon his account is, of course, that he pays a tax of 40 cents for every 5 bushels he produces and gets 40 cents as bounty for the 1 exported. On balance, his marginal expenses of production are not altered. There is no incentive to him to produce either more or less. He may think for a moment of the bounty and desire to produce more in order that the surplus available for export shall be greater and he shall get a larger bounty. Let him produce 6 bushels instead of 5 at no increased average cost, i. e., natural cost. Now, he expects a bounty receipt of 80 cents but the Government immediately put up the excise tax to 13⅓ cents per bushel, and once again his account is square.

A similar tendency in the reverse direction sets in if he decides to reduce his production to save excise tax; there is less available for export and the bounty is smaller, and his profit and loss account is again all square. This simple calculation is, of course, affected if, by a reduction in production, he can have smaller expenses of production per bushel or get a higher price on the world market. I am not quite sure what, on balance, is the position of the American agriculturist in regard to an increase or decrease of expenses of the marginal bushel. You merely tell me that he can not increase his producing unit and decrease his cost. I would want to know whether it is not possible that this marginal cost may even increase instead of decreasing.

Now, let us look at the operation of the excise tax by itself first. In the ordinary way it would raise the price of wheat by 8 cents, but when this gets into the world's market against untaxed production, only a slight part of the price due to the increased tax can be upheld, according to the proportion which the United States surplus for export bears to the whole untaxed supply. The tendency must be for the new world price to be slightly higher than the old, but nowhere near the full 8 cents. This would throw back the burden of the tax upon the producer and cause him to diminish his production, and confine it to the most profitable land, in order that the new world price would give him his expenses, plus the tax. But now bring in the effect of the bounty. This encourages him to produce and exactly counterbalances the other tendency.

I do not see that the situation is sensibly altered either way. I would not deny that it is altered to some small amount. Now, if our original assumption is wrong, and some farmers are constantly producing more than the 1 in 5 for export and others more for home, a different state of affairs may come in altogether. But I imagine that farmers supply a common wheat pool which then sells within and outside the States at world prices, with the net effect that 1 in 5 of every farmer's would, technically, be exported. But if farmers were managing their own personal export, some would be more favorably situated for export than others; their accounts would show a surplus under this arrangement, and the accounts of others would show a deficit. You would tend to emphasize the differential advantage for export, not by any means as a whole amount of the bounty, but to some small extent. If, therefore, American export of wheat is dealt with as a whole, I find it difficult to make much difference in the world market unless I know whether the American farmer is working on a basis of increasing costs; i. e., incurs a higher ratio of cost on each additional bushel. If American export of wheat is not dealt with as a whole, I imagine that the proposal would set up very important changes as between different areas.

COMMENTS OF GEORGE N. PEEK AND CHESTER C. DAVIS UPON THE FORGOING STATEMENT OF SIR JOSIAH C. STAMP

MAY 7, 1925.

The foregoing discussion of an export bounty in its relation to wheat production in the United States is illuminating, and the conclusions incontrovertible, upon a premise that there is no tariff or other trade barrier against imports to permit maintenance of a domestic price above the world level when a shortage exists or is artificially created.

The problem in this particular instance, however, must be considered upon the premises:

1. That the United States has provided an import duty of 42 cents per bushel on wheat, which is now inoperative on the wheat price in the United States because of the fact that a normal surplus above domestic requirements is produced annually which, thrown into the market, holds the domestic price to world levels; and

2. This is a Nation in which general price and cost levels are maintained artificially by a system of protection partly legislative (as by

tariffs, restriction of immigration, the transportation act authorizing rail rates sufficient to earn a fixed return, the Adamson Railroad Labor Act, etc.) and partly by combinations in the fields of industry and labor made possible under our laws and by their own organization.

The illustration used, a 40-cent bounty on the 1 bushel exported out of 5 produced, equalized by an 8-cent excise tax on the entire 5 bushels, thus establishing a balance, with no effect on marginal production, is perfect where a state of free trade in wheat obtains. But this case is different. There is a 42-cent duty on wheat imported into the United States.

The essence of the plan is to dispose of the surplus available for export under the direction of an agency whose buying power in the domestic market, aided by the efforts of cooperative marketing associations, will raise the domestic price for wheat toward the top of the tariff wall above the world price level. This is made possible because this agency, through buyers and exporters commissioned to act for it, can buy for export at a high, protected price, and sell at the lower world price abroad, and its losses on the 1 exported bushel out of 5 marketed will be met by the excise tax on all 5.

Thus, in effect, the Government, with funds secured from the excise tax, would add 40 cents to the world price secured for the 1 bushel exported, while the domestic consumer, out of his earning power increased by the American protective system, would pay approximately an added 40 cents on each bushel of the 4 consumed at home.

This, you see, is something entirely different from the state of balance that would result from an attempt to operate such a plan without the protective tariff or an embargo on imports. In effect, it is an extension of the principle of the protective tariff to include those crops of which, like wheat, a normal surplus is produced. The proponents of the plan contend that such a surplus is inevitable under the present agricultural organization in this country; that it nullifies the attempt to equalize, by a tariff, differences in production costs in this and competing foreign countries where labor and other costs are lower; and that thus there has resulted an unfair division of the rewards of labor between agriculture and those industries and interests on whose behalf protection is effective.

Obviously, such a plan would not be considered except under conditions where the weakening of agriculture constituted a grave national menace. The question naturally arises whether it is equitable thus to raise the costs to the domestic consumer in order to restore a state of balance to agriculture. In answer to that it is pointed out that the labor wage index in this country stands now at above 200 compared with the pre-war 100; and that the index of the National Industrial Conference Board gives wheat, beef cattle, corn, and hogs an average of 53 for the four years, 1920–1923, compared with 1914 as 100.

You very properly question the effect such a plan would have upon marginal production. We know that postwar prices for farm crops have been so seriously out of line that the farm population has been forced from the country to the cities at an alarming rate. It is true, that this process, if its cause continued, would in time correct the malady. But the United States is witnessing the steady gain of population on production, and the wisdom of such a policy of wearing down the farm population, then facing the necessity of building it up again, might well be questioned.

Thus a considerable price gain for agriculture in relation to other prices would be possible before the actual pre-war buying power of farm products is restored. It can be kept in mind that it was this pre-war price relationship or buying power that resulted in the pre-war acreage; its restoration should do no more. Then, too, it is argued that if this plan of extended protection covered other major crops beside wheat, there would be no incentive to shift from one line of production to another.

That is one view of the problem. On the other hand we think it very likely that there would be a tendency toward increase in certain crops like wheat upon which the plan would prove most simple in operation. The fact that an increase in the size of the surplus would result in a corresponding increase in the excise tax without any gain in the domestic price, would tend to act as a brake on this tendency toward increased production.

It is important to consider all this in the light of the knowledge that the United States is a highly protected country. The farmers have been studying the tariff and wondering why it was that it did not seem to help much in the case of their major crops. The plan of which this is written constitutes their most important effort to get in under the operation of this system of protection.

[Extract from letter of Mr. Stamp under date of July 14, 1925, answering the above]

I now send you a brief comment, somewhat hurriedly made, upon your inclosure. To form a more definite idea I need specific information upon the question of relative costs, the question of the relative profitability of agriculture compared with other industries, and the question whether agriculture is on a basis of diminishing returns.

Mr. Stamp's comment follows:

The import duty is in operation because marginal costs abroad are either higher than American costs or, if lower, not lower by more than 42 cents. (If they were lower by 42 cents, then imports would come into the States despite the duty.)

Let us suppose they are lower by 30 cents. No imports take place. Now, let an increased supply come into the non-American market from America, no matter for what cause. The outside price must fall slightly by equation of demand; marginal cultivation will shrink (outside America); marginal costs will slightly fall on a less supply and outsiders accommodate themselves by a reduced output. The total output used outside America is probably more than before, but not more by as much as the increase in the American export. Let the outside world price be reduced 2 cents. This change added to the 30 cents alone still makes only 32 cents and the addition of a 42-cent import tax makes wheat too dear to enter into the United States of America. If the outside costs had been lower by 41 cents (and no imports) and the increased exports lowered price by 3 cents, the total would now be 44 cents. Add the duty and outside wheat is 2 cents below and begins to flow into America, the actual price outside goes up and price inside goes down enough to make a margin of less than 42 cents. But I imagine this condition of marginal costs does not really exist, and outside costs may be as high or higher than America already without the duty. If so, then the lowering of world price by increasing the American export to the outside countries could not conceivably be enough to bring about imports into United States of America.

Let it now be supposed that the total American supply is at first unaltered. More exports entail decreased domestic supply. But domestic prices rise to meet the old demand. This rise is checked by the increased lands brought into cultivation and increased supply to meet improved price. On assumption of marginal increased costs on such supply, the rise will be checked at some point higher in price than the original domestic price. (But the original assumption that 1 in 5 was exported on which the bounty is paid for by the excise fails if more than 1 in 5 is exported—there is a deficit on this account.)

So we might get an equilibrium again on 1 to 5 export on a somewhat higher level of home price and a somewhat lower level of world price. If the original difference between costs was 30 cents a bushel, this is cut into in both directions.

It seems to me that the whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries. If they are well below, then they can be improved by having a higher domestic price of wheat forced on the country behind a tariff wall, and if such improvements will not be sufficient, to bring into cultivation a lot more land and an increased supply which will lower price. If, however, the improved profits flowing from a higher domestic price do more than restore a negative position, but make agriculture positively attractive compared with other industries, then, of course, nothing can stop more land being farmed, and the supply being greater, the new price can not be wholly maintained. It will settle at a point at which the positive advantages of agriculture cease compared with other industries.

I see no reason why these effects should not have been already brought about. Agriculture is hardly capable of complete trustification to eliminate competition. American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents.

PART I

REPLY FROM MR. PEEK AND MR. DAVIS

SEPTEMBER, 1925.

Two things are necessary before this subject can be discussed satisfactorily in correspondence:

a. A simple statement of the problem of the American farmer which both correspondents will accept.

b. A clear statement of the plan which American farmers are discussing as an answer to the problem.

We hope to make clear that the plan discussed does not provide for an export bounty, such as students of English history are familiar with through the corn bounty laws of the early nineteenth century. An agency is proposed to handle the normal volume of exports so as to keep the surplus from pressing on the domestic price. Exponents of this plan contend that, with the surplus kept out of the way, the price of wheat in the United States would tend to rise back of the tariff wall toward its upper price limit which would be the point at which imports would commence to flow into the United States. The bounty plan would stimulate an unusual flow of wheat out of the country. The export agency proposed would on the other hand go into the market to buy for export whenever a surplus of supply above domestic demand tended to depress domestic prices toward world levels, and would export no more than the amount which would be exported without such an agency.

THE PROBLEM

American farmers produce an annual surplus of their chief crops in excess of the consumptive capacity of the domestic market (wheat,

pork, cotton). Protective tariffs may bar out imports, but the farmer is not always helped by that, since he is compelled to sell in the domestic market the bulk of his crop at the price which his surplus commands when it is sold for export.

The protective principle in America has been extended considerably beyond the original protective tariff. It now includes special acts for labor regulating immigration, hours, and even compensation for some classes; special acts for transportation, banking, and industry of various sorts; and less direct legislation which these groups and classes have been able to turn to their price advantage through organization. Farmers are unable to follow this example because their business is essentially decentralized and because nonmembers profit unreasonably from any organized attempt to dispose of a surplus.

Farmers, therefore, find themselves producing in a country where costs are fixed high by protection. What they receive for their main crops, however, is not determined by what it cost to produce them; or what the domestic consumer can afford to pay for them, but by what the foreign buyer of the American surplus is willing to pay in this country. Certainly it will be no higher than the price at which the foreign buyer can satisfy his demand elsewhere.

The American farmers may have a tariff on their wheat, for example, but when they have a substantial surplus over what their own market can absorb they are compelled to sell their entire crop on a basis of the Liverpool price then prevailing, less the delivery costs.

When they complain that the protective tariff is not effective, they do not mean that it fails to shut out imports, but that they have no advantage in their domestic price because of this tariff.

THE REMEDY

As stated in the opening paragraphs, there has been practically no demand among the farmers of America for an export bounty. It is generally recognized that such a bounty would stimulate exports, and unless they were subject to regulation as to volume, the flow out would exceed the quantity which the current relation between domestic supply and demand would normally free for export.

There is a strong demand, on the other hand, for an export corporation or some similar agency, duly authorized by law, which would have the following powers:

"(a) To buy for export, or to contract for the purchase and export, of any surplus above domestic needs whenever there is evidence that such a surplus exists and is bearing down the domestic price to a point that erases or considerably lessens the effect of the protective tariff on the domestic price.

"(b) If it becomes necessary to sell such surplus abroad at a lower price than the one prevailing at which the purchase was made, such loss to the exporting agency should be repaired from an equalization fund made up of an equalization fee or excise tax collected upon all the units of the special commodity dealt with as it moved in trade."

This might be accomplished by cooperative associations handling the export surplus if the Government would assist by levying a tax or equalization fee to compel all producers alike to contribute to such losses as may be experienced in handling the exports sales at world prices in order to maintain a domestic price in this country that reflects the advantage of the protective tariff. If voluntary cooperative societies attempt to handle the export surplus in this manner by assessing their export losses against their own members, they would be conferring an undue advantage on nonmembers, a course which would speedily destroy the cooperative itself.

There would be no direct bounty. Profit to the producer would result from an increased domestic price level. The loss sustained on the relatively small portion which it might become necessary to buy at this protected level and sell at a lower world level would be distributed over the entire crop, and would be small as compared with the gain in price on that part of the crop sold and consumed at home.

The late Henry C. Wallace, Secretary of Agriculture from March 4, 1921, until his death in October, 1924, described this proposed remedy favorably in his special report on the wheat situation in the United States sent to President Coolidge on November 30, 1923, in which he said:

"Inasmuch as the first step looking toward increasing the domestic price requires the disposition of the surplus over and above domestic needs, * * * the suggestion that the Government set up an export corporation to aid in the disposition of this surplus is worthy of the most careful consideration. Such a corporation necessarily would need rather broad powers. It would not be necessary that it should undertake to handle the entire crop, and it could probably carry on its activities in cooperation with existing private agencies. If it should be found necessary to arrange for the sale of the surplus exported at a price much lower than the domestic price, the loss so incurred would properly be distributed over the entire crop."

In his general report to President Coolidge, made at about the same time, referring to the same project, Secretary Wallace said:

"While the plan proposed could be applied more easily to wheat than to some other agricultural products, obviously, if favorably considered, it should not be confined to dealing in wheat alone. It should include all agricultural products of which we have a considerable exportable surplus, and the prices of which are substantially out of line. Especially should provision be made for handling pork products, of which we export large quantities, and which also were brought under Government control during the war."

PART II

DIRECT DISCUSSION OF J. C. S. MEMORANDUM

For convenience sake, the memorandum may be subdivided and considered as three lines of reasoning:

"1. American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents.

"2. Increased American supply will move to the world markets, with certain described effects upon world prices and marginal costs in competing countries.

"3. The whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries."

(1)

"American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents."

Perhaps it is better not to say "independent of world prices," but rather to say that American prices can be maintained above world prices by a tariff and a device to dispose of the surplus; but in no case can the American price be maintained more than the height of the tariff above world prices, since at that point imports commence and the rise is checked.

The import duty will be effective in barring out imports as long as the foreign price level on which competing wheat-growing nations sell is more attractive to them than the American market after they have paid the 42-cent duty.

If these points are conceded, then the correspondents are in substantial agreement that it can be done. The question of its desirability or necessity from the national standpoint is discussed under three (3).

An American student of farm affairs would probably suggest that the English correspondent attaches too much importance, from the American standpoint, to the nice adjustment by which, he reasons, production volume results from the relation of price to costs of production. Costs of production alone do not determine wheat prices, nor do wheat prices alone determine acreage or volume of production. There are many other factors in the problem.

For example, in the United States the present wheat acreage and volume of production have resulted from many things. There has been the rapid development of new lands stimulated by other considerations than a compensatory price, for that was usually lacking.

Such social and industrial changes as prohibition with its effect on demand for barley and rye and the substitution of motor for horse power with its accompanying decrease on demand for oats have forced farmers to adopt wheat in their crop rotations regardless of whether its price is of itself profitable or not. Then the war saw every national force concentrated to increase wheat production from the farms. We have been in an era of the exploitation of natural soil wealth along with other natural resources.

Farmers can not go in and out of business as readily as labor can shift occupations. Nor can shifts be made easily from one line of farm production to another as price relations change. The wheat grower can not grow wheat one year and become a dairy farmer the next and repeat these shifts as prices change again in relation to each other. If his land and equipment are adapted to one sort of production, experience shows that he makes adjustments slowly, and as a rule the changes are toward greater efficiency in his line rather than radically away from it.

In this connection, the following may prove interesting ("The Agricultural Situation," by Doctors Warren and Pearson, Cornell University):

"When a manufacturer is unable to sell his products at a price sufficient to keep the plant going, he closes the plant. This distress in such a period is in part shared by the unemployed laborers, and is in part shared by the owners of the plant, but much of the difficulty is passed back to the producers of materials that the plant uses. The plant remains idle until the stocks on hand and in the channels of trade are disposed of and new orders appear. It does not open until the products are wanted badly enough so that they will sell at a price somewhere near the price that existed before the plant closed. Laborers come back at wages that are somewhere near the previous wage level. The price of the product and the wages paid the workers are very much higher than would have been the case if the plant had continued to operate.

"Agriculture is a personal industry. Less than one-fourth of the labor is hired. In a period of depression the farmer may drop the hired labor, but he can not close his shop, for he is both owner and laborer. His family must live, and his taxes and interest must be paid. If wheat brings little per bushel, he must try to produce more bushels. He works longer hours. His wife helps more with field work. If there are old people in the family, too old to do much, they work

more than they normally would. Children work more than usual, and many of them stop attending school at an earlier age than was anticipated. By these means it is possible to maintain agricultural production for a time with a greatly decreased labor force.

"In 1922 the net movement of population from farms to cities was 1,120,000. Various estimates place the movement in 1923 at another million persons. Since farm families are larger than city families, there are more persons raised on farms than are needed on farms, so that some net movement to cities is normal. The movement in 1922 and 1923 was, however, more than normal.

"Many persons have wondered how such a movement could take place and have the acreage of farm crops decline so little. Yet this is just what would be expected. It is a result of the combined influence of three factors: (1) The long hours and increased family labor on farms; (2) the neglect of farm maintenance and farm improvements; and (3) the increased efficiency with which farm work is done."

Agricultural production in the United States has been speedily falling behind population. It is a matter of two decades only until, if present tendencies continue, some of the important crops now exported will have no surplus. The question is what to do about the normal or occasional surplus in the meantime.

(2)

"Increased American supply will move to world markets with certain described effects upon world prices and marginal costs in competing countries."

The plan discussed here differs from the export bounty plan in that while the purpose of the latter is to increase the volume of exports, the object of the present plan is to regulate exports in order to free the domestic market from the depressing effect of the export surplus. Since no increase in the volume of exports would take place, the illustration used in the memorandum under consideration can probably be overlooked, even though it is perfectly sound reasoning as applied to the premise of increased export flow.

An increase in exports would only result from an increase in the total American wheat production, and not from an increase in the relative volume of exports compared with domestic consumption. Such an increase in total production would follow only, as the correspondent points out, when wheat became unduly profitable in relation to other branches of agriculture, or agriculture in general became unduly profitable in relation to other industry. Since the plan would be operated on the other main surplus crops as well as wheat, the tendency to shift to wheat would be minimized. There is probably little danger of overbalancing in favor of agriculture, in view of the long-time trends discussed under the heading (3):

(3)

"The whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries."

Agricultural labor has never been other than at a disadvantage in the division of the annual total product of labor in the world. Long ago this was very plainly stated by an English political scientist with whom both correspondents are familiar, when Adam Smith, in the "Wealth of Nations," wrote:

"The superiority which the industry of the towns has everywhere in Europe over that of the country is not altogether owing to corporations and corporation laws. It is supported by many other regulations. The high duties upon foreign manufacturers and upon all goods imported by alien merchants all tend to the same purpose. Corporation laws enable inhabitants of towns to raise their prices without fearing to be undersold by the free competition of their own countrymen. Those other regulations secure them equally against that of foreigners. The enhancement of price occasioned by both is everywhere finally paid by the landlords, farmers, and laborers of the country, who have seldom opposed the establishment of such monopolies. They have commonly neither inclination nor fitness to enter into combinations, and the clamor and sophistry of merchants and manufacturers easily persuade them that the private interest of a part, and of a subordinate part of the society is the general interest of the whole.

"The whole annual produce of the labor of the society is annually divided between those two different sets of people (farmers and townsmen). By means of those regulations a greater share of it is given to the inhabitants of the town than would otherwise fall to them, and less to the country.

"Scarce any nation has dealt equally and impartially with every sort of industry. Since the downfall of the Roman Empire the policy of Europe has been more favorable to arts, manufactures, and commerce, the industry of towns, than to agriculture, the industry of the country."

One can well imagine that the economist quoted would feel that he had sadly understated the case if he might be given an opportunity to view the intricate protective system which society has granted residents of the cities of the United States at this time. •

The same condition—that farmers do not receive an equitable share of the national dividend—is dwelt on at length by the late Henry C. Wallace, Secretary of Agriculture for the United States, March, 1921, to October, 1924, in his book, Our Debt and Duty to the Farmer:

"From all evidence it is clear that the farmers as a group have not been receiving an adequate return for their labor and capital nor a fair share of the national income. This has been especially true since the depression began in 1920. • • •

"The farmer is clearly not receiving his fair share of the national income. This is plain for the years of the depression. It is not so well known that it was true also before the war. With an investment of over one-fourth of the total capital of the Nation and a labor force employed equal to almost one-third of all people gainfully employed, agriculture according to recent estimates received in 1909 only 18 per cent of the national income. This condition must be corrected. If we are to have a prosperous Nation, we must have a profitable and satisfied agriculture. Farmers must have a sufficient income to pay off debts assumed at war prices to help win the war and to establish and keep the standard of living that American ideals demand. To build a profitable, stable, and attractive agriculture calls for sympathetic help from the Nation as a whole as well as for the individual and collective efforts of farmers themselves.

"During the period of land exploitation and development increase in the value of the farm made a substantial addition to the income from annual production. In the future the income from enhanced land values will be small, and the farmer must depend for his income on average annual production. His income from this source must, therefore, be very much greater than in the past."

These authorities might be reinforced by quotations from many others, but it is probable that the conclusions they express are accepted without substantial difference by both correspondents.

Having in mind this fundamental distinction between farm and urban industry, then, it is illuminating to consider its tragic exaggeration during the post-war years of depression.

The National Industrial Conference Board (247 Park Avenue, New York) has recently made known the results of its statistical study showing exchange value per acre to the farmer at the farm of the principal farm commodities for the years 1920, 1921, 1922, and 1923. This study differs from most others measuring the purchasing power of the farm products, in that it uses retail prices of selected articles required by farmers instead of the more easily quoted wholesale prices; it figures crop value by the acre production rather than the bushel standard; and the price of farm products used is the price to the farmer, rather than terminal market price which includes relatively high freight rates and other factors that have increased rather than diminished since pre-war years.

The following table, taken from those figures, shows the exchange value for the last four years, compared with 1914, on four principal food products, wheat, corn, beef cattle, and hogs:

	1914	1920	1921	1922	1923	Average	4-year average
Wheat	100	54	41	46	41	45	53
Corn	100	56	43	63	69	57	
Beef cattle	100	60	50	49	48	51	
Hogs	100	76	59	62	51	62	

Agriculture can not long survive such a condition, nor can industry expect anything like a normal business permanently when a large proportion of our population has its purchasing power so seriously reduced.

There has been improvement in the relative position of agriculture in the United States during the past two years, due, however, to abnormal conditions affecting production. The short world wheat crop of 1924, lifted the world price to a point that practically restored the pre-war purchasing power of wheat; the short domestic crop this year tends to keep prices up. The shortage in the 1924 corn crop with its resultant effect on the hog supply has worked a change in the Corn Belt price ratios. But thoughtful farmers are concerned over what will happen to them when a normal wheat crop returns at home and abroad, and when the hog population increases to normal.

Much of the foregoing discussion has been in terms of wheat. During the past two years, the growers of corn and pork have shown an interest fully equal to that of the producers of wheat. At the present moment the interest in some Government assistance to complement the cooperative efforts of the growers of cotton and tobacco seems to be spreading.

ACCOMPANYING THE FOLLOWING STATEMENT COMMENTING ON THE ABOVE, MR. STAMP WRITES NOVEMBER 27, 1925

I inclose a memorandum which comments on the statement accompanying your letter. You will see that the question of comparative costs still creeps into every consideration and that I am throwing doubt upon the possibility of keeping up the domestic prices without very large and conflicting losses on the export trade. I would draw particular attention to the hint that by considerably raising the price of

wheat you will introduce economic reactions into the rest of American life which may possibly go far to reduce the value of what you have done at the first step.

SIR JOSIAH STAMP'S MEMORANDUM

THE PROBLEM OF THE AMERICAN FARMER

The further memorandum (inclosed with the letter of September 29, 1925), elucidates the matter under discussion very considerably, and, as stated therein, there is a considerable amount of substantial agreement between the correspondents. There are, however, still certain aspects of the matter which will bear further discussion.

1. In the first place, one feels that one must ask how is the domestic price of wheat fixed? It is assumed that the answer to this question is that it is determined by the total domestic and foreign demand in relation to the supply available at the particular time in question.

In the peculiar circumstances of the United States as a very large producer of wheat, and particularly of the situation described in this correspondence, it may not be far wrong to suggest that the price which the farmer receives is largely determined by the saturation point of the domestic demand and that the amount exported is the excess over the demand at that price. It may perhaps be assumed that the same conditions obtain in other wheat-exporting countries, and that the world export price is, therefore, largely determined by the surplus so available, on the one hand, and the demand of the wheat-importing countries, on the other. Support to this view is offered by the statement that an export bounty "would stimulate exports, and unless they were subject to regulation as to volume the flow cut would exceed the quantity which the current relation between domestic supply and demand would normally free for export."

The problem under consideration is how to remove from the domestic price the pressure of the surplus above domestic needs. For this purpose the export corporation or some other similar agency duly authorized by law is proposed. Now, it seems to be assumed that the object of the scheme can be achieved without any increase in the volume of exports, because it is stated that the plan under discussion "differs from the export plan in that while the purpose of the latter is to increase the volume of exports, the object of the present plan is to regulate exports in order to free the domestic market from the depressing effect of the export surplus."

It is added that "no increase in the volume of exports would take place." It seems extremely unlikely that the farmer will be able to secure a larger domestic price for the domestic consumption if the volume of supply is left entirely untouched. The price is almost entirely determined by the flow of demand and supply. Should the supply be left entirely unaffected in each particular season, how can one expect to secure a higher price? The problem can not be discussed on this basis. To get a higher price supply must be restricted; a larger quantity than would otherwise be the case must be exported by the export corporation. With the smaller domestic supply prices will tend to rise, the demand will tend to fall, and these forces will cause the export corporation to export still more. There seems no reason why this process should not be carried on until the domestic price is pushed up to the point at which the return to the farmer will bring his economic position into favorable comparison with that of other producers. It has already been recognized that limits are set to this process by the comparative marginal costs of American farmers and other wheat-producing companies (which comparisons we do not exactly know) taken in conjunction with the United States tariff on wheat imports.

2. The next point to be considered is that the export corporation will tend to be the sole exporter. The additional exports proposed will surely have some effect on export prices in a downward direction and that loss under the scheme is to be recovered by the proposed excise tax. It is assumed that the aggregate excise to be raised will be determined by the loss of the export corporation. It follows, therefore, that any loss sustained by private exporters; i. e., the difference between the price as it would have existed before this scheme and as it will exist after the scheme can not be recovered by them in the form of the excise. In these circumstances it seems certain that the private exporter will be put out of business unless arrangements are made to incorporate him in the scheme, as agent or employee, of the export corporation.

The export corporation will have to buy at the new domestic price, i. e., it seems certain that the farmer will not quote a differential price according to whether the wheat is to be sold at home or exported. At the same time, there is a double loss on the export price, which depends on the ultimate relations between the two movements of price, i. e., (a) the upward movement internally and, (b) the downward movement externally. If the downward movement is very large then the loss on exports, especially in a "bumper" year, may conceivably be so great as to exceed the gain from the increase in the domestic price, though such a result is clearly improbable. It seems very difficult to forecast the relations between these two price movements.

It will depend upon the relations between the demand of the wheat importing countries and the total surplus which the wheat exporting countries can offer. In addition, the position will also be influenced by the relative marginal costs of the wheat exporting countries. If those of the United States are low, it would seem to follow that the scheme can be carried easily, but if they are high relatively to other wheat-producing countries then the movement of the internal price will be limited by the United States import tariff. (I am sorry to keep harping on this comparative cost, but it crops up at every stage in the argument.)

3. Prima facie, the cause of the low price of wheat is that the total world supply is large in relation to the total demand and the present movement in the United States from the land to the town, and the abandonment of farms, etc., is the normal economic way in which this disparity will be corrected.

On the other hand, if the United States authorities view this movement with alarm and desire to maintain the existing rate of supply, and, at the same time, raise the domestic price, then it would seem to follow that the export price may fall considerably so that the farmer's ultimate position, when account is taken of the excise, will not be improved and may even be worse. It has to be remembered, as is emphasized by the extracts from "The Agricultural Situation," by Doctor Warren, quoted in the memorandum under discussion, that the farmer has a considerable elasticity in his costs by way of longer hours, extension of the family activities in the field, and so on. It may even be that a farmer will be unwilling to have his position improved. He may fix his eyes entirely on the rising price, and, forgetting that the excise demand will come along later, he may push his production a little further and increase the total supply on the market. So far as he does this he will jeopardize all attempts to improve his economic position.

4. The preceding discussion has, however, taken no account of the general economic effects of a scheme of this character. If the price of wheat is to go up considerably in the United States, then there seems a very fair possibility that it will have reactions on the whole economic condition of the country. The cost of living may be considerably enhanced and may lead to a wide circle of demands for increased wages. If this should be so, all costs of production will ultimately tend to rise slightly and there would follow, probably after many struggles or at least protracted negotiations, a new division of the product of industry. Such a movement would set up many new political forces, and it is very difficult for an observer on this side even to begin to formulate the ultimate outcome. It is not necessary here to do more than call attention to this aspect of the proposal. It is possible also that the scheme might have international reactions. There is always a considerable amount of feeling on the question of dumping, and it might be alleged that, in effect, the scheme constitutes the dumping of wheat on a very large scale. This aspect of the matter, again, is very difficult to discuss, but it may be desirable just to bear it in mind. (For instance, Mr. Hoover's recent denunciation of restriction schemes for rubber and coffee.)

5. As has already been emphasized in previous correspondence, the ultimate test of the scheme is whether the return on the capital and labor of the farmer is fair and reasonable in comparison with that secured by capital and labor in other economic spheres. The late Henry C. Wallace, according to the views quoted from his book entitled "Our Debt and Duty to the Farmer" holds that it is not. A judgment on this matter can only be formed by those on the spot. In doing so much weight must be given to the other utilities which the farmer's life yields. It is the total economic return which must be considered, in addition to the money income derived from the raising and sale of produce. There is no doubt still something to be added in respect to anticipated increases in land values. While this may be a diminishing factor in fact, an unjustifiable expectation of its continuance may still influence the farmer's view. There are other returns in respect of a farmer's life which he no doubt values—for instance, the mere life itself, with all its benefits of health and interest, not only for himself but for his family. It may very well be that he is and will be content with a smaller money return on his capital and his interest simply because of these other utilities.

COMMENT ON THE ABOVE BY GEORGE N. PEEK AND CHESTER C. DAVIS

DECEMBER 26, 1925.

We find ourselves in essential agreement with the conclusions expressed by Sir Josiah Stamp in his last memorandum (November 27, 1925). The essence of these conclusions appears in two statements which are of utmost importance and which we quote:

"There seems to be no reason why this process should not be carried on until the domestic price is pushed to the point at which the return to the farmer will bring his economic position into favorable comparison with that of other producers." (Pt. 1, November 27 memorandum.)

"As has already been emphasized in previous correspondence, the ultimate test of the scheme is whether the return on the capital and labor of the farmer is fair and reasonable in comparison with that secured by capital and labor in other economic spheres." (Pt. 5, November 27 memorandum.)

At the risk of drawing out this correspondence beyond the limits of propriety in view of the demands which it has already made upon Sir Josiah Stamp's attention, we feel that there are certain points on which we must dwell further if our position is to be made entirely

clear. These points arise in statements contained in his last memorandum setting forth results which, he suggests, may flow from the operation of the plan under discussion. They are summarized for convenience as follows:

1. That in operation the plan must appreciably increase the volume of exports if the domestic price is to be raised. (Pt. 1.)

2. That the domestic price increase will result in decreased demand, thus increasing further the volume that must be exported. (Pt. 1.)

3. That the new method of handling exports will result in a downward tendency in the world price. (Pts. 2 and 3.)

4. That, influenced by a rising price, farmers will push production further and increase the total supply on the market.

5. That cost of living would be enhanced, leading to a wide circle of demands for increased wages. (Pt. 4.)

6. That unfavorable international reactions may result. (Pt. 4.)

The foregoing points should very properly be considered in weighing the advantages against the disadvantages and probable difficulties of the plan. Some of them Sir Josiah Stamp merely raises without implying his belief that they actually will result. Others are set forth as his estimate of probable consequences. In either case, they express questions upon which differences of opinion exist in this country. We wish to set forth our views of them, following the order in which they are stated.

1. THAT IN OPERATION THE PLAN MUST APPRECIABLY INCREASE THE VOLUME OF EXPORTS IF DOMESTIC PRICE IS TO BE RAISED

If the percentage of exports were considerably increased above what would normally be exported, the result would be either (a) reimportation of the commodity when the quantity left in this country had been exhausted, or (b) reduction in the quantity consumed at home. Neither result is desirable, but with the control of the surplus in strong hands neither would be necessary.

The plan presupposes two factors supporting the domestic market to the point that producers would receive the American price, which would be approximately the world price plus the amount of the duty. One of these is the corporation or board, functioning through trading agencies, the other is composed of cooperative associations of producers which would be able to adjust domestic supply to demand, if provision for segregating and disposing of the surplus is made. The price in this country would fluctuate generally parallel with the world-price level for the commodity, but above it within a limit fixed by the height of the tariff wall. Cooperatives, or agents of the corporation, could withhold part of the commodity held or purchased by them and stabilize the domestic market without materially increasing the volume exported.

2. THAT THE DOMESTIC PRICE INCREASE WILL RESULT IN DECREASED DEMAND, THUS INCREASING FURTHER THE VOLUME THAT MUST BE EXPORTED

This question arises in connection with the one first discussed. In the United States the demand for staple foods is relatively inelastic, and does not go up or down inversely with price. If this rule governed, the per capita consumption of wheat, for example, would be double now what it was before the war, because the wage of labor in this country is more than twice that of the pre-war period, but the consumption per capita is not increased. Within reasonable limits, which would not be exceeded under the plan considered, the price adjustment in favor of agriculture would take place with no material reduction of effective demand.

There are many causes of the inelasticity of demand for foodstuffs which need not be gone into at length here, except to suggest that the need for food can not be met by postponement to a later date, as can the need for other goods.

3. THAT THE NEW METHODS OF HANDLING EXPORTS WILL RESULT IN A DOWNWARD TENDENCY IN THE WORLD PRICE

This statement, also, is closely related to the first one discussed, since its validity depends upon a materially increased flow of exports. If no material increase took place, then there would be no tendency toward world price depression. As a matter of fact, control of export sales would be in strong hands, and it may be asked if that in itself might not result in a tendency toward stabilization of the world price, limited by the proportion which the American exportable surplus bears to the total of available exports from all countries.

4. THAT, INFLUENCED BY A RISING PRICE, FARMERS WILL PUSH THE PRODUCTION FURTHER, AND INCREASE THE TOTAL SUPPLY ON THE MARKET

Any conclusive discussion of this point would require space far beyond present limits. We believe it unsafe to assume the correctness of the view stated, and suggest certain reasons.

It is impossible to present this argument without admitting at the same time that it is an argument against any increase in farm price, no matter from what cause it is brought about. Early in this interchange of views the alternative of regulated production was suggested. Using that for an illustration, it must be recognized that if a price increase is secured by reduced production the response of the producers to that price would be identical to their response to the same price, secured by means of the export corporation. If the latter results in increased production, then any of the counter suggestions to solve the problem by doing away with the surplus would result in increased production. If correction is to be secured by the wearing down of agriculture and the abandonment of farms until a satisfactory adjustment of supply and demand factors results in an increased price, does not that price then set in motion exactly the same forces bearing on production, that would be inspired by the same price secured by another method?

It should be very clearly understood that the result of increased production can not be used as an argument against the export corporation or surplus handling proposals exclusively. It is equally valid if applied to any move to secure for agriculture a fair price in the domestic market.

High fixed charges and costs that must be met whether much or little is produced are forcing farmers in the United States to overwork their land, deplete its fertility, and to work themselves, and to make their families work much longer hours than do other groups. The lower the price, the more units of any commodity must the farmer grow if he is to stay in business. Low prices force producers to strain every nerve to produce a maximum quantity of the available cash crops to meet costs that must be paid in cash. Higher prices would not necessarily cause any speeding up of the productive effort which farmers are forced to make. In fact, it may be very properly asked if a better price level for the things the farmers grow would not promote soil conservation and a better standard of life for the farmer and his family more certainly than it would promote an increase in the sum total of production.

If one crop should be singled out, and made more attractive in price than the others, undoubtedly there would be shifts to the better-paying enterprise. But if the major farm crops were given protection from the effect of the surplus on the domestic prices, there would be no incentive to shift from one to the other, and the increase in production would, in the main, have to come from new farms and new farmers.

Any decided change in the relationship between general farm prices and costs would produce effects upon the total acreage employed in farm production. But notwithstanding the heavy losses that have been written off farm exchange values are still far below those of pre-war, and there is room for great improvement in the price relationship if the wearing-down process on American farms is to be checked and before any widespread movement to increase farm acreage would take place. Before this time the effect of an increasing population would be felt.

5. THAT COST OF LIVING WOULD BE ENHANCED, LEADING TO A WIDE CIRCLE OF DEMANDS FOR INCREASED WAGES

Factory wages in the United States are well over 100 per cent above pre-war scales. Other indices of consumer's purchasing power indicate not only the equity of bringing up agricultural exchange value, but the ability of other groups to absorb such an equitable increase without setting in motion the vicious circle of wage and price increases.

6. THAT UNFAVORABLE INTERNATIONAL REACTIONS MAY RESULT

This point is merely touched on in the memorandum, and is not brought up for extended discussion. It may be remarked in passing, however, that the surplus farm products of the United States go to nations which themselves are deficient in the production of those crops. These nations would continue to buy our surplus at the world price as they have been doing. It is difficult to see why there would be any clash of economic interests, since this movement aims only to take care of our home consumption at a fair price within the United States. The buyers of our surplus might conceivably be helped rather than harmed by the operation of the plan. Certainly it would be less objectionable to foreign countries than an attack by our Government upon their methods of selling certain of their exportable commodities to us.

Having touched on these points which seemed to invite further comment, we wish to revert to our original expression of agreement with the major conclusions in the memorandum of November 27. From our standpoint we believe the interchange of views has been of great value.

While the foregoing discussion has centered to some extent around an export corporation, it is realized by us that possibly the principles herein upheld may find constructive and practical interpretation through other legislative means.

It should be remembered that the farmer is not demanding special privilege, he is demanding only an extension of the protective system to place him upon a basis of economic equality with industry and labor, or, in the words of Sir Josiah Stamp, to "bring his economic position into favorable comparison with that of other producers."

In conclusion it is interesting to note that in this discussion extending over about a year with Sir Josiah Stamp, whom Lloyd George calls the "world's greatest practical economist" there is no mention of the shibboleth of "price fixing." The comments of Sir Josiah may be well considered as defining the boundary line beyond which much alleged economic discussion of the question becomes an appeal to economic prejudice. The proponents of these economic principles involved in

the agricultural situation have endeavored to keep the basis of debate strictly economic as Sir Josiah Stamp has done. They have realized from the first that to obtain a satisfactory step in advance, partisan politics must not creep into the discussion. Appeals both to prejudice of the business men (by reference to price fixing) and to the prejudice of the gariculturalists (by the injection of irrelevant subjects) should be avoided.

FARM RELIEF

Mr. MOSES. Mr. President, following the suggestion made by the Senator from Kansas, I ask unanimous consent that there may be printed in the RECORD and as a Senate document the manuscript prepared by former Senator Jonathan Bourne, jr., of Oregon, in relation to farm relief legislation.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

IS FARM RELIEF POSSIBLE WITHOUT GOVERNMENTAL PATERNALISM?

By Jonathan Bourne, jr., formerly United States Senator from Oregon

Our oil, automobile, and other industries, huge though they be, are but pygmies in comparison with the agricultural industry. Seventy-eight billion dollars was the value of all farm property in the 1920 census. Crops were worth $14,755,000,000 and livestock products $2,667,000,000. But the lot of the men and women behind that enormous business has not been enviable. Despite the tremendous extent of their operations, most of the producers of foodstuffs have barely made both ends meet. Government has offered aid in a variety of forms, but with little permanent relief. Are there more potent methods, free from official paternalism, that will solve the farm problem?

Since its birth, a century and a half ago, the United States has enjoyed a development of natural resources and in manufactures never before approached in the history of the world. From 1850 to 1922 our national wealth increased from $7,136,000,000 to $320,804,000,000, a gain of 4,500 per cent. Necessities, comforts, and luxuries of life have been so abundantly at hand that our people as a whole have enjoyed a standard of living never dreamed of in other lands.

Our rate of population growth has never been attained by other countries, but, rapid as it is, it has failed to keep pace with expanding wealth. In 1850 the per capita worth of our citizens was placed at $308. In 1922, though our population had increased almost five times, per capita wealth had multiplied over nine times and had risen to $2,918.

The chasm separating the great poverty-stricken masses of the Old World from the proprietor class, insignificant in numbers but all powerful, has been unknown in the United States. Here the material well-being and social status of the individual have been limited only by his own industry. The way to affluence has been open to all, according to the genius of each to follow it.

Our native born have failed to appreciate the conditions under which they have been privileged to live. Accustomed to gratification of most of their desires, they have accepted their station in life as a matter of course, and have known and cared little how the rest of the world fared. But the people of other countries have eagerly devoured reports of the promised land just across the water, and tens of millions of them have left their homes for the opportunities on this side.

As these newcomers have been absorbed into our citizenship they have gradually lost the perspective that impelled them across the ocean. They have acquired the same state of mind as those who have lived here all their lives. Instead of looking upon their Old World lot as the normal condition of humanity and appraising every improvement thereon as a blessed luxury, they have accepted their New World status as the normal and climbed toward higher social and material levels. We have had manifestations of that spirit among the alien members of radical organizations. But lately raised from the squalor of Old World living conditions, they have been quick to follow thoughtless leadership in the demand for more money with which to gratify their newly acquired desires.

The thirst for novel and stimulating diversions, and the craving for more leisure in which to indulge them have seized hold of our people, whether of native or foreign stock. Quite regardless of their station in life at birth or now, they dedicate an ever-increasing part of their lives to the pusuit of pleasure and less and less to productive effort. Temporarily fascinated by some new method of indulgence, their appetite is soon satiated, and they turn in quest of new sensation. Thrills and "kicks" have become the order of the day; duty and service are antiquated notions.

Some of the influences that have led us astray possess much merit otherwise, and it is only their perversion or intemperate use that is open to criticism. The automobile has become a necessary factor in our commercial life, but as a sapper of national vitality it stands supreme. Results that were formerly attained by manual labor in the fresh outside air, with much red blood as a by-product, are now accomplished by the aid of gasoline, with a by-product of evil smells. The individual who formerly put forth beneficial muscular exercise in his work now merely pulls a lever or presses a button to achieve the same thing. Walking is one of the best builders of health known to medical science. If possible, it would be interesting to compute and compare the number of miles walked per individual in 1900 and in 1925. The aggregate difference would doubtless run into the billions. The decline in national health thereby has been enormous, chargeable to the misuse of the automobile as an agency for excessive indulgence.

The moving picture, like the automobile, has great value if not abused. Some of the films are priceless historical documents. But what thoughtful observer will deny the enervating influence of the movies as a whole? Nearly all the films exhibited in the theaters play upon the emotions in some way or other. Many present the most extravagant modes of living as the normal, others depict home and social life at its worst, while still others are merely maudlin. The purely educational film is rare. But though the themes of the pictures are justly the objects of severe criticism, of equal menace are the billions of hours that our people spend in the crowds of the movie palaces, their eyes strained on the brilliant screen, and their lungs filled with the exhalations from thousands of other throats. Of what effect is all this upon our national vitality? It can not be computed, but who will deny its enormously destructive tendency?

The radio has had a phenomenal growth in the past three or four years. It has brought relief, otherwise inaccessible, to thousands of shut-ins, and it has put millions of others in touch with sources of knowledge heretofore denied them. But what has been the net loss to the country in productive effort while our millions of radio devotees have spent billions of hours listening to the voices and alleged music from the air? How can we appraise the devitalizing effect on our occupations by day if we spend midnight hours in listening to jazz orgies hurled forth from a score of high-power stations throughout the country?

The automobile, movies, and the radio may lead the forces that are gradually but surely undermining American stamina, but the list is long. Our appetite for richer and rarer foods and drinks, the increasing habit of thousands of our citizens to make expensive annual foreign tours, whether or not they have seen their own country, are others of the wide variety of means for wasting time, money, and health. Indulgence appears to reach a maximum at our summer and winter resorts, where little restraint hinders the pleasure-mad crowds. The arraignment of influences gnawing at American vitality could be continued at length. That they constitute a rapidly expanding danger, few will deny.

A comparison of the rate of increase in population, and in expenditures for what may be termed luxuries, brings the lesson home.

From 1900 to 1924 population increased about 65 per cent. During the same period the production of passenger automobiles increased 64,800 per cent, or almost 1,000 times faster. The wholesale value of passenger automobiles in 1919 was $155,000,000. In 15 years it had jumped to $2,011,000,000.

The radio industry has grown almost overnight to a valuation of about $600,000,000, opening up another broad avenue along which to dissipate the people's time and money.

The motion-picture industry has had a mushroom development second only to radio and automobiles. Every day the public pours millions of dollars through the movie ticket windows, a drain of otherwise productive capital that would have staggered the imigination 25 years ago.

This tendency away from responsible living—this feverish devotion to pleasure at the expense of creative effort—spells decadence. Candid observers will admit that the physical, mental, and moral well-being of the people is being lowered. Physicians with wide practice testify to a noticeable general impairment of bodily vigor. Educators observe that the average mentality is being dulled by unregulated sensual indulgence. "Crime waves" and an increasing disregard for the restraints of well ordered society point to a weakened moral fiber. In short, our country may be said to have gone over the top—to have reached the maximum of healthy development, and to have started on a long decline that spells ultimate ruin if not checked.

But our diagnosis is worthless if we can not suggest and apply a remedy. The city is the source of the artificiality that governs so many of our people. Huge populations are gathered there not primarily for the purpose of indulgence, but because the cities offer hope of financial gain that not only holds their own people, but lures from the country thousands who have not been able to make a comfortable living in agricultural pursuits. That hope is realized, because it is a fact that businesses of the city are more remunerative, as a rule, than the various lines of agriculture.

The feverish race for money in the crowded city breeds an unhealthy craving for excitement, satisfied only at the expense of much money and health. The serenity of the country, with its fresh air and sunshine, so conducive to long life and happiness, is lost, and there is a very certain impairment of our strength as a nation. Nevertheless, the prospect of material gain remains in the city, and the flow away from the country will continue—our decadence will be progressive—unless means are found to counteract it.

Agriculture must be put into equal competition with other lines of endeavor if farmers are to be kept on their farms and the flow from farm to city reversed. The individual must be shown that if he stays on the farm he will receive at least as much for his labor and investment as he would if he devoted his time and capital to city pursuits. The city dweller can be induced to abandon his unnatural life, with its inordinate tax on health and money, and devote himself to productive effort on the farm, if he can be shown that it will pay in dollars and cents.

Various means have been proposed from time to time to make the life of the farmer attractive and bring him a return more commensurate with his effort. Loans from the Federal Treasury, Federal encouragement of cooperative marketing, irrigation projects constructed by Federal aid, Federal assistance in securing cheaper fertilizer, Federal price fixing of agricultural products, Federal stimulation of the export trade in foodstuffs, and a wide variety of more or less helpful suggestions through the Federal Department of Agriculture have all been tried with the same object in view—making the life of the farmer more contented and stabilizing the agricultural industry. All those efforts have been praiseworthy, but they have all suffered from a common blight. They have all reeked with paternalism and bureaucratic government. Red tape and conflict of authority have combined to defeat the laudable objects their authors had in mind.

Agriculture has not been relatively remunerative heretofore not from any lack of aid from the General Government at Washington or from the States themselves, but because it has not had applied to it the intensive methods that have brought success to so many other lines of business activity. The handling of agricultural products from the farm to the table of the consumer has been more or less haphazard. From the time they leave the field until they arrive in the kitchen their progress is along a variety of channels, usually unrelated, and over which neither the farmer nor the householder has any control. Those who direct that progress are chiefly intent on profits for themselves, with little regard to the price received by the farmer or to the price paid by the consumer. They concern themselves not at all with the stabilization of the agricultural industry, with the maintenance of the farm population, or with the satisfaction of the consumer. Their interest in the distribution of food products begins and ends with a search for the cheapest market where their merchandise can be obtained and the highest market where it can be disposed of.

How different are those slipshod methods from the highly developed distributing machinery of other lines of endeavor. Take the oil industry as an illustration. The Standard and its subsidiaries, and less than a dozen other large companies, dominate the situation. They drill wells, take the oil from the ground, refine it into a great number of marketable products, distribute them throughout the country, and sell them directly to the ultimate consumer. The huge capital behind that undertaking has made possible experimentation and the evolution of a high grade of product and economies in marketing utterly impossible were the oil business to be conducted through a multiplicity of independent units such as now burden agriculture.

The Ford Motor Co. is another remarkable example of what can be accomplished through intelligent centralized control. We are told that most of the things that enter into the construction of a Ford automobile are taken from forests and mines controlled by the company, all the processes for transforming those raw materials into a finished car are carried on in the Ford plants, and the machines themselves are sold by Ford agents to those who use them. The result is unheard-of economies in cost and remarkably low selling prices.

Other instances might be cited of big enterprises that have more or less completely organized their machinery for production, distribution, and marketing. An analysis and comparison of them with independent and unrelated operators in similar fields will, with hardly an exception, disclose economies and a stabilization of supply that work to the tremendous advantage of all concerned—the producer, the distributer, and the consumer.

The 1920 total farm property valuation of about $78,000,000,000 includes land values of fifty-five billions, buildings of eleven and one-half billions, implements and machinery of three and one-half billions, and livestock of eight billions. Enormous as were the products realized on that tremendous investment, the relation of their prices to the capital employed fell below that of nearly all other commodities. Taking wholesale prices in 1913 at 100, the average wholesale price of 404 principal commodities in 1924 was 150, but farm prices rose to only 134.

Now, suppose that business genius and enormous capital, such as have cooperated in making a success of Standard Oil, United States Steel, International Harvester, American Telephone & Telegraph, General Electric, American Smelting & Refining, Ford Motor, and scores of other successful industrial enterprises of to-day, were to be applied to the enterprise of agriculture. Let them take the form of a huge corporation, under the direction of men who have proved their ability as successful organizers and executives. With the confidence of the people in its personnel, and with the very apparent field for profitable operation, the sale of stock in the corporation would be assured, and its success made certain.

There is nothing in the Constitution that would hinder the free development of such an organization. It would be independent of governmental direction and bureaucratic control that have throttled so many farm-relief projects in the past. By a unification of interests, a centralized direction of production and distribution, and the application of methods proved in other lines of business, the present cost of bringing the products of the field to the table of the consumer would be enormously reduced. Out of the total of that reduction it should be ultimately possible to pay the farmer a higher average price over a 5 or 10 year period than he has ever known before over similar periods, materially to cut the cost to the consumer, and at the same time, to assure a reasonable and steady return to those who invested their money in the stock of the company.

Research and experimentation, heretofore impossible among individual producers, would be conducted by the corporation to ascertain what sections of the country were best suited for certain crops and animals; to develop the possibilities of increased refrigeration, storage, and canning of surplus crops; to discover means for producing in our own country more of those products which we now depend upon other countries to send us; to develop foreign markets as outlets for surplus products; to reduce costs of transportation by a more intensive cultivation of acreage near our centers of consumption; and to ascertain whether Porto Rico, Hawaii, and the Philippines can not be made increased sources of supply for products peculiarly suited to their climates.

Special marketing facilities, available to a corporation doing a nation-wide business, but quite out of reach of the farmers themselves, would be operated by the new concern. In agricultural sections auto trucks would make regular calls on established routes to collect the farmers' product and haul it to a shipping point or to near-by markets. Special produce trains would be operated from such shipping points directly to city markets or to storage. Fullest advantage would be taken of cheap water transportation through the company operation of ships and canal boats.

Warehouses, refrigerating plants, elevators, canneries, and factories for transforming raw products into edible food would be established—all located at points carefully selected from the standpoint of economy and efficiency. Their purpose would be not only to preserve food against seasonal fluctuations, but to absorb surpluses as they are produced and regulate the flow to the consumers' market according to the demand. Destructive competition in city wholesale markets would be eliminated, and a far more stabilized price would be established for the benefit of all.

Before our new company had been long in operation its economies would have become apparent and would have proved their practicability. Its cost of operation could be forecast over a period of years with considerable accuracy. It would then be possible to consider measures to guarantee the permanent well-being of the farmer, not only for his sake but to assure a stabilized supply to the corporation, and through it to the consuming public.

A price study could well be made, utilizing the records of the Government departments, supplemented by the corporation's own ascertainments of what the farmer had received for each commodity during the past 5 or 10 years. When safe in the certainty of a low cost of operation, the corporation could afford to guarantee to the farmer for a period of years an average price for his product higher than he had ever received before over similar periods. Similarly, the rest of the people, consumers of farm products, could reasonably expect that in time the average they would be called upon to pay would be materially below present levels.

With a guarantee to the farmer of a price for his crop over a period of years, there might ultimately be worked out an insurance safeguard of the partial value of that crop against destructive forces over which he has no control. This might take the form of insurance against floods, fire, hail, drought, pests, etc.

Average prices guaranteed for a period of years, and at a level proportionate to prices in general, never reached before by the farmer, life on the farm would assume a very different aspect. Desertions to the city would decrease. City dwellers would be quick to discover the change and at least a small portion of them would permanently remove to the country. With financial worries ended, and the birth of a new realization that it pays in terms of money to take up agricultural pursuits, there would grow an appreciation of the blessings of country life that is very lacking to-day.

It is a psychological fact that beauty of nature, fresh air and sunshine, and the quiet serenity of country life lose their appeal when the mind is filled with the problem of disposing of the crops at a figure that will approximate the monthly bills and the interest on the mortgage. The converse is equally true. With those depressive items cleared away, there will come a new awakening to the blessings of outdoor life, especially to those who have been forced to endure an extensive and expensive sojourn in the city.

The drift from country to city will be partially checked, a countermovement will be established, and a partial solution of the social problems that are daily becoming more menacing will have been initiated.

JONATHAN BOURNE, Jr.

PROHIBITION ENFORCEMENT

Mr. BROUSSARD. Mr. President, I ask unanimous consent to insert in the RECORD a speech delivered by the junior Senator from New Jersey [Mr. EDWARDS] on Thursday, January 21, 1926, at the Playhouse, in Wilmington, Del., at a meeting of the Association Against the Prohibition Amendment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ADDRESS OF EDWARD I. EDWARDS AT MEETING OF THE ASSOCIATION AGAINST THE PROHIBITION AMENDMENT AT THE PLAYHOUSE, WILMINGTON, DEL., THURSDAY EVENING, JANUARY 21, 1926

Mr. Chairman and fellow citizens, when I was invited to speak before the Delaware branch of the Association Against the Prohibition Amendment by your national chairman, Capt. W. H. Stayton, I was forcibly struck by the following quotation inscribed on the association's letterhead: "The Volstead law has been tried * * * and convicted."

To my mind this phrase is the most apt and concise summation of the varied and sundry reasons why there should be a modification of the Volstead Act that I have yet seen, and this, my friends, is what I propose discussing to-night.

There is another inscription on the association's stationery which I think is worth memorizing and heeding by all proponents of law and order in the United States of America. This inscription reads:

"It is not necessary to amend the Constitution to get back beer and light wines. The Volstead law may be repealed merely by a majority vote of Congress. We are not facing a hopeless task."

As I proceed with my not too exhaustive analysis of the shameful and inexcusable conditions which we find inexorably bound up with law enforcement as it is administered to-day, I will ask that you keep in mind these two timely warnings, namely, "The Volstead law has been tried—and convicted," and "It is not necessary to amend the Constitution to get back beer and light wines."

"The Volstead law may be repealed merely by a majority vote of Congress. We are not facing a hopeless task."

Now, let us approach the subject of prohibition with open, unprejudiced minds; with a willingness to be fair and just to those who, unhappily, are not in agreement with us, and with a determination to see the light and follow it.

First, let me propound this query:

Has the Volstead law been tried?

Is mountain dew moist?

Are the stars above?

Is hell below?

On October 28, 1919, nearly seven years ago, the following entry was made in the records of the United States Senate:

IN THE SENATE OF THE UNITED STATES

Legislative day October 22 (calendar day October 28), 1919

The Senate having proceeded to reconsider the bill H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," returned by the President of the United States to the House of Representatives, in which it originated, vetoed, and passed by the House on a reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

GEORGE A. SANDERSON, *Secretary*.

3.40 p. m.

On this same date America was doomed to be subjected to the most despotic, corrupt, tyrannical, and autocratic piece of class legislation ever conceived by a rational body and placed upon the statute books of a once free country.

On this day personal liberty was relegated to the limbo of forgotten things, to a Miltonian Styx of human slavery, ignominious serfdom, infamous bondage, and humiliating subjection.

On this day darkness eclipsed the light and a great foreboding settled upon the land.

On this day the grip of a fanatical fate fastened its claws upon the throat of a free Republic and left it to die—unsung.

President Wilson—God have mercy on his heroic soul—envisioned the dire possibilities that would follow the enactment of such a vicious statute; he pictured in his own mind the very conditions which are to-day a festering sore on the body politic; he saw the mockery of it all; he knew it would fail; he knew it was unjust and inequitable; he recognized its poisonous taint, and he had the courage and the splendid manhood to return the original Volstead bill back to the House of Representatives with his unqualified disapproval.

But, as the world knows to-day, it was passed over the presidential veto by a subservient Congress, who knew its own mind but would not register it, would not register it because a sinister minority lobby of "we are better than thou" enthusiasts sat in the Senate and House galleries juggling the destinies of legislators in the hollow of their hands.

And now five years have passed, during which time this pernicious act has been boring its cancerous way through all the different strata of the body politic, poisoning the manhood and womanhood of America, breaking up homes, contaminating our lawmaking and enforcement officials, and leaving wreck and ruin in its wake.

Only last week a Representative in our National Hall of Congress was carried away to prison because this damnable Volstead statute makes certain acts criminal which are in fact not criminal per se. And he now calls upon his southern constituency to support his good wife for his late seat in the House of Representatives, because, as he stated, "I am heavily in debt and my home is mortgaged, and I am not guilty of the charges of conspiracy to violate the prohibition law."

Ladies and gentlemen, I am not seeking to condone the criminal act or acts of this man. The fact that he was a Member of Congress does not whiten his deed. If he is guilty, prison is a just place for him. What I am complaining of are the present statutory conditions which make such acts possible, conditions which make us the laughing stock of the world, conditions which if permitted to remain unremedied will cause a breakdown of all law and a return to a state of unbridled and unrestrained lawlessness.

Sometimes I believe we have reached that state already.

There is no denying the facts that the Volstead Act has tried and condemned itself. I know it. You know it. We all know it.

Then, why, in the name of liberty and fairness, are all these vituperations, strictures of censure, and charges of treason and abuse hurled in the faces of those who are conscientiously and hopefully striving to repeal it. Why am I called a traitor to my country because I stand on this platform and exhort my fellow citizens to employ their best efforts to right a proven injustice?

Why am I vilified, and my name held up to scorn and mockery by a band of unconscionable and inordinate bigots whose only claim to recognition and fame is their moronic normalization? In the words of Shakespeare, let them stalk "with less unconscionable strides" for I shall always be a safe distance ahead unharmed and unafraid, earnestly endeavoring to lead the good people of America from the darkness of narrow intolerance out into the light of a new and better day.

Let their bugles sound and their cannon roar and in the midst of the resulting chaos we will continue to doubt where bigots "had been content to wonder and believe."

Just a few days ago I received in my mail a letter from a lady in Tennessee upbraiding me for referring to Andrew Jackson in a recent Atlantic City address as "a personality who commanded the respect and admiration of friend and foe" and "Like the rugged bark of some broad elm he challenged the tempest to swerve him from the right."

I also made the statement which I shall repeat here for the benefit of the good lady from Tennessee and other misguided patriots who believe that opposition to an established order is treason to one's country; that if President Jackson were living to-day "He would challenge Wayne B. Wheeler to a duel and would defeat him on a field of honor."

Yes; Andrew Jackson would go further; he would put every force at his command in operation to legislate out of existence the Anti-Saloon League and all such agencies who are making a fraudulent and questionable living because of the terrorism and intimidation produced upon duly elected Representatives of this Republic.

They have cowed the American people into a helpless state of morbidity and crime.

Where is the crimson red blood of our forefathers, the unforgettable independence of the Boston Tea Party, the tolerant spirit under whose canopy this Government was founded, that our souls are shriven of all decency and honor by a band of expatriots who are now living off the suffering and degradation of others?

To quote Doctor Hadley, president emeritus of Yale University:

"Our tradition of self-government has more to fear to-day from lawmakers than from law breakers."

Because of my uncomplimentary allusions to Mr. Wayne B. Wheeler in my Atlantic City address (and I meant them to be just as uncomplimentary as a rightful interpretation will allow) that gentleman retorts through the columns of the daily press that "Instead of challenging me (Wheeler) to a duel, Jackson would be more inclined to say to-day, 'If any man violates the American Constitution, shoot him on the spot.'"

My friends, Mr. Wheeler never spoke a more trenchant truth, and he can offer up perfumed incense to the gods that Andrew Jackson has been dead these many years.

In direct contrast to the sentiments expressed by the good lady of Tennessee, I also received the following telegram from the Chattanooga Personal Liberty League:

"Ours, the oldest political organization in Chattanooga, indorses your Atlantic City reference to Andrew Jackson. Tennesseans cherish

mutual inspiration in his illustrious memory for modification of Volstead law that prohibition advocates may not longer insult our homes."

This, my friends, is what certain misbehaved elements in our life to-day call treason to one's country. If it be treason to fight for the personal liberties molded and nurtured by the hardships, sufferings, and privations of the pioneers of these United States, then I am a traitor of the blackest stripe.

If my efforts and your efforts to secure a repeal of the Volstead Act by the dissemination of legitimate propaganda revealing the patent injustices and profound inequality of this act, are treasonable, then Abraham Lincoln was a traitor to his country instead of its savior.

Here is what President Lincoln thought and said of prohibition:

"Prohibition," said Mr. Lincoln, "will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded."

By what right have "self-appointed keepers of the Nation's conscience" got to criticize you and me for registering our protests against a law which Lincoln said "strikes a blow at the very principles on which our Government was founded." What right has Wayne B. Wheeler to tell me that I am uninformed simply because I happen to disagree with him on a matter with which I was conversant before he was born?

Democracy, my friends, was founded upon the broad principle that a wise Government governs the many as well as the few. Rule by an autocratic minority plunged Russia into chaos, overthrew the Cæsars, and has caused more rack and ruin than all the virulent plagues of history.

Let me repeat—prohibition has tried and convicted itself.

Last Saturday, the 16th day of this month, prohibition celebrated its sixth birthday and entered the seventh year of its existence.

And it is still a burning, palpitating, red-blooded, national issue to-day.

If it has been a success, as its proponents say, why is it a more vital issue now than it was five years back?

If it is a success, why is it branded a failure even by those who gave of their time, money, and effort to place the Volstead Act upon the statute books?

Ministers of all denominations, lawyers, doctors, legislators, and learned men and women in the professional fields are daily condemning its nefariousness.

Crime wave due to laxity in enforcing Volstead Act.

School children carrying hip-pocket flasks.

Seventy-three deaths in year laid to alcoholism—Baltimore.

Prohibition agent charges drinking prevalent in university faculty.

Illicit liquor causes of crime.

How to get good stuff.

Poisoned booze kills 13.

Sheriff is indicted in Ohio beer plot.

Eight are indicted in beer-ring probe.

These, my friends, are a few of the headlines which you daily see in the papers over your coffee cups.

What a monument to Volstead and his kind.

What an inspiration to our growing manhood and womanhood.

What a comfort to our prohibition friends.

What an insult to America.

What a blot on the Federal escutcheon.

And we are traitors because a few of us with stout hearts have the temerity to revolt.

Having been fooled and shamed into the conviction that the Volstead Act is a blessing to humankind, let us lift the veil of "Sham Abraham"—let us pass the lie to those who have deceived us, and resolve to be deceived no more.

"Drys demand right of raiding homes" was the glaring headline I saw in the press of Tuesday.

Since when is "free" America to tolerate Russian or Prussian policies of enforcing the dictation of a presumptuous minority? Has this small minority forgotten the page in their school history which speaks of George III and his efforts to enforce his policy of "taxation without representation"?

Are they familiar with the Revolutionary cry: "Give me liberty or give me death"?

Coming down from New York the day before yesterday I read these three headlines on the front page of the Jersey Journal:

Drunk is dead, not asleep in his cell.

Booze blamed for fall that killed man.

Jersey woman and man die of poison booze.

Just think of it, my friends, poisonous liquor kills five Jersey people in one day. And how many more throughout the country met death in the same way on the same day?

Hundreds, perhaps, and yet the dry forces of this Nation condemn you and me for voicing our protests against statutory conditions which make these unfortunate fatalities possible.

And yet, in the face of their persistency in demanding the enforcement of a statute which can not, I repeat, be enforced, the Anti-Saloon League and allied agencies believe it is quite all right for the farmers and country folk to cause the fermentation of cider and grape juices which contain anywhere from 2 to 8, 10, and 12 per cent of alcohol, while the poor, unfortunate city dweller is arrested and thrown into jail if he has in his possession an alcoholic beverage stronger than one-half of 1 per cent.

In all justice to both drys and wets, I ask you if this is fair? Is it equitable? Is it democracy? Is it common sense?

Is it possible that the farmer vote of this Nation, bought with a glass of cider, can recompense America for her crowded jails, her drunken murders and orgies, and the disgrace and humiliation which daily follows in the wake of the most extensive trade in and barter of illicit liquor ever known in a civilized land? Is this our Volsteadian friends' conception of what a constitutional form of government should mean to its citizenry?

Rather is not the Volstead Act and everything it implies the vilest sort of subterfuge, seeking to register the puritanical will of "holier than thou" fanatics?

The fanatical element in this country have gone to such lengths to bolster up the enforcement of a law that—let me again repeat—can not be enforced that a dry leader made a statement on the floor of the United States Senate last week setting forth that he would be in favor of capital punishment as a means of enforcing the Volstead Act.

What a colossal piece of demagogery!

The Volstead Act!

No law has ever been passed in any nation of the world whose very proponents have been such persistent and insistent violators. What can be expected of the less sympathetic amongst us?

Prohibition is a farce, and every adult human being of normal intelligence knows it.

The farcical endeavors to enforce it are apparent on every hand.

Only the other day the Rev. Dr. George W. Sandt, newly elected president of the Lutheran Ministerium of Pennsylvania and adjacent States, publicly admitted that, in his opinion, the prohibition law is too drastic.

In the creation of an army of bootleggers the eighteenth amendment "had brought something far worse than the saloon," he said. Other ministers, doctors, lawyers, business men, women's clubs, and men's clubs are condemning the Volstead Act each and every day.

Let us away with the mockery of it all. Let us bring sanity back into our lives.

If the people of this country want prohibition, let them have a prohibition that will prohibit intoxicating beverages for every man, woman, and child in the Nation.

Do not make one's financial standing the gauge of prohibition enforcement. The rich man to-day can get liquor of some description in every city, town, and hamlet in these "dry" United States. You can not deny this statement. Facts are against you.

Is this a Government for the rich at the expense of the poor? Is hypocrisy to be made a virtue?

I say no—a thousand times no—and as long as there is breath in my body I am going to advocate sanity in law enforcement and the repeal or revision of any and all laws which permit of or encourage insanity.

The Volstead Act is an imminent, threatening, perilous menace to the very bulwark of our legal stability, and the sooner we recognize this fact the sooner will crime, in all its ugly phases, be checked and curbed.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. HEFLIN. Mr. President, I am wondering whether the Senator from Nebraska [Mr. HOWELL] wants to speak this afternoon.

Mr. HOWELL. At this late hour I think I will defer my remarks.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. HEFLIN. I yield to the Senator.

RECESS

Mr. JONES of Washington. I think under the circumstances it will be well for us to take a recess, and I move that the Senate take a recess, the recess being until noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, March 5, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 4, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Reveal thyself, O Lord, unto us in indwelling light, riches, and gladness. Do Thou multiply Thy gifts to us, and may we honor ourselves by keeping our lives pure and upright. O teach us that when the affections are warmed with a pure flame there need be but little fear of an overmastering worldliness. Thus we shall be made to brave every ignoble thing and every alluring tempter. O God of might and God of justice, stay Thou the hand of cruelty, intolerance, and injustice the world over. Enter the hearts of men and let them know that good will and brotherly love must rest upon spiritual forces. To the homeless, to the strickened, give them Thy help. Enable them to bear up and bear on, and may they count this thing to be grandly true—that all noble sacrifices are so many steps toward God. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHILD LABOR AMENDMENT TO THE CONSTITUTION

The SPEAKER laid before the House a communication from the Governor of Virginia announcing the rejection by the General Assembly of Virginia of the proposed amendment to the Constitution relating to the labor of persons under 18 years of age.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE AND THE JUDICIARY, AND DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TINCHER in the chair.

The Clerk read the title to the bill.

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, before beginning the discussion of this bill I wish to take the opportunity to again express my very deep appreciation of the cooperation and splendid teamwork that is being done by the subcommittee handling the appropriations for these four great departments of the Government. It is a heavy bill, not so much in dollars but in the number of items of great importance which must be considered.

The hearings cover some 1,100 printed pages. The committee has been at work on the bill from six to seven weeks. And so we present the bill to you this morning with the hope that it will meet with the approval of the committee and later on with that of the whole House.

I wish to say to you that for the next fiscal year the appropriations covering the Departments of State, Justice, Commerce, and Labor that we have recommended are $79,847,491.90, which are $2,353,403.13 more than the current appropriations and $59,480 less than the Budget estimate. [Applause.]

This amount is allocated to the four departments, as follows:

State	$16,478,792.90
Justice	24,096,547.00
Commerce	29,735,847.00
Labor	9,536,305.00
Total	79,847,491.90

The committee has allowed the exact amount of the Budget estimate, $16,478,792.90, for the Department of State. The amount recommended for the Department of Justice, $24,096,547, is $109,275 less than the current appropriation and $270,480 less than the Budget estimates. The committee's recommendations for the Department of Commerce, $29,735,847, is an increase over the current year of $1,196,718 and a decrease under the Budget estimates of $783,000. The total recommended in the bill for the Department of Labor, $9,536,305, is an increase over the current year of $933,680 and an increase over the Budget estimates of $994,000. I am submitting for the RECORD a tabulated statement which will show the whole situation at a glance:

Department	Appropriations for 1926	Budget estimates, 1927	Amounts recommended in the bill for 1927	Increase (+) or decrease (−) bill compared with 1926 appropriations	Increase (+) or decrease (−) bill compared with 1927 Budget estimates
State	$16,146,512.77	$16,478,792.90	$16,478,792.90	+$332,280.13	
Justice	24,205,822.00	24,367,027.00	24,096,547.00	−109,275.00	−$270,480.00
Commerce	28,539,129.00	[1]30,518,847.00	29,735,847.00	+1,196,718.00	−783,000.00
Labor	8,602,625.00	8,542,305.00	9,536,305.00	+933,680.00	+994,000.00
Total	77,494,088.77	79,906,971.90	79,847,491.90	+2,353,403.13	−59,480.00

[1] Includes supplemental estimates amounting to $119,000 contained in H. Doc. 232.

I am going to mention here, very briefly, the major changes the committee has recommended in the bill that differ from the current law and the Budget estimates. And, if the House will bear with me until my statement is concluded, I will explain in detail these changes where they occur under their respective departments. As I have already stated, we have recommended the Budget estimates for the Department of State. For the Department of Justice there has been recommended some transfers of positions from two appropriations to the Attorney General's office; $100,000 added to the Budget estimate for the salaries and expenses of marshals and their deputies; and the Budget estimates reduced $211,000 for the prosecution of war frauds, and the unexpended balance of the current appropriation for this purpose made available for the next fiscal year. For the Department of Commerce the Budget estimates have been reduced by more than $700,000 by the committee not recommending a helium program under the Bureau of Mines. The committee has added $1,000,000 to the Budget estimates for the Bureau of Immigration for the border patrol and the deportation of aliens.

I will now take up the four departments separately:

DEPARTMENT OF STATE

In viewing the different activities of the Department of State, I believe it would be well if I drew to the attention of the Membership of the House this fact: The activities of the department really are divided into several groups: The department in Washington, for which there is recommended $1,360,440; the Foreign Service—which embraces both the diplomatic and consular branches—for which the bill carries an amount of $8,953,350; and the international obligations entered into either by treaty or international agreement, the expenses of fulfilling which should not be chargeable to the regular activities of the department. For these obligations there is recommended $6,165,002, which amount includes the fifth and last annual payment to the Republic of Colombia of $5,000,000. The total of these three branches, therefore, is $16,614,932.64.

	Appropriations, 1926	Budget estimates, 1927	Committee's recommendations
Department in Washington	$1,326,688.00	$1,360,440.00	$1,360,440.00
Foreign Service:			
Diplomatic branch	2,773,662.00	3,173,150.00	3,173,150.00
Consular branch	5,806,800.00	5,780,200.00	5,780,200.00
International obligations	[1]6,239,362.77	[1]6,165,002.90	[1]6,165,002.90
Permanent and indefinite appropriations	131,139.74	136,139.74	136,139.74
Total	16,277,652.51	16,614,932.64	16,614,932.64

[1] In these amounts the fifth and last annual payment to the Republic of Colombia of $5,000,000 should be taken into consideration.

CONTINGENT EXPENSES, DEPARTMENT OF STATE

For contingent expenses we are recommending an amount of $46,340, which contains an amount and provision for the purchase of a new passenger-carrying automobile for the Secretary of State, the cost of which will be $5,000. This will replace a car that is very old and worn out.

PRINTING AND BINDING

The amount recommended for printing and binding for the department contains a transfer of $11,715 from the appropriation "Contingent expenses, foreign missions," making the total amount available for this purpose $161,500. This transfer, I might say, contemplates the printing of passports, as the department is going to discontinue the present engraved passport now in vogue and issue a passport more in conformity with the style of passport now being used by other governments. The

new passport is to be in book form printed in Tiffany type. Its appearance will be consistent with the form now used and better adapted for use of travelers.

COLLECTION AND EDITING OF OFFICIAL PAPERS OF THE TERRITORIES OF THE UNITED STATES NOW IN THE NATIONAL ARCHIVES

I believe those Members who are here now that were here last session will recall passing a law authorizing an appropriation last year of $20,000 for the fiscal year 1926, and the same sum for each of the two succeeding fiscal years, for the collection and editing by the State Department of the official papers now in the national archives relating to the Territorial history of the several States. The bill became a law too late last session for an appropriation to be made, hence the committee has recommended $20,000 in this bill, which represents the first amount to be appropriated for this purpose. I am happy to state that so far, under the provisions of the act, 28 States have made official requests for copies of the papers and documents relating to the Territorial history of their respective States. This amount will enable the department to go ahead with this work of collecting and copying the more important papers which are desired for the collection.

ACQUISITION OF LAND AND CONSTRUCTION OF BUILDINGS, TOKYO, JAPAN

The bill also carries an amount of $400,000 for the continued construction of the diplomatic and consular buildings on the land already acquired or to be acquired at Tokyo, Japan. The act approved February 21, 1925 (Public, No. 443), authorized an expenditure of $1,250,000 for this purpose. Including the amount just mentioned, there will have been appropriated so far $780,000.

IMMIGRATION OF ALIENS

We are recommending $490,000, an increase of $40,000 over the current year, for the work that the department has to do in connection with the immigration of aliens. The need for this appropriation in the department grew out of the enforcement of the provisions of the immigration act of 1924. That law placed upon the consuls of the State Department the responsibility of passing upon the admissibility of immigrants before emigrating to the United States and, if admissible, of issuing them immigration visas, without which they could not be admitted to the United States. Five hundred thousand dollars was first appropriated in the second deficiency act of 1924 for the fiscal year 1925. The current law carries $450,000, and the additional $40,000 that the committee has allowed will enable the department to elaborate somewhat on the plan put into effect this year after a conference between the Departments of State, Treasury, and Labor to examine immigrants applying for entrance into the United States abroad, and thus relieve the congestion and reduce the exclusions at the immigrant stations in this country. At present this system is being carried on with great success at London, Liverpool, Southampton, Glasgow, Belfast, Dublin, and Cobh. The $40,000 will permit the extension of this plan to five or six other countries.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. TILSON. The gentleman speaks of increasing our expenses for the examination of prospective immigrants abroad, which seems to me to be desirable. Is there proportionate decrease in the expense at Ellis Island or elsewhere in this country?

Mr. SHREVE. Not at the present time, but there will be. It will not be a substantial decrease. Ellis Island must be kept open. There must be some examination made on this side, and Ellis Island must be a place where there will be accommodations for those people who are being deported. For many reasons Ellis Island will continue to be on the same plan as at the present time. We might save perhaps twenty-five or fifty thousand dollars.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. JOHNSON of Washington. It is interesting to note that during the time the Immigration Service was built up to meet the great flood of immigration when it was running as high as a million a year and even more, the whole service cost then between three and four million dollars, say, simply for the purpose of surveying the incoming people, with an occasional rejection of one. Now that immigration is restricted, the service finds its time very much taken up with not only the examination of those who do come in limited numbers, but in an effort to prevent those who want to come in who should be kept out, and that involves the examination of a tremendous number of forged papers, forged visas, and almost every document the Government issues. I have numerous samples of those forgeries in my office.

Mr. TILSON. And the gentleman thinks that this examination of these papers could not be made on the other side?

Mr. JOHNSON of Washington. Oh, no; I did not say anything about that. Examination is being given on the other side; but the law requires and always did require an examination by two persons, and one of those examinations now being conducted as it should be at the port of arrival.

Mr. TILSON. I thoroughly agree with the proposition that the examination on the other side should be made more thorough, in the interest of better selection of immigrants, and also for humanitarian reasons; but it does seem to me that having transferred a great part of the work across the seas, there might be some let-up in the expense on this side, especially in view of the small total number of immigrants received now as compared with the large number formerly received.

Mr. SHREVE. The gentleman from Washington [Mr. JOHNSON], the chairman of the Committee on Immigration, correctly stated the situation. There is very much work to be done on this side, regardless of the number of people coming across, but, as suggested by the gentleman from Connecticut [Mr. TILSON], we are all anxious to see a reduction in the cost at Ellis Island, which will be brought about later on.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLACK of New York. Is the expense due to the men who conduct medical examination of immigrants on the other side charged up to the Immigration Service or to the Public Health Service?

Mr. SHREVE. Both; to the Public Health Service and the Immigration Service.

Mr. BLACK of New York. Does the gentleman happen to know in all cases whether those men are duly qualified physicians and surgeons?

Mr. SHREVE. Yes.

Mr. BLACK of New York. They are all supposed to be qualified as doctors?

Mr. SHREVE. Yes; and they are selected with the greatest care.

Mr. JOHNSON of Washington. The medical men are charged up to the Public Health Service, but in the overseas examination it is desirable to have an immigration inspector, and he is transferred from the Immigration Service to the overseas pay.

Mr. BLACK of New York. In all cases is the health examination conducted by a doctor?

Mr. JOHNSON of Washington. The medical examination is conducted by a doctor, and the other examination as to qualifications is by an immigrant inspector.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. OLIVER of Alabama. Referring to the question asked by the gentleman from Connecticut [Mr. TILSON], I think it is the hope of the committee that there will be a large saving hereafter in the upkeep of Ellis Island, but up to the time when we shall have established this inspection abroad in many more countries than we have now, there must be kept at Ellis Island a force that probably could handle a much larger number.

Mr. SHREVE. That is correct.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. NEWTON of Minnesota. It has been my observation there at Ellis Island, and I have watched the examinations being made, that the force they have had heretofore has been wholly inadequate, and notwithstanding the change that is going on, if the inspection that is made is to be real inspection, there can not be any great reduction in the inspection force.

Mr. SHREVE. Perhaps the gentleman was at Ellis Island during a rush period. There are times of course when it is difficult to hold the crowd, but that condition does not obtain all the time. It will average up pretty well, and they have been able to take care of the work.

Mr. NEWTON of Minnesota. I should not like to see any attempt at economy made which would prevent in every instance a thorough examination.

Mr. SHREVE. Oh, that must be had.

Mr. OLIVER of Alabama. If the gentleman will read the hearings, he will find that is not contemplated, and that the examinations abroad will be very thorough, and will be followed up on the ships bringing them over, and to a large ex-

tent examinations heretofore made at Ellis Island can be dispensed with.

Mr. NEWTON of Minnesota. The examination abroad is a fine thing, but at the same time there are chances for fraud and abuse.

Mr. OLIVER of Alabama. Yes.

Mr. NEWTON of Minnesota. And it would be a mistake to let up on the examination at home.

Mr. SHREVE. That is correct.

Mr. JOHNSON of Washington. The principal thing that the people of the United States are interested in is to keep out the weak minded, the mentally deficient, and that is an examination that is not quickly made, either overseas, on ship, or at Ellis Island.

PAN AMERICAN UNION

Mr. SHREVE. That is correct. The next item in which there is an increase is for the Pan American Union. We are appropriating or recommending to be appropriated at this time $146,713.58. This increase is brought about by reason of the fact of the increase of our assessment. You may recall the fact that the United States is assessed, and every other member country is assessed, $1,000 per million inhabitants, and our population, including the Philippine Islands and Porto Rico, raises it up to 126,000,000, as estimated recently by the Bureau of the Census; and therefore it would increase our assessment—which includes $20,000 for printing—to $146,713.58. I may say, though, that we are always glad to make this appropriation. The Pan American Union, as you all know, is an organization composed of the 21 North and South American Republics. They meet at the Pan American Building.

Their meetings are presided over by the Secretary of State of the United States, and so once a month they assemble, and they discuss the various relations of one country with another, and out of these discussions a great deal of very valuable information is secured and peace and harmony always rests in those meetings. A few years ago a distinguished citizen of the British Isles was over here to make a study of the Pan American Union, and he said that if there had been an organization in Europe like the Pan American Union the World War would never have taken place, and I am satisfied that it was out of our relations with South and Central America, out of our relations with Canada, with the British Empire on the north, where for 3,000 miles of boundary there is not a cannon or a fort to guard the rights of either nation, that out of the idea of peace these Britishers carried home, so delightfully exemplified on the American Continent, north and south, which resulted finally in the Locarno agreement which we have heard so much about. So it gave your committee great pleasure to increase the appropriation by about $20,000. I will insert in the RECORD a statement of the assessments of the other 20 countries who are participants.

Country	1924-25	1925-26	1926-27
Argentina	$7,600.11	$9,548.09	$9,548.09
Bolivia	2,474.83	2,520.54	2,520.54
Brazil	22,576.27	30,635.61	30,635.61
Chile	4,909.37	3,754.72	3,918.29
Colombia	5,373.41	5,855.08	5,855.08
Costa Rica	419.83	485.05	507.00
Cuba	2,362.49	3,143.21	3,282.92
Dominican Republic	645.33	897.41	897.41
Ecuador	1,472.79	2,000.00	2,000.00
Guatemala	2,054.87	2,004.90	2,004.90
Haiti	1,993.18	2,030.00	2,030.00
Honduras	581.90	637.11	637.11
Mexico	14,885.63	14,202.66	14,294.80
Nicaragua	677.36	638.12	638.12
Panama	379.85	446.10	446.10
Paraguay	785.77	1,000.00	1,000.00
Peru	4,417.98	4,620.00	4,620.00
Salvador	1,231.39	1,550.63	1,582.18
United States	99,374.09	107,231.48	126,713.58
Uruguay	1,203.67	1,225.91	1,225.91
Venezuela	2,760.06	2,400.60	2,411.95
Total	178,180.20	196,827.22	216,809.59

PAN AMERICAN SANITARY BUREAU

The amount we have recommended for the Pan American Sanitary Bureau also shows an increase over the current year for the same reason that I have already explained in reference to the Pan American Union: An increase in the population of this country as estimated by the Census Bureau. Last year we appropriated for this purpose $11,154.29. This year our contribution amounts to $29,222.32, an increase of $18,068.03.

GENERAL AND SPECIAL CLAIMS COMMISSION, UNITED STATES AND MEXICO

For the work of the General and Special Claims Commissions, United States and Mexico, we have recommended $350,000 for 1927, which is an increase of $75,000 over the current year. I should like to say a few words about these two commissions for the benefit of those Members who might not be familiar with their duties. By a convention between the United States and Mexico, signed at Washington, September 8, 1923, and proclaimed March 3, 1924, there was created a general claims commission for the amicable settlement and adjustment of general claims by the citizens of each country against the other since the signing on July 4, 1868, of the claims convention entered into between the two countries. By a special claims convention signed at Mexico City September 10, 1923, and proclaimed February 23, 1924, there was created a special claims commission for the settlement and amicable adjustment of claims arising from losses or damages suffered by American citizens through revolutionary acts within the period from November 20, 1910, to May 31, 1920. Now, in order that each commission might be well supplied with cases on which to act and to complete their work in the shortest time possible and thereby settle or adjust within the periods stipulated by the treaties all claims legally presented, an agency was established to handle the claims to be presented to the two commissions. There was appropriated in the second deficiency act of 1924 for the expenses of this agency during the fiscal year 1925 $171,930. Last year our committe recommended an appropriation of $275,000, and, as I have already stated, we have recommended in this bill $350,000. This increase is made necessary to supply additional personnel and certain increased general expenses to prepare and present to the commissions within the time limits specified the large number of claims on hand, which total over 12,000. The work of the general claims commission must be completed by August 30, 1927, and that of the special claims commission by August 30, 1929. I might say that this latter commission has only to do with claims of the United States against Mexico, whereas the general commission has to do with United States claims against Mexico and Mexican claims against the United States. The function of the agency, therefore, is not only to prepare, present, and argue the claims of the citizens of the United States before the commissions, but to defend the general claims presented to the commissions by the Mexican Government on behalf of its citizens. At the conclusion of the proceedings of the general commission it is provided that a balance be struck between the claims allowed in favor of the Mexican Government and those allowed in favor of the American Government, and that the debtor Government shall pay the creditor Government the balance in gold coin.

INTERNATIONAL FISHERIES COMMISSION

We are recommending $28,500, which represents one-half the expenses necessary, for the investigation incident to carrying out the provisions of the convention entered into between the United States and Great Britain on March 2, 1923, for the preservation of the halibut fisheries of the northern Pacific Ocean, including the Bering Sea. Great Britain bears the other half of the expenses.

DEPARTMENT OF JUSTICE

Now the Department of Justice: The total for the Department of Justice we have recommended is $24,096,547. This is $109,275 less than the current appropriation, and $270,480 less than the amount in the Budget. The department's expenditures are somewhat similar to those that I have already explained in the State Department in that there are no separate bureaus in their organization, no separate activities. There is the department proper, for which we have recommended $4,311,400; judicial expenses amounting to $14,842,122; penal and correctional institutions, for which we have recommended $5,213,505.

THE ATTORNEY GENERAL'S OFFICE

We have for the current year an appropriation of $580,000 for the Attorney General's office. This year the Budget estimates transferred to the Attorney General's office about a million dollars, or a little less than that, of amounts from numerous other appropriations. We have allowed one or two transfers of those where we could see it would be to advantage, but the most of them were disallowed, and I will only take time to mention one or two so you may see what the idea was. Take, for instance, the prosecution of war frauds. The House will recall that last year we recommended for war-fraud activities a million dollars, and we did that with the understanding, at least many of us, that $1,000,000 was to carry the war transactions clear through to the end.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. OLIVER of Alabama. And the $1,000,000 was $750,000 under what the Budget recommended?

Mr. SHREVE. Exactly.

Mr. OLIVER of Alabama. And great pressure was brought on the committee to allow the full $1,750,000.

Mr. SHREVE. And I might add to what my colleague has said that pressure was also carried over into the Senate after the bill had passed the House. As I was saying, the Budget estimates for this purpose were $211,000, and I want the House to bear in mind we had concluded we would not give the war-fraud section any more money, but there was a recommendation finally of $211,000, which was recommended in the Budget for the prosecution of war frauds, and in this transaction $104,000 was transferred to the Attorney General's office and held over there for future use and where it would be entirely lost sight of to the Members of Congress.

The balance of the $211,000 was distributed under several other appropriations.

We moved back these transfers for war-fraud prosecution and let the amount stand by itself—as it always has stood in the bill. Then we proceeded to eliminate the $211,000 and did not make that appropriation as was estimated for. At the hearing we discovered that there had been only about $700,000 used of the $1,000,000 appropriated for 1926, which left or would leave an unexpended balance at the first of the next fiscal year of $300,000, or it may be $400,000 if they are careful as to the way in which they spend the money. We have recommended the reappropriation of the unexpended amount for the prosecution of war frauds, with the provision that $100,000 of this amount might be used for the pay of regular assistant attorneys.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BANKHEAD. Can the gentleman tell us how much of the aggregate has been expended, approximately, for the prosecution of the so-called war frauds since the war ended?

Mr. SHREVE. Yes, sir. I am very happy to give my colleague the benefit of that information. The total appropriations amount to $2,700,000, and at the time of our hearings there had been spent out of that $1,973,092.76, which left an unexpended balance of $726,907.24.

Appropriations and expenditures to December 31, 1925

Fiscal year	Appropriation	Expended	Unexpended
1923	$500,000.00	$492,257.75	$7,742.25
1924	500,000.00	554,111.89	
1924 [1]	200,000.00		
1925	500,000.00	609,996.73	35,891.38
1926	1,000,000.00	316,726.39	683,273.61
Total	2,700,000.00	1,973,092.76	726,907.24

[1] 1924. This was a supplemental appropriation made in 1924, but available to June 30, 1925.

Mr. BANKHEAD. Can the gentleman tell us how many men have been convicted?

Mr. SHREVE. Yes. I will come to that. That was the amount that was spent. Now, I would like to state the amount of money that has been recovered. The war transactions section of the Department of Justice was organized in May, 1922, for the purpose of investigating and prosecuting war frauds. The result of the work to December 31, 1925, may be summarized as follows:

Since May, 1922, the date when the prosecution of war frauds first started, there have been 927 cases referred to the section, of which 464 have been closed and 463 were on the docket on January 1, 1926. All told, we have appropriated $2,700,000 for this purpose, and there has been collected by the section $10,445,281.30.

COLLECTIONS IN CIVIL CASES

Fiscal year:	
1923	$3,044,835.15
1924	2,412,845.48
1925	3,217,731.65
1926 (to Dec. 31, 1925)	1,334,028.87
Total cash collections	10,009,441.15
Deferred payments outstanding	435,840.15
Total	10,445,281.30

The above collections are all cash collections except (1) an item of $350,001 collected in 1924 in the form of real estate which was bid in at that amount, which was two-thirds of its appraised value; (2) an item of $15,000 collected in 1925, also in the form of real estate bid in at that amount; and (3) an item of $15,000 collected in the form of 15,000 shares of common stock without par value, and upon which we have placed a value of $1 per share which is thought to be conservative.

Of the 463 cases now open on the docket of the section, 108 cases, involving $77,041,578.19, are in suit, some of the actions having been instituted fairly recently. The investigation of 60 cases, involving claims aggregating more than $11,000,000, has been completed, although suits have not yet been filed in these cases. Approximately 150 other cases are now under investigation and the investigation of most of these will be completed prior to the end of the present fiscal year. It is estimated by the department that there will be open on the docket at the end of the present fiscal year between 150 and 200 cases. In practically all of these cases the investigations will have been completed and nearly all of them will be cases in which the Government has a meritorious cause of action, so that it is reasonable to expect that a large proportion of these cases will result in recoveries. The situation will be such, therefore, on July 1, 1926, as to warrant the retention of a reduced force of attorneys and accountants during the fiscal year 1927 to enable the section finally to dispose of the remaining cases. By our action in making available the unexpended balance already mentioned, it will be sufficient to enable the section to carry on and finish its work during the next fiscal year.

Mr. BANKHEAD. I understand this appropriation authorizes the prosecution not only for the collection of money on fraudulent contracts, but does it not also contemplate the criminal prosecution of parties that might have been guilty of fraud upon the Government?

Mr. SHREVE. Yes, sir. I will refer to that in just a minute.

Mr. BANKHEAD. Can the gentleman state what has been the result of those investigations?

Mr. SHREVE. I shall be very happy to.

Mr. BANKHEAD. If the gentleman does not mind, I would like to have an answer to my inquiry.

Mr. SHREVE. For the information of the House I want to say that this section so far has obtained 37 indictments in criminal cases. Of those 37 indictments, 22 were dismissed for lack of evidence, 5 were acquitted, 6 are pending, 2 of the defendants plead guilty, and there were 2 convictions. Of those convictions 1 was convicted of a property theft and sentenced to two years and a half. He began the service of this sentence in 1924 and was subsequently released on a parole. The other was convicted of accepting bribes, and was given a year and a half and his order of sentence went into effect last summer.

Mr. BANKHEAD. The net result of this investigation, following an appropriation of something like a million dollars for the prosecution of war frauds during the war and subsequent to the war, resulted in the conviction of four men?

Mr. SHREVE. That is true. It has also resulted in the collection of over $10,000,000 of money. But the results so far as the prosecution of crimes is concerned, is as I have stated.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes; I yield to the gentleman from Ohio.

Mr. KEARNS. I understand the gentleman to say it resulted in the recovery of about $7,000,000.

Mr. SHREVE. I intended to say $10,000,000.

Mr. KEARNS. I thought you said between $10,000,000 and $11,000,000.

Mr. SHREVE. The exact figures are $10,445,281.30. The appropriation was about $2,700,000.

Mr. OLIVER of Alabama. The Department of Justice appropriations amount to $2,750,000 and it might be well to state that approximately $1,500,000 has been appropriated for the War Department. They have recovered $5,000,000 in addition to the $10,000,000 plus recovered by the Department of Justice, and the comptroller's office has recovered about $500,000, so that the total amount recovered approximates $15,000,000 plus. The total appropriations are about $4,200,000.

Mr. SHREVE. That is from all sources.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. DOWELL. May I inquire if the committee made any investigation as to what progress has been made toward closing this investigation and closing these cases?

Mr. SHREVE. Yes, sir.

Mr. DOWELL. Will the gentleman give the committee that information?

Mr. SHREVE. I am pleased to say that the Attorney General came before the committee, and we had a long discussion of this subject. The Attorney General realized, as we did, that it is time that all these war-fraud cases should be closed, and he has now selected certain cases in which the fundamentals are perhaps the same as in several other cases, so that the trial of one of these cases will become a test case to cover other cases, and they expect in the next year to entirely close this war-fraud section.

Mr. DOWELL. Then the gentleman is confident that this appropriation will be the last appropriation act providing for war-fraud cases?

Mr. SHREVE. Yes. Whatever the department may ask, this is the last appropriation that this committee is going to recommend as an appropriation for the prosecution of war-fraud cases.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. MANSFIELD. It is not expected that there will be any more money recovered.

Mr. SHREVE. Well, in the suits that are now pending there is something like $77,000,000 involved. Of course, time has run; it is difficult to try those cases now, and I would hesitate to make an estimate of what amount might be recovered.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. NEWTON of Minnesota. I want to ask the gentleman about another phase of the activities of the Department of Justice before he passes on to another subject, and that is the appropriation for assistants to United States attorneys.

I notice a net reduction of about $15,000 in that item. Of course, that is not so very large, but it is my experience that these men are already greatly underpaid. For example, out in Minnesota a United States attorney draws $6,500 and his first assistant draws about $2,800. The public prosecutor in the city of Minneapolis draws about $6,000 and his first assistant gets about $5,000. Now, the men under the United States attorney and his assistant get still less than $2,800. They are handling important matters, and it seems to me we ought to make more adequate provision for them. We can not have successful prosecutions if we do not pay enough for able, competent help, and we ought to be giving more money—that is, if the department will use it—than to be giving less.

Mr. SHREVE. I quite agree with the gentleman; but the trouble is we are passing through an economy period now, and it does not seem to be the opportune time to increase those salaries. But that ought to be done, and it ought to be done in the very near future. However, when you begin increasing the salaries of the field forces it means that a very large sum of money will be involved to make up salaries which will be sufficient for those men to live on as they should live.

Mr. NEWTON of Minnesota. I think it is in the interest of real economy to get good men and pay them somewhere near what they are worth rather than to put up with others, put up with their mistakes, the expense of mistrials in prosecutions, and so on.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. NEWTON of Minnesota. I have not the floor.

Mr. SHREVE. I yield to the gentleman.

Mr. SPROUL of Kansas. Would it not be worth while to increase the salary of the Attorney General, to begin with, to something like $25,000 per year, and thereby attract to the office character and legal ability, so that the laws of the entire Nation will be enforced?

Mr. NEWTON of Minnesota. Well, in reply to the gentleman from Kansas I will say that the Attorney General can at least exist on the $15,000 they now pay him.

Mr. SPROUL of Kansas. But he can not work very hard in enforcing the law?

Mr. NEWTON of Minnesota. But it is impossible for some young lawyers, with growing families, to exist upon what they pay assistant United States attorneys out in our part of the country.

Mr. SHREVE. There is a good deal of honor and legal experience attached to the job, too.

Mr. NEWTON of Minnesota. Not to the position of assistant to the United States attorney.

Mr. SHREVE. The next item in which the committee increased the estimate made by the Bureau of the Budget was the item for the United States marshals. I presume nearly every Member in the House has heard something about this, because there was a cut of $200,000 made in the Budget, bringing the current appropriation from $3,500,000 to $3,300,000. That was immediately broadcast over the country, and every assistant marshal and deputy marshal thought his salary was going to be cut, and I think they had good reason to think that. However, the committee very carefully studied this situation, and we have restored $100,000 to the Budget estimates, bringing the amount for 1927 to $3,400,000. In talking the matter over with the Attorney General the committee has his assurance that the salaries of the deputy marshals would not be reduced, and that is about the best we can do with that for this year.

Mr. KEARNS. Will the gentleman yield to me again?

Mr. SHREVE. Yes.

Mr. KEARNS. I have been advised that in some localities—I do not know whether it is prevalent all over the United States or not—that some of these deputy United States marshals are appointed at an initial salary of $1,300 a year.

Mr. SHREVE. It is around that and it is pretty low; from $1,300 to about $2,000.

Mr. KEARNS. Do they get competent men at that salary?

Mr. SHREVE. Well, they seem to get competent men. They remain at that salary only a very short time, though.

Mr. KEARNS. What is the highest salary paid?

Mr. SHREVE. The salaries run up to $1,700, $1,800, $2,100, and $2,200.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. WILLIAMSON. But, as a matter of fact, these deputy United States marshals do not give their entire time to the work, as I understand it. Is not that true?

Mr. SHREVE. That is true, but at the same time in most of the districts their time is fully occupied. There may be some districts where they have some spare time, but most of the time these men are working overtime.

Mr. KEARNS. They do not have sufficient spare time to engage in any other business, however.

Mr. SHREVE. Oh, no; they do not engage in any other business.

I want now to say a word about the penal and correctional institutions. During the last year, permit me to say, a subcommittee of this committee visited the three Federal penitentiaries in the United States, at Leavenworth, at McNeill Island, and at Atlanta.

Mr. OLDFIELD. Where is McNeill Island?

Mr. SHREVE. McNeill Island is just south of Tacoma. It might be interesting to the House, many of the Members never having had an opportunity to see a penitentiary even on the outside, to state that your committee arrived at Leavenworth on a Sunday morning. We had heard of the famous band concerts given in the afternoon by the penitentiary band, and after our luncheon we went out on the spacious lawn of the warden's house and were sitting beneath the shade of an elm tree.

This was in August, when the weather was quite hot. We noticed that here was the penitentiary off to the right, with its massive walls and its great steps, looking a good deal like the capitol in some of the small States, and down in front was a plaza with a number of trees. On either side of the yard was a guardhouse, where the guard was stationed, and farther down the plaza there is another. While waiting for the band to come out, my attention was attracted by the very large number of automobiles coming in. I began to count, and I counted 250. Then something attracted my attention, and I did not count any further. Presently one of the outer gates of the penitentiary opened, and let me say to you that at no time are the outer and inner gates opened at the same time. There is a small rotunda between the gates which would accommodate about 20 or 25 people. The gates were opened, and out marched about 20 young men. They closed, and another 20 marched out, and so on until about 80 men had marched out altogether. They were all dressed in white uniforms with black neckties, white shoes, and stockings, and made a very creditable appearance. Their leader is not an inmate. They moved down to this platform in front of us, and I want to say to you that for an hour and a half I was never better entertained in all my life. It is one of the finest bands any of us had ever listened to, and people attended from all over that country. Among the late additions to this band was a new arrival from Keith's Theater in Washington. He was asked why he was there and how long he expected to stay, and he replied he expected to stay quite a while. Some one wanted to know what the trouble was, and he said: "Well, another nigger got to trifling with his wife, and so he was there." He killed him.

The next morning we met at the warden's office and consulted with the engineers and with the men putting up the buildings and the men taking care of the grounds and the men having charge of things of that sort. After we made that investigation I asked the warden to tell us something about the parole system. You know, we have all heard this system criticized in the magazines. The warden said, "There are the files; you can help yourself." I walked over to the files and took down ten or a dozen indiscriminately—one here, one there, and so on—and I want to tell you, gentlemen, there was not a single case in those ten or a dozen files where the man who was out on parole was making less than $96 a month, and the amount ran from that up to $150 a month. There was on file the report of the first friend, the report of the manufacturing plant where they were employed. Then I turned and asked the warden what percentage there were of failures among these

men, and he said less than 4½ per cent. It seemed to me there was a concrete example of what the parole system is doing for those who are confined in penal institutions in the United States.

Mr. ROMJUE. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. ROMJUE. Does that parole system apply to all classes of convicted criminals?

Mr. SHREVE. All classes; yes. The gentleman will remember that we passed that law three or four years ago.

Mr. ROMJUE. And it applies to murderers the same as to the lower grades of criminals?

Mr. SHREVE. Oh, yes. On the inside we found some magnificent cell houses built to accommodate 1,600 people. There were 3,200 people in the penitentiary at that time. The cell houses built for one prisoner held two, the cell houses built for two prisoners held four, those built for four held eight, and so on. Then in the basement of one of the cell houses there were 100 people confined in that one basement. They all seemed to be happy, however, I might say.

I want to say further that these Federal penitentiaries we visited are all splendidly managed institutions. There is no question at all about it. The men have every opportunity for advancement. One of the men in Leavenworth when he entered that penitentiary a good many years ago could not read or write, and at the time we were there he was the editor of the paper, and since that time has been given a place on one of the largest daily papers in the United States.

Mr. WILLIAMSON. Will the gentleman yield for a question in that connection?

Mr. SHREVE. Yes.

Mr. WILLIAMSON. I recall about two years ago there was considerable discussion about furnishing employment at these various Federal penitentiaries. Has that situation been remedied since that time?

Mr. SHREVE. That situation is being remedied very rapidly. At Leavenworth they have just completed a shoe factory, but the machinery is not installed. The work was all done by prison labor. You could not build a similar building on the outside for less than $375,000 or $400,000. This building was built for much less than half that amount. It is now ready and will accommodate 500 or 600 people, if they can find that many men who are capable of becoming manufacturers of shoes.

Mr. WILLIAMSON. I am sure the House will be very glad to get that information. I remember when we proposed establishing this factory there was a great deal of discussion and opposition to it, but I am convinced it will be one of the best things ever done for the inmates of the Leavenworth Penitentiary.

Mr. SHREVE. I am just recovering from the grip, and I am going to ask the gentleman from Alabama [Mr. OLIVER] to tell us something more about the penitentiary when he comes to speak.

Mr. OLIVER of Alabama. After the speeches not relating to the bill are concluded I will be glad to supplement along lines the gentleman from Pennsylvania indicates.

Mr. SHREVE. I should be pleased to have the gentleman do it. Now, we have a new institution at Chillicothe, Ohio. It is really planned for men between the ages of 17 and 30. The penitentiaries have turned over 25 or 30 men to put that camp in shape for prisoners, first offenders. We are making an appropriation for that, and it is not at all expensive. I might say that the total appropriation for Leavenworth is $971,493; Atlanta, $1,066,072; McNeil Island, $419,047; Industrial Institution for Women, at Alderson, W. Va., $190,100; Chillicothe, Ohio, $350,000; and the National Training School for Boys, in Washington, $142,000.

Mr. SNELL. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. SNELL. Was it brought out in the hearings whether these Federal institutions are overcrowded?

Mr. SHREVE. Every institution that we have had anything to do with, even the jails that we visited during the summer, are crowded. That is one thing that caused the committee to give quick thought to the institution at Chillicothe and the institution for the care of women. When these two are completed we will relieve these other institutions. At Leavenworth they have 3,200 prisoners, and one-third are in there for the violation of the narcotic law; that is, about 1,100 of them. These men are not criminals in the true type and sense of the word. Some place should be found for them. There are just as many in Atlanta, and it will average one-third, as in Leavenworth. In Leavenworth there are 200 for violation of the Volstead Act, 200 for the violation of the white slave act, and 50 or 60 bankers, and the rest are all of the general sort.

Mr. SNELL. Did the committee make any inquiries as to the condition in the local jails? They leave the prisoners in the local jails because they have no other place to send them.

Mr. SHREVE. That is true; they are there waiting for trial or else are on short-term sentences.

Mr. SNELL. In New York they are calling on us to build larger jails to take care of these Federal prisoners, but we do not feel that we ought to do that.

Mr. SHREVE. The man in charge of Federal prisons has something in mind to relieve that situation.

Mr. SNELL. There ought to be a new Federal prison in the northern part of the United States to take care of these prisoners.

DEPARTMENT OF COMMERCE

Mr. SHREVE. There is no question about that. Of the total appropriations recommended for the Department of Commerce, including the Secretary's office, is $29,735,847. That is an increase over the current year of $1,196,718 and a decrease of $783,000 in the Budget estimates. [Applause.]

I might say that it is a long-standing record of this committee to always be found within the Budget estimates.

Mr. ROMJUE. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. ROMJUE. Is the gentleman quite sure that the Budget Bureau does not put it at a high enough figure so as to allow for the cut?

Mr. SHREVE. I think if the gentleman was on the committee he would find that the pressure brought to bear would indicate that the Budget had not exceeded its authority. While we do not propose to turn over the power of making appropriations, in the last analysis, we do highly appreciate the suggestions that come in the Budget estimates that a certain amount of money is all that can be afforded for a certain activity. The committee may take off a little here and add a little there, and we feel that is our responsibility, and we are always ready to do it, and we have done it in this bill.

We have recommended for the Bureau of Foreign and Domestic Commerce $3,245,917. The amount recommended is $251,853 more than the current appropriation. This increase affects the following appropriation which I will insert. I want to say to you, gentlemen, that your committee feels justified in making these appropriations, and also in making increases from time to time, because we fully realize that the situation is gradually changing:

	Amount increased
Commercial attachés	$19,139
Promoting foreign and domestic commerce	24,750
District offices	99,182
Promoting commerce, Central and South America	25,050
Promoting commerce, Far East	6,266
Export industries	34,946
Investigating domestic commerce and raw materials	40,000
Investigating restrictions of trade	5,000
Directory of foreign buyers	8,000

Gentlemen will recall that after the war, when we first presented this bill on the floor of the House, we were asking to send about 24 or 25 commercial attachés and trade commissioners to that many countries in the world where we had not been doing business. At that time the Allies were hardly in a position to do business, and we had lost that large volume of trade; but they went out under the direction of the Department of Commerce and found some business in some other parts of the world. That business has been going right along, but now, since European countries are getting back on their feet again and new conditions present themselves, we find in our South American countries, which we had almost exclusively to ourselves for a time after the war, that Germany is getting back, that England is getting back, that France and other countries that were doing business with the South American countries are getting back, and getting some of that trade away from us. Of course, most of our trade in those countries will not be lost, because it is of a character in which we have no competition, as, for instance, in the manufacture of low-priced automobiles and of certain agricultural machinery and textile machinery and many other things of that kind. We will always have a monopoly on that class of trade, but the competition is strong; and if we expect to maintain our prestige in foreign countries, if we expect to continue this trade and increase it, as the increase naturally follows in manufacturing and agricultural products, then we must not forget that the organizations that are doing this work abroad must receive such appropriations as will give them an opportunity to function properly.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. WILLIAM E. HULL. May I ask the gentleman whether his committee has increased the appropriation for compensation to the people in those countries of South America or has decreased it?

Mr. SHREVE. We have increased it.

Mr. WILLIAM E. HULL. I am just back from South America. There is nothing more important to this country than to build up those organizations, not only to increase the salaries of the people who are employed there, but to engage a high-class set of men in those countries, because I think our opportunities in South America are greater than they are anywhere else in the world. I was there and have been all through that situation with all of those men. What ought to be done is not only to raise the standard of the men who are engaged down there, but they should be given a large enough salary so that they can afford to carry on their business. We have a better chance to sell products in South America than we have in all other parts of the world, but we have to fight two things. One is that England is in control of most of the banks and all of the utilities and controls all of the department stores. Germany is another factor coming in now and cutting prices and making long terms. We have to have men competent to meet that proposition. What I fear is that our men are only giving us statistics to work on and they are not conducting what I would consider a business organization. They have not the machinery down there to put the thing in a business way to the people down there. I think the gentleman would do well in those organizations if he would treble what we are spending on them now and put enough good men down there to do business. For instance, at Buenos Aires there are two or three little offices. There is a man named Farley, a very competent man, with two or three little offices and probably two or three assistants to take care of Argentina. That office, in my judgment, if it were properly manned, ought to have 20 good men down there, and if it is done in that way and done in a business way instead of the picayunish way we are doing it now, something will be accomplished in Argentina; but just so sure as we keep up this low-tide business that we have there now, no great thing will ever be developed.

As the gentleman has said, our automobiles and agricultural implements are always going to stay there and such things as typewriters and cash registers, machinery of that type, but we are not in on things we ought to be in on, and that can be brought about if we have the proper organization there to get the statistics in shape and to bring the competitive proposition to our attention so that our business men will understand what they have to do. I am in favor of making the appropriation three times as much as we have now.

Mr. ROMJUE. Mr. Chairman, the gentleman from Illinois [Mr. WILLIAM E. HULL] is making a very interesting statement, and will the gentleman from Pennsylvania yield to me so that I may ask him a question?

Mr. SHREVE. Yes.

Mr. ROMJUE. To what does the gentleman attribute the basic reason for England being so well established?

Mr. WILLIAM E. HULL. Oh, it is a long-time proposition. England has been in there always. We never have been in there. England owns practically all of the stocks in the public utilities, and she owns the railroads and the banking interests, and it is only recently that our banks like the National City Bank, and the National Bank of Boston have gotten in there and established branches. England has been on the job there for a century, and we have not.

Mr. ROMJUE. Then the gentleman thinks it depends more upon the invested capital that has been taken in there by England?

Mr. WILLIAM E. HULL. Surely. For instance, England controls all of the department stores. I do not think there is a department store in South America that is not owned by English capital. They have American management, but how can you expect to sell American goods in an English department store?

Mr. ROMJUE. To what extent does England foster and encourage trade through representatives separate and apart from the capital investment?

Mr. WILLIAM E. HULL. Oh, she does it all of the time. The other menace that we have there is Germany, who is going in there and cutting the prices and doing things that are not regular in trade. That ought to be met in some way, but we have to have men down there to do it. I could give the gentleman more information, but I do not want to take up his time.

Mr. SHREVE. Mr. Chairman, I am very glad to have the information given the House by the gentleman from Illinois. We fully realize the situation, but when you stop to think that it is rather new with us and that we have to get started the gentleman will have to admit that we are well started.

Mr. WILLIAM E. HULL. But if the gentleman will pardon me, I think what ought to be done is for the Committee on Appropriations to take it up with Secretary Hoover; and if it is deemed advisable to give some more money, it ought to be given to them. I think it is the greatest thing that could happen to this country from a commercial standpoint.

Mr. SHREVE. I feel that we have been making very good progress when we recall the fact that we only started a few years ago. Gentlemen well know that it was not the policy of the United States of America to spread out over the world until the Spanish War came along and forced us to take a world's part on the scene of action whether we wanted to or not. Since that time we have gotten acquainted with foreign countries and built up activities, but it is true that the greatest Nation on the face of the earth has only started on the line suggested by the gentleman.

Mr. WILLIAM E. HULL. There is not a single country in South America but which wants to do business with the United States.

Mr. SHREVE. That is true.

Mr. WILLIAM E. HULL. And the only way to do that is that you have got to get men and train them in the way to do business.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. WAINWRIGHT. For the benefit of some of us, possibly, who are not entirely clear in their own mind as to exactly the function of the trade agents of the United States. Are they actually promoting American trade in the sense that they advertise, or are they acting as agents handling sales transactions, or what are they for?

Mr. SHREVE. I would be very glad to make a brief statement. There are two classes of these men, commercial attachés and trade commissioners. These men are sent to various countries. An attaché is attached to an embassy, and a trade commissioner may be where there is no embassy. Now, it is the business of these men to follow up trade opportunities. For instance, I recall in one case over in South Africa somebody discovered that there was to be a bridge built across the Kongo. Now, the American trade commissioner over there made it his buisness to find out how many tons of iron would be used in that bridge, how it would be paid for, whether by cash or deferred payments. When he had secured all of this information he cabled it to Washington. That is not for the benefit of any particular individual in any way. They are not working in the interest of any particular individual. But this information was sent from Washington to various bridge builders over the United States, who took the wise precaution to be registered on the books of the Department of Commerce, so every one of those bridge builders had an opportunity to bid, and in that way a contract was given to an American firm.

Mr. WAINWRIGHT. In other words, there is no function to advertise or promote American trade, but to get valuable and useful information and send it back home?

Mr. SHREVE. That is the idea.

Mr. WAINWRIGHT. That is the advantage to those who may be interested in such matters?

Mr. SHREVE. Yes. Some years ago I recall there was——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. I yield myself 20 minutes' additional time. There was just one case where a trade commissioner had fallen down, and that was at Athens, Greece. The reason was this: There was a large amount of American goods at the end of the war stored around in the Mediterranean ports. That surplus stock had to be worked off, and after a while trade came back. Our trade commissioner at Athens, Greece, secured a contract for an American firm amounting to over $25,000,000, and that would pay his salary for a good many years to come. I might go on and enumerate many, many cases where possibly just a letter or an interview by a trade commissioner or commercial attaché would be extremely beneficial. The point is the point of contact between the buyer in the foreign country and the seller in the United States, no matter who he may be.

The Bureau of Standards this year is receiving about the same amount of money as they did last year. We gave them an extra $25,000 for the study of the problems of the sugar industry.

The Bureau of the Lighthouse—we have increased their appropriation for maintenance.

The Patent Office—here is an institution that was transferred to the Department of Commerce from the Interior Department and we are very much pleased to say the Patent

Office is in good shape. You recall a year ago we gave $190,000 for the purpose of employing additional help. That is to establish a temporary roll, and from the temporary roll they place men on the permanent roll so they have been enabled to bring that business up current to-day. We feel the temporary roll should be carried along still longer so we have given $20,000 to do it.

We have recommended the Budget estimates to the Bureau of Mines with one exception, and that is with reference to helium.

The act of March 3, 1925, authorizing the conservation, production, and exploitation of helium gas with which to supply the needs of the Army and Navy and other branches of the Federal Government, among other things, transferred on June 30, 1925, all existing Government plants operated by the Government or under lease or contract with it, for the production of helium to the Bureau of Mines. Theretofore, this work had been done by the Army and Navy and the Bureau of Mines, acting under their direction. The second deficiency of 1925 authorized the President to transfer in such amounts as he might determine, not to exceed a total of $1,000,000 of the funds included in the War and Navy Departments appropriation acts for the production or purchase of helium, to the Bureau of Mines, for the fiscal year 1926. The estimates for 1927 contained an amount of $830,000 for the Bureau of Mines helium program, to be expended as follows:

Construction of new facilities:	
25-mile pipe line to new gas field	$350,000
New compressor station	130,000
Two power units	95,000
General expenses	75,000
Cryogenic research and studies of resources of helium-bearing natural gas	80,000
Working capital for operation and maintenance of plants	100,000
Total	830,000

The bureau's helium plant, which is operated under contract with the Linde Air Products Co., is located at Fort Worth, Tex.

The gas from which the helium is processed is delivered through a pipe line 96 miles long from a gas field which has been producing since 1907, the gas field being located at Petrolia, Tex. The flow of this field has been diminishing from a 7,900,000 cubic feet flow per day in 1915 to about 89,000 cubic feet per day at the present time. Twenty-five miles from the Petrolia field there has been discovered a field known as the Nocona field, with an estimated natural gas content of 85,000,000,000 feet containing 1 per cent helium, which represents about 850,000,000 feet of helium.

Under the program mentioned above, it had been proposed to pipe to this new field, build a compressor station, and bring the gas back to be processed into helium.

The committee went rather exhaustively into this proposition and reached the following conclusions: In the first place, there is on hand at the present time for use by the Army and Navy about 7,500,000 feet of helium. This amount, together with what will be produced during the balance of the fiscal year, will bring the total to over 10,000,000 cubic feet. The present field at Petrolia, although diminishing in its output, is still able to furnish about 600,000 feet of helium a month. The amount of helium to be used is based primarily upon the needs of the Army and Navy. The Army's helium needs for 1927 will be 4,200,000 feet of helium, and the Navy's needs, under the air program adopted by the House in the naval appropriation bill for 1927, will be practically nothing. In view of this situation, when there is a doubt as to what the helium needs of the two services will be in the future, and when it is patent that with the helium on hand and what will be produced will more than take care of the needs for the next fiscal year, the committee could not recommend this project and was of the opinion that it would be better to postpone the matter until such time when something more definite can be determined. If, in the future, additional helium is needed, the gas will still be in the natural reserve at Nocona ready to be processed, and not in cylinders waiting to be used, undergoing an estimated average leakage of 10 per cent a year.

The following represents the recommendations of the committee with reference to the Bureau of Mines helium activities for the next fiscal year:

There is an amount of $75,000 in the bill for the investigations of resources of helium-bearing gas and the conservation thereof, and of processes and methods of producing, storing, purifying, and utilizing helium and helium-bearing gas.

Authority has been carried in the bill advancing to the Bureau of Mines in such amounts as the Secretary of Commerce may requisition for the operation of the helium plant at Fort Worth from the sums made available for the fiscal year 1927 in the acts making appropriations for the War and Navy Departments for the acquisition of helium from the Bureau of Mines. The amount available is $500,000 and will be amply sufficient for the bureau's needs in operating the plant.

The plant now operating consists of 5 units composed of compression and separation equipment which cost a little over $1,000,000. Each of these units is limited to a maximum capacity of about 3,500,000 and a minimum capacity of about 1,500,000 cubic feet of natural gas per day. All of these units belong to the Linde Air Products Co. and are used under contract by the Bureau of Mines. Experimentation has been going on for some time; first by the Navy, and then by the Bureau of Mines when the transfer took effect on July 1, 1925, of a unit which would be owned by the Government for producing helium. On the basis of the experience with the semicommercial plant of the new design, the new plant should handle 4,500,000 cubic feet of natural gas per day at high recovery and efficiency and could handle twice that amount of gas, although the efficiency and recovery would then be reduced somewhat. Furthermore, the efficiency can be maintained when the plant is processing a very small amount of gas. That is, the new plant can be operated over a wide range, whereas the range of the old units is relatively narrow. There has been $136,000 so far spent on the construction of this unit and it is estimated that $75,000 more will be needed before it is complete. The committee, therefore, has suggested authority, which is carried in the bill, making available out of the helium funds of the Army and Navy for 1926, $75,000, to be divided equally, to be turned over to the Bureau of Mines during 1927 for this purpose.

This, therefore, represents a total of $650,000 available for the fiscal year 1927 by the Bureau of Mines for its helium work.

DEPARTMENT OF LABOR

We have recommended as a total for the Department of Labor for carrying on their work during 1927, $9,536,305, which is an increase of $933,680 over the current year and $994,000 over the estimate submitted. With the exception of the Bureau of Immigration, the estimates and recommendations that we have made for the department remain substantially the same as the current year. With the exception of immigration, we have allowed the following amounts for the department:

	1927	1926
Secretary's office	$91,840	$662,620
Labor statistics	294,000	285,300
Naturalization	733,000	780,000
Children's Bureau	1,294,000	1,313,000
Women's Bureau	100,000	105,000
Employment service	205,000	205,000

In the amount for the Children's Bureau, of course, is the $1,000,000 for carrying out the maternity act. This is the same amount that has been carried for the last several years, with authority in the bill that the bureau shall make its allotments to States upon the basis of $1,252,079.96, which is the amount originally authorized. The total of the allotments, however, have never reached the $1,000,000 allowed. I should like to call the attention of the House to the fact that this is the last appropriation for this purpose to be made under the authority of this act, as its original provisions were for a period of five years, and this is the fifth year.

There is just one more item in the Department of Labor to which I desire to call your special attention, and that is the Immigration Service. We went into a very careful and exhaustive hearing of the situation. Numerous witnesses appeared before the committee, and we were satisfied that the wisest thing we have done in a good while was the increase we made last year for this service. With a slightly increased force, they may be able probably to more than double the amount of work on the Canadian and Mexican borders, and we felt that it would be better to stop those men when they were crossing the border line rather than wait until they got into some cities in the interior of the United States and then attempt to capture them. So we were very happy to be able to increase the Budget estimate for the regulation of immigration by $1,000,000, bringing the total from $5,251,705 to $6,226,705.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield there?

Mr. SHREVE. Yes.

Mr. WOODRUFF. I believe it is true that many of the aliens coming in lawfully later become public charges or are convicted of crimes. What steps are being taken by the Immigration Department to deport those aliens?

Mr. SHREVE. They are moving just as rapidly as they can. Last year, for lack of money, they did not exactly sus-

pend the work in its entirety, but they slowed up. They deported last year only about 10,000 aliens. But with this fund that we are giving them now, in addition to affording this extra patrol, we should be able to deport 15,000 or 20,000 next year.

Mr. WOODRUFF. In the gentleman's opinion, what is the number of aliens in this country that ought to be deported now under the law?

Mr. SHREVE. That is a difficult question.

Mr. JOHNSON of Washington. I would like to make a little statement right there if the gentleman from Pennsylvania will permit.

Mr. SHREVE. Certainly.

Mr. JOHNSON of Washington. The first question asked by the gentleman from Michigan was in regard to convicted aliens. Take, for example, one line of crime. There are 275 convicted aliens, narcotic criminals, in the three Federal penitentiaries, serving long sentences. When they receive the long sentences and are due to be deported the hold-over power is met, and they have to be paroled. It does seem that we should find some way to have the sentences shortened, provided they are deported.

Now, if I may have one more minute of the gentleman's time, the people talk all the time about deporting, as if we could deport willy-nilly. It is stated that there are about 1,000,000 aliens in the country who are unable to prove that they are here legally. The great bulk of that 1,000,000 illegally entered have been here five years, and therefore under the law they are entitled to stay here. If they are sailors and have been here three years, they are not deported. That reduces the number that are illegally here.

Mr. LAGUARDIA. They are not discharged prisoners?

Mr. JOHNSON of Washington. No. Some of them have wandered around after trying to take out naturalization papers.

Mr. WOODRUFF. What I mean are the undesirables who will never make desirable citizens? I think Congress ought to appropriate money enough to clean up those people and bring about the situation desired.

Mr. JOHNSON of Washington. That is exactly what the gentleman from Pennsylvania and his associates are encouraging. They have recommended an extra appropriation of $1,000,000, and a good portion of that will be for the deportation of convicted and highly undesirable aliens.

Mr. WOODRUFF. I am glad to so understand that, and I congratulate the chairman of the committee and the other members of the committee.

Mr. LAGUARDIA. As to this additional fund appropriated for the Department of Labor, I understand the gentleman to say it will be used for additional border patrol and deportation?

Mr. SHREVE. Largely.

Mr. LAGUARDIA. I want to call the attention of the gentleman to the inspectors and interpreters in the Immigration Service, with whom I served 18 years ago. These men are still doing their work, after 25 or 30 years' service, and are getting only $1,800, and the maximum is about $2,100. They have given all their lives to this work. They are specialists in their work. Surely something ought to be done to give these men a living wage. It is difficult to remedy the situation under the circumstances, but those men with whom I served 18 years ago are getting only from $1,500 to $1,800.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. DYER. I wanted to address my question particularly to the chairman of the Committee on Immigration and Naturalization. He referred to the fact that we should provide money for the deportation of these undesirables already convicted of crime. I have knowledge of a case recently in which a Chinaman was given eight years for selling dope to men of his nationality in St. Louis. We wanted to have him deported, but we were told by the Secretary of Labor that that was not an offense which enabled the Government to deport him. So I think that probably we have not laws sufficient to cover a case of that kind.

Mr. JOHNSON of Washington. There was an act passed called the narcotic act, in addition to the Harrison Act, which endeavored to provide for the deportation of such persons, but it has not proven quite sufficient. The House Committee on Immigration is now at work on an enlarged deportation measure, and it is the hope of that committee that the measure they will finally report will take care of those cases.

Mr. LAGUARDIA. I hope the gentleman will not carry out the idea of cutting down the sentences of these dope peddlers, because they are afraid of jail. They might not fear deportation as much as they would a long jail sentence, so I would suggest that the gentleman soak them as hard as he possibly can.

Mr. JOHNSON of Washington. But you can not fill the penitentiaries with alien convicts to such an extent that you can not take care of the other convicts, when we should deport these alien convicts and save money to the Government.

Mr. LAGUARDIA. But it would be wrong to give these dope sellers light sentences.

Mr. WILLIAMSON. Will the gentleman from Pennsylvania yield to me?

Mr. SHREVE. I yield with pleasure.

Mr. WILLIAMSON. I should like to know what progress is being made in determining the qualifications of aliens in foreign countries before they come over here. There has been considerable difficulty along that line in the past, and I am wondering what progress has been made in the way of ascertaining their qualifications prior to their starting across the seas.

Mr. SHREVE. That is being covered now under the extra work we are giving the American consuls. It is gone into very carefully, let me say, by the Department of Labor, by the Health Service, and by the Department of State, and we are getting an entirely different class of immigrants than has been coming for a good many years. This service is to be continued. Assistant Secretary Carr came before the committee and made a strong recommendation in that connection. He mentioned the cities where it had been tried out and where they make, as we might say, exhaustive examinations. All the details of the family are studied. When a man makes an application for a visa the first thing to be found out is who he is, where he is from, what his business is, what he proposes to do in the United States, and what kind of a citizen he is going to make. These things are all settled before the visas are signed.

Mr. WILLIAMSON. Does our method in that respect now meet with the approval of foreign countries?

Mr. SHREVE. Yes; the foreign countries are cooperating; that is, the northern countries, at least, and, I think, that is the only place we have attempted to establish that system.

Mr. Chairman, I yield back the balance of my time. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. SNELL, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2849. An act to provide for an additional Federal district for North Carolina; and

S. 2307. An act authorizing the Secretary of the Interior to exchange certain lands in order to acquire land for a municipal aviation field at Yuma, Ariz.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY

The committee resumed its session.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON]. [Applause.]

Mr. BLANTON. Mr. Chairman, I have a statement from Mr. Will Irwin and his wife, of Scituate, Mass., concerning some matters which have appeared in the RECORD. Without reading them, I ask unanimous consent that I may incorporate them in my speech.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks as indicated. Is there objection?

Affidavits of Will Irwin and wife are as follows:

STATE OF NEW YORK,
County of New York, ss:

Will Irwin, of Scituate, Mass., deposes as follows:

"My name is Will Irwin. I am by profession an author. I gave up my residence in California in May, 1904. Since that time my official residence has been either New York City, Scituate, Mass., or Paris, France. Since 1904 I have never been in California for more than a month at a time. I have never belonged to the Socialist Party. I have never been a candidate for office. My personal political record since 1912 has been as follows:

"In 1912 I voted the Progressive ticket—Roosevelt and Johnson. I was further an active worker at Roosevelt headquarters. In November, 1916, I was a war correspondent at the British front, and therefore ineligible to vote, but in my writings I supported Woodrow Wilson for President. In 1920 I was similarly deprived of a vote by a change of residence, but I supported actively the Democratic national ticket. In 1924 I voted the Democratic national ticket. In 1925 I voted the New York Democratic State ticket.

"To the best of my knowledge and belief the false statement that I am a "recently defeated Socialist candidate in California" was first put forth in a document commonly known as the Spider Web Chart, issued from the offices of the Gas Warfare Service in Washington, and signed by one Lucía Maxwell. About two years ago this document was published in full in the Dearborn Independent. At the time I wrote to the editor of the Independent, demanding a retraction. Later he wrote to me that, having fully investigated the matter, he found the statement to be untrue and would retract as asked.

"WILL IRWIN."

Subscribed and sworn to before me this 13th day of February, 1926.

[SEAL.] CHARLES E. DAVIS,
Notary Public, New York County.

(New York County Clerk's No. 31, Registry No. 7033.)
(My commission expires Mar. 30, 1927.)

STATE OF NEW YORK,
County of New York, ss:

Inez Haynes Irwin, of Scituate, Mass., deposes as follows:

"My name is Inez Haynes Irwin. I am by profession an author. I am not and never have been a member of the Industrial Workers of the World or of any Industrial Workers of the World defense committee, and any statement to that effect has been made without my authorization or knowledge. The statement published in the CONGRESSIONAL RECORD that I signed an advertisement to raise funds for the Industrial Workers of the World is untrue. I believe that this error originated as follows:

"In the summer of 1918 several members of the Industrial Workers of the World were on trial in Chicago for obstructing the draft. It was a time of great public hatred toward all radicals, and I felt that these men would not have a fair trial. Therefore I with others signed an advertisement merely asking the people of the United States to withhold judgment against these men in order that they might be tried fairly. I stated at the time that, though not in sympathy with the Industrial Workers of the World, I felt they should have the privilege of unbiased judgment by the courts granted to every American citizen.

"I believe that the untrue statement connecting me with the Industrial Workers of the World defense committee originated in somewhat the same manner. In 1914 two Industrial Workers of the World leaders, Richard Ford and Herman Suhr, were on trial in California, charged with murder. I believed, upon investigation of the case, that they were being railroaded to the gallows, not because there was any good evidence that they committed the murder, but because the community wanted to get rid of the Industrial Workers of the World. I took an active part in helping raise funds for a second trial in San Francisco and addressed 91 unions of the American Federation of Labor. The unions of that organization are heartily opposed to the Industrial Workers of the World, but they felt as I did—that this trial was unjust. They contributed thousands of dollars to this fund. I have been interested in the labor movement in the past, but particularly with the American Federation of Labor, and never with Industrial Workers of the World, in whose principles I do not believe.

"During two years of the World War, beginning February, 1916, I was in Europe with my husband, Will Irwin, who served as a war correspondent. Even before the United States entered I was an active partisan of the cause of the Allies. After we entered I did my best to support the war by speeches—for which I received no compensation—by my writings, and by selling and purchasing Liberty bonds. When the war was over I joined the Woman's International League for Peace and Freedom, because I believe that war should be abolished—not by means of what is generally called "pacifism," but by organizing the world for conciliation. To that end I have been an active supporter of the League of Nations. I have been a member of the Woman's Party since its organization.

"INEZ HAYNES IRWIN."

Subscribed and sworn to before me this 13th day of February, 1926.

[SEAL.] CHARLES E. DAVIS,
Notary Public, New York County.

(New York County Clerk's No. 31, Register No. 7033.)
(My commission expires March 30, 1927.)

Mr. BLANTON. Mr. Chairman, I hope that all of my colleagues will read in yesterday's RECORD my discussion of the qualifications of the general counsel in the United States Veterans' Bureau. That is an official who directly affects the rights of every one of the 4,000,000 ex-service men in the United States. All of you colleagues have at heart the best interests of our ex-service men and you are interested in a position that can unjustly deny them their rights, and which has been unjustly denying the rights of the orphan children and widows of many ex-service men in almost every State in the Union.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. JOHNSON of Washington. I read the gentleman's statement in the RECORD.

Mr. BLANTON. Let me say that they are just illustrative of thousands of other cases.

Mr. JOHNSON of Washington. As I looked over the statement, it occurred to me that there appeared to be some doubt as to whether a certain signature might or might not have been a forgery. Is not the Veterans' Bureau, through its attorneys, entitled to look carefully into matters of that kind?

Mr. BLANTON. Look carefully? Yes; they should look carefully; but this was a case where a man signed his application in the presence of his wife and in the presence of an honored officer of the city, who has the respect of every person who lives in it.

Mr. JOHNSON of Washington. If the gentleman will yield further, he did not sign an application; he signed a letter.

Mr. BLANTON. No; it was an application for the reinstatement of his policy.

Mr. JOHNSON of Washington. With a money order inclosed, which amounted to the reopening of an insurance case. Then after he had done that and the letter was apparently on its way the man died by drowning.

Mr. BLANTON. Oh, yes; but he died four days after the letter was mailed and after the letter had been postmarked in the post office. The letter was postmarked in the post office on June 14, 1923, and the man did not die until June 19, 1923. Now, it seems to me there should have been no doubt about the signature when banker after banker, who had been in the business of passing on signatures for 25 years, said, "Yes; this is the man's signature; I know it; I would pay out any sum of money on that signature at any time." But I have not the time to go into that matter further. I merely want you to read what I put into the RECORD and I want you to read my discussion. I have given you the facts. There is not a lawyer of any consequence in the Veterans' Bureau to-day who has any respect for the legal opinion of the general counsel.

My friend from Alabama [Mr. OLIVER], who is an honored Member of this House and who is in charge of this bill on the minority side, knows what kind of a man Major Johnson is. He is one of the highest type of men in the land and a man preeminent for his legal ability. He speaks of this general counsel, who is over him, as a prospective lawyer and as one who has not yet learned the elementals of law.

Mr. JOHNSON of Washington. Will the gentleman yield again?

Mr. BLANTON. I yield.

Mr. JOHNSON of Washington. Is it not a fact that as a general thing in these departments the subordinates generally think they are superior to the chief and want his place?

Mr. BLANTON. This subordinate did not come to me. I went to him in my investigation of the department. The evidence I found, and which I presented to you, is evidence which I found in the department. It was no tale-telling business. I hope every colleague I have in this House will take 20 minutes and read my discussion and see if I have not presented it to you fairly.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BLANTON. I am sorry, but I must take up another subject.

I see my friend, the gentleman from Maryland, present, Colonel TYDINGS. The gentleman from Maryland [Colonel TYDINGS] has the interests of the ex-service men at heart, just like the balance of us, and I want to say this about Colonel TYDINGS while I have the opportunity. During the war, 7 miles north of Verdun, he was division machine-gun commander, a lieutenant colonel in the United States Army. On a hill about a mile and a quarter in diameter, in front of our line, was a German machine-gun nest with 45 active machine guns dealing death to the men in our line. Colonel TYDINGS thought he knew how to destroy it, and went to his commanding officer, Gen. LeRoy Upton, and told him exactly how he could destroy it if he had permission. He was turned down. He was told he would lose every man he had. But Colonel TYDINGS is the kind of Yankee who does not give up when he is first turned down, and he went back to him and insisted on being permitted in his own way to destroy that hill. Finally, General Upton gave him permission, and our colleague, Colonel TYDINGS, of Maryland, laid a barrage down that valley and carried his men around the edge of it and captured that hill, and there were only 25 of our men lost in the entire engagement. He captured every German on top of that hill, although most of them were dead when the position was taken. He captured also 65 German machine guns.

I can depend on an American like that to see to it that an inefficient general counsel can not stay in the Veterans' Bureau and deny the widows and orphans of ex-soldiers their rights, and I appeal to him and to the gentleman from Maryland, Colonel HILL, and the balance of the ex-service men in this

House to see to it that investigation is made of this situation in the Veterans' Bureau.

But I want to mention another matter. The Army and the Navy are not the only places where men are being retired young. This practice has gotten into the District government in Washington. We have on the police force in Washington a man who is a physical giant. He bears a pretty good name, too. His name is Robert E. Lee. He is a man 6 feet 2½ inches tall. He is a man who weighs 225 pounds. He is a man who has been in the police service 29 years. He is 55 years old, in the very prime of life. Tell me a man who is 55 years old is old enough to be retired! I am almost that age myself and I am active yet. [Applause.] Without having a single physical defect he was told the first of this year he was going to have to retire. Do you know why? There was a police doctor, named Murphy, who came to his house and insulted him and was ordered out. This police doctor threatened to get his job because of this incident, and another police doctor, who was a friend of this one, testified he ought to be retired because his health was bad.

I want to show you what kind of record was made in this case. Here is the assistant superintendent of the Metropolitan police, Charles A. Evans, testifying:

Q. How long have you known him?—A. Since he came in the department, in 1893, when he came to the eighth precinct.

Q. What kind of an officer has he been?—A. An A-1 private and sergeant. * * * I have noticed him for several years—we have had the Daughters of the American Revolution Convention here, we have the Red Cross Convention here, and other conventions, all of which require large details—large crowds. I have had him with me on the Avenue during the Shrine parade, the Holy Name parade, the Ku Klux Klan parade, and on every one of these occasions he was 100 per cent. I see him about his precinct, visiting his men; I don't see him in one section, I see him all over the precinct; he has good discipline, he has the respect of his men.

This is Major Evans, the assistant major and superintendent of police, who is testifying about this sergeant, Robert E. Lee. Listen:

I have seen him in crowds where it required a man with judgment, and he has always been able to hold up his own.

Here is the testimony of Capt. Ira Sheetz, who is the captain of this man:

I have known Sergeant Lee for about 24 or 25 years, ever since he has been in the department. I have never heard him complain about feeling ill; I find by the records that he hasn't had any leave since the years 1923, 1924, 1925, until the first of this year.

That was when this police doctor ordered him off of service.

Q. What about his sick record?—A. Hasn't had any over these three years until the first of this year.

Q. How does his physical condition impress you?—A. Well, it impresses me as being very good; in fact, I was surprised that he was ordered off, sick.

Then he says further:

He seems to be doing exceptionally fine with his work, a good, active sergeant, * * * man capable of taking charge of any condition which might arise.

Q. Could his work be done better by a younger man?—A. I don't think it would be possible to get anyone to do it any better than he is doing it.

Then Inspector Harrison asked this witness some questions, as follows:

Q. You have never noticed anything in the performance of his duties that would indicate that he was failing or going back?—A. Never have; no, sir.

Q. And there has been no complaint in the manner in which he has done his duties?—A. No, sir.

Q. And you have had no occasion to call his attention to any neglect of duties?—A. No, sir.

Q. From what you know of his condition you feel that he would be able to do street duty for a while yet?—A. Well, I should think so, Inspector.

Here is Captain Flather, another police captain, who testifies as follows:

Q. Are you acquainted with Sergeant Lee?—A. I am.

Q. How long have you known him?—A. Ever since he has been on the force.

Q. Served in the same precinct with him?—A. Yes, sir; he was with me in No. 3 while I was captain in No. 3.

Q. What do you know about his physical condition?—A. It is good; never lost any time, always on the alert, good sergeant; in fact, I heard Inspector Evans' testimony here and I corroborate Inspector Evans in every way and everything he said; an excellent sergeant and an excellent policeman when a private; never afraid to go anywhere, always out on the street, liked to be going all the time.

Here is the testimony of Lieutenant Ready, who is his lieutenant:

Q. You are acquainted with Sergeant Lee?—A. Yes, sir.

Q. How long have you known him?—A. We came on the force the same day, July 4, 1896; he was appointed ahead of me, in fact, on that day.

Q. In the same precinct with him now?—A. Yes, sir.

Q. What is your view as to his present physical condition for police service?—A. I have no possible way of telling his physical condition except by his acts around the station and his performance of his duty; he seemed always ready and willing to go, and always did go. I know he has been with me on details at the Auditorium several nights and stayed up there, stood it as well as men much younger than he was.

Q. Is he capable of performing full police work at the present time?—A. Yes, sir.

Q. Performed his work as well as anybody else?—A. As well as anybody; in fact, I always thought he was a very good sergeant.

Inspector Brown, another high police officer, says:

Q. How long have you known Sergeant Lee?—A. About 25 or 30 years.

Q. How long did you serve with him?—A. When first associated, he and I were both sergeants together at No. 4 precinct; and I was in charge of the precinct five years ago, and he was then sergeant at No. 3.

Q. Do you know how he has been performing his duties in the past year?—A. Why, performing his duties in a very satisfactory manner. I do not recall the exact date, the first part of December. I know I visited the auditorium; something was going on there, and he was the sergeant in charge at that time. I thought then he was unusually active—in fact, more active than some of the privates—in looking after traffic arrangements. I talked with him. He seemed to be in perfect health as far as I could judge.

Q. Have you not seen him during the present year?—A. Oh, every week, or very frequently. * * * That was up to the first part of December of last year.

Q. How was his physical condition?—A. I didn't see any change in him. The duties of sergeant in the third precinct are very difficult. There is such a large territory to cover, and to get over it a man has got to be pretty active; as a foot sergeant, he has to cover considerable territory. He has a large number of men to visit.

By Inspector Harrison:

Q. He always impressed you as being a very active, energetic sergeant?—A. Sergeant Lee is considered by myself and by other officials of the department as a very good sergeant, a very good officer.

Q. Never had any complaints from anyone relative to the manner in which he performs his duty?—A. No; I don't remember ever receiving complaints about the manner in which he performs his duty, or from himself about feeling bad, which would lead me to believe that he was in fairly good health.

Now here is the testimony of Dr. Grafton D. P. Bailey:

Q. You are a duly licensed physician and surgeon in the District of Columbia?—A. I am.

Q. How long have you been practicing?—A. Thirty years.

Q. Are you acquainted with Sergt. Robert E. Lee?—A. I am.

Q. When did you examine him?—A. Yesterday.

Q. What was the extent of your examination?—A. I examined his reflexes, his heart, his urine, prostate gland, bladder, abdominal cavity, and heart action, blood pressure, and the symptoms consequent * * * any diseases arising from these conditions. His physical condition is apparently very good.

Q. What did you find in regard to his heart action?—A. His heart action is very good. No valvular disease, and from a physical examination it was as good as the average man; there is nobody that is absolutely perfect after 50.

Q. Did you find any symptoms of nephritis?—A. None at all. The chemical examination showed no evidence at all of nephritis. He has no hardening of the arteries, consequently there is no danger from his present high blood pressure. If there was the accompanying hardening of the arteries, of course there would be danger with that much pressure against the weakened artery. That is why people get hemorrhage of the brain.

Then he was asked by Inspector Harrison:

Q. From your examination of Sergeant Lee do you think he is fit for street duty at the present time?—A. Yes, sir.

Q. Think he could stand up under the regular duties of a sergeant?—A. Yes, sir.

Q. And there would be no danger of bringing on further trouble?—A. So far as my examination went, absolutely none at all. There are thousands of people walking the streets every day with blood pressure.

Now, here is Inspector Pratt. Says he has known him for 30 years.

Q. Did you take any particular note of his physical condition?—A. No; I did not, because I never had any suspicion of anything wrong with him; thought he was a big, strong, healthy, strapping man.

Q. He appeared to be all right?—A. Yes, sir.

Then Inspector Harrison asked him—

Q. You have never noticed any slowing up in the performance of his duties?—A. No; as I say, on the occasions I have seen him he was apparently living up to every requirement.

Q. Capable of handling all the duties you assigned him?—A. I so considered him.

Now I want you to notice what foolish questions they asked Sergt. Robert E. Lee. They were trying to retire him at 55 years of age, when he was a physical giant, and in good physical health.

They said:

Q. What is your name?—A. Robert E. Lee.

Q. What is the date of your birth?—A. August 16, 1869.

Q. Where were you born?—A. Washington.

Q. When did you enter the police force?—A. I think it was in 1893.

Q. July 1st?—A. Along about there; yes, sir.

Q. Are you married?—A. Yes.

Q. Wife living?—A. Yes, sir.

Q. What was your wife's maiden name?—A. Emma V. Slater.

Now notice this question:

Q. What does the V stand for?

[Laughter.]

A. Vera.

What did his wife's middle name have to do with it?

Q. Where was she born?—A. Washington.

Then they ask what the age of his wife was. What did the age of his wife have to do with it? [Laughter.]

Q. How long have you been married?—A. Twenty-six or twenty-seven years.

Q. Where were you married?—A. Baltimore.

Now listen to this:

Q. Do you remember the name of the minister?—A. Yes, sir.

Q. What was it?—A. Freas, I think.

What has the name of the minister to do with it? Then this question:

Q. What is the denomination of the minister?—A. I don't remember.

Gentlemen, I want you to see how ridiculous this is. [Laughter.] The man testified that he did not want to be retired. He said he was in perfect health, comparatively. He has high blood pressure, but the doctor said there were thousands walking the streets with just as high blood pressure, and this man is in perfect health except for that. He has a boy in George Washington University who has almost finished, and he wants to study law. He says that if he is retired the boy will not be able to finish his course. But, gentlemen, because he made a little old police doctor mad, and finally ordered him out of the house, that police doctor got another police doctor to testify against this man. It is a damnable, infamous outrage.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. No; I can not just now. Now, gentlemen, I see this Sergt. Robert E. Lee up in the gallery. I want him to stand up. Does he look like a man that ought to be retired? [Applause.] He is a physical giant, and they are going to retire him and force his boy out of George Washington University because of it.

Do you know why he is retired? We have got the wrong man in the commissioner's office as police commissioner.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. In one minute I will give way. We have the wrong kind of a man as police commissioner. I placed all these facts before Commissioner Fenning and urged him to reopen Sergeant Lee's case and give him a square deal, but he refused, stating that he had already appointed another sergeant in his place.

He does not know good police duty from bad. He is too busy. He has too many other things to attend to. Do you know what he did as his first official act? Colonel Fenning called in a police inspector who had the respect of everybody in this District; called him into his office and he said, "Inspector Headley, you go to precinct number so and so, as captain, for I have demoted you," when in a short time Inspector Headley would have retired himself. Now, he is going to retire him on a captain's pay instead of an inspector's pay.

I have a resolution prepared that when Mr. Headley is retired he be retired as an inspector, in spite of Mr. Fenning's order, and I am going to ask you gentlemen to help me pass it. Fenning has no business to demote a man without some reason. He gave him no trial, no reason for it. Mr. Headley to-day does not know why he has been reduced.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I thank my colleagues for their attention. [Applause.]

Mr. ACKERMAN. Mr. Chairman, by direction of the chairman of the subcommittee, I yield 20 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, within the past few years interest has been revived in an old question which has been discussed from time to time at irregular intervals ever since the Constitution of the United States was adopted. That question is: Whether an act of Congress which is out of harmony with the Constitution can become the law of the land; and if not, what authority is competent to decide whether in fact such an act is in conflict with the Constitution. The courts have held that when a statute contravenes the fundamental law, it is the Constitution and not the statute which is binding on the court. The question is important, but in actual experience it is not so overwhelmingly vital as might be supposed from the controversy it has aroused. The exercise of the power of judicial review does not threaten the overthrow of our legislative system. Out of the many tens of thousands of statutes enacted by Congress since the Government was set up only about 40 have become inoperative because, in the judgment of the court, they were unconstitutional.

It is not my purpose now to review the arguments for or against the position of the courts; the opinion of Chief Justice Marshall in the case of Marbury against Madison, which has generally been considered the basis of existing practice, is famous, and on the other hand the current arguments against the doctrine of judicial review are almost equally well known. It is the present purpose rather to inquire what light may be shed on this exercise of authority by the courts by an examination of its historical origin. We can understand any institution or custom better if we know its beginning and the historical reasons for its existence.

The exercise of this power is inseparably connected with written constitutions, which are charters intended to safeguard the rights of individuals by limiting the powers of government. Such governmental charters are of American growth, and have had in this country their most characteristic development. With the overthrow of her ancient line of kings, France adopted the American idea of the written constitution and spread it abroad throughout Europe in the Revolutionary period which began in 1789. Since that time it has extended almost throughout the earth.

The first constitutions of the American Colonies were charters much like the charter of a modern commercial or industrial corporation. The custom prevailed in England of granting to trading companies, especially to those which were to do business in distant or undeveloped parts of the earth, charters which conferred powers partly commercial and partly governmental. Such was the charter of the East India Co., a trading corporation organized in the year 1600, which for a long time, under the powers conferred by its charter, besides engaging in commerce governed great areas in India, maintaining armies, making treaties, enacting laws, and setting up courts for their enforcement. These vast powers of the East India Co. were exercised in such a way as to involve Great Britain in disastrous wars in the oriental Empire, and in 1858, after the Sepoy Rebellion, the governmental powers of the company were transferred to the Crown, and the company was required to confine its energies to commercial enterprises. In these it is still successful.

The British South Africa Co. had a similar history. Organized primarily for trading purposes, the exercise of the governmental powers conferred on it by its charter led to the Jameson raid and the South African War of 1899. The creation of the South African Union left the British South Africa Co. no powers but those of a business corporation.

The early American Colonies were created by charters very similar to those of the trading corporations already mentioned. The Virginia Co., organized but little later than the East

India Co., was also a joint-stock trading corporation with incidental powers to govern the colony it was intended to establish. So also the company chartered March 4, 1629, under the name of "The Governor & Co. of Massachusetts Bay," was an enlargement of the earlier Dorchester Co., organized to carry on the business of trading and fishing.

In the course of time and by the progress of events the commercial powers of these American companies came to be less and less exercised and their powers of government extended. The charters of the later Colonies were almost or altogether wholly governmental, and some of them were so satisfactory that certain Colonies continued to govern themselves under their colonial charters for many years after they became States of the Union. Connecticut, for example, had until 1818 no other constitution than the charter issued by Charles II, and the people of Rhode Island until 1843 governed themselves under a charter granted by a British King.

These charters granted definite and limited powers, just as the powers now given to commercial and industrial companies are defined and limited by their charters. Then, as now, if the board of directors exercised powers not conferred by the charter, the courts had authority to declare that the acts exercising these powers were void because the company had exercised functions not authorized by the charter. Such an act of a corporation is said to be ultra vires; that is, it is not within the scope of the powers of the corporation or of the board of directors without the consent of those whom they represent.

Some of the charters granted to the companies to be established in America authorized them to set up legislative bodies and empowered the legislatures thus created to enact laws. It was provided, however, in the charters that the laws so enacted must not be in conflict with the laws of England and must be within the powers conferred by the charter, and an act of the legislature that went beyond these restrictions should be void. An act of the colonial legislature could be tested in two ways. It could be appealed to the King in council, which meant to the committee of the privy council organized to deal with such matters, or it could be carried up by appeal from the decision of a colonial court.

Numerous examples might be cited of acts of colonial legislatures thus tested and declared invalid. In 1677 the committee of the privy council declared three acts of the Virginia Legislature void because they were in excess of the powers conferred on Virginia by the charter. Similarly enactments by Rhode Island in 1704, by Connecticut in 1705, by North Carolina in 1747, by Pennsylvania in 1760, and by Massachusetts in 1772 were nullified on the ground that they were in conflict with the colonial charters.

Thus the people of America, before the Revolutionary War won for them a recognition of their independence, had long been familiar with the doctrine that a legislative enactment is void if it is out of harmony with the fundamental law by which the powers of the legislative body are defined. More than once, in the controversies that grew up under the stamp act, American courts even turned the practice against obnoxious acts of the British Parliament. On one occasion, in 1776, the clerk and other officers of the court of Northampton County, Va., appeared before the bench of judges and moved for an opinion on two questions: Was the law of Parliament imposing stamp duties in America binding on Virginia? Would they, as officers of the law, incur any penalty by not using stamped papers? The judges were unanimously of the opinion that the law did not bind, affect, or concern the inhabitants of Virginia—

> inasmuch as they conceive the said act to be unconstitutional. (McMaster, Vol. V, p. 394.)

Another case, which also was prior to the Declaration of Independence in 1776, occurred in Massachusetts. Judge Cushing, then a Massachusetts judge but afterwards a Justice of the Supreme Court of the United States, charged the Massachusetts jury to ignore certain acts of parliament as void and inoperative. (Quincy Early Massachusetts Reports, pp. 495–462.) Instances might be multiplied but these are sufficient to illustrate the fact.

The first time a United States court held an act of Congress to be unconstitutional was not in the often-cited decision of Chief Justice Marshall in the case of Marbury against Madison, but 11 years earlier, within 3 years of the creation of the Government. By the act of March 23, 1792, it was provided that the circuit court of the United States should pass upon designated claims of certain pensioners, subject to revision by the Secretary of War and by Congress. When the first case under this act came before the circuit court, sitting in New York, Chief Justice Jay and Justice Cushing, the court held that the act assigned to the judges nonjudicial duties which Congress had no constitutional authority to require of them, especially as their decision was subject to review by the Secretary of War and by Congress, neither of whom had any right under to the Constitution to review any authorized action of the court. The judges, however, avoided a conflict between the judicial and legislative branches of the Government by signifying their willingness to perform the duties, acting not as judges but as commissioners appointed by Congress to perform this work.

The practice of judicial review of legislative acts and of declaring a statute null and void if it goes beyond the powers conferred on the legislative bodies by the Constitution or charter under which it acts, is not a usurpation of authority by the courts nor was it invented by the Supreme Court of the United States. It is much older than the decision in the case of Marbury against Madison in 1803. It is, in fact, a very ancient power, and has been exercised by the courts ever since charters were granted to limit and define the powers of the organization created by the charter. It is the power which insures that the Constitution shall be indeed that which it is often called, the charter of the liberties of the people, because it is the power which defends those liberties against ill-considered or perhaps even tyrannical action by a temporary majority in the legislative body.

The people have not trusted Congress nor any branch of the General Government of the United States with unlimited powers, but only with such powers as are delegated to it by the written charter. To use the language of the Constitution itself—

> the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

The Supreme Court of the United States is the lawfully constituted authority which, when necessity arises, is to determine whether an act of Congress goes beyond the power conferred on Congress by the Constitution which created it and which sets bounds to its authority. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 25 minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Chairman and gentlemen, on the 22d day of February, a day that should always be given over to the contemplation of everything that makes for the ennobling of our youth and the building of American citizenship, the Nation's Capital witnessed on one hand a city-wide celebration of Washington's Birthday by patriotic and civic organizations and even in temples of worship, calling attention to everything that was wholesome and inspiring in Washington's life and achievements—while on the other hand the friends of liquor and the enemies of constitutional prohibition held their convention for the express purpose of pouring outlawed beer and liquor all over the American flag.

And on the following morning the front pages of both Washington papers carried over against each other the great speech of President Coolidge before the national convention of educators, portraying Washington as a great, patriotic, moral, and spiritual force in founding and building this Nation—and then that travesty and tragedy in one, the story of the celebration of the "wets," who were addressed by Senator EDGE, of New Jersey, as "Fellow Nullificationists," and who, under the leadership of Hon. JOHN PHILIP HILL, listened in gloating glee to Washington's recipe for making beer, written away back in 1757, before the realization of his future responsible leadership had dawned upon him.

Such a miserable performance was in keeping with the recent efforts of a certain literary cormorant who tried to prove Washington habitually profane, in face of his deeply religious Farewell Address, which we reverently heard read in this Hall on his birthday, and his withering rebuke of profanity in the Army, which I had the honor of reading here at the close of that eventful day. Such efforts to throw mud on the polished shaft of Washington's immortal name and imperishable fame make us think of that big, black vulture that hovers over an unclean carcass in preference to food that is clean and pure.

And behold the climax of this shameful procedure by the publication on the front page of the Washington Post, on Tuesday, of a facsimile of this recipe in Washington's own hand. Such a publication, backed by the prestige of Washington's name, appearing on the front page of the supposed mouthpiece of the administration, as read at that wet banquet by the gentleman from Maryland [Mr. HILL], can have nothing but a hurtful effect upon the homes and the youth of America. I agree with Mr. BLANTON, of Texas, that, regardless of its authorship, this publication is a clear violation of the law, and the offending paper ought to be prosecuted.

WASHINGTON WOULD HAVE OBEYED THE LAW

Let me say this to the "nullificationists" who are trying to use the name of Washington to boost their unholy cause, when Washington wrote that beer recipe it was not against the law. But we know enough about this heroic and immortal man, as revealed by his glorious achievements and enjoined in his Farewell Address concerning obedience to law, that if he were living now he would not violate the amended Constitution of the Nation he helped to establish. The man who called out the Army to put down the "rum rebellion" in Pennsylvania would not conspire with a bootlegger to trample the Constitution and defy the flag, and if necessary he would call out both the Army and the Navy to put down this modern "rum rebellion" at home and sink every pirate liquor ship to the bottom of the sea. [Applause.]

"WET" SENATOR ON THE RADIO

In a close juxtaposition to this unpatriotic Washington's Birthday performance was the radio speech of Senator EDWARDS, of New Jersey, who followed up his charge in his recent Wilmington speech that the Anti-Saloon League and its supporters are "conscienceless hypocrites and fanatics," and that Wayne B. Wheeler, chief counsel and legislative superintendent of the league, is "an arch traitor to freedom." The papers thus reported him, but he says now he softened his actual speech. But, of course, he still thinks what he first wrote.

With such a monstrous statement against decent, sober, God-fearing patriotic citizens already in his "wet" soul and system, I am glad it came out somehow outside the Senate Chamber, for if spoken there I would have been estopped by certain mandatory amenities from saying what I think; but as these outrageous utterances were made outside the Senate, I can say what I "gentlemanly please" about them, my only trouble being that of the old farmer who lost all his apples while his wagon went up the hill. The mischievous boy who had lifted the wagon gate so the apples would roll out asked, "Why don't you cuss, mister?" And the old farmer, scratching his head, replied: "Because I kaint do the subject jestis."

I simply can not find language to express my condemnation of such a groundless and outrageous charge against the sober, patriotic masses of Americans who believe in and practice prohibition, and their trusted leader, Wayne B. Wheeler, whose chief crime in the eyes of the "wets" is the fact that he has given himself unselfishly since his college days to a truceless warfare against the liquor traffic—first legal, now illegal. Wayne B. Wheeler is human, and here and there he may have made mistakes of judgment, but I think I have never known a man in such a responsible, trying position to make so few mistakes. And one thing is certain—with the merciless searchlight of his liquor critics thrown on him for more than 30 years, they have never been able to find one crooked step he has ever taken or one fleck upon his name.

And yet this New Jersey Senator who boasted that he was elected on a platform "as wet as the Atlantic Ocean" spreads the newspaper charge all over America that "Wayne B. Wheeler is an archtraitor to freedom."

Such raw, wretched language from a "wet" United States Senator concerning a man who is fighting valiantly for the sobriety of American youth reflects no honor on the State that bore him, and certainly no luster upon the august body to which he belongs; but the chief tragedy in such language from a Member of the United States Senate is the fact that it seeks to break the power of the forces of righteousness, and gives encouragement to a mongrel mass and mess of rum runners, lawbreakers, and liars who would rather see Wayne B. Wheeler dethroned, perhaps, than any other man in America.

THE "WETS" THINK WRONG

This outrageous language concerning our "dry" leader, who is as clean as he is keen, and as knightly as a woman's ideal, is only another illustration of the fact that whether a man drinks liquor or whether he "thinks" liquor, it warps his reason and annihilates his loyalty to all that is highest and best.

The speech of the gentleman from Massachusetts [Mr. TINKHAM] yesterday is a case in point.

In all that pitiful compilation of indictments against our prohibition law—its essence and its operations—there was a superabundance of free advice concerning the "fanaticism" and "insincerity" of prohibitionists. And one Roman Catholic prelate whose name I did not catch as the gentleman from Massachusetts began to read, ran thoroughly amuck with the sweeping and unqualified declaration that "prohibitionists habitually practice misrepresentation."

RECKLESS LANGUAGE OF A "WET" CARDINAL

I confess to a hasty display of temper and a worthy expression of righteous indignation for which I can find no word of apology after the cooling processes of a good night's sleep. The truth is, since I have had time to cool off, I am hotter than ever. My first impulse as I heard the statement read was to say, "That is a miserable lie," and now in the clear light of a new day I am fortified in the conviction that such a charge against prohibitionists is stupidly and inexcusably false. Some generous and conservative colleague rushed to me after adjournment and urged me to withdraw the language, but as the trusted representative of actual millions of sober, God-fearing Americans, I would feel like a coward if I were to fail to brand such an indictment of my faithful comrades, both seen and unseen, as miserably and palpably untrue. "But," said another honored colleague, "you surely don't want to say that about the statement of a cardinal." I answered, "Let the cardinal withdraw the foolish and cruel charge that the great army of white ribbon women and men with whom I have trained for a generation are habitual lawbreakers and liars. Whether it be a Cabinet officer, a United States Senator, a Methodist bishop, a Baptist evangelist, a Presbyterian doctor of divinity, the Archbishop of Canterbury, or the Pope of Rome, I don't propose to allow any man to declare, without my indignant protest, that the stalwart, God-fearing men and praying handmaidens of God who fought for prohibition on their knees as well as at the ballot box, are given to the 'habitual practice of misrepresentation.' In other words, these wet leaders say that my dry comrades are hyprocrites and liars, and I answer traducers high and low, 'You are another.'"

This unwarranted indictment from this Roman Catholic dignitary strikes at the treasured faith and practice of many of his own people. There are thousands of sober, sincere Catholics in my home city of Atlanta and all over America who believe in prohibition, who voted for prohibition, and who practice what they preach.

Monsignor Cassidy, of Fall River, Mass., who has fought liquor and liquor shops for 25 years, recently took sharp issue with Cardinal O'Connell in a speech before a Catholic total abstinence society, declaring that he was in no sense responsible to this "wet" cardinal and that he proposed to obey his own conscience before God in fighting humanity's greatest curse.

I remind you that loyalty to liquor wipes out all sense of party and national loyalty. Liquor will change a Republican into a Democrat overnight. [Laughter.]

Mr. BLACK of New York. Well, that is all right.

Mr. UPSHAW. And worse than all, from my standpoint, it will change a Democrat into a "blooming" Republican. Of course that word "blooming" means beautiful. [Laughter.]

Mr. BLACK of New York. Does the gentleman refer to the gentleman from Massachusetts [Mr. TINKHAM]?

Mr. UPSHAW. I will come to him directly. For instance, in that ingenious compilation yesterday read by the gentleman from Massachusetts [Mr. TINKHAM], in which newspapers and church dignitaries were called upon as witnesses against our constitutional law, it will be remembered that all along there were scathing references to the Anti-Saloon League; there were indictments, if you please, against organized righteousness as if there is anything wrong or culpable in God-fearing men organizing, not as churchmen but as citizens, to try to influence legislation as they see fit.

THE GOVERNMENT AND MORALITY

Our "wet" friends continuously rise up and say "You can not make men moral by legislation." Nobody believes that better than we, but we answer that inasmuch as no nation can live without morality, it is the part of Government to stand by the door of every home and every school and every church and strike down the wolves of immorality that are crouching to destroy the children without whose moral stamina this Republic can not live.

Mr. TINKHAM will remember that I stood for his having a square deal, and he knows that I am his personal friend. He knows mighty well that I would not harm a hair of his head. [Laughter.]

Mr. TINKHAM. I have not many to spare. [Laughter.]

Mr. UPSHAW. But if he makes himself the vehicle of outrageous charges against my crowd and against my cause he must not complain if a machine gun peppers and punctures his rotund personality. [Laughter.] In one of those compilations he read from an archbishop or a cardinal—I did not get the name, and have not gotten it yet, so there is nothing personal in it—in which a statement was made that prohibitionists habitually misrepresent the facts. I was stirred within me. The Bible says "as much as lieth within you live peaceably with all men." It does not lie within me to live peaceably

with a man who charges that the great God-fearing masses of patriotic men and women who fought for this law through generations, on their knees as well as through the ballot box, are habitual prevaricators and liars. [Applause.]

And I said in my haste something of which I later somewhat tried to repent, for I do not love to use harsh language; but the thing would not work. You will remember that when Mr. TINKHAM read that outrageous charge I rose and said, "That statement of a Catholic prelate that 'prohibitionists habitually misrepresent' is a miserable lie, and I will more amply pay my respects to it to-morrow." One of my colleagues rushed up and said, "You do not intend for that to stand, do you? Would you say the cardinal told a lie?" Frankly, I did not want to. But he called me one first. He began on me first. It reminds me of an old picture, the first I ever saw in an almanac, where an old Irish washwoman turned and saw her boy scratching his head, and she said: "Mike, Mike, stop scratching yer head!" And Mike grinned and replied: "I won't do it, ma'am; they commenced on me first." I thought about it during the night, and the more I tried to cool off the hotter I got. The utterly inexcusable declaration that prohibitionists as a rule falsify facts might have been expected from a saloon keeper or the president of a brewers' association, but it is a patriotic and spiritual tragedy coming as it does from a religious leader.

But if my startled colleagues still insist that I ought to use more temperate language, I reply that these wet calumniators of my dry comrades are as careless about the truth as General Sherman was "careless about fire" when he marched through Georgia to the sea. The truth is, gentlemen, I have been listening to this wholesale slush, in Congress and in the press every day, charging "lying hypocrisy" to prohibitionists until I am mighty "blooming" tired of it. Wet leaders claim the inalienable right to call us all the bad names and charge us with all the high crimes in the catalogue and the decalogue, and then if we reply in kind they throw up their hands in holy horror and charge us with extreme language. When somebody says, "You ought not to use such strong language," I can only answer that if some man will invent a language by which I can express my disapproval of a statement that is utterly untrue concerning the decent, God-fearing people of this country, who believe in prohibition, I will be glad to adopt it.

THE WRONG END OF THE DOG

I am reminded of that old Presbyterian preacher who said he always felt like the Lord ought to have invented some kind of language by which a man could express intense feeling without its being called profanity. [Laughter.] I have never "cussed" since I was converted and joined the church, but I remember Talmage said that there were times when he "did not feel very devotional." And I do not feel "very devotional" when I remember that on this floor time and again, and all over the pages of the papers of this country, men like Senator EDWARDS in his radio speech and Senator EDGE in his speech before that "wet" convention make wholesale charges of narrowness and insincerity against the patriotic prohibitionists of this country. And here on this floor we have heard over and over again the Anti-Saloon League charged with being an illegal organization with unpatriotic purposes.

Now, our friends on the other side say, "You must let us say all of these mean things we want to, but if you dare to answer in kind, we will charge you with using intemperate language." It makes me think of the woman who rushed out to a passer-by who used the sharp end of a pitchfork on her bulldog when he dashed at the man. And she said, "Why didn't you use the other end on my dog?" and he answered, "Madam, why didn't your dog come at me with the other end?" [Laughter.]

ANSWERING GEORGIA'S CRITICS

It has been a favorite alibi for "wet" protagonists who can not defend their personal or political opposition to a duly constituted law, to point away from their own black spots of lawlessness to the failure of prohibition in the home State of some well-known dry. But that does not get anywhere. It only shows that the malignant appetites born of the old saloon days are still defying the flag whose protection they invoked.

Occasionally, on this floor, and frequently from the columns of the Baltimore Evening Sun and other wet papers, the "Gentleman from Georgia" is asked to sweep before his own door. An occasional ebullition on that line has come from each Member of the great wet triumvirate, Messrs. TINKHAM, GALLIVAN, and HILL.

Yesterday I wired Governor Walker, of Georgia, and Dr. Marvin Williams, the brilliant and popular pastor of Wesley Memorial (Institutional) Church, to send me an estimate of the general prohibition situation in Atlanta and Georgia. Their replies follow:

DRUNKENNESS STEADILY DECREASED

ATLANTA, GA., *March 3, 1926.*

Hon. W. D. UPSHAW,
Washington, D. C.:

Referring to statement as to drunkenness and crime in Atlanta and Georgia, the real facts are that drunkenness has steadily decreased in all walks of life, save, perhaps, the wealthy society folks in cities. There is practically no sentiment in Georgia for change in the prohibition laws. An ambitious young lawyer here announces for light wines and beer, but he admits that he has no hope of winning. If any definite facts are desired, the record shows that on last Christmas Eve, the day of greatest relaxation in the South, there was not a single arrest for drunkenness and not one prisoner confined in the city of Brunswick, a port city. A light wine and beer bill was introduced in the Georgia House of Representatives two years ago. On the following day a resolution was introduced in the Senate deprecating the agitation of the subject, and this resolution was passed by unanimous vote.

CLIFFORD WALKER, *Governor.*

PROHIBITION VAST BLESSING

Better class of citizens almost unanimous. Prohibition vast blessing morally, financially, and every way. Proof, we keep sending you back to Congress. Open barrooms would bring hell back.

MARVIN WILLIAMS,
Pastor Wesley Memorial Church, Atlanta, Ga.

W. T. HUNNICUTT,
Presiding Elder.

[Applause.]

Whatever crime statistics the wets may quote against Atlanta, let it be remembered that Atlanta's moral standards are so high that we arrest people down there when they even smell like they have had a drink of Baltimore booze. [Laughter.]

But over against every charge from every wet politician from the big wet centers, which they seek to use as an alibi for their own devilment, I offer a record of wholesome prosperity which, as Henry Grady used to say, "the mind of man can neither measure nor comprehend."

Back in 1908 and 1909, when we banished barrooms by State action, Atlanta's building permits leaped from $4,000,000 to $10,000,000, and the growth of the city since then has almost broken the adding machine to record its volume, the population climbing from 150,000 to nearly 300,000, with bank clearings and postal receipts topping everything in the broad expanse of the marvelous South. For fear some of you may still be unable to comprehend the magnificence and the magnitude of the growth of Atlanta under prohibition, I will emphasize what I told some New England banqueters: You good people up here on the rim of civilization, so far removed from the center of the world's activities, may not know just where Atlanta is and what it is. I'll tell you that I have the honor of representing the capital city of those five famous Georgia products—Ty Cobb, Stone Mountain, "Hot Air," Coco Cola, and the Ku-Klux Klan! [Laughter and applause.]

And I must add to that list of Atlanta celebrities and commodities—Red Rock, Nu Grape, Mi-Grape, Grape Dew, Big Boy, Pay Day, Karnak, SSS, "Anti-Kink," Dodson's Livertone, B. B. B., White Hickory Wagons, Young Stribling, Tiger Flowers, Watt Gunn, and Bobby Jones. I tell you, my comrades, it is some honor to represent such a dry district, of which Atlanta is the capital—the greatest city of the greatest State of the greatest Nation on earth. [Laughter and applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. UPSHAW. Pardon me, I can not right now.

Mr. HILL of Maryland. I thought the gentleman would not care to yield.

Mr. UPSHAW. I yielded to the gentleman one time here, when he said he would sign an agreement never to touch liquor until the prohibition law was modified and repealed, and when I yielded he would not sign the pledge.

Mr. HILL of Maryland. No; the gentleman yielded when I said I would sign if the rest of the Georgia delegation would sign, and the gentleman did not have enough influence to get the rest of the delegation to sign, and——

Mr. UPSHAW. I had no control over my sober colleagues. I signed, but the gentleman from Maryland would not. He must have had reasons satisfactory to himself.

TINKHAM, GALLIVAN, AND HILL

And now comes the great triumvirate of unconstitutional wetness, the gentlemen from Massachusetts, Messrs. TINKHAM

and GALLIVAN, and the gentleman from Maryland, the Hon. JOHN PHILIP HILL, who glory in the political activities of the Association Against the Prohibition Amendment, and who excoriate the political activities of the Anti-Saloon League. They declare that the league of the drys, which raises unselfish money for prohibition enforcement, with the avowed purpose to defeat every wet man possible and elect every dry man who pledges allegiance to the eighteenth amendment—oh! they say that this dry organization is meddlesome, meticulous, and inimical to the very genius and spirit of American freedom; but they crown and coddle and support such organizations as the Association Against the Prohibition Amendment and the Rational League of America as the summum bonum of all things holy and patriotic. [Applause.]

Recently that gay and debonair Democrat, Mr. GALLIVAN, gave a free vaudeville performance on the floor of this House in which he went into spasms on patriotic retrenchment concerning certain questionable performances of certain dry agents in their efforts to catch a stylish law-breaking hotel. He vamped and he stamped—he discussed and almost "cussed" the Anti-Saloon League and Wayne B. Wheeler for raising money and dedicating their patriotic efforts to the support of the sober Constitution of the United States. And while the genial Mr. GALLIVAN held the interested attention of his colleagues here and especially the "wet" galleries of brilliant and blase Boston, those two stalwart Republicans, Messrs. TINKHAM and HILL, were seen sitting over there near each other, with their faces as radiant as new moons, acting as joint chairmen of the committee on applause. There, my countrymen you see what unconstitutional wetness will do—this brilliant Democrat and those titanic Republicans shake their fists at each other across the aisle on questions of economics and general party policies, but they rush into each other's arms on the question of liquor and weep or laugh as the case may be—on each other's bosom—they sleep in the same "wet" bed [great laughter and applause]—they cover with the same wet cover, vote the same wet program, and are like three falling raindrops which so beautifully coalesce that the identity of one is lost in the identity of the others. [Laughter.] There is only one grim comfort for my dry Democratic soul in this tragic contemplation, and that is the fact that in this great wet triumvirate, the Republicans outnumber the Democrats two to one. [Laughter and applause.]

"WETS" UTTERLY ROUTED

After all the boasting of this bipartisan, wet triumvirate in this House, after all the boastful prohecies of the Association Against the Eighteenth Amendment that the "wets" would hold the balance of power in this Congress, the prohibition sentiment is stronger than ever. These prophecies were made when they were raising money for their campaign expenses. After all their vain boasting, even since this Congress was elected, that they had made great gains, behold the "57 varieties" could muster only 39 to sign that pitiful demand for constitutional nullification. The truth is that every test vote will show that this Congress is dryer than the last, and the damp defamers of our sober Constitution are in a condition of ignominious defeat, and the desolation of night without a single star is now upon them.

MODIFICATION MEANS NULLIFICATION

The aroused and decent observers of America know that modification of the Volstead law—I mean its weakening modification—would mean its ultimate nullification.

In a sane, honest editorial the Pittsburgh Gazette-Times, under the caption "Beer means whisky," declared that the "beer and wine proponents might as well 'shell down the corn,'" that the unbridled opening of breweries and the saloons which would handle the output, would be the open door through which high-powered beer and hard liquor would flow unrestrained. And at that big "rum rebellion" banquet, which was held in Pittsburgh a few weeks ago, where the gentleman from Maryland, the Hon. JOHN PHILIP HILL, was heralded as the honor guest, the chief attraction and the great dazzling "wet" hope of that modern "Feast of Belshazzar with a Thousand of His Lords," the mask was thrown off, and in the presence of a high official of the Association Against the Eighteenth Amendment, they openly admitted that mere modification was not what they wanted—that their ultimate goal was the repeal of the eighteenth amendment. And yet, all of us have seen those flaming letters and circulars of this brazen organization soliciting funds to carry on their debauching propaganda, "Beer and Wine Now—No Saloons Ever."

The "57 varieties" of bills introduced last year called for 2.75 beer, while the Anti-Prohibition News, published in Pennsylvania's capital city, is honest enough to admit that 2.75 beer has not enough kick to suit the descendants of William Penn and the constituents of your Uncle Gifford Pinchot and your Uncle Andrew Mellon, and on this flaming circular, which I now hold up before the watering mouths and tear-dimmed eyes of my wet colleagues, Bob Rhedans, with a face handsome enough to be battling for a better cause, says, "Citizens of America, awake. It is now time to rekindle the Torch of Liberty!" While, beneath this picture of a foaming mug of 4 per cent beer you see the "wet" call to arms "Worth Fighting For."

CLASH OF PROGRAMS

O my countrymen, my feelings overwhelm me as I see this clash of programs in the internal, diurnal, nocturnal, supernal, eternal, and infernal ranks of those who, sitting astride beer kegs, wine cases, and liquor barrels, are lending this revised and enlarged edition of a modern "rum rebellion" against the Constitution of my country. And, as a further rebuke to the pitiful "pacifism" of the mild "two seventy-five per centers," the handsome features of Governor Ritchie, of Maryland, beam from the front pages of every newspaper in America—this governor whose State has not even joined the constitutional union in support of this constitutional law. As he takes his place beside the popular Governor of New York, who led his great State to secede from the Constitution of the United States by wiping out its supporting statute—Governor Ritchie, who suffers Chicago politicians to fan to flame that unholy spark within his bosom that would dare thwart the White House dreams of "Alfred the Great"—Governor Ritchie, mind you, issues a platitudinous pronunciamento declaring that our Constitution is all wrong and the eighteenth amendment is a meddlesome blot on the fair escutcheon of American liberty.

It is a palpable puzzle how he forgot to impale the nineteenth amendment, granting equality of citizenship to women, when we remember that that amendment to our organic law was passed by the bare majority of 36 States; while the eighteenth amendment, after generations of education and agitation, went into the Constitution backed by 46 out of the 48 States—the most overwhelming majority that ever indorsed a constitutional amendment since Columbus discovered America or Washington crossed the Delaware. [Applause.] If Governor Ritchie had his way, "the prohibition question would be returned to the States"—simply a soft way of saying that the eighteenth amendment would be repealed; and that would open the floodgates of liquor in every "wet" State, bring again the slime, the crime, the corruption of American breweries into our political, social, and moral life, and throwing again before the plastic youth of America the horrible saloon, with its inseparable accompaniments, the gambling hall and the house of shame—the gilded, debauching saloon that was the trysting place of anarchy, the companion of the brothel, and the gateway to hell. I tell you, my fellow Americans, with 15,000,000 women citizens, with their regnant consciences and their spotless ballots turned loose at the polls—to say nothing of the sober, militant manhood of America, who enacted prohibition without the votes of the women—I tell you there is no more chance for a man of such ideals to enter the White House of this Nation than there is for an unregenerate sinner to go through the pearly gates without being born again. [Applause.]

PROFOUND IGNORANCE OR SOMETHING WORSE

In face of facts like these concerning the constitutional security of the prohibition law and the proven temper of the great God-fearing, sober masses of the American people, I charge that political leaders who attempt to make the people believe that this law can either be repealed or weakened by modification are either profoundly ignorant or shockingly insincere.

Why not tell the truth to your people? Tell them the whole truth and nothing but the truth. Why not make a new draft on their faith and loyalty by being frank with them and then proceed to make your campaign for election on the dignified basis of governmental economies and other great national policies?

That would be statesmanship—that would be worthy leadership. And the tragic need to-day of our American youth—the only material out of which we can build stalwart citizens—is the brave and wholesome example of public men—men who are fearless, patriotic leaders, and not hesitating, vacillating, equivocating, and then fabricating politicians.

I would fascinate every citizen possible to take an active part in politics, and every young man especially, to count the holding of office not only a worthy honor but a sacred trust; but I would urge every one who ever runs for office to remember that safe lesson taught me around that dear old family altar: "My son, never debate the question between right and wrong."

Only officials with such a "regnant conscience" are worthy of the trust of the people who elect them and a safe example for "young America."

Having called the attention of this House to the utterly routed condition of the wets, I indict the Association Against the Prohibition Amendment, whose literature I hold in my hand, for colossal inconsistency and unreliability. Charging all sorts of unholy things against the Anti-Saloon League for political activities, we have caught them, red-handed, raising a big slush fund for their own political schemes. And I ask again: Where is that growth which they prophesied? Consider again the "unofficial committee" of these wets. How they would have rejoiced to have a round hundred, but they could muster only 60. And hear again the dulcet tones of their duly elected chairman, the gentleman from Maryland [Mr. HILL], saying that "the modification of the Volstead law is inevitable." [Applause.] Please note that nobody applauded that remark of his, except the gentleman from Maryland. [Laughter.] Come ahead and modify, if you can. Where is your boasted strength? [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. OLIVER of Alabama. I can give the gentleman 10 minutes.

Mr. UPSHAW. I thank the gentleman.

Mr. GRIFFIN. Mr. Chairman, I have 30 minutes allowed me. I will allow the gentleman from Georgia five minutes of my time.

Mr. UPSHAW. You are a gentleman. Thank you.

The CHAIRMAN. The gentleman from Georgia is recognized for 15 additional minutes.

Mr. UPSHAW. Behold the "monumental cheek" of the wet organizations of the country that are sponsored by most of the wets in this House. Listen: Growing red in the face at the very mention of the Anti-Saloon League, just see how we have "caught them with the goods on."

What do we find? Here is a photostatic copy of a letter from the Association Against the Prohibition Amendment, dated March 16, 1925, in which we find these delectable words:

Wm. H. Stayton, national managing vice president; G. C. Hinckley, national secretary and treasurer. Suite 409 Lenox Building, 1823 L Street NW.

NATIONAL HEADQUARTERS ASSOCIATION AGAINST THE PROHIBITION AMENDMENT (INC.),
OFFICE OF THE NATIONAL SECRETARY,
Washington, D. C., March 16, 1925.

Mr. ——— ———,
———, ———,

DEAR MR. ———: Are you aware that the organized movement to repeal or substantially modify the prohibition laws is gaining great momentum throughout the country and that every indication points to success within a comparatively short time?

Two circulars are inclosed. One of them deals with the progress of the antiprohibition movement. You will be surprised to learn of the reverses that the Anti-Saloon League has met with this year.

The other circular (the yellow one) gives the names of many prominent people affiliated with us and tells something of our activities.

It costs us, on the average, $1,500 to organize in a congressional district effectively enough to win a Congressman there (see the white circular inclosed).

Will you be one of three $500 contributors to take care of one district?

Or will you be one of fifteen $100 contributors?

We much hope that you will fill out the attached blank for as large an amount as you can afford to. You will save in reduced taxes after the Volstead law is modified whatever sum you contribute now.

We are going to win anyway, but we can win more quickly and more decisively with your help.

Very sincerely yours,

G. C. HINKLEY, *National Secretary.*

This is the incontestible evidence against them. We drys admit that the Anti-Saloon League was born to put the saloon out of business by clean political methods and is staying in business to keep the wets out. That is our job. Our subscription cards state this fact open and above board.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Not now. Wait until I get all the evidence before the jury, and then I will yield.

Mr. BLACK of New York. It should be stricken out as irrelevant. [Laughter.]

Mr. UPSHAW. Let me read a few words to you from this other communication:

We have not the available funds. We can not make our plan of campaign until we know what to expect. Won't you send your subscription with the blank inclosed?

As our friend from Massachusetts [Mr. GALLIVAN] would say, "Oh, boy!" [Laughter.] This letter bears the signature of that archpatriot, Wm. H. Slayton, the titular head of this unblushing wet organization.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. I can not, for my time is short. Mr. Chairman, I want you to protect me from these frequent interruptions from these meddlesome "wets."

Mr. HILL of Maryland. You need it.

Mr. UPSHAW. And you will need it before I get through. I want to show you how careful they are. Here is a subscription card from this organization which says it is a crime for a dry organization to raise money, and here is the envelope in which to send the "wet" money, addressed to: "Mr. W. H. Stayton, Lexington Building, Baltimore, Md." One card asks for two years' dues, $10 each year. Here is another letter to the Delphi Lumber Co., Cowan, W. Va., in which they are making similar requests. Now, watch. I remind you that they say in this photostatic copy, "We are going to win anyhow"; in other words, we do not need you much, but come on with a check if you can. Look again—here is a letter to the Mullens Grocery Co., Mullens, W. Va., asking funds from wholesale grocers, saying that if beer comes back there will be no saloons and that beer will be distributed through the wholesale grocers. They say in this letter:

If we consumed only as much as we did in that year, 20,000,000,000 of bottles of beer would be distributed through the grocers, for the old saloon will never return.

The letter also says:

In 1914 we were consuming 66,000,000 barrels of beer. When the Volstead Act is amended beer will be sold in bottles.

You will notice the letter says "the old saloon will never come back." [Applause.] They make this admission when seeking money from the great decent class of wholesale grocers who, of course, do not want saloons to return; but in all good humor look at this change of front, for at that "rum rebellion" held last fall in Pittsburgh—Mr. HILL was there, I remind you, and a representative of this wet organization—they tore off the mask and blatantly demanded the repeal of the eighteenth amendment and the return of hard liquor in the open saloon.

Mr. BLACK of New York. But you had saloons in Georgia.

Mr. UPSHAW. But in Georgia we put out the saloons seven years before the adoption of the amendment to the Federal Constitution.

Mr. O'CONNOR of New York. You have stills in Georgia.

Mr. BLACK of New York. And you have worse than stills in Georgia now.

Mr. UPSHAW. Mr. Chairman, these wet gentlemen keep interrupting me. That shows what bad things liquor will do.

The CHAIRMAN. The Chair will state that under the rules any gentleman desiring to interrupt a speaker must address the Chair. If the speaker desires to yield, he will do so, but if he declines to yield gentlemen must not interpolate remarks. [Applause.]

Mr. UPSHAW. If they do not obey, I ask the Chair to sit on them with every ounce of his glorious avoirdupois. [Great laughter.]

Mr. HILL of Maryland. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia has the floor.

Mr. HILL of Maryland. But I am addressing the Chair.

The CHAIRMAN. The gentleman can not take the gentleman off the floor.

Mr. HILL of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman may not propound a parliamentary inquiry while the gentleman from Georgia has the floor.

Mr. UPSHAW. Mr. Chairman, I decline to yield.

Mr. HILL of Maryland. I am addressing the Chair. I want to ask the Chair whether the gentleman will yield.

Mr. UPSHAW. I told the Chairman that I would not yield to the gentleman from "boozy" Baltimore. The gentleman may have his "wet" spasm later, but I do not yield to him now.

Now, the gentleman from Maryland will have to sit there and take what is coming to him. Here is a booklet from the Association Against the Prohibition Amendment in which it out-

lines the many achievements of that wet organization, and among those glittering achievements, in item 6, we find the following:

We have turned elections in many congressional districts. Hon. JOHN PHILIP HILL, Member of Congress from Maryland, has, with our very active aid, turned an adverse majority of 10,000 into a favorable one of 15,000.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. UPSHAW. I can not yield—I am too busy.

Mr. HILL of Maryland. It was 16,000.

Mr. UPSHAW. I want to call your attention to the fact that that district used to be a Democratic district, but because of the extreme wetness of the gentleman "Rider on the White Charger" and because of the admitted activities and financial support of this Association Against the Prohibition Amendment those Democrats—may the Lord pity their souls—have been prostituted to vote a wet Republican ticket. [Laughter and applause.]

Mr. HILL of Maryland. I have not had any financial support; I contribute that myself.

Mr. UPSHAW. The gentleman from wet Baltimore is not only interfering with my speech but he is seriously reflecting on the veracity of this "wet" organization, which in its efforts to secure funds boasts of "our very active aid" in securing the triumphant election of Mr. HILL.

Gentlemen, I used to hear, when I was a boy, of the "proverbial cheek of a Government mule," but I want to say that after catching these wet organizations in the very act of raising money to influence elections, after hearing criticism of the Anti-Saloon League from men like the wet Senator from New Jersey, after hearing wet Congressmen—Democrats and Republicans alike—like the gentlemen from Maryland, Mr. HILL, Mr. LINTHICUM, and Mr. TYDINGS, and Mr. GALLIVAN (Democrat) and Mr. TINKHAM (Republican), from Massachusetts, who stand up here and criticize God-fearing, patriotic people who are trying to defend the Constitution and the youth of America, while admittedly accepting aid from a wet organization that is attempting to nullify the Constitution, I shall not hereafter think "the cheek of a Government mule," but the cheek of William H. Stayton and Hon. JOHN PHILIP HILL. [Laughter and applause.]

THE FUTILITY OF OPPOSITION

Finally, then, as a general practical proposition, what is the use? Why encourage a generation of traitors, lawbreakers, and liars by opposing for local political reasons a national law that will never be repealed or modified? Never? Yes; never—

> Till the sun grows cold,
> And the stars grow old,
> And the leaves of the judgment book unfold.

I ask my "wet" colleagues on both sides of the aisle, Why kid yourselves any longer? And why kid your people at home with such false hopes, which are nothing more nor less than liquorized hallucinations?

You know the constitutional process through which any section of our organic law can be repealed or amended. It must be done by the same process required for its enactment. Your friends of outlawed liquor must elect two-thirds of the membership of both branches of Congress who will stand up and be counted before the eyes of the motherhood of America as they vote to remarry this Government to the reeking corruption of the licensed saloon, and then you must elect legislatures in three-fourths of the States in the American Union who will walk out before the searching eyes of the awakened manhood and womanhood of America and vote to ratify that unholy compact, and you know that will occur just the day after the judgment day.

"But ah," says the wet Representative, responsive to his "wet" constituents at home, "I admit that repeal is very remote, probably impossible, but the Volstead law must be modified."

There you go, kidding yourselves and your constituents again. On what do you base your declaration? Conversions to the "wet" side, you say. Not on your life. For every disaffection from the dry side we have now a thousand recruits to the cause of constitutional law and personal and national sobriety.

THE EMPRINGHAM APOSTASY

Much ado was recently made in the papers about the prohibition apostasy of Reverend Doctor Empringham, formerly an active prohibition advocate.

That misguided clergyman is not the first soldier or officer in a great army to become frightened while the battle raged. That kind of a soldier was never known to win a fight. Here and there we may temporarily lose a battle, but the great war for righteousness goes on. Brave men declare, like John Paul Jones, "We have just begun to fight."

According to my concept, that is the only attitude that will make a man keep his face to the foe and cause him to fight resolutely out amid the boom of cannon, the rattle of musketry, and the carnage of battle which defiant "wets" and weak-kneed "drys" are waging against the eighteenth amendment to the Constitution of the United States.

Frankly, and sadly, that is a mistake which the Reverend Doctor Empringham made. In looking for facts and signs of encouragement he went into the territory where the enemy has always been in practical possession. Of course, he found law defiance in great "wet" centers like New York, Chicago, Philadelphia, and Baltimore, for those cities have never fully joined the constitutional union. Having thrown their guardian arms around their outlawed darling, the corrupt and corrupting saloon, they have continued their slavery to the appetite begotten by the saloon, and in abject and unpatriotic surrender to that appetite, which they have placed above the Constitution of their country, they have claimed the right of "selective anarchy," as Raymond Robbins strikingly puts it—the right of individual interpretation of a constitutional law—the right of virtual secession from the Constitution of the Union. In other words, the great "wet" communities whose Babylonian devilment has discouraged the faint heart of Doctor Empringham and a few other ephemeral "drys," claim that the American flag is a beautiful emblem to salute on the Fourth of July—a beautiful insignia of authority to invoke for the protection of their factories, their farms, their fortunes, and their families, but they deliberately walk up and spit on that same flag that has been made stainless before the eyes of the watching world when they want a drink of bootleg liquor. It is before such a crowd of lawbreakers that this learned and eloquent clergyman has run up his beer and wine flag of tragic surrender.

He has made the mistake that many "wet" politicians in New York, New Jersey, Maryland, and elsewhere in the valley of "wetdom" have made in dreaming of a "wet" man in the White House, sitting astride a beer keg or a whisky barrel on the beautiful portico of that beautiful, immaculate mansion—they are like a man amid the ice and snow of the Arctic regions, who imagines that the earth must be frozen from pole to pole. They forget that there be many millions, more than half of the American people, who have never bowed the knee to bibulous Baal.

BRILLIANT BUT MISTAKEN

I honor Doctor Empringham's ability, and I do not discount his sincerity, but he is just as surely mistaken as any soldier who thought he could win a battle by surrendering to the enemy in the first skirmish because he saw a few of his comrades wounded and dying around him.

I am compelled to remind Doctor Empringham and the whole country that the New York silk-stocking crowd, whom he especially represents, has never been wildly enthusiastic about prohibition any way. They were not on the firing line when we were fighting for the eighteenth amendment, and, as a whole, they have not been conspicuous in battling for its constitutional majesty since its enactment.

I challenge the "wet" claim that Doctor Empringham's apostasy has any national significance. Edwin J. Randall, secretary of the Episcopal diocese of Chicago, issued a statement declaring that this Temperance Society does not represent the Episcopal Church and Bishop Charles P. Anderson declares that the society is made up largely of easterners, and he does not know a single member in Chicago.

The temperance society which Doctor Empringham tries to drag into the liquor camp has been practically defunct since 1918. It formerly represented about 20,000 out of a total Episcopal membership of 1,193,000. Nineteen Episcopal bishops condemned the Empringham statement and only five indorsed him.

SOUTHERN EPISCOPALIANS DRY

Certain it is that the distinguished New York clergyman does not represent the sober, God-fearing Episcopalians of Atlanta and the Southland from which I hail. Many of them were leaders in the battle against the saloon and many more are now loyal supporters of this constitutional law. The Southern Episcopalians, whom I have the honor to know, rejoicing in the fact that this is a land of religious freedom, also believe in the cardinal Bible doctrine that enjoins the support of all duly constituted law. They have no sympathy with Doctor Empringham's foolish statement that the prohibition law is class legislation.

It is not so much class legislation as the sixteenth amendment, for that is directed especially at the class of people who

have large incomes, while millions of American people escape any payment whatever. And if Doctor Empringham's "hifalutin" bunch in gay and godless Gotham seek to personally modify and defy the provisions of this constitutional law, they will soon become my neighbors at Atlanta, where we have gilded bootleg millionaires for breaskfast, dinner, and supper, behind prison walls.

Class legislation, indeed. This country had suffered from class legislation in favor of brewers, distillers, and saloon keepers for many weary, desolate, debauching years. These thirsty vampires had been the beneficiaries of protective legislation as they built their slimy fortunes out of corrupted politics, shattered homes, and depleted humanity; but during all this reign of ruin and ruin the present-day beer and wine reformers were never heard of.

If the saloon that sold intoxicating beer and hard liquor had then been transformed, and nothing sold except so-called innocent wine and nonintoxicating beer, the lives of such saloons might have been prolonged indefinitely. Where were the present "wet" proponents of "kickless" beer and wine then? Ninety-nine out of every one hundred of them were then in the militant camp of liquordom, fighting the very prohibition which they are now trying to destroy.

It required the eighteenth amendment outlawing intoxicating liquor in every form to put brewers, distillers, and saloons out of business. This constitutional law and its supporting statute, the Volstead Act, which is simply the eighteenth amendment in action, have stood the test of the Supreme Court. Doctor Empringham, and everybody else now clamoring for beer and wine as an aid to sobriety, ought to know that the beer and wine they are advocating would only whet the appetites of the patrons of the saloons where they would be served, and, thus camouflaged, hard liquors and all forms of intoxicating drinks would flow practically unrestrained.

In other words, they propose to win their fight by going bodily into the enemy's camp, and the loyal friends of sobriety, especially the voting motherhood of America, will refuse to go with them.

EMPRINGHAM TOPPED BY HOBSON

The self-effacing spirit of the heroic crusader is not found in the declaration of Doctor Empringham that "my investigation has showed me that I had been a darned fool to give up a good church and a good stipend to make the world good overnight." Alas, the dreams and the memories of big stipends do not feed the warp and woof nor build the fiber of moral heroism. These tragic regrets also seem to have blinded our unfortunate and erring brother to the fact that the very conditions of which he is complaining give him a larger opportunity than ever to show the spirit of the unselfish crusader which caused him to "give up his good church and big stipend" to help the cause of sobriety.

If, as Doctor Empringham declares, there is more drinking than ever, especially among the youth of the land, in God's name why does not he get on his knees and roll up his sleeves and plunge into the very heroic work of education and "moral suasion" in behalf of sobriety? He has a far stronger appeal than ever; for now he can bring to his aid those great twin inspirations—our sober Constitution and our stainless flag. Every inch and every ounce and every atom of "Young America's" patriotism would now leap to the colors to fortify his great moral and spiritual appeal.

GOT DISCOURAGED TOO SOON

Doctor Empringham simply got discouraged too soon. Nobody except a fanciful dreamer ever expected the world to be "made better overnight" by legislation. Bound by the chains of a long, long night of liquor appetite, the friends of prohibition expected it to take something like a generation to cure the Nation of its long debauch; and with the exception of an occasional spasmodic modern "rum rebellion" in some of the big wet centers, we are moving grandly upward and onward in the cause of America's emancipation.

Those patriotic prohibition Episcopalians who may feel grieved and humiliated over the regretted apostacy of this Episcopalian clergyman should take comfort in the fact that his unfortunate utterance has been widely and vigorously repudiated by so many Episcopal leaders. The truth is, as far as a national impression is concerned, it has fallen flat and will serve as a boomerang in favor of prohibition enforcement.

The temperance society directed by Doctor Empringham seems to be largely a paper organization. Its present state is largely one of inactivity, very much like a certain "Disabled Veterans' Association" of which my friend Mr. FISH, of New York, told me, and which alleged organization protested against payment of the soldiers' bonus. Investigation disclosed that the organization had exactly three members. It sounded big but it acted mighty small. The great denomination of law-abiding, sober God-fearing Episcopalians, with a membership in excess of 1,200,000 in the United States, many of whom honor this House as Members, and who are overwhelmingly dry, will move grandly on in support of this wholesome constitutional law. In the meantime their natural pride can find worthy solace in the thought that Richmond Pearson Hobson, hero of the *Merrimac*, is a consecrated Episcopalian layman, who has done more for the cause of prohibition than any other man in America next to that stainless Christian statesman, William J. Bryan. Verily, Hobson outranks Empringham in the pride of Episcopalians and for the safety of American youth.

Mr. BOYLAN. Will the gentleman yield for a question there? I know the gentleman wants to be fair, and since coming into the Chamber I have read over the RECORD very carefully, and I fail to find in it the statement that the distinguished gentleman from Georgia attributes to a certain distinguished prelate. I am sure, in view of that fact, the gentleman, with his usual sense of fairness, humanity, and decency, will correct his reference to the aforesaid distinguished prelate.

Mr. UPSHAW. I will be delighted to retract the language as soon as the charge by that prelate is withdrawn that all prohibitionists are in the habit of misrepresenting facts; in other words, in the habit of lying.

Mr. BOYLAN. I would like to say to the gentleman that that does not appear in the RECORD. I have read the RECORD very carefully.

Mr. UPSHAW. Then it was taken out, because I have witnesses to it. The gentleman from Massachusetts [Mr. TINKHAM] read those very words.

Mr. BOYLAN. The House is guided by what is in the RECORD. It is not guided by what is taken out.

Mr. UPSHAW. It was uttered on the floor of this House and is a part of its record.

Mr. BOYLAN. It is not a part of the record, because it does not appear in the RECORD. How can it be a part of the record in that case?

Mr. UPSHAW. It was a part of the proceedings of this House. The gentleman knows I love his genial spirit, and I would be glad to accommodate him. But I must say again to the gentleman and to the Members of this House that I am tired as the honest representative of the prohibition forces of this country, standing for decency and law and order—I am tired, I say, hearing on this floor and reading columns of slush and slime in the newspapers, attacking the sincerity of prohibition leaders and the overwhelming millions of the American masses who rejoice to follow them. And I declare again that the political, commercial, or ecclesiastical size of the man who stages this attack, makes no difference with me.

Whether governor of a big wet State, or a wet Senator, or the wet president of a big university, or the Archbishop of Canterbury, or a cardinal from Boston, or the Pope of Rome, I tell you, I will not stand for it. [Applause.]

Mr. BLACK of New York. Will the gentleman yield? Have any of those gentlemen said that?

Mr. BOYLAN. If the gentleman will permit——

Mr. UPSHAW. Excuse me, but I can not yield any more.

Mr. BLACK of New York. Mr. Chairman, I make a point of order against the gentleman's remarks. The gentleman is talking through the privilege of this House, and is talking against private citizens and people not members of this Government, and is attacking them on a hypothetical case, just as if the Pope of Rome or anybody else made that statement.

The CHAIRMAN. The point of order is overruled. The gentleman from Georgia will proceed in order.

Mr. BOYLAN. The gentleman, I know, wants to be fair about the statement in the RECORD.

Mr. UPSHAW. I want to be fair, but I want to ask the gentleman, who is my good friend, to take his seat until I have finished.

Mr. BOYLAN. I want to have the gentleman put right before the country. The gentleman has quoted the statement in the wrong way. I know the gentleman wants to be fair.

Mr. UPSHAW. The gentleman from Massachusetts [Mr. TINKHAM] will bear testimony that he read those words from some prelate whose name at the time I did not get. Is not that true, Mr. TINKHAM? The gentleman read it. If he has changed it, then the RECORD has been changed.

Mr. O'CONNOR of New York. That is substantially correct.

Mr. TINKHAM. The statement made by Cardinal O'Connell, the senior American cardinal of the Roman Catholic Church, which I read yesterday, is as follows:

Prohibitionists, having formed the bad habit of misrepresentation, will continue to repeat that same attitude.

This is an understatement and not an overstatement of the facts, and I desire to say I think that statement is totally and completely true. [Laughter and applause.]

Mr. UPSHAW. And I wish to say to the gentleman, from my standpoint on the dry side, that the statement is totally false, and I make that uncringing charge as I stand by the white ribbon millions of American men and women who are standing by the Constitution and the youth of this country. [Applause.] I am getting mighty "blooming" tired of not only seeing the papers reeking with these devilish charges but hearing them indorsed by Members of Congress against God-fearing people, whose only crime is the fact that after generations of education and agitation they have put the eighteenth amendment in the Constitution outlawing the liquor traffic and it has been ratified by 46 of the 48 States of the American Union. It has been ratified also by the high decision of the Supreme Court of the United States, which is the last word with every loyal, red-blooded, constitutional American. The Volstead law is the eighteenth amendment in action. A man has the right to seek to change it peacefully, but he has no right to attack the honor and the moral purpose of patriotic, God-fearing, decent people in this country who love sobriety and righteousness better than the outlawed saloon.

I say this with my last word. I love humanity. Humanity has been my hero. I have rejoiced since I have been in this House never to have made a bitter partisan speech on any question. I have rejoiced to stand and speak always for the fundamental principles of that old-fashioned, Christian father of mine who taught me around a family altar to love the flag of our reunited country; and I rejoice that prohibition Democrats and prohibition Republicans and prohibition Americans shake hands in a high and ardent hour like this, to see to it that the wet crowd that is encouraging bootleggers and rum runners and liars in this country shall not pour liquor and lager beer over the most beautiful flag in all the world. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Chairman, ladies and gentlemen of the committee, two years ago I called your attention to the fact that throughout the agricultural sections of America there was a great trend toward the city, the farmer leaving splendid farms with all the equipment necessary for high-class diversified farming. I notice that in contemplated legislation we are planning some reclamation projects in the great West and to build irrigation dams. I am heartily in favor of establishing hydroelectric power. I am in favor of the various plans to harness the great waterways of America, but I am opposed at this time to bringing more agricultural lands into cultivation. As a member of the Agricultural Committee I am imbued with the idea that much of the agricultural difficulties lie in the fact that the farmer has too keen competition, and that he is producing too much. If we were to add to the land already under cultivation we are increasing these difficulties that confront agriculture. I wish my good friend, the gentleman from Nebraska [Mr. SIMMONS] were here, because I know he differs with me. I do not want Nebraska or any western State to be deprived of its population, but I do want the Government to do everything it honorably can to prevent the luring of population to the great agricultural West. I am a member of the Committee on Agriculture and have voted for all reforestation bills presented which will bring no addition to my own State, but will help to retain the forests of the great West. I am in sympathy with any project that will help the western farmers.

But I can not understand why the western farmer comes in and advocates the bringing of more land under cultivation when at this time he finds himself confronted with the greatest crisis that agriculture has ever had to meet.

We realize that some of the western sections are not supplied with markets, nor with transportation facilities such as we have in my own State of Ohio. I find in my district 179 untenanted farms. They have splendid water supplies and everything necessary for carrying them on, and probably next to New York State they are in the midst of the best buying communities in the country.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. McSWEENEY. Yes; gladly.

Mr. JOHNSON of Texas. Did the gentleman say there were 179 farms in his district uncultivated?

Mr. McSWEENEY. No. I said there were 179 untenanted farms; they are partially cultivated but untenanted. Some of the fields are cultivated by neighbors who are still struggling to keep their farms and make a living on them.

I rose two years ago and spoke on this same subject, but I find conditions to-day are worse than they were then. As I said then, these farms have all the equipment necessary for high-class diversified farming. They are in the midst of splendid communities, good markets, and the best transportation facilities in the world. If these farmers can not make a success of agriculture, if they are abandoning the farms, do you think it is fair to lure men onto farms in the great American desert, away from transportation facilities, away from markets, and expect them to be successful against the competition of those in more thickly populated sections of the country?

I hope that my friend, the gentleman from Ohio [Mr. THOMPSON], who is on the committee with me, realizes the condition that the Ohio farmers are in. We realize that the condition exists all over the country, and I merely wanted to state my objection to adding more land for cultivation to the agricultural communities. I am in favor of every move that will relieve the farmer in this crisis, but I am opposed to bringing him face to face with more competition.

If this land is allowed to lie fallow, it will increase in fertility. It is not lost. It will stand there increasing in fertility until it is necessary to bring it under cultivation. And even if the building of these dams would cost five times as much when necessary, they will be more easily borne by the farmers who must contribute to taxes, and who we hope will be more prosperous, and they will be so much more valuable when we really need them. I hope that no legislation will be contemplated at this time for irrigation, although I am in favor of furnishing the States of the West with hydroelectric power, which is the "white coal" of America, and bound to bring industrial prosperity to what is known as the great agricultural section. [Applause.]

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. McSWEENEY. Yes.

Mr. ARENTZ. Apparently the gentleman has not read the wonderful speech made by the gentleman from Washington [Mr. SUMMERS] and also the speech made by the gentleman from Idaho [Mr. SMITH].

Mr. McSWEENEY. I have read Mr. SMITH'S speech.

Mr. ARENTZ. With respect to irrigation?

Mr. McSWEENEY. Yes.

Mr. ARENTZ. And the reclamation of desert land. Can the gentleman point out one way that the land, for instance, in the Imperial Valley, or those lands on the Newlands project, in my own State, compete in one degree with the land in Ohio?

Mr. McSWEENEY. I understand that they raise beets and alfalfa and in many instances fruit, but I also realize that those things can be raised in all the lands now under cultivation.

Mr. ARENTZ. Take the lands throughout States like Nevada, where we raise sheep and cattle on the forest ranges, on the forest reserves that the gentleman has just spoken about, and as a winter feed they must go to the farms, and those farms are necessary for the livestock industry. This livestock industry in turn sends feeders to Ohio and Nebraska and Iowa and to other States. I have just touched on that, but if the gentleman will read the speeches of Mr. SUMMERS and Mr. SMITH, I do not see how he will be able to take the viewpoint that he does.

Mr. McSWEENEY. My idea is that those States that are now purchasing feed would continue to purchase this material from other States it would be adding to their markets. I feel if the other States that grow alfalfa and other feed could ship it in to your State it would add a market for the men who now find a scarcity of markets.

Mr. ARENTZ. We are willing to sell alfalfa, for instance, in Nevada, for $11 a ton, baled and put on the cars; at least we have received that at some time during the past few years, although it is not a price that will yield much of a profit. When that reaches Kansas City it sells for $27. Can the gentleman understand how any one in Ohio, or Indiana, or Illinois, or Iowa, or Kansas can ship hay into Nevada and feed it to cattle which bring 5½ and 6 cents a pound, and do it at a profit? I can not.

Mr. McSWEENEY. May I answer the gentleman by saying that if the expenditure be made which these proposed bills contemplate, then you are taking land worth from probably $25 to $30 an acre and increasing its value, and thereby making it impossible to raise alfalfa at $11 because the land would be too valuable, and made valuable by the expenditure of public money.

Mr. ARENTZ. No; it is not public money. The money that is in the reclamation fund comes first from the sale of public lands and from the money that comes from leases on oil, gas, coal, and things of that kind. It goes into the reclamation fund, and it belongs to the Western States just as much as

though it was raised by taxation from the western people. It goes into the reclamation projects, and in 20, or 30, or 40 years is again returned to the reclamation. It does not come from the public.

Mr. McSWEENEY. I understand the matching system, but I realize that these men could be the market for the surrounding States in the rain belt and get the things the gentleman speaks of.

Mr. ARENTZ. But the rain belt is too far away. You can not ship material from Arizona or Utah to the rain belt, because the rain belt does not exist anywhere within a reasonable freight rate. The gentleman will pardon me for taking his time, and I do not like to do so, although I think the House is entitled to hear the other side while the thing is fresh in their minds. Suppose there are 113,000,000 people in the United States to-day. If you appropriate for a reclamation project——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ARENTZ. Mr. Chairman, I will ask the gentleman from Pennsylvania to yield some time to the gentleman from Ohio.

Mr. SHREVE. I yield one minute.

Mr. ARENTZ. Oh, give the gentleman five minutes.

Mr. SHREVE. I can not. The time has all been allotted.

Mr. OLIVER of Alabama. I yield two minutes to the gentleman from Ohio.

Mr. McSWEENEY. Mr. Chairman, I feel that the gentleman has one idea concerning this great question and I have another, but I still do not feel that it is fair to lure these men onto these lands and expect them to compete with men who have not been able with a great investment and favorable conditions even to pass through the crisis. These men should not be lured onto the western lands. It is unfair for you and me, as men composing a legislature, to make it possible to invite them out there, even though they do have in some respect a very fertile soil that needs only irrigation to make it profitable.

I hope when the time comes and our population increases and demand is made for an increase in agricultural products that then America will lavishly open up that great west land and allow that wonderful fertility to bring to people in our more congested areas the necessary foodstuffs; but I ask you, as western men, how in fairness can you ask for relief from your present agricultural situation and at the same time invite competition into a great field of farming which we find is now in jeopardy?

Mr. Chairman, I appreciate the courtesy of the committee and wish only that we all working together can do something to solve what seems to be America's greatest problem. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. EATON]. [Applause.]

Mr. EATON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. EATON. Mr. Chairman, I desire to call to the renewed attention of the House certain social and economic changes now developing in our country, which are of transcendent importance and interest to every American and, indeed, to every man and woman in the world.

These changes constitute a revolution as historic in its causes; as inevitable in its methods; as far-reaching in its effects as was the revolution which created our American Nation 150 years ago.

It is the expression of a profound moral and spiritual transformation which slowly but surely has shifted the chief emphasis in our social processes from money to manhood. It has been accomplished, if not caused, by a growing understanding of economic law and of the worth and dignity and rights and duties of human nature. The significance and scope of the change was strikingly summed up by President Coolidge when he said:

> I desire economy, not in order to save money but in order to save men.

To understand what is going on in the world we must keep in mind a fundamental principle of history. The story of man in his struggle upward toward civilization is a process of progress. And I define progress as the growing participation of more and more people in more and more of the good things of life. [Applause.]

Since man is a spiritual being, the first great objectives which he sought to attain were full participation in the spiritual, the intellectual, and political resources of the world. In our country, at least, every man has achieved the right to worship according to the dictates of his own conscience. Because it is shared equally by all the people, this is the essence of spiritual progress. In America the schoolhouse door stands open to every child, offering him full and free preparation for whatever calling in life he may choose. This is intellectual progress, because it makes education the common possession of all the people.

Practically every man and woman in America has the right to vote. Political power and political responsibility reside in the people. They and they alone make or unmake their governments. If the people possess moral and intellectual resources sufficient to support this responsibility, this constitutes the very essence of political progress.

At this time in every civilized country and in many that are partially civilized one common problem confronts the people. Just as the masses of men have already achieved full participation in the spiritual, intellectual, and political resources of the world, so now they demand full participation in the economic resources of the world. [Applause.]

This is the one universal struggle which to-day is overturning governments; modifying or destroying barren or inhuman systems of philosophy and religion; disturbing the peace of nations; and bringing to the birth in travail and anguish a new world consciousness. It is folly to deny or evade this fact. It contains within itself the destiny of the race. It is in accord with the organizing principles of human progress. It must go on, and it will go on until it has either transformed or destroyed the world.

Against this general background I desire to outline certain economic conditions now in process of development in our country, which show that our people are rapidly gaining a more complete participation in the economic resources of the world than ever before and that this participation is at once the cause and consequence of our present unparalleled prosperity.

When this Republic was founded, the total wealth of the world was estimated at $100,000,000,000. This represented the results of 40 centuries of effort.

According to governmental and other reliable sources of information, the national wealth of the United States alone is now around $350,000,000,000. The production of our manufacturing industries approximates the enormous total of more than $60,000,000,000, with salaries and wages paid by all branches of industry of some $40,000,000,000.

Our foreign trade amounted last year to over $9,000,000,000. We have investments in foreign countries of some $10,000,000,000. We have owing to us by other nations in principal and interest over $15,000,000,000. The value of agricultural products in 1925, excluding crops fed to animals, was over $12,000,000,000.

In an address delivered in the city of Washington in 1923 Mr. Julius H. Barnes, then president of the United States Chamber of Commerce, called attention to the enormous use of natural wealth by our American people. While our population is only 5 per cent of the world's total, we consume 50 per cent annually of the world's production of the great standard bases of all fabrication—coal, oil, iron, steel, copper, cotton, and timber.

Of the world's production of shoes, we use 50 per cent; of print paper, 50 per cent; of automobiles, 90 per cent; almost half of the world's railroad mileage; and three-quarters of the world's telephones and telegraph equipment.

Our electric light and power industry produces more than 65,000,000,000 kilowatt-hours of energy a year; has 18,000,000 customers; $7,350,000,000 investment; requires about one billion of new capital every year for enlarged equipment and service; pays $150,000,000 annually in taxes; and with gross earnings of nearly a billion and a half, contrary to popular tradition, has never yet earned 6 per cent on its total investment.

The causes which lie back of this gigantic, incomprehensible production of material wealth in the brief period of a century and a half challenge the attention.

First of all is the moral and mental quality of our people. We are a composite race, drawn from the adventuring pioneer blood of many nations. We have the will to be free.

We believe in and practice individual initiative.

We have a country of almost limitless natural resources.

Our political institutions foster self-reliance and self-control on the part of the individual citizen and encourages private enterprise.

While we are intensely individualistic, we know how to cooperate for the good of all. And more than any other people we have learned to apply scientific knowledge and inventive skill to the laws, forces, and resources of nature in the service of all.

In the processes of production the average American worker now has available for his use 3⅓ horsepower. The primary power now used in this country approximates 150,000,000 horse-

power. Of this vast reservoir of mechanical energy, 33,000,000 horsepower is used in our manufacturing industries as compared with 2,346,000 horsepower in 1869.

This brief and inadequate survey of our economic resources and achievements brings us to the question, How is all this wealth distributed? Do the masses of men enjoy a growing participation in the economic resources of our country, or are they being used merely as a part of the machinery for enriching the few?

In the answer to this question we shall see revealed the workings of the most remarkable social revolution in all history.

It must be plain to every observant mind that the last few years have witnessed a fundamental change in industrial, economic, and social conditions in this country.

This change has come about so quietly that few have as yet caught its true significance. After a generation of turmoil we find ourselves in a period of comparative industrial peace. Big business, so called, which a few years ago was looked upon as a social menace to be restricted and if possible destroyed, is now an economic commonplace of our daily life.

According to Mr. David F. Houston, between 1904 and 1919 alone corporate organizations engaged in manufacturing increased more than 80 per cent. And yet during that period and since these great aggregations of capital seem to meet less and less antagonism on the part of the public.

The reasons for this change in public opinion are sound and easily understood. It has come to be seen by everybody that our enormous productive forces can only be utilized to advantage by big machinery.

Government regulation has improved. The idea of business as organized social service has taken firm hold of the dominant leaders in industry and finance and a new spirit of understanding and cooperation has arisen between employer and employee.

While these facts do not warrant the belief that we have reached an economic millenium, they do indicate a tremendous advance in the reign of reason and justice.

The central fact in this new era of peace and prosperity is the spread in ownership in our great economic organizations.

In the world-wide struggle of the masses of men to secure a growing share in the enlarging economic resources of society, two theories have striven for supremacy. One we know as socialism, which purposes to make everybody rich by making everybody poor.

This plan seems to find more countenance amidst the difficult conditions of Europe than with us. It would probably make rapid progress except for the fact that it is economically unsound and it is against human nature. Until the possessive pronouns are deleted from all languages, state socialism is doomed to failure.

The second great plan by which the masses of men are seeking to secure a growing share in the economic good things of life is the American plan. Consciously or unconsciously, in this country we have adopted an economic method which, while it is as revolutionary as any type of socialism, seems to have the advantage of being economically sound and in accord with the possessive faculties of human nature. In the American plan we propose to retain the capitalistic system, which is the oldest and best economic system known to men. And we have undertaken to cure the evils of capitalism by making more capitalists.

This is the great economic and social revolution now taking form in this country.

The results thus far have been of the most constructive character. Peace has superseded war as the accepted relationship between employer and employee. Production has increased enormously in quantity and improved in quality. Wastage has been reduced to an amazing degree. And a new spirit of understanding, confidence, and cooperation has touched our economic fabric like the warm breath of spring. [Applause.]

Before the World War less than 2,000,000 people owned securities in the incorporated business of the country. To-day the number is estimated at close to 15,000,000.

In most of the great corporations, like the Armour & Swift, the United States Steel, Bethlehem Steel, Eastman Kodak, employees own substantial blocks of stocks and bonds. In many public utilities, 100 per cent of employees own stock in the company they work for. Customer ownership and public ownership has taken the place of absentee banker ownership.

The United States Steel Corporation in March, 1924, reported 50,000 employees among its 159,000 stockholders. One big retail company alone reports 133,000 shares of its stock held by its employees.

Of the class A American railroads with a yearly operating income of $1,000,000 the ownership is scattered among more than 800,000 persons. The American Telephone & Telegraph Co. reported at the beginning of 1925 no less than 343,000 stockholders. Millions of farmers hold stock in cooperative organizations.

The largest single block of ownership in the General Electric Co. is held by employees.

In a recent issue of stock offered by the Bell Telephone Co., of Pennsylvania, the Wisconsin Telephone Co., and the Southwestern Bell Telephone Co., 118,799 persons subscribed for 733,676 shares. These subscribers represented 46 vocations. The largest group was 24,317 laborers. The next was 21,626 housewives. The third largest, more than 10,000, described themselves as clerks.

But this spread of ownership in the wealth of the Nation reaches beyond the industrial organizations.

There is outstanding to-day in our country around 83,000,000 insurance policies with a face value of more $60,000,000,000. These policies, all in mutual companies, are owned by around 50,000,000 people. In addition, these 50,000,000 insurance owners have built up a reserve of around $11,000,000,000 invested in city and country mortgages, in utilities, in productive and essential enterprises, and in Government securities.

Thirty-nine million of our citizens have over $21,000,000,000 deposited in savings banks of various kinds.

Even the children are becoming capitalists.

Los Angeles banks report $702,000 in deposits carried in 47,461 accounts by school children. School banks in the United States now have around $26,000,000 on deposit in 10,156 institutions in 39 States, with 5,000,000 children who drew $458,072 interest last year.

Organized labor in this country has reached the point of opulence where it has some 30 labor banks in operation, with combined assets of $150,000,000, and as many banks in process of organization.

More than 20,000,000 automobiles are on the highways of our country. Those who run them certainly have made at least the first payment. Some have even acquired a substantial equity therein. [Laughter.]

We have 11,000,000 families occupying their own homes. Seventy-two per cent of our farmers own the land they work.

This mere outline of the growing participation of the masses of men in our economic resources indicates the scope and meaning of the revolution now going on among us.

Mr. Hoover, who is one of our greatest national assets, attributes this revolution to four major causes—elimination of waste, improved methods, growth of knowledge, and prohibition. [Applause.]

We are all coming to see that we are organized on a quantity production basis and a quantity production nation can not survive except as it becomes at the same time a quantity consuming nation.

Every man of vision in industry and finance sees that he is as vitally interested in maintaining a high buying power among the masses of people as he is producing a high dividend.

A high buying power depends upon a high wage level. A high wage level can only be made possible by high production on the part of industry and this high production is made possible and permanent only when employer and employee work together and put their best of brain, brawn, and character into the job.

If this most desirable of all revolutionary movements is to go on, as I believe it will, we must have reasonable and constructive legislation by governments; real leadership of brain, character, and service on the part of strong men to help conserve the savings of the people and a rehabilitation of the buying power of the masses of men in other countries.

The forces that will slow down this movement are political demagoguery instead of political statesmanship; too much legislation and bureaucratic control of the activities of the citizen; unsound financial manipulations which seek to delude the people into buying denatured nonvoting stocks when they think they are acquiring real ownership in real property; and last but by no means least, encouragement of what the French call "socialism without the doctrine," by means of which governments are more and more put into business in competition with the very citizens whose sweat-won money pays taxes to support such competing governments.

During the best years of my life, I have been working in the great industries of this country to push forward this new ownership and to help the masses of men to find that security and peace and happiness which comes from economic independence.

I believe that the time has come when both of our great political parties must recognize what is actually going on in the country and be prepared to develop constructive policies which will help more and more of our people to a growing

participation in more and more of the economic good things of the world.

It is only fair to say that the Republican Party, to which I have the honor to belong, has made under the progressive leadership of President Coolidge and will continue to make real progress in this direction.

The President's policies of economy and efficiency have lifted a crushing burden of taxation from the people. His sane Americanism has stimulated personal initiative and guaranteed to honest business protection from the demagogue and theorist. [Applause.]

And the Republican policy of a protective tariff stands like a strong wall against the devastating deluge of cheap goods produced by the sweated labor of the older countries of the world.

And thus far during the term of the present Congress this House of Representatives has given to the country most constructive, sane, and helpful economic legislation. In this it is only fair to say that both parties have shared the labor and the honor.

It was therefore with sincere disappointment that I observed a change coming over the spirit and method of our friends on the other side of the House.

It is fair to assume that certain set speeches recently delivered here by brilliant and sincere gentlemen on the Democratic side embody the outline of the platform upon which the Democratic Party proposes to go to the country this fall.

What, then, constitutes this golden ladder of hope by which these gentlemen propose to mount to power? The first rung was placed by the experienced and skillful hands of the gentleman from Tennessee [Mr. BYRNS]. He set forth the thesis that Calvin Coolidge neither believes in nor practices economy. It would be equally impressive if he had argued that Woodrow Wilson did not believe in the League of Nations.

The people of this country, regardless of party, creed, or section, trust Calvin Coolidge. They trust him because they understand him. And they understand him because, more than any other man who has occupied the presidential chair since Lincoln, he incarnates in his character those homely virtues which glorify every humble home in our beloved country and form the rock foundation of our prosperity and progress. [Applause.]

The second rung in the Democratic ladder of hope was set in place by the gentleman from Texas [Mr. CONNALLY], who has made the startling discovery that Mr. Coolidge not only believes in big business now but actually believed in it before he became President.

Well, what of it? What kind of an Executive would be the head of the biggest business in the world, the United States Government, if he did not believe in his proposition?

You might as well find fault with the president of the Virginian Railway because he believes he should haul coal to the seaboard with a mogul engine instead of with an ox cart. If to accept the fact that big business must be done with big machinery is wrong, then the head of the Shipping Board should take the *Leviathan* off the sea and start a fleet of fishing schooners over the European route.

Such attacks as these are altogether unworthy of a great party. They will amuse the public, of course, but that hardly seems to be the proper function of statesmanship.

These two gestures have been followed by a series of attacks upon the tariff in the alleged interest of the farmer. No doubt the tariff is a controversial issue, but the people of this country will be slow to believe that the best way to help the farmer get a profitable foreign market is to destroy the home market which he already has and which is the most profitable and the largest in the world.

Nor will any sane American accept the idea that by our immigration law having shut out the competing millions of cheap labor from the underpaid countries of the world in order to protect the American worker the thing to do now is to open the gates by taking off the tariff and let in a smothering flood of the products of this same cheap labor. [Applause.]

Down on the Bay of Fundy they have dense fogs. An old man was shingling his barn in the fog, and he shingled right out on the fog half a day and never knew the difference till he fell down and got hurt. [Laughter.] Political shingling on the fog is great sport, but it has its limitations.

No; these are not the policies which the people of America need and demand to-day on the part of their political parties. The people are in earnest. Their economic leaders are in earnest. They are going on with their economic revolution until every man who will work has attained a fair share for himself and his family of the wealth he has helped to produce. [Applause.]

Our supreme national need at this time in the face of this great crisis in our history is not an attempt to elevate one set of leaders by depressing all others, nor the preaching of threadbare and outworn arguments about economic conditions which are as extinct as the dodo.

Our supreme need to-day is a new birth of moral and intellectual power, of spiritual vision, of practical common sense which shall foundation and support this mighty complex structure of our modern industrial civilization, so that in it and by means of it all men may give and receive justice and live together in peace. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 25 minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROWNING. Mr. Chairman and gentlemen of the committee, we have listened with rapt interest to the discussion by the learned gentleman from New Jersey who has just preceded me. He speaks of the great distribution of wealth among the people of our country. I want to call your attention for a brief time to the way one group, the greatest in number of our Nation, is faring to-day in that distribution. I realize that much brass has been sounded and many cymbals have been tinkled in the name of the farmer, and it has come to the place when anyone arises on the floor of the House to discuss that proposition a cynical smile spreads over the faces of the Members.

But I call attention to the fact that according to the Federal farm census of 1920 the capital of the farmers, consisting of land and buildings, was $63,000,000,000. According to the Federal farm census of 1925 that same capital is $46,000,000,000, showing a decline of $17,000,000,000 in capital stock. In 1920 his livestock, consisting of horses, mules, cattle, and swine, was valued at $8,200,000,000. In 1925 that same stock was valued at $5,200,000,000, showing a loss of $3,000,000,000 more to the farmer. In addition to that he has lost an average of $2,000,000,000 a year on the price of his crops compared to the standard price he was receiving before the war. That makes another loss of $10,000,000,000, or $30,000,000,000 he has lost in the last five years.

The entire wealth of the Nation taken as a whole compared for that same length of time shows a remarkable contrast. In 1920 it was estimated at $290,000,000,000. On February 26 I received a letter from Julius Klein, Director of the Bureau of Foreign and Domestic Commerce in the Department of Commerce, in which he says:

> It is not at all improbable that the present value of all the existing wealth has risen in someway comparable to that of the stock market and our national wealth is more than $375,000,000,000. At any rate, it is certainly $350,000,000,000.

Showing an increase in national wealth of $85,000,000,000.

While the Nation as a whole was gaining $85,000,000,000 in national wealth during the last five years, the farmers lost $30,000,000,000 in the same length of time.

Now, there may be an economical distribution of wealth in the United States, but the farmers who compose the greatest single group or class in America know there is something wrong; they may not know what it is, but they know the trouble is there. So we see the agitation that comes about to-day among the farmers from all sections. They are seeking some relief from some source, and want to know the cause. Various and sundry propositions have been advanced for a correct solution and a remedy that may be given the farmer by legislation.

I call attention to the fact that yesterday's afternoon paper, the Star, carried the report that a committee of 22 belonging to what is called the North Central States Agricultural Association visited the White House and had a conference with the President. This is a part of that report:

> The President did not commit himself to any particular view proposing farm relief, nor did he make any direct promise regarding his support. The farm delegation, however, appeared well pleased with their call and left the White House feeling that while it got no specific promise from the President he at least appeared sympathetic toward the cause, and gave every evidence of wanting to see something done to bring the greatest amount of relief.
>
> Although Secretary of Agriculture Jardine on one or two occasions has spoken favorably of some features of the Dickinson bill, the President is known to look unfavorably upon this measure, and it is thought by those close to him that if it succeeds in passing both the House and Senate it is doubtful that he would sign it.

Now, if these gentlemen were as well acquainted as some of us are with this general administration situation, they would know that they are on what hunters call a "cold trail." The

President is not going to stand for any farm relief at this session of Congress. I am going to tell you why: Because the President is an industrialist. He knows that a rise in the price of farm products would necessarily bring about a rise in the cost of living in the industrial sections of the country, and for that reason, dependent as he is on the industrialists, he is not going to give any favorable relief to the farm element at this session.

The President has a peculiar philosophy, but I would not attempt as a Member of this House to analyze that philosophy in face of the fact that one of his closest personal friends and political allies has done that so aptly in an article by the Hon. William Allen White, of Kansas, in Collier's Weekly in 1925. Mr. White is entertained at the White House when he visits Washington. He knows and supports the President. His estimate is a friendly one. In Collier's Weekly of November 26, 1925, he contributed an interesting article.

Speaking of the President he said:

After his election in 1924 President Coolidge felt definitely the mandate to reconstruct American Government along the lines of his own deep conviction that the business of America is business. One by one the various commissions of Government—the Interstate Commerce Commission, the Federal Trade Commission, the Tariff Commission—accepted the dictum of the President that the business of America is business.

And further on he said:

When one understands that faith in a consecrated commerce which shall redeem the world, one may understand why Coolidge would frankly load his Tariff Commission with avowed high-tariff protectionists who feel it their duty not to sit as unbiased judges upon questions scheduled, but as avowed advocates of protected industries. We can also understand how he would conscientiously refuse to intervene to stop the prosecution of a United States Senator who had once been acquitted upon a clearly trumped-up charge.

His mental process in these two cases is simply this: Without a high tariff the owners of many of the little mills of New England would either have to close their doors or cut down their capitalization to comport with the physical value of their plant, and either alternative would disturb the vested right, the right of the mill worker to his grandfather's job or the right of a stockholder to his grandfather's dividends.

The theoretical right of the millions of consumers to commodities at lower prices would not seem a paramount right when opposed by the definite vested rights of labor or of capital.

Coolidge thinks concretely. He takes no chances. His feet are on the ground of a beaten path. He knows his way. In the matter of Senator WHEELER'S prosecution Coolidge would not interfere with the ordinary processes of justice to save a Senator from second prosecution, because the interference would imply a sympathy with the Senator's unsound economic beliefs, and so give an impression that the White House put justice before business. It would violate his creed and bemean his life to do a thing which might be construed as truckling to the disturbers of traffic even by making toward them a generous gesture which guaranteed them justice outside of the courts.

Coolidge has his faith; he lives up to it. He is obeying a mandate.

Those who held opposing views to the President, who held that justice rather than business is our reason for being a country, were appalled at the way Coolidge turned the Federal Trade Commission to his uses of prosperity.

He further said:

The President's mystic faith in the divine ordination of wealth to rule the world and promote civilized progress is evidenced in his opposition to the inheritance tax. He seems to feel rather deeply that interference with the accumulation of fortunes, however great, is wicked perversion of natural law.

For the doctrinaire cult which holds that great fortunes should be disbursed at death, first to equalize opportunity in a new generation; second, to produce necessary revenue; and, third, to eliminate the danger to organized society from vast sums snowballing the wealth of the community into the few hands, Calvin Coolidge has expressed a rather definite scorn.

That is the philosophy of President Coolidge. He does not care whether the farmers sink or swim, and his attitude is going to be that. He is opposed to the Dickinson bill, not because he thinks it will not work, as I do, but he is opposed to it because he is afraid that it will work and that the cost of living and of raw materials to the industrial interests would be raised by its action. There is a remedy. I am glad that the learned doctor who just preceded me, the gentleman from New Jersey [Mr. EATON], expressed a sympathetic attitude, as the President did, when he said he thought the farmers ought to be brought in somehow, somewhere—nothing definite, not committed to anything. I am going to tell you frankly what one of the outstanding, foremost issues in this campaign will be, and there need not be any doubt about it. In the great farming sections of the Nation they are going to ask why this Congress never reduced the exorbitant rates in the Fordney-McCumber tariff law. This affects the farmer in two ways, as is well known. One is that it pyramids his cost on everything that he has to purchase. That is undisputed. Another is that it destroys his foreign markets and places him where he does not have a chance to regain his economic balance, because the destruction of the market has been brought about by this tariff law, in the places where he has to dispose of his surplus. European nations on whom we have to depend for a market for our surplus are not made of gold. They have no way of taking our surplus without the privilege of exchanging their products. The dark-tobacco district is partly in my district. Eighty per cent of our dark tobacco is sold in a foreign market. Nearly 60 per cent of our cotton from the South is exported. Twenty per cent of our grain must be exported. We must sell in a market shut out from exchange of products if we sell at all. The result is that we do not sell abroad, but we are forced to unload onto a crowded home market—all for the sake of a few industries that can not be justified.

The farmer is not the only class in America affected by it. There is a majority of industries in America that are exporters, and every one, without exception, is hurt by the tariff instead of helped. Their foreign markets are ruined by the tariff. Only those who wish to monopolize the domestic markets receive any benefits under the protective tariff law. There are other classes.

There are classes of industry that have no danger of foreign competition, whether we have a tariff or not. I speak of the railroads, the wholesale and the retail merchants. I speak of all of the professions, of all of the public utilities and all of the Government's employees and others. They are naturally affected adversely because of the high cost of everything they have to pay.

Our friends on the Republican side take the position that there is magic in the tariff and that the tariff law creates wealth, as though an act of Congress could do that. They take the position that we should encourage industries, whether they are economically justified or not. They take the position that we should foster one that has outlived its day of usefulness, and they further take the position that high wages, as the gentleman who just preceded me insisted, owe their existence to the tariff law. As a matter of fact, they do no such thing. They are not begotten by the tariff, neither are they dependent on it. The gentleman from New Jersey [Mr. EATON] inadvertently hit the keynote when he said that our great prosperity comes about by mass production. The high cost of labor in America is not due to a protection of industries but is due to the sound sense, the education, the fine native qualities of our own labor, the superiority of our labor over that of other countries, and is not due to protection at all. That labor turns out four and five times as much as the same amount of labor does in Europe, hence they can very well command four or five times the wages. The high cost of labor in America is brought about because of our almost unlimited amount of national resources and of capital. We are adapted to our kind of industry. Here machinery can be furnished to a few men to turn out vast amounts of the same product. Do you think for a moment that the protective tariff brings about the high wages of labor on railroads? How? It can not do it, because there is no competition with our railroads from foreign sources. It is due to the splendid native qualities and intelligence of our railroad employees. Do you think it brings about the high wages paid the men in the Ford automobile factories? Ford would be a lot better off if they had no tariff at all, because he would have a broader field. The high cost of labor there is brought about on account of the great mass production of the laborers employed in a concern with unlimited capital, and the mass production offsets the difference between our standardized products and those that require a great amount of individual labor, such as are produced in Europe, those special products with which we should not try to compete at all.

There is another thing about the high protective tariff. Not only have the farmers and other producers of raw material and export manufactures got to have a market, but we need a lower tariff to enable foreign countries an exchange of products on a comparative tariff basis to pay to us the $14,000,000,000 or $15,000,000,000 which they owe us on their foreign debts. Instead of that we are asked to cancel to such flambuoyant princes of peradventure as Mussolini, the greatest menace to world peace to-day, about $2,000,000,000 of the debt his country owes us instead of taking some of the tariff off the products that his country sells in exchange for ours, and by a reciprocal trade allow Italy to pay off this country's debt. The trouble with

high protectionists is that they are afraid to share a growing and expanding and reciprocal market with the stable nations of the world. They rather choose to monopolize an impoverished domestic market—blind as was Samson when he brought down the temple on his own head.

Now, here is what I mean: The farmers are the greatest individual group of consumers in the United States. From the figures I have quoted, which are absolutely indisputable, you can see that in 10 years they will reach insolvency. If you destroy the purchasing power of the greatest group of consumers in America, to whom are you going to sell your domestic products? You had better share this expanding market with other nations of the world in reciprocal relations on a competitive basis where we can outstrip the world in massed products. We had better do it than monopolize a diminishing market at home which is being impoverished and can not last long. We had better give up some of the industries that are not economically justified, and there are very few of them, than to insist on a stagnation of all the business of the producing public of America, and because of which the farmer is staggering toward the brink. Reducing the tariff to a competitive basis would not destroy the manufacturers of America, but it would weed out a few that have outlasted their usefulness.

It would do this: It would give an opportunity for the labor that has been absolutely shirking the job to find useful occupations. What I mean is this: The Secretary of Commerce gives out the statement that last year a half billion dollars was saved by standardization, by the proper application of business methods in industry. I insist that is one of the most serious indictments of industry in this country we have ever had. It shows that somebody has been lounging behind the tariff wall at the expense of the American public; that that much each year has been wasted through a feeling of security. A competitive basis would wake up some industries which long since have been in a Rip Van Winkle class, so that there would be more stimulation applied to them and cause them to arouse themselves and give the American people the service it deserves.

Mr. TILSON. Will the gentleman yield?

Mr. BROWNING. I will.

Mr. TILSON. How would the gentleman select the industries which he would sacrifice and weed out?

Mr. BROWNING. I would let the law select them.

Mr. TILSON. But the gentleman is going to reduce rates on certain ones and thereby weed out those not economically sound. How would the gentleman do it?

Mr. BROWNING. I would reduce the rates to the farmers and the consuming public to the point of competition for the purpose of revenue and then let those industries take care of themselves, let them wake up or eliminate themselves.

Mr. TILSON. How would the gentleman determine at just what point to fix the rate of duty so as to eliminate the sleepy ones? I am afraid there would be some suffering in the country before the gentleman ascertained just what that point should be.

Mr. BROWNING. Some suffering is what I am complaining of now. I do not profess to be a specialist on the tariff, but if the gentleman will take the time to read some of the resolutions introduced by my colleague from Tennessee [Mr. HULL] he might get some enlightening information.

Mr. CAREW. The gentleman from Connecticut does not know anything about the suffering in your district now?

Mr. BROWNING. He certainly does not.

Mr. TILSON. I desire to say after reading the resolution of the gentleman from Tennessee [Mr. HULL] just referred to that I am just as much in the dark as I was before.

Mr. BROWNING. Of course, the gentleman can not see anything in a reduction of the tariff, and I am compelled to observe of him, like a prophet of old said on one occasion, "Ephraim is joined to idols; let him alone." [Applause.]

Mr. JONES. Will the gentleman yield?

Mr. BROWNING. I will.

Mr. JONES. I suppose from the gentleman's remarks, the gentleman who interrupted the Speaker, that in order to protect some of these little industries and let them get along without competition he would prefer to let farmers continue to operate on the 60-cent dollar?

Mr. BROWNING. Yes; the dollar of the farmer is worth 60.3 cents in purchasing value. Frankly, I think it a gloomy prospect, because this Congress is going to adjourn without one thing being done to remedy that situation. It looks like desolation is in front of the farmer. There is only one way to remedy it. You can not do it by a pipe dream. There is no use to sit on the bank of a brook and wait for the water to clear up as long as there is a hog in the spring above you. You must run the hog out of the spring before you can get clear water. You must——

Mr. HUDSON. Will the gentleman yield?

Mr. BROWNING. I will.

Mr. HUDSON. Is it not a fact that this Congress has enacted legislation, the only legislation that all the farmer organizations could agree on, and we did it gladly and quickly?

Mr. BROWNING. Of course we gave three cheers for the farmer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Will the gentleman give me five minutes?

Mr. OLIVER of Alabama. I yield the gentleman five minutes.

Mr. BROWNING. We did give three cheers for the farmer with the Haugen cooperative marketing bill, under the provisions of which the President can invite some of his friends in for a conference just before an election at the expense of the public.

But that measure is just simply another means by which you undertake to lull the farmer to sleep. It is not going to make any cheaper the products he must buy, and it is not going to give him any better market to sell his products in unless reciprocity in trade is established with other nations. He will not be misled.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. KETCHAM. I would like to ask the gentleman one question. I have been interested in the figures he has used showing the great decline in the value of farm property from 1920 to 1925. Does the gentleman believe that that is an exactly fair statement in view of the highly inflated values of 1920? Would it not be better to make the comparison by going back to 1915, or to 1910?

Mr. BROWNING. No. For this reason: The farmer's dollar was worth 104 cents in 1920, and now it is worth only 60 cents.

Mr. KETCHAM. The value in 1920 was due to war conditions.

Mr. BROWNING. Oh, yes; the war again! They always lay it on the war. [Applause.]

The farmer's dollar was at normal in 1920. The value of his dollar for every year since 1890 might be interesting to you, and I give it here for the benefit of the RECORD:

The purchasing power of the farmer's dollar since 1890

[Includes food and farm products with all other products]

	Cents
1890	83
1891	89
1892	87
1893	87
1894	85
1895	85
1896	81
1897	86
1898	88
1899	83
1900	86
1901	92
1902	95
1903	88
1904	93
1905	90
1906	88
1907	90
1908	93
1909	100
1910	96
1911	97
1912	101
1913	100
1914	105
1915	103
1916	97
1917	107
1918	112
1919	112
1920	96
1921	84
1922	89
1923	61.3
1924	62.4
1925	60.3

The law of compensation has its final remedy in all cases of this kind. The day of judgment is approaching. The storm is already gathering. You may not consider it to be serious, but it is going to break over the head of this administration with resounding fury before the ides of next November shall have arrived. Of course, protection has had its Belshazzar feasts, and the participators in those feasts are unmindful of the fact that the Medes and Persians of the people's wrath are thundering at the walls of your city. You have drunk from golden vessels. But, I thank God, the handwriting is on the wall. You have been weighed in the balances and found wanting. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 30 minutes.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Mr. Chairman and colleagues and friends on this other side of the House, I am interested in this stage of the proceedings in view of what we have been listening to and what has occurred in financial circles within the last 24 hours.

Let me digress from my subject of Indian misgovernment, which I expect to discuss, in order to say a few words that seem appropriate at this moment.

Congress has been abused, as was suggested by the gentleman from New Jersey [Mr. EATON], quite frequently. We have been regularly denounced for not following the directions of those who control the metropolitan press and powerful financial interests, and who demand obedience to their wishes without respect to the interests of all the people.

Immediately after the signing of the tax bill about a week ago stocks began breaking in Wall Street, and from the best information to be had the press estimates that over $2,000,000,000 in paper securities were wiped out within 24 hours, and after signing of the new tax bill. Twice that amount has been lost to thousands of trusting lambs in the market, but no new factory wheels have yet turned. These thousands of trusting lambs were fleeced by their white brothers in Wall Street, and as a preliminary to my remarks I am asking if it would be proper to have a competency commission to protect them hereafter, and if so, why not the "judges" in the Indian Bureau?

Through the "generosity" of my Republican colleagues I was placed on the Indian Committee, and I am here to speak of that committee to-day.

I desire to speak on the misgovernment of the American Indians by the Bureau of Indian Affairs and to submit evidence on that subject. This morning in our committee—the Committee on Indian Affairs—we listened to the reading of a proposed bill that was offered by the Commissioner of Indian Affairs. That bill proposed to give to what are called Indian "judges," who get $10 per month each for their services, the power to impose a penalty of six months in jail or $100 fine—to imprison, without any right of appeal, and with no right of trial by jury, any Indian upon any reservation by reason of that proposed law.

Mr. COOPER of Wisconsin. Mr. Chairman, will my colleague yield?

Mr. FREAR. Certainly. I yield to the honored dean of the House.

Mr. COOPER of Wisconsin. What does the gentleman mean by "Indian judges"? Who appoints them?

Mr. FREAR. Indian judges are appointed, if my colleague from Wisconsin will bear with me, by local Indian agents, and the Indian agents are appointed by the Bureau of Indian Affairs, and the so-called "judges" carry out very naturally the will of those who appoint them.

Mr. COOPER of Wisconsin. They have the power to impose a sentence of six months in prison?

Mr. FREAR. That is what they now do constantly without any law, and I am prepared to bring the evidence of that practice before you this afternoon.

Mr. SUTHERLAND. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Alaska.

Mr. SUTHERLAND. I am anxious to know what the qualifications of these judges are.

Mr. FREAR. That is an important question. No qualification whatever is required except the ability to get the appointment.

Mr. SUTHERLAND. Are they supposed to be lawyers?

Mr. FREAR. Not by any means. No legal knowledge is required.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. FREAR. Yes; to the gentleman from Michigan.

Mr. HUDSON. Does not the gentleman think it is fair to state to the committee what the misdemeanors are in which these judges can exercise jurisdiction over the Indians on the reservation?

Mr. FREAR. That is a fair question. They exercise judicial authority over any Indian offense outside of eight crimes that are retained by law in the Federal court's jurisdiction.

Mr. HUDSON. Will not the gentleman admit that this simply has to do with Indian customs within the reservations?

Mr. FREAR. Not with Indian customs alone, but also with white customs that have been brought among them. With every offense alleged against any Indian except the eight specific felonies named by law where trial is had in the Federal court.

Mr. McSWAIN. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from South Carolina for a brief question; yes.

Mr. McSWAIN. Is this judge over the Indians an Indian or a carpetbagger brought in to hold the office?

Mr. FREAR. He may be either, so far as I know. There is no law on the subbject. He may be a carpetbagger like the Indian agent. He is a $10 a month "judge." It does not necessarily follow in the absence of law that the "judge" must be an Indian, but any man could be brought in who may be appointed.

Mr. HUDSON. Will the gentleman yield again?

Mr. FREAR. Briefly; yes.

Mr. HUDSON. Is it not the purpose of the law that the judge shall be an Indian and a member of the tribe on the reservation?

Mr. FREAR. Whatever the purpose of the practice may be, I am informed by those who know——

Mr. HUDSON. Is not that the language of the law?

Mr. FREAR. No; there is no law on the subject. No law provides for Indian judges.

Mr. HUDSON. Well, is not that the purpose of the bill?

Mr. FREAR. We have been working for years absolutely without law; we are working on what we call rules and regulations. It is the most absurd spectacle that has ever been presented to Congress, so far as my knowledge goes. The Indian Bureau bill now seeks to give this $10 a month judge—appointed by the agent—power to jail Indians for six months without jury trial or right of appeal.

Mr. PEAVEY. Will the gentleman yield?

Mr. FREAR. Yes. I yield to my colleague from Wisconsin.

Mr. PEAVEY. I have in my possession a letter from Mrs. Mary Moore, of Odanah, Wis., complaining about the very thing under discussion. She states that an Indian judge at Flambeau, Wis., sentenced her son to imprisonment; he was given a chance to work it out in the potato fields, and he escaped. Some months later they brought him back and put him into jail with a chain and ball on his feet, and in this particular case the charge was for simply being disorderly. The mother of this boy writes me that her son was tried before an Indian judge who was unable to read or write English, and she claims the superintendent of the Flambeau Reservation wrote out the boy's sentence for the Indian judge. On January 26 I sent Mrs. Moore's letter to the Indian Bureau, requesting an investigation and report. Receipt of my letter was acknowledged, but no report has been made in six weeks' time. I have had many complaints from Indians in my district, but not of so serious a nature as the Moore case.

Mr. FREAR. May I at this time proceed a little out of order to add to what my colleague from Wisconsin has said, because this comes from a district in my State and has had some effect in bringing up for discussion this question to-day. My colleague speaks with authority on the subject of Indian judges. May I read a telegram from Madison, Wis., on this very point addressed to President Calvin Coolidge:

> Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau, Wis., Agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the dark ages and the practice of the degenerate dominant to terrorize the Indian, who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.
>
> JOHN J. BLAINE, *Governor.*

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. COOPER of Wisconsin. The appointment of these judges appears to me to be of prime importance in this problem. Congress passes laws of a general character and then provides that certain executive officials may make rules and regulations for carrying out the provisions of the statutes.

Mr. FREAR. That is right. That is their power.

Mr. COOPER of Wisconsin. And, by the way, I will digress to say that there is altogether too much of that done by Congress to-day. But does the gentleman say that these judges are appointed in pursuance of rules and regulations?

Mr. FREAR. Not in pursuance of any rule or of any regulation. They are appointed simply without law, so far as I can ascertain, to carry out rules and regulations laid down by the

Indian Bureau in the name of the Secretary of the Interior, a power exercised without any restriction.

Mr. COOPER of Wisconsin. Who directs their appointment?

Mr. FREAR. The one who appoints the ten-dollar-a-month "judge," is the local Indian agent, and he in turn, of course, is the agent appointed by the Commissioner of Indian Affairs. It is without parallel in American custom or jurisprudence, for the Indian agent is the prosecutor, judge, jury, and jailer without right of appeal from this petty autocrat.

Now, may I proceed just a moment? The Indian was given his full rights of citizenship two years ago. Congress did that, and he is just as much entitled to vote and to act on all matters given by citizenship as you or I; but with this difference, that the Indian Department still retains control over his actions and prevents anything being done by him in regard to his property unless the bureau holds him to be "competent." Now, you ask: Who is it determines his competency, and how? The Indian Bureau, on the say so of the Indian agent, who is the judge, jury, and court again, the local Indian agent, or sometimes they have a traveling commission, to which I will later refer. But there is no right of appeal from his or their decision to any court. The Indian may have any amount of property, and some of them are possessed of wealth; he may be just as capable of exercising control over it as we are, but he has no authority and his competency is determined by the Indian agent, or other agency acting for the Indian Bureau. Two hundred and forty thousand Indians are still held incompetent by the Indian Bureau without right to control their own property.

MONEY AND PROPERTY OF INDIANS HELD UNDER INDIAN BUREAU

How much money do you suppose is held and controlled by the Indian Commissioner to-day for the Indians? Ninety million dollars. How much Indian property do you suppose he now reports is held under his control that belongs to the Indians? The commissioner reports $1,600,000,000. This enormous amount of property held and controlled by the Indian Bureau belonging to Indian citizens discloses the importance of the problem. Congress gave the Indian full American citizenship in 1924; there now comes up the question of constitutional rights. The Indian has his constitutional rights the same as our own, having become a citizen. He has the right to trial by jury, has he not? He has the right to appeal from the decisions of the court. He has the right to meet his witnesses face to face and he has the same rights that are ordinarily given every other citizen under the Constitution. But he does not get these rights, except as to the eight cases provided by law, when he is dragged into the Federal courts where the Indian "judges" are compelled to give him a fighting chance. I gave an illustration in the case which the Governor of Wisconsin pointed out in his appeal to the President. Many other complaints of a similar nature will be referred to and countless others go unreported. They come from those who are interested in this question, among others the various Indian defense societies composed of white people, and I believe there is much that is trustworthy in the reports that come to us. Let me say this brief word about these splendid men and women belonging to the Indian defense societies: They know conditions, they visit the Indians on reservations, they seek to give the Indians some protection, which the Indian Bureau refuses to grant. They have no other interest to serve than justice for the Indian.

THE INDIAN IS THE ONLY CITIZEN WITHOUT CONSTITUTIONAL RIGHTS

Now, as to the possession of property refused the Indians. The negro has possession of property the same as you Members have. When 4,000,000 negroes were liberated this Government did not think it necessary at that time to hold them in check, did it? The negro was given full property rights and has exercised such rights for over 50 years. He began at once to accumulate property, to act on his own behalf, and although without any tutelage under the Indian Bureau, these 4,000,000 negro slaves soon became self-respecting American citizens and to-day are as self-sustaining and prosperous as most white persons similarly situated. Not so the American Indian who after 70 years of Indian Bureau guardianship has lost three-fourths of the Indian population by sickness and neglect, and is prevented by the Indian Bureau from possessing his property whenever the local Indian agent objects to his competency. No jury trial nor appeal is given the Indian.

The Filipino has control of his property and transfers it without hindrance, so has the Porto Rican and everyone else. Only Russia has placed restrictions on its people suddenly possessed of lands that were held by the Czar. No real civilized country with that exception is known. In fact, there is not a man, no matter how humble, unless he is insane, who is kept from having control of his own property, yet 240,000 of these American Indians with $1,600,000,000 of property in the hands of the Indian Bureau, are held waiting to have the determination of their competency passed upon—by an Indian agent from which there is no court appeal, as with all other citizens.

Mr. HUDSON. Will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Michigan.

Mr. HUDSON. Does the gentleman recall that when oil was discovered in the land of the Five Civilized Tribes or in Oklahoma, they were allowed the expenditure of their full income, and does not the gentleman recall that within a very short period of time they were millions of dollars in debt and the Government had to pay the debt and provide, in order to protect them, they could only use so much of their income.

Mr. FREAR. Gentlemen of the House, I want you to remember the words the gentleman from Michigan used, because they describe the situation, that Indians were "allowed"; that these Indians who are now citizens were allowed; allowed by whom? By the Indian Bureau. They were once allowed to manage their own property. Now that right has been withdrawn. They were not found "competent" according to the bureau. Yet thousands of lambs in Wall Street were sheared of $2,000,000,000 within the past 24 hours. Why does not the Indian Bureau ask to test the competency of the shorn lambs of Wall Street?

Even our white brothers become easy marks occasionally and the temptation to hold and control $1,600,000,000 by the Indian Office through a self-perpetuating bureau is more dangerous, as I shall attempt to show, than occasional failure to exercise good business judgment.

I am not prepared to ask that all Indian property be turned over immediately to the Indians. The bureau has kept them in subjection so long that it might be unwise, but the courts, and not the Indian Bureau, should decide all questions of "competency," as it does now with all other citizens. I will concede that all the Indians may not be able properly to control their property. I can pick out in many communities white, black, and yellow people who are not able properly to control their property, according to my judgment, but when 240,000 Indians own all this vast amount of property without any constructive proposition for their education and advancement offered, I submit it is time Congress should act and abolish the present bureau system of control.

Let me go a little further. A few days ago on the floor of the House there was disclosed a situation which attracted the attention of every Member present, when $100,000 was inserted in an appropriation bill because of a white tourist bridge item wrongfully charged by the bureau against the Navajo Tribe through a bill that was passed at the last session and slipped through in some way without any knowledge of this Indian tribe. I submit it could not very well be slipped through at this time. The provision was inserted in the appropriation bill providing for a bridge across the Colorado Canyon, as Mather says, for 100,000 tourists, and the testimony is overwhelming that the Indians who are required to pay $100,000 toward the bridge will get no benefit from it.

I am going to quote in my remarks, which will be extended, testimony to that effect which is unmistakable. One hundred thousand dollars taken from the Indians, and on what theory? Simply because they are not paying State taxes and it could be taken from them. They only have $116,000 in their tribal fund, and there had already been charged against this tribe of Navajo Indians by the Indian Bureau as reimbursable items $771,000. I shall refer to this and other bridge matters hereafter in my remarks.

The gentleman from Michigan [Mr. HUDSON] just asked me a question about oil and about the Indians' oil interests.

FIVE PER CENT OIL ROYALTY FOR INDIANS

There is pending to-day before our Indian Committee—and the Commissioner of Indian Affairs, Mr. Burke, has appeared before us in its support—a bill that, as I said the other day in answer to a question in the House by the gentleman from Texas [Mr. BLANTON], proposes to allow 95 per cent of all the oil that is produced on upward of 1,000,000 acres of Indian lands to go scot free of taxation, so far as oil producers are concerned. The Indian who gets 5 per cent royalty will pay out of that 5 per cent royalty, under this bill approved by the Commissioner of Indian Affairs, 37½ per cent of his 5 per cent royalty, or more than one-third of the Indians' share, which will go to pay taxes not only for the Indian but for the producer, who gets 95 per cent of the total oil output free from taxes. The Indian is to pay all oil taxes on 22,000,000 acres of Indian reservations by the Indian Bureau's bill. There is no dispute, I believe, as to that.

Think of that proposition. Ordinarily, as the gentleman from Texas said in debate the other day, the royalty rate is

12½ per cent or one-eighth. That is true so far as I know, but here is a case of only 5 per cent royalty with 37½ per cent of that 5 per cent subtracted for oil-producers' taxes, leaving about 3 per cent net to the Indians. Is the Indian Commissioner faithful to the rights of the oil producers in this case who go scot free of taxation or to the Indians who pay the price?

That is the Indian Bureau's oil leasing bill. You ask, does it amount to very much in the aggregate? Twenty-two million acres of land will be subject to that provision and 1,000,000 acres may go to 400 extra exploiters who ask for the 5 per cent royalty leases; but 22,000,000 acres of Executive-order lands are to be thrown open by this bureau bill if it is allowed to pass the House.

BILLS PROPOSED THAT ARE CONSTRUCTIVE AND JUST

Let me say in passing that anyone who makes complaint about such measures, without offering something constructive, is not entitled to a very respectful hearing, and that I have tried to do, to offer bills fair to the Indians. I have introduced an oil-bill leasing proposition that is fair in character, because it lays an equal proportionate burden of taxation upon the producer as well as the Indian, and I challenge any man to stand up here and show that the Indians should pay all the oil taxes for the producers. They do not do so in any other case. I shall show hereafter that the Indians under a fair construction of law are required in other reservations to undertake the same tax burden for oil producers.

To meet the need of courts to care for reservation offenses and small civil suits by or against Indians I have introduced a bill, H. R. 9315, and it is now before the Judiciary Committee, which provides not only that the Federal court shall have jurisdiction over the felony cases that they now have by law, but that they shall have control of all other cases of felony; that the commissioners now appointed by the Federal court, together with such local magistrates as the Federal judge finds necessary to appoint, shall have power to try all Indian cases of misdemeanor, with right of appeal to the Federal court from the magistrate's decision. This plan provides for the right of appeal and thereafter of a trial by jury which they have not got to-day. They are entitled to it because otherwise we are depriving them of their plain, constitutional rights.

Mr. KELLY. Will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Pennsylvania.

Mr. KELLY. The gentleman is a member of the Committee on Indian Affairs?

Mr. FREAR. I am. Appointed this session.

Mr. KELLY. The entire proper purpose of the Indian Bureau is to protect these Indians and to endeavor to make them self-supporting citizens of America?

Mr. FREAR. That is what the country understands it to be.

Mr. KELLY. Out of the gentleman's experience, does he know of any policy supported by the Indian Bureau that would have that tendency in any particular whatever?

Mr. FREAR. I will say from my study I do not, and I have given it careful study for the short time I have been occupied with the matter and have had the aid of several experts who have studied it for over 30 years in close association with the Indians. They have told me there is nothing hopeful in the program or the lack of program of the Commissioner of Indian Affairs.

HERE IS CONFIRMATION, INDEED

Mr. KELLY. I would like to say in supplement to that, as a member of the Indian Affairs Committee for two years, and after going into a rather thorough study of the entire system, I was never able to find a single policy advocated that was for anything except the perpetuation of the Indian Bureau system. The whole system seems to me to be a bureaucracy riding on the backs of the Indians.

Mr. FREAR. I think anyone who is fair would reach that conclusion, and I thank the distinguished gentleman from Pennsylvania, whose ability and support of worthy measures is conspicuously known to every Member. I am grateful for his confirmation of the belief that the Indian Bureau should be abolished. I have no feeling at all against any member of the Bureau of Indian Affairs or the Indian Commissioner, and let me say to my good Democratic friends on this side there is no glory in your own handling of the Indian Bureau, so far as I can learn, because Indian treatment has been the same on both sides, so far as my study reveals. There has been no choice about it.

It is a Nation's proposition that we face, one that not only Congress but the country faces. May I now proceed without further interruption, because I desire to place facts based on bills approved by the bureau before the House?

What are we going to do for these Indians? Are we going to allow this misgovernment of 240,000 American citizens to continue everlastingly? For instance, we have had nearly a century of bureaucratic control, and where have we gotten? Expenses have grown, with this Indian Bureau the number of employees have increased in the bureau as the Indians decreased in number; in fact, Indians are rapidly being decimated, so that to-day it is a condition of maladministration that justifies an abolishment of the bureau and provision for a temporary substitute until the Indians can be released from their present position of virtual peonage.

Take one particular question—that of health. The Indians in some instances are dying rapidly, and in one State the number has decreased from 100,000 to 17,000, due to disease. You may ask, are you going to charge all that up to the Indian Bureau? No; I do not think we should do that. What we should do, though, is to determine upon and develop a plan so as to make the Indian without delay self-supporting and take him out of the condition of serfdom in which he finds himself to-day. That will be impossible to advance in a hundred years under the Indian Bureau, which, as Representative KELLY well says, only works for self-perpetuation at the expense of the Indians.

THE INDIAN BUREAU'S MISMANAGEMENT REQUIRES INVESTIGATION

I have prepared a brief resolution, and I am going to read it with your permission, because it sets forth what I have in mind, and I am trusting that Members of the House and of the Senate will take jurisdiction and will do something for the relief of this intolerable situation with regard to our treatment of the Indians. It is a joint resolution and reads as follows:

Joint resolution by Mr. FREAR authorizing the appointment of a committee to investigate the Indian Bureau and report thereon

Whereas Congress in 1924 granted citizenship to every adult Indian for the purpose of enabling him or her to become a self-supporting responsible member of society, and

Whereas through 70 years of bureaucratic guardianship the Indian has been held by the Indian Bureau in a hopeless, un-American and unambitious position, with 240,000 or two-thirds of all Indians still kept by the Indian Bureau in a restricted condition and declared by it to be incompetent to own or manage property; this status being determined by the Indian Bureau itself without right of court review; and

Whereas the Indian Bureau, directed by Commissioner Burke and Assistant Commissioner Meritt, exercises practically unlimited control over Indian property estimated at $1,600,000,000 in value, and has consistently, through administrative usurpation and through a ceaseless persuasion of Congress, increased its power as a means of politically perpetuating itself in more than 5,000 salaried positions paid for by the taxpayers and by the Indians without the Indians' consent; and

Whereas the Commissioner of the Bureau of Indian Affairs has made rules and regulations and has authorized Indian agents to appoint ten-dollar-a-month subordinate agents called "judges" who, without trial by jury or any known code of law or legal practice, have confined Indians in jail and compelled them to work on the highway as convicts and to pay fines for infringing such rules, all in violation of the constitutional rights and guarantees given every American citizen, and has further, through his agents, permitted many acts of cruelty and mistreatment of Indians which deprived them of their property and liberty of person; and

Whereas the Indian Bureau has neglected the health of the Indians until diseased conditions shocking beyond description have developed and now menace the white population of several States, while destroying the Indians; and

Whereas cooperating with local interests in using pressure upon Congress, the Indian Bureau has charged to the several tribes, through legislation initiated or approved by the Indian Bureau, many millions of dollars for bridges, roads, irrigation projects, and other public and private work not consented to by the Indians and not intended primarily, if at all, in some cases, to be used by the Indians; and

Whereas the Commissioner of Indian Affairs has advocated laws that have required and will require the Indians to give unjust oil leases reaching many million of dollars and unwarranted favors to oil producers and speculators, including payment by the Indians of the white producers' and speculators' tax, and further has failed and refused to protect the Indians' property, but on the contrary in repeated cases involving enormous results has favored legislation designed to cancel and confiscate Indian property rights and to remove the legal protection to which the Indians as wards of the Nation are entitled; and

Whereas after 75 years of Spanish inquisition guardianship under an Indian bureaucracy that to-day rivals the autocracy of a Russian Czar the Indians are without hope or protection save through an aroused public sentiment and intervention by Congress; and

Whereas the Indian Bureau with its notorious scandals, robbery of its wards, and systematic oppression has outlived any usefulness it was supposed to have when first organized; and

Whereas Congress, having granted full citizenship to the American Indian, must now in tardy justice enable these wards of the Nation to enter into the privileges and responsibilities of citizenship, which can never be done under the present archaic, tyrannical, and exploiting system of the Indian Bureau: Therefore be it

Resolved, That a committee of 10 Members of Congress is hereby authorized, 5 to be appointed by the Vice President from the Senate and 5 appointed by the Speaker from the House; that such committee shall be instructed to investigate any charges of neglect, dissipation of funds, improper treatment, or misgovernment of the American Indians and further report their findings with such recommendations as may afford the Indians opportunity to improve their conditions without delay and better qualify themselves for rights of citizenship heretofore granted them by Congress.

And for such purposes said committee shall have power to send for persons and papers and administer oaths and shall have the right to report at any time. The expense of said inquiry shall be paid jointly in equal proportions out of the contingent funds of the Senate and House upon vouchers approved by the chairman of said committee, to be immediately available.

In support of the foregoing resolution, I wish to set forth the facts which to my mind imperatively demand an investigation of the bureau and a constructive program with or without court aid that will care for those Indians temporarily needing the advice of a legally appointed guardian, with the purpose of giving to all Indians without needless delay full control of their property and permitting them to become self-respecting American citizens.

Mr. Chairman, Indian Bureau and Indian bureaucracy have been under fire for the last 50 years. I am not inclined to give ear to complaints and charges against the bureau without facts instead of rumors for a basis. I did not ask to be placed on the Indian Committee of the House, nor have I any personal antagonism against bureau officials individually or collectively, nor any interest to serve excepting justice so far as can be had for the Indians who since their control by the Indian Bureau for nearly a century past have been robbed of practically all their lands and given little in return excepting where hidden minerals escaped the robbers and the notice of their bureau guardians.

EVIDENCE OF MISMANAGEMENT AND WORSE

This Government's responsibility was never greater than it is to-day, and I charge that under the present administration of Indian Bureau Commissioner Burke and Assistant Commissioner Meritt, these officials are not acting in the interests of the Indians nor are they or the bureau they represent protecting Indian rights or property.

This charge does not assume that all that is done is wrong, but I do specifically charge that these men named are not protecting the rights of Indians in important specific cases and that they should be removed from office if these charges are substantiated. After nearly a century of mismanagement of Indian affairs by the Indian Bureau, it is contended by reputable witnesses that no improvement has been shown to date.

Two years ago, as stated, every Indian whether declared competent or incompetent by the bureau received full citizenship rights from Congress, yet the bureau still reserves to its Indian agents the sole right without appeal of retaining control and management of the property of more than 200,000 Indians on the ground that they are incompetent, while the Indian Bureau through its local Indian agent, as I have pointed out to this committee, alone says who are competent.

These Indians with tribal and other property now own over $90,000,000 in cash or securities and over $1,600,000,000 of property, to which I have referred, due largely to oil discoveries on their lands which Commissioner Burke and his assistant, Mr. Meritt, control through their army of Indian agents and other employees, greater in number, if I am correctly informed, than were employed 50 years ago for many times the number of Indians now living.

Charges of misgovernment, if not misconduct, in handling Indian affairs and Indian property are not based on Indian complaints against the Indian Bureau and its agents which have come to my hands and which from the nature of things in many cases have two sides, but I desire to submit evidence of indefensible misgovernment that I believe would convince any fair-minded jury. This evidence, if true, and it is from highly reputable sources, should arouse Congress to an investigation and a recommendation of a new Indian policy that will do away with the present system which has reeked with scandal for many years and now works an unjust and unwarranted hardship to the few remaining American Indians.

SPECIFIC CHARGES AGAINST THE INDIAN BUREAU

I charge, first, that the Indian Bureau under the direction of Commissioner Burke and Assistant Commissioner Meritt has approved and supported bills that have looted the treasury of the Navajo Indians, as before stated, and that the only justification of this looting is found in a plea that a reimbursable charge eventually to be paid by the Indians will not be paid immediately. Of course not. That could not be done because the only funds to the credit of the 34,000 or more Navajo and Hopi Indians are $116,000, while the total reimbursable charges against this tribe's funds and future funds, apart from the $106,000 bridge items named, reach $771,281.09, as follows:

Reimbursable charges approved by the Indian Bureau against the Navajo Indians to be paid back to the Government Treasury

Land	$90,445.15
Bridges	147,979.27
Roads	88,204.41
Irrigation	96,478.75
Stock water Navajo	95,362.31
Navajo and Hopi	243,821.20
Total	771,281.09

This amount is according to a letter from Commissioner Burke dated February 11, 1926, and is a charge against the Navajo Tribe with the additional $106,000 bridge items like any mortgage whenever they are able to repay the Government for such charges, a large part of which were urged by the commissioner and his subordinates without the tribe's knowledge, consent, or for their benefit.

Let me not exaggerate a specific act of mismanagement of Indian affairs that approaches official misconduct because of the official responsibility resting on the commissioner and the Indian Bureau to correctly advise Congress and to protect the rights and property of the Indians. The excuse offered for the construction of the Colorado Canyon bridge is offered by Mr. Mather, director of the park board, who wrote Representative HAYDEN that 100,000 tourists will use this bridge to cross the Colorado River Canyon. His letter of advice appears on page 4599 of the CONGRESSIONAL RECORD, Senate proceedings, February 26, 1926. A Mr. Eakin, local superintendent of the Grand Canyon Park, also wrote Representative HAYDEN that the $100,000 bridge investment will enable the Navajo Indians to sell their pottery, and so forth, to tourists. The Indians are largely living 50 miles or more distant from the bridge and are a race of nomads who graze their stock on this practically desert land near the river.

The argument of my colleague in the House from Arizona was to the effect that the Navajos will get some benefit eventually, but the primary cause appears to be that a tourist bridge for automobiles is needed for 100,000 tourists, and Arizona believes the Navajos should pay for one-half its cost, not because of any value to the Indians now or prospective but because the State needs the money and can not get taxes from the Indian tribes under existing law.

A $200,000 BRIDGE FOR INDIANS SELLING BLANKETS

The land belonging to the Navajos is grazing, almost desert as a whole, not used for agriculture, and nearly valueless for farming or grazing. The tribe is a tribe of nomads, as stated, and has no use for a bridge any more than for a four-story bank building without funds and never will have. A ferry has crossed the narrow river for many years, which is available if ever needed for the sale of all the pottery and blankets the Indians can make and sell to tourists for a century hence. When good agricultural lands in Western States can not be rented for taxes it is idle to talk of collecting taxes from these Indians for these desert grazing lands. Prospects of oil development are made a basis of all reimbursable charges now being lodged against the Navajos. This in part is the argument of proponents for the Navajo Tribe $100,000 charge for the bridge. Counterfacts against the justice of this contention appear from the Indian Bureau testimony, which I quoted with references on February 4 in the House:

> The Navajo Indians are three generations behind the Indians in other parts of the country. There are 7,000 now without school facilities. We have a treaty to educate the Navajo Indians, but are very far behind in that obligation. (Assistant Commissioner Meritt's testimony.)
>
> It is going to take some time to put them (Navajos) on a par with the Indians of the Northwest, who have had educational facilities and education which they have not had. (Commissioner Sells.)

Yet, for these helpless wards of the Government, the Indian Bureau, with Mr. Meritt supporting the "highway robbery" made no defense against the two $106,000 bridge charges against the Navajo Indians, although reimbursable charges already rest against this tribe amounting to $771,000, while their total cash on hand is only $116,000 for 34,000 Indians.

It has been stated repeatedly and without contradiction to my knowledge that one-third of these Indians are suffering from trachoma, that they are sickly and diseased, and sadly in need of schools for their children and water wells for their flocks.

These are the Indians for whom Commissioner Burke with three-quarters of a million-dollar charge already levied against their property gives his support to this charge of $100,000 for an automobile-tourist bridge and against a fund of $116,000, all that is left with which to provide for the present necessities of 34,000 largely destitute, diseased Indians. The additional explanation is offered that the money will not be taken at once from the Navajos by Mr. Burke, but is only a mortgage against them.

THE BRIDGE WAS NEVER TO BE USED BY INDIANS

Now for the evidence that the bridge was not for the Indians, never will be, and was against their knowledge, consent, and was an indefensible reimbursable charge against the Indians approved by Commissioner Burke and his assistants.

Haven Emerson, president of the American Indian Defense Association placed in print on the desks of Members a specific statement based on evidence which he submitted that this bridge is far off from where the Navajos live and only touches the north edge of their reservation. That it is a tourist bridge, not for the benefit of the Indians, and they never knew of the commissioner's act nor consented to the use of their money for that purpose.

John Collier, executive secretary of the same organization, says the bridge will have no value for the Navajo Indians. Mr. Collier, I am informed, has lived among the Navajo Indians and knows their conditions. Both their statements were placed in the RECORD of February 4 last. Rev. Dirk Lay, a Pima Indian Tribe missionary, an unusually intelligent man, also a missionary with these Navajo Indians, says the bridge is of no possible value to the Indians, and they never would have consented to its being made a charge against them. I have talked with him personally on the subject. He points out the diseased conditions of thousands of these Indians imperatively needing help to-day.

To the same effect is the statement of Mrs. Stella Atwood, of California, chairman of Indian welfare, General Federation of Women's Clubs, with whom I have talked, and who protested vigorously against the injustice to the Navajo Indians. She has also been among these Indians. A distinguished Senator from New Mexico [Mr. BRATTON] has stated publicly that the Navajo bridge $100,000 reimbursable proposal is "unjust, inequitable, and iniquitous." This Senator also is familiar with all the circumstances.

Another distinguished Senator, familiar with all the facts, this time from Arizona, Senator CAMERON, says:

> It has been proven that the Navajo Indian Tribe has never, does not now, and never will derive any benefit from the Lee Ferry Bridge. * * * Why does the Bureau of Indian Affairs get behind a proposition to rob these poor Indians? Yet I call it highway robbery.

He further said not 10 Indians would use this bridge during the year if built.

HIGHWAY ROBBERY BY THE INDIAN BUREAU

When a Senator who is probably more familiar with these surroundings than any other Senator or Member of Congress expresses his indignation over Commissioner Burke for committing "highway robbery," it is time to ask for an investigation of the Indian Bureau and of its commissioner.

As if to emphasize a complete disregard for the rights of these Indians, whom Mr. Meritt, assistant commissioner of the bureau, says are three generations behind their fellow Indians in education, are diseased, and sadly in need of protection, Commissioner Burke and his assistant, Mr. Meritt, have approved a further charge against the Navajo Indians for another bridge, which I am informed is located 16 miles distant from the nearest point of the Indian reservation, and in like manner of no use to the Indians.

No evidence of more pathetic helplessness or of utter disregard of all principles of humanity and willingness to rob the blind, helpless, diseased, and friendless, I submit, can be found in all Indian history, and while it is not contended that all the $771,281.09 reimbursable charges against the Navajos allowed by Commissioner Burke and the bureau are indefensible, I submit that bridge items of over $250,000 and all others now invite the close scrutiny of Congress.

Advocates of the bridges to be used by white people contend that the Government has contributed to the support of the Navajos, as by treaty it was bound to do. I have learned that the total amount paid by the Government to the Navajos under the treaty agreement is far less than the average amount paid to all the Indian tribes, and that in five years—1920-1924, inclusive—a total of $4,846,000 was contributed toward the support of the 34,000 Navajo and Hopi Tribes, or an average of just $28.50 per year for each Indian, not enough to pay for doctors' medicine. Yet they never received even this pitifully small amount.

ROBBING THE NAVAJO INDIAN CHILDREN

In the annual report of the Board of Indian Commissioners for 1923-24 it is stated:

> The survey of seven of the boarding schools attended exclusively by Navajo children disclosed the fact that 46.64 per cent of the pupils—nearly one-half—were trachomatous—

An infectious disease which when neglected develops total blindness.

In General Scott's report of 1922 he says:

> It has long been known to the department that there are over 6,800 Navajo children in the Navajo country growing up in savage ignorance for lack of school facilities. * * * The Navajos generally desire the education of their children.

Harking back to the $28.50 average yearly expenditure by the Government for the Navajos during the past five years a further statement is made to me that of that insignificant amount 40 per cent went for Commissioner Burke's Indian Bureau salaries, or a net payment annually of about $17 each to the Indians whom General Scott says we are neglecting in violation of treaty rights.

Commissioner Burke and his bureau are deaf to these demands when he gives away practically every dollar of their money needed for education and medicine for two tourists' bridges, according to the testimony submitted. What further evidence of neglect and worse need be offered.

SUMMING UP THE NAVAJO CASE

I have gone into detail with this one bridge case, one of many, in order to disclose the methods of the Indian Bureau in a specific case.

Within a year or more $116,000 was saved from oil royalties for this tribe of 34,000 Indians, of whom over 80 per cent are Navajos. That was and is their total fund which invites the attention of those who would loot the Navajo Indians for an automobile bridge to accommodate 100,000 tourists. If the fund, however, was one hundred times $116,000 to be distributed annually, not subject to any reimbursable demands of the Indian Bureau, but to be immediately divided among 34,000 Navajos and Hopis, one-third of whom are growing blind and diseased, the individual allotment would hardly pay doctor's bills for one year without considering their livelihood.

An income of at least two hundred times the present fund of $116,000 annually is required to support the Navajos and to care for medical aid and education which we are neglecting, in violation of treaty rights, yet the insignificant amount now to their credit has been mortgaged by the Indian Bureau nearly eight times over, with more charges to come, at the pleasure of the guardian of the Indian Bureau and his assistants.

If further proof is needed of the complete disregard of Indians' rights it is found in this action of the Indian Bureau which has aided private interests to pass other reimbursable bridge claims through Congress when Congress was depending on the Indian Bureau to notify it and to protect Indians from exploitation. These Navajo bridge items were passed without knowledge of the Indians or of Congress of the alleged fraud on the part of the bureau. Thereafter the bridge items were placed this session in an appropriation bill containing hundreds of deficiency items aggregating over $400,000,000. In a five or ten minute discussion permitted on the bridge item in the House it was impossible to inform Members of the gross injustice about to be committed, so the bill ran roughshod over the opposition, due in part to the comparative importance of hundreds of uncontested items and influence of a great committee that prevented any amendments in order to pass the bill intact.

THE SENATE AND HOUSE POWERLESS TO PREVENT THE BRIDGE FRAUD

In the Senate where discussion may be had, the Navajo bridge items were exposed and the $400,000,000 bill was sent back to the House in disagreement on the bridge items. For several days this item was denounced in both bodies with no defenders of its proposed use by the Navajos. The Senate promised by an overwhelming vote to pass a separate bill to strike out the reimbursable feature of $116,000 but finally, after a strong protest, permitted the $400,000,000 deficiency bill carrying many needed items to pass. No repudiation of the Indian Bureau was ever more pronounced than the Senate bill that will repeal the reimbursable $100,000 Navajo item, but with knowledge that the Senate bill probably has a hopeless

road in the House, where one or more objections can prevent unanimous consent, the Indian Bureau may laugh at Congress, at the Senate, and at this effort to protect the Indians after the horse has escaped from the barn which the bureau purposely left unlocked.

Nothing more I submit is needed to disclose the bureaucratic, inefficient, and notorious violation of public trust permeating the Indian Bureau from top to bottom than this exhibition of the bureau's misrepresentation of conditions and present unconcern over legislative opinion.

The sooner such a bureau is wiped out under the administration's new economic plan and a substitution for court supervision of Indian interests provided, the sooner will the Indians be given the protection they need, with an expensive autocratic bureau barnacle removed from public service.

Commissioner Burke it is alleged also approved an indefensible reimbursable charge against the Pueblo Indians of $68,000 for two bridges across the Rio Grande in New Mexico. If I understand the facts correctly he made the entire cost of this bridge a reimbursable charge against the Pueblo Indian funds, and yet I am informed by responsible members of the Indian Defense Society acquainted with the facts that in one case white people will use the bridge three times as often as do Indians and in the other case 10 white persons will cross that bridge for every Indian who crosses, yet the Commissioner of Indian Affairs with a prodigal generosity of Indian money and Indian credit, builds bridges which the Pueblo Indians will entirely pay for—bridges to be used primarily by white people but for which Indian funds look like easy money.

Again I am informed the Indian Bureau made a reimbursable charge of $400,000 for a useless bridge which was charged up against the Pima Indian Tribe. This case is as bad in degree and worse in amount than the Navajo case. It is only another case of looting the Indian funds.

STILL OTHER INDIAN BRIDGE FRAUDS

This bridge business in which Indians are subject to "highway robbery," to use a Senator's characterization and of bridge burglarizing has many additional evidences of Commissioner Burke's generosity with Indian money. I submit a statement received as late as February 26, 1926, from Walter V. Woehlke, an authority on Indian affairs of the West and for years editor and secretary of the Sunset Magazine of California.

It is based on an extended personal investigation, just completed of the Yuma Reservation, Calif. Mr. Walter V. Woehlke says the Yuma Tribe is in great distress and misery and I quote:

> The same inefficiency, disregard for the Indians' rights, the same solicitude for the financial welfare of the white man is apparent in the management of the tribal fund. For instance, the tribal fund of the Yuma paid one-third of the cost of building an automobile bridge across the Colorado River, connecting Arizona and California. On what basis of equity or benefit one-third of this cost, $75,000, was assessed against the 140 Yuma families no one knows. One end of the bridge is on the Yuma Reservation, the other end in the corporate limits of the city of Yuma, with a population five times that of the Yuma Reservation and with an assessed valuation twenty times greater, yet the city of Yuma did not pay one cent of the bridge cost. Nor did the white population residing on the northern half of the reservation contribute anything to the bridge fund, only the 140 Yuma families were, without their consent or even knowledge, arbitrarily assessed $170 per family to build an interstate bridge. And the Indian Bureau never protested against this raid on the tribal fund; perhaps it even suggested the raid.

I do not care to discuss further the unjust, indefensible, and culpable methods of administration charged against Commissioner Burke and his Indian Bureau's allowance for bridges, to be used by whites but paid for out of Indian funds. It has been common knowledge that dishonest white men have practiced robbery, theft, and swindling of Indians in the past; but what shall be said of an Indian commissioner who, according to a United States Senator familiar with the facts as I have quoted, charges the commissioner and his bureau with "highway robbery" of his helpless charges.

MANY MILLIONS OF DOLLARS NOW REIMBURSABLE

Many, many millions of dollars have been charged against the funds of Indian tribes as "reimbursable" with the consent or connivance of the Indian Bureau, according to information I have received, that are unjust charges and can not be defended. Wasteful irrigation schemes, usually instigated by white people, are made reimbursable in part or entirely out of Indian funds. Not all of them are useless, but many of little value can be pointed out from a glance at the hearings and costs, while helpless Indian tribes are made responsible for projects approved by the Indian Bureau that no business man would approve nor any sane company guarantee from loss.

The Indian tribes so held responsible for reimbursable charges are generally poor in property, and it is reasonably certain that two-thirds of these Indian tribes would be bankrupt and without any home or reservation if compelled to pay the reimbursable charges made against them with the consent and connivance of the Indian Bureau. Many of the projects are as valueless to the Indians as the Navajo or Pueblo or Yuma bridge cases which have been set forth.

I have no personal complaint or feeling against Indian Commissioner Burke, as I have stated, and do not pretend to say whether or not he or his assistant, Mr. Meritt, are victims of a dishonest system when engaged in looting the funds of the Navajo, Pueblo, and Yuma Indians. No Indian witnesses have been quoted by me thus far, although many have written me or talked with me about the Indian Bureau's shortcomings. I have offered white witnesses alone, men of high standing, officials of the Government, and those who are governed by altruistic motives entirely when seeking to protect the Indians. No jury in Christendom would fail to bring in a verdict against the Indian Bureau and its responsible officials based on the testimony I have submitted.

THE INDIAN BUREAU'S OIL-LEASING JOKER

The case against Commissioner Burke's gross mismanagement of Indian affairs might rest alone on the facts thus far offered based on the evidence of witnesses presented, but I believe a far more culpable act and threatened loss to the Indians is being pressed on Congress by H. R. 9133, which Commissioner Burke advocates for passage in his testimony before the Indian Affairs Committee of the House, which measure is also before the Senate committee. I have briefly adverted to it before.

Contrary to every principle of justice and equity, this bill, approved by the Indian Bureau, proposes to make all Indian tribes pay, out of their oil royalties, all State taxes that may be assessed against oil producers.

While the Yuma bridge or Navajo bridge or Pueblo bridge projects are to be built primarily for white people entirely, or largely out of Indian funds, the commissioner now goes one step further and asks that all oil taxes which ordinarily are paid by both producers and lessors, according to their shares, shall now be entirely paid out of Indian oil royalties however small, and Commissioner Burke asks for the passage of this outrageous and unjust bill.

Let me state the scope of H. R. 9133, and I shall endeavor to do so without exaggeration, because the facts are simple, although the proposition is brazen and startling.

I can not ascertain from any Indian Bureau report the exact amount of Indian reservation land or proportionate share of Indian reservations which are now divided into treaty reservations and Executive order reservations. Under the law, Presidents have set aside Executive order lands for the use of Indians, and these lands are to be made subject to oil exploitation by H. R. 9133.

Section 2 provides:

> That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive order Indian reservations or withdrawals shall be distributed as follows: Thirty-seven and one-half per cent shall be paid in lieu of taxes to the State within the boundaries of which the leased lands or deposits are located, upon the condition that the same are to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads within the respective reservations in which the leased lands are situated and public roads contributory thereto and forming a part of the same highway system, or for the support of public schools or other public educational institutions attended by Indian children; 62½ per cent shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

Here is a bald effort to take 37½ per cent of the Indians' share of oil production by loading onto the Indian royalty all taxes that may be assessed against the oil producer. The State can not tax the Indians under existing law, but Commissioner Burke generously approves having the Indians pay all oil taxes, and singularly enough, out of 22,000,000 acres of Executive-order reservations, a part belongs to the Navajos, who already have been euchered out of $106,000 by the bureau within the last few days for two tourist bridges for which they have no use. Yet it is now proposed to make them pay all of the taxes for oil producers out of any prospective oil royalties.

Thirty-seven and one-half per cent, or over one-third of all the oil royalties they receive, is to be turned over by the Indian Commissioner to the State to be used ostensibly in building

bridges, highways, and roads with their money to harmonize with the tourist bridges which they will pay for to provide for white travel but not use themselves.

I have documents which declare Commissioner Burke and the bureau give to favored oil producers in other fields oil rights with smaller Indian royalties reserved than are given to white lessors of oil rights, but I am not discussing disputed oil royalties at this time. If true, however, they may serve to explain the general terms of H. R. 9133 that will give Commissioner Burke—Secretary of Interior—wide powers to exploit the Indian oil inerests.

SECRETARY FALL'S PROTECTION OF INDIANS?

For instance, over 400 oil speculators grabbed up over 1,000,000 acres of Navajo Indian lands under a ruling several years ago by Secretary of the Interior Fall, another notable "protector" of the Indians. Attorney General Stone, however, rendered an opinion, which I will attach to my remarks, that these Executive order Indian lands were not open to exploitation like the Teapot Dome and other noted oil fields now linked with the memory of Secretary Fall.

This bill H. R. 9133, if passed, will reinstate oil exploiters who were rejected by Attorney General Stone's opinion and may, subject alone to the ruling of Indian Commissoner Burke, include practically all speculators without limit, according to differing views reported to have been expressed before the House and Senate Indian Affairs Committees as to the powers he is expected to exercise under the bill. While the Secretary of the Interior, whose name and title is frequently quoted, furnishes a convenient cloak, the Indian commissioner is the actual power behind the gun.

Each of these 400 selected speculators or explorers gets a first right to 2,560 acres, or 4 square miles, providing he makes a showing under the bill, and an exclusive 20-year lease of Indian lands under bill H. R. 9133 to a square mile subject to its conditions. Under section 3 the first square mile will be leased noncompetitively to each exploiter by Commissioner Burke for a 20-year term with 5 per cent royalty reserved for the Indians, while 95 per cent or nineteen-twentieths of the oil which makes up the balance of this class goes to the speculator or oil exploiter. That in itself would cause a householder to welcome the "highway robbers," mentioned by the Senator, with a shotgun. The poor benighted Indian tribes under Commissioner Burke's effort to care for Secretary Fall's oil-speculating protégés will turn into the Indian tribal funds only 62½ per cent of their insignificant 5 per cent Indian royalty or actually slightly over 3 per cent oil royalty, while the remainder of their 5 per cent royalty, or 37½ per cent, will go to the State to cover all the tax charges of the oil producer, who would ordinarily pay his share but for the generosity of Commissioner Burke and the Indian Bureau that thus guards and protects the 22,000,000 acres of the Indian tribes. Have I made it clear?

BURKE'S GENEROUS GIFT TO OIL SPECULATORS

Notwithstanding that the tax laws of Wyoming and Oklahoma for illustration require oil producers or lessees of oil rights to pay all or at least their proportion of the total oil production in State taxes, Commissioner Burke proposes by this bill to relieve all oil producers from any unnecessary bookkeeping or taxes and by his bill provides that all Indians throughout the United States living on Executive order reservations will hereafter pay all oil taxes ordinarily paid by lessees while the State accepts 37½ per cent of the 5 per cent or other Indian royalty in full payment thereof. Just imagine how grateful the State will be to get 3 per cent of the total oil production tax while it watches oil men escape scot free from taxes with their 95 per cent of the oil and then remember that the guardian of Indian rights now sponsors this bill in hearings before both Senate and House committees.

A cloud of buzzards obscuring the sun may be likened in comparison with the cloud of oil speculators, oil manipulators, and oil promoters who will surround Commissioner Burke and his assistants the moment the oil leasing bill is signed. No such opportunity in a proven oil field has occurred for lo these many years and Lo the poor Indian on the Navajo Reservation with $771,000 reimbursement heretofore allowed by Commissioner Burke's bureau, $106,000 just loaded on them for two new bridges, and 7,000 uneducated Navajo children with disease and distress on all sides may helplessly witness the doling out of plums to oil promoters while the Indians get 62½ per cent of their 5 per cent royalty or 3 per cent net for their own oil share from about 425 oil speculators if recognized by Mr. Burke who may hold Fall's permits for 1,000,000 acres of Navajo lands.

I am informed some of these oil men are here on the job and their efforts to convince Congress that they should not pay taxes on their oil leases are expected to be fast and furious. They have equities worth considering, but should have no sympathy in their efforts to dodge oil taxes. I do not believe Congress, if made acquainted with the situation, will ever consent to this unjust proposal, but I am here calling attention to the willingness of Commissioner Burke and his bureau, according to the bill, to surrender to this oil mob all these permits illegally given by Fall and then to require the helpless Indians to pay all the taxes for the oil mob. I submit the evidence of refusal to protect the Indians again is overwhelming.

It was stated by Commissioner Burke in House hearings that on condition the 37½ per cent oil tax is passed in the interest of private oil producers, although against the rights of Indians on Executive order reservations that some pending suits, which now question the extent of Indian rights of property in such lands, would be withdrawn. Why not validate the Indian titles now by law? Why not have Congress pass a law if uncertainty exists?

INDIAN BUREAU SHOULD VALIDATE INDIAN TITLES, IF UNCERTAIN

By order to-morrow, the commissioner, through the Secretary of the Interior, can allot millions of acres of Executive order lands, and his order could thus vest complete title in the Indians. Why not do so, if concern is had by him over their titles? All sales of Executive order Indian reservations are now turned over to the tribal fund evidencing their vested interest. Other indications point to the court's future favorable decision to the Indians based on the same facts relied upon by Attorney General Stone's opinion in favor of the Indians. If Commissioner Burke is anxious, on the Indians' behalf, why not allot the land so far as possible now unless he wishes to maintain everlastingly the Indian Bureau.

If Commissioner Burke, as guardian for all Indian tribes, is fearful of any question arising over the title of Indians to 22,000,000 acres of Executive order reservations, he can, this session, settle all uncertainty by asking immediate curative action by Congress. Why has he not done so if he seeks to protect the Indians instead of the oil speculators?

If one-half the legislative effort is exercised to protect the Indians in this matter by their official guardian that was exerted within the last 30 days when robbing the Navajos of $106,000 for two tourists' bridges for white people, any needed legislation could be secured. Turn whichever way you will the acts of Commissioner Burke, his assistant Meritt, and the Indian Bureau staff disclose that their professions of friendship for the Indians seem to be evidenced more by words than by deeds.

The Executive order reservation bill granting a huge Christmas present to a waiting army of oil speculators is not the only oil present given by Commissioner Burke and his aids from Indian funds to oil exploiters, if I correctly understand the law.

WHO PAYS THE TREATY RESERVATION OIL TAXES?

In 1924, or less than two years ago, Commissioner Burke is credited with securing the passage of a bill that enables him also to pay out of Indian funds all State taxes on Indian treaty reservations as distinguished from Executive order reservations.

With the Executive order lands the commissioner is limited by the new oil bill to 37½ per cent of the Indians' royalty, which he will give to the State to cover every oil producer's tax. In like manner the oil producer may escape any payment on the remaining Indian reservation lands, as witness the following:

THE LEASING OF UNALLOTTED LANDS FOR OIL AND GAS-MINING PURPOSES, ACT OF MAY 29, 1924

Unallotted land in Indian reservations other than lands of the Five Civilized Tribes and Osage Reservation, subject to lease for mining purposes for a period of 10 years, and the proviso to section 3 of the act of February 28, 1891 (26 Stat. 795), may be leased at public auction by the Secretary of the Interior with the consent of the counsel speaking for such Indians, for oil and gas-mining purposes for a period of 10 years and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil or gas-mining lease may in like manner be amended by extending the terms thereof for as long as oil or gas shall be found in paying quantities; provided that production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as the production of unrestricted lands, and the Secretary of the Interior is authorized and directed to cause to be paid the tax so assessed against the royalty interests in such lands; provided, however, that such tax shall not become a lien or charge of any kind or character against the land or property of the Indian owner.

Payment of all oil taxes, it is contended in some quarters, may not be made from the Indians' royalty under this law.

EXECUTIVE ORDER AND TREATY RESERVATIONS SHOULD GIVE LIKE OIL LEASES

A 20-year lease, as stated, without payment of taxes by the oil exploiter is contained in House bill 9133, which, like the 1924 law, will make Lo, the poor Indian, pay all of the oil drillers' tax. If the 1924 law is not construed so as to require the Indians to pay the producers' tax, then why, in good conscience, did the commissioner approve such course in a bill covering two-thirds of all Indian lands now held by Executive order.

In constradistinction to the Indian Bureau's active support of House bill 9133 designed to reinstate oil claims of exploiters under Secretary Fall's order and the opening up to oil exploitation of 22,000,000 acres of Indian Executive order lands on such terms as the Indian Bureau, acting through the Secretary of the Interior, may prescribe, attention is called to House bill 7581, also recently introduced with the approval, if not at the instance, of the Indian Bureau, which provides on the oil lands of the Osage Indians of Oklahoma as follows:

Provided, That the Secretary of the Interior may reduce the area to be offered annually or suspend the offer of leases for not exceeding two years at any time when in his opinion an overproduction of oil or inadequate prices therefor make such extension or suspension desirable in the interests of the Osage Nation.

After reserving to the Indian Bureau the right to bull or bear the oil market by absolute control of the rich Osage oil wells' production the Indian Bureau now advocates throwing open 22,000,000 acres of Executive order lands to the limit without regard to the rights of Indians, who are to receive in some cases the munificent sum of 5 per cent oil royalty under the bill urged for passage by the bureau.

No argument need be offered beyond the mere statement of fact to disclose the bureau's faithless policy.

If any guardian appointed by the court attempted to scatter his ward's royalties and property among oil men like the Indian Commissioner and his bureaucratic force propose to do with these Executive order reservations, the court would discharge him "without benefit of clergy" and appoint another guardian to recover for the ward on his predecessor's bond or to bring more drastic charges.

Bureaucracy reigns when, with bridges, highways, oil leases, and other property of the Indians, the same Indian Bureau guard that for years has filched the Indian's purse continues to give away his rights and property without challenge.

EXISTING NOTORIOUS INDIAN COURTS TO BE MADE PERMANENT

I now come to a real danger, also briefly mentioned before, a danger to the rights of the Indians of America of more importance than any fraudulent expenditure of Indian money for tourists' bridges or Shylock bargains against the Indians' oil-land taxes that a court would say of any guardian will swindle them out of their rights of property in favor of oil promoters. The matters thus far discussed relate to property rights, and however indefensible among strangers and culpably scandalous by those chargeable with guardianship of Indian property this responsibility and the injustice involved is secondary compared with a wholesale violation of the Indians' constitutional rights guaranteed to every American citizen, including his rights to trial by jury, which to-day are ignored.

For years these rights have been taken away from the Indians by the Indian Bureau, and of vast importance to-day H. R. 7826, recently offered by the bureau and now before the Committee on Indian Affairs, seeks to make permanent law a long-continued violation of the constitutional rights of Indians. This Indian bill, prepared by Commissioner Burke's bureau, he vigorously supports in committee. It provides, section 2, as follows:

SEC. 2. The reservation courts of Indian offenses shall have jurisdiction, under rules and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations for which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment or a fine of $100, or both.

Again the name of the Secretary of the Interior is used as a convenient shield.

No jury and no right of appeal from this "court" is granted.

This subject I have already discussed briefly and I do not seek to offer any constitutional argument. That is beside the question because the bill is so abhorrent to every principle of human rights, I predict it has no chance of slipping past Congress like the $100,000 tourist bridge bill charged to the Navajo Tribe did last session. It shows, however, the fundamentally improper understanding of human rights held by the bureau, handling Indian affairs as evidenced by this expression of their control and treatment of the Indians.

SOME OF THE INDIANS' CONSTITUTIONAL RIGHTS

Congress gave every adult Indian full rights of citizenship in 1924. The Indian on the far western plains has the same rights of franchise and protection as any other American citizen now enjoys. The Constitution provides for his protection—

ART. V. No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken without just compensation.

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and the district wherein the crime shall have been committed * * * and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Article VII provides the right of trial by jury where the value in controversy exceeds $20 and according to rules of the common law.

Article XIV provides no State shall deny to any person within its jurisdiction the equal protection of the laws.

These constitutional rights and others to which every citizen is entitled for protection I now submit are constantly violated directly or indirectly by the Indian Bureau and its officers and agents.

This violation of such rights has been continued for so long that now the bureaucratic Indian Office demands the passage of H. R. 7826 in order to fasten another chain on the helpless Indians, who have neither the means nor ability to assert their rights against the bureau.

THE INDIAN AGENT IS THE COURT

No reservation courts to try Indian offenses are authorized by law to-day, and yet a quasi Indian agent called a "judge," appointed by the local Indian agent, now tries Indians for "offenses," not offenses enumerated by law but without any law. The Indian agents "judge" or subagent now acts with all the power of the United States Supreme Court, for he is supreme, without right of appeal from his decision. Of course habeas corpus will lie, but the helpless Indian ward of Uncle Sam, far out on the reservation, can neither find nor pay for a lawyer as a rule, and Congress has recognized this anomalous situation by paying these subagents "judges" $10 per month.

The Secretary of the Interior—which means the Indian Bureau under Commissioner Burke—already makes rules and regulations for "offenses" committed on Indian reservations for which no punishment is provided by Federal law. These "judges" or subagents appointed by local Indian agents at the munificent salary of $10 per month already existing are hereafter to be authorized by law to do the things they have done for years without law and to pronounce sentences for six months' imprisonment or labor or a fine of $100, or both fine and imprisonment, for breaking any rules the bureau will write.

This provision is an attempt to make felonies other than those now excepted by law, together with all misdemeanors, alike subject to the control of the subagent of the Indian agent, under rules and regulations to be prepared and amended from time to time by Mr. Commissioner of Indian Affairs. Several crimes now specifically left to be tried in the Federal court are to be permitted to remain with that jurisdiction. Other provisions of this new bill are equally sweeping and indefensible, without any basis of law or reason.

Step 1. Indian Commissioner Burke makes the rules and regulations, that may be as drastic as the laws of the Medes and Persians, and he is the king bee in this new bureaucratic oligarchy.

Step 2. Mr. Burke appoints the Indian agent. The record of some of these agents smells to Heaven if one-third of the complaints received by me are trustworthy.

Step 3. Mr. Burke's Indian agent appoints any other agent he desires, possibly an humble tool, at $10 a month to try cases against Indians who infringe on rules hereafter to be made and enumerated by Mr. Burke. Then the jail or rock pile.

No process, no jury, no law attorney furnished, but the friendless Indian is chucked in jail or at convict labor on the road, or pays upward of $100 fine for infringing on rules yet unprinted, that may be changed overnight according to the Indian Commissioner's whim. All without right of appeal. The Indian ordinarily stands no more chance of a fair hearing or just decision, I submit, than the proverbial snowball would have in the region of eternal heat. His rights of citizenship, rights of liberty, and right to a fair trial by a jury of his peers have been arbitrarily refused him for many years. Now Congress is asked by the Indian Bureau to hand down a law unconstitutional and unprecedented in character in order to give some color for fastening mental and physical handcuffs

handled by Indian agents everlastingly on the Indian wards of the Government. I have letters that cite cruel cases now practiced without law by some of these Indian agents who select the $10 "judges."

The only effect of this un-American plan is to call public attention to the present methods of the new Spanish inquisition that now control citizens of Indian blood living on Indian reservations. To meet conditions that imperatively need action by Congress I have introduced H. R. 9315, which provides a method whereby courts and laws may be employed for trying Indians the same as white persons, with right of appeal the same as is now granted all other citizens.

PRACTICALLY ALL INDIANS BEFORE INDIAN COMMITTEE DENOUNCE THE BUREAU BILL

Before the Indian Committee came representatives of several Indian tribes, and with one exception they all denounced Commissioner Burke's bill and charged repeated inefficiency and acts of abuse by Indian agents. These are not here repeated, because a brief statement of the case will present the field of favoritism, sycophancy, and oppression for which the Indian Bureau is noted that will be enlarged by bill 7826.

The official who makes the rules and regulations and appoints the Indian agents, and through them the $10 "judges," is the same official who as the Indians' guardian forced the Navajo and the Pueblo and the Yuma Tribes to build bridges largely for the use of white men. He is the same official who seeks to compel the Indians whom he is sworn to protect to pay all the taxes of oil prospectors, speculators, and producers on lands to be leased at less than one-half the usual royalties. He now further seeks to fasten all opposition to his will behind iron bars without right of appeal from his orders or his $10 "judges." I do not single out the commissioner, for he is only one of a bureau that for nearly a century past has ridden rough shod over every Indian right.

All Indian tribes, together with all Indian defense societies, denounce the commissioner's proposed Spanish inquisition "court." All excepting one white attorney who came before the committee and claimed to speak for some of the Sioux Indians. He said these Indians were satisfied with the existing system. It then developed that these Sioux Indians live in South Dakota, from which State, I believe, Indian Commissioner Burke also hails; that these Indians have a claim of $750,000,000 against the Government which the attorney named is handling; that this attorney under existing law has been approved by Commissioner Burke to bring suit against the Government, so his statement may be looked upon as a self-serving declaration to which these Indians may not subscribe. A brief statement is appended to these remarks that explain this attorney's connections.

It may be well also to inquire if the Sioux Indians whom Commissioner Burke once represented in Congress when a Member from South Dakota eventually should recover any part of the $750,000,000 to which his approval has been given, how much of that money will get to the Sioux?

Will they receive the same treatment which has been accorded to the Navajos, the Pueblos, and the Yumas, whose money the commissioner is to expend for tourist bridges to be used by whites, or like the Indian oil rights that would be granted away to pay taxes for oil speculators and exploiters? After Commissioner Burke's Indians get their judgment and their money from the Treasury, what then? Take another illustration:

OTHER COMPLAINTS OF EXPLOITATION OF INDIANS

Within the last week, following on the heels of the nefarious tourist bridge item for which the Navajos are now assessed $100,000 by Commissioner Burke through a scandalous law slipped through last Congress last session, 30 Indians representing many tribes met in Washington and perfected an organization for mutual protection so far as possible against further exploitation of their funds by the Indian Bureau. Fred Hendricks, of the Klamath Tribe, one of the leaders in the movement, then said:

> The bureau is supposed to care for the Indians, but instead exploits them. His timber is sold, his land leased for grazing, and his money placed to his credit in the Treasury. Merchants are warned not to credit him—he is a ward of the Government. But when he applies to the Commissioner of the Indian Bureau, he finds only a small fraction of the value of his timber and grazing is actually credited to him.

Hendricks is quoted by the press as saying that $17,000,000 worth of timber has been sold from the Klamath Reservation in Oregon. When he asked Commissioner Burke for a statement, he was told the amount to his tribe's credit was only $243,000. When the chapter on oil based on Commissioner Burke's new proposal is written wherein 95 per cent of all the oil produced goes to the oil exploiter while the Indians of all the tribes pay 37½ per cent out of their remaining 5 per cent or more, with which to cover the oil exploiter's taxes, then the Indians will find a real cause of action that compared with the Klamath Tribe's statement will smell to Heaven.

ABANDONMENT OF INDIANS BY THE INDIAN BUREAU

The greatest official responsibility resting on the Indian Bureau relates to the lives and health of the Indians. Property may be squandered or wrongfully used, and that has occurred without excuse, according to the evidence submitted. Indian property rights may be lost or left undefended by their guardians, and evidence has been presented to this effect on the highly suspicious oil leases. Indian rights based on the Constitution may have been trampled on in a way never before revealed in the treatment accorded the Indians who are now American citizens. Indian safety from an Indian agent's decision as to "competency," or personal freedom, or trial by jury, or with other fundamental rights, all these are essential to freedom and happiness, but health goes with happiness, and without health all the rest is of little value.

HOW THE INDIANS' HEALTH IS CARED FOR

Health conditions among the Indians may depend on many conditions for which the Indian Bureau is not to blame, but when we learn of a top-heavy bureau, with over 5,000 employees and a total expenditure for its maintenance of millions of dollars, it is certain that money now spent for this vulnerable bureau could much better have been spent for the Indians' medical needs. The Navajo, Pueblo, and Yuma Indians, when robbed of their trust funds, needed for their health, in order to build bridges for white people, afford a shocking example of bureaucratic control.

While engaged in looting these poor Indians' funds for the use and pleasure of a hundred thousand white tourists, listen to the condition of these same Indians vouched for by men of the highest character, who denounce in unmeasured terms those responsible for the robbery and neglect of our Indians—the Indian Bureau.

I quote from a letter signed by Frederick L. Hoffman, of Newark, N. J., statistician of the Prudential Life Insurance Co., an eminent actuary, whom I am informed is second to none in his special field of work. In this letter he speaks of the Zunis, the Navajos, and Pueblos of Arizona and New Mexico as follows:

> In my judgment the medical situation is as deplorable as it is disgraceful, and I am satisfied that if the facts were known and thoroughly understood the organized medical profession, through the American Medical Association, would bring pressure to bear on the Government to bring about the required drastic and far-reaching reforms. * * *
>
> There is, broadly speaking, no Indian health service, and very little is done to prevent the occurrence of disease, though some progress has been made in controlling disease after its occurrence through a medical staff unquestionably much better to-day than at any time in the past. * * *
>
> The situation is so serious that the very existence of certain tribes is at stake. Other tribes suffer a decrease or stationary condition of population because of a death rate which would be inconceivable under modern conditions if it were not sustained by the official records.
>
> The registration of births and deaths is far from accurate and complete. On the Navajo Reservation, which represents one of our finest Indian tribes, the death rate from tuberculosis is appalling—2,847 per 100,000, or 48 per cent of all causes—and the frequency of trachoma is not less than 25 per cent.

Doctor Hoffman is further quoted as saying:

> Thousands of Indians die for want of proper attention and thousands of others suffer dreadfully the consequences of apathy and neglect.

Dr. Haven Emerson, professor of public health administration at Columbia University and president of the American Indian Defense Association, is quoted as saying:

> The neglect of the health of the Indians is recognized by all health officers of this country and by the informed medical profession as a classical example of governmental incompetence.

This question of "incompetency" suggests that as long as the Indian Bureau now insists upon determining the "competency" of American Indians it would seem to be just and proper for the American Indians, who have been subject to neglect, disease, and distress, according to these eminent authorities, to be permitted to pass judgment on the competency of the Indian Bureau.

Dr. Frances Sage Bradley, director of the State division of child welfare, Montana, writes regarding conditions there, as follows:

Pathetic and hopeless is the physical condition of the young children and the eagerness of the mothers for help. We have held what we call children's health conferences on various reservations, and men and women have sledded their children 35 and 40 miles in snow on a level with their roofs, with the thermometer 14 below zero, to find out how to cure rickets, trachoma, tuberculosis. What can we tell them? I want to state that nothing but a prompt, vigorous baby-saving program can prevent the extermination of the Blackfeet. Their maternal and infant mortality is shocking, and their superintendents admit that their seeming increase is limited to half-breeds. The end is inevitable.

Dr. C. A. Harper, State health officer of Wisconsin, with whom I have been personally acquainted for over 20 years, a man who possesses the confidence of the people of that State and a medical officer of high authority, says regarding the Indian tribes in Wisconsin:

The reservations are filled with the most prevalent contagious and infectious diseases; that they are infecting the white communities, and that the laws are such that the State health officers are not allowed to do anything about it.

It should be stated that Wisconsin is one of the few States that has recently taken up medical assistance for the Indian tribes, and last year it devoted $16,000 of State funds for immediate medical aid for the 11,000 Indians of our State.

I do not believe a stronger statement can be found than that put forth by Drs. Allen F. Gilliban and Alma B. Schafer, representing the California State board, who were appointed by the governor to make a survey of the conditions of the Indians of California. In a report covering over 80 pages, complete and definite in character throughout, this California commission concluded by saying that—

The conclusions which have been arrived at will be found to be almost identical with those arrived at by other investigators. Recommendations which were offered will be found to differ from those of the experts in so far only as the expressions of the general practitioner differ from those of a specialist.

The commission concludes:

As the result of two months' sojourn and field study among the Indians of northeastern California the following conclusions have been reached:

1. That the ill treatment of the Indians (of California) during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300 (which is the figure just obtained from the 1920 census report).

2. That the Indians are now living a hand to mouth existence:

a. In houses not fit to live in.

b. Upon land that is useless.

c. Without water.

3. That they are not receiving an education worthy of the name.

4. That a great deal of sickness exists among them, and they are receiving absolutely no care.

5. That they are not receiving any advice, assistance, or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families.

Heretofore statements have been submitted regarding inexcusable neglect of education by the Indian Bureau in specific cases.

I have received many communications from various States emphasizing the widespread character of diseases among the Indians of various tribes and the incapacity and lack of effort of the present bureau system to arrest the march of disease, or to save the Indians from its ravages.

Manifestly it would be unfair to charge any bureau or any officials with sole responsibility for these conditions, but when it clearly appears from the record that Indians sadly in need of medical help are neglected by the bureau, and their property, as in the case of the Navajos, Pueblos, and Yumas and other tribes, is being used for tourist bridges for white pleasure seekers and for equally unwarranted diversion of their funds in irrigation schemes and highways for the benefit largely of white population, then the necessity of correcting existing Indian control is apparent.

AMERICA'S DARK PAGE IS YET DARK

No darker page in America's history has ever been written than that which describes our treatment of the American Indian. This is a trite statement but nevertheless it is of full force as appears to-day, when after granting full rights of citizenship to all Indian tribes without reservation we have failed utterly to start them on the right road and then to hold them responsible for their future conduct. At this stage of proceedings, it is certain nothing can be accomplished under the existing system. For nearly a century the Indian Bureau has been on trial. It should have been abolished many years ago and a system substituted that would be of some substantial and lasting benefit to these wards of the Nation.

I do not intend to repeat many charges against Indian agents, some of which may not be just, but one charge of many received is quoted, and detailed statements regarding that case have come to my hands, so I have confidence the situation is substantially as presented by Governor Blaine, of Wisconsin, in his telegram to President Coolidge, which I have read but here repeat:

MADISON, WIS., *February 15, 1926.*

President CALVIN COOLIDGE,
Washington, D. C.:

Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau (Wis.) Agency Jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the Dark Ages and the practice of the degenerate dominant to terrorize the Indian who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.

JOHN J. BLAINE, *Governor.*

Additional facts in my hands also indicate the character of some Indian agents who are now serving under Commissioner Burke. Again I call attention to one further situation, unbelievable to those not familiar with existing practice, which I briefly discussed at the outset.

THE INDIAN AGENT ALSO DECIDES ON INDIAN COMPETENCY

The commissioner, in the name of the Secretary of the Interior, through his local Indian agent, now holds many thousands of Indians—240,000, I am told—to be "incompetent" to manage their affairs. Congress has given them full citizenship but a local Indian agent or a "commission" appointed by the department or bureau can say an Indian is "incompetent" and further that any Indian, whatever his actual qualifications, can not become possessed of his own property where allotted, nor lease or otherwise manage it.

No right of appeal from the Indian agent's or commissioner's dictum is had; no jury is known as in ordinary judicial proceedings to determine sanity when called for. Here, as everywhere, the Indian agents—like the Indian Commissioner and these subdeputy "commissioners"—are above the law and in fact are the law, the judge, the jury, and final court of appeals. Hundreds of millions of dollars in property are retained in the custody of the Indian Office to-day on the plea that the Indian American citizen is incompetent, while his competency is determined by this agency of the bureau that holds in subjection these wards of the Nation. All whites, all Negroes, all people of every race or former degree of servitude if adults and American citizens are now given full rights of person and property, while these rights are not possessed by American citizens if Indians. I do not believe this overstates the case.

I have introduced a bill with a purpose of giving over 200,000 Indians, still declared by the bureau after a half century of bureaucratic enlightenment to be "incompetent," a right of appeal to the Federal court when they are declared "incompetent" by the small army of Indian agents or subdeputy "commissioners" who now sit in judgment. The bill does not assume to take away the initial right to examine into competency by these Indian agents, some of whom have records as unsavory as the sewers of Paris, according to their well-known reputation, but it does give a right of judicial examination by the court on appeal from the Indian agent's or subdeputy commissioner's decision.

INDIAN BUREAU OPPOSES ANY COURT REVIEW

This small boon or privilege accorded every other citizen thus far has been summarily denied by the Indian Bureau and no legislation to that effect, I predict, will be permitted to pass Congress without the Indian Bureau's active opposition. So be it.

Think of this condition under the American flag, where citizens of our country can not have their rights to person or property tested in their Government's courts but must surrender all their constitutional rights to the Indian Bureau where every material interest lies in continuing the job of all employees by holding the Indian in continued subjection. Where in all history will be found a more arrogant display of bureaucratic power in a Government that claims to give its subjects the inherent rights which every other civilized nation concedes to its people? The only real Americans have been despoiled of their property, and now through a disgraceful system of oppression, infamous in character, they are arbitrarily deprived of their full rights of citizenship and control

of property after a law passed by Congress guaranteed them rights without restrictions.

If right is retained by the Indian Commission to inquire as to the competency of any Indian which properly may arise in some cases, as when rarely invoked by the courts with the property of white, black, or other citizens, then the right of appeal by the Indian to the same court for a judicial decision on competency should be had. Any other method of determination is open to fraud, prejudice, and to the all-persuasive influence of personal interest possessed by the Indian agent.

I have not attempted to set forth a tithe of the charges sent me by various parties who may or may not have just complaints against the Indian Bureau. All I have presented to the House has been based on pending bills or evidence of highly responsible white persons who have no motive to mislead as to the facts. Without suggestion from any one I have presented these facts as a basis for an investigation by a joint congressional committee of which possibly no member of the Indian Committee, myself included, should be obliged to serve because of the influence the commissioner may have with the Indian tribes represented by such members if he sees fit to exercise it.

Not only the commissioner but the entire bureau should be investigated and dismissed from public service with a temporary dissolution arrangement, whereby Indians may be accorded their full rights without needless delay. A fair impartial probe ought to present an intelligent speedy method of winding up the Government's management of Indian affairs and the abolishment of an archaic bureaucratic control that always has been and always will be connected with scandal. I am offering the resolution of inquiry which I have read to the House and have inserted in my remarks.

FALL'S OIL ORDER THROWING OPEN INDIAN LANDS AND COMMISSIONER BURKE'S COURSE

Some oil exploiter depending upon the order of Secretary Fall throwing open to oil exploitation Executive order Indian lands has brought suit to have his oil rights given preference over the Indian rights as to such Indian lands.

This suit, after a hazardous career on appeal, is now on the Supreme Court docket, not to be reached for two years.

In the meantime, Commissioner Burke appeared before the Committee on Indian Affairs of the House and urged the passage of his oil leasing 37½ per cent taken from the Indians for oil producers taxes bill, so that the oil suit appealed to the Supreme Court "may be dismissed," which he assured the committee would then occur. Commissioner Burke, as a friend and guardian of the Indians, who holds 22,000,000 acres of Executive order reservations for them, should have sought at once to validate the Indian rights and title by introducing a bill in Congress for that purpose. Instead he now pleads for the oil exploiters of Indian lands and refuses to be governed by the opinion of the Attorney General of the United States, Hon. Harlan F. Stone, now a member of the United States Supreme Court. Mr. Stone, in an exhaustive opinion, disclosed the weakness of Secretary Fall's order, which was as unwarranted as the celebrated Teapot Dome and naval reserve gifts to oil exploiters, for all of which Secretary Fall's action instead of introducing a bill to make certain by act of Congress the justice and equity of General Stone's opinion, can not fail to excite apprehension for other Indian property for which under the law he is made custodian.

The Attorney General's comprehensive opinion holds that Indian tribes are entitled to the oil rights and the opinion is set forth in full because of its far-reaching effect on 22,000,000 acres of Executive order Indian lands on which oil properties worth hundreds of millions of dollars are located to be "protected" by Commissioner Burke whose oil producers bill speaks for itself.

The Attorney General's opinion to the present Secretary of the Interior follows:

WASHINGTON, D. C., *May 27, 1924.*

MY DEAR MR. SECRETARY: I have your letter of February 12 asking my opinion on the question whether Executive order Indian reservations are subject to the leasing act of February 25, 1920 (41 Stat. 437).

On the day before the date of your request, the President asked for an opinion on the same question propounded by you. Both requests and all papers transmitted with them, together with briefs and arguments submitted in behalf of other parties interested, were fully considered and an opinion formulated and sent to the President with the suggestion that he transmit a copy thereof to you.

The opinion transmitted to the President, copy of which is handed to you herewith, and which I now also give in response to your question of February 12, is as follows:

The general leasing act (41 Stat. 437) is entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain." Its first section reads in part:

"That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act known as the Appalachian forest act, approved March 1, 1911 (36 Stat., p. 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act * * *."

The title refers solely to the "public domain," and nowhere in the whole act is there any mention of Indians, Indian lands, or Indian reservations of any kind.

The long-settled rule of construction is that general laws providing for the disposition of public lands or the public domain do not apply to lands which have been set aside or reserved for particular public uses, unless the contrary clearly appears from the context or the circumstances attending the legislation. Newhall *v.* Sanger, (92 U. S. 761); Bardon *v.* Northern Pac. R. R. Co. (145 U. S. 535, 538); Mann *v.* Tacoma Land Co. (153 U. S. 273, 284); Union Pac. R. R. Co. *v.* Harris (215 U. S. 386.) Concerning Indian reservations, Indian lands, and Indian affairs generally, Congress habitually acts only by legislation expressly and specifically applicable thereto. Missouri, Kansas & Texas Ry. Co. *v.* Roberts (152 U. S. 114, 119).

This is true historically, and the fact is one of necessity, because Indians, and especially tribal Indians, remain a people apart, for whom it is impracticable to legislate in terms common to them and the whites. Ex parte Crow Dog (109 U. S. 556, 571).

Now, however, the Secretary of the Interior, explicitly reversing the attitude of his predecessors (47 L. D. 424, 437, 489), has decided that an act of Congress purporting to deal with lands of the public domain and a certain class of reservations owned exclusively by the United States, is applicable to Executive order Indian reservations, although it contains no express or specific reference to Indians, Indian reservations, or Indian lands.

The first section of the act describes the deposits and lands to which it applies. They are deposits and lands "owned by the United States." Then follow words of inclusion which make it clear that the act applies to the national forests of the West. This language in turn is followed by expressions of exclusion, and the reserves expressly excluded are Appalachian forest lands, national parks, and lands reserved for military or naval uses.

It is obvious that the words of inclusion and the words of exclusion, taken together, do not by any means embrace all the lands "owned by the United States." Neither Indian reservations, national monuments, bird reservations, nor lighthouse reservations, are either expressly included or excluded; and of course the United States is the sole owner of other bodies of land such as the Capitol Grounds at Washington, parks, and squares in the District of Columbia, national cemeteries, etc., which are neither expressly included nor excluded.

Yet no one would contend that any of these latter lands are subject to the leasing act, whatever mineral deposits they may be found to contain. It is thus apparent that there are many classes of lands owned by the United States to which the leasing act does not apply, although they are not expressly excepted from it. Nevertheless, the Secretary of the Interior and others who take the same view base their conclusions mainly upon the broad language "owned by the United States." But this language is not new in the legislation of Congress. The mineral law of May 10, 1872, now embodied in Revised Statutes, section 2319, provides for the disposition of "all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed." * * * The Supreme Court had occasion to consider this language in Oklahoma *v.* Texas (258 U. S. 574). After quoting it the court said (pp. 599, 600):

"This section is not as comprehensive as its words separately considered suggest. It is part of a chapter relating to mineral lands which in turn is part of a title dealing with the survey and disposal of 'The Public Lands.' To be rightly understood it must be read with due regard for the entire statute of which it is but a part, and when this is done, it is apparent that, while embracing only lands owned by the United States, it does not embrace all that are so owned. Of course, it has no application to the grounds about the Capitol in Washington or to the lands in the National Cemetery at Arlington, no matter what their mineral value; and yet both belong to the United States. And so of the lands in the Yosemite National Park, the Yellowstone National Park, and the military reservations throughout the Western States. Only where the United States has indicated that the lands are held for disposal under the land laws does the section apply; and it never applies where the United States directs that the disposal be only under other laws."

The court accordingly held that the mining laws did not apply to certain lands "belonging to the United States" and lying in the south half of the bed of Red River.

MINING LAWS NEVER APPLIED TO INDIAN RESERVATIONS

The general mining laws never applied to Indian reservations, whether created by treaty, act of Congress, or Executive order. Noonan *v.* Caledonia Min. Co. (121 U. S. 393); Kendall *v.* San Juan Silver Min. Co. (144 U. S. 658); McFadden *v.* Mountain View M. & M. Co.

(97 Fed. 670); Gibson v. Anderson (131 Fed. 39). Yet "owned by the United States" and "belonging to the United States" are equivalent expressions, and there seems to be no ground whatever for giving one a broader meaning than the other.

The foregoing considerations, I think, are conclusive. However, the leasing act contains a number of other provisions leading to the same result, two only of which will be mentioned. Section 28 declares that "rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe-line purposes for the transportation of oil or gas." If the act were intended to provide for the leasing of Indian reservations, there would be the same need of rights of way for pipe lines through those reserves, but none are granted.

Again, the act, in section 35, provides in mandatory language for the disposition of all the royalty moneys realized. They are to be divided in certain proportions between the Treasury, the reclamation fund, and the States within which the leased lands lie. Yet, as hereafter shown, it would violate practically all legislative precedents for Congress to dispose of lands and mineral deposits in Indian reservations of any kind without directing the payment of some portion of the proceeds to the Indians. It is notable that Secretary Fall, in making his decision, realized this so strongly that, ignoring the mandatory directions of the act, he ordered the royalties from Executive order Indian reservations to be deposited in the Treasury in a special fund to await disposition by Congress.

In view of the foregoing, any reference to legislative history seems hardly necessary, yet, in fact, none of the numerous committee reports made during the long pendency of the measure before Congress shows any indication whatever of an intent to embrace Indian reservations of any kind, but they do show affirmatively an understanding that the only lands to be affected were public lands, western forest reserves, and lands withdrawn by various Executive orders to protect the minerals therein pending congressional action for their final disposal. Thus, in the report of the conference committee dated February 11, 1919, occur the following significant statements (65th Cong., 3d sess., H. Repts., vol. 2, H. R. 1059, p. 20):

"This bill makes possible the leasing, in whole or in part, of approximately 700,000,000 acres of public land, approximately 365,000,000 acres of forest reserve, 35,000,000 acres of coal land, 6,000,000 acres of oil land, and 3,500,000 acres of phosphate land. Under present law all of this land may be passed to patent, without Government regulation, without Government royalties, and without the receipt of any remuneration by the Government, excepting such purchase price as may be provided for the patenting of the same."

* * * * * * *

"This legislation is made necessary by certain withdrawals made by President Taft during his administration and later by President Wilson during his administration. Both Presidents Taft and Wilson and the Secretaries of the Interior under them have felt the necessity of passing this legislation."

I might stop here; but the reasons advanced by the Secretary, reinforced as they have been by arguments and briefs submitted to me in behalf of lessees or permittees now exploring executive order reservations under this legislation, seem to require some comment. The gist of the argument is that the President could not reserve the minerals for the Indians; that they remained the property of the United States and were therefore "deposits owned by the United States" in the meaning of the leasing act.

That the President had authority at the date of the orders to withdraw public lands and set them apart for the benefit of the Indians, or for other public purposes, is now settled beyond the possibility of controversy. United States v. Midwest Oil Co. (236 U. S. 459); Mason v. United States (260 U. S. 545). And aside from this, the general Indian allotment act of February 8, 1887 (24 Stat. 388, sec. 1), clearly recognizes and by necessary implication confirms Indian reservations "heretofore" or "hereafter" established by Executive orders.

Whether the President might legally abolish, in whole or in part, Indian reservations once created by him, has been seriously questioned (12 L. D. 205; 18 L. D. 628) and not without strong reason; for the Indian rights attach when the lands are thus set aside; and moreover, the lands then at once become subject to allotment under the general allotment act. Nevertheless, the President has in fact, and in a number of instances, changed the boundaries of Executive order Indian reservations by excluding lands therefrom, and the question of his authority to do so has not apparently come before the courts.

When by an Executive order public lands are set aside, either as a new Indian reservation or an addition to an old one, without further language indicating that the action is a mere temporary expedient, such lands are thereafter properly known and designated as an Indian reservation; and so long, at least, as the order continues in force the Indians have the right of occupancy and use, and the United States has the title in fee. Spalding v. Chandler (160 U. S. 394); In re Wilson (140 U. S. 575).

But a right of "occupancy" or "occupancy and use" in the Indians, with the fee title in the sovereign (the Crown, the original States, the United States), is the same condition of title which has prevailed in this country from the beginning, except in a few instances, like those of the Cherokees and Choctaws, who received patents for their new tribal lands on removing to the West. And the Indian right of occupancy is as sacred as the fee title of the sovereign.

INDIANS RIGHT OF OCCUPANCY SACRED

The courts have applied this legal theory indiscriminately to lands subject to the original Indian occupancy, to reservations resulting from the cession by Indians of part of their original lands and the retention of the remainder, to reservations established in the West in exchange for lands in the East, and to reservations created by treaty, act of Congress, or Executive order out of public lands. The rights of the Indians were always those of occupancy and use, and the fee was in the United States. Johnson v. McIntosh (8 Wheat. 543); Mitchell v. United States (9 Pet. 711, 745); United States v. Cook (19 Wall. 591); Leavenworth, etc., R. R. Co. v. United States (92 U. S. 733, 742); Seneca Nation v. Christy (162 U. S. 283, 288–289); Beecher v. Wetherby (95 U. S. 517, 525); Minnesota v. Hitchcock (185 U. S. 375, 388 et seq.); Lone Wolf v. Hitchcock (185 U. S. 553); Jones v. Meehan (175 U. S. 1); Spalding v. Chandler (160 U. S. 394); McFadden v. Mountain View Min. & Mill. Co. (97 Fed. 670, 673); Gibson v. Anderson (131 Fed. 39).

In Spalding against Chandler, supra, which involved an Executive order Indian reservation, the Supreme Court said (pp. 402, 403):

"It has been settled by repeated adjudications of this court that the fee of the lands in this country in the original occupation of the Indian tribes was from the time of the formation of this Government vested in the United States. The Indian title as against the United States was merely a title and right to the perpetual occupancy of the land, with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government. When Indian reservations were created, either by treaty or Executive order, the Indians held the land by the same character of title, to wit, the right to possess and occupy the lands for the uses and purposes designated."

In McFadden v. Mountain View Min. & Mill Co., supra, the Circuit Court of Appeals for the Ninth Circuit said (p. 673):

"On the 9th day of April, 1872, an Executive order was issued by President Grant, by which was set apart as a reservation for certain specified Indians, and for such other Indians as the Department of the Interior should see fit to locate thereon, a certain scope of country 'bounded on the east and south by the Columbia River, on the west by the Okanagon River, and on the north by the British possessions,' thereafter known as the 'Colville Indian Reservation.' There can be no doubt of the power of the President to reserve those lands of the United States for the use of the Indians. The effect of that Executive order was the same as would have been a treaty with the Indians for the same purpose, and was to exclude all intrusion upon the territory thus reserved by any and every person other than the Indians for whose benefit the reservation was made, for mining as well as other purposes."

The latter decision was reversed by the Supreme Court and on an entirely different ground (180 U. S. 533). The views expressed in the McFadden case were reaffirmed by the same court in Gibson v. Anderson, supra, involving a reservation created by Executive order for the Spokane Indians.

The general Indian allotment act of February 8, 1887 (24 Stat. 388, sec. 1), is based upon the same legal theory as the decisions of the courts, for it is expressly made applicable to "any reservation created for their use either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use," etc.

INDIANS PROTECTED BY UNIFORM LEGISLATION

If the extent of the Indian rights depended merely on definitions, or on deductions to be drawn from descriptive terms, there might be some question whether the right of "occupancy and use" included any right to the hidden or latent resources of the land, such as minerals or potential water power, of which the Indians in their original state had no knowledge. As a practical matter, however, that question has been resolved in favor of the Indians by a uniform series of legislative and treaty provisions beginning many years ago and extending to the present time. Thus the treaty provisions for the allotment of reservation lands all contemplate the final passing of a perfect fee title to the individuals of the tribe. And that meant, of course, that minerals and all other hidden or latent resources would go with the fee. The same is true of the general allotment act of 1887, which applies expressly to Executive order reservations as well as to others. Then, beginning years ago, many special acts were passed—with or without previous agreements with the Indians concerned—whereby surplus lands remaining to the tribe after completion of the allotments were to be sold for their benefit. In all these instances Congress has recognized the right of the Indians to receive the full sales value of the land, including the value of the timber, the minerals, and all other elements of value, less only the expenses of the Government in surveying and selling the land. Legislation and treaties of this character were dealt with in Frost v. Wenie (157 U. S. 46, 50); Minnesota v.

Hitchcock (185 U. S. 373); Lone Wolf v. Hitchcock (187 U. S. 553); United States v. Biendaur (128 Fed. 910, 913); Ash Sheep Co. v. United States (252 U. S. 159).

Similar provisions have been made in many other cases for the sale of surplus tribal lands, all the proceeds of all elements of value to go to the tribe. In a recent act for further allotment of Crow Indians lands (41 Stat. 751), the minerals are reserved to the tribe instead of passing to the allotees (sec. 6); and moreover, unallotted lands chiefly valuable for the development of water power are reserved from allotment "for the benefit of the Crow Tribe of Indians" (sec. 10). The Federal water power act of June 10, 1920 (41 Stat. 1063), applies to tribal lands in Indian reservations of all kinds, but it provides (sec. 17) that "all proceeds from any Indian reservation shall be placed to the credit of the Indians", etc.

Again, by a provision in the Indian appropriation act of June 30, 1919, the Secretary of the Interior was authorized to lease, for the purpose "of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals," and part of the unallotted lands within "any Indian reservation" within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming heretofore withdrawn from entry under the mining laws. These States contain numerous Executive order reservations, and yet the act declares that all the royalties accruing from such leases shall be paid to the United States "for the benefit of the Indians." (41 Stat. 3, 31–33.)

The opening to entry by Congress of a part of the Colville Reservation, established in Washington by Executive order, has been cited as an exception to this line of precedents. (Act July 1, 1892, 27 Stat. 62.) But the exception is more apparent than real, for Congress, though it expressly declined to recognize affirmatively any right in the Indians "to any part" of that reservation (sec. 8), yet, in fact, preserved the right of allotment, requiring the entrymen to pay for the lands, and set aside the proceeds for the benefit of the Indians for an indefinite period. Later the proceeds of timber sales from the former reservation lands were secured to the Indians, but the mineral lands were subjected to the mineral laws without any express direction for the disposal of the proceeds, if any. (Act July 1, 1898, 30 Stat. 571, 593.) The committee reports show that the reservation was considered as improvidently made, excessive in area, and that the action taken was really for the best interests of the Indians. (Senate Rept. No. 664, 52d Cong., 1st sess., vol. 3; House Rept. No. 1033, 52d Cong., 1st sess., vol. 4.)

In respect to legislation and treaties of this character two views are possible. First, that the right of occupancy and use extends merely to the surface and the United States, in providing that the Indians shall ultimately receive the value of the hidden and latent resources, merely gives them its own property as an act of grace. Second, that the Indian possessions extended to all elements of value in or connected with their lands, and the Government in securing those values to the Indians recognizes and confirms their preexisting right. If it were necessary here to decide as between these opposing views I should incline strongly to the latter; mainly because the Indian possession has always been recognized as complete and exclusive until terminated by conquest or treaty, or by the exercise of that plenary power of guardianship to dispose of tribal property of the Nation's wards without their consent. Lone Wolf v. Hitchcock (187 U. S. 554.) Moreover, support for this view is found in many expressions of the courts. Thus, in the case just cited, the court quotes from Beecher v. Wetherby (95 U. S. 517, 525) as follows:

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the Indians; that occupancy could only be interferred with or determined by the United States."

If a transfer by the United States would convey only the naked fee, it goes without saying that the complete equitable property was in the Indians. The earlier and fundamental decisions make this plain. In Worchester v. Georgia (6 Pet. 515, 543, 544) Chief Justice Marshall clearly states that the right asserted in behalf of the discovering European nations was merely a right, as against each other, which he defines as "the exclusive right of purchasing such lands as the natives were willing to sell." As late as 1872 the Supreme Court said:

"Unmistakably their title was absolute, subject only to the preemption right of purchase acquired by the United States as the successors of Great Britain, and the sign * * * to prohibit the sale of the land to any other governments or their subjects." (Holden v. Joy; 17 Wall. 211, 244.)

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indians' rights as between Executive order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class there seems to be no ground for holding that it does not apply to the others.

You are, therefore, advised that the leasing act of 1920 does not apply to Executive order Indian reservations.

Respectfully,

HARLAN F. STONE,
Attorney General.

Hon. HUBERT WORK,
Secretary of the Interior, Washington, D. C.

THAT OIL LEASING BILL

A concise statement of the effect of H. R. 9133, indorsed and actively supported by the Indian Bureau, is submitted herewith. It comes from the American Indian Defense Association, and discloses that the bill in effect is intended to overrule the opinion of Attorney General Stone and to reinstate the notorious Fall order ousting the Indians' rights to oil and minerals on 22,000,000 acres of Executive order reservation lands. The vast importance of this bill that thus seeks to overturn the law department's opinion and to throw out the Indians can not be overstated:

MARCH 1, 1926.

THE ALBERT B. FALL INDIAN TITLE CANCELLATION AGAIN REVIVED

The Indian Bureau has indorsed House Resolution 9133. S. 3159 is identical in its main features with H. R. 9133. The bills are before subcommittees of the Indian Affairs Committees, House and Senate; the House subchairman, Hon. GEORGE F. BRUMM; Senate subchairman, Hon. SAM G. BRATTON.

These bills provide that unallotted lands on any Executive order reservation may be leased for oil and gas mining in accordance with the act of May 29, 1924, dealing with the treaty reservations. So far, good.

The bills above named then make the following provisions:

1. They validate about 20 oil prospecting and leasing permits on Executive-order land issued by Secretary Fall before former Attorney General Stone overruled Fall on the questions of the vested right of Indians in Executive reservations and the applicability of the general lands leasing act to Executive reservations. This validation recognizes by implication a vested right in the permittees, because not only are those permittees authorized to go ahead who have invested substantially in good faith but the Secretary of the Interior may validate every permit, including the wildcat and speculative ones. This means that the bills in section 3 are a congressional declaration that the Executive reservations are only public lands, hence that the Indians have no title or vested right in them.

2. The bills above named in section 2 provide that 37½ per cent of the oil and gas royalty from Executive-order Indian reservations shall be paid to the State within whose boundaries the lands are situated; 62½ per cent shall go to the credit of the Indians. Slightly varying provisions are contained in the two bills designed to insure that some of the money paid to the State shall be used for Indians.

The effect, as demonstrated below, will be to place on the Indian the whole oil-production tax burden, at a rate which would be deemed confiscatory by whites and in a manner to exempt the producing companies from any taxation, Federal or State.

The larger effect of section 2, independently and likewise in conjunction with section 3 which validates the Fall permits, will be to legislate out of existence any title or vested right possessed by the Indians in Executive order reservations. This result will follow in so far as action by Congress can effect such nullification, and it is shown below that this proposed action by Congress will heavily prejudice if not predetermine the Supreme Court opinion on this subject of dominating importance to the Indians.

The Executive order area is 23,000,000 acres and a natural wealth of billions is represented. Two-thirds of the whole unallotted area of Indian lands is Executive order reservation. Executive Indian reservations exist in 11 States, and in them scores of tribes have staked absolutely all their legal and equitable rights. Many Executive reservations go back a generation and usually they are the ancestral homes of tribes.

Secretary Fall had many projects affecting Indian wealth. His boldest and greatest project was that of establishing the total absence of a vested right by Indians in Executive reservations, thus making it possible for the administration, without the consent of Congress, to take away or confiscate all the Indian property values in the unallotted areas of all these reservations.

Now comes the Indian Bureau indorsing as a legislative proposal that which Secretary Fall attempted by administrative act and a construction of law subsequently overruled by the Attorney General.

It is taken for granted that the measures here discussed, like so many other Indian bills, are the product of the Indian Bureau which has indorsed H. R. 9133, and that the congressional sponsors are not prime movers or intentionally parties to the sought-for confiscation.

The Executive Indian reservations need to be opened for oil and mineral development; taxation on such development needs to be permitted. These legitimate matters can be attained as stated below, without incidentally, or by primary intent, legislatively clouding or destroying the Indian vested rights. Many western Senators want development of the Executive reservations and want these reservations

to yield revenue to the States. All friends of the Indians should want the same thing. No friends of the Indians or of American honor should want the vaster and wholly different result of nullifying the Indian vested right and repudiating national undertakings that have been cumulative across 50 years.

WHAT THE HOUSE INDIAN AFFAIRS SUBCOMMITTEE HEARING REVEALED FEBRUARY 20

H. R. 9133 places the whole production tax burden on the Indian receivers of royalty. This, in contradistinction to the status under the act of May 29, 1924, authorizing a production tax on unallotted treaty lands.

In absence of specific congressional permission, the States can not tax Indian lands. The pending bills omit such specific permission but place the burden exclusively on the Indians. Page 60 of the House hearings:

"Mr. HAYDEN. Oklahoma levied a production tax on oil (from unallotted treaty reservations), and the money was collected and impounded, and the Supreme Court said: 'This oil came out of untaxed Indian land, and the land itself could not be taxed and the production could not be taxed.' Then we passed this subsequent act (of May 29, 1924) that permitted a tax to be levied. It could not be done without the consent of the United States." (Commissioner Burke concurred.)

A REQUEST FOR SECRETARY WORK'S OPINIONS

WASHINGTON, D. C., *February 25, 1926.*

Hon. HUBERT WORK,

Secretary Department of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: I am inclosing copy of House bill 9133 and suggest that it be referred to you personally and not by your office to the Indian Bureau because of the tax policy involved in the bill. I am advised that this measure will cover some 22,000,000 acres of Executive order Indian reservations and has the approval of the Indian Bureau. The commissioner appeared before the committee of which I am a member supporting its passage. Careful consideration of its provisions should be had, and I am presenting to you serious objections that I feel assured in any event may prevent the passage of the bill, but also will prevent development of oil production on Indian lands to the possible injury of the Indians and oil producers concerned.

Your attention is invited to section 2 of the bill wherein Indian royalties are subjected to a tax of 37½ per cent, to go to the State ostensibly for their benefit. This tax is to cover any State oil-production tax that might properly be levied by the State on oil producers. In other words, section 3 of the bill, which allows the Indians 5 per cent oil royalty on claims heretofore filed under an interpretation by Secretary Fall, are now to be reinstated and of this 5 per cent royalty, 37½ per cent will go to the State to cover the oil-production tax of both the Indians and oil producers. No one can reasonably object to the Indians paying an oil-production tax to the State and that can easily be brought about by just legislation. On the other hand, no one fairly can defend a measure that places the total oil-production tax burden on the Indians whether they get 5 or 50 per cent royalty from the producer.

The effect of this policy, if it should be passed, is best evidenced by the statement of the Commissioner of Indian Affairs before the committee that 400 oil claims covering over 1,000,000 acres of the Navajo Indian Reservation will be disregarded, provided the bill should be passed in its present form, because these 400 applicants for permits were acting for speculative purposes without any effort to develop the land. If the bill is passed as drawn, it will result in a similar effort to despoil Indians of their oil rights. This will not willingly be permitted by you, although your approval of the bill has been referred to during its consideration by the committee. That such approvals are secured without a full understanding on your part of their provisions is evidenced by the $100,000 Navajo Colorado River bridge wherein you were quoted as favoring this bill on the theory that the bridge would be equally used by the whites and the Indians. Senators denied this and two Senators familiar with the facts stated in debate yesterday that the Navajo Lee bridge proposal approved by you is unjust, iniquitous, and indefensible (RECORD, Feb. 24, 1926, pp. 4468–4473). No Congressman will place on you responsibility for your approval but rather upon those who have been chargeable with presentation of the facts to you.

The reimbursable feature was defeated in the Senate yesterday because of that fact, notwithstanding its active support by the Indian Bureau, and it is still in conference.

With bill H. R. 9133 I am only interested in protecting the rights of the Indians, which I feel assured is your own attitude, and for that reason I suggest that in order to promote oil development on Indian lands the bill be changed so as to require both Indians and producers to pay to the State whatever oil tax is assessed against them in proportion to their respective shares of oil production, and not entirely by the Indians. I understand this has been done on treaty reservations, and, as the commissioner impressed us with the desirability of having the bill passed with section 3 embodied therein in order to settle pending litigation on Executive order Indian reservations, no objection was made to recognizing the equities of 20 or more actual oil developments affected by that section.

Arguments might be advanced against the inclosed bill, and probably will be, providing the bill reaches a threatening stage, but I am asking your attention to the policy proposed by the Indian Bureau on all Executive-order reservations, and ask that a constructive bill, fair to the Navajo Indians and others alike and not alone to oil producers, may be prepared and passed at the present session.

I believe the Indian defense societies will strenuously oppose the Hayden 37½ per cent Indian tax bill in the form recommended by the Indian Bureau, yet a reasonable and constructive measure looking toward the development of Indian oil lands will have their support.

Very sincerely,

JAMES A. FREAR.

THE SECRETARY OF THE INTERIOR,
Washington, February 27, 1926.

Hon. JAMES A. FREAR,

House of Representatives.

MY DEAR MR. FREAR: I have your letter of February 25, 1926, relative to H. R. 9133.

Before answering your letter I desire to have certain law questions that I regard as fundamental investigated. I have given directions for a full investigation of these law questions and have also requested that their determination be expedited. When I shall have received the opinions on the law questions involved I shall again communicate with you.

Very truly yours, HUBERT WORK.

MANACLES AND CHAINS

The statement has been made repeatedly by the officials of the Indian Bureau and others without full information, who seek to defend the bureau's action, that no definite charges of cruelty or misgovernment on the part of the Indian agents has been shown.

I am submitting several complaints from among many others I have, not alone to evidence cruelty or harsh treatment but to indicate some of the agents who are empowered by the bureau bill to appoint $10 a month judges.

Although only a member of the Indian Committee something over 60 days, I am attaching herewith statements that give specific cases that should forever condemn any bureau in this enlightened age that insists upon maintaining an organization for the development of the Indians which includes subordinates such as appear to represent the bureau in the cases named.

I am assured that many such cases can be offered if further evidence is desired on this subject. And remember that these agents are among those who appoint the Indian "judges" at $10 a month, to be paid by the Government. They have control of the Indian administration and of the reservation matters:

WASHINGTON, D. C., *March 4, 1926.*

Hon. JAMES A. FREAR,

Committee on Indian Affairs,

House Office Building, Washington, D. C.

SIR: We desire to call your attention, as an exhibit bearing on H. R. 7826 and H. R. 9315, the shackles and chains taken from the police office in the same building as the Indian reservation jail at Fort Peck, Mont., January 20, 1926.

We desire to state this is not a typical shackle and chain, because there is no heavy iron ball attached to it and no lock for chaining the Indian to the wood or stone wall of his prison.

This apparatus was purchased with money voted by Congress for support and civilization of the Fort Peck Indians. We do not know whether this particular expenditure came out of our own money or tax money. Very likely it came out of our own money.

The following statement is of importance as showing the kind of law and order which the Indian Bureau enforces through such shackles, balls, chains, and iron locks.

The last time that Mr. Rufus Ricker, member of the Fort Peck Indian delegation, happened to see a Fort Peck Indian in chains in the jail, the case was as follows:

It is about a year and a half ago and the name of the imprisoned Indian was Benjamin Kills-Thunder.

Benjamin Kills-Thunder committed the offense of going off the Fort Peck Reservation without a permit or passport from the Indian superintendent, to visit his relatives at Devils Lake Indian Reservation, N. Dak.

When Benjamin Kills-Thunder returned to the Fort Peck Reservation he was seized and tried in the reservation court and sentenced to the reservation jail where he was kept chained up. No other charge was alleged against him.

We bring this particular case to your attention because it shows the kind of power which the Indian Bureau is trying to get Congress to confirm in it.

The Indian Bureau declares anything to be an offense in its discretion. The offense does not have to involve any violation of known law or customary law or to involve a turpitude. The offense in this case was simply to have gone off the reservation to visit relatives without getting a permit from the Indian agent.

Now, we Indians are voters and you can see what this kind of power means when used over us.

We desire to add this fact. All kinds of labor known to be performed around a reservation, sometimes the labor is needed by the agency and sometimes it is needed for the convenience of an Indian Bureau employee, and we Indians are captured and sentenced in this arbitrary way and put to work, sometimes for the Indian Bureau, but more often for the Indian Bureau employees. We want to ask you whether this is not plain slavery.

We want to point out to you that it is no use just to defeat the Indian Bureau bill H. R. 7826, because of these things they are doing now, but Indians must be set free from this kind of brutal treatment and slavery, and we want Congress to set us free by giving us rights in a real court.

If the Indian Bureau or any other person disputes the above statements, we desire that they shall confront us and we will support statements, multiply examples, and we will proceed under oath and furnish any needed corroboration.

Very truly yours,

MEADE STEELE.
RUFUS RICKER, Sr.

A WISCONSIN CASE OF CHAINS AND MANACLES

ODANAH, WIS., *January 23, 1926.*

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate.

Hon. HUBERT H. PEAVEY,
United States Congressman, Washington, D. C.

DEAR SENATOR AND CONGRESSMAN: I am appealing to you for the release of my son, Paul Moore, age 26, from sentence of six months imposed on him by J. S. R. Hammit, superintendent of the Lac du Flambeau School and Agency, in a jail thereat within the Lac du Flambeau Indian Reservation in Vilas County, State of Wisconsin.

The facts in the case so far as I have been able to learn, are as follows:

Paul Moore, George Sharlow, and Samuel Smart, on the 27th of October last, motored from Odanah to the village of Lac du Flambeau, which is within the Lac du Flambeau Reservation and adjoined by the said school and agency premises. They were arrested by the Indian police of said reservation on some alleged misdemeanor and taken before said superintendent, who has with him an Indian whose name is Saw-gitche-way-ghezis, who does not read nor write, or talk English, posing as a judge, but the said superintendent prepared and read his sentence.

Paul Moore and George Sharlow were thereafter kept in said jail for five days, when they were taken out on a field to dig potatoes, and from there they returned to Odanah.

On the 21st day of January, 1926, about 8.30 a. m., the Indian police at this place, said to be acting under orders of the LaPointe Indian Agency at Ashland, and through the local Government farmer at Odanah, at the request of the said school superintendent of Lac du Flambeau, came to my home and took Paul Moore and detained him in jail here until the following morning and then turned him over hand-cuffed at the 6.50 train to one Albert Snow, an Indian police of the Lac du Flambeau Reservation, concerning which no papers were read nor referred to at this or the previous arrest.

In thus writing your honor, I do so believing that it would be of no avail should I direct my complaint in this matter to the Indian Bureau, as they would sustain their agent no matter how arbitrary his act may be, and thereby their greater oppression.

I only ask that Paul Moore be released from such improper detention, and if he has committed any offense against the laws of the State of Wisconsin, of which he is a citizen, that he be accorded under due process a right of defense therein against his accusers.

I am advised that a certain township government of Vilas County, of which one John St. Germain, a member of the Indians of said reservation, is its elected clerk, has its seat in the village of Lac du Flambeau, and also thereat its justice of the peace court, which has been resorted to be the Indians of said reservation for sometime past.

Only since the transfer from somewhere out of the Southwest to the Lac du Flambeau Indian Reservation of the now superintendent thereat has there been such detentions as that referred to in this writing.

Thanking you for such consideration and attention as you may cause to be given this subject looking to a trial in the proper court, if that may be required, I shall be

Very gratefully yours,

Mrs. MARY MOORE.

ODANAH, WIS., *January 30, 1926.*

Mrs. ELIZABETH MALONEY,
1017 Main Street, Stevens Point, Wis.

MY DEAR MRS. MALONEY: You will pardon my apparent negligence in not acknowledging receipt of your most kind letter received some time ago, on which I hope to be able soon to write you. But at this time I am impelled to vent a grievance, which may be better understood out of the following statement than from any other observation:

About 70 miles southeast of here, and in the county of Vilas, is a cluster of beautiful lakes all linked together within the Lac du Flambeau Indian Reservation through which the Northwestern Railway passes. The principal habitation on this reservation is in the Lac du Flambeau village, which is about centrally located, and besides its being the seat of one of the township governments of said county, and embracing all of said reservation. Two members of its board and its assessor are members of the Indians of said reservation, and also at said village is the justice of the peace court for said township, known as the town of Flambeau.

The said village is adjoined by an Indian school and agency premises known as the Lac du Flambeau School and Agency and included with the school and agency building is a jail.

The superintendent of said school and agency, now there since the month of June last, is one J. S. R. Hommet, transferred from somewhere out of the Southwest, who, I am informed has set up a new terror to the Indians there by imposing sentence and subjecting them to imprisonment in said jail—men, women, and children.

The case which brings this subject to Odanah is that of one Paul Moore, age 26, a resident of Odanah, who, together with other Indians, was penalized by said school superintendent. The facts in the case, so far as I am informed, are as follows:

Paul Moore, George Sharlow, and Samuel Smart, all of Odanah, on the 27th of October last, motored from Odanah to the village of Lac du Flambeau; they were later arrested by the Indian police of said reservation on some alleged misdemeanor and taken before J. S. R. Hemmet, who sentenced each Paul Moore and George Sharlow to detention in said agency jail for a term of six months.

Paul Moore and George Sharlow, after being kept in said jail for five days, were then taken out on a field to dig potatoes, and from there they, without leave, returned to Odanah.

On the 21st day of January, 1926, at about 8.30 a. m., the Indian police of this place, said to be acting under orders of the superintendent of the LaPointe Indian Agency at Ashland, a Mr. P. S. Everest, and through the local so-called Government farmer, a Mr. A. L. Doan, at Odanah, at the request of the said school superintendent, Hemmet, of Lac du Flambeau, went into the home of Mrs. Ben Moore, mother of Paul Moore, and took Paul Moore and detained him in jail here until the following morning, and then turned him over, handcuffed, at the 6.50 a. m. southbound North Western train to one Albert Snow, an Indian police of the Lac du Flambeau Reservation, concerning which no papers were read nor referred to at this or the previous arrest.

On the 26th instant, when Paul Moore was visited from Odanah, by his sister, Mrs. Joseph Rabideaux, he was found to be in a cell of said Las du Flambeau Agency jail, size about 6 by 8 feet, having bunk and a clogged toilet therein, and further made miserable with a ball and chain fastened to his ankle. Within the other part of this jail were three Indian women and three Indian men.

To my mind, this is a terrible state of affairs, and such a depressive, enslaving practice should not be tolerated—at least not be allowed to displace the right of trial, and to be heard in the proper court, heretofore accorded our Indians.

The wrong that may have been done by the imprisoned, I submit, is beside the question, and would seem not to be a wrong at all compared with the practice of this degenerate dominat and his aids, who, without objection by those in position, will be the more emboldened to greater terrorism, and then seem that Coolidge economy was surely drifting in on the lives of the least protected, and that a retrograde on dispensing justice was about to ensue in progressive Wisconsin.

Can we turn the devil away; and what would you suggest that may be done in such a matter?

Very sincerely yours,

Mrs. VERONICA RAICHE.

INDIAN RELIEF COMMITTEE OF MINNEAPOLIS,
Minneapolis, Minn., February 26, 1926.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

HONORABLE AND DEAR SIR: The executive committee of the Indian relief committee of Minneapolis, at its meeting held on Thursday, the 25th instant, passed the following resolution:

"*Resolved*, That inasmuch as the opportunity for tyranny is but poorly concealed in H. R. 7826, introduced by Mr. LEAVITT, and could, and we fear would, be used in many sections to reduce the Indians to a state little, if any, above that of slavery, we believe that the very presentation of such a bill to our National Congress constitutes an affront against the intelligence of our people and outrages all that is left of decency on the part of the white man in his dealings with the Indian. We protest against every feature of this bill and call upon all men of fair mind to repudiate it in its entirety.

"We note with pleasure the presentation by the Hon. JAMES A. FREAR, of Wisconsin, of H. R. 9315, which seems to be a substitute measure for H. R. 7826. This bill, by guaranteeing to the red man

'due process of law' on an equality with the whites, bring to the Indian the first indication of the fulfillment of promises, and some measure of justice. While the bill does not and can not remedy the wanton ways of the past, yet it does give some hope for their cessation. We urge the support of this measure, and urge that a copy of this resolution be sent to the Hon. JAMES A. FREAR, of Wisconsin, and to Senator THOMAS SCHALL, of Minnesota, with notices of it to the chairman of the House Judiciary Committee, the Hon. GEORGE S. GRAHAM, and to all the other members of the Minnesota delegation."

The committee urges you to repudiate the Leavitt measure, and to give your strongest support to the one of Mr. FREAR.

Very sincerely yours,

LOUISE GREGORY LADD,
Mrs. ALBER LOVEJOY LADD,
Secretary Indian Relief Committee of Minneapolis.
LOUIS P. CHUTE,
Vice President Indian Relief Committee of Minneapolis.

EVERETT HOTEL,
Washington, D. C., February 20, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. LEAVITT: Reference is made to H. R. 7826.

Under the present system of administering justice on our reservation the superintendent is virtually the arresting officer, the jailer, the prosecuting attorney, the defendant's attorney, and the supreme court.

We here cite a few cases which we readily recall, and there are many others of like nature that could be furnished had we known that a law of this kind was being proposed. (The cases all fall within the last two years.)

John Kinepoway, a Menominee Indian, laborer, was fined $75 for intoxication. No intoxicants were found in his possession. The fine was imposed by the superintendent merely on information and belief.

John Kaquatosh, sr., married, a Menominee Indian, was fined $50 under like circumstances.

Mitchell Okatchikum, a Menominee Indian having several small children dependent upon him, was fined $50 also under like circumstances.

Louis Dodge, jr., married, a Menominee Indian laborer, was fined $100 under like circumstances.

No hearings whatever were given in the cases of Kinepoway, Kapuotosh, and Okatchikum. In the cases involving married men with families the fine imposed necessarily worked a hardship on the dependent wives and children, requiring several months of privations to recover.

About the summer of 1916 a Menominee Indian by the name of Joe Striker was charged with intoxication. An agency farmer by the name of Smith was sent out to arrest him. Striker attempted to escape, whereupon the farmer whipped out a pistol and shot him through one or both legs at the knees, resulting in his being permanently crippled.

About January, 1924, Francis LaMotte, a Menominee Indian, was arrested at Neopit, Wis., and found to have in his possession a traveling bag containing a gallon jug full of moonshine whiskey. The arrest was made by A. M. Morrin, a clerk in the office of the superintendent, assuming the authority to make the arrest. In handling the prisoner Morrin lost his temper and struck LaMotte full in the face with his fist. Another clerk in the office, a Menominee Indian, criticized Morrin for his unnecessary brutality and was severely reprimanded by the superintendent for his criticism.

Robert Wheelock, about a month ago, was arrested at Neopit for intoxication. On the day set for the trial before the Indian court the arresting officer failed to appear to make a complaint and Wheelock was released. The superintendent was not satisfied that Wheelock got by without punishment and caused him to be taken from the reservation and ordered never to return. It will be noted here that Wheelock is a nonmember of the tribe but is a resident of the reservation, established through his stepfather, who is a member.

Peter Mahkimetass, a Menominee Indian residing at Neopit, and another Menominee, whose name we do not recall at this time, suspected of having drunk moonshine whisky, were arrested by the Indian policeman and jailed on a Saturday night. They were confined in the jail until the following Tuesday afternoon, at which time their case was brought to the attention of the lumber sales manager, A. B. Finney. The arresting officer requested instructions from Finney in this matter: "What'll I do with those two men I have in jail?" Mr. Finney asked. "Who are they?" Mr. LaMotte, the arresting officer, answered, "Peter Mahkimetass and so-and-so." Whereupon Mr. Finney loudly exclaimed, "Let 'em stay there!"

Your attention is invited to the fact that in a number of the cases cited above, the power to administrate justice lay wholly with the subordinate employees of the agency not vested with police power in regular form, illustrating the evil of a system so elastic in its operation that the question of justice is practically inoperative. It occurred to us that section 2 of bill H. R. 7826 provides for even a more elaborate legalizing of the present tyrannical system.

Very respectfully,

THE MENOMINEE DELEGATION.
By RALPH FREDENBERG.

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637 MUNSEY BUILDING,
Washington, February 19, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. LEAVITT: Can what follows be placed in the RECORD on H. R. 7826 before the spokesmen of the Indian office are heard, in order that they may deal with its statements?

It is an example of a tyrannical use of power by an Indian superintendent, which was repeatedly appealed to the Commissioner of Indian Affairs and the Secretary of the Interior.

THE ZUNI CASE

The hearings thus far have established that the so-called reservation courts are nothing but the superintendent or subordinates or appointees of his, acting under such regulations and definitions of offenses as may be supplied by the Indian commissioner.

It has been pointed out that reservation courts subordinate to the superintendent exist on some reservations but not on others; that where they exist the superintendent may supplant them at will; that where they do not exist the superintendent is continuously a reservation court.

It is the autocratic power of the superintendent which is at issue, and it is his abuse of this power which has been variously alleged in the hearings. If this autocratic power exists and is lawlessly used, the term "reservation court" can not successfully mask it.

The Zuni case is as follows:

About January 1, 1924, subordinates of Superintendent Bauman, of Zuni Reservation, using methods of duress, took away from the tribal officers the ancient Spanish canes and the more famous Lincoln cane; likewise the silver badges which are emblems of influence in the tribe.

This act was not preceded by any formality of investigation, accusation, hearing, or trial.

After some delay the Lincoln cane was restored, but the Spanish canes, of great age and symbolic and sentimetal value, and the silver badges, were refused.

Instead, the superintendent attempted to persuade the tribal officers to accept a cheap set of substitute canes and a very cheap looking set of new badges.

The officers, instructed by the governing body of high priests, refused to accept the substitutes.

This case was first brought to the Commissioner of Indian Affairs and the Secretary of the Interior in February, 1924, by a delegation of Pueblo Indians in Washington.

There followed one of the "investigations" which are the despair of Indians and their friends; an investigation carried out by one Inspector Safford, which not merely was egregiously a white-wash investigation, but which was an application of threat and of something approaching the third degree to the Indians in the effort to break their resistance. The full report of Inspector Safford's proceedings can be had from the Indian Bureau. Thereafter, not once but repeatedly, the Indians have petitioned the Commissioner of Indian Affairs and the Secretary of the Interior for a return of these almost sacred emblems and objects which had been torn from them without cause and without legal process. They could obtain no satisfaction whatever.

After one and one-half years of thus petitioning and vainly waiting, the Zuni Indians authorized a law firm to represent them. First, an investigation on the ground was made by Mr. Leo J. Rabinowitz, of San Francisco, a member of the board of directors of the Indian Defense Association, who acted as a volunteer.

Thereafter the firm of Barker & Fahy, of Santa Fe, was professionally retained, and Mr. Charles Fahy went to Zuni and completed a thorough investigation.

The case was thus in hand, and it was the advice of the several attorneys that civil suit would lie and probably a prosecution for larceny.

At this stage of the proceedings Mr. James W. Young, of Chicago, joined with me in a final effort to secure administrative correction without a lawsuit. The matter was discussed with ex-Gov. H. J. Hagerman, a member of the Pueblo lands board and a commissioner of the Navajo Indians. Mr. Hagerman has no administrative jurisdiction over Zuni Pueblo.

Mr. Hagerman saw the outrageous character of the facts, and likewise obtained from me as secretary of the American Indian Defense Association a written assurance that in fact the suit or suits in the courts would be brought instantly unless the administration yielded and the purloined objects were returned.

Commissioner Hagerman's visit to Zuni corroborated the statements, and the immediately impending suits gave power to his arm, and the

canes and the badges were finally, after about 18 months, restored to the Indians.

No discipline was meted out to this lawless superintendent, who is still the complete master of the Zunis.

The incident has not yet ended; indeed, it is only given as an example, and there have been numerous incidents in Mr. Bauman's Zuni career. But the following relates to the subsequent history of the fake badges which Mr. Bauman tried to force upon the Zunis in place of their real badges:

The great yearly religious ceremony of the Zuni is called the Shalako and it takes place in December. It is a ceremony of extreme beauty, and to the Zuni of great solemnity.

In this ceremony the gods (symbolic masked figures of enormous height) come back into the pueblo from the desert, and for all of a night and a day they are received in one after another of houses, newly built, to be consecrated by them. Afterwards these houses are lived in by the Zunis.

The Shalako is likewise an occasion of hospitality. Last December perhaps a thousand Navajos came as guests and perhaps a hundred white persons. Like all the Indian sacred occasions, the Shalako is wholly devoid of commercial features.

What I shall now recount was witnessed by all who attended the Shalako, December 22 last.

I can specifically call the following witnesses, in addition to myself: Mrs. Collier; Miss Jessie Flanagan, of Woodbury, N. J.; Miss Harriet Wilson, of the International Institute of the Young Women's Christian Association, of San Francisco; Mrs. Mabel Lujan, of Taos, N. Mex., and New York.

The management of the Shalako has immemorially been the duty of the tribal officers. They are like ushers and church deacons. They show the onlookers where to stand, prevent a crowding of the priests, dancers, and symbolical deities, and come and go in the many houses where the ceremonies proceed all night, ushering in the sacred dancers from house to house, welcoming the guests, and keeping order without the use of force.

In all the years it has never been intimated that these tribal officers were not completely effective. There was one exception: The Shalako ceremony, which took place just before Mr. Bauman, through his subordinates, seized the tribal insignia and at the same time attempted to overthrow the tribal government. That disturbance, now two years gone by, was precipitated by a handful of Zuni, who, whether or not incited to this violation of a sacred occasion by Mr. Bauman, were and are his supporters—his few supporters, less than 50 in number in a tribe of 2,000. As I stated, Mr. Bauman seized the tribal tokens of office immediately after this disturbance had been created, using the disturbance as his excuse.

Now, at sundown the gods, with their masked forms 15 feet high, came over the desert and at the borders of the Pueblo stopped for prayer and for the planting of sacred feathers. It was at this point that a number of white men and Indians, carrying clubs and wearing the rejected fake badges which Mr. Hagerman had restored to the superintendent—the fake badges which the Indians had rejected—thrust themselves in front of the onlookers and worshippers. They were noisy, they swung their clubs, and one of them on horseback rode half way between the congregation and the priests and symbolic deities, turned his horse backward from the deities, and sat smoking. This man was the type of Indian who is often chosen for judge. He wore the fake badge and his deliberate insult to the Zunis and their religion was symbolical of the behavior of many Indian superintendents and indeed of the policy of the Indian Bureau.

Thereafter, through the whole night, these wearers of the fake badges and swingers of clubs took charge of the Zuni Shalako. The tribal officers were pushed aside, and these men strode hither and thither, invading even private homes, knocking men's hats from their heads with their clubs, and talking loudly.

In some other Indian tribes violence would have resulted from this deliberate and wanton outrage. The Zunis have learned that physical resistance is hopeless and no violence was done.

At Zuni Pueblo Mr. Bauman continues as a hostile czar. He knows that the Commissioner of Indian Affairs knows the facts. Why should Mr. Bauman be disturbed if more of the same kind of facts are made known to the commissioner? Why should the commissioner be disturbed if Mr. Bauman continues to do the sort of things that he has been allowed to do for years? There is no law; Mr. Bauman is the Government; the Zunis are practically voiceless, and any white person on the reservation must have the good will of the bureau. He can not stay there without it. He can be arrested and thrown off the reservation if the bureau so desires.

Should your committee desire the corroborating affidavits, documents, etc., of the above case, they can be assembled for it. Should the Indian Bureau make a denial of the facts, the entire record will be presented to your committee. It is voluminous.

Two violent acts by the superintendent of the northern Pueblos of New Mexico, Mr. Crandall, have already been brought to the attention of your committee. The imprisonment of the Taos Safarino was not only appealed to the Commissioner of Indian Affairs by the tribe, but was given publicity several months ago.

Compared to the situation on reservations in general, the Pueblo situation is relatively free from acts of oppression. The reason is that a limelight of publicity can be turned onto the Pueblo situation at almost any time because of the great public interest in these New Mexico tribes. I have quoted examples from the Pueblos precisely for this reason. They exhibit the operation of the Indian Bureau system of lawlessness at its best. That system at its worst could be observed, for example, among the Apaches, and from time to time among the Hopis, and in various of the more remote Northwest reservations; it has been above all exhibited at Yuma, Ariz., during the years since 1920.

Mr. Brosius, of the Indian Rights Association, brought before your committee the nature of the unregulated powers of superintendents when he referred to the system of leasing. As I have stated above, the superintendent is the Government, and he is the Government not limited by constitutional limitations. If he wants to evict an Indian from his allotted land, the law permits it and the regulations of the Indian Bureau expedite it. If he wants to lease the land secretly and even without consideration, he is free so to do. If he wants to destroy the will of a dead Indian or whimsically to determine heirs, he or other agencies of the Indian Bureau have unrestricted liberty so to do.

The very fact that all of these acts are described as acts of the Secretary of the Interior indicates the futility of administrative appeal. No court review is possible in any circumstance, and the administrative appeal is taken from the Secretary of the Interior to the Secretary of the Interior, as words are used; from the Indian Bureau to the Indian Bureau in actual fact.

The question before the Indian Affairs Committee is as follows: Shall the citizenship law be made real through a supplementary affirmative act by Congress abolishing the criminal jurisdiction held by the Indian Bureau and abolishing its unregulated control of Indian property? Or shall Congress by an affirmative act cancel the fragment of a citizenship grant made in 1924, and while allowing the unregulated control over Indian property to continue also give statutory recognition to a criminal jurisdiction, which operates as follows:

The Indian Bureau makes the laws.
It arrests for the crime.
It prosecutes the criminal.
It is the judge of the criminal.
It is the attorney for the defendant.
It is the jailer.

And all of this under laws and regulations that it does not publish. A government of a subject race by unpublished administrative decrees executed through a subordinate bureaucracy.

On one or the other of these lines of policy the Committee of Indian Affairs and the Congress will proceed.

(Signed) JOHN COLLIER,
Executive Secretary American Indian Defense Association (Inc.).

This letter has been sent to Chairman LEAVITT:

PUEBLO OF TAOS, N. MEX., *July 23, 1925.*

Hon. CHARLES H. BURKE,
Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: It has come where we have to request you for information and advice, because we have been thrown in confusion by the act of our our superintendent, Mr. C. J. Crandall.

These are the facts:

Originally in the month of June, the 10th, two members of the Taos Indian Tribe got into a fight over the act of one who encroached on the land of the other. One man, Lorenzo Martines, set up posts on the land of the other man, Sefarino Martines.

Lorenzo Martines is 56 years old and Sefarino Martines is 36 years old. Of course naturally the younger man whipped the older and won the fight, though both were hurt but Lorenzo the most. They fought with their fists only.

Then Lorenzo Martines complained to the Pueblo officials. He came at once from the fight and made his complaint The Pueblo officials made preliminary investigation before going to trial. There were two Indian witnesses to the fight and also a white man. The governor talked with the white man and before a judgment was reached all the witnesses were to be listened to in the presence of the plaintiff and the defendant.

But just before the trial the plaintiff, Lorenzo Martines, came to the Pueblo officials and asked for dismissal of the case. The plaintiff admitted when asking for dismissal of the case that he had been responsible for the trouble and that he was the guilty one and did not want a trial. The case was dismissed and Lorenzo, the complainant, was charged the customary charge for cost of investigation and preparation for trial.

At this time the governor questioned Lorenzo about why he had made a complaint to the Taos County Court after having made one to the Pueblo officials. Lorenzo replied that two Government officials,

Mr. Marks, the school principal here, and Mr Berzeal, and a third friend, Doctor Martin, of Taos, had told him to do it.

Though the case did not come for trial, the investigation proved as follows:

That two times before Lorenzo Martines had interfered with Sefarino Martines's land, and when Sefarino protested Lorenzo had attacked him each time.

That the two witnesses who saw the fight of June 10 close by, Cesario Duran testified that Lorenzo attacked Sefarino when Sefarino said: "Why did you again interfere with my land"?

That after the fight, the same day, the Pueblo officials had examined Lorenzo and had found no injuries except face injuries resulting from the fist fight, and another witness, James Mirabal, testified to seeing the last part of the fight, and there was no fighting except fist fighting and no trampling of one man by the other.

That Sefarino is generally law-abiding and has this reputation with the white people and Indians alike.

That Lorenzo is quarrelsome and has often made trouble, and has this reputation generally among the white people as well as among the Indians.

That after the fight Lorenzo had said to Sefarino that if they had any more trouble he would do something very dreadful to Sefarino; that he had said he knew already what he would do.

These are the facts so far as revealed in the investigation made by the Pueblo officials.

How last Friday, July 15, Mr. C. J. Crandall, our superintendent, came bringing with him the sheriff. He said he had investigated. He said he had asked Lorenzo without having Sefarino present. He said he had then talked with Sefarino. He did not talk with the witnesses, and he did not ask the Pueblo officials what they had found out, but erroneously he said they had already punished Lorenzo, which was not a fact. He told Sefarino that he had done wrong in fighting with a man old enough to be his father. The officials asked Mr. Crandall, "What shall a younger man do if an older man attacks him?". And Mr. Crandall answered, "It would be no shame to run away."

Then the thing which causes us to write to you took place. Mr. Crandall told Sefarino Martines that he must go to jail in the county jail for 10 days, though there had been no trial, no questioning of witnesses, and no commitment. He told Sefarino that unless he went to jail under these circumstances then he, Mr. Crandall, would have the case taken to the Federal court at Santa Fe, 75 miles from here. The Government would prosecute Sefarino. Mr. Crandall knew that to defend himself before the court at Santa Fe, Sefarino would have to spend several hundred dollars for a lawyer, the transporting of witnesses, etc., and immediately to put up bail, and Mr. Crandall knew that Sefarino could not possibly meet these costs.

So at once the sheriff took Sefarino to the county jail, and there he now is, though the county and State have no jurisdiction, and there has been no trial of any kind whatever and not even an informal questioning of the witnesses by Mr. Crandall.

Now the questions we want to ask you are these:

First. The Pueblo officials have been recognized as peace officers at all times in the past. They make arrests, hold trials, and pass judgments in civil matters as well as breaches of the peace. Mr. Crandall himself, on this very occasion when he was suspending the authority of the officials without giving them a hearing or assigning cause, made the following statement, when it was mentioned that the quarrel between these two men grew out of a land matter: "I do not want to hear anything about land disputes; they are a thing to be handled by the Pueblo officials."

Now is it right, and is it your wish, that our Indian superintendent shall overrule the Pueblo officials in matters that have always been within their jurisdiction, and shall do this without a trial and without clearly stating his reason why?

Second. Is it your wish that an Indian superintendent shall put Indians in jail in this irregular way, without any form of trial and without even an informal examination of witnesses? It is reliably reported that Mr. Crandall said to Mr. Lorenzo M., the man who started this fight for which his victim is now in jail: "The next time you get in a fight I will send you to jail, and I won't stop to investigate." If our Pueblo government is to be made powerless and a thing to laugh at through actions like this of Mr. Crandall, and a lawless rule which throws Indians in jail without an investigation is to be substituted, then what are we Indians of Taos Pueblo going to do?

Third. What instruction are we to give our young men? We can not tell them that if an older man starts to attack them they must run away. Do you want us to try to make such a regulation in this pueblo?

Fourth. Can a local Indian superintendent, as in this case, do whatever he likes about the Pueblo's internal government, abolishing some powers, then restoring them, then overriding them without investigation? A great demoralization will come in our life if this is the case.

Very respectfully,

THE GOVERNOR AND COUNCIL OF TAOS PUEBLO.

RONAN, MONT., *February 11, 1926.*

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR MR. FREAR: I am writing to you to ask a favor of you. As I have been reading the CONGRESSIONAL RECORD and I see by the RECORD of February 5, your speech on bill (H. R. 8722) that you are a very just and conscientious gentleman in regards to fair dealings with the Indians. The matter that I wish you would use your influence and kill bill (H. R. 8050). Under this bill what would the Indian have to say? I would like to know what is the status of the Indian to-day. He is granted citizenship one day and the next day they want to pass a law that the poor Indian can not say a word to defend himself with bureau officials under bill (H. R. 8050). You get a copy of it and read it; give me your opinion on same. So I ask of you to do all in your power to kill the bill when it comes on the floor of the House, as it would sure work an awful hardship on the Indians. Hoping you will do what I ask of you for the benefit of all the Indians, I remain,

Sincerely,

FRANK KIRKPATRICK.

In a hearing before the Indian Affairs Committee an attorney named Case claimed to represent the Sioux Indians, whom he claimed were willing to live under the existing inquisition methods employed by the Indian Bureau through its $10 "judges" on the reservation. At that time Mr. Case was asked, as the hearings will show, if he had any connection with or interest with the Indian Bureau. Hearings have not been printed and the exact phraseology of the question is not certain, but that was substantially the question, and the answer was in the negative. None of the Sioux present volunteered any statement whatsoever, and the testimony given by Case was the only proof offered from any Indian tribe that they are satisfied with existing conditions on the reservation.

A statement that gives the close relation of Case to the Indian Bureau has been handed me and is offered, as follows:

FEBRUARY 22, 1926.

In re statement by Ralph H. Case, attorney at law, before the Committee on Indian Affairs, House of Representatives, February 18, 1926, then having under consideration H. R. 7826, entitled "A bill to extend the civil and criminal laws of the United States to Indians, and for other purposes"

Attorney Case indicated at above hearing that he was not in employ of the Government and that his statements were not influenced through personal interests; at least, that was the import of his statements to the committee.

There is now pending in the Court of Claims of the United States, in which the Sioux Tribe of Indians in North and South Dakota—which includes the Rosebud Band of the Sioux Tribe—an action seeking to recover several millions of dollars from the Government, aggregating $632,362.80, with interest, "which said sums are wholly unpaid, except as hereinbefore stated and for costs of this action," as stated in the "Petition of the Sioux Tribe of Indians," filed May 7, 1923, in the Court of Claims (case No. C-531).

Page 5 of the petition, paragraph 52, states:

"The plaintiffs have entered into a contract with Ralph H. Case and C. C. Calhoun, attorneys at law of Washington, D. C., under date of September 11, 1922, whereby said attorneys are duly authorized to represent them, the plaintiffs, and to file this suit in their behalf; and that said contract has been duly approved by the Commissioner of Indian Affairs and the Secretary of the Interior on December 21, 1922."

Section 2103, Revised Statutes of the United States, provides that agreements shall not be made with Indians under certain conditions without the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

The act of Congress approved June 3, 1920, authorizes the institution of the claim of the Sioux Nation in the Court of Claims (41 Stats. p. 738) and stipulates at length the manner of approval of contracts with Indian tribes.

The employment of Case and Calhoun was arrived at after a great deal of thought being given to it. The contract to prosecute these claims was first negotiated with the law firm in which Charles J. Hughes, of New York, was a partner, but that firm was released from prosecuting the claim in court at their request.

We submit that Messrs. Case and Calhoun, as attorneys, prosecuted Sioux claim in United States Court of Claims.

In the foregoing suit are officers of the court; that naturally they are kindly disposed to the Commissioner of Indian Affairs and the Secretary of the Interior, since these attorneys could not have been approved without the sanction of these officials of the Indian Department, as provided by the act approved June 3, 1920, heretofore alluded to (41 Stats. 738).

A VICIOUS INDIAN BUREAU BILL

IN THE HOUSE OF REPRESENTATIVES,

January 16, 1926.

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed:

A bill (H. R. 7826) to extend the civil and criminal laws of the United States to Indians, and for other purposes

Be it enacted, etc., That hereafter the civil and criminal laws of the United States shall apply to Indians, and the United States district and circuit courts shall have jurisdiction of crimes and misdemeanors or other violations of Federal statutes committed within Indian reservations by or against Indians.

SEC. 2. The reservation courts of Indian offenses shall have jurisdiction, under rules and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations, for which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment at labor or a fine of $100, or both.

SEC. 3. The term "Indian reservations" shall be construed to include Federal reservations for Indians created by treaty, agreement, act of Congress, or Executive order; and shall include individual Indian trust allotments during the trust period; restricted fee allotments during the period the restrictions against alienation are in force; and Indian reservations opened for settlement and sale for the benefit of Indians while title thereto is in the Indians, or in the United States in trust for Indians.

SEC. 4. Indian custom marriage and divorce are hereby abolished from and after one year from the date of the approval of this act and thereafter Indians shall comply with the marriage and divorce laws of the State within which they reside: *Provided*, That Indian custom marriage and divorces between Indian wards living on Indian reservations actually consummated in good faith prior to the date this section goes into effect shall be recognized as valid: *Provided further*, That the children of Indians who attempt to marry by Indian custom after this section becomes operative shall, for all purposes, be taken and deemed to be the legitimate offspring of their respective parents; but the father of such children shall not inherit any of their trust property unless there shall be no other heirs, lineal or collateral: *Provided further*, That the Secretary of the Interior, in his discretion, is hereby authorized to make such provision for the care and maintenance of the mother of such children out of any trust property, real or personal, belonging to or inherited by the father of such children, by sale, lease, or other disposition, as in his judgment may be advisable.

SEC. 5. Superintendents or other officers in charge of Indian reservations or schools, when authorized by the proper State officers, may issue marriage licenses to Indians residing under their jurisdiction.

SEC. 6. Any Indian who knowingly violates section 4 of this act, upon conviction, shall be fined not more than $200 or imprisoned for not more than one year or by fine and imprisonment in the discretion of the Federal court.

SEC. 7. While living on Indian reservations, Indians shall be subject to the jurisdiction of the United States district and circuit courts and the reservation court of Indian offenses: *Provided*, That this act shall not apply to the New York Indians, the Osage Indians, or the Five Civilized Tribes.

A SUBSTITUTE FOR 7286 THAT GRANTS INDIANS COURT TRIALS AND RIGHT OF APPEAL

IN THE HOUSE OF REPRESENTATIVES,

February 13, 1926.

Mr. FREAR introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill (H. R. 9315) to prescribe the application of the civil and criminal laws of the United States and the several States to Indians, and for other purposes

Be it enacted, etc., That for the purposes of this act the term "Indian reservation" shall be construed to include all lands held in trust for Indians by the United States.

SEC. 2. That hereafter any Indian charged with a crime or misdemeanor against any other Indian or against other person, committed on an Indian reservation, shall be guaranteed due process of law; and the reservation courts of Indian offenses are hereby abolished and all criminal jurisdiction is hereby taken away from the Secretary of the Interior, the Commissioner of Indian Affairs, or any subordinate of such official.

SEC. 3. That the United States district courts shall have exclusive jurisdiction over felonies committed by Indians against Indians or against other persons on Indian reservations, and over civil suits in controversies exceeding $500, and the United States General Statutes covering felonies shall be applied.

SEC. 4. That for felonies not enumerated in Federal statutes, and for all misdemeanors and in all civil matters, the laws of the State within whose boundaries the Indian reservation is located shall be applied; and the United States district courts shall have exclusive jurisdiction over such felonies and over appeals from verdicts in civil and misdemeanor cases as hereinafter provided.

SEC. 5. That commitment for felony and fixing of bail of Indians, and trial for misdemeanors committed by an Indian against any other Indian or against any other person, and trial of civil matters in controversy not exceeding $500, shall be executed and conducted by the Indian law enforcement magistrates as hereinafter provided: *Provided*, That where an Indian possesses property held under United States trust, in the form of land or trust funds equal to the amount fixed as bail, the court is authorized to exempt such Indian from furnishing bail, and in the case of any default by said Indian, said property held in trust shall be liable: *Provided further*, That appeals shall be allowed from the acts of the Indian law enforcement magistrates to the Federal court, but the cost of such appeals shall be charged to the appellant.

SEC. 6. That the United States district court shall, as need arises, appoint Indian law enforcement magistrates, who shall be deputy officers of the court. The Indians living on Indian reservations within the jurisdiction of the court shall be authorized to submit through their tribal council, the members of which shall have been chosen by the Indians according to their tribal customs, or through such other representative method as the United States court shall direct, nominations for the position of Indian law enforcement magistrate, and such nominations shall be taken into consideration by the court in making its appointment: *Provided*, That in the discretion of the court occasional services as provided in section 5 may be performed by the United States commissioners of the United States district court, who are hereby vested with the authority vested by section 5 of this act in the Indian law enforcement magistrates.

SEC. 7. That where Indian tribal authority exists and Indian custom continues operative, said tribal authority and custom shall prevail in all civil and criminal matters other than felonies: *Provided*, That the question of fact as to the existence of tribal authority and the continued operation of tribal custom shall in all cases be subject to determination by the United States district court: *Provided further*, That where tribal authority and custom continue to prevail, Indian custom marriage and divorce shall be held lawful.

SEC. 8. That sections 2111, 2112, 2113, 2134, 2135, 2147, 2148, 2149, 2150, and 2151 of the United States Revised Statutes be, and the same hereby are, repealed.

SEC. 9. That the above sections of this act, except section 8, shall not apply to the Indians of New York State, the Osage Indians, and Five Civilized Tribes.

RESOLUTION FOR INVESTIGATION OF INDIAN BUREAU

IN THE HOUSE OF REPRESENTATIVES,

March 4, 1926.

Mr. FREAR introduced the following joint resolution; which was referred to the Committee on Rules and ordered to be printed:

Joint resolution (H. J. Res. 189) authorizing the appointment of a committee to investigate the Indian Bureau and report thereon

Whereas Congress in 1924 granted citizenship to every adult Indian for the purpose of enabling him or her to become a self-supporting, responsible member of society; and

Whereas through 70 years of bureaucratic guardianship the Indian has been held by the Indian Bureau in a hopeless, un-American, and unambitious position, with 240,000, or two-thirds of all Indians, still kept by the Indian Bureau in a restricted condition and declared by it to be incompetent to own or manage property, this status being determined by the Indian Bureau itself without right of court review; and

Whereas the Indian Bureau, directed by Commissioner Burke and Assistant Commissioner Meritt, exercises practically unlimited control over Indian property estimated at $1,600,000,000 in value and has consistently, through administrative usurpation and through a ceaseless persuasion of Congress, increased its power as a means of politically perpetuating itself in more than 5,000 salaried positions paid for by the taxpayers and by the Indians without the Indians' consent; and

Whereas the Commissioner of the Bureau of Indian Affairs has made rules and regulations and has authorized Indian agents to appoint $10 a month subordinate agents called "judges," who, without trial by jury or any known code of law or legal practice, have confined Indians in jail and compelled them to work on the highways as convicts and to pay fines for infringing such rules, all in violation of the constitutional rights and guaranties given every American citizen, and has further, through his agents, permitted many acts of cruelty and mistreatment of Indians which deprived them of their property and liberty of person; and

Whereas the Indian Bureau has neglected the health of the Indians until disease conditions shocking beyond description have developed and now menace the white population of several States, while destroying the Indians; and

Whereas, cooperating with local interests in using pressure upon Congress, the Indian Bureau has charged to the several tribes, through legislation initiated or approved by the Indian Bureau, many millions of dollars for bridges, roads, irrigation projects, and other public and

private work not consented to by the Indians and not intended primarily, if at all, in some cases, to be used by the Indians; and

Whereas the Commissioner of Indian Affairs has advocated laws that have required and will require the Indians to give unjust oil leases reaching many millions of dollars and unwarranted favors to oil producers and speculators, including payment by the Indians of the white producers' and speculators' tax, and further has failed and refused to protect the Indians' property, but, on the contrary, in repeated cases involving enormous results has favored legislation designed to cancel and confiscate Indian property rights and to remove the legal protection to which the Indians as wards of the Nation are entitled; and

Whereas after 70 years of Spanish inquisition guardianship under an Indian bureaucracy that to-day rivals the autocracy of a Russian Czar, the Indians are without hope or protection save through an aroused public sentiment and intervention by Congress; and

Whereas the Indian Bureau, with its notorious scandals, robbery of its wards, and systematic oppression, has outlived any usefulness it was supposed to have when first organized; and

Whereas Congress, having granted full citizenship to the American Indian, must now, in tardy justice, enable these wards of the Nation to enter into the privileges and responsibilities of citizenship, which can never be done under the present archaic, tyrannical, and exploiting system of the Indian Bureau: Therefore be it

Resolved, etc., That a committee of 10 Members of Congress is hereby authorized, five to be appointed by the Vice President from the Senate and five appointed by the Speaker from the House; that such committe shall be instructed to investigate any charges of neglect, dissipation of funds, improper treatment, or misgovernment of the American Indians and further report their findings, with such recommendations as may afford the Indians opportunity to improve their conditions without delay and better qualify themselves for rights of citizenship heretofore granted them by Congress. And for such purposes said committee shall have power to send for persons and papers and administer oaths and shall have the right to report at any time. The expense of said inquiry shall be paid jointly in equal proportions out of the contingent funds of the Senate and House upon vouchers approved by the chairman of said committee, to be immediately available.

Mr. SHREVE. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman, by act of Congress we have created in the Labor Department a Children's Bureau, whose duty it is to make investigations, study, collect, and distribute information pertaining to the welfare of children and child life. In this bill we appropriate for the payment of the salaries of the chief and personnel of this bureau in the District of Columbia the sum of $105,000. We appropriate $135,000 to cover the expense of investigation and report by that bureau upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality. Of course the jurisdiction of this bureau is not limited to the District of Columbia, but extends throughout the United States. It is necessary, in order to get the information which Congress and the country demands regarding children and child life in the various sections of the Union, that the bureau should send its representatives throughout the country—and in order to pay the expenses of such representatives we are appropriating in this bill the sum of $54,000.

We have also, by a recent act of Congress, imposed a duty upon this bureau to promote the welfare and hygiene of maternity and infancy throughout the country, and in order to enable it to carry out this duty we are appropriating the sum of $1,000,000.

It is evident to any thoughtful person that in order for this bureau to investigate and report upon matters pertaining to the welfare of children and child life, and to promote the welfare and hygiene of maternity and infancy as required by law, it is necessary for them to meet and confer with groups of people throughout the country interested in this subject; and I can not conceive of a more economical or practical way for the officials of this department to carry out this work, both to gather information and to disseminate information for the promotion of the welfare and hygiene of maternity and infancy, than for such representatives of the bureau, who are being trained at the expense of the Government, to attend and appear before conventions and meetings of juvenile officers and others who are assembled for the purpose of discussing and considering the welfare of children and child life and the welfare and hygiene of maternity and infancy. Yet under the decision of the Comptroller General of the United States, appearing on page 421, volume 4, November, 1924, also decision appearing on page 630, volume 4, January, 1925, if any officer, agent, or representative of this bureau, with the view to carrying out the provisions of the act creating the bureau, should attend a meeting or convention in the interest or for the purpose of considering matters pertaining to the welfare of children, as well as the welfare and hygiene of maternity and infancy, the expenses of such agent on the entire trip upon which such meeting should be attended would be disallowed by the Comptroller General. This decision of the Comptroller General was based on an act, approved June 26, 1912, dealing with the government of the District of Columbia and appearing in section 8, page 184, Thirty-seventh Statutes of the United States, and reads as follows:

> No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation.

It is not my purpose to criticize the rulings or action of the Comptroller General, but I have taken the floor to say that if the Comptroller General has correctly interpreted the law in refusing to permit the payment of the expenses of any agent of the Children's Bureau upon any trip where such agent appears before any meeting, assemblage, or convention considering the welfare of children, for the purpose of either collecting or disseminating information upon that subject, then the law upon which the Comptroller General bases his ruling is wrong and ought to be modified.

Not only does the act creating the Children's Bureau clearly indicate that it was the intent of Congress that the agents of that bureau should travel over the country in order to collect and disseminate information in the carrying out of the purposes of the act, but the appropriation of $54,000 in this bill for the traveling expenses of the agents of the bureau is further proof that such was the intent of Congress. However, I am advised that the Comptroller General has ruled that even though an agent of that bureau should travel upon official business, yet if such agent should attend any meeting or assemblage gathered for the purpose of considering the welfare of children, or the hygiene of maternity and infancy, or should address such meeting for the purpose of promoting the welfare and hygiene of maternity and infancy—or should discuss matters pertaining to the welfare of children or should get information for the use of the bureau in compiling reports pertaining to these subjects; still such agent's expenses would not only be disallowed for the time while attending such convention or meeting, but that his or her expenses would be disallowed for the entire trip.

One of the necessary duties imposed upon the Children's Bureau is to study and collect information regarding delinquent children, and, as far as possible, to find a solution for the prevention of such delinquency. I can not conceive of a greater opportunity for effective work of this kind than for an agent of the bureau to attend a national convention of juvenile officers assembled in some city in this land.

An expert of the bureau, with the data and information compiled by that bureau, could undoubtedly disseminate information at such a convention which would do much for the promotion of the welfare and hygiene of maternity and infancy; and such agent could undoubtedly gather much information from the discussions of a national convention of juvenile officers pertaining to the welfare of children and child life, as well as conditions throughout the country relative to hygiene of maternity and infancy. Yet, under the rulings of the Comptroller General, even though an agent of the bureau should be in a city on official business where such convention is held, if he should appear before the convention for the purpose of disseminating information or gathering data for the use of the department, his expenses for the entire trip would be disallowed. It is perfectly legal for the bureau's agent to see the members of such convention singly in their home town, but if he sees them all in one day in one body, then his trip is void and his expenses can not be paid.

Such a ruling upon the part of the Comptroller General may be the law, but it is certainly not consistent with economy or the best interests of the public. I am advised that under the rulings to which I refer, even if the object of the representative's trip is to confer with local individuals in making arrangements for investigations for the bureau, yet, if any of his time, however brief, is spent in seeing persons from other cities who happen to be in attendance at meetings or conventions considering the welfare of children, the transportation of such agent for the entire trip will be disallowed.

It is frequently possible, through the meetings of societies and conferences called by outside agencies, to deal with the subjects which the Children's Bureau are required to study, for the

bureau's agents to appear at such meeting and confer with and gather information from experts from all over the country; and yet, under the ruling of the Comptroller General, this can not be done, but, on the contrary, the bureau must go to the enormous expense of visiting these people separately at their various stations throughout the land in order to get the information which the bureau must have.

In order to carry out the purposes of the bureau in dealing with the welfare of mothers, infants, and children it is most feasible that meetings should be called of State groups who are interested in the subject and who are anxious to help the bureau in carrying out its work for the betterment of child life in the country. In fact, it is difficult to conceive how the work of the bureau can be carried on efficiently and successfully unless it is possible for agents and representatives of the bureau to confer with groups of this kind; and yet, under the ruling of the Comptroller General, such is impossible.

It is certainly not in accordance with a sound program of economy to compel the bureau to assemble information at the great cost which the ruling of the department requires, and then make it impossible for the agents of the bureau to disseminate such information by a first-hand and personal presentation to those persons in the country who are ready, willing, and anxious to cooperate with the bureau in doing work for the welfare of mothers, babies, and children.

Printed reports can, of course, be used, but they never can be a successful substitute for local conferences when administrative programs and adoption of programs for local conditions are under consideration.

On March 4, 1913, see Thirty-seventh United States Statutes, page 854, Congress enacted a provision exempting the Department of Agriculture from rulings such as that of the Comptroller General which is so seriously handicapping the Children's Bureau; and agents and representatives of that department are authorized to appear before agricultural meetings for the purpose of instructing the farmers upon the breeding, feeding, and caring for horses, cattle, hogs, and other livestock.

The good mothers of this country who are interested and willing to give freely of their time to cooperate with and assist the Children's Bureau in solving the problems of hygiene for mothers and infants, and caring for the welfare of children, are necessarily bewildered to find that our great Government will send its agents at public expense to lecture upon cattle and hogs, while it refuses to permit its experts to appear before conventions of such mothers and other unselfish, public-spirited persons to instruct them regarding the problems of motherhood, infancy, and childhood.

On August 24, 1912, Congress enacted a provision which appears on page 560, United States Statutes, volume 37, exempting the Post Office Department from rulings of the Comptroller General, such as that to which I have referred. On June 2, 1920, Congress enacted a provision, which appears on page 737, Forty-first United States Statutes, exempting the Federal Board for Vocational Education from rulings of the Comptroller General, such as that to which I have referred. On January 3, 1923, Congress enacted a provision, which appears on page 1101, Forty-second United States Statutes, exempting the Treasury and the Public Health Service from rulings of the Comptroller General, such as that to which I have referred.

On January 5, 1923, Congress enacted a provision, which appears on page 1117, Forty-second United States Statutes, exempting the Department of Commerce, Bureau of Standards, from rulings of the Comptroller General such as that to which I have referred. On January 24, 1923, Congress enacted a provision, which appears on page 1204, Forty-second United States Statutes, exempting the Bureau of Education, Department of the Interior, from rulings such as that to which I refer. On January 24, 1923, Congress enacted a provision, appearing on page 1208, Forty-second United States Statutes, exempting the United States Geological Survey, Department of the Interior, from rulings such as that to which I have referred. There is certainly infinitely more reason for the enactment of a provision which will enable the Children's Bureau to carry on its work successfully than there is for making exemptions in the cases which I have specified.

It is clearly evident that the ruling of the Comptroller General, of which I complain, is seriously handicapping the successful operation of this bureau—that it is retarding beyond calculation the accomplishment of good for which the bureau was intended—and that it is enormously increasing the cost of its efforts; and I sincerely hope that if additional legislation is necessary in order to cure such existing evil, that such legislation will be incorporated into this bill.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. Certainly.

Mr. SHREVE. In order to keep the records straight will the gentleman please tell the committee what his proposed amendment is?

Mr. NEWTON of Missouri. Yes. The amendment which I propose is to be added as the last paragraph in the bill appropriating for the Children's Bureau, and it will read as follows:

Nothing contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be so construed as to prohibit the payment from appropriations for the Children's Bureau of the Department of Labor, of expenses incidental to the attendance by representatives of the Children's Bureau, when deemed necessary by the chief of such bureau, upon conventions or meetings having under consideration matters pertaining to the welfare of children or to the promotion of the welfare and hygiene of maternity and infancy.

I want to make it possible to permit the agencies of the Government to at least do as much for the children as they are now allowed to do for the pigs, sheep, and cattle. As the law now stands, if some disease should break out among the livestock in the hill country in Kentucky, the Agricultural Department could send an expert to that section who could call the farmers of the whole region together and instruct them collectively as to how to combat such disease; but if afflictions should develop among the mothers and babies in the mining districts of Pennsylvania, and the Children's Bureau should send an expert to that community who should call the parents of those children together to instruct them as to how to proceed to promote the welfare and hygiene of such mothers and babies, then the comptroller would declare the entire trip of such agent illegal and void and would bar the payment of his traveling and hotel expenses upon such trip. It seems to me that we ought to make sure that we give as much consideration for the mothers and babies of our country as we do for the livestock of our farmers.

Mr. SHREVE. This matter was not proposed to the committee at the time we had the hearing. I think there is merit in the provision. I should be glad to take it up with the gentleman.

Mr. NEWTON of Missouri. I am delighted to see this attitude of fairness upon the part of the gentleman from Pennsylvania [Mr. SHREVE], who has charge of this bill as the representative of the Committee on Appropriations. I hope the committee will accept my amendment, because it will make it possible for the Children's Bureau to get greater returns for the money it expends than it has been able to do in the past. The amendment will not increase the expense of the Government by a single cent, but will increase the return to the Government enormously.

Mr. OLIVER of Alabama. The bureau is doing excellent work, I appreciate, and surely it can not properly function unless it be allowed to do what the gentleman suggests.

Mr. NEWTON of Missouri. I am grateful to note the magnanimous and public-spirited attitude taken by the gentleman from Alabama [Mr. OLIVER], the ranking Democrat representing the Appropriations Committee in charge of this bill. You can readily understand that if we give the bureau $54,000 for traveling expenses, and require its agents to make their investigations and gather their data by going to persons singly instead of permitting such agents to reach the public collectively, then this appropriation will not go very far. It is certainly in the interest of economy and good service to allow the agents of the bureau to confer with groups and aggregations of people rather than to compel them to travel long distances in order to see such persons individually, and it is in the interest of economy and good service that I am proposing this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, it is indeed a great honor and privilege to belong to the House of Representatives, the greatest lawmaking body on earth, and a further honor to be a member of the great Committee on Agriculture. That is a most important committee for the reason that it deals with the most important subject. It sounds good to the ears of some gentlemen to say that the business industries of the country are in a prosperous condition, that there is more money in the great banks and financial centers of the East, and that industry in general is flourishing as never before; but let me tell you that all prosperity depends upon agriculture and the prosperity of the farmer. Unless he is in a reasonably prosperous condition there can be no general prosperity. Agriculture is our basic industry and the one upon

which all other business depends. Therefore when we legislate for agriculture we legislate for all lines of business. The financial centers are too accustomed to seeing prosperity when their profits are great and their prices high and pay too little attention to the basis of all wealth. When the farmers receive a fair price for the products of their toil—and in the past five years that fair price has not been received—there is a general wave of prosperity throughout the whole country, but when agriculture is depressed and the farmers receive for their crops less than cost of production this depression is felt in all other lines of business. It is the farmers who feed the world and clothe them, too, and receive less attention from this administration than any other class of business people. Why is this so? I answer for the reason that the farmers are not organized like other classes of business who know how to get what they want. Every Member of Congress is flooded with propaganda asking him to support certain legislation—and let me say that the people of the country have the right to petition Congress for legislation that in their judgment will be beneficial to the country—but too much of this propaganda comes from big business organizations of the East that are interested only in their own welfare. If these large business concerns would only realize that farming is the most important business, they would not only benefit their own business but the entire country as well.

Yes, Mr. Chairman, the farmers of America are engaged in the most important business. All that we eat, all that we wear, is produced on the farm. Let our farmers take a holiday for one year and starvation and death to our people would be the result. He is the only business man to-day who is entirely independent, for he can raise what he eats, and in time of necessity he can produce all that he wears. The other people of our land must call on the farmers for their food and clothing. Let the farmer's strong right hand become paralyzed for one year and civilization would be destroyed. Let his good wife and children take a few months off for a holiday, as is done by many in the cities, and a famine would result. These things would not occur in any other line of business. I mention these facts to call attention to the importance of agriculture and the farmers' business. With these facts before us, Mr. Chairman, why is not the farmer entitled to some of this prosperity that we see so much about in the large newspapers of the East, and that we read about in the numerous bulletins emanating from the White House and the Department of Agriculture? He is among our best and law-abiding citizens. In the country, gentlemen of this House, you find Christianity and morality undefiled, and there the faith is still firm in the religion of our fathers. There, Mr. Chairman, is where you find your real hospitality and friendship supreme. It is there—on the farm—where you find people communing with nature and engaged in our most important business. The farmers have the same feelings and impulses as other people and long for the time when they, too, can take a little holiday and, with their good wives and children, can go down to the river and in the forest to hunt and fish awhile. But you do not see that, Mr. Chairman. While he and his family are plowing the corn and chopping the cotton, other people who live from his toil are enjoying themselves by the rippling brooks and quenching their thirst at the bubbling springs, away from the noise and bustle of the city and business.

Ah, do those who always oppose any sort of legislation that will benefit the farmers realize that the farmer thinks as much of his children as they? That he is just as much interested that his children shall go to school and obtain an education, that they may not be compelled to struggle as their parents have done in order to live? They are just as much entitled to some of the luxuries of life as the men who wear their silken shirts and the wealthy women who are adorned with sparkling gems. He is entitled to more than the bare necessities of life. Why should he not have more, as he produces it all? He pays taxes as other people do and usually more according to his property, as all he has the assessor can see, which is not always the case with some people with large property holdings.

Our farmers should be given the same consideration that other lines of business are given; for their prosperity all is dependent upon the industry of the farmers of the country. When he harvests his crops and markets them he must take what the buyers offer, and when he buys back any of the manufactured articles, made from the products that he produced, and buys other necessities of life, he must pay what the seller asks. The farmer is the only business man who has nothing to say about the price he receives for the products of his toil. His prices are fixed when he sells and when he buys. He also is the only producer who continues to produce at less than cost. The manufacturer, protected by an unreasonably high tariff law, can fix his own price on his manufactured articles and pass the cost of production and his added profits on to the consumer, but not so with the farmer.

In the June, 1925, Supplement to Crops and Markets, published by the United States Department of Agriculture (pp. 180–181), on production costs of corn and wheat we find the following:

Net cost per bushel

	1922	1923	1924
CORN			
North Atlantic States	$0.83	$0.87	$1.02
South Atlantic States	.83	.85	.97
East North Central States	.56	.61	.75
West North Central States	.53	.54	.70
South Central States	.75	.88	.88
Western States	.67	.66	.88
WHEAT			
North Atlantic States	1.35	1.24	1.42
South Atlantic States	1.60	1.60	1.60
East North Central States	1.17	1.11	1.15
West North Central States	1.03	1.24	.97
South Central States	1.44	1.32	1.18
Western States	1.09	1.09	1.20

Wheat production costs, as given by the Agricultural College of North Dakota, varied from $2.47 per bushel in 1919 to $1.49 in 1923.

The American Farm Bureau Federation, with headquarters in Washington, furnishes estimates on cost of production of the leading farm crops, and the estimate on cost of production of this organization is as follows:

Cost per bushel

	1924	1925
Corn	$0.82	$0.74
Wheat	1.22	1.58

Circular 340 of the Department of Agriculture, May, 1925, says that replies to the questionnaire from 11,238 farmers all over the United States on the cost of corn production in 1923 show an average cost of 68 cents per bushel and 66 cents per bushel in 1922. This circular also says that the average sales value of corn per bushel in 1923 was 81 cents per bushel. But, Mr. Chairman, there is not included in this sales price the cost of hauling the corn to market, where that alleged average price of 81 cents per bushel was received.

The same circular says reports were received from 2,519 farmers on the cost of cotton production and that 407 of these reports showed yields from 101 to 140 pounds per acre, averaging 124 pounds. The statement says that the average cost of cotton production on these 407 farms was 22 cents per pound lint. In the monthly supplement to Crops and Markets, June, 1925, we find statements showing the cost of producing cotton from 7 cents per pound to 51 cents per pound. These varied estimates show the difficulty of making an accurate estimate, and, in my judgment, the estimates on cost of producing farm crops are almost always too low.

Cotton News, published by American Cotton Association at St. Matthews, S. C., gives the following estimates on the cost of producing cotton:

The average for the United States:	Cents per pound
1923	29
1924	27
1925	25

This publication gives the following statement on cost of cotton production for 1925 by States:

Cost of production per pound	Cents
North Carolina	26
South Carolina	30
Georgia	29
Florida	21
Alabama	26
Mississippi	24
Louisiana	24
Texas	28
Arkansas	26
Tennessee	23
Missouri	26
Oklahoma	23
Arizona	21

Some of these reports say that the cost of producing cotton is more than the price received.

I say to the President of this great Republic, to the Congress, and to those in charge of the administration now in power that the farmers can not continue to produce the necessities of life at a loss. No other business would even attempt to produce at a loss. It is time for this administration to act and act now.

Political parties in times of campaigns publish to the public what they call their platforms, which is a contract to do certain things and enact specified legislation if intrusted with power. Let us briefly examine the two last platforms of the Republican Party. Concerning agriculture, the platform of the Republican Party in 1920 contained the following statement:

The farmer is the backbone of the Nation. The crux of the present agricultural condition lies in prices, labor, and credit. The Republican Party believes that this condition can be improved by practical and adequate farm representation in the appointment of governmental officials and commissioners.

Mr. Chairman, the Republican leaders always discover just before election time that the "farmer is the backbone of the Nation," and as soon as the election is over those leaders then forget the farmer until the next election. Your platform for 1920 makes one astounding statement, that prices play some part in the present agricultural condition. That is what makes the farmer complain—that his prices are not in ratio to the prices of the articles that he has to buy.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. SWANK. Yes.

Mr. McKEOWN. I take it from the gentleman's speech he is in accord with the statement that political platforms are like platforms on coaches, merely to get in on?

Mr. SWANK. That seems to be the view of the Republican leaders.

In 1920 you believed that—

this condition could be improved by farm representation in the appointment of officials.

Where and when did you improve the condition of the farmer in this manner? How do you propose to improve his condition—by creating new boards to make investigations as to his condition?

By your platform pledge in 1924 you have again discovered—just before the election—that—

the prosperity and welfare of the Nation as a whole are dependent upon the prosperity and welfare of our agricultural population—

And in this platform you go further and—

recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress.

Distress to whom, Mr. Chairman? Let me say to the leaders of this administration and to the President that you have had complete control of both branches of Congress since March 4, 1919, and complete and full control of both branches of Congress, the President, and all branches of government since March 4, 1921. Five years since you have had complete control of all branches of government you have just discovered that—

agricultural activities are still struggling with conditions that have brought deep distress.

What have you done, and what do you intend to do? You have done nothing to relieve the situation, but continue to feed the farmers on more campaign pledges. You have the power—you have had the power since March 4, 1921—why do not you act for the good of this great industry? Of course, everyone knows that these—

adverse conditions have brought deep distress—

And yet you sit idly by with your great majority in Congress and do nothing. The campaign and platform pledges of political parties should be strictly kept, the same as any other contract. The Committee on Agriculture for this Congress convened and organized January 11, 1926, and would have considered legislation to relieve agriculture if the administration had so desired. It is prices that the farmers need and not information.

From a statement of the Bureau of Agricultural Economics of the Department of Agriculture the production and value of cotton, wheat, and corn for the past seven years are as follows:

	Production	Value
Cotton (bales):		
1925	15,603,000	$1,419,888,000
1924	13,628,000	1,540,884,000
1923	10,081,000	1,563,347,000
1922	9,964,000	1,151,846,000
1921	8,340,000	674,877,000
1920	13,439,603	933,658,000
1919	11,420,763	2,034,658,000
Wheat (bushels):		
1925	669,365,000	947,993,000
1924	862,627,000	1,120,787,000
1923	782,000,000	725,501,000
1922	856,211,000	864,139,000
1921	794,893,000	737,068,000
1920	833,027,000	1,197,263,000
1919	968,279,000	2,080,686,000
Corn (bushels):		
1925	2,900,581,000	$1,956,326,000
1924	2,312,745,000	2,270,564,000
1923	3,029,000,000	2,222,013,000
1922	2,890,712,000	1,900,287,000
1921	3,081,251,000	1,305,624,000
1920	3,230,532,000	2,168,768,009
1919	2,816,318,000	3,768,516,000

It will be noted from this statement that, while the production of cotton in 1919 was 4,182,237 bales less than in 1925, the value of the 1919 crop was $614,770,000 more than for 1925. You will note from statistics that the values do not change in this manner on factory products. When we have a large agricultural yield the farmers receive much free advice to produce less, and when he produces less then he is urged to produce more. And advice is about all that he gets from this administration, and while it is supposed to be free, it has proven costly to the farmers. What he wants and should receive in all fairness is a reasonable profit over his cost of production. And remember, too, when you figure his cost of production you should take into consideration not only his taxes, groceries, clothing, feed for stock, depreciation of his working capital, but also the price of his labor and that of his work stock, and the price of the labor of his wife and children. No women work harder than the farm women, and their labor should be included in an amount that they would have to pay to hire some other person to do the work that our farm women do in connection with their business. They are engaged in the most important business in the country—assisting in producing those products upon which the human family subsists. In addition to this they nurture healthy, industrious boys and girls who are entitled to the same consideration as is accorded the more privileged classes. The farmers are the bulwark of our country—always have been and always will be—and should receive due consideration from the Government that they help to maintain.

I ask again, Mr. Chairman, what does this administration propose to do? Oh, yes, the spokesmen of the administration refer to the Capper-Volstead Act, approved February 18, 1922, as a remedy which would cure all agricultural ills. That law has been in operation for more than three years, and what relief has it brought the farmers? It provides that producers of agricultural products may act together in collectively processing and marketing their products. Section 2 of the bill provides, however, that such association shall not pay dividends on stock or membership capital in excess of 8 per cent per annum.

The bill also gives the Secretary of Agriculture the power to suspend any such association from doing business, when in the opinion of the Secretary such association restrains trade to such an extent that the price of any agricultural product is unduly enhanced. This administration has great fears that the farmers of the country, through their cooperative associations, may receive a fair price for the products of their toil. Who has ever heard of the President or the present Republican leaders advocating but 8 per cent profit by the American Steel Corporation or the manufacturers of the East who unduly profit by means of a tariff law for their benefit?

I ask again for some one to point out the good results to the farmer by the enactment of this law. The Secretary of Agriculture, Mr. Jardine, said in his address before the meeting of Illinois Agricultural Association at Champaign, Ill., January 21, 1926:

The agricultural situation since 1920 has, of course, been only too well known to this audience. In a general way, it has been understood by the country as a whole. But the community at large has not seen the close-up shock of this depression period on the farm. It is difficult to visualize the details of economic depression that spread itself through thousands upon thousands of homes over the length and breadth of the land.

This statement, gentlemen of the House, in spite of the fact that the above-named bill was enacted into law. The farmers not only have seen but have felt the "shock" referred to by the Secretary. And this great depression in agriculture after the enactment of the emergency tariff law that the administration said would result in raising the prices of the products of the farm. And yet the Republican platform of 1924 says:

We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

When are you going to bring back that "balanced" condition, I ask the leaders of this administration?

In the speech of the Secretary of Agriculture, above referred to, he further said that the purchasing power of farm products,

in terms of nonagricultural commodities, averaged 85 for the year 1920. In 1924 it had worked up to 83 and since last August it had dropped back to 87 through the latter months of the year. Statisticians can figure out the purchasing power of the farmers' dollar on the necessities of life, but these figures do the farmer no good when he continues to produce at less than cost. Of what value to him is the purchasing power of his dollar, when under this administration he has no dollar? The Secretary further says:

In the first place the problems must be dealt with from the farm end. I have said repeatedly, and I reiterate, that a substantial part of the farmer's problems must be solved on the farm.

Then he sets out eight points as of outstanding importance in a farmer's program. First he takes up taxes. We all know that the farmer pays more than his just share of taxes, in comparison to the property which he owns. His property is easily found and it is not invested in nontaxable securities and it is not hidden from the assessor. Freight rates are mentioned as the fourth point. We know that freight should be reduced on farm products and I ask why this administration does not have the freight rates adjusted? Some stalwart republican will say that we have an Interstate Commerce Commission to fix freight rates. That is true and that commission is under the present Republican administration, and if the administration wanted a reduction in freight rates it would be had. Ah, but they say the railroads must have a fair return on their investments. We agree to that, but what we want is to see this administration extend the same treatment to the farmers of the country. No guaranteed profit is given the farmers as is given the railroads. I believe that all legitimate business should make a reasonable profit and I want to see agriculture, the greatest business of all also make a fair profit. Yes, this administration takes care of the railroads all right, and a statement from the Interstate Commerce Commission shows the following net revenue from railway operations:

	Net revenue
1921	$969,346,226
1922	1,162,779,249
1923	1,412,962,592
1924	1,304,206,157
1925	1,468,995,683

You will note that the net revenue of the railroads of the country was more last year than for any of the past five years. You can take care of the railroads to the extent of these profits, but when any legislation is proposed for the farmers you refer to it as special legislation which should not be enacted. Not only has this administration been most generous to the railroads and other special industries, but you have lavishly given the people's money to foreign governments without the consent of the taxpayers of this country. In the Sixty-seventh Congress, you gave $20,000,000 to Russia and only a few days ago the Italian debt settlement bill passed this House by the assistance of the administration, in which settlement you gave Italy $1,500,000,000. Why not pass some legislation for our own people while dealing so lavishly our money to these countries? The Secretary in the address above referred to, says concerning the surplus problem of the farmers, that the Nation must recognize this problem for it is a matter of national concern. Then, let me ask again, why does not this administration do something to relieve the agricultural situation that was so forcefully called to your attention by the farmers' convention in Des Moines, Iowa, a few days ago?

Some of the big business institutions of the country are already out with their early assaults against any proposed legislation to assist the farmers. I have just received a lengthy memorial from the Philadelphia Board of Trade. The statement says:

Without attempting to deal specifically with the plans proposed to raise the price of agricultural products through congressional action, as set forth in the bills under criticism—S. 290, by Mr. CURTIS; S. 973, by Mr. SHIPSTEAD; S. 2001, by Mr. MCKINLEY; S. 2002, by Mr. HARRIS; H. R. 131, by Mr. CHRISTOPHERSON; H. R. 328 and H. R. 329, by Mr. SINCLAIR; H. R. 332, by Mr. SWANK; and H. R. 6563, by Mr. DICKINSON—they all ignore the immutable law of supply and demand and disturb, if not destroy, those instrumentalities of commerce which have in the past and should be depended upon in the future to find a market for the agriculturalist under established processes.

Think, gentlemen of this House, that this statement should come from the Philadelphia Board of Trade, from the city which only last week received an appropriation passed through the House of some $2,186,000 to asist them with their fair next summer. Taking this money and then telling Congress what to do with agriculture. Great institutions of this kind opposed agricultural legislation in the last Congress, and that legislation was defeated. The Illinois Manufacturers' Association of Chicago, the Washington Post, the New York and Chicago Boards of Trade, the National City Bank of New York, and similar organizations opposed such legislation, and none was enacted along the lines of that which they opposed. The National City Bank of New York in its bulletin of October, 1925, after reviewing the great earnings of the Federal reserve banks and stating that the bond market showed improvement all along the line, says: "The advocates of a special program of legislation in behalf of agriculture have not wholly ceased their efforts, although they are forced to admit that conditions as to agriculture have improved very much in the past year." These institutions are still opposing agricultural legislation. When have agricultural conditions improved? That statement shows what that concern knows about agriculture.

Why do these organizations continually oppose all legislation for the assistance of agriculture? Perhaps the farmers of the country will eventually organize as big business is organized, and then demand fair treatment with other business. This opposition may assist in organizing the farmers. No, Mr. Chairman, we have not ceased our efforts but will continue to fight for justice to agriculture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANK. May I have five minutes additional?

Mr. OLIVER of Alabama. I yield the gentleman five additional minutes.

Mr. SWANK. You told the farmers that you were going to deal fairly with them and raise the price of their products by means of the emergency tariff. In a very short time after that act was approved and became a law, the prices dropped on most of the protected products and the farmers understand that a high tariff does not affect the price of any article with small imports. The outrageous Fordney-McCumber tariff law has greatly increased the cost of almost everything the farmer has to buy, and it is about time that something was done to render some assistance to the farmer, to put him on an equal basis with the tariff-protected manufacturers. In 1920, before the present tariff law was enacted, our agricultural exports amounted to the enormous sum of $3,466,619,819, and in 1925 the amount was decreased to $2,130,000,000, or a difference of $1,336,619,819. When this administration erected that high tariff wall it succeeded in increasing the profits of the manufacturers but almost destroyed our foreign markets for American agriculture. In order to have a foreign market where we can dispose of our surplus farm products, it is necessary that we buy from those countries. Our exports increase in proportion to our imports, and there is a greater demand for our products. Our total exports have fallen from $8,100,000,000 in 1920, under a Democratic tariff law, to $4,441,404,047, 11 months ending November 30, 1925, under a prohibitive Republican tariff law. This is a reduction in our exports of about 50 per cent and a reduction in farm prices. These are some of the benefits to the farmer of the Fordney-McCumber tariff law. Yes; you tried to fool the farmer into thinking he would receive a larger price for his wheat through the emergency tariff law.

During the first eleven months of 1925 there were imported into the United States but 1,059,888 bushels of corn, 11,837,425 bushels of wheat, and 280,000 bales of cotton; and a tariff on these products, however high, could not affect the price, as such a small amount is imported. Why was the emergency tariff enacted? Well, you can not fool the farmers much longer with that worn-out argument. Harness is on the free list, but the amount of harness and saddles imported in 1925 amounted to only $156,969, and if the farmer made harness you would place that on the protected list to raise the price, as you claim, but the iron and steel in the harness are protected by a high tariff. Yes, the farmers are waking up to the truth of the situation. In Iowa recently at a great convention of farm and business organizations the resolutions adopted said that the staggering burdens imposed upon the consumers of the country through the Fordney-McCumber Act fall as heavily upon the farmers as upon any other class. And then the resolutions ask this pertinent question: "If the existing tariff is such a boon to agriculture, then how can the fact be explained that, although this tariff has been in operation for five years, agriculture is at this hour staggering on the brink of complete collapse?"

The Wheat Belt Delegate Convention of Allied Farmers Organizations held at Fargo, N. Dak., January 14–15, 1926, said:

We appeal to the eastern beneficiaries of a one-sided tariff, which can only be maintained with the support of the agricultural West, to refrain from forcing the farmer, in self-preservation, to tear down the wall which prevents him from buying in the markets in which he is compelled to sell.

These organizations have begun to see the light. In the Census of Manufacturers for 1923 we find the value of prod-

ucts for that year (at factory prices) of manufacturing establishments as follows:

	Cost of materials	Value of products	Value added by manufacture
Agricultural implements	$63,492,000	$151,286,000	$87,794,000
Metal and metal products	1,767,072,000	2,634,031,000	866,959,000
Chemical and allied products	3,680,407,000	5,706,866,000	2,026,459,000
Leather and its manufactures	1,083,345,000	1,880,085,000	796,740,000
Lumber and allied products	1,666,188,000	3,633,034,000	1,966,846,000
Iron and steel and their products	4,152,918,000	6,828,841,000	2,675,923,000
Textiles and their products	5,408,424,000	9,487,184,000	4,078,760,000
Food and kindred products	6,990,846,000	9,524,051,000	2,533,205,000
All industries	34,705,698,000	60,555,998,000	25,850,300,000

This bulletin says that the aggregate of these products represents an increase of 38.7 per cent, as compared with $43,653,283,000 in 1921. It will be seen that these figures from the Bureau of the Census show the enormous prices added by the manufacturers to the cost of materials. They are enabled to reap these great profits largely by reason of the present tariff laws which prevent the manufacturer from competition, but no such protection is given the farmers. Senator CUMMINS, of Iowa, a stalwart Republican, concerning a tariff on agricultural products, said:

It is idle for even an enthusiast to assert that the price of these products is directly affected by the protective tariff.

Senator McCumber, one of the authors of the present tariff law, said:

The wheat acreage to-day is producing a surplus of wheat, which must be thrown into the world's market; thereby keeping down the price of the home product, tariff or no tariff.

And even that stanch Republican from Kansas, Senator CAPPER, said:

It will not be long before he—the farmer—will be demanding a reduction of the protective tariff, which keeps up the price of the manufactured articles he consumes.

And, Mr. Chairman, in spite of these figures and the opinion of these eminent Republicans, this administration continues to try to show the wonderful achievements of the high tariff law. The Washington Post, the chief organ here of the present administration, January 3, 1926, said:

Agitation against the tariff coming from the Corn Belt of the Middle West is nothing new. The threat of an assault upon the protective tariff from the corn States of the West suggests a shortage of calm reason and common sense. As in former similar instances, the corn fever will subside.

Yes, Mr. Chairman, these administration organs, which always favor special legislation for certain favored interests, are confident that the fever will subside as formerly and that this section will continue to vote for a high tariff. When the farmers of that section ask for an equal opportunity with the protected industries, their official organs say the farmers are lacking in common sense. But the Post, in this same article, admits that the tariff does not help the farmer with his products, and says:

A tariff, primarily, has nothing to do with domestic prices, except in so far as it reduces or increases the competition in the home markets through imported competitive products.

That is what the Democratic Party has always contended, and the Post, a high-tariff paper, admits the correctness of that position. That is why a high tariff increases the price of manufactured products and the cost to the consumer as it stops competition. It is all right, says this administration, for the farmer to compete in an open world market, but the favored manufacturers must be protected. And yet, Mr. Chairman, in the face of uncontroverted facts and statements from leading Republicans, as quoted above, the Republican platform of 1924 contains this language concerning the tariff:

We reaffirm our belief in the protective tariff to extend needed protection to our productive industries.

The farmers of the West and Northwest do not seem to reaffirm their faith in this tariff law as does the Republican administration.

Mr. Chairman, while the chief industry of Oklahoma is agriculture, she has other great industries. In 1924 she was second among the States in the production of winter wheat, and fourth in 1925. In 1925 she was first in the production of broomcorn and in 1924 produced more than all the other States combined. In 1925 she was third in cotton production and second in 1924. In 1925 she produced 176,760,000 barrels of oil and was second among the States in oil production in 1924 and 1925. For several years before she was first. She is first in the production of zinc, and the United States Geological Survey has estimated the total coal supply of Oklahoma at 79,000,000,000 tons.

The farmers are not in the prosperous condition that this administration and its official publications would have you believe. We read in those papers almost every morning that prosperity for the farmer is just around the corner and will soon shower down upon him. The farmer is not selfish and asks for nothing that is not given to our other citizens. He has been patient and long suffering and now demands fair treatment and an equal chance with the protected industries. A few days ago you passed a bill through this House appropriating $395,000 to build bathing beaches in Washington when the citizens here have 40 per cent of their taxes paid by the people of the entire United States. Bathing beaches for Washington but nothing for the farmer whom you continue to feed on platform promises. The Army appropriation bill recommended for 1927 $339,585,924.16 and the Navy appropriation bill proposed $331,431,787 for the same year. The farmers help pay these expenses and yet with these enormous appropriations for other activities of the Government, you can do nothing for the farmers who produce most of the wealth of the land.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. SWANK. Yes.

Mr. BLACK of Texas. I understand there is another farm relief measure that is intended to be offered which is an increase of the salaries of Federal judges from $7,500 to $12,500.

Mr. SWANK. The administration may make that claim.

Congress convened December 7, 1925, and has been in session for almost four months and yet you have done nothing to relieve the great distress in agriculture. When do you propose to redeem your promises to the farmers of America, and how long do you intend to continue your policy for increasing the cost of living to the people of this country in order that a few favored industries may continue to fill their pockets from the hard-earned dollars of our citizens—the great masses of the country—through the special privilege of a high-protective tariff?

It is time for the people to arouse themselves and demand the equal protection of the law. This is a country for all our citizens and not for a favored few. I want to see all our people enjoy a reasonable degree of prosperity and especially those who toil and produce the wealth. I am more interested in this than to see a few profit at the expense of the rest of our people. I repeat that you have the President and all branches of the Government and you should do something to relieve the situation and do it now. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, after more than two decades of agitation and experience, Congress yielded to the pleas for humane dealings on the part of the Government with its employees and enacted, in May, 1920, the Federal retirement act.

This is an age of specialized employment. It is a machine age; the jack-of-all-trades of the old day has no place in our system of industry. Hence every great industrial organization has recognized this principle and placed in operation retirement plans for their employees ranging in a retirement age ranging from 55 to 65 years after periods ranging from 15 to 30 years of service.

The Federal employee, as a rule, if he continued his service with the Government, acquires a degree of skill and knowledge of great value to the Government, but which in ordinary business has no counterpart and for which there is little market.

This fact makes it all the more incumbent on the Government to aid the employees in establishing an annuity for retirement. The civil-service provisions of Government employment makes continuance in service dependent upon efficiency and character. Now, if we can make our retirement provisions above starvation amounts we can secure a class of employees who can give all their energies to a career of the highest public usefulness and service.

Former Postmaster General Will Hays said:

These men forego the opportunities offered by industry and enterprise to those who carry on the world's work. They miss the prizes and rewards that come to those workers. The Government capitalizes their efforts and faithfulness, and it is only fair consideration and compensation that some commensurate return should be guaranteed them for the long years of service. The retirement law has recognized this in a measure, but the benefits paid are entirely too small, and it lacks the provision for retirement upon an adequate compensation after a specific period of service.

The present law provides entirely too low an annuity, with the result that great groups of employees are kept from retiring because it would mean starvation to themselves and dependents.

Right here I would like to insert a statement showing the average annual annuity paid:

For the fiscal year 1921, $568.44.
For the fiscal year 1922, $564.48; decrease, $3.96.
For the fiscal year 1923, $551.64; decrease, $12.84.
For the fiscal year 1924, $546.30; decrease, $5.34.
For the fiscal year 1925, $544.64; decrease, $1.66.
Total decrease in the average annuity, $23.80.

This means an average of $45.38 per month, a pitiable sum for an annuitant to feed and clothe and house himself and an aged companion on.

Oh, but you say where is the accumulation through all these years of service on a good salary? Yes; let us see again what these salaries were through all these years from which the employee was to lay up a reserve to live on when he could labor no longer:

Average annual salaries of annuitants on the roll

(Estimates based on the examination of 7,520 cases)

$1,800 and less	per cent	94
$1,600 and less	do	87
$1,400 and less	do	71
$1,200 and less	do	33
$1,000 and less	do	19
$900 and less	do	14
$800 and less	do	8
$720 and less	do	5

Less than 6 per cent received $1,800 and over.

THE RETIREMENT FUND

The retirement law has been in operation for six years. There are now about 11,600 persons on the annuity roll, while about 3,341 have been dropped on account of death—more than 900 within the past year.

The amount deducted from the salaries of those in the classified civil service together with interest on the retirement fund is more than $15,000,000 per annum, about $6,000,000 in excess of obligations. The amount paid to those on the retired list last year was nearly $6,235,830, while some $2,713,000 was paid in refunds to those who separated from the service and to the estates of employees who died in the service before reaching the retirement age.

The average amount being paid to those on the retired list is about $550 per annum.

The amount to the credit of the retirement fund at the close of the fiscal year 1925 was $44,665,778.56. At the close of the fiscal year 1926 this fund will have increased to more than $50,000,000.

The expenditures from the retirement fund are being met entirely by the deductions from the salaries of the employees of the Government plus the interest and profits on the surplus available for investment. The Government has not been called upon for any appropriation whatever to meet any of the expenditures from the retirement fund, and there is no good reason to anticipate that any appropriation for the purpose will be required within the next 25 years.

The foregoing estimate of results is based on a 2½ per cent deduction from the former salaries of the Government employees; but at the same rate reclassification will add from $2,000,000 to $3,000,000 to the annual retirement deductions, heretofore approximately $15,000,000, while a deduction of 3½ per cent, as proposed, would probably yield between $23,000,000 and $24,000,000 annually for retirement purposes.

RETIREMENT A SAVING TO THE GOVERNMENT

In estimating the cost to the Government of retiring its employees incapacitated by age or physical or mental disability little attention has been given to the incidental saving to the Government.

In January, 1925, the Government actuary, Mr. Joseph S. McCoy, prepared a memorandum in regard to the operation of the retirement act for the use of congressional committees, in which he said:

According to the report of the Board of Actuaries the entire normal cost of the retirement system under the present law is 3.82 per cent of the pay roll. Of this the employees pay 2.50 per cent, leaving a balance to be made up by the Government of only 1.32 per cent. The deficiency cost, however, for some years to come will be 2.55 per cent in addition to this normal cost.

This is the cost that must eventually be met by the Government, and this is the cost that is more than counterbalanced by the saving in increased efficiency and morale due to the retirement of those whose productive capacity is reduced by age or disability. This cost amounted during the fiscal year 1924 to $5,694,899. On the other hand, the Government has promoted some twenty-five or thirty thousand younger and more efficient employees, reducing the total number of employees, solely because of the retirement law, over 5,000, and bringing into the service, due to the same law, some 5,000 new employees. The salaries of the 10,550 upon the retired list probably averaged about $1,500, while their annuities average about $550 per annum. The salaries of the new employees entering the service because of these retirements average probably about $1,100 per annum. This would give the following statement of cost and saving to the Government:

Total former salaries of those retired		$15,825,000
Total annuities now paid to them	$5,695,000	
Total increase in salary of those promoted, 25,000 persons, at $150 per annum	3,750,000	
Total salaries of new employees, 5,000, at $1,100 per annum	5,500,000	
		14,945,000
Net saving to the Government, 1924		880,000

Thus it is evident that for the fiscal year 1924 the Government, had it paid directly from the Treasury the entire cost of all the annuities, would actually have saved some $880,000 in cash. Add to this the cash value of the increased efficiency and improved morale of the service, due to the numerous promotions and introduction of new blood, and we may count a gain to the Government of not only $880,000 but of many times the total amount of annuities paid for that year.

The various units of the Government have not the time, facilities, nor authority to make a detailed study of the actual advantage to the Government of the retirement law now in force. Because of this, Mr. McCoy was asked to prepare the above general estimates for use of the congressional committees. Particular attention is invited to the following sentence in his statement:

Thus it is evident that for the fiscal year 1924 the Government, had it paid directly from the Treasury the entire cost of all annuities, would actually have saved some $880,000 in cash.

As this statement was made by an official charged with the duty of analyzing the fiscal operations of the Government, and as it was furnished at the request of congressional committees for the information of the Congress, it is entitled to full credence.

In this connection I desire to read to you the cost of retirement pay for some other branches of Government service:

Retirement from the military service

Class	Number retired	Total annual cost	Average annual annuity
Army (officers and enlisted men)	9,113	$14,651,460.00	$1,607.75
Navy (officers and enlisted men)	7,866	9,927,512.00	1,262.08
Marine Corps (officers and enlisted men)	671	895,024.00	1,333.87
Coast Guard (officers and enlisted men)	723	879,800.00	1,216.87
U. S. Public Health Service (officers)	19	60,425.00	3,180.26
Coast and Geodetic Survey (officers)	10	30,030.00	3,303.00
Total	18,402	26,447,251.00	1,457.14

Mr. McCoy further states:

It may be confessed, however, that, because of the low retirement annuity as compared with the salaries previously earned by many of the annuitants together with the high prices, many who have even reached the high retirement age benefited by their retirement. It is possible to make a close estimate of the gain to the Government through the present retirement act—an act which has not as yet cost the Government one penny.

Gen. Winfield Scott, Commissioner of Pensions, states that the total number of persons on the retirement roll on June 30, 1925, was 11,689, distributed by groups, as follows:

Mechanics	2,741
City letter carriers	1,884
Rural letter carriers	1,178
Post-office clerks	1,025
Railway postal clerks	981
Departmental and other clerks	2,651
Classified laborers	259
Unclassified laborers	370

General Scott also states that 4,017 employees who have reached the retiring age were on June 30, 1925, still continued in the service under the provision of the law authorizing such continuance. These employees are distributed as follows:

Mechanics	299
City letter carriers	405
Rural letter carriers	915
Post-office clerks	469
Railway postal clerks	366
Departmental and other clerks	1,117
Classified laborers	366
Unclassified laborers	80

Why were these 4,017 employees kept on the rolls of Government employment? Simply because the provisions for retire-

ment were vastly inadequate to live on, and department heads continued them on not having the heart to retire them.

Mr. Thomas J. Howell, acting chief clerk of the Post Office Department, states that a total of 3,935 employees in that department have been continued in the service beyond the retiring age, from the date that the retirement law became effective up to June 30, 1925, divided by groups as follows:

City and village letter carriers	741
Post-office clerks	865
Railway postal clerks	594
Rural letter carriers	1,735

The foregoing statement includes employees who have been separated from the service after having been continued therein, as well as those still in the service.

That leads me to call your attention to the following additional valuable data:

From August 20, 1920, to June 30, 1925

Received in the retirement fund:		
Contributions of employees		$73,698,275.06
Interest and profits		5,211,391.73
Total receipts		78,909,666.79
Estimated receipts for the fiscal year 1926		17,000,000.00
Expenditures from the retirement fund:		
Paid out for annuities		23,671,103.08
Paid out for refunds		10,889,508.36
Total expenditures		34,560,611.44
Balance in the retirement fund (at end of fiscal year):		
1921		$9,672,842.09
1922		18,134,263.91
1923		25,510,288.97
1924		33,586,193.19
1925		44,665,778.56
1926 (estimated by the Treasury Department)		52,000,000.00
Employees retired:		
Total number retired		15,192
For age	12,273	
For disability	2,919	
For involuntary separation	869	
Dropped from the roll:		
On account of death		3,341
For other causes		162
Annuitants on the roll:		
Number of annuitants on the roll June 30, 1925		11,689
Mechanics	2,741	
Departmental and other clerks	2,651	
City letter carriers	1,884	
Rural letter carriers	1,778	
Post-office clerks	1,025	
Railway mail clerks	981	
Unclassified laborers	370	
Classified laborers	259	
For the fiscal year 1925:		
Paid out for annuities		$6,235,830.16
Paid out for refunds		$2,713,452.16
Total expenditures		$8,949,282.32
Number of annuitants placed on the roll		2,084
Number dying within the year		943
Net gain of annuitants during the year		1,141
Number of refunds paid during the year		36,989
Average amount of each refund		$73.41
Total number of refunds paid since the retirement law became effective		238,217

THE AVERAGE SALARY BASIS USED

Under the provisions of the present retirement law, the annuity is based on the average salary for the last 10 years of allowable service. This period, 10 years, is too long, and in view of the great reduction in purchasing power of the dollar since 1913, the salary basis should not cover more than five years of service, and might, with justice, even be less than five years.

Other retirement systems, as a rule, use a much shorter service term. Germany, Norway, Portugal, the Netherlands, Massachusetts, and Chicago use the salary paid at time of retirement; Great Britain, the average salary for the last three years of service; Belgium, Denmark, Argentina, Connecticut, Maine, New Jersey, New York, Pennsylvania, Boston, and Philadelphia, the average salary for the last five years of service; France, the average salary for the last six years of service. In fact, only three systems appear to use the 10-year period; namely, Canada, the city of New York, and the United States. To summarize, out of the 21 systems examined, the salary of the service-periods used is as follows:

At time of retirement	6
Last three years of service	1
Last five years of service	10
Last six years of service	1
Last 10 years of service	3

It is thus apparent that 17 out of the 21 retirement systems examined, all available, use a service-period of five years or less.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield there?

Mr. HUDSON. Yes.

Mr. BLACK of Texas. It is not the contention of the gentleman that these funds are really paying the ultimate cost of the retirement, is it?

Mr. HUDSON. No; it is not.

Mr. BLACK of Texas. It is just like a new insurance company, where the members all come in. The death losses at first are much less than the total amount of premiums collected, but nevertheless the liabilities are accruing, which must ultimately be met; and I am quite sure that substantially the same situation exists as to this fund.

Mr. HUDSON. Yes.

Mr. BLACK of Texas. We must not deceive ourselves. The fact is that we will have to pay eventually 50 per cent of the cost of retirement.

Mr. HUDSON. Yes.

I would ask your patience for a moment to review briefly the provisions of the present law. All employees in the classified civil service who have reached the age of 70 and rendered at least 15 years of service are eligible for retirement on pension. However, mechanics, city and rural letter carriers, and post-office clerks may be retired at 65 and railway postal clerks at 62 years of age. But all must be retired at 70, excepting those to whom extended service for two-year periods after retirement are granted, until 1930, when no employee may be continued in service for more than four years beyond retirement age. The length of service reckoned as a condition for retirement ranges from a minimum of 15 years to a maximum of 30. These periods include all active employment in the civil service, but exclude all periods of separation from the service and absence on leave in excess of six months.

Employees who fulfill these requirements are entitled to annuities of various sizes upon retirement. The minimum annuity granted, however, is set at the flat rate of $180 per year; the maximum at $720 a year, or 60 per cent of a $1,200 salary. In addition to superannuation benefits, two other benefits are paid. Any employee who has given at least 15 years of service and who can prove disability by periodic medical examinations is retired in the same way as the superannuated. Finally, any employee who withdraws entirely from the service may have returned to him the total of his payments into the retirement fund, plus 4 per cent accrued interest compounded annually.

The funds out of which these benefits are to be paid are provided in theory from four different sources. The workers pay 2½ per cent of their salaries, deducted automatically as contributions toward its accumulation. Various legacies, bequests, and donations may be made by interested individuals or organizations. It was assumed that the Government would furnish when necessary the remainder of the moneys that would be required in the course of its operation. The funds accumulated continuously from these sources are to be invested and the earnings of these investments, of course, became a part of the retirement fund.

Five years' experience reveals the incomplete success in achieving the purpose of its enactment, namely, a better grade of employees, a reduction of costs, and justice to the workers.

To remedy the situation, the present law must be liberalized.

The first need is to provide for a more adequate annuity. Postmaster General New, in his report of June 30, 1925, says:

> According to statistics published by the Department of the Interior, which administers this act, about one-third of the total number of annuitants receive the maximum of $720, almost one-third receive less than $432, while the lowest annuity now being paid is $30.60. These amounts are entirely too small to meet the requirements of ordinary living conditions, and the maximum should be suitably increased. Such a modification of the law would be justified by every consideration of humanity and justice, as well as result in ultimate economy to the Government, by inducing retirements without requests for extensions of service.

This annuity at least should be $1,200 as a maximum. There should be added a provision for optional retirement after 30 years of service at any age, comparable to the class of service rendered, and that the benefits of this liberalized law shall be applicable to those already on the roll of annuitants.

That age ought to be at its maximum for voluntary retirement at 65 years. For the other preferred class perhaps 60 years, and the other preferred class at least 58.

The increases for the retirement are expedient, modest, and equitable. They are fair to the younger workers and to the loyal workers. It will enable the higher executive to provide automatic retirement without being urged to heed requests for further extensions beyond retirement age. It will make possible the elimination of the inefficient veteran with an honorable and adequate retirement. It will improve the morale of

the entire Government force and reduce to the minimum the turnover.

A better quality, an improved quality of service, must result, which, in turn, will result in a saving of thousands, yes, millions, of dollars in the aggregate to the taxpayer.

Thirty years of service being a condition for optional retirement at certain ages is again a great incentive to a better morale. It recognizes that superannuation is a condition that comes at different times to different men rather than at an inflexible, definite age. It presents a direct comprehensible challenge to a young employee.

To meet these more liberal provisions of the retirement law it is proposed to increase the deductions from the pay roll from 2½ per cent to 3½ per cent. This the employees willingly concede to thus emphasizing the fact that retirement allowances are really but deferred pay.

It is to be hoped that this meritorious legislation so earnestly asked for and justly expected will receive the overwhelming support of this body on both sides of the aisle. There ought to be no partisan division on the question. It will bring a new hope and a new incentive and a great peace in the hearts of thousands of our faithful employees. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. SHREVE. Mr. Chairman, will the gentleman from Alabama [Mr. OLIVER] use some of his time?

Mr. OLIVER of Alabama. Yes. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, to-day the Washington Post carried a dispatch from the city of New York stating that exiled priests from Mexico were herded among pigs on a ship. The refugees who arrived at the port of New York yesterday stated that they were taken from their homes without a chance to take any of their possessions with them and were herded on shipboard and deported from the country.

Mr. Chairman and gentlemen, the time for temporizing with the present Mexican Government has passed. When an outlaw points a pistol at your head you do not argue with him. You do one of two things; you submit and hand over your valuables or you try to take his gun from him. Mexico, not so much by constantly recurring outrages against American citizens and seizures of American property, as by adoption of a constitution at variance with international honor and the deepest instincts of civilization, has grievously offended against all those who subscribe to our own constitutional guaranty of freedom for the pursuit of life, liberty, and happiness. Further argument with Mexico, I am convinced, will prove fruitless; it is time to act, and in a way that will assure Mexico of our determination to protect American rights and citizens.

We can no more negotiate with Mexico or continue friendly relations with that country than we could with Russia. The two nations are on a par as far as their attitude toward the fundamental rights of humanity are concerned. It is time our official attitude toward Mexico became that which has characterized our relations with the soviet. For eight years we have refused to recognize the Trotski-Lenin régime because we look on Russia as an international outlaw, in fact and law; yet during much of that same period we have maintained diplomatic relations with Mexico, although its constitution of 1917 places it in the same category with Russia. It needs only a cursory analysis of the Mexican constitution to reveal the similarity, particularly as regards the two nations' attitude toward religion, freedom, property, and education. We have heard much of article 27, which confiscates American property held by our capitalists, but there are other articles of that constitution little known in America, but equally iniquitous and much more offensive to the deepest instincts of humanity. I propose to discuss a few of them before I finish, and believe you will agree with me that the United States should take the lead in marking Mexico as the soviet of the Western Hemisphere.

I do not mean to attack or criticize the Mexican people, for they are merely pawns in the hands of selfish politicians. Furthermore, it is perhaps natural that a people suffering every few years from revolutions inspired by foreign interests should, when the chance comes, set up an intensely nationalistic instrument as the law of the land. I do not quarrel with them on that score. But they can not expect other nations to hold out the hand of friendship in the face of a constitution which disregards the international code generally prevailing among the family of nations. If Mexico prefers a bolshevistic constitution and radical government to the fellowship of the other nations of the world, that is Mexico's affair. But I do maintain that the United States should make clear to the Mexican Government that we can not longer continue diplomatic relations on any such basis as that necessitated by the limitations of the Mexican constitution of 1917.

As a matter of fact, our recognition of the Obregon government in 1917 was a mistake; all our troubles with Mexico have proceeded out of that fact. Let us admit it; better still, let us look the thing squarely in the face, admit our error and correct it. Until Mexico revises her present constitution in certain vital respects, establishes a government of law and order and ceases to offend against everyday considerations of decency, the United States should withdraw the recognition extended prematurely in 1917. In my opinion, this is the only course open to us, not only for our own honor and protection but also for the best interests of Mexico. Such an act on our part may bring the present insolent government to its senses and cause revision of a document which, as it stands now, is a challenge to American traditions and institutions. And I say this with the greatest consideration for the struggling people of Mexico, who are more to be pitied than punished. It is the self-seeking politicians who would suffer, rightfully so, if our moral influence were withdrawn.

You have heard a great to-do concerning article 27 and its bearing upon American owners of land and mineral rights, but you have not heard of other provisions in the 1917 constitution which are even more iniquitous than article 27, bad as that is and significant of the present attitude of the Mexican Government. It must be remembered that the constitution of 1917 was not framed by the Mexican people, but by a small group of self-appointed leaders. It is time the American people understood the real purport of the instrument under which the Mexican people live and the Mexican Government conducts relations with foreign nations, including the United States.

Under that document there is no such thing as religious liberty, untrammeled culture, education, or freedom of worship in Mexico. All these things, like the mineral subsoils, are the sole possession of the State. A man can not worship God as he pleases, think as he wishes, or live his own life. The constitution does not permit it. Exercises of religious worship, places of prayer, ministers and priests, educators and nuns, their property and their liberty, all are subject to the whim of the Government. Inhibitory regulations surround each individual in his relations with his God, whether it be the God of the Protestants, Catholics, or Jews. As in Russia, an intense spirit of nationalism inflamed by radical politicians has supplanted the Christian spirit. The church, the school, the meeting place—those three institutions upon which our own Government is founded—have been taken over by the Government and made subordinate to the State.

It is under such provisions as these that churches have been invaded, sanctuaries violated, ministers, priests, and nuns expelled, and every canon of decency flouted. Denials of this state of affairs by brazen Mexican officials are mere evasions. Despite the strictest kind of a censorship over news coming out of Mexico, the New York Times of March 2 carried the following dispatch from Mexico City:

El Universal reports that more Catholic schools are being closed in various States of the Mexican Republic. The newspaper quotes a telegram from the State of Tepic, where the closing of a school caused a small riot. The telegram said that tranquillity seems to have returned after the riotous acts of yesterday, when the officials were saved from the townsmen by federal forces.

The townsmen objected when 12 men entered the church of the Sacred Heart of Jesus, throwing statues into the street.

El Universal prints a telegram from Vera Cruz, saying that the Josefino College and the Asylum of Vera Cruz and the Siervas of Maria Convent were closed. The report also said that 200 of the pupils at the asylum were orphans who receive instructions and are given a home there.

A telegram from Cordoba says the police closed the Asylum Maria, forcing the Sisters of Charity to leave the building, and reported that 42 small orphans were left without bread or shelter.

Why, gentlemen, the present Mexican Government seems to have forgotten what to me is the most appealing of the Master's sayings:

Suffer the little children to come unto me, and forbid them not: for of such is the Kingdom of God.

I want to read a few of the provisions of the constitution of 1917 affecting the right of religious worship. First, however, in order that you may consider these in the light of our own constitutional guaranties of religious liberty, let me read what our own Constitution has to say on this point:

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of

speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance.

There is the American idea of religious liberty, freedom of speech and of the press. I can give the Mexican idea merely by reading a few articles from their constitution.

Article 130 says that—

The Federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized. All other officials shall act as auxiliaries to the Federal authorities.

The intervention of the State in church affairs—and is there anything more sacred than a man's religious beliefs and means of expressing them—goes so far as to prevent the formation of religious orders. Here is what article 5 says on this point:

The law, therefore, does not permit the establishment of monastic orders, of whatever denomination, or for whatever purpose contemplated.

The very acts of worship are submitted to official scrutiny. One can not give thanks to God for his daily bread without interference, for here is what article 24 provides:

Every religious act of worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision.

Think of it, gentlemen. If a crimson sunset seen from a lonely hill brought an involuntary breath of adoration for the Creator of the Universe from some fervent Christian in Mexico, he would be guilty of violating this article of the constitution, for it provides that all acts of worship must be performed within bounds of a church, and under government supervision.

No religious institution, irrespective of creed, has the legal capacity to acquire or own property. It all belongs to the State, which has confiscated all such property and will seize all churches in the future. Article 27 covers this question in detail. Here it is—

ART. 27. The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold, or administer real property or loans made on such real property; all such real property or loans as may be at present held by the said religious institutions either on their own behalf or through third parties shall vest in the nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well founded. Places of public worship are the property of the nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums, or collegiate establishments of religious institutions, convents, or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation.

But here is the most damning provision of all. It is article 130 and outlines the status of ministers and priests:

ART. 130. Ministers of religious creeds shall be considered as persons exercising a profession and shall be directly subject to the laws enacted on the matter.

The State legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds, according to the needs of each locality. Only a Mexican by birth may be a minister of any religious creed in Mexico.

No ministers of religious creeds shall either in public or private meetings, or in acts of worship or religious propaganda, criticize the fundamental laws of the country, the authorities in particular, or the Government in general; they shall have no vote nor be eligible to office, nor shall they be entitled to assemble for political purposes.

This same article 130 prohibits free instruction or freedom of the press. It says that all instruction must be secular and that—

no religious corporation or minister of any religious creed shall establish or direct schools of primary instruction.

Studies carried on in institutions devoted to the education and training of preachers of the gospel shall be given no credit in official institutions. Any infraction of this last provision bars the student from ever obtaining the professional honors he seeks.

Here are the restrictions upon the press and the right of peaceable assemblage:

No periodical publication which either by reason of its program, its title, or merely by its general tendencies is of a religious character shall comment upon any political affairs of the nation, nor publish any information regarding the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs.

Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship.

And to cap all these outrageous restrictions, which read like something out of the Dark Ages rather than a product of only a few years ago, is this:

No trial by jury shall ever be granted for the infraction of any of the preceding provisions.

There you have the constitution of the country to the south of us, though it might well be the constitution of the soviet. It is little wonder that the Most Rev. Michael J. Curley, Archbishop of Baltimore, in a recent address had this to say concerning conditions in Mexico and our Government's studied silence in the face of such persecution of American citizens and preachers of the word of God:

I can not imagine any conditions worse than those in Mexico for the past 10 years as far as real freedom is concerned. To us of this country religious freedom is a very sacred thing, and forms the very corner stone of our national edifice, finding expression in the constitution of every State and in our National Constitution as well.

From the days of Carranza and Villa the Catholic Church in Mexico has been persecuted with the one purpose of destroying it altogether. Fundamental decencies held in high honor by men of every nation, whatever their religious faith may be, were outraged and violated. The indignities heaped upon Catholic sisters in Mexico by the brutalized soldiers of the men named above, were something that should bring a blush to the face of any decent man. The age-old sanctuaries of the country were desecrated; the bishops and priests were forced to fly, some of them escaping from the country disguised as street scavengers. Whilst all that was going on, there was never a word of protest, as far as I remember, from this country of ours, which, in the days of Huerta, took a very immediate and imperious interest in the affairs of Mexico amounting to a practical dictation of who might or might not be the recognized President of the nation. But not one word was ever said in any official way about the violation of fundamental human rights perpetrated at that time.

Ever since that day, the same nefarious warfare has been carried on against freedom of religion. Churches have been closed; ministers of religion have been chased from the country like criminals; Catholic schools have been banned, and the men and women, who dedicated themselves to the teaching of morality, are being driven from the land. Whilst all this is being done for the purpose, we are told, of reforming Mexico, immorality and vice have free rein even to the point of spreading their destructive effects across our own American border.

Despite all this, our Government has given full recognition to Mexico, and that country occupies an honored place in the person of its representatives in the Capital City of our Nation. In other words, we have taken Mexico to our national arms, as we have the finest nations of the earth. It seems strange to me that in spite of this recognition and international amity, we are still silent about the conduct of the nation close to us, whom we call "friend," and whom we recognize as such. I am not asking for any governmental protection, but I am interested in our own national attitude toward fundamental decencies. Perhaps it may be explained by saying that fundamental decencies are no longer such where their violation is carried out in the persecution of Catholics.

* * * * * * *

Our American Government is silent and that silence is interpreted as consent to the sacrilegious outrages now being perpetrated by the robber government to the south of us. That silence has been our outstanding feature of every administration during a decade of years. Some official of the State Department stated recently that this country can not afford to meddle in religious strife in other countries. There is no question of religious strife. It is a question of our giving full recognition to a government and seeming approval to its course in its diabolical persecution of those who adhere to the age-old faith of Catholicism. We have admitted Mexico and its government into our circle of international friendship. Have we no responsibility then for the conduct of the men who are basking in the sunshine of our official smiles and who at the same time are bent on destroying human rights and trampling on fundamental human decencies held in honor by all men of real character and worth?

Our experience in the past justifies our coming to the conclusion that we have little to expect from this or any other administration when it is a question of the persecution of Catholics. As I write this, 40 Sisters of the Visitation are on their way from Mexico City to Mobile, Ala., led by an American lady, Mother Semple. They have not the wherewith to pay traveling expenses. The Government that fostered the dives on the Mexican side of the border has ordered them into exile. Will that Government tell the people of this country what was

their crime? This instance is but one of a thousand, one link in a chain of cowardly robber acts that stretches back through the years. When some clerk in an official department of our Government service declares, in his rôle of spokesman, that all that is none of our business, then will he kindly tell us how or why we become so excited in our condemnation of Mexican laws on land tenure that are confiscatory, modeled as they are on the legislation of Russia, the real inspirer of the present-day Mexican Government? Has the spirit of materialism so seared our national soul that the finer and nobler things of life no longer make any appeal to us? Have we reached the point in our growing greatness where we are eloquent in our defense of oil-land rights, but tongue-tied and expressionless in standing forth as champions of religious freedom and fundamental decencies?

* * * * * * *

Since the above address was made we have been informed by the press that the order of the Mexican Government sending non-Mexican ministers of religion into exile has been canceled. I have not the slightest confidence in the sincerity of that gesture. The Mexican constitution and laws confiscating all church property to the State are still there. That confiscation is now an accomplished fact. The hampering of religious freedom has been carried on for years as a settled policy by that Government. There is another feature of the whole affair which is worthy of note: It is the studied discrimination evidenced by the Mexican worthies in their treatment of Catholic and Protestant religious agencies. The latter were and are left free to carry on their work of proselyting. In fact, they are welcomed, aided, and abetted in their work by Mexican authorities, whilst all the engines of persecution are trained on the old church.

It will be of interest to watch the development of things from now on. Leopards do not easily change their spots. The Mexican representative in Washington has had the boldness to come out with a sweeping denial of the existence of any religious persecution in Mexico. He must imagine that we are a Nation of morons. Old World diplomacy has been defined as the "fine art of lying." In that school the finest diplomat is the one who can write 50 pages on a subject and say nothing. An axiom of such diplomacy is "deny facts, though they be ugly and stubborn." The Mexican representative must be a man of the old school. He denies facts. But facts are facts, despite 10,000 loud denials. Religious persecution is a fact in Mexico.

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Mr. Chairman, in view of all these facts I believe that it is the duty of our Government to withdraw its recognition of Mexico until such time as the Mexican constitution is amended along the paths of decency, righteousness, and justice. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to revise and extend in the RECORD the speech I made to-day.

Mr. BLACK of New York. Reserving the right to object, Mr. Chairman, I was just wondering what the extension shall consist of.

Mr. UPSHAW. It will consist of my own remarks, which I did not have time to complete, and possibly one insertion.

Mr. BLACK of New York. Can the gentleman tell us what the insertion is?

Mr. UPSHAW. One insertion will be a brief newspaper story about the riot at Yale growing out of the lawlessness of students incident to the violation of the eighteenth amendment.

Mr. BLACK of New York. Will the gentleman also insert the forms used by the Anti-Saloon League in soliciting funds for its purposes?

Mr. UPSHAW. Certainly.

Mr. BLACK of New York. Mr. Chairman, I withdraw my reservation.

Mr. SHREVE. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, this afternoon on the floor of the House there were some very pleasant things said about one of our Members, Colonel TYDINGS, a Representative from Maryland. I think it would be interesting for the House to have filed in connection with the remarks that were made the citation for the distinguished-service cross made by the commanding officer of the One hundred and thirteenth Infantry, which was referred to this afternoon. Colonel TYDINGS received the distinguished-service medal, but here is also a recommendation for the distinguished-service cross, and I ask unanimous consent to extend my remarks by inserting that in the RECORD. [Applause.]

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The matter referred to follows:

Lieut. Col. MILLARD E. TYDINGS, formerly divisional machine-gun officer, Twenty-ninth Division, American Expeditionary Forces, for exceptional and meritorious conduct on October 10, 1918. Lieutenant Colonel TYDINGS, then major commanding the One hundred and eleventh Machine Gun Battalion, Twenty-ninth Division, north of Samogeux, France, proceeded with the commanding officer, One hundred and thirteenth Infantry, Twenty-ninth Division, which regiment his battalion was supporting in the attack of that date, toward the front lines with a view of disposing his command for the above purpose.

Shortly before reaching a point about 100 yards behind the front lines, both commands—One hundred and thirteenth Infantry and the One hundred and eleventh Machine Gun Battalion—were heavily gassed. Colonel TYDINGS, at great personal risk and without waiting to put on his gas mask, rode rapidly forward to our front line and into No Man's Land to make a reconnaissance with a view to locating the enemy's line. Although fired on, Colonel TYDINGS dismounted and continued his reconnaissance until successful and assisted in the capture of three prisoners, one machine gun, and one minnenwerfer, all of which were returned to our lines.

Colonel TYDINGS's actions resulted in definite information for the ensuing attack; his great disregard of personal safety increased the morale of both units and was an inspiration for the successful attack which followed.

In the attack on Etrayes Ridge on October 23, 1918, Colonel TYDINGS again displayed exceptional gallantry in reconnaissance and in maintaining liaison between the units of his battalion, although frequently under severe enemy fire. His personal conduct was an inspiration to all officers and men of his command.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9795) making appropriations for the Departments of State and Justice, and for the Judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, had come to no resolution thereon.

PROCEEDS FROM THE SALE OF SURPLUS WAR DEPARTMENT PROPERTY

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 1129, authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 1129, insist upon the House amendments and agree to the conference asked by the Senate. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, has the gentleman conferred with the ranking minority member of the committee?

Mr. MORIN. Yes; I conferred with the gentleman from Mississippi [Mr. QUIN], and I have suggested as the minority conferee the gentleman who was on the subcommittee which considered the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. JAMES, HILL of Maryland, and FISHER.

RELIEF OF SOLDIERS DISCHARGED FROM THE ARMY DURING THE WORLD WAR

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 1343, for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 1343, insist on the House amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. REECE, GLYNN, and HILL of Alabama.

REVENUE ACT

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Resolved, That there be printed 10,000 additional copies of the revenue act of 1926 for the use of the House document room.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Pennsylvania please explain the necessity for this?

Mr. BEERS. The first allotment has been used up, 25,000 copies, and there appears to be a need for 10,000 more copies.

Mr. GARRETT of Tennessee. Has the gentleman considered the question of printing the regulations in connection with the act itself?

Mr. BEERS. Well, I think the committee had in mind printing the act as it was printed before. I believe there are only 8,000 copies now in the folding room and there is a great demand for them.

Mr. CHINDBLOM. The gentleman now proposes to print only the revenue bill itself.

Mr. BEERS. Yes.

Mr. CHINDBLOM. There are as yet no new regulations under this bill, of course.

Mr. BEERS. No.

Mr. McLAUGHLIN of Michigan. Would the gentleman prefer they go to the document room rather than the folding room?

Mr. BEERS. Yes; the document room.

Mr. CHINDBLOM. They are to be distributed to the Members pro rata?

Mr. BEERS. Yes; as they have been heretofore.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ANNIVERSARY SERVICE AT THE CENTRAL PRESBYTERIAN CHURCH, WASHINGTON, D. C., COMMEMORATING WOODROW WILSON'S MEMBERSHIP IN THE CONGREGATION OF THIS CHURCH

Mr. OLIVER. Mr. Speaker, an informal anniversary service was held Sunday morning, February 7, 1926, at the Central Presbyterian Church, Washington, D. C., commemorating the membership of former President Wilson in the congregation of this church. An address on "The place of Woodrow Wilson in the Central Presbyterian Church" was made by Dr. James H. Taylor, pastor of the church. Dr. J. J. Muir, Chaplain of the United States Senate, assisted in the service. In Doctor Taylor's address are quoted two very interesting short speeches made by Mr. Wilson; not heretofore published. Two of President Wilson's favorite hymns were sung: How Firm a Foundation, Ye Saints of the Lord, and Day is Dying in the West. The closing hymn was Lead on, Thou God of Hosts, the words of which were written by Doctor Taylor and the music by Mrs. Emma Hanford Gillis. A telegram was received from Mrs. Woodrow Wilson expressing regret that she could not attend the service owing to the fact that she was out of the city. Quite a number of former President Wilson's personal friends and relatives and those who had been closely associated with him during his administration were present at the service. Mrs. May H. Wilbur presided at the organ, and Mr. Earl Carbaugh sang a solo. The address of Doctor Taylor was as follows:

ADDRESS OF DR. JAMES H. TAYLOR

ORGANIZATION OF THE CENTRAL PRESBYTERIAN CHURCH

The Central Presbyterian Church of Washington, D. C., was organized by Rev. A. W. Pitzer in May, 1868. The first church edifice was located at the corner of Third and I Streets NW. On I Street very close to the church a great many prominent people resided. Among those who lived near by were General Grant and later General Sherman, while a block away was the home of Stephen A. Douglas and the home of Justice Bradley, of the Supreme Court of the United States. The congregation worshipped here under the pastorate of Dr. A. W. Pitzer for about 38 years. After a remarkably long and active pastorate Doctor Pitzer resigned in April, 1906, and was made pastor emeritus. He removed to Salem, Va., his boyhood home, where he is now living at the advanced age of almost 92 years. He was succeeded in the pastorate in November, 1906, by Rev. James H. Taylor, who is now the active pastor of this church. It is quite remarkable that since the organization of this church in 1868 the church has had only two pastors, both of whom still retain their official relation to the church.

Early in 1907 it became evident that with the rapidly changing conditions in that portion of the city it would be necessary to change the location of the church, since a great number of the members of the church were moving farther out into the northwest section.

In making preparations and plans for the future, a piece of property was secured at Thirteenth and Monroe Streets NW. in 1909, and upon this site a frame chapel was located. An assistant to the pastor was secured to help in this new work, and he remained with the church for a little over a year. In view of the fact that this piece of property seemed to be too small for the purposes contemplated, the property was disposed of and a new site at the corner of Fifteenth and Irving Streets NW., at the point where Fifteenth and Sixteenth Streets unite at Irving Street, was secured. The frame chapel was moved to this site in the summer of 1912, and the Rev. W. H. Bates assisted the pastor from October, 1912, to February, 1914.

PRESIDENT WILSON WORSHIPS AT THE CHURCH THE FIRST SUNDAY OF HIS ADMINISTRATION

This was the situation and these were the plans that the Central Presbyterian Church had in mind when President Wilson came to Washington as the twenty-eighth President of the United States. Prior to President Wilson's arrival in Washington, it seemed to me that it would be best not to be forward in the matter of urging his attendance at the Central Presbyterian Church. Before President Wilson's nomination I had written to him, while he was Governor of New Jersey, expressing the hope and wish that he would be the next President of the United States, and in that letter I invited him when he came to Washington to attend the Central Presbyterian Church. His reply to me at that time was characteristic. He thanked me for the invitation and said, in effect, that he could not refrain from smiling when he contemplated my suggestion about his being in the White House, inasmuch as his hopes were not high. After Mr. Wilson's inauguration it was, therefore, a matter of genuine gratification to have him worship with us on March 9, 1913, the first Sunday of his administration. We did not know until Sunday morning, March 9, that he was coming to our church, and quite a number of the members of our congregation absented themselves from their own church and went to other churches hoping that they might catch a glimpse of the President. About 10.15 o'clock that morning one of our elders reported that a secret-service man had arrived to inform us that the President and his family were coming to worship at our church and that he would like to have five seats reserved for them. We asked him what time we might expect the President and his family, and he said they would arrive a few minutes before 11. Promptly, then, President Wilson and his family arrived at the Central Presbyterian Church shortly before 11 o'clock, the hour set for the morning service. They came in and took their places very quietly, and the secret-service men located themselves at such places as they had selected.

Many of the worshipers who came in a little late were not aware of the fact that the President and his family were seated near the front. The service followed the usual course, and no allusion whatever was made during the service to the presence of the President. I recall how extremely intent a listener President Wilson was at that first service, a fact which I had occasion to observe for about eight years. Before the conclusion of the service, at the announcement of the last hymn, the request was made that the congregation should remain in their places while the President and his family went out. It was very interesting to see the expression of surprise on the faces of some of those in the rear of the church who had come in late and did not know until that time that the President of the United States had worshiped with us. This will give you an account of the service on that Sunday, March 9, 1913.

A few days later I wrote a letter to the President expressing appreciation of the attendance of himself and his family upon the services of our church on the first Sunday of the new administration, and inviting him and his family to worship with us whenever it was their pleasure to do so. We were very careful not to capitalize his attendance that first Sunday, and we did not infer that he planned to come to our church regularly. On the following Saturday afternoon a special communication sent by hand was received, in which it was said that the President and his family "enjoyed the services last Sunday," and also that they "appreciated the quietness and great courtesy of the members of the congregation." Shortly after this time the President wrote us a letter, in which he said that it would be his pleasure to attend the Central Presbyterian Church regularly and become identified with the congregation. He also asked that sittings should be assigned to him and his family, and that he be notified in regard to the pew rents.

There is a very interesting side light here upon the religious attitude and interest of President Wilson. When we told him that we did not have pew rents in our church, but that the church was supported by regular voluntary gifts on the part of the members of the congregation, he immediately expressed a desire to contribute just as the other members of the congregation contributed. In order that he might know more in detail about the method of giving to the current expenses and benevolences of the church, he invited me to lunch at the White House to talk over this whole matter. Accepting the invitation I went to the White House, and after lunch explained to him in detail the method of contributing to the current expenses and benevolences of the church, and then took advantage of the opportunity to tell him what our plans were with regard to the removal from the old site to the new site; for this plan had been formulated and was already in preparation before President Wilson's election. We felt that it was necessary for him to know in advance what the plans of the church were, so that he would not think that since he had come to the church any plans had been developed suddenly. The reason for our contemplated removal was explained to him. We had secured a piece of property at Fifteenth and Irving Streets NW., were already conducting services there, and it was our plan to dispose of the old building

as soon as possible and start the construction of the new church edifice. He listened with great attention and with evident interest, and expressed approval of the plans that we had in mind, assuring me of his cordial interest and support. This interest and support he proved on many occasions in the succeeding months and years. An incident in connection with our plans will disclose this interest. It was necessary to have a meeting of the congregation to consider some matters in connection with the proposed plans for removal to the new site, and it was found necessary to have this meeting after the service on a Sunday morning. Rather than leave at the close of the service, President Wilson preferred to remain and attend the congregational meeting. He was greatly interested in the proceedings, and voted with the rest of the congregation.

It was customary to have flowers each Sunday on the pulpit. Soon after the President came to the church word was received from him that it would be his pleasure to supply the flowers each Sunday for the church. It would be interesting to note that these flowers were always delivered on Saturday. On no occasion were they ever sent to the church on Sunday. During the entire administration of President Wilson the flowers were supplied from the White House gardens. Just prior to the election of President Wilson for the second time he presented to the church two very handsome gold vases, which have been used ever since that time for the flowers. These vases now stand on mahogany pedestals on the pulpit platform and bear the inscription, "Presented to the Central Presbyterian Church by President Woodrow Wilson, September 29, 1916."

LAYING THE CORNER STONE OF THE NEW CHURCH BUILDING

In the summer of 1913 the property at Third and I Streets NW. was sold, and preparation for building the new church at Fifteenth and Irving Streets NW. was begun in the month of October of the same year. After the foundation had been laid it was planned to have a cornerstone laying, and it was our desire to invite President Wilson to lay the cornerstone of the new church building. A little insight on the attitude of President Wilson to requests was revealed about this time when I said to him one Sunday morning after the service, "We want to ask a favor of you." Immediately he seemed as it were to withdraw within himself, and it was evident that the question had been put to him in the wrong way, since it might appear as if upon the basis of a short connection with our church we were rushing in to ask some great favor. He said very calmly, "What is it?" and I replied, "We would like very much to have you lay the cornerstone of our new church building." Immediately his face relaxed with a smile, and he said in the most natural way, "Come up and take lunch with me and we will talk it over together." In a few days I received the invitation and accepted gladly. I recall very vividly what a delightful time it was. The President was in fine humor and was very communicative about many things, telling some delightfully humorous stories, and altogether it was a very happy family gathering into which I had been permitted to enter. I was made to feel very comfortable because everyone was so hospitable and gracious.

After lunch we all went into the Green Room and I told the President what the plans were with regard to the laying of the cornerstone. We were very anxious to have him make an address. He agreed to come and officiate at the laying of the cornerstone, but would not promise in advance to speak. The day set for the laying of the cornerstone was the 19th of December, 1913. The President had been confined to his room with an attack of grip, and this was his first public appearance after his brief indisposition. Promptly at 2.30 p. m. on Friday, December 19, 1913, the President arrived for the exercises in connection with the laying of the cornerstone of this church. A small platform had been erected just at the Sunday school entrance door, and all the arrangements had been made in advance. Several ministers had been invited to take part in the service: Rev. A. R. Bird and Rev. Joseph T. Kelly, of this city, and Rev. Harris E. Kirk, of Baltimore. It was intended that the program should be very brief, and that the laying of the cornerstone should constitute the main item. A metal box of copper containing numerous papers and documents connected with the Central Presbyterian Church had already been embedded in the cornerstone. I knew that the stonemasons would be ready with a trowel to hand to the President, so I quietly secured a new trowel, which I had in my pocket, with the point turned upward in order that I could take hold of it quickly and hand it to the President with the handle toward him. When I announced the laying of the cornerstone, President Wilson said: "What do you wish me to do?" I took the trowel from my inside overcoat pocket, handed it to him, and asked him to spread the cement mortar on the stone, while the stonemasons held the cornerstone in suspension. He spread the mortar with the utmost care and precision, taking his time, and putting a little here and a little there until he thought the surface of the stone was covered sufficiently and evenly with the mortar. Then, as he turned, I reached over and took the trowel covered with mortar, and dropped it into my pocket so that I might have this souvenir of this important occasion.

The President turned and said: "I will now say something to the people." He then made a brief address, which for simplicity and beauty has rarely ever been surpassed. The President spoke without any notes whatever, but we had arranged to have this address taken down in shorthand and now have in our possession the original typewritten copy of the address, which was corrected by the President himself. The following is the text of the address:

ADDRESS OF PRESIDENT WILSON AT THE LAYING OF THE CORNER STONE

"I can not let this occasion pass without at least expressing, in the first place, my personal pleasure that it has been my privilege to join this congregation and to share with them the satisfaction of seeing their hopes with regard to owning a new place of worship finally realized.

"Perhaps I may also express what I am sure is in your minds with regard to the significance of this occasion. We are here doing something more than laying the foundation of a place of worship, because while a church is intended as a place of worship, and does serve as the rallying place or central home of a congregation of fellow worshipers, it seems to me to stand for something more than that.

"In the Old Testament Scripture (Psalm 84), which was read to you to-day, there are two beautiful expressions. One speaks of the spirit of man as the place where there is the highway to Zion, along which the spirit itself moves from strength to strength. A place of worship is, in my mind, a place of individual vision and renewal. I do not see how any thoughtful man can be conscious that he sits in the presence of God without becoming aware not only of his relationship to God, as far as he can in this life conceive it, but also of his relationship to his fellow men. How a man can harden his heart in the exclusiveness of selfishness while he sits in a place where God is in any degree revealed to him I can not understand.

"I believe that every place of worship is sanctified by the repeated self-discovery which comes to the human spirit. As congregations sit under the word of God and utter the praise of God, there must come to them visions of beauty not elsewhere disclosed. Even the family is too little a circle. The congregation is a sample of the community. There is revealed to the man there what it is his duty to be and to do.

"Therefore I, in looking forward to the privilege of worshiping in this place, shall look forward with the hope that there may be revealed to me, as to you, fresh comprehension of duty and of privilege."

THE MEETING OF THE PRESBYTERY OF POTOMAC

For a short period after the laying of the corner stone we worshiped in the Sunday-school room of this building, and the President was always in his place as we gathered to worship in the midst of inconveniences that were caused by the fact that the building was in process of construction.

On May 31, 1914, which was the forty-sixth anniversary of the organization of the church, the new church building was dedicated. It was a day of praise and of profound thanksgiving. It was a great joy on that occasion to have the pastor emeritus, Dr. A. W. Pitzer, present and preach the sermon. The church was crowded and the President was in his place as usual. Thus the hopes of the congregation had been realized and our new building had been completed.

In April, 1915, the Presbytery of Potomac, of which presbytery this church is a member, held its spring meeting in the Central Presbyterian Church. We were anxious for the President to come to the meeting of the presbytery. He was a Presbyterian elder, the son of a Presbyterian minister, and perfectly familiar with all the proceedings of the presbytery. We thought it would be delightful to have him to lunch with the presbytery and to make a brief address to the members before he went out to the country club for his daily exercise. We suggested to him this arrangement in order that it would not consume too much of his time. We received a telephone message from the White House saying that the President could not come to lunch but would be very glad to come to the presbytery on Wednesday night, April 20, 1915, and that in order to be present at that time he would cancel other arrangements that he might have the privilege of attending. At this time the World War was in progress and President Wilson had issued in this country his proclamation of neutrality.

The President came to the meeting of presbytery and a great crowd was on hand to hear him. Many, of course, had the idea that he might say something with regard to the war, and hence there were many reporters about who were keen and eager to get anything that he might say with reference to the war situation. The President made no reference whatever to the war but spoke in a very informal way to the members of the presbytery. His address was as follows:

THE ADDRESS OF PRESIDENT WILSON TO THE PRESBYTERY

"Mr. Moderator, my friends, I have not come here to-night to make an address, for I feel that an address by me would merely be an interruption to the business of the presbytery, which is very much more important, I can say with sincere conviction, than anything that I might be able to say to the presbytery. Moreover, I have not come here as representing the office which I now occupy; because just as soon as Doctor Taylor asked me if I could meet with the presbytery, my thought went back to a time long before I had any idea of occupy-

ing public office, when throughout a very happy boyhood I was associated with one of the most inspiring fathers that ever a lad was blessed with, who during practically the whole of my youth was the stated clerk of the southern general assembly and who therefore, among other things, edited the minutes of the assembly; and I did a lot of hard work, let me say, in editing those minutes. I still retain in the back of my head certain grudges against some moderators of some presbyteries. I do not remember whether the moderator of the Potomac Presbytery was among them or not. Certainly not the present moderator.

"I remember that the stated clerks of those presbyteries gave me a great deal of trouble. Some of them, particularly of the country presbyteries, would not consult the almanac. They would say that the presbytery would convene on the second Monday after full moon, at early candlelight. My father exacted of me that I should find which Monday that was and calculate the probable hour of early candlelight. It was before the days when I had studied the mathematical aspect of astronomy, and I was not very familiar with the hours which the sun kept. It was therefore necessary for me constantly to resort to very puzzling almanacs and make calculations of the correctness of which I was by no means certain.

"Then these same stated clerks gave me a good deal of practice in addition. I had to add up the columns of their reports to see whether they had added them correctly or not. I have sometimes suspected that I might have substituted errors other than their own. At any rate I remember many hours of somewhat tedious labor which I devoted to the minutes of the Southern Presbyterian Church, to the statistical and not to the more entertaining parts; because at that time I had not the imagination to give significance to large bodies of statistics.

"All of this, however, is merely a passing allusion to what was a very delightful experience with me. My father, because of his office, had an extraordinarily wide acquaintance with the active membership of the Southern Presbyterian Church, its ministers and elders, of course, in particular. Their names were familiar in our household; and anecdotes about them made their personality very real to us; the visits of a great many of them gladdened us from time to time.

"My father was a very lively companion and seemed to provoke and draw out liveliness in other people. He had the very risky habit of always saying exactly what he thought, a habit which I in part inherited and of which I have had diligently to cure myself. But he was the best instructor, the most inspiring companion, I venture to say, that a youngster ever had, and in facing a southern presbytery I can not think of myself as President of the United States; I can only think of myself as the son of Joseph R. Wilson, and I only wish that I could claim some of the vital connection with the church which he could claim—because those of us who stand outside of the active ministrations of the church, so to say, get an illegitimate usury from it. We do not seem to add a great deal to its capital, but we do live on its investments; we do live on its great investments of the Spirit, and on the kind of energy which keeps the world alive, which makes us different from the beasts of the field.

"When I think of the great bodies of opinion which sustain the affairs of the world it seems to me that the heart and nucleus of them is the principle of Christianity, and that therefore the conservation of that great fountain of all that is just and righteous is one of the most important things conceivable, infinitely more important than the things which those of us do who attempt to take some part in administering the external affairs of the world. When I hear men like Doctor Stuart pleading for the means to introduce this great influence into a part of the world now for the first time feeling its connection with the rest of mankind, now first awakening to the possibilities of the power that lies latent in it, I wonder if it is possible that the imaginations of Christian people will fail to take fire.

"Why, this is the most amazing and inspiring vision that could be offered to you, this vision of that great sleeping nation suddenly cried awake by the voice of the Christ. Could there be anything more tremendous than that? Could there by any greater contribution to the future momentum of the moral forces of the world than could be made by quickening this force which is being set afoot in China? China is at present inchoate; as a nation it is a congeries of parts, in each of which there is energy but as yet unbound in any essential and active unity. Just as soon as its unity comes, its power will come in the world. Should we not see that the parts are fructified by the teachings of Christ?

"But that is quite apart from what I had come to say. I had not come to speak on foreign missions; I am not competent to speak on foreign missions. I am merely competent to utter my deep allegiance to the things which are represented by bodies of people like this, and to express my thanks to God that as a youth and as a man I have been permitted to have some part in them."

JUBILEE OF THE CENTRAL PRESBYTERIAN CHURCH

In May, 1918, the Central Presbyterian Church celebrated its fiftieth anniversary. Owing to the fact that our country had entered the war, and there were so many duties and calls upon the interest of every one, it was decided to make this jubilee a very simple one. The jubilee began with the service on Sunday morning, May 26, 1918, at which time Rev. W. W. Moore, of Union Theological Seminary, Richmond, Va., preached the sermon on the subject, "The value of the church to the community," and the pastor read a historical sketch of the church. At the evening service, Rev. A. R. Bird, the pastor of the Church of the Pilgrims, came with the members of his congregation, and Doctor Moore again preached for us on the theme, "An ambassador in bonds."

On Friday evening, May 31, which was the actual date of the fiftieth anniversary, we had a gathering in the Sunday-school room of the church. President Wilson had been invited and had agreed to come, but said in advance that owing to the many demands now upon him in connection with the war, he would not promise to make an address. In this service Rev. Andrew R. Bird; Rev. S. H. Greene, of Calvary Baptist Church; Rev. Wallace Radcliffe, of the New York Avenue Presbyterian Church; Rev. J. J. Muir, of the Temple Baptist Church; and Rev. Joseph T. Kelly, of the Fourth Presbyterian Church, took part. Each of these brethren brought greetings from their respective congregations. We were very anxious for the President to make some remarks, and so I tore off a piece of paper from a program and wrote a little note asking him to please say a word impromptu. He sat with his head bowed, apparently deep in thought, and then without turning his head in my direction simply nodded assent. The reason I wrote the note, rather than lean over and ask him, was that in the event he should decline nobody would know that he had refused me. The President spoke impromptu. In somewhat brief remarks, not over three minutes in length, the President stated the high aims of the war. In a very remarkable and impressive way he summed up the whole situation and showed to us the place that our country should occupy in the Great War and the spirit and purpose that should animate our course. It was such a masterly statement, comprised in a very few sentences, that one of the former speakers remarked, "The President has expressed more in three minutes than all the rest of us together have said the whole evening." After the President had spoken the members of the congregation who were present came forward and an informal reception was held, the President shaking hands with all who were there. He remained for some time after the exercises were concluded and conversed with a number of groups which gathered about him. The entire affair was like a large family gathering, and the President seemed to enjoy immensely this change from his official duties and the informality of it.

For this reception in connection with our jubilee, President Wilson had sent up from the White House a great profusion of flowers. There were numbers of boxes of flowers, each particular variety being in a separate box. The American Beauty roses were especially beautiful, the stems of which were over 4 feet in length. We had never had such a beautiful lot of flowers as were sent to us from the White House on the occasion of this jubilee.

INCIDENTS IN THE CHURCH LIFE OF PRESIDENT WILSON

There are many interesting incidents that are connected with the membership of President Wilson in our congregation. He occupied in this church the third pew from the front on the left center, sitting, as a rule, at the end of the pew. On many occasions during the war period when our church was crowded far beyond its comfortable capacity the President insisted on sharing his pew with the soldiers, sailors, and marines, and hardly a Sunday passed that some of these boys were not seated next to the Commander in Chief of the Army and Navy. Many of them did not know until after the service that they were seated next to the President of the United States. President Wilson was thoroughly Presbyterian in spirit, not only by virtue of his birth and education, but also by conviction. He loved the traditions of our church and was thoroughly familiar with its history. He liked simplicity of worship, believing that it was possible for all men to approach God and worship in a very simple way. His father, the Rev. Joseph R. Wilson, was a Presbyterian minister of the Southern Presbyterian Church, who had occupied prominent pastorates and who for over 30 years had been stated clerk of the General Assembly of the Presbyterian Church in the United States. In this way President Wilson had become familiar with the polity and faith of the church. President Wilson was an elder in the Presbyterian Church and recognized the honor and importance of this office. He was a devout worshiper, always taking part in the singing of the hymns and giving the closest attention to the reading of the Scriptures and the preaching of the sermon.

On many occasions he not only shared his hymn book with those who were next to him but would step out of his pew to give a hymn book to some one who did not have one. He was always regular in his attendance upon the services of the church, as had been his custom. He was very punctual, always arriving before the time set for the services, and was never late. His punctuality was a striking example to the entire congregation. He came to church not simply to observe a custom, but to worship and to find comfort and strength for his spiritual life.

President Wilson was a very close listener. He had the art of concentrated attention which would have been very disconcerting to a minister until it was realized that he, like others, had come to worship, and that the speaker was being listened to by a friend.

On many occasions when the policies of President Wilson were being vigorously attacked he would come to the services on Sunday with that same impenetrable calm and sit in his place in the house of God, apparently oblivious to all the storm and tempest on the outside and with apparently just one great absorbing thought, and that was that he had come to the house of God to worship. So many times did he exhibit this remarkable self-control that I said to him one Sunday morning after the services, "I want to thank you for a great lesson that you have helped me to learn in some measure. You have helped me greatly to learn something of the art of self-control." The calmness and poise of his demeanor during those stormy days when the Versailles treaty was being so bitterly assailed will not be forgotten. We continually recall his deep interest in the services and his words of appreciation, saying often as he went out, "I have enjoyed the services to-day very much."

During all these years President Wilson showed his unwavering faith and his abiding interest in the church and in religion. How eloquently did he express this faith in a letter to me in June, 1923, when he said: "I sometimes get discouraged at the exceedingly slow progress of my recovery, but I am ashamed of myself when I do, because God has been so manifestly merciful to me. I ought to feel much profound gratitude. I believe that it will all turn out well, and that, whether well or ill, it will turn out right." He once said to me, in speaking of the spiritual character of religion, "If you take away the spirituality of Christianity, you have taken out its heart."

So these closing years of his life brought into clear relief the splendid resignation and undaunted faith of this loyal and faithful servant of God. He typifies for us in this day the "Happy Warrior," of whom Wordsworth says:

"Who is the happy warrior? Who is he
That every man in arms should wish to be?
It is the generous spirit, who, when brought
Among the tasks of real life, hath wrought
Upon the plan that pleased his boyish thought;
Whose high endeavors are an inward light
That makes the path before him always bright:
Who, with a natural instinct to discern
What knowledge can perform, is diligent to learn;
Abides by this resolve, and stops not there,
But makes his moral being his prime care;
Who doomed to go in company with pain,
And fear, and bloodshed, miserable train!
Turns his necessity to glorious gain.
* * * * *
'Tis, finally, the man who, lifted high,
Conspicuous object in a nation's eye,
* * * * *
Plays, in the many games of life, that one
Where what he most doth value must be won:
Whom neither shape of danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, persevering to the last,
From well to better, daily self-surpast:
Who, whether praise of him must walk the earth
Forever, and to noble deeds give birth,
Or he must fall, to sleep without his fame,
And leave a dead unprofitable name—
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering, draws
His breath in confidence of heaven's applause:
This is the happy warrior; this is he
That every man in arms should wish to be."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ABERNETHY, indefinitely, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2849. An act to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

S. 2307. An act authorizing the Secretary of the Interior to exchange certain lands in order to acquire land for a municipal aviation field at Yuma, Ariz.; to the Committee on the Public Lands.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, March 5, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 5, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To secure Sunday as a day of rest in the District of Columbia (H. R. 7179).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

A bill authorizing the erection of a monument in France to commemorate the valiant service of colored American Infantry regiments attached to the French Army (H. R. 9643, 9694).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To provide retirement for the Nurse Corps of the Army and Navy (H. R. 8953).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON LABOR

(10.30 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 8653).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To establish in the Treasury Department a bureau of customs and a bureau of prohibition (H. R. 8998).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Irrigation and Reclamation. H. R. 7819. A bill to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes; without amendment (Rept. No. 452). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883; without amendment (Rept. No. 453). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 1169. An act authorizing the Secretary of the Interior to convey certain lands in Powell town site, Shoshone reclamation project, Wyoming, to Park County, Wyo.; without amendment (Rept. No. 454). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HASTINGS: Committee on Indian Affairs. H. R. 9161. A bill authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma; without amendment (Rept. No. 455). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

An act (S. 1661) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin; Committee on the Public Lands discharged, and referred to the Committee on Claims.

An act (S. 850) for the relief of Robert A. Pickett; Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROY G. FITZGERALD: A bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925; to the Committee on Revision of the Laws.

By Mr. BACHARACH: A bill (H. R. 10001) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGRADY: A bill (H. R. 10002) granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 10003) to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes; to the Committee on Naval Affairs.

By Mr. HASTINGS: A bill (H. R. 10004) authorizing the payment to the State of Oklahoma of the sum of $10,187.50 in settlement for rent of United States Veterans' Hospital No. 90 at Muskogee, Okla.; to the Committee on World War Veterans' Legislation.

By Mr. LARSEN: A bill (H. R. 10005) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. PEAVEY: A bill (H. R. 10006) for the relief of agriculture and providing for the preparation and distribution of explosives to settlers for clearing and reclaiming cut-over forest-land areas; to the Committee on Agriculture.

By Mr. RAGON: A bill (H. R. 10007) to convey to the Big Rock Stone Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas; to the Committee on World War Veterans' Legislation.

By Mr. CELLER: A bill (H. R. 10008) for the appointment of an additional judge in the United States District Court, Eastern District of New York; to the Committee on the Judiciary.

By Mr. FREE: A bill (H. R. 10009) to amend section 4530 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS: A bill (H. R. 10010) repealing the law creating the Tariff Commission; to the Committee on Ways and Means.

By Mr. FREAR: Joint resolution (H. J. Res. 189) authorizing the appointment of a committee to investigate the Indian Bureau and report thereon; to the Committee on Rules.

By Mr. WOODRUM: Resolution (H. Res. 158) asking for information from the Secretary of State; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 10011) granting an increase of pension to Seph J. Jones; to the Committee on Invalid Pensions.

By Mr. BLACK of Texas: A bill (H. R. 10012) correcting the military record of Frank H. Oliver; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 10013) granting an increase of pension to Mary McKee Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10014) granting a pension to Hannah Clark; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 10015) granting a pension to Mary Burdick; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 10016) granting an increase of pension to Anna L. Shannon; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 10017) granting an increase of pension to Joseph Lightstone; to the Committee on Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to Estelle H. Reynolds; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10019) for the relief of the Cold Spring Brewing Co., of Cold Spring, Minn.; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 10020) for the relief of William Knabe; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 10021) granting an increase of pension to Hettie Quigley; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10022) for the relief of Albert von Hoffman; to the Committee on Claims.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 10023) granting a pension to Mary Stuart; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 10024) granting an increase of pension to Ladora V. Laphan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10025) granting an increase of pension to Ann Neilan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10026) granting an increase of pension to Anna E. Schermerhorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10027) granting an increase of pension to Anna E. Pateman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10028) granting an increase of pension to Electa J. Baker; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 10029) granting an increase of pension to Ann E. Kite; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 10030) granting a pension to Floyd Colwell; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10031) granting an increase of pension to Maria Hile; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 10032) granting an increase of pension to Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10033) granting an increase of pension to Hannah A. Garner; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 10034) for the relief of Earle E. Gordon; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 10035) for the relief of Albert H. Hosley; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 10036) granting an increase of pension to Isabella Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10037) granting a pension to William H. Sticksell; to the Committee on Pensions.

By Mr. SWOOPE: A bill (H. R. 10038) granting an increase of pension to Mary A. Burge; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10039) granting a pension to Thomas H. Frost; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 10040) granting a pension to Rachel Rice; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 10041) granting an increase of pension to Mary Romesburg; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 10042) granting an increase of pension to Anna M. Dory; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 10043) granting an increase of pension to Sarah E. Campbell; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 10044) for the relief of Emma Gregory, widow of Charles E. Gregory, who was the heir of Ann Gregory, deceased; to the Committee on Claims.

By Mr. VOIGT: A bill (H. R. 10045) granting a pension to Jennie Burt; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 10046) for the relief of A. C. Tomson; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 10047) granting an increase of pension to Martha E. Cullimore; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 10048) to authorize the appointment of Philip Coldwell as a major of Infantry, Regular Army; to the Committee on Military Affairs.

By Mr. YATES: A bill (H. R. 10049) granting a pension to Sallie B. Glenn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

950. Resolution of the Chamber of Commerce of Pittsburgh, indorsing the suggestion that the hundredth anniversary of the birth of Stephen Collins Foster be signalized by the issuance of a special postage stamp or coin; to the Committee on the Post Office and Post Roads.

951. By Mr. ACKERMAN: Petition of sundry citizens of the State of New Jersey, opposing the passage of House bill 5000 and Senate bill 291, which provides for a department of education; to the Committee on Education.

952. By Mr. ARNOLD: Petition from various citizens of Lawrence County, Ill.; protesting against the passage of House bills 7179 and 7822, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

953. By Mr. CARTER of California: Petition of California Academy of Sciences, opposing any legislation adverse to the efficient maintenance and management of the national forests and national parks; to the Committee on the Public Lands.

954. Also, petition of Los Angeles district executive board of the California Federation of Women's Clubs, indorsing Senate bill 774; to the Committee on the Public Lands.

955. By Mr. CHINDBLOM: Petition of Mrs. C. M. Rohr and 110 other citizens of Chicago, Ill., opposing legislation for compulsory Sunday observance law; to the Committee on the District of Columbia.

956. By Mr. CRAMTON: Petition signed by Robert Lane and other residents of Port Huron, Mich., protesting against compulsory Sunday observance bill; to the Committee on the District of Columbia.

957. Also, petition signed by C. L. Wonch and other residents of Port Huron, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

958. Also, petition of C. D. Amadon and other residents of Port Huron, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

959. By Mr. DRANE: Petition of citizens of Tampa, Arcadia, and Sarasota, Fla., opposing the passage of the so-called compulsory Sunday observance law; to the Committee on the District of Columbia.

960. By Mr. GARNER of Texas: Petition from citizens of McAllen, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

961. Also, petition from citizens of Medina County, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

962. Also, petition of sundry citizens of the State of Texas, opposing the passage of any compulsory Sunday observance laws; to the Committee on the District of Columbia.

963. By Mr. HARRISON: Petition of sundry citizens of the State of Virginia, opposing the passage of the compulsory Sunday observance law; to the Committee on the District of Columbia.

964. By Mr. HERSEY: Petition of Ephraim Eisenberg and 34 other citizens of Westfield, Me., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

965. Also, petition of C. S. Barrows and 11 other residents of Westfield, Me., protesting against the passage of House bills 7179 and 7822, compulsory Sunday observance law; to the Committee on the District of Columbia.

966. Also, petition of Leon P. Belyea, of Easton, Me., and five other citizens, protesting against the passage of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

967. By Mr. HOOPER: Petition of Elder P. C. Hanson and 19 other residents of Hillsdale County, Mich., protesting against the passage of compulsory Sunday legislation; to the Committee on the District of Columbia.

968. By Mr. KIEFNER: Petition of residents of Sabula, Mo., protesting against the passage of compulsory Sunday observance bills (H. R. 7179 and H. R. 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

969. By Mr. KVALE: Petition of 150 signers, opposed to the Curtis-Reed bill; to the Committee on Education.

970. By Mr. McDUFFIE: Petitions of citizens of Mobile, Crichton, and Whistler, opposing proposed Sunday observance bill; to the Committee on the District of Columbia.

971. By Mr. MAGEE of New York: Petition of citizens of Syracuse, N. Y., in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

972. By Mr. MANLOVE: Petition of 73 residents of Milo, Mo., pledging loyal support of the eighteenth amendment and the Volstead Act; to the Committee on the Judiciary.

973. By Mr. MOONEY: Petition of certain members of the city council of Cleveland, protesting beer and wine resolution adopted by that body on February 15, 1926; to the Committee on the Judiciary.

974. By Mr. O'CONNELL of New York: Petition of citizens of Brooklyn, N. Y., opposing the passage of House bills 7179 and 7822, Sunday observance legislation; to the Committee on the District of Columbia.

975. Also, petition of William W. Allen, United States Veterans' Bureau Hospital, No. 98, Castle Point, N. Y., favoring the Knutson bill (H. R. 8132) to increase Spanish War pensions; to the Committee on Pensions.

976. Also, petition of the Brooklyn Chamber of Commerce, opposing the Wadsworth-Perlman bill (S. 2245 and H. R. 5) amending the immigration act; to the Committee on Immigration and Naturalization.

977. Also, petition of the Intermediate Rate Association of Spokane, Wash., favoring the passage of the Gooding-Hoch bill; to the Committee on Interstate and Foreign Commerce.

978. Also, petition of residents of Providence, R. I., protesting against House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

979. By Mr. PERKINS: Petition of sundry citizens of the State of New Jersey, opposing the passage of the Sunday observance law; to the Committee on the District of Columbia.

980. Also, petition of sundry citizens of the State of New Jersey, opposing the passage of House bill 5000 and Senate bill 291, which provide for a department of education; to the Committee on Education.

981. By Mr. ROBINSON of Iowa: Petition of various citizens of Hampton, Iowa, against compulsory Sunday observance; to the Committee on the District of Columbia.

982. By Mr. SINCLAIR: Petition of 61 residents of Dickinson, N. Dak., protesting against legislation compelling compulsory Sunday observance; to the Committee on the District of Columbia.

983. By Mr. THOMPSON: Petition of F. J. Ulrich, president, on the part of the Affiliated Societies of the Catholic Union of Ohio, protesting against the Reed bill; to the Committee on Education.

SENATE

FRIDAY, *March 5, 1926*

(Legislative day of Wednesday, March 3, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House insisted on its amendments to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER were appointed managers on the part of the House at the conference.

The message also announced that the House insisted on its amendment to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. REECE, Mr. GLYNN, and Mr. HILL of Alabama were appointed managers on the part of the House at the conference.

THE AGRICULTURAL SITUATION

Mr. McKINLEY. Mr. President, to-day America is facing a serious situation because its greatest industry is not in proper adjustment with the other economic groups. During the past few months I have made some careful study of the agricultural situation for the country as a whole and particularly of my own State. I have been more than alarmed at what I have found.

The Congress is being earnestly besought to provide a remedy which will bring products of the labor of the farmer into a fair relationship with products of the labor of other groups. I feel that we can not turn our attention to a more

serious problem, nor one more needing our attention and immediate action.

It is not to be questioned that the farmer is not getting a fair share of the national income. Economists hold that corporate organizations and the operation of modern laws tend to divert a larger share of income into towns or cities than is just. All who have studied agricultural problems recognize this fact to-day.

I do not believe that this is a problem concerning the farmer alone. The national prosperity itself is not secure unless this situation is speedily remedied.

In a brief analysis of the situation in my own State, I find that the 30,736,000 acres in farms which were worth, land and buildings, $187.59 an acre in 1920, are worth to-day on an average of only $136.79, a depreciation in value of $50.80 an acre, or a total loss to the farmers of Illinois of more than $1,500,000,000.

The land alone, leaving out of consideration the buildings and improvements, was valued in 1920 at $164.20 an acre. To-day its value is $111.53.

Those are the cold figures, which tell the dollars and cents side of the story. But in making the study of my State I have not forgotten that dollars and cents are not all. There are men and women to be considered. One million ninety-eight thousand of these men and women live on the farms of Illinois. Two million eighty-two thousand live on farms and in country towns, and many hundreds of thousands more are directly dependent upon the products of the soil.

This is not the farmers' problem alone. It is the problem of the Nation. It is our problem. The problem is complex. Progress has been made in past years in solving it. Action of this body in recently amending the pure food and drug act to permit without embarrassment the use of corn sugar has relieved one immediate perplexing problem. During the past few years other legislative measures have been drawn up and passed by Congress, which have helped. We have legalized the establishment of cooperative-marketing groups. Efficient cooperative distribution has done much for the farmer. It has raised the standard of the quality of farm products and has protected the buyer. Through the farmer's own marketing agency he is to-day being taught to produce what the market demands. This is the first step toward orderly marketing. Cooperative marketing associations are enabling the farmer to escape from the disastrous effects of dumping his products on the market immediately they are produced. Our Secretary of Agriculture recently estimated that in 1925 cooperative associations transacted approximately two and a half billion dollars of business.

Some results have also been obtained during the past few years in obtaining for agriculture a more favorable transportation rate.

These things have been good and have helped. But they are not enough. We are now confronted with a peculiar problem. The whole Nation has aided in expanding agriculture to the point that there is a normal surplus over what the whole market consumes. This normal surplus sets the price on what the home market takes. Thus we find the farmer receiving a world price for his product and buying at home products at an American price, artificially maintained by various legislative and governmental measures.

The American farmer, as I understand it, does not desire this American price changed. His one plea to us is to provide a means which will give him and his product an American price, so that he can enjoy an American standard of living on an equality with the other American groups.

To provide this equality for agriculture is wise from every standpoint. It is well to remember that some 40 per cent of our population is agricultural, and it is also well to remember that much of our commerce and our industry depends upon the welfare of our basic industry—agriculture.

There are now such a multiplicity of proposals before Congress that the issue is confused. Some of the suggestions come from earnest and misguided zealots. Others are introduced with the evident intention of confusing and defeating the proper demands of agriculture.

It is necessary that we cast aside these half-baked suggestions to determine what agriculture wants and should have and enact into legislation measures which will provide the machinery to give agriculture the equality which it must have. I am in daily conference with the farm leaders in my own State and with national farm leaders. I have here the resolution adopted at the recent annual convention of the American Farm Bureau Federation, which is as follows:

We indorse the enactment of a Federal law based on the principle of a farmers' export corporation providing for the creation of an agency with broad powers for the purpose of so handling the surplus of farm crops that the American producer may receive an American price in the domestic market, and we instruct our officers and representatives to work for the early enactment of such a law founded on sound economic policy and not involving Government subsidy.

I also have a resolution adopted by the Illinois Agricultural Association, the State Farm Bureau of Illinois. This resolution is as follows:

The unfavorable situation of agriculture since the war has been due in large part to the working out of national policies which have expanded farm production to the utmost above domestic needs, on the one hand, while they have maintained a high level of farm production costs, on the other. Because of this the responsibility of establishing a new national policy aimed to correct existing disparities and to promote economic equality for agriculture rests on the Nation as a whole. Attempts to include the American farmer in the protective system by tariffs have been largely futile because the normal surplus of the important cash crops holds the domestic price to world levels, regardless of tariffs.

Therefore the farmers of Illinois join with the farmers of the other agricultural surplus States in asking the Sixty-ninth Congress, as part of a definite national farm program, to create an export board or corporation under which producers can, at their own expense, control the marketing of their surpluses abroad in such manner as to sustain an American price for that portion consumed in America.

Many plans for dealing with the surplus problem have been proposed to Congress, some of which are now in the form of bills providing for export bounties, foreign credits, and other means and agencies.

The Illinois Agricultural Association, while reiterating its willingness to support any sound and workable plan to accomplish the desired ends, recognizes its responsibility to express its general judgment on the relative value of the several plans, some of which are:

1. Export bounty on each of several farm commodities approximately equal in amount to the import duty provided in each case, financed by an excise tax on the units of each commodity that move in trade.

2. Export bounty on each of several farm commodities approximately equal in amount to the import duty provided in each case, the bounty payable in form of due bills acceptable by the United States Treasury in payment of import duties.

3. Government loans to buyers abroad to provide funds for foreign purchase of our farm surplus.

4. Federal board to assist farm producers to control, segregate, or dispose of surpluses abroad or at home, the actual buying and selling to be done wherever practicable through corporations created by associations of producers themselves, but financed as to sales abroad by an equalization fund from an excise tax similar to that proposed for the export bounty.

An export bounty, not administered by a central body empowered to segregate and control the surplus movement, would, in our judgment, be less effective than other proposals in adjusting domestic supply and demand at a fair price. The plan to finance bounty payments either from the United States Treasury or from diverted import duties in effect proposes a public subsidy against which the American Farm Bureau Federation has gone on record. The plan to loan additional funds to finance foreign purchases could not materially change the world price level at which the sales would be made, could not operate to maintain an American price for that portion consumed in America, and does not appear to be a proper solution, for the further reason that since the war our farm exports have not been curtailed, but on the contrary have found ready buyers at a world price and in volume greater than pre-war. The bounty and loan proposals do not tend to bring the organized producers into the market in control of the handling of their surplus.

Therefore be it

Resolved, That the Illinois Agricultural Association indorse the general principles set forth in the Dickinson bill now before Congress, a measure which provides for a Federal board to administer an equalization responsibility for the surplus farm commodities, the finances to be put up by the producers themselves in the most practical manner, through excise tax or equalization fee, and the actual buying, storing, and selling involved in handling the surplus to be done, with the support of the board, by corporations created and controlled by the producers themselves.

I am in accord with the Illinois Agricultural Association.

OLDROYD COLLECTION OF LINCOLN RELICS

Mr. WILLIS. Mr. President, because I shall probably be absent when the Senate bill 957, providing for the purchase of the Oldroyd collection of Lincoln relics, introduced by myself, is reached on the calendar, and because I shall therefore be unlikely to be able to make a statement concerning the bill, in the enactment of which I am very greatly interested, I ask permission to have printed in the RECORD at this point a brief editorial article from to-day's Washington Post.

There being no objection, the editorial article was ordered to be printed in the RECORD, as follows:

A bill introduced by Senator WILLIS, of Ohio, for the purchase of the famous Oldroyd collection of Lincoln relics, now in the house at 516 Tenth Street NW., where the great President died, is now on the Senate calendar. A similar bill was passed by the Senate last year, but died in the House. This is the last opportunity Congress will have to secure and keep in Washington this great collection, as Colonel Oldroyd has been offered $50,000 for it by the State of Illinois, and a larger sum by Henry Ford. Here, where Lincoln served his country and where he died, is the place for this unequaled collection of relics. The House should not neglect the opportunity to provide for their purchase.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Sackett
Bayard	Frazier	McMaster	Sheppard
Bingham	George	McNary	Shortridge
Blease	Gerry	Mayfield	Simmons
Borah	Glass	Means	Smith
Bratton	Goff	Metcalf	Smoot
Brookhart	Gooding	Moses	Stanfield
Broussard	Greene	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Cameron	Harreld	Norris	Tyson
Capper	Harris	Nye	Wadsworth
Caraway	Heflin	Oddie	Walsh
Copeland	Howell	Overman	Warren
Couzens	Johnson	Pepper	Watson
Dale	Jones, Wash.	Phipps	Wheeler
Deneen	Kendrick	Pine	Williams
Dill	King	Pittman	Willis
Ernst	La Follette	Reed, Pa.	
Ferris	Lenroot	Robinson, Ark.	
Fess	McKinley	Robinson, Ind.	

Mr. JONES of Washington. I wish to announce that the senior Senator from Kansas [Mr. CURTIS], the Senator from Massachusetts [Mr. BUTLER], the Senator from Maine [Mr. FERNALD], and the Senator from New Hampshire [Mr. KEYES] are detained from the Senate because of illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

REGULATION OF RADIO TRANSMISSION

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Interstate Commerce:

Senate Concurrent Resolution No. 2 asking Congress to effectively regulate stations for the transmission of radio communictions or energy in the United States, introduced February 2, 1926, by Mr. Case and referred to committee on judiciary

Whereas the Radio Corporation of America or the Westinghouse Electric & Manufacturing Co. has established a superpower radio broadcasting station near Bound Brook, N. J., in the center of the residential suburban community in this State, which station has for its purpose the broadcasting of radio communications to distant points with the least interference to New York City and entirely without regard to the effect of such broadcasting upon the many suburban communities located in the counties of Middlesex, Union, and Somerset and adjoining counties in this State; and

Whereas the operation of said superpower radio station will constitute an intolerable nuisance to the citizens of said communities who use radio receiving sets or who operate radio broadcasting stations; and

Whereas the governing bodies of numerous cities and towns located in said counties have passed resolutions calling upon the governor of this State and upon the legislature to take all steps necessary to limit the signal strength of said broadcasting station so that it will not be operated so as to create such nuisance; and

Whereas the Congress of the United States has pending before it bills designed to more effectively regulate the transmission of radio communications and energy:

Be it resolved by the senate (the house of assembly concurring), That the legislature urge upon Congress the necessity for the enactment of legislation which will vest in the Secretary of Commerce adequate control of all stations transmitting radio communications and energy in interstate commerce and that such legislation may embody provisions giving to persons or corporations affected or to be affected by the operations or proposed operations of such broadcasting stations an opportunity to be heard before the Secretary of Commerce prior to the licensing of such stations and an opportunity to apply to such Secretary for the revocation of the license of any such station for violation of law or of the regulations of such Secretary and an opportunity to appeal from the action taken by such Secretary affecting such person or corporation; be it further

Resolved, That a copy of this resolution be transmitted to the President of the Senate of the United States and the Speaker of the House of Representatives and to each of the Senators and Congressmen from this State.

STATE OF NEW JERSEY,
DEPARTMENT OF STATE.

I, Thomas F. Martin, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of Senate Concurrent Resolution No. 2 as the same is taken from and compared with the original filed March 2, 1926, and now remaining on file and of record in my office.

In testimony whereof I have hereunto set my hand and affixed my official seal at Trenton this 4th day of March, A. D. 1926.

[SEAL.] THOMAS F. MARTIN,
Secretary of State.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 102) to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy (Rept. No. 264); and

A bill (S. 767) for the relief of Annie H. Martin (Rept. No. 265).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1304) for the relief of Hunter-Brown Co. (Rept. No. 266);

A bill (S. 1451) for the relief of William Hensley (Rept. No. 267);

A bill (S. 2242) for the relief of Mark J. White (Rept. No. 268); and

A bill (S. 2902) for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands (Rept. No. 269).

Mr. CAPPER, also from the Committee on Claims, to which was referred the bill (S. 2200) for the relief of James E. Fitzgerald, reported it with amendments and submitted a report (No. 270) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 769) for the relief of the estate of Benjamin Braznell, reported it without amendment and submitted a report (No. 271) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, reported a bill (S. 3429) authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service, which was read twice by its title, and he submitted a report (No. 272) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3012) to change the name of the "trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same, reported it without amendment and submitted a report (No. 273) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKINLEY:

A bill (S. 3415) granting an increase of pension to John H. Crim; to the Committee on Pensions.

By Mr. KING (by request):

A bill (S. 3416) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain; to the Committee on Public Lands and Surveys.

A bill (S. 3417) to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on the District of Columbia.

By Mr. BRUCE:

A bill (S. 3418) to create an additional judge in the district of Maryland; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 3419) granting a pension to William J. Smith; to the Committee on Pensions.

A bill (S. 3420) for the relief of James Monroe Gates; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 3421) to authorize the construction of a George Rogers Clark Memorial Lighthouse on the Ohio River at or adjacent to the city of Louisville, Ky.; to the Committee on the Library.

By Mr. PEPPER:

A bill (S. 3422) for the promotion and retirement of William H. Santelmann, leader of the Marine Band; to the Committee on Naval Affairs.

A bill (S. 3423) authorizing the removal of the Bartholdi Fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia; to the Committee on the Library.

By Mr. CAPPER:

A bill (S. 3424) granting a pension to Nancy J. Nichols (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3425) to authorize aided and directed settlement on certain Federal reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. STANFIELD:

A bill (S. 3426) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

(By request.) A bill (S. 3427) to revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho, and for other purposes; and

(By request.) A bill (S. 3428) to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAMERON:

A bill (S. 3430) to enable the Secretary of Agriculture to establish and maintain an agricultural experiment station in the Colorado River Valley near Fort Mohave, Ariz., and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 3431) to amend the acts of February 28, 1891 (26 Stat. p. 795), and the act of May 29, 1924 (43 Stat. p. 244), providing for the leasing of unallotted Indian reservation land for oil and gas mining, and for other purposes; to the Committee on Indian Affairs.

By Mr. WILLIS:

A bill (S. 3432) granting an increase of pension to Mary Larimer (with accompanying papers); to the Committee on Pensions.

By Mr. STANFIELD (by request):

A bill (S. 3433) to revise the boundary of the Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WILLIAMS:

A bill (S. 3434) granting an increase of pension to Edith Quick (with accompanying papers); to the Committee on Finance.

VALIDATION OF CERTAIN PUBLIC LAND ENTRIES

Mr. STANFIELD submitted an amendment intended to be proposed by him to the bill (S. 3223) validating certain applications for and entries of public lands, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. HEFLIN. Mr. President, I desire to prefer a unanimous-consent request. On yesterday, as Senators will remember, on the suggestion of the Senator from Nebraska [Mr. NORRIS] and the Senator from South Carolina [Mr. SMITH], I permitted this matter to go over. I wish to see if we can not agree this morning on some hour when we may have a vote upon the pending concurrent resolution and all amendments thereto. I ask unanimous consent that we may proceed to vote this afternoon. I believe there is a special order for 3.30 o'clock this afternoon, and I wonder if we could agree to vote at 2.30 o'clock?

The VICE PRESIDENT. The Senator from Alabama requests unanimous consent that the vote be taken on the pending resolution at 2.30 o'clock this afternoon.

Mr. BLEASE. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Now, Mr. President, I prefer one other request. I have no desire to cut off debate upon the question. As I stated yesterday, this subject has been gone over many times in the Senate and every phase of it has been discussed. I wonder if we could not agree to proceed to vote on the resolution to-morrow afternoon at 3 o'clock? I hope the Senator from South Carolina will not object to that. It is very important that we should get through with this resolution as early as possible if we are going to adopt it, for at best the committee will have but a few days to get bids and to report them back.

Mr. WILLIS. Mr. President, I shall not object, but I inquire of the Senator whether he would consider the feasibility of setting the vote for Monday next? I am selfish in that, I admit. I am compelled to be absent from the Chamber to-morrow, and I should like to vote upon this question. It seems to me that the matter would not be delayed by voting on the resolution, say, at the same hour on Monday. However, I shall not object to the request, though I dislike to be prevented from voting on the measure.

Mr. HEFLIN. Mr. President, the Senator from Ohio has suggested that a vote shall be taken on Monday and the Senator from South Carolina [Mr. BLEASE] has objected to a vote being taken to-day. I ask unanimous consent, then, that at 3.30 o'clock on Monday we may proceed to vote upon the resolution and amendments thereto without further debate.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. I desire to say that, as a general rule, I should object to fixing a time for voting on a measure and an arrangement under which amendments might be offered without any opportunity to discuss or explain them. I am, however, not going to object to this request, but I wish it understood that I shall not treat it as a precedent hereafter.

Mr. HEFLIN. No.

Mr. JONES of Washington. Because I am opposed to agreements of that sort.

Mr. BLEASE. I understand that the request includes votes on the amendments that have already been offered to the resolution?

Mr. HEFLIN. Oh, yes; it includes all amendments pending at the time fixed for the vote.

Mr. BLEASE. It does not shut them out?

Mr. HEFLIN. No.

Mr. SMOOT. Will not the Senator from Alabama modify his request so as to provide that the vote shall be taken not later than 3.30 o'clock on Monday, so that if the discussion shall end earlier than at that hour we may proceed to vote and not be compelled to lay the resolution aside until the time to vote upon it shall arrive?

Mr. GEORGE. Mr. President, I hope that there will be no modification of the request of the Senator from Alabama, because, as I wish to explain, some of us are now busily engaged in the subcommittee of the Committee on Privileges and Elections. The work on that subcommittee is such that it requires our constant attention. It is necessary that we shall remain continuously in the committee room in order to expedite the consideration of the contest which has been filed by Daniel F. Steck against SMITH W. BROOKHART, the Senator from Iowa. I, therefore, hope that the Senator from Alabama will allow his request to stand as he has preferred it, fixing a definite hour at which the vote is to be taken.

Mr. HEFLIN. Mr. President, in view of what the Senator from Georgia has stated, I hope the Senator from Utah [Mr. SMOOT] will not insist on his suggestion, for, if a definite hour for the vote be fixed, Senators will then be present.

Mr. SMOOT. The only object I had in making the suggestion was that I thought, perhaps, if agreed to, it might hasten the time for taking the vote on the resolution.

Mr. HEFLIN. Should the debate on the resolution terminate earlier than the time fixed for a vote, other business may be taken up and considered.

Mr. SMOOT. I shall not insist on my suggestion. I only offered it in the interest of saving time.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement requested by the Senator from Alabama [Mr. HEFLIN] is entered into.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That on the calendar day of Monday, March 8, 1926, at 3.30 o'clock p. m., the Senate proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. HOWELL. Mr. President, under the terms of the pending resolution initial steps are proposed for the disposal to private interests, for at least 50 years, of the Government's great hydroelectric power plant at Muscle Shoals, including an auxiliary 80,000-horsepower steam plant, a 40,000-ton fixed-nitrogen cyanamide plant, and other incidental property, all together costing in excess of $150,000,000.

It is further proposed that the private interests leasing this property shall agree to manufacture commercial fertilizer, "according to demand," to the extent of at least 40,000 tons of fixed nitrogen per annum, at a net profit of not to exceed 8 per cent of the cost of production.

From the tenor of the pending resolution and the terms referred to therein, together with the arguments that have been presented in favor thereof, it would appear that the following assumptions are accepted to be facts:

First. That an increase in the production of artificially fixed nitrogen will necessarily result in a material reduction in the price of nitrogenous fertilizers, thus affording a marked saving to farm operators throughout the country.

Second. That fixed nitrogen suitable for fertilizer purposes can be produced by the 40,000-ton cyanamide plant at Muscle Shoals at a cost less than such fixed nitrogen can be produced elsewhere in this country.

Third. That to-day the production of cheap artificially fixed nitrogen is dependent upon the utilization of low-cost electrical energy, and hence upon some great hydroelectric-power development such as that at Muscle Shoals.

Fourth. And that the Government's great investment at Muscle Shoals can afford the greatest possible service to the Nation by apparently dedicating it to the production of fertilizers for the benefit of the farmer in the hands of a private corporation that agrees to manufacture commercial fertilizers, "according to demand," to the extent of at least 40,000 tons of fixed nitrogen per annum at a net profit not to exceed 8 per cent of the cost of production.

If these assumptions, or certain thereof, are not valid the chief arguments for the adoption of the present resolution fail, and it is rendered evident that many, in and out of Congress, are laboring under a misconception of the purposes of the various great interests that have been endeavoring to secure a lease of this property. Moreover, if these chief arguments fail there is but one conclusion to be drawn, and that is that the opponents of this resolution are correct in insisting that at this time the great Muscle Shoals development is essentially a hydroelectric-power proposition, and that it is so regarded by the great interests that are endeavoring to secure a lease of the property. Further, that if this property is leased as proposed the great dam, power house, and auxiliary steam plant will be largely utilized for the development, distribution, and sale of electrical energy, and that the production of fertilizers will be practically a separate and distinct enterprise based upon the utilization of coal and coke in accord with the latest practice throughout the world.

Therefore, Mr. President, let us consider these assumptions in detail. Assumption 1—and it seems to be very generally accepted by certain Members of this body—is that an increase in the production of artifically fixed nitrogen will necessarily result in a material reduction in the price of nitrogenous fertilizers, thus affording a marked saving to farm operators throughout the country.

Last year the United States consumed 7,500,000 tons of mixed fertilizer, and, in addition thereto, there was consumed about 40,000 tons of nitrogen in the form of sodium nitrate.

Mr. COUZENS. Mr. President, will the Senator yield for a question?

Mr. HOWELL. Yes.

Mr. COUZENS. Does the Senator intend to show what proportion of that 7,500,000 tons of fertilizer is filler, the usual filler used in fertilizer, which is not really productive of fertilization?

Mr. HOWELL. I will take up the composition of fertilizer shortly in a manner in which I think will answer the Senator's question.

Mr. COUZENS. Very well.

Mr. HOWELL. Of this 7,500,000 tons of fertilizer 55 per cent, or 4,150,000 tons, did not contain any nitrogen whatever.

Mr. SMITH. Or any plant food.

Mr. HOWELL. It contained plant food.

Mr. SMITH. No.

Mr. COUZENS. But it did not contain any nitrogen whatever.

Mr. SMITH. Mr. President, if the Senator will allow me, I think, if he will examine carefully the analysis, he will find that 50 per cent or more contained no plant food whatever. There was no element of plant food in it, as I think he will ascertain if he will investigate the analyses.

Mr. HOWELL. Mr. President, I do not propose to dispute the Senator's statement, and his statement is not at variance with my statement to the effect that 4,150,000 tons, or 55 per cent of the total consumption of mixed fertilizer in this country last year, did not contain any nitrogen.

Mr. SMITH. Mr. President, I have a table that has been worked out carefully by the Bureau of Soils, which later I will submit. Without giving percentages, there is not in excess of 300 pounds of plant food in the ordinary ton of commercial fertilizer, which makes 1,700 pounds out of the 2,000 pounds that is what is called filler, that has no food properties or commercial value whatever. So that the percentage of the 8,000,000 tons consumed in this country is as 300 to 1,700.

Mr. NORRIS. Mr. President, will my colleague permit an interruption there?

Mr. HOWELL. Certainly.

Mr. NORRIS. I think the particular question raised by the Senator from South Carolina [Mr. SMITH] is perhaps unimportant as far as the discussion that the Senator from Nebraska is bringing out is concerned. He is discussing the production of nitrogen down at Muscle Shoals. His statement is absolutely correct. There is not any nitrogen in that part of it. I will say to my colleague, however, that I think the evidence disclosed that the Senator from South Carolina is likewise correct in his statement that 1,700 pounds out of 2,000 pounds of every fertilizer product contains no plant food whatever, but my colleague is certainly right. I thought the figures were a little more than he has given. Nobody can question those figures, however, in regard to nitrogen.

Mr. HOWELL. Mr. President, the remaining 3,750,000 tons contained on an average about 3¼ per cent of nitrogen, or a total of about 110,000 tons of nitrogen. In addition, as stated before, there was used last year, as nearly as the departments are able to estimate, about 40,000 tons of nitrogen unmixed in the form of sodium nitrate, making the total nitrogen used for fertilization purposes in this country last year about 150,000 tons, and of this but 50,000 tons was in the form of artificially fixed nitrogen—that is, in the form of ammonium sulphate—and 100,000 tons was in the form of sodium nitrate obtained from Chile.

Why is it that but 50,000 tons of fixed nitrogen produced in this country was used last year for fertilizer purposes? Is it because there was no more produced? No; there was about 100,000 tons of nitrogen produced in this country in the form of sulphate of ammonia. Fifty thousand tons went into fertilizer, and about 25,000 tons went into miscellaneous uses; and it was necessary to export, to get rid of, outside of this country, 25,000 tons more.

This indicates that the market here is now supplied with adequate quantities of artificially fixed nitrogen, but that for some reason it does not take the place of sodium nitrate. Is it because it is more expensive than sodium nitrate? No. You can get the same quantity of nitrogen in the form of ammonium sulphate for 80 per cent of what it costs in the form of sodium nitrate obtained from Chile. Such being the case, then, why is it that two-thirds of our nitrogen used for fertilizers in this country is exported from Chile? It is because that form of nitrogen is preferred by the agricultural industry; not because it is cheaper, but because it performs the service required of a fertilizer. It is directly assimilable by plant life, whereas nitrogen in the form of ammonium sulphate has to go through certain transformations in the ground before it becomes plant food.

In other words, there are two sources of nitrogen that are utilized by the fertilizer industry. One is sulphate of ammonia; the other is sodium nitrate. They have been used for years. They will be used for years to come. The trade demands this character of nitrogen. It has been found to be the most satisfactory for agricultural purposes; and, Mr. President, if the price of ammonium sulphate were reduced so that it were 40 per cent cheaper than sodium nitrate, no more ammonium sulphate would be used, in all probability, than is used to-day. Yet is is proposed in this concurrent resolution to provide for the production of 40,000 tons more of fixed nitrogen annually—at least, that would be inferred from this concurrent resolution, if not carefully read—with the idea that this surplus production would reduce the cost of nitrogenous fertilizers in this country. How much could we expect such proposed production to reduce the cost of nitrogenous fertilizers?

Last year there was imported into this country 6,000 tons of sulphate of ammonia, and the tariff was just about 10 per cent of its cost. It would seem that in Germany and other countries of Europe where they have cheap labor, where they have had more experience with the production of fixed nitrogen than we have, where they have developed the direct synthetic method, they can manufacture it more cheaply than we can, and export it to us, paying the tariff; but evidently the measure of the differential is that $5 a ton. Therefore, Mr. President, under the most favorable circumstances I doubt if sulphate of ammonia can be produced for less than 10 per cent under the market price in this country to-day, even if all that they say and would lead us to infer respecting Muscle Shoals were true. Such being the case, what might we expect would be the saving to the farmer if the price of nitrogen in the form of sulphate of ammonia were reduced 10 per cent?

On the basis of the present market price of nitrogen in that form it costs about $250 a ton. Therefore a 10 per cent reduction would mean a reduction of $25 per ton. How many tons

are used in this country? About 50,000 tons. Therefore it is evident that the possible saving would be comparatively small.

That amount, 50,000 tons of nitrogen, would cost about $12,500,000. There are 6,300,000 farm operators in this country. Divide that number into the total cost of all the fixed nitrogen used in this country in the form of ammonium sulphate, and it amounts to $2 for each farm operator in the United States. That is the total cost if you wipe out the entire cost of what is being used to-day. But suppose you wipe out only 25 per cent—what does that amount to? Fifty cents for every farm operator in the United States; and this concurrent resolution is being urged before Congress upon the ground that it will mean a tremendous saving to agriculture!

Why, Mr. President, the total nitrogen used in this country last year cost about $42,500,000. That includes not only nitrogen in the form of ammonium sulphate, but also nitrogen in the form of sodium nitrate. Divide $42,500,000 by the total number of farm operators in this country, 6,300,000, and we find that the stake of each farmer is $6.75 if it involved the whole cost; but it could not possibly involve more than 25 per cent of that cost, and what does that amount to? One dollar and seventy cents for every farm operator in the United States! That is a measure of the agricultural factor of the problem that is before the Senate at this time.

Mr. President, the production of an additional surplus of sulphate of ammonia will not mean any particular reduction in the price of sodium nitrate. The use of that fertilizer is too well fixed in this country, and its advantages are too well known. Farmers will utilize it because they find that results are obtainable. They can stimulate plant growth in the cotton fields so that it is observable in a day. This fertilizer is of great value under certain circumstances in circumventing the depredations of the boll weevil. To assume that the production of a large additional tonnage of sulphate of ammonia will tend to supplant sodium nitrate and thus mean a great saving to the farmers in the United States is without justification in my opinion.

As to the second assumption which seems to have been accepted by a number of Senators, to wit, that fixed nitrogen suitable for fertilizer purposes can be produced by the 40,000-ton cyanamide plant at Muscle Shoals at a cost less than that at which such fixed nitrogen can be produced elsewhere in this country. We are told that we ought to turn this cyanamide plant over to a great corporation, together with the Muscle Shoals water power and the steam plant, so that it can be utilized to cheapen fertilizer in this country.

It was in 1910 that the fixation of nitrogen by artificial means was initiated on a commercial scale. There were two processes which bid for public recognition. One was the arc method. The other was the cyanamide method. Both methods were employed until 1913, and in that year only 50,000 tons of nitrogen were produced by plants using these two processes.

Then the Germans discovered a new method. It is known as the direct, synthetic method. It consists of producing pure hydrogen and combining it with nitrogen in bombs by means of a catalyst at a red heat, forming ammonia. That process was such an advance over the first two that its use proceeded by leaps and bounds.

Mr. NORRIS. Mr. President, may I interrupt the Senator at that point?

Mr. HOWELL. Certainly.

Mr. NORRIS. I may be anticipating the Senator, but it seems to me I should make a statement in connection with what the Senator is so clearly saying. The arc process, which came before the cyanamide process, took a great deal more power than did the cyanamide process.

Mr. HOWELL. I intend to take that up.

Mr. NORRIS. In turn, the cyanamide process took a great deal more power than what would be consumed in the third process. The Senator is going to cover that, however?

Mr. HOWELL. Yes, I shall cover that.

Mr. NORRIS. I did not want it omitted.

Mr. HOWELL. I propose to go into that later. Within four years 105,000 tons of nitrogen were being produced annually by the synthetic method, and the cyanamide process had reached its peak—240,000 tons. From that time on, production by the cyanamide process decreased, whole production by the synthetic process still grew by leaps and bounds, the production by the arc method practically standing still. In 1923 there were produced about 500,000 tons of fixed nitrogen. Three hundred and twenty thousand tons of that was by the direct synthetic method. In the meantime the production by the cyanamide process dropped from its peak of 240,000 tons to 145,000 tons. The difference growing greater every year.

The cyanamide plant installed at Muscle Shoals was commercially obsolete at the time it was installed, and was so regarded. In support of that statement, I propose to read from a lecture by Dr. Frederick G. Cottrell, chairman of the division of chemistry and chemical technology of the National Research Council, before the Institute of Technology in Boston last year. I shall quote him merely in part.

To summarize this * * * situation briefly, at the outbreak of the war the United States found itself without adequate provision for an emergency supply of fixed nitrogen within its own borders, and incidentally far behind Germany and some other European countries in the development of nitrogen fixation as an element in the national agricultural policy. Under the sudden urge of military necessity—

And action by Congress—

a careful survey of the situation by the nitrate supply committee soon narrowed the immediate question of nitrate preparedness down to a choice between the cyanamide and the direct synthetic ammonia processes. It was clearly realized even at this time that from an economic standpoint, at least as far as new plants were concerned, the cyanamide process has practically become obsolete, due to the success of the Haber plant at Oppau, Germany, which started up in 1913, with an annual production of 7,000 metric tons of nitrogen, and has since been increased to 100,000 tons per year, while a second plant of twice that size had already been commenced at Werserberg, Germany. On the other hand, while we had full knowledge and experience in this country regarding the construction and operation of the cyanamide process, such knowledge and experience, especially with regard to large-scale operation, was almost wholly lacking on the direct synthetic-ammonia process, which was also known to be far more delicate and difficult to control than the cyanamide.

As a result, the officers of the Government determined to construct a 7,000-ton synthetic, or Haber, plant at Sheffield, near Muscle Shoals, it being hoped that such a plant might be made to work notwithstanding lack of experience in this country. Later, in October, 1917, the Ordnance Department was confronted with a very large deficiency in supplies of materials for explosives, and hence it was determined not to depend upon the synthetic plant, but to provide immediately for the construction of a cyanamide plant of 40,000 tons, although the method was deemed to be practically obsolete. However, experience in this country with such a plant was such as to insure certainty of successful operation of this new enterprise. The course taken was ultimately justified, as the synthetic plant never did work successfully, and the cyanamide plant proved a success in actual operation, although only completed a few days before the signing of the armistice.

Mr. NORRIS. Mr. President, may I interrupt my colleague again?

Mr. HOWELL. Certainly.

Mr. NORRIS. I want to assure my colleague that these interruptions have no other object than to throw a little additional light on what he is discussing. I think we ought to have the picture before us. When these plants were constructed we were at war. The object was explosives, a supply of which we did not have. The cyanamide process was well known and well understood, and there was no doubt but that we were able to construct on any scale, large or small, a plant for the production of nitrogen from the atmosphere by the cyanamide process. But our people did not understand the synthetic or Haber process. They knew there was such a process in successful operation in Germany, and that accounts for the fact that in the construction of those two plants down there the cyanamide process was the larger one, because, regardless of expense, we needed explosives. A plant for the production of nitrogen by the cyanamide process was constructed, with a capacity of 40,000 tons of nitrogen per annum.

The other process, the Haber process, constructed near there, at Sheffield, was more or less experimental, although on such a large scale that it would have assisted materially. I think the capacity of the plant was to be between seven and eight thousand tons. They constructed a steam plant in connection with it, as they did with the other plants, large enough to operate it, with a capacity of 5,000 horsepower, as I remember.

The Haber process plant was a failure, no nitrogen ever being produced in it. Hence the money spent for it, outside of the building, which was a very fine, fireproof building, was lost. The building stands there yet, unused. The Haber process now is understood by our people, but it would require the scrapping of all the machinery, practically, in that building in order to go ahead with that process.

In the bill which I have introduced I have provided for the use of this smaller plant as an experimental institution in the production of nitrogen from the air, and it would make it on a larger scale than any that has ever been attempted anywhere in the history of the world.

The other plant, the cyanamide process, while a dead loss in time of peace, is still capable of producing and is in fine order in every respect to produce 40,000 tons of nitrogen per annum. The only excuse we have for keeping it there and maintaining it is as a war proposition. It is utilized now, however, and ever since we have had Muscle Shoals under discussion as a method of deceiving the farmers of America and making them believe that we have something there that might produce fertilizer much more cheaply than it can be produced now. Every scientific man who has ever studied it and knows anything about it has admitted before the committee and everywhere else that it can not be done, and that as to the fertilizer proposition, if nitrate plant No. 2 were turned over without cost, it still would not be able to produce nitrogen to be used in America as a fertilizer proposition, considering the expense that would be necessary to put in the machinery, in sufficient quantities to reduce the cost one cent to the farmer. It must be understood that the cyanamide process at plant No. 2 and the production of nitrogen from the air to be used there as a fertilizer or as an explosive, goes along a certain channel where it will be just the same for fertilizer as it will be for explosives, but it gets up to a point where we go one way for fertilizer and another way for explosives, and we have never yet put in the machinery at nitrate plant No. 2 to utilize it for the production of nitrogen in a different form from that which they would use to produce it for explosive purposes.

It would cost, as I remember it, $2,000,000 for additional machinery to put in condition nitrate plant No. 2 if we were going to utilize it as a fertilizer proposition. There are two objects in crying before the American people that we should utilize cyanamide plant No. 2 for the production of nitrogen in time of peace. There can be but one of two objects, or both. One is for the temporary purpose of deceiving the farmers of America and making them believe there is something in store through that plant in the way of cheap fertilizer. The other is that cyanamide plant No. 2, if it could be operated, would take practically all of the power that is developed at Dam No. 2, and the power trust or the electric trust would be well satisfied if we would keep that power off the market and use it for the production of nitrogen there that would be of no use to anybody after it was produced.

Mr. HOWELL. Mr. President, as the senior Senator from Nebraska has made very clear, the cyanamide plant at Muscle Shoals was constructed to supply with certainty necessary combinations of nitrogen for the manufacture of explosives during the war. We knew how to construct such a plant. We had such a plant in this country, and although we recognized the fact that at that time such a plant was obsolete we constructed the plant so as to be sure of having a plant that would operate, and that did ultimately operate. They evidently did not construct that plant with any thought of using it for fertilizer purposes. I wish to make that very clear, and to do so I shall quote again from that great authority upon nitrogen fixation, Dr. Frederick G. Cottrell, chairman of the division of chemistry and chemical technology of the National Research Council. I shall read from a statement that he made in a lecture at the Massachusetts Institute of Technology.

Mr. COUZENS. When did he make the statement?

Mr. HOWELL. It was last year some time. I can not give the Senator the exact date.

As plant No. 2 was in thorough operating condition—

Plant No. 2 is the cyanamide plant—

with power at two mills per kilowatt-hour, it was estimated that this plant, if run at full capacity, could make cyanamide at a cost of 9 cents per pound of nitrogen fixed, which is decidedly below current prices of nitrogen in other forms.

I may add that the price is about 12 cents for nitrogen in the form of sulphate of ammonia now and about 15 cents for nitrogen in the form of sodium nitrate.

But, unfortunately, cyanamide can only be used in a very limited quantity in our present fertilizer practice, because when mixed in larger proportions with superphosphate, which is the backbone of the present fertilizer industry, it not only causes reversion on the part of the phosphate to an insoluble form but is itself also converted partly into dicyanamide, which has, when present in sufficient quantity, a distinctly toxic action on plant growth.

Thus this great authority makes it clear that nitrogen in this form is not suitable for fertilizer purposes, and that is the reason why it is not found offered for that purpose in the markets of the world. Then he proceeded:

On the other hand, if cyanamide must be converted into ammonium sulphate—

That is one of the two forms of nitrogen which I have been discussing—

little if any margin of saving would be left as compared with present prices.

In short, Mr. President, the cyanamide plant was not constructed for fertilizer purposes. It was constructed to produce nitric acid for ammunition purposes. It is not suitable for fertilizer purposes to-day, and if we should transform the cyanamide produced into ammonia and then into ammonium sulphate, we would have a cost equal to and certainly, if we took into account the investment, above the cost of producing ammonia by the direct synthetic method, now superseding all other processes.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. I think it is fair to state that Doctor Cottrell's estimate, while it took the power investment into consideration by figuring the price at 2 mills per kilowatt-hour, had no estimate whatever of the cost of the nitrate plant itself. He took that for nothing without any capital charge whatever, as I understand it.

Mr. HOWELL. Yes; and he figures the power at about $18 per horsepower per annum.

Mr. SHORTRIDGE. How much would the plant cost?

Mr. HOWELL. The plant cost about $66,000,000.

Mr. NORRIS. Of course, it ought to be said in this connection that the plant could be built more cheaply to-day than that price. I do not know how much more cheaply than during the war it could be built, but nobody would build that kind of a plant now. While the plant in that system is just as good as anybody can build, and I am not criticizing it at all and I think they were justified in building it, yet if the Government were doing it now, with what it knows about the Haber process, it would not construct that plant there. It would have constructed a Haber process plant, but as a matter of fact would almost entirely, under the synthetic process, eliminate the question of power. Where they have it in Germany, they do not use even the water power.

Mr. SACKETT. Where they figure the horsepower at $18, would that pay the interest upon the construction of the dam?

Mr. NORRIS. I have not figured it out, but I am inclined to think it would. But the power at $18 per annum is very cheap power.

Mr. SACKETT. Would that pay the interest upon the construction of the dam at Muscle Shoals and the machinery, and so forth?

Mr. HOWELL. The senior Senator from Nebraska is familiar with that and I will ask him to answer the Senator's question.

Mr. NORRIS. I am speaking only from recollection now, but I think it is a little under the price. I am only speaking from recollection and I do not have the figures before me, but they are in the RECORD.

Mr. HOWELL. I wish to say that some of the lowest prices made for power at Niagara Falls are about $20 per horsepower. Taking everything into consideration, including the cost of the Wilson Dam, I can not believe that even the Government could sell the power and pay the cost of operation, maintenance, and depreciation and a return upon the money for $18 per horsepower.

Mr. SACKETT. That is what I wanted to ascertain.

Mr. HOWELL. Therefore, as Doctor Cottrell's estimate of cost is based upon $18 per horsepower and probably takes no account of interest upon the investment, it can be seen that it is indeed an obsolete plant and that no commercial bidder would make an offer for Muscle Shoals upon the basis of the operation of the cyanamide plant to produce 40,000 tons of sulphate of ammonia a year.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I yield.

Mr. HEFLIN. The Senator certainly knows that whoever gets Muscle Shoals will not be required to use the cyanamide process? He can use any kind of process that he chooses to

use. He can make nitrogen solely or he can make complete fertilizer if he wishes to do so. Whoever shall lease the plant will have the phosphate fields of Tennessee close by, he will have the green potash shales in Georgia, and the air overhead is full of nitrogen.

Mr. HOWELL. Mr. President, I thoroughly understand that under this resolution a lease may be made in conformance therewith that will enable the lessee to make just what fertilizer he sees fit and utilize the power exactly as he sees fit. But I am pointing out to Senators that no bid made upon a commercial basis will be received for Muscle Shoals because the cyanamide plant is there. The lessee will seemingly accept the cyanamide plant and agree to make a fertilizer in order that he may get the great hydroelectric power. That is the prize.

Let me say further that the lessee can now install a direct synthetic process plant at Muscle Shoals for about $250 a ton. If the bidder shall proceed to construct a 40,000-ton plant on that basis, it would cost him $10,000,000. When the plant is completed it will be of the latest type, and during the period of his lease if he sets aside $66,000 annually in a sinking fund at 4 per cent interest he will amortize the cost of that plant by the end of 50 years.

Therefore, Mr. President, it seems to me that, in view of these facts, this assumption is absolutely without foundation, to wit, that fixed nitrogen suitable for fertilizer purposes can be produced by the 40,000-ton cyanamide plant at Muscle Shoals at a cost less than such fixed nitrogen can be produced elsewhere in this country; and yet that is what, by inference, we have been led to believe. It seems to be fixed in the minds of some of the Senators that this assumption is correct. It is not correct; it has no foundation whatever.

Mr. HEFLIN. Mr. President, will the Senator permit an interruption at that point?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. Certainly.

Mr. HEFLIN. Mr. Hooker, of New York, who manufactures fertilizer, testified that he thought the lessee could make fertilizer for half the price at which it is now selling. Mr. Mayo, who was chief engineer for Mr. Ford, stated the same thing.

Mr. HOWELL. Just a moment. Did the gentleman say a lessee could make fertilizer with the cyanamide plant for that price?

Mr. HEFLIN. They did not say anything about that. The lessee will not have to use the cyanamide process, and he probably will not do so.

Mr. HOWELL. That is the point I have been making. The lessee does not need to use the cyanamide plant; he can well afford to put $10,000,000 into a new plant, amortize it at the rate of $66,000 a year for the 50 years of the lease, fulfill, if necessary, even the maximum requirements suggested for the lease, and thus secure that great power that will bring him millions of dollars a year.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Nebraska a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. Yes.

Mr. SHORTRIDGE. But could the lessee make fertilizer? Is there now any known process by which he could make fertilizer? That is what we are seeking, is it not, I will ask the Senator from Nebraska? If there is any way to make fertilizer—perhaps the Senator has previously stated it—I should be glad to know the state of the science in that respect. I beg the Senator's pardon for asking the question if he has already covered that field.

Mr. HOWELL. I shall be glad to cover it again briefly. We are producing in this country about 100,000 tons of fixed nitrogen per annum by artificial means, and about 50,000 tons of that is now going into fertilizer. This cyanamide plant might produce that nitrogen, but to so produce it would cost much more than by the new German direct synthetic process.

Mr. SHORTRIDGE. It is not proposed, then, is it, that the lessee should undertake to use the discredited or superseded process? No one proposes that, does he?

Mr. HOWELL. No, Mr. President; and I have tried to make plain that whoever takes over the plant at Muscle Shoals will not take it over because the cyanamide plant is there or that a lessee will use the cyanamide plant, but that if he produces fertilizer he will put in a new plant of synthetic character, at a cost at the present time of about $10,000,000, and that by setting aside a fund of $66,000 per year at 4 per cent interest he will have wiped out at the end of his lease the cost of the plant. Thus, if he should merely earn interest on the plant, $66,000 per year will be the cost to him of the great Muscle Shoal development, so far as fertilizer is concerned.

Mr. SHORTRIDGE. I suppose we shall take all those facts into consideration in passing upon any offer to acquire this property under lease, would we not, I will ask the Senator from Nebraska? Assuming those things to be facts—and I am not disputing them—we would take them into consideration, would we not?

Mr. HOWELL. But the point I am making is that the country is being led to believe that this is a fertilizer proposition. It is not a fertilizer proposition, and I am trying to show that it is not a fertilizer proposition; that that is simply an incident, and that, as an incident, it is being used to prevail upon Congress to lease this plant because such a course might help the farmer.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HOWELL. Certainly.

Mr. COUZENS. I should like to have the Senator state, if he will, the amount of horsepower that would be used if a plant were put in to produce under the new German process in comparison with the horsepower to be used to operate the old plant.

Mr. HOWELL. I am going to proceed with that now.

Mr. SACKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I yield.

Mr. SACKETT. Before the Senator proceeds to do that, for a matter of information I should like to ask him a question. I gather from the Senator's remarks that if the lessee were to build a new plant for $10,000,000, he would still produce ammonium sulphate, would he not?

Mr. HOWELL. At the present time there is no other practicable form of fixed nitrogen.

Mr. SACKETT. If the lessee should produce the ammonium sulphate, the demand for it in all probability would be no larger than it is at the present time for fertilizer?

Mr. HOWELL. In all probability that is a fact, and they would have to find a market abroad for that much more.

Mr. SACKETT. At the present time in this country we are producing all we need, are we not?

Mr. HOWELL. We are not only producing all we need, but we exported last year about 120,000 tons of sulphate of ammonium. We could not use it in this country.

Mr. SACKETT. I should like to ask the Senator one other question. Does the Senator know for what they are using the ammonium sulphate which they are producing under the Haber process in Germany to-day?

Mr. HOWELL. They are using it for the production of ammonia; they are using it in chemical processes, and they are using it also for fertilizer.

Mr. SACKETT. Does the Senator know what amount is used for fertilizer in Germany?

Mr. HOWELL. I have not the statistics in connection therewith.

Mr. TYSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I yield.

Mr. TYSON. I should like to ask the Senator a question. He says that it is not a fertilizer proposition. What kind of a proposition does the Senator think it is?

Mr. HOWELL. I look upon it as purely a hydroelectric-power proposition, and in my discussion of the next assumption I will give my reasons for so believing.

The third assumption, to which I have already referred and which seems to have been accepted as a fact by a number of Senators and others without this body, is that to-day the production of cheap artificially fixed nitrogen is dependent upon the utilization of low-cost electrical energy and hence upon some great hydroelectric power development such as that at Muscle Shoals. This assumption seems to have been considered a fact both in and out of Congress, and it is very clear why such is the case. The first method of fixation of nitrogen was that of the arc process, and it required about 65,000 kilowatt-hours to produce a ton of fixed nitrogen. At 1 cent per kilowatt, that would mean that for a ton of nitrogen the power alone would cost $650; and that at two-tenths of a cent per kilowatt-hour it would mean $150 a ton for energy alone. Of course, under such circumstances the only practicable development of such a process was in connection with some great water power located at some point where the raw materials could be

easily obtained and power was worth comparatively little because of lack of population.

Mr. SACKETT. Mr. President, will the Senator yield to me for a moment?

Mr. HOWELL. Certainly.

Mr. SACKETT. Can the Senator tell me whether the Haber process in Germany is using water power to any extent?

Mr. HOWELL. No, sir; it is not.

Mr. SACKETT. Under that process coal is being used, is it not?

Mr. HOWELL. Coal is being used entirely.

The cyanamide process came on. It was more complicated than the arc process. Other expenses were connected with it that did not accompany the arc process; but it used only about one-fourth of the power. As a consequence, the arc process did not continue to develop. The cyanamide process did develop; but, as I pointed out a short time ago, in 1913 the German synthetic process appeared, and that requires only one-sixteenth of the power necessary for the arc process. As a matter of fact, under this synthetic process power becomes a small, minor factor. The important things are coal and coke. Prior to the development of this process they placed an arc-process plant beside a great waterfall or other power possibility. Now, when they are looking for a location for an ammonia plant, they hunt an available coal mine. That is demonstrated by the fact that the du Ponts are developing a great nitrogen plant now, not near a waterfall, but at the shaft of a great coal mine.

Not long ago the Department of Commerce issued Trade Information Bulletin No. 372, and I propose to read from that bulletin a short extract that is in point. This extract is subheaded: "Waterpower and fertilizer production." It runs as follows:

Due to the fact that the first successful nitrogen-fixation plants were operated in Norway and depended for their success upon the very cheap hydroelectric power available there, the idea that nitrogen fixation can be accomplished economically only with cheap power has become very firmly rooted in the minds of most persons. So long as the arc process remained the sole means for fixing nitrogen commercially this idea was correct; but in the 20 years that have passed since the first arc plants were set up great progress has been made in the art, and to-day there are methods of nitrogen fixation requiring only one-fifteenth as much power as the arc process. The art of nitrogen fixation has therefore been largely freed from the old limitation of cheap power.

Electric power is a power in a form particularly adapted for public-utility service; that is, for general distribution for lighting and power. Nitrogen can be fixed by chemical processes using coal, water, and air as the raw materials and requiring relatively small amounts of power per ton of nitrogen. With such processes available, an air-nitrogen industry can not compete in the market for electric power, either with the general public demand for current or with those chemical industries which can not use other than electric power.

What is true of nitrogen will also hold for other fertilizer materials subject to manufacturing processes. Just at present we hear much of certain electric-furnace methods for producing phosphoric acid. While these may have a period of usefulness at points where new hydroelectric installations have been made, and the general domestic and industrial demand has not yet absorbed the power, nevertheless it appears inevitable that electric-furnace processes must in the long run be limited to those requiring such high temperatures as to make them difficult without the use of electric power.

In the fields of fertilizer manufacturing we must regard the use of hydroelectric power as a temporary expedient and expect that eventually this power must be relinquished for more profitable uses.

That is exactly what this concurrent resolution has in mind, so far as its ultimate originators are concerned. They know that this is a great power project at Muscle Shoals; that it no longer has any necessary connection with the production of fertilizer; that no longer are hydroelectric power and cheap fertilizer synonymous terms.

But, Mr. President, for evidence we need not stop with the Department of Commerce. Again, I will quote from that great authority, Dr. Frederick G. Cottrell, chairman of the division of chemistry and chemical technology of the National Research Council. This is from a lecture delivered before the Massachusetts Institute of Technology.

He says in part:

The public has come to think of nitrogen fixation as necessarily implying water power. But this assumption we must * * * examine with care. * * *

The first commercially successful attempt to fix nitrogen was by the arc process some 20 years ago. This was quite naturally the first process to develop because of its simplicity, consisting, as it does, essentially in passing air through a powerful electric arc. * * *

I am quoting him merely in part.

The process, though extremely simple, has an enormous power consumption (about 65,000 kilowatt-hours per ton of nitrogen fixed), and consequently is only applicable where excessively cheap electric power is available. Thus the public came naturally, and correctly enough in those early days, to thing of nitrogen fixation as necessarily dependent upon the development of large, new water-power projects. In the meantime research and development have vastly altered the situation, but the public mind has not kept pace with these changes, and this has naturally been reflected by those responsible for guiding our industrial and national policies.

And, Mr. President, that applies right here in the Senate.

The farmer, the business man, and the legislator can not be expected to delve deeply into the technique of these scientific processes.

He then goes on; I will quote just a few paragraphs more:

On the heels of the arc came the cyanamide process. Then, though considerably more complicated than the arc process, required only about one-fourth as much electrical energy for its operation; but even here, the power consumption is still so large that commercial success has only been possible where very cheap power was available.

Finally, however, in 1913 in Germany came the first commercially successful Haber-Bosch plant for the direct synthesis of ammonia from its elements, hydrogen and nitrogen. It was this plant and process which for the first time released the nitrogen fixation industry from its former absolute dependence upon cheap electric power. The power requirements of this process are only about one-fourth of those of the cyanamide, or a sixteenth of those of the arc. * * *

Thus, starting with the arc process, which we may roughly say used only electric power, air and water, we come next to the cyanamide process, largely cutting down the power consumption, but beginning to use more raw materials in the form of coal, coke, and limestone, and finally reach the direct synthetic ammonia process where the consumption of electrical or mechanical energy, as such, becomes relatively insignificant, and the driving energy to put through the chain of the necessary reactions is derived directly from coal by chemical processes without the necessary use of electrical power.

Mr. President, certainly it ought to be clear that no longer are cheap fertilizers necessarily the effect of which cheap electrical power must be the cause. The industry has been released from the necessity of cheap power.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. HOWELL. Certainly.

Mr. WATSON. Do I understand the Senator to say that they do not make at Muscle Shoals the kind of nitrogen that is required for the manufacture of fertilizer?

Mr. HOWELL. That is my statement.

Mr. WATSON. Will the Senator explain that? What is the difference between that and the other kind that they do use for manufacturing fertilizer? I am asking just for information.

Mr. HOWELL. I can answer that question in a very few words by quoting from Doctor Cottrell. This is a quotation which I have already made, Mr. President:

As plant No. 2 (the cyanamide plant at Muscle Shoals) was in thorough operating condition, * * * with power at 2 mills per kilowatt hour, it was estimated that this plant if run at full capacity could make cyanamide at a cost of 9 cents per pound of nitrogen fixed. * * * Cyanamide can only be used in very limited quantities in our present fertilizer practice, because when mixed in larger proportions with superphosphate, which is the backbone of the present fertilizer industry, it not only causes reversion of parts of the phosphate to insoluble forms, but is itself also converted partly into dicyanodiamide, which has when present in sufficient quantity distinctly toxic action on plant growth. On the other hand, if the cyanamide must be converted into ammonium sulphate—

That is the form in which fixed nitrogen is sold in this country—

little, if any, margin of saving would be left as compared with present prices.

In other words, at a cyanamide plant, after producing cyanamide, it is necessary then to transform the cyanamide into ammonia and neutralize it with sulphuric acid to produce ammonium sulphate.

Mr. SACKETT. Mr. President, may I interrupt the Senator?

Mr. HOWELL. I yield.

Mr. SACKETT. What is the effect of the use of nitrate of soda upon plants—that is what I think the Senator from Indiana wants to get at—as compared with ammonium sul-

phate? Professor Cottrell there states that if ammonium sulphate is used as a fertilizer, you run into these difficulties.

Mr. HOWELL. No; if you use cyanamide direct.

Mr. SACKETT. If you use ammonium sulphate, what is the situation?

Mr. HOWELL. Ammonium sulphate is used in fertilizers to the extent of about 50,000 tons of nitrogen a year in this country.

Mr. SACKETT. That is all the demand there is for it?

Mr. HOWELL. That is all the demand there is for it for that purpose at the present time, and we produce about 100,000 tons.

Mr. WATSON. For what do they use it?

Mr. HOWELL. They use it in the manufacture of ammonia and in certain chemical processes. About 120,000 tons of ammonium sulphate were exported in 1924.

Mr. WATSON. But they do not use it in the manufacture of fertilizer?

Mr. HOWELL. Oh, yes. They use about 232,000 tons of ammonium sulphate a year. About one-third of the nitrogen used in this country for fertilizer purposes comes from ammonium sulphate, and two-thirds is imported from Chile in the form of sodium nitrate.

Mr. WATSON. Nitrate of soda?

Mr. HOWELL. Yes.

Mr. SACKETT. What is the effect of that nitrate of soda on the land as compared with the other?

Mr. HOWELL. Nitrate of soda is in a form which can be immediately absorbed by plant life, whereas ammonium sulphate is in a form, as I understand it, that has to be first acted upon by bacteria before absorption. Thus, in a cotton field, if the plants have reached a certain stage, the planter may largely thwart the boll weevil by stimulating growth through the application of nitrate of soda.

Mr. WATSON. Are we to understand that no nitrogen is being manufactured at Muscle Shoals which can be used in the production of fertilizer?

Mr. HOWELL. No; and there never has been. The plant is an obsolete plant, a fact which I think I have demonstrated this afternoon. It can be used for the manufacture of sulphate of ammonia, but they first have to make cyanamide, then ammonium, and then sulphate of ammonia, whereas with the Haber process—the synthetic process—they first make pure hydrogen, then isolate and purify nitrogen, assemble the two gases in a bomb at a pressure of 1,500 to 3,000 pounds per square inch, or even more, and pass the gases through a red hot catalyst, and the result is a combination of nitrogen and hydrogen.

Mr. SACKETT. It can be done by the use of coal, just as well as by the use of water power?

Mr. HOWELL. They need scarcely any power except for compression. Power does not amount to 10 per cent of the cost of production, where formerly it was 60 per cent of the cost of production. So that to-day the fertilizer industry is relieved from the necessity of finding cheap power.

Mr. President, it ought to be clear to anyone who studies this proposition that any suggestion that the farmer is to benefit in the way of cheap fertilizer by the transferring of this great plant to some corporation that is merely to agree to make fertilizer which can be disposed of up to 40,000 tons of fixed nitrogen per annum is without foundation.

As I have studied this subject, I have gleaned much I did not know, and I assume there are some Senators here who may not have given any more attention to the matter than myself, or there may be those who still have it fixed in their minds that the production of cheap fertilizer requires cheap electrical energy, and hence by dedicating the great Muscle Shoals plant to the production of fertilizer, we would do something for the farmers. However, in view of the facts elicited, I believe it must be apparent that there is now no necessary connection between Muscle Shoals and fertilizer. That is indicated by the fact that the du Ponts, now developing one of the greatest nitrogen fixation plants in the country, are not locating that plant beside a water power, but at the mouth of a coal pit. This indicates the future of fertilizer production in this country.

Why, then, are those who know all about the situation, those who have been preparing the way for bids on this project, allowing the people of the country to believe that the bids are to be for the privilege of making fertilizer down at Muscle Shoals and not for the great power? It is the power the bidders will seek. There is the water power there which for 360 days of the year will produce 125,000 horsepower. Over there on the wall of the Senate Chamber are photographs of the great dam, the greatest continuous piece of concrete in the world, I am told. Muscle Shoals is the superpower between the Rocky Mountains and the Atlantic Ocean and Niagara Falls and the Gulf. There have been expended there about $150,000,000. It is a prize which belongs to the people, and it is a prize that is now being sought by commercial interests. I am not condemning such commercial interests for seeking the prize. But I think we ought to consider and understand exactly what a prize it is and what those interests have in mind, and not be misled into believing that by alienating this property we will be doing something great for the farmers in reducing the cost of fertilizer.

I want to state again the total that is involved, so far as the fixation of nitrogen and its use for fertilizer in this country is concerned. We used 150,000 tons of nitrogen this past year. It cost the farmers $42,500,000, and there are 6,300,000 farm operators in the United States. In other words, they were interested to the extent of $6.75 on an average. That is the whole amount of nitrogen that was used on all farms as a fertilizer this last year.

Of course, we could not expect to relieve the farmer of this cost entirely. Suppose we should succeed in relieving him of 25 per cent of the cost. Certainly, I think, we would be optimistic in assuming that much. What would that amount to? It would be about $1.70 on an average to each farm operator in the United States.

Mr. WILLIAMS. Why does the Senator figure on distributing that among all the farmers? We do not use fertilizer in Missouri.

Mr. HOWELL. I thought probably it might be suggested that it ought not to be distributed among all the farmers, so I took the State of Alabama, and found that this last year they used of mixed fertilizer 4,500 tons of nitrogen in the form of ammonium sulphate. The total cost of this nitrogen in Alabama was $1,125,000 for that 4,500 tons. There are about 250,000 farm operators in Alabama; so they paid for the nitrogen in the form of ammonium sulphate in mixed fertilizers about $4.50 per farm operator. If they reduced the cost of that 25 per cent, it would amount to $1.13 for each farm operator in Alabama.

Mr. STANFIELD. Mr. President——

The PRESIDING OFFICER (Mr. TYSON in the chair). Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. HOWELL. I yield.

Mr. STANFIELD. I would like to suggest to the Senator from Nebraska that there are a great many farmers in Alabama who do not use fertilizers, and in order to make a fair comparison he would have to distribute that consumption of fertilizer among the farmers who actually use fertilizer or he would have to reduce it to acreage and to the per acre average for fertilizer use in order to make a fair comparison.

Mr. HOWELL. I wish the Senator from Oregon to understand that I am not adducing these figures in the belief that they will be accepted as actual measures, but merely to give a general notion of the relative importance of the fertilizer factor in this problem.

Mr. STANFIELD. It seemingly would be a very small burden where distributed among all the farmers or among the farmers of a particular State, but we know as a matter of fact that with reference to the certain farmers who are compelled to use fertilizer it is a very heavy burden, and the relief that they would receive as individuals might run into large sums of money.

Mr. HOWELL. There is no question that there would be those whose cost for artificially fixed nitrogen would be very much in excess of this figure, but such data does give somewhat of a bird's-eye view of the situation and the meaning relatively of such a reduction as 25 per cent in the cost of sulphate of ammonia or of the amount of such nitrogen used in mixed fertilizers in the State of Alabama.

Mr. President, it is very evident that whoever secures Muscle Shoals, if it is leased to some great industrial concern, will utilize the resources of that great power so as to accomplish the greatest economic result possible from a profit standpoint and they will do so properly. The results to such an organization will be tremendous. In order that we may realize that such is the case I want to call attention to what water power means to a community when it is developed and distributed for the benefit of that community, and what it means to a community when it is developed and distributed for private profit.

Last fall I took advantage of an opportunity to pass through Ontario and investigate, so far as possible with the time at my disposal, the hydroelectric development in that province. I was amazed to find that since 1911 every municipality in Ontario has taken over its privately-owned electric plant or built its own electric distribution system and is now distributing electricity to the community. In Ontario there are about 2,900,000 inhabitants, and there are 393 communities which own

their own distribution systems supplied by the Hydroelectric Commission of Ontario which is merely a board of directors of a great power district, distributing electric energy from 20 different power plants.

The first night I spent in Ontario was at a little city called Woodstock, with some 10,000 inhabitants. I arrived there in time for dinner and later talked with the hotel clerk. He said that at his home they utilized electricity from the hydroelectric plant distributing energy in Woodstock. In fact, there was no other system from which to obtain electrical energy. He said that they used the energy for all purposes, including cooking and ironing, and that his bill ran about $1.50 to $2 a month. Shortly afterwards the hotel proprietor himself appeared. I asked him if he had a bill for a month's use of electricity at the hotel. The hotel had 50 rooms. He got out his bill file and at random picked out a bill. It was for the month of April, 1925, the use being 2,659 kilowatts for that month. He not only used electrical energy for lighting, but for all laundry work, dishwashers, and so on. It was about his usual bill. The net amount charged for 2,659 kilowatts was $24.48, or about 0.92 of a cent per kilowatt-hour.

In Alabama, the State where this great Muscle Shoals hydroelectric power is located, where the Alabama Power Co. supplies Birmingham and other cities with electrical energy developed by water power—that great power company that has its eyes on Muscle Shoals—the people of Birmingham are supplied electric energy developed by water power, as is the little city of Woodstock, 100 miles away from Niagara Falls; but the same amount of electrical energy—2,659 kilowatt-hours—would cost $123.85, or nearly $100 more per month than is charged in Woodstock. For the purposes of comparison I asked for the amount of a bill for 40 kilowatts a month, a consumption that would not be unusual for a five or six room house in Washington. The bill in Woodstock for that amount of energy was 97 cents. In Birmingham, Ala., supplied by the Alabama Power Co., it would be $3.16.

Again I asked to see a bill for a month rendered to a home where they used electricity for laundry work, dish washing, and cooking, and the manager of the electric plant in Woodstock handed me such a bill. It was for 311 kilowatts for the month. It cost $3.51 for 311 kilowatts in Woodstock. In Birmingham, where the Alabama Power Co. controls, 311 kilowatts cost $20.17. In Atlanta, where the Atlanta Power Co. controls, 311 kilowatts cost $22.19, and Atlanta is supplied with water power. In Chattanooga the cost was less, $14.85. But the cost for that amount of power in Woodstock is $3.51.

Mr. President, we do not need to go to Canada for an example of what can be done for the public. Of course the example afforded by Ontario is remarkable. I found that of the 393 municipalities that had united and cooperated to supply themselves with electrical energy, 39 were already practically out of debt at these rates, and 24 others were nearly out of debt—only owed a few thousand dollars each over and above their quick assets. But, as I said, we do not need to go to Canada to see what can be done for the people so far as electrical energy is concerned.

Consider Cleveland, Ohio. Since about 1912, down to the present time, all through the World War, 40 kilowatts per month in Cleveland have cost $1.20 as against 97 cents in Woodstock and $3.16 in Birmingham. Consider a bill for 311 kilowatt hours; we find that in Cleveland it would be but $9.33, and in Birmingham, Ala., supplied by water power, it would be $20.17.

Again we find that in Cleveland 2,659 kilowatt-hours would cost $79.77. There electricity is developed by steam and steam only. In Birmingham, Ala., that bill would be, though the energy is developed by water power, $123.85.

Mr. President, why these great variations? It is not the cost of electric energy on the switchboard that fixes the price of your electric-light bill and mine; it is the cost or rather what is charged for distribution. At Woodstock the town paid about four-tenths of a cent a kilowatt-hour for its energy and then distributed it. It does not cost the Potomac Electric Power Co. here in Washington more than seven-tenths of a cent a kilowatt-hour to produce electricity by steam; but a private company, operated for profit, distributes it. The difference between what the people in Woodstock pay and what it costs here on the switchboard is three-tenths of a cent, but when one comes to compare these bills for a month for 40 kilowatts he finds it is about $3 here, 97 cents in Woodstock, and $1.20 in Cleveland. Why? Because both in Woodstock and Cleveland the distribution is controlled by the people.

A tremendous benefit can be conferred upon the people in the United States if we finally determined to experiment a little with the great Muscle Shoals power. We could do exactly what has been done in Ontario. We could provide for a board of directors to operate the plant. It would not need any further appropriations for construction. Let the board of directors have the income to further develop the plant and ultimately to amortize its cost—not merely of the dam but of all that has been expended at Muscle Shoals. Let them deliver this energy by transmission lines to the limits of municipalities in that region and say, "Distribute for yourselves," as is done in Ontario, and they can have ultimately the same kind of rates the people enjoy in Ontario.

There is no magic in this plan, but it will work like magic.

The trouble with the Muscle Shoals problem is that the great electrical corporations of this country do not want that kind of an example established. Why? They know what has taken place on the other side of Lake Erie. They know that nearly every privately owned electric-light plant in Ontario is out of business.

The investment at Muscle Shoals is relatively a trifle so far as the Government is concerned, but, Mr. President, this Congress and President Coolidge could perform a tremendous service for the Nation by announcing that Muscle Shoals should never be aliened; that this, the greatest water power between the Rocky Mountains and the Atlantic Ocean, between the Canadian border and the Gulf of Mexico, should be ever retained by the people of the United States to be utilized for their benefit to the uttermost.

It is for that reason, Mr. President, that I do not think this resolution should pass.

Mr. NORRIS. Mr. President, may I interrupt my colleague?

The PRESIDING OFFICER. Does the junior Senator from Nebraska yield to his colleague?

Mr. HOWELL. I do.

Mr. NORRIS. Mr. President, the junior Senator from Nebraska was speaking of the town of Woodstock, in Ontario, and giving some very illuminating illustrations. I think it would be of interest if at this point I should, through the courtesy of my colleague, give to the Senate some statistics in regard to the cost of electric light in the town of Woodstock, particularly for the last year.

The people in the town of Woodstock have been using the electric current supplied by the hydro commission since 1913. Prior to that time they were getting their electricity from a private corporation, and paying 8 cents a kilowatt-hour plus a service charge—that is, for domestic service—and that is the kind of service about which my colleague has been talking.

For the calendar year ending October 31, 1924, the net cost per kilowatt-hour to the domestic users of electricity in Woodstock was less than 2 cents; to be exact, it was 1.6 cents per kilowatt-hour. The average consumption of all the consumers for domestic service in that town was 102 kilowatt-hours per month, more than twice the average in a similar town in the United States. The average monthly bill for all of the domestic consumers in Woodstock for that large amount of electricity was $1.68 per month. There were 2,409 domestic consumers.

And now, with the permission of my colleague, so that we might avoid any possibility of somebody saying that low rates apply only to the homes, I should like to give the statistics for Woodstock for commercial lighting, for stores, and so forth. There were 428 such establishments in that little town. The average consumption of those business concerns was 242 kilowatt-hours per month, which, as the Senator knows, is much more than would be consumed here where we pay a higher price. The average bill of all the commercial consumers was $4.43 a month. The net cost per kilowatt-hour was 1.8 cents.

Then, going still further, to show that these reduced prices not only apply to the homes and to the business houses but also to those who use power, I should like to give to my colleague, and through his courtesy to the Senate, the rates they have to pay for power. It is said by some that Ontario has a low price for one class and a higher price for the others. There were in 1924 in Woodstock 86 customers taking the power service. The average horsepower consumed per month was 2,048 and the average cost per horsepower was $20.79.

Mr. HOWELL. Mr. President, the senior Senator from Nebraska has cited some data that make it plain that low electric rates in Woodstock and elsewhere in Ontario are not enjoyed merely by householders. I have not gone into the power charges in Ontario to-day, but at some future time it is my intention to take up this matter at greater length. It is now my purpose to close, again stating that there is no connection necessary between cheap fertilizer and the power at Muscle Shoals. That might have been true 20 or 25 years ago, but to-day it is not true, and whenever the suggestion of fertilizer is made as a reason why we should alien this great power it is proposed either through a misunderstanding of the situation or problem or with a deliberate intent, as, I believe,

on the part of certain great interests to mislead the public to the end of securing this great power under false pretenses. Therefore, Mr. President, I trust that this resolution will not prevail.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA (S. DOC. NO. 76)

Mr. BINGHAM. Mr. President, I ask unanimous consent for the reconsideration of the votes whereby the Senate yesterday passed House bill 5043, granting the consent of Congress to the construction of a bridge across the Big Sandy River between Kentucky and West Virginia. If this reconsideration is granted I propose to ask unanimous consent for the immediate consideration of the bill and an amendment thereto. The reason for making the request at this time is in order that the bill as amended may go over to the House to-day.

The PRESIDING OFFICER. Is there objection to the request for a reconsideration of the vote by which the bill was passed? The Chair hears none; and without objection, the vote by which the bill was ordered to a third reading and read the third time will be reconsidered.

Mr. BINGHAM. I now ask unanimous consent for the present consideration of the bill, and for the consideration of an amendment which should have been made yesterday.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 2, lines 22 and 23, it is proposed to strike out the words "for the purpose of maintaining and operating such bridge as a free bridge."

Mr. BINGHAM. Mr. President, I may say that this is in accordance with the policy of the committee that when a State or a subdivision thereof takes over a toll bridge, there should be no stipulation as to when it shall be made a free bridge, but that should be left entirely to the local authorities and taxpayers of the State or district concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BINGHAM subsequently said: Mr. President, since the call for a quorum there are a number of Senators now present who are interested in the question of bridge bills and the question of granting to private companies the right to build toll bridges. As the Committee on Commerce took definite action yesterday with regard to the policy which it should recommend to the Senate in regard to all toll bridges, and this policy was expressed yesterday in the RECORD at the end of the day at pages 4995 and 4996, I take this opportunity of calling to the attention of Senators interested in bridge bills the fact that on those pages they will find the policy of the committee expressed.

Mr. LENROOT. Mr. President, I should like to suggest to the Senator from Connecticut, as there will be many inquiries in regard to that matter, whether it would not be advisable to have that policy printed in the form of a document which we might send out?

Mr. BINGHAM. I shall be very glad to make such a request.

Mr. SWANSON. Mr. President, I suggest that it will be well to have it made a public document, so that it can be available to Senators, just the same as to the parties who are desirous of having bridge bills introduced and passed.

Mr. BINGHAM. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AGRICULTURAL SITUATION

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Don W. Wilson, one of the leading bankers of my State, in regard to agricultural conditions.

The PRESIDING OFFICER (Mr. TYSON in the chair). Is there objection? The Chair hears none.

The matter referred to is as follows:

BANK OF DULUTH,
Duluth, Ga., March 1, 1926.

Hon. WILLIAM J. HARRIS,
Washington.

DEAR MR. HARRIS: From our news reports there seems to be lots of legislation contemplated to handle the surplus crops. I have been studying the cotton situation for some time, and what I learn through the last 50 years it is a wonder that any farmer raising cotton has survived the "ups and downs" of prices in each year.

To-day the farmer is being urged to reduce acreage, which is not going to be done until they break the price below where it is possible to raise cotton. In this section it was virtually a failure last year. A larger crop is the only way out to the average farmer. In the past to ask him to reduce acreage has been accepted as an invitation to work less. He plants everything else on a maximum-yield basis, but rarely harvests that way. Knowing that, he hesitates to reduce his cotton crop.

I can see no legislation to benefit the cotton farmer, with his education and training, except a law placing a minimum price on cotton, maintaining the same in a surplus year by the Government buying and storing the surplus, and then taxing directly the farmer the value of the surplus before planting another crop. I have tried to work out a plan that is practicable, using the cost basis now worked out by the Agricultural Department, both as a price-fixing and as a tax-paying standard.

It is only a question of time when the eastern part of the belt must have some protection from wide fluctuating prices or go broke. The virgin soil is about used up, the fertilizer bills are getting heavier, and insect pests are finishing the balance. In five years the West will raise all the cotton the world needs to-day and a surplus sufficient at the same time to lower the price to where it will break the farmer. They can never stand the shocks that the eastern farmer has stood. I believe the kind of legislation mentioned would save us all, allow us time to get back our confidence, and improve our standard of cotton staple to where we can compete with other nations on quality. At present we are raising inferior staples for quantity production, realizing that it is all too uncertain to start a slow process of upbreeding.

My letter is already too long, but if you feel that any such legislation is practical and constitutional and would have the support of the agricultural States, would like to see you place it before Congress. Other countries are doing this for coffee and rubber. Other surplus crops might be handled the same way, but my idea is that when the cotton farmer is put on a safe, sane basis he will be able to use other surplus crops that go begging now.

Too, speculation would be stopped when a surplus was established. When I see what tariff protection has done for industry in America I can hardly see where there is anything revolutionary in the suggestions.

Yours very truly, D. W. WILSON.

GOVERNMENT OF THE PHILIPPINE ISLANDS (S. DOC. NO. 77)

Mr. WILLIS. Mr. President, one of the questions upon which the Congress probably will be called upon to act at some time in the future, and perhaps in the near future, is the question of the relationship of this Government to the Philippines. The President of the United States has sent to Hon. Manuel Roxas, the chairman of the Philippine Commission, an important letter bearing upon that question. I have had some calls for it, and it seems to me that it is of such importance as to warrant its being made available for distribution. I ask, therefore, that this letter may be printed in the RECORD at this point, and that it also be printed as a Senate document.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it will be so ordered.

The letter is as follows:

THE WHITE HOUSE,
Washington, February 21, 1924.

MY DEAR MR. ROXAS: The resolutions adopted by the Senate and House of Representatives of the Philippines, touching upon the relations between the Filipino people and the Government of the United States, have been received. I have noted carefully all that you have said regarding the history of these relations. I have sought to inform myself so thoroughly as might be as to the occasions of current irritation between the Legislature of the Philippines and the executive authority of the islands.

In your presentment you have set forth more or less definitely a series of grievances, the gravamen of which is that the present executive authority of the islands, designated by the United States Government, is, in your opinion, out of sympathy with the reasonable national aspirations of the Filipino people. If I do not misinterpret your protest, you are disposed to doubt whether your people may reasonably expect, if the present executive policy shall continue, that the Government of the United States will in reasonable time justify the hopes which your people entertain of ultimate independence.

The declaration of the commission of independence charges the Governor General with illegal, arbitrary, and undemocratic policies, in consequence of which the leaders of Filipino participation in the government have resigned and their resignations have been accepted by the Governor General.

The commission of independence declares that it is necessary "to take all needful steps and to make use of all lawful means within our power to obtain the complete vindication of the liberties of the country now violated and invaded." It proceeds: "And we declare, finally, that this event, grave and serious as it is, once more demonstrates that

the immediate and absolute independence of the Philippines, which the whole country demands, is the only complete and satisfactory settlement of the Philippine problem."

It is occasion for satisfaction to all concerned that this declaration is couched in terms of moderation, and that it goes no further than to invoke "all lawful means within our power." So long as such discussions as this shall be confined to the consideration of lawful means there will be reason to anticipate mutually beneficent conclusions. It is therefore a matter of congratulation, which I herewith extend, that you have chosen to carry on this discussion within the bounds of lawful claims and means. That you have thus declared the purpose to restrict your modes of appeal and methods of enforcing it is gratifying evidence of the progress which the Filipino people, under American auspices, have made toward a demonstrated capacity for self-government.

The extent to which the grievances which you suggest are shared by the Filipino people has been a subject of some disagreement. The American Government has information which justifies it in the confidence that a very large proportion, at any rate, and possibly a majority, of the substantial citizenry of the islands does not support the claim that there are grounds for serious grievance. A considerable section of the Filipino people is, further, of the opinion that at this time any change which would weaken the tie between the Filipinos and the American Nation would be a misfortune to the islands. The world is in a state of high tension and unsettlement. The possibility of either economic or political disorders, calculated to bring misfortune if not disaster to the Filipino people unless they are strongly supported, is not to be ignored. It should not be overlooked that within the past two years, as a result of international arrangements negotiated by the Washington Conference on Limitation of Armament and problems of the Far East, the position of the Filipino people has been greatly improved and assured. For the stabilizing advantages which accrue to them in virtue of the assurance of peace in the Pacific they are directly indebted to the initiative and efforts of the American Government. They can ill afford in a time of so much uncertainty in the world to underrate the value of these contributions to their security. By reason of their assurance against attack by any power, by reason also of that financial and economic strength which inevitably accrues to them, by reason of the expanded and still expanding opportunities for industrial and economic development—because of all these considerations the Filipino people would do well to consider most carefully the value of their intimate association with the American Nation. Although they have made wonderful advances in the last quarter century, the Filipino people are by no means equipped, either in wealth or experience, to undertake the heavy burden which would be imposed upon them with political independence. Their position in the world is such that without American protection there would be the unrestricted temptation to maintain an extensive and costly diplomatic service, and an ineffective but costly military and naval service. It is to be doubted whether with the utmost exertion, the most complete solidarity among themselves, the most unqualified and devoted patriotism, it would be possible for the people of the islands to maintain an independent place in the world for an indefinite future.

In presenting these considerations it is perhaps worth while to draw your attention to the conditions in which some other peoples find themselves by reason of lacking such guaranties and assurances as the Filipino people enjoy. The burdens of armament and of governmental expenses which many small nations are compelled to bear in these times are so great that we see everywhere the evidence of national prosperity and community progress hindered, if not destroyed, because of them. During the World War the Filipino people were comparatively undisturbed in their ordinary pursuits, left free to continue their fine progress. But it may well be doubted whether, if they had been shorn of the protection afforded by the United States, they could have enjoyed so fortunate an experience. Much more probably they would have become involved in the great conflict and their independence and nationality would have become, as did those of many other peoples, pawns in the great world reorganization. There could be no more unfortunate posture in which to place a people such as your own. You have set your feet firmly in the path of advancement and improvement. But you need, above all else, assured opportunity of continuing in that course without interference from the outside or turmoil within. Working out the highest destiny of even the most talented and advanced of peoples is a matter of many generations.

A fair appraisal of all these considerations, and of others which suggest themselves without requiring enumeration, will, I am sure, justify the frank statement that the Government of the United States would not feel that it had performed its full duty by the Filipino people, or discharged all of its obligations to civilization if it should yield at this time to your aspiration for national independence. The present relationship between the American Nation and the Filipino people arose out of a strange, an almost unparelleled, turn of international affairs. A great responsibility came unsought to the American people. It was not imposed upon them because they had yielded to any designs of imperialism, or of colonial expansion. The fortunes of war brought American power to your islands, playing the part of an unexpected and a welcome deliverer. You may be very sure that the American people have never entertained purpose of exploiting the Filipino people or their country. There have indeed been different opinions among our own people as to the precisely proper relationship with the Filipinos. There are some among us, as there are some among your people, who believe that immediate independence of the Philippines would be best for both. I should be less than candid with you, however, if I did not say that in my judgment the strongest argument that has been used in the United States in support of immediate independence of the Philippines is not the argument that it would benefit the Filipinos, but that it would advantage the United States. Feeling as I do, and as I am convinced the great majority of Americans do regarding our obligations to the Filipino people, I have to say that I regard such arguments as unworthy. The American people will not evade or repudiate the responsibility they have assumed in this matter. The American Government is convinced that it has the overwhelming support of the American Nation in its conviction that present independence would be a misfortune and might easily become a disaster to the Filipino people. Upon that conviction the policy of this Government is based.

Thus far I have suggested only some of the reasons related to international concerns, which seem to me to urge strongly against independence at this time. I wish now to review for a moment some domestic concerns of the Philippine Islands, which seem also to argue against present independence. The American Government has been most liberal in opening to the Filipino people the opportunities of the largest practicable participation in, and control of, their own administration. It has been a matter of pride and satisfaction to us, as I am sure it must also have been to your people, that this attitude has met with so fine a response. In education, in cultural advancement, in political conceptions and institutional development, the Filipino people have demonstrated a capacity which can not but justify high hopes for their future. But it would be idle and insincere to suggest that they have yet proved their possession of the completely developed political capacity which is necessary to a minor nation assuming the full responsibility of maintaining itself in the family of nations. I am frankly convinced that the very mission upon which you have addressed me is itself an evidence that something is yet lacking in development of political consciousness and capability.

One who examines the grounds on which are based the protests against the present situation is forced to conclude that there has not been, thus far, a full realization of the fundamental ideals of democratic-republican government. There have been evidences of a certain inability, or unwillingness, to recognise that this type of governmental organization rests upon the theory of complete separation of the legislative, executive, and judicial functions. There have been many evidences of disposition to extend the functions of the legislature, and thereby to curtail the proper authority of the executive. It has been charged that the present Governor General has in some matters exceeded his proper authority; but an examination of the facts seems rather to support the charge that the legislative branch of the insular government has been the real offender, through seeking to extend its own authority into some areas of what should properly be the executive realm.

The Government of the United States has full confidence in the ability, good intentions, fairness, and sincerity of the present Governor General. It is convinced that he has intended to act, and has acted, within the scope of his proper and constitutional authority. Thus convinced, it is determined to sustain him; and its purpose will be to encourage the broadest and most intelligent cooperation of the Filipino people in this policy. Looking at the whole situation fairly and impartially, one can not but feel that if the Filipino people can not cooperate in the support and encouragement of as good an administration as has been afforded under Governor General Wood, their failure will be rather a testimony of unpreparedness for the full obligations of citizenship, than an evidence of patriotic eagerness to advance their country. I am convinced that Governor General Wood has at no time been other than a hard-working, painstaking, and conscientious administrator. I have found no evidence that he had exceeded his proper authority, or that he has acted with any other than the purpose of best serving the real interest of the Filipino people. Thus believing, I feel that I am serving those same interests by saying frankly that it is not possible to consider the extension of a larger measure of autonomy to the Filipino people until they shall have demonstrated a readiness and capacity to cooperate fully and effectively with the American Government and authorities. For such cooperation, I earnestly appeal to every friend of the islands and their people. I feel all confidence that in the measure in which it shall be extended, the American Government will be disposed to grant in increasing degree the aspirations of your people. Nothing could more regrettably affect the relations of the two peoples than that the Filipinos should commit themselves to a program calculated to inspire the fear that possibly the governmental concessions already made have been in any measure premature.

In conclusion, let me say that I have given careful and somewhat extended consideration to the representations you have laid before me. I have sought counsel of a large number of men whom I believed

able to give the best advice. Particularly, I have had in mind always that the American Nation could not entertain the purpose of holding any other people in a position of vassalage. In accepting the obligations which came to them with the sovereignty of the Philippine Islands, the American people had only the wish to serve, advance, and improve the condition of the Filipino people. That thought has been uppermost in every American determination concerning the Islands. You may be sure that it will continue the dominating factor in the American consideration of the many problems which must inevitably grow out of such relationship as exists.

In any survey of the history of the islands in the last quarter century, I think the conclusion inescapable that the Filipino people, not the people of the United States, have been the gainers. It is not possible to believe that the American people would wish otherwise, to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who would better govern themselves on a basis of complete independence. If the time comes when it is apparent that independence would be better for the people of the Philippines, from the point of view of both their domestic concerns and their status in the world; and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it.

Frankly, it is not felt that that time has come. It is felt that in the present state of world relationship the American Government owes an obligation to continue extending a protecting arm to the people of these islands. It is felt, also, that quite aside from this consideration, there remain to be achieved by the Filipino people many greater advances on the road of education, culture, economic, and political capacity before they should undertake the full responsibility for their administration. The American Government will assuredly cooperate in every way to encourage and inspire the full measure of progress which still seems a necessary preliminary to independence.

Yours very truly,

CALVIN COOLIDGE.

Hon. MANUEL ROXAS,
Chairman The Philippine Mission,
2034 Twentieth Street, Washington, D. C.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. HEFLIN. The Senator from Georgia [Mr. HARRIS] suggested to me that he thought it would be a good idea if we could get an agreement that no Senator should speak over 10 minutes on any one amendment on Monday. Personally, I should have no objection to that.

Mr. FESS. That would be rather unsafe at this time, would it not? We have already made one agreement.

Mr. BLEASE. I have not any objection, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	McNary	Robinson, Ind.
Blease	George	Mayfield	Sackett
Bratton	Gerry	Means	Schall
Brookhart	Glass	Metcalf	Sheppard
Broussard	Goff	Moses	Shortridge
Bruce	Hale	Neely	Simmons
Cameron	Harris	Norris	Smith
Capper	Heflin	Nye	Swanson
Caraway	Howell	Oddie	Tyson
Cummins	Johnson	Overman	Wadsworth
Dale	Jones, Wash.	Pepper	Walsh
Deneen	Kendrick	Phipps	Warren
Ferris	La Follette	Pittman	Weller
Fess	Lenroot	Reed, Pa.	Williams
Fletcher	McMaster	Robinson, Ark.	Willis

Mr. NORRIS. I was requested to announce that the Senator from Minnesota [Mr. SHIPSTEAD] is detained at his home on account of illness.

Mr. ODDIE. I desire to state that the Senator from Oregon [Mr. STANFIELD] is presiding over a meeting of the Committee on Public Lands and Surveys.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Sixty Senators having answered to their names, a quorum is present.

Mr. HEFLIN. Mr. President, some Senators have suggested that we change the request for a limitation upon debate on Monday, and have it read that no Senator shall speak over 15 minutes upon any amendment to the concurrent resolution.

Mr. ROBINSON of Arkansas. Mr. President, was not an agreement entered into?

Mr. HEFLIN. A point of no quorum was made.

Mr. ROBINSON of Arkansas. It was not entered into, then?

Mr. HEFLIN. No; a limitation of 10 minutes was suggested then, and the Senator from Georgia [Mr. GEORGE] has suggested that it be made 15 minutes. I do not care myself, Mr. President, if Senators want to limit the time, what the limitation is.

Mr. NORRIS. I should not object, so far as I am concerned, to limiting it to five minutes; but I hardly think it would be fair, having made an agreement to close debate and everybody taking it for granted, I suppose, when we set a time for closing debate, that no further limitation would be made.

Mr. ROBINSON of Arkansas. That is what I asked. I asked if an agreement had not already been entered into.

Mr. NORRIS. An agreement has been entered into, and it does not seem to me that we ought to modify it now.

Mr. HEFLIN. I thought the Senator from Arkansas meant to ask whether the agreement proposed a few minutes ago had been made, about a 10-minute limit on debate. The other agreement that was entered into was with regard to voting on the concurrent resolution and all amendments thereto at 3.30 o'clock on Monday without further debate.

Mr. WILLIS. Mr. President, may I ask the Senator whether it is proposed now to change that time, already agreed upon?

Mr. HEFLIN. Not at all; so if there is objection, I will withdraw the request.

Mr. WILLIS. I am not objecting; I simply want to know what it is that the Senator is proposing.

Mr. HEFLIN. I see that there is some objection to it, however.

Mr. HARRIS. Mr. President, unless some Senator objects to this proposal, I hope it will be agreed to. I have heard the Senator from Nebraska heretofore complain of making an agreement limiting the time, because one Senator can get up here on Monday and take all the time. My colleague [Mr. GEORGE] has an amendment and the Senator from South Carolina [Mr. SMITH] has an amendment; and it is not fair for some one Senator to take all the time of the Senate before we vote on the whole measure and all amendments thereto.

Mr. NORRIS. All that is true. I have always advocated that. I did not think this agreement should have been made. I think agreements ought to limit debate, but we did not do that in this instance. We made an agreement, and I submitted to it. I did not want any controversy, and did not care particularly. As far as I was concerned, we could have voted at once. We made the agreement, and many Senators who were here when the agreement was made are not here now. The colleague of the senior Senator from Georgia told me to-day he wanted to speak, but he could not very well be here to-day on account of the Committee on Privileges and Elections being in session. It seems to me a matter of protection to those who were here when the agreement was made that we should not modify it now.

Mr. HEFLIN. I will say to the Senator from Nebraska that the Senator from Georgia [Mr. GEORGE] came into the Chamber a moment ago and told me that if we fixed the limitation at 15 minutes he would have no objection. That is the reason why I changed it.

Mr. NORRIS. I do not want to take the responsibility. As a matter of fact, I would like this modified agreement better than the other. I have always contended for a limitation. Fixing a definite time for a vote and thus cutting off some who might wish to debate is not the proper way to legislate. Limiting speeches to 15 minutes is much better; but we did not do that in this instance.

Mr. ROBINSON of Arkansas. There is no proposal now to change the time fixed for a vote. The question now is on agreeing that no Senator shall be permitted to speak more than once nor longer than 15 minutes.

Mr. NORRIS. Nobody can tell now but that on Monday no Senator will want to go on except one who wants to make a long speech. I do not know of such a Senator, but I dislike to make an agreement to-day and make a modification of it to-morrow which might conflict with the plans of some Senators who are absent and who agreed to the original proposal in good faith. I do not think the Senator ought to press it now.

Mr. HEFLIN. I will withdraw the proposal for the present, Mr. President.

Mr. NORRIS. Let the matter go over until Monday, and then we can limit the time if we want to do so.

Mr. HEFLIN. Mr. President, I want to say just a few words with regard to some of the things the Senator from Tennessee [Mr. MCKELLAR] stated yesterday. The Senator discussed House bill 518 and contended seriously before the Senate that the Ford bid, which was in the McKenzie bill, which passed the House, was not the bill referred to in the concurrent resolution. I hold in my hand a copy of the McKenzie bill, House bill 518, before it was changed by the acceptance of the bill of my col-

league [Mr. UNDERWOOD] as an amendment, or by the acceptance of the bill of the Senator from Nebraska [Mr. NORRIS] as an amendment. This bill, which was known as the bill containing the Ford offer, was the one which passed the House, and is the bill referred to in the concurrent resolution now pending and which I have before me. The Senator from Tennessee contended that that was not the case, that the bill referred to was the Underwood bill. That is not the case, as Senators who hear me well know.

House bill 518 was changed and the bill of the Senator from Nebraska substituted for it. Then the Senate struck that out and substituted the Underwood bill. The Underwood bill was the bill which went to conference under the designation House bill 518. Am I not correct about that?

Mr. NORRIS. Mr. President, will the Senator permit me?

Mr. HEFLIN. Yes.

Mr. NORRIS. I think the Senator is correct, but since the Senator from Tennessee is not here I would like to state my understanding of the matter.

House bill 518, introduced by Mr. McKenzie in the House, passed the House and came to the Senate. When it came here all after the enacting clause was stricken out and the Underwood bill put in its place. Then, in the course of the debate, all of the Underwood bill was stricken out and the bill introduced by me was put in its place.

Mr. HEFLIN. That is correct.

Mr. NORRIS. Later on that was all stricken out and a modified form of the Underwood bill was put in its place, and in that form it passed the Senate. Then it went to conference, came back from conference a different bill, but every one of those bills bore the same number; it was House bill 518.

Mr. HEFLIN. The Senator is right about that.

Mr. NORRIS. I agree with the Senator that the authors of the resolution referred to the bill as it passed the House.

Mr. HEFLIN. There can be no serious disagreement among Senators about that.

Mr. NORRIS. But still it is fair to say—and I only say it because the Senator from Tennessee is not in the Chamber—that every one of the other bills I have mentioned was at one time officially before the Senate under that name and that title.

Mr. HEFLIN. The Senator from Nebraska is absolutely right, and I am sure that my friend from Tennessee was misled by the three changes made in House bill 518 when other bills were substituted for it under the same title and number that came over from the House. He was not as familiar with the history of that legislation as is the Senator from Nebraska and myself.

I went further in my investigation and talked to the minority leader in the House, Mr. GARRETT of Tennessee. He said that House bill 518 is the one they referred to in the resolution, and he said that if they had had in mind the other proposition they would have said, "House bill 518, as amended by the Senate." But they referred to the bill which passed the House without any of these Senate amendments upon it, and in the resolution which passed the House referring to that bill they named specifically House bill 518. That was the bill which contained legislation for the Ford offer. There can not be any question about that, and my friend from Tennessee was absolutely wrong in the position he took.

I hold in my hand the concurrent resolution which passed the House. I took that up with some Members of the House and talked to the minority leader, Mr. GARRETT of Tennessee. Mr. MADDEN, of Illinois, introduced the resolution, and Mr. SNELL, of New York, chairman of the Rules Committee, and the minority leader, Mr. GARRETT of Tennessee, were requested to examine it and report on it. They did so, and this is the resolution as they reported it, and as it passed, and as the Committee on Agriculture of the Senate reported it.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HEFLIN. I yield.

Mr. FESS. I understand that it was passed within two hours after the consideration was begun.

Mr. HEFLIN. In the House?

Mr. FESS. Yes.

Mr. HEFLIN. Yes; a very short time.

Mr. CARAWAY. Mr. President, may I ask the Senator why it took such a long time?

Mr. HEFLIN. That was a long time. Considering the fact that the committee provided in this resolution will not have any authority except to receive bids and report them back to Congress for its action, it seems to me that under the circumstances it should have passed the Senate some time ago.

Mr. CARAWAY. Will the Senator yield to me right there?

Mr. HEFLIN. I yield.

Mr. CARAWAY. I think the Senator is laboring under a very grave misapprehension as to what this resolution would do. There is to be no report back to the House. The resolution provides that this committee shall go out and negotiate a contract, which shall be reported to the House in the nature of a bill to accept it. That measure then will not go to any standing committee; it will go upon the calendar of the House, with a privileged status. It will be absolutely impossible to change one word of it, because it will be the contract. There will be no kind of report to the House to the effect that certain bids have been offered, giving the House a chance to decide as to whether they want to accept them. It will be a concluded contract, except for ratification, which will be in the nature of a bill, which will go, not to any standing committee, but actually on the calendar of the House, with a privileged status; and that will be the end of it.

Mr. SMITH. If the Senator will allow me, with no possibility of amendment, because it is in the form of a contract.

Mr. CARAWAY. Not a bit, because it will be a contract between the Government on one side and some bidder on the other side, which must be accepted or rejected verbatim.

Mr. SMITH. Exactly.

Mr. CARAWAY. And no committee will have a chance to pass upon it.

Mr. HEFLIN. I submit there is nothing unfair about that.

Mr. CARAWAY. It just happens to be the fact.

Mr. HEFLIN. If it is not a good bid but a bad bid, the sooner they can report it to the House and the quicker the House can act on it and reject it the better it will be. But I submit that if it is a good bid and the House wants to accept it, it has the right to act upon the proposed bid and to act upon it promptly.

Mr. CARAWAY. I called attention to that because the Senator's plea the other day was, in addition to the necessity of standing by the President, that if we wanted to make any amendment, we could offer it after the committee reported. But there can be no amendment to their report. It must be accepted or rejected in its entirety and without consideration.

Mr. HEFLIN. Mr. President, I am sure that the provision placed in the resolution for the guidance of the House when the bids shall be returned were made in order to make certain that the House could take action upon the question at this session of Congress.

Mr. SMITH. Right or wrong.

Mr. HEFLIN. Not at all. But I submit that Congress has the right to do and it is charged with the responsibility of doing what it thinks is right and best. I do not believe that Congress is ready to make my friend from South Carolina and my friend Mr. MCKELLAR, from Tennessee, and a half a dozen others the conscience keepers of Congress.

Mr. CARAWAY. I wonder how they would get along if the Senator did not keep them.

Mr. SMITH. God knows mine is bad enough, but I would not want to keep the consciences of some gentlemen who are mixed up in this thing.

Mr. HEFLIN. My friend from South Carolina and my friend from Arkansas and I are very frequently together on measures that come up for consideration here.

Mr. CARAWAY. May I ask the Senator a question? The Senator suggested that half a dozen people are trying to keep the consciences of the House and the Senate. Would the Senator mind telling us what he is doing?

Mr. HEFLIN. I will tell the Senator, Mr. President, and be glad to do it. I am not trying to keep anybody's conscience. I supported the Ford offer, and my friend from Arkansas did the same thing. The Senator from South Carolina did the same thing. I wanted the Government to lease this property to a private individual. I have always stood for that. I have never taken any socialistic position on this question. I repeat, I am not a socialist; I am a Democrat, and the day is not far distant when the Democratic States in the South are going to want to know of men sent here to represent them in the House and Senate whether they are coming here to safeguard the States in their sovereign rights, or whether they are coming here to surrender them.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Who appointed the Senator to safeguard the rights of all the States?

Mr. HEFLIN. Nobody, Mr. President; but I have a solemn duty to perform to all the States, and particularly to my own State.

Mr. CARAWAY. What is the Senator seeking to do? He is threatening to defeat all of us who do not vote with him——

Mr. HEFLIN. Not at all. No such thought has entered my mind.

Mr. CARAWAY. And I will take my chances.

Mr. HEFLIN. Each Senator's constituents will have to attend to their duty in the premises.

Mr. CARAWAY. I thought the Senator was attending to it. The Senator was just telling what was going to happen.

Mr. HEFLIN. Yes; I did say what would happen, and I repeat it: The day is not far distant, it is already manifesting itself in the South, when the South is going to want to know of Senators whether they are going to stand here and defend and safeguard them in their sovereign rights and powers, or whether they are coming here to consort with socialism and traffic those rights away.

Mr. CARAWAY. I suppose that is the reason the Senator is urging us to stand by the President; he sees the storm coming.

Mr. SMITH. And private corporations?

Mr. HEFLIN. I am standing where I have always stood.

Mr. CARAWAY. By the President.

Mr. HEFLIN. I want this plant leased to a private concern. I supported the Ford offer. I repeat, the Senator from South Carolina signed the report. The Senator from Tennessee [Mr. McKELLAR] supported it. I have it on my desk. We recommended turning Muscle Shoals over to Henry Ford, not for 50 years but for 100 years, not only Dam No. 2 but Dam No. 3, and we were to turn it over to Henry Ford to do what he pleased with all the surplus power from both dams. Have you forgotten that, Senators? And yet certain Senators charge now that we are trying to form a combination with the President. The President has declared in favor of the position that I and other Senators have occupied all along. A number of Senators on the other side have favored leasing the Muscle Shoals Dam just as I have. The President came over to the Senators on both sides who favored leasing the dam. I believe that if Ford had not withdrawn his offer his bid would have been accepted.

Mr. CARAWAY. Mr. President, will the Senator let me ask a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Of course, we are all glad to know the President changed his position and is standing with the Senator from Alabama. What I want to suggest is that when we were supporting the Ford offer we knew who was going to get it, but now we are asked to support an offer without being told who it is that is going to have the property.

Mr. HEFLIN. I do not know who will get it.

Mr. CARAWAY. That is what we want to know.

Mr. HEFLIN. I do not know what Congress will decide about that, but Congress has the right to decide and will decide that question.

Mr. CARAWAY. Oh, I thought the Senator from Alabama was going to do that. [Laughter.]

Mr. HEFLIN. No; but I am going to help decide it, and the few Senators who are trying to keep us from disposing of this question at this session of Congress will not be able to do so. I am going to stand by the farmer, as I have from the beginning, in this Muscle Shoals matter.

Mr. CARAWAY. Oh, no; the Senator is standing by the President.

Mr. HEFLIN. The farmers' cooperative marketing organization is for the resolution. The Farm Federation Bureau of the United States is for the resolution. The National Grange indorsed the resolution. They are all for it without amendment. They were for the Ford offer. I am still where I was, and those Senators who are floundering around in their discomfort can not disturb me in the position I hold and have long held. The farmers themselves know. They are not—they can not be—deceived about this thing.

Mr. SMITH. Mr. President——

Mr. HEFLIN. I yield to my friend from South Carolina.

Mr. SMITH. The Senator said the farmers were for the Ford offer and that they are for "the resolution." Which resolution is the Senator talking about?

Mr. HEFLIN. I am talking about the Ford offer referred to in this concurrent resolution, which requires that at least 40,000 tons of fixed nitrogen shall be made annually and that they shall make nitrates for the Government in time of war and that they shall not charge over 8 per cent profit on the fertilizer sold to the farmer.

Mr. SMITH. I understand that, but is there another contract ready?

Mr. HEFLIN. I do not know. Now, I want to answer that suggestion. I do not think that anyone in the Senate knows. The Senator from Tennessee [Mr. McKELLAR] talked about what he thought with regard to bids being already prepared. I do not think that there is any foundation. But if some American citizen desiring to lease this property in accordance with the suggestions of the President and Congress, I submit that he would be guilty of no wrong doing if he should write out his bid in advance and be ready to tell Congress and the country just what he is willing to do. But what I can not understand, and what I do not intend shall go by unnoticed, is the sudden change that certain Senators have made on this question. They were on another occasion with those of us who favored, as we do to-day, leasing Dam No. 2 to some private citizen. To-day they are on the other side of the question.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I do.

Mr. BLEASE. I would like to ask the Senator if he knows in this country of a more prominent farmer than the senior Senator from South Carolina [Mr. SMITH]?

Mr. HEFLIN. No; but I know some farmers who cultivate more acres and produce more farm products than does the senior Senator from South Carolina. He is a good farmer and a good friend of the farmer. But the Senator from Tennessee [Mr. McKELLAR] said that we were wrong and that he feared that we did not understand the situation. I am sure that he will be charitable enough to permit us to say that he and the few who share his view are themselves misled and deceived about this matter.

Mr. President, if the Muscle Shoals property is leased and we put it in the contract that they shall make fertilizer and not charge over 8 per cent profit, we will save to the farmers of North Carolina on their fertilizer bill $18,500,000 yearly; we will save to the farmers of Tennessee $6,000,000 and to the farmers of Georgia between $15,000,000 and $16,000,000; we will save to South Carolina from $12,500,000 to $14,000,000; we will save to my State, Alabama, $10,000,000 and to Louisiana about $5,000,000, and so on throughout all the States. And yet, strange to say, a few Senators get up here and say a committee is about to turn this property over to somebody, and there will be no way for Congress to act upon it. That argument is unjustified; it is utterly ridiculous. What are the facts? The joint committee is to be appointed. It is simply going out to represent the American people's Congress. It will find out if any American citizen wishes to submit to Congress a bid for Dam No. 2 at Muscle Shoals. It will come back and lay before the Senate and the House the bids, and the Senate and the House will vote to accept or reject any one or all of them.

Mr. President, in view of these facts I can not understand why it is that they are opposing this resolution and trying to hold it back when they know that the bids must be reported back to Congress.

I said yesterday to the Senator from Tennessee [Mr. McKELLAR] and I want to repeat it now that if the resolution empowered the committee to make a lease and close the deal I would not vote for it. But it simply authorizes them to go out and act for us, for the Congress of the United States, and get bids, if any are to be made, and do what? To dispose of or lease to the best advantage Government property that cost $150,000,000, and Congress, not the committee, will either accept or reject the bid.

I interrupted my friend from Tennessee [Mr. McKELLAR] when he was speaking about this war project and about turning it over to somebody and losing all the money that the taxpayers of the United States have put in it, to remind the Senator that during the World War the Government established a powder plant in his State costing $88,000,000, and when the war was over it was sold as best it could be sold, I suppose, and the Government received only $4,500,000 for it, a net loss to the Government of $83,500,000. I say to Senators that this project in my State is going to be made a paying project. I make this assertion now that it is the only project amongst all the war projects that will actually pay for itself under the plan that we here propose. In the face of this fact a few Senators stand up and talk about us trying to give this property away to somebody. We will produce cheaper fertilizer for the farmer and in 50 years we expect the Government to get more money for the use of that plant and that dam than the whole thing cost. Can anyone here say as much about any other war project? I challenge any Senator here to refute that proposition. There is no Senator here who can do it.

Then some Senators talk about us trying to give something away down in my State and they talk about providing by law for equitable distribution of surplus power. Who will determine what is equitable distribution? Do you want to lease

this property? If you do, you must let the man who is going to lease it and pay for it have some say about what he is going to do with it. Are we going to say to him, "You have got to transmit power over yonder, and power over here, and power over there, and in all the States round about, equitably distribute power"?

Suppose he would say, "Under those conditions I do not care to make any bid. I would not lease it if I did not expect to make some money out of it. I would not pay the Government for the use of it if I did not expect to make some money by doing so." To those who plead for equitable distribution, I submit this proposition, which is fair and logical. If the States roundabout are entitled to have it named in the bond and fixed by law that we shall have an equitable distribution of power amongst the States that can be reached by the electricity, I submit that those of the 48 States in the Union that can not be reached by the electricity are entitled to share in the funds for which the electricity is sold. Can anyone answer that argument?

Mr. BROUSSARI Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. HEFLIN. Certainly.

Mr. BROUSSARD. If there is a rental paid, and it goes into the Federal Treasury, does it not return to every State in the Union?

Mr. HEFLIN. I am talking about the immediate benefit to be derived by the people of the States directly. In other words, if through what they call equitable distribution $5,000,000 is paid for electricity sent out from Muscle Shoals, how are we to divide it up amongst the people in the 48 States in the Union? When we analyze the arguments made against this resolution there is nothing in them.

Senators talk about the plant at Muscle Shoals being obsolete and say that the cyanamide process will not work. Nobody here has contended that they shall use the cyanamide process. We have always said, and continue to say, that they can use any process they please. They can make fixed nitrogen alone or they can make the completed fertilizer.

As I said a moment ago, we have the phosphate rock in Tennessee near by Muscle Shoals, and we have the green shale potash near by right over in the State of Georgia, and air overhead teeming with nitrogen. It is the most ideal spot in the United States to make cheap fertilizer. But Senators say it can not be done, but they are the same Senators who said it could be done when they wanted Ford to have it. They change so frequently that it reminds me of the old fellow who sent a negro boy down in the pasture to look for a cow. He came back and said he had gone all around and could not find her. The old fellow said, "Go back and take Rastus with you. You go down one side of the branch and let him go down the other side, because she is liable to be on both sides." [Laughter.] Some Senators have been on both sides of this question.

I have not changed. I stand where I have always stood, for leasing this property to private individuals. When my colleague [Mr. UNDERWOOD] made a fight two years ago to embody the Ford offer in his bill, the same subsidized newspapers with these little hickory nut headed scribblers were charging that he was in a combination with President Coolidge and the Republicans. Now he is sick and can not be here to help put through this meritorious measure, and they are charging that I have formed a combination with President Coolidge and the Republicans.

If some of these Senators do not change their conduct here somebody will form a combination back home that will make them sit up and take notice. Talk about doing something in the interest of the farmer! Were they telling the truth, were they sincere, when they said the Ford offer was in the interest of the farmer? Were they telling the truth, were they sincere, when they said we could make cheap fertilizer at Muscle Shoals? Were they telling the truth, were they sincere, when they said that was the best disposition that could be made of Muscle Shoals? It is getting to be a very tiresome thing to see these Senators, who are frightened by the ghost of their former position, accusing us who have stood for the farmer like the Rock of Gibraltar from the beginning. I repeat I have never changed my position. I have always been for leasing Muscle Shoals, but those Senators have rushed off and left us, and they are now standing up trying to make themselves believe that they are fighting for the farmer. They can not get away with that and they must not reflect on those of us who have stood with the farmers all along in this matter.

It is said by some Senators that we can not make nitrogen with the cyanamide process at Muscle Shoals. I say that we have already made it. I have seen it, and that is not all—they have seen it, too. We had it before the Committee on Agriculture and Forestry. Senators talk about what we can not do down there. I remember when the pessimistic prophets of a few years ago made fun of the Wright boys when they said they would make an airplane heavier than air and make it fly like a bird. They laughed at the Wright boys and said they were crazy, that it could not be done. I saw the Wright boys break the world's record at Fort Myer just a few years after that. Years ago Carnegie, the great steel magnate of America, came to Birmingham and told our people, to their dismay and consternation, that we could "never make steel at Birmingham." But he was mistaken. To-day we are competing with the steel producers of the world. We are selling steel abroad in competition with the steel plants of the Old World. So to those who stand here and grow eloquent as they tell us that we can not do this thing or the other thing down yonder regarding fertilizer, I would not say, "Get behind me, Satan," but I would say, "Father, forgive them, for they know not what they do." [Laughter.]

Mr. President, I am thankful for one thing. I am thankful that certain Senators can not move Muscle Shoals out of Alabama.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. I yield.

Mr. BROOKHART. I think the Senator may be a little "previous" about being thankful on that score. I remember once when we had the greatest water power in the world in my State—the Mississippi River Dam at Keokuk. I was thankful that one end of it was in Iowa, but they moved it all down to St. Louis; it has never helped Iowa a particle.

Mr. HEFLIN. Mr. President, I am hoping the Senator from Iowa is going to help us lease this dam down in Alabama. He lives, I suppose, about 1,500 miles from Muscle Shoals.

Mr. BROOKHART. How far?

Mr. HEFLIN. About a thousand miles or more. How far is it?

Mr. BROOKHART. Three thousand miles is a long way.

Mr. HEFLIN. Yes; and "it is a long way to Tipperary," too. [Laughter.] How far is it from Muscle Shoals to Iowa?

Mr. BROOKHART. I presume it is 600 miles.

Mr. HEFLIN. The Senator from Iowa says it is 600 miles. It is more. But think of that, Mr. President—a dam 600 miles or more away from Iowa and yet the Senator is proposing to tell us down in the Southern States how to regulate it! When matters come up here which affect the Senator's constituents, I always like to help out the West, and I do so, but when we have something down in my section of the country which we want to do in the interest of the farmers, some Senators from the West seem to forget that they have been helped by us in matters which vitally affect their people, and they line up against us and seek to force some socialistic proposition upon us. This Senate is not for going into any socialistic business; the House of Representatives is not for it. I want this thing to be tried out, tested to the bottom. The President has already appointed a commission; they have made inquiry and reported valuable facts. They have recommended that Congress go out and try to get bids. Is there anything wrong in that? Congress has responded to the recommendation of the President's commission. A resolution has passed through the House and I think we shall soon adopt it here. We are going out to see whether or not we can obtain bids. If we can not obtain bids which are worthy and satisfactory, we shall reject them. Then there may not be anything to do but to turn around and say, "Although I am opposed to any of these governmental operations, that appears now the only thing left to be done in this particular instance, because we have tried and tried hard to get a good bid, and we have been unable to do so. There is nothing else left to do." Then every Member of the Senate and House will have a reason and an excuse for doing that if he finds that he can not lease it to a private individual.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 45 minutes spent in executive session the doors were reopened.

BRONZE GUNS FOR GRANT MEMORIAL BRIDGE, POINT PLEASANT, OHIO

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 7019) to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio, and I submit a report (No. 274) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill and it was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the U. S. Grant Memorial Association of Ohio four condemned 12-pounder bronze guns at the Rock Island Arsenal, Rock Island, Ill., to mark the Grant Memorial Bridge on the Atlantic and Pacific Highway at Point Pleasant Ohio: *Provided,* That no expense shall be incurred by the United States through the delivery of these guns.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT

Mr. WATSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 6, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nomination confirmed by the Senate March 3, 1926

(Omitted from Record of March 3, 1926)

UNITED STATES ATTORNEY

Edward E. Hindman, United States attorney, southern district of Mississippi.

Executive nominations confirmed by the Senate March 5 (legislative day of March 3), 1926

UNITED STATES MARSHAL

Chester N. Leedom to be United States marshal, district of South Dakota.

POSTMASTERS

IOWA

Elda B. Sparks, Buffalo Center.
Edgar A. Cupp, Corning.
Vellas L. Gilje, Elkader.
Leonidas L. Greenwalt, Hastings.
George McNeish, jr., Kanawha.
William R. Weaver, Lewis.
John Harden, Linden.
Bruce E. Harlow, Onawa.
Andrew C. Ries, Ringsted.
Wayne C. Ellis, Rippey.
Edith J. DeLong, Truro.
Leonard G. Kelley, Wall Lake.
Boyd W. Smith, Waukon.
John L. Addington, Webb.
Edith H. Ashby, Wellsburg.
Henry C. Ficke, Wheatland.

MARYLAND

Charles D. Routzahn, Mount Airy.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 5, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, without whose help life is a disappointment and all labor is useless, direct us in our studies, our inquiries, and our decisions. Leave us not to ourselves, lest the way becomes obscure and we fail. For all the daily benefits and comforts we give Thee thanks and praise. Help us to be strong in all good work, and may we never turn aside from the tasks which are given us. Lead us forward in the spirit and might of Him whose precepts should lead the world. Bestow upon us that spirit that transcends analysis and explanation and is experienced rather than explained. Oh, hear us, blessed Lord, in the name of Him who prayed for His enemies, wept with His friends, and would not scorn a little child. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE WORLD COURT

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by Senator MCKINLEY on the World Court.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the RECORD a speech by Senator MCKINLEY on the World Court. Is there objection?

Mr. BLANTON. Reserving the right to object—but I am not going to object—I want to say that this is the first time since I have been in Congress that a distinguished Senator had to come to the House to get his speech in the RECORD.

Mr. BLACK of Texas. Reserving the right to object, where was this speech delivered?

Mr. WILLIAM E. HULL. In Chicago. It merely explains the World Court.

Mr. BLACK of Texas. Is the gentleman sure that the speech has not been inserted in the RECORD in the Senate?

Mr. WILLIAM E. HULL. It has not.

Mr. BLACK of Texas. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech by the Hon. WILLIAM B. MCKINLEY, Senator from the State of Illinois, delivered at Chicago, on the World Court:

In 1896 William J. Bryan's campaign issue, the free and unlimited coinage of silver at 16 to 1, almost swept the country off its feet, but the country was wrong, as time demonstrated. This Nation at that time narrowly escaped making a tremendous blunder.

A great reaction against war later almost led the country into the League of Nations. A conservative group in Congress saved us from that. That same majority is working together now passing needed legislation, but almost always after combating a small bloc of objectors and obstructionists, banded together, as is well understood in Washington, trying to increase their power to a point where they can control legislation by the French bloc method. They are right now pushing what they conceive to be their great opportunity.

President Coolidge and the conservative majority go right along with their work. In his last message to Congress the President made 21 specific recommendations. Two outstanding recommendations, those for membership in the World Court and the passage of a tax reduction bill, have already been enacted. This bloc of objectors opposed both these measures. In addition the House has passed the farmers' cooperative bill and the McFadden branch bank bill. It will be a session of exceptional benefit to the country. I have stood with my conservative colleagues in the Senate in helping bring this about.

In the past five years Federal taxes have been cut in half, and the tax law just agreed upon makes a further reduction of 12 per cent, while at the same time State and county taxes in many States have been doubled. A conservative majority in Congress has made possible this leaving of the people's money in their own pockets.

The principle of settling disputes between nations by arbitration instead of by war has been developed as civilization has progressed. The Hague Tribunal is a court of arbitration, and the United States has been a member since 1907, but The Hague Tribunal did not provide the proper machinery to work out its intentions. The World Court has improved this machinery. The United States has been a member for nearly 20 years. It is nothing new.

It is inconceivable that this now much-discussed World Court, which has been so earnestly advocated by our last five Presidents and two Secretaries of State, as also by many organizations and individuals, including the American Legion, could be the dangerous thing which its opponents would have us believe. The 76 Members of the Senate and 301 Members of the House, who voted for the World Court, are American patriots. These 377 Congressmen and Senators, who voted "yes," are right. Remember 377 voted "yes," and 45 voted "no." They do not desire our country to become involved in "foreign entanglements" in the dangerous sense of that term as used by President Washington a century and a half ago. But we are now a world power beyond the dream of Washington. We are the banker and creditor Nation of the world. To continue prosperous, we must have the world markets in which to sell our surplus foodstuffs, farm, and manufactured products. We want other nations to prosper, so they may be able to buy from us and pay us in 100 per cent money. We can not have all these good things and yet take no part in helping our foreign customers to attain such prosperity as will enable them to buy from us and pay.

In this we are selfishly and commercially interested, to say nothing of the broader humanitarian purpose, that foreign wars as well as our own shall cease forever. Our entry into the World Court is a hopeful start toward that end. With the reservations adopted as safeguards we are in no danger. Our country will never consent to submit the Monroe doctrine to this or any other court; nor is there any chance of our submitting our immigration or other domestic problems. What rights the Japanese or any other alien people shall have to come into our country is a purely domestic question which we will never submit to arbitration nor to any court anywhere. Such problems we always have and always will settle for ourselves; and all other nations will do likewise with their domestic problems. This World Court has no concern with such.

The World Court, whether we join it or not, is a forward step in the peaceful adjustment of international differences without resort to

bloody war; the reservations attached in our adherence fully protect our Nation in its Monroe doctrine and makes clear our rejection of both the league and entangling alliances with any foreign power.

We are in the midst of an important campaign, and it is surprising that gentlemen from Missouri, Idaho, and Minnesota should go from Washington to Chicago to tell Republicans whom to nominate as their party candidate for the United States Senate. It is not to be presumed that they paid their own expenses out there in order to work for the benefit and success of the Republican Party.

A Chicago paper, speaking of the speech by the orator from Idaho, said: "Coming only a few hours after the ringing oration of the gentleman from Missouri, who also burned all his party bridges and took an independent stand, gave rise to the suggestion that the summer may witness the launching of a new party, led by these gentlemen." If this is so, why should these men be interested at this time in helping select candidates for the United States Senate on the Republican ticket? I am a Republican, and shall continue to be. I am voting with the administration and the Republican majority in Congress, and shall continue to do so. I am going to stand or fall upon that proposition. Those who want to organize a new party are at liberty to go ahead as they have started, but they have no right to select Republican candidates in Illinois.

The scare of these campaigners is predicated upon our next step being that of joining the League of Nations. This is cuttlefish politics designed to muddy the waters. The World Court and the League of Nations are wholly divergent. Assume that two years from now some one has the hardihood to propose in the Senate our joining the League of Nations. This same large majority that accepted the World Court would stand just as firmly against the League of Nations in any form, just as they did when a former administration tried it. I should oppose it. I always have been, am now, and shall continue to be opposed to the League of Nations.

These gentlemen assert they have inaugurated a campaign which contemplates defeating all present Senators who voted for the World Court and who are up for election in the spring primaries. What they are going to do to the 301 Members of the lower House who voted for it has not been disclosed. This bloc of objectors and obstructionists is well known to the country. They think they see an opportunity to add to their bloc and are pushing the opportunity. They would wipe out the regular party majorities in Congress. I stand first in their path because the Illinois primaries come first.

In reference to the World Court, about which so much misrepresentation of facts has been made, the Republican Party and the Democratic Party had both pledged themselves to it as a step toward perpetual peace and against war. Representatives from millions of our people had petitioned Congress for it. It had, some time before, been indorsed by the lower House of Congress by a vote of 301 to 28, and with the approval of the people. I am not prepared to believe that all these are weak minded or are traitors to the best interests of our common country. This bill was the only thing on the subject before us. Reservations had been provided forever guaranteeing the integrity and the independence of the United States. It came as an administration measure in accord with the party platform pledge. I voted "yes" along with 78 of those Members of the Senate who are doing the thinking, the working end, and the legislating for the country, as against 18.

I could have dodged the issue, but I didn't do so. I voted for the World Court and shall stand by my action until something better is proposed for the great humanitarian purpose of protecting our Nation against war. The World Court resolution was before the Senate from December 17 to January 27—40 days and 40 nights.

If these objectors, now so loudly declaiming, are interested in saving the country, had something better to offer, why did not they bring it forward then when the matter was before Congress instead of now when it is behind us? What do they propose even now? Nothing.

The Republican convention, the Republican platform, the American Legion, the American Federation of Labor, the National Bankers' Association, the Federation of Christian Churches, all those people who petitioned Congress and the great majority of the Members of Congress may be mistaken in everything about this excepting their great desire for something to keep us out of war. If experience demonstrates that this is so, then I stand just as ready to adopt the new-found idea, but in the meantime I am going to devote my time with the administration in taking up and advancing those things that are pressing for the country's welfare.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year 1927. And pending that I wish to ask the gentleman from Alabama if we can not agree upon a time for closing general debate.

Mr. OLIVER of Alabama. I am sure the gentleman is in the same position that I am; that he has requests that he has not been able to grant.

Mr. SHREVE. That is true.

Mr. OLIVER of Alabama. In view of the fact that the House apparently feels fairly well satisfied with the bill which the gentleman's committee has reported and that there is no real controversial item in the bill and we can quickly dispose of it, I suggest that we continue general debate to-day and not more than one hour to-morrow.

Mr. BLANTON. We can read the bill scientifically.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent that general debate be continued to-day and one hour to-morrow.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate be continued to-day and not exceeding one hour to-morrow. Is there objection?

There was no objection.

The motion of Mr. SHREVE was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TINCHER in the chair.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 30 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Gentlemen of the Congress, I wish at this time to discuss the Philippine situation. My reason for so doing is that last summer I visited those islands on a Government transport and feel it incumbent on me to report my impressions and conclusions. Most of the gentlemen who accompanied me have already spoken in this House and elsewhere.

In correspondence with the Secretary of the Navy I took the position that so long as the United States had the responsibility of government over remote islands of the sea her legislators should have the privilege of visiting them at small cost, and that it was more important for the Members of the House and Senate to be carried on these transports than it was to carry unnecessary naval officers in time of peace. Whether or not that conclusion is sound, I leave to the country.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LINTHICUM. The gentleman says he thinks it advisable to carry Members of the House and the Senate on transports—to Honolulu?

Mr. GILBERT. To the Philippines.

Mr. LINTHICUM. I think about three years ago I tried to get on one of the transports, and went to the War Department. They said that they were full; that they had so many naval officers and Army officers that it was impossible to give me any accommodations. I went to the present Secretary of War, who was then Assistant Secretary, and he took no interest in it. So I went on the Pacific Mail, and when I got to San Francisco I found there was plenty of room on the transport which had sailed that day, and so they did not know at this end what the situation was.

Mr. GILBERT. I think it is important that we who have the destiny of these islands in our hands should have an opportunity to know conditions there.

On February 22, when we were celebrating the birthday of George Washington, who played the biggest part in obtaining our independence, I read in the press this article:

MANILA, P. I.—Throughout the Philippines men, women, and children gathered in mass meetings to-day to pray for independence.

As a last preliminary in the demonstration, a large gathering here last night was addressed by Quezon and other members of the independence movement. They urged every person in the islands to cooperate, and said they wanted the world to witness the spectacle of a nation of 11,000,000 dropping to its knees and asking for deliverance.

Burns said:

Man's inhumanity to man makes countless thousands mourn.

History records that the sympathy of a people for an ideal is dependent upon their relation in respect thereto. The Pilgrims sought our distant shores in order that they might worship God according to the dictates of their own conscience, free from the domination and persecution of the established church; yet no sooner had theirs become the established church in the new land than they inflicted upon nonconformists to them greater cruelties than they themselves had suffered, and to save his life Roger Williams, who only sought to worship God as his conscience dictated, must flee in the night and in the snows of a bleak New England winter.

Likewise, but a few years ago in the lives of nations the people of this country were proclaiming that government

without the consent of the governed is tyranny, and yet within a short time, their own freedom secured, and having assumed the rôle of master instead of slave, we unblushingly continue the relationship which but recently, when exercised against us, we so earnestly denounced. It was but yesterday, in 1917, when we vociferously railed against Germany because she declared a treaty, under which we benefited, a scrap of paper, and to-day, in 1926, we are openly advocating a violation of our pledged word and faith to the Filipinos.

Does the Republican Party ever intend to grant independence to the Philippines, and is this country pledged so to do? That the present occupant of the White House has no sympathy with that suggestion may be seen from his message on February 21, 1924, to the Hon. Manuel Roxas, speaker of the Philippine House of Representatives, wherein he said:

> Thus believing, I feel that I am serving those same interests by saying frankly that it is not possible to consider the extension of a larger measure of autonomy to the Philippine people until they shall have demonstrated a readiness and capacity to cooperate fully and effectively with the American Government and authority.

In other words, this means until they demonstrate that they do not want it, it shall not be tendered to them. [Laughter.] The gentleman from Massachusetts [Mr. UNDERHILL] on February 18, in ably addressing himself to this subject before the House, took that same position. To use his own statement, "there are times when the public interest is paramount to public opinion," and the gentleman from Ohio [Mr. BEGG], in Louisville, Ky., the other day, in an address with frankness even to bluntness and without circumlocution, said, "American sovereignty must remain in the Philippines."

Let use see if that is in compliance with our promise to these people. Until quite recently such a position was not openly advocated by anybody. From what authority do these responsible members of the Republican Party take that position? The Republican platform of 1924, like the platform of all the parties up to that time, and including that time, provided in substance that the Philippines should have independence when deemed to their best interest. What is the cause of this sudden change of front? Has rubber anything to do with it? I do not know, but it is a coincidence that at the time Great Britain and her colonies, which are the great rubber producers of the world, raised the price of rubber that the United States, which is the great rubber consumer of the world, was advised for the first time that American sovereignty must remain in the Philippines. There were other material mercenary reasons which entered into the consideration. There never was a time when the policies of this country were so completely dictated by the dollar and so little influenced by the principle involved. [Applause.]

The islands were obtained during the administration of President McKinley, as a result of the Spanish-American War, like Cuba and other islands, which have long since had their independence granted. President McKinley announced our policy in these words:

> The Philippines are ours, not to exploit but to develop, to civilize, to educate, to train in the science of self-government.

In his instructions to the first Philippine Commission, on the 20th of January, 1899, he expressed the hope that the commissioners would be received as bearers of "the richest blessings of a liberating rather than a conquering nation."

Doctor Schurman, president of the first Philippine Commission, construed our policy as follows:

> Ever increasing liberty and self-government * * * and it is the nature of such continuously expanding liberty to issue in independence.

President Taft, while civil governor of the Philippine Islands, on the 17th of December, 1903, said:

> The Philippines are for the Filipino, and that the Government of the United States is here for the purpose of preserving the Philippines for the Filipinos, for their benefit, for their elevation, for their civilization.

Later in April, 1904, Mr. Taft, then Secretary of War, said:

> When they—the Filipinos—have learned the principles of successful popular self-government from a gradually enlarged experience therein, we can discuss the question whether independence is what they desire and grant it.

President Roosevelt, in 1908, in his message to Congress, said:

> I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion.

On December 6, 1912, President Taft, in a message to Congress, again said:

> We should * * * endeavor to secure for the Filipinos economic independence and to fit them for complete self-government, with the power to decide eventually, according to their own largest good, whether such self-government shall be accompanied by independence.

On October 6, 1913, President Wilson, in a message to the Filipino people, said:

> We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence.

And again in 1913, in December, President Wilson in his message to Congress said:

> By their counsel and experience rather than by our own we shall learn how best to serve them and how soon it will be possible and wise to withdraw our supervision.

Ex-President Roosevelt, in discussing the Philippine situation in 1915, said:

> The present administration has promised explicitly to let them [Philippines] go, and by its action has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence, without any guaranty whatever by us and without our retaining any foothold in them.

So that every President, regardless of party, since their acquisition, has taken the position that when the Philippine people were ready for it and desired it their independence should be granted.

No political party has in its platform ever advocated any other position. So that, gentlemen of the House, every President, regardless of party, from the acquisition of the islands to the present occupant of the White House, has taken the same view, that we should grant the Philippines independence when they were prepared for it and desired it. But you may say that that is not a question for Executive declaration. Then let us see what Congress itself has said by its own enactment.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. TILSON. The gentleman is making a real contribution to this question. At this point I wish to ask him whether the real difficulty is not that the phrase "Filipino people" fails to describe a homogeneous, cohesive people? In other words, "Filipino people" does not mean anything specifically.

Mr. GILBERT. Oh, the gentleman is wrong. There is not much greater difference in that respect, so far as the Philippine Islands are concerned, than there is with respect to the condition that exists in the United States to-day. There are as many diverse elements in our civilization in the United States as there are in the Philippines, with the one exception of the Moros, who are Mohammedans, and who number about 850,000 of the 11,000,000 people. The rest are a homogeneous, Christian people. So far as I am advised they are the only people that were ever converted as an entire race from Mohammedanism to Christianity.

Mr. TILSON. Is it not a fact, however, that the Moro people live in a territory more or less definitely bounded, and that within this territory they are supreme?

Mr. GILBERT. That is true.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. JONES. In view of the definite outline of policy which this country, as the gentleman has shown, has evidently made with reference to the Philippines, does not the gentleman think that the man who is in charge or who is at the head of our government in the Philippines should be a man who is in sympathy with at least ultimate independence for the Filipinos, and who will govern his policies accordingly?

Mr. GILBERT. Yes; I think so, and I wish to discuss that if my time permits a little later on. I have now discussed Executive declarations and wish to discuss an act of Congress.

Mr. DYER. Will the gentleman yield for a moment before he goes to that?

Mr. GILBERT. Yes.

Mr. DYER. I would like to state in reference to a question or two that has been propounded to the gentleman as to the Filipino people being united, the people of the Philippine Islands, and say that I have visited the Philippines and have

been before their legislature, both the senate and the house, and I found them united, working harmoniously together, and the only opposition in the Philippines—and I have been throughout the country, of course they prefer their own affairs managed by themselves than somebody else perhaps—but I found complete harmony, and with possibly a little exception the only object to the people of the Philippines now having their own Government are the few Americans who have made their homes in the Philippines and are in business and will never be in favor of their independence, and the objection the Army and Navy make because they wish to be assigned there; with that exception there is a united purpose among the people of the Philippine Islands.

Mr. GILBERT. The gentleman's opinion agrees exactly with mine. I want to say that the gentleman from Missouri, who has just taken his seat, made quite a valuable contribution to this subject when on January 5 he inserted in the RECORD the address of the Hon. Servio Osmena, President of the Philippine Senate, which I commend to your consideration. Now, let us see what Congress itself has said on this subject. We find, by solemn enactment of Congress, the attitude of the United States toward the Philippines, declared as follows:

Whereas it was never the intention of the people of the United States in the inciplency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein.

So you see that by Executive announcement as well as by act of Congress the declaration "American sovereignty must remain in the Philippines" is an unblushing advocacy of a violation of our promise. Now, in conversation with Governor General Wood I said to him, "Suppose you do believe that it is to the interest of the United States to retain the Philippines, and suppose you do believe it is to their interest that we retain them," yet I would like to ask you the question put by Senator BORAH, chairman of the Foreign Relations Committee of the Senate:

That in view of our promises to grant independence if they wanted it, how can we in common honesty deny it?

General Wood said to that:

We have never given them a definite promise of independence.

I maintain that those words that I have read do contain a definite promise of independence when a stable government can be formed therein.

Mr. WOODRUFF. Will the gentleman yield?

Mr. GILBERT. I will.

Mr. WOODRUFF. When was that resolution passed by Congress?

Mr. GILBERT. It is known as the Jones Act. It was during the Wilson administration; I do not remember the exact date.

Mr. JONES. In 1916.

Mr. GILBERT. But if we had not made them a definite promise of independence, I say we are now estopped from taking that position. In that connection I wish to read President Roosevelt on that position. In 1915 in writing of this situation in Everybody's Magazine, President Roosevelt said:

But we can not taint it with bad faith. If we act so that the natives understand us to have made a definite promise, then we should live up to that promise.

In my opinion, not to be offensive, that clearly shows the difference between the attitude of a great man and a little man. Under that act we were to grant independence as soon as a stable government was formed. Now, what is a stable government? Elihu Root and the other great international lawyers define a stable government to be—

A government elected by the suffrage of the people, which is supported by the people, and which is capable of maintaining order and of fulfilling its international obligations.

Now, by what measure are we to ascertain that? It is a question of fact. Is it fair to adopt the standard of the United States as to whether or not their government is sufficient? The English-speaking people are as outstanding in matters of government in the modern world as the Romans were in the ancient world, and, of course, it is not fair to apply the standard of that government which has the greatest capacity for governing. When was such a standard ever contemplated or employed? It is fair and reasonable to apply that standard of government in which the least capacity to govern exists. Has Mexico a stable government?

South of the United States every government on the Western Hemisphere is an independent government, and I say to you there is not one among those governments wherein there is greater stability of government or where the people are more capable of self-government than in the Philippines. Is Panama a stable government? Are the Panamanians capable of self-government? I have visited both countries, and many of you have, and I ask any man here to say if the Panamanians are more capable of self-government than the Filipinos. Now let us discuss for a few moments the people of the Philippines.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GILBERT. I will.

Mr. LINTHICUM. I want to ask to what extent does the United States control the freedom of action and of self-taxation of the Filipino people? I would like to have a little information on that subject.

Mr. GILBERT. Well, the other day the Governor General vetoed on one day 24 bills. The Governor General has the power of vetoing; and if that veto is overridden by the Philippine Legislature, then it is up to the President of the United States to sustain either the Philippine people or the Governor General, and he has always sustained and, of course, will always sustain the Governor General.

The Governor General not only controls freedom of action, but freedom of speech. The other day a Filipino was put in jail for making a remark about the Governor General in a political debate. This remark was not so offensive as I have heard made on this floor against the President of the United States.

The Philippine people, next to the Japanese, are the most ambitious people in the Eastern world. Even the elevator boys and the other menials, while waiting to serve, were reading books. I asked the assistant of Governor General Wood having charge of schools if there were any compulsory educational laws in the Philippines. He said, "Why, Lord, no. In such numbers do the pupils come that we can not furnish teachers and schoolhouses sufficient to accommodate them." Over 80 per cent of the people in the Philippines who are entitled to vote participate in the elections. Nearly 90 per cent in the last election of all those with the right of suffrage exercised it, while in the United States less than 50 per cent exercised it.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KEARNS. I wonder how long the Philippine boys and girls have been reading these books. Who got them into the notion? In other words, were they reading 25 or 30 years ago?

Mr. GILBERT. Of course, the United States has been of wonderful assistance to the Philippine people. I am not trying to speak in derogation of the vast benefits that have been conferred upon them. But when we began to educate them, we told them that when they had qualified themselves for self-government we would give it to them.

Are the people of the Philippines capable of great elevation both in literature and in the arts and in science? According to Dean Howells and other foremost literary men of this country to-day, the greatest novel that has been written in the last 75 years is Noli Me Tangere, written by Rizal, the Philippine martyr and patriot. The speech made by Hon. Servio Osmena, president of the Philippine Senate, which was copied into the RECORD of this House on January 5—and I invite your attention to it—is, for exalted thought, scholarly attainment, and real statesmanship, the equal of any speech delivered in either House of Congress since I have been a Member.

One of the causes of friction between the Governor General and the leaders of the Philippines is, speaking frankly, that being unable to match them in wit he, without tact, pursues that bent dictated by his military experience. This evidences what we on this side so often insist—that no military chieftain should be put in charge of a civil government. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will my friend yield for a question without disturbing him?

Mr. GILBERT. Yes.

Mr. BANKHEAD. Is it the gentleman's intention to discuss the capacity of the Filipinos to handle their finances in the event they should be given their independence? There has been criticism tending to show their inability to take care of their financial concerns, such as taking care of their bonded debt, that would tend to indicate they are not yet ready for self-government, showing their incapacity along that line.

Mr. GILBERT. Well, they have not had much experience along that line, yet with but one exception they have done

well, and that was they did have a failure of their national bank over there, and that is the cause of the criticism we have heard here. But while that bank failed in the Philippines there were hundreds of banks that failed in the United States for the same reason. It was at the time of deflation, when many banks at home were sorely distressed. But being equipped and being capable in every other way, I see no reason why they would not be equally capable of taking care of their financial matters.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield there?

Mr. GILBERT. Yes.

Mr. MANSFIELD. Was the management of that bank wholly by the Philippine people or partly by Americans?

Mr. GILBERT. There is some disagreement about that. While the Filipinos were in apparent control they were no doubt influenced by Americans largely. One of the troubles is to get at the exact facts in the Philippines. I see present the gentleman from Massachusetts [Mr. UNDERHILL] who made a speech the other day on this subject, and to that I refer. He was in the Philippines longer than I was, and I was astounded at some of the statements he made. He got his facts from the Americans there in Manila, or at least they coincide with what I was told by the American contingent in the Philippines. So persistent were they in railing against Philippine independence that on one occasion their enthusiasm carried them far from accuracy, as was pointed out to them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GILBERT. May I have 15 minutes more?

Mr. OLIVER of Alabama. I can accommodate the gentleman with 10 minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes more.

Mr. GILBERT. The gentleman from Massachusetts said that the Filipinos did not want independence. This was frequently said by those American business men there solely to get rich by exploiting those islands. The Filipinos are unanimous in their desire for independence. And how any one can deny it, in view of these admitted facts, I do not know. The admitted fact is that there were formerly in the Philippines three parties, two of whom favored immediate independence and one favored it but favored postponing it. That party which favored postponement of independence was literally swept out of existence, and that party which, in the opinion of the Filipino people, is most sincere in its desire for independence and most apt to obtain it always wins in the elections.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KING. What was the object of General Wood in denying a referendum on that subject?

Mr. GILBERT. General Wood admitted to us on his porch that the Philippine elections were not only fair but more accurately expressed the sentiment of the Philippine people than elections in America, and a referendum on that subject would establish the fact that they are unanimous in their desire for independence, and General Wood, while denying that they want it, does not dare to hold an election to find out.

For a full and accurate statement of the entire situation I refer you to the exhaustive report of the gentleman from Arkansas [Mr. RAGON] on House bill 8856, Sixty-eighth Congress, from which I have quoted herein.

The gentleman from Massachusetts refers to me frequently as an idealist. If he means by that that I believe in fulfilling a promise to the letter, I plead guilty. But from a purely business standpoint, from a selfish standpoint, we should now grant that independence which no one denies that we promised.

We do not need the Philippines for their products. With our vast resources and with our neighboring tropical islands we do not need them. On Mindanao, where they claim they are going to grow all this rubber, rubber is not now grown to any appreciable extent, and it is problematical to what extent it will become a rubber-producing island. We can conserve our forests and not require their lumber.

The cost to our Government in keeping the Philippines is enormous. At Fort McKinley there are over 12,000 soldiers stationed at the present time. You must make up your mind to this proposition, that if we are going to retain the Philippines we must have the biggest Navy in the world and naval stations all over the world.

We have a treaty with England, France, and Japan guaranteeing peace in the Pacific. We can further extend that to agree on Philippine sovereignty, and then those islands would have the same status as other small neutral countries all over the world whose peace and integrity no nation violates.

I do not believe in war; I do not believe in jingoism; and I do not believe we are going to have a war with Japan; but, frankly, the majority of those who believe that the United States will have a future war believe that in that sad event it will be with Japan, and in the event of war with Japan the Philippines would be a serious disadvantage, because necessarily they would become the fighting ground, and we would have to maintain the war at Japan's door and around the world from us. I am not a military man, but President Roosevelt, who gave this subject more attention than any other President, and who was qualified to speak, entertained that view and spoke to this country in words ringing not only with patriotism but with foresight when he warned this country that the Philippines were a distinct national weakness.

If we are going to retain the Philippines, we must retain them at all hazards and at any cost, not only of American dollars but of American lives. From our experience there, when it took years to subjugate those islands, I agree with President Roosevelt that if they are backed by any great foreign power we can not hold them. The cost in money would be beyond all comparison to their value and the cost in lives of American boys would be indefensible and unspeakable.

Let us live up to American traditions; let us grant independence to the Philippines while they are our friends.

Shades of Patrick Henry! Can you think of 11,000,000 people on bended knee begging the United States for independence? [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments House Concurrent Resolution 11, to tender the thanks and appreciation of the Congress of the United States for heroic service rendered by the officers and crews of the steamships *President Roosevelt*, *President Harding*, *American Trader*, *Republic*, and *Cameronia*, in which the concurrence of the House of Representatives was requested.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

The committee resumed its session.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS]. [Applause.]

Mr. BYRNS. Mr. Chairman, immediately after the President signed the tax reduction bill, which carried an estimated reduction of something over $387,000,000, publications appeared in a number of newspapers relative to the economy which the President hoped would be exercised by Congress during the remaining part of the session.

My attention has been directed to two newspapers which carried publications of that kind, and those publications are wholly misleading and chock full of misinformation.

Of course, it is the unwritten rule that the President is never directly quoted. I do not say that this information came from the President himself nor do I believe it came from his very able and efficient secretary, whom we all admire and respect. But there seems to be some party connected with the White House, a publicity man, who evidently is charged with the dissemination of information from the White House, and although this misinformation does not have the direct stamp of approval on the part of the President, nevertheless when it is stated upon the face of the publication that the information emanates from the White House, it, of course, carries all the weight it would carry if it were a direct quotation from the President.

Only a few days ago I recall a publication to the effect that when Colonel Mitchell was to speak in Detroit that those representing him had secured the hall of the Union League Club, a big Republican organization in that city, and on the very eve of his address he was notified that he would not be permitted to use the hall, and it was stated that this consent was withdrawn on request of the White House. Mr. Sanders, the Secretary to the President, very promptly denied it, but the statement was made that in some way the request did come from some one connected with the White House. I presume from this individual to whom I have referred.

Now, the article to which I wish to call particular attention appeared in the Washington Star immediately after the signing of that bill. My attention has been directed to a similar article in the New York Times, both of which papers have very justly earned the reputation of being reliable and trustworthy newspapers, and I do not attach any criticism to these newspapers for the publication of the information which was furnished from the White House. The article in the Washington Star is headed:

Cut in fund bills to meet tax slash asked by Coolidge—President counts on House and Senator leaders to prune appropriations.

The opening paragraph reads as follows:

President Coolidge expects Congress materially to reduce some, if not all, of the pending appropriation bills to offset the big slash made in taxes by the revenue reducing bill which is expected to become a law before the end of the week.

The President has made known his feelings to party leaders in the Senate and the House regarding the tax reduction, which he has no hesitancy in declaring is considerably larger than he thought was practicable or possible. He has directed these party leaders to use their influence in discouraging increased appropriations and, where possible, to effect reductions.

Of course, I do not know just what the President said to his party leaders upon the floor of the House and Senate. Whatever he may have said has not been communicated to the House or to the Senate, so far as I know and so far as the RECORD shows. There is a method by which the President may communicate to Congress, a method provided by the Constitution; and if in these pending big supply bills there are reductions that can be made in the estimates and requests which he submitted for appropriations for the year 1927, and if the President is convinced that his estimates and requests submitted to the Congress last December for appropriations for 1927 can be materially reduced or reduced in any particulars, then I suggest that it is the privilege of the President and, I respectfully suggest, his duty, to communicate that fact to Congress in the regular way provided, namely, by a message formally sent to the House and to the Senate.

Now, I have heretofore called attention to the fact that the estimates for 1927 total $3,897,207,921.66. Since that time there have come to Congress various supplemental estimates, the largest of which was the $10,000,000 supplemental estimate for rivers and harbors, which increased the estimate to $3,907,207,921.66 for the fiscal year 1927. The total appropriations made for 1926 were $3,741,787,060.31, showing an increase in the estimates for 1927 over the appropriations for 1926 of $165,420,861.35. In addition to these estimates, the President has forwarded to the House estimates for the first deficiency bill totaling $381,772,583.60 for supplemental appropriations for the year 1926 and for deficiencies for prior years.

This makes a total of estimates for appropriations submitted by the President since December 1 of $4,288,980,505.26.

There are nine regular supply bills. Only one of them has passed both Houses of Congress and become a law—the Treasury and Post Office Departments appropriation bill. The Committee on Appropriations of the House has reported to the House seven of the supply bills, one of which is now pending before the House. Six of them have passed the House.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman 10 more minutes.

Mr. BYRNS. As reported by the Committee on Appropriations these bills carry a reduction in the estimates of the President totaling $11,404,986.48. In other words, as reported to the House by the House Committee on Appropriations, under the very able and effective leadership of the gentleman from Illinois [Mr. MADDEN] its chairman, whose interest in economy we all recognize and appreciate, the House Committee on Appropriations has recommended $11,404,986.48 less than the President himself asked Congress to appropriate.

I repeat if the President finds now that he made requests which were not justified, or if the President finds now that the requests which he submitted for money to run the departments of the Government were too large and can be reduced, then there is but one way, and only one proper way, by which he can inform Congress, and that is to let Congress know just where the appropriation can be reduced; and there is not any question but that Congress will adopt his suggestion and reduce the appropriations.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. I presume in speaking of the President's estimates the gentleman refers to the Budget; is that correct?

Mr. BYRNS. Yes; the Budget estimates as submitted by the President, and for which he is responsible.

Mr. LINTHICUM. As the gentleman knows, there are a great many articles appearing in the papers now stating how much the Budget has saved the country, when the fact is Congress so far has saved the country $11,000,000 more than the Budget alone would have saved it.

Mr. BYRNS. I am speaking now of the recommendations made by the Committee on Appropriations. The House has added in some few particulars increases to these bills when they came on the floor of the House.

Mr. LINTHICUM. But the House has practically saved $11,000,000 by reducing the recommendations of the Budget. Is not that right?

Mr. BYRNS. It will not amount to quite that much, because only the other day $4,500,000 was added for the merchant marine, at the express request and instance of the gentleman from Indiana [Mr. WOOD], who was in charge of the bill, and who said at the time that, in the light of the facts presented, unless the additional appropriation was allowed the merchant marine would be in effect smothered; and some of us who favor the merchant marine have wondered why the President in the first instance requested a smaller appropriation than was absolutely necessary.

Mr. LINTHICUM. Then up to this time we have saved around $7,000,000; is that correct?

Mr. BYRNS. Yes; it will amount to about that.

Mr. LINTHICUM. Will the gentleman tell me how much the Congress reduced the Budget estimates for the fiscal year 1926?

Mr. BYRNS. I could not tell the gentleman at the moment. I made some remarks some time ago in which I gave those figures.

Mr. LINTHICUM. Will the gentleman insert those figures in the RECORD as a part of his remarks?

Mr. BYRNS. I will be glad to do that. It was over $12,000,000.

This article, after referring to the majority leader, our friend the gentleman from Connecticut [Mr. TILSON] and his interview with the President, goes on to say:

There are any number of items in the regular supply bills which call for appropriations either larger in size than the estimate of money approved by the Budget Bureau or else not at all approved by it.

And get this:

These, if totaled, would run up into the hundreds of millions, and in the opinion of the President could be reduced greatly. Many of these items, he contends, could be very well eliminated entirely.

Gentlemen, that statement is just hundreds of millions incorrect. I have examined these bills as they have been recommended to this House by the Committee on Appropriations, and I find that the committee recommended to the House increases, and they were approved by the House, over the Budget in certain particular items amounting to $4,843,717.66, which includes $1,000,000 for immigration and nearly $700,000 for the eradication of tuberculosis and cattle tick among cattle.

Mr. OLIVER of Alabama. Will the gentleman yield at that point?

Mr. BYRNS. Yes.

Mr. OLIVER of Alabama. Perhaps this explanation should be offered in connection with the appropriation for immigration for 1927: The Budget submitted an estimate of $600,000 for the first deficiency bill to supplement the 1926 appropriation. Since it did not include that in the estimates for 1927, and since it appeared to the committee that in building up a border patrol and the other agencies of the Government to hasten deportation, it would absolutely be essential to bring it to Congress in December; therefore we included that item simply in advance of another supplemental estimate based on what the Budget Bureau itself estimated would be necessary.

Mr. BYRNS. I am glad to have that statement of the gentleman.

Mr. LINTHICUM. What did the gentleman say about the eradication of tuberculosis among cattle?

Mr. BYRNS. The increase over the Budget for that purpose amounted to $560,000. The appropriations which were recommended by the committee and made by the House, and which were not estimated for in the Budget, amounted to $229,430. This makes a total of a little over $5,000,000 of increases in certain items of appropriations, but I want to call your attention to the fact that while the Budget was increased in these particular items, for reasons satisfactory to the committee and to the House, in the sum of $5,000,000, other items were reduced something like $16,500,000 as reported by the committee. The ultimate result was that these bills as they have come from the committee, consisting of all the supply bills except the District of Columbia and the legislative bills, which combined will carry less than $50,000,000, show a reduction, as I have stated, of over $11,404,000 in the Budget submitted by the President and the appropriations which he urged upon Congress.

Yet these articles emanating from the White House, or from some mysterious source about which we do not know, state that

items of the Budget have been increased by the Congress hundreds of millions of dollars. A plainer misstatement of facts was never made. This statement has been published throughout the country. I have editorials here which have been written based upon the misinformation which was given as I have stated.

I have taken this time simply to call attention to these facts and to insist that if the President feels that his estimates and his requests for money can be reduced, then he ought to send a message to this House and tell the House where those reductions can be made, and undoubtedly, even though some of the bills may have passed, joint resolutions can be introduced and passed making the necessary reductions. Congress acts on the Budget of the President. He tells Congress what he thinks he will need for the executive departments. We act upon that using our best judgment as to whether or not the money asked for should be granted. When we grant his request, reducing them over $11,404,000, it does not come with good grace to publish over the country that the President has privately told some leader of his party in the House and the Senate that Congress ought to make heavy reductions in the regular supply bills and the estimates submitted by him.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. McLAUGHLIN of Michigan. The gentleman might properly say, because it is true, that at every session of Congress since the Bureau of the Budget was organized, the total appropriations are materially less than the total of the recommendations of the Bureau of the Budget.

Mr. BYRNS. That has been true every year since the Budget law was enacted, and they will total, excluding those at this session, something like $345,000,000.

Now, gentlemen, I have simply made these remarks for the purpose of protesting against this misinformation which, it is said, was given out at the White House, and which seeks to magnify the economy of the administration, and does a great injustice to Congress, particularly the House of Representatives, which I have often said is the one instrumentality which stands between the taxpayer and the high cost of government, and also the Committee on Appropriations that has spent so many weeks and months in conducting hearings on appropriations. I hope that hereafter when correspondents of reliable and trustworthy newspapers secure this information they will be a little more careful, and possibly a little more suspicious of the information thus received until it has been fully investigated. The newspapers of the country are the educators of the people as to current news. The people naturally look to the newspapers for correct information upon which they form their opinions and I am quite sure that no reputable newspaper wants to mislead the people. But this article shows they can not afford to rely implicitly on the publicity agent of the White House.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. I did not understand the gentleman's reply to the gentleman from Michigan about the Budget—the gentleman said that it would total $345,000,000. What does the gentleman mean?

Mr. BYRNS. I meant that the reduction made by Congress from the estimates submitted by the Budget since it was inaugurated, excluding this year, would amount to something like $345,000,000.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. McLAUGHLIN of Michigan. That figure of $345,000,000 which the gentleman gives might reasonably be made a higher figure, because the Congress at one time during the years of which he speaks passed, without the recommendation of the Bureau of the Budget, a bill universally approved all over the country carrying $90,000,000 for highways, and Congress found it necessary for five years to appropriate $38,000,000 each year to provide a $20 a month bonus for employees whose salaries were miserably low under laws passed before our country entered into the war. Taking those $38,000,000 for five years and the $90,000,000 for roads, universally approved, and add that to the $345,000,000 and you actually get the amount by which the appropriations from Congress are less than the estimates of the bureau, because if the bureau had been called upon it certainly would have made recommendations for the appropriations for those matters of which I speak.

Mr. BYRNS. Now, I want to call attention to another matter. In the article from which I have read is this statement:

> Among some of the appropriations that are likely to bear the brunt of this pruning process in the House and Senate are the public buildings bill; increased pensions for veterans, especially those of the Spanish War; good-roads development; and rivers and harbors improvement.

It is well known that the public buildings bill was an administration measure recommended by the President in a message which he submitted to Congress in December. It was a party measure and put through the House as an administration measure. It is now pending in the Senate. If the President feels that that bill should be reduced I again respectfully suggest that there is a method by which he can indicate that fact to Congress. As to the veterans of the Spanish War I know there is only a comparatively few of them and as usual they are to receive the brunt of any economy sought to be practiced. As to the good-roads development, the President in a message to Congress in December intimated, if he did not say it, that the time had come when some of the Federal aid given to good roads should be withdrawn. He said that in the face of the fact that in the same message he recommended $50,000,000 for public buildings in the city of Washington, and in face of the fact that in a previous Congress he recommended putting through Congress an appropriation of $15,000,000 for a memorial bridge across the Potomac River in Washington, to be paid for wholly out of public funds.

So far as rivers and harbors are concerned, Congress did not appropriate a dollar more than was asked for by the President, because in addition to the $40,000,000 originally estimated he submitted a supplementary estimate for $10,000,000, and Congress acceded to his request in the estimate so submitted. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHREVE. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, when I came to Congress the first warm and intimate friendship which I made with my colleagues was made with RALPH GILBERT, of Kentucky. That friendship has continued and I trust will continue not only throughout our service in Congress but as long as we both shall live. I hope it has been mutually advantageous. I am sure that as far as I am concerned it has been beneficial. I found RALPH GILBERT one of the most sincere, honest gentlemen it was ever my privilege to meet. [Applause.] In addition to that I found that he has a qualification which I lack lamentably. He is an idealist, he is a dreamer, he is a man who has implicit confidence in all of his fellow men. Perhaps that is due to his early environment. He was born and raised and always has lived "far from the madding crowd." Those with whom he has been acquainted have been his neighbors and his friends, law-abiding, virtuous people living in the State of Kentucky. My training and environment differ, inasmuch as I was thrown in with the hodgepodge, the hoi polloi, the hard, laborious worker, the roughneck, the man who has little idealism in his make-up and less faith in the idealism of others. Therefore I became intensely practical, while he still retained his delightful idealism. My associations with him, however, brought me into a closer union with some of his ideals, but it has not destroyed my practical viewpoint. I trust that in time I may influence him to take a practical view of some matters which now appear to him to have their abode only in the sun or in the clouds.

Before I begin my main remarks I want to quote from a former judge in the Philippines who acted as Governor General from 1912 to 1913. He said:

> Once upon a time I used to speak of the Philippine question with my head in the clouds. I never stopped to reckon where my feet were. Now I think I can say, after analyzing the question in its multiple phases, that my feet are on the ground. I am for a program that can be worked out. The improvident employment of sentimentalism in this eminently practical question leads only to misunderstanding and confusion.

Mr. Chairman, I want it distinctly understood, even at the risk of redundancy, that I have no friends to reward and no enemies to punish in the Philippines, but I was not blind to the facts which I met on every hand, and those facts I tried to present to the House a few days ago. For fear that those facts might be controverted I do not ask the Members to take my word, but I have compiled from numerous letters which I received from men and women of high standing the opinions that I expressed at the time and the facts which I presented to you.

Before going into that, I want to comment on a few of the suggestions or remarks made by the gentleman from Kentucky [Mr. GILBERT], and bring to his attention that an independent government is not necessarily a stable government; that his illustration of South American republics was rather unfortu-

nate as an illustration, because all of us know that although they are independent governments none of them is a stable government. His reference to Panama was particularly unfortunate, because if you will let your mind wander backward for a few years you will realize that it was through the great Roosevelt, whom the gentleman quoted here on the floor, that Panama was set off from the mother country much against the wishes of that country; but it was for the benefit of humanity and progress and of economics and of commerce throughout the world.

The gentleman speaks of the veto of Governor General Wood. I wish he had gone a little further and explained to you that the legislature of the Philippines, after sitting for many months, had failed to pass a single piece of legislation until the day before they were to adjourn, and that they then lumped this whole mass of undigested legislation and passed it almost en bloc and submitted it to the Governor General, and following out the duties of his office with regard to the veto power, he vetoed of this immense amount of legislation some 24 bills. He had urged the legislature throughout its sitting to expedite its business, to follow the rules and regulations laid down by the Jones Act, and submit this legislation to him, and to keep a record of their proceedings. They had failed to do that, and so there was nothing left for the Governor General to do but to veto these propositions which in effect would have brought a great hardship to a greater number of people in the Philippine Islands.

The gentleman speaks about the possibility of a war with Japan. I think he and I really at heart hold the same opinions with regard to that. I have stated to him, and I think he agrees with me, that there is no present possibility of a war with Japan. I agree with him that should there be a war, it would be impossible for the United States Government forces to hold the Philippines. I agree that it would be a tragedy for the Government to attempt to hold the Philippines; but if we lose the Philippines, we would lose nothing of advantage to us, particularly, and Japan would gain nothing but a handful of trouble for herself, and that only temporarily, because one can not contemplate such a catastrophe without also in his own mind realizing the ultimate and inevitable result.

Now, we have the same agreements with the great nations of the earth that he suggested with regard to the Philippines in China, and what is the result in China? The great nations of the earth guaranteed noninterference in the affairs of China, and China in all its ages never was in such a chaotic state as it is to-day, and the lives and treasure, particularly the life-blood of those people over there, never was held in so low an esteem and safety. China to-day is a seething mass of insurrection, of revolution, of war, of famine and pestilence, and yet all the great nations of the earth have guaranteed her integrity. What does that guaranty stand for? If that guaranty stands in the way of Russia and the Soviet Government it would rank with the German "scrap of paper." The soviets go in there and incite and excite all of these disturbances, and with their money and their power are trying to make of China a vehicle to establish throughout the world their pernicious form of Government. They have failed in the west, and now they have turned their attention to these countless millions of people in China, and I hope that God will forbid any such catastrophe occurring to the world. The gentleman's view, however, differs from mine. My view is that as long as the United States has control in the Philippines and has its Government in the Philippines that it is a guaranty of peace in the Far East, but the moment we give up our jurisdiction over there we invite war not only for ourselves, but practically for all the nations of the world.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. UNDERHILL. I will.

Mr. LINTHICUM. I noticed the gentleman says the Governor General vetoed 24 bills. How many did he sign? What proportion was that to the whole number?

Mr. UNDERHILL. About a 50-50 proposition.

Mr. WINGO. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. WINGO. I was interested in the gentleman's last statement that if we give up our jurisdiction of the Philippines it would invite war. Between whom?

Mr. UNDERHILL. The retention of the Philippines establishes our right in the Far East to mingle in their affairs, to present our views, to enforce them if necessary. If we withdraw from the Philippines we have really no concrete interests or concrete position. Consequently, why should we sit down with Japan and England, France, Germany, and China—such as there is left of China—and try to dictate to them what their policies shall be in the Far East?

Mr. WINGO. If the gentleman will yield for a question there. Does the gentleman understand that the open door in China is predicated upon our retention of the Philippines?

Mr. UNDERHILL. I think that our position is substantiated and strengthened by the retention of the Philippines.

Mr. WINGO. The gentleman suggested, though, we would have no right to assert or have any interest in eastern affairs if we withdrew from the Philippines. Does the gentleman then contend and say we were interlopers with our activities in the east before we got the Philippines?

Mr. UNDERHILL. We have the right to do anything we can finish.

Mr. WINGO. But what war? The gentleman says it would invite war. Between whom, what war?

Mr. UNDERHILL. I mentioned there would be trouble in the Philippines. I am not a prophet—nor is there any way of substantiating this statement—there would be immediate trouble in the Philippines. Japan and England both would like to own the Philippines. There may be some internal question, nonpayment of dues, or killings, such as occurred only a short time ago, of some 50 Japanese, and that excuse would be taken just as Japan has taken advantage of every excuse in China to extend her domain. It may be by benevolent assimilation, or only temporary occupation, but you would find before long it would be permanent occupation.

Mr. WINGO. Between what nations will the war come, can the gentleman predict?

Mr. UNDERHILL. I will leave that to any one's imagination. I would not want to involve anybody by any suggestion I might make. I would rather finish, if I may be permitted.

Mr. WINGO. I do not think any statement that either the gentleman or myself could make would precipitate or prevent a war between any of those nations, and I merely out of curiosity wanted to know what nation would be apt to go to war.

Mr. UNDERHILL. If the gentleman wants my own opinion, without further colloquy on our part, I will say it would involve all nations of the earth before we got through with it.

Mr. BEEDY. I wish the gentleman would yield to the gentleman from Wisconsin who rose a moment ago.

Mr. UNDERHILL. I would ask, please, that I may be allowed to continue without interruption until I cover at least part of what I desire to submit.

I take issue with the gentleman from Kentucky [Mr. GILBERT] on the question of a stable government in the Philippines, and I would refer you to my last speech for proof that they have not a stable government, that they have failed in practically everything that they have undertaken up to the present time. But I want to substantiate my statement with the statements of others, notably that of a man who lived six years in the Philippines. He says:

> I have been able to observe carefully the wonderful improvement made by our Government in conditions. I have been able to arrive at positive conclusions of the possibilities to be afforded by self-government by the Filipinos through conversations with the middle-class natives, who were real fighters during the insurrection—those who fought in the Philippines and not from Hongkong or Paris—and they were one and all of the opinion that it would be a mistake to turn to the helm a lot of half-baked Filipino politicians, who would govern the Philippines for their own selfish interests only.

Now, I quote from one who lived for 15 years in the Philippines. He says:

> I know they are facts, as I resided in the islands for 15 years, came in contact with the natives of all classes, and conversed with them in their own language.
>
> I agree with you that in the event of "independencia" the poor "barefoot" would have no show whatever and would be exploited by the "illustrados." Such a condition would be even worse than under Spanish rule.
>
> Personally, I have no interests in the Philippine Islands, but have an interest in the welfare of the natives.

I quote the following—what a woman who has just returned from the Philippines said:

> If it were not a cruel thing to do, the best way to cure the Filipinos of their desire for independence would be to grant them independence.
>
> Gov. Gen. Leonard Wood is loved by the Filipinos as a whole, but hated by the "cheap, professional politicians" of the islands, who have their own interests at heart instead of their country's.
>
> Conditions are at a standstill in the Philippines at present, as everybody is waiting to see what Congress will do. The Congressmen who visited the islands last summer refused to commit themselves one way or another, but did promise to bring the issue to a head at this session. Now the country is waiting for that issue to materialize.

The foregoing are some of the observations made by Mrs. Caroline B. Eager, writer, philanthropist, and world traveler, * * * after a stay of seven months in the Philippines, where she established a school at Baguio. Mrs. Eager is taking back with her Miss Vicenta Jamais, a school-teacher in the islands, and James Elver, an Igorote boy of 17, whom she intends to send to school in the States. Miss Jamais hopes to enter the University of Southern California.

About the Philippines? Well, I say to give them independence right now would be a cruel thing, but it would also swiftly teach them that they are better off under the control of the United States.

There are many well-educated and intelligent Filipinos capable of running the country, but unfortunately these men are not in power nor in a position to get into power.

Those are almost the same words I uttered on the floor of this House a week or two ago. I read further:

The men who are "running" the country are a crowd of cheap professional politicians, who have nothing but their own interests at heart. They are grafters and about everything a low politician can be. To turn the Government over to them would be a cruelty, for they are little better than wolves in sheep's clothing. They are anything but representative Filipinos, and are the mestizos, or part Spanish. It is from this class that the politicians breed. They are cunning, cruel, and selfish.

GENERAL WOOD PRAISED

Asked about General Wood, Mrs. Eager declared that he is a fine man and that he has done wonderful work in the Philippines. "The Filipinos themselves love and respect him for what he has done and is doing for them. It is the other class who are bitterly opposed to him."

Now, this lady, Mrs. Caroline B. Eager, a well-known writer, traveler, and philanthropist, had been over in the Philippines for seven months. She had been establishing a school in Baguio with her own money, her own funds. She was accompanied to this country by two Filipinos, one a boy and one a girl, whom she was bringing to this country to educate. Is she biased in behalf of the Philippines or against the Philippines? The evidence shows that she is doing everything she can to aid them in their march of progress.

I do not know that any of these correspondents have had a financial interest in the Philippines. I have purposely refrained from speaking of our financial interest there. I think that is the only unselfish position to take with regard to the people of those islands. Now, I quote a prominent lawyer of New York and former judge in the Philippines:

PROMINENT LAWYER IN NEW YORK FORMER JUDGE IN THE PHILIPPINES

The American people have confidence in General Wood. * * * The Jones Act in a large measure stripped our Government of executive control of the islands. It is not realized that this act has prevented General Wood from doing little more than check the plundering by Filipino politicians of our insular treasury and our Government-managed corporations in the islands, and this has been accomplished with one hand tied and the other hand only partially free.

Now, listen to this:

You will remember at the last session of Congress a group of American capitalists here in New York, who are closely and intimately identified with the Filipino political leader, procured the introduction into Congress of a bill (the Fairfield bill) looking to the turning of the administration of the islands over to the Filipino politicians and ultimately to the granting of independence. This was a raw, crude, indefensible proposition from every standpoint * * *. The group of American business men above referred to have conceived the view that their interests in the Philippines, which are large, can best be subserved by placing the Filipinos in power and "working along with them." You know what this means. It may be defensible for American business men to "work along with" administrative officers in Latin American Republics, or even in Cuba, but such a thing can not possibly be countenanced by our Government in connection with the administration of one of our own Territories.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. UNDERHILL. Yes.

Mr. WAINWRIGHT. Is that the so-called Fairfield bill?

Mr. UNDERHILL. Yes.

Ask some of the big business interests over there what is meant by "working along with them"? I have had man after man tell me if we got this thing settled and agreed upon that the Philippines shall have their independence in 10 years or 15 years, we will make our fortunes before that time comes. They know they can work along with the politicians, and you know what that involves.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. KNUTSON. The gentleman knows that the Fairfield bill was drawn with the assistance of the Insular Bureau and that it had the approval of the administration?

Mr. UNDERHILL. I do not always follow along with the Insular Bureau.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I would rather not yield to the gentleman. He always gets into a colloquy with me.

Mr. WINGO. I did not know but that the gentleman might have the facts upon which he bases that statement.

Mr. KNUTSON. When we held hearings on the Fairfield bill all the business men who appeared before the committee appeared in opposition. That is the record.

Mr. UNDERHILL. I take that statement for what it is worth.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GILBERT. Every foreigner in the Philippines is unanimous against independence, and the American contingent was so zealous in their opposition to the idea of Philippine independence that we caught them in many transparent misrepresentations.

Mr. UNDERHILL. Oh, they all concurred with the statement that independence should come in a definite time, with the idea that they would make their fortunes before that time came.

Satement by a man who lived in Manila for 25 years, went out in 1898 as a volunteer soldier, and now is a prominent business man resident in California:

The continued agitation for independence, together with our seeming quiescent attitude, has created an atmosphere of uncertainty that stands, and has stood from the first, as an effective barrier to progress and development in the islands. The high-up Filipino leaders do not want it but feel obliged to keep up the cry in order to hold their following. The responsible element among the people and practically all who know conditions as they are have a mortal dread of what would ensue were we to withdraw, but what can they do?

The only information they have from official quarters is that American tenure is temporary, which they are forced to construe as meaning that the United States will, and possibly in the near future, withdraw and relinquish control. It is not difficult to understand how they have been made to feel anxious to avoid antagonizing the native politicians. Confronted by the situation as he sees it the intelligent Filipino is forced to reason that if to-day he openly opposes independence and to-morrow it should come, the next day would see him crucified. And it is in this position that we have placed him.

There is not a plausible point in any argument against our permanent retention of the Philippines and there is every reason why we should retain them, from the standpoint of their interests as well as our own. It naturally follows that there must be some authoritative declaration to the effect that they are American territory and will so remain. Action along these lines should have been taken long ago. Further delay is not alone foolish and unwarranted; it is not less than criminal.

Then I have another one from the editor of several mid-West newspapers who spent many months in the Philippines. He said:

True there is a certain demand for independence in the islands, but it is mainly made by the native politicians, who would be freed of all restraint, and with what results you have but to remember the revolutionary history of most tropic countries. * * *

In point of fact, the Filipinos are not fitted for wisely using the partial governmental control which has already been given them, much less complete mastery of the islands. * * *

However, the gravest question of all is our moral responsibility to this people, a people that we liberated from the tyranny of Spain and now propose to turn loose to probably self-destruction or the questionable mercies of Japan. We have done them much good; we should continue to teach and develop them; it is a plain case of moral obligation as well as good business. If we wish to avoid war about the Philippines, we should make them a permanent, integral part of the United States; if we wish to invite war concerning them, a sure way is to throw them on their own childish resources, then attempt to protect them from other nations.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I regret I can not yield.

Mr. HOWARD. Will the gentleman give the name of that newspaper man?

Mr. UNDERHILL. I will give it later. A prominent former judge in the Philippines says:

I am not thinking so much of General Wood but of his successor. Unless you succeed in what you are trying to do the President will find it difficult to get a good man to go out there as Governor General. No good man will go out there and subject himself to the domination

of these politicians. It is a thankless task at best, and unless a man can see an opportunity to do some good and make some headway in advancing the Filipino people and in developing the islands he is not likely to accept the position.

I would not condemn these people or substantiate my own statements by quoting those who have visited the islands; those, perhaps, to whom might be charged some ulterior motive or some degrèe of prejudice, but I am going to condemn them out of their own mouths. I want to show, first, that Mr. Quezon is all that I tried to present to you when I spoke formerly on this question. He is unreliable; he is unjust; he is unpatriotic; and he is everything we can, with propriety, call him on the floor of this House. That man betrayed the one who was closest to him; who had given him his opportunities, yet in 1921 he overthrew Mr. Osmena, who was really and honestly trying to bring the Philippines out of their chaotic condition. He disrupted his own party and wrote this letter to Osmena, of which he has never denied the authorship:

Since the government of the Philippines was established by virtue of the Jones law, the members of the legislature, as well as the nacionalista members of the cabinet, permitted that you control and direct legislation in our country on the one hand and the administration of public affairs on the other. It may be said that practically all measures which received your approbation were transformed into laws, and no law could be approved without your consent. The department secretaries, individually and collectively, guided their course of action under your inspiration and nothing that was against your opinion was ever done by them. Recommendations on appointments made by the secretaries to the Governor General were made upon your initiative, at least with your consent. Your veto in these cases was definite. * * * This practice put the executive and legislative powers of the government of the Philippines in the hands of one man, or at the utmost in the hands of two men. I say two, because all this was allowed to go on with my knowledge and consent, or at least with my approval.

That is the way government in the Philippines is carried on by an autocratic oligarchy that will not allow the executive to perform his legal functions. They interfere in every way, shape, and manner they can with the development of the Philippines in order to attain their own selfish ends.

I wonder whether he had anything to do with the later dispatch received recently from the Philippines.

Mr. BEEDY. Will the gentleman tell us whether that letter was from Quezon to Osmena?

Mr. UNDERHILL. From Quezon to Osmena. I cut the following from the papers only recently:

PHILIPPINE LEGISLATORS OMIT ALLEGIANCE OATH

(Special Cable Dispatch)

MANILA, February 25.—That the entire lower house of the Philippine Legislature, consisting of more than 90 members, failed to take the oath of allegiance to the United States in their last session was discovered by Benjamin F. Wright, insular auditor, during the authorization of salary vouchers yesterday.

It appears that the legislators did not take the prescribed oath necessary to qualify for seats, but substituted a revised form of their own, a concoction in which the clause referring to allegiance to the United States was omitted.

I wonder whether that had its origin in the busy brain of Mr. Quezon? I wonder whether that was one of his ways of undermining what Governor General Wood is trying to do? I wonder whether that was one of his ways of insulting the American people through an insult offered to their authorized representative, Governor General Wood?

Oh, they are subtle; they are treacherous, and they can make their effect felt from afar. This is one of the things to bring ridicule upon the United States and to bring ridicule upon Governor General Wood. This is one of the cute, brainy things which my friend from Kentucky [Mr. GILBERT] says they are able to do and that Governor General Wood can not meet.

Now, what does the Debate say, the Philippine paper of independence? This is the paper that is widely read by the politicos and not much by anybody else, because in spite of the statement that 60 per cent of the people there are literate, the fact is that only about 35 to 40 per cent in the islands are literate, and in spite of the statement, which is correct, that 90 per cent of those authorized to vote, do vote, but that statement is not followed up with the explanation that only 15 per cent of the population are eligible to vote. The idea of letting a half million politicos, a half million selfish men, and a half million men who have grown great on the meat upon which they have fed, to exploit eleven and a half or twelve million others and do that in the name of independence. Well might we exclaim, "Oh, liberty, how many crimes are committed in they name!" This Debate says:

In view of the plans * * * to despoil the senate of its power to confirm appointments made by the Governor General, * * * Pro tempore Senate President Clarin stated that if the bill announced by the cable is passed, he will immediately introduce a resolution to the effect that the senate be dissolved * * *. Pro tempore President Clarin states that a measure such as is proposed would be a disapproval of the proceedings of the senate, which could hardly be tolerated by the members of the senate, who compose the same * * *. These statements, which are as energetic as frank made by Senator Clarin, are noteworthy and important in that they issue from a man who will most probably preside over the higher body during the first session of the next legislature. It is believed that when the next legislature convenes President Quezon will still be in the United States.

Now, gentlemen, listen to this:

Senator Clarin * * * was called to Manila for a conference by President Quezon, so we understand, probably to hand over to him the political "last will and testament." * * *

To hand over to one man, the president of the Philippine Senate, the last will and testament of another man who has usurped the powers and prerogatives of the authorized representatives of 110,000,000 American people.

President Quezon leaves for the United States, and naturally, as pro tempore senate president, he needs this conference to discuss what is to be done here during the absence of the former.

Now, what is it that excited the president of the senate to declare that he would offer a resolution to dissolve the senate? I have no doubt that would be the best thing that could be done, but what was it? It was a telegraphed or written suggestion of my own. I do not criticize unless I can offer something constructive in the place of that which exists. So after my visit to the Philippine Islands I made these suggestions, which I hope to see embodied in a bill, and I suggested them to some of my colleagues who were over there, not at the same time but later than I was.

First. Departmental secretaries are responsible direct to the Governor General and under his control and supervision. He should have a free hand in the appointment of these secretaries and they should not be subject to confirmation on the part of the senate.

The politicos will not confirm them unless they are politically of their own faith, and pledge their allegiance to the legislature dominated by the politicos.

Second. He should have full authority to appoint governors of non-Christian Provinces without confirmation.

Refer to my remarks made a day or two ago and see what has been the result of trying to Philippinize these non-Christian Provinces; the blood that has been shed and the horror that has occurred. These people want American governors but the senate refuses to confirm any American nominated by the Governor General. The senate refuses to confirm any American no matter how friendly he may be, no matter how able he may be, and no matter how altruistic or idealistic he may be. What an insult to the American public.

Third. There should also be a general declaration that American citizens who have the proper qualifications should be eligible to hold any office or fill any position.

I just make that as a declaration and not a part of the law, so that those who are willing to go over there, as Governor General Wood and others have, and give their services to the uplift and progress of these people and the progress of the world, may not be discriminated against by this gang in the Senate of the Philippines.

Fourth, the Governor General should have the power to appoint all constabulary officers. These officers should not in any way be dependent on political favor.

The Governor General is commander in chief of the force and appointments to it should be made by his order.

Why, the most ardent idealistic supporter of independence could not deny that that is a good proposition. The Governor General is commander in chief of the forces, and appointments to it should be made by his order.

The loss of pretty much all of the old American officers has weakened the force, and should it drift into politics the governor would be up against a very serious situation.

Just think of that situation. They are the protective forces of the Islands. Heretofore they have been governed by American officers. They have reached a high degree of efficiency. They are 100 per cent in marksmanship and in drill. They are loyal, every man of them, at the present time, to the American flag, and hope to see it remain over the Philippines, but let

politics creep in there, the same as in the health department, in the banking and currency department, in agriculture, and in everything that it got into, then comes that insidious boring from within, that destruction of that which has been built up by hard labor, that subversion of civic service to political preferment, and I will tell you it is a serious matter.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman 10 more minutes.

Mr. UNDERHILL. These are the suggestions which apparently brought about this later situation, where they refused to take the oath of allegiance to the United States, the Government that has done so much for them in the past, and threatened to dissolve their legislative body, unless they are left at liberty to work their own will and pleasure upon these defenseless people.

These are mild propositions. Would any of you object to them under similar circumstances? I trust not. Give independence to the Philippines to-morrow, but as long as our flag waves above those Islands, for God's sake protect the representatives of the American people and your own dignity. Do not let them wipe their feet on you and take your licking lying down. [Applause.]

A lot has been said here about General Wood and his militarism. I want to read you just one little paragraph from a letter that was sent to General Wood from Culion. Culion is the refuge where all the lepers are segregated. I told you that when General Wood came to Manila, in spite of the law which required these cases to be segregated, he found over 300 of them upon the streets of Manila. He was criticized for sending them to Culion. What do they say down there about him? Fourteen hundred of these lepers sent this letter to General Wood, and I copied it from a report on the Philippines, not from General Wood:

> We have full confidence that whoever may succeed you as chief executive of these islands he will not take any backward step relative to the policy you laid out for Culion, but the world can never deny before you came our newly risen star of hope was not known then, the world cared very little for our sufferings and miserable existence, and we were left only to take out our misfortune to the gaping jaws of an open grave claiming us as its prey.
>
> However, conditions have now changed considerably, thanks to the timely arrival of your excellency, the acclaimed savior of lepers.
>
> When you leave our shores please be assured that you shall carry with you the everlasting gratitude and fond memories of these unfortunates who have found in your excellency the angel and conductor, their alleviation and hope for better days to come. We shall always treasure your most venerable name, and your benevolence shall serve always as our comfort in our hours of grief and distress.
>
> Lastly, please allow us to wish you and your family the blessing of God for your kind-heartedness and humanitarian and noble work so far bestowed upon us, and beg to remain, with due respect.

Signed by the chief and 1,400 of these poor, suffering people down on the island of Culion.

How many of you have ever visited a leper colony? I have. They have a community just the same as we have here in Washington; not so large in numbers, but nevertheless influenced by all of those emotions to which we are subject. They have their churches and their schools. They have their markets, they have their playgrounds, they have their athletic fields, they have their amusements. They have everything except freedom and health. I visited a colony of lepers, and the health officer asked if one of them would just say a word and offer any criticism or suggestion to the Congressman which might be of service to him or to them.

One woman about 45 years of age, I should judge, rose to her feet and in beautiful language thanked the Congressman, or thanked, rather, the Congress, through the Congressman, for its interest, and asked for a further extension of United States Health Department work. I was asked to respond to this. I did so and promised to the best of my ability to assist them whenever their case should come before me, for I certainly was filled with sympathy at their situation.

Gentlemen, that body of afflicted people, not long ago sentenced to death, but now under their newly arisen star of hope, did they raise their voices, like the Savior on Calvary, who in his lamentations cried, "My God, why hast Thou forsaken Me." No; they arose without previous arrangement, without suggestion of any kind, and lifting their faces to heaven, sang, "Praise God, from whom all blessings flow; praise Him all creatures here below."

My friends, I stood dry-eyed on the verge of eternity at the volcanoes, awed at the handiwork of God in the making of the world, but there I saw the making of a soul, and my emotions were so stirred that I could hardly see out of my eyes. If General Wood never did another thing in all his life to entitle him to a place in the hall of fame, to entitle him to a place in the hearts of all of his countrymen, that which he has done for the poor suffering people on the island of Culion would entitle him to such honor. [Applause.]

I hold no brief for General Wood. I did not know him until I went to the Philippines. I only met him on two occasions while I was there. I have never been a political supporter of General Wood. I have admired his work in the Philippines, in Cuba, and elsewhere, but let me tell you, my friends, what did strike me, and that was this. No red-blooded American citizen, I do not care what his politics may be, I do not care if he is even a communist, if he is a socialist, if he is a bolshevist, can not help but admire the patience, can not help but admire the diplomacy, can not help but admire the indifference to insult that General Wood displays over there for the good of humanity and for the love he bears the American flag. [Applause.]

My friends, it is not what you or I think of General Wood but what you and I may think about ourselves. To-day we pride ourselves and praise our Government not only in these halls but elsewhere. We tell what a wonderful people we are and how we lead the world, but if we lose our self-respect, we lose everything. We may lose our money, we may lose our friends, we may lose our dear relatives and have only the sweet memory left, but when we lose our self-respect we lose everything. [Applause.]

My good friends, make a visit to the Philippines and see the way that the politicos discredit the American flag, the rights of the American people, and then if you are not stirred by the same emotions I was, you have lost your self-respect and everything that goes with it.

Now, my friends, I am through with this question until it comes up in the proper form in Congress. I have an immense amount of information that I have gathered, and once again I repeat that I have no friends to reward, I have no enemies to punish, but I protest against this theory, this idealism, that would place twelve and one-half million people at the mercy of half a million of cheap politicians. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 20 minutes to the gentleman from West Virginia [Mr. TAYLOR].

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, two years ago when the appropriation bill dealing with the Bureau of Mines was up for consideration I took occasion to call attention to the great work that was being done by the Bureau of Mines, and I suggested in the interest of the bureau and in all fairness to the men doing that great work that there should be an increase in the appropriation in order that more of the same kind of work might be done. I recall that when the bill came up under the five-minute rule $359,000 had been allowed for the investigation of mine explosions by the bureau. In the hearings Doctor Bain stated that they were falling down in the work of investigating mine explosions, and I moved to increase the appropriations to $400,000 that the good work might be expanded and continued. My efforts failed by a very small vote.

Last year when this bill came up again I noticed with satisfaction that the item of $400,000, which I had asked for in the previous year, was at the time carried in the bill for the purpose of investigating mine explosions. I took occasion to commend the Committee on Appropriations because of the fact that they did seem to have $400,000 in the bill for that purpose.

After the bill passed it was pointed out by an official of the Bureau of Mines that in reality the bill provided that of this sum of $400,000, $58,000 should be expended for personal services in the District of Columbia, and so in reality instead of there being an increase in that item, as there seemed to be, there was a decrease of $17,000 for this great work of carrying on investigations relative to mine explosions, which had caused great loss of life throughout the country.

I have prepared here a table, to which I call your attention, showing a list of deaths in States that produce coal. In 1925, for example, there was in the State of Alabama, from which my good friend Mr. OLIVER comes, 50 deaths from falls of roof and coal, 64 from mine explosions, and 47 from other causes, making 161. So as you come down the line of States you will find that there have been in the last year 345 deaths caused from mine explosions. I believe that the Bureau of Mines should be given more money with which to investigate mine explosions in order that they may carry on the work in which they have been engaged for a number of years.

Some years ago it was a disputed question whether coal dust was explosive; but within the past few years after a study of the question experts have come to realize that coal dust will explode, and during the past two or three years the

operators of the country have been furnished with bulletins showing how to prevent coal-dust explosions by rock dusting.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. Yes.

Mr. McKEOWN. I notice by the table that the deaths in Oklahoma were 13 in 1925. Does the gentleman take into consideration the loss of 93 men in one explosion?

Mr. TAYLOR of West Virginia. That disaster probably occurred after the first of this year. These figures were given to me by the Bureau of Mines, and I think they are authentic for the year 1925. While we are appalled at the great number of deaths which occur from mine explosions, we fail to take into consideration another prolific source of mine deaths. This chart shows that while we had 345 deaths from mine explosions in 1925, there were 1,075 deaths caused by falls of roof and coal. We talk about mine explosions because they make great news for the papers, and the attention of the people is riveted to mine explosions because they are played up by the newspapers; but while 345 deaths have been caused by that, there have been 1,078 deaths from falls of roof and coal. Almost 50 per cent of the deaths which occur in the coal mines of the country are due to the falling of roof and coal, and this prolific source of mine deaths has received no special consideration at the hands of the Bureau of Mines because that bureau is cramped for lack of funds. I had hoped that this year the appropriations for the bureau might carry some little increase, but I am disappointed to find that instead of there being an increase for this important work there are further decreases over the appropriations of last year. For example, there has been a decrease of $430 in the item of the investigation of mine explosions; and for the operation of mines, rescue cars, and so forth, there has been a decrease of $1,910; and in the item of mining experiment stations there has been a decrease of $25,300.

Mr. Chairman, I am just as much in sympathy with the economy program of the administration as any gentleman in the House, but I do not believe that we should attempt to economize at the expense of life and limb on the part of the men who go into our mines and who do the useful work of the world in keeping the Nation warm and the wheels of industry moving; and on behalf not only of the 34,000 miners who live in my district but the 87,728 miners who live in my State, and in behalf of the 731,162 miners who are employed throughout the United States I protest against the further curtailment of the appropriations for the Bureau of Mines, because that bureau is engaged in a very important work.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. Yes.

Mr. SHREVE. Is the gentleman aware of the fact that all of the reductions that he has referred to were recommended by the Bureau of the Budget?

Mr. TAYLOR of West Virginia. That may be true. The Bureau of the Budget follows the lead of those who set the fiscal program for this country, in an effort to make a great record for economy, but can we afford to make that record at the expense of the lives and the limbs of men who enter the mines?

Mr. SHREVE. The gentleman did not make any effort to present the facts to the Bureau of the Budget?

Mr. TAYLOR of West Virginia. I did not. I have been led to believe by the statement of the gentleman from Michigan [Mr. CRAMTON] on the floor of the House last year that we might expect further increases in behalf of the Bureau of Mines, which was then under the Interior Department. I called attention at that time to the fact that we seemingly had an increase of some several thousand dollars for this specific purpose, and the gentleman stated at that time that we might reasonably expect to have other increases for this very important work. Yet I find that there has been no increase, but there has been a decrease in the amount of money which is allowed the Bureau of Mines, and I am informed by an official of that bureau that word had come down to them that this is to be a lean year in the matter of appropriations, and that they have not the money with which to carry on the experimental work they hope to do. It seems to me the gentleman from Pennsylvania [Mr. SHREVE] should be interested in this matter because his State ranks next above mine in the production of coal and he has in his State 297,000 men employed in mining coal, and in his State during the year 1925 there was a total of over 700 deaths from the causes which I have cited.

Mr. SHREVE. There is a right way and a wrong way to go about this thing. The policy of the subcommittee is to never exceed the estimates made by the Bureau of the Budget and in the aggregate we are $59,000 under the estimates. The place for the gentleman to take his trouble is to the Bureau of the Budget.

Mr. TAYLOR of West Virginia. That time has passed. The only thing that I can do now is to take it to this House and point out to the gentleman from Pennsylvania that his State is vitally interested in this matter, and to the gentleman from Alabama [Mr. OLIVER] that his State is vitally interested in this matter because he has 26,204 miners in his State.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. Yes.

Mr. BOX. Does the gentleman feel that a Member of the House, with its power to make these appropriations, ought to be compelled to go to the Chief of the Bureau of the Budget to beg for appropriations? Does not the gentleman feel that he is presenting this question to the people who have a right to consider it?

Mr. TAYLOR of West Virginia. I think so, sir.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. Yes.

Mr. OLIVER of Alabama. What amount does the State of West Virginia appropriate for this same purpose?

Mr. TAYLOR of West Virginia. Let me answer the gentleman from Alabama in this way:

I have the honor to represent in part a great coal-producing State, and the fame of West Virginia coal has recently been proclaimed throughout the length and breadth of the country, not by those who produce it, but by those who consume it. Realizing its great importance in its contribution to the wealth of the Nation, my State makes generous appropriations for the upkeep of the State department of mines. Frequent inspection is made and safety practices and first-aid principles are instilled into the minds of the miners. The New River Co., operating 15 mines in my district, mining the celebrated New River smokeless coal, and employing about 4,000 miners, is one of the leaders in my State in first-aid, mine rescue, and safety work. Each operation has a first-aid and mine rescue team, and first honors have more than once been taken at international meets. A safety director is employed and more than the usual attention is given to safety and first aid. The monthly magazine has much to say about safety, and a blank sheet, on which miners are urged to make report of any unsafe practices or conditions, is a special feature of each issue. The Berwind-White Co., another large coal company, with a number of mines, has similar precautions for mine safety, and I find that practically all of the operators of my section join willingly in an attempt to reduce mine accidents, yet in the face of all of this precaution accidents which take a toll of life are of daily occurrence in my State as well as elsewhere, and I believe that the remedy lies in a greater interest in the scientific study of these questions by the Bureau of Mines, and this greater interest can not be forthcoming on a curtailed appropriation of money each time the bureau is to be provided for.

We in West Virginia, the second largest coal-producing State in the Union, have a right to know what precautions are taken for mine safety in Pennsylvania, in Illinois, Kentucky, Ohio, and Indiana, and every other State where operators and mine departments are working hand in hand to reduce mine accidents. If you have any practices which will save the lives of our miners, we have a right to know it. If we have any safety practices which will save the lives of miners in other States, it should be told to them. The Bureau of Mines, working in conjunction with the State mine departments of all our coal-producing States, should be the one big clearing house for safe mining knowledge, and it can be if we will give it the money with which to function.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TAYLOR of West Virginia. I will.

Mr. OLIVER of Alabama. I think Members of Congress recognize that this is a very important work carried on by the Federal Government, yet it is merely a cooperative service. The Federal Bureau of Mines has absolutely no authority in a State except such courtesies as the State extends. There have been no overtures by any State, so far as the committee knows, asking an increase of Federal appropriations.

Mr. TAYLOR of West Virginia. Perhaps true.

Mr. OLIVER of Alabama. It would be interesting if the gentleman could answer what his own State has contributed to this very important work over which it has sovereign control?

Mr. TAYLOR of West Virginia. I regret that I can not give the exact figures, but must content myself with the answer previously given with respect to liberal appropriations being made. Yet in spite of liberal appropriations in my State and other States, we find during the past year 1,078 men were

killed by falls of roof and coal. What are we going to do about it? I believe we should do something to enable the Bureau of Mines to make a scientific study of this very important question, cooperating with the several coal-producing States of the Union, in order that West Virginia may know what Pennsylvania is doing, and in order that Pennsylvania may know what Alabama is doing, and in order that Alabama may know what Ohio is doing, and all the coal-producing States of the Union, so that we can have information in order to lessen the great number of deaths.

Mr. OLIVER of Alabama. There seems to be no doubt but what the Bureau of Mines has made studies and investigations along all the lines to which the gentleman has referred and has published many interesting and informing bulletins. Too often owners of mines do not carry out the recommendations of Federal experts, and large judgments have been rightfully rendered against some mine owners for failure to carry out not only recommendations of the Federal Bureau of Mines but those of the States.

Mr. TAYLOR of West Virginia. I will say to the gentleman that is not true in my State. I think the Department of Mines and the mine operators of my State have met the Federal Government half way in every proposition. I want to call attention to this fact. In the last column of this table I have given the number of Members of the House from those States which produce coal, and I find that 270 Representatives here are from coal-producing States. If you eliminate those from the States which have less than 10,000 miners, I still find that there are 166 Members in the House of Representatives from States which have more than 10,000 miners, a number sufficient, if interested, in the miners in their respective States to protect them by giving sufficient appropriations to the end that they can investigate the causes of mine explosion and the causes of falling roof and coal.

Mr. WYANT. Will the gentleman yield?

Mr. TAYLOR of West Virginia. I will.

Mr. WYANT. Has the gentleman made a study of the percentage of fatalities in other industries compared with that of the mining industry? It is a very interesting study.

Mr. TAYLOR of West Virginia. No; I have not. I will say I came here to plead the cause of the miners to-day, because of the fact that I realize that mine accidents are increasing, and we want to do something that will avoid that.

Mr. SHREVE. If the gentleman will yield, in order to keep the record straight I want to say this committee this year increased the appropriation over last year by $43,390.

Mr. TAYLOR of West Virginia. Will the gentleman show me where that is indicated in the statistical table?

Mr. SHREVE. It is found on page 47 of the report of the committee. Another thing that I want to mention is that we got a great deal of assistance from the outside.

Mr. TAYLOR of West Virginia. Will the gentleman explain these figures to me?

Mr. SHREVE. Yes.

Mr. TAYLOR of West Virginia. On page 47 of your committee report, where increases and decreases in the bill are noted, as compared with the appropriations for 1926, I find the following:

Bureau of Mines

Salaries and general expenses, decrease	$1,320
Investigating mine accidents, decrease	430
Operating mine rescue cars, decrease	1,910
Mineral mining investigations, decrease	680
Expenses of mining, experiment stations, decrease	25,300
Oil shale investigations, decrease	150

I get these figures from the report of the gentleman's committee.

Mr. SHREVE. Those are details. Here is one, which I submit for the information of the gentleman——

Mr. TAYLOR of West Virginia. Has there been an increase? If not, why is it not shown in the report?

Mr. SHREVE. There is $75,000 increase for helium alone in this bill.

Mr. TAYLOR of West Virginia. I am speaking of coal mining, not the production of helium.

Mr. SHREVE. These matters have not been presented to us in detail, and have not been presented to the Bureau of the Budget. The gentleman is unfair in complaining of the action of the committee.

Mr. TAYLOR of West Virginia. I am just calling attention to this fact——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. TAYLOR of West Virginia. May I have a little more time?

Mr. OLIVER of Alabama. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for five minutes more.

Mr. TAYLOR of West Virginia. I simply call the attention of the Members of this House to the fact that the number of mining disasters is increasing.

Quite frequently during the past 20 years I have stood amid weeping women and children about the drift mouth of the mine shaft and have seen the lifeless forms of hundreds of miners carried forth to their final resting places on the hillsides. I know at first hand of the horrors of a mine explosion, of the hope, of the uncertainty, of the dread while loved ones on the outside waited through the long night for word of men imprisoned by a mine explosion, hoping against hope that by some miracle the earth which swallowed them the morning they went to work might, in its kindness, give them back alive.

The life of a miner is a hard one, even at the best. Working far underground, always by artificial light, exposed hourly to the hazards of explosion or the sudden and unexpected falls of roof and coal, he is entitled to every consideration at our hands and to every safeguard that we can throw about him by the expenditure of money or the enactment of law. I am for strict economy, but I can not consent to economize at the cost of a life of a single miner. There are other places where economy can be practiced without endangering life.

I think this chart should have an appeal particularly to men coming from States where as many as 10,000 miners are employed. The gentleman's State, Pennsylvania, employs the greatest number. In the bituminous and anthracite regions there is a total of 297,345. My own State of West Virginia employs 87,728; the State of Illinois comes next, with 82,000; the State of Alabama has 26,204; the State of Indiana has 29,000; the State of Iowa has 12,809; the State of Kansas has 10,272; the State of Kentucky, 44,269; the State of Missouri, 9,500; the State of Ohio has 47,789; and so on.

The industry is a great one. It contributes much to the wealth of this great Nation of ours, and it seems to me that it is a poor policy and poor economy on the part of the Bureau of the Budget, in making its recommendation to the Committee on Appropriations, to recommend such low figures as these to the Committee on Appropriations. I believe that the lives of the men who go underground to dig the coal and keep this Nation going should be safeguarded in every particular.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. Yes.

Mr. WOODRUFF. Is there anything in the law creating and governing the Bureau of the Budget that prohibits the Committee on Appropriations of this House from increasing the appropriations above the estimates made by the Budget?

Mr. TAYLOR of West Virginia. I do not know of it. We can increase them and give them more money with which to carry on their investigations.

Mr. WOODRUFF. It seems to me the gentleman has made a very fine statement of the situation existing in the coal mines of the country, and it seems to me the House should increase the appropriation for the purpose of doing away with, or minimizing, if we can, these accidents that occur in the mines.

Mr. TAYLOR of West Virginia. I agree with the gentleman from Michigan. This House has control of the money, and it seems to me in the interest of these men who toil and whose lives are not very rosy anyhow we should do everything we possibly can to help them along.

Mr. WOODRUFF. The gentleman has called our attention to the fact that accidents in mines have been increasing.

Mr. TAYLOR of West Virginia. Yes. There is no doubt about it.

Mr. WOODRUFF. During the many years that I have taken occasion to observe mine accidents I have not seen as many or of as horrible a nature as those which have occurred in the last few months. I think it is outrageous for Congress to leave anything undone that could prevent, or help to prevent, these disastrous accidents.

Mr. TAYLOR of West Virginia. The gentleman is quite right about it.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of West Virginia. I will.

Mr. SHREVE. I desire to say that the small items mentioned by the gentleman simply have to do with the equalizing of the forces. For instance, in one place there was a clerk at $1,300 that was let go, but the item of $25,000 for mining experiment stations has received consideration. I want to read from the hearings.

Mr. LYON. This appropriation provides funds for the following types of work:

Mine explosions and fires occurring in the United States are investigated to determine the causes and other pertinent facts regarding them with a view to preventing similar occurrences in the future. Supple-

mentary studies are made in the laboratory or at the experimental mine.

Through cooperation with the British Government the Bureau of Mines maintains observers in the laboratories of the British Safety in Mines Research Board and the board maintains observers in the laboratories of the bureau, thus the work of each becomes available to the other and for an expenditure of a small sum the bureau receives the full benefit of about $200,000 spent by the research board in the investigation of mine accidents.

Now, it is all done within the bureau. The recommendations came to this committee from the Bureau of the Budget and from the Department of Commerce and we have carried out to the last letter the idea as presented to us. I say again it is proper, and I yield to no man in my sympathy for those men who go down into the ground and dig the coal that warms the firesides of the Nation, because we have more of them in my State than in any other State that I know of, and possibly I know more about it than some of the other gentlemen. I have had something to do with mines and mining for a good many years and I am in full sympathy with anything that tends to protect these men. But here was a situation where no one came before the committee and asked for $1 extra. The Bureau of the Budget made certain recommendations and the Secretary of Commerce made certain recommendations, so there was nothing left for us to do but follow their recommendations. As I say, there has been no demand that the sum should be increased. I want the members of the committee to understand that.

Mr. TAYLOR of West Virginia. I would like to say that I called at the Bureau of Mines, and I asked whether there was enough money appropriated in the present bill for the Bureau of Mines. This answer came back to me: "What sort of an answer would you expect to a question like that?" I said, "Of course, I know you are precluded from asking for more money, because of the fact that the fiscal policy has been arranged by those higher up." However, they told me at the Bureau of Mines that word had come to them that this would be a lean year in the Bureau of Mines, and that they were to cut the appropriations to a minimum. They also said that they could not do the kind of work they had hoped to do because of the fact that they were limited as to money. Of course, I am not blaming the gentleman from Pennsylvania at all. He took his figures from the Budget; but I do say that the men who were in charge of the Bureau of Mines are better authorities as to what is needed than some others.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. TAYLOR of West Virginia. Will the gentleman from Pennsylvania yield me some more time so that I may answer him further?

Mr. SHREVE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. TAYLOR of West Virginia. I would like to say that the Bureau of Mines, of course, must take what is suggested to them by those higher up in the Department of Commerce. I am not blaming this committee at all; I am simply calling the attention of the Members of this House to the fact that deaths from mining accidents are on the increase and that we should do something in order to avoid that if it is possible so to do.

Mr. SHREVE. The gentleman made certain statements about some remarks that have come to him about these appropriations. I think it would be only fair to tell the House whether those remarks were made by the Secretary of Commerce or by the Director of the Bureau of Mines.

Mr. TAYLOR of West Virginia. No. I went to the Bureau of Mines. I went to the fountainhead for my source of information. It is enough for me to say that I talked to a gentleman at the Bureau of Mines, and I think I talked to the proper official. I do not care to mention any names on the floor of the House, but I do wish to say that the Bureau of Mines needs more money.

Mr. SHREVE. Does the gentleman know of any bureau that does not need more money?

Mr. TAYLOR of West Virginia. Well, I know of bureaus that are getting more money than the Bureau of Mines and bureaus not concerned with human life, as is the Bureau of Mines.

Mr. WOODRUFF. Will the gentleman from West Virginia yield to me in order that I may ask a question of the chairman of the committee?

Mr. TAYLOR of West Virginia. I will.

Mr. WOODRUFF. The gentleman's explanation of the reason which led the committee to limit this appropriation is very clear to me, and I think it puts the committee in a fair light before the membership of the House. The chairman read a quotation from a letter written by the Secretary of Commerce, wherein he stated that this work would be carried on in some other way. Now, did the committee attempt to elicit from any of the witnesses information as to just how this work was supposed to be carried on, as indicated by the Secretary of Commerce?

Mr. SHREVE. Yes; that is ceramic work and is work that is moved over into the Bureau of Standards. You will remember that the Bureau of Mines has never been in the Department of Commerce until this year, and there were certain activities moved over to the Bureau of Standards, where they properly belong, and where they will be conducted from now on. I think sufficient appropriations were made to take care of those activities.

Mr. WOODRUFF. Can the chairman tell the Members of the House just what appropriations have been made or are contemplated for this work in the Bureau of Standards?

Mr. SHREVE. It was the entire ceramic work that they were doing in the Bureau of Mines, whatever that appropriation was.

Mr. WOODRUFF. What appropriations were made for this purpose?

Mr. SHREVE. The same as for the last year.

Mr. WOODRUFF. There has been no increase?

Mr. SHREVE. No. Here was the situation: We found, and we have been finding, as I said to the gentleman, numerous activities that are interlocking.

Here would be two activities doing the same thing, and we found in the case of ceramics the Bureau of Standards was doing a certain work and the Bureau of Mines was doing the same kind of work. There was no use carrying on the two activities because there would be duplication. We found such things last year also, and the gentleman from Michigan [Mr. CRAMTON] and I talked the matter over and made some adjustments at that time. This is simply doing away with a certain service that is already being done in some other bureau. All of this work will go on in the Bureau of Standards the same as it has been going on in the Bureau of Mines.

Mr. WOODRUFF. I agree entirely with the chairman that it is in the interest of economy to consolidate these activities, but at the same time I hope the House either has or will grant an increase of appropriations for this work, because, as the newspapers tell us from day to day, the loss of life as a result of accidents in mines is constantly increasing. There was never known in all the history of mining, so far as I have known of it, as many accidents of this character as have happened in the last few months.

Mr. TAYLOR of West Virginia. In conclusion, Mr. Chairman, I want to say that this statistical table will be put in the RECORD along with my extension of remarks, and I invite the attention of all the Members of the House to this table because I believe it shows the condition accurately and concisely. [Applause.]

The table referred to is as follows:

Coal-mine deaths, 1924–25

	By falls of roof, rock, coal, and pillar coal, 1925	By gas or coal dust explosion, 1925	All other causes, 1925	Total, all causes, 1925	Total, all causes, 1924	Number of miners employed, 1925	Representatives in House
Alabama	50	64	47	161	77	26,204	10
Arkansas	6	3	4	13	9	3,771	7
Colorado	31	4	21	56	44	12,499	4
Georgia and North Carolina		53		53	1	453	22
Illinois	61	12	47	120	173	82,305	25
Indiana	27	60	16	103	48	29,149	13
Iowa	13		6	19	15	12,809	11
Kansas	5	3	3	11	7	10,272	8
Kentucky	111	34	39	194	146	44,269	11
Maryland	8		4	12	9	5,108	6
Michigan	2		3	5	3	2,128	13
Missouri	3		8	11	6	9,500	16
Montana	3		3	6	15	3,705	2
New Mexico	12		6	18	16	3,535	1
North Dakota	2		4	6	3	1,143	3
Ohio	48		47	95	98	47,789	22
Oklahoma	3	4	6	13	12	7,811	8
Pennsylvania (bituminous)	181	6	122	309	349	297,343	36
Pennsylvania (anthracite)	170	43	187	400	406		
Tennessee	10	13	3	26	22	12,226	10
Texas	2			2		3,112	18
Utah	17		7	24	109	3,726	2
Virginia	34		12	46	39	12,418	10
Washington	16	5	11	32	26	5,454	5
West Virginia	263	40	185	478	514	87,728	6
Wyoming	10	1	6	17	60	6,674	1
Total	1,078	345	797	2,230	2,396	731,102	270

Mr. OLIVER of Alabama. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. GRIFFIN], a member of the committee. [Applause.]

Mr. GRIFFIN. Mr. Chairman and gentlemen, seven years ago there was injected into the organic law of our land a police regulation which, like a foreign substance in the human body, has induced a continuous ferment analogous to a disease in the body politic. Palliatives are of no avail. There can be no cure until the cause is removed.

There may seem to be no prospect of removing the eighteenth amendment, but I confess very candidly that I would like to see it repealed. I would like to see it eliminated because I believe it was introduced into the Constitution of the United States upon a basically erroneous theory. Look at it; observe its phrasing. It is, in short, a police ordinance put into the American Constitution; an instrument which was fundamentally intended only to create the framework of government and to prescribe the powers of its members.

I have heretofore said that the eighteenth amendment was the first amendment to the Constitution of the United States which curtailed human liberty. All the other amendments to the Constitution were intended to enlarge human liberty, to extend individual rights; but this amendment, of all of those added to the original instrument since its adoption, is the only one which curtails, diminishes, and circumscribes individual liberty. In my speech on July 8, 1919, when the Volstead bill was before the House, I summarized the situation in the following language:

This amendment is clearly antagonistic to the spirit of the Constitution, the principles which governed its creation and guided its gradual modification for over 130 years. It has broken ground in a new direction, establishes a new precedent which is fraught with many dangers, and may lead to efforts in the future to engraft upon our Constitution further trespasses upon personal rights. It is an unhappy augury of the future that we have abandoned the wise maxim of our forefathers that the Federal Government may enlarge but shall not diminish individual liberty.

I know I shall be charged with being a nullificationist, but I base my views on strictly philosophic and patriotic grounds. I have arrived at my conclusion through a careful study of the origin of our Government. I commend to my colleagues who are active in the agitation for the preservation of the prohibition idea a study of the debates in the constitutional convention which framed the organic law of our land. I urge them to read the Federalist and to look into the political philosophy upon which our Constitution was built.

ELEMENTS OF THE CONSTITUTION

This is the point I emphasize, the Constitution of the United States was something new in the history of free government. It was a tremendous venture, undertaken by broad-minded, able men familiar with the tribulations of democracies in past ages. They were seeking a basic law for the government of a democracy, and when they got down to that task they saw that they must concern themselves chiefly with fundamentals. First, the framework—how the country should be governed; the character and duties of its Executive. Second, its parliamentary system, whether it should be a single chamber or bicameral, and you will observe that they were careful in circumscribing and limiting the powers that should be given to the Congress, taking care that the reserved rights of the people and of the States were not encroached upon. Third, the judiciary—and that was the least elaborated of them all, because they felt that the dangers of free government were to be found chiefly in the possible encroachments of the legislative and executive branches. They stuck rigidly to the fundamental idea that the Constitution should contain only a framework of government, prescribing and limiting with meticulous care the powers that were intrusted to its particular branches.

They studiously avoided the introduction into the instrument of anything in the nature of substantive law, with the result that when the Constitution was finally framed and submitted to the Colonies a great agitation ensued throughout the country because they had failed to incorporate the Bill of Rights.

Great men of the day opposed it, among them Alexander Hamilton, Patrick Henry, and Thomas Jefferson. Hamilton's opposition was finally quelled by a more careful study of the document, which, indeed, he undertook to defend in the Federalist, along with Madison.

THE BILL OF RIGHTS

The sentiment throughout the 13 Colonies was that the organic law of the country should have stipulated specifically within its confines reaffirmation of the Bill of Rights. A bill of rights has been characterized as a contract between the king and his people containing the reservation of rights not surrendered to the crown. Such was the Magna Charta which was wrested from King John, an agreement that the subjects should be secure in their lives, in their liberty, and in their property, enumerating certain safeguards. So likewise was the petition of right drawn from Charles I in the beginning of his reign, only to be later repudiated. But, mark you, the repudiation did not destroy the right. That survived all encroachments. Then there was the declaration of rights, which was assented to by the Prince of Orange in 1688, before the people would intrust him with the crown. For double security it was afterwards put in statute form as an act of Parliament, commonly called the Bill of Rights. But that, in my opinion, did not add one iota to its value.

The basic covenants securing individual life, liberty, and property, the trial by jury, and the other safeguards of the Bill of Rights were always considered as the fundamental, unwritten law of England. King John and Charles I did not violate written laws. They violated the unwritten, basic law of the land. In England the unwritten law is the constitution, and that constitution is the Bill of Rights. Parliament can pass no law in violation of the Bill of Rights.

However, the sentiment for the injection of the Bill of Rights into our Constitution grew apace. They had the experience of King John and Charles I before them and they wanted the "contract to be in writing," as it were. In many of the Colonies, when the question was submitted, the assent of the legislatures of the Colonies was secured only upon the promise and agreement that the Bill of Rights would be inserted in the Constitution by the passage of an amending resolution, so that it could be submitted to the State legislatures at their first meeting after Congress had taken the action. Yet Hamilton took the view that it was not necessary to put in the basic law of the land a bill of rights. His argument upon that point is worth our consideration to-day, because it displays the remarkable acumen of the man, his wonderful wisdom, and his farsightedness in foreseeing consequences.

HAMILTON'S VIEWS

I want to read you Hamilton's argument in the Eighty-fourth Federalist. He said:

I go further and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted, and on this very account would afford a colorable pretext to claim more than were granted.

Now, mark the keenness of this reasoning:

For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed?

Continuing, he says:

I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power. They might urge with a semblance of reason that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication that a power to prescribe proper regulations concerning it was intended to be vested in the National Government. This may serve as a specimen of the numerous handles which would be given to the doctrine of constructive powers by the indulgence of an injudicious zeal for bills of rights. (The Federalist, No. LXXXIV, p. 439, McLean ed., New York, 1788.)

Notwithstanding Hamilton's argument the Bill of Rights was inserted in the Constitution. Now observe what has happened. There was no amendment introduced or adopted which threatened to confirm or justify Hamilton's fears until we come down to the eighteenth amendment, the amendment which embodies in its terms the features of a sumptuary act restraining individual liberty and prescribing the things that may not enter into the diet of the people.

THE OLD SUMPTUARY LAWS

The old sumptuary laws of barbaric days prescribed that the mechanic had to keep his place; he could not wear broadcloth or silver buckles on his shoes. If he was a carpenter he had to wear the insignia and apparel of his trade. If he was a shoemaker he had to adhere to that. He had to live within his means and keep his place—a good thing in itself; but a bad thing when coerced by law. But those ideas of medieval days have passed into the darkness of oblivion. Civilized men have abandoned them, and no king or potentate, nor any government, by mere majority of mass, or power, or strength can ever successfully or for long revive them.

The amendment was carried to the Supreme Court of the United States and by a 7 to 2 decision the amendment itself

and the Volstead law predicated upon it were affirmed and held valid. Three of the judges wrote separate concurring opinions and two wrote dissenting opinions. Now observe the import of this decision. The Supreme Court substantially holds that a guaranty contained in the Bill of Rights can be superseded, nullified, or repealed.

DANGER AHEAD

With this decision as a precedent a constitutional amendment providing for the establishment of a State religion would be perfectly valid. If Hamilton's advice had been followed and the Bill of Rights, precious as we have deemed its guaranties in the past, had not been added to the Constitution, the Supreme Court of the United States would not have dared to hold that the fundamental rights of mankind could be repealed by a constitutional enactment. That is a power that is not given Congress, to courts, or to majorities. But by this decision, freedom of religion, freedom of speech, and trial by jury—all are imperiled.

The object of the Bill of Rights and of all of its safeguards was to preserve human liberty safe from coercion, and to uphold it against the mandates of kings, as well as from the danger of oppression by a temporary majority.

If this precious Bill of Rights had not been a part of the Constitution it never would have been held subject to amendment under the fifth article of the Constitution. But, as the case now stands, the Bill of Rights is part of the Constitution and, like the main body of the framework, is subject to amendment the same as its other provisions.

I was in hopes that my friend from Georgia would be here to-day, because I have a few comments to make with respect to his uniform attitude in discussing this subject before the House. I will try to avoid deprecatory language or anything that might provoke asperity. I am not going to criticize the man; it is my purpose only to criticize his ideas. He was very much flustered yesterday over the charge that the Anti-Saloon League or the prohibitionists were guilty of misrepresentations.

Mr. BLANTON. Will the gentleman yield?

Mr. GRIFFIN. For a question.

Mr. BLANTON. What brought that about was this.

Mr. GRIFFIN. I know what brought it about.

Mr. BLANTON. A very smart woman announced herself as a candidate for Congress in a certain district and said she was wet and wanted wine and beer. We had as a result a resolution to investigate the Anti-Saloon League and all that came afterwards.

Mr. GRIFFIN. I suppose so; but the contest has been going on for a long time and throughout the controversy there has been evidence of a series of misrepresentations. I would put the misrepresentations of the Anti-Saloon League into four classes:

FIRST CARDINAL MISREPRESENTATION

First and foremost among the misrepresentations is their name, "The Anti-Saloon League." In the beginning, before prohibition was adopted, they could perhaps justly claim the title "Anti-Saloon League," but since the eighteenth amendment has been adopted I leave it to the fair mind of any gentleman here whether they can be justly called the "Anti-Saloon League."

Mr. BLANTON. Will the distinguished gentleman yield further? If, as a matter of fact, there are saloons, not like the old ones but like the new ones, in Chicago, Baltimore, Philadelphia, and in New York, has not this organization a right to still retain its name against the places that dispense intoxicating liquor?

Mr. GRIFFIN. They are not saloons?

Mr. BLANTON. The saloons have been put out of business. If there are places that dispense intoxicating liquor, the organization has a right to denominate itself the "Anti-Saloon League."

Mr. GRIFFIN. That situation is the one I want to emphasize.

Mr. BLANTON. If the gentleman has a more appropriate name, I am sure the organization would adopt it.

Mr. GRIFFIN. I am ready to give it to the gentleman right now: "Total Abstinence League," because its program is: "Total abstinence for everybody," no matter how they feel about it personally. I do not mean to go so far as to admit that they carry it out themselves in their personal lives, but they want total abstinence for others. That is their aim. They want to make this country absolutely dry; they want to not only close the saloons but they want to close the borders; they want to patrol the coasts to prevent the possibility of any drop of the hated stuff entering this beloved land of ours.

Mr. BLANTON. They want to uphold the fundamental law of the land, which is the Constitution.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield to me?

Mr. GRIFFIN. Yes.

Mr. HILL of Maryland. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] the other day on the floor of the House claimed to have personal knowledge of over 400 of what he called saloons in Baltimore.

Mr. BLANTON. No; not personal knowledge. I said that I had evidence of the existence of 50, and that one colleague claimed there were 400 there. But I did not claim that I had personal knowledge of them.

Mr. HILL of Maryland. Please do not interrupt me. I am not yielding to the gentleman.

Mr. BLANTON. I do not want the gentleman to misquote me. He will remember that I asked from the floor whether our colleague from Maryland [Mr. LINTHICUM] would deny that there were 50 saloons there, and he would not deny it.

Mr. HILL of Maryland. The gentleman claims to have knowledge. I do not know whether it is personal or not; but when a gentleman gets up on the floor of the House and says that he knows of such and such things existing, we assume he knows it from personal knowledge, and especially when the gentleman is a gentleman of such thoroughness of investigation as the distinguished gentleman from Texas. If the gentleman from Texas has any reason to believe that there are in existence what he calls saloons, is it not his duty under the Constitution, which he has sworn several times to support, to report that information which he claims to have to the local United States district attorney?

Mr. GRIFFIN. I think he ought to put it in the RECORD.

Mr. HILL of Maryland. Yes; I think he ought to put it into the RECORD.

Mr. BLANTON. Then I will put one in the RECORD. If the gentleman from Maryland [Mr. HILL] will go to Baltimore this evening and go to what is called "Abe's Sea Food Place," for that is the sign in front of the café, he will find that in front there is a café but in the rear there is a saloon, and that he can get there all the whisky he wants at 50 cents per drink.

Mr. HILL of Maryland. How does the gentleman know it?

Mr. BLANTON. I have been there. An officer in the United States Army took me there to show me; but, of course, I did not drink anything. But the Army officer did, and he paid 50 cents per drink for it.

Mr. HILL of Maryland. Will the gentleman yield for just one brief statement? The gentleman from Texas states that he has been to a saloon in Baltimore. Why does he not tell the district attorney what he learned there, if he learned anything?

Mr. BLANTON. If the gentleman knew all that I have been telling the authorities he would know more than he could hold under that No. 8 hat which he wears.

Mr. HILL of Maryland. Why does not the gentleman go and tell it to the United States district attorney?

Mr. BLANTON. I have been telling lots of information from this public forum, I am a legislator, not a detective or public informer.

Mr. HILL of Maryland. I have never seen any results from it.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. COOPER of Ohio. I do not know whether they have any saloons in Baltimore or Philadelphia or New York, as the gentleman from Texas [Mr. BLANTON] says, but I did notice in the newspapers a few days ago that in the city of New York they have substituted the bathtub for the old bar room.

Mr. GRIFFIN. I come now to the second cardinal misrepresentation of the Anti-Saloon League.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. I wonder if I could get a little more time?

Mr. OLIVER of Alabama. The gentleman will remember that he gave up five minutes of his time yesterday to the gentleman from Georgia [Mr. URSHAW].

Mr. GRIFFIN. Yes; I did, in the fullness of my heart.

Mr. OLIVER of Alabama. I have a number of requests, and since the gentleman asked for only a limited time, I can yield him only five minutes more.

Mr. GRIFFIN. That will give me an opportunity to proceed with my enumeration.

Mr. ACKERMAN. Mr. Chairman, I will yield the gentleman five minutes additional also.

SECOND CARDINAL MISREPRESENTATION

Mr. GRIFFIN. I will ask gentlemen not to take up any more of my time, please. The second cardinal misrepresentation of the Anti-Saloon League, or Total Abstinence League,

which I feel sure they would prefer to adopt now, is that the eighteenth amendment was fairly and justly adopted.

I charge that the eighteenth amendment was not fairly adopted. At the time it was submitted there were 32 States out of the 48 States that had prohibition in their constitutions, and I submit to any fair-minded man whether he would care to go before a jury of 48, with 32 men in the box obviously biased against him. It was not a fair submission to the American people.

Mr. CARTER of Oklahoma. The gentleman will admit that it was submitted in accordance with the Constitution?

Mr. GRIFFIN. Yes; but I am dealing with principles of ethics that are eternal.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. HUDSON. Would the gentleman mean that it should have been submitted before any of the 32 States had prohibition?

THIRD CARDINAL MISREPRESENTATION

Mr. GRIFFIN. No. That is a long story, and I can not go into it now, but I shall answer that later. The third cardinal misrepresentation of the Anti-Saloon League is calling their opponents "wets." That is an odious term. I do not like it personally. I do not like being put in that category, because I consider that I am a reasonably temperate man and always have been. I do not like to be classified with men by a term that is odious and suggestive of drunkenness and carousing and ribaldry and all sorts of mean and low things, and I think that while it may be justifiable in the heat of argument to use a term of that kind, I submit to the Anti-Saloon League that if they want to make friends with the American people they should abandon that odious term of "wet."

FOURTH CARDINAL MISREPRESENTATION

The fourth cardinal misrepresentation of the Anti-Saloon League is that the "wets" are in league with the brewers. We are not in league with the brewers. We are fighting this battle on higher ground. We do not want to bring back the saloons.

They have no place in our economy, and they were fast disappearing at the time the eighteenth amendment came into existence. Now if the wets, so-called, want to be nasty, they could retort that the drys are in league with the bootlegger. Let me show some figures in reference to bootlegging. They will prove very interesting to the gentleman from Texas, and I know to the gentleman from Georgia; but before I get to that, permit me to refer to Georgia.

GEORGIA'S EXPERIENCE

Georgia adopted prohibition in 1733—August 11, 1733. But the stills flourished, and bootlegging went on to such an extent that John Wesley, founder of Methodism, was brought into the country to see what he could do by personal suasion. After working 16 months in Georgia, he was forced to abandon it as a bad job.

In the fiscal year ended June 30, 1924, the reports of the Treasury Department show that over 17,000 illicit distilling plants were closed up or captured in Georgia. I am going to put into the RECORD a summary from the Treasury's statistics for the last fiscal year concerning intoxicating liquors.

Mr. LANKFORD. Will the gentleman yield? How many were closed up in New York State in the same time?

Mr. GRIFFIN. I will give the figures in New York State, but I am going to honor Georgia first. In the fiscal year ending June 30, 1924, there were illicit distilleries and distilling apparatus seized as follows: There were 737 distilleries, 1,472 stills, and 549 still worms, and 16,389 fermenters—in Georgia after 200 years of prohibition.

Mr. HERSEY. Will the gentleman yield?

Mr. GRIFFIN. Take New York—I will give Maine in a moment.

Mr. HERSEY. I hope so, but I wanted to ask a question about Georgia. Will the gentleman answer me?

Mr. GRIFFIN. I will if I can get more time.

Mr. HERSEY. I wanted to know whether the gentleman approves of that. Does the gentleman approve of doing that?

Mr. GRIFFIN. Seizing stills?

Mr. HERSEY. Putting them out of business.

Mr. GRIFFIN. Certainly I do. But the vast quantity of stills in existence in the State of my friend from Georgia after 200 years of prohibition ought to teach some lesson. I shall show what happened in New York State, with a population over three times as great as Georgia. In New York there were seized 260 distilleries, 106 stills, 13 still worms, and 1,146 fermenters. There were 13 still worms as against 549 in Georgia. There were 1,146 fermenters as against 16,389 in Georgia, and so on down all along the line. Now, take the other States contiguous to New York; for instance, the State of my friend from Maryland. Let us see those figures.

Mr. LANKFORD. Will the gentleman yield?

Mr. GRIFFIN. In Maryland 37 distilleries were seized, 162 stills, and only 2 fermenters, and the gentleman from Maryland [Mr. HILL] had one of them. [Laughter.]

Mr. HILL of Maryland. Will the gentleman yield for an observation? I would like to say in the case of the United States against Hill, affirmed in the case of Eisner, plaintiff in error, against the United States, that fermenter was returned back to me and held that I acted in entire legality.

Mr. GRIFFIN. I hope the figures will be corrected.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. OLIVER of Alabama. I yield the gentleman two minutes.

Mr. GRIFFIN. Yesterday a triumvirate was mentioned, consisting of the gentleman from Maryland, the gentleman from Massachusetts, or rather the two gentlemen from Massachusetts. Now, let us see what the figures were for the seizure of illicit distilling machinery in Massachusetts. There were no distilleries whatever seized. [Applause.] There were 565 stills, as against 1,472 in Georgia. There were 277 still worms, as against 549 in Georgia. There were 436 fermenters, as against 16,389 in Georgia. [Applause.] But wait till you see the figures for the fiscal year ended June 30, 1925. In these Georgia surpasses herself. Her bootlegging distilling plants ran up to 31,031, as against 1,658 in New York and 443 in Massachusetts.

Mr. LANKFORD. Will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Georgia.

Mr. LANKFORD. Will not the gentleman give a list of those cases where the law has been enforced and not those cases where the law has not been enforced?

Mr. GRIFFIN. The law had to be broken before it could be enforced.

DRY STATES DRIPPING WET

The gentleman fails to get the import of these figures, which show that the law is more generally violated in the dry States than it is in the so-called wet States. In other words, the wet States are really dry, while the dry States seem to be dripping wet. (See table on next page.)

Mr. BLANTON. The gentleman is surely in favor of the antinarcotic law, which, according to his interpretation, interferes with the personal liberty——

Mr. GRIFFIN. The limitations on personal liberty are clearly defined, and ought to be kept in the gentleman's mind, but I have no time to go into that. In brief, however, I will say that the drug traffic is regulated by an act of Congress, and so could the liquor traffic have been regulated if we had only given Congress the power. It was not necessary to tack a sumptuary amendment on the Constitution to effect your object.

The CHAIRMAN. The time of the gentleman has again expired.

EXHIBIT A

Summary of prohibition enforcement during fiscal year ended June 30, 1925

State	Population	Illicit distilleries and distilling apparatus seized					Spirits seized (wine gallons)	Malt liquor seized (wine gallons)	Mash seized (wine gallons)	Persons arrested
		Distilleries	Stills	Still worms	Fermenters	Total				
Alabama	2,347,295	610	793	21	9,806	11,230	8,755	290	860,613	1,232
Arizona	333,273	119	105	77	303	604	1,306	1,464	32,934	650
Arkansas	1,750,995	135	33	17	1,600	1,785	1,938	2,103	74,805	989
California	3,426,536	3	396	102		500	34,681	21,345	252,878	3,781
Colorado	939,376	5	259	3	675	942	4,922	972	60,751	1,065
Connecticut	1,380,585	8	22			30	10,091	10,827	305	528
Delaware	223,003		10	21	90	121	1,446	78,656	1,015	215
District of Columbia	437,571	719	884	603	10,191	12,397	85,085	87,474	1,264,275	4,502
Maryland	1,449,610									
Florida	966,296	456	743	1,131	11,278	13,608	18,688	3,387	534,842	1,432
Georgia	2,894,683	2,824	2,266	914	25,027	31,031	35,431	2,243,193	602,025	2,342

Summary of prohibition enforcement during fiscal year ended June 30, 1935—Continued

State	Population	Illicit distilleries and distilling apparatus seized					Spirits seized (wine gallons)	Malt liquor seized (wine gallons)	Mash seized (wine gallons)	Persons arrested
		Distilleries	Stills	Still worms	Fermenters	Total				
Idaho	431,826	78	116	109	432	735	1,664	784	14,135	879
Illinois	6,485,098	170	2,520	40	2,730	22,798	95,883	364,295	1,742	
Indiana	2,930,544	6	271	255	230	762	25,043	11,771	88,398	1,694
Iowa	2,403,630		124	129		253	4,180	1,122	20,640	2,780
Kansas	1,769,257		78	9		87	7,043	173	25,590	245
Kentucky	2,416,013	549	580	329	10,238	11,696	31,138	75,198	343,131	3,699
Louisiana	1,767,798	30	132	95	1,661	1,918	60,572	11,197	66,329	1,306
Maine	768,014						19,967	11	500	321
Massachusetts	3,852,356	16	142	65	220	443	79,066	99,985	17,037	2,167
Michigan	3,607,222	7	182	41		230	3,630	119,648	161,326	1,527
Minnesota	2,386,171	126	87	46		259	55,473	2,072	126,840	1,517
Mississippi	1,789,384	126	98	87	1,484	1,795	6,906	1,785	152,965	452
Missouri	3,403,547	234	109	81	5	429	20,319	31,497	961,499	3,098
Montana	547,593		189	187	761	1,137	3,633	3,652	68,979	527
Nebraska	1,295,502		160	120		280	17,777	3,335	63,123	1,326
Nevada	77,407	38	76	59	385	558	1,714	2,213	19,955	383
New Hampshire	443,083	0	10	3	0	13	4,477	1,190	478	401
New Jersey	3,155,374	168	327	265	16	776	88,732	241,349	58,662	2,537
New Mexico	360,247	9	97	11	39	156	1,789	11	49,101	516
New York	10,384,144	223	105	24	1,306	1,658	140,657	486,111	60,103	11,426
North Carolina	2,556,486	839	1,917	686	18,340	21,782	18,272	3,721	300,400	1,231
North Dakota	645,730	20	193	214	258	685	1,879	677	9,774	688
Ohio	5,759,368	122	35	2	0	159	16,004	55,125	53,574	2,271
Oklahoma	2,027,564	341	192	36	4,830	5,399	5,229	3,106	160,535	1,777
Oregon	783,389		116	112	466	694	2,057	536	37,694	405
Pennsylvania	8,720,159	26	268	48	0	342	78,482	1,599,027	215,038	702
Rhode Island	604,397	1	30	20	168	219	30,263	31,727	3,281	429
South Carolina	1,683,662	575	551	147	5,388	6,661	102,286	0	401,807	661
South Dakota	635,839	106	45	47	794	992	1,839	183	42,296	446
Tennessee	2,337,459	1,107	750	428	12,555	14,840	13,560	107,857	906,107	2,127
Texas	4,661,027	363	336	229	3,037	3,965	8,534	6,194	112,635	2,587
Utah	449,446	69	103	73	135	380	1,849	2,515	29,707	480
Vermont	352,421		2			2	750	2,096	11	142
Virginia	2,306,361	1,309	1,109	759	9,029	12,206	20,146	0	814,440	3,089
Washington	1,356,316	88	200	176	870	1,334	11,115	8,745	128,120	1,517
West Virginia	1,463,610	162	100	7	960	1,229	4,134	1,270	51,264	1,561
Wisconsin	2,631,839	2	107	6	4	119	4,186	61,878	44,088	271
Wyoming	194,402	171	37	7	1,678	1,893	7,233	1,889	44,543	484
Alaska	70,000	2	35	35	1	73	792	1,938	3,098	244
Hawaii	255,912	61	25	2	510	598	1,392	3,864	19,579	354
Porto Rico	1,299,737		790	12		802	3,823	0	112,745	863
Total	105,683,108	12,023	17,854	7,850	134,810	172,537	1,102,787	7,040,537	9,828,925	77,138

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I was very much interested, especially in the opening remarks of the gentleman from New York [Mr. GRIFFIN] in which he decried the assault upon the liberties of the people by the gathering in the hands of Congress of the police power to regulate liquor. His tears were metaphorically very large and profuse, and yet when I took a glance at the vote by which the child labor amendment was submitted to the people of the United States, an amendment which undertook not only to take the police power but the parental power of the people and lodge it in Congress and the minions of Congress, I find the gentleman from New York voting for it, so that it does seem to me there is more of tears than there is of sorrow about this thing; that the gentleman is merely talking to hear himself, and not talking because he recognizes the right of the people in this matter that have had their rights taken away from them when he deliberately supported and voted for an amendment which took away the right of parental control of the child and would not permit him to work until he is 18 years of age, regardless of whether he wanted to or not.

Now that strikes me as a piece of fine-spun hypocrisy upon which to base an assault upon the Constitution of the United States, duly adopted and duly ratified by the States.

"Oh," the gentleman says, "if we had not adopted the Bill of Rights Congress never would have dared to invade the rights of the people." What does he know about the Bill of Rights? The first 10 amendments were adopted as the Bill of Rights. I want to call attention to the tenth alone:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Without that one of the Bill of Rights, which was inserted by the very first Congress that met, Congress was not bound at all to acknowledge rights which were not expressly reserved to the people in the Constitution, or which were not reserved to the people of the States, and Congress could have legislated on subjects which are not prohibited and retained by the Constitution.

Now, I want to tell the gentlemen a little about the invasion of the rights of the people of the States. In the year 1893 the State of South Carolina undertook to go into the liquor business and put the barkeepers effectively out of business. It was a measure which I did not approve of, and one which naturally brought about great corruption. But what did we have? The very first move that the liquor dealers made was to get a case into the United States court; first, to assail the constitutional right of the State of South Carolina to deal with the liquor business; and, second, to establish the right of a nonresident dealer in liquors to establish original-package houses and sell liquor in original packages in every town in South Carolina, and they protected it by an injunction from the Federal court. The Baltimore liquor dealers and the Cincinnati liquor dealers flooded the State of South Carolina in defiance of the statutes of the State, and in defiance of the power of the State to exercise its powers in the liquor business.

That is one of the things that brought about the eighteenth amendment, and that is because the States had no recourse in the protection of their rights, and they had to come to Congress in order to tie up the fellows who were determined, regardless of State legislatures and regardless of State rights and the rights of citizens, to tie them up, so that they could not flood our State with liquor just because they had it and had an interstate commerce law providing that they could ship it in. [Applause.]

The gentleman complains that when the eighteenth amendment was submitted to the States 32 of them were dry already and it was a packed jury—well, of the 16 wet States 13 ratified the amendment, so that if submitted to the wet States alone it would have been ratified, and New York and Maryland were two of those ratifying it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SHREVE. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes.

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen of the committee, I was unable to be in the House Chamber on Tuesday afternoon last when the House was debating the provision in the appropriation bill concerning the Tariff Commission. I had been called out of the Chamber by constituents from my home city. In the RECORD of that day there is a dialogue which I regret that I did not hear. The debate was on the proposed appropriation for the Tariff Commission and its

alleged failure to make a report on the butter investigation, and on page 4863 I find this language:

Mr. WOOD. I simply state that the majority is ready to report.
Mr. KNUTSON. They have made a majority report.
Mr. BUTLER. When did they make it?
Mr. KNUTSON. Last Saturday.
Mr. WOOD. I am glad to be informed that they have made the report. I knew that it was ready and was being held up by Costigan.
Mr. CLAGUE. Let me state to the gentleman from Indiana that the majority report was made last Saturday, but that Mr. Costigan is holding it up, asking that he be allowed a few days in which to file a minority report, and he has held up this report for months.

That is a very serious accusation to make against a public servant of the character and efficiency of Mr. Costigan. He is my personal friend. I admire him. I knew nothing of these charges until I received a letter from him yesterday. I tried yesterday afternoon to get the floor, but could not until so late an hour that I decided to wait. To-day, through the courtesy of the gentleman from Pennsylvania [Mr. SHREVE], I have this opportunity. I will read the letter, gentlemen:

UNITED STATES TARIFF COMMISSION,
Washington, March 4, 1926.

DEAR MR. COOPER: According to the CONGRESSIONAL RECORD of March 2, 1926 (p. 4863), during the debate on the independent offices appropriation bill, Representative MORGAN, of Ohio, asked the question whether the minority members of the Tariff Commission have refused to report in the butter investigation. Representative WOOD, of Indiana, replied, in effect, that one member of the commission, specifying me by name, is holding up the butter report, and Representative CLAGUE, of Minnesota, added that I have "held up" the report "for months."

Each of these assertions—the one by Mr. WOOD, the other by Mr. CLAGUE—was a direct misstatement of fact with reference to official action. I trust, therefore, you will consider it proper to ask a correction in the RECORD. At the time these gentlemen were speaking both the butter report and my separate statement with respect to it were at the White House, where they were joined later in the afternoon by a supplemental opinion submitted by Chairman Marvin and Commissioners Glassie, Baldwin, and Brossard.

The only possible basis for either of the foregoing charges made on the floor of the House of Representatives is that when the majority report of the commission in the butter investigation was transmitted to the White House last Thursday it was indicated to the President by the commission that he might desire to await the receipt, within the next "three or four days," of a separate statement from me on the record as transmitted. The reasonableness of this suggestion, which was, however, not binding on the President, will hardly be denied by any one familiar with the responsible duties imposed on the Tariff Commission by the Congress. As shown in a memorandum which accompanied the commission's report to the President, special circumstances surrounding the completion of that report justified that suggestion. In order, however, that the President, if he preferred to proceed, might not be delayed that memorandum outlined the essential views which were to be elaborated in my later separate statement.

Concerning the delay in transmitting the butter report to the President, I may say that, although a member of the commission, I have myself never understood the reason for a large part of such delay. The suggestion that one of the six commissioners has been responsible is about as amusing as it is mistaken. I have been ready and willing for months, whenever the commission, or a majority of it, saw fit to report, to submit promptly my views upon any such report. I have never requested delay in completing or forwarding the commission's information to the President. On the contrary, the commission's records show that I endeavored to persuade the commission to adopt a course of procedure which would have resulted in the much prompter preparation of the commission's material for the President. The majority of the commission, which has at all times had the butter report under its control, did not see fit to approve my suggestion. Instead, it followed a different policy for which, whether wise or otherwise, it must be charged with responsibility.

If there be any doubt as to the accuracy of what is here said, a review of the entire record of the commission in the butter investigation is in order and is invited.

Very sincerely,

E. P. COSTIGAN.

Hon. HENRY ALLEN COOPER,
House of Representatives, Washington, D. C.

As I said, I felt it was my duty to read this letter to the committee. I have known Mr. Costigan by reputation for years. I have known him personally a lesser time but sufficiently long to enable me to form a just estimate of his character and qualifications. He is a man of unusual ability, high-minded, efficient in the public service, and of unpurchasable integrity. He does his duty as he sees it under his oath of office in any circumstances that may confront him. To be charged, as he was, with preventing the presentation of a report in which every farmer and every consumer of butter in the country is interested was to charge him with being shamefully recreant to public duty. The charge was made in this Chamber, a circumstance which, under the Constitution, makes it impossible for him to take action in court against the defamer of his character. Therefore, as he is my friend, I have deemed it my duty, in the discharge of my public duty, to have his letter read into the RECORD. [Applause.]

Mr. COLTON. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. COLTON. I think the letter referred to the fact that a full investigation of the facts would bear out the statement made by Mr. Costigan.

Mr. COOPER of Wisconsin. A full examination of the record of the commission in the butter investigation?

Mr. COLTON. Will the gentleman tell us whether or not those minutes are published or are available for publication?

Mr. COOPER of Wisconsin. I do not know about their being available for publication, but I think, that being a public record, any Member of the House of Representatives has the right to see them. That is my understanding.

Mr. COLTON. Is that so of all of the minutes of the commission?

Mr. COOPER of Wisconsin. I was only referring to this butter investigation.

Mr. COLTON. I will say to the gentleman that I happen to know that there have been statements made here giving partial quotations of the minutes of the Tariff Commission. I do not know where that information was obtained, but I am thoroughly satisfied that a complete examination of all of the minutes and all of the records in the case would establish an entirely different set of facts than that which was established by reason of giving only a part of the record, and I am wondering whether that is true of this butter investigation.

Mr. COOPER of Wisconsin. I do not know about any other investigation, but Mr. Costigan writes that an investigation of the record of the butter investigation "would be in order and is invited." Those are his words. He asks that in justice to himself there be an investigation, and I wish that one might be carried on by the Committee on Agriculture.

Mr. KNUTSON. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. KNUTSON. As early as May of last year I took up with the commission the question of the butter tariff, and was assured by the chairman of the commission that they would probably have a report ready for the President by September. In September I wrote the commission and asked whether the report had been made; it dragged along, and when I returned to Washington in November I went down personally and called upon the chairman of the commission; he then told me he hoped to have the report ready in three weeks; but it dragged on and dragged on, and the report was made to the President only last Saturday, and even now the President can not act upon the report because Mr. Costigan has asked time in which to submit a minority report.

Mr. BLANTON. He has already submitted it.

Mr. KNUTSON. When did he submit it?

Mr. BLANTON. Last Saturday. Will the gentleman from Wisconsin yield to me?

Mr. COOPER of Wisconsin. I will.

Mr. BLANTON. May I say this to the gentleman from Utah, that any Representative in this Congress can go down to the Tariff Commission or to any other commission and demand to see their minutes, and they will show their minutes to the Representative. The gentleman will not find a commission in Washington that will deny a Representative the right to look at the minutes.

Mr. COLTON. I will say to the gentleman that I have investigated some of those statements, and a complete reading of the entire minutes does not justify some of the statements that have been made in the other body with reference to the Tariff Commission.

Mr. BLANTON. They are open to Members of Congress.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM]. [Applause.]

Mr. WOODRUM. Mr. Chairman and gentlemen of the committee: I have asked for this time in order to direct the attention of the committee to a question suggested when the gentleman from Indiana [Mr. WOOD] was addressing the House the other day and served notice on us that the House would shortly be called upon to consider legislation with reference to return-

ing to the German nationals the property that is now being held by the Alien Property Custodian. The gentleman from Indiana said:

I am glad to say to the committee it is the policy of the present administration of the Alien Property Custodian's office to conclude its activities when affirmative legislation comes from this Congress containing authority to this end; and such legislation ought to be enacted.

Now, Mr. Chairman, this is a matter that ought to engage the serious attention of every Member of Congress. We ought not to wait until it is brought on us here on the spur of the moment, probably under suspension of the rules or under a rule limiting debate. We ought to give serious consideration to it because, in my judgment, it is a matter of very great importance to the taxpayers of this country, and some of us ought to be thinking about the taxpayer and the part he may be called upon to play. It appears that in pursuance of the trading with the enemy act, passed in October, 1917, there came into the hands of the Alien Property Custodian something over $500,000,000 in property belonging to German nationals. A great deal of that property has from time time, and under provision of law, been returned to those nationals, but we are told that at the present time about $300,000,000 of this property is in the hands of the Alien Property Custodian. From time to time legislation has been introduced, looking to the returning of that property to the German nationals. We were told by the gentleman from Missouri [Mr. NEWTON] a few days ago, in a speech to which he doubtless gave a great deal of thought, that the Secretary of the Treasury had a plan that would be presented to Congress shortly looking to the restoration of this property, and in substance that plan, so stated the gentleman, proposed to return this property to the German nationals and leave the Federal Government issue 25-year 5 per cent bonds, through a trustee, pay the American claimants, and look to the reparations coming from the Dawes plan to satisfy those bonds; those bonds to be guaranteed by the United States Government.

In the first place, this property is being held by the Alien Property Custodian under the provisions of a treaty with Germany. This treaty, as we know or will recall, in its provisions carried almost verbatim the language of the peace resolution passed by the Congress in July, 1921, declaring a state of peace between Germany and America. This language was adopted almost verbatim in the treaty of Berlin ratified in August, 1921, wherein Germany agreed with America that the property of the German nationals now in the hands of the Alien Property Custodian should remain there as security for the benefit of American citizens who had claims against Germany.

Of course, it will be immediately suggested that the German Government had no right to pledge the property of its nationals. It will be again suggested that the United States Government is morally bound, if not legally bound, to respect the provisions of old treaties with Germany dating back as far as 1785, the first Prussian treaty, and later treaties of 1799 and 1828, wherein America agreed to protect the property of German citizens here. But I call your attention, gentlemen, to this fact. The Supreme Court of the United States has decided in a recent case, Stoehr *v.* Wallace (255 U. S. 239), decided February 28, 1921, that these treaties with Germany did not apply to German citizens living in Germany who had made investments in America, but that they only applied to "rights of merchants of either country residing in the other when the war arises." And recall this fact, if you please. All of the property of the German nationals who were living in America has been returned to them. I think I can state that as a fact. If I am wrong, I will be glad to be corrected, but I understand it is a fact that all the property in the hands of the Alien Property Custodian that was taken from German nationals living in America has long since been returned to them.

Now, what has happened? It has been recognized by the jurists of Germany for 300 years that under their system of government and under the specific provisions of their constitution they have the right of expropriation of the property of their citizens in case of war. That is a fact clearly established, and there was inserted in the CONGRESSIONAL RECORD some time ago a splendid brief, setting out the fact that the German Government has the right to take the property of its citizens in case of any emergency and pledge it for any debt (Cong. Rec., 68th Cong., 2d sess., part 4, p. 3434).

By an Executive agreement entered into on the 10th day of August, 1922, between the United States of America and the former Imperial Government of Germany, the Mixed Claims Commission, United States and Germany, was specially created a tribunal for the purpose of hearing, determining, and adjudicating the claims of American citizens who had been damaged in their persons or property because of the activities of the German Government through its several agencies. Among the character of claims over which this commission was given jurisdiction were the following:

(1) Claims of American citizens arising since July 31, 1914, in respect of damage to or seizure of their property, rights, and interests, including any company or association in which they are interested, within German territory as it existed on August 1, 1914;

(2) Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons, or to property, rights, and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war;

(3) Debts owing to American citizens by the German Government or by German nationals.

The Mixed Claims Commission, United States and Germany, immediately proceeded to hear and determine claims, and approximately 13,000 claims have from time to time been submitted to the commission, the aggregate amount of the claims running nearly one and one-half billion dollars, including the cost incident to the American Army of Occupation on the Rhine. Approximately 200 of these cases were predicated on the loss of life and personal injuries due to the sinking of the *Lusitania* on May 7, 1915. The commission in setting up rules of decision, among other things, provided "That no exemplary, punitive, or vindictive damages can be assessed." Hence it will be observed that such claims as have been adjudicated by this commission are based on actual pecuniary loss to the claimant and that no question of penalty or punishment enters into the amounts awarded.

More than 11,000 claims involving various bases of liability have been disposed of by the commission. It is stated that the commission will have completed its labors within a few months and that the total awards entered in claims against Germany will approximate $250,000,000.

It is now nearly 11 years since the sinking of the *Lusitania* and nearly 4 years since the constitution of this tribunal, which has virtually completed its work, and yet the beneficiaries of the awards that have been given have received nothing in satisfaction of their claims, nor, so far as I am able to find out, is any plan in the process of consummation which will in any reasonably satisfactory way liquidate this indebtedness.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. WOODRUM. In just a moment I will be glad to yield to the gentleman. I first want to finish this statement.

Desiring to find out whether or not any effort was being made by the United States Government through the Department of State to bring about the consummation or any arrangement for the satisfaction and liquidation of these awards, on the 15th day of January, 1925, I addressed a letter to the Hon. Charles E. Hughes, the then Secretary of State, making that inquiry. On the 24th day of January, 1925, the Secretary replied as follows:

JANUARY 24, 1925.

The Hon. CLIFTON A. WOODRUM,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of January 15, 1925, relating to the claim of Mrs. Mary C. Brown, of Roanoke, Va., against the Government of Germany for indemnity for the loss of life of her son through the sinking of the steamship *Marina*. You state that the Mixed Claims Commission, United States and Germany, has made an award in the claimant's favor in the amount of $8,000, and request to be informed whether any steps are being taken by this Government looking to the payment of such awards.

The payment of awards made by the Mixed Claims Commission, United States and Germany, is receiving the department's very careful consideration. While no definite plans for the satisfaction of such awards have yet been completed, you may assure Mrs. Brown that when payment of awards is made her case will receive every appropriate consideration.

I have the honor to be, sir,
Your obedient servant,

CHARLES E. HUGHES.

Again, more than a year having elapsed, on the 19th day of February, 1926, I addressed the following communication to the Hon. Frank B. Kellogg, Secretary of State:

FEBRUARY 19, 1926

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

MY DEAR MR. KELLOGG: On January 15, 1925, I addressed a letter to the Hon. Charles E. Hughes, then Secretary of State, relating to the claim of Mrs. Mary C. Brown, of Roanoke, Va., against the Government of Germany for indemnity for the loss of life of her son through the

sinking of the steamship *Marina*. I take the liberty of quoting herewith a portion of the reply I received from the Secretary under date of January 24, 1925:

"The payment of awards made by the Mixed Claims Commission, United States and Germany, is receiving the department's very careful consideration. While no definite plans for the satisfaction of such awards have yet been completed, you may assure Mrs. Brown that when payment of awards is made her case will receive every appropriate consideration."

I am advised by the Mixed Claims Commission, United States and Germany, that their work has nearly been completed, and yet, so far as I am able to learn, there is no immediate prospects of any settlement being made with the beneficiaries of these awards. I respectfully request that you write me the present status of the matter, and what arrangements, if any, are being made for the liquidation of these claims.

Yours very truly,

C. A. WOODRUM.

And under date of March 2, 1926, the Secretary of State replied as follows:

MARCH 2, 1926.

The Hon. CLIFTON A. WOODRUM,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of February 10, 1926, in which, referring to the department's letter of January 24, 1925, regarding the payment of awards rendered by the Mixed Claims Commission, United States and Germany, you ask to be advised concerning the present status of the matter.

I regret to inform you that I can add nothing at this time to the statement contained in the department's letter of January 24, 1925, concerning the satisfaction of awards made by the Mixed Claims Commission.

I have the honor to be, sir,
Your obedient servant,

FRANK B. KELLOGG.

Thus it will be observed that although we are about to be asked to return to German Nationals the property pledged by treaty as security for the American claimants, our own Government is making no serious effort to collect the debts due our citizens by the German Government.

It will be recalled, of course, that under the treaty of Berlin and the executive agreement creating the Mixed Claims Commission the commission's jurisdiction ends upon the making of an award. The matter of providing the means for the collection of these awards is entirely separate and apart from the jurisdiction of the Mixed Claims Commission, and unless the United States Government by treaty, agreement, or otherwise provides some means for the collection of these debts, the splendid work of the Mixed Claims Commission will have been entirely in vain.

The beneficiaries of these awards are entitled to have their Government take such prompt and emphatic action as may be consistent with diplomacy and international relationship to secure a settlement of this indebtedness. I am informed that quite a number of the beneficiaries are dead, and other circumstances are arising that suggest that the indefinite delay in collecting the amounts awarded American nationals will virtually, if not completely, nullify the effectiveness of the work of the Mixed Claims Commission.

There is in the hands of the Alien Property Custodian, the agent of the United States Government, about $300,000,000 worth of property belonging to German nationals, seized by the American Government under the authority and provisions of the "trading with the enemy act" of October 6, 1917. The German Government has requested the return of this property to its owners, and legislation is now pending before Congress suggesting various plans for its return.

It is proper to recall that the resolution of Congress of July 2, 1921, declaring a state of peace between the United States and Germany, made specific provision that all sequestered property of the enemy should be held by the American Government until the German Government should make suitable and proper arrangements to satisfy the American claims. The pertinent language of the resolution referred to is as follows:

> All property of the Imperial German Government, * * * and of all German nationals, which was on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America * * * shall be retained by the United States of America and no disposition thereof made, * * * until such time as the Imperial German Government * * * shall have * * * made suitable provision for the satisfaction of all claims against said Government (s), * * * of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, * * * loss, damage, or injury to their persons or property, etc.

The rights asserted in this act of Congress were specifically recognized in the Treaty of Berlin, of August 5, 1921, wherein it was provided that the property in question was to be held as security for the American claimants.

If the English language means what it says, the property in the hands of the Alien Property Custodian is specifically pledged as a security for the payment of the claims of American citizens against the Government of Germany. It is inconceivable that the American Congress could seriously consider releasing this property until the German Government has first performed its part of the transaction, to-wit, until it—

> Shall have made suitable provision for the satisfaction of all claims against it by all persons, etc.

In fact, it has recently been specifically decided by the Supreme Court of the United States in the German Securities Case, Frank White, Treasurer, United States *v.* Mechanics Securities Corporation et al. (decided December 14, 1925, 70 L. Ed.), that America has a legal right to hold the property in the hands of the Alien Property Custodian until the claims of American citizens are satisfied. Whether or not America should desire to exercise that right, is not necessary here to discuss, further than to state that the American Government owes a specific duty to its own citizens to offer them every reasonable protection and safeguard for the payment of their legitimate claims.

So far as I am able to learn, no arrangements whatever have been made by Germany to liquidate the claims of American nationals, other than the plan adopted by the conference of allied finance ministers in Paris something more than a year ago. The so-called Dawes plan provides that—

> Two and one-quarter per cent of all receipts from Germany on account of the Dawes annuities available for distribution as reparation, providing that the annuity resulting from this percentage shall not exceed the sum of 40,000,000 gold marks—

shall be used in payment of the claims of American nationals. If the individual claimants must depend exclusively upon the annuities provided for by the Dawes plan, they would probably wait more than half a century for the final payment of their awards. The amount so paid under the said plan would be only a small per cent of the interest on the claims.

Much has been said up to the present time about the return to German nationals of the property now in the hands of the Alien Property Custodian. Eloquent and forceful appeals are being made for justice and fair treatment on behalf of the German nationals. For my part, I would like to see the property in the hands of the Alien Property Custodian speedily returned to its owners, but I am also interested in seeing a fair measure of justice and fair treatment meted out to the American citizens who are now holding judgments against the German Government for actual damages sustained, and for the security of which said judgments the German Government has agreed that America shall hold and retain the property in the hands of the Alien Property Custodian.

I have introduced in the House H. Res. 158, which has been referred to the Committee on Foreign Affairs, and which is as follows:

> *Resolved*, That the Secretary of State is directed to inform the House of Representatives, if not incompatible with the public interest, what action, if any, has been taken by the State Department to provide for the payment of awards made and to be made by the Mixed Claims Commission, United States and Germany, under the agreement of August 10, 1922, between the United States and Germany.

I shall endeavor to get an immediate consideration of this resolution.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. OLIVER of Alabama. I yield the gentleman three minutes more.

Mr. NEWTON of Missouri. Will the gentleman yield? I would like to ask the gentleman a question.

Mr. WOODRUM. All right; go ahead.

Mr. NEWTON of Missouri. Is the gentleman in favor of confiscating the property of the German nationals invested in this country?

Mr. WOODRUM. No question of confiscation is involved in this case, because the German Government had the constitutional right to expropriate the property of its nationals as security for this debt. It did that, and if there is a question of confiscation it is a question between the German Govern-

ment and its citizens whose property it has taken and has pledged for this debt.

Mr. NEWTON of Missouri. Will the gentleman yield further?

Mr. WOODRUM. Yes, sir.

Mr. NEWTON of Missouri. Does the gentleman think the American people want to apply that rule to our property in Mexico if somebody crosses the border again?

Mr. WOODRUM. I am not talking about Mexico, I am talking about Germany. I am thinking particularly now about that old gray-haired mother down in Virginia whose son sleeps on the coral beds of the Atlantic on account of the ruthless submarine warfare waged by Germany. I am thinking about the judgment entered several years ago for that mother by the Mixed Claims Commission, and the efforts I have made to find out from the State Department if the Government intends to make a serious effort to collect that award for its citizens I have introduced a resolution asking the Secretary of State to inform the Congress what he intends to do to collect these claims against Germany. I think we ought to have this information definitely and unequivocally before we are asked to turn back the property pledged by Germany as a security for these debts. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, when on March 1 what is known as the War Department real estate bill was under consideration, it was impossible for me in the seven minutes allotted to me to set out the reasons that I had for opposing the motion to suspend the rules and pass the bill unamended. I want the committee and the House to realize that I had substantial reasons, that I had two very important amendments that I think would have protected the Government to the extent perhaps of $10,000,000, if those amendments had been enacted into a law along with the bill.

You may say, "Well, you are a member of the committee; why had not you offered your amendments in the committee?" Because, gentlemen, you know how the rush and hurry in those matters go on. The bill had been before the committee twice, had been reported once, and the committee having realized that in its haste it had made a grievous error, asked that it be sent back to the committee; and when it came back, 17 more amendments were made to it, and then after a favorable report had been made, to which I reserved all my rights, other amendments occurred to me to be necessary, in view of the history of this country in the last six or seven years, relating to the disposal of surplus war material and the disposal of camps and cantonments about which I believe there can be but little difference of opinion, that the Government lost tens of millions, probably a hundred million, of property value by reason of incapable, inefficient, unbusinesslike methods pursued under the discretion of the department without adequate direction by law.

Now these amendments that I had hoped to have submitted to this House provided in substance for the exclusion of the possibility of connivance and collusion between the appraisers and the bidders.

You gentlemen of experience know that when bidders know what property is appraised at, they make that appraised price not only the minimum price, but they make it as near as possible the maximum price. They offer the bids creeping along a little above the appraised price, but no further up than they think may top the bids of the rival bidders.

An experience of six or seven years as a referee in bankruptcy, handling many estates, not only goods and merchandise, but parcels of real estate of considerable value, convinced me that it is absolutely necessary for the protection of the interests of the estate that the report of the appraisers shall be kept confidential. So the amendment I proposed to submit would correct that thing. So I hope that this property, gentlemen, consisting of 42 parcels of real estate, situated in 14 States, and perhaps worth thirty or forty million dollars, if adequately and properly handled in a businesslike way, will not be sacrificed. Fearing it might sell for twenty million or less, because as I called your attention to the fact that preliminary etsimates of its value by the War Department aggregated only about seven million dollars, and then by a subsequent estimate in gross said it was worth about twenty million dollars, I am seeking to prevent a huge loss. From a little study I made of it, I believe that, if handled right, it would bring thirty or forty million dollars. Yet I predict to-day that unless something is done to prevent it, and the old slipshod methods are continued in its disposal, it will not bring more than twelve or fifteen million dollars, with the result that they will come clamoring back here for money out of the pockets of the taxpayers to build hospitals and barracks for the enlisted men. Of course we know that if it is not carefully guarded by a provision of law, much of it will go for fine brick houses for officers and magnificent club houses, in which officers will disport and enjoy themselves, while the real hard work of the Army is being done by the noncommissioned officers and enlisted men.

Here are the provisions that I proposed to insert—that the laws should provide that there shall be three separate appraisers for each separate parcel of property, and that in addition to that the Secretary of War should make inquiry from Members of Congress, United States marshals, collectors of internal revenue, and postmasters in the vicinity of the country where the property is located as to their opinions of its value, and should collect and assemble the data thus obtained and form a judgment as to whether or not he should approve the appraisal made by the three appraisers, and that these three appraisers shall be sworn, not only to make fair and impartial appraisements, but that they shall keep confidential as between themselves and all other persons except the Government itself, the appraisal that is put on the property. Do you know the practice that has prevailed in the War Department? I hope that my criticisms are constructive. After the argument and vote on March 1 a representative of the War Department accosted me and said he would like to know what amendments I proposed to offer. I explained them to him, and he said that they were entirely reasonable, and he wished that I would make the suggestion to the Secretary of War, and perhaps that he would put them into operation without force of law.

Later the same officer called on me and insisted I write the letter and, consequently, yesterday I wrote it and shall place it in my remarks by your permission and have it printed in the RECORD to show that my suggestions are constructive rather than destructive, that they are made in the interest of realizing every possible dollar of value for this property rather than merely for the purpose of trying to heckle and hinder or delay or put anything in the way of the administration of any department of the Government.

The method that has heretofore been employed by the War Department as revealed by the testimony is to have one appraising firm appraise all the property that is sold. If one appraising firm is to appraise all of the property all the time, then everybody will know who that appraiser is, and it is very easy for a bidder who wants to buy, say, 26,000 acres of land in Florida on which to institute a magnificent development, or any part of the 26,000 acres, to go to the appraiser and ask him at what price he appraised the property. There is no provision of law at present nor any regulation of the department that limits the power or restricts in any way this appraiser from disclosing the fact that he appraised the property at such and such a figure.

On March 2 I introduced House bill 9913, to provide a general law regulating the procedure for the sale by the War Department of any real estate. I hope the gentlemen of the House will consider this bill very carefully. It has been submitted to the War Department with the request that it make a prompt report, either favorable or unfavorable to the committee, and in any event it is my hope to obtain a favorable report from the Committee on Military Affairs, with amendments, if necessary. The bill itself is herewith submitted:

A bill (H. R. 9913) to regulate the sale of real estate by the War Department

Be it enacted, etc., That in every case where the War Department shall hereafter sell real estate, whether such sale be already or shall hereafter be authorized, each parcel of such real estate to be sold shall be first appraised by three disinterested appraisers, appointed from among civilians, who shall first be sworn to make a fair and just appraisal, and to keep secret the appraised price of such property, and no single appraiser shall receive for his services exceeding $100 for each parcel so appraised, and the necessary living and traveling expenses, and shall be paid for his services such sum less than $100 as shall be agreed upon in advance, considering the value, nature, and situation of the property so appraised, and no such appraisal shall be final until approved by the Secretary of War, who may, at his discretion, order a reappraisal of said property.

SEC. 2. That the Secretary of War shall consult the various officers and agencies of the United States Government in the section of the country where the property is situated, such as the district attorneys, marshals, clerks of court, collectors of internal revenue, representatives and agents of the Department of Agriculture, postmasters, and Members of Congress, as to the reasonable sale value of each such

parcel of real estate, and shall seek to obtain from such officers and agencies and from other persons the names and addresses of all possible and prospective bidders, and such property shall thereafter be advertised, either locally or nationally, or both, considering the nature, value, situation, and proper uses of the property, and all prospective bidders, whose names and addresses are known, shall be notified by letter of the time, place, and terms of sale, and the right to reject any and all bids shall be reserved, and if no satisfactory bid be received, said property shall thereafter be advertised in the manner aforesaid, and by letters as aforesaid, for sale at public auction to the highest bidder for cash, but the Secretary of War may or may not, at his discretion, confirm any such highest bid, and no sale shall be made under any circumstances for less than the appraised price.

SEC. 3. If any conveyance of any such property be made in pursuance of any such sale, and if thereafter, within six years from the date of such conveyance, the Secretary of War shall learn that any fraud or undue deceit or any device, scheme, or plan, herein declared unlawful, was practiced in connection with either the appraisal or the sale of such properties so sold, and if it appear that the purchaser was in any way a party to such unlawful practice, then the Secretary of War shall declare such sale null and void and shall return to the purchaser the purchase price so paid, and if necessary shall institute legal proceedings to recover the possession of such property or any part thereof that may remain at such time in the hands of said purchaser, and in such case such purchaser shall not be entitled to any credit or set-off for any betterments or improvements made by him after such purchase.

SEC. 4. It shall be unlawful for any appraiser of such property to disclose the appraised price thereof, or to agree, plan, or conspire to depress or minimize such appraised price, and it shall be unlawful for bidders to agree, combine, or conspire to pool their interests at such bidding or to bid in block or to chill the bidding at such sale, and it shall be unlawful for any appraiser to become a bidder for or a purchaser of, either directly or indirectly, of any such property, whether for himself or for any other person, firm, corporation, or association, and it shall be unlawful for any officer or agent of the War Department to divulge or disclose to any person other than to some other officer or agent of the War Department the appraised value of such property, or to combine, agree, or conspire with any person or persons to minimize or depress the appraised value of such property, or to chill, discourage, hinder, or delay bidding on such property, or to be financially interested, either directly or indirectly, in the purchase of any such property, or to receive any fee, commission, present, gift, or reward from any person in connection with the appraisal or sale of such property, and it shall be unlawful for any person or persons, whether appraisers, or their agents, or bidders, or officers, or employees of the War Department, or any other person, to bring about, either separately or collectively, either individually or by combination, any situation or state of facts calculated or intended to cause such property to sell for less than the reasonable market value thereof, and any person violating any of the provisions of this act shall, upon indictment, trial, and conviction, be sentenced to pay a fine not exceeding $100,000 or to be imprisoned not exceeding 10 years, or both, at the discretion of the court.

The following is the letter hereinbefore referred to as having been written to the Secretary of War:

MARCH 4, 1926.

Hon. DWIGHT F. DAVIS,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I write at the suggestion, in fact, at the request of Colonel Hammond, who is War Department representative in connection with the Committee on Military Affairs of the House of Representatives. I also beg, in the beginning, that this letter be called to the personal attention of the Assistant Secretary of War, who did me the honor to call upon me two or three days ago and who agreed with me that the strictest care should be observed to see that the real estate which is to be sold shall bring as nearly as possible its actual market value.

Further, in beginning, let me repeat in all sincerity what I have often said, that our Government and country are to be congratulated that we have at the head of the War Department two gentlemen who have had actual experience in competitive business and therefore know the value of a dollar and know how to meet the keen methods and devices of those business men that have business transactions with the department, either in the sale of munitions and supplies or in the purchase by such outsiders of surplus war materials or of surplus real estate.

I have just introduced into Congress a bill, H. R. 9913, for the purpose of regulating the sale of real estate by the War Department. This bill represents those ideas which I had hoped to have incorporated into S. 1129, but the same was passed by the House under a suspension of rules, whereby amendments were not in order. I inclose two copies of H. R. 9913 and ask your most careful consideration of same. I have requested the chairman of the Military Affairs Committee of the House to submit this bill to the War Department's attention, with a request that the same be promptly considered and that the department return its comments, either favorable or unfavorable, to the committee at the earliest possible moment, by messenger, without waiting for the slow process of the mail. I therefore trust that the War Department will very promptly return its recommendations to the Committee on Military Affairs so that I may have the bill up for consideration. It is my hope that the committee will report this bill favorably, in which event I intend to seek to have the bill passed by unanimous consent. If that fails, then I intend to give every member of the House an opportunity to vote for a motion to suspend the rules and to pass the bill. The provisions of the bill are so manifestly in the interest of the Government, designed for the purpose of insuring a greater security to the Government, by preventing the possibility of collusion between any appraiser and any bidder and any faithless officer or employee of the War Department. Such proposition is not intended as a reflection on the honesty of anyone. I take it that there is reflection upon my honesty or standing for law and order, that there are statutes on our books, both State and national, against larceny, robbery, fraud, arson, and murder. I do not intend to dig up any unpleasant history, except to point a moral. It is a fact that in every war that our country has gone through profiteering, selfishness, and even breach of trust have been practiced to an alarming degree, both by civilians and officers of the Government. It would seem that during the stress of war when some are suffering and some dying for their country all should have their hearts freed from selfishness and love of greed. But history is to the contrary. Therefore it is not surprising that in times of peace there should be faithless, selfish, designing, and corrupt men willing and conspiring to defraud the Government of some of its resources. In view of this sad fact, it is necessary that the innocent should be protected by the imposition of penalties upon the dishonest. If all men were perfectly honest, of course, there would be no need either of penal laws or of government itself. Therefore I make no apology for aiming the provisions of this bill at the possibility that corrupt and designing men may conspire to appraise this real estate at less than its reasonable market value in order that it may be sold at less than its market value.

Therefore I am making a suggestion of some matters that you may consider in connection with the promulgation of orders of the procedure to be observed by the department in the sale of this real estate. In this connection I respectfully call your attention to my speech made on the floor when the motion to suspend the rules to pass S. 1129 on March 1 was before the House. You will easily find this speech in the CONGRESSIONAL RECORD. My suggestions are as follows:

1. I would write to each Member of Congress and to such Federal officials as United States marshals, postmasters, collectors of internal revenue, living in the section where the property is located, asking information on these points:

(a) Their respective opinions of the value of the parcel of land in question.

(b) The names and addresses of suitable disinterested business men to appraise the property.

(c) A list of the names and addresses of persons who may be interested in buying the property.

(d) Request their cooperation in your efforts to have the property bring its reasonable market value.

2. I would advertise the important and very valuable parcels of land in papers and magazines having a national circulation, such as the Literary Digest, Collier's Weekly, and a few dailies, setting forth briefly that the department has "42 tracts of land in 14 different States for sale, aggregating in value perhaps $30,000,000, and suitable for various purposes, such as manufacturing, fruit growing, farming, commerce, etc., and invite all persons who might be interested to correspond with the department," and from these letters thus received you will be able to compile a very valuable mailing list, to whom, from time to time, you may mail out circular letters of the time, place, and terms of sale of the several parcels. Do not be in too great a hurry, and by every possible means invite correspondence, because every man who may write to make inquiry is a prospective bidder, either directly or for his friends or business associates.

3. I would not permit one firm to appraise all the property, as was indicated by the testimony of the Secretary of War before the Committee on Military Affairs. The name of this single firm making the appraisement will become known to all bidders and they will obtain the information from them. I suggest that the appraisers be widely scattered and sworn to secrecy and disqualified from bidding themselves or from being in any way financially interested in the bids. For that reason I have suggested three different appraisers for each separate parcel.

4. Instruct the appraisers before their appointment that neither they nor their business associations can buy any of this property when sold, and require the appraisers to take an oath in advance that they will keep secret the result of their appraisement. If the appraised price should at any time be made public, it should be made public by you and not by the appraisers. My several years experience

as referee in bankruptcy, handling the sale of many, many parcels of property, has convinced me that if the bidders know what the property has been appraised at they will make the appraised price not only the minimum but the maximum price approximately. In other words, they will bid but a very few dollars more than the appraised price.

5. I would offer to sell every piece of property first by sealed bids, reserving the right to reject all bids. From the bidders the department may be able to compile a very valuable list of names, who should be circularized for every succeeding sale of other and different parcels of property. A man interested in one parcel of property would very probably be interested in other parcels. If all the sealed bids are rejected, then you can proceed, in due season, to advertise for the sale of the property at public auction.

6. I would not sell all of the 42 parcels, nor many of them on the same day, but would sell different parcels, or small groups of parcels, at intervals of one or two weeks, so that bidders may move from one parcel to another and from one section, or one State, to another. Of course, all bidders, both at sealed bids and public auction, should be required to make a cash deposit, or its equivalent, to guarantee good faith, the amount to vary in each case according to a general classification of parcels as to value and might, in a rough way, be represented by deposit of either $1,000, $10,000, $25,000, $50,000, or $100,000. Use every possible means of obtaining lists of prospective bidders to whom letters should be sent advising of all sales to be made.

7. I would instruct the appraisers in advance of their labors to regard franchises and licenses on the property, not as liabilities to detract from the value, but as assets to add to the value, for the reasons stated in my speech and briefly because the buyer can make new terms with these licensees and collect from them large sums of money in order to be allowed to continue their privileges.

There is not a parcel of this land to be sold located in South Carolina, and I have never seen any of the parcels, save the one in this city at 913 E Street NW. Perhaps I have seen the property to be sold at Newport News, as I sailed from there in August, 1918, and returned through there in March, 1919, but I am not sure of its exact location. However, I feel that unless very unusual precautions are taken to protect the interest of the Treasury great sacrifices will be made of much of this property. This feeling is not based upon imagination, but is based upon what I have seen happen since the war in the sale of surplus war materials and in the sale of camps and cantonments and other parcels of real estate.

I beg, therefore, that my writing this letter may not be regarded as presumptuous, but as prompted by the deep interest I feel for the protection of the taxpayers, and especially on account of the pleasant conversation I have had with Colonel MacNider and Colonel Hammond.

With great respect, I am,

Yours sincerely,

J. J. McSWAIN.

On a previous occasion I mentioned to the House the fact that this Government was saved $281,440 in connection with the purchase of additional land to be used in the training of troops at Fort Bliss, El Paso, Tex. I have recently been very much gratified to receive from the Hon. John C. McKenzie, who was then chairman of the Committee on Military Affairs, the following letter. I feel sure that you gentlemen will agree with me that few Members with a higher sense of honor, with a sterner resolution to do his duty, however unpleasant, ever served in this body. He is a typical Scotchman. He has ability of a very high order, and manifested great administrative powers in his service as chairman of that committee. Naturally, I am very proud that such a man has thus testified as to my part in saving money to the Treasury:

Hon. J. J. McSWAIN,

Washington, D. C.

DEAR FRIEND MC: It is impossible for me to forget my associations with the members of the Committee on Military Affairs, and naturally I am interested in following the work of the committee, notwithstanding I am far away. I am especially pleased to note that through your efforts to guard the interest of the Government in the motion you made in connection with the Fort Bliss land bill in the last session has resulted in saving the people of our Government the snug sum of $281,440 and in the acquiring of 4,532 acres, thus giving us 900 acres more than was proposed in the bill submitted to us. Such an achievement is surely worth while and only demonstrates the necessity of the members of that great committee being ever diligent in protecting the Government's interests. You can feel that in being alert and submitting the proper motion at the time, you saved enough to warrant the retaining you in Congress the remainder of your life. I often think of you and all the boys and I wish you all well and hope that you all will be on guard to head off not only land exploiters but personal exploiters of which there are many. With kind personal regards, I am,

Your friend,

JOHN C. McKENZIE.

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman and gentlemen of the House, the American National Livestock Association and other livestock associations filed a complaint on March 14, 1924, with the Interstate Commerce Commission against the Atchison, Topeka & Santa Fe Railway Co. and other carriers, asking reduction in rates on shipments of livestock in what is known as the western district, this district comprising a large portion of the livestock-growing section of the United States west of the Mississippi River; and, as I understand it—while I have not the exact language of the application before me—the prayer was for reduction of rates on livestock in the western district to the basis in effect when General Order 28, made by the Railroad Administration, took effect June 28, 1918, and subsequently, at hearings held at Fort Worth, an amended petition was filed asking that the rate basis be made the same as it was next before General Order 28 took effect, or, in other words, that pre-war rates be restored.

Subsequently other livestock associations filed complaints involving the same questions, and several of these cases were heard together. Interveners and witnesses representing all sections of the livestock industry of the West formed almost a regiment in number. William A. Disque, examiner for the Interstate Commerce Commission, conducted the hearings.

Following this a case was instituted on the commission's own initiative to determine what reductions it would make, if any, in the western district on products of agriculture, including livestock. Hearings were held on this case at Chicago, beginning in September, 1925, then at Denver, San Francisco, Minneapolis, Dallas, and were concluded at Kansas City in January of this year.

Now, as stated, hearings have recently closed at Kansas City on the case instituted by the Interstate Commerce Commission to determine what reductions it would make, if any, under the provisions of the Hoch-Smith resolution, directing the lowest possible lawful rates—and I may state the word "lawful" does not necessarily mean "reasonable," applying the language of the aforesaid Hoch-Smith resolution, and I do not think anyone will dispute this statement or challenge my position.

At some of the hearings, as shown by the transcript of testimony, prominent cattlemen of Texas testified—men whose veracity and reputation for giving facts can not, and will not, be questioned by any representatives of the railroads in this country, nor their knowledge of the cattle industry, nor the experience upon which they base their information. And I refer to such outstanding representatives of the livestock industry from my State as Hon. Herbert Kokernot, president of the Texas and Southwestern Cattle Raisers' Association; Mr. Lee Bivins, of Amarillo; J. H. Nail, of Fort Worth; J. M. Reynolds, D. T. Hobart, Pat Landergan, George Armstrong, of Fort Worth, who has made a lifetime study of the business; and Hon. Berkley Spiller, who has been secretary of the Texas and Southwestern Cattle Raisers' Association for many years, and a man qualified as thoroughly as a person could qualify, or as fully as any of the railroad witnesses were qualified, as to a competent knowledge of railroad rates and the conditions pertaining to livestock shipments; also men from the State of Kansas, like Hon. J. H. Mercer, livestock commissioner; C. A. Stephenson, Arnold Berns, Earl Barker, Rodney A. Elward, and many others from that State, whom I will make bold to say would be vouched for as to their integrity and truthfulness by Congressman TINCHER, of Kansas, chairman of this committee; also Mr. A. Sykes, of Ida Grove, Iowa, president of the Corn Belt Meat Producers' Association, whom many of you gentlemen have met and who has been before the Agricultural Committee in behalf of legislation for the relief of the farmers and livestock producers; also Hon. T. E. Cessna, State senator, of Grinnell, Iowa; and many others I could name by further taking up the time of the House and consuming space in the RECORD, all of whom, without a single exception, gave testimony as to the depressed condition existing since 1920 in the cattle business, many of them stating that hundreds of heretofore prosperous cattlemen had been forced into bankruptcy, and all protesting against the excessive rates on livestock shipments, especially since General Order 28, raising the rates on livestock shipments from 25 to 40 per cent, became effective.

And I desire also, in view of the adverse report of Examiner Disque, to quote the testimony in brief of Mr. Spiller, secretary of the Texas & Southwestern Cattle Raisers' Association, and Mr. Tomlinson, secretary of the American National Livestock Association.

Mr. Spiller stated that the business is unprofitable and has been since 1920; that it has been on the retrograde since 1921

and a great many cattlemen have been forced out of business, and others have had their financial condition so impaired that they have had a hard time staying in the business; that the industry, carried on in the usual manner of borrowing money and purchasing holdings and cattle, and paying interest thereon, was such that they had not been able to weather the storm. Mr. Spiller pointed out that this condition exists very generally throughout the industry.

Mr. Spiller testified that he, as secretary of the association, had been acquainted with the cattle-rate business for several years, and believed these rates should be reduced, because they were excessive and an intolerable burden upon the business in its present condition; that he had been manager of the Cooperative Commission Co., operated by the Cattle Raisers' Association at Fort Worth, and that he observed publications by the railroads indicating that freight rates represented only 3 or 4 per cent of the gross proceeds from cattle, which figures were compiled by the American Railway Association, but that the result of the Cooperative Commission Company's experience in shipments was that the freight takes between 8 and 9 per cent of gross proceeds and 9 to 10 per cent of net proceeds; that the manner in which cattle are raised and handled in the western country—Texas, New Mexico, and Arizona—and through the range country northward shows that in the life history of a 3 or 4 year old steer, when it finally reaches the slaughter pen, it has taken at least three journeys, and often more movements than that; that the aggregate gross receipts paid to his company on the market on the sales of livestock at Fort Worth were $3,599,000 for the year 1924, and the freight charges paid thereon were $302,000, or something like 10 per cent. This included sheep and hogs. Mr. Spiller had no estimate with respect to receipts trucked in, which, of course, are known to constitute a factor of some extent.

Mr. T. W. Tomlinson, secretary of the American National Live Stock Association, Denver, Colo., with 20 years' experience in that service, and for many years previous in transportation matters, representing the Chicago Live Stock Exchange, the Chicago Junction Railroad, and the Santa Fe Railway, testified at length.

He stated that he had for years been engaged in many important hearings before the Interstate Commerce Commission, involving livestock rates of the West, and had given extensive study to the livestock producing business throughout the western district and all of the matters pertaining to it. He stated that during the war and immediately afterward there was an expansion of the business due to various causes and the Government's representations of the world shortage in meat products, and during that time there was free advancing of money for production by loan companies and others. Following this there was a period of deflation. Liquidation naturally followed this with such reduced prices that the security was not worth the money loaned on it. He pointed out that the range cattle industry was probably in worse shape than at any time in its history, referring to the low prices, freakish weather conditions, and increase of overhead expense, high railroad rates, taxes, grazing fees, and cost of supplies, so that the majority of the range cattlemen are broke, or very near it, and many of them have been driven out of business.

While that was more particularly the case with the cattle business, Mr. Tomlinson stated that still the sheep business, which he was directed to represent for the National Wool Growers' Association, had suffered a tremendous deflation preceding the cattle deflation, and while it had not lost so heavily as the cattle business, still it put many of the sheepmen out of business; that the liquidation was drastic, and sheepmen had not by any means recovered, although the price of sheep and lambs had gone up considerably higher than at the lowest period of deflation.

Mr. Tomlinson further testified that the special service given during the war for 20 or 30 cars is not now furnished, and after the 28 hours was extended to 36 for unloading, there was a lessening of the speed of trains, so that they did little more than formerly was performed in 28 hours; that based upon a comprehensive investigation, the speed of livestock transportation to-day is less than it was 15 or 20 years ago; that formerly the competition in securing the business induced better service, but that from extensive investigation of wheel reports, train consists, and other data of like character, he was convinced that livestock does not now move on the average any faster than the average through freight on other commodities between division points.

He stated further that stock trains do not move as such, but are generally filled out with other kinds of freight, as to which he gives full explanation, which accords to the other freight the same character of movement. He explains that heretofore there were numerous cases where dead-freight trains, livestock trains, "red-ball" trains, perishable-freight trains, and others made excellent speed between some division points, and in some instances a separate train of livestock made extraordinary speed, but that now it is handled on the trains that carry other classes of freight between division points; that low-grade freight does not receive the good service that the "red ball," perishable, and special freight receive; that out of Denver, for example, all of the leading lines handling livestock east, such as the Burlington and the Union Pacific, handle everything on their freight trains, and that they are not confined to livestock.

Mr. Tomlinson stated that in one of the cases in which he took an active part he got a lot of Union Pacific consists and they had a number of coal cars on the trains carrying livestock, and in that case they gave coal expedited service, just as much as livestock. They meet the situation, he said, as they find it. He stated that on the average none of these trains are loaded up to potential engine capacity, although that happens in cases, but the average is around 60 per cent for all trains, and that this applies to livestock and other trains.

Mr. Tomlinson proceeded with extensive testimony with respect to the condition of the livestock industry and the matter of service. Referring to Montana, he explained:

> Montana, along with the rest of them, liquidated her range cattle, and there has been a transition in that State, due to settlement by a lot of dry farmers, many of whom ultimately had to move out on account of crop failures from drought conditions. Here the livestock is now in smaller holdings, the big herds being cut down. There are fewer range cattle in Montana to-day than there were 10 years ago or even 3 years ago.

Mr. Tomlinson also stated that the feeding of cattle had proved a loss to the feeders.

He testified that the livestock traffic in the western country was contributing more than its fair share of the transportation and believes that the rates in effect prior to General Order 28 should be restored, and that it would still pay its fair share of the transportation burden, referring in particular to the many journeys made by cattle before final marketing. He stated that the business had not been sufficiently profitable to afford the continued movement to the Northwest to warrant the people in shipping from the Southwest and paying the high freight rates; that by the time a steer raised in New Mexico, Arizona, or west Texas makes these journeys a large percentage of the price is absorbed for freight, and that if the rates were restored as before the war, the roads would earn substantially above the "out-of-pocket" expense; that it is a matter of economic adjustment; that there can be no such thing as an equivalent of profit in the traffic by which to measure the rates.

Agricultural colleges, farm bureaus, and State railroad commissions at the hearings also gave indisputable evidence of the depressed and desperate condition of agriculture generally, including, of course, the livestock industry, throughout the Corn Belt and the West.

And notwithstanding it was shown by Attorney Sam H. Cowan for the American National Live Stock Association, by railroad reports and statistics, that demonstrate to my mind—and I am sure would have to any unprejudiced mind beyond possibility of dispute—that the handling of livestock by the railroads is no more expensive per 100 pounds than the average traffic, while the livestock shipments pay 50 per cent more freight; and that, considering the heavy trains in which it is nearly always moved, it is handled more cheaply, and the figures shown demonstrate that the rates as they existed next before the war were sufficient to meet the basis declared by the Hoch-Smith resolution; and also that the proposed 5 per cent advance should be put out of existence.

And notwithstanding that the railroads claim that the rates asked to be established would amount to $35,000,000 in the western district per annum—and my deduction from the testimony is that this was based upon inflated values, and if it is a fact that it would decrease the revenue by establishing this rate $35,000,000—the brief and testimony offered by the livestock people shows that the stockmen are paying at least that much more than they ought to pay, as provided in the Hoch-Smith resolution, which passed this body by a large majority and also passed the Senate by an increased majority.

And notwithstanding, gentlemen, that it was shown—as I conclude and as, I am sure, you would likewise conclude if you had the testimony before you—that the contention of the representatives of the railroads that it cost more per gross ton-mile to ship livestock than other commodities, the representatives of the livestock industry showed that it was the same per ton-mile and practically the same per car-mile for the shipment of livestock as other commodities, and as I recall some of the testimony now, it was less per ton-mile. And I do know that it was shown that the livestock shipments

moved in carload lots of 11½ tons per car, while the average carload of all other commodities weighed 21.46 tons, or nearly twice as much.

Certainly it did not require the same amount of fuel and did not incur an equal amount of wear and tear and damage upon the cars and trackage to ship livestock as that of other commodities weighing twice as much per car. And notwithstanding the representatives of the livestock companies were not given full access to the books of the railroad companies, their data, and so forth, and had not sufficient money to procure experts having a peculiar and thorough and technical knowledge of the way the railroad companies juggled their figures in order to get all testimony that could have been gotten, with all these facts before him the said Mr. Disque, examiner for the Interstate Commerce Commission, in the report that I hold in my hand, denied the application in every instance, and I quote his remarkable conclusions in his statement and recommendations to the Interstate Commerce Commission:

The rates assailed are not shown to be unreasonable or unduly prejudicial.

The complaints in all the cases should be dismissed.

So you will conclude from Mr. Disque's remarkable statement in the document I hold in my hand, containing his full report to the Interstate Commerce Commission upon the hearings had at Fort Worth and other places, that the cattlemen were beginning to get very prosperous and that the roads were getting poorer every day, that everything would soon be lovely with the livestock producer, and that the goose was hanging clear to the top of the sycamore tree.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my colleague from Texas.

Mr. JONES. I would like to know if that man put into the record or made the statement openly that the livestock men were making money and the railroads were getting poorer.

Mr. HUDSPETH. Well, you might conclude that from his statement, and I quote a portion of same, where he says:

The studies of defendants' statisticians and agricultural economists, incorporated in the record, seem to have convinced the carriers that the future holds bright prospects for the cattlemen.

Quoting further from his statement:

Substantially fewer cattle are on the farms this year than there have been for some years past, possibly reflecting a tendency to restrict production. With the supply curtailed prices may go higher. Price changes since the hearing have been upward in conformity with the predictions of defendants' witnesses. One of the cyclical swings which have characterized price movements of the past is said to be now under way.

Mr. JONES. Did he cite any testimony to warrant that?

Mr. HUDSPETH. Only the statements of the carriers and the "cowologists" and hare-brained theorists produced by the railways, so-called "professors" who appeared there and told Mr. Disque that the cattlemen were making money, and such gentlemen were certainly eminently qualified (?) to tell cattlemen like Mr. TINCHER, Mr. WHITE of Kansas, and myself, who know something about the business, how to run our business and make money.

And, notwithstanding the many real livestock producers who testified, it is expected that the Interstate Commerce Commission should find, as Mr. Disque seems to have found, that despite the multitude of such witnesses, who are in the business and testified that it is conducted at a loss, the "professor" theorists contend that speculation must be relied on against facts, and I call to your attention that not one of them could point to a single instance of profit in either raising or feeding cattle for five years, except in an agricultural report of feeding in one season in Pottawattamie County, Iowa, and it was only done in this instance by counting the fertilizer as showing a profit.

Mr. Morehouse, operating a service for agricultural employment concerns, bankers, and mail-order houses, who seems to be at the head of the Howard-Morehouse Service, and also said to belong to the farm bureau organization, was employed by the railroads to make a study and tell the examiner—and did probably so tell him—that the stock raisers and farmers are making money, yet on cross-examination by Mr. Cowan he was forced to admit that he did not know a thing about it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my colleague from Texas.

Mr. BLANTON. And it is a fact that every cowman in the United States knows that those who have not been forced out of business under the deflation are just now barely getting back on their feet.

Mr. HUDSPETH. Yes; those that were not forced out of business by the deflation and liquidation of cruel loan companies are just now getting their heads above water. And the gentleman knows some of these witnesses who are qualified to speak for the livestock producers, such as Mr. J. M. Reynolds, of Fort Worth, and other gentlemen from our State who appeared and gave testimony at this hearing.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my friend from Oklahoma.

Mr. CARTER of Oklahoma. The gentleman mentioned the State of Oklahoma. Did this investigator——

Mr. HUDSPETH. Let me state, before answering the question of my friend from Oklahoma, that Mr. Disque quotes the railroads' representatives as stating that the old farmer's and livestock producer's dollar was worth more in 1924 than ever before.

I see my friend from Kentucky [Mr. KINCHELOE] on the floor, and I wonder what his reaction is to this statement, as I observe that he quoted the Department of Agriculture recently, wherein it was shown that the purchasing power of the farmer's and livestock producer's dollar was now about 60 cents.

Mr. KINCHELOE. I will say it does not agree with the statement of that department, and I will say that it is only worth now about 60 cents in purchasing power.

Mr. CARTER of Oklahoma. If this gentleman claims there is any degree of prosperity among the cattlemen in the State of Oklahoma——

Mr. HUDSPETH. Well, you can take his report, and you can not conclude otherwise than that it was his very strong impression that there was considerable prosperity among the livestock producers at the present time in the western district, wherein the freight rates were asked to be reduced, and I am quite sure that Oklahoma is in the western district.

Mr. CARTER of Oklahoma. Having had considerable experience in the stock business myself and being in full touch with the stockmen of Oklahoma, I will say I can only think of two or three stockmen in the State of Oklahoma who are not on the verge of bankruptcy. The Miller Bros. might be cited as one, and Jim Miller told me a year or so ago that the stock business was such a losing proposition that he had to start up a circus in order to keep the stock business going. There was a firm of Wiseheimer & Dauby, a large firm engaged in the mercantile, wholesale, and retail business, and owning livestock, who told me just before leaving home, Mr. Dauby speaking, that if it had not been for the mercantile and oil business they would have run into bankruptcy long ago. Another livestock producer who might be on safe ground is an old Indian citizen, Felix Penner, who has never borrowed anything on his livestock.

Mr. HUDSPETH. Now, as to this great prosperity that you were informed from Mr. Disque's report exists among the livestock producers—for certainly he must have concluded they were making money and able to pay these exorbitant rates, or he would not have found against them—I much prefer to take the statement of my friend from Oklahoma rather than the statement and conclusions of Examiner Disque, who was out there and heard this great volume of testimony, and he intimates in his statement that nobody but rich cattlemen appeared in behalf of the livestock shippers. Certainly the poor fellow who has been forced out of business could not appear there, for he had not anything to pay his expenses.

And, notwithstanding Mr. Disque's statement that the carriers could not stand a reduction in livestock rates, I will show, by quoting a portion of the brief of Mr. Cowan, representing the American Live Stock Producers, and Mr. Dayton Moses, representing the Texas Cattle Raisers' Association, that on trainloads of livestock covering a distance of 259 miles the railroads made a net profit of $846.

Now I yield to my colleague from Texas [Mr. CONNALLY], who seems to desire to interrogate me.

Mr. CONNALLY of Texas. Probably this Mr. Disque had been reading some of the speeches of the gentleman from Kansas [Mr. TINCHER] and others showing how prosperous the tariff had made the cattlemen.

Mr. HUDSPETH. I will not take up the tariff question at this time and discuss it with the gentleman, and I take it that the gentleman from Kansas [Mr. TINCHER] will discuss that question with my friend from Texas at any time he may desire. But I am now after this Mr. Disque, who denied all our applications for relief, and I am attempting to show the fallacy and unsoundness of his argument.

Now, Mr. Disque says that the rates are not shown to be unreasonable nor unduly prejudicial and that the railroads could not stand a reduction and make a reasonable profit on their investment, notwithstanding the resolution of my good

friend from Kansas [Mr. HOCH] was cited to Mr. Disque after the hearings had been begun, which provides for the lowest lawful rate instead of a rate necessarily producing a reasonable return on the investment.

And I also call to your attention that I saw a statement which I have never seen controverted by the railroads that last year the railroads of the country, as a whole, made over 6 per cent on their total investments.

Now, I want to ask you gentlemen who are familiar with the cattle business, if you know of a single cowman for the past five years who has made as much as 2 per cent net on his total investment? And I will say to this distinguished gentleman, Mr. Disque, who, to my mind, shows throughout his report a very considerable bias toward the railroad companies, that if the railroads are making anything like the amount upon their investments as quoted, they certainly should share a small portion of it with the struggling cattlemen in the way of rate reductions.

Mr. CARTER of Oklahoma. Does the gentleman know of any cattlemen in any section of the Southwest that are enjoying any degree of prosperity?

Mr. HUDSPETH. I do not. There has been, as I have stated heretofore, some raise in values occurring principally in the last six months, but not sufficient to place the cattlemen back on sound footing, and certainly not sufficient to pay what I term the unjust raise in freight rates provided for under General Order 28 and subsequent raises as provided in "Increased rates, 1920," effective August 26, 1920.

Now, let me say that the petition for reduction in rates by complainants in No. 15686 was filed long before the Hoch-Smith resolution was passed, challenging the rates on livestock in the western district, both State and interstate, and would have been, as it has been, heard independent of that resolution, the commission is required to decide it in accordance therewith, and it is therefore the law of this case. I quote that part of the resolution, as follows:

> In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this resolution will be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture and that such cases shall be decided in accordance with this resolution.

I will state to you gentlemen, who view this matter as I do, that I have made an investigation at the Interstate Commerce Commission and have ascertained that the matters embraced in the hearing before Mr. Disque, with also the testimony taken by the Interstate Commerce Commission on its own initiative, will probably be set down for hearing in April, and, if not, not later than May, for argument, and I feel it is incumbent upon every man here who represents a livestock district to go before the Interstate Commerce Commission at that time and show the absolute fallacy of the findings made by Examiner Disque.

Mr. HOCH. Mr. Chairman, will the gentleman yield right there?

Mr. HUDSPETH. Yes; I yield to the distinguished gentleman from Kansas, who has shown himself to be a real friend of the livestock producer and the farmer, and who is a joint author of the Hoch-Smith resolution, declaring that the livestock business is in a depressed condition, and further declaring that the railroads should make the lowest lawful rate possible on livestock shipments.

Mr. HOCH. I would like to say that it is the testimony of men from my State that this man Disque is altogether prejudiced and biased. I have talked with men who are identified to-day with the livestock industry, men who attended all these hearings, and they complained of the biased attitude that this man assumed all the way through the hearings.

Mr. HUDSPETH. I will say to my friend from Kansas that a careful reading of his report discloses this condition indubitably to my mind. There were many witnesses from the State of my friend from Kansas, men of prominence, men who have been engaged in the cattle business all their lives, and you will find a statement from one of them, Hon. J. H. Mercer, representing the Kansas State Livestock Association, having held that position for many years, and also being a member of the State livestock sanitary commission. He states that cattle dress out about 56 or 57 per cent, and finally the total freight charge, independent of other expenses, is 3½ to 4½ cents per 100 pounds added to the cost of the meat to the consumer. He says that the cattle business was stable prior to the issuing of General Order 28, but that at no time in the commission's history of 25 years past were there such demoralized conditions as have taken place since the issuance of this order.

He furthermore states that, according to his belief, the owners that are not insolvent are engaged in some other business that is compelled to carry the livestock end, and he further states that the Santa Fe Railway Co. had filed a petition with the Utilities Commission of Kansas that their lines operating in Kansas be permitted to put in rates to move pure-bred livestock at one-half what they are asking because of the demoralized condition of the pure-bred livestock industry.

And I want to state to my colleague from Texas [Mr. JONES] that a reputable gentleman from Kansas, who is a cattle buyer, stated that he bought cattle in the Panhandle, in my friend's district, and drove them to his ranch in Kansas, in the neighborhood of 400 miles overland, rather than pay the exorbitant freight rates that the railroads enjoin upon him.

Now, gentlemen, think of going back to the old-fashioned trail-driving method of transporting cattle of 40 years ago, when the country is now checkerboarded with railroads. And yet, when men are forced to drive cattle hundreds of miles over the trail on account of excessive freight charges, Mr. Disque, in his conclusions, indicates that the railroads are unable to reduce said charges, and in reading his report you will also see where the railroads, instead of reducing the freight rates, are asking at the present time for a 20 per cent additional raise in freight rates, and I have no doubt if the matter is put up to Mr. Disque he would approve this additional raise. He is so fearful that the poor downtrodden railroads will be imposed upon by the prosperous cattle producers of the country!

Mr. JONES. Mr. Chairman, will my colleague yield?

Mr. HUDSPETH. Yes.

Mr. JONES. I know of several instances like that, and I also know of cases where they drive cattle from the gentleman's section to the section where I live. I would like to know if my friend from Texas, when he was down at the Interstate Commerce Commission, inquired as to when hearings would be held on the Smith-Hoch resolution?

Mr. HUDSPETH. Yes; I presume my friend means when the argument will be heard before the commission on the Smith-Hoch resolution. When I was there I inquired as to when argument would be heard upon the report of Mr. Disque, and I was informed that the argument on the livestock rate hearings had been joined with that on the Smith-Hoch resolution and would be heard not later than about the 1st of May.

Mr. JONES. Did they know that the Smith-Hoch resolution calls for a reduction of rates on livestock and agricultural products?

Mr. HUDSPETH. Yes; I think they do. But the celebrated Mr. Disque, in his famous report that I hold in my hand, made the statement that a reduction had been made of 10 per cent on livestock rates, first voluntarily by the railways covering a short period, and then afterwards made permanent by the Interstate Commerce Commission. But, as I understand it, this decrease only applies where the rate in existence was more than 50 cents per 100 pounds, and the short-haul fellows would not get any benefit therefrom on hauls of less than 500 miles.

I see before me my good friend from Kansas [Mr. HAYS WHITE], who has always on this floor shown himself to be a real friend of the cattleman. The people in his district whose markets are less than 500 miles would not get any benefit from this decrease, but it would only apply on what is known as the long-haul shipments. And this calls to my mind a statement of Mr. Disque seeking to justify the lower rates on long hauls by stating that there was a greater expense attached to long hauls than short hauls. My experience and observation are just to the contrary. On short hauls covering a distance of less than 500 miles the railroads are not put to the expense of unloading, watering, or feeding, and certainly the expense should be less on the short haul as far as the railroads are concerned than on the long hauls.

I will insert at the end of my remarks a statement taken from the brief of Hon. S. H. Cowan, attorney for the American National Livestock Association, and other complainants, giving representative rates on cattle from representative points to market.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. HUDSPETH. Yes; I yield to my good friend from Kansas.

Mr. WHITE of Kansas. Does the gentleman also know that in the order making a general 10 per cent reduction grain and wheat and coarse grain were excepted from that order?

Mr. HUDSPETH. Absolutely. The reduction, as I have stated, applies only to the long hauls, and I am glad my friend from Kansas emphasized the injustice of same as ap-

plying to grain and other farm products. Your territory, I will state to my friend from Kansas, did not get any benefit from this 10 per cent reduction so greatly emphasized by Mr. Disque in his remarkable report.

I take it that the distance covered by your shippers is less than would give them the benefit of the 50 cents per 100 pounds, so that you did not get any reduction at all. But Mr. Disque cites this in justification of his denial of the application for reduction in freight rates as prayed for by the livestock producers all along the line. [Applause.]

As showing discrimination against the shipments of sheep and goats, I quote you the following from a statement made recently at a meeting of the executive committee of the Sheep and Goat Raisers' Association at Del Rio, Tex.:

Figures alleging discrimination against the livestock from this section of Texas were quoted by A. H. Priest, of the Livestock Traffic Commission of Fort Worth. This district was said to be the only section in the United States on which the rate on a double-deck car of sheep is higher than the rate on a car of cattle.

Arizona, New Mexico, Wyoming, Idaho, and Montana were said by Mr. Priest to have a decided advantage over southwest Texas in the matter of rates to the northern markets, the Texas shipper paying more a car than the shippers of these States. The sheepmen are discriminated against also, in that while stocker cattle and hogs enjoy a special rate stocker sheep and goats do not, Mr. Priest asserted.

This matter was unquestionably presented to Mr. Disque, but no reference given by him in his report.

Now, Mr. Disque makes the statement in his report, which I quote, as follows:

For all practical purposes it may be said that complainants' evidence in the present case relates wholly to the condition of the cattle industry—

thereby implying that complainants produced no testimony whatsoever as to the revenue derived by the railroads from livestock shipments or the net earnings from same.

Now, I quote you a statement from the reply brief of Hon. S. H. Cowan, attorney for the American National Livestock Association, and Hon. Dayton Moses, attorney for the Texas & Southwestern Cattle Raisers' Association, showing the net earnings on a train of livestock a distance of 310.55 miles.

If the livestock rates be reduced to pre-war level estimated at 35 per cent, that would bring the per train earnings down to $3,131.25 for the train of 630 tons, as shown by—

Pelton's Exhibit 88 and Exhibit B, our brief; average distance, 310.55 miles	$3,131.25
Deducting expenses, maintenance, equipment, and transportation	1,636.59
Excess earnings over cost	1,494.66
Deducting total operating expenses per train	2,310.49
Leaves profit	820.76

Twenty-six per cent of train earnings.

Now, mind you, this would be the result if the decrease prayed for had been granted.

Now, I leave it to the judgment of the Members of this House as to whether or not Mr. Disque was justified in denying this application of complainants praying for reduction in the exorbitant rate on livestock, in view of the preponderance of evidence produced by complainants showing same to be excessive, unreasonable, and exorbitant, and beyond that which the livestock producers, and especially the cattlemen, can pay and maintain the business.

I do not state that the plight of the cattlemen and the livestock producers is due wholly to these exorbitant rates, but I do state that they contribute in a large measure to his inability to make anything like a reasonable return on his investment. And I feel sure the splendid men comprising the Interstate Commerce Commission will repudiate the biased and ill-founded report of Mr. Disque and grant the livestock producers the reductions prayed for, which by a preponderance of evidence were shown to be reasonable and fair to the carriers. [Applause.]

REPRESENTATIVE RATES ON CATTLE FROM REPRESENTATIVE POINTS TO MARKET

Fort Worth, Tex., to Kansas City, Mo., 507 miles; rate 40 cents; per car-mile, 21.3 cents; per ton-mile, 1.93 cents.

Fort Worth to Oklahoma City, Okla., 202 miles; rate 29½ cents; per car-mile, 32.1 cents; per ton-mile, 2.92 cents.

San Antonio, Tex., to Fort Worth, 276 miles; rate 35 cents; per car-mile, 27.9 cents; per ton-mile, 2.54 cents.

San Antonio, Tex., to Kansas City, Mo., 783 miles; rate 60 cents; per car-mile, 16.9 cents; per ton-mile, 1.54 cents.

From Amarillo, Tex., to Fort Worth, 335 miles; rate 38½ cents; per car-mile, 25.3 cents; per ton-mile, 2.3 cents.

From Dalhart, Tex., to Kansas City, 525 miles; rate 47 cents; per car-mile, 19.7 cents; per ton-mile, 1.79 cents.

From El Paso, Tex., to Kansas City, 949 miles; rate 64½ cents; per car-mile, 15 cents; per ton-mile, 1.37 cents.

From Woodward, Okla., to Kansas City, 380 miles; rate 40 cents; per car-mile, 22.6 cents; per ton-mile, 2.05 cents.

From Oklahoma City to Kansas City, 384 miles; rate 40 cents; per car-mile, 22.9 cents; per ton-mile, 2.08 cents.

From Roswell, N. Mex., to Kansas City, 772 miles; rate 54 cents; per car-mile, 15.4 cents; per ton-mile, 1.49 cents.

From Victoria, Tex., to St. Louis, Mo., 925 miles; rate 60 cents; per car-mile, 14.3 cents; per ton-mile, 1.3 cents.

From Longview, Tex., to St. Louis, 585 miles; rate 50½ cents; per car-mile, 19.1 cents; per ton-mile, 1.74 cents.

From Shreveport, La., to Fort Worth, 222 miles; rate 31 cents; per car-mile, 30.7 cents; per ton-mile, 2.8 cents.

From Shreveport to St. Louis, 465 miles; rate 48½ cents; per car-mile, 22.9 cents; per ton-mile, 2.08 cents.

From Harlingen, Tex., to Fort Worth, 511 miles; rate 47½ cents; per car-mile, 20.5 cents; per ton-mile, 1.87 cents.

From Harlingen to Kansas City, 1,018 miles; rate 70½ cents; per car-mile, 15.2 cents; per ton-mile, 1.38 cents.

From Houston, Tex., to Oklahoma City, 463 miles; rate 47½ cents; per car-mile, 22.6 cents; per ton-mile, 2.05 cents.

From Amarillo, Tex., to Omaha, Nebr., 756 miles; rate 53½ cents; per car-mile, 15.6 cents; per ton-mile, 1.42 cents.

From Quanah, Tex., to Omaha, Nebr., 711 miles; rate 53½ cents; per car-mile, 16.6 cents; per ton-mile, 1.51 cents.

The foregoing rates are on 36-foot cars, 22,000 pounds minimum weight, shown in Pelton's Exhibit No. 1, with the tariff references.

These rates to Omaha, Kansas City, and St. Louis are the rates established in the cattle raisers' case with the increases made under General Order 28 and the increases made in ex parte 74, with the decrease of the rates under Docket 12146, where the rates were above 50 cents per 100 pounds with a minimum of 50 cents, and the 10 per cent decrease put into effect first by the voluntary action of the railroads January, 1922, and continued by order of the commission in 13293.

The rates other than to the Missouri River points and St. Louis above noted were based upon Investigation and Suspension 958 with the increase under General Order 28 and ex parte 74 and given application under the scale known as 2797, applicable within the States of Louisiana, Texas, Oklahoma, and intermediate and to Wichita, Kans., and Oklahoma City and Fort Worth, likewise applicable eastern New Mexico to those points.

There was also introduced Pelton's Exhibit No. 2, which gives list of the stock-cattle rates from New Mexico, Texas, and Arizona points to points in Wyoming, South Dakota, Montana, and Nebraska.

A few representative rates will be sufficient to point out what they are:

Amarillo, Tex., to Cheyenne, Wyo., 585 miles, rate $109.50 per car; 18.7 cents per car-mile, 1.87 cents per ton-mile.

Midland, Tex., to Cheyenne, Wyo., distance 932 miles, $140 per car; per car-mile, 15 cents; per ton-mile, 1.5 cents.

Alpine, Tex., to Cheyenne, Wyo., 1,131 miles, rate $165.50 per car; per car-mile, 18.2 cents; per ton-mile, 1.82 cents.

Clovis, N. Mex., to Cheyenne, 692 miles, per car $113; per car-mile, 16.3 cents; per ton-mile, 1.63 cents.

Winslow, Ariz., to Cheyenne, 1,404 miles, rate per car $165.50; per car-mile, 12 cents; per ton-mile, 1.2 cents.

From Amarillo to Miles City, Mont., 1,281 miles, $149 per car; per car-mile, 11.6 cents; per ton-mile, 1.16 cents.

The foregoing has reference to 36-foot cars with an estimated minimum weight of 20,000 pounds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHREVE. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. WATSON].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 30 minutes.

Mr. WATSON. Mr. Chairman, I ask the indulgence of the committee to speak on the tariff, a worn-out subject, I admit, but one that seems to have been revived by gentlemen of the House advocating lower rates of duties. Nations are increasing tariff rates rather than reducing them, if we can be guided by commercial reports, and I doubt if lower tariff rates than now exist will be placed upon our statute books during the present generation, especially since the textile industries are building up the wealth of the Southern States, changing agricultural districts into industrial sections, growing raw products on one

side of the road, on the other manufacturing them into merchandise.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. WATSON. Yes.

Mr. ALLGOOD. While it is a fact that the nations throughout the world are raising their tariffs, is it not also a fact that the cost of living throughout the world is increasing?

Mr. WATSON. No; I think not, because of the national policy of America of levying a protective tariff.

Mr. ALLGOOD. You say the cost of living has not increased?

Mr. WATSON. Not altogether the cause of the protective policy.

Mr. ALLGOOD. It has in this country.

Mr. WATSON. The first Congress of the United States was summoned to meet in New York on March 4, 1789. It required 35 days to organize the House and adopt "Rules and Orders" to govern the legislative proceedings. On the 8th of April the House resolved itself into a "Committee of the Whole on the state of the Union" to consider the first tariff bill. The caption was as follows:

Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of the manufacturers, that duties be laid on goods, wares, and merchandise imported.

Mr. Madison, in presenting the bill, opened his speech as follows:

I take the liberty, Mr. Chairman, at this early stage of the business to introduce to the committee a subject which appears to me to be of the greatest magnitude, a subject, sir, that requires our first attention and our united efforts.

The tariff act of 1789 covered one and a half pages; that of 1922, 147. The first item in the 1789 bill, without alphabetical order, was Jamaica proof—described afterward as Jamaica rum—imported from any kingdom or country whatsoever, per gallon, 10 cents.

Mr. COLE. Mr. Chairman, will the gentleman yield there?

Mr. WATSON. Yes.

Mr. COLE. Was Mr. Madison the author of that bill?

Mr. WATSON. I think not. He was evidently the chairman of the committee that framed and introduced the bill.

Mr. COLE. He was a Democrat, was he not?

Mr. WATSON. Well, it does not make any difference whether he was a Democrat or a Republican. He had good ideas on the protective policy.

What great changes have taken place in the development of our Government; what great controversial battles have been fought; what grave questions have been debated in this body by the ablest men of the Representatives since the first tariff act, that have influenced the social and commercial course of empires.

In the virtue of true political light I hold that a protective policy has accomplished more toward the development of our natural resources, more to increase the wealth of our Nation, more to give to our wage earners comfortable and happy homes, and more to establish our Republic as the banker of the world than any other one policy that has been adopted by the Congress of the United States. If we take time to read the speeches on tariff issues from the early period of our history to the present, we find no new arguments, whether they be on a tariff for revenue, protection, or free trade. The greatest and strongest argument that has ever been made in favor of protection can be said in three words "Prosperity follows protection," and proven by the well-known axiom, "Self-evident truth."

The distinguished gentleman from Tennessee [Mr. HULL] said, quoting that the output of manufacturers increased from twenty-four billions in 1914 to sixty billions in 1923:

The late war profoundly affected and completely reversed all the pre-war conditions on which higher tariffs were predicated. America emerged as a great creditor nation, an industrial giant, with a productive capacity largely in excess of domestic needs and with manufacturing skill and efficiency far outstripping that of the disorganized, dislocated, and impoverished industries of Europe.

Gentlemen, protective policy made it possible to develop our industries that we could supply the world with goods. The gentlemen can not fail to admit that we loaned our allies $10,000,000,000, with the accumulating interest of two and a half billions more, to carry on the war, and our wealth made it possible to settle the war debts by discounting them more than one-half. The increase of exports that supplied the wants of the people when foreign factories were closed naturally increased our production. It was the reversed result during the 1812 war with England. We must not fail to note that the American dollar was the only medium of exchange of all the nations at war that maintained its par value. I would praise the policies that produced these conditions rather than condemn them, as the gentleman from Tennessee deems wise in his philosophy.

Shall the economic life of the world during coming years be developed under American leadership on the basis of high tariff—

Inquires the gentleman from Tennessee. I reply, yes; and the Southern Tariff League, composed of 16 Southern States, also answers with me yes. Our great Republic was founded as an independent Nation because the laws of England forbade the American Colonies to buy any manufactured article except made in England. A Colonial farmer at one time was not permitted to make a hat from an opossum skin, although the opossum might be trapped on his own farm. The gentleman from Tennessee further said:

It is amazing to see our country still confined to the old economic ruts.

That was the same argument in 1812 and down to the present time by the advocates of low tariffs. Yes; we are in the same old economic ruts that made our Nation the wealthiest, the mightiest, and the greatest of all the universe. I want to travel in the same old ruts. There was only slight opposition to the duties on imports, and its policies continued until 1812. The war between Great Britain and America closed the foreign commercial relations, and after the war ended the imports were doubled, at the expense of the American manufacturers.

Alexander Hamilton, while Secretary of the Treasury, made a report on the tariff, in which he said:

The expediency of encouraging manufacturers in the United States, which was long since deemed very questionable, appears at this time to be pretty generally admitted.

Protection is as important to-day as at any period within the history of our Republic, in order to maintain the wages of our workmen and for the development of our country. To trace the history of tariff bills down to the present hour would be only to show that in every instance, save between 1853 to 1855 and 1872, prosperity ruled the country under protection and reversed under a tariff for revenue only. The Crimean War, between 1853 and 1855, was a blockade to imports. The building of railroads at that period and the electric telegraph and the public lands that were developed by the pioneers gave impetus to trade. Twenty-six thousand three hundred and forty miles of railroad were constructed between 1846 and 1860. This alone was sufficient to give prosperity to our country. There was another exception in 1872. This was a period of speculation in fanciful projects that never matured. The building of railroads into the far West, a country that had not been developed beyond the Indian trails; millions of dollars drawn into enterprises, upon which no interest was paid. It was a period of promoters, the commencement of the ending of "wildcat" schemes. The 1872 act repealed the duty on coffee, raw hides, and so forth, and reduced an ad valorem rate of 10 per cent on a very large list of commodities. In 1875, 10 per cent ad valorem reduction was repealed and there was immediate evidence of prosperity. Taussig remarked in his book on the tariff, "No satisfactory investigation of the period preceding the crisis of 1873 has yet been made." Protection also encourages competition, and competition reduces prices. Previous to the World War farm implements were cheaper than at any time within their history, and this, of course, enabled farmers to purchase them; the result, more acres under cultivation, over production, and lower prices. Lifting the embargo of protection in order to increase the importation of grain, potatoes, and other food essentials, would further decrease the prices and again add distress to the farmer. The emergency bill, into which I have gone somewhat into detail, proves this statement.

I favor protecting and taking care of our own people rather than those of other nations. Do not open the customhouse doors and permit the influx of goods from foreign spindles and looms; this would keep their factories busy and their workmen employed. Let us take care of our own people and give our workmen employment; let us build up our own industries and increase the sources of taxation rather than to extend these opportunities to our foreign neighbors; let us encourage our own industries in order to add to the wealth of our Nation under the stimulating influence of protection. Productive labor is and always will be the financial keynote of a country. It is well to observe that England did not grow into commercial importance until after the enactment of protective laws under Edward III; not until after the introduction of protection was England financially able to commence to build her merchant marine, which became the greatest of all the world; it was not until after the policy of protection that the English

Navy was a power on the seas. Protection as applied to America has accomplished more than any other policy to encourage the self-respect of her wage earners by building homes, and blazing the pathways to success, honor, and domestic happiness. America has prospered 92 years under the incentive effect of high tariff and 48 of industrial disturbance brought about by free-trade speeches and free-trade policies. No nation within the history of man can show a semblance to the financial growth of America since the passage of the tariff act of 1922. Within three years the savings banks have increased their deposits from $6,617,998,000 in 1921, with 10,738,000 depositors, to $8,439,850,000 in 1924, with 13,972,000 depositors. The total deposit of all banks in 1921 was $34,884,572,000, and in 1924 they had increased to $42,954,121,000.

The building operations from 1923 to 1925 amounted to $16,505,202,000.

The output of automobiles since 1921 has been 1,514,000 passenger cars, and in 1924, 3,243,285. The total number of registrations in 1924 was 15,460,649.

It is estimated that 90 per cent of homes in the United States are equipped with radios, and thus the people of America get in touch with the intellectual pulsations of the world.

Mr. BLANTON. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. BLANTON. The gentleman spoke of free trade. I do not believe that in this House of 435 Members the gentleman can find 5 Congressmen who are free traders.

Mr. WATSON. Well, let me tell the gentleman that there has never been a free trade bill written in the House, but there has always been the policy of raising revenue. However, there has never been a revenue bill that did not have the protective policy in it. Let me say to the gentleman that it is a remarkable fact there is very little difference between the revenue derived under a low tariff bill and the revenue derived under a high tariff bill. Now, on commodities which paid a duty and commodities which came in free, there was only a difference of four-tenths of 1 per cent between 1921 under a low tariff bill, and 1924, under a protective bill, and one reason for that is under the tariff measure of 1922 there are many commodities on the free list.

Mr. BLANTON. The gentleman surely can not call the bill of 1921, or the law under which we were operating then, a free trade law, because it brought in $375,000,000 of revenue.

Mr. WATSON. That is what I am explaining to the gentleman. There is very little difference regarding customs duties between a free trade bill, what is generally called a bill for raising revenue only, and a high protective tariff bill.

Mr. BLANTON. The law of 1921 was not a free trade law?

Mr. WATSON. What was it?

Mr. BLANTON. It was a tariff bill for revenue only.

Mr. WATSON. There has never been a bill that has been written that did not have some provision in it for raising revenue, and such a bill can not be written. There is no such measure, and what I wanted to show the gentleman was that there is very little difference between a high tariff bill and a low tariff bill, especially as to the revenue derived, according to the percentage of those commodities which are entered free of duty.

Mr. CROWTHER. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. CROWTHER. The gentleman will recollect that some of the orators on this side in the last few weeks suggested that they would be in favor of lowering the duties in the Underwood bill.

Mr. WATSON. Yes.

Mr. CROWTHER. On the theory that it was somewhat of a protective measure, but the gentleman will remember that one of the authors of that bill, whose name it carries, Senator UNDERWOOD, said:

> Here is a bill and there is not an ounce of protection in it.

Of course that has been set aside by the declaration of members of his own party, who thought there was so much protection in it that they wanted to reduce the rates in it. Now, does the gentleman make his statement as to the difference between a low revenue bill and a high tariff bill apply over a long period of time or for one year?

Mr. WATSON. I only made the comparison for 1921 and 1924, but I will put in my remarks statements which cover quite a number of years.

Mr. CROWTHER. I think the average under the Underwood bill for eight years was $277,000,000, while the average so far under the Fordney bill is $560,000,000.

Mr. WATSON. Yes; I think the amount collected last year was something over $560,000,000.

One hundred and thirty-seven years ago the foundation of this Nation was laid by the adoption of a Constitution which, with few amendments, is still operative to-day. To the group of statesmen representing the varied views of the 13 Colonies no visions came that could possibly foreshadow the tremendous growth in size, population, and world power. It is well to recall the small beginnings. In 1789 one of the first acts of the Congress was to order a census of the inhabitants of the new Republic, and in 1790 it was reported that the total population was 3,929,214, and that the area of the States was 892,135 square miles, of which the land portion consisted of 867,980 square miles. By 1830 the population had increased to 12,866,020, and the total area comprising the States had become 1,792,223 square miles. In 1880 the population passed the 50,000,000 mark, and the United States had attained its present area. For the year 1924 it is estimated that the population is more than 112,000,000. When the country was founded, agriculture was the most important. Manufacturing was in its infancy, the factory system being practically unknown. Because of the policy observed by England toward the Colonies, each household was almost an independent economic unit. A typical farm household of the time raised or made what its occupants consumed, and bought little save salt and a few necessary tools. Spinning, weaving, manufacturing of food products, were all carried on within the home. In the latter part of the eighteenth century less than one-eighth of the working population was engaged in manufacture, fishing, navigation, and trade. It is true that the absence of adequate means of transportation was largely responsible for the self-sufficing economic system followed by the great bulk of our ancestors. Little is known of the early history of manufacturing industries. In 1810 Albert Gallatin, Secretary of the United States Treasury, reported that the total value of the manufactures for that year was $172,762,676. The State of Pennsylvania led in the production of manufactures, the value reported being $33,691,111. In that year Mr. Gallatin states that families manufactured 16,581,299 yards of cotton goods, while only 146,974 yards were made in manufacturing establishments. This ratio also held true in the case of woolen cloth, of which 9,528,266 yards were made by families and 71,026 yards by factories. Contrast the manufactures reported for 1810, for all the States, valued at $172,000,000, with the value reported by the census, 100 years later, in 1910, as $20,672,051,870, and with the recent data just issued by the United States census for the business year of 1923, when the value of the products manufactured reached the stupendous total of $60,555,998,000.

Although the manufacturing industries of the country were canvassed at the census for the years ending 1810, 1820, and 1840, the data obtained is not comparable with inquiries of the manufactures made in 1850 and subsequent census years. In early enumerations the methods adopted did not yield accurate data as to the number of wage earners, capital investment, wages, and other items covered by the enumerations made beginning with 1850. In the following table is a summary of all manufacturing industries for the United States from 1849 to 1923:

General statistics for all manufacturing industries in the United States

[Source: United States Census]

	Number of establishments	Wage earners (average number)	Capital (000 omitted)	Wages (000 omitted)	Cost of materials (000 omitted)	Value of products (000 omitted)	Value added by manufacture (000 omitted)
Factories and hand and neighborhood industries:							
1849	123,025	957,059	$533,245	$236,755	$555,124	$1,019,107	$463,983
1859	140,433	1,311,246	1,009,856	378,879	1,031,605	1,885,863	854,257
1869	252,148	2,053,996	1,694,567	620,467	1,990,742	3,386,860	1,395,118
1879	253,852	2,732,595	2,790,273	947,954	3,396,824	5,369,579	1,972,755
1889	355,405	4,251,535	6,525,051	1,891,220	5,162,014	9,372,379	4,210,365
1899	512,191	5,306,143	9,813,834	2,320,938	7,345,628	13,000,149	5,656,521

General statistics for all manufacturing industries in the United States—Continued

	Number of establishments	Wage earners (average number)	Capital (000 omitted)	Wages (000 omitted)	Cost of materials (000 omitted)	Value of products (000 omitted)	Value added by manufacture (000 omitted)
Factories, excluding hand and neighborhood industries:							
1899	207,514	4,712,763	$3,975,256	$2,008,361	$3,575,851	$11,406,927	4,831,075
1904	216,180	5,468,383	12,675,581	2,610,445	8,500,208	14,793,903	6,293,695
1909	268,491	6,615,046	18,428,270	3,427,038	12,142,791	20,672,052	8,529,261
1914	275,791	7,036,247	22,790,980	4,078,332	14,368,088	24,246,435	9,878,346
1919	290,105	9,096,372	44,466,594	10,533,400	37,376,380	62,418,079	25,041,698
1921 [1]	196,267	6,946,570	(2)	8,200,324	25,336,617	43,653,283	18,316,666
1923 [1]	196,309	8,778,156	(2)	11,009,298	34,705,698	60,555,998	25,850,300

[1] No data for establishments reporting products under $5,000 in value included in 1921 and 1923 statistics.
[2] Not reported

In 1849 the number of wage earners was reported as 957,059 and in 1923 had increased to 8,778,156. It is interesting to note the scale of wages, as shown in the following table:

Average annual wage as reported by United States census

1849	$247
1859	289
1869	302
1879	347
1889	445
1899	426
1904	477
1909	518
1914	590
1919	1,162
1921	1,181
1923	1,254

The wage rate as reported for 1899 is the only case where apparently a fall in the earnings of wage earners had occurred, due no doubt to the nearness of the 1899 census and to the poor financial conditions during the Cleveland administration.

The striking development in manufactures in the relatively short period of our national history is no more remarkable than the increase in the national wealth. In 1850 it was estimated at $7,136,000,000, a per capita average of $308; in 1922 at $320,804,000,000, a per capita of $2,918. There are many ways of determining the prosperity of a nation, but no better has been found than to estimate the condition of the individual citizen.

THE EMERGENCY ACT OF 1921 AND THE TARIFF ACT OF 1922

When the Republican Party came into power in 1921 the country had been plunged into the depths of an industrial, agricultural, and financial depression with such severity that it is doubtful if it can be compared with any similar period. After the Republicans organized an emergency tariff bill was introduced into the House to give relief, particularly to the agricultural producers of the country. The emergency act of May 27, 1921, increased duties on wheat, wheat flour, flaxseed, corn, beans, peanuts, potatoes, onions, rice, lemons, various edible oils, cattle, sheep, beef and other meats, long-staple cotton, cotton manufactures, wool, sugars and molasses, butter, cheese, condensed milk, cream, wrapper tobacco, apples, cherries, and olives.

The tariff act of 1922 was not passed until September 21, 1922, thus the emergency act was in operation for a year and four months. What was the effect of this act which increased sharply the low rates of the Underwood Act? The United States Tariff Commission issued a report on the emergency tariff act of May 27, 1921, in which it analyzed the conditions before and after the passage of this act. The commission found that the emergency tariff act was passed in the midst of the greatest decline of prices that had occurred in many years. Not only were prices fallen in the United States, but a similar movement was going on all over the world; in fact, the demands for the emergency duties largely grew out of the demoralization of world markets. The emergency tariff act did not cause an increase in the price of our domestic products, but it helped to prevent further decline in prices, although in other countries, as Canada and England, the prices of similar commodities reached lower levels. The examples given will show the benefits that resulted in favor of our agricultural producers through the operation of the emergency tariff act:

Number of sheep and annual wool production in the United States

[Source: United States Department of Agriculture]

	Sheep	Wool production (pounds)
1910	52,448,000	321,363,000
1911	53,633,000	318,548,000
1912	52,362,000	304,043,000
1913	51,482,000	296,175,000
1914	49,719,000	290,192,000
1915	49,966,000	285,720,000

Number of sheep and annual wool production in the United States—Con.

	Sheep	Wool production (pounds)
1916	48,625,000	288,490,000
1917	47,616,000	281,892,000
1918	48,603,000	298,870,000
1919	48,866,000	298,258,000
1920	39,025,000	277,905,000
1921	37,452,000	271,562,000
1922	36,327,000	264,560,000
1923	37,223,000	266,830,000
1924	38,300,000	282,330,000
1925	39,134,000	290,000,000

[1] Preliminary figure.

WHEAT

The Underwood tariff scheduled "wheat" free of duty; the emergency tariff act made the duty 35 cents per bushel. The Tariff Commission stated in its report on the emergency act that—

Under conditions of free trade between the United States and Canada, Winnipeg prices of No. 1 Manitoba wheat normally exceeded the Minnesota prices of No. 1 Northern Spring by 5 or 6 cents per bushel. After the passage of the emergency act, however, Minnesota prices gradually came to exceed Winnipeg prices by 25 to 27 cents per bushel. Therefore, after allowance is made for the higher quality of the Canadian wheat, the differential between the prices in the two markets is now almost equal to the duty.

It is significant, however, that this increase in the differential after the passage of the emergency act is not due to an increase in American prices but rather to a relatively greater decrease in Canadian prices. Minneapolis prices gradually declined throughout the whole of 1921, but Winnipeg quotations went down still more precipitously, with the result that the differential was about equal to the duty by the time the Canadian crop reached the market in the fall of 1921.

The tariff act of 1922 made wheat dutiable at 30 cents per bushel. The Tariff Commission in November, 1923, ordered an investigation as to the cost of producing wheat in the United States and in Canada, the principal competing country. As a result of its cost investigation the duty on wheat was increased to 42 cents per bushel. Under conditions of free trade our domestic wheat sells about the level of the Canadian wheat, making allowances for transportation. At the present time practically all of our domestic wheat is quoted at prices far above Canadian wheat in Winnipeg, and although there has been a large crop in Canada imports are negligible and the duty has been almost completely effective in raising the price of our domestic wheat above the world level.

CATTLE AND BEEF

Under the tariff act of 1913 cattle and beef were free. The emergency tariff rate for cattle was 30 per cent ad valorem and for beef 2 cents per pound. The Tariff Commission reported that whereas Canadian prices declined precipitately after the enactment of the emergency tariff, American cattle prices held fairly steady at the rates prevailing for several months before the act took effect. In the case of beef it was found that Chicago prices remained relatively constant throughout the year 1921, whereas Winnipeg and Toronto prices showed a steady decline. Prices in Canada, London, and Buenos Aires averaged more than 20 per cent lower after June 1, 1921, while prices in the United States averaged only 8 per cent lower. In other words, Canadian beef prices followed the world level while American beef remained at a considerably higher level after June 1.

In the case of mutton and lamb the emergency tariff, which removed these items from the free list and imposed a duty of 2 cents per pound, seemed to have had about the same effect as was true in the case of the beef.

WOOL

The emergency tariff act made wool dutiable at various rates from 15 to 45 cents per pound. Under the act of 1913 it had been free. When the emergency tariff act was passed in the spring of 1921 there were large stocks of wool on hand in the United States. American woolen mills were operating on short time because of industrial depression. Great stores of wool ready to be marketed at any reasonable price were in the possession of foreign countries, especially the British colonies. Imports were heavy in the first quarter of 1921 in anticipation of the duty. United States wool growers had almost a full clip on hand produced at high cost with almost no market, and their credits were stretched almost to the point of collapse. In short, the whole wool-growing industry, including the financial institutions supporting it, was faced with financial ruin. Under these conditions the emergency tariff act gave immediate relief. Bankers were no longer afraid to make loans on wool when foreign wools were prevented from flooding our domestic markets. By January, 1922, a decided revival had set in and prices rose, the excess of our domestic price over that of London for comparable grades of wool closely approximating the amount of the duty.

The great depression in the woolen industry may be understood when it is realized that in January, 1921, 59 per cent of the spindles making woolen goods were idle, and in the case of worsteds 43 per cent were idle. Of carpet and rug looms, 50 per cent were idle. In October, 1921, in the woolen and worsted industry the idle spindles were 20 per cent and 8 per cent, respectively, and in the carpet and rug looms 27 per cent were idle. Idle spindles and looms fell greatly in number, and were the lowest in years. In 1923, after the act of 1922 had gone into effect, all branches of the woolen industry were prosperous. In 1925 there has only been some slight increase in idle spindles and looms, but this has been in part due to labor troubles and to the coal strike.

In a general way the emergency tariff act of May, 1921, served as a means for stopping American products from falling in prices too sharply in sympathy with the general world decline. The emergency tariff act accomplished this in a number of the items it covered, apparently succeeded in raising the prices of several above the world level, in many cases by an amount approximately the duty.

THE TARIFF ACT OF 1922

The Underwood Tariff Act of 1913 reduced the duties on many commodities manufactured by American concerns and put a number of agricultural products, such as wheat, wool, corn, on the free list. The effect of the reduction of the rates of duty on the industries of the United States can not be accurately measured because of the intravention of the war. We do know, however, that in 1914 industrial conditions in the United States were poor and many unemployed. This, however, might in part have been caused by the outbreak of the World War and the disturbance in trade channels. In 1920, two years after the war, there was foreshadowed the great collapse that was to come in 1921—imports increased enormously, reaching the total of $5,278,481,000. The pressure of this enormous quantity of goods and raw material on a market oversupplied by surplus production due to war exigencies caused a business collapse. Industrial firms, according to the census report for that year, operated on partial capacity, manufacturing only 57 per cent of the total possible output.

The production of iron dropped 20,000,000 tons. About 50 per cent of the mechanical equipment in textile mills were idle; even building construction showed a lower output as compared with 1920 of almost $800,000,000.

The emergency tariff act of May, 1921, was of some help during this depressed period. Immediately after the tariff act of 1922 business conditions greatly improved, and in 1923 our manufacturing establishments had regained the position lost in 1921. The value of manufactured products for 1923 was $60,555,000,000 as compared with $43,653,000,000 in 1921. Wage earners in 1921 had fallen to a number even less than in 1914—6,946,000 for all manufacturing industries; in 1923 the number had increased to 8,778,000.

We all know the prevailing prosperous conditions in industry to-day; nothing better exemplifies it than the trend of building construction in the United States as shown in the following table:

Year building-construction value

1920	$3, 337, 600, 000
1921	3, 063, 900, 000
1922	4, 329, 700, 000
1923	4, 708, 100, 000
1924	5, 237, 100, 000
1925	6, 560, 000, 000

Free-traders and low-tariff advocates claim that the tariff act of 1922 would reduce our international trade, it would prevent imports because of the high rate of duties, and thus indirectly cause an automatic decline in exports, since other nations would not be able to exchange their products for ours. In the light of what has happened since the act has been passed, these theories are fairly well discounted. In the fiscal year ended June 30, 1925, exports of American products were 29 per cent greater than for the same period three years earlier, when the country was operating under the lower duties of the Underwood Tariff Act. Imports in the meantime had increased 46.6 per cent, but the excess of exports over imports had remained well over $1,000,000,000 as in the earlier year.

In the following table a summary of our international trade in recent years is shown. Particular attention is called to the fact that under the tariff act of 1922 the predicted changes in international trade have not taken place, and the duties collected have been far in excess of the expectations of even the Treasury Department:

United States imports and exports

[In thousands of dollars. Source: Department of Commerce]

Calendar year	Exports	Total imports	Free imports	Dutiable imports	Percent free	Excess of exports	Percent duty
1920	$8, 228, 016	$5, 278, 481	$3, 117, 011	$2, 161, 471	59.1	$2, 949, 535	40.9
1921	4, 485, 031	2, 509, 147	1, 562, 292	946, 855	62.3	1, 975, 884	37.7
1922	3, 831, 777	3, 112, 747	1, 871, 917	1, 240, 830	60.1	719, 030	39.9
1923	4, 167, 493	3, 792, 066	2, 135, 942	1, 656, 124	56.3	375, 427	43.7
1924	4, 590, 984	3, 609, 982	2, 080, 006	1, 529, 866	57.6	981, 023	42.3
1925	4, 909, 396	4, 227, 993	2, 652, 020	1, 575, 976	62.7	681, 401	37.3

United States customs receipts

[United States Treasury]

Year	Fiscal	Calendar
1922	$356, 443, 387	$458, 359, 415
1923	561, 926, 866	582, 764, 104
1924	545, 637, 503	545, 231, 858
1925	547, 561, 226	870, 829, 059

PIG IRON

Pig iron (with its products, the innumerable types of castings, steels, and so forth) is the foundation of the industrial prosperity of a country. The great growth in the industries, railroads, and agriculture in our country has been due to the two necessary raw materials for the production of enormous quantities of pig iron. In only four sections of the world we find the combination of large workable deposits of iron ore near extensive sources of coal—United States, Great Britain, Ruhr-Lorraine district, and India. England, in the eighteenth and nineteenth centuries, supplied the world with iron; her merchant ships and navy controlled the seas. The history of the growth of industry in America can be traced directly to the production of pig iron. Let us examine the history and progress of the iron industry and see what factors have been prominent in its stimulation. The fashioning of iron into shapes began in 1646, when Joseph Jenks made the first castings in New England. The industry made progress, especially after the discovery of iron in Maryland, Virginia, and Pennsylvania. In 1750 the English Government prohibited the erection of slitting or rolling mills or steel furnaces in the colonies, fearing the Sheffield works would be closed on account of the—

plenty and cheapness of wood which enabled American iron to undersell the British * * *.

The American production of pig iron was increased after the revolution, owing to the method of manufacturing iron from the ore by charcoal, which was much in demand. The abundance and cheapness of wood gave the American iron masters an advantage over the English producers.

In 1710 there were 153 furnaces with a total production of pig iron of 53,908 tons. Pennsylvania produced more than one-half of this quantity. The nonintercourse and embargo acts and the War of 1812 protected the iron and steel industry from foreign competition. Immediately after the war, heavy imports of British iron affected the development of our domestic industry. This resulted in passing the tariff act of 1816 increasing protection for American industries.

The duty on pig iron under this act was 20 per cent ad valorem. In 1818 the duty was raised to 50 cents per 112 pounds, or $10 per gross ton. This rate was again increased in 1828 to $12.50 per ton; in 1832 it was reduced to $10 per ton; in 1842 a further reduction to $9 per ton. During the period from 1833 to 1845, despite the protective duties, imports of pig iron

averaged about 10,000 tons annually. In 1846 the Walker tariff act was passed, changing the duty on pig iron from a specific rate to 30 per cent ad valorem. The Walker Tariff Act was hailed as a free trade measure, although the ad valorem equivalent of the duty on pig iron per ton was as high as $6.80 in 1846, the lowest being $3.42 in 1852. The general average for the years 1846 to 1856, inclusive, was approximately $6 per ton. This reduction in the tariff, however, came at a most critical period of the iron industry. The English iron masters had just developed a new process for obtaining pig iron by smelting the ore with coke made from coal. The American industry employed furnaces which utilized charcoal. It was entering into the transition stage from one process to the other, when the duty on iron was again reduced. If the protective rates had been maintained a few years longer, American production would have increased more rapidly, and competition with the British iron could have been successfully met. The reduction in the rates dealt a severe blow to American producers. Imports increased enormously, and by 1854 had reached 143,289 tons. Three things helped to preserve the American industry at that time: the discovery of gold in California; the Crimean War, which turned the activities of English manufacturers to war needs, and the great expansion of railroads requiring large quantities of iron and steel.

Under the influence of the Civil War and the restoration of higher duties in 1864, the production of pig iron made steady progress, and imports declined in relative importance to our production. The duty was gradually reduced, and the act of 1909 scheduled it at $2.50 per ton. In 1913 pig iron was put on the free list. During that period no importations of great amount occurred because of the World War. In 1922 pig iron was again made dutiable at 75 cents a ton, and imports have steadily increased, largely from India. They have been greater in volume than at any time within 20 years. In 1922 the imports amounted to 379,000 tons; 1923 to 368,000 tons; 1924 to 209,000 tons, and 1925 to 441,425 tons.

One of the factors that aided the domestic ironmaster during the trying period when imports from England were threatening the existence of the American industry was the high cost of transportation from the seaports to inland points of the United States. This same factor to-day is limiting the actual competition with the imports of pig iron to our ports of entry, particularly New York City. The freight from India to New York for a long ton of pig iron is about $5. The iron is produced by labor paid approximately from 50 to 75 cents per day of 10 or 12 hours, in comparison with wages in the United States seven times as high, with an 8-hour day. The importation of British Indian pig iron is of great significance because of the favorable combination of raw materials for the production of pig iron in large quantities and at low prices.

The production of pig iron in the United States, when examined statistically over a period of many years, is found to be an accurate barometer of the condition of industry in general. There have been but few exceptions. In 1856 the United States production was 788,000 tons; in 1857 it had dropped to 712,000 tons; in 1858 it was only 629,000 tons. The decrease in production was coincident with the severely depressed industrial conditions of 1857. In 1892 our production had increased to 9,157,000 tons; 1893 it had decreased to 7,124,000 tons; and in 1894 was only 6,657,000 tons. Again we find a great drop in production, foreshadowing industrial troubles. In 1913 the domestic production was 30,966,000 tons. In 1914, when the Underwood Tariff Act went into effect, the production dropped to 25,332,000 tons. Thereafter the industry recovered under the stimulus of war demands, and in 1920 the output was 36,925,000 tons, but in 1921 it had fallen to only 16,688,000 tons. The general prosperity which came with the passing of the tariff act of 1922 was reflected by the pig-iron output. In 1922 it had increased to 27,219,000 tons; 1923 it reached 40,361,000 tons. The output in 1925 is close to 37,000,000 tons. The United States produces at least 50 per cent of the world's output of iron ore; no more necessary industry for its business prosperity can be mentioned. Iron made it possible to build our great railway systems, construct our innumerable bridges, and shelter our population.

If the production of pig iron is an index of the prosperity of our country, and economists appear to agree it is, then we must conclude that during the periods of increased tariffs the production of pig iron indicates the financial thrift of our country. The imposition of low rates of duties on commodities in general has apparently had more or less disastrous effects on business and industry, since in each of these low-tariff periods we find sharp drops in the production of pig iron.

United States production of pig iron—Selected years

	Production, long tons
1856	788,515
1857	712,640
1858	629,548
1859	750,560
1871	1,706,793
1872	2,548,713
1873	2,560,963
1892	9,157,000
1893	7,124,502
1894	6,657,388
1895	9,446,308
1896	8,623,127
1897	9,652,680
1898	11,773,934
1913	30,966,152
1914	23,332,244
1919	31,015,364
1920	36,925,987
1921	16,688,126
1922	27,219,904
1923	40,361,146
1924	31,495,790
1925	36,750,000

WOOL

The early explorers and first settlers had no sheep and depended upon such as could be imported. They were introduced into Virginia in 1609 and into New England in 1625, but did not thrive nor rapidly multiply. Wolves and severe winters, combined with lack of care on the part of owners, depleted the flocks, and in 1642 there were only 1,000 sheep in Massachusetts. Wool, of course, had to be imported. The authorities in many of the Colonies attempted to enforce measures to increase the raising of sheep. In 1654 Massachusetts prohibited the exportation of sheep to other Colonies, while measures were also taken to prevent their slaughter and to stimulate the manufacture of cloth. Apparently these efforts met with success, for within 15 years the value of sheep had fallen and their assessed value was reduced three times.

In 1675 Massachusetts prohibited the exportation of wool and the following year the exportation of sheep. In the early part of the eighteenth century sheep had greatly increased in the American Colonies. The supply seems to have been sufficient to meet the needs of the time, which were limited to the wants of each farming household, as the growing of wool was a part of the general household economy. The foundation, however, had been laid for an advance of the industry. The English Government in 1699 forbade the Colonies to export wool and woolens either to one another or to any other country, and a natural but unexpected result of this law was to hasten the spread of sheep.

In the first half of the eighteenth century the colonists were largely supplied with woolen goods from England. The colonists, from the scarcity of commodities, were unable to buy English goods, which was an important factor inducing them to manufacture their own cloth. In 1731 it was reported there was almost no manufacturing except in the households. In 1770 the farmers continued to supply a large part of their own wants with woolens of household manufacture, "without the least design of sending them to market." Virtually all those who were not engaged in agriculture depended on English woolens. The influx of English manufactures between 1700 and 1770 was the greatest hindrance to the sheep industry and flocks suffered severely from neglect.

The Revolution increased the demand for domestic wool, not only by cutting off the supply of foreign wools but the needs of the Army. The existing stock of sheep was insufficient to supply the demand for wool. The Continental Congress made frequent appeals for increased production of wool but its efforts and those of the various conventions and assemblies in the Colonies were not successful, and the country was compelled to buy woolens in an indirect way from England. After the war British woolens were largely imported. The colonists supplied themselves with coarser goods for their own needs, but the higher grade cloths were obtained from Great Britain since no fine wool was to be found in our domestic clips.

Under the first tariff act wool was free of duty. Little attention was paid at that time to the commercial possibilities of growing wool. Imports of British woolens greatly increased in the period from 1790 to 1799. It was easy to secure woolens from abroad and pay for them from the proceeds of the merchant marine and the exports of agricultural produce. The raising of improved sheep was neglected, with only one or two exceptions; Washington, however, had one of the finest flocks in the country. There were a few flocks in Virginia and New England above the average, but there were no purebred merino sheep in the Colonies. In 1788 the manufacture of woolens out-

side the household was commenced in Hartford, Conn., and at Byfield, Mass., in 1794, when an attempt was made to manufacture woolens by machinery. The chief obstacle to the success of these and other factories arose from the imports of woolens which supplied the demand for fine cloth, and the other fabrics were supplied by the household. There was a tariff on woolens, which started at 5 per cent ad valorem in 1789, increased to 10 per cent in 1792, 15 per cent in 1794, and 17½ per cent in 1804, but it was not until it reached 35 per cent on the outbreak of the War of 1812 that it afforded any substantial aid to the woolen industry.

The advent of merino sheep in 1801 marked the first important step toward the improvement of wool. The introduction of this variety of sheep encouraged domestic manufacturers to produce finer grades, the cloths from which wool were not comparable to the finer cloths of England. In 1807 woolen manufactures received their first great impetus. Factories rapidly increased, the price of merino wool was high, and the farmers started to raise sheep for finer grades of wool, encouraged by the foreign-commerce relation, the embargo, the nonintercourse act, and the hostile tactics of Great Britain and France. During the War of 1812 the duty on woolens was increased to 35 per cent, and the manufacturers of woolen goods were extremely prosperous and the demand far exceeded the supply from the household industry. Broadcloth sold from $8 to $12 a yard, and at one time it is said to have risen to $18. By 1816 it was estimated that the total capital in the business was $12,000,000 and the value of the product $19,000,000.

The rapid growth of the woolen fabric factories was partially due to the importation of 20,000 Spanish merinos between April, 1810, and August, 1811. During the war the price of pure merino wool rose to $2.50 per pound, common wool, however, did not exceed 50 cents a pound. It is not to be wondered that the farmer with his limited market for other products should have raised sheep, especially for fine wool, as he had a monopoly on the home market. In 1810 there were 10,000,000 sheep in the Colonies, which had increased 40 per cent by 1812, and the wool clip was 50 per cent higher than in 1810. Approximately 14,000,000 pounds were obtained from 7,000,000 sheep. After the peace of 1815 British manufacturers flooded the American market with woolens before the tariff act of 1816 went into effect, and they continued for some time to ship large quantities. Most of our domestic factories closed or operated on part time for several years. With the general depression in factory production the market for fine wool suffered a tremendous slump, only slight demand existed, as the fiber could be imported under a 15 per cent duty. In 1815 the price for fleece wool in Boston ranged from 50 cents to $1.50 per pound. In 1816 from 20 to 75 cents per pound, and within another year merino washed wool had fallen between 30 to 40 cents per pound. The merino breed formerly so popular was neglected for several years. The blooded sheep were sold to butchers at prices as low as $1.25 per head, a few years after 1815, sheep once more became a minor farm enterprise.

In 1820 the influx of British woolens slackened, and the woolen industry began to improve and was fairly prosperous by 1824, or at least making good progress in that direction as shown by the increasing volume of raw wool imported. The higher duties under the tariff act of that year allowed both manufacturers and farmers to increase their activities, and the latter turned their attention once more to fine wool. As a result a modified merino sheep from Saxony were imported.

In 1826 a severe panic occurred in Great Britain, and English wool manufacturers were forced to dispose of their stocks at very low prices. America was the most available dumping ground, and English goods were sold in our markets at ruinous prices, often below cost. The foreign shippers gladly paid the duty in order to reduce their stocks. Considerable quantities of wools imported into this country were the product of bankrupt manufacturers.

The woolen manufacturers in the United States suffered severely from this abnormal competition, although specializing in the finer wools. Those using the Saxon and the finest of the merino wool especially suffered, and many mills were forced to close or greatly curtail their production. The price of wool fell sharply. In the eastern markets fine wool, from January, 1824, to April, 1826, averaged 58 cents per pound, medium averaged 43.6; from July, 1826, to October, 1828, fine wools averaged 42.3 and medium 34 cents per pound. As was the case after the War of 1812, fine wools again showed the greater loss, and consequently the boom of the sheep industry lasted only a short period.

In 1830 there were probably 12,000,000 to 13,000,000 sheep in the United States, practically the same number as in 1825 or 1827, when New York, Pennsylvania, and Vermont owned nearly half the number. The increase since 1814, when they were estimated at 10,000,000, had in large measure resulted from growth in newly settled sections, more than counteracting the general decline in the wool-growing regions. The manufacture of the coarser woolens had become important by 1830, suffering but little from English competition. Household manufacture continued to be an important enterprise, and in 1830 approximately half of the domestic wool clip, which has been estimated at more than 25,000,000 to 32,000,000 pounds, was used in household manufacture.

The cut throat competition with English manufacturers did not abate until 1830, when commercial conditions in England were improving. The period of prosperity at that time was marked by a rapid growth in woolen manufactures, and steady inroads were made by the American factory product into the market formerly supplied by the household industry. The stimulation of the manufacturing industry at that time was due largely to the tariff act of 1828, which increased rates on raw wool and its products, to the application of power, and the introduction of improved machinery. By 1837 the woolen manufactures of the country had doubled since 1830, and the wool market was based very largely on the factory demand. Large quantities of wool were now imported, nearly all of it at a grade valued at less than 8 cents per pound and free of duty. Imports of manufactures of wool showed a relative decrease.

With the woolen manufacturers growing so rapidly, an important change in the status of the sheep industry in the East took place, and eastern flocks increased rapidly after 1830. By 1837 there were about 18,000,000 sheep in the country, and the price had risen to 70 to 72 cents per pound for fine Ohio washed wool, 60 to 63 cents for medium, and 47 to 50 cents for a coarser grade.

In 1840 the Middle West began to be important as a wool center, because of the relatively lower prices for other farm products, it was more profitable for the farmer to raise sheep, especially as the transportation cost to the eastern factories was lower compared to the return, than was the case with other farm products. The manufacturing industry made steady progress under the tariff act of 1842, but was somewhat curtailed owing to the 30 per cent ad valorem duty on wool in the tariff act of 1846. The rates under this act increased the duty on cheaper grades of wool, which did not directly compete with the domestic clip. In 1857 the panic bore severely on many of the mills, but little progress was made until 1860.

During the 20 years from 1840 to 1860 there had been a steady decline in the number of sheep in the East. At the same time the growing of sheep for both wool and mutton began to receive attention, particularly in regions nearer to the markets of the large cities. The growth of the dairy industry was also a factor in the decrease in the production of wool. In the West the raising of sheep was undoubtedly aided by the facilities for transportation through the building of canals and railroads. Between 1840 and 1854 the number of sheep in Ohio increased from 2,000,000 to more than 4,800,000.

In 1850 the census reported 21,723,000 sheep in the United States, of which only 7,900,000—or 36 per cent—were in the New England and Middle Atlantic States instead of 11,250,000, or nearly 60 per cent in 1840. Pennsylvania was the only Eastern State where the number increased due to the growths of the flocks in the western counties. The census figures for 1850 are estimated to have been too low by 1,500,000 sheep, thus the total in that year was approximately 23,223,000.

In 1860 the census reported 22,471,000 sheep, while a trifle over 1,500,000 were estimated to have escaped the enumerators, making a total for the country of practically 24,000,000. New England and the Middle Atlantic States had declined again to 6,500,000. The growing of wool was disappearing in the East and becoming strongly established in the Western States. Many of the flocks in the Eastern States were slaughtered, and there developed the keeping of sheep for mutton as well as wool.

The dominant reason for the absence of any appreciable increase in the number of sheep in this country, between 1850 and 1860, was competition of other farm enterprises with the sheep industry. This competition was due principally to the great improvement of the foreign market for foodstuffs. Crop failures in England and Ireland in 1845 and 1846 had resulted in marked lowering of duties on foodstuffs imported into the British Isles from 1846 to 1849, after which time they were nominal. The market thus gained was considerably improved by the Crimean War (1853 to 1856) which closed the Baltic to Russian grain.

The effect of the foreign market on our domestic prices for farm products raised in the Middle West was noticeable immediately. In Chicago No. 2 spring wheat had averaged 47.6

cents per bushel from 1840 to 1846, inclusive; 57.7 cents during the next six years, and 93.2 cents during the following seven years. During these same periods No. 2 winter wheat averaged 62.2 cents; 73.8 cents and $1.16 per bushel in Chicago. Flour averaged $3.21, $3.52, and $4.68 per barrel in New York City; good to choice beef, live weight, averaged $3.17, $4.62, and $5.05 per 100 pounds in Cincinnati; and fair to good packing hogs averaged $2.78, $3.67, and $5.09 on the same market. The average price of butter on the Boston market was 16.5 cents per pound until 1847, and 21.3 cents from 1847 to 1859, inclusive, while the price of cheese rose from 6.63 cents between 1847 to 1852 to 8.62 cents from 1853 to 1859.

The price of agricultural products other than wool, averaged 32 per cent higher from 1847 to 1859 than during the preceding seven years. Fine, medium, and coarse washed wool of the Boston market averaged 23.7 per cent higher; 23 per cent for the first two grades and 25 per cent for the third grade.

The development of the export markets and the increased prices caused by the larger demand could not have occurred on such a large scale without a wonderful improvement in our transportation facilities. In 1859, for example, there were about 1,300 miles of railway track in Ohio, Indiana, Illinois, Michigan, and Wisconsin, but by 1860 the mileage had increased to almost 10,400. Lower freight rates on wheat and similar products as compared to that on wool in conjunction with the splendid prices being received for wheat, all tended to prevent the expansion of the sheep industry.

Although the sheep industry was almost nil by 1850, the woolen manufactures had continued to advance due to the invention of better machines for combing fine wool. The manufacturing of fancy fabrics was developed about 1843. In 1840 the manufacture of broadcloth was one of the most important branches of wool manufactures. In 1860, however, it had almost disappeared. The broadcloth industry is generally acknowledged as having greatly improved during the years when the tariff of 1842 was in force. At this time importations of cloths were less than during the preceding years in face of prosperity. Duty was raised on cloths but on the cheaper wools was relatively low. The schedules of the tariff act of 1846 were undoubtedly less beneficial to the broadcloth industry.

The manufacture of carpets commenced in 1823, caused by the successful invention of the first power loom for the weaving of ingrained carpets; 20 years later it was applied for weaving Brussels carpets. The carpet manufacturers were somewhat hampered by the lack of a domestic supply of raw material, largely dependent on imports. Under the acts of 1832, 1833, and 1841 the cheaper carpet wools were duty free. In 1842 wools valued at not over 7 cents per pound were only dutiable at 5 per cent, but in 1846 all wools regardless of grade were dutiable at 30 per cent. This heavy duty on wool in 1846 undoubtedly worked a great handicap, not only to the carpet manufacturers, but also to other woolen industries. The tariff act of 1857 was more favorable to the woolen manufacturers, as the duty on wool was increased, but the panic of 1857 closed many of the mills. The woolen industry did not progress so rapidly in the 10 years following 1850 as in the preceding years.

The Civil War had a marked effect on the sheep industry of the United States. There was a great increase in the domestic demand for wool, due to military necessities, and the shortage of cotton called for increasing quantities of wool fiber. The increased demand was followed by a decided price rise and the number of sheep increased rapidly, reaching 28,500,000 by 1870. Woolen manufactures grew so rapidly that although the domestic wool clip in 1870 had reached a little more than 100,000,000 pounds, it was not sufficient to supply the demand and imports of cheap wools doubled, while woolen manufactures decreased.

The world situation in raw wool is somewhat interesting for the period 1860 to 1870. There was a great shortage of cotton due to the blockading of the southern ports. An enormous increase in the growing of wool in Argentina, South Africa, India, and Australia prevented any great increase in the world wool prices. The world supply of wool increased more than one-third between 1860 and 1870. When the war ended, with cotton more available, there was a sharp slump in wool prices.

In 1866 it had been expected that the tariff on both wool and woolens would be raised, and an enormous quantity of woolen goods was imported. The tariff act of 1867 was the first to fully develop the compensatory system for duties on wool and woolen manufactures. As elaborated in this tariff it remained in operation without essential changes—barring the years 1894–1897—until 1913. A duty on wool raises the price of that material for the American manufacturer and he is compelled to pay more for it than his foreign competitor. Such a duty, however, stimulates the production of home-grown wool. To equalize the competition between domestic and foreign manufacturers it is necessary that a duty be levied on imported woolens equivalent to the increased price of wool used in making domestic woolens. It is analogous to the case of an internal tax placed on a commodity, when an equal tax should be placed on the same commodity if imported, otherwise the importer would be given an advantage and would undersell the domestic producers. A duty imposed on wool, an equivalent one on its production is known as the compensating duty. This was fixed in general on the supposition that it requires 4 pounds of wool to make 1 pound of cloth.

This large proportion, always surprising to persons who do not know the peculiarities of the industry, is mainly due to the amount of fatty matter contained in wool when clipped from the sheep's back. In scouring wool the loss often varies from 50 to 80 per cent. The kind of wool used most widely in the United States in 1867 lost about two-thirds of its weight in scouring. This was also true of the type of wool expected to be imported. Further allowance had to be made for some wastage in the wool fiber during manufacture. Thus approximately 4 pounds of wool were reckoned to be needed to make 1 pound of cloth; if the duty on wool were 11 cents a pound, the duty on foreign cloth, four times that amount (44 cents a pound) would place the foreign manufacturer in the same position as the domestic, who paid a duty on the raw wool. A figure not far from 44 cents a pound appeared as the compensating duty on woolen cloths in all the protective acts from 1867 to 1909. Some changes and readjustments were made in 1867 to offset the internal taxes left over from the Civil War. In 1883 the duty on wool was slightly reduced, and in 1890 the compensatory duty was graded from 33 cents on the cheapest to 44 cents on the higher grades. There were but few changes in the wool schedule in the tariff acts of 1897 and 1909.

The compensatory duties on woolen manufactures must not be regarded as a protective duty; it simply equalized it on the raw material; therefore, in addition to the compensating duty on woolens, a protective duty was added in the form of ad valorem rates. This was designed to protect the domestic industry and to equalize differences in the cost of manufacture at home and abroad. This system of protecting American woolen manufacturers undoubtedly was one of the basic reasons for the rapid development of the manufacture of worsteds in America. In 1860 only $3,700,000 worth of worsteds were made, as compared with $61,900,000 worth of woolens. The types of wools used for the manufacture of worsteds are not subject to such heavy shrinkage as the finer grades used in the woolens. As a result the importation of the coarser grades of crossbred and combing wools greatly increased. This in combination with changes in style resulted in the establishment of our present great worsted industry.

The growing of wool became more and more a western enterprise after the Civil War. As the frontier advanced, sheep followed because of cheap grazing. In 1893 there were approximately 47,274,000 sheep in the United States. About 50 per cent were in the Western States. Then came the régime of free wool under the Wilson tariff, together with severe industrial depression, and about two-fifths of the sheep were disposed of, the low point being reached in 1897, when it was estimated there were 36,800,000 sheep in the United States. The United States Department of Agriculture estimated the number of sheep in New England decreased 43 per cent; in the Middle Atlantic States, 47 per cent; in the South, 31 per cent; in the North Central States, 46 per cent; in the Central West, 26 per cent; and in the far West, 5 per cent, between 1894 and 1897. The production of wool dropped from 398,534,000 pounds in 1893 to 259,153,000 pounds in 1897. Imports of wool increased, reaching 347,424,000 pounds in 1897. With the restoration of duties on raw wool under the Dingley Act of 1897, the production of wool rapidly increased, and in 1910 there were 328,111,000 pounds, the largest clip in the history of our country. When the duty on wool was removed by the Underwood Tariff Act in 1913, the production fell and imports greatly increased. In 1913 the imports were 195,293,000 pounds, and in 1918 had increased to 447,426,000 pounds.

As has been detailed in the section devoted to the effect of the emergency act of 1921, in that year wool prices fell sharply. Since then, aided by the rates of duty in the tariff act of 1922, they have increased, and the production of wool in the United States again appears to be on the up grade.

In the following table there is summarized the progress of the woolen manufacturing industry of the United States, in so far as it concerns woolens and worsteds. These two branches

of the textile industry also suffered, not only during the operation of the Wilson tariff from 1894 to 1897, but also in 1921. The number of spindles and looms in operation greatly increased under the act of 1921, although high prices of wool in 1924 and the coal strike in 1925 restricted production. The tariff act of 1922 also placed on the free list wools used in the manufacture of rugs, carpets, or any other floor coverings, suitable proof being required of such utilization. This was a recognition of the needs of our carpet industry, which requires types of wool of inferior grades not raised in America.

The growth of woolen manufactures was in part the result of the policy adopted by the early tariffs which protected the infant industries. The necessity of available supplies of the finer wools for the manufacture of the better grades of cloths caused the imposition of duties on certain types of wools in order to stimulate the growing of selected sheep in the United States. Since the act of 1867, with the exception of two periods when wool was on the free list, the duties have been adjusted on a compensatory basis, plus an ad valorem rate intended to equalize differences in cost of production. It is curious to note that under the act of 1913, when wool was placed on the free list and the compensatory element necessarily destroyed, the Democratic Party apparently admitted the necessity for giving the American manufacturer a 35 per cent ad valorem rate on nearly all manufactures as a protective measure to equalize differences in the cost of production at home and abroad. Apparently the theory on which rates of the tariff act of 1913 was based scheduling raw material free which could be purchased at no advantage or disadvantage, the American manufacturer still was entitled to a protective duty owing to the high cost of operation in the United States. This system proved disastrous in 1894 to 1897. What might have been the result if the World War had not intervened can only be questioned.

To summarize my remarks, I quote from a speech of Daniel Webster, delivered in the United States Senate in 1846, on a tariff bill then under consideration:

* * * The interest of every laboring community requires diversity of occupations, pursuits, and objects of industry. The more that diversity is multiplied or extended, the better. To diversify employment is to increase employment and to enhance wages. And, sir, take this great truth, place it on the title page of every book of political economy intended for the use of the Government, put it in every farmer's almanac, let it be the heading of the column in every mechanic's magazine, proclaim it everywhere, and make it a proverb—that where there is work for the hands of men there will be work for the teeth. Where there is employment there will be bread. It is a great blessing to the poor to have cheap food, but greater than that, prior to that, and of still greater value is the blessing of being able to buy food by honest and respectable employment. Employment feeds and clothes and instructs. Employment gives health, sobriety, and morals. Constant employment and well-paid labor produced in a country like ours general prosperity, content, and cheerfulness. Thus happy have we seen the country. Thus happy may we long continue to see it. * * *

Activity of machinery in wool manufacturing establishments

	Spindles		Looms		Carpet and rug looms, per cent idle
	Woolens, per cent idle	Worsted, per cent idle	Wider than 50 inches, per cent idle	Less than 50 inches, per cent idle	
1919	19	23	22	24	46
1920	28	22	32	27	32
1921:					
January	50	43	54	40	50
April	24	13	26	29	54
July	21	13	20	26	40
October	20	8	23	25	27
1922:					
January	27	14	34	27	22
April	17	38	40	36	21
July	16	32	36	34	22
October	16	11	23	21	17
1923:					
January	15	11	19	14	14
April	10	6	13	15	14
July	14	9	18	17	14
October	16	16	23	19	14
1924:					
January	19	27	27	19	18
April	18	28	29	21	27
July	26	45	38	27	32
October	17	25	28	24	23
1925:					
January	19	26	25	25	20
April	19	37	32	25	24

General statistics for United States manufactures of woolen goods, worsteds, and woolen carpets and rugs

[Source: United States Census]

WOOLEN GOODS

	Number of establishments	Wage earners (average number)	Capital (000 omitted)	Wages (000 omitted)	Cost o materials (000 omitted)	Value of products (000 omitted)	Value added by manufacture (000 omitted)
1849	1,530	30,232	$26,119		$25,756	$43,208	$17,452
1859	1,260	41,300	30,863	$9,610	36,586	61,895	25,309
1869	2,891	80,053	98,824	26,878	96,433	155,406	58,973
1879	1,990	86,504	96,096	25,836	100,846	160,607	59,761
1889	1,311	76,915	130,990	26,139	82,270	133,578	51,308
1899	1,035	68,893	124,386	24,757	71,012	118,430	47,418
1904	792	72,747	140,302	28,828	87,831	142,197	54,366
1909	587	82,180	120,320	22,575	65,662	107,119	41,467
1914	601	69,165	107,872	24,204	63,696	103,816	40,120
1919	560	62,957	273,974	66,596	217,965	364,898	146,931
1921	493	56,434	(1)	62,893	120,276	230,945	110,669
1923	513	72,408	(1)	87,314	201,543	364,288	162,740

WORSTED GOODS

1859	3	2,378	$3,230	$544	$2,443	$3,701	$1,258
1869	102	12,920	10,086	4,360	14,308	22,090	7,782
1879	76	18,803	20,374	5,683	22,014	33,550	11,536
1889	143	42,978	68,085	14,945	50,707	79,195	28,488
1899	186	57,008	132,168	20,093	77,075	120,314	43,239
1904	226	69,251	162,466	26,270	109,658	165,745	56,087
1909	324	111,012	295,058	47,152	207,787	312,625	104,838
1914	298	109,527	281,781	51,749	182,801	275,668	92,867
1919	292	103,830	557,721	101,513	447,629	700,537	252,908
1921	321	105,990	(1)	112,001	279,770	524,639	244,869
1923	338	122,144	(1)	135,671	423,184	698,271	277,087

CARPETS AND RUGS OTHER THAN RAG

1849	116	6,186	$3,853	$1,247	$9,076	$12,403	$3,327
1859	213	6,681	4,722	1,546	4,418	7,858	3,440
1869	215	12,098	12,541	4,682	13,578	21,762	8,184
1879	198	20,371	21,469	6,835	18,985	31,793	12,808
1889	173	28,736	38,209	11,122	28,645	47,770	19,125
1899	133	28,411	44,449	11,121	27,229	48,192	20,963
1904	139	33,221	56,781	13,724	37,948	61,586	23,638
1909	139	33,307	75,627	15,536	39,563	71,188	31,625
1914	97	31,309	85,154	14,716	42,280	69,128	26,848
1919	75	22,933	119,197	22,216	67,118	123,254	56,136
1921	72	22,922	(1)	28,705	80,118	133,881	53,763
1923	79	35,217	(1)	48,528	97,473	199,481	102,008

[1] Not reported.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I am the author of H. R. 7179 and wish in the time allotted me to correct, so far as is possible by these remarks, some erroneous ideas concerning this measure.

Many people have the idea that the bill is very extreme and say that it provides for a "blue law." It is urged that it endangers the religious liberty of the District of Columbia and of the whole people of the Nation. It is far from my purpose to introduce or help in the passage of any bill which would in the least infringe on the rights of anyone to worship God according to the dictates of his or her own conscience.

My bill provides for a day of rest out of every seven, and thereby affords a chance for a greater freedom of religious thought.

I respectfully invite a careful consideration of the bill by all concerned in order that none may be misled by those who oppose the bill and yet who evidently have not read it, for I see no reason why anyone who reads the bill should make false statements concerning the bill, as the true provisions of the bill will appear all the more impressive and certain when those who have been misled finally find what is the real truth.

I have seen and heard of many telegrams and letters to Members of Congress and am convinced from these telegrams that the parties sending them did not have the real facts concerning this bill.

Most of the newspapers in the District of Columbia apparently do not know what the provisions of the bill are. None of them have printed it in full. Many of them have carried articles condemning the measure and yet not giving the public the bill in whole so that the public could have the chance to decide just whether or not the bill is worthy of support.

Indignation meetings are being held in some of the near-by States in which there are now Sunday observance laws equally as strong as the one proposed for the District of Columbia. The people in these meetings are evidently not told the real truth as to what I am trying to write into law by my bill.

Let me read to you from a Washington paper of Monday of this week a clipping, as follows:

ADVENTISTS MOBILIZE TO FIGHT BLUE LAW—FEAR OF SPREAD TO MARYLAND IF DISTRICT BILL PASSES CONGRESS AROUSES FOES

[Special dispatch to the Star]

BALTIMORE, MD., March 1.—Aroused by the fear that the proposed Sunday blue law, if passed for the District of Columbia, will spread to Maryland, members of the Seventh-day Adventists' Church to-day were preparing to protest the legislating at Washington.

A mass meeting was held yesterday and resolutions against the bill were passed. Evangelist R. M. Spencer pointed out at the mass meeting that the law would cause cessation of activities by railways, street-car lines, public lighting and heating plants, restaurants, drug stores, gasoline stations, newspapers, and other business enterprises one day a week.

"There is no such thing as Sunday being an American Sabbath," he said. "Only God has a Sabbath. The idea of Puritan blue laws being purely an American institution is impossible, for America has no legal religion."

Here is what my bill, among other things, provides in spite of what others say about it:

SEC. 3. In works of necessity and charity is included whatever is needful during the day for the good order, health, or comfort of the community, provided the right to weekly rest and worship is not thereby denied. The labor herein forbidden on Sunday is servile, employed on public work, not such personal work as does not interrupt or disturb the repose and religious liberty of the community. The following shall be legal on Sunday: Labor and business in the connection with the preparation and sale of daily newspapers, of motor oil and gasoline, and in restaurants and cafeterias, where meals may be sold to be eaten on the premises, and in drug stores for the sale of medicines, surgical articles and supplies for the sick, and food and beverages, but not for articles of merchandise forbidden on Sunday for other stores and merchants; labor and business in connection with public lighting, water and heating plants, and for the maintenance of street cars and railroad trains.

I am indebted to Canon William S. Chase, chairman of legislative committee of the Lord's Day Alliance, for a compilation prepared by him, from which I obtained the following:

SATURDAY HALF HOLIDAY FOR BANKS

Chapter 6 of Statutes at Large, volume 27, page 405 (December 22, 1892), an act making Saturday a half holiday for banking and trust company purposes in the District of Columbia.

"For these purposes shall be treated and considered as the first day of the week, commonly called Sunday."

The following Sunday laws are found in the United States Compiled Statutes in the sections as indicated:

NO STUDIES ON SUNDAY AT THE MILITARY ACADEMY

2245. The Secretary of War shall so arrange the course of studies at the academy that the cadets shall not be required to pursue their studies on Sunday. (R. S., sec. 1324.)

NO STUDIES ON SUNDAY IN NAVAL ACADEMY

2739. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday. (R. S., sec. 1526.)

POST OFFICES CLOSED ON SUNDAY

SEC. 7199. That hereafter post offices of the first and second classes shall not be open on Sunday for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special-delivery mail. (August 24, 1912, ch. 389, par. 1, 37 Stat. 543.)

SEC. 7001. Pay of employees; work on Sunday. The Public Printer may hereafter, in his discretion, pay printer-linotype operators and printer-monotype keyboard operators at a rate not exceeding 60 cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday, the Public Printer may, in his discretion, pay to the employees not receiving annual salaries not exceeding 50 per centum in addition to the regular rate paid for such work. (March 4, 1909, ch. 299, sec. 1, 35 Stat. 1024.)

SUNDAY REST FOR POST-OFFICE EMPLOYEES

7239. Compensatory time; services on Sundays of supervisory officers, clerks in the first and second class offices, any city letter carriers:

"Hereafter for services required on Sundays of supervisory officers, clerks in the first and second class post offices, and city letter carriers compensatory time off during working days in amount equal to that of Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe; but this provision shall not apply to auxiliary or substitute employees." (March 4, 1911, ch. 241, sec. 3, 36 Stat. 1339.)

7239c. Compensatory time; services on Sundays or holidays of foremen and others:

"Hereafter when the needs of the Postal Service require the employment on Sundays and holidays of foremen, watchmen, messengers, and laborers they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class post offices." (March 3, 1917, ch. 162, sec. 1, 39 Stat. 1062.)

7239e. Compensatory time; certain railway postal clerks:

"Hereafter when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices, they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices." (July 2, 1918, ch. 117, sec. 3, 40 Stat.)

8363. Watches at sea; requirements as to work; right to discharge:

"In all merchant vessels of the United States of more than 100 tons gross, excepting those in navigable rivers, harbors, bays, or sounds exclusively, the sailors, while at sea, shall be divided into at least two and the firemen, oilers, and water tenders into at least three watches. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day." (March 4, 1915, ch. 153, sec. 2, 38 Stat. 1164.)

BARROOMS CLOSED ON SUNDAY

In volume 27 of United States Statutes at Large, chapter 204, section 6, page 565, it is provided that barrooms must be closed on Sunday.

WORLD'S COLUMBIAN EXPOSITION CLOSED ON SUNDAY

All appropriations made upon condition that the World's Columbian Exposition be closed on Sunday. (Vol. 27, U. S. Stat. L. pp. 363, 388, 390, August 5, 1892.)

It is with pleasure that I read the following very illuminating article from the back of a map showing, in various shades, the relative strength of Sunday laws in the States:

OUR SABBATH LAWS

(By Rev. R. H. Martin, D. D., director of Sabbath observance, Presbyterian Church in the United States of America)

The map showing the character of the Sabbath laws of the States of the United States is based upon a careful examination of these laws and of court decisions interpreting them. In such a difficult matter, it is claimed only that the map represents approximately the true situation.

I. THEIR CLASSIFICATION

1. The States (18) with Sabbath laws that have comprehensive prohibitions of secular labor, secular business, and secular amusements to which there are no exceptions, save works of necessity and charity (Arkansas, Delaware, Kansas, Maine, Pennsylvania, and Tennessee) or few exceptions (Florida, Indiana, Iowa, Michigan, Mississippi, North Carolina, Oklahoma, Ohio, South Carolina, South Dakota, Vermont, and Wisconsin).

2. The States (18) with Sabbath laws that have comprehensive prohibitions to which there are a large number of exceptions (Alabama, Georgia, Kentucky, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, North Dakota, Rhode Island, Texas, Utah, Virginia, and West Virginia) and an even larger number of exceptions (Connecticut, Massachusetts, New York, and Nebraska).

3. The States (8) with Sabbath laws that are inherently weak. In these States the law prohibits only that which "disturbs the peace and good order of society." (Colorado, Illinois, Idaho, Louisiana, Nevada, New Mexico, Washington, and Wyoming.)

4. The States (4) without Sabbath laws. (Arizona, California, Montana, Oregon, and the District of Columbia.) Arizona, Montana, and Oregon have a law which prohibits barbering on the Sabbath. The Montana law also prohibits horse racing, playing pool, and public dancing except in public parks or playgrounds. But these laws were scarcely enacted out of regard for the Sabbath, as such, and are not in any true sense Sabbath laws.

II. THEIR VALUE

1. They protect many millions of workingmen, who would otherwise be condemned to the slavery of unremitting toil, in their right to rest on the Sabbath.

2. They bless millions of families by giving all their members the opportunity of spending one day a week together, strengthening the home ties.

3. They minister to business prosperity by keeping the day free for instruction in those moral principles and truths that underlie successful business.

4. They are of inestimable value to the Republic, in that they protect the day for implanting in the hearts of the people those moral and spiritual truths and values without which democratic government must fail.

5. They furnish deserved support to the church, giving her the right of way one day in seven, that she may have a fair chance to render her all-important mission to men and society.

In this article Doctor Martin outlines their duty as follows:

THE BOARD OF CHRISTIAN EDUCATION,
DEPARTMENT OF MORAL WELFARE,
PRESBYTERIAN CHURCH, UNITED STATES OF AMERICA.

1. To protect these Sabbath laws against all enemy attacks.
2. To strengthen Sabbath laws that are weak.
3. To secure the enactment of Sabbath laws in the four States without them.
4. To secure the enactment of a Sabbath law in the Capital City of the Nation and District of Columbia.
5. To maintain and strengthen public sentiment on behalf of our Sabbath laws.

Speaking further on "The Basis of Our Civil Sabbath Laws," Doctor Martin says:

Forty-four of the forty-eight States of the Union have laws protecting the Sabbath as a day of rest and worship.

These laws do not require any one to go to church or perform any religious duty. They do require, for the most part, cessation from secular labor and secular amusements on this day. They are not an attempt "to make men moral by law," but to make it possible for them to be moral by law. They are what the garden fence is to the garden. The fence does not make the garden—the gardener does that—but it makes the garden possible by keeping out enemies that would otherwise tread down its tender plants. They are what the dykes are to Holland. They do not make Holland with its beautiful scenery and fruitful fields—the Dutch do that—but they raise a barrier between Holland and the sea that its waters can not pass and so make Holland possible.

SABBATH LAWS ATTACKED

All through our history these laws have been the object of attack. Recently powerful commercial and selfish interests and groups have viciously attacked them, seeking to sweep them from our statute books.

Their maintenance is essential to the preservation of our Christian Sabbath. The friends of the Sabbath should be armed for their defense.

What is the basis of these civil Sabbath laws? What right has the State to enact them? What is their value?

Our courts, State and Federal, have almost uniformly sustained these laws. In opinions given in connection with sustaining decisions they have stated the basis on which they rest. A score of court opinions could be quoted for every one of the following grounds on which they are based:

1. THESE SABBATH LAWS PROTECT FUNDAMENTAL RIGHTS OF THE PEOPLE

One of the chief purposes for which civil governments were instituted is the protection of human rights.

THE RIGHT TO REST

In the country the right of all men to rest one day in the week is universally conceded. This right requires protection by the State.

The Sabbath law is the charter of liberty for the sons of toil. Multitudes of employees would be required to work on the Sabbath on pain of losing the job on which their livelihood depends were it not that the restraining power of the civil law prevents their employers from making this demand of them.

Business men, also in the enjoyment of this right, would be put at a disadvantage if others engaged in the same line of business were allowed to keep open on the Sabbath. If it were not for the law requiring all to close, they might feel compelled by the laws of competition in business to forego their rights to a weekly rest. Daniel Webster said, "A law of rest for all is necessary to the liberty of rest for each."

THE RIGHT TO WORSHIP

The right to worship God is a right which we regard as so fundamental that it is guaranteed in our constitutions of government.

For its proper exercise the Sabbath day has been set apart. In this country many millions of people assemble in the churches on this day for the worship of God. Without this day free from secular employment social worship would be practically impossible. Not only the right of worship is safeguarded by law but also the right to worship without molestation. On this point the Supreme Court of Pennsylvania has said, "It would be a small boon to the people of Pennsylvania to declare their indefeasible right to worship God according to the dictates of their own conscience amid the din and confusion of secular employments and with desecrations on every hand of what they conscientiously believe to be hallowed time."

II. THESE SABBATH LAWS PROTECT THE PUBLIC WELFARE

The police powers of the State are very broad. They are for the protection of the public welfare, which includes the public health, the public order, and the public morals.

THE PUBLIC HEALTH

The courts declare that cessation from labor one day in seven is necessary for the preservation of the health of the people.

THE PUBLIC ORDER

They recognize the fact that the Sabbath kept not only as a day of rest but also a day for worship and instruction in the moral and spiritual truths of the Scriptures, will accomplish more for the good order and peace of the country than all our policemen and soldiers.

THE PUBLIC MORALS

For the same reason they recognize the Sabbath as an aid to public morals. They declare that Christianity, as the religion generally accepted by the people, furnishes the best sanctions for that morality upon which the State is dependent for its strength and security. The Sabbath, as the day on which the precepts of Christianity are taught, is therefore entitled to the State's protection. On this point the Supreme Court of Ohio said, "Without the recurring weekly period of rest there is reason to believe the masses would become morbid in mind, crime would multiply, and degeneracy likely ensue."

III. THESE SABBATH LAWS ARE THE STATE'S PROTECTION OF ONE OF ITS OWN INSTITUTIONS

The Sabbath is a civil or political, as truly as it is an ecclesiastical institution. As an institution of rest—and Sabbath means rest—it is more a civil than an ecclesiastical institution. It is the day for activity, not rest, in the church. Work is suspended in the civil sphere partly that it may go forward in the sphere of the church.

A CHRISTIAN NATION

Wherever Christianity is the dominant religion of a people, the Sabbath, as a fundamental institution of Christianity, is bound to become a civil institution. Historically we are a Christian people. Christianity has been wrought into the warp and woof of our entire life. Our courts uniformly have declared Christianity to be a part of the common law of the land. The Supreme Court of the United States has officially said: "This is a Christian Nation." The Sabbath, therefore, has been interwoven into the texture of our entire life, civil, social, and industrial, as well as religious.

Congress, our legislatures, courts, almost the entire machinery of government, stop on this day. Industrial and social activities suspend. It is therefore a civil institution. The State has to deal with it, and as an institution vital to its welfare, it has the right to protect it. "There is abundant justification," said Judge William Strong, of the Supreme Court of the United States, "for our Sabbath laws, regarding them as a mere civil institution, which they are, and he is no friend of the good order and welfare of society who would break them down."

IV. THESE SABBATH LAWS ARE BASED ULTIMATELY ON THE WILL OF GOD

The State is God's institution. He commands the State to keep the Sabbath and has laid upon it the responsibility of safeguarding the people in their right to keep it. Not a few of the courts recognize the divine authority for our Sabbath laws. The Supreme Courts of Pennsylvania and of Arkansas declare the day to be "set apart by divine command as well as by the law of the land."

President Lincoln, in that famous order for the better observance of the Sabbath in the Army and Navy, gave as the crowning reason for the order, "due regard for the divine will."

LINCOLN'S FAMOUS ORDER

"The President, Commander in Chief of the Army and Navy, desires and enjoins the orderly observance of the Sabbath day by the officers and men in the military and naval service. The importance for man and beast of the prescribed weekly rest, the sacred rights of Christian soldiers and sailors, a becoming deference to the best sentiment of a Christian people, and a due regard for the divine will demand that Sunday labor in the Army and Navy be reduced to the measure of strict necessity."

These Sabbath laws, serving the above purposes, violate no constitutional right of any citizen. They require nothing anyone's conscience forbids and forbid nothing anyone's conscience requires.

Let us join hands in maintaining them. We can, if we will.

Mrs. H. Moffatt Bradley, district supervisor of Washington Bible School Association, and evangelistic chairman of District of Columbia Women's Christian Temperance Union, handed me some leaflets, issued by National Women's Christian Temperance Union Publishing House, from which I read:

GEM THOUGHTS OF GREAT MEN CONCERNING THE SABBATH

The enemies of the Sabbath certainly can not claim that the names here quoted belong in any sense in the category of "blue law" defenders; they are written high in the halls of fame of our own and other countries. Some of them having served well their country and their times have gone to their reward. It is but fair to suppose that were they in our midst to-day they would be among the staunchest defenders of our Christian Sabbath. Let us ponder well their counsel and heed their admonitions.

GEN. GEORGE WASHINGTON AT VALLEY FORGE

The commander in chief directs that divine service be performed every Sunday at 11 o'clock in each brigade which has chaplains. Those brigades which have none will attend the places of worship nearest to them. It is expected that officers of all ranks will by their attendance set an example to their men. While we are duly performing the duty of good soldiers we certainly ought not to be inattentive to the highest duties of religion. To the distinguishing characteristics of a patriot it should be our highest glory to add the more distinguished characteristics of a Christian.

GEN. JOHN J. PERSHING

The sentiment of this section concerning Sabbath observance should be respected and no marches, except in cases of necessity, be made on Sunday. Opportunity should be provided for religious services, conducted by the chaplain or through community cooperation and dignified publicity of such services should be made.

ABRAHAM LINCOLN

As we keep or break the Sabbath day, we nobly save or meanly lose the last best hope by which man rises.

DANIEL WEBSTER

The longer I live the more highly do I esteem the proper observance of the Christian Sabbath, and the more grateful do I feel toward those who impress its importance on the community.

THEODORE ROOSEVELT

Experience shows that the day of rest is essential to mankind; that it is demanded by civilization, as well as by Christianity.

WILLIAM HENRY HARRISON

Experience and observation convince me that all who work require the rest which a general observance of the Sabbath only can secure * * *. Whether we regard man as an animal or mortal, we should unite in securing for him the rest that body and spirit demand for their best conduct and highest good. Those who do not find the Divine command in the book can not fail to find it in the man.

WILLIAM E. GLADSTONE

From a moral, social, and physical point of view the observance of Sunday is a duty of absolute consequence.

SIR WALTER SCOTT

Give the world one-half of Sunday and you will soon find that religion has no stronghold on the other half.

JOHN M. HARLAN, UNITED STATES SUPREME COURT

I believe that the due observance of the Sabbath as a day for religious worship and contemplation is required by commandment of God and is vital to the purity and integrity of the social organism. While the State may not deal with this question in its purely religious aspects, it may deal with it as involved in the right to have one day in seven set apart, under the sanction of law, as a day on which unnecessary labor shall cease upon the part of all, thereby securing for each person an opportunity for that rest of body and mind which the public health and the public safety demand.

WILLIAM M'KINLEY

I am in favor of Sunday legislation and strict observance of the Christian Sabbath.

JOHN SHERMAN

The Sabbath is an inheritance from our forefathers which should be cherished as a part of the institutions of our Government.

SUPREME COURT OF THE STATE OF NEW YORK

The Christian Sabbath, as one of the institutions of religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt, and this not as a duty to God, but as a duty to society and the State.

WILLIAM HOWARD TAFT

Religion and morality are the cornerstones of our Republic.

WILLIAM FAIRFIELD WARREN

Those who have most worthily hallowed the Lord's Day have most enriched all other days.

JOSIAH STRONG

The Sabbath is the bulwark of a vital Christianity, and a vital Christianity is the bulwark of the Nation.

JAMES BRAND

If we believe in Christian civilization for our country, the Sabbath must be kept as a religious institution. The following propositions I hold to be absolutely true: 1. We can not have a Christian civilization with Christ and His precepts left out. 2. We can not have Christ in our civilization without the Christian church. 3. We can not maintain the Christian church without the Christian Sabbath. 4. High morality and pure patriotism are inseparable, and the lesson of history is that morality and Sabbath keeping also go hand in hand. 5. Society is degraded as Christianity is corrupted, and Christianity is corrupted as the Sabbath is perverted.

The following additional gem thoughts of great men concerning the Sabbath were handed me by the Rev. Sam W. Small, the noted lecturer and evangelist:

EMERSON

The Sunday is the core of our civilization, dedicated to thought and reverence. It invites to the noblest solitude and to the noblest society.

JAMES R. LOWELL

He who ordained the Sabbath loves the poor.

HALLAM

A holiday Sabbath is the ally of despotism.

BROOKE HEREFORD, A FOREMOST CLERGYMAN OF BOSTON

I think the world of to-day would go mad, just frenzied with strain and pressure, but for the blessed institution of Sunday.

PROFESSOR BLAIKIE

The law of the Sabbath is the keystone of the arch of public morals; take it away and the whole fabric falls. The Sabbath is God's special present to the workingman, and one of its chief objects is to prolong his life and preserve efficient his working tone. The savings bank of human existence is the weekly Sabbath.

HENRY L. WAYLAND, THE AMERICAN PHILOSOPHER

Break down Sunday, close the churches, open the bars and the theaters on that day, and where would values be? What was real estate worth in Sodom?

BLACKSTONE

The keeping of one day in seven holy, as a time of relaxation and refreshment as well as public worship, is of inestimable benefit to a state, considered merely as a civil institution. A corruption of morals usually follows a profanation of the Sabbath.

JUSTICE M'LEAN

Where there is no Christian Sabbath there is no Christian morality, and without this free institutions can not long be maintained.

HENRY WARD BEECHER

Sunday is the common people's great liberty day, and they are bound to see to it that work does not come into it.

MONTALEMBERT

Without a Sabbath, no worship; without worship, no religion; and without religion, no permanent freedom.

JOSEPH COOK, GREAT BOSTON LECTURER

I am no fanatic, I hope, as to Sunday; but as I look abroad over the map of popular freedom in the world it does not seem to me accidental that Switzerland, Scotland, England, and the United States, the countries which best observe Sunday, constitute almost the entire map of safe popular government.

TRYON EDWARDS

To say nothing of the divine law, on mere wordly grounds it is plain that nothing is more conducive to the health, intelligence, comfort, and independence of the working classes, and to our prosperity as a people, than our Christian American Sabbath.

MACAULAY, ENGLISH HISTORIAN

If the Sunday had not been observed as a day of rest during the last three centuries, I have not the slightest doubt that we should have been at this moment a poorer people and less civilized.

I wish to further quote from leaflets furnished me by Mrs. Bradley, as follows:

BIBLE TEACHING ON THE SABBATH

The Sabbath was made for man as a day for rest and worship.

The Sabbath was made for man, and not man for the Sabbath.

Keep the seventh day to sanctify it, as the Lord thy God hath commanded thee.

Six days shalt thou labor and do all thy work.

But the seventh is the Sabbath of the Lord thy God; in it thou shalt not do any work.

Blessings promised in the observance of the Sabbath:

Blessed is the man that doeth this, and the son of man that layeth hold on it; that keepeth the Sabbath from polluting it, and keepeth his hand from doing any evil.

Six days shall work be done, but on the seventh there shall be to you a holy day, a Sabbath of rest to the Lord.

Hallow my Sabbaths and they shall be a sign between me and you, that ye may know that I am the Lord your God.

Keep my Sabbaths, and reverence my sanctuary; I am the Lord.

If thou shalt turn away thy foot from the Sabbath, from doing thy pleasure on My holy day, and call the Sabbath a delight, the holy of

the Lord, honorable; and shalt honor Him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words: Then shalt thou delight thyself in the Lord; and I will cause thee to ride upon the high places of the earth and feed thee with the heritage of Jacob thy father; for the mouth of the Lord hath spoken it.

But if ye will not hearken unto me to hallow the Sabbath day, and not to bear a burden, even entering in at the gates of Jerusalem on the Sabbath day; then will I kindle a fire in the gates thereof, and it shall devour the palaces of Jerusalem, and it shall not be quenched.

WORKS OF NECESSITY AND CHARITY ARE ALLOWED

And it came to pass on the second Sabbath after the first, that He went through the cornfields; and His disciples plucked the ears of corn and did eat, and certain of the Pharisees said unto them, why do ye that which is not lawful to do on the Sabbath day?

And Jesus answering them said, have ye not read so much as this, what David did, when himself was a hungered, and they which were with him; how he went into the house of God and did take and eat the shewbread, and gave also to them that were with him, which is not lawful to eat but for the priests alone?

The Son of man is Lord also of the Sabbath.

On another Sabbath He entered into the synagogue and taught; and there was a man whose right hand was withered and the scribes and the Pharisees watched Him, whether He would heal on the Sabbath; that they might find an accusation against Him.

Then said Jesus unto them, I will ask you one thing: Is it lawful on the Sabbath day to do good, or to do evil? To save life, or to destroy it?

He said unto the man, stretch forth thy hand, and he did so; and his hand was restored whole as the other.

The ruler of the synagogue answered with indignation, because that Jesus had healed on the Sabbath day, and said unto the people: There are six days in which men ought to work; in them therefore come and be healed, and not on the Sabbath day.

The Lord then answered him, and said: Thou hypocrite, doth not each one of you on the Sabbath loose his ox or his ass from the stall and lead him away to watering? Wherefore it is lawful to do well on the Sabbath day.

Mr. Chairman, I further read as follows:

To the normal human being the desire to worship and commune with God is instinctive. All peoples seek some higher power, a God, to whom they may offer incense and to whom they may go for help in time of need. Man was created with eyes to look up toward God and His heaven, and a soul to worship Him; he was also so created that in body and mind he needs rest and recreation and God has provided for all his needs. The Son of God Himself set us the example of worship. He went up into the Temple on the Sabbath day and worshipped as was His custom. We have six days in which to labor and to play. Shall we not then devote the Sabbath day to rest, to worship and to doing good according to our Lord's commandment and example? God has given us the Sabbath as our opportunity to gain physical, mental, and spiritual refreshment, and upbuilding. It was evidently not the divine purpose that man should so use that day that when he returns to his affairs on Monday he is worse physically or spiritually, instead of better. We can but wonder sometimes, what manner of rest for body, mind, or soul can be gained from the week-end parties, picnics, ball games, picture shows, and similar diversions with which multitudes of people fill the Sabbath hours. In their mad race for physical enjoyment they miss the mark. The God-given opportunity for physical and spiritual upbuilding is worse than wasted.

Then, too, while we should not only improve to our highest advantage our own opportunities, should we not also refrain from doing those things which must necessarily prevent others from enjoying the same happy privilege? Many seek rest and recreation by patronizing and thus upholding institutions that not only make the Sabbath a day of amusement only but commercialize and degrade it. Under such conditions the Sabbath becomes distinctly an un-Christian, and, indeed, an un-American institution. The creator and ruler of the universe gave the commandment "Remember the Sabbath Day to keep it holy." Will He hold guiltless those who deliberately trample upon His law? And will He not hold responsible in an even greater degree those who not only fail to revere His day but cause others to err also?

"But," say many, "I see no harm" in this or that amusement or recreation on the Sabbath. Possibly not for you under certain conditions. But what of the ultimate effect upon society if carried on in general? What of the effect upon our youth?

"He that causeth one of these little ones to stumble it were better for him that a mill stone were tied about his neck and he cast into the sea," said the Christ, the Son of God.

Traversing one of the principal streets of a large city on Sabbath morning we saw on one side a man working on his new house; another working on his automobile; another working in his garden; another mowing his lawn. Farther on, amusement parks were in full operation and traffic of various kinds going on as usual. Truly may we say God and His law was "not in all their thoughts." Need we wonder that we have "crime waves" or that there is discord, unrest, jealousy, hatred, and war? God's word declares that "the nation and kingdom that will not serve Him shall perish." The nations that have perished were those that forgot God and His law and went their own selfish, sinful way to destruction. Shall America follow in their train?

Where there is no vision the people perish. The Sabbath is a foundation stone in the Christian home, the Christian church and a Christian civilization. If we undermine the foundations, can we expect the structure to stand firm?

The Sabbath has come to us from remote antiquity, dropping honey upon the ages as it has come. Like the pillar of fire that went before the children of Israel in the desert, it has been the torch of God to light the way of the world. The Sabbath—God's opportunity to worship with man; God's opportunity to build up man; God's opportunity to teach man unselfishness and brotherhood; God's opportunity to uphold the sacredness of the home, the church, and the state, may it ever abide and continue with us, and may we ever strive to make it a sacred and holy day as God would have us do.

Mr. OLIVER of Alabama. I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. HASTINGS. Mr. Chairman, I thought that while we had under consideration the appropriation bill for the four departments, State, Justice and the judiciary, Commerce, and Labor, it would be an appropriate time to invite attention to House Joint Resolution 20, which I introduced the first day of this session, proposing an amendment to section 7, Article I, of the Constitution of the United States, permitting the President of the United States to disapprove any item of an appropriation bill passed by Congress.

The joint resolution is pending before the Committee on the Judiciary, and is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

Amend section 7, Article I, of the Constitution of the United States by adding the following paragraph at the end of said section:

"Every bill which shall have passed the House of Representatives and the Senate making appropriations of money embracing distinct items shall before it becomes a law be presented to the President of the United States; if he approves, he shall sign it, but if he disapproves the bill or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill shall have originated. All items not disapproved shall have the force and effect of law according to the original provision of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in section 7, Article I, in reference to other bills."

The section of the Constitution which is proposed to be amended by the joint resolution empowers the President to veto any appropriation bill, and before that bill becomes a law it must be passed by a two-thirds vote of both branches of Congress, but his veto power is confined to the whole bill and not to any separate item thereof.

The present proposed amendment, with certain modifications, is taken from the constitution of the State of Oklahoma. We permit the governor of our State to veto separate items of an appropriation bill, and we find that it has worked well and is in the interest of economy.

Some few years ago I wrote the governors of all of the 48 States and sent them a copy of the proposed amendment and asked for an expression of their views upon it. I received replies from practically all of them and I think without exception all of them commended it.

Every new State has such a provision in its constitution and so far as my investigation goes I think that all constitutions of the older States lately revised contain such a provision.

We combine all of the appropriations, aggregating between three and one-half and four billions of dollars in some 10 or 12 large appropriation bills. The Treasury and the Post Office Departments appropriation bills are combined. There is combined in this bill the appropriations for four of the large departments, aggregating $80,011,631.64. In the past there has been much criticism that during the closing days of Congress objectionable items have been added to appropriation bills, after they have passed the House, and our conferees have been compelled to yield either in whole or in part or else have the bills fail of passage and the activities of the Government interfered with or a special session of Congress called.

The proposed amendment would relieve us of this criticism. If an objectionable amendment without merit is added and the

conferees compelled to yield, the President, with his veto power, under this proposed amendment could veto that particular amendment, and only the part vetoed would be returned to Congress for further action. In other words, the other items of the bill, or the items not vetoed, would become law and the two Houses would pass upon the vetoed items in the same manner as they would now upon a vetoed bill and it would require a two-thirds vote to pass any vetoed item over the objection of the President.

Clearly this is in the interest of economy and there should be no objection against the submission of the proposed amendment to the several States. The truth is every item in an appropriation bill should be clearly justified (1) in the estimates sent to Congress through the Bureau of the Budget, (2) by the department which expends the money, (3) by the committee which reports the bill, and (4) by Congress itself, and not a dollar should be appropriated which is not necessary. Every item should stand upon its own merits. It should not be concealed in the body of a large bill and carried through as a rider regardless of its merit.

We have established a Bureau of the Budget. We have been advocating economy in every branch of the Government service. I believe every Member of this House is in favor of economy. I submit that this is a further step in the direction of economy. It will enable the President, by veto, to strike from any appropriation bill any objectionable items without vetoing the entire bill.

We naturally ask what objection could be attached to this proposed amendment? None have so far been advanced. The only objection that has been suggested by anyone is the reluctance to amend the Constitution. I do not regard this as any objection at all if the amendment is a good one and in the interest of economy. I do not believe that the Constitution should be amended without good reason, but I am sure that everyone who has studied the appropriations made by Congress will agree that if this amendment had been a part of the Constitution, that untold millions of dollars would have been saved to the taxpayers of the country.

It will be noted that this amendment only applies to bills making appropriations and to items of appropriation bills and not to legislative bills. Under our rules legislative riders to appropriation bills are subject to a point of order. We can protect these appropriation bills against these legislative riders in that way. The President should have the power to protect appropriation bills against items without merit. We all remember that some few years ago appropriations were held up and an extra session of Congress was necessary because of certain filibustering tactics, and on other occasions we remember that it has been necessary for joint resolutions to be passed in order to secure funds to run the Government pending the making of appropriations at the next session. This proposed amendment would obviate that, because it would give the President the power to veto the objectionable items forced upon either branch of Congress by filibustering tactics during the closing hours of Congress. The President can not add to any bill. He can not increase the sum appropriated, and it would therefore necessarily result in reducing public expenditures. If any item were increased above that submitted in the Budget, or any item added by Congress, it would be closely scrutinized and if not clearly justified would be subject to a veto, and the power given to veto separate items would have a wholesome effect in discouraging the offering of questionable amendments in making appropriations for local purposes. In other words, it would be a check against extravagance in the legislative branch of the Government. It would permit the closest scrutiny to be made of each separate item. As I have already observed, the country is interested in tax reduction, and, as everyone knows, the surest way to reduce taxes is to see to it that only appropriations are made for the necessary and legitimate expenses of the Government. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, the gentleman from Georgia [Mr. LANKFORD], who preceded the gentleman from Oklahoma [Mr. HASTINGS] and who has been endeavoring to explain his bill with respect to Sunday observance, quoted correctly and made a splendid address. I do not object to people observing the Sabbath and to attend church, considering that they in the majority of cases will be benefited, as it can not be detrimental, and in many cases I feel will be beneficial to follow the teachings of a church, as all that I know of teach love of God and fellow man, and I believe it would be better for all of the churches to follow what they preach and devote their time to service of God instead of trying to control the politics of the Nation. I feel no law can be enacted that will compel people to attend church if they are not inclined to do so, as a law that would try to force any certain religion upon them, and for that reason I think it manifestly unwise to try to enact a law that the gentleman states is on the statute books of 46 States, and notwithstanding that I do not know of a single State that is able to enforce it. I am opposed to legislate or pass laws that can not be enforced. The facts are we have altogether too many laws, and it would be far better for the country if many of these laws that are now on the statute books would be repealed.

Mr. LANKFORD. Will the gentleman yield?

Mr. SABATH. I can not yield; pardon me.

Mr. LANKFORD. Will the gentleman name some laws that are enforced?

Mr. SABATH. Oh, yes, indeed; there are a great many that are enforced and the gentleman knows some that are not. But, Mr. Chairman, that is not the reason I secured the privilege of the floor, the reason being that a few days ago a few gentlemen representing the so-called Better Government Association presented to the Senate a resolution which the Vice President has submitted and which has been laid before the committee requesting that conditions in Chicago be investigated. In that resolution they have made the accusations and charges against the conditions and certain officials as, no doubt, you have read in the daily papers. This petition was presented, as I understand, by a Mr. Davis and Mr. Lee, and in addition to presenting this resolution they have made statements in which they have defamed the fair name of the great city of Chicago. I am informed their trip to Washington has been made by them for political reasons and that these charges have been prepared to injure one group of the Republican Party. Mr. Chairman, I am not interested in either of the Republican groups, nor in the Republican fight, but I am interested in the city of Chicago, and I consider it to be contemptible for any set of men to willfully and deliberately defame the name of the city of Chicago in the Nation's Capitol. Of course, the Senate has properly rebuffed these men, no doubt having been informed of the underlying reason of their attack upon Chicago and perhaps of their motives. I consider their action outrageous and unwarranted.

I concede and I deplore that the city of Chicago has suffered from certain gang groups who are carrying on a feud between themselves, but I am willing to wager that the city of Chicago has a larger percentage of God-fearing, honest, law-abiding men and women in proportion to its population than any city or community in the United States. If these gentlemen representing the so-called Better Government Association, in this instance rather "assination," had been honest in their foolhardy political attempts against the Republican groups that they are opposed to, they would not have connected the name of our Democratic Mayor Dever in connection with some of the allegations they have made; but they would have been obliged to say that members of both Republican factions are guilty of refusing to take their orders, or permit them to dictate their policies. But they never were warranted or justified even to insinuate in the slightest degree against the Democratic mayor, who has so strenuously tried at a great expense to the city to give the city a clean administration and enforce all the laws, including the unenforceable Volstead law. I feel that the mayor must now commence to realize that if the police department would be increased tenfold he still would be unable to force the people to comply with the law that they resent, and which is obnoxious to them and which was imposed upon them against their will.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER of Alabama. I yield the gentleman five minutes more.

Mr. SABATH. Mr. Chairman and gentlemen, it is not my purpose to make a political speech or to charge at this time this or that faction of the Republican Party and their misdeeds. This the good people of Chicago will attend to when the proper time comes. Nor do I wish to-day to speak on the question of prohibition. What I desire to bring to the attention of this House and the country, is that the city of Chicago, as I have stated, has been unjustifiably slandered by these professional reformers, but who are also professional prohibitionists, and, as I am informed, for revenue only.

Mr. Chairman and gentlemen, I read this morning in the Chicago papers, although I have had some knowledge of it before, that these same gentlemen who were finding fault with the conditions in Chicago have accepted the sum of $27,000 from one source alone, from the Democratic leader, Mr. George Brennan, to secure their support in bringing about the defeat of the present State's attorney, and they have failed to do what they solemnly agreed to do, to assist the Democrats in their efforts to defeat the present State's attorney, Crowe. I also read in this morning papers that these men will stoop to any-

thing to secure publicity which would place them in position to secure still larger sums of money from well-meaning but misinformed people of Chicago, for their so-called organization, and to that end I read they have gone to the extreme to have their homes bombed in order to create sympathy and enable them to make an additional drive for more funds.

Mr. Chairman, I am informed that within a few days, since these gentlemen have made the attack against the city of Chicago in the Nation's Capitol, that nearly all of the city organizations and clubs of Chicago have adopted resolutions denouncing the action of these men, and that the mayor, the Hon. William E. Dever, who was misled in believing he could enforce the prohibition law, has, however, given the city a splendid and wonderful and honest administration, and is now preparing an answer to the diabolical charges.

Personally, I know it is a contemptible falsehood when they charge that foreigners have been imported into Chicago to carry on illicit liquor traffic, and who are responsible for the violation of the prohibition laws. I am obliged to admit we had some bad ones come to Chicago from other sections of the country, but it is a malicious lie that they were foreigners, as stated by these men. These same gentlemen have not only from time to time assailed the city of Chicago but have assailed many of its citizens, and even the press of Chicago when they failed them in their conceited and crazy notions.

Mr. Chairman and gentlemen, I do not know these two gentlemen personally, but I have read of them and heard of them often; and if only one-half or one-fourth of what has been stated by the press about them is true, they can not be believed, and you and the country, I hope, will pay no attention to their statements and charges against the city I have the honor in part to represent. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, since I demonstrated to you in my discussion in Wednesday's RECORD the utter unfitness of William Wolff Smith to properly perform the duties of general counsel in the Veterans' Bureau, he has become very active.

In the Veterans' Bureau to-day he has been having circulated among the lawyers there an instrument indorsing him and his office, hoping thereby to save his scalp.

We may readily understand just how embarrassing it is to these lawyers who are under the absolute domination of William Wolff Smith, who is their superior, and who could cause their dismissal should they refuse to sign such indorsement.

These lawyers under William Wolff Smith have families to support. They can not afford to lose their jobs. They realize that their jobs probably depend upon their signing such indorsement. They are afraid not to sign such indorsement. And I predict that under such circumstances practically all of them will sign same. No man wants to give up his job when his bread and meat depends upon it. But what is an indorsement worth signed under such circumstances?

I have just been informed by a prominent official in the American Legion that many American Legion members object to William Wolff Smith being general counsel, because they say that he is a Christian Scientist, and that naturally he views many ailments of ex-service men from the standpoint of Christian Science. Not that they object to his being a Christian Scientist, if he wants to be one, for he has a perfect right to be what he prefers, but many of the disabled and sick ex-service men prefer methods of treatment and rehabilitation other than those advocated by a Christian Scientist, and they feel, so they tell me, that they do not get the proper sympathy from a general counsel who views their afflictions only from a certain angle.

Doubtless many ex-service men are themselves Christian Scientists, and would prefer treatment advocated by such sect, and I lodge no objections to the general counsel myself because of his religion. I give every man the right to choose his own religion. My objection to William Wolff Smith is that he is unlearned in the law, that he has not sound legal judgment, that he is inefficient, and that he is wholly unreliable.

Some in Washington have objected to William Wolff Smith, claiming that he was engaged in business here as a side line; but I have made no such charges against him, and have made no investigations of such claims. But I have investigated many, many cases in the Veterans' Bureau which have convinced me beyond peradventure of a doubt that he is wholly unfit for the office he holds, and that his filling that office daily menaces the rights and fair treatment of the loved ones of 4,000,000 brave ex-service men in the United States.

Mr. SHREVE. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I think it is generally acknowledged that one of the outstanding speeches that has been recently made in this House, and has marked its author as one of the deep thinkers and able debaters of this branch, was made last week when the so-called railroad labor bill was up, by the gentleman from Maine [Mr. NELSON]. I wish to quote one or two sentences from that address in support of a position that I have advanced on this floor numerous times.

Mr. NELSON of Maine said:

> I believe that compulsory investigation is in entire harmony with the genius of American institutions, * * * to focus public attention, to create an intelligent and informed public opinion, to bring to bear upon the offending party the compelling influence of disapprobation.

Then he goes on to say that this is no new idea, that President Roosevelt advocated it in 1905, that President Wilson advocated it in 1916, and President Coolidge emphasized the need of machinery for compulsory investigation in labor difficulties in his reference to the coal situation. And further:

> Its sole purpose is to discover and report the facts, a purpose of extreme importance, as upon these facts the President may act or Congress legislate.

I commend those sentiments to the gentlemen of this House who are interested in the subject of a fair price to the consumers of anthracite coal. Yesterday a Washington newspaper published an editorial entitled "The anthracite gouge," in which it is stated that anthracite prices are quoted at from 75 cents to $1.50 a ton higher than they were last summer before the strike. That fact means that the owners, the operators of anthracite mines, are making up the loss that they sustained during the five months of the strike at the rate of about $250,000 a day, a very large sum. The coal is being mined at the rate of 300,000 tons per day, and at the rate of 75 cents a ton, it does not take very much of a mathematician to find out who is to be the beneficiary, and how the amount that the operators of the coal mines desire to have paid into their treasury will be restored.

In that connection let me say that no one has claimed that the miner will receive one cent more of pay since the strike has been declared over, nor is there a higher freight rate charged. Consequently the entire additional profit will go into the pockets of the operator at the expense of the consumer. The writer of the editorial in the Washington Post, referred to, designates the consumer of anthracite as the goat. We are rightly designated as the goats for allowing this situation to continue.

The reason I call this to the attention of the House at this time is because a few days ago our distinguished floor leader indicated that it was the intention of Congress to adjourn at an early date, perhaps two months hence. It is now three weeks or more since the strike was declared off. On that day, the 12th of February, I think it was, the chairman of the Committee on Interstate and Foreign Commerce publicly announced that hearings very soon would be begun on the subject of coal legislation. So far as I know the Committee on Interstate and Foreign Commerce has allowed three weeks of the time to elapse since then without a motion of any kind having to do with hearings on that subject.

I am not criticizing either the chairman of the committee nor his colleagues on that great committee, but I am calling the attention of such Members of the House as do me the honor of being present at this late hour to the fact that so far we have not moved. If we consumers of anthracite are to be designated as goats, I say there is exactly as much need of regulation of coal consumption and distribution as there ever has been. I agree heartily with the gentleman from Maine [Mr. NELSON] that the way to get at this is through public information. Make it compulsory that the information as to the cost of production of coal and the various reasons for increasing of price be made a matter of public record. The President has recommended it. Two previous Presidents recommended the same procedure. We are not talking about compulsory arbitration at all. That is another subject; and the gentleman from Maine dealt very well with that subject also. The coal consuming public is being charged between $290,000 and $300,000 a day more than they were previous to the coal strike, and they have a right to know where that money is going and why that increase in price. Take the situation here in the District.

Only a day or two ago a distinguished Senator made the announcement through the Committee on the District of Columbia that even after the coal dealers here had entered into an agreement to open their books to the auditors of the District

of Columbia Committee, they could not get the desired information.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman three more minutes.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. OLIVER of New York. Unless the committee having this whole legislation in charge acts very speedily is there not great danger that we will not be able to pass any legislation at this session and that another winter will be upon us?

Mr. TREADWAY. I endeavored to make that very plain in referring to the fact that our leader has said that we are going to adjourn early; and if possible, I would like to prod up this committee a little, of which the gentleman from Maine [Mr. NELSON] is a member, as is also the gentleman from Nebraska [Mr. SHALLENBERGER], whom I see before me. The excitement of the strike is now over, and the committee can proceed with coolness and deliberation to frame legislation based upon the Coal Commission's report and the President's recommendations. There is ample proof of its need. If anthracite is to be mined and used, the consumers are entitled to all possible publicity of costs and fair margin of profits. A great public necessity should no longer be used as a means of exacting exorbitant profits from consumers. We insist upon compulsory investigation into all elements of cost, and the fact that this will be resisted to the bitter end is evidence of its need for the protection of the people. So let the proper committee start establishing the right machinery.

In the remainder of the time allotted to me and under permission to extend my remarks I desire to refer to another subject upon which I have urged legislation at this session. The committee having this matter in charge is the Committee on the Territories. We should no longer delay in changing the organic law in regard to the method in which Alaska is governed. A recent article in the National Spectator by Hon. Hubert Work, Secretary of the Interior, confirms statements I have previously made on this floor. The title of the article is "What future has Alaska? Territory has made little progress in past few years." His statements are similar to those in his annual report. I quote extracts:

WHAT FUTURE HAS ALASKA?—TERRITORY HAS MADE LITTLE PROGRESS IN PAST FEW YEARS

By the Hon. Hubert Work, Secretary of the Interior

Alaska, our last frontier, is a Territory with its resources and national wealth undeveloped.

Without the inspiration of self-government and freedom, essential to natural expansion, the country is now being retarded by unnecessary activity of Government bureaus, whose officials have been made hesitant by limited local authority and confused by far-distant direction. Lacking independence in administration, the white population of Alaska has not developed independence of initiative in developing their adopted country. Production of its mines, forests, and even of its fisheries wavers and recedes.

This is a plain sketch of Alaska, nearly 60 years after its acquirement by the United States, despite popular interest stories written from time to time. In fact, it is reasonable to assume that the almost consuming interest the different departments of government have taken in the affairs of the Territory, which have led to the establishment and maintenance there of a great number of Federal agencies which might now be correlated, has been responsible in no small measure for Alaska's delayed development.

Most of the Government's activities in Alaska should be covered by one department and placed under one Secretary of the President's Cabinet. The situation calls for prompt sympathetic study by Congress. Alaska's resources and possibilities; the method of government and its effect; the attitude the Federal Government should assume, whether governmental control should be constructive in type or continue to cultivate dependency, or be removed entirely, should be weighed and determined. At least the proposal to merge all activities in one department should have immediate consideration.

Expenditures for the Federal administration in Alaska amounted last year to approximately $10,000,000 and was apportioned among 9 of the 10 executive departments of the Government. There were approximately 3,300 Government employees, which means that more than one-tenth of Alaska's white population is in the Government employ in one capacity or another. The functions performed consist of every conceivable phase of governmental supervision and jurisdiction.

* * * * * * *

The biggest single development in Alaska is the Alaska Railroad, built and operated by the Government and costing approximately $60,000,000. The line, completed for operating purposes in 1923, extends from Seward, on the Gulf of Alaska, to Fairbanks, on the Tanana River, a tributary of the Yukon. It penetrates into the very heart of the Territory for about 500 miles.

It soon became apparent that the road—the first built and operated by the Government—was not a profitable enterprise. It was evident that it faced a heavy operating deficit which must be made up by the Government. Last winter a complete survey of the physical condition of the road and the commercial possibilities of the territory contributory to it was made by an expert in railroad construction and operation. The result of the survey showed that, compared with the privately owned railroads in the States, the Alaska line in many places was but a temporary structure, built on freezing and thawing soil and ever-shifting, rapid streams. It also showed that freight and passenger traffic was limited and some years would elapse before the road would be a financial success.

Construction was authorized by Congress in 1914, and the work, laid out by the Alaska Engineering Commission, now known as the Alaska Railroad Commission, was begun in 1915 and continued eight years. When proposed the contention was that with adequate transportation facilities mines in the interior of Alaska would be opened and flourish. In 1915 these minerals were valued at $32,790,000. By 1924 they had decreased to $17,457,000.

Production of coal in Alaska in competition with the States has not been feasible, and neither has the production of other minerals proved sufficiently profitable to attract capital, with the exception of gold, although the Government has provided the means of shipping them out.

With a deficit in 1924 of $1,739,274, the policy of the railroad was changed and business principles applied. The practice of operating passenger trains only was abandoned and mixed trains were substituted, requiring the hauling of freight cars where it was possible to maintain the schedule. Dining and sleeping cars also were discontinued, and freight trains were operated only when sufficient tonnage was available to justify the cost of operation.

Nevertheless, the drain on the Federal Treasury continued and talk of scrapping the road was revived, and has recently been heard again in Congress. Whether the railroad ever should have been built is now beside the question. The Government has it, and to abandon it, despite the heavy loss which can be traced largely to maintenance-of-way expenses, due to the hurried and temporary manner of construction, would amount to a reversion of the American policy of progress.

To correct this situation the temporary structures should be replaced with permanent construction. In that connection a six-year program, covering the expenditure of approximately $11,878,000, has been proposed, which includes reconstruction of the roadbed in many places, substituting steel bridges for wooden trestles, construction of a tunnel, and other replacements necessary to put the physical condition of the line on a basis which will reduce its yearly maintenance costs to the minimum.

Conversion of the right of way of the railroad to a truck highway and abandonment of the line from Anchorage to Seward entirely, or the use of that division only in summer, largely for tourists, also have been suggested. There is little local commercial use for the railroad between Anchorage and Seward, as both are seaports, and it might be maintained between these two points only in summer as proposed.

* * * * * * *

We have experimented long enough and have made lavish appropriations. The Government machinery should be abridged and concentrated under one department in accordance with the Secretary's recommendations. I, however, do not agree with his suggestion of further large appropriations for railroad construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. Mr. Chairman, I yield four minutes to the gentleman from Kansas [Mr. WHITE]. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman and gentlemen of the committee, a little while ago I found on my desk a little pamphlet, The Cosmopolitan Empire, by John William Conway, of Norton, Kans., a very able editor and press writer, and I read it carefully. I am not here to stand as its proponent, but I think it furnishes a masterful treatment of the subject of world peace. It was first submitted to the American peace award for the Bok $100,000 prize, and I want to say this in my brief time, that if there is any sentiment which is predominant in the minds of the American people, it is a desire for world peace. I believe it is the unanimous sentiment of America that they abhor war. They are not in favor but are strongly against any war for subjugation or for conquest and only would justify war for defense. And I believe as long as that sentiment exist, and it will exist until every scar in every mother's heart inflicted there by the great World War shall be healed, and it will never be while life exists, for every paternal cry that comes up after every war, "Oh, my son, my son, would God that I had died for thee," that sentiment in the minds and hearts of the American people will be the greatest deterrent of war.

Now, Mr. Chairman and gentleman, I think it furnishes a wonderful address on the subject of world's peace, and I am going to ask unanimous consent of this committee that it may be printed in the RECORD. It furnishes a great deal of information, it contains much philosophic wisdom and a great deal of fundamental truth, and while I am frank to say I do not agree with every provision it contains, I think it will be useful to the Members of the House who may have the time to read it and may be of great information to the country.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection? The Chair hears none.

Mr. WHITE of Kansas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE COSMOPOLITAN EMPIRE—A PLAN TO ACHIEVE AND PRESERVE WORLD PEACE

By John William Conway

(First submitted to the American peace award for the Bok $100,000 prize, and now offered to the world, trusting to reason in a wiser age)

AXIOMS AND PROPOSITIONS

World peace intimates a compelling world power.

World power, the result of human effort, means the dynamics of political force capable of world control.

Peace established throughout the world by will-power of political aggregations of men, must be derived and maintained by a coalition of nations adequate to control all refractory governments and belligerent races.

Peace may be achieved and preserved through four agencies, or plans.

I. Force—Arms and the man.

II. Arbitration—Adjustments, agreements, concessions, treaties.

III. Education—Cultivation of humane sentiments; broad studies of life.

IV. The super state—a cosmopolitan empire, an international republic, a coalition of nations having administrative ability.

I. ARMS AND THE MAN

[From the first verse of Virgil's Eneid]

PEACE MAY BE ACHIEVED BY VICTORIOUS ARMS

The vanquished necessarily accepts, under duress, the terms of peace imposed by the victor. Such peace endures until the subdued force regains power to resist.

No master need expect submission longer, no dictator dare anticipate further respect for his conquest or his treaty-forcing peace, than the period of recuperation required by his prostrate enemy.

Peace enforced by arms is therefore an armistice, a cessation of hostilities, a postponement of war—not for cooling time but for healing time.

To preserve peace achieved by war requires subjugation through the constant application of armed force.

The tenure of such a peace may be made effective by raising the contending powers to the same strength physically, mentally, and materially or by reducing them to the same level of defense and aggression, making an equation of armament.

Coordinate powers covenanted and agreed to maintain peace must restrict the victor from further preparations for warfare, and they must bar the vanquished from fresh accumulations of martial material.

1. Give to each an equal part of the broken sword.

2. Let neither be permitted to add a point to the one nor a hilt to the other.

PEACE MAY BE PRESERVED BY ARMS

Stated as a corollary, it may be concluded that peace will be preserved when warlike activities are abandoned by request or agreement; when labor ceases in the work of preparation of all materials of destruction of property and human life; when military science is abolished or eliminated to the minimum of national safety.

Arms and the man, the premier agent in the achievement and preservation of world peace, may be regarded as the drastic but essential initial plan of proceeding.

The second and more favorable agency to employ, when conditions permit, is arbitration, which, in connection with education, constitutes the statics of peace.

II. ARBITRATION, THE STATICS OF PEACE

ARBITRATION MAY ACHIEVE AND PRESERVE PEACE

Only two kinds of arbitration need be considered: Voluntary arbitration and enforced arbitration.

Nations at war, or liable to engage in war, may come to an agreement between each other to place their bone of contention in the hands of a commission selected by themselves, to arbitrate their differences.

The settlement of controversies in this voluntary manner is practical for engendering the least friction, thereby assuring the minimum of subsequent bitterness and hatred.

Enforced arbitration means interference from an alien source. The question will at once arise: Quo jure?

Even the ocean can not loot landmarks for added jurisdiction, nor the land encroach upon the sea to stake its shore line far out beyond ancient boundaries without affecting human interests.

Much more and forever will a war between massed human beings affect humanity.

Every worthy interest of mankind should be protected. When such interest is disregarded the injured party ought to have recourse to a tribunal able to render justice, or be the means of making reparation. Courts of law and equity settle grievances between men. A court of arbitration should be created and empowered to adjudicate disputes between nations.

The accredited and responsible governments of earth should ordain such a court of arbitration from whose decisions and decrees there is no appeal.

The powers of such court of arbitration should be broadened enough to pass judgments in controversies between governments, hostile races, insurrectionary provinces, and to decree executions of its will.

The court may function in two ways:

1. It may, on its own motion, summon for trial and investigation two or more nations at war, or provinces and races in dispute over any question involving world peace.

2. It may be approached by appeal filed by a race, a nation, a province, or a social or religious community suffering injury by the acts of other aggregations of men whatsoever.

III. WORLD PEACE MAY BE ACHIEVED AND PRESERVED THROUGH EDUCATION

Education is the adjustment of body and mind to the processes of life. It means the manipulation of material implements to shape nature, and the utilization of forces to control phenomena.

Knowledge, the accumulations of education, is a power for peace when human sympathies are trained in humane lines of thought.

War and peace alike are excellent because of education. The tiger is educated to fight and kill; the hind, to flee and hide. Both are products of empirical education graduated from contrary schools of experience. Man, due to education, is master of both, and regent of his environment.

But man magnifies his importance too much as a factor in the endless series of elements that make the universe.

The world must be educated to understand that every life thereon is as much entitled as man himself to a share of it.

Never, except for self-preservation, is any being authorized to take the life of another. Nations and men must be educated to comprehend and to respect this fact of common law ruling all existence.

A propaganda of humane education should be inaugurated and successfully carried on among all peoples, to get them in accord with the brotherhood of all organic life, in a peaceful federation of the earth artificially divided for political sway.

The problems of education in adjusting the astounding variations of human intellect toward harmony ought to be studied scientifically. More of the work of educators must be done in laboratories analyzing the brain and nerve construction of future citizens, sorting them into grades by a physical survey to determine a series of developments from moron to philosopher.

Schools should be made responsible to government by certifying that their products are qualified for civil service not only as future presidents but as shoemakers—after life terms in conformatories.

Three branches of education are neglected by the schools, including colleges and universities, although vital to civics, viz, heredity, medical jurisprudence, and criminology.

War is the antithesis of eugenics; it destroys the flower of manhood and thereby liberates the disqualified to propagate their kind. War is the polar opposite of evolution; it sacrifices the fittest and leaves the unfit to reproduce themselves.

Peace, through education, should cull the unfit and segregate into controllable colonies persons whose minds are criminally inclined or incapable of sympathetic advancement.

Classified by the laws of heredity, persons who are liable to produce epileptic, imbecile, and insane offspring should be imperatively restricted from the privilege of reproduction.

Criminology as a study should be urged on courts in order that they may be induced to substitute decrees of science for ancient and obsolete precedents decreeing capital punishment for criminals whose insanity, heredity, character, or social environment constrained their acts.

It is the function of education to anticipate in the schools the probable careers in crimes of pupils and students before the fact.

Nations under compact to police the world for peace and order should organize an imperial army by establishing schools for the training of youths qualified physically and mentally for superior work

in branches of learning most utilized for national guardianship, giving expert training in these departments:

1. In arms; destructive activities:
a. Athletics.
b. Military science.
d. Aviation.
2. In arbitration; conservation of interests:
a. International law.
b. Diplomatic service.
c. Sociology.
d. Civil government and sanitation.
3. In humane education; culture of sympathies:
a. Biology and entomology.
b. Psychology, criminology, and genetics.
c. Languages, eugenics, and heredity.
d. Physics and mechanics.
4. In cosmopolitan or universal citizenship:
a. "One touch of nature makes the whole world kin."—Shakespeare.
b. "The world is my country, and to do good my religion."—Paine.
c. "Empire is peace."—Napoleon.
d. "Let us have peace."—Grant.

Broadly considered, the peace of the world is disturbed by other calamities than those of war. The destruction of life and property should be reduced by education as far as possible, such as these:

1. Destruction of property:

Fires, floods, mine disasters, shop explosions, riots, strikes, earthquakes, cyclones, etc.

Destruction of life:

Diseases, epidemics, plagues, panics, superstitions, famines, shipwrecks, preventable accidents, mobs, lynchings, physical degeneracy, religious sacrifices, etc.

These causes of destruction should be eliminated by education instituted by all nations, exchanging instructors with one another, and working in coordination for the mental and physical peace of the world.

No argument is needed to prove the fact of universal sympathy. The disasters from earthquakes in San Francisco and in Tokyo show the whole world responsive to the call of distress.

No calamity is more cruel than war. The scope of education includes culture for world-wide peace.

IV

The preceding consideration of the problem given leads to this final analysis and conclusion:

THE SUPER STATE IS THE PARAMOUNT PLAN TO ACHIEVE AND TO PRESERVE WORLD PEACE

The Articles of Confederation drafted by the thirteen Colonies July 9, 1778, implied a super state in their "League of Friendship" and perpetual Union, called the United States of America.

Every Colony was and continues to be an independent State, retaining its sovereignty, power, right, and jurisdiction in a successful federation.

With such an historic model before the world for imitation in a broader sense, small study is required to agree upon a super state, a world republic—more appropriately styled, because of limitless dominion, a cosmopolitan empire.

The suggestions that follow may be construed as a tentative constitution for such an empire.

CONSTITUTION OF THE COSMOPOLITAN EMPIRE

We, the majority of the nations of the world, in order to achieve and to preserve the sure and abiding peace thereof hereby establish the cosmopolitan empire.

ARTICLE I

SECTION I

1. The cosmopolitan empire shall have for its concern only matters in all lands pertaining to the peace of the world.

2. Each nation of the empire shall retain at will its own autonomy, and contribute a just, reasonable, and proportionate share of money or its equivalent, arms, and men for the maintenance of peace, for this purpose establishing a propaganda of universal friendship.

SECTION II

1. Any nation unsigned at the adoption of this constitution may become a member of the empire on its selection by 75 per cent of the heads of its national factors.

2. No nation shall be privileged to secede except on a like vote granting permission.

3. Any nation having wealth, education, and population sufficient to qualify as an adjunct of peace, prosperity, and humanitarianism that does not accept membership in the cosmopolitan empire may be induced by moral suasion to become an active factor of world tranquility independently. Such a nation shall be encouraged in its propaganda of peace and good will. However, should such nation run counter to the aims of the empire, it shall be subjected to discrimination against it socially, politically, and commercially.

4. It shall be the policy of the cosmopolitan empire to insist that all nations respect three cardinal dogmas of government:

First, peace; stop bloodshed.

Second, justice; adjudicate the wrong done.

Third, penalization; reform, compel, or crush.

5. When any nation repudiates a law made by the imperial congress or willfully disregards the decision of an adjudicating tribunal, or the decree of the court of arbitration, or commits overt acts in violation of peace, such as—

a. Continuing independent warlike preparations;

b. Refusing to quit active warfare; or

c. Declaring war by word or act—

then the military powers of the empire shall suppress the belligerent nation and force peace upon it. Its territory shall be ceded, in whole or in part, to peaceful neighboring nations for the cost of the war of suppression or annihilation; and always and forever the costs of any imperial action thus required shall be assessed against the nation or nations at fault.

6. No person of adult age shall be deemed disqualified to function in any branch or department of the cosmopolitan empire on account of sex, religion, race, color, or nationality.

ARTICLE II

SECTION I

1. The executive power of the cosmopolitan empire shall be vested in a triumvirate whose tenure of office shall be five years, and elected by 60 per cent of the heads or rulers of the national factors of the empire in the following manner:

a. The head of each nation shall communicate his choice for the triumvirate to the ambassador or minister plenipotentiary of his country stationed at some embassy agreed upon, and appoint such ambassador or minister to cast his ballot and act on an election commission to canvass all the votes cast by himself and his compeers; the commission being empowered to make all rules necessary for the guidance of popular elections.

b. Every ballot thus cast by proxy shall contain the names of three desired triumvirs, no two from the elector's own nation. One name shall be that of essentially a military person selected from the division of force. Another name shall be that of a jurist statesman, or one otherwise qualified to sit in the court of arbitration. The third name shall be that of an educator.

c. The electoral commission shall declare the person named from the division of force who receives a majority of all votes cast to be elected triumvir. In like manner the person nominated from the division of arbitration who receives the major vote shall be declared elected triumvir; and the person from the division of education who receives the majority vote, shall be declared elected triumvir.

SECTION II

1. The decision of two triumviri agreeing shall control the triumvirate in its action or judgment; but no power of veto is granted over legislation.

2. The triumvir elected from the division of force shall be commander in chief of the imperial army, embracing all the armed forces of the cosmopolitan empire in divisions of land, sea, and air. He shall direct the work of creating the imperial army from recruits for all branches of the service furnished, equipped, and drilled by the signatory powers. He shall be ex officio marshal in chief of the court of arbitration and be granted therefor full police power for coordinate service with the local army contingent, which police power he may use, when sufficient, in lieu of invoking martial law.

3. The triumvir elected from the branch of arbitration shall be ex officio a member of the imperial court of arbitration and presiding officer thereof.

4. The triumvir elected from the branch of education shall be speaker of the house of commons and ex officio granted full membership therein. He shall be superintendent in chief of all the public and federal systems of education among the signatory nations, but concerned especially with such branches of learning as involve civics, sociology, heredity, sanitation, and the industrial sciences.

5. When a nation in rebellion against the empire is that of the triumvir who is commander in chief of the imperial army, then he shall be temporarily relieved of command rather than be forced to humiliate himself or his country. The imperial congress and the other two triumviri shall name a commander in chief pro tem.

ARTICLE III

SECTION I

1. The legislative power of the cosmopolitan empire shall be vested in an imperial congress constituted and elected as follows:

a. The presiding officers of every legislative body of the signatory nations shall be ex officio members of the senate of the imperial congress. Their tenure of office shall coincide with their tenure in the home legislature.

b. The legislature of each nation shall elect from among its own members, from fellow citizens, or from citizens of the cosmopolitan

empire, three persons of adult age who shall be members of the house of commons of the imperial congress. Their tenure of office shall be three years.

2. The senate and the house of commons shall have coordinate powers over legislation, and all laws passed by both branches of the imperial congress shall rule the empire.

3. Any law enacted by either branch, senate or house of commons, when supported by both the triumvirate and the court of arbitration, shall be in like manner of full force and effect.

SECTION II

1. The imperial congress shall convene annually for the enactment of laws in furtherance of the peace of the world, for which purpose it shall create a budget by assessment of all the covenanted nations, organize cabinets, bureaus, and make such other provisions as are deemed essential to operate the dominating sway of empire.

2. This constitution may be amended by the imperial congress, given for that purpose two votes, in conjunction with the court of arbitration, given therefor three votes.

ARTICLE IV

SECTION I

1. The judicial power of the cosmopolitan empire shall be vested in the court of arbitration elected in the following manner for a term of seven years.

a. The imperial congress in joint session shall elect by a parliamentary majority of individual membership votes 36 persons to be members of the court of arbitration.

b. The congress shall divide these arbiters into four groups of nine members.

2. One group shall deliberate on controversies arising between countries over interpretations of treaties and over what has been withheld from arbitration because regarded as an impelling cause for war—the personal honor and vital interests of a nation.

3. Another group shall deliberate over disputes between countries touching boundaries, jurisdictions, commercial relations, colonizations, and immigrations.

4. The third group shall consider questions of appeal; the settlement of debts contracted; the reports of progress in disarmament, except for the service of the empire; laws interfering with international social relations, the freedom of speech, of the press, and of religious worship; inequalities between countries for laws regulating capital punishment for crimes; and in general questions of civil liberty and domestic relationship that exemplify the discord between localized and cosmopolitan citizenship.

5. The fourth group shall be a federal court of justice and adjudication sitting in perpetual session, vested with power of inquisition over grievances in all lands, and having the function of a prosecutor.

6. The findings of each group shall be submitted to the whole court assembled for review and discussion, presided over by the triumvir, and the decision handed down shall control the empire and all parties or interests involved by such decision, from which there is no privilege of appeal granted.

7. The court of arbitration shall appoint and dissolve at will subsidiary courts and tribunals of adjudication, naming its own members as such or appointing others.

ARTICLE V

SECTION I

1. The seat of government of the cosmopolitan empire shall be the home city of any triumvir, or the capital of any signatory nation, when designated in advance by the imperial congress.

2. The court of arbitration shall be granted full privilege to sit in any city or retreat, ad libitum.

3. The imperial army shall have the freedom of all lands for mobilization. It shall be assembled in loyal territory near the border of any nation threatening hostilities. In the absence of probable insurrection each nation may mobilize, train, and drill the imperial recruits on home territory.

4. The navy of the cosmopolitan empire shall have the freedom of the seas and ports of the world.

SECTION II

1. The cosmopolitan empire shall proceed to function immediately after its constitution shall have been ratified by a majority of the accredited nations of the world.

COMMENTARY AND ARGUMENT

I

The subject assigned for plans, as stated in the title, does not include a provision made in the instructions issued by the commission of the American peace award, viz:

"The winning plan must provide a practicable means whereby the United States can take its place and do its share toward preserving world peace, while not making compulsory the participation of the United States in European wars, if any such are, in the future, found unpreventable."

This reservation is fatal to any plan of world peace.

No such dilly-dallying option should be granted to any factor in a coalition of nations pledged to end warfare upon earth.

The United States would be, if given this privilege of evasion, a life-saver high and dry upon the beach directing others to wade in and rescue a drowning companion, himself afraid to get his feet wet.

Such privilege of voluntary exclusiveness is the refinement of bombastic "King's excuse" in child's play.

Events during recent months exemplify the futility of a formidable compact, like the League of Nations, when action is not imperative and compelling, such as the affair between Italy and Greece called forth.

Are these written pledges merely scraps of paper?

Italy, the signatory power in the league, scrapped Greece and the paper both at once in its act of war.

Italy repudiated and defied the League of Nations and ruthlessly broke its own pledge.

All the signatory powers of the league broke their pledge in failing to compel a refractory nation to submit such contentions to arbitration before engaging in acts of war—the shelling of Corfu was an act of war.

Italy wears at its girdle the scalp of the League of Nations, lying in state as a corpse at Geneva.

No flowers.

Italy has made a whip of scorpions of the tongues it cut out of the peace commission at The Hague.

A whip with crackers!

Literature is rich with ideals of peaceful governments in the visions of philosophers; for notable examples, turn to Plato's Republic, Sir Thomas More's Utopia, William Penn's European Parliament, John Locke's Constitution of Georgia, Emmanuel Kant's Congress of Nations, Jeremy Bentham's International Tribunal, John Stuart Mill's Federal Supreme Court, the International Peace Tribunal at The Hague, and the League of Nations at Geneva.

Scraps of paper?

II

The irony of fate makes the imperial dreams of peace a vagary. Czar Nicholas II, Emperor of all the Russias, richer than Croesus, more potent than the Caesars, initiated the International Tribunal of Peace, a worthy commission installed at The Hague.

Withal, the World War wrecked his empire, and his own subjects first exiled and then murdered the Czar and family.

The sarcasm of time makes phantom dreams of imperial sway also. Kaiser William II, Emperor of Germany, all these years mobilized the fiercest war machine ever known. His genius made vocal, probably, the last word in waste and slaughter.

The Kaiser, self-exiled, a cowardly refugee, is the mockery of Mars, his god.

Nicholas dreamt of friends at his elbow; William, of foes at his feet. Small choice between their dooms.

Compare the heritage of their empires; both on one side of the equation call for ciphers, minus quantities, worthless rubles and marks on the other.

Reason, impelled to a conclusion by facts of history, may anticipate the bill of lading of the cargo in the ship of state that will lie at anchor in our harbor of to-morrow.

An invincible empire must be contrived when either the commerce or the peace of the world is sought to be controlled.

III

Should the senate and the house of commons disagree, or should either adjourn to avoid meeting an issue, then the other can continue legislation by appeal to the triumvirate and the court of arbitration for indorsement.

Superior and inferior powers are equal as legislative factors. The weaker nations will thereby seek self-preservation by cherishing a potential empire as guardian.

The court of arbitration is made available at all times to hear grievances, or to prosecute injustice, by the sitting of nine members in perpetual session, theoretically. There should be no postponement of justice. "Eternal vigilance is the price of liberty."

Unlike the House of Lords of the British Parliament, the imperial senate can not inflate its membership, because legislatures do not multiply their presiding officers. Because the President pro tempore of the United States Senate is a member of that organic body, he will sit in the imperial senate with the Speaker of the House of Representatives.

This constitution aims to eliminate "national honor and vital interests" from the consideration of powers to justify war by evasion of appeal to the court of arbitration. The imperial army is set for war when necessary.

The third group of members of the court of arbitration is given authority to regulate domestic relations. This provision gives the court a chance to harmonize national antagonisms. To illustrate, polygamy in Palestine was a religious ordinance founded upon the divine command: "Increase and multiply."

Among royalty and crowned heads it is tolerated as morganatic marriages.

In the United States it is bigamy, a felony. An honored guest of the Columbian Exposition at Chicago in 1893 was an Indian prince, who was not permitted to bring his harem.

The triumvirate will be broad enough to rule the cosmopolitan empire, each triumvir a specialist participating in the three essentials of government—executive force, lawmaking, and judicial analysis of law and conduct.

The enormous costs to nations caused by supporting the diplomatic and the consular services will be eliminated. The court of arbitration will have jurisdiction over matters now assigned to ambassadors, envoys extraordinary, ministers plenipotentiary, legations, and consuls. Citizens of the signatory powers will be citizens of the cosmopolitan empire also, and may summon to their aid the protecting laws of any land they are privileged to visit.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 9795, had come to no resolution thereon.

HOUSE CONCURRENT RESOLUTION WITH SENATE AMENDMENTS

House concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

House Concurrent Resolution 11, to tender the thanks and appreciation of the Congress of the United States for heroic service rendered by the officers and crews of the steamships *President Roosevelt, President Harding, American Trader, Republic,* and *Cameronia;* to the Committee on the Merchant Marine and Fisheries.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted Mr. HAWES (on request of Mr. RUBEY) for the remainder of the week, on account of the death of a dear friend.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Saturday, March 6, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 6, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924 (H. R. 9880).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To establish in the Treasury Department a bureau of customs and a bureau of prohibition (H. R. 8998).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2041. An act to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes; without amendment (Rept. No. 456). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. H. R. 4505. A bill to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district; with amendment (Rept. No. 457). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 8656. A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street; with amendment (Rept. No. 458). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 4070. A bill to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; with amendment (Rept. No. 459). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 9039. A bill to amend section 8 of the act approved March 1, 1911 (36th Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers"; without amendment (Rept. No. 460). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3921. A bill to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation; with amendment (Rept. No. 461). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. Res. 150. A resolution requesting the Secretary of War to report to the House of Representatives the total number of commissioned officers of the Army who are on the retired list, and total amount of pay such officers are drawing annually; without amendment (Rept. No. 463). Referred to the House Calendar.

Mr. SCOTT: Committee on the Merchant Marine and Fisheries. H. R. 9971. A bill for the regulation of radio communications, and for other purposes; without amendment (Rept. No. 464). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LETTS: Committee on the Public Lands. S. 1938. An act to issue a patent to John H. Bolton; without amendment (Rept. No. 462). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2091. An act for the relief of Florence Proud; with amendment (Rept. No. 465). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 2324. An act for the relief of the New Jersey Shipbuilding & Dredging Co.; with amendment (Rept. No. 466). Referred to the Committee of the Whole House.

Mr. VINCENT of Michigan: Committee on Claims. S. 2616. An act for the relief of Herman Shulof; without amendment (Rept. No. 467). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 2333. A bill for the relief of Katherine Rorison; with amendment (Rept. No. 468). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 2715. A bill for the relief of the widow of W. J. S. Stewart; with amendment (Rept. No. 469). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 2994. A bill for the relief of Harry J. Dabel; with amendment (Rept. No. 470). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 8685. A bill for the relief of Henry S. Royce; without amendment (Rept. No. 471). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8794. A bill to credit the accounts of W. W. House, special disbursing agent, Department of Labor; without amendment (Rept. No. 472). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 8846. A bill for the relief of Cyrus Durey; without amendment (Rept. No. 473). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9409) for the relief of the widow and minor children of Gordon H. Meek, deceased; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9982) granting a pension to Phebe Michael; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6987) granting a pension to Frances E. Andrews; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9652) granting an increase of pension to Martha Jane Raphfuse; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KIRK: A bill (H. R. 10050) to amend an act entitled "An act to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, and children of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases," approved May 1, 1920, and for other purposes; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10051) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 10052) to authorize the sale of the Mesa Target Range, Arizona; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 10053) to amend the acts of February 28, 1891 (26 Stat. 795), and the act of May 29, 1924 (43 Stat. 244), providing for the leasing of unallotted Indian reservation lands for oil and gas mining, and for other purposes; to the Committee on Indian Affairs.

By Mr. McKEOWN: A bill (H. R. 10054) authorizing the appropriation of $50,000 for the establishment of a fish-hatching and fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. LARSEN: A bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. RATHBONE: A bill (H. R. 10056) giving civilian clerks, Signal Service at large, the same military status as Army field clerks; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 10057) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; to the Committee on the Civil Service.

By Mr. GRAHAM: A bill (H. R. 10058) to authorize notaries public and other State officers to administer oaths required by the United States; to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 10059) to regulate subsistence expenses of civilian officers and employees while away from their designated posts of duty on official business; to the Committee on the Civil Service.

By Mr. GARBER: Joint resolution (H. J. Res. 190) to provide for a national agricultural day; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNELL of New York: Memorial of the Legislature of the State of New York, favoring an all-American ship canal between the Great Lakes and the Atlantic Ocean by the way of the Mohawk and Hudson Valleys, through the State of New York; to the Committee on Rivers and Harbors.

Also, memorial of the Senate of the State of New Jersey, asking Congress to effectively regulate stations for the transmission of radio communications or energy in the United States; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 10060) granting a pension to Mintie M. McIlwaine; to the Committee on Invalid Pensions.

By Mr. BURTNESS: A bill (H. R. 10061) authorizing the appointment of Homer I. Sands as second lieutenant in the Air Service of the United States Army; to the Committee on Military Affairs.

By Mr. CHALMERS: A bill (H. R. 10062) granting a pension to John J. Dewey; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 10063) authorizing preliminary examination and survey of the Withlacoochee River, in Florida, with a view to the control of floods; to the Committee on Flood Control.

By Mr. HOLADAY: A bill (H. R. 10064) granting a pension to Sarah A. Freeman; to the Committee on Invalid Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 10065) granting an increase of pension to Laura E. Waddle; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10066) granting an increase of pension to Marinda C. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10067) for the relief of Ambrose Hover; to the Committee on Military Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 10068) providing for the examination and survey of Galena River, Ill., in the vicinity of Galena; to the Committee on Rivers and Harbors.

By Mr. LINTHICUM: A bill (H. R. 10069) granting an increase of pension to Lucretia Hamilton Davis; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 10070) granting a pension to William Maze; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10071) granting a pension to Eugene B. Russell; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 10072) granting an increase of pension to Rosanna Cushing; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10073) for the relief of Adriano Cruceta, a citizen of the Dominican Republic; to the Committee on Foreign Affairs.

By Mr. RATHBONE: A bill (H. R. 10074) granting an increase of pension to Anna Welshar; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 10075) granting a pension to Frank L. Rider; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 10076) for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa.; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 10077) granting an increase of pension to Harriet E. Perkins; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 10078) for the relief of Myron J. Conway, Frank W. Halsey, and others; to the Committee on Military Affairs.

By Mr. WOLVERTON: A bill (H. R. 10079) providing for the examination and survey of Little Kanawha River, W. Va.; to the Committee on Rivers and Harbors.

By Mr. KNUTSON: Resolution (H. Res. 160) to pay Walter C. Neilson $1,200 for extra and expert services to the Committee on Pensions by detail from the Bureau of Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

984. By Mr. CARSS: Petition of sundry citizens of the State of Minnesota, protesting against the passage of compulsory Sunday observance laws; to the Committee on the District of Columbia.

985. By Mr. CRAMTON: Petition of Walter McLeod and 48 other residents of Imlay City, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

986. Also, petition of E. H. Howland and other residents of Lapeer, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

987. Also, petition of Robert Bacham and other residents of Port Huron, Mich., protesting against the Sunday observance bills; to the Committee on the District of Columbia.

988. Also, petition of A. J. Pierce and other residents of Lapeer, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

989. Also, petition of J. A. Van Kirk and other residents of Lapeer County, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

990. By Mr. CULLEN: Resolution adopted by the Senate and Assembly of the State of New York, dealing with certain waterway development; to the Committee on Rivers and Harbors.

991. By Mr. CURRY: Petition of students of Pacific Union College and other citizens of the third California district, against the enactment of House bill 7179, proposing a Sunday law for the District of Columbia; to the Committee on the District of Columbia.

992. By Mr. EATON: Petition of sundry residents of Bound Brook, N. J., and vicinity, against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

993. Also, petition of sundry residents of Bernardsville, N. J., against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

994. Also, petition of sundry residents of Trenton, N. J., and vicinity, against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

995. By Mr. FORT: Petition of sundry citizens, residents of Newark and suburbs, State of New Jersey, protesting the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

996. By Mr. FULLER: Petition of the C. V. Olson Clothing Co., of Rockford, Ill., and other individuals favoring the passage of House bill 98; to the Committee on Pensions.

997. Also, petition of the Barnes Drill Co., of Rockford, Ill., protesting against the enactment of the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

998. By Mr. GALLIVAN: Petition of John Jennings, faithful navigator, Bishop Cheverus General Assembly, Knights of Columbus, Boston, Mass., protesting against outrageous persecution and malicious treatment being accorded to Catholic nuns, bishops, and priests in Mexico; to the Committee on Foreign Affairs.

999. By Mr. GARBER: Petition by citizens of Oklahoma, against compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation pending; to the Committee on the District of Columbia.

1000. By Mr. GIBSON: Petition of citizens of Windham County, Vt., protesting against pending legislation (H. R. 7179) for compulsory Sunday observance; to the Committee on the District of Columbia.

1001. By Mr. HADLEY: Petition of citizens of Mount Vernon, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1002. Also petition of citizens of Auburn and Enumclaw, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1003. Also, petition of citizens of Sedro Woolley, Wash., and vicinity protesting against House bill 7179; to the Committee on the District of Columbia.

1004. Also, petition of citizens of Nordland, Wash., protesting against House bill 7179; to the Committee on the District of Columbia.

1005. By Mr. HICKEY: Petition from Mr. Stanley J. Chilminiak, signed by Mr. Valentine J. Gadaez and other citizens of South Bend, Ind., expressing opposition to House bill 5386 which proposes to exclude foreign-language publications from second-class mailing privileges; to the Committee on the Post Office and Post Roads.

1006. By Mr. KEARNS: Petition of citizens of Scioto County, Ohio, protesting against the passage of the Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1007. By Mr. KING: Petitions signed by Geo. E. Peterson, J. Z. Winkler, Mrs. Rachael Shull, Fred Duke, A. B. Elmore, and 34 other citizens of the city of Galesburg, Ill.; and Geo. F. Hubbard, Florence Heck, Joseph Heck, and 21 other citizens of Farmington, Ill., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1008. By Mr. McDUFFIE: Petition of citizens of Mobile, Prichard, and Whistler, Ala., against Sunday observance bills; to the Committee on the District of Columbia.

1009. By Mr. McKEOWN: Petition of J. N. Baker and E. P. Budd and sundry other citizens of Shawnee, Okla., protesting against the passage of House bills 7179 and 7822, the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1010. By Mr. MAJOR: Petition of certain citizens of Springfield, Mo., opposing the passage of compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1011. Also, petition of citizens of Sedalia, Mo., opposing the passage of House bills 7179 and 7822, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1012. By Mr. MAPES: Petition of Mr. George J. Benedict, Grand Haven, Mich., and four other residents of that city and vicinity, in opposition to the enactment of compulsory Sunday observance laws or any other national religious legislation pending in Congress; to the Committee on the District of Columbia.

1013. Also, letter of representative printing firms, members of the Grand Rapids Printers' Association, of Grand Rapids, Mich., indorsing and urging the passage of House bill 4478; to the Committee on the Post Office and Post Roads.

1014. By Mr. MOREHEAD: Petition of A. J. Meiklejohn, J. H. Clark, and others against compulsory Sunday observance; to the Committee on the District of Columbia.

1015. By Mr. MORROW: Petition of the Rocky Mountain Coal Mining Institute, opposing the Gooding long and short haul bill; to the Committee on Interstate and Foreign Commerce.

1016. Also, petition of residents of Maxwell, N. Mex., opposing compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1017. By Mr. O'CONNELL of New York: Petition of the Fulton Bag and Cotton Mills, of Brooklyn, N. Y., opposing the passage of House bill 4478, known as the Kendall stamped envelopes bill; to the Committee on the Post Office and Post Roads.

1018. By Mr. O'CONNELL of Rhode Island: Petition of residents of Pawtucket, R. I., protesting against House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1019. By Mr. ROBINSON of Iowa: Petition of sundry citizens of Cedar Falls, Iowa, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1020. By Mr. SHALLENBERGER: Petition of sundry citizens of Hall County, Nebr., opposing the passage of the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1021. Also, petition of sundry citizens of Hitchcock and Red Willow Counties, Nebr., opposing the passage of any compulsory Sunday observance laws; to the Committee on the District of Columbia.

1022. By Mr. SINCLAIR: Petition of 60 residents of Minot, N. Dak., and vicinity, protesting against the passage of legislation compelling compulsory Sunday observance; also 33 residents of Dogden, N. Dak., protesting against the passage of legislation compelling compulsory Sunday observance; to the Committee on the District of Columbia.

1023. By Mr. TAYLOR of West Virginia: Petition of sundry citizens of West Virginia, opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1024. By Mr. TEMPLE: Petitions of a number of residents of Washington County, Pa., protesting against the passage of Sunday observance bills (H. R. 7199 and 7822), affecting the District of Columbia; to the Committee on the District of Columbia.

1025. By Mr. TILSON: Petition of Mr. Samuel Breisfelder and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1026. Also, petition of William S. Clancy and other members of Sidney Beach Camp, No. 10, United States Spanish War Veterans, Branford, Conn., in support of House bill 98 and Senate bill 98; to the Committee on Pensions.

SENATE

SATURDAY, *March 6, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, it is to us a joy and an honor to come to Thee and to ask from Thee guidance in all the pathways. We bless Thee for this morning. We bless Thee for that contemplation of mind as we think of to-morrow. Grant that there may be had by us such a relief from the toil and duty of the everyday responsibilities that it may be a joy to enter Thy house and find the privilege of fellowship with Thyself, and thus be qualified for what may be our duty through the coming week. Hear us, Father. Take us into Thy keeping and help us to honor Thee with all the powers of our being. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last when, on the request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. WALSH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Lenroot	Sheppard
Bayard	Fess	McLean	Shipstead
Bingham	Fletcher	McMaster	Shortridge
Blease	Frazier	McNary	Simmons
Borah	George	Mayfield	Smith
Bratton	Glass	Means	Smoot
Brookhart	Goff	Metcalf	Stanfield
Broussard	Gooding	Neely	Stephens
Cameron	Greene	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harreld	Nye	Tyson
Copeland	Harris	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh
Cummins	Howell	Pine	Warren
Dale	Johnson	Pittman	Watson
Deneen	Jones, Wash.	Robinson, Ark.	Weller
Dill	King	Robinson, Ind.	Wheeler
Edwards	La Follette	Sackett	Williams

Mr. JONES of Washington. I wish to announce that the Senator from Kansas [Mr. CURTIS], the Senator from Maine [Mr. FERNALD], the Senator from Massachusetts [Mr. BUTLER], the Senator from New Hampshire [Mr. KEYES], and the Senator from Minnesota [Mr. SCHALL] are absent on account of illness.

I desire also to state that the junior Senator from Wyoming [Mr. KENDRICK] is engaged in the Committee on Indian Affairs.

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River.

EMERGENCY SHIPPING FUND (S. DOC. NO. 78)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, with an accompanying letter from the Director of the Bureau of the Budget, transmitting a supplemental estimate of appropriation for the emergency shipping fund, United States Shipping Board Emergency Fleet Corporation, for the fiscal year 1927, amounting to $10,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. WALSH. Mr. President, I send to the desk a resolution in the nature of a petition of the Helena Commercial Club, and ask that it may be referred to the Committee on Finance and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the United States Veterans' Bureau had decided that many of the staple foodstuffs used by bureau hospitals are to be purchased centrally and distributed to these institutions at various intervals throughout the year; and

Whereas the plan as proposed by the bureau will eliminate from competitive bidding every concern within the State of Montana, owing to the fact that subsistence to be furnished is not divided specifically as to hospitals; and

Whereas there is a grave doubt if any saving will be effected after increased freight cost is taken into consideration, which is sure to result from shipping in less-than-carload lots; and

Whereas even though this were the case, it would be practically impossible for the wholesalers to compete with manufacturers who are to be invited to make bids; and

Whereas the State of Montana, the same as all other States where bureau hospitals are located, is called upon to render many deeds of service and spend considerable sums of money looking after the welfare of patients and their families; and

Whereas we are confident that this plan will result in confusion, delay in securing foodstuffs, particularly when handled in less-than-carload shipments, substitution of inferior quality of merchandise, and will generally react against the best interests of hospitals and patients: Therefore be it

Resolved, That we respectfully petition our representatives in Congress to use their greatest influence and every endeavor to secure the withdrawal of this order.

Respectfully submitted.

HELENA COMMERCIAL CLUB,
S. V. STEWART, *President*.

Attest:

WM. G. FERGUSON, *Secretary*.

Mr. ROBINSON of Arkansas presented a letter in the nature of a petition from Mr. H. H. Crittenden, curator of the Missouri Valley Historical Society, of Kansas City, Mo., favoring the passage of the bill (S. 2479) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Randolph County, Ark., remonstrating against the passage of the so-called Curtis-Reed bill, proposing to establish a Federal Department of Education, which was referred to the Committee on Education and Labor.

Mr. EDWARDS. Mr. President, I ask leave to have inserted in the RECORD and referred to the Committee on Finance resolutions adopted by the Tri-State Packers' Association at Philadelphia, Pa., on January 13 and 14, 1926.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

IMPORTS CANNED TOMATOES—INCREASING

The following resolution was unanimously passed by the Tri-State Packers' Association at its annual meeting held in Philadelphia January 13 and 14, 1926:

Whereas the United States imports of canned tomatoes have increased from 270,000 cases in 1922 to 704,000 cases in 1924, and for 10 months of 1925, 884,200 cases; and

Whereas the United States import duty on canned tomatoes was in 1909 40 per cent ad valorem and reduced to 25 per cent ad valorem in 1913, and again reduced in September, 1922, to 15 per cent ad valorem; and

Whereas the Tri-State Packers' Association, through its constituent members, employs a large number of American laborers in the growing and canning of tomatoes, and finds the competition with foreign-grown and foreign-canned tomatoes to be a serious menace to the canning industry in the Atlantic seaboard section and also in other sections of the country: Therefore be it

Resolved, That a committee of five be appointed to take necessary steps to secure such change in the United States tariff as will afford our industry the greatest possible measure of relief; and be it further

Resolved, That our secretary be instructed to call the attention of other associations to this matter to secure their cooperation.

Test:

C. M. DASHIELL, *Secretary*.

[NOTE.—Total imports for 1925 were 88,000,000 pounds, equaling 1,833,300 cases No. 3s.]

Mr. EDWARDS. I also present a resolution adopted by the Rotary Club of Dunellen, N. J., favoring the making of an appropriation for the erection of a public building at that place, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the resolution was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Whereas there has been introduced in the House of Representatives a bill for the erection of a public building at Dunellen, N. J., for the use and accommodation of the United States post office and other Government offices, the cost of said site and building not to exceed the sum of $125,000; and

Whereas the annual earning capacity of the post office at Dunellen, N. J., is now between $200,000 and $250,000: Be it

Resolved, That the Rotary Club of Dunellen, N. J., of the Rotary International, in regular meeting assembled do hereby petition the Hon. EDWARD I. EDWARDS, United States Senator, to use his every influence and power to procure the passage of the bill above referred to in the interests of the Government and all the people of the borough of Dunellen, N. J.

This is to certify that the above preamble and resolution was adopted by the Rotary Club, of Dunellen, N. J., in regular meeting assembled on February 25, 1926.

EUGENE R. SMALLY, *Secretary*.

Hon. EDWARD I. EDWARDS,
United States Senator, Washington, D. C.

Mr. KING. I am in receipt of a communication from Mr. Herbert I. Auerbach, of Salt Lake City, Utah, inclosing a memorial signed by 4,766 citizens protesting against the passage of House bill 11, the so-called Kelly bill, to clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good-will, and to protect trade-mark owners, distributers, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand. I move that the memorial be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. KING. I also ask that there be referred to the Committee on Banking and Currency and printed in the RECORD resolutions adopted by representatives of 60 country members of the Federal reserve system in central and northern Minnesota, held at St. Cloud, Minn., January 14, 1926, in regard to our currency system and the Federal reserve banks and particularly with reference to bills now pending, which I had the honor to introduce, providing that certain banks which do not now have representation upon the Federal Reserve Board should have such representation.

There being no objection, the resolutions were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

At a meeting of representatives of 60 country members of the Federal reserve system in central and northern Minnesota, held at St. Cloud, Minn., January 14, 1926, the following resolutions were unanimously adopted:

"Whereas there are over 8,000 national banks, according to the comptroller's report for 1925, and the country national banks in cities and villages of less than 25,000 population represent over two-thirds in numbers and over one-half in total resources of such system, nevertheless the city Federal reserve membership, through the rediscount, acceptance, and trust powers conferred by the Federal reserve act, is showing unprecedently large earnings, with the values of their stocks sustained at the highest prices in their history, while the country Federal reserve membership, through the character of its business, can not profitably employ the privileges above referred to, and in consequence its membership is showing a continued loss in bank earnings, with consequent depressed values of its bank stock. A bank may jeopardize its solvency not only through direct losses, but through the failure, as well, to earn sufficient profits to provide for necessary depreciations, as well as moderate dividends to stockholders;

"Whereas we further contend that there are not sufficient compensating advantages either in more assured public confidence in Federal reserve members or in the opportunity for increasing legitimate bank earnings from other sources to compensate us for the loss of revenues;

"Whereas as members of the national banking system we were compelled to join the Federal reserve system at its inception, we have assisted in all governmental financing during the war period, and we have sustained during the readjustment period a very material shrinkage in our bank earnings, in addition to direct losses;

"Whereas we are alarmed at the present withdrawals of many national banks from the reserve system, and we feel confident that if changes are made as suggested in the following resolutions the Federal reserve membership will be materially increased;

"Whereas from reports in the public press and from other sources we are led to believe that the Federal Reserve Board at Washington is not wholly nor always in sympathy with the problems which confront the country member banks, and we feel and believe that the latter should be given direct representation on the Federal Reserve Board of men conversant with and in harmony with our views and problems;

"Whereas in our opinion the par collection of checks is not a proper function of the Federal reserve banks, and results in unnecessary expense, and deprives the member banks of material legitimate income by preventing the collection of exchange: Therefore be it

"*Resolved*, That we do hereby indorse the principles of the Federal reserve act, so far as such principles apply to the function of reserve banking; be it further

"*Resolved*, That the so-called 'par collection of checks' by the Federal reserve banks be eliminated and the privilege of collecting exchange by member banks be restored, and that the Federal reserve act be so amended; be it further

"*Resolved*, That the country member banks be permitted direct representation on the Federal Reserve Board at Washington by the appointment of one or more of their number; be it further

"*Resolved*, That a copy of these proceedings and resolutions be spread upon the minutes of this convention and that a copy thereof be mailed to the Federal Reserve Board at Washington, to the board of directors of the Federal Reserve Bank of Minneapolis, and to our Members in Congress."

Correct attest:

ARTHUR G. WEDGE, *Chairman.*
W. LEIGH CARY, *Secretary.*

The following is the list of banks indorsing these resolutions:

Farmers' National Bank, Aitkin, Minn.; First National Bank, Aitkin, Minn.; National Bank of Aitkin, Minn.; First National Bank, Bemidji, Minn.; Northern National Bank, Bemidji, Minn.; First National Bank, Bertha, Minn.; First National Bank, Carlton, Minn.; First National Bank, Crosby, Minn.; First National Bank, Deer Creek, Minn.; First National Bank, Deerwood, Minn.; First National Bank, Eagle Bend, Minn.; First National Bank, Fergus Falls, Minn.; First National Bank, Fosston, Minn.; First National Bank, Gilbert, Minn.; First National Bank, Hawley, Minn.; First National Bank, Henning, Minn.; First National Bank, Ironton, Minn.; American National Bank, Little Falls, Minn.; First National Bank, Little Falls, Minn.; First National Bank, Menahga, Minn.; First National Bank, Osakis, Minn.; First National Bank, Parkers Prairie, Minn.; First National Bank, Pequot, Minn.; First National Bank, Royalton, Minn.; Merchants' National Bank, St. Cloud, Minn.; First National Bank, Thief River Falls, Minn.; First National Bank, Two Harbors, Minn.; First National Bank, Walker, Minn.; First National Bank, Willmar, Minn.; Kandiyohi County Bank, Willmar, Minn.; First National Bank, Cambridge, Minn.; First National Bank, Aurora, Minn.; Anoka National Bank, Anoka, Minn.; State Bank of Anoka, Minn.; First National Bank, Bagley, Minn.; First National Bank, Baudette, Minn.; First National Bank, Browerville, Minn.; First National Bank, Cass Lake, Minn.; First National Bank, Detroit, Minn.; First National Bank, Deer River, Minn.; First National Bank, East Grand Forks, Minn.; Miners' National Bank, Eveleth, Minn.; First National Bank, Foley, Minn.; First National Bank, Glenwood, Minn.; First National Bank, Grand Rapids, Minn.; First National Bank, Hibbing, Minn.; Hibbing National Bank, Hibbing, Minn.; First National Bank, International Falls, Minn.; First National Bank, Long Prairie, Minn.; First National Bank, Montley, Minn.; First National Bank, Milaca, Minn.; First National Bank, Pine City, Minn.; First National Bank, Paynesville, Minn.; First National Bank, Park Rapids, Minn.; First National Bank, Staples, Minn.; City National Bank, Staples, Minn.; First National Bank, Virginia, Minn.; First National Bank, Verndale, Minn.; First National Bank, Wadena, Minn.; Merchants' National Bank, Wadena, Minn.; First National Bank, Isanti, Minn.

FEDERAL AID TO STATES

Mr. BINGHAM. Mr. President, I ask unanimous consent for the insertion in the RECORD of certain resolutions adopted by the Legislature of the State of Maryland, together with an editorial from the Bristol (Conn.) Press relating thereto, which expresses very graphically the attitude of the people of Connecticut toward State rights and State responsibility and our opposition to Federal subsidy. We do not approve of the system of bribery whereby the Federal Government consciously or unconsciously aims to force the States of the Union, by aid in the maintenance of State projects, to adopt measures and make appropriations and raise taxes which would not or might not otherwise be done.

The VICE PRESIDENT. Without objection, the request is granted.

The resolutions and editorial are as follows:

[From the Bristol Press, Bristol, Conn., Tuesday, March 2, 1926]

RESOLUTIONS THAT EXPRESS FUNDAMENTAL AMERICAN PRINCIPLES

The Maryland Senate has formulated a joint resolution to be presented to Congress concerning the matter of Federal aid to States that will meet most hearty approval on the part of people who believe in self-reliance for their Commonwealth as well as for individuals. It reads as follows:

"Joint resolution

"Joint resolution and memorial of the General Assembly of Maryland to the Senate and House of Representatives of the United States in Congress assembled, requesting the repeal of all laws which authorize appropriations to the several States in the form of Federal aid on condition that the States make similar appropriations and to abolish all offices, boards, and bureaus created to administer or supervise such appropriations.

"Whereas the enactment of laws of Congress authorizing appropriations to the several States on condition that similar appropriations be made by the States compels each State to undertake work which it may not wish to undertake or lose its share of the Federal appropriation, in which case it would be compelled to contribute in taxes to the work in other States of which its people disapprove, and from which they derive no benefit; and

"Whereas such Federal appropriations are becoming burdensome, amounting to millions of dollars each year, with similar amounts from the States; and

"Whereas in practically every case the work thus undertaken properly belongs to the several States and should be done by them without interference or control from a centralized government; and

"Whereas it is time to cease centralizing power and authority in the National Government in matters which are primarily of local concern

and which can generally be best done under local authority and supervision; and

"Whereas there is a demand on the part of the people of Maryland for a return to the fundamental principles of our Government, namely, the performance of State duties and functions by the several States: Therefore be it

"*Resolved by the General Assembly of Maryland*, That the Senate and House of Representatives of the United States in Congress assembled be, and they are hereby, requested and urged to repeal all laws which authorize appropriations to the several States in the form of Federal aid on condition that similar appropriations are made by the respective States; and be it further

"*Resolved*, That all offices, boards, and bureaus created to administer or supervise such appropriations be abolished; and be it further

"*Resolved*, That the Representatives from the State of Maryland in the Senate and House of Representatives of the United States be, and they are hereby, requested to urge and support the repeal of the above-mentioned laws; and be it further

"*Resolved*, That the secretary of state of Maryland be, and he is hereby, requested to transmit, under the great seal of this State, a copy of the aforegoing resolution and memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Representatives from Maryland in the Senate and House of Representatives of the United States."

[From the Bristol (Conn.) Press, March 2, 1926]

HONOR TO MARYLAND

To Maryland goes the honor of being first among the States to make vigorous, sound, and logical protest against the scheme of Federal aid whereby the States are encouraged to depart from fundamental principles of self-reliance and to enter into an alliance that weakens the strength of the State and at the same time strengthens centralization. It is an insidious and dangerous invention, all the more so because of its rather alluring appeal to the careless and thoughtless.

The Maryland resolution prepared for Congress in the senate and passed by a nearly unanimous vote is a straightforward statement of that American belief in the duty and privilege of self-government. After pointing out the weaknesses of the method and the inevitable costs that must follow this coaxing of States into deeper financial waters than they are justified in entering, it presents principles in a concise and effective way.

"It is time," says this resolution, "to cease centralizing power and authority in the National Government in matters which are primarily of local concern and which can generally be best done under local authority and supervision.

"There is a demand on the part of the people of Maryland for a return to the fundamental principles of our Government, namely, the performance of State duties and functions by the several States."

This is true, accurate, and forcefully stated.

The resolution also calls for repeal of all laws that authorize appropriations to the several States in the form of Federal aid on condition that similar appropriations are made by the respective States, and the abolition of all offices, boards, and bureaus created to administer such appropriations.

We take pleasure in printing the resolution complete on page 1, and in extending assurances of appreciation to the General Assembly of the State of Maryland.

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD, following the remarks which I made earlier in the session to-day, four paragraphs from addresses and from messages of President Coolidge.

The VICE PRESIDENT. Without objection, it is so ordered. The extracts referred to are as follows:

PRESIDENT COOLIDGE ON FEDERAL SUBSIDIES AND TAXATION

[From the address of President Coolidge, Budget meeting, January 21, 1924]

I take this occasion to state that I have given much thought to the question of Federal subsidies to State governments. The Federal appropriations for such subsidies cover a wide field. They afford ample precedent for unlimited expansion. I say to you, however, that the financial program of the Chief Executive does not contemplate expansion of these subsidies. My policy in this matter is not predicated alone on the drain which these subsidies make on the National Treasury. This of itself is sufficient to cause concern. But I am fearful that this broadening of the field of Government activities is detrimental both to the Federal and the State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs.

[From President Coolidge's message to Congress transmitting the Budget for the fiscal year ending June 30, 1926. CONGRESSIONAL RECORD, December 2, 1924]

For Federal aid to States the estimates provide in excess of $109,000,000. These subsidies are prescribed by law. I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is that they can be curtailed with benefit to both the Federal and State Governments

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[From the address of President Coolidge, Budget meeting, June 22, 1925]

Unfortunately the Federal Government has strayed far afield from its legitimate business. It has trespassed upon fields where there should be no trespass. If we could confine our Federal expenditures to the legitimate obligations and functions of the Federal Government a material reduction would be apparent. But far more important than this would be its effect upon the fabric of our constitutional form of government, which tends to be gradually weakened and undermined by this encroachment. The cure for this is not in our hands. It lies with the people. It will come when they realize the necessity of State assumption of State responsibility. It will come when they realize that the laws under which the Federal Government hands out contributions to the States is placing upon them a double burden of taxation. * * * Federal taxation in the first instance to raise the moneys which the Government donates to the States, and State taxation in the second instance to meet the extravagance of State expenditures which are tempted by the Federal donations.

[From the message of President Coolidge to Congress, December 8, 1925]

In our country the people are sovereign and independent and must accept the resulting responsibilities. It is their duty to support themselves and support the Government. That is the business of the Nation, whatever the charity of the Nation may require. The functions which the Congress are to discharge are not those of local government but of National Government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.

Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend, or its ability to administer, than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations.

MUSCLE SHOALS

Mr. SMITH. Mr. President, I present a concurrent resolution adopted by the legislature of my State which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the concurrent resolution, as follows:

A concurrent resolution

Whereas during the dry weather last summer there was a shortage of power in the South, and many people were thrown out of work, industries slowed down, and in some cases suspended entirely;

Whereas the steam plant of the United States Government at Muscle Shoals was put into operation and, by means of interconnection and relays, power therefrom went into Georgia, North Carolina, South Carolina, and other States;

Whereas Congress will doubtless shortly decide upon a plan for the utilization of the vast power project of the United States at Muscle Shoals;

Whereas we believe that power not needed for the production of fertilizer or for ingredients for fertilizer, or for the purpose of developing methods and processes to lower the cost of fertilizer should be equitably distributed at the lowest reasonable cost to the people of the Southern States;

Whereas only a portion of the power of Muscle Shoals would be necessary to the operation of the nitrate plants if they were run to full capacity 24 hours per day for 365 days out of the year;

Whereas the Norris bill for Government operation, the Underwood bill, the Ford bill, the Wadsworth bill, and all other bills introduced

at previous sessions of Congress died on the calendar when Congress adjourned;

Whereas there is pending in the present session of Congress House Resolution No. 4, which provides for the appointment of a committee to negotiate for the utilization of the plants at Muscle Shoals and provides for the nitrate operation of the facilities for nitrates, but is entirely silent on the question of whether power not needed for nitrates shall be distributed. If this resolution is passed, all of the excess power may pass into the hands of some large industrialist, several of whom are clamoring to get possession of this property.

Whereas we believe that if this excess power is distributed and applied to raw materials, it will bring industries into being, create a demand for labor and materials, give the farmer a market at his door, bring about the construction of roads and schools, and contribute to the prosperity and happiness of our people; and

Whereas the land on which all live produces the sustenance for all living things, and agriculture is the basic industry generating the great wealth of the world, and from the land must come everything for the prosperity of its people: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be memorialized by this general assembly to pass such legislation as will give to the farmers of this Nation nitrate and other fertilizer ingredients at the lowest cost of production, using the power at Muscle Shoals which may be necessary to produce an adequate supply, and then distribute the balance of this power not so needed to promote the welfare of this Nation.

Resolved further, That certified copies of these resolutions be sent officially to the South Carolina delegation at Washington, D. C., and to the United States Senate Committee on Agriculture, under the signature of the president of the senate and speaker of the house.

A true copy.

[SEAL.] JAS. H. FOWLES,
Clerk of the Senate.

The VICE PRESIDENT. The concurrent resolution will lie on the table.

Mr. SMITH. I now send to the desk a short letter from Charles H. Heighton, an attorney of Seattle, in the State of Washington, which I desire to have read.

The VICE PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

SEATTLE, *March 1, 1926.*

Hon. ELLISON D. SMITH,
United States Senate, Washington, D. C.

SIR: I have read with a great deal of interest your efforts, together with those of Senator NORRIS, to prevent Muscle Shoals to be turned over to private power interests.

The power question is a big issue in this State, and many of us are interested in the national aspect this question is assuming. I wish you would be good enough to send me copies of any speeches you make on this question and other available literature bearing on the same..

The cities of Seattle and Tacoma have their own power plants and an intertie line, and Seattle is now developing the Skagit project, which will produce 550,000 horsepower, and Tacoma has just completed her Cushman project, which will produce 160,000 horsepower. Through municipal competition in Seattle, rates have been reduced to a maximum of 5½ cents per kilowatt, and Tacoma has driven the private power company out of the field and makes a maximum rate of 5 cents per kilowatt.

We have a City Light Patrons Club here, the object of which is to foster and extend the development of our city light and power plant, and the members are greatly interested in all phases of the power question. Anything that you care to send me will be made good use of before this organization.

Very respectfully,
CHARLES H. HEIGHTON.

Mr. SMITH. Mr. President, the only comment I desire to make is that I am gratified to know that the American people are beginning to take notice of the principle involved in this discussion and what it means to them. The comparative figures that are given as to the two cities in the State of Washington are illuminating in connection with the subject we are now discussing, particularly with reference to the difference between the cost to people who use the natural power as contradistinguished from the cost to those who have to use the power when distributed by a private corporation.

Mr. HEFLIN. Mr. President, on yesterday morning a gentleman interested in the resolution regarding Muscle Shoals sent in for me. I went out to the reception room, and he asked me if I knew what was going on. I told him that I did not know all that was going on but I knew some of the things that were going on. He said, "Well, a propaganda is on to have a number of telegrams sent in here Saturday and Sunday and Monday morning urging that this resolution be amended, and applications for power will be sent in in an effort to stampede the Senate to do what they have always been able to do heretofore; namely, to defeat legislation upon this question." He seems to have known what he was talking about. I have two letters, Mr. President, which I wish to have read, one dated February 2 of this year, and the other February 20.

The VICE PRESIDENT. Without objection, the letters will be read.

The Chief Clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 2, 1926.

Hon. J. THOMAS HEFLIN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR HEFLIN: The American Farm Bureau Federation takes this opportunity to make a final statement relative to House Concurrent Resolution No. 4, which is scheduled to be voted on by your committee Wednesday morning at 11.30.

Certain amendments to the above-named resolution have been proposed, all of which serve the purpose of those who have been opposing the dedication of this project to agricultural and preparedness uses. These proposed changes are unnecessary and will merely result in delay and confusion if not in the defeat of all Muscle Shoals legislation at this session of Congress.

House Concurrent Resolution No. 4, as drawn, is sufficiently broad to admit the consideration of any proposal that would carry out the purposes for which Muscle Shoals was built.

The action of this congressional joint committee is not final but it is the setting up of a mechanism to determine whether or not a satisfactory private lease can be secured.

You will recall that the American Farm Bureau Federation and the National Grange are in complete accord as to the action of the committee which will best serve agriculture; namely, to report House Concurrent Resolution No. 4 without change and with the recommendation that it be passed.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Associate Director.*

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 20, 1926.

To all Members of the United States Senate.

MY DEAR SENATOR: Muscle Shoals was built by the Government for the production of nitrates, to be used in time of war for the manufacture of explosives and for fertilizers in time of peace.

You have now before you House Concurrent Resolution No. 4, setting up a special congressional committee to determine if, through private activity, capital, and initiative, these purposes can be accomplished.

There are no restrictions in this resolution that will prevent anyone who sincerely desires to accomplish these results or to perform any additional service from making a proposal to the Government. Surely after failing to accept H. R. 518 it is fair to insist that any other proposal should be at least as good an offer as that one.

This resolution has the indorsement of the American Farm Bureau Federation, and you will serve agriculture well by passing this resolution promptly and without change.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Acting Director.*

Mr. HEFLIN. Mr. President, I merely wish to say a word or two before I yield the floor. The President of the United States, as I have stated, has approved this resolution as it stands; the House of Representatives by a vote of 9 to 1 voted for it as it stands; and every Member of Congress from the States of South Carolina, Georgia, Arkansas, Mississippi, Texas, and, with one exception, from my State of Alabama, and all the Members of the other Southern States, voted for it. I think there was only one vote from the entire South opposing the resolution. The farmers' organizations, as I have said, are asking us to vote for it as it stands, and any amendment placed upon it may cause its defeat. I trust we will not take that responsibility at this end of the Capitol.

Mr. GEORGE. Mr. President, notwithstanding the admonitory remarks of the Senator from Alabama and the various resolutions which he reminds us will be sent to the Senate for the purpose of persuading or influencing the Senate, I wish to send to the desk and have read into the RECORD a telegram from the secretary of the Georgia Senate.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Chief Clerk read as follows:

[Western Union telegram]

ATLANTA, GA., *March 4, 1926.*

Senator WALTER F. GEORGE,
Washington, D. C.:

The Georgia State Senate to-day passed a resolution in regard to House of Representatives Concurrent Resolution 4, of which the follow-

ing is the substance: That it is the earnest request of this assembly that such amendments be incorporated into the House resolution above referred to, or any other legislation authorizing the disposal of the Muscle Shoals property, as will require that the electric power, which may now or in the future be generated at Muscle Shoals above the requirements for the manufacture of fertilizers or fertilizer ingredients, shall be distributed equitably throughout the territory in the States adjoining the Muscle Shoals property.

DEVEREAUX F. MCCLATCHEY,
Secretary of the Senate.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. GEORGE. Mr. President, notwithstanding the letter of the American Farm Bureau, I desire to read into the RECORD a provision of section 124 of the national defense act of 1916, the act which brought before the American people the whole question of Muscle Shoals; an act for which the distinguished Senator from South Carolina [Mr. SMITH] was responsible:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. President, I recognize that this is the morning hour; and while I desire to make some remarks on this concurrent resolution I restrain myself from doing so in order that other matters properly coming before the Senate in the morning hour may receive consideration.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. GEORGE. I do.

Mr. HEFLIN. I desire to ask the Senator from Georgia a question just following the line that he read from the national defense act. Does not the Senator agree that if a bid is made, and the Congress shall accept it, it will repeal that provision of that law?

Mr. GEORGE. Why, certainly I do; and, Mr. President, I agree to more than that. I agree that if this concurrent resolution, as it is offered to the Senate at this time and as it has passed the House, passes the Senate the bid—not all of the bids submitted by all of the bidders but the bid which the three members of the Agricultural Committee of the Senate and the three members of the Military Committee of the House are pleased to submit to the Congress, and note, if Senators please, this statement: Not all of the bids that may be submitted to this committee, but such one of the bids as this select committee may choose will be reported to the House in the form of a bill, without going to a committee, and will be put through the House or voted down by the House under the provisions of this House concurrent resolution which we are now asked to take without amendment.

Mr. President, at this point I desire to say that the function of leasing Muscle Shoals or any other property belonging to the United States is properly an executive function. It is not properly a legislative function. Even the Underwood bill, which we passed in the Senate at a previous session of the Congress, and which went to conference, provided that the President of the United States should offer Muscle Shoals for lease. No bill heretofore has undertaken to constitute a select committee of the House and Senate a committee with the power to negotiate a lease and to report that bid back to the House in the form of a bill which shall have the status that is provided for measures enumerated in clause 56 of Rule XI in the House.

Mr. HEFLIN. Right there, Mr. President——

Mr. GEORGE. To my mind, it is an incomprehensible suggestion, to my mind it is a pitiable suggestion, that the Congress of the United States shall pass this concurrent resolution without amendment, and solemnly ask for bids upon $167,000,000 worth of property of the United States without laying down a single condition, without fixing a single line of policy, in flat contradiction to the organic law that brought Muscle Shoals into being. It would be, Mr. President, ludicrous if it were not tragic in the extreme that the Congress of the United States should propose to submit to leasing for the long period of a half century of time this valuable property without laying down expressly and precisely the affirmative and the restrictive covenants of the lease. It is the relinquishment of a trust placed upon the Senate and upon the body at the other end of this Capitol, a relinquishment of a solemn trust to a committee of six, which committee may be literally swamped with bids and proposals, which committee may sift out of those bids the one that the committee itself chooses to submit, which must be sent back to the House to be either taken or rejected, and to the Senate to be either taken or rejected; because when it comes back here in the form of a contract or an offer to enter into a contract the Senate, of course, will have the power, but the power merely to amend it, because in the last analysis it will have only the power to accept or reject the offer to enter into the contract which the lessee himself makes.

Mr. President, is the Senate of the United States solemnly to ask for bids, and when a bid comes in here in no wise exceeding the broad general powers that we give our general agent to negotiate that lease, is the Senate of the United States then to reject it? It will have the legal power; but will it do do any credit to the morality or integrity of the American Congress flatly to reject a bid clearly within the very terms of the offer made by the Congress?

I do not appreciate the suggestion, from whatever source made, that when the concurrent resolution is passed and the bid is made, if made and reported back to the Congress, then the Congress will have the right and power either to reject it or to accept it. I understand that proposition as a mere legal proposition; but, Mr. President, I would not think that I was reflecting credit upon my morals or integrity if, when I sent out into the market my agent with general powers to negotiate for me a lease, and when my agent returned with the lease in no manner or wise exceeding the power with which I had clothed him, I then exercised the mere legal right of rejecting an offer which I had seriously invited by sending my agent out to make the offer; and yet that is exactly what the Senator from Alabama is here attempting to do.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. GEORGE. Yes; I yield.

Mr. HEFLIN. The Senator says that the committee will report back one bid only. The concurrent resolution says that the committee shall have leave to report its findings and recommendations. Its findings may include all the bids, if it sees fit; but in the House it can report a bill or a resolution. Suppose the House should reject that; would not the committee then have the opportunity to bring in another one of the bids, and so on until the matter was disposed of?

Mr. CARAWAY. No.

Mr. GEORGE. I should think not.

Mr. HEFLIN. Why not?

Mr. GEORGE. Because the concurrent resolution says that the committee must report by April 1, and it says that the committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect.

Mr. ASHURST. Mr. President, a point of order.

Mr. HEFLIN. But the Senator suggested yesterday that that bid might be immediately rejected. If that were done, why could they not submit another on the same day?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. ASHURST. I wish to make a point of order.

The VICE PRESIDENT. The Senator from Arizona will state it.

Mr. ASHURST. The discussion is interesting and should be made after the morning hour is concluded. A great deal of morning business is yet to be disposed of.

The VICE PRESIDENT. The regular order is demanded.

Mr. ASHURST. I do not want to take the Senator off his feet.

Mr. GEORGE. I think the point of order is well taken. I said in the beginning that I did not mean to consume the morning hour.

Mr. CARAWAY. Mr. President, I hope before the Senator finishes his speech he will call the attention of the Senator from Alabama to this question: Under the concurrent resolution that is now before the Senate the committee are empowered to report a bill. They do not report back an offer, but their report is in the nature of a bill; and under the concurrent resolution that bill has a privileged status and goes immediately upon the House Calendar, and there has a privileged status and is up for consideration. It is a bill, not a report, and it does not go to any of the committees of the House. It is already reported and goes on the calendar, and there will not be any two bills.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Arkansas and the Senator from Georgia, as well as the Senator from Alabama——

The VICE PRESIDENT. The regular order has been demanded. The presentation of petitions and memorials is in order.

RAILROAD LABOR BOARD

Mr. SACKETT. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter from the United States

Railroad Labor Board which has reference to a bill now on the calendar for the consideration of the Senate providing for settlement of railway labor disputes and for the abolishment of that board. I may offer an amendment to the bill when it is called up for consideration, or perhaps later in the day.

The VICE PRESIDENT. Without objection, the request of the Senator from Kentucky is granted.

The letter is as follows:

UNITED STATES RAILROAD LABOR BOARD,
Chicago, Ill., March 2, 1926.

Hon. FREDERIC M. SACKETT,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: From the evidence submitted at the hearings on the Watson-Parker railway labor bill by the House Committee on Interstate and Foreign Commerce, and from subsequent debate on the floor of the House on the same bill, it is apparent that the status of cases now pending action by the Railroad Labor Board is not generally understood or known—e. g., I quote Congressman NEWTON'S answer to Congressman TINCHER'S question, taken from page 4584 of the CONGRESSIONAL RECORD, February 25, 1926, at which time it was asked whether or not the Labor Board had application for considerable raise in wages. Mr. NEWTON replied:

"I understand that the applications have been very greatly exaggerated, but there are, I think, one, two, or three applications pending for wage increases."

For your information the Railroad Labor Board now has on hand 87 applications for increases in rates of pay, the requests involving approximately $32,295,541; there are also pending 11 applications covering dockets involving requests for changes in rules and working conditions, making a total of 98 applications for decisions covering cases that may be termed major disputes in which the public is interested.

The attached statement of dockets now before the Labor Board, in addition to indicating the number of wage and rule disputes, also sets forth an additional 439 disputes that are pending decisions. These include wage and rule interpretations, grievances, etc. There is also attached communications from the executives of certain labor organizations in which they are urging that their pending disputes be decided by the Railroad Labor Board. During the year 1925 the Labor Board docketed 618 cases, and during January and February, 1926, it docketed 116 cases.

In justice to the parties that have voluntarily submitted these disputes in all sincerity to the Labor Board and who have expended thousands of dollars in their preparation, and in justice to the United States Government, that has also spent thousands of dollars in the hearing of evidence and reducing same in form preparatory to decision, all of which will be lost by the contemplated unnecessary and hasty action in attempting to abolish the Railroad Labor Board without providing for its consideration of the business now before it, the Labor Board should be allowed to continue its operation until the end of the fiscal year, June 30, 1926, by which time it will have been able to clear its calendar by rendering decisions on all undecided disputes.

I trust you will give this situation the careful consideration it deserves.

Yours very truly,

EDWIN P. MORROW.

United States Railroad Labor Board

Name of organization	Disputes pertaining to general revision of—				Estimated financial effect
	Wages		Rules		
	Heard	Not heard	Heard	Not heard	
Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, joint		1			(1)
Order of Railway Conductors and Brotherhood of Railway Trainmen, joint	2				(1)
Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, joint	1				(1)
Order of Railroad Telegraphers	24				$1,003,878.72
Brotherhood of Maintenance of Way Employees	27				28,995,447.00
Masters, Mates, and Pilots of America	5				18,000.00
Ferry Boatmen's Union of California			1		
Lighter Captains' Union			2		
American Train Dispatchers' Association	6	2	7		30,683.04

[1] Impracticable to estimate financial effect.

United States Railroad Labor Board—Continued

Name of organization	Disputes pertaining to general revision of—				Estimated financial effect
	Wages		Rules		
	Heard	Not heard	Heard	Not heard	
Brotherhood of Railroad Station Employees	3	1			235,622.24
Railroad Yardmasters of America	2	1		1	(1)
Railroad Yardmasters of North America	1				(1)
Brotherhood of Dining Car Conductors	1				(1)
Railway Men's International Ben. Ind. Association	1				20,000.00
National Association of Railway Mechanics, Helpers, and F. H.	1				(1)
Dining Car Cooks and Waiters Union		1			116,703.75
Association of Train Porters, Brakemen, and Switchmen	1				64,560.00
Marine Culinary Workers of California	1				15,600.00
Brotherhood of Railway and Steamship Clerks		5			1,786,060.00
Total major cases	76	11	10	1	32,295,554.75

[1] Impracticable to estimate financial effect.

United States Railroad Labor Board

Name of organization	Disputes pertaining to grievances	
	Heard	Not heard
Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, joint	3	
Brotherhood of Railroad Trainmen	4	
Order of Railway Conductors and Brotherhood of Railway Trainmen, joint	31	
Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, joint	1	
Switchmen's Union	3	
Federated Shop Crafts	8	
Order of Railroad Telegraphers	50	61
Brotherhood of Maintenance of Way Employees	10	2
Brotherhood of Railway and Steamship Clerks	166	45
International Longshoremen's Association	2	
American Train Dispatchers Association	15	2
Railroad Yardmasters of America	1	
Order Sleeping Car Conductors	3	
Order Railway Expressmen	1	
American Federation of Railroad Workers	4	
Railway Men's International Ben. Ind. Association	2	
Brotherhood of Dining Car Employees	1	
National Association Railway Mechanics, Helpers, and F. H.	2	
Brotherhood Railroad Bridge and Building Mechanics and Helpers	1	
Sailors Union of Great Lakes	1	
Unorganized Employees	2	
American Federation of Express Workers		18
Total	311	183

[Western Union telegram]

CHICAGO, ILL., *February 17, 1926.*

UNITED STATES RAILROAD LABOR BOARD,
Care L. M. Parker, Secretary,
Transportation Building, Chicago, Ill.

Indirect information comes to me that some of the organizations having disputes pending for decision before your tribunal have expressed desire that they would prefer that no decisions be rendered affecting their case, believing that any subsequent tribunal would be more or less affected. This is to inform your honorable body that our organization does not countenance such a policy and are very desirous of having each and every dispute now pending before you affecting our class given the earliest possible consideration and decision, and we further express our hopes that each and every member of the Labor Board will diligently perform the obligations imposed, as provided in title 3, transportation act, regardless of any prospective pending legislation.

J. G. LUHRSEN,
President American Train Dispatchers' Association.

[Western Union telegram]

BUFFALO, N. Y., *February 15, 1926.*

CHAIRMAN UNITED STATES RAILROAD LABOR BOARD,
Chicago, Ill.

I would earnestly request that your honorable body render a decision in the case of the Central Railroad of New Jersey v. the Railroad Yard-

masters of North America. These men have been very patient and have exercised all means within their power to arrive at a decision on the property before bringing the matter to the attention of your honorable body. The negotiations were started in 1921, and being unable to reach a satisfactory settlement the case was submitted to your honorable body in July, 1925. The men on the property concerned feel it is their just due that a decision be rendered in the near future.

Very truly yours,

P. W. QUIGLEY,
President Railroad Yardmasters of North America.

[Western Union telegram]

DETROIT, MICH., *February 23, 1926.*

TO THE CHAIRMAN AND MEMBERS
OF THE UNITED STATES RAILROAD LABOR BOARD,
608 South Dearborn Street, Chicago, Ill.,
Care of L. M. Parker, Secretary:

As you were advised by myself and my representative recently, the organization I represent is anxious to have decision rendered on our wage case heard by your board last October. Any impression created with your board by statements from other sources that no further decisions on submissions now pending before the board are wanted does not represent the desire of the organization I represent. Our policy in the past has been to submit meritorious grievances that we could not settle with our employers to your board for decision. We intend to continue that policy and ask that our cases be acted on by your board, and we specially urge that a prompt decision be rendered on our pending wage case.

F. H. FLJOZDAL, *Grand President,*
Brotherhood of Maintenance of Way Employees.

CHICAGO, ILL., *February 25, 1926.*

Mr. L. M. PARKER,
Secretary United States Railroad Labor Board,
Transportation Building, Chicago, Ill.

DEAR SIR: There is one case on the calendar that is not an ordinary case. I earnestly plead in behalf of the San Francisco Bay Ferryboatmen, Docket 5059, Ferryboatmen's Union of California *v.* Southern Pacific Co.

I wish to call your attention to my supplemental statement filed with the board February 24, 1926. This will reveal—

1. That the public is paying the company for the specific purpose of establishing and maintaining the 8-hour day, 6-day week, as of February 1, 1926.

2. That the company acknowledges our clear right to the 8-hour day by denying to the public that we had requested the 8-hour day or that any negotiations were pending when charged with accepting the rate increase and maintaining the 12-hour day.

The case is simple; the injustice is great and absolutely inexcusable. The men I represent have struggled a long time and at great expense, believing in the ultimate fairness of the board.

If the case is permitted to die, the expressed will of the public will be defeated and a group of men will be forced to suffer an inexcusable condition.

It is a local and not a general case. As a representative of the men and a citizen I plead with you to not let this case die. A few minutes' study will convince you that what I say is worthy of consideration and action. I therefore ask that you make it a special order of business and that a decision be rendered.

Most sincerely,

C. W. DOAL,
For Ferryboatmen's Union of California.

THE NASHVILLE, CHATTANOOGA & ST. LOUIS
RAILWAY CO. CLERKS' ASSOCIATION,
Nashville, Tenn., January 22, 1926.

Hon. BEN. W. HOOPER,
Chairman United States Railroad Labor Board,
608 South Dearborn Street, Chicago, Ill.

DEAR SIR: Referring to Docket No. 4972 heard on October 14, 1925.

The clerks on the Nashville, Chattanooga & St. Louis Railway have been anxiously awaiting decision in the above case, as the matter has been before the board since July of last year.

It seems now that legislation is being prepared to do away with the Labor Board and establish certain other boards to handle cases of this kind. The clerks' association, as you well know, is an independent organization and is not associated in any way with the brotherhood organizations, but is operating in accordance with certain provisions made by the Labor Board providing for the organization of unorganized employees.

The clerks' association has always been friendly to the board and has carried out its decisions in the spirit of the law, and have, in accordance with your rules, presented a case for decision which we believe should be acted upon, as the clerks have become reconciled to the fact that the matter is in your hands and that action will probably be taken most any day.

The clerks' association is positively against the proposed bill. As we see the matter, it provides only for the organized employees, which would mean that the four large brotherhoods would control the situation, and the employees performing the less important duties would not be considered by them. I have read the proposed bill and find no provision made for independent organizations, such as our own, and I can not see but that if our case is not acted upon by the United States Railroad Labor Board before the proposed legislation is passed, that we will be left without any further course to pursue.

In view of the foregoing facts, as we see them, we wish to respectfully ask that the board make some disposition of this case, as our organization has been formed on the laws laid down by the Labor Board and brought into existence by the provisions of the board, and, of course, after the board has been abolished and the proposed legislation put through there will be little chance for the situation to be brought to a conclusion.

Personally, I am quite sure the management is expecting an increase to be granted, and I do not believe that they have any serious objection, as our clerical turnover for the past year has far exceeded anything we have ever had, except during the war period. This is due to the fact that the clerks have left the railroad in order to secure better salaries. Voluntary increases have also been allowed the shopmen, trainmen, and telegraphers since clerical employees were increased, and the earnings of the railroad have been very satisfactory.

We sincerely hope, therefore, that if there is any way possible for this matter to be disposed of by the board that a decision be rendered before the passage of the proposed legislation.

Yours very truly,

T. FULCHER JONES,
General Chairman.

ST. FRANCIS RIVER BRIDGE NEAR CODY, ARK.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably with an amendment the bill (H. R. 9095) to extend the times for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark., and I submit a report (No. 275) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, on page 1, line 9, after the word "hereof," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved March 8, 1923, to be built across the St. Francis River near Cody, in the county of Lee, in the State of Arkansas, by bridge district No. 2 of Lee County, Ark., are hereby extended one and three years from the date of approval hereof: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 869) for the relief of Harry Ross Hubbard, reported it without amendment and submitted a report (No. 276) thereon.

Mr. TYSON, from the Committee on Claims, to which was referred the bill (S. 945) for the relief of Gershon Bros. Co., reported it with an amendment and submitted a report (No. 277) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., reported it with an amendment and submitted a report (No. 278) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ERNST:

A bill (S. 3435) authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments; to the Committee on Civil Service.

By Mr. NORBECK:

A bill (S. 3436) for the relief of Eugene D. Mossman, James B. Kitch, and certain Indians of the Standing Rock Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3437) granting an increase of pension to Clarissa J. Allum; and

A bill (S. 3438) granting an increase of pension to Melissa B. Baldwin (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3439) to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HARRELD:

A bill (S. 3441) authorizing the Secretary of War to sell a portion of land at Fort Sill Military Reservation, Okla., and to acquire necessary additional land at said reservation; to the Committee on Military Affairs.

By Mr. SWANSON (by request):

A bill (S. 3442) providing for an inspection of the Bull Run Battle Fields from and including Centerville, and to and including Thoroughfare Gap and Warrenton, in the State of Virginia; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3443) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. CUMMINS:

A bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States"; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 3445) to divest certain telegraph messages of their interstate character; to the Committee on the Judiciary.

By Mr. BROOKHART:

A bill (S. 3446) to provide for buying, storing, processing, and marketing agricultural products in interstate and foreign commerce, and especially for thus handling the exportable surplus of agriculture in the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GOFF:

A bill (S. 3448) granting compensation to Auguste C. Loiseau; to the Committee on Finance.

A bill (S. 3449) for the relief of the heirs of John B. Johnson; to the Committee on Claims.

A bill (S. 3450) granting a pension to Lucy A. Rowles;

A bill (S. 3451) granting an increase of pension to Emma Gue; and

A bill (S. 3452) granting an increase of pension to Phoebe Comer; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia; to the Committee on the District of Columbia.

THE TARIFF COMMISSION

Mr. ROBINSON of Arkansas. Mr. President, I introduce a bill to reduce the membership of the Tariff Commission and provide for the disqualification of members to serve in proceedings of the commission in certain cases. I ask leave to make a very brief statement respecting the bill, and I also desire to submit a resolution which has direct relationship to the subject matter of the bill I introduce. The resolution directs the Finance Committee of the Senate to make an inquiry into the proceedings, the regulations, the findings, and the recommendations of the Tariff Commission, and particularly with respect to what is known as the flexible provision of the tariff act of 1922.

The bill to reduce the membership of the Tariff Commission from six members to four, if enacted, would have the effect of abolishing the position to which Mr. Baldwin has been nominated, but not confirmed, and would result in abolishing the position now filled by Mr. Glassie after the expiration of his term, which will occur about the middle of September next, as I am informed. I want to take just a few minutes to explain what I conceive to be the justification for this bill and this resolution, because I expect to ask action by the Senate within a reasonable time.

As at present constituted, the Tariff Commission functions very poorly, and scarcely at all in the manner contemplated by the law which created it. Everyone here knows that the Tariff Commission was designed to be a bipartisan body, and the purpose of making it such was to have fairly reflected by the membership of the commission the two prominent economic theories or views respecting tariff policy.

By the appointment of a commissioner nominally a Democrat, but actually an advocate of high protective tariff rates, the Tariff Commission has been perverted into a partisan body; that is, into a body in which partisanship dominates.

Of course, the commission ought to be permitted to discharge its duties without compulsion or undue influence from any source.

The action of the Executive in requiring a member of the commission to resign and to place his resignation in the hands of the Executive, subject to be accepted at any time it pleased the Executive, necessarily intimidated and embarrassed the commissioner. No question has been raised as to the occurrence of the incident to which I refer. It was discussed in the Senate by the able Senator from Nebraska [Mr. NORRIS], and evidence in the nature of quasi records was produced, showing conclusively that the Executive demanded of Commissioner Lewis his resignation, with the understanding that the President should pigeonhole it or pocket it, and accept it when it pleased the Executive. That, of course, meant that if in the performance of his duties as a member of the commission the commissioner displeased the Executive, the commissioner would immediately lose his official status. The only object of requiring the resignation in such a manner would seem to be a deliberate design on the part of the Executive to subordinate the commissioner's views to his own and to restrain the commissioner from a free exercise of his judgment. Nothing could be more subversive of sound principles of government.

The usefulness of the Tariff Commission as a fact-finding body has been well-nigh destroyed. If the proposed bill is passed the bipartisan character of the commission will be restored, and it is to be hoped safeguarded and maintained.

Other provisions of the bill contemplate a legislative determination of the long-continued controversy in the commission as to whether a member shall be the judge of his own qualifications when he has been challenged because of alleged interest in the result of the commission's findings or recommendations. The bill provides that no member shall be deemed qualified to serve if he, or any member of his family, has a direct pecuniary interest in the result, or if any former employer of the commissioner has such an interest. It is also contemplated that the commission shall be authorized to make rules and regulations for determining when a commissioner is not qualified, but in no case shall the commissioner himself whose right to serve is questioned participate in deciding that issue.

The resolution of inquiry which accompanies the bill authorizes a comprehensive investigation of the proceedings of the tariff commission, with a view to determining its efficiency, and the necessity for the legislation which I am now discussing and other legislation. The investigation has particular reference to the flexible provision of the tariff act of 1922, under which the tariff may be raised or lowered by the President in accordance with the alleged difference in costs of production in the United States and in competing countries. The resolution is broad enough to permit an inquiry into all facts and circumstances which reflect light on the manner in which our tariff laws are administered and on the way in which those laws influence the commerce of the country.

The record of proceedings by the commission under the so-called flexible provision of the tariff law show that in every important instance in which it has been employed the result has been to increase very greatly the rates of duties, and in most instances the existing rates are already too high. The only instance I can now recall in which the flexible provision of the tariff act of 1922 has been used to reduce import duties was in the case of quail imported from the Argentine. In all the important cases, in instances involving the very necessities of

life, the flexible provision of the tariff law has been employed to increase the burdens, already too heavy, resting upon the consumers of this Nation.

If the Congress wants to pass legislation helpful to the American farmer, of whom we hear so much and read so much as the prospective beneficiary of our wise conclusions, the first measure it ought to pass is a general tariff law, revising downward the rates now in force. It would not only be helpful to consumers but it would also be helpful in stabilizing business conditions, both at home and in the foreign countries with which the United States trades.

The administration will, of course, resist any effort to modify the tariff, except in conformity with a misconceived conclusion as to the purpose of the flexible provision of the law. It is quite likely that it will be impracticable, if not impossible, to consider and enact during this Congress a general tariff law, but it is to be hoped that in the early future conditions in both branches of the Congress will be changed to such an extent as to enable the people of the Nation to obtain relief from the very unjust burdens which the tariff law imposes.

Even though it seems impracticable now to effectually deal with the general subject of the tariff, it is both practicable and necessary to take such action as will enable and require the tariff commission to function in the way it was intended to function, to function in the public interest rather than for the benefit of those who practice extortion against the people of this Nation.

I introduce the bill to which I have referred, and ask to have it read and sent to the Committee on Finance; and I present the resolution which has also been discussed, and ask that it lie over under the rule.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON of Arkansas. I yield.

Mr. KING. I hope the Senator will press the consideration of his bill. May I say to the Senator that there is now pending before the Committee on Finance a bill which I introduced some time ago, I think the first day of the session, to abolish the Tariff Commission for the reasons which the Senator has given; namely, that it has ceased to function, that it has become a useless organization, and, if it serves any purpose, it is to enable trusts, those who are the beneficiaries of high protection, to further exploit the people.

Mr. ROBINSON of Arkansas. An investigation of the proceedings of the Tariff Commission will disclose that it has been converted into a mere debating society, and that its decisions reflect the fact that it has been so constituted by the appointment of one nominally a Democrat, known to be in favor of high protective tariff, that those who favor the reduction of tariff as an economic principle are never able to have their views considered, much less carried into effect. The resolution and the bill will be pressed, as the Senator from Utah suggests.

Mr. WALSH. I understand the Senator from Arkansas requested that the bill and resolution be read from the desk, and I ask that they may be read.

The bill (S. 3447) to reduce the membership of the Tariff Commission and to provide for the disqualification of members of said commission in certain cases was read the first time by its title, and the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, etc., That from and after the passage of this act the United States Tariff Commission shall be composed of four members, no more than two of whom shall be members of the same political party.

Provided, That any member of the commission who has been appointed and confirmed in the manner required by law may serve until the end of the term for which he has been appointed.

SEC. 2. No member of the Tariff Commission shall be deemed qualified to serve in any proceeding by or before the commission in the result of which he or any member of his family has a direct pecuniary interest, nor shall any member of said commission participate in any proceeding to which a former employer of said member of the commission is a party, or in which a former employer is directly interested, whether such employer be a person, firm, association, or corporation.

SEC. 3. The Tariff Commission may provide rules and regulations for determining when a member of the commission is disqualified to serve in any proceeding by or before the commission, but in no case shall a member whose right to serve is under question be permitted to vote or have any part in deciding questions relating to his disqualification, nor shall any member be deemed qualified unless a majority of the members of the commission entitled to participate hold that such member is qualified.

The resolution (S. Res. 162) was read and ordered to lie over under the rule, as follows:

Resolved, That the Committee on Finance is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of production in the United States and in competing countries, as well as the method of ascertaining which country constitutes the principal competing country within the meaning of said tariff act of 1922. The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and the administration of the tariff laws.

The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The committee shall promptly report its proceedings, findings, and recommendations to the Senate.

WABASH RIVER BRIDGE, ILLINOIS-INDIANA

On motion of Mr. BINGHAM, the bill (S. 1809) granting the consent of Congress to the State of Illinois and the State of Indiana to construct, maintain, and operate a bridge and approaches thereto across the Wabash River on the State line between Illinois and Indiana, in section 21, township 3 north, range 10 west of the second principal meridian, was recommitted to the Committee on Commerce.

CLAIMS FOR RECOVERY OF TAXES ON DISTILLED SPIRITS

Mr. EDWARDS. On January 16 I introduced a bill (S. 2536) allowing claims for the recovery of taxes on distilled spirits in certain cases. I now wish to submit an amendment to that bill, which is a substitute for the text of the original bill. I ask that it be referred to the Committee on Finance.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

DISMISSAL OF GOVERNMENT'S APPEAL IN PACKERS' CASE

Mr. WALSH. Mr. President, I had hoped that the Senator from Wyoming [Mr. KENDRICK] might be present this morning. I desire to call attention to an article appearing in the new United States Daily, the first issue thereof, of Thursday last, which is entitled: "Packer decree fails as court rejects appeal—California canneries retain right to market foods through packers on contract—Government is set back on technicality—Failed to file transcripts or motions to suspend within 20 days provided by the law."

I read from the article as follows:

PACKERS, CANNERIES, CONSENT DECREE GROCERS

The appeal of the United States Government and the National Wholesale Grocers' Association from the decision of Justice Jennings Bailey, of the District of Columbia Supreme Court, who last May sustained the motion of the California Cooperative Canneries to suspend the operation of the packers' consent decree was dismissed by the District of Columbia Court of Appeals.

The Government's appeal was dismissed on a technicality—that of having failed to file its transcript of record within the required time of 20 days allowed by the court, upon a motion filed by Frank J. Hogan, attorney for the California Cooperative Canneries Association.

According to Mr. Hogan, the court's action places the "Big Five" packers—Swift & Co., Armour & Co., Wilson & Co., Cudahy Packing Co., the Western Meat Co., and other packing companies—in the same position they were before they entered into the consent decree with the Government on February 27, 1920, by which they agreed to disassociate themselves from all unrelated lines of trade and commerce.

DECREE FILED IN WASHINGTON

This consent decree between the Government and the packers was signed after the Government had filed a petition in the District of Columbia Supreme Court alleging violations of the antitrust laws, charging that the packers had created a monopoly in the trade and commerce of livestock, meat products, and other unrelated commodities, including terminal railways, market papers and journals, branch houses, cold-storage warehouses, control of substitute foods, which threatened to control the quality and price of each article of food found on the American table.

Although the packers denied the Government's allegations of violating the antitrust laws, they entered into the decree. The decree was signed during the administration as Attorney General of A. Mitchell

Palmer, who was assisted by Special Assistants Isador J. Kresel, John H. Atwood, and Joseph Sapinsky.

The California Cooperative Canneries intervened, due to a 10-year contract it had with Armour & Co. to purchase annually a large percentage of their output, which was practically voided by the decree.

The rule under which the appeal was dismissed provides that "in all cases of appeal from an interlocutory order or decree of the Supreme Court of the District of Columbia the transcript of record shall be filed within 20 days from the entry of the order of the allowance of such appeal, unless such time, for special and sufficient cause, shall be extended for a definite and fixed period by order of a justice of the Supreme Court of the District of Columbia.

According to the motion to dismiss filed by Mr. Hogan, the appeal of the United States was taken and perfected May 22, 1925, and the appeal of the National Wholesale Grocers' Association was taken on May 23, 1925.

The transcript of record on the Government's appeal was not filed until October 31, 1925, and the transcript of record on the grocers' appeal was not filed until November 9, 1925. The time was not extended, and no such extension was asked, Mr. Hogan's motion declared.

BASIS OF ARMOUR MOTION

The decree suspending in whole the operation of the consent decree was issued by Justice Bailey on May 1, 1925, upon the motion of the Swift and Armour groups of defendants to vacate and set aside and declare void the decree of February 27, 1920, and also upon the motion of the California Cooperative Canneries to vacate or modify the decree or suspend its operation.

Then follows, Mr. President, a statement of the grounds upon which the motion was based and the action thereon. I do not take the time of the Senate to read it, but I shall ask that the entire report be incorporated in the RECORD as if read by me. I read, however, the concluding paragraph, as follows:

The petition of the canneries to intervene, filed in 1922, was overruled by Justice Bailey. However, the court of appeals overruled the lower court and ordered a rehearing. It was as a result of this that Justice Bailey issued his decision, suspended the consent decree, and from which the Government, through Assistant Attorney General Herman J. Galloway, failed to file its transcript of record within the required 20 days.

That means, Mr. President, that these two companies made application to have declared null and void the decree entered against the packers in the year 1920, and they made a further application to have the decree suspended until that application could be heard. That order was made. So the decree to-day is ineffective. The Government, conceiving that the ruling of Judge Bailey was erroneous, took an appeal to the District Court of Appeals, then failed to file the transcript, in accordance with the rules of the court, and the appeal was dismissed for that reason.

I am glad to observe that the chairman of the Committee on the Judiciary, the Senator from Iowa [Mr. CUMMINS] is present. I think I shall ask that the article from which I have read be referred to the Committee on the Judiciary for consideration.

The VICE PRESIDENT. Is the request of the Senator that the article be printed in the RECORD?

Mr. WALSH. I have requested that the article be printed in the RECORD and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it will be so ordered.

The article entire is as follows:

[From The United States Daily, Washington, Thursday, March 4, 1926]

PACKER DECREE FAILS AS COURT REJECTS APPEAL—CALIFORNIA CANNERIES RETAIN RIGHT TO MARKET FOODS THROUGH PACKERS ON CONTRACT—GOVERNMENT IS SET BACK ON TECHNICALITY—FAILED TO FILE TRANSCRIPTS OR MOTIONS TO SUSPEND WITHIN 20 DAYS PROVIDED BY THE LAW

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The appeal of the United States Government and the National Wholesale Grocers' Association from the decision of Justice Jennings Bailey of the District of Columbia Supreme Court, who last May sustained the motion of the California Cooperative Canneries to suspend the operation of the packers' consent decree, was dismissed by the District of Columbia Court of Appeals.

The Government's appeal was dismissed on a technicality—that of having failed to file its transcript of record within the required time of 20 days allowed by the court, upon a motion filed by Frank J. Hogan, attorney for the California Cooperative Canneries Association.

According to Mr. Hogan, the court's action places the "Big Five" packers—Swift & Co., Armour & Co., Wilson & Co., Cudahy Packing Co., The Western Meat Co., and other packing companies in the same position they were before they entered into the consent decree with the Government on February 27, 1920, by which they agreed to disassociate themselves from all unrelated lines of trade and commerce.

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Although the packers denied the Government's allegations of violating the antitrust laws, they entered into the decree. The decree was signed during the administration as Attorney General of A. Mitchell Palmer, who was assisted by Special Assistants Isador J. Kresel, John H. Atwood, and Joseph Sapinsky.

The California Cooperative Canneries intervened, due to a 10-year contract it had with Armour & Co. to purchase annually a large percentage of their output, which was practically voided by the decree.

The rule under which the appeal was dismissed provides that "in all cases of appeal from an interlocutory order or decree of the Supreme Court of the District of Columbia the transcript of record shall be filed within 20 days from the entry of the order of the allowance of such appeal, unless such time, for special and sufficient cause, shall be extended for a definite and fixed period by order of a justice of the Supreme Court of the District of Columbia."

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The decree suspending in whole the operation of the consent decree was issued by Justice Bailey on May 1, 1925, upon the motion of the Swift and Armour groups of defendants to vacate and set aside and declare void the decree of February 27, 1920, and also upon the motion of the California Cooperative Canneries to vacate or modify the decree or suspend its operation. The first motion (Swift and Armour groups of defendants) is based upon three groups:

1. That the decree is void because the court was without jurisdiction, for the reasons that there were no facts adjudicated; it violated the fifth amendment to the Constitution; there was no case or controversy before the court, and the decree was beyond the jurisdiction of the court in any event.

2. The decree is void because it is violative of the antitrust laws themselves, and neither the consent of the Attorney General nor the consent of the defendants could validate it.

3. The Attorney General was without power or authority to consent to the decree on behalf of the United States.

In answer to the above grounds in the motion which he overruled, and explaining why he granted the motion of the canneries, Justice Bailey said:

"As to the first ground, that the court was without jurisdiction, I think counsel have somewhat confused the situation where a decree is erroneous on the face of the record and where it is void for want of jurisdiction. A decree may so clearly adjudicate matters which are beyond the province of the court of equity that it may be void on its face.

"On the other hand, a decree in a case where the jurisdiction of equity might be disputed might be erroneous and subject to correction on appeal or a bill of review and yet not void.

"In this particular case I think the subject matter of the decree is certainly of the same nature as that conferred by statute upon the Federal courts sitting as court of equity, and if the parties now think that its provisions were somewhat broader than those embraced in the pleadings and somewhat beyond the powers conferred by statute, it is too late now to raise this objection and especially by mere motion.

CONSENT BY DEFENDANTS

"It is not sought to set aside the decree on the ground that the consent of the defendants was obtained by fraud, but that the decree was entered by accident or mistake. The parties consented to the decree and their consent evidently showed their construction of law at the time the decree was entered, and, in my opinion, they are now stopped from contesting its validity.

"While it is true there was no adjudication of facts before the court, there was the consent of the parties. The bill was filed to enjoin future acts. The defendants consented that they should be enjoined from doing such future acts and no other adjudication was necessary.

"As to the objection that it violates the fifth amendment, it is sufficient to say that the parties consented to the decree.

"The same reasoning will apply to the second ground; and as to the third ground, that the Attorney General was without power or authority to consent, the Attorney General is the duly authorized counsel for the United States and a part of the executive department of the Government, and I have no doubt of his power to consent to the entry of such a decree. He has consented to the entry of many other decrees and up to this time his principal has not come before the court to repudiate his authority.

"The motion of these defendants, therefore, will be overruled."

FIRST DECREE A CONTRACT

In discussing the Canneries case Justice Bailey said:

"The motion of the Canneries presents a very different case. The court of appeals has sustained its right to intervene based upon the allegations in its petition. The original decree in this cause was entered without the taking of any proof and without the admission of any facts, and may be considered as little more than a contract between the parties sanctioned by the court.

"Had this decree been entered upon the taking of proof, either by formal testimony or by the admissions of the parties, I think that the burden would have been upon the intervener to show that the actual facts did not justify the decree.

"The pleadings show that the intervener has a substantial interest, that its contractual rights have been impaired by the entry of this decree, and that it is damaged by it. If there were even proof to show that the defendants had violated, or were about to violate, the laws of the United States, the situation would be different, but, as I have said, there was no such proof.

SUSPENSION OF DECREE

"It is clear that the canneries are being damaged by the continuance of this decree, and while I do not think that the decree should be vacated in the present state of the pleadings, I do think that the operation of the decree should be suspended.

"My first view was that it should be suspended merely in so far as the canneries were concerned, but all of the parties have agreed that if it should be suspended or modified, it should be suspended or modified as a whole.

"There seems to be little difference in effect between vacating the decree and suspending its operation, but as in my opinion the decree is valid as long as it stands, and no proof has been taken to show that it was improperly entered; all that should be done now is to suspend the operation of the decree."

Following the above opinion, a week later, on May 1, 1925, Justice Bailey ordered the following decree:

"1. The said motions of the Armour and Swift groups of defendants are overruled.

"2. The said motion of the California Cooperative Canneries to suspend the operation of the said decree of February 27, 1920, is granted and the operation of the said decree as a whole is suspended until further order of the court to be made, if at all, after a full hearing on the merits according to the usual course of chancery proceedings."

The petition of the canneries to intervene, filed in 1922, was overruled by Justice Bailey. However, the court of appeals overruled the lower court and ordered a rehearing. It was as a result of this that Justice Bailey issued his decision, suspended the consent decree, and from which the Government, through Assistant Attorney General Herman J. Galloway, failed to file its transcript of record within the required 20 days.

RIGHTS OF AMERICAN CITIZENS IN MEXICO

Mr. NORRIS. Mr. President, I would like to have the Chair lay before the Senate Resolution No. 151, coming over from a previous day.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 151), submitted by Mr. NORRIS February 18, requesting information relative to reported objections of the Mexican Government to the publication of official correspondence with the United States in regard to American oil interests in Mexico.

Mr. BORAH. Mr. President, I do not desire to ask the Senator from Nebraska to longer postpone consideration of the resolution. I endeavored to get in touch with the Secretary of State this morning, but he is ill at his home and was unable, therefore, to know just the status of the correspondence.

As I stated a day or two since, a memorandum has been agreed upon between the Secretary of State and the representative of the Government of Mexico which looks to the publication of the correspondence just as soon as it is completed. I am not going to ask the Senator, however, if he desires to have the resolution considered, to longer postpone the consideration of it, but I do suggest to the Senator that he change the terms of the resolution. I think he will see the desirability of changing it in view of the present situation. The resolution now reads:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to inform the Senate whether the Mexican Government has objected and is objecting to the publication of all the official correspondence, etc.

I would suggest to the Senator that it be changed to read:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

That would provide merely for calling for the correspondence without raising the question as to whether the Mexican Government has or has not objected to its publication. I suggest this in view of the fact that they have now practically agreed to publish it, and I am sure that what the Senator desires is the correspondence. I think that will more readily get it.

Mr. KING. Mr. President, I shall be glad to have the information which the Senator's resolution seeks to obtain made available for public use. However, I regret that the resolution does not call for all correspondence between the State Department and the Mexican Government, covering a period of from 12 to 15 years, based upon protests made and claims submitted by American citizens against the Mexican Government.

There are some Americans who entertain the view that the matter in dispute between our Government and the Mexican Government, or between American citizens and the Mexican Government, relates solely to oil lands in Mexico. The fact is that the oil controversy lacks importance when measured by the principles involved and the value of property concerned, which have been the subjects of diplomatic correspondence since 1910. It is true that the rights of many American citizens owning oil lands in Mexico have been disregarded by the Mexican Government, and in many instances illegal exactions have been made and heavy tribute has been levied upon them. Moreover, the title to their lands has been assailed and is now directly challenged. But, Mr. President, the oil companies have dealt with representatives of the Mexican Government and have managed to survive the assaults made upon them. But the holdings of American oil companies, as I have indicated, are much less in value than the property of thousands of Americans located in various parts of Mexico.

American investments in Mexico in 1910 and 1912 amounted to approximately one and one-half billion dollars. American citizens went to Mexico not as trespassers or intruders but, as a general rule, upon the invitation of the Mexican Government. They built railroads, developed mines, erected smelters, converted arid wastes into fertile fields and farms, and made important contributions to the development of Mexico and improved the material and moral condition of the Mexican people.

But in 1912 thousands of them were compelled to leave, and from that time until the present many of them have been deprived of their property, and the fear of some has prevented them from returning to Mexico. The Mexican Government and its soldiers, agents, and representatives seized and destroyed or confiscated property of the value of tens of millions of dollars owned by American citizens. Real estate, as well as personal property, has been seized and confiscated by the Mexican Government and by persons for whose acts it is responsible. Moreover, hundreds of Americans have been killed upon Mexican soil and hundreds more have been subjected to brutal treatment and to cruel persecutions and shameful indignities.

Numerous protests have been filed with the State Department against the illegal and unjust acts of the Mexican Government and its officials and nationals. Hundreds of claims, amounting to tens of millions of dollars, have been filed against Mexico growing out of the assassination of Americans upon Mexican soil, and the wrongs and cruelties to which Americans have been subjected and because of the confiscation of American property.

The State Department has repeatedly protested to the Mexican Government against these cruel and illegal acts, and demands have been made that the rights of American citizens be respected and that they be protected in their personal and property rights. As I am advised, there have been many notes and letters between our Government and the Mexican Government, based upon Mexico's violation of her duties and obligations to the United States and to American citizens who were rightfully in Mexico.

Mr. President, we should have full information regarding the claims and protests filed with the State Department, and the American people should be apprised of the notes exchanged by the two Governments and of the correspondence which has occurred relative to the matters to which I have referred

since 1910. When possessed of this information the American people will understand that it is not the claims of oil companies that is the most serious and vital matter of controversy and difference between the two Governments.

In my opinion the American citizens have not been fully protected by their Government, and it would seem as if the developments during the past few days warrant the conclusion that the administration is not pursuing a course that will vindicate American rights or protect American citizens.

We should have more light upon the Mexican situation. We should learn the reasons why the American representative in Mexico, Mr. Sheffield, is being sidetracked by Charles Beecher Warren, of whom we have heard in the Senate and of whom, doubtless, we shall hear much more. Mr. Sheffield, I believe, has attempted to protect American rights. He is an efficient, patriotic, and able diplomatic representative of our Government; but the evidences are accumulating that he is being ignored and that Mr. Warren is being projected into the negotiations, to the disadvantage of our country and to the injury of American citizens.

Mr. President, if the resolution now before us is adopted—and I hope it will be—I shall offer a resolution on Monday calling for all correspondence between the State Department and the Mexican Government in relation to the matters to which I have referred.

Mr. NORRIS. Mr. President, I want to assure the Senator from Utah that I shall be glad to cooperate with him in my weak way and give him any assistance possible to put through any resolution that will bring about publicity along the lines he has suggested. I think it ought to be done not only with Mexico but every other country, because secrecy in these matters has caused more trouble for our country and for the world and for humanity generally than any other one thing. Of course, the object of my resolution was to get publicity of the correspondence between the United States and Mexico on the question of the difficulties existing. I framed it as I did because I had been very reliably informed that our Department of State was replying to those who were trying to get the correspondence that the Mexican Government was objecting to its publication and that the Mexican officials were claiming that they were anxious to see it published, but that our Secretary of State would not allow it to be published. I wanted to see first if I could get its publication and just where the trouble was.

I will accept the suggested amendment of the Senator from Idaho and modify my resolution accordingly.

The VICE PRESIDENT. The resolution as modified will be stated.

The Chief Clerk read the modified resolution, as follows:

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

Mr. BORAH. I would suggest to the Senator, likewise, that the fourth whereas should be stricken out. It reads:

Whereas it has been stated in the public press that the Department of State has been very anxious to give full publicity to the official correspondence, and that the Mexican Government has objected to such publicity.

Mr. NORRIS. I accept that suggestion, too.

Mr. BORAH. I am very glad that the correspondence is going to be published, and I should like to see more of the record between Mexico and the United States made public. I am satisfied that when it is published there will be less reason to be disturbed about the Mexican situation than there now seems to be. I think that, so far as the particular controversy to which this resolution addresses itself is concerned, it is approaching a state of solution. In my opinion, the constitution of Mexico and the laws of Mexico are not so confiscatory as has been supposed, and the correspondence will enlighten the public satisfactorily when it is finally published.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

The VICE PRESIDENT. The question is now on agreeing to the preamble as modified.

The preamble as modified was agreed to.

The preamble and resolution as agreed to are as follows:

Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactment of such laws; and

Whereas the American people are in ignorance of the real questions involved because the official correspondence between the two Governments has not been made public; and

Whereas full publicity of all the facts entering into such dispute is extremely desirable in order that the people of the two Governments may fully understand all the questions involved in said dispute: Therefore be it

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to send to the Senate all official correspondence pertaining to said dispute referred to in the preamble.

LAND IN BOUNDARY COUNTY, IDAHO

Mr. BORAH. Mr. President, I ask the Senator in charge of the Muscle Shoals resolution to indulge me a moment. There is a bill on the calendar, being House bill 7173, which is purely of local concern, the passage of which is necessary, however, in order that those having the matter in charge may proceed with the organization of their drainage district. The bill was reported favorably from the House committee, it was passed by the House, and is now before the Senate on a full report of the Senate Committee on Indian Affairs. I ask unanimous consent that the bill may now be considered.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7173) authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized in his discretion to sell through sealed bids in unit offerings not exceeding 80 acres certain allotted lands of the Kootenai Indians situated in Boundary County, Idaho, at not less than the appraised price and deposit the proceeds derived therefrom to the credit of the individual Indians entitled thereto and to use such individual funds so derived to purchase tracts not exceeding 5 acres for each Indian living at the time of the passage of this act. That the Secretary of the Interior shall issue patents in fee for lands sold hereunder to the purchaser upon payment of the purchase price, and trust patents shall be issued to the Indians allotted the tracts as hereinbefore provided containing restrictions against alienation for a period of 25 years: *Provided*, That where the lands are held for allottees the consent of said allottees shall be obtained: *And provided*, That the proceeds derived from the sale of the allotted lands over and above the amount required for the purchase of tracts for the individual Indians shall be available to the individual Indian's credit and may be used in the discretion of the Secretary of the Interior for the purchase of building material, clothing, farming implements, livestock, foodstuffs, and other necessary purposes, and for the payment of the reclamation charges that may be assessed against such Indian allotments by a drainage district created in pursuance to the State laws of Idaho for the diking and drainage of such lands.

Mr. GOODING. Mr. President, I wish to say that, as has been stated by my colleague the senior Senator from Idaho, this is a very important bill. I hope that there will be no objection to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF CONSULTING ENGINEERS ON COOLIDGE DAM

Mr. CAMERON. I ask unanimous consent for the present consideration of the bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam. It is rather an emergency bill, because the Coolidge Dam is held up for lack of such legislation as is proposed by the measure.

The VICE PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Arizona?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. FLETCHER. What will be the cost to the Government should this bill become a law?

Mr. CAMERON. Under the present law the Secretary of the Interior is authorized to pay only $20 a day for a competent engineer. I will state to the Senate that the plans for this dam have already been approved; three models of the dam have been prepared and are now before the Secretary of the Interior. The construction of the dam does not come under the reclamation law but under the Secretary of the Interior and the Commissioner of Indian Affairs. The dam is being built and the Secretary desires to have some competent engineers outside of those who are at present being employed and who have already passed on the project. The necessary money is already available, and the Secretary asks that he be allowed

to have $75 a day men, so that he may pass on this improvement.

Mr. FLETCHER. What I am getting at is, how much is this going to cost the Government?

Mr. CAMERON. The amount is limited by the bill to $3,500. The appropriation for the dam has already been made.

Mr. FLETCHER. The department merely wishes to employ a number of experts at $75 a day. Is that the idea?

Mr. ASHURST. Mr. President, will my colleague yield to me?

Mr. CAMERON. Certainly.

Mr. ASHURST. Mr. President, this bill contemplates authorizing the Secretary of the Interior to employ for consultations on plans and specifications for the Coolidge Dam, authorized to be construted by an act of June 7, 1924 (43 Stat. 476), as he may deem necessary, the services of not more than three experienced engineers with the necessary qualifications at rates of compensation, including travel and other expenses incident to such employment, for each engineer employed not exceeding in the aggregate for the time actually engaged upon the work $3,500 and at not to exceed the rate of $75 per day.

In accordance with an opinion rendered by the Comptroller General of the United States under date of October 5, 1925, except during an emergency, the rate of compensation for consulting engineers may not exceed $7,500 per annum, or $20.83⅓ per day.

The construction of the Coolidge Dam was authorized at a limit of cost of $5,500,000, for the purpose, first, of providing water for the irrigation of lands allotted to the Pima Indians on the Gila River Reservation, Ariz., now without an adequate supply of water, and second, for the irrigation of such other lands in public or private ownership as in the opinion of the Secretary of the Interior may be served with water impounded by said dam without diminishing the supply for the Indian lands.

The magnitude of this project is such as to warrant the securing of opinions and advice of consulting engineers of the highest standing in their profession. Their employment would be only temporary and they would be called upon from time to time as required for advice on various matters pertaining to the construction of the dam. The usual rate of compensation for engineers of the caliber desired is greatly in excess of the $20.83⅓ per day, it ranging from $100 to $200 per day. Due to the character of the work, and the fact it is a Government project, no doubt the desired engineers could be secured at the rate and under the conditions set forth in the bill.

Mr. FLETCHER. The bill reads:

Not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed.

The Secretary might employ half a dozen of them.

Mr. ASHURST. But he could not employ more than three.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment to strike out "$75" and to insert "$50" as the per diem compensation of the consulting engineers. I will say that in the Army appropriation bill where provision is made for the employment of experts we have fixed $50 per diem as being the proper limit. I therefore submit that amendment.

Mr. CAMERON. So far as I may, I will accept the amendment proposed by the Senator from Washington.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 2, line 2, before the words "per day," it is proposed to strike out "$75" and in lieu thereof insert "$50," so as to make the bill read:

Be it enacted, etc., That in carrying into effect the provisions of the act of June 7, 1924 (43 Stat. L. p. 476), entitled "An act for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes," the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultations on plans and specifications for the Coolidge Dam, as he may deem necessary, the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements, and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work, and which compensation shall be inclusive of all travel and other expenses incident to the employment: *Provided*, That a retired officer of the Army may be employed by the Secretary of the Interior as consulting engineer in accordance with the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MUSCLE SHOALS

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. HEFLIN. I ask that the unfinished business may be laid before the Senate and proceeded with.

There being no objection, the Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. TYSON. Mr. President, last month I proposed an amendment to the pending resolution, House Concurrent Resolution No. 4, relative to Muscle Shoals. I now desire to make a few remarks upon the resolution. The question has been so fully discussed here that it would seem to be somewhat idle to say anything more, but the proposition is so closely connected with my own State, the plant is so near to us and so valuable to us if it shall be properly operated, that I feel that I desire to express myself upon the subject. I shall not detain the Senate long.

Tennessee is a very long and narrow State. The western part of Tennessee has no power facilities whatever; we can get no power there except through coal, there being no water power. That is a very rich section of the State, and we are not so much in need of fertilizer there as we are in need of power. The people need electric and water power there for various purposes; they need it in their homes; they need it in manufacturing; they need it on the farm; they need it everywhere. In the center of my State much the same condition prevails, although there is a considerable amount of water power in that particular portion of the State.

The question has arisen here as to what disposition we shall make of Muscle Shoals. Some Senators are in favor of having it privately operated; others are in favor entirely of Government operation; some do not wish to make fertilizers at all. The distinguished junior Senator from Nebraska [Mr. HOWELL] yesterday afternoon presented a very able argument here to the effect that it should be used only as a water-power proposition. So far as I am concerned, I am in favor of carrying out the purposes for which the plant at Muscle Shoals was first constructed, and that is to use it for production of fertilizers, for power purposes, and in the interest of the national defense. I think it is absolutely necessary and proper and right that we should keep faith with the people. We told the farmers that we were going to make cheap fertilizer for them, but the question has arisen here as to whether or not it is practicable to make cheap fertilizers at Muscle Shoals.

The distinguished Senator from Nebraska yesterday afternoon said that it would be impossible ever to make cheap fertilizers at Muscle Shoals, except perhaps by the expenditure of a great amount of money. If it is necessary to spend a large amount of money there for the purpose of placing that plant in condition so that cheap fertilizers can be made, then I say, Mr. President, that it is the duty of the Senate and of the House to do their part in seeing that we keep faith with the farmers and that we shall produce as cheap fertilizers as can possibly be produced at Muscle Shoals. Whatever position we may take in this matter, however, there is only a limited amount of the water power which is to be developed there that can be used for that purpose. As I understand it, whatever may be the process, the power that may be used there for making the maximum amount of fertilizer at Muscle Shoals can not exceed 100,000 horsepower. That being the case, there will be a large amount of surplus power which is to be used for some other purposes, for it must be known that we are now developing at Muscle Shoals more than 60,000 horsepower; by the 1st day of July we will be producing perhaps 60,000 more, making 120,000 horsepower, and then we have a possibility there of producing 76,000 horsepower from the steam plant, making a total possibility of about 200,000 horsepower that could be ready and available for use perhaps inside of six months. That being the case, Mr. President, there has been no proposition presented here which would provide for the use of any surplus power, perhaps, within three or four years; so that that amount of power must be sold, or the Government will be losing a lot of money between now and the time when the maximum amount of fertilizers can be produced at Muscle Shoals. So it is very important that we shall make the proper effort to see that it is properly distributed.

Our people are greatly interested in its distribution, and while I do not mean to say for a single moment that the Utility Commission of Alabama will not be ready to see that we get a fair deal, at the same time, while we are considering this resolution,

I feel that we should not leave out of it anything that it is absolutely necessary to provide so that we may secure a proper and fair distribution of this power.

I realize, Mr. President, that time within which the committee which is provided for in this resolution may act is very short. There are now only about three weeks left, and I doubt very seriously if the committee can properly act within that time. I am very loath to do anything or to support anything that would in any way tend to prevent the pending resolution from being properly acted upon or the proposed committee from being appointed and being able to bring a bill in here by the time fixed, which is the 1st day of April; yet, Mr. President, I can not feel that it would be right and just, in view of the fact that an amendment has now been presented to the Senate by the Senator from Arkansas, providing for an equitable distribution of the power of Muscle Shoals, for me not to support it. As a matter of fact, I did not intend to present my amendment.

I had thought that, perhaps, in view of the fact that the committee would be so close to us, that it would be right in the Capitol, perhaps, or in the Senate Office Building, that Senators could appear before that committee and give the committee their views upon this question; but, since it has come up, since the Senator from Arkansas has presented his amendment seeking an equitable distribution of the power to be developed, it seems to me that we should vote for his amendment, and especially for this reason: If we shall vote this amendment down, the question will arise whether or not the committee will not feel that it is not necessary to say anything about the distribution of the surplus power. I think that we could have accomplished the purpose, perhaps, as well if nothing had been said about the amendment, by going before the committee and telling them what we wanted done, but now that the question has come before the Senate I shall vote for the amendment to which I have referred.

Mr. President, it has been stated that fertilizer can not be made cheaply at Muscle Shoals. The Senator from Nebraska said it would take $10,000,000 to change the plant so that it could be put into condition to make cheap fertilizers, and, therefore, he did not think, as I have said, that it could be used for a fertilizer plant at all. I have been informed that it is not proposed to manufacture fertilizers along the lines that were stated by the Senator from Nebraska yesterday afternoon. He spoke about the necessity of making ammonium sulphate and about that being the base for the nitrogen that was to go into the fertilizer. As I understand, under present-day methods ammonium sulphate will not be made there, but ammonium phosphate will be made, and that can be used in such a way as that cheap fertilizer can be made at Muscle Shoals.

Mr. President, whatever company or whatever corporation obtains Muscle Shoals, I feel they should be compelled to make the minimum of 40,000 tons of nitrogen every year and that they should make it in such a way as will be satisfactory and useful to the farmers. I believe that such a lease can be had and that such a condition can be placed in the contract as will insure the production of 40,000 tons of nitrogen and reasonably cheap fertilizer for the farmer. If we do not insist upon 40,000 tons at least, we will not have carried out our contract with them.

The Senator from Nebraska said yesterday that there was a "joker" inserted in the bill which the committee are to follow, in that the production of fertilizer was to be "according to demand" and therefore that would not compel the lessee to make 40,000 tons of nitrogen a year, but I do not understand that to be the case. The wording of the bill that is to be the guide for this committee says "according to demand," but later on it says:

> * * * with an annual production of these fertilizers that shall contain fixed nitrogen of at least * * * 40,000 tons.

That would require them to make or manufacture at least 40,000 tons every year, and there could not be any mistake about it. If there is any possibility of mistake about that, I think those three words ought to be left out of any lease that may be brought here for the consideration of the Senate.

Not only that, Mr. President, but I feel that by having private operation of this plant we will get many advantages which can not be had if it is operated by the Government. In the first place, if it is operated by the Government we are not sure how much fertilizer we are going to get. There is no guaranty on the part of the Government that the plant will produce any particular amount of fertilizer each year. It may finally turn into simply a water-power proposition. You know how it is when the Government operates anything; there is nothing especially fixed about it; but if we put this requirement in a definite contract with responsible people who can put up enough capital to operate this plant properly, we can compel them to produce the amount of fertilizer which they agree to produce, or else we can take back the plant. That is a condition that should be placed in the lease; and I have no doubt that the able committee that will be appointed from the Senate and from the House will see that the interests of the United States are so safeguarded that there can be no question but that the full terms of the contract are carried out.

Mr. President, so far as I am concerned, I want to say that I believe that this plant should be operated by private parties. I am opposed to having it operated by the Government unless no satisfactory bid can be had, for the reason that I believe it will be far better and far more in the interest of the public that it should be operated by private parties than if it is operated by the Government. If the Government goes into the fertilizer business, which it would be required to do in this case if it operates there and makes fertilizer, it will be the first time so far as I know that the Government has gone into the mercantile business. It will have to compete with all of the other fertilizer plants of the country.

It has been said that there is a fertilizer monopoly in this country. That may be true in a sense. I know that there are three or four great fertilizer corporations in this country; but, Mr. President, I desire to call to the attention of the Senate the fact that there are 748 different corporations or firms now manufacturing fertilizer in this country. Therefore there is no absolute monopoly of fertilizers in the country; and I doubt if there is any very great demand, so far as that is concerned, for any more fertilizer in the country if it can not be made cheaper than it is being made to-day.

The Senator from Nebraska [Mr. HOWELL] said yesterday that it would be impossible to make fertilizer more cheaply at Muscle Shoals than it is now being made. As you know, the President of the United States, in the effort to find out what was the best thing to do with Muscle Shoals, last March appointed a committee to investigate this matter fully and to report back not later than the 15th of November for the purpose of ascertaining what was the best thing to do with this great plant. That committee reported back, and they decided that the best thing to do with it was to lease it, and to lease it to private parties, and to lease it in such a way—at least the majority made that report—as to get the maximum amount of fertilizer that could be produced in nitrate plant No. 2. They said, further, that if no satisfactory bid could be had, then, as a last resort, they thought it was necessary and proper that the Government should operate it, but under no other conditions.

Let me read to you a part of the report which was made by that committee at that time. It says:

> Operation of either the power business or the fertilizer business by the Government can not realize the full values available at Muscle Shoals. The interferences set up by political pressure, the lack of business initiative, the natural timidity of bureaucracy in the face of ever-present criticism, the evident difficulty of competition with industry in the payment of salaries, and the general inability to operate as economically or to secure as large returns as private industry does, all cumulate to bring disaster to every venture in business by the Government. We therefore consider private leases at Muscle Shoals indispensable.

That is the minority report, and the majority said the same thing, except that they would take Government operation as a last resort, but the minority stated that under no circumstances should the Government undertake to operate this plant.

Mr. President, Senators and others who have not been in business, perhaps, may feel that it is an easy thing to go out and manufacture fertilizer, but the greatest trouble in all business, so far as I have been able to find in my experience, is not the manufacture of products, but it is their distribution. There is the trouble, as I see it, that the Government will have in undertaking to distribute fertilizers, even assuming that they make them, and make them reasonably cheap. It is assumed that with 40,000 tons of fixed nitrogen manufactured they would be able to make 2,000,000 tons of fertilizer. There were produced in this country last year seven and a half million tons of fertilizer, and of that amount the South used about four and a half million tons. If we add 2,000,000 tons to that, that will be nine and a half million tons, and by the time we are able to produce 40,000 tons of nitrogen at Muscle Shoals and to make 2,000,000 additional tons of fertilizer in this country I believe that the country will have grown up to it, and that we will be ready to absorb at least 10,000,000 tons of fertilizer.

But, Mr. President, when we have that 2,000,000 tons manufactured, we will have to distribute it. How is the Government going to distribute 2,000,000 tons of fertilizer, and distribute it in any sort of satisfactory way?

The Muscle Shoals plant has been built by the Government. It is owned by all the people. Everybody in this great country has an interest in it. When those 2,000,000 tons of fertilizer are to be distributed, everybody is going to want to get a little of it, provided it is cheaper; and if it is cheaper than any other fertilizer there is going to be no end of trouble. Other manufacturers would have to bring theirs down to the point at which the Government is selling it; and, Mr. President, we can not afford to drive people out of business.

It is said that the fertilizer plants are making a great deal of money. I know very well that many of them have not made money for the last five years. As a matter of fact, some have gone almost through bankruptcy. One of them, I know, has gone through bankruptcy, and the southern people have lost a great deal of money by virtue of the fact that this great plant has had to go through bankruptcy. So, Mr. President, we are asked to compete with our own people; and we should not do that except, as I see it, as a last resort. If we can produce reasonably cheap fertilizer there, and keep our faith with the farmers by letting a private concern have this plant, we should do it.

When it comes to power and the distribution of power, we are going to find that when the Government, if it does ever operate this power plant and undertakes to distribute power, it is going to have a very difficult problem right there. It is going to have the same sort of difficulty, though not so much difficulty, as if they should undertake to distribute fertilizer; but they will have a great deal of difficulty, because there is no city of any size, no town of any size, that has not already got its electric light and power plant; and when you undertake to go into a town and to distribute power and to distribute electricity for light, you are going to have a perplexing proposition. You are going to have to run somebody out of business. There can not be two electric-light plants in a town. It is a natural monopoly; so that if the Government undertakes to go out and to distribute light to all of the sections of the States around Muscle Shoals, there will be no end of difficulty and no end of trouble. If the Government shall undertake to operate this plant, the only way in the world they can operate it successfully is to sell the power at the bus bar—that is, right at the plant itself.

We would be continually having to appropriate enormous sums of money; everything would be disturbed; and I say, Mr. President, that this plant, instead of becoming a blessing there, would have quite the contrary effect. We would not get the benefits that we are now hoping and expecting. We can demand and stipulate in our contract that anybody who takes over this power shall distribute it equitably and fairly.

We know very well that to-day the power corporations are all over the country. They are taking possession of the country as no other corporations are. They are getting possession of the great natural resources and facilities, in a way, and we can not very well stop it, because we can not stop progress; and the only hope we have is not to undertake to compete, but to regulate. We must regulate these great corporations and these great power plants, these corporations which are distributing electricity for light and power. We have a utility commission in practically every State—certainly in my State and in the State of Alabama. If the people are paying too much for electric light, if they are paying too much for power, it is the fault of the public utility commission of the State wherein this injustice is being done. Public utility commissions are comparatively new, and I know that they are improving in their knowledge of how to regulate rates and distribution every year. They are learning what power costs and at what price it should be sold.

The Senator from Nebraska [Mr. HOWELL] was speaking yesterday afternoon about the low rates that were charged in Ontario and elsewhere in Canada, and he was speaking about the high rates that were charged in Birmingham and in Nashville and in Memphis and in Chattanooga. It is true that we are paying too much for power; we are paying too much for electric light; but that is in the hands of the public utility commissions. Not only that, but we do not realize that in these larger towns those who buy electricity are helping to carry the street railroads of practically every city in the country. I know this is true in my own section. I know it is true all over Tennessee. The electric light company, which owns the street railroad at the same time, is practically carrying the deficit which is being incurred upon the street railroads every year.

It is true in Nashville; it is true in Chattanooga; it is true in Knoxville; and I have no doubt it is true in every other southern city. You can not make money, as I understand, in the street-railroad business to-day at the low rates of fare which now prevail and which the people insist upon having. In other words, every man who pays an electric-light bill in my State helps to carry the people who ride upon the street railroads.

I am making no complaint about that, because if that were not done I doubt very seriously if we could have any proper and efficient operation of street railroads, especially in some of the smaller cities. So we have to consider this matter from several standpoints. It is not only a question of considering it from the standpoint of operation by the Government, but it is a question of the policy that we are going to pursue in the future. We are right at the parting of the ways. If we shall operate this Muscle Shoals plant, I hope that the Government will build Dam No. 3. I hope it will build the dam down at Colbert Shoals. If Dam No. 3 is not built, the navigation of the Tennessee River will not be complete. I have been hoping for years that we would have complete navigation of the Tennessee River from Knoxville clear on through to St. Louis and to New Orleans.

If this resolution, referring to House bill 518, is carried out, Dam No. 3 will be built, the navigation of the Tennessee River will be made complete from Chattanooga to St. Louis, and to New Orleans, and to Pittsburgh, and everywhere; and later on, when we get power plants developed along the Tennessee River, the channel will be 6 feet deep all the way from Knoxville to Pittsburgh and to St. Louis and to New Orleans. That is a dream we have had for 50 years. If we shall undertake to operate this by the Government alone, I am convinced that Dam No. 3 will never be built; at least it will not be built for a very long time. There will be no special reason why it should be built, because the Government will be simply trying to see how little money it can lose at this plant. I am convinced that if the Government ever undertakes to operate Muscle Shoals, it will operate it at a loss. If we manufacture any fertilizer there, it will be manufactured at a loss. If it is sold at a price lower than that at which fertilizer is sold by private parties, it will be sold as a subsidy to the farmer. I do not object to the farmer getting a subsidy. I do not object to his getting the fertilizer cheaper, and I believe that if we acquire private ownership to make 40,000 tons of nitrates and 2,000,000 tons of fertilizer every year, they will make enough out of the water power so that they can sell their fertilizer to the farmer at a reasonable price.

That is my idea about this proposition. Gentlemen talk about selling power for 2 cents a kilowatt-hour. If that were the case—if power could be made and distributed for 2 cents a kilowatt-hour—the power companies of this country, the electric light companies of this country, would be making enormous fortunes. They may be averaging 6 or 7 cents a kilowatt-hour, and if they could make it at 2 cents it would be the greatest bonanza ever known in the history of the world. It is true that, according to information, they are making money.

I think they are making too much money. I think there is a great deal of water in their stocks; but it is the duty of the public utilities commission of each State to see that the stocks and the bonds are not watered; that the public has a fair deal; and that the rates are so regulated and so fixed upon the investment that the public will have to pay only a reasonable price for what it is getting. That is the proposition.

If this plant is put into the hands of the Government, who will regulate it? I have no doubt that sooner or later appeals would come to us for appropriations to keep it up. That is what I fear, and not only that, but whenever we start out with a proposition of operating Muscle Shoals, or any other plant as large as that, by the Government, why should not other sections of the country come in and demand that Government money be used for them just as well? Why should not that be the case with the great Boulder Dam, on the Colorado River, which will take two or three and perhaps five hundred million dollars to develop? Yet those people would have just as much right to come here and say that it is a great development that ought to be made, and that the Government should come in and furnish them with the money with which to do it. Then, when that has been done, those interested will want the Government to go to Snake River and to Columbia River and to every other great river in this country. They will want the money loaned to them at 4 or 4½ per cent, or some other small rate, and they will have just as much right to demand that of the Government as we have to use Government money at Muscle Shoals.

The only excuse for the Government putting its money in Muscle Shoals was the fact that there was a great emergency, there was a great war on, and we had to have ammunition. We had to have nitrates, and we had to have them promptly, and the Government put its money into that project

for that purpose, and it should be maintained for that purpose.

When the project is put out under private contract, we know what we will get back. If the lessee does not carry out the contract, the lease will be forfeited, and the property will be returned to the United States.

I think this is a great question. It is one of the most momentous questions that has been presented to the Congress, not so much from a dollars and cents standpoint but in the principle, in the policy, in considering what will happen in the future.

In regard to this House concurrent resolution I have sympathized very much with the Senator from Alabama in his effort to get it passed, to get the committee appointed, and to get it at work, because I am confident now that it will be impossible for this committee to bring back a carefully digested bill, a carefully digested lease, to present to Congress by the 1st day of April.

I am confident they will have to have more time, but, notwithstanding all that, this concurrent resolution ought to be passed with as little delay as practicable, in order that this committee may be appointed and in order that they may get at their work, with the hope that they shall be able to dispose of this question during this session of Congress.

I shall be compelled, owing to the situation in my own State and owing to the fact that I believe in an equitable distribution of the power developed there, to support the amendment which has been offered along that line, not that it is an absolutely necessary proposition, but for the reasons that I have already stated and the fact that, having been now presented, I doubt seriously if the Senate can afford—and certainly Senators who live in adjoining States to Muscle Shoals can not afford—to fail to vote for the amendment. Whatever may be the fate of the amendment, I intend to vote for Concurrent Resolution No. 4, and I hope that it will pass.

Mr. HEFLIN. Mr. President, I realize the situation in which my good friend the distinguished Senator from Tennessee finds himself. He feels as if he must vote for the amendment relating to the distribution of power.

The official survey now being made of the State of Tennessee shows that the power possibilities of Tennessee are greater than those of Alabama. The State of Georgia has power possibilities of nearly a million horsepower, and South Carolina has possibilities of between 700,000 and 1,000,000 horsepower.

The Senator from South Carolina had read a resolution from the legislature of his State suggesting that surplus power distribution be provided for. The resolution mentioned the fact that last year during the drought South Carolina obtained power from Muscle Shoals. That shows that my contention is correct—that South Carolina will get power from Muscle Shoals if she needs it and that there is no necessity for putting such a provision in the law. She got it last year, and got it before Dam No. 2 was completed, and none of that power came from that dam. The power they got down there came from plant No. 2.

With Dam No. 2 being completed and with the Cherokee Bluffs Dam in my State nearing completion, they will probably produce, both of them, nearly 200,000 horsepower, and the primary power. So there will be no question about those surrounding States—Tennessee, Georgia, and Mississippi—getting power. Georgia is getting power there now, as is Mississippi, and I think some is going into Tennessee.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. HARRIS. If there is so much power in Alabama, as the Senator states, independent of Muscle Shoals, I can not see why he would object to the amendment providing for the distribution of the power, so that Georgia and other States could get some of the Muscle Shoals power.

Mr. HEFLIN. For the further reason that nobody can tell what an equitable distribution would be, and if it could be worked out it would present a ridiculous situation. The idea of saying by statute that Georgia shall receive so many thousand horsepower and South Carolina and North Carolina and Mississippi and Tennessee and the other States so many. Suppose we should do that. Can it be supposed that anybody who has enough money to make a bid on this project would make it? We want to get a bid. We do not want to insert conditions in the resolution so that we can not get a bid. Some Senators do not want any bid made. Some of them want this resolution killed; there is no denying that fact. My contention is that we should not hamper the resolution. Let the committee go out and get the bids and bring them in, and if Congress does not accept them, then we will have to take up some other plan for a settlement of the matter.

Congress can reject the bids outright. Why quibble here about what sort of amendments we will put on the resolution? If the bids are not what they ought to be, let us reject them. My contention is that Congress is going to adjourn early, and if the bids come in and are not accepted, we will have to do something with this Muscle Shoals dam quickly, under the Norris bill or some other bill. If we amend the resolution and it gets tied up in conference and is defeated, then the Senate must take the blame, and those must take the blame who put the amendments on, if they succeed in getting them put on.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Washington?

Mr. HEFLIN. I yield.

Mr. DILL. Under this resolution this committee will determine which bid it will put into the bill. Is not that the fact?

Mr. HEFLIN. No. It determines what bid it will recommend.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. The report of the committee must be a bill, which will go on the calendar without reference to any standing committee. Therefore it must be a bid, and two bills covering bids can not be put on the calendar. The committee will make one report.

Mr. DILL. The resolution provides that the committee "shall have leave to report its findings and recommendations, together with a bill."

Mr. CARAWAY. But that bill is its report, it has a privileged standing, and goes on the calendar of the House without any further consideration.

Mr. GEORGE. That means one bid only, because we could not accept two bids.

Mr. DILL. My contention is that this committee will select whichever of these bids it wants to select, and present it in the form of a bill, instead of presenting the bids to Congress for Congress to choose which one it would accept.

Mr. HEFLIN. I submit that that is very appropriate. The committee need not come back and lay down a bundle of bids in the Senate and House and say, "Take your choice." It ought to pick out one of them and say, "We deem this the best one, and we recommend its acceptance." Then the Congress can say, "We decline to accept it," and Congress can do so if it desires.

Mr. CARAWAY. May I ask the Senator another question?

Mr. HEFLIN. I yield.

Mr. CARAWAY. Under the Senator's contention there will never be any opportunity to amend anything. According to him, it is wrong to amend the resolution, and when the report comes back it will be a contract, and we must accept it or reject it.

Mr. HEFLIN. No; I do not agree with that.

Mr. CARAWAY. If two people make a contract and it is reduced to writing and submitted to one of them, he must accept or reject. The committee's report is a formulated bill, which is the accepted contract, and we must reject it or accept it.

Mr. HEFLIN. No; the committee must recommend, and then the bid recommended would go on the calendar, as the Senator has said, under Rule LVI in the House of Representatives.

Mr. CARAWAY. It will be a bill.

Mr. HEFLIN. Even if it were a bill——

Mr. CARAWAY. It will be a contract.

Mr. HEFLIN. And it were under consideration, suppose some Member of the House should say, "I will not vote for this bid or bill unless it is amended in a certain particular." Then suppose the man making the bid should inform the committee or Congress that he would include that provision in his bill. The House could amend the bid.

Mr. GEORGE. The committee provided for is to remain a standing committee, to negotiate between the lessee and the lessor? Is that the idea?

Mr. HEFLIN. No. The committee will not be finally discharged until the legislation is finished.

I submit that is perfectly sound—that if we should inform the bidder that his bid was acceptable, with the exception of certain provisions which Congress wanted in, the House would be at liberty to put a provision in if the bidder agreed to it, and the Senate could do likewise. There is no doubt about that.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield.

Mr. CARAWAY. Does it strike the Senator that that would be a very dignified and very appropriate course—to have constant bickerings going on between some fellow and the Congress as to whether we should take this trade or that trade, and all the Members passing on it? Does the Senator think that is possible and practicable?

Mr. HEFLIN. Yes; I think it is possible, and I do not think there is anything undignified about it. It is Government property. We are trying to dispose of it to the best advantage, and we want a provision in the bid to show just what is going to be done with it. I do not think it is undignified to go out and ask some one to bind himself to make cheap fertilizer for the farmer.

Mr. CARAWAY. Now, if the Senator would forget about fertilizer for a moment we would all be glad.

Mr. GEORGE. It might expedite matters to have the fertilizer people come in and take a seat in the Senate while we are considering the matter.

Mr. HEFLIN. No; I am not asking that they be invited to take a seat in the Senate.

Mr. CARAWAY. They already have one.

Mr. GEORGE. We could consult them more readily about changes in the contract.

Mr. HEFLIN. I am glad all of this debate is of record, because the farmers will have an opportunity to see just what is being done with regard to them when time for action arrives. The Senator from Georgia this morning suggested that there was no suggestion or guide in the resolution for the committee to follow. The Senator is entirely mistaken. The resolution refers to House bill 518, that bill refers to the Ford bid, and that bid provides that the lessee shall make at least 40,000 tons of fixed nitrogen and shall sell it to the farmer for not more than 8 per cent profit. It provides that a commission of farmers shall inspect the books of the manufacturer and find out what is the cost of production. It requires that Dam No. 3 shall be constructed, and Dam No. 3 constructed will complete navigation of the entire Tennessee River. So when Senators are trying to load the resolution down with amendments, they are undertaking to kill the development of the Tennessee River. They may not know it. I do not think some of them do.

Mr. CARAWAY. The Senator from Alabama will tell us about it.

Mr. GEORGE. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I yield.

Mr. GEORGE. The Senator said the resolution provides that all bids shall be as good, and therefore no better, of course——

Mr. HEFLIN. As good or better, and I am hoping that we will get one that is better.

Mr. GEORGE. No better, because nobody will offer more than the seller of an article publicly announces he will take. It will be as good and therefore no better than H. R. 518. Which H. R. 518 is referred to?

Mr. HEFLIN. The one that we discussed yesterday and the one that the Senator from Nebraska [Mr. NORRIS] agreed with me was House bill 518, as it passed the House, and not House bill 518 as amended by the Underwood bill or by the Norris bill in the Senate.

Mr. GEORGE. I want to get that very clear, because it is very interesting.

Mr. CARAWAY. It is particularly enlightening when those two gentlemen can settle the whole subject without taking anybody else into consideration.

Mr. GEORGE. There was one bill introduced in the House, H. R. 518, which was the Ford offer. It came to the Senate and in the committee everything was stricken out except the number and title, and then H. R. 518 became the Norris bill. It then came to the Senate and everything was stricken out except the title and number, and the Underwood amendment was substituted, and that then became H. R. 518.

Mr. HEFLIN. That is correct.

Mr. GEORGE. The Underwood amendment, H. R. 518, passed the Senate, went to conference, and was amended and that came back into both the House and Senate as H. R. 518.

Mr. HEFLIN. That is correct.

Mr. GEORGE. That was rejected upon the ground, as ruled by the president pro tempore of this body, that it was wholly a new bill and that it was not at all kindred to anything the Senate passed. Which H. R. 518 is the one the Senator refers to?

Mr. HEFLIN. Yesterday afternoon I discussed that matter, and the Senator from Nebraska [Mr. NORRIS] agreed that what I have said is correct, that the resolution refers to the House bill as it passed the House and before it was amended in the Senate.

Mr. GEORGE. That is the Ford offer?

Mr. HEFLIN. Yes. I called up Congressman GARRETT of Tennessee, who is strongly in favor of the resolution, and he said to me that they meant the House bill, that they had the House bill in mind and not the bill as amended by the Senate, and that if they had referred to that bill they would have said House bill 518 as amended by the Senate.

Mr. GEORGE. I want to get that straight, because I confess I am confused about it.

Mr. HEFLIN. That is the situation. This is the second time I have explained that matter, but it is all right, because I want all Senators to have correct information on every phase of this question.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Would it not be safer for the Senator from Alabama and the Senator from Nebraska and Congressman GARRETT of Tennessee to put their understandings in writing, because there have been so many shifts of position here that the rest of us would like to know that our action is not going to rest upon the fallibility of human memory and that we are not legislating on something as fallible as that?

Mr. HEFLIN. I am sorry my friend talks about changing position, because when he mentions that subject I think of him. He supported the Ford offer very enthusiastically. The Ford offer provided for turning the Muscle Shoals property over to Mr. Ford for a hundred years, and he was to use all of the power right there at Muscle Shoals except what was used for the manufacture of fertilizer. That is not all. We were going to turn over to him Dam No. 3 and he was to have that power. I stand right where I did before when my friend stood with me, I supporting the Ford offer.

Mr. CARAWAY. Who is the Senator standing for now? He was standing by Ford previously. Who is it now?

Mr. HEFLIN. I am standing by whoever will make the best bid.

Mr. CARAWAY. Who is it?

Mr. HEFLIN. I do not know.

Mr. CARAWAY. And the Senator asks me to commit myself to somebody he does not know, to somebody I do not know, to some proposition where I am not allowed even to suggest that it ought to be made fair, and then he claims that is no change of position.

Mr. HEFLIN. Oh, no!

Mr. CARAWAY. Is the Senator from Alabama perfectly willing to tie his hands and give this great national asset to somebody about whom he knows nothing and on terms as to which he is not willing even to have a suggestion made for amendment?

Mr. HEFLIN. Not at all.

Mr. CARAWAY. Then where does the Senator stand?

Mr. HEFLIN. I will say once more that——

Mr. CARAWAY. It does not take any "once more" for the Senator to tell his stand about fertilizer. We all understand about that.

Mr. HEFLIN. I will say that whoever bids, his bid will be sent to the Senate and the House to be accepted or rejected.

Mr. CARAWAY. And we are not to be allowed to amend a single line of it.

Mr. HEFLIN. That is not the situation. It can be amended.

Mr. CARAWAY. Oh, no, because it is a contract.

Mr. HEFLIN. I do not agree with the Senator on that.

Mr. CARAWAY. I do not care whether the Senator agrees to it or not.

Mr. HEFLIN. If the man making the bid would say that he would be willing to put a new provision in it, Congress could permit him to do so.

Mr. CARAWAY. That is, we will go outside hat in hand to somebody who wants the power and say, "Now, my lord, will you let us amend this contract by adding this language?" Is that the Senator's position?

Mr. HEFLIN. Not at all.

Mr. CARAWAY. Then what is it? Now do not talk again about standing by somebody. Just tell us what it is.

Mr. HEFLIN. If the Senator could defeat the resolution——

Mr. CARAWAY. Just where is the Senator standing? Where does he stand now?

Mr. HEFLIN. If the Senator should defeat this resolution he would say "My lord" at some other place much louder than he has just said it here.

Mr. CARAWAY. Will the Senator tell us where he stands?

Mr. HEFLIN. I am trying to do so if I can have time in my own time to do so. I have the floor.

Mr. CARAWAY. The Senator has had plenty of opportunity every day since the matter came up. Nobody else can get the floor except the Senator from Alabama.

Mr. HEFLIN. I repeat I am hoping that some one will make a bid in line with the Ford offer.

Mr. CARAWAY. Who is it?

Mr. HEFLIN. I do not know.

Mr. CARAWAY. Oh, well! The Senator has a mighty strong suspicion, has he not?

Mr. HEFLIN. No; I have not.

Mr. CARAWAY. He just does not care who gets it.

Mr. HEFLIN. No; that is not my attitude at all.

Mr. CARAWAY. What is the Senator's attitude then?

Mr. HEFLIN. My attitude, if I can get the attention of the Senator——

Mr. CARAWAY. If the Senator would forget about fertilizer a minute, perhaps he could tell us where he stands.

Mr. HEFLIN. My attitude is that I would lease it to some private individual and have the proposed lease brought back and laid before the Senate and laid before the House. I would let the Senator from Arkansas pick it to pieces if he could and let every other Senator do likewise. No one here is undertaking to receive a bid and accept it without first having Congress to place its approval upon it. That is fair and that is just to the Congress and the country. Senators can not get away from the position that they now find themselves in by any such argument as that. They have stood here and pleaded for the making of cheap fertilizer through the plan submitted by Henry Ford, but now they are backing off when we require that whoever gets it shall make cheap fertilizer for the farmer as Ford agreed to make it and not charging more than 8 per cent profit.

Senators, the farmers can not be here. They are scattered throughout the South and West. They are trusting to those of us who have been elected here. Many of us have received their almost solid support, and I am one of them. I am proud to speak for them, and I hate to see any division on this side of the aisle at all when this great question is up for consideration. We all signed the minority report supporting the Ford offer; the Senator from South Carolina [Mr. SMITH], the Senator from Arkansas [Mr. CARAWAY], and myself. We recommended that the whole proposition be turned over to one man, and that that one man should use it to make fertilizer for the farmer, nitrates for the Government, and do what he pleased with the power at Muscle Shoals. Now, because the farmer has dared to ask that we pass this resolution without amendment so as to prevent its defeat, it is said we are doing an undignified thing, a pitiful thing. The farmers have a right to be heard. They have more friends on the hustings and fewer in some legislative bodies than any other class of people that I know. Senators stand up and smite themselves on the breast when they are running for office and say, "I am for you farmers; I am your friend"; and when they get in the Senate Chamber where they can show their friendship for the farmer, where their alleged friendship can be translated into something worth while, we find them squirming, dodging, and evading. The Power Trust is abroad in the land.

The farmer is asking not to have the resolution changed. The farmers are opposed to changing it. The President wants it passed just as it is. The House of Representatives have passed it just as it is in the hope of leasing this property at an early day. The Senate Committee on Agriculture and Forestry reported it without change, and I believe that two-thirds of the Senators are ready to vote for the resolution without change, and yet fun is made of those of us who stand up and ask that it be put through and bids brought back in the interest of the toiling farmers of America. It is said that we can not amend the bid reported; but we can. If the man who will agree to make fertilizer for the farmers is in earnest, and if some Member of the House should inform him, as I said before, "We will vote for it with this provision in it," there is no doubt that it could be amended if the bidder should agree to do as the House requested.

Mr. GEORGE. Mr. President, I renew the suggestion that it would be much more convenient to have the representative of the fertilizer people take a seat in this body, so he could be consulted without any of us going outside of the Chamber. Why make it necessary to go outside every time a suggested amendment to the contract is made? Why not bring the fertilizer representative into the Senate Chamber?

Mr. SMITH. We have converted ourselves into a negotiating company.

Mr. GEORGE. Absolutely.

Mr. HEFLIN. I do not think there is any merit in that suggestion.

Mr. CARAWAY. Of course not. The Senator himself did not make it.

Mr. HEFLIN. I am rather surprised that it should come from a Senator from the great State of Georgia.

Mr. CARAWAY. Of course, it should have come from Alabama.

Mr. HEFLIN. Those people down there are paying the fertilizer combine for their fertilizer this year between $5 and $10 a ton more than formerly. The farmers of the Senator's own State are paying $62 a ton for nitrate of soda, buying it through the cooperative marketing system, and the individual or little farmer in the open market pays $75 a ton. We are seeking to grant them relief, and we are told that we ought not to hold up the legislation to go out and consult somebody who will agree to give them relief but should bring him in and seat him in the Senate.

Mr. GEORGE. Mr. President, if the Senator will yield, I happen to be one of the farmers of Georgia, and I hold in my hand a quotation on fertilizer at this moment, received this morning. The figure is $30.72 for 8–4–4 goods, cash, and $60.69 for nitrate of soda.

Mr. HEFLIN. Doctor Duncan, of Athens, Ala., was here last week, a State senator in my State, and a big farmer. He told me he paid $62 a ton for nitrate of soda coming here from Chile, a foreign country, and that his neighbors, not members of the cooperative organization, paid as high as $75 a ton.

Mr. GEORGE. The reason why I rose was merely to say that I am one of the farmers in the State of Georgia and that I buy fertilizer, and these are the prices that I am paying for it to-day. It is not a question of price.

Mr. HEFLIN. How do those prices compare with the prices of last year?

Mr. GEORGE. They are exactly the same.

Mr. HEFLIN. I thought the Senator and I had a conversation on this subject last year, and he agreed with me that the prices of fertilizer had advanced $5 a ton?

Mr. GEORGE. The prices did advance last year.

Mr. HEFLIN. And the price this year is approximately the same, with this $5 increase added?

Mr. GEORGE. The price now is the same as it was last year.

Mr. HEFLIN. With the $5 added, which makes it $5 a ton more.

Mr. GEORGE. I want to ask the Senator from Alabama how the farmers are going to get any fertilizer and how cheap is the fertilizer to be sold to the farmers under this resolution?

Mr. HEFLIN. The fertilizer is to be sold at a price not over 8 per cent profit, while it has been claimed that some of the manufacturers have been making a profit of 50 per cent and some of them a profit of even 75 per cent on fertilizer.

Mr. GEORGE. Very well. Fertilizer, then, is to be sold for 8 per cent above whatever it costs the lessee to make it?

Mr. HEFLIN. Certainly.

Mr. GEORGE. In other words, it will be sold at cost plus 8 per cent. How is that going to get cheap fertilizer for the farmer?

Mr. HEFLIN. Mr. Hooker said they ought to be able to make it at half price and Mr. Mayo said the same thing before our Committee on Agriculture.

Mr. GEORGE. Does the Senator think that we could turn over this vast public property to anybody to make fertilizer with any assurance that there would be a single cent of reduction per ton on any grade of fertilizer when the lessee will be allowed to charge the cost price plus 8 per cent profit?

Mr. HEFLIN. Yes; certainly, Mr. President; otherwise I should not be supporting the resolution. I am surprised that the Senators who used to be with me on the very same proposition in the Ford bill have now deserted me.

Mr. GEORGE. No, Mr. President; I was never with the Senator on the Ford bill.

Mr. HEFLIN. The Senator was not then here, I believe?

Mr. GEORGE. No; I was not then here. And had I been here, I would not have been for the Ford bill.

Mr. HEFLIN. Well, the Senator's colleague, who is a very clever and very able Senator, was for that bill.

Mr. GEORGE. Yes; that is all right. Nor was I for the Underwood bill until we wrote into the bill that the surplus power should be distributed, because I know that if Muscle Shoals shall be leased to a private concern, the one single guaranty that fertilizer will be made and sold for one penny less than the fertilizer people are now selling it for is to take away from the lessee the enormous surplus power so that he can not recoup the loss that he will sustain on fertilizer by

making an enormous profit out of the property that belongs to the people of the United States. If we shall leave that out of the resolution, we shall simply give in to private hands a vast public property which is owned by all the people of the United States without the least guaranty that there will be even the slightest economy in the manufacture of fertilizer.

Mr. HEFLIN. Then, Mr. President, the position of the Senator is that he would not so arrange this lease that the lessee can profit by making fertilizer, but will handicap and hamstring him so that he will have to abandon it.

Mr. GEORGE. No, Mr. President.

Mr. HEFLIN. That is the Senator's attitude; that is the logical situation in which the Senator has put himself.

Mr. GEORGE. Oh, no, Mr. President.

Mr. HEFLIN. I want to interpret what the Senator said.

Mr. GEORGE. Well, the Senator——

Mr. HEFLIN. The Senator wants to take that surplus power away from the lessee so that he can not recoup out of it what he may lose on fertilizer. I do not care if he loses on fertilizer if he can recoup out of the power. I want to relieve the farmers of Georgia and the South.

Mr. GEORGE. Then, Mr. President, it would be better to pay to the Fertilizer Trust an outright subsidy out of the Treasury of the United States, so that we may know what we are giving them, rather than to give them this vast property that belongs to all the people.

Mr. HEFLIN. O Mr. President——

Mr. GEORGE. Does the Senator from Alabama want to subsidize them? If so, let us have the courage to say so, and say how many dollars and cents we propose to give to them.

Mr. HEFLIN. The Senator from Georgia himself is talking about the subsidy business, but I am talking about relieving the farmers.

Mr. GEORGE. The Senator from Alabama is talking about the subsidy, because he wants the lessee to recoup his losses on fertilizer out of this vast power.

Mr. HEFLIN. I can not yield to the Senator to make a speech in my time to get himself out of the awful predicament into which he has placed himself.

Mr. GEORGE. If any Senator wishes to make a speech on this question, he will have to do it in the time of the Senator from Alabama, because, although the Senator has repeatedly stated that there was no argument against his proposition——

Mr. HEFLIN. There is none.

Mr. GEORGE. And that he had made it perfectly plain, he persists in standing on the floor continuously after unanimous consent has been given to vote on the resolution on next Monday and occupying it every moment of the time, and my only apology is that if I have anything to say I must say it in the time of the Senator from Alabama.

Mr. HEFLIN. I deny that statement. The Senator from Alabama spoke for about 2 hours on Monday; about 12 hours have been used on the other side and a little more than 2 hours on this side. Senator HOWELL, of Nebraska, opposing the resolution, spoke two hours and a half yesterday. I sent word to the Senator from Georgia while he was eating his lunch——

Mr. GEORGE. And I came.

Mr. HEFLIN. That if he wanted to speak——

Mr. GEORGE. I came, and the Senator from Alabama was going on like the water over the dam at Muscle Shoals. [Laughter.] He is going on forever.

Mr. HEFLIN. I sent word to the Senator from Georgia that the Senator from Tennessee [Mr. TYSON] was about to conclude his speech, and if he wished to speak to come in; but the Senator from Tennessee concluded before the Senator from Georgia got here, and I took the floor in order to make a statement or two. I should have been through long ago if Senators had not got themselves into the awful predicament in which they now find themselves by asking me questions.

Mr. CARAWAY. Mr. President, may I ask the Senator from Alabama a question?

Mr. HEFLIN. Yes; I yield.

Mr. CARAWAY. Would the Senator from Alabama mind indicating when he would be willing to yield the floor and let some others of us have a minute of time? The Senator may take another hour or two; I do not want to hurry him at all. [Laughter.]

Mr. HEFLIN. I spoke the other day, Mr. President——

Mr. CARAWAY. For five hours.

Mr. HEFLIN. And I yielded to interruptions. Probably I was on the floor two hours all together, and the interruptions amounted to 45 minutes of that time. I did not intend to speak as long as I did.

Mr. CARAWAY. When is the Senator going to quit? That is what I want to know.

Mr. HEFLIN. The Senator from Georgia [Mr. GEORGE] has put himself in the attitude of denying to whomsoever gets this dam the right to recoup out of the power if he should sell fertilizer to the farmer so cheaply that he can not make money out of it.

Mr. GEORGE. No, Mr. President; I have said that if we want to pay the Fertilizer Trust a subsidy let us be honest and pay it out of the money in the Treasury, and know what we are paying them.

Mr. HEFLIN. Yes.

Mr. GEORGE. That is all I insist on.

Mr. HEFLIN. I hope I will understand the Senator, and I think I will before we get through.

Mr. GEORGE. I doubt that, Mr. President. [Laughter.]

Mr. HEFLIN. Mr. President, the Senator is probably right about that.

Mr. GEORGE. Yes; I think it is true.

Mr. HEFLIN. The Senator knows his capacity to make people understand him better than I do.

Mr. GEORGE. And I know the capacity of the Senator from Alabama to understand what is perfectly plain to everybody.

Mr. HEFLIN. No, Mr. President; the thing that hurts some Senators is that I am making this situation too plain. I will again make it plain——

Mr. CARAWAY. Do not do that. [Laughter in the galleries.]

Mr. HEFLIN. That the farmer is being deserted here.

The PRESIDING OFFICER. If occupants of the galleries persist in laughing, the Chair will have the Sergeant at Arms clear the galleries. We are here for business and not for pleasure.

Mr. CARAWAY. Oh, Mr. President, do not do that.

Mr. HEFLIN. Mr. President, I decline to yield to the Senator from Arkansas to carry on his walking conversation.

The PRESIDING OFFICER. Senators will take their seats. The Senator from Alabama will not proceed until there is order in the Chamber.

Mr. HEFLIN. There are some strange things going on around here.

Mr. SMITH. There are.

Mr. HEFLIN. The Power Trust is in action and the Fertilizer Trust is looking on.

Mr. CARAWAY. We have heard them.

Mr. HEFLIN. I can see their tracks. There is something wrong around here, Mr. President.

Mr. SMITH. There is no doubt about it.

Mr. HEFLIN. I make no reflection upon any Senator, but there is something wrong somewhere regarding this question. Senators who have stood here and boldly declared in favor of the offer of Henry Ford to make fertilizer in the very way that we are proposing to require that it shall be made under this resolution have now changed completely, have turned about face, and walk around and snap and quarrel, one way and another, about our trying to "turn over this vast property to somebody for a song." What are we trying to do with it? We are trying to guarantee cheap fertilizer for the farmer. Then Senators come in and let their positions be known by saying, "We want power." On which side is the center of gravity in their natures—on the farmer's side, with cheap fertilizer, or on the Power Trust's side, with power? "By their fruits ye shall know them."

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I yield.

Mr. COPELAND. Mr. President, I ask in all frankness and sincerity of the Senator from Alabama, does he believe that the plan he has in mind is going to make available to the farmers of this country a vast quantity of cheap fertilizer?

Mr. HEFLIN. Certainly.

Mr. COPELAND. Mr. President, I am surprised to hear the Senator say that, because from what we heard yesterday from the junior Senator from Nebraska [Mr. HOWELL] and from what we have heard on various occasions from the senior Senator from Nebraska [Mr. NORRIS], and others who have studied this question, it has been developed that the making of cheap fertilizer no longer depends upon large quantities of power.

I want to say for myself, Mr. President, that I can not understand why the farmers of the country are here urging the adoption of this resolution. There is not anything in the resolution, as I see it, that is going to help the farmers of America. We have here a project which will be a power project. I can not blame the Senator from Alabama for urging the adoption of his resolution and the operation of this

plant as a power project, because his State is almost the only one which will be benefited, but as one from a distant State, a State which contributed a very large proportion of the $167,000,000 which went into the plant at Muscle Shoals, I protest against giving it over to private interests, to be operated purely in the interest of local institutions, no matter though they may be in the State of my friend, the Senator from Alabama.

Mr. HEFLIN. Now, Mr. President, I am a little surprised at my good friend from New York. He told me the other day in the open Senate that if we could make it certain that any bids which were received would be reported back to the Congress for our consideration he would vote for the resolution. Now, he has found another objection to it. The Senator's own State is trying to take over its own water-power projects and control them; and it is right about it. Now, however, he is serving notice on me and the Senators from other States that he proposes to have projects in those States taken over by the Federal Government, but that the Government must keep its hands off such projects in the State of New York.

Mr. COPELAND. Mr. President, I am sure my friend from Alabama does not want to misrepresent the attitude of the Senator from New York. I did not say that I would vote for the resolution if it were changed. I said I certainly would not unless it were changed.

Then further, as regards the Senator's second statement, I can not see why the investment of the United States Government of $167,000,000 should make this a project to be developed and to be used purely in the interest of the State of Alabama.

Mr. HEFLIN. That is not being done.

Mr. COPELAND. Is not that what the Senator said a moment ago, that he did not want me to interfere with what was going on in Alabama——

Mr. HEFLIN. No.

Mr. COPELAND. Because the governor of my State is trying to keep the water powers of that State intact for the people?

Mr. HEFLIN. I was calling attention to the Senator's attitude; that he told me the other day he wanted the policy of Al Smith to be carried out in New York, where they are seeking to control their own power projects. But now he is coming here in the Senate and urging that the Senate apply a different rule to the situation in my State. That was the attitude to which I was trying to call attention.

Mr. COPELAND. Does the Senator from Alabama think that is a fair statement of the situation?

Mr. HEFLIN. I think so.

Mr. COPELAND. The governor of my State is trying to control the water powers within the State——

Mr. HEFLIN. Yes.

Mr. COPELAND. For the benefit of the people of the State; but this great project in Alabama was developed under an act of Congress which provided that—

> The plant or plants provided for under this act shall be constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

That was the contract we entered into with the people of this country; and I want to say it is a violation of that contract and a violation of the understanding of our people when they entered into it now to turn it over to private interests to be developed, I do not care whether in Alabama or in any other State.

Mr. HEFLIN. The Senator, then, is opposed to leasing it and wants the Government to operate it?

Mr. COPELAND. I am glad to say yes; I do, until the Government finds out what should be the ultimate disposition of this property, for as yet the Government has not found out what is the wise thing to do.

Mr. HEFLIN. It is estimated that cheap fertilizer made at Muscle Shoals will save to the farmers of the South $200,000,000 annually on their fertilizer bill. Would the Senator deny us the right to grant that relief to our people from this great project down there in the South if some party is willing to lease it and agree to make cheap fertilizer, as Ford agreed to make it?

Mr. COPELAND. Mr. President, there is such a radical difference of opinion between the Senator and myself on this subject that it is impossible to debate it. My position is that it has been proven conclusively that this plant will never be used for the development of fertilizers, and that the farmers of this country are being hoodwinked by all the plans and schemes which seek to put it over upon the public in this particular way.

Mr. HEFLIN. It is not conceded at all that fertilizer can not be made there. All those who know the situation down there know that it can be made. They have already made nitrogen there; we had samples of it before the Committee on Agriculture, as I said yesterday; they have made considerable quantities of it; but they do not have to use the cyanamide process; they can use other processes to make cheap fertilizer for the farmers.

Mr. President, I know that our farmers will appreciate the coming to their rescue of the Senator from New York. He was so amiable and nice the other day that I thought he was about to vote with us; but when he got up and said to me that unless I agreed to put the word "shall" in the concurrent resolution I would surely lose his vote, and I took the matter up with Congressman GARRETT of Tennessee and discussed it with him, he said: "That is not necessary at all. The last line in the concurrent resolution says that they shall report by the 1st of April." I came back and read it over to the Senator and showed him the House rule, and he smiled and we chatted together very pleasantly, and I thought he had been converted and was going to be saved. Now he has gone off and he is getting on the backs of our farmers, and from the great city of New York he is telling the farmers of the South that when we want cheap fertilizer for them we are trying to hoodwink them and put something over on them. I am sure they will appreciate the position of the Senator from New York. Of course they will. If they were here, they would laugh out loud.

But they say, "You can not make fertilizer down there." Mr. President, some of these same Senators used to stand here and say we can make fertilizer down there. Which time am I going to believe them? I am standing now where I stood then. We said we could make it then. We had already made it there. Ford agreed to make it. We were going to accept his bid. Then a private individual was going to take it, not for 50 years, I will say to the Senator from New York, but for 100 years; and the Senator from New York, as I recall, never protested at all. But now, when power propositions are coming, coming thick and fast we are told, they change their attitude. Power concerns have rights, and they have a right to be heard, and they are being heard and felt.

Mr. COPELAND. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. COPELAND. I want to say to the Senator from Alabama that I have been against any proposition for the leasing of this property. My vote has been consistent from the beginning to now, and I am going to continue to stand against it, because I am not willing to have this property, owned by the American people, turned over to any private corporation at this stage; I do not care what corporation it is.

Mr. HEFLIN. I understand the Senator's attitude; but I want to remind him that the Hickory powder plant in Tennessee, built during the war, cost the Government $88,000,000, and when the war was over the Government sold it for $4,500,000—a loss to the Government of $83,500,000. This dam at Muscle Shoals makes the river navigable for 25 miles, and, in addition to that, the dam is going to be made to pay for itself and more; and I want to say to the Senator from New York again that it is the only one of all the war projects that is going to pay for itself and make money for the Government.

Senators talk about giving this plant away to somebody down there. Some Senators do not seem to understand the facts about this situation. They keep saying that experts say fertilizer can not be made there. My good friend from New York must be an expert on fertilizer, because he says it can not be made there, and the Senator from South Carolina says it can not be made there.

Mr. SMITH. Which Senator from South Carolina?

Mr. HEFLIN. Did not the senior Senator from South Carolina say that?

Mr. SMITH. No.

Mr. HEFLIN. I thought he did.

Mr. SMITH. I said the Government could make it and not charge any 8 per cent. The Senator is working for a Power Trust to make it, and then, on top of its cost, to charge the farmers 8 per cent; whereas I said, since the Government had constructed the plant and had developed the processes, let the Government go on until it decides just what is the cheapest process, and then keep going on and relieve the farmer without charging 8 per cent under any patent that some private individual may have.

Mr. HEFLIN. No power trust. My purpose is to let somebody make fertilizer who will do so under the rules and regulations that we lay down and make him sell it to the farmer

at not over 8 per cent profit; and I hold that when that is done it will cut his fertilizer bill in half and save to South Carolina $14,000,000 a year.

Mr. SMITH. Then why not let the Government do it? Why does the Senator want to go out and give it to a private corporation?

Mr. HEFLIN. I do not believe in the Government going into the manufacturing business against private citizens.

Mr. SMITH. The Senator does not believe, then, in the Government running the boat line on the Mississippi that has saved us millions?

Mr. HEFLIN. That is all right. That is a different proposition.

Mr. SMITH. The Senator does not believe in the Government running the Postal Service?

Mr. HEFLIN. The boat line on the Mississippi was instituted during the war or soon after. That is a different proposition altogether.

Mr. SMITH. I know it is when it comes to a trust.

Mr. HEFLIN. We want to lease this property; three-fourths of the Senate want to lease it; four-fifths of the House want to lease it; the President wants to lease it; the farmers want to lease it; but the Power Trust and the Fertilizer Trust are seeking to defeat this resolution.

Mr. SMITH. Which farmers?

Mr. HEFLIN. All of them; nearly all of them except some farmers who say they are farmers and are not farmers in the true sense of the word.

Mr. SMITH. Like the gentleman who is pleading for them.

Mr. WHEELER. Mr. President, where does the Senator find those farmers who are not farmers and say they are farmers?

Mr. HEFLIN. I do not want to call any names.

Mr. WHEELER. The only farmers I have heard from who are for this concurrent resolution are those farmers who farm the farmers, who live down in Washington.

Mr. SMITH. That is right.

Mr. HEFLIN. There are some of them about here who are farming them now.

Mr. WHEELER. I am not a farmer, so that does not apply to me.

Mr. HEFLIN. Mr. President, these present-day pessimistic prophets of evil, who used to stand here and talk about how glorious it would be to turn out vast quantities of cheap fertilizer at Muscle Shoals, when the farmers would buy it at reduced prices and use it in abundance and make the earth to blossom as the rose, and how all the people in the kingdom of agriculture would be happy, have turned completely around, and they are saying, "You can not make cheap fertilizer down there." After we get this property leased, and they do make cheap fertilizer at Muscle Shoals, and they see it, the situation will then be somewhat different.

I am reminded of the old chronic kicker who did not believe anything was ever going to come to pass until it had come to pass. He was not an optimist by any means. He was like the son of old man Greer, the author of Greer's Almanac. Somebody asked the son if he had the prophetic vision that his father had. The man who made the inquiry said: "Your father could always tell when it was going to rain." The boy said: "No; I have not his talent along that line, but I can always tell when it has rained." [Laughter.]

These Senators who say that fertilizer can not be made at Muscle Shoals, including my good friend, the specialist on the subject, from New York, remind me of the story of the old village pessimist and chronic kicker of the community. Every time they would tell him they were going to do something of value for the community he would say: "They can not do it. They will never do it." Finally the surveyors went through that territory surveying a railroad, and the people said: "Uncle Johnny, they are making a survey preparatory to building a railroad through this community." Uncle Johnny said: "Road surveying and road building are two different and distinct propositions. My judgment is they will never build it." But after a while they said: "Uncle Johnny, they are digging the dirt; they are building the road." He said: "They will never complete it." Finally they went up to him and said: "Uncle Johnny, the road is completed. The train came in this morning. It is standing out yonder on the track now." He said: "I will never believe it until I see it." They went out there, and the engine was standing there cold and lifeless, and he said: "My judgment is they will never budge her." In a little while they united the forces of the fire, the coal, and the water and the engine pulsing like a thing of life went thundering down the track, whistle blowing, sparks flying, and train roaring as it sped by the spot where Uncle Johnny stood. He looked at it with wide-eyed astonishment, and his friend almost knocked him down as he hit him on the back and said: "What have you to say now?" He said: "By golly, they will never stop her!" [Laughter.]

So, Mr. President, when we get the fertilizer machinery at Muscle Shoals going good in the interest of the American farmer and these senatorial prophets of evil, these seemingly unhappy and pessimistic patriots go down there and see it running, and see the boats on the Tennessee River taking away fertilizer, and see the phosphate rocks of Tennessee coming up out of the earth by the thousands of tons and the green potash shales of Georgia coming to the relief of the farmers, and tons and tons of nitrogen plucked out of the air above Muscle Shoals, they will see the farmers reducing the cost of production and his fields yielding increased production per acre; and, as they hear the hum of wheels and the roar of industry as cheap fertilizer for the farmer is produced, they will say, "We did not believe they could even start her, and now we say, by golly, you will never stop her!" [Laughter.]

Mr. President, I would not have talked over 10 minutes if these opponents of the resolution and these fertilizer specialists had not interrupted me so frequently.

NATIONAL AND STATE QUARANTINE REGULATIONS

Mr. GEORGE obtained the floor.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me for a few moments?

Mr. GEORGE. I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, the Supreme Court of the United States handed down on March 1 an opinion which is of very great and direct immediate importance to every State in the Union. It is the case of Oregon-Washington Railroad & Navigation Co., plaintiff in error, against the State of Washington. It involves the power of the several States to enforce quarantine orders or regulations. I desire to arrest the attention of the Senate and the country to the great importance and far-reaching effect of this decision.

The Supreme Court of the United States holds that when Congress has dealt with the subject of quarantine—that is to say, has dealt with the subject of transportation in foreign and interstate commerce of anything which by reason of its character can convey disease to and injure trees, plants, or crops—the power of the individual State to deal with that subject is suspended. In other words, it holds that by the act of March 4, 1917, the Secretary of Agriculture is authorized and directed to deal with this whole subject matter. The State of Washington had promulgated and was enforcing certain quarantine orders or regulations as against the bringing into that State of alfalfa infested with the so-called alfalfa weevil. The proceeding was against the transportation company for violating that State regulation or quarantine order. The Supreme Court of Washington upheld the action of the State, but now our Supreme Court has reversed the decision of the Supreme Court of the State of Washington, and in so doing has delivered the opinion to which I am inviting the attention of the Senate. I am sure this decision must directly interest every Member of the Senate and every citizen of the country, because we are all vitally interested in agriculture and strive to guard against the dangers which come from the pests, so numerous, that attack and destroy the products of the soil. If the Senator from Georgia will indulge me, I beg to read the concluding paragraph of this all-important decision. It will thus be seen why I am prompted to call the decision to the attention of the Senate and the country.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes; I yield.

Mr. KING. I am sure the Senator will be glad now, in view of that decision, to have an order promulgated by the Department of Agriculture which will do away with the prohibition now in existence in California against the importation into California of the very superior grapefruit from Florida.

Mr. SHORTRIDGE. I do not wish to be diverted to enter into a controversy as to the relative merits of California and Florida grapefruit.

Mr. GEORGE. I do not yield for that important discussion between the Senators.

Mr. SHORTRIDGE. I do not desire to deal with this important matter in a spirit of levity nor attempt any wit. If the Senator from Georgia will pardon me for a moment, I know this decision affects his State, as it does mine, as it does Utah, as it does every other State in the Union. Senators will immediately grasp the far-reaching effect of this decision, which has alarmed many of the States already, as I know from

many telegrams which have come to me. After a statement of the case and a review and discussion of authorities the Supreme Court says:

It follows that pending the existing legislation of Congress as to quarantine of diseased trees and plants in interstate commerce, the statute of Washington on the subject can not be given application. It is suggested that the States may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the States to quarantine; and that if he does not act, there is no invalidity in the State action. Such construction as that can not be given to the Federal statute. The obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act it must be presumed that it is not necessary. With the Federal law in force, State action is illegal and unwarranted.

I repeat, Mr. President, that everyone will grasp the far-reaching importance of this decision. Until the Congress has acted upon the subject it is, of course, conceded that the State has the power to regulate the subject matter and protect itself; but it is held when Congress has acted, as the court points out it did act by the passage of the law of March 4, 1917, then all State regulations upon that subject are suspended, the power of the State is suspended, to deal with the subject. "When Congress has acted and occupied the field," says the court, "as it has here, the power of the States to act is prevented or suspended."

I have indulged in these explanatory words, Mr. President, preliminary to asking unanimous consent that this opinion be published in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES

(No. 187, October Term, 1925)

Oregon-Washington Railroad & Navigation Co., plaintiff in error, *v.* State of Washington. In error to the Supreme Court of the State of Washington

(March 1, 1926)

Mr. Chief Justice Taft delivered the opinion of the court.

This was a bill of complaint filed by the State of Washington in the Superior Court of Thurston County of that State against the defendant, the Oregon-Washington Railway & Navigation Co., an interstate common carrier in the States of Idaho, Oregon, and Washington. The bill averred that there existed in the areas of the States of Utah, Idaho, Wyoming, Oregon, and Nevada an injurious insect popularly called the alfalfa weevil and scientifically known as the phytonomus posticus, which fed upon the leaves and foliage of the alfalfa plant, to the great damage of the crop; that the insect multiplied rapidly and was propagated by means of eggs deposited by the female insect upon the leaves and stalks of the plant; that when the hay was cured, the eggs clung to and remained dormant upon the hay and even in the meal made from it; that the eggs and live weevils were likely to be carried to points where hay was transported, infecting the growing crop there; that when the hay was carried in common box cars the eggs and live weevils were likely to be shaken out and distributed along the route and communicated to the agricultural lands adjacent to the route; that a proper inspection to ascertain the presence of the eggs or weevils would require the tearing open of every bale of hay and sack of meal, involving a prohibitive cost of inspection, and that the only practical method of preventing the spread into uninfested districts was to prohibit the transportation of hay or meal from the district in which the weevil existed; that the pest is new to, and not generally distributed within, the State of Washington; that there is no known method of riading a district infested of the pest; that subsequent to June 8, 1921, and prior to September 17, 1921, information was received by the Washington director of agriculture that there was a probability of the introduction of the weevil into the State across its boundaries; that he thereupon investigated thoroughly the insect and the areas where such pests existed and ascertained it to be in the whole of the State of Utah, all portions of the State of Idaho lying south of Idaho County, the counties of Uinta and Lincoln in the State of Wyoming, the county of Delta in the State of Colorado, the counties of Malheur and Baker in the State of Oregon, and the county of Washoe in the State of Nevada; that he, with the approval of the governor of the State, thereupon, on or about September 17, 1921, made and promulgated a quarantine regulation and order under the terms of which he declared a quarantine against all of the above-described areas and forbade the importation into Washington of alfalfa hay and alfalfa meal, except in sealed containers, and fixed the boundaries of the quarantine. The bill further averred that the defendant, knowing of the proclamation, and in violation thereof, had caused to be shipped into Washington, in common box cars, and not in sealed containers, approximately 100 cars of alfalfa hay, consigned from various points in the State of Idaho lying south of Idaho County and through the State of Oregon and into the State of Washington, in direct violation of the quarantine order; and that unless enjoined, the defendant would continue to make these shipments from such quarantined area in the State of Idaho into and through the State of Washington; that large quantities of alfalfa were grown in the eastern and central portions of Washington and adjacent to the railroad lines of the defendant and other railroads over which such shipments of alfalfa hay were shipped and were likely to be shipped in the future, unless an injunction was granted, to the great and irreparable damage of the citizens of Washington growing alfalfa therein. A temporary injunction was issued, and then a demurrer was filed by the defendants. The demurrer was overruled. An answer was filed and in each of the pleadings was set out the claim by the defendant that the action and proclamation of the director of agriculture and the governor, and chapter 105 of the Laws of Washington of 1921, under which they acted, were in contravention of the interstate commerce clause of the Federal Constitution and in conflict with an act of Congress.

At the hearing there was evidence on behalf of the State that the Oregon-Washington and Northern Pacific Railroads ran through the parts of the State where the alfalfa was raised; that the weevil had first appeared in Utah in 1904 in Salt Lake City and that it had spread about 10 miles a year; that it came from Russia and southern Europe; that it would be impossible to adopt any method of inspection of alfalfa hay to keep out the weevil not prohibitory in cost; that in Europe the weevil is not a serious pest, because its natural enemies exist there and they keep it down; that the United States Government had attempted to introduce parasites, but that it takes a long time to secure a natural check from such a method; that methods by using poison sprays, by burning, and in other ways had been used to attack the pest, but that no one method has been entirely successful; that there is no practical way of eliminating the beetles completely if the field once becomes infected, and the continuance of the pest will be indefinite; that the great danger of spreading the infection is through the transfer of hay from one section to another. In behalf of the defendant it was testified that the prevalent opinion in regard to the spread of the alfalfa weevil and the damage it was doing was vastly exaggerated; that the spread of the weevil from hay shipped in the cars through the State of Washington was decidedly improbable. The superior court made the temporary injunction permanent and the Supreme Court of Washington affirmed the decree. This is a writ of error under section 237 of the Judicial Code to that decree.

By chapter 105 of the Washington Session Laws of 1921, page 308, the director is given the power and duty, with the approval of the governor, to establish and maintain quarantine needed to keep out of the State contagion or infestation by disease of trees and plants and injurious insects or other pests, to institute an inspection to prevent any infected articles from coming in except upon a certificate of investigation by such director, or in his name by an inspector. Upon information received by the director of the existence of any infectious plant, disease, insect, or weed pest new to or not generally distributed within the State, dangerous to the plant industry of the State, he is required to proceed to investigate the same, and then enforce necessary quarantine. There is a provision for punishment of a fine of not less than $100 or more than $1,000, or by both such fine and imprisonment, for violation of the act.

In the absence of any action taken by Congress on the subject matter, it is well settled that a State in the exercise of its police power may establish quarantines against human beings or animals or plants, the coming in of which may expose the inhabitants or the stock or the trees, plants, or growing crops to disease, injury, or destruction thereby, and this in spite of the fact that they necessarily affect interstate commerce.

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), speaking of inspection laws, says at page 203:

"They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State and those which respect turnpike roads, ferries, etc., are component parts of this mass."

Again he says, at page 205:

"The acts of Congress passed in 1790 and 1799 empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea, and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States, for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, or so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in

virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce."

This court in the Minnesota Rate cases (230 U. S. 352, 406) said:

"Quarantine regulations are essential measures of protection which the States are free to adopt when they do not come into conflict with Federal action. In view of the need of conforming such measures to local conditions Congress from the beginning has been content to leave the matter for the most part, notwithstanding its vast importance, to the States and has repeatedly acquiesced in the enforcement of State laws. * * * Such laws undoubtedly operate upon interstate and foreign commerce. They could not be effective otherwise. They can not, of course, be made the cover for discriminations and arbitrary enactments having no reasonable relation to health (Hannibal & St. Joseph Railroad Co. *v.* Husen (95 U. S. 465, 472, 473); but the power of the State to take steps to prevent the introduction or spread of disease, although interstate and foreign commerce are involved (subject to the paramount authority of Congress if it decides to assume control), is beyond question. (Morgan, etc., S. S. Co. *v.* Louisiana, 118 U. S. 455; Missouri, Kansas & Texas Ry. Co. *v.* Haber, 169 U. S. 613; Louisiana *v.* Texas, 176 U. S. 1; Rasmussen *v.* Idaho, 181 U. S. 198; Compagnie Française, etc., *v.* Board of Health, 186 U. S. 380; Reid *v.* Colorado, 187 U. S. 137, 138; Asbell *v.* Kansas, 209 U. S. 251.)"

Counsel for the company argues that the case of Railroad Co. *v.* Husen (95 U. S. 465) is an authority to show that this law as carried out by the proclamation goes too far, in that it forbids importations from certain parts of Idaho, of Utah, of Nevada, of alfalfa hay, without qualification and without any limit of time. The Husen case is to be distinguished from the other cases cited, in that the Missouri statute there held invalid was found by the court not to be a quarantine provision at all. It forbade the importation into Missouri for eight months of the year of any Texas, Mexican, or Indian cattle without regard to whether the cattle were diseased or not, and without regard to the question whether they came from a part of the country where they had been exposed to contagion. We think that here the investigation required by the Washington law and the investigation actually made into the existence of this pest and its geographical location makes the law a real quarantine law, and not a mere inhibition against importation of alfalfa from a large part of the country without regard to the conditions which might make its importation dangerous.

The second objection to the validity of this Washington law and the action of the State officers, however, is more formidable. Under the language used in Gibbons *v.* Ogden, supra, and the Minnesota Rate cases, supra, the exercise of the police power of quarantine, in spite of its interfering with interstate commerce, is permissible under the interstate-commerce clause of the Federal Constitution "subject to the paramount authority of Congress if it decides to assume control."

By the act of Congress of August 20, 1912 (37 Stat. 315, c. 308), as amended by the act of March 4, 1917 (39 Stat. 1165, c. 179), it is made unlawful to import or offer for entry into the United States any nursery stock unless permit had been issued by the Secretary of Agriculture under regulations prescribed by him.

Section 2 makes it the duty of the Secretary of the Treasury to notify the Secretary of Agriculture of the arrival of any nursery stock and forbids the shipment from one State or Territory or District of the United States into another of any nursery stock imported into the United States without notifying the Secretary of Agriculture, or, at his direction, the proper State, Territorial, or District official to which the nursery stock was destined. Whenever the Secretary of Agriculture shall determine that such nursery stock may result in the entry of plant diseases or insect pests, he shall promulgate his determination of this, but shall give due notice and a public hearing, at which any interested party might appear before the promulgation.

Section 7 provides that whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease, or any injurious insect, not theretofore widely prevalent or distributed within and through the United States, the Secretary shall determine that it was necessary to forbid the importation into the United States, he shall promulgate such determination, and such importations are thereafter prohibited.

Section 8 of the act was amended by the agricultural appropriation act of March 4, 1917, and reads as follows:

"SEC. 8. That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District, and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney."

Section 10 of the act provides that any person who shall violate any provisions of the act, or who shall forge, counterfeit, or destroy any certificate provided for in the act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. It is made the duty of the United States attorneys diligently to prosecute any violations of this act which are brought to their attention by the Secretary of Agriculture, or which come to their notice by other means, and that for the purpose of carrying out the provisions of the act the Secretary of Agriculture shall appoint from existing bureaus in his office a commission of five members employed therein.

It is impossible to read this statute and consider its scope without attributing to Congress the intention to take over to the Agricultural Department of the Federal Government the care of the horticulture and agriculture of the States, so far as these may be affected injuriously by the transportation in foreign and interstate commerce of anything which by reason of its character can convey disease to and injure trees, plants, or crops. All the sections look to a complete provision for quarantine against importation into the country and quarantine as between the States under the direction and supervision of the Secretary of Agriculture.

The courts of Washington and the counsel for the State rely on the decision of this court in Reid *v.* Colorado (187 U. S. 137) as an authority to sustain the validity of the Washington law before us. The Reid case involved the constitutionality of a conviction of Reid for violation of an act of Colorado to prevent the introduction of infectious or contagious diseases among the cattle and horses of that State. The law made it unlawful for any person, association, or corporation to bring or drive any cattle or horses, suffering from such disease, or which had within 90 days prior thereto been herded or brought into contact with any other cattle or horses, suffering from such disease, into the State, unless a certificate or bill of health could

be produced from the State veterinary sanitary board that the cattle and horses were free from all infectious or contagious diseases.

It was urged that it was inconsistent with the Federal animal industry act. This directed a study of contagious and communicable diseases of animals and the best method of treating them by the Federal Commissioner of Agriculture, to be certified to the executive authority of each State and the cooperation of such authority was invited. If the authorities of the State adopted the plans and methods advised by the department, or if such authorities adopted measures of their own which the department approved, then the money appropriated by Congress was to be used in conducting investigations and in aiding such disinfection and quarantine measures as might be necessary to prevent the spread of the diseases in question from one State or Territory into another. This court held that Congress did not intend by the act to override the power of the States to care for the safety of the property of their people, because it did not undertake to invest any officer or agent of the department with authority to go into a State and without its assent take charge of the work of suppressing or extirpating contagious, infectious, or communicable diseases there prevailing, or to inspect cattle or give a certificate of freedom from disease for cattle of superior authority to State certificates.

It is evident that the Federal statute under consideration in the Reid case was an effort to induce the States to cooperate with the General Government in measures to suppress the spread of disease without at all interfering with the action of the State in quarantining or taking any other measures to extirpate it or prevent its spread. Indeed, the Commissioner of Agriculture in that case was to aid the State authorities in their quarantine and other measures from Federal appropriation. The act we are considering is very different. It makes no reference whatever to cooperation with State authorities. It proposes the independent exercise of Federal authority with reference to quarantine in interstate commerce. It covers the whole field so far as the spread of the plant disease by interstate transportation can be affected and restrained. With such authority vested in the Secretary of Agriculture, and with such duty imposed upon him, the State laws of quarantine that affect interstate commerce and thus Federal law can not stand together. The relief sought to protect the different States, in so far as it depends on the regulation of interstate commerce, must be obtained through application to the Secretary of Agriculture.

In the relation of the States to the regulation of interstate commerce by Congress there are two fields. There is one in which the State can not interfere at all, even in the silence of Congress. In the other, and this is the one in which the legitimate exercise of the State's police power brings it into contact with interstate commerce so as to affect that commerce, the State may exercise its police power until Congress has by affirmative legislation occupied the field by regulating interstate commerce and so necessarily has excluded State action.

Cases of the latter type are the Southern Railway Co. *v.* Reid (222 U. S. 424); Northern Pacific Railway Co. *v.* Washington (222 U. S. 370, 378); C. R. I. & P. Ry. Co. *v.* Elevator Co. (226 U. S. 426, 435); Erie Railroad Co. *v.* New York (233 U. S. 671, 681); and Missouri Pacific Railroad Co. *v.* Stroud (267 U. S. 404).

Some stress is laid by the counsel of the State on the case of Missouri Pacific Ry. Co. *v.* Larabee Flour Mills Co. (211 U. S. 612). There the question was whether a State court might by mandamus compel a railroad company, under its common-law obligation as a common carrier, to afford equal local switching service to its shippers, notwithstanding the fact that the cars in regard to which the service was claimed were two-thirds of them in interstate commerce and one-third in intrastate commerce. The contention was that the enactment of the interstate commerce law put such switching wholly in control of the Interstate Commerce Commission. The case was one on the border line, three judges dissenting. The number of cases decided since that case and above cited have made it clear that the rule, as it always had been, was not intended in that case to be departed from. That rule is that there is a field in which the local interests of States touch so closely upon interstate commerce that in the silence of Congress on the subject the States may exercise their police powers and local switchings as in that case, and quarantine as in the case before us, are in that field. But when Congress has acted and occupied the field, as it has here, the power of the States to act is prevented or suspended.

It follows that pending the existing legislation of Congress as to quarantine of diseased trees and plants in interstate commerce, the statute of Washington on the subject can not be given application. It is suggested that the States may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the States to quarantine, and that if he does not act there is no invalidity in the State action. Such construction as that can not be given to the Federal Statute. The obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act, it must be presumed that it is not necessary. With the Federal law in force, State action is illegal and unwarranted.

The decree of the Supreme Court of Washington is reversed.

Mr. Justice McReynolds and Mr. Justice Sutherland dissenting:

We can not think Congress intended that the act of March 4, 1917, without more should deprive the States of power to protect themselves against threatened disaster like the one disclosed by this record.

If the Secretary of Agriculture had taken some affirmative action, the problem would be a very different one. Congress could have exerted all the power which this statute delegated to him by positive and direct enactment. If it had said nothing whatever, certainly the State could have resorted to the quarantine; and this same right, we think, should be recognized when its agent has done nothing.

It is a serious thing to paralyze the efforts of a State to protect her people against impending calamity and leave them to the slow charity of a far-off and perhaps supine Federal bureau. No such purpose should be attributed to Congress unless indicated beyond reasonable doubt.

Mr. KING. Mr. President, will the Senator from Georgia yield for just a suggestion?

Mr. GEORGE. I yield.

Mr. KING. I agree with the Senator from California that that is a decision of great importance, and the consequences are very far-reaching. If it be a fact that by endowing some of these little bureaus here in Washington with authority to promulgate regulations, they may promulgate regulations of this far-reaching importance, nullifying the laws of the States, preventing intercourse between the States according to their own wish, it is about time that we restricted the authority of the bureaucrats in Washington, and we ought to scrutinize with more care the measures which come before us to confer unlimited and plenary authority upon the bureaucrats here in Washington to promulgate regulations which affect to such a degree the industries and the transportation of commodities of the people.

Mr. SHORTRIDGE. Mr. President, by indulgence of the Senator from Georgia——

Mr. GEORGE. I yield.

Mr. SHORTRIDGE. I beg to add that I have been in conference with the Secretary of Agriculture, and that an amendment to the act of March 4, 1917, is being drafted, in the hope that the law may be so amended that the power of the State shall not be regarded as wholly suspended by the act of March 4, 1917, and certainly not where the Secretary of Agriculture has not, as a matter of fact, exercised the power which that act gives him.

I should add, Mr. President, that Mr. Justice McReynolds and Mr. Justice Sutherland dissented from this opinion.

Mr. KING. Did not the Chief Justice dissent?

Mr. SHORTRIDGE. The opinion was delivered by the Chief Justice.

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. GEORGE. Mr. President, I shall not attempt at this time to make any remarks on this resolution further than a very brief statement of some pertinent facts which ought to be kept in mind in dealing with Muscle Shoals.

In the Senate on April 7, 1916, when the Senate had under consideration section 124 of the national defense act of 1916, offered by the Senator from South Carolina [Mr. SMITH], the question was then raised whether or not the plant at Muscle Shoals should be operated by the Government for the purpose of the fixation of nitrogen for purposes of national defense and of nitrogen in an available form for the American farmer. At that time in the Senate the then junior Senator and the now senior Senator from Alabama [Mr. UNDERWOOD] offered his amendment providing for the leasing of Muscle Shoals to a private lessee, the amendment which in varying terms has from the beginning come down to the Senate to-day and is covered under the loose language of House Concurrent Resolution No. 4, which we are invited to take without amendment or the privilege of amendment, on the mere assurance of the outstanding friend of the farmers in the United States, the now junior Senator from Alabama [Mr. HEFLIN]. From the beginning the friends of the farmer, according to the junior Senator from Alabama, have stood for the leasing of the Government-owned power plant and nitrate plant at Muscle Shoals, Ala., to private lessees.

The senior Senator from Alabama [Mr. UNDERWOOD] offered and debated day after day and week after week his measure to turn over this public property to a private lessee. When I came to the Senate in 1922 I found pending here a proposal to dispose of Muscle Shoals, and the Senator from Alabama [Mr. UNDERWOOD] again offered in an elaborate form precisely the same amendment, and now it is being championed by the junior Senator from Alabama [Mr. HEFLIN].

When this amendment was offered by the senior Senator from South Carolina [Mr. SMITH] it was pointed out that it was proposed to put the Government in business, not strictly governmental in its nature and character, and Senator SMITH took occasion to say that he wished no Senator to labor under any misapprehension, that he did propose that this property should be owned and operated by the Government, both for the making of munitions and for the making of fertilizer for the farmers of America.

His position was assailed by many Senators in this body. He was supported by such able Senators as Senator Kenyon and Senator Owen and a number of other Senators. When the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] came to a vote it was then happily overwhelmingly defeated. In that hour the policy of the Government with respect to Muscle Shoals was declared, and I should dislike to be the President of the United States who, in the interest of private monopoly, would vary that policy which for more than 10 years has remained the settled policy of this Congress and of this Nation. It is still the policy of the people of the United States, and the Senator from Alabama may, in his superior virtue, and in his immaculate purity of motive, and in his supreme love for the farmer, protest as much as he may. He is not speaking here for the farmers of America. He is speaking to a proposition to sell to the farmers of America fertilizer on the cost-plus basis, and the plus is 8 per cent interest. He would turn the interests of the farmer over to the tender mercies of a trust and say to the trust, "You shall charge the farmers of America only 8 per cent profit upon the fertilizer, but your fertilizer may cost you whatever you will to make it cost you."

There is not a restriction in the Ford offer or in any other offer that has ever been submitted to this Congress that looked to economy in the making of fertilizer by the lessee, save the single provision that the surplus power not used for the purpose of making fertilizer should be generally distributed under regulations prescribed by the State utilities commissions or the Federal Water Power Commission.

Why do I say that? It is a plain business proposition. Everybody understands it. Nobody can be deceived about it. If a lessee is permitted to have the vast power at Muscle Shoals, and if he is permitted to make fertilizer not exceeding 40,000 tons, and none after six years if it is found to be unprofitable; if he is permitted to make fertilizer reaching the maximum of 40,000 tons of fixed nitrogen and to charge 8 per cent profit upon that fertilizer; and if he may in turn have the vast residue of primary power and secondary power at Muscle Shoals, to be used by him as he sees fit, without restriction, without regulation—and H. R. 518 prescribes no restriction, fixes no limitation, fixes no regulation—if he is to have this vast residue of power, to be used as he pleases, he can well afford to sustain a loss upon his manufacture of fertilizer. Yet he can recoup that loss out of the enormous subsidy that is given him under H. R. 518.

Mr. President, that is exactly what he will do, that is exactly what it is proposed to do, because there is not a hydroelectric engineer in the world who does not know that even the secondary power at Muscle Shoals will not nearly be consumed in the manufacture of fertilizer, in the making of the 40,000 tons of fixed nitrogen, and the whole of the primary power will be in the hands of the private lessee. What is he to pay for it under H. R. 518? He is to pay not exceeding 4 per cent upon $45,000,000, less a deduction even from the $45,000,000 of the value to navigation of the improvements at Muscle Shoals. He is to pay at the outside not exceeding $2,000,000 for the vast property and power developed already at Muscle Shoals, and I undertake to say that there is not a private owner or operator of hydroelectric power in America who would for one moment entertain a proposition to lease Muscle Shoals and its appurtenant properties from him, if he were the owner, for twice the amount that H. R. 518 says shall be stipulated in a lease of that property.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him?

Mr. GEORGE. Certainly.

Mr. HEFLIN. Mr. Hooker, of New York, who is a fertilizer manufacturer, testified before the committee with reference to this very resolution. He is perfectly familiar with House bill 518, and he said that he intended to make a bid.

Mr. GEORGE. Of course he intended to make a bid. Somebody intends to make a bid. The bidder is waiting. The bidder is all arrayed in bridal robes and is waiting the coming of somebody armed with authority; and if the Senator from Alabama knows anything, he knows that the bidder is in waiting.

Mr. HEFLIN. I do not know it. The Senator has the confidence of somebody I have not.

Mr. GEORGE. I qualified my statement in the first instance.

Mr. President, I know that there is a bidder in waiting or else this proposition would be submitted to the Senate as all other propositions are submitted to a deliberative body. Otherwise the proponents of House Concurrent Resolution 4 would not come before the Senate and say that the resolution ought not to be amended; they would not come before the Senate and say that we must not modify it at all in any respect or any particular, even the mere verbiage of the resolution. That is a most unusual course to be pursued in this body. That would not be suggested, Mr. President, unless we were called upon to face an extraordinary situation, and that extraordinary situation is this:

I said this morning, and I repeat, that the leasing of Muscle Shoals is peculiarly an Executive function. It is so under the law. It is so as a matter of fact. We are offered a resolution which the President of the United States is not even required to approve. Not only is the Congress to relieve him of his duty and his responsibility, but it is to relieve him of that duty and responsibility under a form of legislation or quasi legislation which he does not have to approve. Why does not some one on the other side of the aisle rise and say that the Congress ought not to intrench upon the power and prerogative of the Executive? The Senator from Alabama intimates that the President has approved the resolution, because he has repeatedly said that the President wants it. If the President wants to lease to a private lessee this vast property belonging to the people of the United States, thus enabling that lessee to exploit the people of America, let him have the responsibility. Let him take the responsibility. Let him take it under direct authority. At least allow him to take it under legislation that will require his approval.

Mr. HEFLIN. I know the Senator does not want to labor under a misapprehension as to the provision he was discussing a while ago when he was talking about giving up the property after six years. That provision was in the Underwood bill, but it is not at all in the House Ford bill. Section 14——

Mr. GEORGE. I do not care to go into that now, because I have pointed out already that the resolution provides that the offer must be as good or better, therefore no better than H. R. 518; that there are five separate bills bearing the number H. R. 518, and the Senator has agreed with some other Senator that a certain H. R. 518 is incorporated and included in the resolution. I do not know to which one he is referring.

Mr. HEFLIN. It is the House bill unamended.

Mr. GEORGE. I do not care anything about it.

Mr. HEFLIN. But the Senator ought to let me give the facts to the Senate.

Mr. GEORGE. The Senator has taken nearly all of the time debating the question since the resolution came before the Senate. If he has not already placed the facts before the Senate and the country, he can not do so now.

Mr. HEFLIN. The Senator is not willing for me to show that he is wrong about that section providing that the lessee shall make fertilizer continuously for 100 years under the Ford offer?

Mr. GEORGE. One hundred years?

Mr. HEFLIN. Yes.

Mr. GEORGE. Then the Senator has relieved them of 50 years of that onerous burden, because he has said that this contract shall not be in effect exceeding 50 years.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. GEORGE. Certainly.

Mr. SMITH. The Senator was referring to the procedure that we are going to follow and the fact that we are going to have a legislative committee. Aside from the legal aspect of the situation, does the Senator think that it is good ethics, good morals, for us to appoint Senators and Congressmen to go out and chaffer for the disposition of public property when we must enact the legislation that ratifies it?

Mr. GEORGE. Certainly I do not. That is what I meant when I said that this is an Executive function. I mean that no committee from the Senate or from the House should be put in the position of going out and asking for bids and coming back here and asking their colleagues to accept those bids, and particularly is that true when the clear duty, certainly in morals, is that the bid should be procured, if it is desirable to lease the property at all, by the President of the United States.

Mr. President, I take this occasion to say that no odor shall ever attach to me, because I never shall vote for the leasing on any terms to any private individual of this property if that lease is negotiated by a committee from the legislative body itself that must ratify and confirm the lease. Senators on the other side of the aisle may do it if they will upon the theory that they have no interest in this great property, upon the theory that it is a southern enterprise affecting only the interests of the Southeast. But Senators in every part of the Chamber representing every part of the Union will find that in the proposal is immeasurably the biggest issue the Senate has considered at this session, a proposal to take $167,000,000 of the money of the taxpayers invested in a property at a certain place on the Tennessee River in the State of Alabama and lease that property for 50 years for the nominal sum of 4 per cent upon $40,000,000, without one restrictive covenant in the lease. The Senator from Alabama may stand here as long as he will and say that he and he alone is a friend of the American farmer, but I prefer to stand here and say that no man will vote for this proposal who is a friend of the American people, including the American farmer.

The great legislative branch of the Government is asked to give away for 50 years so vast a property without prescribing one affirmative covenant except that the lessee shall make as much fertilizer as was proposed to be made under House bill 518 and without writing into the offer one single restrictive covenant, one single limitation or restriction upon the power of the lessee.

Mr. President, I have seen in my very limited legislative career no proposition in brazenry one whit comparable to the resolution which we are asked to take without amendment, without change, without restriction. I undertake to say that if the President of the United States drives his party—as the junior Senator from Alabama seems to assume he is able to drive it, because he has repeatedly said that two-thirds of the Senators are anxious to take the resolution without change, alteration, or amendment—into the passage of the resolution without change, and if the resolution shall ultimately result in a bid being accepted by Congress in accordance with the resolution, the President of the United States will find that he has laid his hand upon far the most important issue in his administration.

Mr. President, it is perfectly clear that if House Concurrent Resolution 4 passes the Senate in its present form and if a responsible bidder can be found who will offer to take the property under the general terms of the offer, the Congress would be morally bound to accept it. The Senator from Alabama may not recognize any moral obligation. I do not assert that there would be any legal obligation, but I do assert that when any responsible man creates a general agent and authorizes that general agent to negotiate within clearly defined but general terms, then the principal assumes a moral obligation to accept the fruits of his agent's negotiation. Oh, I know that it is said in effect that the bid is to be referred to Congress by the committee for the ratification or rejection of the bid, though the resolution does not say rejection. It has carefully avoided even the suspicion that the Congress would reject it.

It says only that they shall report it for confirmation by the Congress. That is the meaning of it. I repeat, when any responsible man sends out his agent clothed with general power to sell for him or to lease for him any property, and that agent comes back with an offer clearly within the terms of his authority, in no whit exceeding the powers vested in him as an agent, then his principal, if he be a responsible man, must recognize the moral responsibility placed upon him by that act of his agent.

Reject it! Of course, the Senate will have the power to reject this offer, if any offer should be made, and certainly one would be immediately forthcoming. Reject it! Certainly; but what are the terms fixed in the resolution? None except that the lease shall not be longer than for 50 years; therefore the lease will be for 50 years; except that the property that is to pass under the lease is that which is generally described as Muscle Shoals; and except that the conditions of the lease must be as good, and therefore no better than the terms of H. R. 518. Otherwise, the proposed joint committee will be clothed with general power; and when that committee shall return to the House of Representatives and to the Senate with an offer and a bill confirming and ratifying it, we will be in the position where we can not morally repudiate the offer. I repeat, Mr. President, that for the Senate of the United States so to refuse to exercise its power, its authority, and so to refuse to discharge the plain duty placed upon it in these circumstances is nothing less than tragedy itself.

Mr. SMITH. Mr. President, I wish before the Senator from Georgia concludes to call his attention to the fact that, by all the testimony of all the experts and the scientists who are engaged in investigating the art of fixing nitrogen, it appears that progress has been rapid. The possibility exists of having fulfilled in the art of production the hope of the American farmer. We have the power and we have the experts, and it will be only a very short time before nitrogen may be produced in almost unlimited quantities. With that possibility right here, are we justified, in the face of the law as it now stands, in abandoning the whole proposition and turning Muscle Shoals over to a private corporation when the hope of the American farmer is so imminent of fulfillment?

Mr. GEORGE. Mr. President, I should like to discuss the interesting proposition that the Senator from South Carolina raises, but I have not the time to do so this afternoon and probably shall not have the time to do so; but it is undoubtedly obvious that we are now less excusable than we should be at any other time for turning this property over to a private lessee.

Mr. President, the people of America might well sacrifice $167,000,000. It may well be that we can allow the whole benefit to go to the State of Alabama and to Alabama alone; and, so far as that goes, I had as soon see Alabama have it as any other State. It may well be that the enormous amount of taxes taken from the pockets of all the people and invested in this property may be dissipated at will, turned over to a private lessee solely for the purpose of enabling a private lessee to make money out of it; but all that does not touch the real question. The question is a moral one. The President of the United States has a responsibility, and that responsibility is about to be taken from him under a resolution which he is not required to approve and for some thinly disguised purpose. Under it, however, lies a big moral proposition.

I am not mistaken about it, I know that a bidder is in waiting, and unless he is deterred by the courageous attack of a few Senators who are willing to have their colleague from Alabama stand here and say that they are traitors to the farmer; unless that bidder is deterred by a few men with courage enough to withstand the insult hurled at them that the Senator from Alabama sees fit to direct at every man who dares to oppose his scheme, that private lessee will take this property from the people of the United States. From whose hands? From the hands of the Congress of the United States without one whit of responsibility resting upon the executive branch of this Government, where it rightfully rests.

Mr. President, I shall never defend myself against a charge of unfriendliness to the farmers, the laborers, the merchants, or any other class of honorable Americans. I do not have to do so. All that I want to say to the Senator from Alabama is that he is the most suspicious honorable man within this Chamber.

Mr. HEFLIN. Mr. President, it is not a matter of suspicion. I am judging by their acts. The Bible gives us the standard. It says, "By their fruits ye shall know them."

Mr. GEORGE. Mr. President, I will not attempt to engage in any Biblical or theological discussion with the Senator from Alabama; and I repeat that I do not defend myself or make any further answer than the answer which I have just made; but I assert here now, without impugning anybody's motives, without raising any question of the honesty of the proponents of this resolution, that it is an iniquitous proposal; that it raises a moral question transcending the value of every foot of physical property owned by the United States in any quarter of the globe.

I say that this resolution will not result in any benefit to the farmers of the South or of the East or of any other section of the country where commercial fertilizers must be used, because it does not carry one single restriction save only that the maker of the fertilizer shall not charge in excess of the total cost of production and 8 per cent profit upon the fertilizer made by him; and there is no restriction whatever as to what he may do with every kilowatt of the surplus power not used for the purpose of manufacturing fertilizers. There is, therefore, no guaranty; there is, therefore, no certainty; there is, therefore, no possibility that any American farmer will be profited by any private lease of Muscle Shoals under the terms of this resolution.

Not only is that true, Mr. President, but it undoubtedly is true also that this vast primary power is to be turned over to a private lessee who is to use it—having gotten it for one tithe of its value—in competition with honest enterprise to the unsettling of economic conditions in the whole Southeast, solely to the end that the dividends of the private lessee may be increased, with no benefit to the American people. It seems to me to be altogether clear that it is the plain duty of Congress to refuse to part either with the title to Muscle

Shoals or the right to control and direct it at every moment of the time. Then assuredly, with whatever inefficiency may be charged to governmental operation and control, there may be something done with this property in the real interest of the American farmer.

I never have advocated Government ownership; I never have advocated Government operation of anything that did not lie within the clear field of legitimate governmental functions and powers; but I am not deterred, I am not one whit frightened by the suggestion of Government operation of Muscle Shoals. At this hour every man in America must know that there is a vast difference between governmental operation of ordinary enterprise and governmental operation or control of a standardized industry like a water power. A handful of men, not exceeding six in number, can operate and distribute the power at Muscle Shoals; the Chemical Research Board, which the Government ought to maintain, can carry on experimentation at Muscle Shoals in the interest of the Nation in war and in peace, and the processes perfected by the Research Board can be so handled by the Congress as to insure real benefit of American agriculture in the needed element of commercial fertilizer.

Mr. President, if this property is to be leased to a private lessee, upon what possible ground of justification can the Senate say to all the people, "We did not dare lay down a single policy to be pursued, a single restriction to be observed, a single negative requirement to be inserted in the lease of your property"? The American people might well say, indeed, as they will say, "You have dealt with this great enterprise in a manner befitting children."

But it is said, "Oh, we will reject the bid if it is not a proper one." Reject a bid that is within the very terms of the offer which we make; stand upon the morally unjustifiable ground that since we sent our agent out to sell the property we have either learned something or some information has come to us which now impels us to reject the bid which we ourselves have invited? Within 24 hours the bidder will be here with his lease drawn for 50 years for the Muscle Shoals property, with terms identical with H. R. 518, and then we may amend.

Mr. DILL. Mr. President——

Mr. GEORGE. I yield to the Senator from Washington.

Mr. DILL. I desire to ask the Senator whether he does not think that if bids are to be submitted for this property, the time ought to be extended sufficiently in order that those who do not know the terms—and nobody does know the terms of the bill as amended—may have an opportunity to prepare a bid, and we may have some intelligent, honest competition in the bidding?

Mr. GEORGE. I certainly think so, and I have heretofore suggested it; but, of course, that would be amending House Concurrent Resolution 4, and House Concurrent Resolution 4 is a sacred ox. It can not be touched. It can not be altered. It can not be changed. There is no secret reason back of it; there is an honest purpose in the background; everything is consistent with purity of motive and purpose; but you must not touch House Concurrent Resolution 4. You must not touch it, because the time has come to do something with Muscle Shoals.

Mr. President—and with this I am through—the dam at Muscle Shoals was completed in the late summer of last year. Senators would have us believe that all this time the water has been going to waste at Muscle Shoals. On September 12, 1925, for the first time water power was put in operation at Muscle Shoals, and in part at least upon my own insistence to the War Department that the power be utilized for the purpose of relieving an unusual condition of drought in the Southeast. At that time one of the units was put to work. A little later a second unit was put to work, and the energy generated by these two units, Nos. 1 and 2, plus the energy generated by the steam plant, which has been in operation for some time, was carried over the single transmission line leading to Sheffield and out into the world, and much of it came into my State and into other States. I am not here, however, pleading for any power company. I am here pleading that this power ought to be reserved and controlled, both day and night, by the Government of the United States, in the interest of national defense and in the interest of the farmer in the United States.

Mr. President, there is now no immediate need for hasty action. Not yet are all the units in operation at Muscle Shoals. Only since September 12 last have any of them been operated. There is no need for hasty action. It could well be that this power plant could remain there idle, if that were necessary, until the Congress of the United States had ample time to prescribe the terms upon which they are willing to lease it, if it is to be leased to a private person.

After the adjournment of the Congress last year the President of the United States, upon his own initiative, and in the clear exercise of his power and authority over Muscle Shoals, appointed his commission to investigate Muscle Shoals and to make recommendations concerning that property.

The majority of that committee and the minority recommended a lease, it is true; but both the majority and the minority were careful to submit to the President terms and conditions under which the lease should be made. And yet, with this report upon the desks of Senators, with this report in the hands of the Members of the House, we are asked to disregard even the solemn recommendations of the President's commission and to pass a concurrent resolution which will give to three Members of the Senate and three Members of the House the power to go out and ask for bids, and the power to reject any of those bids and all of those bids to them not acceptable, and to select the one of those bids that to them may be acceptable, and to report that bid, with a bill making us a party to the contract, to the respective bodies from which the members of the committee come, with the added moral obligation of the Senate, if it is dealing seriously with this matter, and it is, to accept that bid if it is exactly what we authorize the committee to do.

Mr. President, if there is to be a private lease of this property, here and now is the time to prescribe the terms and conditions and restrictions and fix all of the covenants of that lease.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. GEORGE. I yield.

Mr. CARAWAY. What is the reason why this leasing should not be public, so that everybody shall know the exact terms of each offer?

Mr. GEORGE. I can see none, if the Senator from Arkansas will pardon the answer. I can see none, absolutely.

Mr. CARAWAY. What justification can there be for opposing letting the public know what other offers are made, aside from the one the committee recommends?

Mr. GEORGE. I am utterly at a loss to imagine why.

Mr. CARAWAY. So am I.

Mr. GEORGE. For that reason, Mr. President, I have said, and, though it is a repetition, I say, that the leasing of this property is an executive function, and the laws generally do require the leasing or sale of the properties of the people of the United States to be made on public bids; and I do not know why that should not be the case here.

Mr. WILLIAMS. Mr. President, may I inquire of the Senator?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. GEORGE. I yield to the Senator from Missouri.

Mr. WILLIAMS. I have followed the Senator very closely and have been very deeply affected by the poise and the strength of his argument, except in one point.

While it is true that if a man appoints a general agent to do a general thing in a general way, and the agent reports the thing he has done, and it has been done generally in fulfillment of the terms of the authority given him, I can see how the principal might well be bound by such negotiations and how the agent might be entitled to his fees for his service so rendered, I am unable to follow the argument of the Senator with respect to the moral responsibility that attaches to giving to a committee power to negotiate, so that when that committee comes back to a legislative body representing the people of the United States it will not be fully competent for Congress to accept or reject the offer so made.

The Senator has referred to this side of the Chamber, and from his point of view I can well see how he could do so; but I do not follow him with respect to the moral responsibility attaching to granting to some of our number authority to negotiate for a lease. I do not see that it follows at all, and I do not catch the analogy that exists between a private individual and his agent and the Congress of the United States and a committee from the Congress.

Mr. GEORGE. Mr. President, I have not contended that there is a strict analogy. There is not. Nor do I assert that there would be any legal obligation resting upon Congress, because there would not be; nor do I assert that there would be any moral obligation resting upon the Congress if the lease were negotiated by the Executive. I do assert, however, that when any responsible body after due deliberation invites a bid to be made to its selected agent, and the bid is made clearly within the terms of and in no manner exceeding the conditions which the responsible body has laid down, the moral obligation to accept the bid is, to my mind, clear and unmistakable. I

have used the analogy of the private principal and agent purely for the purpose of reinforcing what to me appears plain.

Mr. WILLIAMS. Does not the Senator think that this may not be an offer made by us, but that negotiations may result in an offer made by a proposed lessee; and if so, would not the quality of our act be one of acceptance rather than one of approval of the act of an agent?

Mr. GEORGE. Exactly so, Mr. President; but what I have tried to make plain is that when the lease is offered within the very terms on which we have indicated it should be concluded we certainly will owe to that lessee the duty and obligation of a fair and just consideration of his offer.

Mr. WILLIAMS. Mr. President, the reason why I ask the question is because I shall await the action of the committee and shall not feel myself in the least bound, morally or otherwise, by what the committee may or may not do.

Mr. GEORGE. Mr. President, I must ask the pardon of the Senate for having consumed so much of the time this afternoon.

Mr. LENROOT. Mr. President, like the Senator from Missouri [Mr. WILLIAMS], I can not agree with the viewpoint of the able Senator from Georgia [Mr. GEORGE] with regard to any moral obligation following the passage of this concurrent resolution. It seems to me the situation is identical with that of principal and agent in private life, where the agent in dealing with the other principal makes known to him that he has no power to bind his principal and that any negotiations must be ratified, accepted, or rejected by the principal. It seems to me that Congress is just as free to accept or reject any report made by this committee, as if the offer had been made to Congress in the first instance.

However, Mr. President, there is one phase of this concurrent resolution that in its present form would compel me to vote against it unless it be amended; and I appreciate the attitude of the friends of the concurrent resolution with reference to amendment. This concurrent resolution was introduced in the House on January 7, and it provides, as has been so often stated, that this joint committee shall make their report to Congress not later than April 1 next. This is the 6th day of March. This concurrent resolution can not pass until the 8th. This joint committee can not be created and meet until the 10th day of March, or the 9th at the very earliest.

Mr. President, does this concurrent resolution mean what it says, that a joint committee shall really negotiate, or does it mean that there are one or two gentlemen ready now with bids in their pockets, and this committee is to be merely a channel through which a proposition shall be made to Congress? If the latter is the case the concurrent resolution is a deception, is deceiving the American people, and I could not support it for that reason.

In the absence of any rule laid down to govern this committee, as the Senator from Georgia has so well stated, leaving them practically a free hand, as it does, we are entitled to actual and real and bona fide consideration of this proposition by any joint committee which may be created.

Is there any Senator who will assert on this floor that a space of less than three weeks is sufficient for any committee of this Congress to seriously consider this very great and very important proposition, and if there be more than one bid, intelligently give consideration to the various provisions of the bids, and give to Congress their intelligent and well-considered and deliberate judgment? That would be impossible, unless it be that this committee has already been created, and has already been at work, which I do not for a moment believe, because I know that the Vice President would not indicate in advance whom he would appoint, nor would the Speaker of the House do so.

So it seems to me we are in this position: Either the consideration by this committee is not to be a bona fide consideration, or, if it is to be a bona fide consideration, we do not give them sufficient time to consider the proposition. For that reason I could not vote for this resolution as it now stands.

When the resolution was introduced in the House, a period of three months was provided, if the resolution had been promptly passed. Now it is proposed to give this committee three weeks to consider this proposition, which has so many angles and so many important bearings.

It has been stated time and time again that the proposition this committee is authorized to make must be a proposition at least as favorable to the Government and to the agricultural interests as was the Ford offer; but no such restriction as contained in the resolution. There is no such limitation upon the power or authority of this committee. The language is—

and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518.

That means that if any bidder does not see fit to propose terms equal in benefit to those of the Ford offer, the committee is absolutely unrestricted, and it is free-handed to consider any kind of a proposition. There is no limitation of any kind upon the power of the committee, not even the restriction, as has been so often asserted, that their proposal must be at least as favorable as was the Ford offer.

So, in view of this situation, in view of the absolute impossibility of any joint committee giving proper and adequate consideration to these offers in the short space of three weeks, I shall vote against the resolution unless it be amended.

If it be in order—and I think it is under the unanimous-consent agreement—I offer this amendment, that on line 13, page 2, after the word "April," the numeral "1" be stricken out and the numerals "26" be inserted in lieu thereof. That would give at least three weeks longer for the joint committee to give consideration to this proposition.

The VICE PRESIDENT. There is now pending the amendment offered by the Senator from Arkansas [Mr. CARAWAY].

Mr. LENROOT. I ask unanimous consent that the amendment I have just suggested may be considered as pending following the amendment offered by the Senator from Arkansas.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that will be the order.

Mr. HEFLIN. Mr. President, I want the RECORD to show to-day that the bill to which the Senator from Georgia [Mr. GEORGE] referred as providing for experimentation for six years, and that the lessees should abandon the plant if they were unable to make fertilizer, was the Underwood bill, and not the Ford offer as contained in the McKenzie bill. The McKenzie bill provided that they should make fertilizer, "mixed or unmixed, with or without filler, according to demand," and so forth, at nitrate plant No. 2 continuously for a hundred years.

The Senator from Wisconsin [Mr. LENROOT] states that he could not vote for the resolution if somebody had a bid ready to submit in two or three days. I submit that that is not a sound argument. This matter has been discussed for two years and more, and five or six companies, I am informed, told the President's commission that they intended to bid. Two companies testified before the Committee on Agriculture that they intended to bid. If they intend to bid, have they not the right to go ahead and submit bids and indicate just what they are willing to do? Would we deprive an American citizen who wants to lease this property of the right to go ahead in advance and write out his bid, and explain in detail just what he wanted to do, and no more? I can not see any objection to that, if any bidder wants to do it.

It means something to a company which is going to pay to the Government from two to five million dollars a year for the usé of this dam and plant No. 2. What is there wrong in permitting a patriotic American citizen, believing that the resolution will pass, knowing that the time is short, to go ahead and prepare his bid, and when the committee is appointed, to be ready to go before it and say, "Gentlemen, here is my bid. Consider it and let me know what your decision is." Who can object to that? There is nothing in that contention on the part of Senators.

The Senator from Georgia [Mr. GEORGE] warns the other side and warns us of what a serious issue is going to spring up out of the disposition of 85,000 primary horsepower away down in Alabama. Keokuk Dam on the Mississippi is a greater proposition than ours. I think the horsepower developed there is between one hundred and one hundred and forty thousand primary horsepower. Did that create a national issue? Did the people rise up in their wrath and tear things to pieces? I have not heard of it.

I think the Senator's prediction will come to naught, just like that of the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH], who, so the papers tell us, are going to start a campaign out in Chicago to defeat every Senator who voted for our entry into the World Court. They have a good big job on their hands, and I do not expect to see very much of a storm come from that campaign.

I remember a few years ago some of the scientists told us that, according to the movements of certain stars, the seaboard would sink in the Atlantic and that Florida would pass from the earth; that water would cover it, and we would see it no more; that all life there would be destroyed. Instead of that dire prediction coming true, Florida still blooms, and it is one of the best States in the Union, with some of the very best people in it, and two of the best Senators in this body. Florida is still with us. Last year a certain religious sect in this country predicted that the world would come to an end on a certain day, and I am glad to say that they were mistaken.

Mr. BLEASE obtained the floor.

Mr. JONES of Washington. Mr. President, will the Senator yield to me for a moment?

Mr. BLEASE. Certainly.

Mr. JONES of Washington. Several Senators have expressed the hope that the Senate might take a recess to-day so as to give as much time on Monday as possible for the consideration of the pending resolution. Therefore I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington. I understand that the Senator from South Carolina would prefer to proceed when we meet on Monday.

Mr. BLEASE. That will be satisfactory to me.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock p. m.), under the order previously entered, took a recess until Monday, March 8, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 6, 1926

UNITED STATES ATTORNEYS

Roy C. Fox, of Washington, to be United States attorney, eastern district of Washington, vice Donald F. Kizer, appointed by court.

Thomas P. Revelle, of Washington, to be United States attorney, western district of Washington. (A reappointment, his term having expired.)

UNITED STATES MARSHAL

E. B. Benn, of Washington, to be United States marshal, western district of Washington. (A reappointment, his term having expired.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

First Lieut Floyd Thomas Gillespie, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

COAST ARTILLERY CORPS

First Lieut. Wilfred Hill Steward, Infantry, with rank as prescribed by the act of June 30, 1922.

INFANTRY

Second Lieut. Richard Gernant Herbine, Air Service, with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. George Oremaudle Hubbard, Coast Artillery Corps, from March 3, 1926.

TO BE LIEUTENANT COLONEL

Maj. Franklin Thomas Burt, Infantry, from March 3, 1926.

TO BE MAJORS

Capt. Harrison Willard Smith, Quartermaster Corps, from March 1, 1926.

Capt. Horace Grant Rice, Finance Department, from March 3, 1926.

TO BE CAPTAINS

First Lieut. Henry Christopher Harrison, jr., Field Artillery, from February 26, 1926.

First Lieut. Hanford Nichols Lockwood, jr., Field Artillery, from March 1, 1926.

First Lieut. John Markham Ferguson, Infantry, from March 1, 1926.

First Lieut. Joseph Saunders Johnson, jr., Infantry, from March 3, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. John Kenneth Sells, Cavalry, from February 18, 1926.

Second Lieut. Douglas Cameron, Cavalry, from February 21, 1926.

Second Lieut. Arthur Jennings Grimes, Infantry, from February 24, 1926.

Second Lieut. Walter Duval Webb, jr., Field Artillery, from February 26, 1926.

Second Lieut. Ernest Starkey Moon, Air Service, from February 27, 1926.

Second Lieut. Harry Craven Dayton, Field Artillery, from March 1, 1926.

Second Lieut. Edward Charles Engelhardt, Field Artillery, from March 1, 1926.

Second Lieut. Chester Arthur Carlsten, Infantry, from March 2, 1926.

Second Lieut. Joseph Myles Williams, Cavalry, from March 2, 1926.

Second Lieut. Harold Arthur Doherty, Field Artillery, from March 3, 1926.

PROMOTION IN THE PHILIPPINE SCOUTS

TO BE FIRST LIEUTENANT

Second Lieut. Eleuterio Susi Yanga, Philippine Scouts, from February 24, 1926.

POSTMASTERS

ALABAMA

Lucy Downing to be postmaster at Moulton, Ala., in place of Lucy Downing. Incumbent's commission expires March 8, 1926.

ARIZONA

Donald McIntyre to be postmaster at Yuma, Ariz., in place of Donald McIntyre. Incumbent's commission expires March 7, 1926.

COLORADO

Charles Lawton to be postmaster at Fort Logan, Colo., in place of Charles Lawton. Incumbent's commission expires March 8, 1926.

Kiah C. Brown to be postmaster at Merino, Colo., in place of K. C. Brown. Incumbent's commission expires March 7, 1926.

DELAWARE

William H. Rogers to be postmaster at Frederica, Del., in place of W. H. Rogers. Incumbent's commission expires March 7, 1926.

John J. Jolls to be postmaster at Middletown, Del., in place of J. J. Jolls. Incumbent's commission expires March 7, 1926.

HAWAII

Manuel S. Botelho to be postmaster at Honokaa, Hawaii, in place of M. S. Botelho. Incumbent's commission expired November 2, 1925.

John F. Rapozo to be postmaster at Kapaa, Hawaii, in place of J. F. Rapozo. Incumbent's commission expires March 7, 1926.

ILLINOIS

Charles Koenig to be postmaster at Brookfield, Ill., in place of Charles Koenig. Incumbent's commission expires March 8, 1926.

Fred W. Diefenbach to be postmaster at Herscher, Ill., in place of F. W. Diefenbach. Incumbent's commission expires March 8, 1926.

Arthur L. Johnson to be postmaster at Rockford, Ill., in place of A. L. Johnson. Incumbent's commission expires March 8, 1926.

Frank B. Courtright to be postmaster at Sheridan, Ill., in place of F. B. Courtright. Incumbent's commission expires March 8, 1926.

John R. Fornof to be postmaster at Streator, Ill., in place of J. R. Fornof. Incumbent's commission expires March 8, 1926.

INDIANA

Alice H. Firebaugh to be postmaster at Medaryville, Ind., in place of A. H. Firebaugh. Incumbent's commission expires March 8, 1926.

IOWA

John H. Taylor to be postmaster at New Sharon, Iowa, in place of J. H. Taylor. Incumbent's commission expires March 8, 1926.

Thomas F. Fawcett to be postmaster at Ocheyedan, Iowa, in place of T. F. Fawcett. Incumbent's commission expires March 8, 1926.

KANSAS

Mabel I. Driggs to be postmaster at Bern, Kans., in place of M. I. Driggs. Incumbent's commission expired March 2, 1926.

Stephen T. Roach to be postmaster at Englewood, Kans., in place of Josie Curtis. Incumbent's commission expired November 21, 1925.

Marion W. Covey to be postmaster at Miltonvale, Kans., in place of M. W. Covey. Incumbent's commission expired February 3, 1926.

Melvin L. Holaday to be postmaster at Anthony, Kans., in place of G. E. Corbin, resigned.

KENTUCKY

Walter Robins to be postmaster at Brodhead, Ky., in place of Walter Robins. Incumbent's commission expired March 1, 1926.

Arthur G. Powell to be postmaster at Irvine, Ky., in place of A. G. Powell. Incumbent's commission expired August 9, 1925.

Ludlow F. Petty to be postmaster at Louisville, Ky., in place of L. F. Petty. Incumbent's commission expires March 14, 1926.

Oscar W. Gaines to be postmaster at Oakland, Ky., in place of O. W. Gaines. Incumbent's commission expired March 1, 1926.

LOUISIANA

Angus O. Ott to be postmaster at Kenwood, La., in place of A. O. Ott. Incumbent's commission expired January 17, 1926.

George S. O'Brien to be postmaster at Rhoda, La., in place of G. S. O'Brien. Incumbent's commission expired October 8, 1925.

Maude Norsworthy to be postmaster at Collinston, La., in place of E. S. Keller, deceased.

Thomas E. Barham to be postmaster at Oak Ridge, La., in place of H. J. Norris, resigned.

MAINE

Charles E. Davis to be postmaster at Eastport, Me., in place of C. E. Davis. Incumbent's commission expired January 30, 1926.

Theresa M. Tozier to be postmaster at Patten, Me., in place of T. M. Tozier. Incumbent's commission expires March 7, 1926.

MARYLAND

Mary W. Stewart to be postmaster at Oxford, Md., in place of M. W. Stewart. Incumbent's commission expires March 7, 1926.

MASSACHUSETTS

George L. Minott to be postmaster at Gardner, Mass., in place of G. L. Minott. Incumbent's commission expires March 7, 1926.

Frances C. Hill to be postmaster at Templeton, Mass., in place of F. C. Hill. Incumbent's commission expires March 7, 1926.

MICHIGAN

Isaac Hurst to be postmaster at Akron, Mich., in place of Isaac Hurst. Incumbent's commission expires March 7, 1926.

Edwin L. Fox to be postmaster at Athens, Mich., in place of E. L. Fox. Incumbent's commission expires March 7, 1926.

Webster C. Casselman to be postmaster at Baroda, Mich., in place of W. C. Casselman. Incumbent's commission expires March 7, 1926.

Percy W. Totten to be postmaster at Brooklyn, Mich., in place of P. W. Totten. Incumbent's commission expires March 7, 1926.

Olin M. Thrasher to be postmaster at Mount Morris, Mich., in place of O. M. Thrasher. Incumbent's commission expires March 7, 1926.

Amos H. Crosby to be postmaster at New Buffalo, Mich., in place of A. H. Crosby. Incumbent's commission expires March 7, 1926.

MISSISSIPPI

Nettie M. Scott to be postmaster at Lake Cormorant, Miss., in place of N. M. Scott. Incumbent's commission expired February 7, 1926.

Lula M. T. Rutledge to be postmaster at Newhebron, Miss., in place of L. M. T. Rutledge. Incumbent's commission expired February 28, 1926.

MISSOURI

Leland G. Riley to be postmaster at Eagleville, Mo., in place of L. G. Riley. Incumbent's commission expires March 8, 1926.

John M. Atkinson, jr., to be postmaster at Eldorado Springs, Mo., in place of J. M. Atkinson, jr. Incumbent's commission expires March 8, 1926.

Herold D. Condray to be postmaster at Ellsinore, Mo., in place of H. D. Condray. Incumbent's commission expires March 8, 1926.

Clyde E. Jennings to be postmaster at Hollister, Mo., in place of C. E. Jennings. Incumbent's commission expires March 8, 1926.

Guy Ridings to be postmaster at Middletown, Mo., in place of Guy Ridings. Incumbent's commission expires March 8, 1926.

George W. Davies to be postmaster at Osceola, Mo., in place of G. W. Davies. Incumbent's commission expires March 8, 1926.

Gustav C. Rau to be postmaster at Pacific, Mo., in place of G. C. Rau. Incumbent's commission expires March 8, 1926.

William F. Norris to be postmaster at Perry, Mo., in place of W. F. Norris. Incumbent's commission expired February 2, 1926.

Jennie M. Peck to be postmaster at Sheldon, Mo., in place of J. M. Peck. Incumbent's commission expired February 20, 1926.

Oscar F. Schulte to be postmaster at Washington, Mo., in place of O. F. Schulte. Incumbent's commission expires March 8, 1926.

John J. Schaper to be postmaster at Warrenton, Mo., in place of J. J. Schaper. Incumbent's commission expires March 8, 1926.

Albert W. Selway to be postmaster at Williamstown, Mo., in place of A. W. Selway. Incumbent's commission expires March 8, 1926.

Benjamin S. Lacy to be postmaster at Malden, Mo., in place of Mary Shivers, resigned.

NEBRASKA

Frank A. Millhouse to be postmaster at Sumner, Nebr., in place of F. A. Millhouse. Incumbent's commission expired November 21, 1925.

NEW JERSEY

Charles H. Conner to be postmaster at Bayonne, N. J., in place of C. H. Conner. Incumbent's commission expires March 8, 1926.

Michael A. Eganey to be postmaster at Lincoln, N. J., in place of M. A. Eganey. Incumbent's commission expires March 8, 1926.

NEW MEXICO

Guy Miner to be postmaster at Des Moines, N. Mex., in place of Guy Miner. Incumbent's commission expired November 19, 1925.

NEW YORK

Otis G. Fuller to be postmaster at Central Square, N. Y., in place of O. G. Fuller. Incumbent's commission expires March 8, 1926.

Norman S. Taylor to be postmaster at Clayville, N. Y., in place of N. S. Taylor. Incumbent's commission expires March 7, 1926.

Earl A. Wheeler to be postmaster at East Randolph, N. Y., in place of E. A. Wheeler. Incumbent's commission expires March 7, 1926.

Lena M. Johnson to be postmaster at Interlaken, N. Y., in place of L. M. Johnson. Incumbent's commission expires March 7, 1926.

Darwin A. Sanders to be postmaster at Keene Valley, N. Y., in place of D. A. Sanders. Incumbent's commission expires March 7, 1926.

David C. Gilmour to be postmaster at Morristown, N. Y., in place of D. C. Gilmour. Incumbent's commission expires March 7, 1926.

John B. Mullan to be postmaster at Rochester, N. Y., in place of J. B. Mullan. Incumbent's commission expires March 7, 1926.

NORTH CAROLINA

Dan W. Hill to be postmaster at Asheville, N. C., in place of D. W. Hill. Incumbent's commission expires March 8, 1926.

Walter F. Justus to be postmaster at Flat Rock, N. C., in place of W. F. Justus. Incumbent's commission expires March 8, 1926.

Jenks Terry to be postmaster at Hamlet, N. C., in place of Jenks Terry. Incumbent's commission expires March 8, 1926.

James L. Davenport to be postmaster at Jamesville, N. C., in place of J. L. Davenport. Incumbent's commission expired January 20, 1926.

Thomas H. Peele to be postmaster at Rich Square, N. C., in place of T. H. Peele. Incumbent's commission expires March 8, 1926.

NORTH DAKOTA

M. Evelyn Peavy to be postmaster at Egeland, N. Dak., in place of M. E. Peavy. Incumbent's commission expires March 8, 1926.

OHIO

Clarence E. McCafferty to be postmaster at Chauncey, Ohio, in place of Edward Minister. Incumbent's commission expired December 22, 1925.

Charles E. John to be postmaster at Elida, Ohio, in place of C. E. John. Incumbent's commission expires March 8, 1926.

Harry F. Mikesell to be postmaster at New Madison, Ohio, in place of H. F. Mikesell. Incumbent's commission expired December 15, 1925.

OKLAHOMA

Leo C. Sharp to be postmaster at Antlers, Okla., in place of L. C. Sharp. Incumbent's commission expires March 7, 1926.

Thomas H. W. McDowell to be postmaster at Blackwell, Okla., in place of T. H. W. McDowell. Incumbent's commission expires March 7, 1926.

William C. Cooley to be postmaster at Cashion, Okla., in place of W. C. Cooley. Incumbent's commission expires March 7, 1926.

Dallas M. Rose to be postmaster at Davis, Okla., in place of D. M. Rose. Incumbent's commission expires March 7, 1926.

William J. Krebs to be postmaster at Kaw, Okla., in place of W. J. Krebs. Incumbent's commission expires March 7, 1926.

Marshall H. Whaley to be postmaster at Morrison, Okla., in place of M. H. Whaley. Incumbent's commission expires March 7, 1926.

Robert V. Anderson to be postmaster at Muskogee, Okla., in place of B. H. Cureton. Incumbent's commission expired December 22, 1925.

James S. Goodwin to be postmaster at Stratford, Okla., in place of J. S. Goodwin. Incumbent's commission expires March 8, 1926.

Etta B. Henderson to be postmaster at Wayne, Okla., in place of E. B. Henderson. Incumbent's commission expires March 7, 1926.

PENNSYLVANIA

Lois Hill to be postmaster at Baden, Pa., in place of Lois Hill. Incumbent's commission expires March 7, 1926.

Harry N. Beazell to be postmaster at Belle Vernon, Pa., in place of H. N. Beazell. Incumbent's commission expires March 7, 1926.

Dolph T. Lindley to be postmaster at Canton, Pa., in place of D. T. Lindley. Incumbent's commission expired March 1, 1926.

Althea D. A. Busch to be postmaster at Fairview, Pa., in place of A. D. A. Busch. Incumbent's commission expires March 8, 1926.

Harry L. Warnick to be postmaster at Glen Riddle, Pa., in place of H. L. Warnick. Incumbent's commission expired March 2, 1926.

Delma Byham to be postmaster at Guys Mills, Pa., in place of Delma Byham. Incumbent's commission expired February 28, 1926.

Edward F. Poist to be postmaster at McSherrystown, Pa., in place of E. F. Poist. Incumbent's commission expired December 20, 1925.

Lawrence L. Steiger to be postmaster at Mercersburg, Pa., in place of J. C. Wilson, deceased.

SOUTH CAROLINA

Louis Stackley to be postmaster at Kingstree, S. C., in place of Louis Stackley. Incumbent's commission expired March 4, 1926.

Trower Cravens to be postmaster at Beaufort, S. C., in place of H. J. Young, removed.

SOUTH DAKOTA

William J. Ryan to be postmaster at Bridgewater, S. Dak., in place of W. J. Ryan. Incumbent's commission expires March 8, 1926.

Amlin A. Isakson to be postmaster at Canton, S. Dak., in place of A. A. Isakson. Incumbent's commission expired February 16, 1926.

Chris Wittmayer to be postmaster at Eureka, S. Dak., in place of Chris Wittmayer. Incumbent's commission expired February 24, 1926.

TENNESSEE

Harriett L. Lappin to be postmaster at Monteagle, Tenn., in place of H. L. Lappin. Incumbent's commission expired February 28, 1926.

Roberta J. Tatum to be postmaster at Alamo, Tenn., in place of Leslie Vernon, resigned.

TEXAS

John H. Atterbury to be postmaster at Benjamin, Tex., in place of J. H. Atterbury. Incumbent's commission expired February 3, 1926.

Emil Gold to be postmaster at Kerrville, Tex., in place of Emil Gold. Incumbent's commission expires March 7, 1926.

John H. Sharbutt to be postmaster at Lueder, Tex., in place of J. H. Sharbutt. Incumbent's commission expired March 2, 1926.

Ada Rodgers to be postmaster at Miami, Tex., in place of Ada Rodgers. Incumbent's commission expired March 2, 1926.

Jesse E. Meroney to be postmaster at Ranger, Tex., in place of J. F. Dreinhofer. Incumbent's commission expired August 17, 1925.

Frank L. Aten to be postmaster at Round Rock, Tex., in place of F. L. Aten. Incumbent's commission expired February 10, 1926.

UTAH

Frank M. Shafer to be postmaster at Moab, Utah, in place of F. M. Shafer. Incumbent's commission expired February 17, 1926.

VERMONT

Milton B. Hoag to be postmaster at Grand Isle, Vt., in place of M. B. Hoag. Incumbent's commission expires March 7, 1926.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of O. R. Bennett. Incumbent's commission expires March 7, 1926.

Arthur G. Hinman to be postmaster at Middlebury, Vt., in place of A. G. Hinman. Incumbent's commission expires March 7, 1926.

VIRGINIA

Harry Fulwiler to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expired March 1, 1926.

Bruce L. Showalter to be postmaster at Wegers Cave, Va., in place of B. L. Showalter. Incumbent's commission expired March 1, 1926.

W. Frank Bowman to be postmaster at Altavista, Va., in place of J. W. Morgan, resigned.

WASHINGTON

Jesse Simmons to be postmaster at Carnation, Wash., in place of Jesse Simmons. Incumbent's commission expired January 17, 1926.

Orie G. Scott to be postmaster at Tekoa, Wash., in place of O. G. Scott. Incumbent's commission expired February 20, 1926.

WISCONSIN

Royal C. Taylor to be postmaster at Boyceville, Wis., in place of R. C. Taylor. Incumbent's commission expires March 7, 1926.

Leo O. Dietrich to be postmaster at Cassville, Wis., in place of L. O. Dietrich. Incumbent's commission expires March 7, 1926.

Benjamin F. Querhammer to be postmaster at Cazenovia, Wis., in place of B. F. Querhammer. Incumbent's commission expires March 7, 1926.

Lewis T. Larson to be postmaster at Danbury, Wis., in place of L. T. Larson. Incumbent's commission expired January 18, 1926.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Incumbent's commission expires March 7, 1926.

Kate C. Conrad to be postmaster at Hammond, Wis., in place of K. C. Conrad. Incumbent's commission expires March 7, 1926.

William T. Hoyt to be postmaster at Rosendale, Wis., in place of W. T. Hoyt. Incumbent's commission expires March 7, 1926.

Christian R. Mau to be postmaster at West Salem, Wis., in place of C. R. Mau. Incumbent's commission expires March 7, 1926.

Ferdinand E. Grebe to be postmaster at Waupun, Wis., in place of Dena Kastein, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1926

JUDGE CIRCUIT COURT, FIRST CIRCUIT OF HAWAII

John R. Desha to be judge, circuit court, first circuit, Territory of Hawaii.

PROMOTIONS BY TRANSFER IN THE ARMY

Ray Longfellow Avery to be major, Chemical Warfare Service.

Edward Montgomery to be major, Chemical Warfare Service.

William Frank Steer to be second lieutenant, Coast Artillery Corps.

Nathaniel Claiborne Hale to be second lieutenant, Coast Artillery Corps.

PROMOTIONS IN THE ARMY

Frank Upton Greer to be captain, Infantry.

Laurin Lyman Williams to be captain, Infantry.

Anderson Hassell Norton to be captain, Cavalry.

POSTMASTERS

INDIANA

John N. Brown, Ladoga.
Levert E. Binns, New Richmond.
Vernon Nowels, Rensselaer.
William H. Ammon, Swayzee.

IOWA

John R. Barker, Indianola.

MISSOURI

John Rohrer, Bourbon.
Kinzie K. Gittings, Chilhowie.
William C. Christeson, Dixon.
Henry D. French, Jameson.
Morris W. Ledbetter, Marble Hill.
Clarence B. Robinson, South West City.

OREGON

Charles W. Halderman, Astoria.
Frank L. Laughrige, Condon.
Logan E. Anderson, Cove.
Richard E. Tozier, Helix.
Harry E. Jones, Jefferson.
Ollie Gillespie, Willamina.
Lyman H. Shorey, Woodburn.

PENNSYLVANIA

John N. Gelder, Carbondale.
John A. Balsbaugh, Hershey.
John K. Ellis, Jeddo.
James Hewett, Pen Argyl.

VERMONT

Robert C. Olds, Norwich.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 6, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Lord and divine Helper, amid the prevailing problems and ills of life Thou art our refuge above all earthly powers. Our Father in heaven, hear us as we call and answer in wisdom Thy children's supplication. Put into our lips clean words and into our minds clean thoughts. May all that is beautiful, good, and true remind us of Thee and lead us to the source of all truth. We thank Thee for that generous, broad, and sympathetic spirit which is gradually taking hold of mankind. May the paths of the world continue to be strewn with the flowers and fruits of peace until all races and all creeds shall acknowledge Thy fatherhood and the Man of Galilee as the Teacher of the world. Do Thou bless us with an increasing sense of our destiny and give answer to the countless prayers that fall from the hearts of the peoples of the earth. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MUSCLE SHOALS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD some remarks by myself on a new subject, namely, Muscle Shoals. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, along the Atlantic and Gulf coasts is a region of gentle slopes known as the coastal plain. Further inland is the plateau region at a considerably higher elavation than the coastal plain. Where these two meet is what is known as the river fall line, which starts east of Harrisburg in Pennsylvania, passes west of Washington, and continues down the coast, passing between Richmond and Roanoke, Raleigh, and Charlotte, through Augusta, Ga., down to Montgomery, Ala., where it turns northwestward to Muscle Shoals and parallels the Mississippi and Ohio Rivers on the east and south side almost to Pittsburgh.

Where the various rivers cross this fall line they descend from the interior plateau to the coastal plains or valleys, and this marks the principal power sections of these streams.

The Tennessee River crosses this fall line at Muscle Shoals where the river falls 130 feet in a distance of about 37 miles.

During the high-water months in the spring the power at Muscle Shoals is very large, and in the month of April it has been known to run well over a million horsepower, but in the fall, particularly in the months of September and October, the river is so low that its power is greatly reduced.

Anyone can see that power which is available only a few months in spring has practically no value at all, for nearly all industries require a reliable source of power every day in the month and every month in the year.

The amount of this power that is continuously available depends upon the amount that it is possible to generate during the month of October, so we find that the useful power at the Muscle Shoals Dam is not a million horsepower, nor 500,000 horsepower, but is only about 100,000 horsepower.

Now, if storage reservoirs can be found which will hold back the flood waters of spring and allow them to be used in the fall, then, of course, the useful power at the Wilson Dam will be increased, but just how much this power can be increased will depend upon the storage capacity and the water supply of the available reservoir sites. A survey is being made of these sites, and at present it is known that the reliable power at Muscle Shoals can be doubled in this way.

The useful power available at Niagara Falls is fully 6,000,000 horsepower. At Muscle Shoals it is two or three hundred thousand horsepower. The power supply at Muscle Shoals has indeed been enormously exaggerated.

Muscle Shoals might never have been known, and certainly would never have reached its present prominence in national affairs, if it had not been for the war. The war brought out the fact that every form of explosives is made from nitrogen and that nitrogen in available form could be had in sufficient quantity only by importing it as nitrate of soda from the desert region along the rainless coast of Chile, 4,000 miles away.

Think of it! Here we were with our hundreds of millions of dollars invested in warships, coast defenses, and an Army which it was proposed to expand to 4,000,000 men, and yet from the big guns of the warships and the coast defenses down to the smallest hand grenade of the Infantry not a single gun or bomb or torpedo could be fired unless we had the nitrogen to make the explosives.

Nitrogen is one of the most necessary and at the same time one of the most peculiar of the elements. In its free or pure form it is a gas that obstinately refuses to unite with any other element. Only at high temperatures or high pressures, or both, does the nitrogen atom become sociable. Under ordinary conditions it refuses to join hands with any other atom whatever.

It is fortunate, indeed, for the human race that this is so, for nitrogen comprises four-fifths of the earth's atmosphere. The remaining one-fifth is oxygen, a most active element whose atom unites with almost any other atom that may come along, and if the invisible atoms of nitrogen and oxygen, which, mixed together, comprise our atmosphere, should join hands, the result would be disastrous, for every drop of water on earth would soon become a concentrated form of nitric acid. Our population, however, would not live long enough to miss the water, for our atmosphere would be destroyed and we would not live as long as a fish does out of water.

When this inert nitrogen atom is found in combination with other atoms, however, its character is entirely changed. Instead of being a slow-going, unsociable, sluggish individual, Mr. Nitrogen Atom becomes exactly the opposite, and something may be expected to happen in any compound where he is found to be present.

His tastes are quite various, for he enters with equal readiness into the most delicate of aromatic perfumes or in the vilest of odors. In one form nitrogen becomes a whole family of dyes of the most brilliant colors, while in another it forms an entirely different series of compounds useful in the sick room for treating a large variety of diseases, but it kills or cures with equal readiness, for it forms the best of disinfectants or the deadliest of poisons. Combined with sawdust or cotton or other forms of cellulose it becomes dynamite, and by a simple process it is changed into rayon or artificial silk.

The most general usefulness of nitrogen, however, is its usefulness in fertilizers. The fact is that we must have nitrogen for our fertilizers, or sooner or later, as Sir William Crookes pointed out in 1898, starvation will be the fate of the human race.

This is not a pleasant prospect and I hasten to add that it is not a likely one, for means have been found to take from the inexhaustible atmosphere all the nitrogen that we need for fertilizers or any other purpose. Nitrogen is one of the principal elements in our food. We find it in our beefsteak, in our vegetables, and in every kind of bread or cereal foods. The nitrogen which we eat in this way, however, has been taken from the soil by plants and the soil has slowly obtained its nitrogen from the air by natural processes. For instance, a

small amount of nitrogen combines with hydrogen in moist air to form ammonia whenever a flash of lighting takes place, and there are billions upon billions of tiny bacteria in the soil and in certain plants which transform atmospheric nitrogen into combined forms through long periods of time.

Intensive agriculture, however, draws heavily upon the nitrogen supply of the soil, and just as we can not draw indefinitely upon a bank account without exhausting it, so if we continue drawing upon our nitrogen supply in the soil and never replace it we will soon find ourselves confronted with nitrogen bankruptcy and the soil will no longer repay its cultivation.

This has been the type of agriculture that has been practiced in the United States for generations, and thousands upon thousands of deserted farm houses throughout New England and along the Atlantic seaboard bear mute witness to the folly of robbing our soil of its nitrogen. The problem is not one of finding a supply of nitrogen, for there is no less than 33,800 tons of pure nitrogen in the air above every acre of ground. The problem has been how to cause this nitrogen to combine with other elements so that it could be used to make explosives, fertilizers, and other products.

Realizing our national helplessness should an enemy fleet succeed in cutting us off from our source of nitrates in Chile, Congress included in the national defense act of 1916 a section which authorized the President to determine the best means for obtaining nitrogen from the air and combining it with some other elements, so that it could be used for explosives in time of war and for the manufacture of fertilizers and other useful products in time of peace. Since the process which was selected required a large amount of power for the purpose, the plant was located at Muscle Shoals, where cheap power for the economical production of fertilizers was known to exist at a protected location far removed from any of our country's frontiers.

It was necessary that the power should be cheap, for high-priced power would make expensive fertilizers. In spite of all that has been said about making new and improved fertilizers without power, the fact remains that cheap power is still essential for the making of these fertilizers, as we will see in a moment.

The first step in utilizing a cheap source of nitrogen is either to take it from the air or from coal.

Suppose we take it from the air. We can do this by compressing and cooling the air repeatedly until it becomes a liquid. This liquid air is then boiled and pure nitrogen gas comes off.

Now, if limestone and coke are melted together in an electric furnace, which takes an enormous amount of power, the product is calcium carbide—the gray, powdery stuff that will generate acytelene gas when water is dripped upon it.

This calcium carbide, when hot, will unite with nitrogen gas to form a new grayish, powdery material called calcium cyanamide.

Now, calcium cyanamide is itself a fertilizer and is successfully used throughout European countries in large quantities. It has certain limitations and has not proved especially popular in this country, although something more than 50,000 tons of it are used in our mixed fertilizers every year. Its principal value is due to the fact that when treated with steam it gives up its nitrogen in the form of ammonia gas.

Ammonia gas can also be made by combining the nitrogen gas directly with pure hydrogen gas, and the actual combining process takes little power, it is true, but where shall we get the pure hydrogen gas?

That is the question which has caused so much misunderstanding and makes it so easy to represent Muscle Shoals as a bonanza.

There are two commercial sources of hydrogen; one is water, the other coke. You can get hydrogen by decomposing water in an electric cell; but that method takes more power than the cyanamide process, so there is no power economy to be gained by doing that.

If you get your hydrogen by passing steam through a red-hot bed of coke, then the gas is very impure and hard to purify, and impurities will destroy the economy of the entire process.

Only one country in the world uses this coke process. That country is Germany; and only one company in Germany uses the coke process, and that is the Badishe Anilline and Soda Works.

It is a most significant fact that this Badische company has recently acquired some large water powers in Norway for the purpose, they say themselves, of making ammonia.

In other words, the world's only makers of air-nitrogen fertilizers by processes not requiring water power, after 13 years' experience, are now going back to water power.

Water power is and, in my opinion, will continue to be a big factor in the manufacture of improved fertilizers for many years to come.

When once we have ammonia gas there are many forms of fertilizer which we can make. One of the principal forms—now made from ammonia which is obtained when coal is made into coke in a by-product coke oven—is sulphate of ammonia. This is made by causing ammonia gas to bubble up through a solution of sulphuric acid, and the combination of the two produces a material that looks something like brown sugar and is used in mixed fertilizers to supply the nitrogen. Sulphate of ammonia, however, contains only about 20 per cent of nitrogen. The other 80 per cent has no fertilizing value; it might just as well be sand or dirt.

The farmer for a long time has been buying mixed fertilizers which contained but very little of real fertilizing elements. When mixed fertilizers contain as much as 14 per cent of these real fertilizer elements they are called "high grade" by the trade, although in every 100 pounds the farmer gets 14 pounds of fertilizer and 86 pounds of something else that might just as well be sand or dirt. The farmer does not like it any more than you would like it, Mr. City Man, if you went to the grocery store and asked for a peck of potatoes and the grocer insisted on sending you a bushel of dirt with a peck of potatoes at the bottom of it. Now, while it is not possible to eliminate all of the inert matter in fertilizers, it is possible to improve them greatly. For example, if phosphoric acid is substituted for the sulphuric acid and ammonium phosphate is produced instead of ammonium sulphate, this ammonium phosphate will carry two plant food elements in concentrated form, while the ammonium sulphate has but one. In other words, the ammonium phosphate would be about 72 per cent plant food while the ammonium sulphate is only about 20 per cent plant food.

Now, all of this is nothing new to the fertilizer companies; they have known for years that nitrogen could be taken from the air with electric power and phosphoric acid could be made from phosphate rock in an electric furnace and ammonium phosphate produced, but that would eliminate their vast sulphuric acid business, and fertilizer manufacture is the chief market for millions of tons of sulphuric acid, which the fertilizer industry manufactures themselves and sells to the farmer at a good, round profit. So, if they eliminate the sulphuric acid they would have to find another market for one of their most important products. Therefore, instead of joining hands with the farmers and helping to work out the fertilizer industry on a new and improved basis at Muscle Shoals, they have chosen, instead, to try to defeat the entire proposition. So, when the United States had built its nitrate plants at Muscle Shoals and had started to work on the big dam that was to furnish the plants with power, the Government, not wishing to scrap these plants which had such large possibilities, tried to interest the fertilizer industry in them and offered to lease them without any rental whatever on most generous terms, but not an offer could they get. The presidents of all the large fertilizer companies were seen, but with one accord they all declined to bid.

Meanwhile, the funds for building the dam were exhausted and Congress, following the lead of those who declared the whole enterprise was a war-time blunder, declined to appropriate to complete the dam, and it was not until Henry Ford made his famous proposition to lease the entire property and offered $215,000,000, payable over a period of 100 years, for the property, that Congress was made to realize that its nitrate enterprise was not the white elephant which it had been represented to be. After Mr. Ford had broken the ice, others came in with bids.

The House of Representatives accepted the Ford offer, but the Senate could not agree, because of obstructions thrown in the way by those who wish the Government to engage in the fertilizer business, who were assisted in their obstruction by the fertilizer industry and the power companies, who wanted the power for themselves. This combination not only defeated the Ford offer but by a series of destructive amendments they killed the Underwood bill, which was intended to make possible a private lease of this property.

After the Underwood bill had been amended to death and Congress had adjourned with the Muscle Shoals problems still unsolved, President Coolidge appointed the Muscle Shoals Commission, whose duty it was to determine upon a policy to provide for the future of these properties. While the commission did not agree as to the details of the lease, they were agreed that the plant should be operated by private enterprise and not by the Government. Furthermore, the commission employed a technologist who, with the cooperation of some 1,200 county

agents in 23 of the principal fertilizer-using States, carried on an investigation and established beyond reasonable doubt that fertilizers could be produced at Muscle Shoals and delivered in concentrated form directly to the farmers through their own cooperative purchasing associations with a saving that averages about 43 per cent of present prices. The saving varies from 55 per cent in Louisiana to about 35 per cent in South Carolina.

With the opening of the present Congress the House passed the Snell resolution carrying out the recommendations of President Coolidge by providing for the appointment of a congressional committee of six members, three from the House and three from the Senate, having authority to negotiate a private lease of the Muscle Shoals properties and recommend it to Congress for acceptance. There were just five specifications for the lease in the resolution as it passed the House:

1. The properties must be leased as a whole; that is, the nitrate plants shall not be separated from the supply of power that is necessary for their operation.

2. The lease must be made primarily for the production of nitrates and incidentally for power purposes. In other words, the peace-time purpose which Congress had in mind in establishing the nitrate plant at Muscle Shoals must be carried out. Power distribution is an element to be considered, but it is not the chief element.

3. The lease must serve national defense, agricultural, and industrial purposes.

4. The terms of the lease, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in the offer of Henry Ford.

5. The lease shall be for a period not to exceed 50 years.

Under the terms of this resolution the bidder can use any process that he desires. He does not need to operate either one of the two nitrate plants; he can build a new one, utilizing an entirely different process if he desires to do so, but he must specify the amount of fertilizer that he will make.

Any bidder who will agree to utilize the Muscle Shoals power for the production of fertilizers as far as may be required by the market demand will soon find his entire power supply absorbed in the fertilizer business, for his product could be sold at about half the present price and the demand would far exceed the supply. It would take many plants like that at Muscle Shoals to supply the farmer with these improved fertilizers when they are available at half their present cost.

Those who have studied the subject realize that there is a serious business risk involved in introducing new fertilizer materials that the farmer knows nothing about and which he has never used and they recognize the fact that it is no more than just to grant the successful bidder at Muscle Shoals the right to use the power, not required for fertilizer purposes, for his own uses in order that he may be protected so far as it is possible to do so in view of the business risk which he undertakes.

Opposed to the Snell resolution are those who wish to see the Government do this work itself, but we have only to look at the record of the Government in previous business enterprises to realize that private capital can secure results which far surpass anything that the Government can do. It is true that the Government can operate a research laboratory or a bureau, but we should not forget that there is a vast difference between conducting a mere laboratory and operating a manufacturing enterprise, where the cost of the product is vital to the success of the enterprise.

A feature of the Ford proposal which the Snell resolution seeks to secure in any new offer is the limitation of profit to 8 per cent on the cost of operation and the supervision of the distribution by a board of farmers who have authority to inspect the books of the lessee and assure to agriculture that the lessee is carrying out his contract in good faith. This limitation of profit constitutes the first real regulation that was ever proposed for the fertilizer industry and is a greater measure of protection to the consumer against the high prices of monopoly than anything heretofore proposed.

It is confidently expected that the Snell resolution will pass the Senate, probably without change, and the experience of the President's Muscle Shoals Commission indicates that there are a number of bidders who can be depended upon to come forward with offers for the property when Congress has provided a competent committee to receive proposals and make recommendations to the House and Senate.

Muscle Shoals legislation has been before Congress, in one form or another, for 10 years. That fact alone should be sufficient evidence that this Government is not adapted to carry on a private business enterprise. Any business concern of any ability whatever could have settled the disposition of these properties in 30 days. While the outcome can not yet be predicted, it is safe to say that if the Snell resolution passes and a suitable private offer is accepted the farmers of the country will be in a fair way to realize their long-deferred hopes for cheaper fertilizers, and a vast section of our country not only in the South and East but in the Middle West will receive a benefit that will become increasingly evident as the years go by.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE AND JUSTICE AND FOR THE JUDICIARY AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. TINCHER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9795, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

Mr. SHREVE. Will the gentleman from Alabama [Mr. OLIVER] use some of his time?

Mr. OLIVER of Alabama. Yes.

Mr. GARNER of Texas. Mr. Chairman, I assume that the gentleman is going to talk upon this bill?

Mr. OLIVER of Alabama. Yes.

Mr. GARNER of Texas. It seems to me it would be well, then, to have a larger audience.

Mr. OLIVER of Alabama. I hope the gentleman will not make the point of no quorum.

Mr. GARNER of Texas. All right.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, high-school students will find in the CONGRESSIONAL RECORD for the past three days a wealth of material for June essays and orations. The discussions have covered a wide and varied field, touching almost every phase of morals, religion, home, and industrial economics, the history and interpretation of State and Federal Constitutions, the science of government, and so forth. Surely no searcher after wisdom, if patient, persistent, and industrious, will fail to be rewarded, if he will only read the discussions that appear in the RECORD for the three days on Sabbath observance, prohibition, tariff, railroad rates, the farmer's problems, the Philippines, and countless other allied and unallied subjects.

Mr. RANKIN. Including a discussion of patronage matters in Texas?

Mr. OLIVER of Alabama. Yes. In the midst of this encyclopedia of information there appear two very modest addresses, one by the gentleman from Pennsylvania [Mr. SHREVE] and the other by the gentleman from New Jersey [Mr. ACKERMAN], on the pending bill, which carries appropriations approximating $80,000,000 for four important departments of the Government.

The gentleman from Pennsylvania has given the House in his address a very logical analysis of all the appropriations, together with an explanation, which seeks to justify the appropriations for the four separate departments; and the gentleman from New Jersey, always a wizard with statistics, has as usual written a most interesting story in figures of the important service which these four departments are rendering the public, laying special emphasis on the work of the Department of Commerce and its wonderfully helpful service to business, both at home and abroad.

Now, I simply wish to support what these two gentlemen have so well said and to emphasize, if I may, some few of the outstanding activities of these four departments. My remarks, however, will be largely devoted to the Department of Justice.

First, may I call attention to the Department of State, where you will find that for many, many years every bill, both legislative or appropriation, has been stamped with the distinctive personality of one man, not so widely known to the people of the United States, but who has done more to frame the legislation that gives to the Department of State its outstanding place of dignity and importance than all others? This man is Wilbur F. Carr. [Applause.] To him perhaps is due more than any other single individual the fact that the personnel of this department is stable and permanent and now

invites to its service only men and women of high character and signal ability and who, after examination, can show proper qualifications for that important governmental service.

You will be interested in reading the hearings to find, in connection with the subject which the gentleman from Virginia [Mr. WOODRUM] discussed yesterday, a most enlightening statement made by the head of the Mixed Claims Commission, and I commend it to your careful reading.

Mr. McKEOWN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. McKEOWN. While the gentleman is talking about the Department of State, there has been frequent complaint made that persons are not permitted to become employees of the Department of State unless they have certain social advantages; that is to say, certain social influences. Does the gentleman know anything about that?

Mr. OLIVER of Alabama. I think the gentleman is in error in saying they can not become employees unless they have certain social influences, but I think they must have certain educational qualifications.

Mr. McKEOWN. With that I agree, but the complaint comes from a good many people in the West that unless they have certain social connections they are unable to get places.

Mr. OLIVER of Alabama. I think if the gentleman will follow that up he will find there is little, if any, foundation for it.

The hearings for the Departments of State, Commerce, Labor, and Justice are all full and accurate and are entitled to a place in your libraries. Passing next to the Department of Labor, I commend to those interested in the important subject of naturalization a splendid statement which appears in the hearings by Mr. Crist, the head of this bureau. You will also find a most informing statement by Miss Abbott, the head of the Children's Bureau; included in the work of that bureau has been the expenditure of money appropriated for cooperative work with the States in maternity and infant hygiene and welfare.

The gentleman from Virginia [Mr. TUCKER], in his address before the House a few days since, questioned the power of Congress to appropriate money for the important work assigned to Miss Abbott's bureau. I wish to refer the House in this connection to a brief which answers completely the argument of the gentleman from Virginia, filed in the United States Supreme Court by the States of Virginia, Pennsylvania, Arizona, Arkansas, Colorado, Indiana, Delaware, and Minnesota. I had intended to read as a part of my remarks this brief, but since it is probably too long, I wish to enjoin on every Member interested in this discussion to read the brief, a copy of which can be secured from the clerk of the Supreme Court.

Mr. HILL of Maryland. Were any briefs filed on the other side of the case?

Mr. OLIVER of Alabama. Yes; by the State of Massachusetts, appellant in the suit before the Supreme Court.

Mr. HILL of Maryland. That was the only one filed?

Mr. OLIVER of Alabama. Yes.

Mr. HILL of Maryland. There will be no objection to that being filed, would there?

Mr. OLIVER of Alabama. It is rather long, and since the Supreme Court refused to consider and dismiss the appeal I think the gentleman from Maryland will hardly insist that the brief should here be set out in the RECORD.

Mr. HILL of Maryland. My recollection is that the Supreme Court decided in favor of the contention of the States. Is not that the case?

Mr. OLIVER of Alabama. Not in favor of the contention made by the State of Massachusetts, because, as stated above, the Supreme Court held that the case was not properly before the court and did not present a question which the State of Massachusetts could raise, and the appeal was accordingly dismissed. There is another interesting brief on file in the court by the land-grant colleges. These colleges, as well as the States which I enumerated above, felt a deep interest in the matter and filed what to my mind were unanswerable arguments upholding the power of Congress to make the appropriations which were sought to be questioned by the State of Massachusetts.

The committee increased the amount for the Department of Labor, under the head of immigration, a million dollars over the Budget estimate, but it will be found that notwithstanding this item of increase the total amount carried in this bill for the four departments is about $60,000 under the Budget estimate.

The committee felt that this increase was absolutely necessary to make effectual the border patrol and to provide funds for deporting a large number of aliens unlawfully here. I am sure the committee in providing funds for this purpose has reflected the overwhelming sentiment of the Members of the House. The committee were unable to understand why the Bureau of the Budget should have estimated the amount needed for border patrol and deportation in 1927 to be $600,000 less than for 1926. The estimate submitted by the Department of Labor was convincing that a much larger sum would be needed for this work in 1927 than has been appropriated for 1926, including the deficiency appropriation of $600,000 recently made.

Passing now to the Department of Commerce, the gentleman from New Jersey [Mr. ACKERMAN], as I stated in the outset, has discussed the work of this department in a very interesting way, and I only wish to confirm what he has said and what the House has on several occasions expressed as its estimate of the important work which the Department of Commerce is doing.

I recall that at the last session the gentleman from Tennessee [Mr. BYRNS] and my colleague, the gentleman from Alabama [Mr. BANKHEAD], and the gentleman from Minnesota [Mr. NEWTON] and many others on both sides of the aisle volunteered to pay high tribute to the splendid service which the Department of Commerce has and is rendering both at home and abroad. Knowing your interest in this department, the committee has been careful to have written into the hearings a very full and complete statement by the able representatives of the Department of Commerce who appeared before the committee, and I commend these hearings to every Member of the House. The appropriations carried in this bill for the department are very liberal and will permit the department to discharge its important responsibilities with increasing efficiency.

I wish to specially commend the interesting statements submitted by Doctor Klein, Chief of the Bureau of Foreign and Domestic Commerce; by Doctor Burgess, Chief of the Bureau of Standards; by Col. Lester Jones, Chief of the Coast and Geodetic Survey; and by Mr. O'Malley, Chief of the Bureau of Fisheries. Since the last appropriation bill was considered two important bureaus, namely, the Bureau of Patents and the Bureau of Mines, have been transferred to the Department of Commerce, and I invite the Members of the House to read the interesting statements made by the heads of these two bureaus. The splendid work of the Lighthouse and Steamboat Inspection Services will appeal strongly to every Member of the House, I am sure.

Passing now to the Department of Justice, no one can seriously question that this department under the administration of Attorney General Daugherty largely lost the confidence of the people of the Nation, and his immediate successor, Mr. Stone, and the present Attorney General have rendered a signal service to the department since they took charge. I wish now to say that, though my acquaintance with Attorney General Sargent is limited, he has most forcibly impressed me as being a gentleman of highest character, sincere, courageous, conscientious, and deeply devoted to the public interest. [Applause.] I believe that when he shall have had time to become thoroughly familiar with the many intricate duties of that great office you will find that he will have established there a permanent and able personnel that will restore this great department in the full confidence and esteem of the American people. If there be one department above all others of the Government where appointments should be made free from every suspicion of politics, it is the Department of Justice. [Applause.] A department that represents the Government and its people in the courts and which, under the Constitution, is clothed with the power to review the acts of the other coordinate departments of Government must, my colleagues, hold a firm place in the esteem, confidence, and affections of our people, and this can only be accomplished when it is understood that all appointments in that important department are made on merit and not in response to political influence or suggestion.

Mr. McKEOWN. Will the gentleman yield?

Mr. OLIVER of Alabama. Not just yet. It would be wise for Congress to pass a law that Members of the Senate and House in submitting any recommendation for appointments to the Department of Justice should be limited to stating the qualifications of the applicant within the personal knowledge of the party making the recommendation.

I now yield to the gentleman from Oklahoma.

Mr. McKEOWN. I wanted to ask the gentleman if he thought, as a practical proposition, that ideal ever obtained in the Department of Justice?

Mr. OLIVER of Alabama. No. Yet I hope some day it may, and when it does there will be no refusal by the House to provide adequate compensation for its personnel. As emphasizing the great responsibility of this department, may I call attention to the fact that there are now pending in the Court of Claims suits against the Government approximating in figures

$1,600,000,000? Fortunately, the Government's interests are in the hands of Mr. H. J. Galloway, Assistant Attorney General, an able lawyer, and the hearings will disclose what splendid results he has obtained in the cases disposed of before the Court of Claims in the last 12 months.

I wish to invite your attention also to the hearings before the committee by Mr. Hoover, head of the Bureau for the Prosecution and Detection of Crime. His is a short statement, yet thoroughly interesting, and will supply the Members of the House with interesting information for talks to civic organizations. Examine also the very full report submitted by Mr. Myers to the committee relative to the enforcement of the antitrust laws. On page 130 and those that follow will be found a long and complete list of the important cases handled by this section of the department.

I wish to call special attention to the statements submitted by Mr. Michael in behalf of himself and Mr. Andrews, who, since July, 1924, have been in charge of the prosecution of war frauds. Appropriations amounting to $2,700,000 had been made by Congress for the prosecution of war frauds since May, 1922. The amount of recoveries by the Department of Justice approximate $10,400,000. There are still pending a number of cases, and the unexpended balance of the 1926 appropriations has been reappropriated to carry on this work in 1927.. Since we have heard in and out of Congress so much said about war frauds, I feel constrained to read what Mr. Michael and Mr. Andrews submitted to the committee as their conclusions relative thereto. You will recall that after the war, when partisanship was intense, committees from Congress submitted some astounding reports, and now we find that two able and disinterested lawyers, acting for the Department of Justice, after a thorough and complete study of these so-called war frauds, relative to which the Graham and other committees have submitted reports, have submitted to the Congress the following impartial and impersonal statement:

ACTIVITIES AND INFORMATION OBTAINED FROM INVESTIGATION OF WAR FRAUDS

As this is the last time that Mr. Andrews or I will appear before the committee, it may not be inappropriate for us to make certain observations, based upon our experience, with respect to the general subject of war frauds.

Charges that fraud and profiteering were committed on a large scale during the war and in the liquidation of war activities have been frequently made in and out of Congress, and yet comparatively few cases involving fraud have been discovered. Although 37 indictments charging war frauds have been returned, only two convictions and two pleas of guilty, and these in relatively unimportant cases, have been obtained. Of these indictments, 22 have been dismissed on the Government's motion. The inference is either that no honest and efficient effort was made to detect and punish war frauds or that war frauds were not as prevalent as was supposed. Because we believe it of the utmost importance that the correct inference be drawn we deem it our duty to throw such light upon the question as we can. As we have said, we were placed in charge of the work of investigating and prosecuting war frauds almost six years after the armistice. It had then become extremely difficult, if not practically impossible, to detect frauds not theretofore discovered, except in isolated cases, by reason of lapse of time. We feel that we may therefore speak without being suspected of a desire to conceal our own delinquencies rather than to aid in ascertaining the truth. However, we quite appreciate that we run the risk that our motives may be misconstrued.

We believe that an honest and determined effort has been made to detect the frauds perpetrated against the Government during the war and in the liquidation of war activities, although it is undoubtedly true that some fraud has gone undetected. War transactions in general or specific war transactions have been the subject of investigation by eight different agencies. Contracts for the production of airplanes and related contracts were investigated by the Hughes committee and the audit section of the Air Service of the Army. Numerous war transactions extending into almost every phase of the War Department's activities during and after the war were investigated by the Graham committee. For three and one-half years the contract audit section of the Finance Division of the Army has been making a review of war contracts of all kinds under congressional direction. For more than two years the joint board of survey examined into war contracts generally. Specific war transactions have been the subject of investigation by the office of the Inspector General of the Army and of the General Accounting Office. Further investigations have been made by the Department of Justice. We are familiar with the work of all these agencies, and our knowledge of their work induces our belief that the effort to detect war frauds was honest and determined.

We believe also that an equally determined and honest effort has been made to punish fraud. As far as we know, every case of alleged fraud which has been referred to the Department of Justice has either been carefully investigated, and where the evidence warranted it indictments have been sought, or is in the course of investigation.

We are inclined to believe that both the effort to detect and the effort to punish fraud might have been made with greater efficiency, and that some additional frauds might have been discovered and punished, but we are not at all convinced that the results would have been radically different.

We believe that profiteering, as that term is popularly understood, was widespread, but that fraud, in its technical sense of conduct which constitutes a violation of the criminal laws or, if not criminal, involves moral turpitude in the eyes of the law, was neither prevalent nor as serious in its consequences to the Government as has been supposed. We believe that the appearance of fraud was much greater than the existence of fraud. Thorough investigation has demonstrated that in most cases, including those which from time to time have been the subject of congressional inquiry and comment, there was in fact no fraud. We believe that the appearance of fraud resulted inevitably from the incompetence, inexperience, and bad judgment of many of the agents of the Government, from the wastefulness and extravagance which characterized many of the war activities, and from the large profits which the war made possible. Time does not permit a discussion of individual cases, but the files of the department contain convincing proof of these assertions.

It was perhaps inevitable that fraud on a large scale should appear to have been committed. When war was declared the Government was unprepared. An army of several million men had to be recruited, housed, trained, and equipped within the shortest possible time. Huge quantities of war materials and munitions had to be obtained as quickly as possible. The primary consideration in the minds of the responsible Government officials was speed rather than economy. A large procurement organization had to be created with all possible dispatch for the purpose of obtaining the necessary housing, equipment, and supplies for the Army. It is not strange that that organization should have included some dishonest men and more inexperienced and incompetent men. It was probably inevitable that men should have been assigned to tasks which they were not fitted to perform, either by experience, training, or innate ability. The policy of obtaining practically all war supplies and materials by purchase was adopted, and the war thus became the source of private profit, and often of very large profits. It was believed to be impossible to make purchases on a competitive basis, and competition was eliminated, so that the Government's only protection lay in the patriotism and honesty of war contractors and the good judgment and integrity of Government agents.

There were some contractors so patriotic that they were willing to supply the Government without thought of profit or loss to themselves. Others treated their transactions with the Government as ordinary commercial transactions and, while entirely honest according to accepted business standards, attempted to make the best bargains they could. Some of them, overcome by the desire for profit, took advantage of the Government's necessities to drive exceedingly hard bargains. Most of the Government's agents were honest and conscientious men, eager to serve their country well. Many of them, however, as was perhaps inevitable, possessed neither the experience nor the capacity to enable them to do the work intrusted to them or to deal on an equal footing with the more experienced and astute contractors with whom they came in contact, so that it was often a simple matter to take advantage of their ignorance and inexperience. Contractors were called upon to render services and to furnish supplies which they had never before performed or furnished, and they were unwilling to take the risk of loss. The cost-plus contract was therefore adopted and became a convenient instrument for overreaching the Government. Bad judgment was often displayed by representatives of the Government in estimating the Government's requirements, and unnecessarily large quantities of supplies of various kinds were contracted for on any terms obtainable. Most of the war contracts were drafted by representatives of the Government, and many of them were poorly and vaguely drawn and failed to contain terms necessary for the adequate protection of the Government.

The conditions which we have described persisted after the cessation of hostilities and characterized to a greater or less degree the settlement of war contracts and the sale of surplus war property. When the time came to settle war contracts, the war was over. Contractors endeavored to settle their contracts on the best possible terms and were often able to get better terms than they were entitled to, without resorting to fraudulent methods. Similarly, purchasers of surplus war materials considered only their own advantage and made the best bargains they could.

We do not state these facts in any critical spirit. They may have been inevitable under the circumstances. We state them merely in explanation of our conviction that the Government's war losses are to be attributed chiefly to improvident and extravagant contracts, rather than to fraud. The agents of the Government who made and settled war contracts, and who sold surplus war property, were vested, and perhaps necessarily, with the widest discretion. If, in the exercise of that discretion, they made improvident and wasteful

contracts which were neither fraudulently induced nor fraudulently performed, the Government must suffer the resulting loss. Fraud is not to be predicated upon the superior bargaining power or shrewdness of the contractor, or upon the inexperience or bad judgment of the Government agent with whom he dealt.

Mr. BANKHEAD. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. BANKHEAD. I understand that the statement the gentleman has just read was made by two special agents.

Mr. OLIVER of Alabama. Yes; they were appointed by Attorney General Stone and are lawyers of splendid ability and high standing.

Mr. BANKHEAD. It seems to me that that statement exonerates the administration from being responsible for the charges of fraud and also settles once for all all suspicion and accusation that there was a wholesale fraud and inefficiency under the Democratic management. It is in marked contrast to developments and reports in some other branches of the Government.

Mr. OLIVER of Alabama. An impartial survey of Mr. Michael's report, in which Mr. Andrews fully concurs, will sustain every statement that the gentleman from Alabama has made.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. OLIVER of Alabama. Certainly.

Mr. BRAND of Georgia. I want to say that I know Mr. Michael; he was admitted to the bar under me. He is from my State. He was appointed by Attorney General Stone, and I believe is one of the ablest attorneys in the Department of Justice and the only attorney from the State of Georgia.

Mr. OLIVER of Alabama. He has been practicing in New York and was appointed from New York. Mr. Andrews is also a resident of New York, and I have read from a joint report submitted by Mr. Michael and Mr. Andrews, which is set out in full in the hearings. I regret that both of these gentlemen are retiring from the department on July 1. I had hoped that one at least would remain to wind up the war-fraud cases, which I feel in the main can be disposed of during the fiscal year 1927. You will be interested in the concluding statement by Mr. Michael and Mr. Andrews as to what may be expected to be recovered in the large number of cases. This will be found on page 207 of the hearings.

There is another statement to which I wish to call your attention, and that is by the superintendent of prisons, Mr. White, a most excellent gentleman, who has practical ideas about the expenditure of public funds. You will recall that there are now five penal institutions, namely, Leavenworth, Atlanta, McNeill Island, the training school in Washington, the industrial institution for women, and the industrial school for boys, between 17 and 30, not committed for serious offenses.

These two last institutions you are making appropriations for in this bill. A very capable lady is at the head of the industrial institution for women, and she is rendering useful service in that work.

Heretofore women prisoners have been placed in State institutions, where the surroundings have not been good and wholesome. Heretofore we have been confining young men convicted oftentimes for minor offenses in the penitentiaries at Leavenworth and Atlanta, where they were in contact with criminals of long standing.

You have wisely concluded to separate these prisoners and to give them some industrial training. I think you will find a productive return for the investment made for these unfortunates.

You may be interested to know what the committee observed as to the two industrial establishments, one at Atlanta and one at Leavenworth. The oldest is the textile mill at Atlanta. They are making 30 different samples of cloth for the Army, Navy, Coast Guard, and Post Office Department. You understand that nothing they make is sold to the outside trade; the Government takes for its own use what is made by prison labor. Recently you established a shoe factory at Leavenworth. That building has just been completed, and it is estimated that when they can train the number required to operate the machinery now installed there they can probably make 600,000 pairs of shoes a year. The demands of the Army and Navy exceed that amount. It is thought they will make a better shoe than the Army and Navy are now buying at a cost of $1 less per pair, thus practically paying the expense of maintaining the prison.

We found likewise at Leavenworth that the convict labor had been usefully employed in clearing up a large farm transferred by the Army and in constructing suitable buildings there to house all who work on the farm as trusties. Prison labor has completed an abandoned bridge that Congress took over some time ago at a large saving. That bridge is serving a very useful purpose at Leavenworth and is used by the public also.

We found that in each of these prisons they were working a large number of men out in the open fields, and working them without shackles, as trusties. They have a splendid dairy at each of these Federal prisons. Your Federal prisons, however, are badly crowded. You have twice the number at Leavenworth that the building was designed for, and the same is true at Atlanta and at McNeil Island.

The one thing that those prisoners are crying for is an opportunity to learn something to do. Most of them, especially those convicted of serious crimes, have lived by their wits in the past. They have, perhaps, never done an honest day's work.

Strange to say, they seem anxious and willing to work, and I think the study of criminals discloses that the best way to reform them is to put them at honest work. It is not intended by that to suggest that Congress provide work that will compete with outside business, but simply that they should and can make many things that the Government needs and itself uses. Surely there can be no objection in providing useful employment to these unfortunates for that very purpose.

I appreciate the patience of the committee in listening to these matters. They all appear in the hearings before the committee, and I have briefly alluded to them, hoping that in so doing I may kindle an interest on the part of the membership to read the hearings, and if you do I know you will have some fair conception of what the Department of Justice is doing.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. JONES. I notice in the bill an appropriation for an International Institute of Agriculture at Rome, Italy. Does not the gentleman think that that appropriation and the investigation in regard to it properly belongs in the agricultural appropriation bill?

Mr. OLIVER of Alabama. I think not. The gentleman will find that there has been no insistence even by the Department of Agriculture that they collect the information that this institute collects, and which is the most important data collected of that character.

Mr. JONES. How is the $9,600 expended? Is it expended in maintaining a representative there?

Mr. OLIVER of Alabama. Maintaining and sending representatives there to these different conferences and in publishing reports.

Mr. JONES. Who appoints that representative?

Mr. OLIVER of Alabama. The Department of State.

Mr. JONES. What means of distribution of the information do they utilize?

Mr. OLIVER of Alabama. The gentleman can get the information by inquiry at the State Department.

Mr. JONES. Does the State Department turn it over to the Department of Agriculture?

Mr. OLIVER of Alabama. I am not prepared to say to what extent they may submit this information to the Department of Agriculture.

Mr. JONES. If it is intended for the Department of Agriculture it ought to be distributed by the Secretary of Agriculture in connection with agricultural activities.

Mr. OLIVER of Alabama. I have no doubt that a number of copies are distributed by the Department of Agriculture. The gentleman will recognize at once that this very naturally should be attached to the Department of State. In all our relations to foreign countries every department of the Government must act through the Department of State. That is one reason why this particular activity very properly belongs with the Department of State.

Mr. JONES. That is all right, if they furnish the information to the proper authority. But I can see no use in gathering the information unless they send it to the proper department. I notice on page 48 of the bill there is an appropriation amounting to $645,920 for printing and binding for the Department of Commerce. Is that an increase over the amount of appropriation for that purpose last year?

Mr. OLIVER of Alabama. Yes.

Mr. JONES. How much?

Mr. OLIVER of Alabama. I do not recall exactly. The Department of Commerce must have money to print the information that it collects, if it is to serve the business interests of the Nation. It would be folly to employ men abroad to collect information and not get it quickly to the business interests,

and so we provided an additional appropriation such as the department felt might be necessary for the purpose of quickly assembling and disseminating the information.

Mr. JONES. I am asking for information, especially in view of the fact that some criticism was leveled at the Congress a short time ago because it appropriated a considerably less sum than this for getting out some information already collected and which is useful to agriculture. I wondered about the consistency of opposing that appropriation and increasing an appropriation to a considerable extent for the business interests.

Mr. OLIVER of Alabama. I think my good friend has been in Congress long enough to know that Members of Congress can stand some criticism, and that it does not deter us from doing what we think is right.

Mr. JONES. I wanted to know if they had the information which——

Mr. SHREVE. I can supply the information. In the first instance, the reason it is not handled by the Department of Agriculture is because it is a treaty obligation, and there is no place to handle it except in the Department of State. The other item the gentleman mentioned was simply a transfer; it is not a reduction, but it is only an apparent reduction, and it is made by a transfer down to South America to be used exactly for the same purpose.

Mr. JONES. The first purpose the gentleman mentioned, the fact that it is a treaty obligation—I do not understand it is an obligation. I understand it is a voluntary proposition; but even though it is a matter that refers to some treaty rights, is there any reason why with the cooperation of the Department of State the Department of Agriculture could handle the information?

Mr. SHREVE. Those matters are all conducted by the Department of State; treaty obligations, international agreements, and matters of that kind are all conducted there.

Mr. JONES. I understand that, but I was trying to get information to ascertain whether the Department of State simply files away this information or furnishes it to the Department of Agriculture.

Mr. SHREVE. Certainly; the information is supplied very generously to the Department of Agriculture. We get a vast quantity of information from Rome, and it is the quickest thing I know of. I made a statement a couple of years ago, as you may remember, stating that there was a tornado in southern Italy and the lemon crop was destroyed. That information was wired to Rome, was cabled to Washington by 1 o'clock. At 4 o'clock the lemon growers of California knew all about it, and it shows how rapidly that information is collected and disseminated. It is absolutely indispensible; the Department of Agriculture can not get along without it.

Mr. OLIVER of Alabama. Mr. Chairman, in conclusion, may I call attention to a statement, found in the hearings, by Mr. Myers, since I feel the House would like to know it. It suggests that some legislation may be needed to correct what seems to be a court interpretation of section 7 of the Clayton Act. When Congress passed the Clayton Act I am sure it was not contemplated that section 7, which prohibits one company from buying the stock of another, could be avoided by one company buying all the physical property of another and issuing its stock in payment for such physical property. That seems to be the decision of some courts, and this Congress should pass the necessary legislation to make impossible gigantic mergers and combinations which 1926 and 1927 seem now to promise.

Mr. McDUFFIE. May I interrupt the gentleman with a question?

Mr. OLIVER of Alabama. Certainly.

Mr. McDUFFIE. I thoroughly agree with the last statement made, and I want to call attention to another department of the Government. Many think that there should be an increase in the salary of those employed in the Steamboat Inspection Service. I have not read the hearings, but I want to ask the gentleman if his committee has allowed any increase, or what was done by the subcommittee?

Mr. OLIVER of Alabama. I think later it may be necessary for Congress to authorize a study of these matters, so that uniform increases can be provided for all underpaid in the field service. The trouble is that it is difficult to pick out those some may think are underpaid and not consider others whose work is equally meritorious. I hope that that can be attended to at another time. [Applause.]

Mr. SHREVE. Mr. Chairman, I now yield the remainder of my time to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman, I desire to have printed in the RECORD a concurrent resolution passed by the Assembly and Senate of New York State, and to call particular attention to articles 1, 2, 5, 7, and 8:

IN SENATE OF THE STATE OF NEW YORK,
Albany, February 10, 1926.

A nation comprised of integral States attains its maximum strength and development only through best contribution of each component part of the general welfare of the whole. Conceiving this principle, as enunciated by the founders of this Nation 150 years ago and as established by the history of this State and this Nation, to be a firm and abiding principle in the affairs of the United States of America; and

Conceiving it to be the first duty of any State of this Union to invite to the attention of the General Government a condition or situation deserving the consideration and action of the Federal Government for the greatest good of the greatest number.

The Senate and Assembly of the State of New York, in concurrent resolution herewith, urge for the attention of the Sixty-ninth Congress of the United States the consideration of these facts concerning a national asset lying within the State of New York thus far largely developed for the people of the United States under the sovereign control of the State of New York.

1. There exists in the State of New York the only water-level route between the highly industrialized and agriculturally productive areas surrounding the Great Lakes in the interior of this continent and the Atlantic seaboard, lying wholly within the control of the United States.

2. Because of the recognized savings in transportation and trade effected by the use of waterways for the movement of bulk tonnage over long distances, it has been the aim and ambition of leaders of national thought and experts in national economics for the past 30 years to develop an effective water route between the Great Lakes areas and the Atlantic coast, and constructive national administrations regardless of political faith have pledged their aid and their cooperation thereto.

3. Under the authority of the Congress of the United States concurrent surveys have been made of: (a) A projected water-level route between the Great Lakes and the Atlantic by the way of the Mohawk and the Hudson Valleys through the State of New York which 100 years ago by the enterprise of the people of the State of New York was established as the leading national trade route of America whereby the interior of the United States was built to its present greatness, and (b) the St. Lawrence River, a national boundary stream of the United States, controlled at its strategic points of progress to the Atlantic Ocean by a foreign power.

4. The original Erie Canal, built by the State of New York a century ago, had its eastern terminus at the Hudson River opposite the city of Troy, and ran thence westerly through the city of Cohoes and continued on through the State of New York until this canal was united with the waters of Lake Erie.

This water-level route through the State of New York, of which the barge canal and Mohawk River, which discharge into the Hudson River at head of tidewater, are most important parts of the existing trade route, offers an efficient and practicable route for the development of an all-American ship canal, and by reason of the existence of present canal structures and the location of populous industrial communities it presents features of great value in the establishment and usefulness of a ship canal.

5. Because of involvements between provincial and domain authorities of the Dominion of Canada controlling the St. Lawrence route, it has also been established that the St. Lawrence route, even if it were practicable as a trade route, can not be negotiated for development for the immediate relief of American trade; and

6. Since, in any event, the development of the St. Lawrence route at the expense of the established but not fully developed American trade route through the valleys of the Mohawk and the Hudson in New York State would be also at the expense of that trade route, with resulting penalties upon the commercial structure of the United States, the port of New York, and the port cities of the eastern seaboard of the United States; and

7. Since 85 per cent of the commerce between the Great Lakes and the Atlantic seaboard is domestic and not foreign commerce, which could be penalized and detoured rather than expedited by the use of the St. Lawrence waterway, while

8. The development of the all-American route through the State of New York would serve both foreign and domestic trade of the United States to the best advantage of the United States, and

9. Since the development of the all-American route through the State of New York is immediately possible under the authority of Congress for the immediate relief of the industrial and agricultural States of the interior, and

10. Since the State of New York has developed to the extent of its present ability a system of interior canals serviceable as feeder routes to the full development of the national-trade route thus described, and

11. Since it is the opinion of the leading transportational experts of the Nation that with the cessation of the railroad building under the present policy of the Nation, and

12. There will occur within 50 years at the present populative increase of the Nation a critical shortage in transportation unless the waterways of the Nation are developed within the decade to assume a fair portion of the bulk tonnage of national commerce, and

13. Since under the authority of the Congress of the United States the Hudson River, comprising one-third of the national trade route thus described, is being developed to a depth of 27 feet to the port of Albany in accordance with the recommendations of the United States Army Engineers: Now, therefore, be it

Resolved (if the assembly concur), That the people of the State of New York in senate and assembly assembled, do hereby in joint resolution urge upon the President and the Congress of the United States the immediate availability of this trade route lying wholly within and under the control of the United States; and be it further

Resolved (if the assembly concur), That the Senate and Assembly of the State of New York urge action by this session of the Congress for the authorization of the development of the aforesaid route, in accord with the all-American ship canal plan; and be it further

Resolved (if the assembly concur), That if it should be determined that the cost of such route be deemed excessive, the Senate and Assembly of the State of New York hereby request and urge that the Congress of the United States give due thought and consideration to the feasibility of the project for a ship canal from Lake Erie to the sea via the Lake Champlain route.

By order of the senate.

ERNEST A. FAY, *Clerk.*

In assembly February 25, 1926. Senate amendments concurred in by order of the assembly.

FRED W. HAMMOND, *Clerk.*

Article 1 states that—

There exists in the State of New York the only water level route between the highly industrialized and agriculturally productive areas surrounding the Great Lakes in the interior of this continent and the Atlantic seaboard lying wholly within the control of the United States.

These are the outstanding facts in the case, and it seems to me that the one thing of which we must be absolutely certain is that no moneys of American taxpayers shall be spent in constructing a ship canal in Canadian territory.

The present barge canal is capable of handling 10 times as much tonnage as is at present being carried. There seems to be a lack of general knowledge regarding the great waterway and I insert the following editorial which is a comprehensive statement of the facts:

PROMOTING WATERWAYS

Congressman S. WALLACE DEMPSEY expressed wonder in his discussion before Congress of the proposed ship canal across New York State that newspapers so infrequently "boost" the barge canal and so frequently mention favorably the proposed St. Lawrence ship canal.

There is no occasion for wonder. Does not Congressman DEMPSEY know that the St. Lawrence ship canal proposition is being furthered by one of the biggest propaganda organizations in the country? Does he not know that 19 of the mid-western grain States have been organized into a Great Lakes-St. Lawrence Tidewater Association, with a highly salaried staff in a Washington office to promote in every way it can the idea of a ship canal through the St. Lawrence? This is a private interest fostered, financed, and promoted by people who expect to reap benefits from such a waterway.

Congressman DEMPSEY surely must know that the State of New York, which built and operates the barge canal, has no funds and has no organization for propaganda work of this sort. He surely must know that the State, having built the waterway and having opened it to traffic, has no more means to go out and "sell" it to the country and drum up commerce for it than it has means to "sell" the State roads and go out to solicit automobile traffic for them.

It is, in a word, the difference between a paid propaganda organization and a State government.

And yet nobody knows better than the State engineer and the State superintendent of public works that the American public never has grasped the significance of the barge canal. It is no time to discuss whether the canal should have been built in the first place. The fact is the State of New York spent a hundred and fifty millions on it. It exists and is functioning. So long as the State has put so much money into it, the least the State can hope is that commerce will use it.

Popular fancy never has turned to the barge canal, because the public never clearly has grasped what it is. Hardly one person in a thousand knows that the barge canal for a large part of its length is the Mohawk River. Not one person in 5,000 of those who go up and down the Mohawk Valley knows that the structures they see that resemble bridges are not bridges at all, but are movable dams that in the summer create a series of deep pools for navigation, and in the winter are listed to let the Mohawk flow unimpeded. Even yet there are people, millions of them, who believe that mules are still used to haul canal boats. Millions never saw or even heard of the Standard Oil fleet of tankers built to navigate the barge canal or of the fleets of grain boats.

There has been a great deal of discussion on this subject, and I think the action taken by the Canadian Parliament and their authorities in the last few weeks denotes very clearly that there is a wide difference of opinion among their statesmen and authorities as to whether they themselves care to have a ship canal such as is recommended by the Great Lakes-St. Lawrence Tidewater Association. In fact, they have declared that they do not want to have a canal of that sort. What we want is to have a ship canal within the borders of the United States, and not in any other country. [Applause.]

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Certainly.

Mr. MAPES. Does the gentleman also intend to incorporate the report from our own engineers to the effect that a canal of that kind would be too expensive?

Mr. CROWTHER. Oh, a number of qualified men, including engineers and business men, think that the commission to which the gentleman refers has made an entirely too low estimate in regard to the traffic that will be carried on that canal; minimizing the traffic and magnifying the expense seems to have been their purpose.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes; I yield.

Mr. COLE. Would you object to the Mississippi River being used as an all-American way to the ocean?

Mr. CROWTHER. If that route is practicable, I am willing to leave those matters to the judgment of the proper board of engineers and the commercial and transportation experts of the country. I do not pose as an authority. I am simply recommending this wonderful water-level route in the great State of New York.

Now, Mr. Chairman, the British privy council has decided that the bed of the St. Lawrence and the power which may be developed from its waters within the Province of Quebec are under the full control of that Province, which objects to the deep-water route as injurious to its ports. This evidently puts the St. Lawrence waterway proposal in the discard, where it properly belongs.

The St. Lawrence River project is a pure and unadulterated power scheme, nothing more and nothing less. The water-level route, Lake Ontario to Oswego, and from there by way of the barge canal to the Hudson River, which is to have a 27-foot channel development, is the logical solution of this important problem.

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, $4,000.

Mr. BURTON. Mr. Chairman, I move to strike out, in line 28, page 16, the figures "$4,000" and insert the figures "$6,000."

I am always extremely reluctant to advocate any proposition which increases the estimates of the Budget Bureau, but there are special reasons existing in this case. In the appropriation bill last year the amount to be contributed to the Interparliamentary Union was fixed at $6,000. After a canvass of the facts by divers nations contributing to the support of this union—and our contribution is the largest—an increase in their activities by the engagement of an additional clerical force has made it desirable that their funds be increased. That reason exists this year, and there is an additional form of activity which they have taken on of publishing a monthly bulletin which will be of very considerable value. I hope there will be no objection offered to this amendment.

Mr. BLANTON. The gentleman has offered an amendment to line 26, on page 16. I understand the Clerk has read only to line 14.

Mr. BURTON. No; I think the paragraph was finished. Was it not?

Mr. SHREVE. I will say to the gentleman that we have been carrying this appropriation right along for a number of years at $4,000. It was increased to $6,000 a couple of years ago, so that a clerk might be employed to assist in preparing for the celebration that was held here last year.

Mr. BURTON. That was for additional clerical service.

Mr. SHREVE. The committee was of opinion that the amount should go back to its normal condition and that the sum of $4,000 would be sufficient. The committee concluded that this figure should be restored.

Mr. BURTON. The additional clerical service is still retained, and in addition to that, as I have already stated, a plan for the publication of a monthly bulletin has been made; a bulletin which will be of very considerable value, and have a considerable circulation among the Members of this House; so that if the needs were such as justify an increase to $6,000 in a recent appropriation bill, the demands for the continuance of that increase are even stronger than they were before.

Now, a word or two in addition. The union met here last October. They left with a very pleasant impression of their reception in the United States. They probably received more attention in the way of hospitality than they had received in any other capital city in which they have gathered. I would very much regret to see the amount diminished below what it was last year because of that favorable impression which they gained here, and I think it would be looked upon as something of a slight if we diminished the amount.

I have been surprised, Mr. Chairman, at the objections that are sometimes raised to this little item. This union is very important from the standpoint in our foreign relationships and membership in international associations. This is one of the closest forms of touch we have with foreign countries.

Our delegates have been received with the utmost consideration in every meeting; subjects of international importance are discussed at every gathering, and I earnestly desire that similar participation may continue. It is not alone to the honor of our own country, but I think for our substantial benefit.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. Does not the gentleman believe that if every one of our 435 colleagues could have been present at the last meeting in October they would pass any amendment which the gentleman from Ohio might see fit to offer on this subject?

Mr. BURTON. I think so, within any reasonable limits.

Mr. BLANTON. I think they would back him up on any kind of a proposition he would make, because I think this is one of the most valuable organizations that is in existence today.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 16, line 26, strike out the figures "$4,000" and insert in lieu thereof the figures "$6,000."

Mr. SHREVE. Mr. Chairman, of course, this is a matter for the committee to decide, but in order that the committee may fully understand the situation I will say, as I have already said, that we have carried only $4,000 for several years. Prior to the meeting that was held last year we did increase the appropriation to $6,000.

Now, it was not suggested by the Bureau of the Budget that we should make an increase, and it was not suggested by the Department of State. There was no suggestion but what they could get along with this money. However, I am perfectly willing that the matter should be left to the judgment of the House.

Mr. OLIVER of Alabama. Mr. Chairman, I trust the House will not increase this appropriation. It may seem small, but surely the House should be willing, in reference to a matter of this kind, to take the recommendations of the State Department and the President, and I think the House should be slow, in the absence of good reasons, to override the recommendations of the President and the State Department as to a matter of this kind.

I understand, of course, the peculiar interest of the gentleman from Ohio in this matter, but if you undertake to add to an appropriation of this kind even a small amount, you can hardly justify it, since the gentleman failed to go before the Budget or the President with such recommendation. Therefore I hope the House will not start out, here on the first few pages, to encourage the overriding of a recommendation in the absence of substantial facts for so doing.

Mr. BURTON. Does the gentleman from Alabama believe that either the President or the Budget Bureau gave any attention to this item? I want to say for myself that I certainly should have appeared before the committee; indeed I did speak with the chairman of the subcommittee about it and supposed that the appropriation to be carried would be the same amount as carried last year. If I had not had that impression, I certainly should have gone to all proper agencies, the Budget Bureau, the President, or anywhere else, to see that the amount was maintained at $6,000. I repeat that I am a good deal surprised that this small item, involving an association with foreign countries, as it does, always seems to evoke the discussion that it does upon this floor.

Can we not afford to appropriate $6,000 for our participation in a gathering by which we come, I repeat, in perhaps closer touch with foreign nations than any other of the associations in which we participate. I feel that failure to appropriate $2,000 additional would make a very unfavorable impression, particularly in view of the larger demands of the union for enlarged activities.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. I will say to the gentleman from Ohio, who submits to me the inquiry as to whether or not this was called to the attention of the State Department, that it was, and if the gentleman will read the hearings he will find that it was inquired about. Mr. Carr and the Assistant Secretary of State were before the committee, and they did not suggest that this amount be increased. Since this matter is peculiarly within the State Department, it should not be granted unless asked for by the State Department.

Mr. BURTON. I call the attention of the gentleman from Alabama to the hearings, page 130 and page 131. From a hasty examination I do not see that there was any discussion of the amount.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. If the gentleman will refer to the hearings, he will find that Mr. SHREVE asked Mr. Carr the express question:

The current appropriation for this purpose is $6,000 and your estimate for 1927 is $4,000.

Mr. BURTON. But he goes on and makes an answer which is not at all responsive to the question of the amount.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I claim to be one of the economists of the House; but if the gentleman from Ohio [Mr. BURTON] were to request $50,000 instead of this $2,000, I would vote with him, because he is right. The most hopeful sign I have seen in this Nation for peace and harmony between the nations of the world was the meeting of the Interparliamentary Union in this Chamber last October. The members of every parliament of the world are eligible for membership in the Interparliamentary Union.

Mr. SHREVE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHREVE. The gentleman will recall we appropriated $50,000 for that meeting last year.

Mr. BLANTON. Yes; but this little item of $2,000 the gentleman from Ohio [Mr. BURTON] is asking for now is for a needed assistant secretary. They do need an assistant secretary, and the gentleman has given you a good reason for appropriating this $2,000. If our good friend [Mr. SHREVE] had been here during the recent meeting of the Interparliamentary Union and had seen the number of requests that were made upon Secretary Call, he would know the necessity of this assistant. Why, this Chamber was full of delegates. The banners of practically every country of the world were displayed in this Chamber during October, with their delegations present, and we heard the members of the Interparliamentary Union, who were members of the parliaments of the world, on this floor trying to devise ways and means of promoting the peace of the world. Is not that of enough importance to spend a little amount of $2,000 for an assistant secretary? I am surprised that the great keynoter of the Republican Party [Mr. BURTON] has to get up on this floor and plead with the House and plead with the Committee on Appropriations to give this great enterprise $2,000 for an assistant secretary. It would be ridiculous not to give it. We should pass the amendment.

Mr. BLACK of New York. Mr. Chairman, I wish to be heard in opposition to the pro forma amendment.

Mr. Chairman and gentlemen of the committee, I think I attended every session of the Interparliamentary Union held here last October, and to my mind it is one of the healthiest movements that has appeared in international life. [Applause.] It was a convention made up of the legislative branches of the different governments of the world; and we all know that

the common criticism against governments arising out of war is that war has been caused by diplomats and war has been caused by the executive branch of government, represented by the military and naval arms of government.

This was a convention purely of the delegates of the people, purely of the legislative branch of government, and we got here on the floor of this House an expression of good will toward America, of good will toward the entire world, from the direct representatives of the entire peoples of the world. [Applause.]

The League of Nations is about to engage in drawing up a code of international law. There should be some check on this work of the League of Nations, as far as our own viewpoint is concerned. We are not members of the League of Nations. We have nothing to say about that code of international law. It will be binding on the World Court, of which we may be a part. However, the Interparliamentary Union passed a resolution providing for a committee to do something along the same line; namely, to propose a code of international law that might be approved by the different legislatures and governments of the world. We are members of that union. We have a voice in that committee. Truly it is only semiofficial but it has great moral effect on all the governments of the world, and I think inasmuch as this great code is about to be drawn by a supergovernment, to wit, the League of Nations, we ought to participate far more aggressively than we are doing in the work of a code that is to be drawn by the direct representatives of the people, to wit, the Interparliamentary Union.

Gentlemen, there is constant encroachment all over the world by the executive branch of government upon the legislative branch of government, and I think it is up to us as Members of the greatest Legislature in the world to see to it that this great unofficial legislative body gets what it can from us in the way of financial support. I thank you. [Applause.]

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BURTON].

The amendment was agreed to.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, cost of law books, books of reference and periodicals, office equipment and supplies, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $32,000, to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or Secretary, except for actual and necessary expenses, not in excess of $8 per day each, when absent from Washington and from his regular place of residence on official business: *Provided further*, That a part of this appropriation may be expended for rent of offices for the commission in the District of Columbia in the event that the Public Buildings Commission is unable to supply suitable office space.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

The paragraph in question contains, as I understand it, the entire appropriation for the International Joint Commission for the coming fiscal year. The amount appropriated here is but $32,000, and it will be observed that this amount is to cover one-half of the expenses of the work that will be performed by the commission upon the northern boundaries.

At the time the hearings were held the attention of the committee was directed to a very important work that is to be done by the International Joint Commission this coming year. An application has been made by certain power and lumber interests in Minnesota to raise the level of Rainy Lake and its tributary lakes and channels by constructing dams on these international boundary waters. These waters cover a rather vast extent of territory, something over 100 miles or so on the northern boundary.

There is great opposition upon the part of a large number of people to the granting of the request. The proposed dams will materially raise the levels of these waters. It is claimed by opponents that in some instances levels will be raised about 40 feet. The applicants will have every engineering facility at their command. The question is so important that the International Joint Commission ought to have at their command a sufficient fund so they can go into the question just as thoroughly as the proponents of the scheme. It seems to me the amount allowed here is wholly insufficient for the commission to carry on its regular work and at the same time do this most important work.

I mention this for the purpose of expressing this idea. The International Joint Commission in doing this work will do it thoroughly; and if it can not be completed with the fund here made available, I hope they will come to Congress for additional funds which will permit them to make a thorough and complete survey.

It is rather strange, but here is a situation I would like to present to the House. Here is an application to construct dams upon these international boundary waters. So far as I have been able to ascertain, if the dams are constructed, the parties primarily benefited will be private power and timber interests. The public generally, if they are benefited, will be only incidentally benefited. It would seem to me when these parties make application to the State Department or to the International Joint Commission for work of this kind, where they are the parties to be primarily benefited, it ought to be required of them that they should pay the expense the Government goes to in order to ascertain if the project is really in the public interest. Otherwise the Government will be put to a great bill of expense if it is found not to be in the public interest.

The most important thing is that this may be against the interest of the people of the State of Minnesota and all that part of the country interested in it. It is therefore important that the commission be not curtailed in the work if they are to pass on it thoroughly and intelligently. So I hope that the commission will do the work, and if they have not the funds sufficient that they will come back to Congress for further funds and the committee will see that they are granted.

Mr. SHREVE. Mr. Chairman, I fully agree with the gentleman from Minnesota regarding the importance of this work, but at the same time I want to assure him that there is plenty of money available. While the appropriation is not large the funds that have been appropriated heretofore have not been used for the last several years. Last year the witness said:

So far as expending the money that has been given us, we have up to December expended 56 per cent.

In the year 1925, at the end of the year, they had $8,049.22 remaining. We feel that there are sufficient funds to carry on this work. If they have not, they might submit a deficiency in the fall; but we feel that there is money enough already.

Mr. NEWTON of Minnesota. I am glad to hear the gentleman say that. Here is one of the great playgrounds of the Nation, within 48 hours by train for one-third of the people of the United States, and there is a great fear that this playground is going to be despoiled. I do not know whether those fears are well grounded or not, but I apprehend that they are. A commission ought not to be curtailed in their endeavor to get at the facts. I appreciate what the gentleman has said in that connection.

Mr. WILLIAMSON. I am wondering whether the Army engineers are not available to make these surveys.

Mr. NEWTON of Minnesota. They are being detailed for that purpose.

The pro forma amendment was withdrawn.

The Clerk read as follows:

PAYMENT TO THE GOVERNMENT OF COLOMBIA

To enable the Secretary of State to pay to the Government of Colombia the fifth payment from the Government of the United States to the Republic of Colombia under article 2 of the treaty of April 6, 1914, $5,000,000.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word in order to ask if this is the last payment due to the Government of Colombia.

Mr. SHREVE. I am glad to say that this is the last payment, $5,000,000. It is the fifth payment.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For rent of buildings and parts of buildings in the District of Columbia, $100,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire if this $100,000 is substantially the rent of the buildings?

Mr. SHREVE. It was formerly $75,000 a year, but it has been increased $25,000.

Mr. DOWELL. Is that a pretty fair rental?

Mr. SHREVE. We consider it a very high rental.

Mr. DOWELL. Will the building which is to be built out of the $10,000,000 appropriation relieve the Government of some of these high rentals?

Mr. SHREVE. It is expected that it will; that was the real reason for the passage of the bill, that it will accommodate different governmental offices in Washington and at the same time bring down the expense.

Mr. DOWELL. Did the committee ascertain whether it was possible to get this building at a better rate?

Mr. SHREVE. The committee went into that matter very carefully, and we found that $100,000 was the very best price we could get. It was claimed by the owners that they might be able to get more money. A hundred thousand dollars was the best terms we could get, and really the owners apparently would be glad if the Government moved out rather than to pay the $100,000.

The Clerk read as follows:

EXAMINATION OF JUDICIAL OFFICES

For the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts, including not to exceed $49,500 for personal services in the District of Columbia, $149,500; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act, approved August 1, 1914; to be expended under the direction of the Attorney General: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials, who shall be vested with the authority necessary for the execution of such duties.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I would like to ask if in the hearings any estimate was obtained as to what portion of the total appropriation for the Department of Justice is used for the enforcement of the national prohibition act?

Mr. SHREVE. In reply to the gentleman, I will say that, in round numbers, it has been estimated by some to be about one-third of the whole appropriation. That is not accurate; it may be more or less; but the calculation has been made about one-third.

Mr. HILL of Maryland. That would be about how much?

Mr. SHREVE. One-third would be around $6,000,000.

The Clerk read as follows:

Investigation and prosecution of war frauds: The unexpended balance on June 30, 1926, of the appropriation "Investigation and prosecution of war frauds, 1926," is continued and made available for the same purposes, and for the employment of regular assistants to United States district attorneys (not exceeding $100,000) if that amount is not needed for the investigation and prosecution of war frauds during the fiscal year 1927: *Provided*, That not more than one person shall be employed hereunder at a rate of compensation exceeding $7,500 per annum.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. What will be the unexpended balance under this appropriation?

Mr. SHREVE. If the department employs the same number of attorneys through to the end of the year, there will be $300,000 of unexpended balance on the 1st of July. But the committee had a talk with the Attorney General, and we are inclined to think the reduction will begin now, and that there will be more than $300,000 left on the 1st of July.

Mr. BYRNS. I notice that in this appropriation it is stated that $100,000 may be used for the employment of assistants to the district attorney if not needed for the investigation and prosecution of war frauds. Is it expected that all of the unexpended appropriation will not be necessary?

Mr. SHREVE. That is the opinion of the committee.

Mr. BYRNS. I know the gentleman went into the matter that I am about to inquire about more or less fully in his explanation of this bill under general debate; but as I understand it, about two million and odd dollars have been appropriated under this head since the investigation started?

Mr. SHREVE. Yes.

Mr. BYRNS. And that sum was appropriated exclusively for the Department of Justice?

Mr. SHREVE. Yes.

Mr. BYRNS. And the audit section of the War Department, of course, made the investigations?

Mr. SHREVE. Yes.

Mr. BYRNS. Does the gentleman know how much money was expended for the War Department for the same purpose?

Mr. SHREVE. The audit section of the War Department collected something over $4,000,000.

Mr. BYRNS. Does the gentleman know how much money they expended in its collection?

Mr. SHREVE. I think about $1,000,000. I will ask the gentleman from Alabama to answer that.

Mr. OLIVER of Alabama. One million three hundred and eighty thousand dollars.

Mr. BYRNS. That would make a total of $4,000,000 that has been appropriated for this purpose for the War Department and the Department of Justice?

Mr. OLIVER of Alabama. Yes.

Mr. BYRNS. And the collections have been how much?

Mr. SHREVE. Ten million four hundred and forty-four thousand two hundred and eighty-one dollars.

Mr. BYRNS. Does that include the $4,000,000 of the War Department?

Mr. SHREVE. No; we must add the $4,000,000 from the War Department, which would make $14,445,281.39.

Mr. OLIVER of Alabama. Then the comptroller collected $500,000 in cases referred to him by the audit section. The audit section, however, collected very nearly $5,000,000 instead of $4,000,000.

Mr. BYRNS. Did the department have any information as to how much possibly might be collected in the future?

Mr. SHREVE. They could hardly express an opinion, because there were so many cases that depended on certain things. The department will take certain cases where the fundamentals are the same and will try one or two of those cases, making them test cases. If they win those cases and there are other cases of the same class, they may prosecute. There is probably a hundred million dollars yet due. On page 12 of the report the gentleman finds the statement that of the 463 cases now open on the docket of the section, 108 cases, involving $77,041,578.19, are in suit, some of the actions having been instituted fairly recently.

Mr. BYRNS. There are 108 cases on the dockets now?

Mr. SHREVE. Yes.

Mr. OLIVER of Alabama. And on page 207 of the hearings I asked this question of Mr. Michael, and he made the answer there recorded:

Mr. OLIVER. I want to ask this question. Mr. SHREVE and I have very carefully read the statement which you submitted to the committee some days ago, and we would like for you to go carefully over that statement and after consulting with Mr. Andrews give us your opinion as to the probability of recoveries in suits now pending and in cases that you have made a careful legal survey of and whether in your judgment any preliminary decisions in test cases have been handed down which seriously jeopardize the chance of the Government's recovery in the remaining cases.

Mr. MICHAEL. Well, that is going to be difficult to do. I will do the best I can.

In substance he said that it is difficult to estimate the probable recoveries in these cases, but that they believe substantial recoveries can be had during the next fiscal year.

Mr. BYRNS. Was any opinion expressed by the department as to when they would be able to clean up these cases and make the collection?

Mr. OLIVER of Alabama. Mr. Michael expressed the opinion that they would be able to do it during the next fiscal year, 1927, and that such cases as then remained undisposed of would simply drift into the usual routine of the department and be disposed of in that way.

Mr. SHREVE. It was also the opinion of the Attorney General that the cases would be cleared up next year.

Mr. BYRNS. As I understand it, no criminal cases are now pending.

Mr. OLIVER of Alabama. Perhaps two, I think.

Mr. BYRNS. The others have been dismissed.

Mr. OLIVER of Alabama. Twenty-three have been dismissed and some acquitted.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the first word. I do this to ask the chairman of the subcommittee whether any part of this appropriation in this paragraph, whether from unexpended balances or otherwise, is to be used by this audit section of the War Department?

Mr. SHREVE. Absolutely not one dollar.

Mr. NEWTON of Minnesota. Does the gentleman know whether this section has been given moneys from any other source?

Mr. SHREVE. The only moneys that this section has received are those that we have appropriated.

Mr. NEWTON of Minnesota. I am glad to see that the gentleman and his associates have taken this action. I think that Congress in making this appropriation in the first place had in mind the prosecution of war frauds.

Now, in some instances this audit section of the War Department, instead of going after fraudulent transactions, has gone out of its way in order to extract money from people who were paid money by the Government in accordance with its contract and which in equity and good conscience it can not seek to recover. I call the attention of the committee to this particular set of circumstances. During the early period of the war the Government sent out requests to various wholesale harness and saddlery concerns to enter into a contract with the Government for making a large quantity of that equipment. A hundred and more odd concerns entered into contracts with the Government. They started to work. The wages were a matter of agreement between the individual concerns and their workmen.

After the manufacture had been undertaken every one of these concerns were invited by the Secretary of War under his personal signature to enter into a supplemental agreement whereby the factories would agree to pay whatever wage was determined upon by a special wage commission to be appointed by the Secretary of War, and there was to be on that commission a man representing the factory owners, one representing the workmen, and one representing the Government, and as a consideration for entering into the supplemental agreement on wages with the Government under the personal signature of the Secretary of War the Government was to absorb that increase. Now the country was at war and upon this plain invitation from the Secretary every one of those contractors agreed to enter into this supplemental agreement. They did so because he requested it. Some months thereafter an advance in wages was ordered by this commission. In settling, the Government paid the original amount and the wage increase. Seven years after all of this work had been done some one with a microscopic mind in this audit section of the War Department found these, and then in a legalistic sort of fashion said that Newton D. Baker, Secretary of War, had no business to waive the legal right that the Government had to have these contracts performed in the first place at the stipulated contract price, and he had no right to waive any part or portion of it, and so they made demands upon each and every one of those concerns to send to the Treasury the amount that was paid to them under the order of the Secretary of War and upon the agreement they entered into at the request of the Secretary. Now, if you can imagine of anything more inequitable, more unjust, anything tending to cast discredit upon the administrative branch of the Government than that I would like to know what it was.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. When this matter was brought to my attention I went down and talked it over with the comptroller, and he said the matter had been certified to him by the audit section and that there was only one thing for him to do, and that was to act. In other words, when this letter was received he claimed that those contractors should have stood upon their legal rights, regardless of the fact that the country was at war, and said, "Why, we have contractual relations with the Government, and if the Secretary wants us to change our contract in any way, he has got to show us that he has gone to Congress and had express authority from Congress to change the contract." Of course, it is obvious that any man who would have resorted to legal technicalities in the construction of the contract when the country was at war would have been drummed out of the community and should have been; but because they did the patriotic thing, the obvious thing to do, some six or seven years afterwards he is now asked to pay back whatever he received. In making this demand the Government is doing an inequitable and unconscionable act. It is going back on its own written word. We appropriated this money to prosecute men who had defrauded the Government. To use it in this fashion is to misuse it. I am glad those kind of fellows are to be cut off the pay roll.

Mr. SHREVE. Mr. Chairman, the gentleman from Minnesota will be glad to get the information that it is no new thing on the part of the committee. This committee was fully informed in relation to the facts. We had this information last year. We made up our minds last year that this section ought to terminate its activities with the appropriation we gave last year. The gentleman will also be interested in remembering that they asked us last year for $1,750,000 for the prosecution of war-fraud cases, and that we gave them a million to clean up, and we felt then that we were giving them the last dollar that they should have for that purpose. We are seven or eight years past the war, and it is time now to settle these matters and let them adjust themselves.

Mr. NEWTON of Minnesota. May I say this in the gentleman's time, that I dissent, of course, from the statement of the comptroller that in time of war that the Secretary of War did not have implied power permitting him to do this, but it means years of litigation and of expense, and the Government ought not to subject its citizens who have entered into contractual relations to anything of that kind?

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. HILL of Maryland. On this question of the investigation and prosecution of war frauds, I would like to ask the chairman of the subcommittee how much more is estimated as the total appropriation to finally clean up all this work?

Mr. SHREVE. We made no appropriation this year for cleaning up the work, but there is an unexpended balance of from $300,000 to $400,000, which we have appropriated, providing that $100,000 of it may be taken over by the Attorney General's office, where it is much needed. That means that that sum of money must finish up this work for all time.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. HILL of Maryland. The report of the Attorney General for the fiscal year ended June 30, 1925, says as follows, in reference to the general work of the Federal judiciary system:

> It is quite apparent that the Federal judicial machinery has reached its peak in the disposition of cases. If the dockets are to be cleared and the number of pending cases kept at a reasonable figure, it is necessary that additional assistance, both judicial and prosecuting, be given at the points where clogged dockets and a continuous inrush of cases make the speedy administration of justice practically impossible. United States attorneys throughout the country are handicapped by insufficient legal and clerical assistance, and in many districts are prevented from promptly disposing of criminal prosecutions by the inability of the courts to give sufficient time to the holding of criminal sessions.

Then in another portion of his report, on page 38, as to the cause of this practical breakdown in the Federal judiciary machinery, the Attorney General says, as follows:

> At the instance of this division, and the full cooperation of the courts, United States attorneys' offices have made every effort to expedite the disposition of prohibition cases and keep down the number pending on the dockets. Despite their utmost endeavors, the number of pending prohibition cases increased from 22,380, at the end of the previous fiscal year, to 25,334, at the close of business June 30, 1925. The number of cases terminated was 48,734, showing a considerable increase over the previous year, but the number of cases filed increased from 46,431 to 51,088. Of the cases disposed of, 39,072 resulted in convictions, with 1,838 acquittals, the remainder being discontinued or dismissed.

Now I would like to ask the chairman of the subcommittee whether a request was made of the Committee on Appropriations from the Budget for any very material increase in the machinery of the Federal judiciary, which the Attorney General says, on page 39 of his report, has reached its peak in the disposition of cases? It is perfectly scandalous the way cases are being piled up in the Federal courts and not disposed of. I want to ask the chairman of the subcommittee, in view of this breakdown in the Federal judicial system, what increase is made for that object, not detailed in the report of the Attorney General?

Mr. SHREVE. We have given them nine additional positions. We have allowed 13 positions, all told.

Mr. HILL of Maryland. Will the gentleman state what those positions are?

Mr. SHREVE. The prohibition division has nine. I can not say how they are allocated in the division. There are three in the Court of Claims and one in the office of the Solicitor General.

Mr. HILL of Maryland. I will say to the gentleman that under the present system of prohibition enforcement under the Treasury Department the Treasury Department has a number of lawyers. Some of them are paid as much as $6,000, which

is more than some of the United States attorneys are paid The United States attorney for Maryland formerly received $4,000 a year for taking care of all Government matters, whereas the prohibition lawyer for the prohibition district with headquarters in Baltimore and his assistant receive something over $6,000. Was any suggestion made on the part of the Attorney General in the hearings to the effect that in the interest of economy and efficiency and in the ordinary organization of the Government the legal functions of the Prohibition Unit in the Treasury Department should be transferred to the Department of Justice?

Mr. SHREVE. The legal functions in the Treasury Department were absolutely done away with. That unit in the Treasury Department was done away with—the Prohibition Unit.

Mr. HILL of Maryland. In the Treasury Department there are still what are called "solicitors of prohibition" throughout the country?

Mr. SHREVE. No. Colonel Andrews has cut them out.

Mr. HILL of Maryland. In the district of Maryland there are at present two lawyers who——

Mr. SHREVE. That is in the district attorney's office?

Mr. HILL of Maryland. No; two lawyers.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. NEWTON of Minnesota. I think the gentleman has in mind lawyers who are assigned to the office of the Federal prohibition administrator.

Mr. HILL of Maryland. That is what I mean.

Mr. NEWTON of Minnesota. As I understand it, they are taken care of out of the appropriation for the Prohibition Unit in the Treasury Department bill.

Mr. HILL of Maryland. That is my understanding. What I wanted to ask was this: In other words, you have a legal system built up in the Treasury Department with reference to the enforcement of prohibition with its own lawyers, and in some cases the lawyers get more than the United States attorneys in the district in which they work.

Mr. NEWTON of Minnesota. The man having charge of the prosecution in Maryland would earn more, would he not?

Mr. HILL of Maryland. Not under the statistics given in the report of the Attorney General. He might earn more in other States, but not in the State of Maryland.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. HILL of Maryland. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HILL of Maryland. The question I wanted to ask of the chairman of the subcommittee was whether any consideration had been given to the question of having all the purely prosecuting functions under the prohibition act performed by the Department of Justice? Is that recommendation made?

Mr. SHREVE. There has been no such recommendation. Mrs. Willebrandt came before the committee, and the chairman of the subcommittee asked her this question:

> We would like to have a statement from you in respect to that condition of affairs, and would like to have you state also if it involves any increase in the work of the Department of Justice.
>
> Mr. ANDREWS. Would not a succinct statement of my organization from that point of view answer your question best?
>
> Mr. SHREVE. Yes, sir.
>
> Mr. ANDREWS. I have decentralized it and have dismissed from the service most of the legal force that I had in Washington. I never knew that force was called upon to furnish prosecuting attorneys, but I do not see how that will affect this situation. To-day each of my administrators in the field has a legal counsel, and each deputy who has an important district justifying it has a legal counsel for the purpose of assisting the prohibition enforcement officers in the preparation of cases for presentation to the district attorney in the district where the cases originate.
>
> My object in so organising them was to facilitate the work of the district attorneys, in that there would be presented to them only cases that were well made, so they could present them with a fair degree of success to the court. If, by such organization, I have made it more difficult for the Department of Justice, this is the first intimation I have had of it. My object was just the reverse, and I fail to see why it should not work out successfully. My instructions are that my administrators must team up with the district attorneys in the preparation of cases.

Of course, some may be still retained, but it is the intention of Mr. Andrews to entirely close out that unit in the Treasury Department.

Mr. HILL of Maryland. Then the work heretofore done in Washington as to prohibition is being very properly done now by the Department of Justice?

Mr. SHREVE. Yes.

Mr. HILL of Maryland. It ought all to be done by the Department of Justice. In the Sixty-seventh Congress, in the Sixty-eighth Congress, and in this Congress I introduced the following bill:

> A bill (H. R. 65) to amend the national prohibition act by transferring prosecution of Volstead crimes to the Department of Justice
>
> *Be it enacted, etc.*, That section 2, title 2, of the act entitled "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries," which became a law October 28, 1919, otherwise designated by its short title as the national prohibition act, be, and the same is hereby, amended to read as follows:
>
> "SEC. 2. The Attorney General of the United States, his assistants, agents, and inspectors, shall investigate and prosecute violations of this act and shall have entire execution of all portions thereof which do not directly relate to the raising of revenue for the United States. All provisions of the national prohibition act relating to its enforcement inconsistent herewith are hereby repealed."

I am glad that gradually the Treasury Department is coming to the views I expressed in this bill, H. R. 65.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words. I am not surprised that our genial friend from Baltimore [Mr. HILL] should protest against that portion of the report made by the Attorney General.

Mr. HILL of Maryland. If the gentleman will yield, I have not protested. I called attention to it, and I expressed no opinion about it.

Mr. BLANTON. I am not surprised that the magnificent horseback rider from Maryland should call attention to this particular part of the Attorney General's report. The part to which he called attention was the following:

> Despite their utmost endeavors the number of pending prohibition cases increased from 22,380 at the end of the previous fiscal year to 25,334 at the close of business June 30, 1925.

In spite of their endeavors, the Attorney General says. What does that mean? Does that mean that the Attorney General was trying to keep them from increasing? It could have that meaning. He says that "despite their utmost endeavors" prohibition cases increased about 3,000. The gentleman from Maryland does not like to see them increase. He wants them to go scot free, I take it; and here is something else he objects to.

Mr. HILL of Maryland. "The gentleman from Maryland" was not advocating that anybody go scot free. He was calling attention to the fact that the Attorney General reported that the whole Federal judiciary system had broken down.

Mr. BLANTON. I do not want the gentleman to take up all of my time. In the same paragraph we find that the fines imposed aggregated $7,797,481. Our genial friend from Baltimore is so good hearted that he does not want to see prohibition violators fined, I take it. He objects to this $7,797,481 going into the Federal exchequer out of their pockets. He was not fined himself, and he does not want anybody else fined.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Oh, yes.

Mr. HILL of Maryland. The gentleman has been a judge too long not to know the difference between fines and collecting the fines.

Mr. BLANTON. The gentleman from Maryland evidently goes on this principle, "That we fellows must stand together."

Mr. HILL of Maryland. No; because the gentleman personally was entirely acquitted and did not have to pay a fine.

Mr. BLANTON. Oh, yes; but that trial was in Baltimore.

Mr. HILL of Maryland. But afterwards the principle of the case of United States against Hill was confirmed by the Circuit Court of Appeals of the Fourth Circuit.

Mr. BLANTON. Oh, yes; but the confirmation of a judgment in an appellate court is dependent absolutely upon the record in the trial court, and the distinguished colonel in Baltimore is able to make such a record before a Baltimore

trial court that it could not be otherwise than confirmed somewhere else.

Mr. HILL of Maryland. I will say to the gentleman that fortunately, from that point of view, the confirmation came in the case of the United States against Isner and not in the case of United States against Hill. So that does not follow. I shall ask permission to put in the decision in United States against Hill and Isner against United States later.

Mr. BLANTON. But I want to tell my friend this: He had just as well take it for granted and become reconciled to the fact that the prohibition cases are going to increase until the bootleggers stop bootlegging. Whenever the bootleggers stop bootlegging, then there will be a cessation of the increase in prohibition cases, but as long as the bootleggers bootleg there are going to be more fines placed in the Treasury and we shall not have to tax the people so much along other lines.

Mr. HILL of Maryland. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, may I have two minutes more in order to answer questions asked me by the gentleman from Maryland?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. HILL of Maryland. I want to call the gentleman's attention to this fact: I was not calling attention to the question of prohibition, but another very serious question——

Mr. BLANTON. It is a very serious question. I agree with the gentleman.

Mr. HILL of Maryland. The Attorney General in his last report says that the Federal machinery has broken down.

Mr. BLANTON. Who is responsible for it? If the Attorney General's underlings in Baltimore will not help the Department of Justice to uphold the law, what else can you expect than for the Federal law machinery to break down? It is because of the want of cooperation and help from Baltimore, from Philadelphia, and from New York that the Federal machinery has broken down. If our friend from Baltimore, Colonel HILL, would give to prohibition enforcement the same help that he gave to our flag during the war, there would not be any breaking down of the Federal machinery in the Department of Justice. [Applause.]

Mr. CROWTHER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CROWTHER. Would it not be a great help, as the gentleman suggests, and would not bootlegging stop much more quickly, if men who pretend to be reputable citizens would stop patronizing bootleggers?

Mr. BLANTON. Yes. If Army officers and naval officers would stop, and if all officials of the Government would stop, and if they all would uphold the law of their land, there would not be so much bootlegging.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. Yes.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I ask for an additional minute in order to answer the gentleman from New York, because I mentioned his State.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. BOYLAN. May I ask the distinguished gentleman from Texas how many bootleggers there are in the State of Texas, and how much of the $7,000,000 in fines was collected from them during this past year?

Mr. BLANTON. I want to say to the distinguished gentleman from New York that there are not nearly so many as there are in New York, and I will tell the gentleman why.

Mr. BOYLAN. Does the gentleman mean in proportion?

Mr. BLANTON. Proportionately; yes. And I will tell the gentleman why. The Federal district attorneys in Texas and the State district attorneys there are helping the Federal Government to uphold the law. The State officials and the State judges are enforcing the law in Texas, and if the State attorneys and the State judges in the State of New York would help the Federal Government to uphold the law of the land and the Constitution, you would not have one-hundredth part of the bootlegging that you have in New York to-day.

Mr. BOYLAN. I would like to say that our judges are doing that very thing.

The CHAIRMAN. The time of the gentleman from Texas has again expired. Without objection, the pro forma amendment will be withdrawn.

Mr. HILL of Maryland. The gentleman from Texas and other gentlemen have shown great interest in those two cases, United States against Hill and United States against Isner. In the first case the law on the Volstead Act was established as I had interpreted it, and my course of action was affirmed. In the Isner case the principles enunciated in my case were confirmed by the circuit court of appeals and became binding on all United States circuit courts. The Attorney General declined to appeal to the Supreme Court, and so the law as declared in United States against Hill by Judge Soper, an advocate of prohibition, is now the supreme law of the land.

The decision in the case of United States against Hill appears in volume 1, second series, Federal Reports, at page 954, and is as follows:

UNITED STATES v. HILL

[District Court, D. Maryland, November 11, 1924]

1. Intoxicating liquors, key 134.—Manufacture of cider or fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home not prohibited unless in fact intoxicating.

Under national prohibition act, title 2, section 3 (Comp. St. Ann. Supp. 1923, sec. 10138½aa), prohibiting the manufacture of intoxicating liquor except as authorized in the act, and section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), specifying penalties for violation, which are inapplicable to person who manufactures "nonintoxicating cider and fruit juices exclusively for use in his home," the manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, does not violate the statute where not in fact intoxicating, notwithstanding section 1 (Comp. St. Ann. Supp. 1923, sec. 10138½), defining intoxicating liquor as any fermented liquor containing one-half of 1 per cent or more of alcohol by volume, fit for use for beverage purposes.

[Editor's note.—For other definitions, see Words and Phrases, First and Second Series, Intoxicating Liquor.]

2. Intoxicating liquors, key 2½, new, volume 8A key No. series.—Congress had power to establish standard for determining whether liquor was intoxicating.

Congress had power to establish standard for determining whether liquor is intoxicating for purpose of carrying out the provisions of the eighteenth amendment.

3. Intoxicating liquors, key 143.—Manufacture exclusively for use in home on occasions a year apart not a nuisance.

One who manufactures intoxicating liquors exclusively for use in his own home, and not for commercial purposes, on two isolated occasions a year apart, does not maintain a common nuisance in violation of title 2, section 1, of the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138½).

4. Intoxicating liquors, key 134.—"Intoxicating liquors" defined.

"Intoxicating liquor," within national prohibition act, title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), permitting manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home, if not in fact intoxicating, is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink.

5. Intoxicating liquors, key 224.—Government had burden of proving intoxicating quality of cider and fruit juices manufactured exclusively for home use.

In prosecution under national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) for manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, under title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), for exclusive home use, Government had burden of proving cider and fruit juices were in fact intoxicating, notwithstanding sections 32, 33 (Comp. St. Ann. Supp. 1923, secs. 10138½s, 10138½t).

JOHN PHILIP HILL was indicted under the national prohibition act. Case submitted to jury.

Amos W. Woodcock, United States district attorney, and James T. Carter, assistant United States district attorney, both of Baltimore, Md.

Arthur W. Machen, jr., and Shirley Carter, both of Baltimore, Md., for defendant.

Soper, district judge. The defendant was indicted under the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) in six counts.

The first count charged that the defendant on September 27, 1923, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 25 gallons of wine. The second count charged the unlawful possession of said wine. The third count charged that the defendant

on September 18, 1924, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 30 gallons of cider. The fourth count charged the unlawful possession of said cider. The fifth count charged that on September 27, 1923, the defendant did maintain a common nuisance at No. 3 West Franklin Street, Baltimore, by the manufacture of intoxicating liquor, to wit, 25 gallons of wine; and the sixth count charged that on September 18, 1924, the defendant did maintain a common nuisance at said place in that he manufactured 30 gallons of cider.

The Government offered evidence tending to show the manufacture and possession of the wine and cider, as charged, containing alcohol in various amounts in excess of one-half of 1 per cent thereof by volume. The Government conceded that the wine and cider were manufactured by the defendant exclusively for use in his own home at No. 3 West Franklin Street, Baltimore.

The defendant on his part offered evidence tending to show that the liquors manufactured, while containing more than one-half of 1 per cent of alcohol by volume, were not in fact intoxicating, whereupon the Government objected to the admissibility of the evidence, and the ruling hereinafter set out was made by the court. At the conclusion of the defendant's case the Government offered evidence tending to show that the liquors were intoxicating.

RULING OF THE COURT ON THE ADMISSIBILITY OF EVIDENCE

The question for decision is whether the defendant, admitting that he manufactured cider containing more than one-half of 1 per cent of alcohol by volume, but contending that it was made exclusively for use in his own home, may offer evidence to show that the cider was in fact not intoxicating.

[1, 2] While the question is not free from doubt, in my opinion such evidence may be offered. The determination of the question depends upon the construction of certain provisions in title 2 of the national prohibition act. The doubt arises from the fact that Congress seems to have used the word "intoxicating" in a different sense in one section from that employed in another. Section 1 defines "intoxicating liquor" to include, among other things, any fermented liquor containing one-half of 1 per cent or more of alcohol by volume which is fit for use for beverage purposes. It is well settled that for the purpose of carrying out the provisions of the eighteenth amendment Congress had the power to establish this standard. (National Prohibition Cases, 253 U. S. 350, 40 S. Ct. 486, 588, 64 L. Ed. 946.) Section 3 makes it an offense for any person to manufacture intoxicating liquor except as authorized in the act. Section 29 specifies the penalties for violation of the act and concludes with the following sentence: "The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

The Government contends, and its contention is not without some force, that the words "nonintoxicating cider," which a person may manufacture for use in his own home, must be construed with reference to the definition of the term "intoxicating liquor" given in the first section, to wit, that it shall not contain one-half of 1 per cent or more of alcohol by volume. But it is obvious that by the concluding sentence of section 29 of the act, Congress intended that persons manufacturing nonintoxicating cider for use in their homes, and not for sale, should be in a class by themselves, at least in some particulars, otherwise the sentence has no meaning or use whatsoever. If it was intended to punish persons for manufacturing cider for use in their own homes which contains more than one-half of 1 per cent of alcohol by volume, there was no necessity for the provision, for the act without the sentence already provided such punishment. If, on the other hand, it was intended by Congress that persons who made cider containing less than one-half of 1 per cent by volume should not be subject to punishment, there was no need for the provision, for the reason that the other provisions of the act did not provide punishment for such person. The only reasonable explanation for singling out home manufacturers of cider and fruit juices for special mention in this section, to my mind, is that Congress did not intend to subject them to the strict provisions as to the alcoholic content of the product specified in section 1, but intended to prohibit the manufacture of cider and fruit juices for home use, which should be, in fact, intoxicating. If the section is so interpreted, then there is a reason for its insertion in the act.

This interpretation of the law is borne out at least to some extent by the discussion in the United States Senate on September 4, 1919, reported in the CONGRESSIONAL RECORD, volume 58, part 5, pages 4847 and 4848, when the sentence above quoted, or part of it, was first inserted in the act by amendment. The opinion was then expressed on the floor of the Senate by the chairman of the committee in charge of the bill that the cider and fruit juices prohibited as to manufacture for home use were those intoxicating in fact.

In order that the decision on this point may not lead to misapprehension, perhaps I should also state that it is perfectly clear that if cider or fruit juices, manufactured in the home, although exclusively for use in the home, are in fact intoxicating, it is a violation of the law to manufacture them; also, that the law specifically provides that the cider and fruit juices so manufactured shall not be sold or delivered except to persons having permits for the manufacture of vinegar.

At the conclusion of the evidence on both sides, the charge to the jury, hereinafter set out, was delivered by the court:

Mr. Foreman and gentlemen of the jury, the time now approaches when it is necessary for you to perform the important and grave duty of deciding the issues of fact that have been raised in this case. As you are aware, the offense with which the grand jury has charged the defendant in this case is in its nature a criminal offense, a misdemeanor in the legal term, and therefore the defendant is entitled to the application of all those rules which under our system of jurisprudence the law furnishes for the protection of one so accused. The defendant is presumed to be innocent of the charge, notwithstanding the allegations in the indictment, until the jury is satisfied of his guilt. The burden of proof is on the United States to satisfy the jury of his guilt. And the jury must be satisfied beyond a reasonable doubt before they are authorized to find a verdict of guilty. To be convinced beyond a reasonable doubt is to have an abiding conviction to a moral certainty of the guilt of the accused. Such a doubt as would justify the acquittal of the defendant must be a doubt for which you can give a reason. You are chosen from the body of the people to try this case, and sworn to try it according to the law and the evidence, and one of the reasons why the law furnishes to defendants in such cases the privilege of a jury trial is that a man is entitled to have the judgment of everyday people of ordinary experiences rather than to have merely the judgment, or what might be called the professional judgment, of a trained lawyer. The law therefore means that you shall use your common sense and give to the decision of the questions of fact the same consideration that you would give in making up your minds on any question that would be presented to you.

There are six counts in this indictment. You may consider first the fifth and sixth counts, because they are the more easily disposed of. The fifth count charges that in September, 1923, the defendant maintained a common nuisance at No. 3 West Franklin Street, Baltimore, where intoxicating liquor was being manufactured in violation of the prohibition act, to wit, 25 gallons of wine. The sixth count charges that in September, 1924, the same sort of nuisance was maintained by the defendant at the same place, in that he manufactured 30 gallons of cider. These counts are based on section 21 of title 2 of the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138½jj), which declares that any place or building where intoxicating liquor is manufactured, sold, kept, or bartered, in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, to be a common nuisance, and that any person who maintains it shall be guilty of a misdemeanor.

[3] Now, it is conceded in this case that the defendant had no commercial purpose in his activities in this respect. The liquor was not made for sale, but merely for use in the defendant's own residence. Moreover, there were but two isolated transactions, a year apart. There is involved in the expression "common nuisance" the idea of continuity of action for a substantial period of time. This element is lacking in this case. It is entirely proper for the prosecuting officer to frame an indictment under several sections of the law so as to meet what may turn up in the actual trial of the case. The district attorney in this case has done so by preparing counts under this section and under other sections, but as the case turns out, it is my opinion that there is not sufficient evidence to justify a verdict of guilty by this jury on the fifth and sixth counts, and I therefore charge you to find a verdict of not guilty on those counts. (Strut v. Lincoln Safe Deposit Co., 254 U. S. 88, 41 S. Ct. 31, 65 L. Ed. 151, 10 A. L. R. 1548.)

The matters for your decision are involved in the first four counts of the indictment. Counts 1 and 2 relate, respectively, to transactions on the 27th of September, 1923, the first count charging the unlawful manufacture of certain intoxicating liquor, to wit, 25 gallons of wine; the second count charging the unlawful possession of such intoxicating liquor. The third and fourth counts relate in the same way to the transactions in September, 1924, charging, respectively, the manufacture of intoxicating liquor, to wit, 30 gallons of cider, and the possession of 30 gallons of cider. It may be desirable to state that so far as exact dates are concerned, you need not be bothered by them, and the same thing is true as to exact quantities. If you find that the offenses were committed on any date of the years mentioned, and that any quantities were manufactured and possessed, the charges are made out.

The issues of fact to which your attention is directed are rather narrow and few, for the reason that there is no dispute in this case, but that the defendant both manufactured and possessed the liquors in question. He has testified to that effect on the stand. So that that part of the charge is made out. The question for you to decide is whether the articles which the defendant admits that he manufactured and possessed answer to the description of the articles in the counts of the indictment. Now, the description in the first and second

counts is: "Intoxicating liquor, to wit, 25 gallons of wine." The question for you to decide on these two counts are two in number:

(1) Was the article wine?

(2) Was it intoxicating?

The position of the defendant on the first question is that the article which he manufactured and possessed in September, 1923, was not wine, for the reason that the grape juice manufactured was still in process of fermentation. His contention is that so long as it was fermenting, whatever else it might be, it was not wine. Now, it is plain from the evidence, if we are to accept the definition contended for by the defendant, that what the defendant intended to make was wine according to his definition, and the only reason why it is possible to make the contention in this case that it was not wine is that on October 11, 1923, by order of this court, he was forbidden to manufacture wine, and was further directed to maintain what he had then manufactured in its condition without further disturbance. I think it is entirely fair to say to you, as claimed by the defendant, that he is not responsible for what happened to the wine after he was ordered to lock it up and did so. But did he prior to that date manufacture and possess wine? The defendant has produced two witnesses, Mr. Carroll and Mr. Boone, who were experienced men in the handling of whiskies and wines and liquors as wholesale dealers for a considerable period of time in Baltimore City. Their testimony is that from their standpoint as dealers in liquor and dealers in wines, an article which was still fermenting was not wine. Their testimony seems to be to amount substantially to an expression of opinion on their part that grape juice still in process of fermentation is not commercially known as wine, or was not so known during the period when they handled it.

The defendant is not charged with making wine for sale; he is not charged with making wine of a commercial quality. It is not important whether this was commercial wine or not. It is not important whether it was good or bad wine. The question for your decision on this point is whether it was wine. You will therefore give consideration to the testimony produced on behalf of the defendant on that point.

There is testimony also adduced which you should consider on the part of the Government given in rebuttal after the defendant's witnesses had testified: The testimony of the chemist who analyzed the article, the testimony of Dr. Harvey W. Wiley and Mr. Alwood. Doctor Wiley, a man who, according to his testimony, has had very wide, I may say international, experience on the subject, having served as a juror at various international exhibitions, and having, so far as one could judge from his testimony, familiarity with the subject, testified that whether it was fermenting or not, the grape juice was wine, and that such an article was known to manufacturers as wine. Mr. Alwood, a man of considerable technical experience and knowledge in dealing with the subject for a considerable number of years, gave similar testimony.

The Government's testimony also is to this effect, testimony given both by Mr. Alwood and by the other Government chemists, that under the circumstances of this manufacture the process of fermentation, having begun on or about the 7th of September, was substantially finished on the 27th of September. The amounts of alcohol which were produced by fermentation are given in the evidence in regard to the keg said to have been purchased from New York, 11.64 per cent of alcohol, and as to two other samples to which sugar had been added, 11.68 and 8.28 per cent, respectively, and as to a fourth sample, to which no sugar had been added, 3.34 per cent.

Mr. Alwood testified that he had himself many times made wine by the use of grapes and the addition of sugar, and that, considering the period of 20 days and the alcoholic content that was found in this wine, it was his opinion that the process of fermentation was substantially finished.

The date of September 27, however, is not the date upon which the defendant's responsibility for the condition of the wine was at an end. The wine was kept by him for 14 or 15 days after that time, just as it was when the chemist examined it, and it was not until October 11 or 12 that the wine, or the article, whatever you may decide it to be, was locked up.

You will then consider the testimony of these gentlemen, and if you give it credit, even if you believe that grape juice is not wine until the fermentation has completely finished, you will then determine whether or not, in view of this testimony, the fermentation was or was not finished, or likely to have been finished after an interval beginning on September 7 and ending on October 11. So far as I recall there was no testimony on the part of the defendant, and I shall be glad if counsel will correct me if I am wrong in this respect—as to whether or not fermentation had ceased on the date on which it was locked up.

Now, then, the second question for you to determine on the first two counts, if you decide that the article was wine, is whether or not it was intoxicating. Section 1 of title 2 of the act defines intoxicating liquor to be any liquor containing one-half of 1 per cent or more of alcohol by volume which is fit for use for beverage purposes. That definition of "intoxicating," however, does not apply to this case. Under a subsequent section of the act, section 29, it was provided that the penalties in the act should not apply to a person manufacturing nonintoxicating cider and fruit juices exclusively for use in his home. It has been conceded in this case that what the defendant did was to manufacture grape juice in his home by adding sugar, exclusively for use in his home. I therefore charge you that it is necessary for you to find, before you can find a verdict of guilty on the first two counts, that the wine—and I may call it that for purposes of further charge, leaving the matter to your determination, however—was intoxicating in fact.

[4] What do we mean by intoxication? Two extremes have developed in the testimony in this case, neither of which seem to me to be a fair interpretation of what that word means in the law, no matter what it may mean elsewhere. There is testimony on the part of Dr. Howard A. Kelly and Doctor Wiley that any amount of alcohol taken into the human system has an effect which they describe as intoxicating. That is not the meaning of the term as used in the law. The other extreme is illustrated by at least one of the witnesses for the defendant, whose name I do not recall, but who said that he would scarcely be affected by whisky before he had taken a dozen or two drinks. That determination of whether or not liquor is intoxicating is not what is meant in the law. Intoxicating liquor is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink. And that is the test that you are to apply to the decision of this issue of fact.

You will consider in that connection the alcoholic content of the liquors. You have heard them given in evidence, and I have already repeated them to you. So far as the wine is concerned, it runs from 3.34 to 11.68 per cent. If in your judgment any of that wine was intoxicating, whether or not in your judgment all of it was, the charge on the first two counts is made out.

Now, the defendant has offered certain evidence in the case of persons who, with himself, drank some of the wine, I believe, on the date when the chemist took the samples. Mr. Dimarco and several of the young men from the newspapers took some of it. You have heard their testimony as to what effect it had upon them. You are, of course, entitled and in duty bound to take that into consideration. You should consider, however, whether or not there was a fair test of the intoxicating qualities of the liquor. It is not a question in any case whether the drink which a particular individual took at a particular time made him drunk, but whether or not the article is capable of producing drunkenness. Perhaps I might interpolate here that intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word "drunkenness." If this wine was capable of producing drunkenness when taken in sufficient quantities; that is to say, taken in such quantities as it was practically possible for a man to drink, then it was intoxicating.

The Government has offered some testimony here by Doctor Kelly and by Doctor Wiley and others to the effect that it was intoxicating. I have already cautioned you, I think, that the definition of intoxication given by these two doctors, to the effect that any amount of alcohol produces an effect, therefore a toxic or intoxicating effect, does not satisfy the term "intoxicating" as used in the law. But their testimony nevertheless should be considered. You were shown by ocular demonstration the amount of brandy which would contain a like amount of alcohol as a quart of the cider which was manufactured by the defendant. Now, the wine which we are now discussing contained, some of it, approximately four times as much alcohol as the cider. If you can visualize the amount of brandy pictorially represented by Doctor Kelly as containing as much alcohol as was in a quart of the cider, and multiply that by four times, you get an idea of the brandy equivalent of a quart of the wine which contained the highest alcoholic content. Now, then, if you believe it was practically possible for a man to drink two, three, or four quarts of that liquid, you would be able to figure out how much would be represented by an equivalent of brandy. Matters of that sort may assist you in determining this question.

The illustration given by Doctor Wiley of his experience abroad at the students' drinking bout throws some light on the legal definition which I have given you of intoxication. According to his testimony the students were drinking 3 per cent beer, and after a long night and after the consumption of many quarts a considerable number of them were drunk. The beer which produced the results described by Doctor Wiley was intoxicating in the sense in which I have described it.

Now, gentlemen, when you come to the third and fourth counts of the indictment, the only question for you to decide is whether the cider was intoxicating. Everything charged in those counts is admitted except the intoxicating quality of the product. What I have said as to the definition of intoxication and the comments I have made thereon, qualified, however, by the fact that the highest alcoholic content of the cider was 2.7 per cent, are pertinent to these counts, and you will make up your verdict accordingly.

Gentlemen, this case is of some considerable public importance, and your duties, of course, are correspondingly great. The matter has had wide publicity. It is a fact, I think, borne out by the evidence, and even if it is not borne out by the evidence I am sure it is a matter which all of us know, that the defendant has been quite active in

opposition to this law. That is a matter, gentlemen of the jury, which should be left out of your consideration. The question of prohibition and the use or misuse of intoxicating liquor has been the subject of public discussion for many years, and continues to be the subject of discussion. It naturally gives rise to great differences of opinion, and, on occasion, to bitterness of feeling. It is your duty to try this case without reference to that discussion and that feeling. You should not allow yourselves to be prejudiced in any measure whatsoever against the defendant in case any of you should happen to disapprove of his agitation and his actions in this case. You should not allow yourselves to be swayed in his favor because he has held and still holds a high position in this community, or because you are in favor of what he has been endeavoring to do, or because you personally like his actions in this case. I need not remind you that you are here as sworn public officers to try this case according to the law and according to the evidence, and there are but these narrow issues of fact for you to determine: As to the first two counts, was the substance wine and was it intoxicating; and as to the third and fourth counts, was the cider intoxicating? When you have decided those questions you have done your full duty.

Your verdict, as I have already said, on the last two counts will be not guilty.

The responsibility in this case for the decision of these questions of fact is yours. It is my duty to charge you upon the law. I am responsible for that, and if I am wrong, I may be corrected elsewhere. The decision of the facts, however, is yours, and you are at perfect liberty to disregard any suggestions or comments which I have made upon the evidence which do not meet with your approval. The Constitution and law of the land compels a jury trial in criminal cases in this court, and a jury trial means a decision of the jury, and not of the judge.

Are there any exceptions or any suggestions in regard to the charge?

Mr. MACHEN. I understood from your honor's charge that the principle of reasonable doubt, if the jury has any reasonable doubt as to any of the essential elements of the crime, applies to this question of intoxication as well as to all other elements of the case?

The COURT. Yes. There are no elements in the case for them to decide except those that I have commented on, and the doctrine of reasonable doubt applies to them.

District Attorney WOODCOCK. I desire on behalf of the Government to suggest that in our view of the law the burden of proof in this case is upon the defendant to show that the wine and cider was not intoxicating, basing that on section 33 of the law, which is a general section shifting the burden of proof when possession is shown; and, secondly, on the fact that the whole defense is an exception to the general prohibitions in the law.

The COURT. This matter has now been called to my attention for the first time. You refer to section 33?

Mr. WOODCOCK. Yes; and also that the defense is a negative averment which is referred to also in section 32.

[5] The COURT. I think it is well that the point may be raised. It may serve as a basis for some authoritative decision later on. But, in my opinion, while the burden may be upon the defendant to show that he was manufacturing the fruit juices exclusively for use in his home, that element of the defense having been conceded, the burden of proof on the subject of the intoxicating quality of the liquors does not shift.

The jury thereupon acquitted me on all counts. I had more trouble getting this one case brought to trial than I had with all the law business of the United States for the five years that I was United States attorney for Maryland.

The decision in United States against Isner appears in the Federal Reporter, second series, volume 8, page 487:

ISNER v. UNITED STATES

(Circuit Court of Appeals, Fourth Circuit. October 20, 1925. No. 2349)

1. Intoxicating liquors 134: Conviction for manufacturing nonintoxicating cider and fruit juices can not be had, except beverage manufactured be in fact intoxicating.

Under national prohibition act, title 2, section 29 (Comp. St. Ann. Supp., 1923, sec. 10138½p), exempting from operation of act person "manufacturing nonintoxicating cider and fruit juices exclusively for use in his home," conviction can not be had for manufacturing cider or fruit juices containing more than one-half of 1 per cent alcohol except on showing such beverage is in fact intoxicating.

2. Intoxicating liquors 236(13): Evidence held insufficient to sustain conviction for manufacturing intoxicating liquor.

Evidence showing manufacture of fruit juice beverage having more than one-half of 1 per cent alcohol held insufficient to sustain conviction for manufacturing intoxicating liquor.

In error to the District Court of the United States for the Northern District of West Virginia at Elkins; William E. Baker, judge.

Creed Isner was convicted of manufacturing intoxicating liquor, and he brings error. Reversed.

A. M. Cunningham, of Elkins, W. Va., for plaintiff in error.

T. A. Brown, United States attorney, of Parkersburg, W. Va.—Russell L. Furbee, assistant United States attorney, of Parkersburg, W. Va., on the brief—for the United States.

Before Waddill and Rose, circuit judges, and Webb, district judge

Webb, district judge:

1, 2. The defendant, Creed Isner, was indicted and convicted for unlawfully possessing "intoxicating liquor, to wit, 70 gallons of grape wine."

The main facts on the trial below showed that the defendant had a quantity of wild cherries and elderberries and made an effort to get from the State authorities a permit to make wine of them. The berries were grown on his own farm. He put them into a barrel and strained out the berries, having added about two gallons of water to one gallon of juice. Having failed to secure a permit, he placed the barrel containing the juice and the water in an outside cellar where State police officers found it. The contents of the barrels were not destroyed by the officers, but pint samples were taken from said barrels. There is much disputed testimony as to whether or not this concoction was fit for beverage purposes; a number of witnesses saying it was so bitter that it could not be drunk, and others saying that it tasted like wine. The pint samples were analyzed, but the record does not show the alcoholic content.

The defendant offered to show that the liquid was not intoxicating, but objection to this evidence was sustained by the trial court. There is no evidence that this concoction was made for the purpose of being sold, but for home consumption, if it was ever fit to be used for such.

In his brief, T. A. Brown, Esq., United States attorney, says:

"In order that the question may be settled squarely on the construction of the last clause of section 29—of the Volstead Act—the Government concedes here and now that the said wine was not, as a matter of fact, intoxicating."

The Government insists that the defendant is guilty, because the jury found from the opinion of the police officers that the concoction contained as much as one-half of 1 per cent alcohol, and contended that this concoction or beverage, although not intoxicating, comes under the general prohibition in the act defining liquor, and that the defendant is subject to the pains and penalties prescribed generally in the act. This brings us squarely to the interpretation of the last clause of section 29 of title 2 of the national prohibition act (Comp. St. Ann. Supp., 1923, sec. 10138½p), which is as follows:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

We were interested in the argument of the Government brief in this case, but are forced to the conclusion that whatever Congress may have meant by inserting the above clause in the prohibition act we are bound to consider and accept the plain language of it. We are forced to the conclusion that Congress intended to take out of the general class of intoxicating liquors nonintoxcating ciders and fruit juices made by one to be used exclusively in his home, and therefore put nonintoxicating vinegar and such fruit juices in a different class, and required that before a person can be convicted under the act for manufacturing such vinegar and fruit juices same must be proved by the Government to be in fact intoxicating.

We therefore hold that in all such cases it is necessary to prove that such vinegar and fruit juices are in fact intoxicating before a conviction can be had.

This view of this section is unanimously held by the court, and, as the writer of this opinion was a Member of the Lower House of Congress when this act was passed, he can say without doubt that the foregoing construction of this section was the intent and meaning of Congress. This provision now under consideration was not a part of the bill as it passed the House of Representatives, but was inserted in the Senate after a number of speeches had been made by persons complaining that the "grandmother and housewife" were going to be "penalized and made criminals" if they made blackberry cordials or blackberry wines for use in their own home. In order to meet such objection on the part of such critics of the bill, this provision was agreed upon and inserted in the Senate after a conference of Members and Senators deeply interested in the passage of the act and the success of prohibition. A different interpretation than this one placed upon the act would be to totally disregard the plain language of the Congress, which inserted this provision in the Volstead Act for the purpose of making a different rule for conviction of persons who make nonintoxicating vinegar and fruit juices exclusively for their home uses.

The judgment of the court below is therefore reversed.

Reversed.

The decision in these cases settles the law on section 29 of the Volstead Act.

Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman has been recognized once during the reading of this paragraph to strike out words.

Mr. HILL of Maryland. Then, Mr. Chairman, I move to insert the following words on page 31. I move to insert on page 31, in line 11, after the words "investigation and prosecution of war frauds," the words "and for other purposes."

The CHAIRMAN. The Clerk has concluded the reading of that paragraph and is now reading on page 32.

Mr. HILL of Maryland. I beg the Chair's pardon. This is on page 32.

The CHAIRMAN. The gentleman said page 31.

Mr. HILL of Maryland. Yes; through an inadvertence. I meant page 32. I move, on page 32, line 11, after the words "investigation and prosecution of war frauds," to insert the words "and for other purposes."

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Page 32, line 11, after the word "frauds," insert the words "and for other purposes."

Mr. ACKERMAN. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ACKERMAN. I make the point of order, Mr. Chairman, that this is a specific appropriation for investigation and prosecution of war frauds and the proposed amendment is not germane.

The CHAIRMAN. The point of order is clearly well taken.

Mr. HILL of Maryland. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair does not care to hear anyone on the point of order. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SALARIES OF JUDGES

For salaries of 34 circuit judges, at $8,500 each; 127 district judges (including 2 in the Territory of Hawaii and 1 in the Territory of Porto Rico), at $7,500 each; and judges retired under section 260 of the Judicial Code, as amended by the act of February 25, 1919; in all, $1,350,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment: On page 34, line 5, strike out "127 district judges" and insert "147 district judges."

Mr. BLANTON. Mr. Chairman, I make the point of order that is legislation on an appropriation bill, unauthorized. Each Federal judgeship is the creation of legislation, and you can not create any Federal district judgeship on an appropriation bill unless there is legislation authorizing it. The amendment is clearly subject to a point of order.

Mr. HILL of Maryland. Does the Chair care to hear me on the point of order?

The CHAIRMAN. The Chair is inclined to sustain the point of order, but will hear the gentleman.

Mr. HILL of Maryland. Mr. Chairman, in view of the statement of the Attorney General that the Federal judiciary system was at its peak and has broken down because it could not dispose of the cases, I suggest this would be in order.

Mr. DOWELL. Mr. Chairman, I make the point of order the gentleman is not discussing his point of order.

The CHAIRMAN. The gentleman from Maryland is not discussing the point of order. The gentleman from Texas made the point of order that the amendment was not in order because it was legislation creating additional judgeships.

Mr. HILL of Maryland. I hope in the interest of efficiency the gentleman will withhold his point of order.

Mr. BLANTON. I do not want any more of the same kind of Federal judges sent to Baltimore.

Mr. HILL of Maryland. This would provide 20 additional judges, and probably they need some more in Texas.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORTON D. HULL. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question. This bill provides for the salary of judges. We are all aware of the fact there is a bill before the Committee on the Judiciary providing an increase of salary for the judges of the United States courts. I, of course, can not judge in advance whether that measure will pass or not; but if it should pass, I take it it would be only an authorization and the appropriations for the increased salaries would have to go over until the following year, as I understand it.

Mr. SHREVE. Oh, no; it could be handled in a deficiency bill at the end of the session. If that bill should become a law during this session, it would be a very easy matter to provide for it in the deficiency bill.

Mr. BLANTON. Would the gentleman mind stating whether or not he is in favor of increasing the salary of the trial judges $5,000?

Mr. MORTON D. HULL. I am inclined to favor increasing all those salaries.

Mr. BLANTON. Is the gentleman in favor of increasing the salary of the trial judges $5,000?

Mr. MORTON D. HULL. I think those salaries are too low.

Mr. BLANTON. They have always drawn the same salary as a United States Senator; and if the gentleman would vote for that bill, he would be voting to give them $2,500 more than the salary of a United States Senator.

Mr. MORTON D. HULL. That would not bother me at all.

Mr. BLANTON. Well, it would bother me.

The pro forma amendment was withdrawn.

The Clerk read as follows:

NATIONAL PARK COMMISSIONERS

For the salaries of the commissioners in the Crater Lake, Glacier, Mount Rainier, Yellowstone, Yosemite, Sequoia, and General Grant National Parks, $11,160, which shall be in lieu of all fees and compensation heretofore authorized.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee what judicial duties are performed by these commissioners to bring them under the judicial department?

Mr. SHREVE. About the same duties as a magistrate.

Mr. McKEOWN. Are they United States commissioners?

Mr. SHREVE. Yes.

Mr. McKEOWN. I notice in other parts of this appropriation bill you speak of the United States commissioners as United States commissioners, but you speak of these men simply as commissioners in these parks.

Mr. SHREVE. The power is simply given these commissioners in the parks to maintain order and handle such small cases as might come before them.

Mr. McKEOWN. They are subject to the Department of Justice?

Mr. SHREVE. Oh, yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshal for the District of Columbia, $3,400,000, including not to exceed $3,500 for the purchase of a motor-driven passenger-carrying van for the official use of the office of the United States marshal for the southern district of New York in the transportation of prisoners: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow: *Provided further*, That marshals and office deputy marshals (except in the district of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. HUDSPETH. Mr. Chairman, I move to strike out, in line 12, page 36, the figures "$3,400,000" and insert "$3,500,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUDSPETH: Page 36, line 12, strike out the figures "$3,400,000" and insert "$3,500,000."

Mr. HUDSPETH. Mr. Chairman, we have heard considerable discussion about the enforcement of the prohibition law. I am in favor of the enforcement of the prohibition law and of all other laws. These deputy marshals for whom I am seeking to increase the salary—and if I fail in that, to replace it where it was before—are men who enforce the prohibition laws, the custom laws, and every other Federal law. I am not criticizing the splendid committee for what they have done in the general preparation of this bill, but because they reduced the appropriation for the pay of marshals $100,000 below what it is at the present time. Instead of decreasing this appropriation it should have been increased at least $400,000, so these underpaid officials could have been paid a living salary.

Mr. OLIVER of Alabama. The gentleman means that we have increased it over what it was in the Budget.

Mr. HUDSPETH. Yes; but you decreased the amount $100,000 below the amount it is at the present time. Now, I read from the hearings, when my friend from New York [Mr. GRIFFIN] was interrogating Attorney General Sargent:

Mr. GRIFFIN. General, before you leave I would like to call your attention to the matter of the reduction of salaries of deputy marshals, which is contained on page 127 of the Budget. The bulk of the deputy marshals seem to have had their salaries reduced. There were 152 whose salaries were reduced from $1,693 to $1,667. There were 516 whose salaries were reduced from $1,504 to $1,476. There we have reductions of $26 and $28, respectively, and the total saving seems to be only about $21,430.

Mr. SARGENT. Is that a reduction in salaries entirely? I do not have it distinctly in mind, but I know what is done and I know what we have been doing. Is that a reduction in salaries or is that a reduction in compensation of marshals; that is, salaries and fees?

Mr. GRIFFIN. It is classified under the head of "Salary."

Mr. HARRIS. It is really salaries and fees, but very few fees are paid.

Mr. GRIFFIN. The striking feature of the matter is that while the salaries of these low-paid men are reduced the salaries of the higher paid men are not touched. It has an element suggestive of—well, if not injustice, lack of consideration of the needs of these men.

Mr. SARGENT. No; it is not that. I know this: That there were some instances which were passed on since I have been here in which there was a fee system for services and a salary was provided in place of it at the request of the marshals themselves. Of course, from our point of view, it was the proper thing to do, because it was pointed out that they were able to do the work at a salary at less expense than in any other way.

Mr. GRIFFIN. I do not think this has anything to do with the fee system. This seems to relate to a specific, fixed salary, because in the parallel column for 1926 we find the salaries that they received last year. In the next column we have the salaries which they are to receive.

Then further on Mr. GRIFFIN makes this observation:

Mr. GRIFFIN. That is, there is no reduction of the entire line until you come down to the poor devils who are in the $1,693 class, and they have $26 taken off their salary. There are 152 of them. Then there is a reduction in the next class, the $1,504 men, who are reduced to $1,476. There are 516 of them.

Mr. HASTINGS. Will the gentleman advise us whether these salaries are fixed under the law by the Attorney General—that is, the Department of Justice?

Mr. HUDSPETH. I take it that the Attorney General fixes it; there is no law fixing the salaries of deputy marshals. They are fixed by the Attorney General.

Mr. HASTINGS. But that only applies to the deputies.

Mr. HUDSPETH. Only to the deputies. Now, gentlemen, can we justify ourselves in voting to increase our own salaries from $7,500 to $10,000 and not give these poor fellows down there who my marshal, Hon. Scott White, says—and I never voted for him and he never voted for me, because he belongs to the opposite political party, but he is a good man, and he says:

In the marshal's department our deputies receive the lowest pay of any Government employee; they are required to start with a salary of $110 a month; it is impossible for a man with a family to support them on this amount. Now, it does not seem right to ask a man to start with such a small salary, considering the responsibility required by a deputy United States marshal, and the fact that they are required to furnish bond in the sum of $5,000 at their own expense. I think they should be started at the salary of at least $150 per month and increase their salary to $200 per month, which would be nothing more than right.

This marshal and his deputies enforce the prohibition law; they guard the wineries and the distilleries seized, and stand out in the cold and rain enforcing all laws, and that ought to appeal to my colleague from Texas [Mr. BLANTON].

Mr. BLANTON. I will tell the gentleman what appeals to me as much if not more; they guard the border against aliens that are being smuggled into this country across the Rio Grande.

Mr. HUDSPETH. Yes; they do all that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection?

Mr. HUDSPETH. Now, gentlemen, I want to ask you: Do you believe that a man can support a family on $110 a month? He is out all day long, and sometimes far into the night, not permitted to take any other employment. He is engaged in enforcing these laws. I do not believe that the House will stand for any such injustice.

Mr. McKEOWN. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. McKEOWN. The gentleman knows that the most of these men are engaged in the most dangerous and hazardous occupation that there is.

Mr. HUDSPETH. Absolutely; and here in the hearings my good friend from Pennsylvania [Mr. SHREVE] says:

I think this committee would be very much adverse to reducing the salaries of those low-salaried marshals, because they can hardly make a living now.

And yet, gentlemen, it seems to me that by cutting this appropriation this committee has materially reduced the salaries of these already very much underpaid officials. I would like to see the salaries of all immigration, labor, health, customs, and other officials raised to a decent living wage. I am going to insert here as a part of my remarks a clipping from the El Paso Post to show you how one of the many of these zealous officers of the Government, although underpaid, save our Government money:

TOO MUCH ECONOMY

Ottomar Hevelke, an immigration inspector at the Santa Fe Street bridge, speaks six languages, some of them with sufficient fluency to be a college professor, yet for his daily grind Uncle Sam pays him only $2,000 a year.

Hevelke's talents as a linguist save the Government $1,440 a year for interpreter's salary. Counting that out of his pay as inspector, the job for which he is employed, to which he devotes most of his time, he gets only $560 a year for border duty.

At best, the $2,000 is none too high. That's only $166 a month. But when it is remembered that Hevelke has to do double duty to earn it, his pay check carries a strong color of too much economy.

His case, however, is only a high spot in a long line of underpayments in Uncle Sam's border service. Hevelke has been in the service five years. Few members of the border patrol start at $1,800 a year, $150 a month. The highest they can hope for, after climbing to chief inspector, is $3,000 a year, and few can reach that.

Immigration Service men are asking increases in pay. They want a sliding scale of from $2,000 to $3,600 and assurance of traveling expenses whenever they are transferred.

Considering the duties an inspector performs, their plea is by no means unreasonable.

They guard the border against illegal entry of aliens. They protect our health by checking against contagious disease. They help stem the ever-threatening tide of smuggling and rum running. In the first contact with foreigners on the international boundary they represent Uncle Sam himself. Such services can not be trusted to inefficient, underpaid help.

No matter how much I might gain of this world's goods, I shall never cease to think about the fellow down below. Those are the people that I am trying to protect in this amendment. Those faithful employees, as has been stated here, enforce all laws, and as well stated by the gentleman from Oklahoma [Mr. McKEOWN]; they take their lives in their hands in so doing. This is a hazardous business, and they take the chance of losing their lives, and they commence at the salary of $110 a month.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. McKEOWN. And it is a fact that these employees of the Government have no hours, that their hours are unlimited.

Mr. HUDSPETH. They are out all day, and sometimes all night, enforcing all laws. I am not what you might call an economist in the strictest sense, but I do not believe in voting large sums to foreign people and leave our own to suffer, but I try to look after the people who are not represented here in the matter of securing adequate salaries. Many of these men are not of my political faith, but they are good men, have families to support, and I say to you, I know by personal experience that they are not getting a square deal.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. And if this House adds this $100,000 that the gentleman is asking for, we will know absolutely that these men are not going to be treated unjustly.

Mr. HUDSPETH. They will not be treated unjustly if my $100,000 increase is added to the bill.

Mr. SHREVE. Is the gentleman satisfied with the amount of money that is appropriated for the last year?

Mr. HUDSPETH. I would like to have the $100,000, as provided in my amendment, added to the total appropriation.

Mr. SHREVE. It is the idea of the gentleman that he would like to bring the appropriation back so that they would receive the $100,000?

Mr. HUDSPETH. Yes.

Mr. SHREVE. That is what we have accomplished by putting the $100,000 on, and we have the assurance of the department that these low salaries will not be reduced, and we feel that we have accomplished everything with the $100,000 that could be accomplished with $200,000. The men are going to get their pay just the same as they have during the last year, and if there should be a deficiency at the end of the year they will come in that.

Mr. HUDSPETH. But the gentleman is reducing the appropriation for the marshal fees by $100,000.

Mr. SHREVE. We are reducing it, but the marshals will get the same pay that they are getting now, and at the end of the year, if there should be a deficiency, it will be taken care of then.

Mr. HUDSPETH. If we reduce the appropriation, as I view it, from what it is at the present time, last year's appropriation being $3,500,000 and this being $3,400,000——

Mr. SHREVE. But if the gentleman's amendment should be agreed to and $100,000 be added to the appropriation, these men will not get $1 more than they will get as it stands now.

Mr. HUDSPETH. The Attorney General has it in his discretion to raise their pay, and I want to give him the opportunity of raising the pay of these underpaid officials. I think the gentleman from Pennsylvania is mistaken in his deductions. If you adopt my amendment increasing this appropriation for the pay of deputy marshals by $100,000, the Attorney General can and, I believe, will increase their pay; and I appeal to the Members of this House to give these efficient officials adequate compensation. [Applause.]

Mr. MADDEN. Mr. Chairman, I sincerely hope that this amendment will not prevail. We have given them all the money that they want, all of the money that they require, all of the money that will be necessary to conduct the service properly. I do not think we ought to heap money onto these bills without justification.

Mr. OLIVER of Alabama. Mr. Chairman, I am in entire sympathy with the statement made by the gentleman from Texas [Mr. HUDSPETH]; and if his fears were well grounded, the House should grant the increase. The committee went into this fully and were insistent that there should be no reduction in the pay of deputy marshals, and so the committee added $100,000, and after adding the $100,000 the committee had an understanding with the Attorney General that the pay of these deputies would not be reduced. The reason why the amount carried last year is not carried this year is that this is a variable matter. We can not tell in advance how many deputy marshals may be needed. It depends upon whether they have the same number of stills to guard, the same amount of business for 1927 as 1926, and so forth, and so it can not be anticipated. If court business should increase, the Attorney General would be justified in coming in December and asking for a further amount, but we went into the matter fully, as the gentleman from Pennsylvania [Mr. SHREVE] has stated, and the gentleman will find in the report that there will be no decrease in the pay of these officials.

Mr. HUDSPETH. Then why decrease the appropriation for this department by $100,000?

Mr. OLIVER of Alabama. The trouble about it is that the Budget thought it could be decreased $200,000, since this item varies with different years. You can not anticipate whether there will be as many deputies next year as were required this year. Some of them are appointed for three months, some four, some six, and some longer, and we made it clear that if the business of the courts required the appointment of special deputy marshals they would be on the same basis of pay as in 1926.

Mr. HUDSPETH. In response to a question by Mr. TINKHAM, Mrs. Willebrandt said that unquestionably the duties of the office would be greater, and the force would have to be increased.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $1,334,000: *Provided*, That United States district attorneys and their regular assistants may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word. I would offer an amendment to this paragraph, and also to the paragraph which preceded it, making the per diem $6 a day instead of $4 a day, but I recognize the fact that it would be subject to a point of order.

Mr. MADDEN. If the gentleman will permit me to make a statement. I have introduced a bill to make the travel allowance uniform. That bill will be reported, or some bill covering the case, back to the House from the Committee on the Civil Service, and then there will be no difference in travel allowance. In some departments to-day the travel allowance is $4, and in others $5, and in others $6, and in others $7. And the bill I have introduced makes it a uniform allowance, and I hope the gentleman——

Mr. SEARS of Florida. I want to thank the gentleman from Illinois for his statement. I have introduced a similar bill, which the Committee on the Judiciary is now considering. I hope that the bill will be reported out, either the bill of the gentleman from Illinois if not my bill. I have offered this amendment several times; and, as I say, I will not offer it now because of the statement made by the gentleman from Illinois.

Mr. MADDEN. I do not care whose bill, it ought to be uniform.

Mr. SEARS of Florida. I agree with the gentleman.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

PENAL AND CORRECTIONAL INSTITUTIONS

For all services, supplies, materials, and equipment in connection with or incident to the subsistence and care of inmates and maintenance and upkeep of Federal penal and correctional institutions, including farm and other operations not otherwise specifically provided for, in the discretion of the Attorney General; gratuities for inmates at release, provided such gratuities shall be furnished to inmates sentenced for terms of imprisonment of not less than six months, and transportation to the place of conviction or bona fide residence at the time of conviction or to such other place within the United States as may be authorized by the Attorney General; expenses of interment or transporting remains of deceased inmates to their homes in the United States; not exceeding $500 at each institution for the maintenance and repair of passenger-carrying vehicles; traveling expenses of institution officials and employees when traveling on official duty, including expenses incurred in pursuing and identifying escaped inmates; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; rewards for the capture of escaped inmates; newspapers, for which payment may be made in advance, books, and periodicals; firearms and ammunition; tobacco for inmates; and the purchase and exchange of farm products and livestock, when authorized by the Attorney General: *Provided*, That the United States shall be reimbursed, as heretofore, for the maintenance of District of Columbia inmates, and all sums paid by such District for such maintenance for the service of the fiscal year 1927 and subsequent fiscal years shall be covered into the Treasury as "Miscellaneous receipts."

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 10, after the words "Attorney General," strike out the semicolon and insert the following: "Such gratuities shall be to indigents and when considered by the warden to be necessary shall consist of suitable clothing costing not to exceed $22 per person and $10 in money."

Mr. SHREVE. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I doubt if the amendment is subject to a point of order, because it purposes a limitation on expenditure and probably a reduction; but it is, of course, legislation proposed to be added to an appropriation bill. However, I will ask the committee to indulge me for a few minutes. The amendment that I have offered to perfect the text on page 41, middle of line 10, is designed to permit indigent persons coming out of Federal penitentiaries to receive, if needed, suits of clothing to the value of $22, whereas now the expenditure is limited by law to $12; the amendment gives them $10 in money where they now receive $5 in money. I call attention to the fact that the money limitation for Federal prisoners is the result of an act of Congress passed on March 3, 1875, or 51 years ago. The clothing limitation of $12 was passed March 13, 1901, which is 25 years ago. There are three of these Federal institutions—

one at Atlanta, Ga., one at Leavenworth, Kans., and one at McNeils Island, Wash. The Representative from the Atlanta district [Mr. UPSHAW] indorses this suggestion.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. The Representative of the Kansas district [Mr. ANTHONY] indorses it. The prison authorities in the Department of Justice indorse it, and all of us have been endeavoring to secure this through legislation. I have a bill pending on the subject. I will be glad to yield to the gentleman now.

Mr. MADDEN. This is an increase of the amount that can be paid to each prisoner——

Mr. JOHNSON of Washington. Yes; but I think it reduces the total. While it increases the amount of cash by $5 and the payment for clothing from $12 to $22, it requires that these gratuities shall be given only to indigent prisoners if the warden finds it to be necessary. Therefore no man going out of prison who has money of his own or good clothing receives clothing or money from the institution.

Mr. MADDEN. Of course the gentleman from Washington admits that he has been trying to get this thing through legislation. It ought to be done by legislation and ought not to be done upon this bill. Every Member of the House justly complains about the Committee on Appropriations if they bring legislation in on one of these bills. Then when we do not bring it in they try to get it in the bill. We have the same right to object to having them put it in as Members have to prevent us from bringing in legislation, and I hope the gentleman will withdraw his amendment.

Mr. JOHNSON of Washington. It seems that the distinguished gentleman from Illinois, no matter how busy he may be, is always here in his capacity as watchdog whenever I happen to offer a meritorious project.

Mr. MADDEN. That is what I am here for. I hope the gentleman will withdraw his amendment.

Mr. JOHNSON of Washington. If the gentleman will be patient, let us examine this project briefly. The committee has been quite fair about it. The different members of this subcommittee themselves have visited these Federal prisons and admit the merit of this proposal. Heretofore what has been everybody's business has been nobody's business, particularly with regard to the three Federal prisons, which have, as a matter of fact, until within the last few years received little attention from Congress. This committee, in its report, page 18, calls attention to the clothing situation and says:

> At the present time when a prisoner is discharged from one of our Federal institutions he is allowed $5 in cash, his railroad ticket to either his home or city in which he was convicted, and clothing (in the event he has none of his own), the cash value of which must not exceed $10. Perhaps years ago when these limitations were first put into effect they might have met the situation, but at the present time to dress a prisoner within the limit of $10, give him $5 in cash and a railroad ticket to his home, and expect him to rehabilitate himself to the extent of going back into the proper sphere of society away from the associations and contact that brought him to the penitentiary is obviously in a great many instances impossible.

The committee recommends legislation. It calls attention to the bill introduced by me. Why not supply the remedy now?

Mr. MADDEN. I will tell the gentleman about it if he will yield further.

Mr. JOHNSON of Washington. Yes; I shall be glad to yield.

Mr. MADDEN. That is the way the committee feels, but it has always been the policy of the committee since I have been the chairman of it that when we find a situation like this we suggest that it be put in the form of a bill and that it be sent to the committee having jurisdiction, and then we will recommend in every way the enactment of the law that may be recommended by the committee, and we will join the committee. But do not ask us to violate the rules of the House.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I request five additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. This is a comparatively small matter. It can be quickly and properly done. This is merely a limitation. The bill referred to by the gentleman from Illinois [Mr. MADDEN] was introduced by me on the first day of this session. If we wait for legislation in form from the Judiciary Committee, which has other work, we shall probably not have time this year to put clothing enough on the backs of these discharged prisoners in order to make them presentable when they walk down the street. As the distinguished former Speaker of the House, Champ Clark, used to say, "Congress can do anything by unanimous consent."

Mrs. Willebrandt, Assistant Attorney General, following the lead of these distinguished gentlemen on this overworked subcommittee, went herself 3,300 miles away to McNeill Island and she found the conditions in that Federal prison bad, in spite of the efficient work of the excellent warden, Mr. Archer. I have not time to read her statement in full. She is distressed. She hopes for relief. She was asked by the press if the condition in that Federal prison is the result of the neglect of the Washington State delegation in Congress. I can assure Mrs. Willebrandt that it is not, because what little has been done to bring that penitentiary out of its neglected status has been done by the present very competent warden and by the Members from the State of Washington in appeals to the Department of Justice and to this committee. I have made over a dozen such appeals.

Mrs. Willebrandt says she is very glad to have seen conditions there with her own eyes and glad that she can come back to Washington and make an appeal to the Budget Bureau, so that then, perhaps, the Budget Bureau will make a recommendation that will cure the situation in that Federal penitentiary. Let us hope that she goes forward with her appeal. She will have plenty of support.

Mr. Chairman, I have full respect for the Budget Bureau, just as I have for the Committee on Appropriations; but does Congress have to sit back and wait until the Budget Bureau hears from Mrs. Willebrandt, or the Department of Justice? Have we no power to act? Has not the Department of Justice known of the situation for years?

I ask that this amendment be favorably considered. I firmly believe that with that restriction requiring the warden to give this money and clothing only to those prisoners that need the same the result will be a saving, because no man who has sufficient funds of his own can have need of a governmental gratuity. [Applause.]

Mr. SHREVE. Mr. Chairman, I make a point of order against the amendment. It is simply carrying out the suggestion that was made. The committee made a careful examination. They feel that there should be some increase at the proper time, and we have recommended to the legislative committee that they take up and consider the matter. But there is no place for it on the appropriation bill, and therefore I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

> For the purchase and installation of new boilers, and all expenses connected therewith, including repairs and alterations to the power house necessary to the installation, $200,000.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLACK of Texas: Page 43, line 17, after the figures "$200,000," strike out the period and insert a comma and add the following language: "and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary."

Mr. MADDEN. Mr. Chairman, I reserve a point of order on that.

Mr. BLACK of Texas. Mr. Chairman, on page 42 of the bill an item is carried for construction at the penitentiary at Fort Leavenworth. The first item is for continuing construction and final completion of the administration building and rotunda, $135,000, to remain available until expended, and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary. Then the next item that follows is for construction of dikes and revetments to protect the eastern pier and approach of the bridge across the Missouri River at Fort Leavenworth, Kans., the work to be done by the inmates of Leavenworth Penitentiary. Then, on page 44 of the bill, is an item for construction at the McNeil Island Penitentiary. It says:

> For the construction of additional cell houses, $100,000, to remain available until expended, and to be expended so as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SHREVE. It is not the intention to take this work away from the inmates. They expect to do it.

Mr. BLACK of Texas. I would be very glad to see my amendment adopted. I think that would be best.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The appropriation of $150,000 for the fiscal year 1925 for a working capital fund is reappropriated and made available for the fiscal year 1927; and the said working capital fund and all receipts credited thereto may be used as a revolving fund during the fiscal year 1927: *Provided*, That not exceeding $6,000 of this fund may be used to construct an addition to the textile mill building.

Mr. BLACK of Texas. Mr. Chairman, I move the same language as an amendment to the paragraph just read. That is an item of construction, and it should be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SHREVE. It was the understanding of the committee that the inmates would do this work, but if the gentleman thinks this language will improve the paragraph I am willing to accept his amendment.

Mr. BLACK of Texas. It certainly would conform to the other items of construction.

Mr. OLIVER of Alabama. And it accomplishes exactly what the committee had in mind.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 43, line 24, after the word "building," strike out the period, insert a comma, and add the following language: "and to be so expended as to give the maximum amount of employment to the inmates of such penitentiary."

The amendment was agreed to.

The Clerk read as follows:

United States Penitentiary, McNeil Island, Wash.: For the United States Penitentiary at McNeil Island, Wash., including not to exceed $75,220 for salaries and wages of all officers and employees, $319,047.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. The paragraph just read has to do with the actual appropriation for McNeil Island. I should like to discuss further Mrs. Willebrandt's statement concerning her visit to McNeil Island. This newspaper article says that—

The purpose of her trip is to see that McNeil Island receives its just share of appropriations, and Mrs. Willebrandt will testify in behalf of this institution before the congressional Budget Committee in Washington, D. C.

The article further states:

McNeil has never been adequately cared for, because it is so far from Washington that they don't seem to be able to picture the institution or its needs.

She says in this interview in answer to a question that her statement is not a reflection on the State delegation. I hope not. It would seem that with the limited number of Federal penitentiaries, these penitentiaries being under the supervision of a chief here in Washington, with traveling agents and inspectors, that Members of Congress in the districts where the penitentiaries happen to be located should not have to struggle and beg, year in and year out, in the hope that the penitentiaries shall be sufficiently appropriated for. It certainly would seem that with a budget system the penitentiaries would be cared for, of all things.

Mrs. Willebrandt goes on to compliment this McNeil Island institution as one where a great deal of outdoor work can be done. She advocates a program, which I think is under way, for the construction of a cannery there. The prisoners raise a great many vegetables, as this institution is on a good-sized island. She thinks this cannery can supply the canned food needs of the other Federal penitentiaries. She says the conditions are ideal and speaks of the out-door opportunities.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. OLIVER of Alabama. I happen to know that the department is very much interested in a bill by which, without any additional appropriation, we may create some commission whereby all of this matter can be studied with a view of providing employment for these people, so that they can serve the Government's needs at the penitentiaries and otherwise and thereby have a bonus awarded to the people who are working in the penitentiaries.

Mr. JOHNSON of Washington. I am thoroughly familiar with that bill and have been assisting somewhat in connection with it. However, I think it is hardly likely that a commission which proposes work and a bonus for Federal prisoners will get very far because of the fact that in nearly all of the States the legislatures have made prohibitions against the employment of prisoners in the manufacture of articles for sale. That is the sticking ground on that. I have been for years endeavoring to see that McNeil Island was built up a little bit and properly recognized, but it seems almost hopeless.

Mr. SHREVE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. SHREVE. I want to say to the gentleman that we are making very liberal appropriations for these institutions, as suggested by the gentleman himself.

Mr. JOHNSON of Washington. I appreciate that, and I am glad we are making some progress, but it is slow.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask to be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I want to compliment this particular subcommittee. It has lots of work to do—too much, in my opinion. This bill really contains five appropriation bills. It contains appropriations for the Department of State, appropriations for the Department of Justice, appropriations for the United States Supreme Court, appropriations for the Department of Commerce, and appropriations for the Department of Labor. That is a lot of work for one committee. These several departments do not hang one upon the other. Their lines are quite different. All have increasing problems. They can not well advertise its hearings to all of the membership, because we are all interested in many of the items. If the hearings were advertised, the House of Representatives would, to all intents and purposes, be holding its sessions before this one subcommittee. So here before us is a gigantic bill containing five bills in one, brought up for consideration in the Committee of the Whole, and being read paragraph by paragraph. To amend it is almost a hopeless task. We all know it. What is the result? Why, you can not arouse enough interest in this great four department appropriation bill to get a bare quorum of Members here. I am sorry to say that is the way we seem to be going under our new form of making appropriations. It is not good for Congress. It is not good for the Government. It will produce economy in the wrong places. It is a chloroforming proposition, and slowly you are all finding it out.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. As long as you have a House of 435 Members you will have this situation existing, but if you reduce the membership to 300, then you would have an active membership here to discuss these bills.

Mr. JOHNSON of Washington. I doubt it, if all the life is taken out of an appropriation bill and one committee is given too much power. I will tell you something else that is happening to the detriment of well-balanced work in Congress. Formerly the so-called superior committees of the House of Representatives considered appropriation matters. A member on one of those committees could serve on no other committee. But now those committees have been stripped of a lot of their work; they do not spend weeks in considering appropriations. The one big committee does that. However, the Members who are in those old ranking committees are still tied to membership on one committee. Then you take the next line of committees and there are quite a number of them. There are 17 members on each committee, and all of the members of those committees are members of two or more other committees, so that it is almost impossible to get into continuous effort in any one committee. When a chairman calls a meeting of a committee he finds one of his members is attending a meeting of the Committee on the Public Lands, another in the Merchant Marine, another on election contest, another in the committee, and so on. The work is doubled up in this way and all committee work is congested. We have deprived ourselves of the right to put even badly needed legislation on appropriation bills, such as the kind I have just offered. We have weakened the power of many of the so-called major committees; we have overloaded the others. We know of dozens and dozens of important matters needing favorable action, and we see less and less chance for action. The Budget threatens the departments; the departments blame Congress; and Congress hides behind the rules that are slowly but surely pulling its teeth.

We are slowly giving up both rights and power. There is a reason why there are only a few of us here this afternoon. This is a bill providing appropriations for four departments of this Government and for the Supreme Court. It is supposed to go through rapidly. You can not amend it in any essential detail. If a few of us did not move to strike out the last word and thus delay you somewhat, you could pass the entire bill in an afternoon. Gentlemen, there is something wrong with that method. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JONES. Mr. Chairman, I move to strike out the last word. I asked a while ago about this increase in the appropriation for printing of the Department of Commerce and got trailed off on another line and the chairman did not furnish the information. This seems to be an appropriation $89,790 in excess of the amount previously appropriated.

Mr. SHREVE. It is not an increase. It is simply a transfer from other bureaus or departments.

Mr. JONES. The way I read it it is an increase of $89,920 over the 1925 appropriation, in addition to the transfer of $50,000 from another department.

Mr. SHREVE. It is a transfer from the Bureau of Mines and the Bureau of Patents.

Mr. JONES. Yes; but according to the way I read the hearings on page 12, excluding that $50,000 transferred, there was $556,000 appropriated in 1925 and the appropriation in this bill is $645,000.

Mr. SHREVE. It is simply a transfer from the Bureau of Mines and the Patent office, the two new activities that came into the Department of Commerce last year.

Mr. JONES. As I understand it this increase disregards those transfers. This is the statement of Mr. McKeon on page 12 of the hearings:

> The estimates for 1927, exclusive of the Bureau of Mines and the Patent Office, are $589,920, which is $89,920 in excess of the appropriation for 1926.

This seems to be exclusive of the two transfers. The reason for this increase may be given at another place in the hearings, but I have not found it.

Mr. SHREVE. There was $150,000 added to the appropriation for the Patent Office for binding, which is used in connection with the Official Gazette which they print.

Mr. JONES. According to Mr. McKeon's statement this estimate excludes that.

Mr. SHREVE. Let me say to the gentleman that that money all comes back to the Government. The Official Gazette is sold for so much and that money is returned to the Treasury.

Mr. JONES. I understand that, but according to this statement, excluding the appropriation for the Patent Office and excluding the appropriation for the Bureau of Mines, and not taking them into consideration at all, they still have an increase of $89,920 over last year's appropriation, but only $14,000 over the 1924 appropriation. I wondered what was the necessity for this increase.

Mr. SHREVE. That statement is not quite accurate because last year there was a supplemental estimate, which went through, of $100,000. When you take that into consideration and count the money they get this year and the money they got last year, you will find there is very little difference.

Mr. JONES. It is only $14,920 in excess of the appropriation for 1925.

Mr. SHREVE. Yes.

Mr. JONES. The appropriation at that time included the $100,000 deficiency, but last year's appropriation did not have the $100,000 deficiency.

Mr. SHREVE. It was deemed necessary over there.

Mr. JONES. It seems to me there ought to be some reason given for increasing the appropriation to that extent and I do not see that the hearings disclose the reason, although it may be given somewhere else in the hearing.

Mr. SHREVE. I may say to the gentleman that by reason of the large increase in the work of the Bureau of Foreign and Domestic Commerce and by reason of the publication of documents and pamphlets and various information which goes all over the world, there has been an increase, but that is something that finally comes back to the Treasury. You will find that all set forth on page 12 of the hearings.

Mr. JONES. I have read page 12, and it clearly appears that there is an increase of $89,920, exclusive of the transfers which the gentleman mentioned.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to speak out of order for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, may we inquire of the gentleman whether there will be any prohibition question discussed?

Mr. GRIFFIN. Well, not directly. I will state to the gentleman that my purpose in asking for the time is to take up the criticism of my remarks of yesterday made by the gentleman from South Carolina [Mr. STEVENSON]. It is rather a correction, I think, of my position or a correction of his statement of my position.

Mr. BLANTON. I shall not object, because I think that is fair.

Mr. TREADWAY. Mr. Chairman, I shall object. I think we have heard enough about prohibition in the last few days.

Mr. GRIFFIN. Will the gentleman withhold his objection?

Mr. TREADWAY. I am very sorry I can not withhold it.

Mr. GRIFFIN. The gentleman is assuming I am going to talk on prohibition.

Mr. TREADWAY. The gentleman just said so. I think we have been satiated with talk on prohibition, both wet and dry, and with all its complements.

Mr. GRIFFIN. The gentleman is assuming I am going to speak on prohibition.

Mr. TREADWAY. The gentleman just stated that.

Mr. GRIFFIN. No; I did not. I said I intended to discuss the criticism of a constitutional question——

Mr. TREADWAY. The argument on the constitutional question between the gentleman from New York and the gentleman from South Carolina can be settled. The gentleman is present, and the gentleman from New York can go over there and have it out with him.

Mr. GRIFFIN. It is a question of the proper construction of the Constitution.

Mr. TREADWAY. We are reading a very important appropriation bill, and there is nothing in it with respect to the enforcement of the prohibition law, and I object, Mr. Chairman.

Mr. GRIFFIN. I have had a great deal to do with the preparation of the bill myself. I am a member of the subcommittee.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TREADWAY] objects. The Clerk will read.

The Clerk read as follows:

> Enforcement of China trade act: To carry out the provisions of the act entitled "China trade act, 1922," including personal services in the District of Columbia and elsewhere, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, purchase of books of reference and periodicals, reports, documents, plans, specifications, maps, manuscripts, and all other publications; rent outside the District of Columbia, and all necessary expenses not included in the foregoing, $30,000, of which amount not to exceed $10,820 may be expended for personal services in the District of Columbia: *Provided*, That payment in advance for telephone and other similar services under this appropriation is hereby authorized.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. I renew my request to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

Mr. TREADWAY. Reserving the right to object, I want to say that it was not a personal objection to what the gentleman from New York is disposed to say in relation to the Constitution or various parts of the Constitution. I do say, however, that we have been having altogether too much talk on this floor about prohibition propaganda, for and against. I am not taking sides either way. I think we ought to be doing business rather than listening to a propaganda on one side or the other indefinitely. Out of courtesy to the gentleman from New York, a member of the Appropriations Committee, I am not going to object, but I do think that we ought to proceed with the consideration of the bill.

Mr. STEVENSON. Reserving the right to object, Mr. Chairman, the gentleman stated that he wanted to make some criticism of remarks that I made. Of course, I shall expect the same courtesy.

Mr. TILSON. Mr. Chairman, reserving the right to object, I am glad that I came in at this time. It is not reasonable that we should stop the consideration of this bill under the five-

minute rule after we have had three days and a half of general debate, a great deal of it on prohibition, which by no stretch of the imagination can have anything to do with this bill; and now a member of the committee, the worst sinner of all, comes in when the bill is under consideration under the five-minute rule and asks to take 10 minutes to discuss something which can not go into the bill. Of course, the gentleman from South Carolina would be within his rights to ask the same courtesy. We ought not to proceed in that way.

Mr. BLANTON. Mr. Chairman, I make the point of order that both the gentleman from Connecticut and the gentleman from Massachusetts are out of order, having consumed already more than 10 minutes.

Mr. TREADWAY. Mr. Chairman, I make the point of order that the gentleman from Texas consumes too many 10 minutes every day, which is just as good a point of order as he has just made.

The CHAIRMAN. The Chair sustains all the points of order. [Laughter.]

Mr. STEVENSON. Mr. Chairman, I serve notice that I shall ask the same privilege. I do not want to be foreclosed. If the gentleman from New York criticizes the speech I made yesterday, I want five minutes to reply.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. VESTAL. Mr. Chairman, I object.

The Clerk read as follows:

Lists of foreign buyers: For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, lists of foreign buyers, books of reference, periodicals, reports, documents, plans, specifications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile lists of foreign buyers, $20,000, of which amount not to exceed $19,520 may be expended for personal services in the District of Columbia.

Mr. SHREVE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 56, line 13, after the words "District of Columbia" strike out the period and insert the following: "*Provided*, That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, statistical services and world trade directory reports, and the amount collected therefrom shall be deposited in the Treasury as 'Miscellaneous receipts.'"

Mr. SHREVE. Mr. Chairman, this is legislation. The committee did not care to incorporate it in the bill, but brings it into the House. This will bring in money. A lot of these publications should be paid for by people who want to pay for them, and it will bring in a large sum of money to the Government every year.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF STANDARDS

Salaries: For the director and other personal services in the District of Columbia in accordance with the classification act of 1923, $567,320.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question in connection with the Bureau of Standards. May I ask whether any definite effort is being made to have the public know of the practical benefits they can secure through the instrumentality of the Bureau of Standards? Every one of the activities of the bureau has directly to do with practical knowledge. I think it is very important that the people should know what opportunities they have and how they can make use of this wonderful bureau. Take the matter of sugar—a great amount of information can be obtained from the bureau which is not being disseminated among the public. I would like to ask the gentleman to what extent are the activities of the Bureau of Standards given publicity so as to reach the people?

Mr. SHREVE. We make a liberal appropriation for carrying out the dissemination of this information. The information is very valuable and we have added $20,000 to that appropriation this year.

Mr. TREADWAY. Where is that item?

Mr. SHREVE. At the bottom of page 47 the gentleman will find a few suggestions.

Mr. TREADWAY. That is in the hearings.

Mr. SHREVE. Yes.

Mr. TREADWAY. I am asking how that can get to the public.

Mr. SHREVE. These things are all printed, so that they are available either at the Public Printing Office or at the Bureau of Standards.

Mr. TREADWAY. Does the gentleman think that as much information is given out about the activities and work of the Bureau of Standards as should be given to reach the public?

Mr. SHREVE. I do not. What they need there more than anything else is a good publicity agent. It is a wonderful institution.

Mr. TREADWAY. I wish that might be provided for in this bill.

The Clerk read as follows:

Investigation of optical glass: For the investigation of the problems involved in the production of optical glass, including personal services in the District of Columbia and in the field, $20,520, of which amount not to exceed $17,000 may be expended for personal services in the District of Columbia.

Radio research: For investigation and standardization of methods and instruments employed in radio communication, including personal services in the District of Columbia and in the field, $49,800, of which amount not to exceed $47,200 may be expended for personal services in the District of Columbia.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee with reference to this paragraph on radio research by the Bureau of Standards. I notice that it carries an appropriation of $49,800 for radio research. Can the gentleman advise the committee what is being accomplished by the bureau with respect to that field of experiment and endeavor, in general terms, as to whether there have been special accomplishments?

Mr. SHREVE. Oh, yes. They are making rapid advance in many ways. The bill that is soon coming into the House will regulate matters to a great extent, at least, and possibly they may need some more money.

Mr. BRIGGS. The reason I am asking the gentleman is that I happen to be a member of the Merchant Marine and Fisheries Committee dealing with the radio legislation, and in the hearings on that legislation many questions of great interest in the development of this art were brought before the committee, such as the question of the utilization of the low-wave length, whereby the field of broadcasting might be very greatly enlarged and a great benefit result to the people not only of the United States but elsewhere, and the utilization also of further advancement in scientific investigation was made apparent, particularly in controlling the constant interference with which the public is affected, and I was wondering whether the bureau has carried on investigations along that line which have been of value and is continuing experiments promising valuable benefits to the public.

Mr. SHREVE. Oh, yes; the bureau is making some very important experiments relating to these technical problems suggested by the gentleman.

Mr. BRIGGS. And the public will get the benefit of it?

Mr. SHREVE. Yes.

The Clerk read as follows:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, $418,000.

Mr. SHREVE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SHREVE: Page 84, line 3, after the figures "$418,000," insert: ", of which amount not to exceed $18,000 shall be available for the establishment of a fish-cultural station at Lake Worth, Tex., as a necessary auxiliary of the fish-cultural station at San Marcos, Tex., including construction of buildings and ponds and equipment."

Mr. SHREVE. Mr. Chairman, this amendment provides for an appropriation that is already in the bill. This clarifies the situation and makes it so that the comptroller can pay the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Investigating mine accidents: For investigations as to the causes of mine explosions, methods of mining, especially in relation to the

safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, including all equipment, supplies, and expenses of travel and subsistence, $396,000, of which amount not to exceed $62,000 may be expended for personal services in the District of Columbia.

Mr. TAYLOR of West Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 89, line 18, after the word "explosions," insert "causes of falls of roof and coal," and in line 26, of the same page, strike out the figures "$396,000" and insert in lieu thereof the figures "$411,000."

Mr. TAYLOR of West Virginia. Mr. Chairman and gentlemen of the committee, after making my remarks yesterday concerning the need of further appropriations for the Bureau of Mines with respect to an investigation of the causes of falls of roof and coal, which have taken a great number of lives throughout the country, costing 1,078 lives in the United States last year, I talked again with the Bureau of Mines, and I am assured by that bureau that this is a question which should be given some scientific study by the bureau, with the hope and belief that the number of mine deaths can be greatly lessened if they are given the small sum of $15,000 with which to start the work of making a scientific investigation. I remember last year, when I thought there was an increase for the Bureau of Mines, I called the attention of the committee at that time to the fact that we seemingly had an increase for that purpose, although it afterwards developed that there was a decrease of $17,000.

Mr. CRAMTON, the gentleman from Michigan, in charge of the appropriation bill at that time, said:

Mr. CRAMTON. Mr. Chairman, I recall the interest of the gentleman from West Virginia in this item last year. I agree with him as to the importance of the work carried on. In my judgment it is one branch of the bill where some further increase in activity should come at an early date. It is a work of great importance, and I think there are further needs to be met. A year from now we should have some further increase. * * *

Mr. SHREVE. Mr. Chairman, this matter has not been considered or recommended by the Bureau of the Budget. It is entirely new, and we will be glad to compromise and allow the gentleman $7,500——

Mr. TAYLOR of West Virginia. Let me ask the chairman this——

Mr. SHREVE. No; we will not make that compromise; I withdraw the proposition.

Mr. TAYLOR of West Virginia. Here is what I want to say in respect to that. I am informed by the Bureau of Mines that if they are allowed the small sum of $15,000 they can put three engineers to work on this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of West Virginia. May I have five minutes additional?

Mr. SHREVE. We are going to finish this bill to-night. I dislike very much to have interruptions—give the gentleman one minute.

Mr. TAYLOR of West Virginia. Mr. Chairman, this is a very important question——

Mr. SHREVE. Just let us be fair about it——

Mr. OLDFIELD. Mr. Chairman, this gentleman takes as little time as any gentleman in the House.

Mr. SHREVE. But the gentleman is discussing a proposition never discussed by the committee, by the Bureau of the Budget, by the Secretary of Commerce, or by the Chief of the Bureau of Mines or anybody. It is some loose talk coming from the Bureau of Mines.

Mr. OLDFIELD. This is something probably very interesting to the people at his home and I insist that he ought to have five minutes.

Mr. SHREVE. All right.

Mr. TAYLOR of West Virginia. I want to say in all fairness that I know the committee is charged with the responsibility of maintaining its report, but this question comes to this committee for the first time this year and I find in looking over the hearings that most of the testimony there was in reference to mine rescue cars and to investigations which have been carried on by the bureau with reference to mine explosions, and we are entirely overlooking the fact that mine explosions do not cause the greatest number of deaths. Investigations show that the greatest number of deaths are caused by falling roofs and falling coal, and it seems to me if we can save one or two or three or a dozen lives in the next year this will be money well spent. It not only affects the great State of West Virginia, which I have the honor to represent in part, but every State in the Union where coal is produced and where there have been a large number of deaths from falls of roof and coal.

These questions ought to be scientifically studied by the Bureau of Mines, and if we give the small sum of $15,000 with which to put three engineers in the field to visit the States where the deaths are greatest from these causes, I believe they can find a way by which they can save a great number of lives. I hope and plead with the committee to give the Bureau of Mines this small amount in order that they may have funds to study the great and important work of lessening the number of deaths which occur in the mines of our country.

Mr. SHREVE. Twenty-five per cent of all the appropriations are used for the investigation of mine accidents.

Mr. TAYLOR of West Virginia. But not accidents with respect to deaths from falls of roof and coal.

Mr. SHREVE. They can do any sort of investigation they want with the appropriation.

Mr. TAYLOR of West Virginia. If they have the money, but the bureau tells us they need more.

Mr. SHREVE. They always want more funds.

Mr. TAYLOR of West Virginia. Well, human life is at stake, and it seems to me if we give the Bureau of Mines a proper sum with which it could make a scientific study of this great question we could certainly save the lives of a great many miners throughout the United States, and $15,000, in my opinion, is a very small sum to ask for this great and important work, and I sincerely hope the committee will vote for this amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, this is an important matter, and if it could be effectively used I would favor the amendment. I undertook to ascertain from the Bureau of Mines the study they had made of this and other kindred subjects, and I have here a few pamphlets indicating the study they have made in reference to mines and safety of mines. Here is one, "Accidents from falling of roof and coal." "Organization and conduct of safety work in mines," and special pamphlets for miners in regular little book forms entitled "Caution." Here is the serious trouble, and I want to read to you what Mr. Lyon said about it.

We have had mining accidents in Alabama, just as the gentleman from West Virginia [Mr. TAYLOR] has had in his State, and the trouble is, if the Bureau of Mines is given money, it will not be permitted to go into the mines, investigate, and make a public record of such investigation. They can make reports in some general form. But listen to what Mr. Lyon said in response to my question:

Mr. OLIVER. We have had some accidents in Alabama. I would like to have you make mention of those and state whether you had given study to mine conditions at any of these mines prior to the accidents.

Mr. LYON. In addition to the formal advisory reports previously referred to, our field men are frequently invited to enter mines and advise regarding certain things. This advice is confidential to the management, and we could not make it public without violating confidence, the inevitable result of which would be that owners would not permit our men to enter their mines. I might go as far as to say, however, that in some instances where it has been recommended that additional precautions be taken disasters have afterwards resulted from the lack of such precautions.

They are provided here with sufficient funds to make their investigations, to go into mines, if permitted by the owners to do so; but they are not permitted to publish what they find. They now publish in a general way full information as to the very matters to which the gentleman refers, and I call the gentleman's attention to these bulletins here, which are very full and complete. He will find here a list of bulletins published by the Bureau of Mines, covering something like 30 pages or more. They are not all on this subject, but they show how far the Bureau of Mines has gone into the study of these matters.

Mr. SHREVE. Mr. Chairman, will my colleague yield there?

Mr. OLIVER of Alabama. Yes.

Mr. SHREVE. Over $450,000 of this money was used for this purpose.

Mr. OLIVER of Alabama. Yes. In other words, you would not increase the efficiency of the Bureau of Mines as to this

particular matter by giving an additional appropriation. They have the money. No one has asked for any additional sum who appeared before the committee. No State has asked for an increase. I would feel very much more sympathetic if owners of mines in the gentleman's State, in Pennsylvania, and in Alabama should demand that these matters be studied and public reports made on all individual mines examined.

Mr. OLDFIELD. How about the mine workers?

Mr. OLIVER of Alabama. The trouble is that the officials of the Bureau of Mines can not go in the mines unless the mine owners consent, and Mr. Lyon says if they go in, it must be under a promise that any information obtained shall be treated as confidential. They can not make public reports of their findings.

Mr. OLDFIELD. That ought to be remedied.

Mr. OLIVER of Alabama. The Federal bureau can only go into the States when asked. Here are published bulletins. They are widely distributed and very instructive.

Mr. OLDFIELD. We might cooperate with the miners' union and the people who work in the mines. They might insist and prevail upon the owners to allow this to be done.

Mr. OLIVER of Alabama. I would like to see that accomplished, but Congress has no right nor desire to force it.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TAYLOR of West Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be permitted to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. TAYLOR of West Virginia. The gentleman has referred to the very interesting bulletins published by the Bureau of Mines. I would like to inquire how the bulletins published for the benefit of the miners of the country compare with the bulletins published for the benefit of the farmers of the country? I would like also to ask the gentleman how many farmers were killed during the year 1925 in the occupation of farming throughout the country?

Mr. OLIVER of Alabama. I would say this: I would be glad to see any bulletins published that would carry information to the miners. Unfortunately I fear that the advice in the bulletins that are published on this very subject, and which doubtless the gentleman from West Virginia has read, is not always followed. I am afraid the owners do not observe what these bulletins say they should observe.

What I would like to see done is something in the States requiring that these mines shall be examined, and that a public record be made on conditions in the mines. The States can require it, but the Federal Government can not require it. The Federal Government must act by the courtesy of the States and the owners; and Mr. Lyon said, when I inquired of him how we can act:

> We can only go in on the promise not to publish what we find. We treat it as confidential, and do not even make a record of the particular matters that might be given out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TAYLOR of West Virginia. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 20, noes 36.

Mr. TAYLOR of West Virginia. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from West Virginia demands tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number. Tellers are refused. The Clerk will read.

The Clerk read as follows:

BUREAU OF IMMIGRATION

Salaries: For the commissioner general and other personal services in the District of Columbia, in accordance with the classification act of 1923, $91,840.

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $150,000 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C.; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $6,084,865: *Provided*, That $1,500,000 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia, may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $175,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $175,000 not more than $150,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. HUDSPETH. I would like to ask my friend from Alabama [Mr. OLIVER] a question. I see that an appropriation of $1,500,000 out of the total sum will be available only for coast and land-border patrol. Now, that of course is a splendid sum, and it is a matter in which I am very much interested. I would like to ask my friend from Alabama if he can tell me how much of this sum will be expended for increasing the border patrol?

Mr. OLIVER of Alabama. The gentleman will find that in the statement made by Mr. White, on page 51, he said that about three-fourths of the million would be for deportation and one-fourth for border patrol.

Mr. HUDSPETH. Can my friend give me this information? We have an efficient border patrol on the Mexican border, but the difficulty is that we have not sufficient men to patrol that great stretch of territory.

Mr. OLIVER of Alabama. We had Mr. Harris before us from your district, and our inquiry of Mr. White was based on the information Mr. Harris gave us. We have given more money than Mr. Harris, whom you know and whom I understand you think very capable, said would be necessary in order to permit him to close up the border in your district.

Mr. HUDSPETH. That is Mr. Harris, director of immigration at El Paso?

Mr. OLIVER of Alabama. Yes.

Mr. HUDSPETH. He is a very efficient gentleman.

Mr. OLIVER of Alabama. After Mr. Harris came before the committee we sent for Mr. White, and Mr. White stated that he thought that with this appropriation he could increase the border patrol over the department's estimates when they secured the deficiency appropriation of $600,000. It is my understanding that they are going to increase the border patrol about 120 men.

Mr. HUDSPETH. One hundred and twenty additional men?

Mr. OLIVER of Alabama. Yes.

Mr. HUDSPETH. Along the Mexican border?

Mr. OLIVER of Alabama. Not along the Mexican border alone, but along that and the Canadian border.

Mr. HUDSPETH. I will state to the gentleman that I think that is where the larger number come into this country.

Mr. OLIVER of Alabama. It depends entirely upon what border one lives on as to what he thinks. Those who live on the Canadian border think more come in from over that border, while those living on the Mexican border believe the largest number come from Mexico.

Mr. HUDSPETH. But this sum meets the request of the gentleman who directs Mr. Harris.

Mr. OLIVER of Alabama. I think it does.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have two additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Texas may have two additional minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. If the gentleman from Texas will permit, the committee was most sympathetic about this, because they think that unless we can deport men who are here unlawfully there is no reason for trying to keep them out; if we permit them to come in and stay here, this will encourage them to slip in; so the committee felt that every dollar required for the border patrol should be allowed, and we allowed it. Then we said to them, "If you find that more money may be required to deport those whom you find here unlawfully, you are authorized to come back and ask for more money."

Mr. HUDSPETH. And if they should find they needed an additional sum to increase their border patrol, I presume the committee would look with favor on that.

Mr. OLIVER of Alabama. Yes.

The pro forma amendment was withdrawn.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words for the purpose of asking the gentleman who is in charge of this bill whether the full amount has been granted to the immigration department for deportation? I am mighty glad to know that the amount that was required and asked for border patrol has been granted. Now, has the full amount been granted which the department asked for deportation purposes?

Mr. SHREVE. We increased the appropriation $1,000,000.

Mr. SABATH. I am mighty glad to hear that, because I have been informed that there are a great many men who have been convicted, but they have not been able to deport them because of lack of funds. Will that amount be sufficient, and does the department now believe they will have enough money to deport everyone that should be deported?

Mr. SHREVE. Yes; that is my understanding.

Mr. SABATH. I am mighty glad to hear that.

The pro forma amendment was withdrawn.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word. I am going to ask the indulgence of the committee for about three minutes while I speak a little out of order.

Mr. TILSON. Mr. Chairman, reserving the right to object, will the gentleman state the subject? We have had to almost insult some of our best friends to-day by not allowing them to talk out of order.

Mr. BLACK of New York. There is an article appearing in the Washington Star this evening that has me a little worried, and this is really somewhat akin to a matter of personal privilege. It seems the gentleman from Texas [Mr. BLACK]——

Mr. BEGG. Mr. Chairman, we can not take up questions of personal privilege in committee.

Mr. TILSON. Questions of personal privilege can not be taken up under the five-minute rule. Is it anything that is likely to prove controversial?

Mr. BLACK of New York. There will be no controversy about it at all.

Mr. TILSON. Can not the gentleman wait until after the bill is passed and we go into the House?

Mr. BLACK of New York. It is not an important matter.

Mr. TILSON. I would rather the gentleman would not take it up at this time.

The Clerk read as follows:

Promotion of the welfare and hygiene of maternity and infancy: For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and of the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924, $1,000,000: *Provided*, That the apportionments to the States, to the Territory of Hawaii, and to the Children's Bureau for administration shall be computed on the basis of not to exceed $1,252,079.96, as authorized by such acts of November 23, 1921, and March 10, 1924.

Mr. NEWTON of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Missouri: Page 105, after line 22, insert a new paragraph, as follows:

"Appropriations herein made for the Children's Bureau shall be available for expenses of attendance at meetings, for the promotion of child welfare, and/or the welfare and hygiene of maternity and infancy, when incurred on the written authority of the chief or acting chief of such bureau."

Mr. BLANTON. Mr. Chairman, I make the point of order the amendment is legislation unauthorized.

Mr. NEWTON of Missouri. Does the Chair care to have me discuss the question of the point of order, which I think has been called to the attention of the Chair? The law specifically provides that the appropriation may be made.

The CHAIRMAN. I will hear the gentleman from Texas on the point of order if he cares to be heard.

Mr. BLANTON. Mr. Chairman, the activities of the bureau are clearly defined by the organic act, and the gentleman is seeking to change them and to give the bureau extra authority. If they already have the authority, his amendment is superfluous. He is trying to give them authority to do something which they have not the authority to do under the present law. It is clearly legislation. I hate to have to make a point of order on anything the gentleman from Missouri would offer.

The CHAIRMAN. Let me say to the gentleman from Texas that the Chair has looked into this question somewhat. It is the understanding of the Chair from reading the law by which this bureau is created that the Congress is authorized to appropriate money to carry out this very object; and therefore the Chair overrules the point of order.

Mr. SHREVE. Let me say, Mr. Chairman, the amendment is acceptable to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. NEWTON].

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. TAYLOR of West Virginia. Mr. Chairman, if the gentleman from Pennsylvania will permit, the gentleman from Alabama has told me he would not object to returning to the item in the bill to which I offered an amendment and, following the suggestion of the gentleman from Pennsylvania, would not object to my now offering an amendment increasing the appropriation $7,500, as suggested by the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman, I think that is fair. I agreed to do it, and I will, of course, live up to the agreement. I ask unanimous consent that we may return to the paragraph in question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 89, line 25, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SHREVE. Mr. Chairman, I ask that the amount be increased by $7,500.

The CHAIRMAN. The gentleman from West Virginia offers an amendment increasing the appropriation in line 25 $7,500, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of West Virginia: Page 89, line 18, after the word "explosions," insert "causes of falls of roof and coal"; and in line 25 of the same page, strike out the figures "$396,000" and insert in lieu thereof "$403,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had under consideration the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

Mr. JAMES presented a conference report on the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, for printing under the rule.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 5043. An act granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who announced that the President had approved and signed bills of the following titles:

On February 8, 1926:

H. R. 5379. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct a bridge across the Little Calumet River in Cook County, State of Illinois; and

H. R. 6234. An act to authorize the Department of Public Works, Division of Highways, of the Commonwealth of Massachusetts to construct a bridge across Palmer River.

On February 13, 1926:

H. R. 5240. An act to authorize the construction of a bridge across Fox River, in Dundee Township, Kane County, Ill.;

H. R. 6090. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 18, township 43 north, range 9 east of the third principal meridian; and

H. R. 7187. An act granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.

On February 19, 1926:

H. R. 183. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

On February 25, 1926:

H. R. 4440. An act granting the consent of Congress to the Board of Supervisors of Clarke County, Miss., to construct a bridge across the Chunky River, in the State of Mississippi;

H. R. 1. An act to reduce and equalize taxation, to provide revenue, and for other purposes;

H. J. Res. 153. Joint resolution providing for the participation of the United States in the sesquicentennial celebration in the city of Philadelphia, Pa., and authorizing an appropriation therefor, and for other purposes;

H. R. 172. An act to extend the time for the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 173. An act to extend the time for the construction of a bridge across the Rainy River between the village of Spooner, Minn., and Rainy River, Ontario.

H. R. 3852. An act to authorize the construction of a bridge over the Columbia River at a point within 2 miles downstream from the town of Brewster, Okanogan County, State of Washington;

H. R. 4032. An act granting the consent of Congress to the Brownsville & Matamoros Rapid Transit Co. for construction of a bridge across the Rio Grande at Brownsville, Tex.;

H. R. 4441. An act granting the consent of Congress to the Board of Supervisors of Neshoba County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

H. R. 5027. An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 5565. An act granting the consent of Congress to the Civic Club of Grafton, N. Dak., to construct a bridge across the Red River of the North; and

H. R. 6515. An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico.

On February 27, 1926:

H. R. 6727. An act to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma;

H. R. 6376. An act to amend the act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, approved August 25, 1919, as amended by act of March 6, 1920; and

H. R. 6740. An act to authorize the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of Big Sandy River at or near a point about 2½ miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch.

On March 1, 1926:

H. R. 97. An act authorizing an appropriation of $50,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the improvement and completion of the road from Taholah to Moclips on said reservation;

H. R. 5850. An act authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; and

H. R. 5013. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway.

On March 2, 1926:

H. R. 5959. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

On March 3, 1926:

H. R. 8722. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes.

On March 6, 1926:

H. R. 4576. An act for the relief of James A. Hughes.

BRIDGE ACROSS BIG SANDY RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent on behalf of the chairman of the Committee on Interstate and Foreign Commerce that the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, be taken from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 5045, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the present occupant of the chair will appoint the conferees.

There was no objection, and the Chair appointed Mr. DENISON, Mr. BURTNESS, and Mr. PARKS as conferees on the part of the House.

CORN SUGAR

Mr. ADKINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the corn-sugar question.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the corn-sugar question. Is there objection?

There was no objection.

Mr. ADKINS. Mr. Speaker, since the corn farmer finds himself at a very great disadvantage just now by reason of the low price of corn, compared with the price of commodities of industry he must buy, naturally he looks into some of the contributing causes to his unfortunate situation. He finds the label restriction now placed on commodities sweetened with

corn sugar must necessarily restrict the use of corn sugar and thereby restrict the demand for his surplus corn.

The label restriction is not founded on any modern reason or demand. It is just there because somebody years ago without the light of present knowledge and experience, saw fit to put it there. They then knew of sucrose made from cane and beet sugar, and before they were familiar with dextrose in a table form, the manner in which we now have corn sugar. The wholesomeness of corn sugar is not disputed. By many it is placed ahead of cane and beet sugar as more desirable because, briefly, it is in a more finished form or dextrose. With cane and beet sugar the human digestive machinery must convert them into dextrose before they are ready for our system to absorb and use. When we eat corn sugar it is in the form of dextrose, so one body process is spared to our system when we use corn sugar.

Before Congress passed the pure food law in 1906 a large amount of adulterated food was put on the market, and a campaign was put on by various organizations and individuals to create sentiment for such a law. A vast amount of literature went into the homes of the country pointing out the danger of such adulterated foods and referring to such manufacturers as "food poisoners," and the dangers of such adulterated foods to human life, which was very largely true. In these adulterated foods where sugar was used they used glucose, because it was a cheaper sweetening, and it was always mentioned along with aniline, formaldehyde, sulphuric acid, and other things used to adulterate foods, and naturally when the housewife would see glucose she classed it with other unwholesome things with which food was adulterated.

Henry Irving Dodge wrote three articles for the Woman's Home Companion (March, April, and May issues of 1905), under the caption "The truth about food adulteration," which heads the first article in the March number, saying:

> This is the first of a series of three articles prepared with the cooperation of Dr. W. D. Bigiow, chief of the division of foods, United States Bureau of Chemistry. The series is therefore a thoroughly authoritative account of this most dangerous and ever-growing practice.

These three articles were only three of many sent out into every home in home magazines as propaganda against adulterated food, making sentiment for the Federal pure food law which Congress passed in 1906. In all these stories glucose was mentioned along with aniline, sulphuric acid, resin, coal-tar preparations, and other unwholesome things that were used in adulterated foods.

After naming a number of foods adulterated with sulphuric acid, borax sodium, and sulphite he puts glucose in the same unwholesome class by saying:

> In jellies, jams, and marmalades the cane sugar supposed to be present often turns out to be glucose, which is much cheaper. The percentage of glucose in such goods runs from 40 to 70 per cent, and even 100 per cent in the cheapest grades.

While he does not say so, the public, of course, inferred he meant glucose was not wholesome food and should not be used. He says:

> The silent conflict between the Bureau of Chemistry and the food poisoners of the Nation is waged with all effectiveness that science and shrewdness on the one side and science and craft on the other can produce.

In his second article, the April number, page 53, he says, in speaking of a guest ordering ice cream—

> gets a composition of milk thickened with gelatin and glucose and flavored with a mixture of alcohol, resin, and tanka bean substitute for vanilla. Miss Clark, however, takes chocolate and vanilla, whereby she introduces some coal-tar dye to the combination.

Putting glucose in bad company as an unwholesome food.

His third article, May number, page 49, he says:

> We would much rather recognize glucose, hayseed, and aniline dressed up as preserved strawberries, even though we knew the garment to be the plainest kind of calico.

Again putting glucose in the class of unwholesome articles used to adulterate foods.

When such articles appear with the name Dr. W. D. Bigelow, chief of the division of foods, United States Department of Agriculture, connected with them, placing glucose in a class with benzoic acid, aniline dyes, sulphate of copper, boracic acid, and formaldehyde, a group of substitutes which are not food, and some of which are looked on as poisons, it will be readily seen the effect such propaganda would have on the consumption of corn sugar.

Congress should remove this discrimination, first, as a matter of national public policy, since glucose is now crystallized into a fine grade of sugar, to encourage the manufacture of more sugar in this country. We import about 80 per cent of our sugar. Why import any, when we grow a surplus of raw material, corn, to make it. We should encourage rather than discourage the production of all our necessities, especially when we have so much raw material to make sugar from as corn.

It is said that during the Napoleonic wars sugar sold in Europe as high as $2 per pound.

There are many reasons for this entirely outside the greed of manufacturer and grocer. For example, commercialism was not so highly developed 100 years ago during the Napoleonic wars as it is to-day, yet these sky-high prices existed then. The abnormally high price of sugar was one of the problems which Napoleon solved in a most satisfactory manner. Happily the same solution is possible to-day. A prize of 1,000,000 francs was offered to anyone who should successfully manufacture a sugar product from plants of home growth. The method was discovered—sugar was made from starch, also from beets—and the royal prize was won.

Let us not let such an emergency arise in this country. Let us start to develop our full supply now and not wait for an emergency such as referred to above.

You know we felt very uneasy over our supply of nitrate during the World War, depending on other countries for most of our supply. Sugar is just as necessary in time of war as nitrate, also necessary in time of peace.

As a result of this discrimination resulting from this agitation, in 1916 one of the large producers of corn sirup (commercial glucose) requested the Illinois Food Standard Commission, a body duly authorized by Illinois State law, to revise their standards for certain foods so there might be a more liberal use of corn sirup (commercial glucose) in them. The commission called a hearing in Chicago on corn sirup (commercial glucose) and its use in foods. Some of the best chemists in the country were called before the commission, a very exhaustive hearing was held as to the wholesomeness and healthfulness of the same. The testimony produced before the commission by some of the best authority of the country that corn sirup (commercial glucose) was one of the most healthful sweets in use, and its manufacture and use have increased even with the discrimination of a special label where it is used.

Corn sugar is equal in purity and food value, equal for canning and culinary purposes, better preserving power, more easily digested. On the other hand, it is not quite as sweet as cane sugar. This being a matter of taste, having nothing to do with the health or purity, one can adjust the amount to suit one's self, especially after attention was called to it and by brief experience. If we pass a law removing this unfair discrimination, we would increase the use of corn sugar and start on its way in the finished form of corn sugar 100,000,000 bushels more corn now lying in the bins depressing the market. If this 100,000,000 bushels is so released, you are going to benefit all the corn growers of this country.

HOUSE JOINT RESOLUTION

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for one minute to ascertain in relation to taking up a bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I announced that I would ask to take up House Joint Resolution 148, extending the time in which cattle could be brought back from Mexico. I understand that there would be no amendment offered to the bill and that it would take practically but little time. I am now informed that some one desires to offer an amendment.

Mr. OLDFIELD. I want to offer an amendment, and I want some time to discuss it.

Mr. GREEN of Iowa. Then it is apparent that we can not take the bill up this afternoon.

EXTENDING HIGHWAY THROUGH WALTER REED HOSPITAL GROUNDS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for quarter of a minute to make an announcement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, I want to call the attention of my colleagues to the fact that there will be a move in the House next Monday to again pass the measure that would run a highway through Walter Reed Hospital grounds. I hope every Member against that proposition will be here.

DISCHARGE OF SOLDIERS OF THE WORLD WAR

Mr. REECE. Mr. Speaker, I present a conference report on the bill (S. 1343) for the relief of soldiers that were discharged from the Army during the World War because of misrepresentation of age, to be printed under the rule.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Monday, March 8, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 8, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate the interstate shipment of firearms (H. R. 6232).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act, 1920, and the shipping act, 1916 (H. R. 8052).

COMMITTEE ON THE TERRITORIES

(10.30 a. m.)

Authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska (H. J. Res. 73).

To authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska (H. J. Res. 100).

To prescribe certain of the qualifications of voters in the Territory of Alaska (H. R. 9211).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To prohibit the sale of peyote to Indians (H. R. 7580).

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BULWINKLE: Committee on Claims. H. R. 531. A bill for the relief of John A. Bingham; without amendment (Rept. No. 474). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. H. R. 2724. A bill for the relief of A. S. Guffey; with amendment (Rept. No. 475). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 4117. A bill for the relief of J. Walter Payne; without amendment (Rept. No. 476). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. H. R. 4158. A bill for the relief of Sophie J. Rice; without amendment (Rept. No. 477). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 6466. A bill for the relief of Edward C. Roser; with amendment (Rept. No. 478). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 7617. A bill to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922; without amendment (Rept. No. 479). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 7776. A bill for the reimbursement of Emma Pulliam; with amendment (Rept. No. 480). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZIHLMAN (by request of the Commissioners of the District of Columbia): A bill (H. R. 10080) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek; to the Committee on the District of Columbia.

Also, a bill (H. R. 10081) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

Also, a bill (H. R. 10082) to permit construction, maintenance, and use of certain pipe lines for petroleum and its products; to the Committee on the District of Columbia.

By Mr. HALL of North Dakota: A bill (H. R. 10083) to grant the right of appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 10084) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, originally Elbert County, State of Georgia, on the national highway between Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

By Mr. THOMAS: A bill (H. R. 10085) to authorize the establishment of a bureau of bank-deposit insurance in the Treasury Department; to the Committee on Banking and Currency.

By Mr. ARENTZ: A bill (H. R. 10086) for the charge off and suspension of construction costs on Federal reclamation projects recommended by board of survey and adjustments; to the Committee on Irrigation and Reclamation.

By Mr. HAMMER: A bill (H. R. 10087) amending section 301 of the act of June 7, 1924, by extending the time three years for conversion of war-risk insurance; to the Committee on World War Veterans' Legislation.

By Mr. GARDNER of Indiana: A bill (H. R. 10088) to purchase a post-office site in the city of French Lick, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Washington: A bill (H. R. 10089) to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River, in Chelan County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton, Ill., on the Mississippi, and at or below Halls Ferry, or Musics Ferry, on the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. HARE: A bill (H. R. 10091) to require manufacturers engaged in interstate and foreign commerce to give written notice to the Federal Trade Commission of the closing of their plants; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mrs. NORTON: Memorial of the Senate of the State of New Jersey, asking Congress to effectively regulate stations for the transmission of radio communications or energy in the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. MEAD: Memorial of the Legislature of the State of New York, regarding an all-American canal, Great Lakes to the Hudson River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 10092) authorizing interstate compacts between the States of Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, Louisiana, Mississippi, or between any of them, or between any of the States of the Union; for the purpose of control of floods and the conservation of flood waters, and the application of such waters to beneficial uses, and for the diminution of injury and damage by floods; for the security of intrastate and interstate commerce, and the transportation of the United States mail, and military; and for the purpose of agreeing upon control of conservation districts created under such compact, and promoting agreement on the apportionment of benefits and cost thereof; and assumption of benefits and cost thereof; for division of revenue, if any therefrom, and for other purposes, and providing for the participation of the United States of America

therein, and making appropriations therefor; to the Committee on Flood Control.

By Mr. JONES: A bill (H. R. 10093) to create a new division of the District Court of the United States for the Northern District of Texas; to the Committee on the Judiciary.

By Mr. ADKINS: A bill (H. R. 10094) granting a pension to Mary Belle Robertson; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 10095) for the relief of Harry Hewston; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 10096) granting an increase of pension to Mary Jane Gimason; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10097) granting an increase of pension to Minnie V. Main; to the Committee on Invalid Pensions.

By Mr. HAYDEN (by request): A bill (H. R. 10098) for the relief of W. I. Johnson; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 10099) for the relief of William Lowell McBride; to the Committee on Military Affairs.

Also, a bill (H. R. 10100) granting a pension to J. T. Wood; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10101) granting an increase of pension to Cynthia E. Endicott; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 10102) granting an increase of pension to Matilda Long; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 10103) for the relief of Charles Callender; to the Committee on Military Affairs.

Also, a bill (H. R. 10104) granting an increase of pension to James H. Connely; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 10105) granting a pension to Minnie Taylor; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 10106) granting a pension to Susan Hunziker; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 10107) for the relief of William Winterbottom; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 10108) granting an increase of pension to Sophia C. Cross; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10109) for the relief of Virginia Strickland; to the Committee on Military Affairs.

By Mr. ROBINSON of Iowa: A bill (H. R. 10110) granting an increase of pension to Celia A. Woodward; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 10111) for the relief of D. Murray Cummings; to the Committee on War Claims.

By Mr. SHREVE: A bill (H. R. 10112) granting an increase of pension to Sarah Habercorn; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 10113) granting a pension to Eva Sanborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10114) granting an increase of pension to Sarah S. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Jane E. Van Etten; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 10116) granting a pension to Martha C. Hager; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10117) authorizing certain officers of the United States Navy to accept, from the Republic of Chile, the order of Al Mérito; to the Committee on Foreign Affairs.

By Mr. TOLLEY: A bill (H. R. 10118) granting a pension to Frank T. Radliff; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 10119) granting an increase of pension to Helen Kennedy; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 10120) authorizing the Secretary of Labor to permanently admit, under suitable regulations and requirements to be prescribed by him, Mathilde Kafoury, sister of Frank C. Kafoury; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1027. Petition of the Common Council of the City of South Milwaukee, Wis., asking the Federal Government to so amend the national prohibition act so as to permit within its limits of the manufacture, sale, and transportation of light wines and beer; to the Committee on the Judiciary.

1028. By Mr. CONNERY: Petition of the National Indian War Veterans, favoring the passage of House bill 12 and Senate bill 1854; to the Committee on Pensions.

1029. Also, resolution of the Bavarian Reading and Progressive Society and the Singing Organization Liederkranz, of Lawrence, Mass., with reference to their desire for a modification of the Volstead Act; to the Committee on the Judiciary.

1030. Also, resolution of the Carpenters and Joiners' Union, of Lawrence, Mass., in favor of a modification of the Volstead Act; to the Committee on the Judiciary.

1031. By Mr. COOPER of Wisconsin: Petition of Mrs. Elizabeth Wheeler and others, residents of Waukesha County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1032. Also, petition of Mr. C. E. Perry and others, residents of Racine County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1033. Also, petition of Mrs. J. T. Waggoner and others, residents of Rock County, Wis., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1034. By Mr. CURRY: Petition of the Republican State Central Committee of California, urging reapportionment of Representatives in Congress during the present session of the Congress; to the Committee on the Census.

1035. By Mr. DICKINSON of Missouri: Eight petitions totaling 515 names of citizens of Clinton, Deepwater, and Appleton City, Mo., opposing the passage of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1036. By Mr. DOUGHTON: Petition of sundry citizens of Stoney and Iredell, N. C., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1037. By Mr. FULLER: Petition of the Service Club of the Rock Island Arsenal, Rock Island, Ill., urging support of House bill 786; to the Committee on the Civil Service.

1038. Also, petition of sundry citizens of Sheridan, Ill., protesting against the enactment of compulsory Sunday observance; to the Committee on the District of Columbia.

1039. By Mr. GARDNER of Indiana: Petition of Henry Nash and sundry others, of Tell City, Ind., Rural Free Delivery No. 1, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1040. Also, petition of Sarah A. Reed and sundry others, of Tell City, Ind., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1041. Also, petition of Mrs. N. Peterson and sundry others, of New Albany, Ind., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1042. By Mr. GREEN of Iowa: Petitions of Alfred Jacobsen, of Exira, Iowa, and others, and of Dan. E. Larsen, of Exira, Iowa, and others in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

1043. By Mr. GRIEST: Petition of sundry citizens of Pennsylvania and New Jersey, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1044. Also, petition of Mr. and Mrs. J. R. Ebersole, Elizabethtown, Pa., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1045. Also, petition of citizens of Lancaster County, Pa., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1046. By Mr. HILL of Maryland: Petition of sundry citizens of the District of Columbia, favoring the sale of 2.75 beer; to the Committee on the Judiciary.

1047. Also, petition of all Polish organizations of Baltimore, Md., opposing the alien registration and alien deportation bills (H. R. 5583, 344, and 4489); to the Committee on Immigration and Naturalization.

1048. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 7179, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1049. By Mr. HUDSPETH: Petition from citizens of El Paso, Tex., protesting against bills for compulsory Sunday observance; to the Committee on the District of Columbia.

1050. By Mrs. KAHN: Petition of the Republican State Committee of the State of California, urging the passage of House bill 111; to the Committee on the Census.

1051. By Mr. KETCHAM: Petition of 992 residents of Allegan, Barry, Berrien, and Van Buren Counties, Mich., protesting against House bills 7179 and 7822, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1052. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

1053. By Mr. KNUTSON: Petition of C. H. Jepson, of Sebeka, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1054. Also, petition of J. B. Ishman, of Remer, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1055. Also, petition of Austin Houck, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1056. Also, petition of Horatio S. Brown, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1057. Also, petition of Mrs. Julia Bushnell, of Hill City, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1058. Also, petition of Frank Clark, of LaMoille, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1059. Also, petition of Chas. R. Merrell, of Swanville, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1060. By Mr. LEAVITT: Resolution of the Gallatin County Federation of Women's Clubs, favoring extension of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1061. Also, petition of Mayor John W. Fryer, of Livingston, Mont.; Sheriff C. E. Gilbert and County Attorney Dan Yancey of Park County, Mont., protesting increase of the alcoholic content of permitted beverages as provided by bills now before Congress; to the Committee on the Judiciary.

1062. By Mr. McDUFFIE: Petition of citizens of Mobile against bills proposed for Sunday observance; to the Committee on the District of Columbia.

1063. By Mr. McREYNOLDS: Petition of citizens of Hamilton County, Tenn., against House bills 7179 and 7822; to the Committee on the District of Columbia.

1064. By Mr. MAJOR: Petition of citizens of Howard County, Mo., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1065. By Mr. MANLOVE: Petition of 80 residents of Vernon County, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1066. By Mr. MEAD: Petition from American Legion, New York State Department, re House bills 7089 and 6537; to the Committee on Immigration and Naturalization.

1067. By Mr. MICHENER: Petitions signed by many residents of Belleville, Wayne County, Mich., protesting against compulsory Sunday observance bills (H. R. 7179 and 7822), etc.; also petitions in reference to same matter from residents of Ann Arbor, Mich.; to the Committee on the District of Columbia.

1068. By Mr. O'CONNELL of New York: Petition of the International Longshoremen's Association, of Buffalo, N. Y., favoring the passage of House bill 9498, for compensation for longshoremen and harbor workers injured while working aboard ship; to the Committee on the Judiciary.

1069. Also, petition of the National Guard Association of the State of New York, to adequately provide funds for purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1070. Also, petition of the United States Maimed Soldiers' League, favoring the passage of Senate bill 1609 and House bill 3770, to increase the pensions of those who lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; to the Committee on Invalid Pensions.

1071. Also, petition of citizens of Brooklyn, N. Y., opposing the passage of House bills 7179 and 7822, or any other national religious legislation; to the Committee on the District of Columbia.

1072. Also, petition of the National Editorial Association, favoring the passage of the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

1073. Also, petition of National Retail Dry Goods Association, of New York, favoring the passage of the Merritt bill (H. R. 3904) with certain amendments; to the Committee on Interstate and Foreign Commerce.

1074. By Mrs. ROGERS: Petition of residents of Lowell, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1075. Also, petition of residents of Ayer, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1076. By Mr. SHREVE: Petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from S. V. Anderson and others, North East, Pa.; Lewis Wilkinson and others, North East, Pa.; Orlo G. Butler and others, North East, Pa.; J. M. Howard and others, North East, Pa.; J. A. DeCastro and others, North East, Pa.; Mrs. L. G. Halloran and others, North East, Pa.; Grant Hills and others, Titusville, Pa.; to the Committee on the District of Columbia.

1077. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Mrs. R. E. Christoph and others, rural delivery, and Mrs. J. Reed Morse and others, Erie, Pa.; H. C. Prebble and others, Willis Walker and others, Ellis C. Brown and others, J. H. Humphrey and others, Corry, Pa.; to the Committee on the District of Columbia.

1078. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Erie, Pa.: Olive B. Tucker and others, Mrs. C. E. Badger and others, Anna Sonntag and others, M. L. Boucher and others, C. J. Menz and others, Mrs. Ethel L. Scott and others, Mrs. John Shorlock and others, Dr. Eva Sheriff and others, M. E. Thomas and others, Mrs. E. L. Mook and others, C. R. Ewing and others, H. A. Chichester and others, F. H. Leland and others, Jessie A. Patton and others, James Leach, jr., and others, J. J. Mechaney and others, Mrs. H. R. Droseski and others, Mrs. J. H. Colwell and others, Mrs. Elizabeth Herdman and others; to the Committee on the District of Columbia.

1079. By Mr. SWING: Petition of certain residents of Loma Linda, Calif., against House bills 7179 and 7822, for compulsory observance of Sunday; to the Committee on the District of Columbia.

1080. By Mr. TILSON: Petition of the Fish and Game Commission and sportsmen of the State of Connecticut, in opposition to the Stanfield bill (S. 2584) and approving of the Federal migratory bird act; to the Committee on Agriculture.

1081. Also, petition of Mrs. Louise Weichner and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1082. By Mr. WELLER: Petition from the National Guard Association of the State of New York, asking Congress to adequately provide funds for the purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1083. Also, petition of citizens of New York State, in opposition to the compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

MONDAY, *March 8, 1926*

(Legislative day of Saturday, March 6, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURTNESS, and Mr. PARKS were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R.

7019) to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio, and it was thereupon signed by the Vice President.

BOSTON SESQUICENTENNIAL EXPOSITION

The VICE PRESIDENT. In accordance with section 5 of the first deficiency act, approved March 3, 1926, the Chair appoints the Senator from Massachusetts [Mr. BUTLER] and the Senator from Delaware [Mr. BAYARD] as members on the part of the Senate of the United States to the Evacuation Day Sesquicentennial Commission, created by that act.

COST OF PRODUCTION OF DAIRY PRODUCTS

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Tariff Commission, inclosing copy of an order adopted by the commission in connection with Senate Resolution 146 (submitted by Mr. LENROOT, and agreed to February 17, 1926), relative to an investigation under section 315 of the tariff act, 1922, with respect to costs of production of milk and cream, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, March 6, 1926.

Mr. EDWIN F. THAYER,
Secretary of the Senate, Washington, D. C.

DEAR SIR: In further reference to the resolution (S. Res. 146) of the Senate passed on February 17, 1926, there is inclosed herewith a copy of an order adopted by the United States Tariff Commission on March 4, 1926, instituting an investigation for the purposes of section 315 of the tariff act of 1922, with respect to costs of production of milk and cream.

Very truly yours, JOHN F. BETHUNE, *Secretary.*

Public notice of investigations by the United States Tariff Commission under the provisions of section 315 of Title III of the tariff act of 1922

INVESTIGATION No. 52 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MILK AND CREAM

The United States Tariff Commission on this 4th day of March, 1926, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 707 of Title I of said tariff act, namely: Milk, fresh; sour milk and buttermilk; and cream, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth of product of competing foreign countries.

Ordered further, That a preliminary hearing in said investigation be held at the offices of the United States Tariff Commission, in Washington, D. C., at 10 o'clock a. m. on the 25th day of March, 1926, at which time and place all parties interested will be given opportunity to be present, to produce evidence, and to be heard with respect to the articles proper to be included within the scope of this investigation, the methods to be employed in ascertaining costs of production, the country or countries of principal competition, the advantages or disadvantages, if any, in competition enjoyed by the respective countries, the methods of ascertaining the costs of transportation, and other matters pertinent to the said investigation.

Ordered further, That all parties interested shall be given opportunity to be present, to produce evidence, and to be heard at a further public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing prior public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

I certify that the foregoing is a true copy of an order of the United States Tariff Commission passed on the 4th day of March, 1926.

JOHN F. BETHUNE, *Secretary.*

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sackett
Bayard	Fess	Lenroot	Sheppard
Bingham	Fletcher	McLean	Shipstead
Blease	Frazier	McMaster	Shortridge
Borah	George	McNary	Simmons
Bratton	Glass	Mayfield	Smith
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Butler	Greene	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh
Cummins	Howell	Pepper	Warren
Dale	Johnson	Phipps	Watson
Dill	Jones, N. Mex.	Pine	Weller
Edge	Jones, Wash.	Pittman	Wheeler
Edwards	Kendrick	Robinson, Ark.	Williams
Ernst	King	Robinson, Ind.	Willis

Mr. JONES of Washington. I was requested to announce that the Senator from Illinois [Mr. DENEEN] is detained on business of the Senate.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented resolutions adopted by the common council of the city of Milwaukee, Wis., praying an amendment of the national prohibition act so as to enable the people of the country to obtain wine and beer, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Federated Trades Council of Milwaukee, Wis., praying for the restoration of the rights of citizenship to Eugene V. Debs, which were referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented memorials numerously signed by citizens of Anaheim, Brawley, Calexico, Colton, Corona, El Centro, Fullerton, Imperial, Los Angeles, Ontario, Orange, Pomona, Redlands, Riverside, Santa Ana, San Bernardino, and San Francisco, all in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, or any other legislation of a religious nature, which were referred to the Committee on the District of Columbia.

Mr. KENDRICK. I present a telegram from Worland, Wyo., having reference to a petition by 300 citizens of Washakie County, Wyo., which was presented to the Senate some days ago. The telegram is sent, as was the petition, by friends of prohibition, and protests against any modification of the prohibition law. I ask that it be read and properly referred.

There being no objection, the telegram was referred to the Committee on the Judiciary, and it was read, as follows:

[Western Union Telegram]

WORLAND, WYO., *March 7, 1926.*

Senator JOHN B. KENDRICK,
Washington, D. C.:

Please include and incorporate the following as part of petition by 300 citizens of Washakie County sent you February 9 by myself. We as representative citizens and taxpayers of the State of Wyoming do hereby place ourselves on record as a denial of the statement made by the association against the prohibition amendment that the petition sent to Senators WARREN and KENDRICK containing a list of 1,600 names was an expression of the people of this State for modification of the Volstead Act for the manufacture and sale of wine and beer. We are opposed to the modification of the Volstead law, and as citizens of Wyoming, representing the churches and dry forces, do hereby protest against any modification or weakening in any way of legislation supporting the eighteenth amendment to the Constitution of the United States of America.

Rev. W. W. SPEER.

REPORTS OF COMMITTEES

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and I submit a report (No. 279) thereon. I give notice that I shall probably call up the bill for consideration to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2853) to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain

portion of the Anacostia Park for use as a tree nursery (Rept. No. 280);

A bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia (Rept. No. 281); and

A bill (H. R. 3834) to amend section 65 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto (Rept. No. 282).

Mr. HARRELD, from the Committee on the Judiciary, to which was referred the bill (S. 1962) to amend section 101 of the Judicial Code, as amended, reported it without amendment.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, reported it with amendments and submitted a report (No. 285) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (H. R. 7741) to construct a bridge across the Choctawhatchee River near Geneva, Geneva County, Ala., on State road No. 20 (Rept. No. 283);

A bill (H. R. 8514) granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River (Rept. No. 284);

A bill (H. R. 6710) granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ledowici, Ga. (Rept. No. 286);

A bill (H. R. 8382) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala. (Rept. No. 287);

A bill (H. R. 8386) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala. (Rept. No. 288);

A bill (H. R. 8388) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala. (Rept. No. 289);

A bill (H. R. 8389) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River, near Whitesburg Ferry, on Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala. (Rept. No. 290);

A bill (H. R. 8390) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala. (Rept. No. 291);

A bill (H. R. 8391) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala. (Rept. No. 292);

A bill (H. R. 8511) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala. (Rept. No. 293);

A bill (H. R. 8521) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala. (Rept. No. 294);

A bill (H. R. 8522) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala. (Rept. No. 295);

A bill (H. R. 8524) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Samson, on the Opp-Samson road, in Geneva County, Ala. (Rept. No. 296);

A bill (H. R. 8525) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Geneva, on the Geneva-Florida road, in Geneva County, Ala. (Rept. No. 297);

A bill (H. R. 8526) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala. (Rept. No. 298);

A bill (H. R. 8527) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River, at Elba, Coffee County, Ala. (Rept. No. 299);

A bill (H. R. 8528) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala. (Rept. No. 300);

A bill (H. R. 8536) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala. (Rept. No. 301);

A bill (H. R. 8537) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala. (Rept. No. 302);

A bill (H. R. 8909) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River (Rept. No. 303); and

A bill (H. R. 8910) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River (Rept. No. 304).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 4 that committee presented to the President of the United States enrolled bills of the following titles:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3454) granting an increase of pension to Laura A. Hinkle (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3455) granting a pension to William McKinster; to the Committee on Pensions.

A bill (S. 3456) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3457) providing for the appointment of Paul J. Messer as second lieutenant of Infantry, United States Army; and

A bill (S. 3458) authorizing the appointment of William Noble as lieutenant colonel, Judge Advocate General, Reserve Corps, United States Army; to the Committee on Military Affairs.

By Mr. MEANS (by request):

A bill (S. 3459) for the relief of Neadham Henry Simpson; to the Committee on Naval Affairs.

A bill (S. 3460) incorporating the Veterans of Foreign Wars of the United States; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3461) to reimburse Andrew O'Connor for expenses in connection with the placing of sculpture at the Peace Palace at The Hague; to the Committee on Appropriations.

By Mr. MAYFIELD:

A bill (S. 3462) for the relief of Homer H. Hacker; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3463) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3464) authorizing certain officers of the United States Navy to accept from the Republic of Chile the order of Al Mérito; to the Committee on Foreign Relations.

By Mr. STEPHENS:

A bill (S. 3465) to make husband and wife competent to testify for or on behalf of each other in criminal proceedings in United States courts; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 3466) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. WELLER:

A joint resolution (S. J. Res. 66) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; to the Committee on Banking and Currency.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 67) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMERICAN MANUFACTURERS IN FOREIGN COUNTRIES

Mr. DILL submitted the following resolution (S. Res. 163), which was ordered to lie on the table:

Whereas the alleged purpose of the protective tariff is to enable the beneficiary of the said tariff in the United States to charge the foreign price plus the tariff duty; and

Whereas the cost of production in foreign countries is assumed to be as much less as the cost of production in the United States as the tariff duty, and it is reported that American manufacturers are establishing branches of their plants in foreign countries in increasing numbers: Therefore be it

Resolved, That the Secretary of Commerce is requested to investigate and report to the Senate at the earliest convenient date the number of American manufacturing concerns that have established branches in foreign countries during the past five years, and the names of said manufacturing concerns, the nature and extent of such factories, the place of location, the amount of American capital invested in said branch factories, the value of the product produced in said factories during the past year, where said product was sold, the number of employees, and the average wage paid.

PRICES OF AGRICULTURAL MACHINERY AND IMPLEMENTS

Mr. SHEPPARD submitted the following resolution (S. Res. 164), which was ordered to lie on the table:

Whereas the Bureau of Foreign and Domestic Commerce reports that during the calendar year 1925 there were exported 20,366 sewing machines for domestic use, valued at $510,969, an average price of $25.09; 11,252 cream separators, valued at $553,196, an average price of $49.16; 241,064 horsepower plows, valued at $7,636,627, an average price of $31.64; 31,427 harvesters and binders, valued at $5,340,845, an average price of $171.24; 1,719 combined harvesters and threshers, valued at $1,025,350, an average price of $596.06; and 44,965 wheel tractors, valued at $26,127,449, an average price of $581.06, and that in 1925 the total value of agricultural machinery exported was $77,936,911, and the total value of agricultural machinery and implements imported was only $3,094,104, although they are duty free; and

Whereas the reported price abroad of much of this American agricultural machinery and many of these agricultural implements is less than the price to retailers here: Therefore be it

Resolved, That the United States Tariff Commission is hereby directed to investigate and to report to the Senate as promptly as possible:

The prices to retailers of sewing machines, cream separators, horse and power plows, harvesters and binders, combined harvesters and threshers, wheel tractors, and all other agricultural machinery and implements of which over $1,000,000 worth were exported in 1925—

(a) In the principal foreign countries to which exported;

(b) In the United States;

and approximately the difference in the transportation charges on each of these manufactures within the United States and to foreign countries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, asking for a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointing conferees on the part of the House.

Mr. BINGHAM. Mr. President, I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD were appointed conferees on the part of the Senate.

AGGRANDIZEMENT OF FEDERAL POWER

Mr. BINGHAM. Mr. President, I ask unanimous consent to have inserted in the RECORD a very able article by the senior Senator from New York [Mr. WADSWORTH], printed in Nation's Business for March, 1926. I call particular attention to the last four paragraphs, in which the Senator from New York refers to the growth of Federal power and says:

For if we continue this centralization of power and this assumption of governmental functions, we shall most certainly smother the ability of our people to govern themselves in the several States and in their home communities.

Too often we are tempted to hand over to the Federal Government the doing of those things which can be done perfectly well by the States and their subdivisions, because for the moment it seems the easiest way to relieve ourselves of the burden of local responsibility and the duty of living up to it.

Our comparative success in governing ourselves for the past 150 years has rested most of all upon the initiative and enterprise of our people in meeting and solving governmental problems as they arise.

If we continue to take power away from the people and to transfer it to Washington we shall destroy those qualities, our local governments will dwindle to the vanishing point, and we shall find the average man becoming a servant of the Government instead of its master. Let us remember that our country is a Federal Union of States and not an empire. Realizing as we must the dangers of a bureaucracy, irresponsible and remote from our view, let us pause and survey our situation before we yield to its inducements.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article referred to is as follows:

[From the Nation's Business, March, 1926]

LET'S STOP THIS "50-50" BUSINESS

By JAMES W. WADSWORTH, Senator from New York

The "50-50" system of Federal aid to the States, in its modern lavish form, had its inception in 1914. Its beginning was modest enough. In that year Congress enacted the Smith-Lever law, which has for its purpose the promotion of cooperative agricultural extension work.

The appropriation carried in the bill for the first year of its operation was $480,000, to be divided equally among the 48 States on condition that their legislatures appropriate an equal amount for carrying on the work of educating their citizens in agriculture and home economics.

The next step was the Federal good roads bill of 1916, for which the first year's appropriation was $5,000,000. From these lowly origins the growth of the subsidy system has been nothing short of astonishing. It has been like the proverbial snowball rolling downhill. Its popularity, particularly among western and southern Members of Congress, has been immense.

TIME HAS COME TO TAKE STOCK

Its ramifications have taken many different directions from road building to teaching mothers how to care for their infants. To-day its inroads on the Federal Treasury have reached the enormous total of $110,000,000 annually, which, of course, requires substantially an equal outlay from the States, so that the total cost of the system to the taxpaying public is well over $200,000,000 a year.

The time has come, in my opinion, to take stock and to get a clear understanding as to where we are headed. I do not contend that the subsidy system is wrong in every detail or that it ought to be abolished entirely. There may be some functions performed under it which can

be done better by the Federal Government than the States. But I do believe that it could and should be radically curbed both in the interest of economy and sound policy and that steps should be taken to place a check upon its growth before it undermines our whole system of dual sovereignty of the State and Nation.

I hear now of a movement to get $100,000,000 annually from the Federal Government for the purpose of promoting education in the various States on the "50-50" plan. A certain organization is placarding the Nation with a slogan to stimulate a campaign for the construction and maintenance of 250,000 miles of good roads "by the Federal Government."

One of my colleagues says he would like to see the Federal appropriation for good roads doubled, making it about $160,000,000 annually, so that the National Government would then relieve the States entirely of the payment of their 50 per cent of the roads expenditures.

A decent regard for the capacity of the Federal Treasury and of the principle of local self-government, if it is not to become wholly obsolete, requires that we learn soon where the extension of this expensive form of Federal encroachment on State responsibility may be expected to end. During the last session I tried to get the Senate to approve an amendment calling for a statement of the ends sought in the Federal good-roads program.

The amendment directed the Secretary of Agriculture to have prepared, in cooperation with the appropriate State authorities, a map or plan of outlining the system of post roads which, in his judgment, should be improved under the Federal aid system and to submit that map or plan to Congress, together with estimates as to the cost and the period of time necessary for the completion of the work.

WE OUGHT TO HAVE SOME PLAN

I contended, and still contend, that Congress is entitled to know what is contemplated for the future, how much it will cost, and how long it will take. If we are to go on expending $80,000,000 or $90,000,000, or even more, a year we ought to have some plan on which to build, and that plan ought to be before Congress, so that we will know not only where we start but where we are going.

Strangely enough, that amendment was voted down. It was opposed on the ground that it might be construed in some way as calling a halt on future appropriations. The ardent advocates of the subsidy system apparently didn't want to know where we are headed.

There are five main forms of Federal subsidies: Highway construction (act of July 11, 1916); agricultural extension (Smith-Lever Act of May 8, 1914); vocational education (act of Feb. 23, 1917); vocational rehabilitation (act of June 3, 1920); and maternity and infant hygiene (act of Nov. 23, 1921).

During the fiscal year 1924 (the last one for which completed figures are available) the Department of Agriculture, by authority of Congress, of course, disbursed $98,790,595.19 in various forms of subsidies. The disbursements for road construction were approximately $90,000,000. Expenditures for vocational education were $5,412,143.40; for agricultural extension, $5,820,816.89; and promotion of welfare and hygiene of maternity and industry, $720,694.79.

These disbursements, with numerous smaller doles, brought the total for the year up to $110,377,443.68. No less than $80,000,000 is needed to carry out the highway-construction plans for next year, and still another $116,700,000 will be required to discharge additional obligations already incurred under the same head.

THE WAY SOME STATES PAY

An interesting feature of the system is the manner in which some States are called upon to pay the great proportion of this outlay, from which they receive only a minute share in return. A few instances will serve to illustrate the point.

The State of Nevada pays into the Federal Treasury $760,000 annually and receives in subsidies $1,845,945, or 262 per cent of the amount it contributed to the maintenance of the Federal Government. North Dakota pays in $1,282,838 and takes out $1,487,859. South Dakota pays $1,951,248 and gets in return $2,094,133.

Contrast this with the case of Pennsylvania, which pays in $269,000,000 to the Federal Treasury and receives in return $1,839,000, or about seven-tenths of 1 per cent.

New Jersey pays in $112,000,000 and takes out $652,000, or fifty-eight one-hundredths of 1 per cent. Connecticut fares still worse. It pays in $37,000,000 and gets back $201,000, or fifty-four one-hundredths of 1 per cent.

The representatives of the Western States have a ready answer for this. They say that the Federal Government holds vast areas in the public domain within their borders, and hence it is only fair that the National Government should contribute a large share to the improvements and expenses in those States. But there is an answer to that. Under the Federal forest fund act of 1907, 25 per cent of the gross revenues from timber sales, livestock privileges, and other uses of the forest reserves go back to the States within which the reserves are located for school and roads and 10 per cent for forest trails and roads.

In addition to this the mineral leasing act of 1920 provides for the payment of 37½ per cent of bonus and royalties on those reserves. Under these two acts refunds to the States are more than $16,000,000, of which 11 Western States get $14,000,000, leaving less than $2,000,000 to be divided among the other 37 States. Some of the States get absolutely nothing.

Wyoming gets $5,143,434, an amount equal to 246 per cent of the amount of Federal taxes it pays into the Treasury. When the subsidies are added to this amount Wyoming receives from the Federal Government $6,491,285. Its contribution to Federal taxes is $2,088,353. The amount of the subsidies and refunds therefore is equal to 310 per cent of the State's contribution to the National Government.

On the other hand, take the case of the State of New York. Its share of the Federal tax burden is $600,415,425, and it receives in return $4,474,294. I am not objecting because New York does not receive more, but it seems to me that the time has come to lay a restraining hand upon the practice of wet-nursing some States at the expense of others.

But questionable as these features of the system are, the most dangerous phase of it, in my opinion, is its tendency toward the breaking down of the principle of local self-government and the creation of an all-powerful Federal bureaucracy.

The danger does not lie in the Federal aid system alone by any means. During the last 15 years the Federal Government has undertaken the exercise of a large number of new and important functions. A scanning of the list of congressional enactments during this period reveals something of the situation. For example, since President Roosevelt left the White House on March 4, 1909, we have established the Federal Trade Commission with inquisitorial powers over every business concern engaged in interstate commerce.

We have set up a Tariff Commission charged with the duty of investigating the costs of manufacturing at home and abroad and advising the President, and through him the Congress, as to the differences in those costs. We have created a Federal Farm Loan Board and given it authority to supervise the making of loans on farm lands all over the country.

We have established a United States Shipping Board with its Emergency Fleet Corporation and have put the Government into the commercial shipping business, with results known to all.

We have given important authority to the Secretary of Agriculture in connection with the operation of the grain exchanges. In this same period by constitutional amendment we have given the Federal Government the right to impose taxes upon all incomes from whatever source derived. And most important of all, through the adoption of the eighteenth amendment, we have given the Federal Government police power over every citizen to an extent never dreamed of by the founders of the Government.

This tremendous extension of Federal power, together with Federal aid development, has resulted in establishing at Washington, with branches all over the country, a vast governmental machinery so powerful, so complicated, that the average citizen is utterly unable to comprehend it. Certainly we should pause before we permit its further extension and enlargement, for if we continue this centralization of power and this assumption of governmental functions we shall most certainly smother the ability of our people to govern themselves in the several States and in their home communities.

Too often we are tempted to hand over to the Federal Government the doing of those things which can be done perfectly well by the States and their subdivisions, because for the moment it seems the easiest way to relieve ourselves of the burden of local responsibility and the duty of living up to it.

Our comparative success in governing ourselves for the past 150 years has rested most of all upon the initiative and enterprise of our people in meeting and solving governmental problems as they arise.

If we continue to take power away from the people and to transfer it to Washington, we shall destroy those qualities, our local governments will dwindle to the vanishing point, and we shall find the average man becoming a servant of the Government instead of its master. Let us remember that our country is a Federal Union of States, not an empire. Realizing, as we must, the dangers of a bureaucracy, irresponsible and remote from our view, let us pause and survey our situation before we yield to its inducements.

NEWS-LETTER OF ALL-AMERICAN COOPERATIVE COMMISSION

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD the news letter of the All-American Cooperative Commission issued March 1, 1926.

There being no objection, the news letter was ordered to be printed in the RECORD, as follows:

COOPERATIVE NEWS SERVICE (WEEKLY),
Cleveland, Ohio, March 1, 1926.

PRESSMEN TAKE OVER BANK

Another mighty recruit to the long list of labor organizations interested in labor banking was enlisted recently when the International Printing Pressmen's Union announced the purchase of control in the Hawkins County Bank, of Rogersville, Tenn. Rogersville lies near the international headquarters of this powerful printing trades-union, and its bank is the logical depository for millions of the union's funds.

The International Printing Pressmen's Union also owns a large interest in the Federation Bank of New York City, the second largest labor bank in America.

President George L. Berry has requested members and locals of his union to deposit their funds in the Hawkins County Bank, which will soon rank as one of the leading institutions of Tennessee. The printing pressmen's bank is a novel departure in the history of labor banking, as nearly all such institutions are located in the larger centers of population, with a few in smaller railroad centers. The pressmen's bank is in the heart of a rich agricultural section.

PACKING COOPERATIVE BRINGS PROSPERITY

The Fergus (Minn.) Cooperative Packing Co. gladly yields page 1 in the newspapers to the billion-dollar Food Trust and the anticonsumer plots of the Chicago packing plants. Instead it prefers to spread the benefits of cooperation among its farmer members, for cooperation by its very nature finds itself unable to plot against the public interest or to engineer criminal conspiracies to wring profits from the needs of the people.

The audit just completed of the packing cooperative's books shows a business of $469,000 for the past year, with an additional $52,000 for the retail store. Dividends will be announced later in the season, when assets will be in the form of cash rather than meats. Important capital additions will be made to the plant this year as an evidence of the prosperous condition of this big cooperative.

COOPERATION PART OF LABOR EDUCATION

That the extensive labor education movement sweeping the country can be translated into added effectiveness for cooperation is shown in the example of Esther Oberg, a graduate of Brookwood Labor College, of Katonah, N. Y. Miss Oberg, after two years of intensive training at Brookwood, during which she managed the labor college cooperative store, went to Battle Creek, Mich., to serve in the cooperative society's store there. Soon after she was elevated to the position of manager. Miss Oberg is also the editor of the Cooperative World, a monthly house organ, and contributes widely to the advancement of the Michigan labor movement through addresses and articles in the press.

Labor education, the All-American Cooperative Commission comments, must include training in the cooperative movement if it is to realize its full possibilities. Trade-unionism and cooperation represent the two arms of a single movement. Without one or the other labor's cause is permanently crippled.

COOPERATION RULES WORLD'S WHEAT

A parliament of wheat, representing the majority of the world's acreage in the greatest of the grains, met recently in St. Paul, Minn., to discuss the problems of international marketing. The tremendous strength of cooperation in this basic industry was testified by the presence of men from the leading wheat pools of three continents, every one of them cooperators and officials in the wheat-pool movement.

Among the States represented were Minnesota, Indiana, Kansas, Texas, North Dakota, Oklahoma, Nebraska, Alberta, West Australia, South Dakota, Saskatchewan, Russia, Manitoba, South Australia, New South Wales, Ukraine, and Victoria. In each of these United States, Canadian, Australian, and Russian States cooperative wheat pools are flourishing as major factors in determining the price of wheat.

Technical problems of marketing and international aspects of wheat production were discussed thoroughly in the three-day conference. The Western Producer, of Saskatoon, Saskatchewan, has published full reports of the technical aspects of the conference.

COOPERATIVE STORE REAL AMERICAN ROMANCE

Romance in America centers in the cash box, if we are to believe the scores of writers who have molded their novels around the poor but honest boy who toward the end of the book lords it over an army of servants as he dashes back and forth between Wall Street, Florida, and Europe. Cooperation, too, can furnish cash-box romances, although a finer spirit of service to all rather than selfish aggrandisement is the motive power behind its successes.

Turn over the thirteenth annual statement of the Soo Cooperative Mercantile Association, of Sault Ste. Marie, Mich. There you will find net sales of $25,000 ten years ago as contrasted with $551,000 during the last year. What private enterprise offers a better example of sudden growth or a more satisfying example of industrial progress? This half million business was done on a capital of $34,000, thus pointing to a turnover that would be the pride of any present-day Babbitt. Fortunately, however, the returns on this handsome business did not go into the maintaining of country clubs for idlers or palaces for the wealthy, for another item in this co-op's statement shows $126,000 returned to stockholders, customers, and employees since its organization 13 years ago.

The Soo Cooperative has a string of seven stores, two of which also handle meats, and one bakery goods. During the past year $13,000 was spent on an addition to the main store.

E. E. Branch, secretary of the New Era Corporation, a cooperative insurance firm of Grand Rapids, Mich., told the stockholders at their annual meeting that American cooperation is writing the principles of the Constitution into industry. "Our Constitution," he declared, "established democracy in our Government. Cooperation will apply the same principles in trade and lay the foundations for economic democracy."

NATIONAL LEADERS ADVISE LABOR BANK

Gov. Albert Smith and Mayor J. J. Walker, of New York, head a group of 25 Federal, State, and city officials included in an advisory committee of more than 200 stockholders in the Federation Bank of New York, controlled by metropolitan trade unions, to assist in transforming the bank into a trust company. Other members of the committee are President William Green, of the American Federation of Labor; Mortimer L. Schiff, banker; Senator Royal S. Copeland; Thomas Meighan; John McCormack; Charles Chaplin; Adolph Zukor; Gerard Swope, of General Electric Co.; Charles D. Hilles; Franklin D. Roosevelt; Hugo Mayer, director of the Labor Bank of Germany; and Luis N. Morones, secretary of labor in Mexico.

The State department of banking has approved the bank's plan for adding trust functions. The Federation Bank & Trust Co., as it is to be known, will start with resources of $17,000,000, according to President Peter J. Brady.

TWO FRANKLIN BOOKLETS

Two attractive booklets have been issued by the Franklin Cooperative Creamery Association, Minneapolis. These are entitled "Year Book 1924–25" and "A Trip Through the Franklin Plants." Both publications are well printed on highly calendered paper and profusely illustrated. The year book consists of 58 pages. It contains a history of the enterprise, detailed descriptions of the various properties of the association, the report of the officers and directors to the sixth annual meeting, cooperative financial statistics, and brief accounts of the various activities of the association other than the distribution of milk.

The booklet entitled "A Trip Through the Franklin Plants" is smaller than the year book. Its 38 pages are given over to views of the different plants and brief descriptions of the various features illustrated.

COOPERATION ATTRACTS COMMUNISTS

The New York district executive committee of the Workers (Communist) Party has ordered party members interested in cooperatives to form "factions" within them for the "building up of the cooperative movement in America."

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The VICE PRESIDENT. The pending question is on the amendment of the junior Senator from Arkansas [Mr. CARAWAY].

Mr. ASHURST. Mr. President, regarding the particular resolution under consideration, I ask that there may be read at the desk a letter from the Arizona corporation commissioner on the subject.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the letter, as follows:

ARIZONA CORPORATION COMMISSION,
Phoenix, March 3, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been directed to a bill recently introduced by Senator MCKELLAR, of Tennessee (S. 3081), relating to the development and distribution of power at Muscle Shoals.

This bill, as you no doubt have already observed if you have had the time to review it, contains some very dangerous provisions. Perhaps the most startling feature, and the one most objectionable, is the proposal to further curtail State rights. In addition to that, it would place the power to prescribe rates in the hands of an alien commission, which might or might not be familiar with the territory in which the power would be distributed. This question I am sure you will agree should be left in the hands of State authorities, who would be thoroughly familiar with local conditions and who would know the needs of the communities and peoples to be served. Certainly no central power, no matter how competent or how sincere the desire to serve the public, could be in so favorable a position to determine these matters as would a local body.

I wish to register my distinct disapproval of this feature of the McKellar bill and to express the hope that you will lend your ability to

see that a proper amendment is proposed and passed to protect the interests of the people of Arizona, which, in my judgment, would be jeopardized by the passage of this bill in its present form.

With kind personal regards, I am,

Yours truly,

AMOS A. BETTS, *Commissioner.*

The VICE PRESIDENT. The junior Senator from South Carolina [Mr. BLEASE] is entitled to the floor.

Mr. HARRIS. Mr. President, will the Senator from South Carolina yield to me to enable me to make a short statement?

Mr. BLEASE. I yield to the Senator from Georgia.

Mr. HARRIS. Mr. President, I regret that in the heat of debate insinuations have been made as to the motives influencing Senators in the Muscle Shoals matter, and while I shall vote for this resolution, I do not think the debate has helped its passage. I had not expected to say anything further after my remarks of last week in favor of the amendment submitted by the junior Senator from Arkansas [Mr. CARAWAY], which provided for an equitable distribution of the surplus power not needed for fertilizers. While every Congressman from Georgia as well as myself widely differ with my own colleague, the junior Senator from Georgia [Mr. GEORGE], who opposed the Ford offer and is now opposing this resolution, I give to him and others differing with me credit for being just as honest as I am. I do not believe there is a Senator in the Chamber who is influenced to do anything but what he thinks is for the good of his country in voting upon the Muscle Shoals proposition.

I think my friend, the Senator from Alabama [Mr. HEFLIN], is making a mistake when he antagonizes other Senators who differ with us honestly in this matter.

Mr. HEFLIN. Mr. President, will the Senator yield to me right at that point?

Mr. HARRIS. After I shall have concluded my statement I shall be very glad to yield to the Senator. I want to remind the Senator from Alabama that last year we had a conference report before the Senate on the Muscle Shoals matter, and I believe it would have become the law, but the Senator from Nebraska [Mr. NORRIS], the chairman of the Agricultural Committee, did not allow us to have a vote on it. What I am afraid of now is that after the bid comes in under the pending resolution we will be unable to get a vote on it because of the early adjournment of Congress. Certainly we will be unable to do so if we continue antagonizing Senators who differ with us.

We have lost sight in the debate of what was responsible for the creation of the Muscle Shoals development. It was primarily for the purpose of national defense, and nitrates are absolutely necessary in manufacturing munitions. No one seems to have mentioned that in the discussion; however, they have dealt with the water-power development. While manufacturing nitrates at Muscle Shoals and having the plant operated at full capacity, so that in time of war we could get all we needed, it is necessary to do something with the plant at other times, so we provided that fertilizer should be manufactured in peace times and sold to farmers much cheaper than they are now paying.

Mr. President, have we forgotten that when we declared war on Germany the first thing Germany did was to notify Chile that if she let us have nitrates she would be held responsible? If Germany had had a navy that could have blocked the ports of Chile, the United States would have been greatly handicapped in conducting the war. The principal reason why the pending resolution is before us is because it is a matter of national defense. Suppose we were to have a war now with another country? We are the only country in the world that does not have a nitrate plant. We would be at the mercy of a foreign country. I think that during the war with Germany about 20 per cent of our ship tonnage was used in bringing nitrates to this country. We were absolutely dependent upon Chile. We want to prevent a recurrence of such a condition. If we had war with another country now, the first thing they would do would be to level their guns on the ports of Chile and prevent us getting nitrates. We would have no way of getting them unless we were prepared for their manufacture in our own country.

The State of Georgia spends between $25,000,000 and $30,000,000 a year for fertilizer. If the pending resolution should pass and result in reducing the price of fertilizer one-half, it would mean a saving to the farmers of my State of enough money in one year to pay the entire expense of running our State government, which includes several million dollars for Confederate pensions. There is nothing more important to our people than this legislation. We have been planting cotton on our lands for more than 100 years. Much of our land is worn out, and it is absolutely necessary for us to use fertilizer in order to produce cotton and other products, and not only our entire country but the world is interested in obtaining cheap cotton. We can not produce it at the present low price unless we can get cheaper fertilizers.

England is taxing every bale of cotton manufactured, and the revenue raised is spent in encouraging the production of cotton in her colonies. Other countries are doing everything they can to encourage the production of cotton, and the South must compete with pauper labor of the world. Do not forget, Senators, that the southern cotton planter's crop sold in foreign countries is largely responsible for the large gold reserve in this country. Opposition to the pending resolution because a committee of Congress has been selected to secure bids and make recommendations to the Congress as to which is the best bid does not have weight with me, and I do not think it will satisfy the people of my State and the South. They want action. They are tired of speeches on Muscle Shoals. They are now and have been several years in a terrible condition financially, and the development of this project would greatly help them.

In my opinion a committee of Congress to settle this matter is far better than lawyers and employees in the departments. Senators and Representatives in Congress are responsible to the people they represent. Now, in answer to the argument against a committee from Congress because Senators and Representatives would be unduly influenced by their colleagues' recommendations, let me refer to the action recently taken in the House of Representatives where a distinguished Congressman from my State, Judge CHARLES CRISP, was one of the commissioners named for the settlement of the Italian debt matter and was honored by the committee by his selection to present their recommendation to the House. He recommended certain concessions to the Italian Government in the settlement of their debt to our country. There is no man in the House who is more beloved by his colleagues than is Judge CRISP, and especially by his own colleagues from the State of Georgia. Of the 11 Congressmen representing that State, only 1 voted in favor of the recommendations he submitted and advocated.

The other 10 voted against Judge CRISP's view of that matter, and the same situation will develop as to this proposed legislation. There is no Senator here who is going to be influenced in his vote by the recommendation of the committee. They are going to study the bids and be influenced by what they think of the best bid that comes before us.

Members of the Agricultural Committee of the Senate and the Committee on Military Affairs of the House of Representatives have made a special study of this matter for years and will know better how to get a satisfactory bid than will the men in any of the Government departments. From my State 10 of the 12 unusually able and conscientious Members of the House are lawyers; 9 of them and my colleague have been on the bench and served with distinction. They are so interested in this matter that they will be careful to see that our farmers who are interested in getting cheaper fertilizers and the Government's nitrates for national defense will be protected in whatever bids are considered. There are abler lawyers in this body than there are in the Department of Justice, and I think Congress can settle this question better than any other Government agency.

We have heard a great deal of complaint of Presidents usurping the power of Congress, but this is the first time I have heard criticism of Congress having its own committee instead of delegating to the President the handling of this matter which is of vital concern to the farmers and all our people of the South, as well as the entire country. I believe that 90 per cent of the people of my State favored the Ford offer; I believe that 99 per cent of the farmers of Georgia favored that offer.

In both my campaigns for the Senate, Mr. President, if you will pardon a personal reference, my opponent, former Senator Hardwick—who filled the unexpired term of the late Senator Bacon—opposed legislation which would permit the Government in times of peace to use Muscle Shoals for the manufacture of fertilizers to be sold to the farmers at cost. In both campaigns I made that an important issue, and I am certain that Mr. Hardwick lost many votes because of his attitude. In his last race against me he was overwhelmingly defeated—he carried less than 10 per cent of the counties of the State.

Mr. President, I favor the Smith substitute for the pending resolution, which is similar to measures I have favored heretofore, when the bill of the Senator from Nebraska [Mr. NORRIS] with amendments was under consideration, during the last session of Congress. I believe that the Government ought to experiment for a few years with the Muscle Shoals plant and

find out what can be done with this plant, just how much nitrates and fertilizers can be manufactured, and after ascertaining the cheapest way to manufacture fertilizers to supply all our farmers, make a lease of the plant to private parties, with guaranty that they shall not charge farmers more than a small profit.

The Government can not manufacture anything as cheaply as can individuals and corporations, and farmers should get fertilizers at the lowest possible cost.

We hear complaint about permitting a part of this power at Muscle Shoals to be used for the manufacture of fertilizer; that we shall lose money by it, and that it will be a subsidy for the farmer. That does not come with very good grace, Mr. President, from Senators who voted for the Esch-Cummins bill, which practically guarantees the railroads dividends on all their property; and Senators who voted for the high tariff duties of the Fordney-McCumber bill, which taxes the people of this country billions annually and increases the cost of living so much as to make it difficult for many to meet the necessities of life. Why should we not, if necessary, give the farmers all the water power at Muscle Shoals, if it will assist them in the raising of crops and save them from losing their farms? Many of them have already lost their farms within the last few years.

Opposing this resolution and delaying this matter is just exactly what the Water Power Trust wants. They have the only transmission line, and the Government is dependent upon the Power Trust for the sale of the power until we shall build our own transmission lines connecting with cities needing power or else make a disposition of Muscle Shoals some other way. It is to the interest of the Water Power Trust for this proposed legislation to be defeated or delayed. They can not influence anyone in this body to vote against this resolution, but they would make millions of dollars if Congress defeats it and does nothing toward leasing this plant or developing it ourselves. For that reason, the Power Trust is more interested in delaying the legislation than is anyone else.

When I speak of the Water Power Trust Corporation I speak of it with no feeling against them. Many of those connected with it are personal friends of mine and good men. They are interested in making dividends for their stockholders. The newspapers lately, however, have shown a combination of the Alabama Power Co. and the Georgia Railway Power Co., which practically have a monopoly of the water power in Georgia and Alabama; and other power companies have combined. The Water Power Trust is one of the greatest trusts in the United States.

When the Ford measure was before the Senate there was no Senator here who did not get letters from the Fertilizer Trust protesting against the acceptance of the Ford offer. I placed these letters in the RECORD. The Water Power Trust also had its lobby here opposing the Ford offer. Congress and the Republican administration were going to scrap all the millions which had been spent at Muscle Shoals; and everyone knows that if it had not been for Ford's offer of a few million dollars for the plant and guaranteeing to make cheaper fertilizers for the farmers and nitrates for munitions the Republican administration would have abandoned Muscle Shoals. We are indebted to Ford for preventing the destruction of this nitrate plant, which would have destroyed the hope of the cotton farmers to get cheaper fertilizers and not be at the mercy of the Fertilizer Trust. All the Representatives from my State and almost every Member of Congress in the House or Senate from the South favored the Ford offer; in fact, I never heard a public man in my State utter a word against the Ford proposition so long as it was before Congress.

The Fertilizer Trust and the Power Trust both opposed the Ford offer. They knew that he would go down there and use that power to bring about competition in all manufacturing and cheapen the price production of fertilizer. They knew they could not compete with Ford's method of manufacturing fertilizer. If the Power Trust shall acquire all power at Muscle Shoals, instead of giving us competition, as Ford would have done, and helping to reduce the price of power and fertilizer, the United States Government, by leasing to the Water Power Trust, will be helping to perpetuate a monopoly. That is one reason why I shall support the Smith substitute. I want to be sure that the Water Power Trust does not control it.

Representative SNELL, of New York, the chairman of the Rules Committee and the author of the resolution before us, when this matter was before the House of Representatives stated that if we could not get a satisfactory bid he would support some measure, such as the Norris bill or the Smith substitute, which would allow the Government to experiment with the plant in making nitrates and cheaper fertilizers.

I shall vote for the Smith substitute for the Government to first make experiments for a few years in manufacturing fertilizers. I shall also vote for the Caraway amendment to distribute surplus power not needed for manufacture of nitrates and fertilizers. I can not understand how the Senator from Alabama can stand up and argue against the Caraway amendment. Muscle Shoals belongs to the Federal Government and not to the State of Alabama any more than to Georgia or other States. If the Smith substitute is voted down, I shall vote for the House resolution, with the hope that a satisfactory bid may be made that will insure cheap fertilizers to the farmers and nitrates to our Government. If no bid meets with our approval Congress will, I believe, adopt the suggestion, which I also favor, of Representative SNELL, chairman of the Rules Committee of the House and author of the resolution before us, providing for the Government's immediate operation of the plant to experiment a few years in making nitrates and fertilizers. Unless action of some kind is taken now it means another two years' delay, as the appropriation bills will take up most of the time of the short session of Congress, and it will not be possible to pass this legislation until the long session the following year.

Of course, that is exactly what the Fertilizer and Power Trusts are hoping we shall do; it will enable them to get several million dollars' worth of power at a small cost, and fertilizers will not be cheaper. I can not understand how Senators can vote to delay this matter when farmers are in such financial distress and have been for years. Anything that helps the farmer helps all business. If there ever was a time when the farmers of my section needed help, it is now; they would prefer a half loaf to a whole loaf later on; but I can see no reason why we should not, by adopting this resolution at this time, give them a whole loaf. We shall certainly close the door of hope of any assistance if we vote down this resolution. However, I put the Senator from Alabama on notice that I will not vote for any bid the committee reports that discriminates against my State.

Mr. SMITH. Mr. President, I should like to take a few minutes, if my colleague will allow me, to read into the RECORD some statements made by the National Grange in convention assembled at Atlantic City in 1924. This is official and has direct reference to the very subject now before us.

Without reading the caption of the article, I want to read a quotation from ex-President Roosevelt which was incorporated in this report by the grangers at the meeting referred to, touching the identical subject.

They say—that is, the grangers in convention assembled—

We believe we have arrived at the time predicted by Theodore Roosevelt when he said:

"The people of our country are threatened by a monopoly far more powerful, because in far closer touch with our domestic and industrial life, than anything known in our experience. A single generation will see the exhaustion of our natural resources of oil and gas and such a rise in the price of coal as will make the price of electrically transmitted water power a controlling factor in transportation, in manufacturing, and in household lighting and heating. Our water power alone, if fully developed and wisely used, is probably sufficient for our present transportation, industrial, municipal, and domestic needs. Most of it is undeveloped and still in National or State control. To give away this, one of the greatest of our resources, without compensation would be an act of folly. If we are guilty of it, our children will be forced to pay an annual return upon a capitalization based upon the highest prices which the 'traffic will bear.' They will find themselves face to face with the powerful interests intrenched behind the doctrines of 'vested rights,' and strengthened by every defense which money can buy and the ingenuity of able corporation lawyers can devise."

This is an expression of ex-President Roosevelt about the development of our water power and the duty of the Congress in relation thereto. Now I want to call attention to what the grange—perhaps the oldest farm organization in existence in America to-day—had to say about Muscle Shoals; and this report was adopted:

Regarding the Muscle Shoals project, in which the Government has already invested something over $100,000,000 of the people's money, we believe—

The Government should make the necessary expenditure to finish the plant and operate it for the benefit of all the people in the production of fertilizers and electricity. If this course is found to be impractical, we then recommend—

That Muscle Shoals be leased on the best terms obtainable, with the provision that fertilizers manufactured be distributed for agricultural purposes at cost. Any such lease should comply in every particular with the Federal water power act.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. SMITH. Just one minute, Mr. President, this resolution was submitted to the grange and adopted. It also adopted the resolution in which the expression from ex-President Roosevelt was contained.

Now, Mr. President——

Mr. HEFLIN. Before the Senator gets away from that, I should like to have him yield a moment.

Mr. SMITH. I yield.

Mr. HEFLIN. I hold in my hand a letter from the representative of the National Grange here in Washington, urging that this particular concurrent resolution be passed without amendment.

Mr. SMITH. Mr. President, I do not know what is the attitude of any individual here in Washington. I simply have read into the RECORD what was said by the grange in convention. Since the Senator has raised that point, let me say that it is not so much a question of what this official says or that official says; it is a question of what this body believes is its duty in the premises; whether, with this power developed and the machinery installed, ready to carry out the solemn mandate of a statute that is now on the books for the benefit of agriculture, having expended this amount of money for that definite and specific purpose, we are now to turn it over to a private corporation under a lease under the implied terms of which not only may the product be sold at whatever the company may deem is its cost, but we commit ourselves to 8 per cent profit. It is the old, iniquitous, indefensible cost-plus contract that swamped this country in its attempt to meet the exigencies of the war. The billions of indebtedness piled up on us now come from that iniquitous principle of cost plus.

Mr. President, I had intended and may yet decide to introduce at this time my resolution turning this matter over to the farmers in toto through the Agricultural Department, creating a corporation under the auspices of that department for the benefit of the farmers alone, and, if there is any surplus power, letting them sell it, take whatever profits accrue from that and invest them in cheapening the process of getting this ingredient during times of peace for the farmer. The bill that I introduced is practically the resolution that I intended to introduce; and the principle involved in that is that we shall turn over this matter to the Agricultural Department, and empower it to create a corporation like the Shipping Board or the Waterways Corporation, and run this plant solely and alone for the benefit of agriculture during times of peace, and certainly for the production of nitrates for the Army during time of war.

We have dedicated this plant since 1916 for this distinct, definite purpose. We, through our agency in the Agricultural Department, have outstripped the world in developing processes for fixing nitrogen and concentrating fertilizer. We have the plant equipped and the machinery installed. Why should we lease it to anybody, any more than we should lease our facilities for making investigations into the diseases that affect plant and animal life?

Mr. President, I am not going to take up any more time right now, because I do not want to infringe on the time of my colleague; but I desire to impress the Senate with the fact that wherever this proposition is known in its purpose and its possibilities there is not a single farm organization that I know of, there is not a real, good common-sense farmer but that understands that his only hope for relief from the intolerable burden imposed upon him now by the fertilizer manufacturers of this country is the hope held out by this project and by this expenditure of money by the Government, through the perfection of the plan of fixing nitrogen and combining it with potash and phosphoric acid, and making for him that for which he must now pay practically all the profits that accrue to him from farming.

Mr. SIMMONS. Mr. President, before the Senator takes his seat I desire to say that some question has been raised, both in this discussion and in the discussion of this subject before the Senate at the last session, with reference to the possibility of manufacturing nitrogen from the air at a cost that would enable the producer to sell the product to the farmer at less than he is now paying. I have not myself had any doubts about that. I have believed, and I still believe, that with proper economy and efficiency nitrogen can be made from the air at much less than we now have to pay for it; but, as I understand the proposition of the Senator from South Carolina as embodied in his proposed substitute, he thinks that the Government should not dispose of this property at Muscle Shoals, either for power or for any other purpose, until the Government itself has experimented with different processes for the purpose and with the intent of ascertaining whether this product can be made at a reasonable price and in sufficient quantities. Until that question is determined the Senator thinks the Government should not dispose of this property, for the reason that until that question is determined we do not know what this property is worth. I understand that that is the effect of the Senator's substitute.

Mr. SMITH. Yes; Mr. President. I should like to call the Senator's attention to the fact that since 1916, when the present law was enacted, there has been such a radical change in the process that scientists have reduced the cost, as expressed in the units of power, from 60,000 horsepower down to 4,000 horsepower to produce a given unit of fixed nitrogen.

They started with the arc process. They then took the cyanamide process and have modified now what was known as the Haber process to a point where synthetic nitrogen is produced. The process has been reduced in power requirements to the point where they are as 4 to 60 as against the arc process and 4 to 30-odd in the case of the cyanamide process; and I have samples, which I showed to the Senate the other day, showing the rapid progress that has been made in the art of fixing nitrogen in the form in which the farmer needs it.

Cyanamide now is not in the form in which the farmer can use it; nitric acid certainly is not in the form in which the farmer can use it; but in the form of what is called urea, or phosphoammonia, they have it in the experimental stage in the form where the farmer can use it just as you and I use nitrate of soda.

Is it not the part of breaking faith, to say nothing of folly, for us, right at the time when we have the power developed ready to go on with the experimentation, ready to determine the last word in the production of this necessary ingredient, to turn it over to a private corporation, for this reason: The dead work, as the inventors call it, is the pioneering in any art. Who is going to pioneer for the benefit of the farmer? You know and I know that if we lease this property to a private corporation and they discover a new process of fixing nitrogen, they will patent it at once and put up the price to as high a point as the traffic will bear. Roosevelt said that, as quoted by the grange in this resolution. If, however, the Government holds the property and discovers processes that do this thing, then it means that the farmers, through their own agents, will be the direct beneficiaries of the improvements of the process.

We put our hands to this plow for a specific, definite purpose, which was to develop the art and make it contribute to the welfare of agriculture. Now, after we have spent more than $150,000,000 in carrying out the mandates of the previous Congresses, when we have the machinery all set up, ready to go to work, we are asked to withdraw our hand and turn over the whole business to a private concern for their exploitation upon the cost-plus plan.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. SMITH. I yield.

Mr. OVERMAN. We have appropriated this year $225,000 for the research laboratory here in Washington to make experiments in regard to the production of nitrogen. If we lease the plant at Muscle Shoals and this laboratory discovers a cheap way of making nitrogen, the results of their investigation will go to the private corporation, whereas if the Government runs the plant, the discoveries will go to the Government to be used for the benefit of the farmers.

Mr. SMITH. Mr. President, I thank the Senator for that suggestion. We have appropriated $225,000 to carry on our research laboratory work, to discover processes by which we may get nitrogen in the form in which we want it, both quantative and qualitative. Now, it is proposed that we take the very machinery we set up for the benefit of the farmer and say to our research laboratory, "Any new discovery you make, any development you perfect, you are to turn over to this private corporation and let them benefit the farmer at cost plus." I am certainly obliged to the Senator from North Carolina for calling my attention to that.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. I yield.

Mr. SIMMONS. I recall very distinctly that when this matter was before us on a previous occasion the suggestion was constantly made, in connection with the adequacy of the price that the uncertainty of being able to produce this article at a reasonable price, the possibility of great losses in experimenting in trying to produce it economically and in sufficient quantity was so great that we ought to make allowances for that in fixing the price; that it was an element, and a very important element, which entered into the transaction, so far as the consideration to be paid by private individuals was concerned.

It was also very vigorously contended on this floor by many of us, by the Senator from Nebraska, by myself, and by a number of others, that the proposition then before us was a proposition that concerned itself chiefly with the development of power; that it was not, except incidentally, a nitrogen proposition; that if we leased the plant to this private company upon the terms then proposed, they would experiment, and if they found they could not produce nitrogen at as low a cost as the figure at which we can now buy it, of course, under the terms of the lease, they would not be required to produce it at all. In other words, we were dealing with a proposition which might eventuate, after certain experiments and failures, in a pure and simple power proposition. The Senator remembers that?

Mr. SMITH. Yes; I do. That was the burden of the whole argument.

Mr. SIMMONS. As I understand it, now we are dealing with a private corporation. They are to produce nitrogen and manufacture fertilizer for the farmer, the cost of producing nitrogen being an essential element in the cost of fertilizers. They are to sell the fertilizer to the farmer at actual cost, plus 8 per cent. If the actual cost shall be so great that after adding 8 per cent the farmer could not buy it, it would be unavailable to him. He would prefer to get his supply from Chile, or from somewhere else, because he could get it cheaper.

If the purchaser under this resolution is buying this property primarily for power, if they were so disposed, would it not be within their power to raise the cost of production to such a point that plus the 8 per cent the product would be no longer available to the farmer, thus losing to him the opportunity of having his fertilizer made in the United States and resulting in practically turning this great plant over to a power company?

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. SIMMONS. I ask the Senator if that might not be the result?

Mr. SMITH. If my colleague will allow me——

Mr. HEFLIN. Will the Senator yield right there?

Mr. SIMMONS. I wish the Senator from Alabama would allow me to carry on this colloquy a little further, because, unfortunately I have been absent; I have not been here during the debate, and I am trying to get some light on the proposition.

Mr. HEFLIN. I want to tell the Senator what the testimony is on that subject.

Mr. SMITH. Let me reply to the Senator from North Carolina, if my colleague will allow me.

Mr. BLEASE. Mr. President, if the senior Senator from South Carolina will be so kind as to accept it, I will just give him the floor.

Mr. SMITH. If my colleague will yield to me for just a few minutes, I will be obliged to him.

Mr. BLEASE. I will be very glad to yield now. The Senator knows a lot more about the subject than I do.

Mr. SMITH. The Senator recalls very clearly——

Mr. SIMMONS. Before the Senator goes into that, let me state just one point. My position about this matter has always been that I wanted this great power which has been developed, and a much greater potential power there that will hereafter be developed, to be used to the fullest extent necessary in order to supply the farmers of the United States with nitrogen. I am far more interested in that than I am in the power, because even if we do not develop any water power at Muscle Shoals, we have sufficient water power elsewhere in our country to run our industries.

Mr. SMITH. Let me say to the Senator right there, that, so far as the Government water power is concerned, that is no new thing. Everybody knows how to utilize water power, and we would not have appropriated 5 cents for Muscle Shoals if it had been proposed that the Government should go down there and develop water power.

Mr. SIMMONS. We have already developed 600,000 horsepower on the waters of North Carolina, and the undeveloped water power of North Carolina is so great that we may extend that to two and a half or three million horsepower. There is plenty of water power in my State for all commercial purposes. What we are concerned about primarily in connection with Muscle Shoals is the manufacture of fertilizer on this property which belongs to the Government in sufficient quantities to supply the farmer, and any condition, any provision, any contingency in connection with this contract which endangers the permanent use of this property for the making of a sufficient quantity of nitrogen to supply the American farmers is, to my mind, something indefensible.

Mr. SMITH. It is a perversion of the law.

Mr. SIMMONS. It is a perversion of the purposes and objects we have had in view. When the proposition was pending before I contended, and I now contend, that with the uncertainty of the possibility of developing nitrogen from the air sufficiently cheap to make it available to the farmer, until that question has been determined and until it is made certain that for all time to come a sufficient amount of this power will be dedicated to that purpose, I do not want the Government to dispose of the property. I do not want the Government to dispose of it until that happens, because I am exceedingly in doubt as to whether the companies which are now bidding for this property have in view at all the manufacture of fertilizer. I have an idea that their purpose is entirely concentrated in the development of power, and that they will, by one method or another, handle the situation so that fertilizer apparently can not be made there sufficiently cheaply to answer the purposes of the farmer.

Mr. HEFLIN. Mr. President, will the Senator yield just there?

Mr. SMITH. I prefer to answer that right at this point. Everyone of us knows that everything moves along the line of least resistance, and the readiest market is for power. Perhaps no hydroelectric power company in this country will make as great a profit as will be reaped through the leasing of Muscle Shoals on the terms proposed in all the measures that have been before us. I will not stop now to analyze that proposition. They are to pay so much interest on $50,000,000, the cost of the dam, less the amount ascertained to be the value of the improvements on the river to the Government as aids to navigation. That may reduce it to $30,000,000. They will get this tremendous power, with a market waiting and ready, with some transmission lines already constructed, with the transformers easily installed, the switchboards ready.

The Senator and the Senate know that the argument we have heard here about the likelihood of the manufacture of fertilizer at Muscle Shoals is without foundation. All the arguments we have heard are to the effect that we do not need that power to produce fertilizer. Therefore the Senator is right in his contention that if we lease this plant we will have leased a power project, and it will result, in my opinion—and I am sure the Senator agrees with me that it will result—in the production of nitrogen by whatever company gets it, with whatever processes are available, and the cost being found excessive, with 8 per cent added, they will say, "It is not feasible; therefore we want to be relieved from any further obligation to produce nitrogen." Then they will have our power plant.

Mr. SIMMONS. We would have to release them, would we not?

Mr. SMITH. Certainly we would.

Mr. HEFLIN. Mr. President——

Mr. SIMMONS. If we want an unbiased investigation of this——

Mr. HEFLIN. I could not permit that statement to go unchallenged.

Mr. SIMMONS. If we want thorough experimentation and investigation of the possibility of producing nitrogen from the air at a cost that will make it available to the farmers, we are more likely to get it through a Government agency than through a private agency.

Mr. SMITH. What object would the Government have in misleading the farmers when we have established this Nitrate Research Laboratory; when we consider the consecration of the Agriculture Department to the interest of agriculture, a branch of the Government set aside for that purpose, advanced to the standing of a department of our Government, the Secretary of Agriculture and his vast host of collaborators trying to analyze and state the problems of the farmers, and to solve those problems, spending hundreds of millions of dollars annually through this department to better the farmers' condition. Now, instead of leaving this project as we provided for it, it is proposed that we turn it over to a corporation whose interest it is to make profit, not fertilizer. They do not lease it with any other idea.

Mr. HEFLIN. Now, Mr. President, if the Senator will yield——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. The Senator has so much time in which to speak, and repeat and rerepeat what he has already repeated, and is still repeating that I think perhaps—well, I will yield.

Mr. HEFLIN. I should think the Senator would yield, when he states that we would have to release the man who entered into a solemn contract to make fertilizer. We would not do anything of the sort. We would hold him to the lease or cancel the lease.

Mr. SMITH. Does the Senator think we ought to hold him to the lease if——

Mr. HEFLIN. Hold him to the lease or let him get out of the way and give place to somebody who can make fertilizer.

Mr. SIMMONS. What would be the use of holding him to the lease if he was making the fertilizer at such a price that nobody could pay it?

Mr. HEFLIN. The testimony before the committee is to the effect that they could make it at half the price the farmers are paying to-day.

Mr. SMITH. I do not think that has been demonstrated yet. I have been zealous for the carrying out of this project, so zealous that I have prided myself upon the fact that the original act was a piece of constructive legislation, believing that as long as water flowed and as long as the transformation of energy was a fact it would be an eternal blessing to those who must till the soil.

We have not yet arrived at perfection in the process by which nitrogen is fixed from the air; that is, in an available form cheaper than they may get it now from the sources from which it comes. But, as I showed the other day, and I had the samples here on display, our research laboratory has already in an experimental way—understand, I am not saying in a commercial way, but in an experimental way—produced a form that is three or four times more concentrated than Chilean nitrates. They have combined not sodium with nitrogen, but they have combined phosphoric acid with nitrogen, they have combined potash with nitrogen in a concentrated form to the extent that a ton of 2,000 pounds contains 1,850 pounds of these three necessary plant foods as contradistinguished from and as compared with the ordinary present commercial fertilizer, which in a 2,000-ton has 1,700 pounds of dirt and only 300 pounds of plant food. The saving in freight alone to the farmer on 8,000,000 tons of fertilizer is estimated to be $16,000,000 on the dirt alone.

Under the present process of manufacturing fertilizer the fertilizer manufacturer takes the raw material as he finds it. Let us take, for illustration, nitrate of soda. There are 15 pounds of nitrogen in every 100 pounds of nitrate of soda. That means there are 85 pounds in elements that nobody wants, and that the field would be better off without—the sodium that contains the nitrogen. Let us take potash, or kainite, which the Senator from North Carolina has pointed out is the common form of German potash that we use. It has only 12 pounds in 100 pounds of the container, the most of which is chlorine. They take the kainite and grind it and they take the soda as it comes from Chile and grind it, and mix in such proportion as to make an 8–3–3 product, but there are only 300 pounds of actual plant food in a ton of 2,000 pounds. We are paying freight on 1,700 pounds of material that we do not want and would rather not have, hauling it from the depot to the farm and distributing it on the farm, to say nothing of the cost of the shipment of the raw material from Germany and Chile to this country.

I dare say that the freight alone on the raw material to the mixing plant and from the mixing plant to the farm would, it is conservative to say, entail a loss of between $25,000,000 and $30,000,000 annually. It is profitable to the fertilizer people to do this. They are getting just as great a percentage of profit on the money invested as they would get out of the concentrate, but the railroads, on the other hand, get just as much for hauling the dirt as for hauling the plant food. Not only is that true, but the cost of these materials is beyond your control and my control. Why? Because the Germans fix the price of their potash shipside and the Chilean fixes the price of nitrate shipside. Then all of the intermediaries who handle it have got to add on their cost and profit, so that when it arrives at the farm it arrives with the tax of the Chilean Government on it, it arrives with the German tax, and the transoceanic freight plus the local freight, plus the grinding, plus the charges of the wholesaler and retailer, and plus the charges of the ordinary dealer around our little stations. When it arrives in the farmer's hands it comes with that host of profits added.

Now, what is your duty and what is my duty? Our bureaus say they are developing a process by which 1,850 pounds of actual plant food will be in every ton of fertilizer, so that when we haul 2,000 pounds we will get practically 2,000 pounds of plant food. We not only get that valuable product but we have no cost save the cost of the plant and the wages of our men whom we put there. Is it not your duty and is it not my duty and the duty of other Senators who recognize the helpless condition in which agriculture now finds itself to find the best method to fertilize the soil? Upon the fertilization of the soil, as Senators know, depends not only the present but the immediate and distant future of this country. God is not making any more land, but He is making more population. The bigger the population the greater the demand upon the land. The greater the demand upon the land the greater the demand for fertilization, and we as constructive statesmen must find the means by which we can adequately enrich the soil.

To whom are we going to leave the solution of the problem? To whom did we leave the eradication of the foot-and-mouth disease? To whom did we leave the eradication of the cattle tick that cost the country hundreds of millions of dollars? To whom do we leave the activities in looking to the benefit of the farmer generally? We have left everything to the Agricultural Department with one exception. We have arrived at a point where we now can turn over to the farmer a process that will relieve him not only of the apprehension of his land being depleted but also with a guaranty now almost ready to be made that he shall find an adequate supply at cost. But when we get there we stop. Why? In my opinion it is because there never has been established in this country a corporation to manufacture the dip for the eradication of the tick.

We did not have in this country some one who could provide the means by which the boll weevil, upon which we spent about $13,000,000, might be checked or destroyed. But when we come to the question of fertilizer, we are face to face with an organized and entrenched manufacturing process, and, therefore, we must not touch the proposition. That is the holy of holies. We saw it demonstrated here the other day when we had the tax measure before us, in which was a provision for not taxing the reserve funds of mutual cyclone insurance companies, mutual storm insurance companies, mutual hail insurance companies, but when we came to mutual fire insurance companies the provision did not apply. I suspected then and suspect now that, consciously or unconsciously, because of the establishment of old-line fire insurance companies, it was felt that we were interfering with them and that we should not do such a thing.

Now, I want to take up another phase of the subject.

Mr. NEELY. Mr. President, I desire to submit a parliamentary inquiry, if the Senator from South Carolina will permit me.

The PRESIDING OFFICER. The Senator from West Virginia will state his inquiry.

Mr. NEELY. Who has the floor?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. NEELY. There remain but two hours for general debate. In order to give others an opportunity to speak, I call for the regular order. If the junior Senator from South Carolina has yielded to his colleague——

Mr. SMITH. He has yielded to me.

Mr. NEELY. Then the senior Senator from South Carolina has the floor in his own right.

Mr. SMITH. Yes; and if the Senator will pay strict attention, he will find that I am enlightening him along lines in which he ought to be interested, and I know that he is interested.

Mr. NEELY. I am very much obliged to the Senator for that statement, and I am always glad to hear the Senator, but unfortunately he is not answerable to my constituents. I prefer to state my position on the matter for myself, although I know that the senior Senator from South Carolina believes that he can do it infinitely better than I can.

Mr. SMITH. I want to state to the Senator that I am cognizant of the fact that the time is limited. I have not used very much time.

I call attention now to another phase of the subject that has not been dwelt upon at all. It was touched upon very briefly by the Senator from North Carolina [Mr. SIMMONS] a few moments ago. It has been testified by experts that we can produce nitrogen under the synthetic process by use of the steam as cheap as or cheaper than we can produce it by the use of water. That is an argument in our favor for this reason. If we have 100,000 horsepower developed at Muscle Shoals, the more we reduce the power necessary to produce a unit of fertilizer, the more we can produce. If we get it down where the minimum of water power is needed to produce a certain unit of nitrogen, just in that proportion will Muscle Shoals give the promise of creating sufficient power to fix from the atmosphere a sufficient amount of nitrogen to supply the needs of the entire

fertilizer requirements of America. I believe as firmly as I am standing here that according to the table submitted by the Bureau of Soils and the experimentations now going on at our research laboratory, we can produce enough pure nitrogen, precipitated in conjunction with other chemicals in the form of the three ingredients that I have named, to make enough tonnage to supply the entire fertilizer needs of America.

Several Senators have spoken about 40,000 tons of pure nitrogen. That, translated into terms of 8-3-3, would mean something like 250,000 or 300,000 tons of mixed nitrogen in the form of commercial fertilizer with the filler. But with the perfection of the experiments they have already made, if upon a test at Muscle Shoals they should find it to be possible of manufacture in commercial quantities, there can be produced enough fertilizer at Muscle Shoals to supply the fertilizer demands of America. The source of nitrogen is unlimited. The source of phosphoric acid is unlimited, and so is the source of our potash, if experimentation turns out to be a commercial proposition and practical. The green shales of Georgia and the green sands of Jersey, where they are found, are sufficient to mix with the nitrogen we make to supply the whole fertilizer demands of the country. The question is, Why shall we not hold on to the property and utilize all the power, if necessary, in developing the project?

Mr. SIMMONS. Mr. President, I read a statement recently that when the World War closed Germany was importing about a million tons of nitrate of soda per annum.

Mr. SMITH. That was when the World War began.

Mr. SIMMONS. The Senator from South Carolina is right about that; it was when the war began that Germany was importing annually about 1,000,000 tons of nitrate soda.

I have read a further statement that to-day Germany is not importing more than 24,000 tons per annum.

Mr. SMITH. Germany, I think, now has two plants, which are producing more than sufficient for her needs. She is now exporting nitrates and is outstripping the world in her production per acre by the application of fertilizers.

Mr. SIMMONS. The Senator from South Carolina has studied this question very thoroughly, probably more thoroughly than has any man in the Senate, certainly more thoroughly than have I. I have read the additional statement that the very foundation and basis of Germany's great agricultural development before the World War was the cheap fertilizer that she supplied through Government agencies.

Mr. SMITH. And which she is still supplying.

Mr. SIMMONS. And which she is still supplying, I understand, until this day through the Government agencies to the farmers of that country, and further that the productivity of her soil had been enormously increased by the use of cheap fertilizers, the basis being nitrogen made from air, as I understand.

In this country, where our agricultural lands are better than Germany's and where, of course, we have a vast domain, why is it that private industry—unless the reason be that it is restrained by combinations and trusts—has not up to this time undertaken to supply to the extent that Germany has this need of the farmer?

Mr. SMITH. I think the answer to that is very plain, Mr. President. Fertilizer manufacturers are making sufficient profit and supplying the trade by the present processes.

Mr. SIMMONS. If that be so, why should we now trust to private enterprise to do a thing that it ought to have done long ago, but has not done? Why should not the Government proceed with this matter, especially in view of the fact that the Government owns this plant and has spent millions of dollars in its development for a specific purpose? Why should we give up that property until we shall have determined whether in this country, as in Germany, we can get all the nitrogen that we need from the air?

Mr. HOWELL. Mr. President——

Mr. SIMMONS. Just a moment further.

I wish to say a word further to the Senator from South Carolina [Mr. SMITH]. A little while ago he spoke about the enormous demand in this country to-day for fertilizer and its great benefit in increasing the productivity of the soil. Does not the Senator believe that the present demand for fertilizer in the United States is only a bagatelle in comparison with what it is going to be in the future?

Mr. SMITH. The present demand for fertilizer is a mere bagatelle in comparison with what it will be in the future if it should be cheaper.

Mr. SIMMONS. Let me develop my point. Take my own State of North Carolina. In a few years we have advanced in agricultural production from about the twentieth or twenty-fifth in rank among the States of the Union to about the fourth in the value of agricultural commodities which we produce. We in North Carolina are the greatest users of fertilizer of any State in the Union. The soil of a large part of our territory was naturally sterile and unproductive, but we have made that soil rich and fertile by the use of fertilizers. We use a million tons of fertilizers each year, and that is the secret of our enormous output of agricultural products in the State of North Carolina as compared with the other States.

As the agricultural sections of the country become convinced that by the liberal use of fertilizers—and we use fertilizers very liberally in North Carolina, putting sometimes an entire ton of it on 1 acre of ground—they can enormously increase their output and their profits. May we not look for a condition in the country at large similar to that which I have described in North Carolina? May we not look for the great West, where the people are wearing out their lands cultivating wheat continuously year after year without fertilizer, reducing the original average from 25 to 30 and possibly as high as 50 bushels of wheat to the acre down to 12—may they not when they realize the great benefit to America by the use of fertilizer reconstruct their methods and resort to fertilizers as we have done in North Carolina and as the people are beginning to do in every State in the South to a greater extent every year? If that shall happen, as I predict it will happen in the course of the near future, the demands of the United States for fertilizers will then be tenfold greater than they are to-day.

I am merely giving my crude and offhand impressions about this matter; I have not studied it extensively, and I am making this statement for the purpose of eliciting from the Senator from South Carolina—whom I recognize as the greatest authority, probably, in the United States or in Congress upon this subject—his views with respect to the subject. If it be true that we are entering upon an era where fertilizer is to become the chief reliance of the farmer in multiplying his production, so that his production may become more profitable and more helpful to the country and may increase our wealth and our exportable surplus, why is it not wise for us now to do that thing which we have neglected to do in the past and lose no opportunity, no possibility of providing for the farmer a cheap fertilizer?

Mr. SMITH. I should like to call the attention of the Senator from North Carolina, as illustrating what he is trying to impress upon the Senate, to the fact that in my State he will recall that by the intensive use of fertilizer the famous Jerry Moore produced two hundred and thirty-odd bushels of corn on 1 acre. Of course it was not profitable to produce that amount of corn with the price which he had to pay for the fertilizer used on that acre; but suppose he had not been required to pay as much as he did for the fertilizer, under the law of increasing and diminishing returns, he might have produced that two hundred and thirty-odd bushels of corn at a profit.

If the country had needed corn and the question of the cost of fertilizer had not entered into it, as in the case of the defense of the country during the time of war, what could our section produce? And, mark you, Mr. President, that 230 bushels of corn was produced on what is known as the "blackjack" land of the Piedmont section.

Mr. SIMMONS. Which is very poor land, I understand.

Mr. SMITH. It is very poor land, being a thin sandy loam. Mr. Drake, of Marlboro County, under the measurement and supervision of Government officials, both of the State and the National Government, years before, on a better improved piece of land, made 250 bushels, such as is ordinarily made anywhere on from 10 to 20 acres. It is a good average yield of corn throughout our section to have 15 bushels to the acre. That will enable Senators to understand what fertilizer means to the soil. There are Members of the Senate from the Southern States who know that as much as 4 bales of cotton have been made on 1 acre, with an excessive amount of fertilizer. When I use the word "excessive" I mean excessive as to cost, because as the yield is increased the amount of fertilizer necessary to increase that yield is multiplied after a certain point is reached. The soil responds more liberally to the first few hundred pounds than it does to the subsequent ones; but it still responds up to a certain maximum, which was expressed in 250 bushels of corn to the acre and 4 bales of cotton to the acre. That tells the economy of the situation. Not only is more obtained per acre by the use of fertilizer, but it costs just as much to cultivate an acre of corn that yields 15 bushels as it does to cultivate an acre producing 230 bushels. It costs just as much to cultivate an acre of cotton that will produce 4 bales as one that will produce a half a bale. So I state here to-day that the paramount question in the future of this country is the adequate fertilization of our soil, and the only hope that we have of solving that problem along eco-

nomic lines is for the Government to carry on without any other incentive than to solve the problem and determine what we may do in the terms of things that we have.

Mr. NEELY. Mr. President, will the Senator from South Carolina yield to me to present a request for unanimous consent?

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. SMITH. Yes.

Mr. NEELY. Mr. President, I ask unanimous consent that between now and 3.30 o'clock p. m., the time at which we are to vote on this measure under an existing order, no Senator shall speak more than once and no Senator shall speak for more than 15 minutes. I make that request in behalf of a number of Senators who have not had an opportunity to discuss the pending question.

Mr. HEFLIN. I agree to that, Mr. President.

Mr. JONES of Washington. Mr. President, I myself have no objection to the request, but when a similar request was made the other day objection was made. There is now a very small attendance of Senators here, and I do not believe that such an agreement ought to be entered into under the circumstances.

Mr. NEELY. It is obvious, Mr. President, that there are a sufficient number here to consume all the time between now and 3.30 o'clock and probably all the time for the next week at the rate at which we are going. So I insist we have a right to have those who are now in the Chamber, especially interested in this question and listening to the debate, determine how the remaining two hours shall be consumed.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I hope he will withhold his request for a moment.

Mr. JONES of Washington. I withhold the request for a moment.

Mr. SMITH. Mr. President, I have the floor, and I want to make a statement.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. JONES of Washington. I withdraw the suggestion.

Mr. SMITH. Mr. President, I have no desire whatever to cut off debate, and I am not going to retain the floor any longer. This matter is of such intense interest to me and, I am sure, to the agricultural interests of this country, that I had hoped the United States Senate would have taken a more personal interest in it than they have done. I think it is a mere gesture that we are going through with now; there is no sincerity in it, because we can not afford and should not allow any private interest to have this great project, regardless of what is the fate of the resolution now pending and regardless of what bids shall be offered. It is our duty to take this matter seriously and to hold on to Muscle Shoals until we have developed the possibilities of relief along the lines of the present statute, and at the proper time I propose to offer my substitute for the entire resolution.

Mr. JONES of Washington. Mr. President, may I ask the Senator from West Virginia to withhold his request for a little while until I can send for the Senator from Nebraska [Mr. NORRIS] and he can be in the Chamber. He objected to a similar request the other day.

Mr. NEELY. If I can get recognition for a few minutes I will withdraw my request entirely.

Mr. HARRISON. Mr. President, if the Senator from West Virginia withdraws the request I shall renew it. I hope that some limitation shall be made upon the speeches between now and 3.30 o'clock.

Mr. HEFLIN. Mr. President, the request will be renewed a little later, but I suggest that the Senator from West Virginia be permitted to proceed now. He will not speak over 15 minutes, I understand.

Mr. NEELY. I will not consume anything like 15 minutes. I think I have consumed something like four minutes since the question has been before the Senate.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

Mr. NEELY. Mr. President, more than 100 years ago President Monroe and his Secretary of War, John C. Calhoun, laid Muscle Shoals, like an unwanted child, on the doorstep of the Congress. Ever since the day of its entry into this body it has been a most perplexing, persistent, and pestiferous guest. During the past century Muscle Shoals has consumed the time of legislators, marred their parliamentary programs, deluded those who have desired the distribution of its power, and bitterly disappointed every farmer who has ever hoped to enrich his impoverished soil with the fertilizers which could be so cheaply made by a proper utilization of its potentialities.

This project has cost the taxpayers of the Nation, including principal and interest, at least a quarter of a billion dollars.

Muscle Shoals has proved to be more vexatious and expensive to the American people than the plagues of the frogs and the flies and the locusts and the lice were distasteful and disastrous to the ancient Egyptians who endeavored to perpetuate the bondage of the children of Israel.

In current slang Muscle Shoals has become as irritating and intolerable as a "northeast blister on a southwest sore."

Between 1828 and 1838 the Government made a donation of 400,000 acres of public land, with the proceeds of which the State of Alabama constructed the first canal and locks at Muscle Shoals.

In 1899 the second great improvement was completed at an additional cost to the Government of $3,191,726.50.

In the latter part of the year 1917 the Chief of Engineers of the Army directed the expenditure of $500,000 for the beginning of the construction of lock and dam No. 2.

In February of the following year President Wilson authorized a further expenditure of $12,630,000 for the completion of this dam.

In addition to the foregoing the Government has constructed two nitrate plants at the shoals and purchased the near-by Waco quarry for use in the manufacture of fertilizers.

Nitrate plant No. 1, which was authorized in September, 1917, is equipped for the manufacture of gas, ammonia, ammonia oxidation, acid concentration, ammonium nitrate, and power. It cost the Government $12,887,941.

Nitrate plant No. 2 has a capacity of 110,000 tons of grained ammonium nitrate a year. Its various subdivisions are equipped to manufacture calcium carbide, cyanamide, liquid air, ammonia gas, nitric acid, ammonium nitrate, and power. This plant, together with the Waco Quarry, cost the Government $67,555,355.

All told the Government has already invested 400,000 acres of land and more than $122,000,000 in cash in Muscle Shoals. So far this investment has been almost entirely unproductive. It is high time that the people derive some benefit from their vast expenditures for the development of this enterprise.

Ever since I came to the Senate I have advocated Government operation of this great natural resource. At this late hour I shall not attempt to refute the charges that governmental operation in this instance would be a socialistic step toward the nationalization of all industries. Suffice it to say that for reasons apparent to every thoughtful person governmental operation of Muscle Shoals is not even remotely related to governmental operation of coal mines or steel mills or other ordinary industries.

From an economic and strategic point of view, Muscle Shoals is similar to the Panama Canal. Every consideration that has impelled the Government to operate the Panama Canal should impel it to operate Muscle Shoals. Each was purchased with the people's money. Each is necessary to the Nation's prosperity in time of peace; each is indispensable to its security in time of war.

While Muscle Shoals should always be immediately available for the production of munitions in time of war, it should in peace be utilized first of all in the manufacture of fertilizers for the benefit of the farmers, whose present financial condition is more deplorable than that of any other class in the country. While the press has boasted of the phenomenal prosperity of the captains of industry and the extraordinary increase of wealth of those who deal in stocks and bonds, under the present and preceding administration the farmers of the nation have, nevertheless, during the same time grown poorer and poorer and apparently lost the greater part of that which other classes have won.

For example, on the 1st day of January, 1921—a little more than two months before Mr. Harding's administration began—the value of farm property of the Nation was $79,000,000,000. On January 1, 1926, the value of the Nation's farm property was only $59,000,000,000. This deplorable shrinkage in value meant a dead loss to the farmers of $20,000,000,000 in the short space of five years. The farmers have received no more benefits from the present and preceding administration than Lazarus received at the rich man's gate.

Let me invite the Senators on the other side of the aisle to atone for their derelictions of the past by helping to-day to provide for immediate governmental operation of Muscle Shoals to capacity in the manufacture of fertilizers to be furnished to the farmers at the lowest possible cost to the end that they may reclaim their exhausted soil and extricate

themselves from the financial slough of despond in which they have suffered ever since the end of the Wilson administration.

But, Mr. President, I confess that my past experience with the lawmakers of the Nation renders it impossible for me to cherish any optimistic anticipations as to the result that will be recorded when we vote on the pending concurrent resolution and the proposed amendments thereto at half past 3 o'clock.

No one can be oblivious to the fact that wealth and privilege are more nearly supreme in the United States to-day than they have ever been before. The country is in the grasp of a materialism as crass as any that Nietzsche ever taught or of which the Kaiser ever dreamed. In the circumstances, the Congress will perhaps succumb to the general clamor for the exploitation of Muscle Shoals by some private concern, instead of authorizing its operation by the Government in the interest of all the people.

But, if after a hundred years of expensive debate and deliberation the Senate can not be persuaded to provide for Government operation of this enterprise by virtue of a substitute resolution that will be offered by the able senior Senator and successful farmer from South Carolina [Mr. SMITH] we shall be forced to the conclusion that it would be useless further to continue the struggle to prevent monopolistic hands from operating Muscle Shoals.

I have offered three amendments to the resolution, each of which is designed to safeguard the interest of the public. The third of my amendments is, in my opinion, of the most vital importance. It provides that in any lease that may be executed by virtue of the adoption of the resolution before the Senate, there shall be reserved to the Government the right, after a year's notice in writing, to take over Muscle Shoals and all of its improvements upon the Government's paying to the lessee the actual cost of such improvements and 6 per cent interest thereon.

If this amendment prevails, and the resolution as thus amended is adopted, it will never be necessary for the Government to suffer more than a year as a result of any unfortunate contract it may make for the operation of the Shoals.

But regardless of the adoption or rejection of any or all of the various amendments and substitutes that have been or may be proposed, I purpose to vote for the best immediately available solution of this century-old problem in order to end its obstruction of other necessary legislation. If we should adopt the resolution without amendment, and thereby demonstrate anew the truth of Mr. Burke's pessimistic dogma that "the deliberations of calamity are rarely wise," I shall endeavor to find comfort in the fact that practically all of my constituents who have favored me with an expression of their opinion on the subject we are considering have urged me to vote for the pending measure.

If the Senate places its stamp of approval on the resolution, and Muscle Shoals thereby becomes the valuable possession of some private concern, the eloquent and able junior Senator from Alabama will be entitled to all the credit for the accomplishment. Throughout his long, vigorous, and most effective advocacy of the private operation of the Shoals it might have been very appropriately said of him, as it was once said of another famous orator:

> His mighty words like Jove's own thunders roll;
> Greece hears and trembles in her inmost soul.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New York?

Mr. NEELY. I do.

Mr. COPELAND. I hope the Senator will press his amendment providing that the lease be reported back. I assume, from what the Senator says, that he will do that at the proper time.

Mr. NEELY. Of course, I shall urge the adoption of all the amendments I have proposed, including the one to which the Senator from New York has referred.

Mr. FESS obtained the floor.

Mr. JONES of Washington. Mr. President——

Mr. FESS. I yield to the Senator from Washington.

Mr. JONES of Washington. I was just going to announce, when I saw the Senator from Nebraska [Mr. NORRIS] coming in, that he had no objection to limiting debate, if it is desired to submit that request again.

Mr. HEFLIN. Then, Mr. President, I submit it, unless the Senator from Ohio objects.

Mr. FESS. No. I desire to take the floor for about 10 minutes.

Mr. HEFLIN. I ask unanimous consent that debate hereafter until half past 3, shall be limited to 15 minutes; that no Senator shall speak more than once or more than 15 minutes.

Mr. FESS. I have no objection.

Mr. BLEASE. Mr. President, does that mean on the entire proposition? Suppose a Senator wanted to speak on the proposition itself, and then wanted to speak on one of the amendments?

Mr. HEFLIN. He must make his entire remarks in the 15 minutes.

Mr. BLEASE. Then I object. I object to these time limits, any way. I want to say now, while I am on my feet, that I never expect, in any matter in which I am interested, ever again to consent to any unanimous-consent agreement to vote at a specific hour unless it is agreed beforehand that each side of the proposition shall have one-half of the time, and that the Chair or somebody interested on each side shall divide that half. We tried this thing here once before, and we got into confusion. One Senator took the floor and kept it, and we are in pretty good shape to be in the same fix right now.

In matters in which I am not interested I do not propose to make any objection; but in the future I do not propose to agree to any request for unanimous-consent to vote at a specific hour unless there is some agreement as to division of time. I object to this proposition now for the same reason.

Mr. HEFLIN. Mr. President, right in that connection, if the Senator from Ohio will permit me, I desire to state that 16 hours have been consumed by the opponents of this concurrent resolution, and about three and one-half hours by those who favor it. We who favor it are making the proposition now to limit debate, and I suggest to my friend from South Carolina that we have not had even half or anything like half the time.

Mr. BLEASE. It is already limited to 3.30, as I understand. Let the Senator take the floor and keep it. I have no objection.

Mr. HEFLIN. I do not want to do that. It would not be fair to other Senators.

Mr. BLEASE. I am not going to agree to cut off Senators who are not here. I understand that it is their duty to be here, but a lot of them are not here.

Mr. HEFLIN. I have no desire to cut off those who would like to speak. I desire to be heard in the latter part of the debate for 15 minutes; that is all.

Mr. FESS. Mr. President, I will not detain the Senate more than 10 minutes. I simply want to make a statement of the situation as it appears to me.

The first time the Muscle Shoals proposition was given prominence in the Congress was back in 1889. In looking over the RECORD, I find that at that time an appropriation for the development of Muscle Shoals was proposed and put in a bill, but it went out on a point of order. Almost ever since that time there has been more or less interest in the possibilities of the development of that great project.

I have never been in favor of it. In fact, I was convinced that it probably would be an undertaking which would result in the loss of a great amount of money, and in all likelihood would not prove itself of value. But when the war opened and we established the nitrate plant and found ourselves involved, first, to the amount of $20,000,000, and then in due time to the amount of $60,000,000, we faced a situation which, in the words of a great Democratic statesman of other days, was not a theory any longer but was a condition. As a Government we have a very large amount of money invested in that great project, to say nothing about the purpose of it. That being so, the only alternative, it seems to me, is now either to use it or junk it, and I doubt whether anyone would think it would be wise to junk a proposition in which we have spent so much money. I have heard persons say they were willing to junk it rather than to undertake the running of it by the Government; but I doubt whether that is a sincere statement.

The truth about the matter is that we have the money invested, and I think the alternative of junking it is out of the question. Therefore we must go on with it. It is either go on with it and complete it as a Government proposition, and then operate it as a Government proposition, or sell it if we can find a buyer, or lease it, retaining the title in the Government, but having it operated under the form of a lease, with conditions specified. It was thought we could sell it, and an offer was made by a distinguished business man. When that offer was made, I thought it was rather an unconscionable offer—there was so small an amount of consideration money offered, with such a tremendous value to be conveyed, and I confess that I reacted unfavorably to the sale of it to Henry Ford. Yet the further I went into it, the more I was convinced that even the Henry Ford proposition would be preferable to the Government operating the plant under its own management. But the Ford proposal was withdrawn, and that is out of the question now.

Then, in the last Congress, a proposal was made by the senior Senator from Alabama [Mr. UNDERWOOD], which seemed to be an entirely feasible one, that the authority be given to lease the project, and if we failed to get a lease, then, of course the Government would have to operate it. All sorts of objections were made to that proposal. I supported it, believing that that was the most feasible proposal which had been made up to that time. But we failed in that, and during the discussion the objection to having definite action at that time on the Underwood proposal was met by the suggestion that we appoint a commission to further study the situation, discover the best plan of disposition, and have it reported back to the Congress. There was some objection to that. During the discussion I noted that while certain Senators felt that it was an executive proposition, others felt that it was giving too much power to the President, and there was considerable opposition from that angle.

Now, we have a new proposal, different from anything we have had heretofore. Instead of having a joint resolution or a bill, which would have to be signed by the President, we have before us a concurrent resolution, which does not require the President's signature, and that is to insure that there will be a report back to the Congress, and the charge that the President is all ready with a bidder in mind, with his mind made up, would fail. Yet I have been somewhat astonished to hear certain utterances on the floor of the Senate to the effect that we are now trying to get away from the President his proper responsibility to take the initiative. The truth about the matter is that there is an effort to make the best possible disposition of this tremendously important project, in which we have so much money already expended, to make the best possible proposal to get a definite policy upon it, and it seems to me that this is the most feasible proposal that has yet been made, even more feasible than the one we failed to adopt at the last session.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FESS. In just a moment. I am inclined to believe, after studying it up one side and down the other, that the thing to do is to pass this resolution without any amendment whatever and give it effect as a concurrent resolution. Then the committee will come back to the Congress with whatever proposal they have, and, as a responsible officer said to me the other day, we will have the whole thing to go over again. This does not dispose of it, but this does offer a way for a specific proposition to be adopted or rejected, and if we fail in leasing the plant—and I hope we will not, under proper conditions, of course—then let the Government go on and operate it as a Government project. That would be, from my standpoint, the last resort. I do not want to have the Government do that, but I would rather have the Government do that than to junk the plant.

For these reasons, I hope the resolution will be passed just as it has been introduced.

I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, the distinguished Senator from Ohio is a strict constructionist, if I recall correctly. What has he to say to the clause in the original act, when this was provided for in 1916, where it was provided that—

> the plant or plants provided for under this act shall be constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

My question is, in view of the fact that that language was used in the original act and is really a part of our contract with the people of the United States, does not the Senator think that we are under obligations to operate this plant as a Government plant?

Mr. HARRISON. Mr. President, will the Senator from Ohio yield while I submit a request for unanimous consent?

Mr. FESS. I yield.

Mr. HARRISON. I submit the request that, after the Senator from Ohio shall have concluded, no Senator may speak longer than 15 minutes or more than once up to 3.30 o'clock to-day, which, I understand, is the hour when the vote is to be taken.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FESS. In reply to the Senator from New York——

Mr. COPELAND. Just one moment. I have not quite finished my question.

Mr. FESS. I yield.

Mr. COPELAND. Are we not under obligation to the people of the country, in view of this clause in the original act, to operate the plant under Government auspices, certainly until the Government has demonstrated what should be the ultimate disposition of the property?

Mr. FESS. Replying to the Senator, I would remind him that when the first appropriation was made it was on the basis of national defense. It was to build a plant to produce a certain product, and that was to be primarily for defense, at a time when the war was raging in Europe, and we were quite certain that we could not stay out of it. That is the reason why Congress yielded to a thing which up to that time, year after year, it had declined to enter upon, and, as I stated before, that opened the door. One appropriation after another was made until we had gone from the $20,000,000 to away beyond $100,000,000. So we announced what the purpose was in the national defense act, to wipe out much of the prejudice which had up to that time opposed the Government doing this sort of thing. It was to remove any sort of suspicion that the Government was doing anything more than to take care of national defense.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. FESS. I yield.

Mr. NORRIS. That provision was put in the original act.

Mr. FESS. Yes; so I understand.

Mr. NORRIS. That provision was in the act before we appropriated any money. It has been the standing law for the appropriation of every dollar we have ever spent since. Having acted on that principle all these years, and taken $150,000,000 of the people's money on that expressly stated condition, does not the Senator think that now, when we have the project completed and the people's money spent, it is at least quasi bad faith to give the plant away to somebody?

Mr. FESS. Of course, the Senator from Nebraska knows it is not. Whatever we might have done in one Congress, a succeeding Congress could amend the policy or amend the law.

Mr. NORRIS. Would it not have been good faith on our part, if we were going to amend it, to have amended it immediately when we made these appropriations?

Mr. FESS. Very likely we could not have amended it at that time, because of the strength that was back of the Government operation and the ownership policy, as is the case now. That is the difficulty right at this moment. I do not care what Senators' phraseology may be, this is a contest between Government-operation people, with whatever coloring might be used to camouflage their position, and the people who believe in private enterprise, and if at one time we decided, as the only thing we could do, that it was Government operation, we certainly can change it to a different policy later on. Or if it at one time was a lease, we can change that in a subsequent Congress to the Government-operation plan. Certainly a prior Congress can not bind this Congress to anything, and these Senators know that. That is the most fundamental thing that we have in legislation.

Mr. LENROOT. Mr. President, may I suggest to the Senator that when the original act was passed it was assumed that the fixation of nitrogen from the air would be an unqualified success and that this power was required for that purpose. The conditions have greatly changed.

Mr. FESS. That would be another conclusive reason why the policy should be modified.

Now, in the interest of others who want to speak, I shall conclude. I just wanted to make a bare statement of the situation as it appears to me. I shall not only vote for the concurrent resolution, but I am inclined to vote against any amendment that is offered.

Mr. COPELAND. Mr. President, I shall not detain the Senate long, but I did want to ask the Senator from Ohio another question or two. He says this is a contest between those who believe in Government ownership and operation and those who do not. I do not think that is quite fair. We have made a tremendous investment in this property, $167,000,000.

We did it under the specific pledge to the people, as I see it, in the clause which we find in the original act. I do not believe the people in the country would have been satisfied to put this tremendous amount of money into the project even under the conditions which prevailed then if it had been thought that the property would be ultimately turned over to private interests. It is my position that the Government has not yet demonstrated what should be done with Muscle Shoals, and I am utterly unwilling myself to vote to turn this tremendous project over to private interests until that determination has been made.

It is not, as the Senator from Ohio [Mr. FESS] suggested, a contest between those who favor public ownership and operation and those who believe in private ownership. It is a matter of keeping faith with the American people in this particular project. It has no relation to the general question of public versus private ownership. I do not believe that we should hastily and inconsiderately take a step to-day which would take away from the people of the country their great

investment in this great power with its undeveloped possibilities, because we do not know what its possibilities are. We do not know what will be the ultimate use of Muscle Shoals. It is safer for us, as I see it, to keep the property in our possession until that determination is made. Therefore, so far as I am concerned, I am in opposition to the concurrent resolution.

Mr. SMITH. Mr. President, I do not know but that it would be wiser to let the joint resolution which I am about to introduce lie over until such time as some disposition shall be made of the pending concurrent resolution. My first impulse was to ask for a vote on the joint resolution, but I feel that it really constitutes the agriculturalists' bill for Muscle Shoals that goes somewhat beyond the Power Trust, the Fertilizer Trust, and I want this to stand as the bid of the agricultural interests of the country. They have only one organization that is a national organization that is permanent, and it is the Agricultural Department. In behalf of the farmers of the country I want to have the joint resolution stand in the nature of a bid. I shall decide before the vote is taken on the pending concurrent resolution whether I shall ask for a vote on the joint resolution at this time or whether I shall wait until such time as the concurrent resolution is disposed of.

I now introduce the joint resolution and ask that it may be read.

The VICE PRESIDENT. The clerk will read as requested.

The joint resolution (S. J. Res. 68) to provide for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., and for other purposes, was read the first time by its title and the second time at length, as follows:

Whereas under section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, it is provided that "The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital"; and

Whereas the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala. (excepting nitrate plant No. 2), were acquired and constructed pursuant to the authorization contained in section 124 of such act of June 3, 1916; and

Whereas it is for the best interests of the people of the United States that such properties (including nitrate plant No. 2) shall continue to be maintained and operated by the Government and dedicated to the uses specified in section 124 of such act of June 3, 1916: Therefore be it

Resolved, etc., That all the functions vested in the President by section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (including such of those functions as are now being exercised by the Secretary of War and the Secretary of Agriculture, respectively), and all functions with respect to the operation and maintenance of nitrate plant No. 2, shall be exercised by the Secretary of Agriculture for the benefit of the Government and people of the United States by providing for the national defense by insuring an adequate supply of nitrates for use in time of war, and by promoting agriculture through the development of cheaper commercial fertilizers.

SEC. 2. That in carrying out the provisions of this resolution the Secretary of Agriculture is authorized and directed to form, under the laws of the District of Columbia, a corporation for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., and for the development of such additional facilities as the corporation considers necessary. The total capital stock of the corporation shall not exceed $20,000,000. The Secretary of Agriculture may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of such corporation and perform all other functions with respect thereto necessary to protect the interests of the United States and to carry out the purposes of this resolution.

SEC. 3. (a) That any excess power developed in the operation of such properties may be disposed of under such terms and conditions as the corporation may prescribe to any State or political subdivision thereof, or to any individual, partnership, association, or corporation.

(b) The corporation shall give preference in the disposition of such excess power to the power requirements of States, political subdivisions of States, and public-service companies.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, or so much thereof as may be necessary, to carry out the provisions of this resolution.

Mr. SMITH. I ask that the joint resolution may lie on the table.

The VICE PRESIDENT. It will lie on the table.

Mr. SMITH. Mr. President, I merely want to explain that the general provision of the joint resolution is practically that of the bill which is now pending before the Committee on Agriculture and Forestry. It is a dedication of the property to the agricultural interests of the country directly and alone, not through the intermediary of any private corporation, any power company, any dual power and fertilizer company, but a direct continuous sequence of what is contained in the original act which is now upon the statute books. It is for the Government, now that it has completed the property to the point where its actual operation can be carried on, to carry it on solely in the interest of agriculture during times of peace and for the defense of the country during times of war.

My idea as contained in the joint resolution is that the corporation formed under authorization of law, if it shall sell power, shall devote the proceeds from that power, without any further expense to the taxpayers of the country, to the development of the processes of fixing nitrogen and manufacturing other ingredients. The units now are being rented at a thousand dollars a day. We have eight of those units for the primary power and four or six—I do not just recall which—for the secondary power, which means that in all probability there will be, during the experimental stage of the process, quite a large amount of power that will be sold. The proceeds from that sale naturally ought to be used in conjunction with the erection of a proper plant for experimentation and for the production of this necessary ingredient. It seems to me that is the happiest combination that could be conceived of, that we have developed sufficient power down there to carry on not only the experimentation but to pay its way, and subsequently when we shall have developed and standardized the method of producing fertilizer for the farmers the income will be sufficient in perpetuity to produce it at a very low figure. As the art is more perfected the output will be greater and the income will necessarily be greater, and we will know beyond cavil whether or not this very hopeful project shall be carried out in all of its details for the benefit of agriculture.

We can not do that if we lease the property. No man leasing the property will do the dead work necessary to perfect the processes upon which all agriculture is dependent. If he should do so, the processes will immediately be patented and all competitors are shut off from those patented processes, and the prices will be all that the trade will bear. We all know that to be the fact. But if the Government discovers, as it apparently has discovered, a cheap process, immediately every agricultural citizen will be the beneficiary. All of the incentive of the Government will be to perfect that for which the plant was set apart and dedicated.

I can not understand the reason for the clamor that we should call for a bid. It would have been all right perhaps for those who do not believe in Government operation even in any department of our economic life, it would have been all right for them when this matter was before the Senate, had they prevailed, to say before we spent a dollar at Muscle Shoals, "Let us give our plans and specifications to a private corporation and ask them to bid on constructing the dams and locks necessary to produce this power, and let the lowest bidder called carry on the project for specific purposes." But we did not do that. That plan was offered to the Senate at one time. The distinguished senior Senator from Alabama [Mr. UNDERWOOD] offered that identical amendment to the bill that I had the privilege of introducing, and it was voted down. He offered different amendments looking toward private capital coming in and developing a part of the project, but they were all voted down. In order that there might be no misunderstanding as to what it meant, the Congress put the provision in the law that this should be done by the Government alone to the exclusion of all private enterprise. Ten years have gone by.

We have added and added until at last the power is there and the plant is there. It needs but the proper officering to enable us immediately to go to the production of this ingredient. Now at the very birth of possibility it is proposed to turn it over to a private corporation on the iniquitous plan of cost-plus. There is no man in the Senate who has not been the victim, if he be a taxpayer, of that miserable cost-plus system.

Of course, the greater the cost the greater the volume of the percentage. The percentage does not rise, but the aggregate under that percentage rises. The man who buys it pays it all. The mere idea of leaving the private corporation to audit its own books, to determine what was essential and what was not essential, what was proper to be charged off as depletion, obsolescence, and the thousand and one other things that it may do, and, of course, will do, and then on top of that

to add 8 per cent, simply means saying to the farmers of the country "We do not propose to stand between you and those who would, perhaps indifferently, manufacture some of this fertilizer but manufacture it for profit to them without regard to what effect it may ultimately have upon the possibility of supplying you."

Mr. President, I shall offer that joint resolution as the farmers' measure as against the corporations and trusts and combines that may offer one.

One last word and then I do not propose to have anything more to say until the vote is taken. We talk about Government ownership. We own this plant now. We own the navigable rights by inheritance and the Constitution. We went out and bought the riparian rights and the adjoining property for a distinct purpose. We condemned the land; we acquired it; we received gifts; and all this vast property contiguous to this dam was bought by the American people for a distinct purpose. We own it now. The only question is who shall operate it and for what purpose shall it be operated.

Senators here who are claiming they are against Government ownership voted to appropriate the money to purchase Muscle Shoals. It was purchased for a specific purpose. This resolution does not in any way, shape, or form change that purpose. We have a door where we can open up to the American farmer great possibilities if we shall not do anything else. In the name of justice and reason, let us carry on until we shall know exactly what are the possibilities of producing fertilizer at Muscle Shoals. If after a proper time shall have passed, with our own Government officials working as assiduously as they have worked in our research laboratory, they shall say the prospect is hopeless, then we may come here and discuss the question as to whether or not we shall lease the plant for power purposes.

I, for one, do not believe that we should lease it for power purposes until we shall have operated it sufficiently long to know what would be a just return for the privilege to be conferred. How many Senators on this floor know exactly what would be a reasonable charge for this essential power that must some time take the place of coal? No more coal is being made. Power must take the place of gas, for no more gas is being generated in the earth; it must take the place of oil, for no more petroleum is being produced by nature's processes; the source is being exhausted every day. The time will come—it is rapidly approaching—when we shall have to depend upon hydroelectric power to do the great mass of work in America. We ought to know—it is our duty to know—just who are going to control that power, for what purpose, and what is to be the cost. We are at the parting of the ways. Organized society is based upon entirely different conditions from those which prevailed when the Constitution was written, and you and I, Mr. President, have got to meet those changing conditions. They are here now, and we have got to meet them. It is better for us to meet them in their incipiency than to wait until entrenched power has placed itself in a position to dictate to the American people life or death, as did the coal barons a few weeks ago. We had better enact the proper legislation now than later to perform a major operation to cut the arteries that bind these trusts and combinations to these essential industries. There can be no happier time than now for us to demonstrate to the American people what they have at Muscle Shoals and what are the possibilities in the terms of Government development and operation.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Simmons
Blease	Frazier	Mayfield	Smith
Borah	George	Means	Smoot
Bratton	Glass	Metcalf	Stanfield
Brookhart	Goff	Neely	Stephens
Broussard	Gooding	Norbeck	Swanson
Butler	Greene	Norris	Trammell
Cameron	Hale	Nye	Tyson
Capper	Harreld	Oddie	Wadsworth
Caraway	Harris	Overman	Walsh
Copeland	Harrison	Pepper	Warren
Couzens	Heflin	Phipps	Watson
Cummins	Howell	Pine	Weller
Dale	Johnson	Pittman	Wheeler
Deneen	Jones, N. Mex.	Robinson, Ark.	Williams
Dill	Jones, Wash.	Robinson, Ind.	Willis
Edge	Kendrick	Sackett	
Edwards	La Follette	Schall	
Ernst	Lenroot	Sheppard	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

Mr. TYSON. Mr. President, I have a telegram from my colleague, the senior Senator from Tennessee [Mr. McKELLAR], which I should like to read into the RECORD. It is as follows:

MEMPHIS, TENN., *March 8, 1926.*

Hon. L. D. TYSON,
United States Senate, Washington, D. C.:

I am paired with Senator WILLIS on all Muscle Shoals votes. Senator WILLIS told me he was opposed to any amendments. I favor all amendments offered by those who seek in any way, however slight, to protect the rights of the people and of the Government. He favors the resolution as it is, and I am unalterably opposed to it in any form without in the slightest degree impugning the motives of any Senator favoring it. I regard the resolution as the first step in a proposed sacrifice of the Government's property and of the people's interests, equaling in enormity and in wickedness the sacrifices of the people's rights and property in the unsavory oil leases. Please read this telegram in the RECORD before the voting begins.

KENNETH MCKELLAR.

The VICE PRESIDENT. The question is on the amendment offered by the junior Senator from Arkansas [Mr. CARAWAY].

Mr. WALSH. Mr. President, I ask that the amendment may be stated.

The VICE PRESIDENT. The Clerk will read the amendment.

The CHIEF CLERK. On page 1, line 10, after the word "lease," it is proposed to insert the words "or leases," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties—

And so forth.

Mr. CARAWAY. On that amendment I ask for the yeas and nays.

Mr. HEFLIN. Mr. President, I wish the Senate thoroughly to understand what the issue here is. The Senator from Ohio [Mr. FESS] has just stated it, but some of the Senators were not then present. It is a question of Government operation; it is a question of putting the Government into competition with the private citizen. It is a question of turning this plant over to some private citizen and letting him pay the Government, for its use in making fertilizer for the farmer, more money in 50 years than the whole project cost. If we dispose of it in a lease and require fertilizer to be made, we will have accomplished two things of distinct benefit to our people—the making of cheap fertilizer for the farmer and the making of the Tennessee River at Muscle Shoals navigable for 25 miles.

Now, I want to remind the Senators that if they shall load this resolution down with amendments, they are deliberately taking the risk of forcing a deadlock between the two Houses in conference. I do not want that situation to arise. The House has gone on record, I believe twice, in favor of the McKenzie bill, which embodied the Ford offer. The House passed the pending resolution, which is based on the Ford offer, by a vote of 9 to 1. This particular plan for disposing of Muscle Shoals has become a fixed policy with the House. Mr. President, this resolution was introduced in the House by one of the ablest of the Republican leaders, Mr. MADDEN, of Illinois, who made a speech in favor of it that has not been answered and, in my judgment, can not be answered. Mr. FINIS J. GARRETT, the able minority leader of the House, and Mr. SNELL, a man of marked ability and chairman of the Committee on Rules of the House, agreed in the detail upon this resolution. The Senate in the last three years has voted for and has adopted three different and distinctly opposite plans for the disposition of Muscle Shoals. The House has consistently stood by the plan known as the Ford bid in the McKenzie bill. The President indorses this resolution as it passed the House. The farmers of the country are for the resolution as it now stands—unamended.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. HEFLIN. I am sorry; I can not yield; I have only 15 minutes in all. Those here who sincerely supported the Ford offer which promised cheap fertilizer for the farmer are anxious to have bids made in keeping with the Ford offer. If the bids are not acceptable, they can be rejected by the Congress. If the Senate or the House want to amend the bid, if the bidder will consent to it, it can be done even when the report comes back; but any amendment to the concurrent resolution may throw us hopelessly into deadlock, which might result in defeating legislation upon this question at this session of Congress.

Mr. President, some Senators are trying to amend the resolution by providing for what they call an equitable distribution of surplus power among several Southern States. In the first place, who would determine what is an equitable distribution? If these States were bidding for Muscle Shoals, seeking to lease it and each one should pay its pro rata share, then it would be right for the Government to say that each one should have his fair share of the power; but if a private citizen is going to bid and he is going to put his own money up and pay the Government for the use of the power, he ought to have something to say about what he will do with that other power after he complies with the Government's requirement to produce at least 40,000 tons of fixed nitrogen a year, for it will be remembered that this whole project was started as a measure for national defense—nitrates for the Government in time of war and fertilizer for the farmer in time of peace.

Suppose we put on this amendment providing for what they call equitable distribution of surplus power, and a fertilizer manufacturer leases Muscle Shoals. We are going to require him to put up transmission lines and sell electricity whether he desires to do so or not. The laws of the various States will not permit parallel transmission lines anywhere, and the lines are already established in that territory in my State. They are using them now. The Alabama Power Co. has its lines there.

This company would not be permitted to parallel those lines. Then what situation would you have this man in who is going to deliver the Nation and the farmers of the country from dependence upon the Chilean nitrate trust? He would say: "I can not distribute this power. I am not permitted to put up transmission lines alongside of those already established." And he would say, "You are going to compel me to sell, whether it is profitable or not, any power that I may not use in making fertilizer, and therefore you are going to make it more difficult for me to make fertilizer as cheaply as I could and would if not hampered with such restrictions." Then what would happen? Being unable to establish his own transmission lines, and therefore unable to transmit and retail his surplus power, he would be compelled to sell it in bulk at whatever price some power company was willing to pay.

He might have to sell it so cheaply that it would make his whole enterprise unprofitable, and, of course, that would result in tremendous injury to the farmers that so many Senators seem to have forgotten.

That is not all, Mr. President. President Coolidge in his messages has twice asked Congress to lease this plant or dispose of it some way to some private individual. If we fail at this session of Congress, I want Senators to be notified in time as to what may happen if we fail to lease this property. We may by our do-nothing policy cause the President to feel that he should dispose of this Muscle Shoals property during the recess. He has already given us two chances. He has recommended twice in his messages that we lease it, and he now indorses this resolution. He again asks Congress to go ahead and lease it.

Suppose we fail, and continue to differ and wrangle over the details of the plan here proposed and Congress adjourns with nothing done. Then the President may feel that he must do something with it, and what will he do with it? I confess that I do not know. He may lease it to somebody—but listen, Senators—if he can not lease it, he may sell it. I am not sure but that he has the power to sell it under section 124 of the national defense act. We ought not to be responsible for such a situation.

The Gorgas power plant in my State was sold. Somebody wanted to buy it. Congress had failed to dispose of it. It was tied up with and dragging along in the Ford offer. The Gorgas plant was a part of the Muscle Shoals project. It was sold. Why? Because Congress had at least failed to do anything with it.

Now, Senators, I want to appeal to you—especially you on this side who have heretofore favored making cheap fertilizer for the farmer. You have it in your power now to do that very thing. The opportunity is right before you. If this concurrent resolution passes, and we succeed in doing what we think we can do, it will save to the farmers of the State of North Carolina $18,500,000 a year; it will save to Alabama $10,000,000, and to the cotton-growing States nearly $200,000,000 a year, and will save a great deal to the other sections. I want to sound this note of warning before my time expires.

If this measure is amended, and it goes to conference, and the House refuses to recede, and this measure dies, then what? The President may say, "You have had six years in which to obtain a lease on this property. You have failed or declined to do it. Now I feel that I must dispose of it as best I can.

Mr. President, I make this last appeal, especially to the two Senators on this side who so ably and persistently supported the Ford offer. I mean the Senator from Arkansas [Mr. CARAWAY] and the Senator from South Carolina [Mr. SMITH]. They joined with me and others in making a minority report in favor of the Ford offer, which above all things required the making of cheap fertilizer for the farmer. Then cheap fertilizer for the farmer was the paramount thing, the thing uppermost in their minds, not the distribution of power; and that report which had their hearty approval and bears the names of both of them, contains this statement:

> As for distribution of power under the Ford proposal, we are convinced that since the production of fertilizer is the purpose of the development in time of peace, it is not a matter of importance whether power is distributed from this plant or not.

Remember, Senators, this resolution is based on the Ford proposal.

I put this proposition to the Senators: These Senators who fight now to put power distribution in the concurrent resolution are doing so at the risk of losing this great opportunity to provide cheap fertilizer to our farmers, for in going off after the power side of this question they are depriving the farmer of the only chance that he has ever had to get cheap fertilizer to use on his farm. I am hoping that this resolution will not be loaded down with amendments that mean its defeat. Let the bids be made and reported. Then if Congress does not want to accept the bids, let Congress reject them all; but do not let us permit the Power Trust and the Fertilizer Trust to prevent action at this session of Congress.

The American farmer is entitled to his day in court, especially when the only opportunity that has come to save him many millions of dollars a year is at hand. His friends here should not permit a power proposition to overshadow and obscure the matter of cheap fertilizer for the farmer. The Ford bid provided cheap fertilizer. The lessee under this resolution will have to make cheap fertilizer just as Ford agreed to make it. We will have the right to pass on it and accept or reject it. Mr. Hooker, of New York, a fertilizer manufacturer, said before the Committee on Agriculture that he was going to bid on it. Another company said the same thing, and I understand that four or five companies told the President's commission that they intended to bid. So let us wait and see what their bids are, and if they are not good we will reject them; but, Senators, in the name of the hard-pressed and over-burdened farmers of the country I appeal to you let us pass this concurrent resolution as they have indorsed it, and make sure that we will dispose of this question at this session of Congress.

Mr. NORRIS. Mr. President, I had intended to go into this question in considerable detail, but it has been a physical impossibility for me to do so, and I must content myself by referring only in a general way to the very important question that is before the Senate.

The Government has spent at Muscle Shoals more than $160,000,000. It owns the property now. It is not a question of whether we shall go into Government operation or Government ownership. We already own the property. We have spent the people's money upon it. We have spent it under a law originally passed providing that when it was completed it should not be leased or sold to any private corporation or individual. We are the trustees for the people of the United States, and the question now before us is: Will we, having spent their money and completed the project, to a great extent, now be false to the trust and violate the law by changing the conditions under which we have been operating since 1916?

Dam No. 2 at Muscle Shoals has primary capacity of a little less than 100,000 horsepower, yet there are seasons in the year when there is water enough coming over that dam to make a million horsepower. Every student of the subject, every engineer, agrees that if we had no other motive than to make the property now owned by the Government more valuable, it would be necessary to develop the Tennessee River and its tributaries.

Every student of the subject, every economist, and every engineer agrees that to get the maximum amount of electricity, the maximum amount of flood control, the maximum accommodations for navigation, the system must be developed as a whole and that we can not build dams here and there haphazard, even though we consider that the people interested in one dam alone would make more money by putting it there than elsewhere. The way to make the Tennessee River valuable for the great South is to get the maximum amount of navigation. That river runs right through the heart of the South. It will give the South a system of transportation which, properly developed, will be second to none in the civi-

lized world. We will get the maximum amount of flood control, as far as the waters of the Tennessee are concerned, by a systematic, scientific development as a whole of the Tennessee River and its tributaries.

So that we have the three objects of improvement, coordinating, working with each other in perfect harmony—electricity or power, navigation, flood control. If we handle one in the right way, we will have done the best for the others. Flood control and navigation are admitted to be Government propositions, not private propositions. It is a Government activity, and since the Government already owns $160,000,000 worth of property there, why not let the Government, it being interested in navigation and in flood control, so develop the power from this system as to get the maximum amount of power for the minimum cost?

No one can do that and do it in the right way except the Government. If we should turn that over to one party, he would pay no attention to flood control, he would pay no attention to navigation, he would put dams and water projects wherever it would be to his interest to put them and without regard to developing the river as a whole. If we want to get the most out of it, we must develop it all.

Dam No. 2 is owned by the Government of the United States. If that system were properly developed, instead of 100,000 primary horsepower there would be four or five hundred thousand horsepower developed. In other words, without putting another dollar into Dam No. 2, we would multiply its value by three or four, if we properly developed the river. What would that mean for the South? In the first place, it is a Government proposition now. We have spent the people's money to develop it. In the next place, everything that is spent in the future for navigation and for flood control will be spent on what is conceded to be a governmental proposition. If this were turned over to one private individual and he owned the whole system, if it were developed properly, there would be a private monopoly under which the people of the South would be compelled to live through generations, and no free people, no democracy, can permit a private monopoly to control the very necessities of life.

If this were properly handled and this electricity distributed over the South, there would be given the greatest exhibition of the production of cheap power the civilized world has ever known. Instead of paying in the cities of the South from 7½ to 12 cents per kilowatt-hour for electricity, every home in that great section of the South would be supplied with electricity at not to exceed 2 cents a kilowatt-hour when the power was all developed. In addition to that, at that price there could be an amortization, so that in 40 of 50 years' time the entire investment cost would be wiped out, and electricity would be so cheap that that would be the leading manufacturing district in the United States, besides giving to every home and every hamlet electricity that would be so cheap that as compared with present prices it would require a stretch of the imagination to grasp all of the benefits that would come.

Mr. FLETCHER. Mr. President——

Mr. NORRIS. I would prefer not to be interrupted until I finish.

There would be placed in every home a servant, a servant that would work 24 hours a day, a servant that would never complain, a servant that would get no wages, a servant that would always be ready to serve the housewife of every home.

Who made this country? Who made the hills and mountains and valleys? Who put the water in the great Tennessee? Who constructed all of that country? Was it Alabama? Was it Tennessee? Was it any other one State? All those things were given to us by an all-wise Creator if we will only utilize them. Let us take away the power of private corporations and private individuals to make profits, and let us put electricity in the homes the same as we put water into the homes now in all of the municipalities. If we should properly develop this project, we would tap this lightning that man has called electricity and convert its destructive and ruthless forces into a friendly power that would turn the countless wheels of toil all through the South and bring happiness and comfort to thousands of humble homes.

It has been demonstrated, and if I had the physical strength and time I could demonstrate it again now, that over in Ontario on a large scale, like this would be at Muscle Shoals if properly developed, they are doing exactly what I have outlined that the South could do. A little home of five or six rooms, instead of having a few electric lights for which they have to pay 10 or 12 cents a kilowatt-hour, would have every electrical device known and at a remarkably low rate. It would have all the conveniences of the modern home. It would have the electric sweeper, the electric fan, the electric washer, the electric ironer, the electric stove. Everyone would be cooking by electricity. They would heat the bath water and have hot water at all times heated by electricity. In other words, there are a thousand and one ways in which cheap electricity can bring not only financial profit but happiness, sanitation, and joy to the people in the homes where the housewife now is drudging from morning to night wearing out her life, and she might just as well be relieved if we would avail ourselves of the opportunities that God has given us.

What is the objection to all this? Senators say we are going to put the Government into business. Senators, if we had a war to-morrow we would need all of the property that we now have at Muscle Shoals, every bit of it. We would want more. The plan I have been trying to get the South to reach out its hands and grasp has been and is one that would preserve for the Nation its readiness for any military emergency that might arise, and at the same time, in times of peace, give all of these enjoyments to her people.

We have heard Senators talk about fertilizer. Mr. President, the evidence stands uncontradicated before the world to-day that the manufacture of fertilizer consumes, as it is improved, less and less power. There is not a single horsepower at Muscle Shoals that would be used in the modern method of producing fertilizer.

The statements about using water power to make cheap fertilizer for the farmer are made either in ignorance of what the facts are or for the purpose of fooling the American farmer and deceiving him as to what the possibilities are at Muscle Shoals. There is nothing in fertilizer that the waterpower there can produce as cheaply as we can buy fertilizer on the market to-day anywhere in the United States. Everybody, and that includes myself, is willing to go to any length to cheapen fertilizer. The bill which I have introduced goes further than any legislation that has ever been proposed. Its purpose is to use in experimentation all of the facilities that are properly usable for fertilizer at Muscle Shoals, in the hope that we may devise a cheaper method to develop fertilizer.

Why should we want to deceive the farmer? Why do we want to tell him that this water power at Muscle Shoals will cheapen fertilizer when we must know it has not anything to do with it? Either we are trying to fool the farmers with deceptive arguments or we are working in the interest of the Power Trust, who would like to have this power kept out of the market and used to make nitrates that would be worthless after they are made.

I can not understand why Senators should be so anxious to pass the pending resolution, which will close the door of human progress and human happiness to the sunny southland. Why should we now take a step which, if carried to its logical and its intended conclusion, will make it impossible for the great Tennessee River system ever to be developed and put in operation for the benefit of the people of the South? The time will come—it may be when we are gone—when this wonderful wave of reaction will subside and when the good, honest citizens of our great South will realize that now is the time when they have missed the glorious opportunity to bring to themselves and to their children the prosperity, the happiness, and the comfort that will follow the proper development of the natural resources which God has given them.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. WILLIS. Mr. President, a few moments ago the junior Senator from Tennessee [Mr. TYSON] read into the RECORD a telegram from my friend the senior Senator from Tennessee [Mr. MCKELLAR], with whom I am paired, in explanation of the arrangement we had between us. I know the senior Senator from Tennessee so well, and am so confident of his entire fairness to friend and foe alike, that I am sure he did not intentionally do me an injustice, though I think in his desire to make his own position clear he has done so. I desire to correct that wrong impression.

The telegram in part reads as follows:

> I am paired with Senator WILLIS on all Muscle Shoals votes. Senator WILLIS told me he was opposed to any amendments. I favor all amendments offered by those who seek in any way, however slight, to protect the rights of the people and of the Government. He favors the resolution as it is.

So far as the statement relating to the pair is concerned, that is absolutely accurate; but, as I suggested, in his effort to make his own position clear he has unintentionally and thoughtlessly put me in a false light. The fact is there are many things in the resolution that do not please me at all. If I had had the drafting of the resolution in the first instance, there are several changes that I should have made in it, and, speaking with the utmost frankness, there are several of the

amendments which are pending that I wish might become a part of the resolution. But knowing the little that I do of the parliamentary situation, I am strongly of the belief that if the resolution is amended it will be the end of the whole matter so far as action by Congress is concerned. The matter would then go back to another legislative body and perhaps be thrown into conference and action could be delayed indefinitely. I think it is important that we have the report of the committee at this session of Congress.

I reserve to myself the right to vote for or against the report of the committee. I do not consider myself at all bound in that respect. By adopting the resolution in its present form the Senate, in my judgment, does not yield up any of its rights, but simply provides a means whereby it can get some information. It is because I feel that the adoption of amendments would imperil the passage of any resolution whatever that I shall vote, as the telegram says, against the amendments, but not for the reason that my friend from Tennessee suggested in his effort to make his own position clear.

In that connection I desire to have printed as a portion of my remarks a letter which came to me this morning from officials of the National Grange and of the American Farm Bureau Federation.

The VICE PRESIDENT. Without objection, permission is granted.

The letter is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., March 8, 1926.

HON. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: To-day the vote is to be taken on House Concurrent Resolution No. 4, which authorizes a procedure intended to remove Muscle Shoals from the field of controversy and devote it to the farmers' purposes when not needed for national defense.

Muscle Shoals was not intended to be a commercial power project, except as its power is useful for fertilizer making and preparedness purposes. To allow it to become a power project, with the aim of distributing power over a wide area, is equivalent to the surrender by Congress of all that the farmers have fought for and all that was promised them in the authorization of the enterprise.

The power at Muscle Shoals once delivered to the Alabama Power Co. or other distributing agencies for public-utility purposes will create vested rights on the part of consumers which will jeopardize the farmers' rights to use this power for fertilizer purposes.

With the millions of horsepower of electric energy already developed and the scores of millions of horsepower awaiting development, will not you vote to allow this one plant producing less than one-quarter of 1,000,000 horsepower to be devoted to the farmers' purposes in industrial chemistry and fertilizer manufacture free from limitation which would impair or destroy the usefulness of the enterprise?

The amendment offered by Senator GEORGE or any other amendment with similar effect will prevent the benefits from going to the farmers and will place the power interests in a dominating position.

We are satisfied that House Concurrent Resolution No. 4 without amendments safeguards the farmers' interests, and trust that it will have your support.

Very respectfully,

THE NATIONAL GRANGE, P. OF H.,
By T. C. ATKESON,
Washington Representative.
AMERICAN FARM BUREAU FEDERATION,
By CHESTER H. GRAY, *Acting Director.*

Mr. HARRISON obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from Mississippi yield to me a moment?

Mr. HARRISON. With pleasure.

Mr. GEORGE. Since the senior Senator from Ohio [Mr. WILLIS] has offered a letter for the RECORD, which I presume to be the same letter that was sent by the National Grange and the American Farm Bureau Federation to each Senator in this body except myself—I did not get one—I wish to make just a brief statement about the letter.

In the next to the last paragraph, if the letter is the same as the one I hold in my hand, this language occurs:

The amendment offered by Senator GEORGE, or any other amendment with similar effect, will prevent the benefits from going to the farmers and will place the power interests in a dominating position.

That is signed "The National Grange, P. of H., by T. C. Atkeson, Washington representative," and "American Farm Bureau Federation, by Chester H. Gray, acting director."

Mr. President, I offered an amendment to the pending resolution which in substance is the same as the amendment offered by the junior Senator from Arkansas [Mr. CARAWAY]. My amendment is a little more elaborate and contains a few provisions which his general amendment does not contain. But I had decided, since he had offered his amendment first, and it is the pending amendment, that I would not offer my amendment, but would content myself with voting for his amendment, which contains the substance of my amendment.

I have no comment to make upon the letter of the National Grange and the American Farm Bureau Federation or of the two representatives of those organizations, except that if the National Grange and the American Farm Bureau Federation are paying these men any money, then these men owe it to their organizations to be working for the farmers of America and not for the Power Trust and the Fertilizer Trust. If they are willing to take money out of the farmers' organizations, they ought to be decent enough to render service to their constituents.

Mr. President, my position is perfectly plain. I do not propose to vote for House Concurrent Resolution No. 4, which does not provide for any equitable distribution of power, so far as it can be carried, to all of the people of the Southland. Nor do I propose to vote for the resolution at all, because it is a grab; and every man who sponsors it and who has thoroughly investigated it, however honest he may be, will one day awake to the realization of one fact, that it was a grab, and that somebody exercised the power given him under the grab.

I believe, Mr. President, in coming out in the open. I presume, of course, that since representatives of the farmers' organizations have spoken to the Senate, their voices will be potent; but I only suggest that it might be well for the principals of those gentlemen to see whether they are earning the salary that is being paid to them.

Mr. HARRISON. Mr. President——

Mr. HEFLIN. Mr. President, I suggest that this time shall not come out of the time of the Senator from Mississippi [Mr. HARRISON].

The VICE PRESIDENT. The time will not be counted out of that of the Senator from Mississippi.

Mr. HARRISON. I do not know that I will utilize the time allotted to me.

Mr. President, the Muscle Shoals matter has been before the Senate for a long time. It so happens that I chanced to be a member of the Committee on Agriculture during the consideration of all the preceding measures. I was one of those who fought in the committee and on the floor of the Senate to accept the Ford proposal. I believed then and I believe now that it would have been better for the development of Muscle Shoals and for the farmers of the country at large if the Ford proposal had been accepted. Following that I championed upon the floor of the Senate the Underwood bill, which was offered as a substitute for the bill embodying the Ford offer. I believed in the provisions of the Underwood bill, and I was, indeed, sorry when the conference report, which was filed after much consideration by very able Senators and Representatives, failed to come to a vote.

I do not see so much in this particular resolution, but it is a step in the solution of this problem, I hope. I trust that the gentlemen who will be appointed to negotiate a lease will have submitted to them and will report back to the Senate and the House of Representatives one that will meet all the requirements of the Underwood substitute, but I wish to call the attention of the Senate again to the fact that the terms of any lease must be equal to or greater than those set forth in H. R. 518 in their advantage to the Government. We know how many times that bill was amended; we know that a substitute was offered to H. R. 518, which was the Ford proposal, and it seems to me that we ought to write into this resolution an amendment to provide that the terms shall be in their benefit to the Government equal to or greater than those contained in the conference report accompanying H. R. 518, for the reason that the conference report contains the provisions that were made in anticipation of a lease.

The conference report was not adopted by the Senate, but the substitute bill passed the Senate; and it would seem to me that such an amendment as I have suggested ought to be adopted, not only because the question was considered in every phase when the bill was before the Senate and in conference but, as was pointed out in the discussion of the Underwood substitute, the Government would have received $40,000,000 more than it would have received under the Ford proposal. As Senators will recall, at that time Mr. Ford, under the terms of his offer, was not required to pay any interest at all on the first $17,000,000 that went into the construction of Dam No. 2, and was not to pay any interest on Dam No. 3 until six years—I believe it was—after that dam should have been completed. In other words, there was a difference between the Underwood proposal, which imposed a

4 per cent interest rate from the time the lease was made right on through, while the Ford proposal did not operate on the first $17,000,000 on Dam No. 2, nor on Dam No. 3 until six years after its completion. So I submit if an amendment should be written into the bill providing that the terms of the lease shall be equal to if not greater than those embodied in the conference report on House bill 518 the Government will be assured of getting at least $40,000,000 more than it would under the Ford proposal; and if that amendment should be adopted it would not be necessary to adopt the amendment which has been offered by the Senator from Arkansas [Mr. CARAWAY], which I favor very much, and which otherwise I hope will be adopted, because in that conference report it is provided that—

The surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of fertilizer shall be sold for distribution.

That provision relative to surplus power was agreed to by the distinguished Senator from Alabama [Mr. UNDERWOOD] and also by the junior Senator from Alabama [Mr. HEFLIN]. There was no question raised at that time in the consideration of the Underwood bill against a provision being written into it that the surplus power over that required to manufacture the 40,000 tons of fixed nitrogen might be incorporated in the bill. It is idle talk to say that we here in the Senate shall not at all amend this House resolution. It is a short resolution at most; it does not contain many complicated questions. So I submit that the amendment offered by the distinguished Senator from Arkansas to incorporate the words "or leases," and also the amendment as to the question of surplus power ought to be written into the resolution. I want to make myself plain now. If the committee to be appointed shall negotiate a lease and report it back here which does not provide for the distribution of surplus power over the amount required in the manufacture of fertilizers, I for one shall vote against that particular proposition.

This is not merely an Alabama question. It is true that Muscle Shoals is within the boundaries of Alabama, but the boundary line of my State is only a few miles away. We border also on Tennessee. Many industries have been located in my State on the assumption that they will be able to obtain a part of the surplus power that is developed at Muscle Shoals over that needed for the manufacture of the required amount of fertilizer.

It seems to me only fair and equitable that the surplus power should be distributed and that it should not be congregated and congested in this one spot at Muscle Shoals.

As one who comes from this immediate territory, I appreciate the splendid work which has been done by the members of the Committee on Agriculture and Forestry. I do not think that any committee has worked harder and more zealously and enthusiastically than have the members of that committee in studying the Muscle Shoals problem. I take no stock in this hurling of anathemas at one another and questioning Senators' motives. From the beginning I have differed from the distinguished Senator from Nebraska [Mr. NORRIS]. He has strong convictions on this subject, but there is no Senator who ever worked harder or tried more earnestly to go to the bottom of the proposition than has he in the consideration of Muscle Shoals. All of the other Republican Senators on the committee have done the same. The junior Senator from Alabama [Mr. HEFLIN] and his colleague, the senior Senator from Alabama [Mr. UNDERWOOD] have performed yeoman service in pressing for a solution of this question.

I know the Senator from Alabama, who has stood the brunt of this fight here so far as this side of the Chamber is concerned, has acted from high and pure motives. We all know he is a friend of the farmer, but he is mistaken; his judgment is wrong, in my opinion, in refusing to accept the amendment which is pending and the one dealing with surplus power. They can not be harmful, but will present the issue so clearly that the negotiators when they come to consider the bids will know what kind of a bid should be received, and the adoption of such amendments might prevent us turning down the report of the committee when the bids are brought in. So I hope that the amendment offered by the distinguished junior Senator from Arkansas [Mr. CARAWAY] will be adopted.

Mr. BLEASE. Mr. President, I notice in the CONGRESSIONAL RECORD a letter from a gentleman who also signs a letter to me in reference to the Senator from Georgia [Mr. GEORGE]. I wish to say that, so far as South Carolina is concerned, the farmers of that State are represented in this body by a farmer. Farming is the life; it is the living of the distinguished senior Senator from South Carolina [Mr. SMITH]. He has never had any other profession or any other means of livelihood except the small pittance of a salary which is paid him here in the Senate. And the farmers of that State are represented by another who has received but very few votes in South Carolina except from the farmers and the cotton mill and railroad shop workers. Neither of us have ever had that support from the corporations or the newspapers which possibly has been given to others; and when this man signs a letter and sends in to the Senate in which he says he is a representative of the farmers of South Carolina, or in which he intimates that he is such representative, I say to you, Senators, that he is an impostor and that if he has ever received a dollar from the farmers of South Carolina he is a traitor and that his letter in every respect carries and bears the marks of a blatherskite and a liar. [Laughter.]

Mr. NEELY. Mr. President, before the Senator from South Carolina takes his seat I should like to inquire if the gentleman of whom he speaks is all right except in the particulars which he has enumerated?

Mr. BLEASE. Well, Mr. President, there are some things I should like to say about him that I do not think I would be allowed to say here.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Amendments may be offered after 3.30, as I understand, but can not be discussed after that hour.

The VICE PRESIDENT. That is correct.

Mr. HARRISON. I desire, then, to give notice that, in the event the amendment of the Senator from Arkansas [Mr. CARAWAY] as to surplus power shall be voted down, I shall then offer an amendment providing that the terms of any lease shall be as good if not better than those contained in the conference report on House bill 518.

Mr. HEFLIN. Mr. President, the Senator from Arkansas [Mr. CARAWAY] a little while ago got himself confused considerably with regard to the Gorgas plant. The Gorgas plant was sold under war-time legislation authorizing the Secretary of War to dispose of war plants. He did this in the face of the fact that both the Judge Advocate General and the Attorney General had declared that the contract with the Alabama Power Co. was illegal and unenforceable.

The VICE PRESIDENT. The Chair regrets to say that the Senator is out of order. He has already spoken once.

Mr. HEFLIN. I am through, Mr. President. [Laughter.]

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. CARAWAY] on which the yeas and nays have been requested. Is the demand seconded?

The yeas and nays were ordered.

Mr. COUZENS. I ask to have the amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "lease," it is proposed to insert the words "or leases," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases—

And so forth.

The VICE PRESIDENT. The question is on the amendment just stated. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY] and will vote. I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the Senator from Kansas [Mr. CURTIS]. I am informed that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I am advised that he would vote as I shall vote on this subject. I vote "nay."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD], which I transfer to the Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. NORRIS (when his name was called). I am paired with the senior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Chamber on account of illness. If the Senator from Alabama were present he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. WILLIS (when his name was called). I am paired with the senior Senator from Tennessee [Mr. MCKELLAR]. If that

Senator were present he would vote for this amendment. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Illinois [Mr. MCKINLEY] is paired with the Senator from Maryland [Mr. BRUCE], and the Senator from Massachusetts [Mr. GILLETT] is paired with the Senator from Missouri [Mr. REED]. If those Senators were present the Senator from Maryland and the Senator from Massachusetts would vote against this amendment, and the Senator from Illinois and the Senator from Missouri would vote for it.

The result was announced—yeas 47, nays 31, as follows:

YEAS—47

Ashurst	Dill	Lenroot	Simmons
Bayard	Frazier	McMaster	Smith
Bleaze	George	McNary	Stanfield
Borah	Glass	Mayfield	Stephens
Bratton	Harris	Norbeck	Swanson
Brookhart	Harrison	Nye	Trammell
Broussard	Howell	Overman	Tyson
Cameron	Johnson	Pittman	Walsh
Caraway	Jones, N. Mex.	Robinson, Ark.	Watson
Copeland	Jones, Wash.	Robinson, Ind.	Wheeler
Couzens	Kendrick	Sheppard	Williams
Cummins	La Follette	Shipstead	

NAYS—31

Bingham	Fletcher	Means	Schall
Butler	Goff	Metcalf	Shortridge
Capper	Gooding	Neely	Smoot
Dale	Greene	Oddie	Wadsworth
Edge	Hale	Pepper	Warren
Edwards	Harreld	Phipps	Weller
Ernst	Heflin	Pine	Willis
Fess	McLean	Sackett	

NOT VOTING—18

Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Underwood
du Pont	Keyes	Norris	
Fernald	King	Ransdell	

So Mr. CARAWAY's amendment was agreed to.

The VICE PRESIDENT. Under the unanimous-consent agreement of last Saturday, the amendment next in order is the one offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. HEFLIN. On that I call for the yeas and nays.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, it is proposed to strike out "1" and insert "26," so that it will read:

shall report to Congress not later than April 26, 1926.

Mr. FLETCHER. Mr. President, a parliamentary inquiry. I thought the Senator from Arkansas [Mr. CARAWAY] had another amendment.

Mr. CARAWAY. I have offered another amendment, which was to go with this one.

The VICE PRESIDENT. That amendment will come up later on. This amendment comes up at this time under the unanimous-consent agreement made last Saturday.

Mr. FLETCHER. I had supposed the question on agreeing to that amendment would come after the question was put on the amendment of the Senator from Arkansas [Mr. CARAWAY].

Mr. HEFLIN. The committee can ask for more time if they need it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Kansas [Mr. CURTIS]. I am informed that if he were present he would vote "nay." I therefore vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same transfer of my pair as on the previous roll call, I vote "yea."

Mr. NORRIS (when his name was called). Repeating the announcement that I made on the preceding roll call in regard to my pair with the senior Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. BROUSSARD (when Mr. RANSDELL's name was called). I desire to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL] is absent. If he were present he would vote "yea."

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Massachusetts [Mr. GILLETT] is paired with the Senator from Missouri [Mr. REED] and the Senator from Illinois [Mr. MCKINLEY] is paired with the Senator from Maryland [Mr. BRUCE].

The result was announced—yeas 59, nays 20—as follows:

YEAS—59

Ashurst	Dill	La Follette	Shipstead
Bayard	Edge	Lenroot	Shortridge
Bingham	Fess	McMaster	Simmons
Blease	Frazier	McNary	Smith
Borah	George	Mayfield	Smoot
Bratton	Glass	Metcalf	Stanfield
Brookhart	Goff	Norbeck	Swanson
Broussard	Greene	Nye	Tyson
Butler	Harris	Overman	Walsh
Cameron	Harrison	Pepper	Warren
Capper	Howell	Robinson, Ark.	Watson
Caraway	Johnson	Robinson, Ind.	Wheeler
Copeland	Jones, N. Mex.	Sackett	Williams
Couzens	Jones, Wash.	Schall	Willis
Cummins	Kendrick	Sheppard	

NAYS—20

Dale	Gooding	Means	Pittman
Edwards	Hale	Neely	Stephens
Ernst	Harreld	Oddie	Trammell
Ferris	Heflin	Phipps	Wadsworth
Fletcher	McLean	Pine	Weller

NOT VOTING—17

Bruce	Gerry	McKinley	Reed, Pa.
Curtis	Gillett	Moses	Underwood
Deneen	Keyes	Norris	
du Pont	King	Ransdell	
Fernald	McKellar	Reed, Mo.	

So Mr. LENROOT's amendment was agreed to.

The VICE PRESIDENT. The question is upon agreeing to the second amendment offered by the Senator from Arkansas [Mr. CARAWAY], which the clerk will report.

The CHIEF CLERK. On page 1, line 13, after the word "purposes," insert the words "such power to be equitably distributed among the communities and States to which it may be properly transported," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed among the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Kansas [Mr. CURTIS], and in his absence I withhold my vote. If the senior Senator from Kansas were present, he would vote "nay"; and if I were permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. If present, the Senator from Delaware would vote "nay" on this amendment. If I were permitted to vote, I would vote "yea." Not being able to get a transfer, I withhold my vote.

Mr. JONES of New Mexico (when his name was called). Making the same announcement with regard to the transfer of my pair as on the previous vote, I vote "yea."

Mr. NORRIS (when his name was called). Repeating the announcement heretofore made as to my pair, I withhold my vote.

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

The roll call was concluded.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "yea."

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness. If he were present, he would vote "nay."

The result was announced—yeas 47, nays 30, as follows:

YEAS—47

Ashurst	Dill	McMaster	Shipstead
Bayard	Frazier	McNary	Simmons
Blease	George	Mayfield	Smith
Borah	Glass	Means	Stanfield
Bratton	Gooding	Norbeck	Stephens
Brookhart	Harris	Nye	Swanson
Broussard	Harrison	Overman	Trammell
Cameron	Howell	Phipps	Tyson
Capper	Johnson	Pittman	Walsh
Caraway	Jones, N. Mex.	Robinson, Ark.	Watson
Copeland	Kendrick	Robinson, Ind.	Wheeler
Couzens	La Follette	Sheppard	

NAYS—30

Bingham	Goff	Metcalf	Smoot
Butler	Greene	Neely	Wadsworth
Cummins	Hale	Oddie	Warren
Dale	Harreld	Pepper	Weller
Edge	Heflin	Pine	Williams
Edwards	Jones, Wash.	Sackett	Willis
Ernst	Lenroot	Schall	
Fess	McLean	Shortridge	

NOT VOTING—19

Bruce	Ferris	King	Ransdell
Curtis	Fletcher	McKellar	Reed, Mo.
Deneen	Gerry	McKinley	Reed, Pa.
du Pont	Gillett	Moses	Underwood
Fernald	Keyes	Norris	

So Mr. CARAWAY'S amendment was agreed to.

The VICE PRESIDENT. The question is now upon agreeing to the third amendment offered by the Senator from Arkansas [Mr CARAWAY], which the clerk will read.

The CHIEF CLERK. On page 2, line 3, after the word "lease," insert the words "or leases."

The amendment was agreed to.

The VICE PRESIDENT. The concurrent resolution is before the Senate and still open to amendment.

Mr. NEELY. I offer three amendments and ask that they be voted on. My first motion is to amend the concurrent resolution on page 2, line 4, by striking out the word "fifty" and inserting the word "twenty."

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 2, line 4, strike out "fifty" and insert in lieu thereof the word "twenty," so that it will read:

except that the lease or leases shall be for a period not to exceed 20 years.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Kansas [Mr. CURTIS], who is absent. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. NORRIS (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. WILLIS (when his name was called). Making the same announcement as to the transfer of my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES], I vote "nay."

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am informed that if he were present, he would vote as I shall vote. I vote "nay."

The result was announced—yeas 30, nays 48, as follows:

YEAS—30

Ashurst	Dill	La Follette	Shipstead
Blease	Frazier	McMaster	Simmons
Borah	George	McNary	Smith
Bratton	Gooding	Neely	Stanfield
Brookhart	Harris	Norbeck	Walsh
Broussard	Howell	Nye	Wheeler
Copeland	Johnson	Overman	
Couzens	Jones, N. Mex.	Sheppard	

NAYS—48

Bayard	Edge	Hale	Mayfield
Bingham	Edwards	Harreld	Means
Butler	Ernst	Harrison	Metcalf
Cameron	Fess	Heflin	Oddie
Capper	Fletcher	Jones, Wash.	Pepper
Caraway	Glass	Kendrick	Phipps
Cummins	Goff	Lenroot	Pine
Dale	Greene	McLean	Pittman
Robinson, Ark.	Shortridge	Trammell	Watson
Robinson, Ind.	Smoot	Tyson	Weller
Sackett	Stephens	Wadsworth	Williams
Schall	Swanson	Warren	Willis

NOT VOTING—18

Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Underwood
du Pont	Keyes	Norris	
Fernald	King	Ransdell	

So Mr. NEELY'S amendment was rejected.

Mr. NEELY. I ask that my second proposed amendment be stated.

Mr. NORBECK. Will the Senator from West Virginia yield while I offer an amendment to provide for a lease or leases of 30 years instead of 50 years?

Mr. NEELY. I yield for that purpose.

Mr. NORBECK. I send the amendment to the desk and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 4, the Senator from South Dakota proposes to strike out "50" and insert "30" so as to read:

Except that the lease shall be for a period not to exceed 30 years.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota.

Mr. NORBECK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair, I understand that if my pair were present he would vote as I desire to vote. I therefore am at liberty to vote. I vote "nay."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Kansas [Mr. CURTIS]. If the senior Senator from Kansas were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on a previous vote regarding the transfer of my pair, I vote "yea."

Mr. NORRIS (when his name was called). I am paired and withhold my vote.

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

The roll call was concluded.

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL], is unavoidably absent. If he were present, he would vote "yea."

The result was announced—yeas 30, nays 47, as follows:

YEAS—30

Ashurst	Dill	La Follette	Shipstead
Blease	Frazier	McMaster	Simmons
Borah	George	McNary	Stanfield
Bratton	Gooding	Neely	Trammell
Brookhart	Harris	Norbeck	Walsh
Broussard	Howell	Nye	Wheeler
Copeland	Johnson	Overman	
Couzens	Jones, N. Mex.	Sheppard	

NAYS—47

Bayard	Fletcher	Mayfield	Shortridge
Bingham	Glass	Means	Smoot
Butler	Goff	Metcalf	Stephens
Cameron	Greene	Oddie	Swanson
Capper	Hale	Pepper	Tyson
Caraway	Harreld	Phipps	Wadsworth
Cummins	Harrison	Pine	Warren
Dale	Heflin	Pittman	Watson
Edge	Jones, Wash.	Robinson, Ark.	Weller
Edwards	Kendrick	Robinson, Ind.	Williams
Ernst	Lenroot	Sackett	Willis
Fess	McLean	Schall	

NOT VOTING—19

Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Smith
du Pont	Keyes	Norris	Underwood
Fernald	King	Ransdell	

So. Mr. NORBECK'S amendment was rejected.

Mr. NEELY. I ask now that my next amendment may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 5, strike out the words "have leave to," so as to read:

Said committee shall report its findings and recommendations, etc.

Mr. HEFLIN. Mr. President, if my friend will permit me, the resolution in its last line provides that they shall report their findings.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. NEELY and Mr. NORRIS asked for the yeas and nays.

The yeas and nays were not ordered, and the amendment was rejected.

Mr. NEELY. I ask that the clerk state the next amendment which I have offered.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The next amendment offered by the Senator from West Virginia is, on page 2, line 4, after the word "years," to insert the following additional proviso:

And provided further, That there shall be reserved to the Government on the face of any lease that may be negotiated by virtue of this resolution the right to purchase from the lessee, after one year's notice in writing, all improvements made by such lessee on or in connection with the Muscle Shoals project, by the Government paying such lessee the actual cost of such improvements plus 6 per cent interest on the said cost from the date of its payment by the said lessee to the date of the completion of the Government's purchase of and payment for the improvements aforesaid.

Mr. NEELY. I ask for the yeas and nays.

The yeas and nays were not ordered, and the amendment was rejected.

Mr. BLEASE. I send to the desk an amendment which I offer.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from South Carolina.

The CHIEF CLERK. On page 2, line 11, after "1926," insert the words:

No action of the committee shall be binding on either party, or final, until agreed to by the Congress.

The amendment was rejected.

Mr. NEELY. I move to amend, on page 2, line 4, after the word "years," adding the following proviso:

Provided, That the lessee shall bind himself or itself to operate nitrate plant No. 2 to capacity, and exclusively for the production of fertilizer for the full term of the lease.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was rejected.

Mr. SMITH. Mr. President, the amendments that are to be proposed, I understand, are now all offered in so far as they are going to affect the resolution. I desire to offer a substitute for the resolution as amended. I have already sent it to the desk and I ask that the clerk may read it. I desire to modify the substitute. Where it reads "$20,000,000" I ask that it may be changed to read "$5,000,000," which I understand would be sufficient for all purposes.

Now, Mr. President, just one word of explanation——

The VICE PRESIDENT. The amendment is not debatable.

Mr. SMITH. Let the clerk read the substitute and it will explain itself.

The VICE PRESIDENT. The clerk will read the substitute proposed by the Senator from South Carolina.

The CHIEF CLERK. The Senator from South Carolina proposes to insert a preamble, as follows:

Whereas under section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, it is provided that "the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital"; and

Whereas the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala. (excepting nitrate plant No. 2), were acquired and constructed pursuant to the authorization contained in section 124 of such act of June 3, 1916; and

Whereas it is for the best interests of the people of the United States that such properties (including nitrate plant No. 2) shall continue to be maintained and operated by the Government and dedicated to the uses specified in section 124 of such act of June 3, 1916:

And to strike out all after the resolving clause of the concurrent resolution and to insert a substitute, as follows:

That all the functions vested in the President by section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (including such of those functions as are now being exercised by the Secretary of War and the Secretary of Agriculture, respectively), and all functions with respect to the operation and maintenance of nitrate plant No. 2 shall be exercised by the Secretary of Agriculture for the benefit of the Government and people of the United States by providing for the national defense by insuring an adequate supply of nitrates for use in time of war and by promoting agriculture through the development of cheaper commercial fertilizers.

SEC. 2. That in carrying out the provisions of this resolution the Secretary of Agriculture is authorized and directed to form, under the laws of the District of Columbia, a corporation for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., and for the development of such additional facilities as the corporation considers necessary. The total capital stock of the corporation shall not exceed $5,000,000. The Secretary of Agriculture may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of such corporation, and perform all other functions with respect thereto necessary to protect the interests of the United States and to carry out the purposes of this resolution.

SEC. 3. (a) That any excess power developed in the operation of such properties may be disposed of under such terms and conditions as the corporation may prescribe to any State or political subdivision thereof or to any individual, partnership, association, or corporation.

(b) The corporation shall give preference in the disposition of such excess power to the power requirements of States, political subdivisions of States, and public-service companies.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, or so much thereof as may be necessary, to carry out the provisions of this resolution.

Mr. HEFLIN. Mr. President, I make the point of order that the amendment offered is in the form of a joint resolution and would require an expenditure of money; it would have to go to the President, and may not properly be offered as a substitute for a concurrent resolution. No resolution may be offered as a substitute for a concurrent resolution other than something of the same nature.

The VICE PRESIDENT. Under the precedents of the Senate the Chair rules that the point of order is not well taken. The question is on the amendment offered by the Senator from South Carolina [Mr. SMITH].

Mr. SMITH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I had an understanding with him, however, that I could vote on amendments to the resolution. This is a substitute for the resolution. I therefore transfer my pair with the Senator from New Hampshire to the senior Senator from Louisiana [Mr. RANSDELL] and shall vote. I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the Senator from Kansas [Mr. CURTIS]. If he were present, he would vote "nay," and, if I were permitted to vote, I should vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. On this vote I am unable to obtain a transfer. If I were permitted to vote, I should vote "yea." I withhold my vote.

Mr. NORRIS (when his name was called). Repeating the announcement which I made on the first roll call, I withhold my vote.

Mr. WILLIS (when his name was called). If the senior Senator from Tennessee [Mr. MCKELLAR] were present, I am advised he would vote for the subsitute. I am paired with that Senator, but I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am informed that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "nay."

The result was announced—yeas 29, nays 47, as follows:

YEAS—29

Ashurst	Frazier	McNary	Smith
Blease	George	Neely	Stanfield
Bratton	Gooding	Norbeck	Trammell
Brookhart	Harris	Nye	Walsh
Broussard	Howell	Overman	Wheeler
Copeland	Johnson	Sheppard	
Couzens	La Follette	Shipstead	
Dill	McMaster	Simmons	

NAYS—47

Bayard	Edge	Hale	Mayfield
Bingham	Edwards	Harreld	Means
Butler	Ernst	Harrison	Metcalf
Cameron	Fess	Heflin	Oddie
Capper	Fletcher	Jones, Wash.	Pepper
Caraway	Glass	Kendrick	Phipps
Cummins	Goff	Lenroot	Pine
Dale	Greene	McLean	Pittman

Robinson, Ark.	Shortridge	Tyson	Weller
Robinson, Ind.	Smoot	Wadsworth	Williams
Sackett	Stephens	Warren	Willis
Schall	Swanson	Watson	

NOT VOTING—20

Borah	Fernald	Keyes	Norris
Bruce	Ferris	King	Ransdell
Curtis	Gerry	McKellar	Reed, Mo.
Deneen	Gillett	McKinley	Reed, Pa.
du Pont	Jones, N. Mex.	Moses	Underwood

So the amendment of Mr. SMITH's in the nature of a substitute was rejected.

The VICE PRESIDENT. The resolution is still open to amendment. If there are no further amendments, the question is, Shall the resolution, as amended, be agreed to?

Mr. HARRISON and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am unable to secure a transfer of that pair. In the absence of the junior Senator from Pennsylvania, I must withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. FERRIS (when his name was called). I am paired with the Senator from Kansas [Mr. CURTIS]. If he were present, I am informed that he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I understand that if he were present he would vote "yea." I transfer my pair with him to the Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. NORRIS (when his name was called). On this vote, as on the votes on the amendments, I am paired with the senior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Chamber on account of illness. If the Senator from Alabama were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES], and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I desire to again announce my pair with the senior Senator from New Hampshire [Mr. MOSES]. If he were present, I am advised he would vote as I intend to vote. Therefore, I am at liberty to vote, and vote "yea."

Mr. ROBINSON of Arkansas. I have been requested to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily absent; that the junior Senator from Maryland [Mr. BRUCE] is absent on account of the death of a relative, but if present, he would vote "yea"; that the senior Senator from Missouri [Mr. REED] is detained from the Senate on account of the death of a friend; and that the junior Senator from Utah [Mr. KING] is detained on account of illness.

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand he would vote as I intend to vote. Therefore I am at liberty to vote and vote "yea."

I also desire to announce that my colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "nay."

Mr. JONES of Washington. I desire to announce the necessary absence of the senior Senator from Illinois [Mr. MCKINLEY], the junior Senator from Massachusetts [Mr. GILLETT], the senior Senator from Kansas [Mr. CURTIS], the senior Senator from New Hampshire [Mr. MOSES], the junior Senator from Illinois [Mr. DENEEN], the junior Senator from Delaware [Mr. DU PONT], the senior Senator from Maine [Mr. FERNALD], and the junior Senator from New Hampshire [Mr. KEYES]. If present, those Senators would vote "yea." I also desire to announce the pairs of the junior Senator from Massachusetts [Mr. GILLETT] with the senior Senator from Missouri [Mr. REED].

The result was announced—yeas 51, nays 26, as follows:

YEAS—51

Bingham	Goff	Means	Smoot
Broussard	Greene	Metcalf	Stanfield
Butler	Hale	Neely	Stephens
Cameron	Harreld	Oddie	Swanson
Capper	Harris	Pepper	Trammell
Caraway	Harrison	Phipps	Tyson
Dale	Heflin	Pine	Wadsworth
Edge	Jones, Wash.	Pittman	Warren
Edwards	Kendrick	Robinson, Ark.	Watson
Ernst	Lenroot	Robinson, Ind.	Weller
Fess	McLean	Sackett	Williams
Fletcher	McNary	Schall	Willis
Glass	Mayfield	Shortridge	

NAYS—26

Ashurst	Cummins	Jones, N. Mex.	Shipstead
Blease	Dill	La Follette	Simmons
Borah	Frazier	McMaster	Smith
Bratton	George	Norbeck	Walsh
Brookhart	Gooding	Nye	Wheeler
Copeland	Howell	Overman	
Couzens	Johnson	Sheppard	

NOT VOTING—19

Bayard	Fernald	King	Ransdell
Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Underwood
du Pont	Keyes	Norris	

So the concurrent resolution was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed among the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 26, 1926.

EXECUTIVE SESSION

Mr. GOODING. Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, to amend section 4 of the interstate commerce act, with the understanding that the Senate is going into executive session immediately, and the further understanding that the bill may be laid aside for the Army appropriation bill or any other appropriation bill.

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate automatically goes into executive session. The Sergeant at Arms will clear the galleries and close the doors.

Mr. WATSON. Mr. President, we were to go into executive session; but I ask unanimous consent that the executive session be postponed until to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, has the motion of the Senator from Idaho been agreed to?

Mr. GOODING. No.

Mr. WATSON. Mr. President, may I make an explanation?

The VICE PRESIDENT. Certainly.

Mr. WATSON. Under a unanimous-consent agreement the Senate was to proceed with the consideration of the nomination of Mr. Hunt as a member of the Federal Trade Commission at the conclusion of the consideration of the concurrent resolution dealing with Muscle Shoals. The Senator from Utah [Mr. KING] is ill, however, and can not be present. The Senator from Iowa [Mr. CUMMINS] has agreed not to proceed in the absence of the Senator from Utah. It is desirable that we proceed with legislation; and therefore, that we may do so in order, I ask unanimous consent that the executive session be postponed until to-morrow at 4 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. Mr. President, there is an objection. It was understood in my discussion of the matter with the Senator from Montana, the Senator from Utah [Mr. KING] being absent, that a time would be fixed for voting upon the nomination of Mr. Hunt.

Mr. WATSON. Why may not this all be fixed to-morrow as well as to-day?

Mr. CUMMINS. I want it to be fixed to-morrow. I want a vote to-morrow.

Mr. WATSON. But I do not think we ought to fix it unless we are in executive session.

Mr. CUMMINS. I do not think so, either; and therefore we will have to go into executive session.

Mr. WATSON. Let us fix the time to vote when we get into executive session to-morrow, and let the Senator from New York go on to-day with his military bill.

Mr. JONES of Washington. Mr. President, let me suggest to the Senator that several Senators have spoken to me this afternoon regarding other executive business, and wanted to know if we would have an executive session; and of course I told them that we would, because no change had been made in the unanimous-consent agreement with regard to the executive session. I suggest that if we go into executive session we will close up our business quicker than otherwise.

Mr. WATSON. The Senator from New York could pass his military bill while we are fooling around with an executive session.

Mr. CUMMINS. We can not take up the matter for discussion before to-morrow, but we can make an agreement this afternoon to vote to-morrow.

Mr. WATSON. Mr. President, there being objection to the unanimous-consent request, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. But the Senator from Idaho [Mr. GOODING] has a prior motion.

The VICE PRESIDENT. The Senator from Indiana has simply stated the order as it exists at present.

Mr. SMOOT. Mr. President, is it not proper at this time for the Senator from Idaho to ask unanimous consent——

Mr. ROBINSON of Arkansas. Mr. President, I call for order in the Chamber. I should like to know what is going on here.

Mr. SMOOT. I asked the Chair if it is not proper at this time, notwithstanding the unanimous-consent agreement to go into executive session, to ask unanimous consent to proceed to the consideration of the bill that the Senator from Idaho [Mr. GOODING] has just moved to take up?

The VICE PRESIDENT. If there is no objection——

Mr. SMOOT. Why does not the Senator do that?

Mr. GOODING. I ask unanimous consent——

Mr. SMOOT. I find, however, that the Senator will have to move to take up the bill.

Mr. GOODING. Then, Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, with the understanding that it is not to be discussed this afternoon and that it will be laid aside for the Army appropriation bill.

The VICE PRESIDENT. The motion is out of order.

Mr. SHEPPARD. I call for the regular order.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

Mr. ASHURST. Mr. President, a point of order. When was that order entered?

The VICE PRESIDENT. The order was entered last Saturday. The Senate is in executive session. The Sergeant at Arms will clear the galleries and close the doors.

The doors were closed. After 10 minutes spent in executive session the doors were reopened.

LONG AND SHORT HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. GOODING. Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, to amend section 4 of the interstate commerce act.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. WADSWORTH. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed to the consideration of House bill 8917, the War Department appropriation bill.

Mr. ROBINSON of Arkansas. It is practically 5 o'clock now, and I do not believe the Senate should pursue that course. We have given the right of way to the long and short haul bill, and now, without giving it any consideration at all, it is proposed that it be laid aside and that we take up a general appropriation bill at this hour. I do not believe the Senator from New York should attempt to do that. So far as I am concerned, I shall be glad to facilitate the consideration of this appropriation bill, but I do not think we ought to take it up at this hour, which is practically the usual hour of adjournment.

Mr. WADSWORTH. Let me make an inquiry of the Senator from Arkansas. Would it be the idea of the Senator that the Senate should proceed now to a discussion of the long and short haul bill?

Mr. ROBINSON of Arkansas. My idea is that we should take an adjournment at this time. We have done a day's work, and I do not know of any reason why we should at this hour proceed with either of these measures.

Mr. WADSWORTH. If the Senate shall decide to adjourn or take a recess at this time, I will make the same request to-morrow.

Mr. ROBINSON of Arkansas. I should have no objection to laying aside the long and short haul bill to-morrow, if those in charge of the bill desire to have that course followed, and to taking up the War Department appropriation bill. The unfinished business will not come up until 2 o'clock, if we adjourn.

ADJOURNMENT

Mr. GOODING. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, March 9, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of March 6), 1926

UNITED STATES MARSHAL

Louis Buchwald to be United States marshal, northern district of West Virginia.

SURVEYOR OF CUSTOMS

Edward E. Philbrook to be surveyor of customs at Portland, Me.

COLLECTORS OF CUSTOMS

Charles Fowler to be collector of customs at Nogales, Ariz.

John C. McBride to be collector of customs at Juneau, Alaska.

Alexander L. McCaskill to be collector of customs at Wilmington, N. C.

Judson LaMoure, jr., to be collector of customs at Pembina, N. Dak.

Millard T. Hartson to be collector of customs at Seattle, Wash.

COLLECTOR OF INTERNAL REVENUE

Jacob O. Bender to be collector of internal revenue for the district of Louisiana.

POSTMASTERS

ILLINOIS

Joseph J. Janda, Berwyn.

IOWA

William R. Prewitt, Forest City.
Raymond W. Rhoades, Glenwood.
Eva Keith, Goldfield.
Inga E. Cheely, Hornick.
Fred E. Bourgeois, Kalona.
William C. McCurdy, Massena.
Eugene E. Heldridge, Milford.
Frerich O. Christoffers, Palmer.
Otto J. Warneke, Readlyn.
Christa A. Hendrix, Silver City.
Ross G. Hauser, Union.

HOUSE OF REPRESENTATIVES

MONDAY, *March 8, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our heavenly Father, feed us with the bread of heaven that we may be faithful to duty, strong in our convictions, responsive to all good, and sensitive to all wrong. When we meditate upon Thy marvelous works and the provisions Thou hast made for our preservation and redemption we are moved to wonder. When we behold the Father's love in the heart of our Savior we are stirred with the deepest emotions of praise and gratitude. In all things may He be our true example and may we love him in thought, word, and deed. Our relationship to society and state calls for strength, patience, tenderness, and discrimination. Our work means the bending of our whole soul to a serious undertaking. May we do good and no harm and never grow weary. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, March 6, 1926, was read and approved.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. WAINWRIGHT, for to-day, on account of sickness.

POST OFFICE AT SEGUIN, TEX.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter addressed to the chairman of the

Committee on the Post Office and Post Roads by the Postmaster General.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing in the RECORD a letter he received from the Postmaster General. Is there objection?

There was no objection.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 5, 1926.

Hon. W. W. GRIEST,
Chairman, Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. GRIEST: My attention has been directed to a speech made on the floor of the House by Representative WURZBACH, of Texas, on March 3. The only portion of the speech with which I am concerned is that which has reference to the lease of a post office at Seguin, Tex., which is so misleading that I think it well to acquaint you with all the attending circumstances as they are accurately revealed by the records of the Post Office Department.

The facts are as follows: Prior to 1914 the post office at Seguin was in a building owned by Mr. Eugene Nolte, under a lease entered into December 1, 1912, to run to December 1, 1922, which called for 2,080 square feet of space, heat, light, and water, at an annual rental of $528. No objection to this location was ever made until March 26, 1914, on which date Representative GARNER of Texas called at the department to say that these quarters were unsatisfactorily located and to ask for an investigation. This was immediately ordered and Inspector Rolfe made an investigation, the result of which was a report to the effect that the quarters were ample, were properly located, the compensation satisfactory, and recommending that no change be made.

For some reason not disclosed this report was apparently unsatisfactory, as the records disclose that the case was reopened on January 9, 1915—at whose instance is not stated. Another inspection was directed and was made by Inspector Morris, who reported in due course that the quarters were satisfactorily located; that he had interviewed a majority of the business men of Sequin, 95 per cent of whom expressed entire satisfaction with things as they were, and this inspector also recommended that no change be made. This report was apparently no more satisfactory than the first, for on April 26, 1915, the case was again reopened, and on that date the then chief clerk of the department, Ruskin McCardle, in a personal letter to Inspector Morris, practically directed that a report be submitted recommending a change. In response to this direction, Inspector Morris made another investigation on May 12, 1915, submitted a report stating that while there had been some change of sentiment since the last investigation, he did not find sufficient justification for cancellation of the lease and recommended against it.

Notwithstanding these three reports, on June 30, 1915, Mr. Nolte was notified on the authority of Postmaster General Burleson that his lease was canceled, effective at the close of business October 31, 1915, and on that same date the First Assistant Postmaster General notified Mr. D. D. Baker of the acceptance of his proposal at $510 for 10 years from November 1, 1915. It will be seen that this was an arbitrary cancellation seven years prior to the expiration of the lease and contrary to the recommendation made as the result of three separate inspections.

On August 12, 1921, Inspector A. C. Helmer recommended the cancellation of the Baker lease and the return of the office to the Nolte Building, 269 patrons of the office signing a petition asking for its return to the Nolte Building. A separate petition, including the mayor and 14 business men, was submitted, recommending the same thing. Opposed to this was a petition signed by 178 patrons and Representative WURZBACH, protesting against the return of the office to the Nolte property. On November 15, 1924, this department requested an investigation of the conditions at Seguin with a view to negotiating a new lease from November 1, 1925, at which date the contract for the Baker Building was to expire, and on August 29, 1925, Inspector O. C. Smith reported transmitting three proposals, as follows:

1. George L. Baker estate, for quarters then occupied, 2,219 square feet, equipment, heat, light, and water, at $1 per annum for the first five years, and $840 per annum for the second five years. This site is two and one-half blocks from the business center.

2. Eugene Nolte, for the quarters occupied prior to 1915, 2,541 square feet, equipment, heat, light, and water, at $600 a year for either 5 or 10 years. This site is two blocks from the business center.

3. Thomas M. Vaughn, 3,200 square feet, with mezzanine, containing 1,800 square feet, for 5 or 10 years, at $1,200, with equipment, heat, light, and water.

On account of price, unsuitability of building, and the fact that it called for much more space than the department wanted, the Vaughn proposition was not seriously considered.

The inspector recommended the Baker site on the ground that it was cheaper, but said with reference to the Nolte site, "This is the most desirable site offered, being on the main business street, facing the public square or the city park and within two blocks of the business center. It is diagonally across the street from the principal bank and within one block of the county courthouse and leading hotel. The streets on both sides of the building are paved, the street in front, the main business street, being 15 feet wider at this point."

The department considered it unfair to enter into a lease at $1 a year for the first five years and $840 a year for the second five years. Both proponents had to provide equipment and arrange to get their money back on account of this expenditure from the rental accruing during the period of the lease. It was very apparent that the Baker bid at $1 for the first five years was worded in this manner in an attempt to eliminate competition, and then by increasing the rent to $840 for the remaining five years the proponent would still obtain reimbursement for the equipment outlay. Furthermore, both proponents were not bidding on the same basis. It was therefore deemed both advisable and just to give both proponents an opportunity to revise their bids on a straight 10-year basis, and both were notified to do so.

It was also considered unwise to enter into a 5-year lease for the reason that the receipts of the Seguin office increased from $12,122 to $21,715 in the 5-year period from 1920 to 1924, indicating rapid future growth. Therefore, if a 5-year lease were taken, at the expiration of that time the receipts of the office would, at this rate, be around $30,000, and the probabilities, based on past experience, were that the department would have then had to pay a rental of from $1,800 to $2,000 a year for rent for an office of that size.

Both proponents were accordingly formally notified to submit new bids strictly on a 10-year basis.

It is true that Mr. Nolte was at that time in Washington and that he called in person at the department with reference to this matter, but it is absolutely untrue that he was given any intimation whatever of the figures submitted by owners of the Baker property. On the contrary, he was specifically told that he must submit his bid in writing and sealed, which he did.

In response to the department's last instructions, the Bakers telegraphed, on September 14, 1925, "If you want 5-year lease, I offer post office at Seguin for $1 per annum. If you prefer 10-year lease, I offer quarters at $420 per annum." When the bids were opened it was found that the Baker proposition was for $420 a year and the Nolte proposition $360 a year for a 10-year lease, and, in strict accordance with invariable practice, the Nolte bid was accepted.

In July, 1925, when the matter of leasing quarters was pending, Representative WURZBACH submitted a letter asking that the Baker Building be accepted for another 10 years, without advertising, at the rate of $900 a year. He was informed that bids must be regularly invited.

It will be observed that every inspector who ever passed on the relative merits of the two sites gave the preference to the Nolte Building, and that the removal of the office from it in 1915 was the result of an arbitrary order issued by the Postmaster General of that day. The sole ground on which the last inspector recommended against removal from the Baker to the Nolte site was that the Baker site was cheaper, and when the final bids removed that objection, it leaves an unbroken chain of recommendations favorable to the Nolte Building.

It is true that on September 9, 1925, I did write Representative WURZBACH that he would be notified before the matter was disposed of, and a memorandum to this effect was put in the file. This was overlooked and not brought to my attention. That I did not write him personally was an oversight for which I accept full responsibility. It was, however, reasonable to assume that in view of the very persistent interest of Mr. WURZBACH in having the Baker lease entered into, he was fully informed as to the progress of events.

I have given you this statement of facts, taken from the official records, for such use as you see fit to make of it.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam.

The message also announced that the Senate had passed with amendment the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River, near Cody, Ark.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio; and

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes.

MR. JUSTICE HOLMES

Mr. McSWAIN. Mr. Speaker, I beg to call attention to the fact that to-day is the eighty-fifth anniversary of the birth of the Hon. Oliver Wendel Holmes, one of the Justices of the Supreme Court of the United States, a great public servant, a great jurist, who has manifested a vision of statesmanship in his service as a member of that court.

Mr. Speaker, on March 2, 1925, I made some remarks concerning the public services of Mr. Justice Holmes. I am reproducing a portion of those remarks in order to call attention to the toleration, sympathy, and teachable spirit of the man who to-day is 85 years old, and still doing his full share of the work on that great court. If he had been in the Army or the Navy, he would have been retired 21 years ago. His very best work has been done within the last 21 years:

This statesmanship of Mr. Justice Holmes has revealed itself in his willingness to hear the other side, and especially to give the individual States the right to enact laws upon social and economic matters that do not agree with his own views, so long as those laws do not plainly impinge upon the provisions of the fourteenth amendment. Hear him utter a great dissent and voice a principle that has made for individualism, the aggressiveness, the personal initiative, and the progressive qualities of the citizenry of this Republic:

"There is nothing that I more deprecate than the use of the fourteenth amendment beyond the absolute compulsion of its words to prevent the making of social experiments that an important part of the community desires in the insulated chambers afforded by the several States, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect.

"The fourteenth amendment, itself a historical product, did not destroy history for the States and substitute mechanical compartments of law all exactly alike."

If we can not surely understand the Constitution from its mere language, how can we understand it and who can be trusted to expound for us its intentions, its purposes, and its plans? If the Constitution is the bare, bony framework of government, where may we find its flesh and blood and nerve and brain? In the popular phrase, What is "the spirit of the Constitution"? Who is best qualified to perceive and explain that "spirit"? Surely it must be the man with knowledge of and a sympathy with the long, long struggle in all lands, and especially in England, for orderly government "deriving its just powers from the consent of the governed." It must be the man who has studied, comprehended, and rejoiced at the rise of the power of the people in the selection of those who are to make and interpret and enforce the laws by which the people live.

Mr. Justice Holmes exemplifies this sympathetic comprehension of how our political liberties have "broadened slowly down from precedent to precedent." He manifests familiarity with the whole bible of English and American liberty. He realizes the law is not an abstract science, living apart in lonely and logical seclusion, but is a changing conception of human progress revealed in history and formulated to meet multifarious human needs. It is preeminently essential that the Justices of our Federal Supreme Court should feel this "historical conception" of law. Certainly Mr. Justice Holmes, as few others have, has manifested a clear conception of the many-sidedness of the great legal controversies that have come before the Supreme Court since he has been a member, and he has exhibited a high resolution to determine those legal problems not according to personal preferences or partisan feeling, but with humility, toleration, and fairness. His opinions are vibrant with the inspiration of Webster's classic utterance, "justice is the greatest interest of man on earth."

WHERE TO FIND RECRUITS FOR SUPREME COURT

Since the Supreme Court Justices have great powers of "judicial legislation" and are called upon to exercise "judicial statesmanship," the selection of such Justices is manifestly a delicate and difficult responsibility. But Mr. Justice Holmes came to the service of the highest Federal court with the clearest demonstration of his existing fitness for that sacred office. As teacher of law and as author of legal commentaries, he had exhibited a thorough comprehension of the whole field of common law, which is the matrix from which grow all other forms of legal development. For 20 years he had been a member of the Supreme Judicial Court of Massachusetts. Therefore the elevation in 1902 was no experiment. His talents and aptitude for judicial service had already been tried, tested, and demonstrated. To appoint a lawyer without judicial experience, however great may be his abilities as a counselor or his success as an advocate, is apt to be an experiment in the sense that he is untried. However high in political counsels one may be, however great his learning or powerful his intellect, yet these are no guaranty of that judicial balance of temperament, that mental and spiritual fairness and toleration, that intellectual humility and sense of justice so desirable, yea, so essential, to the delicate responsibilities of the Supreme Court. And here is an example and thought for him who nominates and for those who confirm.

There are 161 United States circuit and district judges and 277 justices of supreme courts. All these have been tried and found either fit or wanting. They have either manifested some of the ideal judicial qualifications or they are simply holding a mediocre average. Would it not be an inspiration for all these judges to feel their work, their careers, their conduct are constantly under the observation of those having the power to say "come up higher." If the justices and judges of the courts above named realized that vacancies upon the Supreme Court of the United States would be filled by the promotion of those already exercising judicial office, it certainly would stimulate their energies, and the effect would be not only to find the fitted material for the Federal Supreme Court, but would attract and hold better material to the lower courts.

Talented lawyers would thus be encouraged to accept the humbler judicial stations as stepping stones to the great goal of any honorable lawyer's ambition. Judges would be fired by a praiseworthy ambition so to serve as to deserve promotion. Then our great judicial keystone that completes the arch of our constitutional structure would always be composed exclusively of tested material. Then there would be no disappointments and misfits. There would be higher proficiency and greater efficiency all along the line. Confidence in the court would undoubtedly increase. Complaints should certainly cease. This suggestion is put forth with great humility and respect.

It is extremely interesting to observe, in view of much violent discussion in recent months, that Mr. Justice Holmes has said, "I do not think the United States would come to an end if we [the court] lost our power to declare an act of Congress void." This seemingly radical utterance of a Boston conservative but evinces the historical understanding underlying all his mental processes. "Comparative jurisprudence" makes men wise. "The historical instinct" is an invaluable trait for a judge. Of course, this statement does not confess any existing want of power in the court to uphold our written Constitution, even in defiance of contrary statutes. Though many contend that such power is an assumption on the part of the court, yet there is no fair escape from the conclusion that under a written Constitution, predicated upon the principle of popular sovereignty, the courts must possess the power to decide which is the law as between the Constitution and the statutes when the issue is necessarily presented in an actual case before the court.

APPROPRIATIONS

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes in order to interrogate the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, as our friend Will Rogers would say, all we know is what we see in the newspapers, and we are not always certain about the statements that we see in the newspapers. I ask the gentleman from Connecticut [Mr. TILSON] whether the report in the newspaper of yesterday about the President being alarmed at the appropriations made by Congress being in excess of the revenues, is well founded?

Mr. TILSON. I think the word "alarmed" would be the wrong word to use in that connection, because I think the

President has confidence in the House of Representatives and in the Congress as a whole, that the Congress will not do those things that ought not to be done.

Mr. GARNER of Texas. If the President has confidence in the Congress, such as the gentleman suggests, why does he summon the gentleman to the White House and undertake to urge him to restrict the Congress in its appropriations?

Mr. TILSON. Oh, there was no effort to restrict the Congress. The President was simply doing his duty in calling attention to the fact that we have made a very drastic reduction in the revenues by the passage of the tax bill lately agreed to. He would not be doing his duty if he did not call attention to the fact that danger lurks in case there should not be a sufficient amount of revenue to keep the Treasury solvent.

Mr. GARNER of Texas. Will the gentleman be good enough to tell the House to what appropriations he called attention in which we have exceeded the amount he suggests?

Mr. TILSON. There was nothing of this kind. No specific bills were referred to that had been passed or that are about to pass, or that possibly might be passed.

Mr. GARNER of Texas. Then it was just a sort of social conversation between the gentleman and the President as to the general policy?

Mr. TILSON. The gentleman may call it so if he will.

Mr. GARNER of Texas. And there was really nothing in the newspaper report, then, as I understand it?

Mr. TILSON. Oh, I think there was a great deal in it.

Mr. GARNER of Texas. The gentleman does not have any information about it, and I do not see how there could be any more in the newspapers than the gentleman knows, and he does not seem to know anything.

Mr. TILSON. I have all the information there is in regard to it.

Mr. GARNER of Texas. But the gentleman does not impart any of that information to us.

Mr. TILSON. Oh, I have not concealed anything. I have told the gentleman that, so far as the newspaper report is concerned, it was reasonably accurate.

Mr. GARNER of Texas. If I understand the gentleman, then, the President did not point out to him any appropriation that Congress had made that was in excess of what it ought to be; neither did he suggest to the gentleman that appropriations in the future be restricted?

Mr. TILSON. Oh, he did not specify any particular appropriation. That is a matter for us to consider. What he did specify was that the sum total of appropriations and authorizations made should not exceed the revenues, which was a perfectly proper attitude for him to take.

Mr. GARNER of Texas. If the sum total of the appropriations is less than the President's recommendation, I presume it will be entirely satisfactory.

Mr. TILSON. Well, it certainly will not cause him to be alarmed, as the gentleman suggests, over the condition of the Treasury if we do not appropriate or authorize any more than the revenues will pay.

Mr. GARNER of Texas. Not revenues; the gentleman uses the wrong term. I said this: That if Congress did not appropriate any more than the President asks through the Budget, I presumed it would be entirely satisfactory.

Mr. TILSON. If he is not satisfied in that event, of course, the blame would not lie here but somewhere else.

CELEBRATION AT WILLIAMSBURG, VA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Joint Resolution —, providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776, proposing that Congress make a Declaration of Independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

Whereas the Virginia Convention in session in the city of Williamsburg on the 15th day of May, 1776, adopted a resolution instructing the Representatives of Virginia in the Continental Congress to propose a resolution declaring the "United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this Colony to such declaration and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances and a confederation of the Colonies"; and

Whereas pursuant to this action a resolution was adopted by Richard Henry Lee, of Virginia, in the Continental Congress and adopted on the 29th day of June, 1776, declaring the Colonies free and independent and absolved from all allegiance to the British crown, which was followed by the Declaration of Independence; and

Whereas it is appropriate that Congress should recognize the 15th day of May, of the current year, as the one hundred and fiftieth anniversary of an event of such great historic interest and importance: Therefore be it

Resolved, etc., That there shall be a committee of Congress consisting of 10 Members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to participate as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary to be held in the city of Williamsburg, Va., on the 15th day of May, 1926.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BEGG. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. BEGG. I want to say to the gentleman I am in entire accord with the idea, but beg to suggest to the gentleman that there ought to be a proviso in there that the actual expenses of this committee be paid out of the contingent fund of the two bodies.

Mr. MONTAGUE. Well——

Mr. BEGG. The gentleman certainly is most modest in his request. He does not ask for an appropriation, and I think that proviso ought to go in there. I wish the gentleman would offer an amendment to that effect.

Mr. MONTAGUE. I had not originally contemplated to ask that any charge be placed upon the Government. However, if the gentleman sees fit to take out of the contingent fund the actual expenses, which will not be over from $300 to $500, of course, that would be appreciated.

Mr. BEGG. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. BEGG. I am going to offer the amendment, and the House can do what it pleases with it. At the end of the resolution I would add:

Provided, That said committee shall be paid their actual expenses for the trip to Williamsburg and return to Washington out of the contingent funds of the respective Houses.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to have the resolution reported.

The SPEAKER. The resolution has been read once, but will be read for amendment. Is there objection to its present consideration?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman, for information, what the resolution does? I just came in.

The SPEAKER. The resolution has been read, and if there is no objection to the consideration of the resolution, it will be read for amendment.

Mr. MADDEN. I reserve the right to object to the present consideration of the resolution.

Mr. MONTAGUE. If the gentleman from Illinois will permit——

Mr. MADDEN. Certainly——

Mr. MONTAGUE. I will endeavor to state succinctly what it is. The resolution is intended to recognize a very potential and constructive fact in American history, namely, the instructions of the constitutional convention assembled at Williamsburg, Va., on the 15th of May, 1776, to its representatives in the Continental Congress at Philadelphia to propose therein a declaration of independence for the Colonies.

Mr. MADDEN. What financial obligation is involved?

Mr. MONTAGUE. None whatever in the resolution, but the gentleman from Ohio [Mr. BEGG] has suggested an amendment.

Mr. BEGG. Mr. Speaker, if the amendment involves the defeat of the resolution, I will withdraw it. I do not want to jeopardize the resolution.

Mr. GARRETT of Texas. Mr. Speaker, I make the point of order that the resolution was offered, and the Chair asked if there was objection to its consideration.

Mr. MADDEN. I reserved the right to object.

The SPEAKER. Reservation of the right to object was made.

Mr. MADDEN. I want to say that I am not opposed to the passage of the resolution if it does not cost the Government anything.

Mr. CHALMERS. I want to say, Mr. Speaker, that it seems to me that this is an important event in the history of our country. I hope the gentleman from Illinois will not object to the present consideration of the resolution. Neither do I think it is quite fair to tie up the membership of the House in the matter of amending the resolution after it has been considered.

Mr. TILSON. Mr. Speaker, will the gentleman from Virginia yield?

Mr. MONTAGUE. I will.

Mr. TILSON. If I recall the reading of the resolution correctly, it is a joint resolution.

Mr. MONTAGUE. Yes.

Mr. TILSON. Why should it not be a concurrent resolution of the two Houses.

Mr. MONTAGUE. It may be better to make it concurrent.

Mr. TILSON. It is a joint resolution in form, and if it is passed it becomes a law; whereas if it is a concurrent resolution, it is merely the action of the two Houses.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that it may be amended by making it a concurrent resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a concurrent resolution be substituted for the joint resolution. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

SALE OF WAR DEPARTMENT REAL PROPERTY

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill S. 1129.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Conference report on the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 6½, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "*Provided*, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post"; and the House agree to the same.

Amendment numbered 28: That the Senate recede from its disagreement to the amendment of the House numbered 28 and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "*And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act"; and the House agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
RALPH H. CAMERON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The language of the amendment adopted by the House is further amended to permit the sale of the land under lease or license by an American Legion post with the consent of the post, thereby relieving the mandatory loss of a sale should the American Legion post occupying the land desire to purchase it or turn it back to the Government.

On No. 28: This proviso is inserted to take care of a situation existing in the State of Louisiana, where the National Guard has been occupying Jackson Barracks, an abandoned Government reservation of 87 acres, since February 1, 1921, keeping the buildings in a good state of repair without expense to the Government. The Inspector General of the Army has commended the Louisiana National Guard highly for the manner in which this property has been cared for.

The post is now being occupied by the Washington Artillery Battalion of Field Artillery, an old historical organization, dating back to the Mexican War, and several troops of Cavalry, together with 125 horses, the matériel and transportation of these organizations; for storage purposes for all Federal property issued to the State and not in the hands of troops. Buildings are also used for armory purposes and as quarters for the officers commanding the organizations mentioned above. The National Guard has expended $6,000 for the construction of stables alone, and has incurred a great deal of expense in the repair of many buildings on the reservation.

The Louisiana National Guard wishes to purchase the whole tract to be held for the future development of the guard, but believes permission should be given to sell any portion of the land not found necessary for the development of the guard because of curtailment of National Guard activities by the National Government. This permission is given with the proviso that no portion of the land shall be sold without the approval of the Secretary of War.

The language of the amendment as greed upon has the approval of the Secretary of War.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. For the purpose of getting unanimous consent to speak about a minute and a half.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for a minute and a half. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker and gentlemen of the House, last Saturday a magnificent address was delivered here by the gentleman from Alabama [Mr. OLIVER]. I trust most of you heard it and enjoyed it. I want particularly to call your attention to the opening remarks of the gentleman from Alabama telling about the good things that the CONGRESSIONAL RECORD contained and how valuable they would be if they were read in the high schools of the land. My suggestion is that a little resolution is sleeping somewhere, calling attention to the importance of furnishing the CONGRESSIONAL RECORD to the public and parochial high schools throughout the country. I beg the attention of the chairman of the Committee on Printing and ask him that that resolution be allowed to come up on the floor. [Applause.]

DISTRICT OF COLUMBIA BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District legislation; and pending that motion, I ask unanimous consent that the general debate be controlled one-half by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the time for general debate in the consideration of District bills on the calendar be equally divided between the gentleman from Texas [Mr. BLANTON] and himself. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, how much time does the gentleman anticipate will be required?

Mr. BLANTON. We think we should have to-day.

Mr. TILSON. Does not the gentleman want to qualify his request?

Mr. BLANTON. If we finish the District business to-day, we shall have done two good days' work in one. We ought to do it.

Mr. TILSON. That does not answer the question.

Mr. BLANTON. We are cooperating together for the purpose of expediting the business.

Mr. ZIHLMAN. I will say, Mr. Speaker, in answer to the gentleman from Connecticut [Mr. TILSON], that personally I would like to put a limit to it, but the gentleman from Texas [Mr. BLANTON] thinks we can expedite the consideration of these bills by putting it this way.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the Committee on the District of Columbia.

Mr. RANKIN. Mr. Speaker, will the gentleman from Maryland withhold that for a moment?

Mr. ZIHLMAN. I withhold it for a reasonable time.

SWAMP AND OVERFLOWED LANDS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short memorial on the part of the Legislature of the State of Mississippi addressed to the Congress of the United States.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing a memorial addressed to Congress by the Legislature of the State of Mississippi. Is there objection?

Mr. BEERS. Mr. Speaker, I must object until we find out something about it.

Mr. RANKIN. It is a memorial addressed to the Congress of the United States asking, in effect, that southern drainage and reclamation projects be given the same consideration as reclamation and drainage projects in other sections of the country.

Mr. BEERS. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following memorial to Congress passed by the Legislature of Mississippi:

A concurrent resolution (H. Con. Res. 13) memorializing Congress to grant to the various States of the Union Federal aid for the drainage and reclamation of swamp and overflowed lands

Whereas there are great areas in the State of Mississippi and other States of the Union which are now in swamps and are subject to overflow; and

Whereas the agricultural prosperity of the Nation would be greatly benefited by the reclamation and drainage of these swamp lands; and

Whereas the reclamation and drainage of said lands is a project which would benefit the whole Nation and a project which is practically impossible for the individual States to carry out without financial aid; and

Whereas the Federal Congress has appropriated great sums of money for the purpose of irrigating and reclaiming barren and arid lands in the West and Northwest; and

Whereas drainage and reclaiming swamp lands in the Middle and Southern States will yield to agriculture the same benefits as that derived from irrigating and reclaiming the plains region: Be it

Resolved by the house of representatives (the senate concurring), That the Members of the United States Senate from this State and Representatives in the Congress of the United States from this State be requested to use every effort in their power to secure for the State of Mississippi and other States similarly situated Federal aid for the drainage and reclamation of swamp and overflowed lands; and be it further

Resolved, That the Congress of the United States be, and it is hereby, respectfully memorialized and requested to grant to the various States of the Union Federal aid as herein set out.

Adopted by the house of representatives January 15, 1926.

THOMAS L. BAILEY,
Speaker of the House of Representatives.

Adopted by the senate February 1, 1926.

DENNIS MURPHREE,
President of the Senate.

I, Joseph W. Power, secretary of state of the State of Mississippi, hereby certify that the foregoing copy of House Concurrent Resolution No. 13 is a true and correct copy of the enrolled act as same appears on file in my said office.

Given under my hand and the great seal of the State of Mississippi this the 23d day of February, A. D. 1926.

[SEAL.] JOSEPH W. POWER,
Secretary of State.

DISTRICT BUSINESS

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the District Committee.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BEGG in the Chair.

OFFICES OF RECORDER OF DEEDS AND REGISTER OF WILLS

Mr. ZIHLMAN. Mr. Chairman, I call up H. R. 9685, a bill providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The CHAIRMAN. The gentleman from Maryland calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule for amendment.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be read under the five-minute rule. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1927, all of the fees and emoluments of the offices of recorder of deeds and register of wills of the District of Columbia shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That such of the undeposited fees and emoluments arising out of the fiscal year 1927 and prior fiscal years as may be necessary for the payment of outstanding and unpaid obligations for those fiscal years may be retained for that purpose.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 1, line 5, strike out the word "into" and insert the following: "Weekly to the collector of taxes for the District of Columbia for deposit in."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. The annual estimates of appropriations for the government of the District of Columbia for the fiscal year 1928 and succeeding fiscal years shall include estimates of appropriations for the operation and maintenance of such offices. And appropriations are hereby authorized for personal services, rentals, office equipment, office supplies, and such other expenditures as are essential for the efficient maintenance and conduct of such offices.

With the following committee amendment:

Page 2, line 7, after the word "for," insert "a suitable record building for the office of the recorder of deeds, and for."

The committee amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

WIDENING OF FIRST STREET BETWEEN G STREET AND MYRTLE STREET NE.

Mr. ZIHLMAN. Mr. Chairman, I call up Senate bill 2041, a bill to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

The CHAIRMAN. The gentleman from Maryland calls up Senate bill 2041, which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be read under the five-minute rule. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within six months after the passage of this act, a proceeding in rem to condemn the land that may be necessary for the widening of First Street between G and Myrtle Streets NE., along the eastern boundaries of squares Nos. 675, 676, and 677, said street to be widened on such lines and to such a width as said commissioners may deem best for the public interest: *Provided*, That if the amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for such widening, plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding hereunder, and for the amounts awarded as damages; and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC. 3. That the act approved March 3, 1923, entitled "An act to authorize the widening of First Street NE., and for other purposes," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said act for the widening of the said First Street, known as District court cause No. 1594.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking for information. I would like to ask the chairman of the committee whether this bill has anything to do with the land directly adjoining the Union Station?

Mr. ZIHLMAN. It has not.

Mr. TREADWAY. Will the chairman kindly tell us where this widening of First Street is—where the location is?

Mr. ZIHLMAN. I will say to the gentleman that this land is in the rear of the post office, between G Street and Myrtle Street, and northwest of the Union Station Plaza—that is, the part of the plaza or concourse east of the station.

Mr. TREADWAY. Does it adjoin the railroad tracks?

Mr. ZIHLMAN. No; I will say to the gentleman that it is on the other side of the street.

Mr. TREADWAY. Will the gentleman yield me five minutes so that I may make some statement with reference to this matter?

Mr. ZIHLMAN. The gentleman, under the rules of the House, is entitled to five minutes.

Mr. TREADWAY. I moved to strike out the last word for the purpose of asking a question, but I would now like to make an observation as to land in that vicinity.

Mr. Chairman, the reason I am asking the chairman of the committee about the actual location of this land is that, it seems to me, we must in the near future face the question as to the validity of the claim of the railroad people and other owners adjoining the Union Station. The public are being treated, in connection with the use of the Union Station, in the manner described years ago by a remark of the late Cornelius Vanderbilt. I have never seen anything like it. It is the only station in the world, so far as I know, where you can not approach the main entrance without being roped or chained off. You can not get to the main entrance of the Union Station in this city except as you pass a rope or a chain. I am informed that a street car line going along there has to pay a royalty, or a toll, as it were, for every street car using that land, to the so-called owners of land donated, as I understand it, by the Federal Government for the purpose of constructing a railroad station. You can not get to the entrance where people must go, either by taxi or by private conveyance, without sort of asking permission of an officer in a uniform supposed to be that of a policeman, but who is, as a matter of fact, an employee of the Union Station.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. I could continue along this line for some time, but I will be glad to yield to the gentleman, because, no doubt, he knows a great deal more about that situation than I do. However, let me add this one word, if I may, in view of the probable expiration of my time: I do not want to vote for this bill or any other bill that is going to give the monopolists controlling the Union Station any more rights or privileges than they now have, and I want some day to vote to take away a lot of the rights they already are assuming they have. [Applause.] I will now yield the floor.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the gentleman's pro forma amendment.

The speech of the gentleman from Massachusetts [Mr. TREADWAY] makes me feel hopeful. If you go down to this Union Station right now as a Congressman, with your family, and attempt to enter that station, you can not enter the inside driveway because that is sold to a special monopoly—the Black & White Taxi Co. Their cabs are the only ones that can come in on the inside driveway. Along about the time the Orange Blossom Special comes in from Florida every evening, you can not even enter the second driveway because that is also reserved for the black and white taxicabs. A Congressman or a Senator has to go in the third driveway, and your wife and children have to dodge around the black and white taxis like a bunch of scared partridges in trying to get into your own station. And the people of the District of Columbia are getting tired of it.

Mr. TREADWAY. But we are no better than the general public.

Mr. BLANTON. Certainly. I mentioned us, but I am speaking for the public. Let me tell the gentleman that I have had in mind the general public with respect to this proposition ever since I have been here, and the reason I say the gentleman is anticipating and is making me feel hopeful by his speech is because the next bill to be called up by the chairman will be the traffic bill, and before we get through with that bill I have an amendment which I expect to offer and if the gentleman will help pass that amendment, we will not have any more monopolies down here at this Union Station, because I am going to ask you to help to break it up. [Applause.]

I have an amendment that provides there shall be no more monopolies of this kind here in Washington; that the Pennsylvania Railroad and the Baltimore & Ohio shall not have the right to sell as special driveway the approaches to that depot to special monopolies; that the Willard Hotel shall not have the right to sell the sidewalk and street out in front of the hotel to a special class of taxicabs; that the Washington Hotel shall not have the right to monopolize the street in front of that building by selling the space to certain taxicabs; and that no hotel in this District of Columbia shall have any further monopolistic rights. I expect to offer that amendment, and I hope the gentleman from Massachusetts will help us to pass it, and in that event we will not have any more trouble. [Applause.]

Mr. GILBERT. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. GILBERT. I am heartily in favor of the amendment which the gentleman will offer to the next bill, but neither the remarks of the gentleman from Texas nor the remarks of the gentleman from Massachusetts have anything to do with the bill we are now considering.

Mr. BLANTON. Oh, no; this bill is all right.

Mr. TREADWAY. I simply wanted to have that assurance from the chairman in charge of the bill.

Mr. BLANTON. This bill is all right. Nobody in the committee has objected to it.

Mr. TREADWAY. Very good.

Mr. BLANTON. But we will ask the gentleman's help in a few minutes. [Laughter and applause.]

The bill was ordered to be laid aside with a favorable report to the House.

DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 3802) to amend the act known as the "District of Columbia

traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule.

Mr. BLANTON. Does not the gentleman want to use a little time on this bill? Does not the gentleman wish recognition?

Mr. ZIHLMAN. No; I do not wish recognition at this time. If the gentleman wishes to make a statement, I probably will want to use some time. Unless the gentleman wishes to discuss the bill now, I shall not use any time.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized for one hour.

Mr. BLANTON. Mr. Chairman and gentlemen, I want to commend the gentleman from Illinois [Mr. RATHBONE], and the gentleman from North Carolina [Mr. HAMMER], and the gentleman from Kentucky [Mr. GILBERT], and other members of the committee who in the last Congress worked hard and laboriously to pass a proper traffic bill for the city of Washington. They did splendid work. The gentleman from Illinois [Mr. RATHBONE] spent much time and gave much attention to the bill. Our House subcommittee framed a proper bill, collaborating with the Senate subcommittee. We had joint hearings before the Senate and House subcommittees. Some of the best traffic experts in the United States came here voluntarily and gave us information. I never heard a better statement in my life than the one given by Doctor Harris, of New York. The joint committee wrote a good bill. It went in on the floor elsewhere and was torn all to pieces. Just here and there were left fragments of the bill which had been prepared.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Yes, gladly.

Mr. HUDSPETH. The gentleman is commending the committee with respect to various bills which the gentleman says have been given careful study. How does the gentleman stand on the bill to cut a thoroughfare through Walter Reed Hospital grounds?

Mr. BLANTON. When the proper time comes, I am going to help the gentleman do what we have already done three times, whip that bill to a frazzle.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LaGUARDIA. Is that the same bill we passed last year?

Mr. BLANTON. We did not pass it last year.

Mr. LaGUARDIA. What happened to that one?

Mr. BLANTON. The House defeated it, as it has done every time. Here is the situation now, gentlemen, relative to this traffic bill, because we must confine discussion to it: The present traffic law gives the director of traffic the right to revoke or suspend a license for a violation of certain of his own regulations, regulations which the Congress gave him the power to enact, as approved by the commissioners, but that is as far as he can go. With respect to the traffic act itself, when there are violations of the provisions of that act, he can not suspend or revoke licenses until the man is convicted in court, and then and only then may he suspend or revoke licenses. He has general power to suspend or revoke licenses for a violation of his own regulations, but he has not any power to revoke licenses with respect to violations of the more serious provisions of the act until there has been conviction.

Now, what is the outcome? There are numerous cases here in Washington where bootleggers have been guilty of offense after offense, serious offenses, and every time they are taken before the court they demand a jury trial. In this way they get their cases put off, and many of them have not been convicted up to this time. They are still committing offenses and still holding their licenses, because there is no authority in the traffic director to suspend their license until they have been convicted.

Mr. TAYLOR of Tennessee. What limitation is there on his authority?

Mr. BLANTON. The only limitation is that every regulation must be approved by the commissioners.

Mr. TAYLOR of Tennessee. Then he could enact a rule that the license of the driver could be suspended?

Mr. BLANTON. It could be suspended if the commissioners approved of it. But he does not want to enact regulations that would be the same as the laws passed by Congress. One of the purposes of this bill is to give him the same authority to suspend with respect to serious offenses that he has with respect to minor offenses.

In this bill we propose to give the right to appeal to the court. We believe that the party accused should have a right to go to the court and have reviewed the decision of the traffic director, if it ought to be overturned. There is one case here where a man has been arrested about fourteen different times. Almost every serious offense that you could think of has been committed by him, and yet the traffic director has no power to suspend his license, because he has not yet been convicted.

You will remember that a bootlegger early in the morning went by the House Office Building at a rate of 40 miles an hour, caught a poor charwoman on the running board of his automobile, carried her the whole length of the House Office Building, let her fall off the running board dead, and he proceeded on his way into the country.

That fellow is known to the policemen, and yet he has not been indicted, much less convicted, and they can not suspend his license. There was a man who drove down the street, sideswiped a car, caused another automobile to run into a street car, and then he ran his car into Dupont Circle, into the middle of the circle, and was found sitting there honking his horn at the Dupont Fountain, trying to get it out of his way. They could not suspend his license because they have not the proper authority, as he has not been convicted yet.

Mr. LINTHICUM. Does the gentleman think that it was the water he was complaining of?

Mr. BLANTON. He was honking at the fountain to get out of his way. If the gentleman from Maryland did not get out of his way, he would run over him. He has no regard for the rights of the public.

Mr. LINTHICUM. It is like TOM HEFLIN's story about the "quick and the dead."

Mr. BLANTON. Yes; those who are not quick are dead. [Laughter.] Now, gentlemen, Washington is 25 years behind in traffic matters. The little city of Hagerstown is 25 years ahead of Washington in traffic signals. Almost every little village between here and New York has traffic signals and controls the traffic in the interest of the public. We are trying in this bill to give Washington a system like they have in Baltimore. They have a splendid system in Baltimore. We are trying to give them a system like they have in Cleveland, Ohio, where they have a splendid traffic system. We are trying to give them a system something like they have in New York, where they have a splendid traffic system.

The commissioners have forced us to ask for some changes to be made in the bill. In order to have unanimity at the other end of the Capitol we are going to offer some of the amendments which they demand in order to get the bill passed in the Senate.

Mr. OLIVER of Alabama. Do I understand that this bill has the unanimous support of the committee?

Mr. BLANTON. Some part of it has and some part has not. At the demand of the commissioners the committee struck some parts of the bill out, and I am going to ask you to restore them to the bill.

Mr. OLIVER of Alabama. It is a very important measure and action ought to be taken.

Mr. BLANTON. I am going to say this: If we had three commissioners to pass on this matter, we could follow their judgment; but you have a police commissioner, concerning whose judgment the others will not go against, because they do not want to interfere in matters out of their department. So it is a one-man rule. I am going to ask you to write this bill like the traffic director needs it to properly control traffic.

I spent several months here during vacation going over this situation. I have ridden as late as 12 o'clock midnight with the director in my car going over this situation, pointing out things that I have seen, and he pointing out things to me that he had seen. I have worked with him in his office; I have worked with Colonel Moeller down there, who is one of the finest traffic engineers in the United States. We have splendid men in charge of that department, if we will back them up. They have been hamstrung and hounded by some of the press here in the District until it has caused prejudice to lodge in the hearts of Members of Congress against the traffic bureau, when there was no occasion for it.

When Mr. Eldridge was made traffic director he was getting $7,500 a year as manager for the American Automobile Association here in Washington. He was getting the same salary as a Congressman received until the last raise. The traffic act pays him only $6,000 per year. He was urged by the people here to accept this position. He was drafted into the job, and he was public spirited enough, he had the interest of his country enough at heart to take this position at a loss of $1,500 a year to him. He quit a $7,500-a-year job and

took one at $6,000 a year, and he has been losing $125 every month since that time. I do not think we can keep him any longer on $6,000 a year. I proposed in this bill to pay him $10,000, just what we receive ourselves, but the commissioners object to that. The commissioners do not want him to receive $10,000 a year, as they do not receive it, and therefore, yielding to their wishes in the matter, I am going to ask you to amend the bill to pay him $7,500 a year and his assistant $6,000. He deserves it. Any expert traffic director for a city comparable with Washington anywhere in the United States gets as much as $7,500 a year, and I hope the Members will agree to that amendment.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. Did he have to give up his business entirely?

Mr. BLANTON. Yes; he puts in all of his time at this business of traffic direction. He works all day and part of the night on the job. I know that he puts in his time, and you can not get a man anywhere in the United States who gives closer attention to the situation or who is more sincere and earnest about it than is Director Eldridge.

Colonel Moeller is an expert engineer. He is an expert traffic engineer. Do you not think that he ought to receive $6,000 a year? You can not get an expert traffic engineer for less than $6,000 a year, and I hope you gentlemen will see fit to pass that amendment.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. I have the amendments to sections 7 and 13 prepared by Mr. Eldridge. They are in concrete form.

Mr. BLANTON. If the gentleman will offer them, I shall be very glad.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. We see items in the newspapers occasionally that the police force of the city will not back up the enforcement of the traffic laws. Is that correct? Is there any way that we can correct that?

Mr. BLANTON. I am personally well acquainted with Major Hesse, who is the major and superintendent of the Metropolitan police. He is a splendid gentleman. There never has been any friction between him and Director Eldridge. Director Eldridge and Major Hesse work harmoniously together. They cooperate with each other and collaborate with each other. I do not believe that you will ever have any friction between them. They are both splendid gentlemen. They have the interest of the District at heart, and you will find that they will get along together.

Mr. LINTHICUM. The gentleman is telling us about these various amendments. The gentleman has not told us anything about the one applicable to the Union Station.

Mr. BLANTON. I have an amendment which is prepared to meet that very situation, which will make it unlawful for anyone to rent space in front of the station or in front of any public building. It is prepared so that it will be constitutional and lawful.

Mr. LINTHICUM. The station authorities claim that this land belongs to the Union Station or to the Pennsylvania Railroad system, do they not?

Mr. BLANTON. They claim that, but do so unjustly. The Willard Hotel might claim that the street in front of the hotel belongs to it, but it could not maintain that in court.

Mr. CONNALLY of Texas. But if they dedicate it to the public use, what then?

Mr. BLANTON. They have dedicated it to public use, and the people here have a superior right to the entrance and approaches to and from the station, and I have an amendment so drawn that it will meet the constitutional test.

Mr. LAGUARDIA. That land was given to the railroad for public use, was it not?

Mr. BLANTON. Yes; and it has been dedicated to public use. This is the only Union Station here where the trains come in from every direction.

Mr. LINTHICUM. I am with the gentleman on that. The other day I was down there, and it was difficult to get between those spaces.

Mr. BLANTON. I shall offer an amendment which will take care of that.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. OLIVER of New York. Is there any legal interdependence between Major Hesse and Director Eldridge.

Mr. BLANTON. Major Hesse is over the director of traffic.

Mr. OLIVER of New York. The traffic under Mr. Eldridge is part of the police force?

Mr. BLANTON. Yes. I am one of those who believe that there should be a street traffic head responsible for traffic conditions, but the majority of the committee do not agree with me on that point, and I have yielded my judgment to theirs, because they outvoted me.

I shall not raise that question on this bill, and I am willing to let the control be under the superintendent of police.

Mr. OLIVER of New York. I had in mind just this: The experience in reference to the police in New York is that the traffic squad, being a part of the police department, is the most powerful squad in the stopping of crooks. Every traffic officer is at a fixed place. People know where to go to find them, and I would not want to throw them under the direction of somebody dealing with traffic only and not with the police also.

Mr. BLANTON. My colleague from Illinois [Mr. RATHBONE] and myself studied that for some time to make this a separate head when we framed the other bill, but the committee was not of that opinion. And in deference to the majority of the committee we have arranged it so that the traffic director is still under the superintendent of police.

Mr. LANKFORD. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. LANKFORD. I agree with the gentleman thoroughly in what he said in support of this measure. This is the question I desire to ask, however: Is there any additional protection given to pedestrians aside from the protection given by the revocation of the license?

Mr. BLANTON. Yes; in this way: In every city comparable with Washington the traffic director controls pedestrians the same as vehicles; otherwise they might run in front of the traffic. This bill permits the traffic director to have stop signs which all traffic, including pedestrians, must obey, and all traffic go with the lights and stop with them.

Mr. LANKFORD. Then this is to contribute to the protection of pedestrians in the District?

Mr. BLANTON. Yes, sir; and they have it in every city of comparable size in the United States.

Mr. LANKFORD. And it should be here.

Mr. BLANTON. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 20 minutes.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be read under the five-minute rule.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Chair would like to suggest to the gentleman from Maryland, if his committee is unanimous in reference to the part stricken out, it will save a lot of time——

Mr. BLANTON. No; read that, because we expect to perfect that.

The Clerk read as follows:

Be it enacted, etc., That the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, and being Public, No. 561, Sixty-eighth Congress, be, and the same is hereby, amended as follows, to wit:

"Under the title 'Definitions,' following subdivision (j) of section 2 of said act, there shall be added a new subdivision (k) reading as follows:

"(k) The term 'vehicle' shall apply to any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden."

Mr. BLANTON. I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 8, after the word "added," strike out "(a)" and insert in lieu thereof "(two)," and in line 9, after subdivision (a), insert the following, to wit: "Paragraph (1)," and on page 2, line 3, after subdivision (k), insert the following new subdivision: "(1) Traffic shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals of every description, at rest or in motion, and the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia."

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, this is an amendment the traffic department recommends should be adopted. It would permit the traffic department to have control over street cars the same as over automobiles. In other words, the street cars now contend that the present law does not give the traffic department any control over the street cars. They have agreed

to stop at certain lights and they have refused to stop at other lights.

Mr. AYRES. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. AYRES. Under this amendment, if the traffic director wants to adopt it, why was it not put in the original bill?

Mr. BLANTON. It was because some street cars objected to it; that is all.

Mr. HILL of Maryland. This puts the street cars under the control of the director the same as motors and everything else?

Mr. BLANTON. Certainly. Here is the situation. Here is a boulevard running here and here is one running across it, and we are coming down this boulevard along the car track, and that car track crosses here, and here is a red light stop. When we get to this red light the person in the automobile must stop and let the traffic come through, but the street car can keep on going because as they say the law does not apply to them.

Mr. CRAMTON. And if the gentleman will permit, it is the purpose also of the gentleman's amendment to clear the authority——

Mr. BLANTON. Over pedestrians.

Mr. CRAMTON. Over pedestrians?

Mr. BLANTON. Yes.

Mr. CRAMTON. Which was denied by the courts?

Mr. BLANTON. And it also gives control over all animals. One newspaper here in trying to make the department appear ridiculous had a man drive a mule down Sixteenth Street, claiming the director of traffic had nothing to do with a mule, so the traffic director is asking us to pass this amendment so that he would have the same control over making street cars, pedestrians, and animals stop at boulevards that he has now over automobiles and busses. It would have the same control down here at F Street and G Street, when traffic is passing, to have a pedestrian stop until proper signals are given, and then you will not have automobiles and street cars running over pedestrians all the time.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. AYRES. Will this give them authority also to control elephants as well as mules? [Laughter.]

Mr. BLANTON. Yes; elephants and other animals. It will give the department the right to control all traffic. Now they are not controlled.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. This also gives the director of traffic control over pedestrian traffic, does it not?

Mr. BLANTON. Yes; it gives the director control over pedestrian traffic. This amendment has been approved by the traffic department.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Under this amendment if somebody tries to cross the street in the middle of the block they will be under the control of the traffic director?

Mr. BLANTON. Yes. That is the case in Baltimore and in New York.

Mr. HILL of Maryland. Yes.

Mr. BLANTON. Why not in Washington also?

Mr. HILL of Maryland. Exactly.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TREADWAY. Is this the bill in which we will get control of the stations?

Mr. BLANTON. Yes. The gentleman will have a chance to vote on it. I hope that he will stand hitched on it.

Mr. TREADWAY. I am interested in it.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GILBERT. The gentleman's amendment, I think, should be adopted, undoubtedly; but I wish to take exception to the statement that the gentleman made that the reason why the street cars were not included in the original bill was because the street cars did not want to be. I am sure the members of the committee were not influenced as to street cars. We think they ought to be included. But the present traffic director does not want to have any doubts about it. We included in the original bill horse-drawn vehicles. I have no doubt but that that includes mule-drawn vehicles. But some one, in order to make it ridiculous, tried to drive a mule down the street. The gentleman's statement that street cars were not included because they did not want to be included is in one respect somewhat of a reflection upon the committee.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. If this amendment is adopted—and I hope it will be—it will give the traffic department authority to hold automobiles while pedestrians cross the street as well as hold the street cars? In other words, to make it more safe?

Mr. BLANTON. Yes. It gives the traffic department control over all traffic instead of only a part of it. The corporation counsel suggested the necessity of these amendments to meet the various objections there have been raised. It is absolutely necessary that this be passed in order to give the director control.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. May I ask the gentleman whether the steam-roller committee on the other side of the House would be included under that regulation?

Mr. BLANTON. No; I do not think anything under God's sun could control that steam-roller committee before the next election. [Laughter.]

I want to assure the gentleman from Kentucky [Mr. GILBERT] that some day when he and I are walking down the street together I will tell him what I meant when I said the street cars did not want themselves to be included. There was an influence that kept such control out.

Mr. ZIHLMAN. Mr. Chairman, I would like to be recognized in reference to the amendment. I would like to have the attention of the gentleman from Texas [Mr. BLANTON]. I want to call the attention of the gentleman from Texas to the fact that the director of traffic has already issued a regulation. I have a copy of his regulations here, providing that, "any vehicle, including street cars, upon approaching any boulevard or arterial highway or avenue, or street car on the intersecting street, shall come to a full stop before crossing," with a proviso to the effect that all vehicles shall comply with the direction of the police officer or signaling device.

The traffic law which I hold in my hand gives the director of traffic the power to make regulations, subject to the approval of the commissioners. This section was drawn by the director of traffic and approved by the District commissioners; but when the street-car companies protested against stopping at boulevards or arterial-highway crossings the commissioners stopped enforcing that provision of the traffic regulations. You are now simply giving the director of traffic the power to make more regulations to be approved by the District commissioners, just as in the case of this regulation, and if they do not care to enforce them, you will not be any better off than you are now.

I want to suggest to the gentleman that if he wants to bring about the changes that he proposes in his bill, we ought to write this regulation into law, instead of simply giving the director the power to make regulations to be approved by the commissioners.

Mr. BLANTON. The corporation counsel holds that the rights given to the director before were subject to existing law and that we did not specially mention street cars, and because the street cars contend that the control of them had been placed in the hands of the public utilities the director of traffic would have no right to make any regulation concerning them, and that the regulation which the gentleman read is absolutely a dead letter, and it will be necessary to put in the language of my amendment to give them control over street cars as well as over pedestrians. I think we ought to pass it just as they desire it.

Mr. ZIHLMAN. The District commissioners have the power to regulate street-car traffic. In the very first section of the present traffic act we excluded street cars from the provisions of the act.

Mr. BLANTON. Yes; and that is the reason the street cars will not obey. That exclusion of street cars was written in this bill, and we have never given the director control over street cars up to this good time, and we propose to do it now by this amendment, which the corporation counsel deems necessary.

Mr. ZIHLMAN. I will say that the commissioners do have power under the public utilities act to regulate street cars and other transportation in the city.

Mr. BLANTON. But they do not regulate them. The gentleman does not object to this, does he?

Mr. ZIHLMAN. I do not object to it, except as to pedestrians, and I say that if we want to bring about an improvement of conditions and compel the stopping of these street cars we ought to write it into the law instead of putting it in the hands of the traffic director to make regulations.

Mr. BLANTON. In the gentleman's splendid city of Hagerstown they control pedestrians and they control street cars, and in the splendid little city of Baltimore they control pedestrians and street cars. Why should we not do it in Washington? And this amendment of mine will do it, and the corporation counsel says that it is necessary, and it has met every objection that has been made, and the amendment should pass.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. OLIVER of Alabama. It occurs to me that there is an apparent difference between the gentleman from Texas and the gentleman from Maryland, and that both really have in mind accomplishing the same result. The gentleman from Maryland, however, wishes to place it beyond the power of the commissioners to do away with what the traffic director may regulate, and I think the gentleman is entirely correct.

Mr. BLANTON. The gentleman does not understand the situation.

Mr. ZIHLMAN. I will say to the gentleman from Alabama that the situation is this: That this law, known as the traffic act, gave the director of traffic the power to make regulations, but they must be approved by the District commissioners. He has made a regulation covering the movement of street cars over boulevards and arterial highways, but since the time that the companies protested and showed that they were not under the provisions of the traffic act they have not enforced that regulation. I would be willing to join with the gentleman from Texas in enacting into law this traffic regulation which the traffic director promulgated and the District commissioners approved.

Mr. BLANTON. That is exactly what we want the gentleman to do.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BLANTON. Now, just listen to this part of my amendment and see if it does not give the director full power:

> Traffic shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals of every description at rest or in motion.

Now, listen:

> And the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia.

Is not that substantive power and authority? It says:

> And the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia.

Now, that is exactly what the gentleman said he wanted to put in, and that is already in.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. OLIVER of Alabama. The gentleman from Maryland seems to be apprehensive lest the commissioners may be able to veto what the director of traffic may attempt to do.

Mr. BLANTON. But this is a substantive law that they can not veto. This is an act of Congress, and they can not veto it.

Mr. ZIHLMAN. I will say to the gentleman that his amendment provides that the traffic director shall make——

Mr. BLANTON. No; that he shall control, not that he shall make. We are giving him here in the House of Representatives the direct power to control, and the commissioners can not veto it. They have no authority over this substantive law.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman.

Mr. CRAMTON. We have not the text of the whole law before us, but I would not want the statement the gentleman has just made to stand without at least a question about it. As I understand it, elsewhere in the law it is provided that the traffic director may make regulations, but that they must be approved by the commissioners. Hence this subdivision—L, I think it is—while it provides that he may control, he may control only through regulations which must be approved by the commissioners. So it would seem that there is some question as to the correctness of the gentleman's statement that this subdivision L is giving control to the director of traffic without any approval of his acts by the commissioners. In fact, if his statement is correct, I for one am not prepared to vote for it. I am not yet prepared to give a subordinate official the right to issue regulations at will without their going to the Commissioners of the District of Columbia for approval.

Mr. BLANTON. What I mean is this: Of course the commissioners must approve as to the fines and forfeitures, but this would prevent the commissioners from coming in and saying, "We are not going to regulate the street cars," like they have been doing for 20 years.

Mr. CRAMTON. I agree with the gentleman from Texas on everything until he gets to the point where he seems to be setting up an autocrat here. On the other hand, the suggestion which the gentleman from Maryland makes would not be feasible. It is not feasible to put in the law that street cars must stop at the intersection of Sixteenth and U Streets.

Mr. BLANTON. If the gentleman will yield, the fact is that the commissioners have to approve of these regulations, but they can not veto the control of all traffic.

Mr. ZIHLMAN. But the gentleman said they did not.

Mr. BLANTON. What I said was this: The commissioners have refused to regulate street cars; they have been letting the street cars run over the people here for 20 years. Pass this substantive law, and then the street cars must come under the supervision of the traffic department, and the commissioners are at the head of that traffic department and must obey the order of Congress. They can not deny the congressional will when Congress says the commissioners and the traffic director shall control street cars, and this is substantive law authorizing it.

Mr. ZIHLMAN. I hope the gentleman will not take any more of my five minutes. I will say to the gentleman his amendment simply adds a new definition. It defines the word "vehicles," and this traffic law provides that the traffic director must submit his regulations to the commissioners, and the commissioners must not only approve them, but under the law they have the power to repeal them at any time. So, by this amendment you accomplish absolutely nothing. I do not agree with the gentleman from Michigan [Mr. CRAMTON] that it would not be practicable to write into the law a provision that all vehicular traffic shall stop upon approaching an arterial highway or a boulevard. I think if we want to accomplish this purpose we should do it in this way.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 44, noes 7.

So the amendment was agreed to.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Maryland [Mr. ZIHLMAN] whether section 2, as printed on page 2 and stricken out, should be read.

Mr. BLANTON. Yes; we want it read by sections because we want to perfect the text of the bill as we go along. Read it by sections and we will perfect as we go along by amendment.

The CHAIRMAN. Let the Chair inquire, then, why this language is stricken out.

Mr. BLANTON. Because the committee has a substitute to offer; but I spoke to the parliamentarian about it and was told it should be read by sections, under rulings previously made by Mr. Crisp and by Mr. Fitzgerald.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 2. Under the title "Director of traffic—Regulations," subdivision (a) of section 6 of said act be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 6. (a) The commissioners are hereby authorized to appoint a director of traffic, who shall perform the duties prescribed in this act and such additional duties, not inconsistent therewith, in respect of the regulation and control of traffic in the District, as the commissioners may require, whose term of office shall be six years and whose salary shall be $10,000 per annum. The commissioners are hereby further authorized to appoint an assistant director of traffic, who shall be the traffic engineer, whose term of office shall be six years and whose salary shall be $7,500 per annum. The commissioners are hereby authorized to appoint such employees recommended as necessary by the traffic director as they may deem requisite for the purpose of carrying out the provisions of this act, or the regulations enacted thereunder, and whose salaries shall be fixed in accordance with the classification act of 1923. The director, his assistant, or any other employees of such office may be removed for cause by said commissioners. The director shall maintain and operate a bu-

reau for the registration of motor vehicles, the issuance of identification tags and registration certificates, and for the examination of applicants for operators' permits, and for the issuance of operators' permits to qualified applicants."

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is this an amendment to the committee amendment?

Mr. BLANTON. No; it is an amendment perfecting the section. We do not reach the committee amendment until we get to the end of the bill.

Mr. ZIHLMAN. Mr. Chairman, may I call the attention of the Chair to the fact that the committee's amendment should be voted on first.

Mr. BLANTON. Mr. Chairman, the committee's amendment is just one amendment to strike out certain parts of the bill and insert a substitute.

The CHAIRMAN. Let the Chair see whether he understands the situation. The Chair supposes by the print here that the committee recommends striking out the entire bill and substituting what appears on page 14.

Mr. ZIHLMAN. But there is language on page 2 which the committee has just voted upon.

The CHAIRMAN. Is the committee recommending the adoption of page 2, section 6 (a), or do they recommend that that be stricken out?

Mr. ZIHLMAN. The committee recommends that that be stricken out.

Mr. BLANTON. Here is the situation, Mr. Chairman. If the committee had stricken out all of the bill after the enacting clause and proposed a substitute, then the committee's proposal would follow the first section, with the committee substitute, as an amendment to the first section proposed to be stricken out, with notice about other sections, and so forth, but under rulings made by Mr. Crisp, of Georgia, and Mr. Fitzgerald, of New York, who used to be chairman of the Committee on Appropriations, they and other chairmen have held that when the committee leaves in part of a bill, like they have here on page 1, and merely proposes to strike out part of the bill with a substitute, you can perfect each section as you go along, and then the committee or the House may not want to support the committee substitute. Therefore we should perfect each section until you get down to the one affected by the committee substitute, and that is what we are proposing to do now. We are perfecting each section as we go along, and therefore it should be read by sections.

The CHAIRMAN. Section 6 (a) has already been read.

Mr. BLANTON. Yes; and I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment to section 6 (a) of section 2, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 13, strike out "$10,000" and insert in lieu thereof "$7,500"; and in line 16, strike out "$7,500" and insert in lieu thereof "$6,000"; and on page 3, line 1, after the word "vehicles," insert the words "and vehicles drawn by animals."

Mr. BLANTON. I ask for recognition, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ZIHLMAN. The gentleman offers amendments which he terms perfecting amendments to this paragraph of the bill. The committee reporting the bill recommended that this section be stricken out. Does not the committee amendment come first?

Mr. BLANTON. The committee amendment is just one amendment offered as a substitute.

The CHAIRMAN. The motion to strike out is not in order until the paragraph is perfected. A perfecting amendment can first be offered, and then the whole section as perfected, if the committee votes to perfect it, can then be stricken out.

Mr. BLANTON. Mr. Chairman, this section is one that was approved by the traffic department with the exception of the salary. They made no recommendation at all about a change of salary. The only part of this section I had anything to do with writing was with respect to the proposed change in salary. I think we ought to pay this expert traffic director $10,000, and I think we ought to pay the expert traffic engineer $7,500, but the commissioners say they do not want that much paid, hence I am proposing by this amendment to pay the director $7,500 and the traffic engineer $6,000.

Mr. HULL of Tennessee. Will the gentleman yield for a question in that connection?

Mr. BLANTON. Yes.

Mr. HULL of Tennessee. What salary is paid to directors in cities comparable in size with Washington?

Mr. BLANTON. I understand that some directors get even more than I propose, in the large cities. That has been my understanding. What do they get in New York?

Mr. LaGUARDIA. Doctor Harris does not get any salary.

Mr. BLANTON. He is one of these philanthropic public officials and is worth $25,000 a year to New York, and the gentleman knows it.

Mr. LaGUARDIA. Yes.

Mr. BLANTON. Doctor Harris came here at his own expense to testify before our committee and made one of the finest statements I ever heard.

Mr. LaGUARDIA. He is an enormously wealthy man, of course.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. The gentleman is proposing a salary of $7,500 for the director?

Mr. BLANTON. Yes; because the commissioners would not agree to $10,000.

Mr. CRAMTON. And $6,000 for the assistant director?

Mr. BLANTON. Yes; $6,000 for the assistant, Colonel Moeller, although I think he should be paid $7,500.

Mr. CRAMTON. Can the gentleman state what is the salary of the chief of police here?

Mr. BLANTON. I am not sure.

Mr. CRAMTON. I have the impression it is $5,200.

Mr. BLANTON. I am not sure.

Mr. CRAMTON. My information is $5,250. What does the chief health officer of the District get?

Mr. BLANTON. I think the gentleman is mistaken about the salary of the chief of police. He comes under the same classification as the chiefs of bureaus, who, as the gentleman knows, have been raised under the classification act.

Mr. CRAMTON. No; the Chief of the Bureau of Mines does not necessarily get $7,500. The gentleman is mistaken about that. Does the gentleman know the salary of the health officer of the District?

Mr. BLANTON. I am not sure about it.

Mr. CRAMTON. My information is it is not above $5,000. Would the gentleman favor increases for all of them?

Mr. BLANTON. No; unless they render as good service as the director. I want to ask the gentleman how he voted the other day on the Watson-Parker bill to pay $12,000 salaries for certain conciliators—did not he vote to pay them $12,000?

Mr. CRAMTON. I really believe that it is a greater task to regulate the traffic of the United States than it is to regulate the traffic of the city of Washington. The Watson-Parker bill dealt with the whole traffic of the United States.

Mr. BLANTON. You gentlemen know that I am in favor of economy. I work as hard as any of my colleagues to save the Government money, because I work all the time—and a man can not work any more. But I have realized that if you are going to keep these experts, men like Mr. Eldridge, you must pay him as much as he can easily get in a dozen different jobs or you are going to lose him, and you will get somebody else who will not be as good.

Mr. Eldridge formerly got $7,500 in Washington when he was associated with the American Automobile Association, and it only occupied a few hours of his time. Do you think you could get a man of Mr. Eldridge's capabilities for $6,000 to work night and day—and he does work night and day—when he can easily command $7,500 in many other positions? You are not going to get a man who will work like he does for $6,000; he ought to be paid the $7,500.

Mr. BLACK of Texas. How much does the engineer get?

Mr. BLANTON. Four thousand dollars.

Mr. HILL of Maryland. What is the compensation of the District commissioners?

Mr. BLANTON. Seventy-five hundred dollars, and they do not want the director of the traffic to get more than they do. I have offered the amendment cutting it down to $7,500. I appeal to the distinguished gentleman from Tennessee, who knows him—who is well acquainted with him—and I want to say that you could not get an expert from Michigan to come here and take his job for less than $7,500.

Mr. CRAMTON. The gentleman from Texas assumes that my question indicated that I was opposed to increasing the salary. I was asking the gentleman whether he would favor raising the salaries of the others in the same proportion—the chief health officer and the chief of police. I recall the fact that some years ago, when it was proposed to give the engineer commissioner $7,500, because of a point of order made by the gentleman from Texas we were not able to give the engineer commissioner $7,500.

Mr. BLANTON. I will tell the gentleman about that. The trouble with the engineer commissioner was that he did not

know a thing about public utilities, because he did not have the time. I want a man who has the time. Mr. Eldridge has learned the business and devoted all of his time to it, and is an expert on the job.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. OLIVER of Alabama. I do not think the gentleman from Michigan is opposed to increasing the salary to $7,500. There is no more important position in the District than that of traffic director. It is important to have a man of high character and ability, who is industrious and interested in the conservation of life, and it occurs to me that Mr. Eldridge has shown ability of that type.

Mr. CRAMTON. I would like an answer to my question from the gentleman from Texas—would the gentleman favor increasing the salary of the chief health officer and the chief of police?

Mr. BLANTON. If the chief health officer would become as efficient and would put in as much time on the job as Mr. Eldridge, I would agree to raise his salary to $7,500. If the engineer commissioner would put in all of his time on the business of the people and not neglect matters, I would be willing to raise his salary, but I am not willing until he shows a little more efficiency and knowledge of his work.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment to the amendment—to strike out $6,000, salary of the engineer, and make it $5,000.

Mr. BLANTON. If my colleague insists on that, I will not oppose it.

Mr. ZIHLMAN. Mr. Chairman, I rise in opposition to the amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas to the amendment offered by the gentleman from Texas [Mr. BLANTON]: Strike out in line 16, page 2, "$6,000" and insert in lieu thereof "$5,000."

Mr. ZIHLMAN. Mr. Chairman, this District of Columbia traffic act is now just a year old. In that bill the committee which considered the bill in the House and the conference committee having the measure in charge—and the gentleman from Texas [Mr. BLANTON] was a member of the conference committee—provided that the salary of these officials should be fixed in accordance with the classification act, and these two officials have been so classified. To come in here now 8 or 10 months after the appointment has been made and attempt, first, to raise the salary from $6,000, as fixed by the classification commission, to $10,000, and now $7,500, seems to me to be bad practice.

Mr. HULL of Tennessee rose.

Mr. ZIHLMAN. Just a moment. The director of traffic is an able man, but he took this position less than a year ago at a salary of $6,000. I believe he has a great work before him, and I believe that he should carry out that work of making the streets of Washington safe for pedestrians and vehicular traffic, and before we attempt to raise salaries I do not believe that we are going to get any better result by coming in here eight months after the law is in operation and raising his salary. I yield to the gentleman from Tennessee.

Mr. HULL of Tennessee. The question I desire to ask is, regardless of the individual side of the matter, Does the gentleman think that it would be possible to procure and keep a really competent and efficient director of traffic for less than something around $7,500 a year?

Mr. ZIHLMAN. Mr. Eldridge accepted this position, knowing that the salary was fixed $800 above that of the chief of police, to whom he is at the present time subordinate. If we are going to raise this salary, we ought to raise the salary of the chief of police and the fire marshal of the District of Columbia and should not single out one or two individuals in the District government.

Mr. HULL of Tennessee. My question did not relate to the individual, but to the policy, in respect to what level of salary would really be necessary to secure a really competent director of traffic.

Mr. ZIHLMAN. We have a very capable man, I think, in the position at present. I do not think he is the type of man who would accept that position, having a silent reservation in his mind that if the salary was not increased he would not stay there. I think Mr. Eldridge is interested in his work and is trying to do a good job. I have the greatest respect and admiration for him, but I do not believe we will bring about any better condition by raising his salary $2,300 over that of the chief of police.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HILL of Maryland. How much does he get now under the present classification?

Mr. ZIHLMAN. Six thousand dollars per year.

Mr. BLANTON. He gave up a job at $7,500 a year with the American Automobile Association.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. KETCHAM. Is the gentleman in possession of any information as to the salaries paid to similar officials in other cities of comparable size to that of Washington?

Mr. ZIHLMAN. I am not.

Mr. KETCHAM. Did such information come to the attention of the committee at all?

Mr. ZIHLMAN. No. The committee did not think it advisable at this time to raise these salaries. We struck out the section, and now the gentleman who agreed to strike out the section in order to get the bill on the floor comes before the House with a perfecting amendment in the sum of $7,500.

Mr. CRAMTON. Mr. Chairman, I rise in opposition to the amendment. The classification act fixes the various salaries. After the Committee on the District has refused to touch the matter of salaries the gentleman from Texas offers an amendment to raise these two salaries. To my mind the salary which the gentleman from Texas proposes would be entirely out of place as compared with the salaries paid other officials of the District who do work of equal importance, if not of greater importance. Whenever the District of Columbia committee chooses to bring in a bill adjusting salaries of important officials in the District I imagine that I shall support that bill, because then it will be a matter of fairness to all concerned, but to single out this newly created official, the director of traffic, and give him a salary of $7,500 a year, when he is subordinate to the chief of police, who is getting only $5,250 a year, I do not believe is either good business or wise policy.

Mr. BLANTON rose.

Mr. CRAMTON. Oh, I know the gentleman from Texas would not agree with me at all about that. The gentleman from Texas thinks that the traffic director should be taken entirely from under the chief of police. That is his policy, and this is one way of accomplishing it. When you give this official $7,500 and the chief of police only $5,250 you are in effect saying that he is greater than his commanding officer. That is what the gentleman from Texas wants.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. In a moment. I do not believe that is good policy. I think that in the long run we will have our laws better enforced in the District of Columbia, including traffic regulations, if we have one police organization with one man at the head of it and with subordinates under him. I yield to the gentleman.

Mr. BLANTON. I learned that from the gentleman from Michigan [Mr. CRAMTON]. The gentleman from Michigan every year here has been voting to give $12,000 in salary to the members of the Shipping Board and the Emergency Fleet Corporation and then voting to pay men under them—subordinates—as much as $25,000 a year. The gentleman from Michigan taught me that policy. I learned it from the gentleman and his party. They pay the members of the Shipping Board $12,000 a year and some of the subordinates to them $25,000 a year.

Mr. CRAMTON. I am delighted if I have taught the gentleman anything. I should not have realized it, and, in fact, I am not sure that he got the lesson straight.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. CARTER of Oklahoma. I was just going to ask the gentleman from Texas if he cited the splendid amicable disposition of affairs in the Shipping Board as a reason why we ought to change some other branch of the Government?

Mr. CRAMTON. I do not understand the gentleman from Texas meant that as an example. He thinks that it is simply an error on my part, and I do not want the gentleman to follow any errors of mine. Mr. Chairman and gentlemen of the committee, to raise this salary at the present time, to single out one here and there, in the first place weakens the classification system and, secondly, weakens and destroys discipline in the departments. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, $7,500 is not half enough to pay the traffic director who is now in office. I never saw the gentleman—I would not know him

if he were sitting in the gallery or seated on the floor—but under the last amendment you adopted you gave that traffic director more power than all the commissioners combined. You gave him more power than any other person or set of persons in the District of Columbia. You not only gave him control of the vehicular traffic but control of persons operating as human vehicles by foot on all streets and alleys in the District; so that $7,500 is not nearly enough to pay for this important office. I think he is underpaid, and he ought to be paid more than the District Commissioners. In my short time on the District of Columbia Committee, I do not think that the commissioners earn $5,000, let alone $7,500.

A specialist like Mr. Eldridge is worth that amount of money. The gentleman from Texas and myself do not always agree, but the gentleman and myself agree in this case that this man should be paid $7,500 or more, because he has a most important position in the District. He protects the lives and limbs of children, of yourself and your family, on foot as well as in vehicular traffic. I am in earnest when I say that the amendment ought to be $10,000 instead of $7,500.

Mr. KETCHAM. Will the gentleman yield?

Mr. REID of Illinois. I will.

Mr. KETCHAM. Can the gentleman give any figures as to the salary paid like officials in other cities of a comparable size?

Mr. REID of Illinois. My idea of this is that this is special work and ought to command more salary than that of a chief of police or other municipal officer.

Mr. KETCHAM. But the gentleman has no specific figures?

Mr. REID of Illinois. No; I would regard it as a special case. [Applause.]

Mr. GILBERT. Mr. Chairman, I rise to speak in opposition to the pro forma amendment. I do it simply to make this explanation: The reason why this committee has not this information is because we refused to go into the subject. As said by the chairman, just a year ago we framed this traffic act. It went into operation, and in its operation there were certain defects shown to exist. We declined to rewrite the traffic act, and the reason why you see all stricken out except one or two paragraphs was because we did not go over this matter, because it was the opinion of the committee that it would be more applicable at some other time on some other bill; and the purpose of asking the House at this time to consider this bill was to correct those defects which the operation of the bill even in its short life had disclosed. That is why we can not furnish this information. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chair announced the noes seemed to have it.

Mr. BLACK of Texas and Mr. BLANTON. Division, Mr. Chairman.

Mr. BLANTON. Is that the Black amendment?

The CHAIRMAN. Yes.

Mr. BLANTON. I will withdraw the demand for a division.

Mr. BLACK of Texas. I asked for a division. May we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The question was taken; and there were—ayes 6, noes 36.

So the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. ZIHLMAN) there were—ayes 33, noes 33.

The CHAIRMAN. The Chair chooses to vote "aye," making 34. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. CHALMERS. Mr. Chairman, there are quite a number of us who do not know what we are voting on.

Mr. BLANTON. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The committee divided; and the tellers (Mr. ZIHLMAN and Mr. BLANTON) reported that there were—ayes 46, noes 55.

So the amendment was rejected.

The CHAIRMAN. The Chair would like to direct the attention of the chairman of the committee to what appears to be a rather difficult proposition. As the present occupant of the chair understands it, the chairman of the committee prefers to go on through and then offer amendments to the various sections after he is through.

The bill is being read by sections for amendment, and, of course, if nobody would make a point of order there would be no trouble. But the Chair is of opinion that you might encounter difficulty if you passed section 2 as a completed section, and after the bill is through you would have to offer substitutes for the various sections of the bill that have already been passed upon.

Mr. CRAMTON. As I understand, the ruling of the gentleman temporarily occupying the chair when the Blanton amendment was offered was that a motion to strike out section 2 was an amendment in itself. The question now before the House, I believe, is the question of concurring in the committee amendment to section 2.

The CHAIRMAN. The opinion of the present occupant of the chair is that that is correct, but the Chair is under the impression that the gentleman from Maryland [Mr. ZIHLMAN] asked to have it done otherwise.

Mr. ZIHLMAN. I contend that the striking out of these various sections is one amendment and that the vote should be taken later on the action of the committee.

The CHAIRMAN. If the gentleman from Maryland does proceed in that manner the Chair fears that he may encounter obstacles when he undertakes to do what he wants to do, namely, to offer the committee amendment as a substitute for section 2, which has been passed upon and adopted by the committee. The Chair feels that the procedure suggested by the gentleman from Michigan [Mr. CRAMTON] should be followed; and then if the amendment is carried, or if it is not carried, the committee amendment to section 2 would be in order. It seems to the Chair that that is the orderly way to proceed.

Mr. DOWELL. The thing that is before the committee is the committee amendment. The Chair put that amendment.

The CHAIRMAN. Did the gentleman from Massachusetts [Mr. TREADWAY] make a positive ruling when he was occupying the chair?

Mr. TREADWAY. I looked at the precedents and the rules; but I suggested the gentleman from Maryland, while occupying the chair temporarily at the request of the gentleman from Ohio [Mr. BEGG], that perfecting amendments could be offered before a motion to strike out.

The CHAIRMAN. The Chair is entirely in accord with that.

Mr. TREADWAY. Then the question comes as to where these various paragraphs should be stricken out. I am in accord with the contention of the gentleman from Iowa [Mr. DOWELL] that the time to strike out a section or paragraph is when the reading has been completed. But it is claimed by the gentleman from Texas [Mr. BLANTON], among others, that under various rulings it can be done after the entire bill is read for amendment. It does seem to me a logical way to proceed. The bill is being read by sections, and if anything is to be stricken out it should be stricken out rather than to assume that you are adopting it.

Mr. DOWELL. By unanimous consent the Chair itself put this amendment before we proceeded.

The CHAIRMAN. The vote now is on the committee amendment to strike out section 2.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The committee has but one amendment, to strike out and substitute. That is the only amendment it has, to strike out certain parts of the bill, not after the enacting clause, which is the usual procedure, but after several paragraphs of the bill the motion is made to strike out the balance of the bill and insert one amendment. Now, that is not a separate motion of the committee to strike out each paragraph. There is just one amendment, and that is to strike out, after a certain paragraph of the bill, all the balance, and to substitute something else by the committee. Now, it is in order to move to strike out each paragraph as read, because it will give a chance to the committee to perfect it, and if it does not, it might not want to strike out and make a substitute. That has been held time and time again.

Mr. DOWELL. The committee has already undertaken to perfect this paragraph and has failed, and now the question is to strike out the paragraph.

Mr. BLANTON. The action of the committee is to strike out the whole paragraph at one time and substitute another proposition.

The CHAIRMAN. The Chair is ready to rule. There is no information available to the Chair other than what is contained in the bill and the report. The bill, as the Chair stated a moment ago, is being read by sections for amendment, and at the completion of the reading and amendment of a section it is always in order to offer a motion to strike out. The Chair's information is that the committee has an amendment to strike out section 2. The Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, I ask to be heard on the committee amendment.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I want to ask my colleague how many bites at one cherry do we want to take? This is the only opportunity we probably shall have to write proper traffic amendments that will perfect the present traffic law. The only chance is to do it now. Unless we do it now we can not do it at all, as Congress soon will adjourn. Under the present law Mr. Eldridge, the traffic director, receives only $5,600. I said before that he got $6,000. I am corrected by one of my colleagues from Tennessee who says the traffic director now gets only $5,600. I thought all the time that he got $6,000 under the present law. He is a high-class man. He ought to get $10,000. He is worth just as much to this Government as I am, and I get $10,000. He is just as capable a man as you will find on this floor. He gives all his time to the Government. He works all day and many times at night on this traffic proposition. The life of every poor woman and every little child in this District is in his keeping, and approximately 100 of them are killed every year on the average.

Do you want to refuse to pass an amendment that would increase the salary and keep a proper man in the place? Do you want the present director to quit, and then let some inefficient man be put there who will let the lives of women and little children continue to be taken every year? It may be my wife or your wife. The next one that is run over may be my little child or your little child. I happen to remember that the distinguished Senator who blocked this bill in the Senate before, the night of the very day he blocked it, was run over in front of the Willard Hotel when he was standing on one of those platforms. He was run over and came very nearly being killed. This may come home to us.

Can you expect, in a metropolitan city like Washington, to get a high-class man and an expert on traffic to work for $5,600 a year? The American Automobile Association saw fit to pay him $7,500 annually. He gave up a $7,500 job to take this $5,600 position through patriotism. Now, why should we not pay him an increase in salary and hold him? Why should we not pay Colonel Moller, his traffic engineer, a reasonable salary? You can vote it down and you can get a less efficient man in his place, because I make this as a prophecy: I do not believe you will hold Mr. Eldridge here at any such salary; I do not believe you will hold Colonel Moller here at any such salary as you are paying him now. You will get less efficient men, and the traffic deaths may double in the coming year.

Why not pay them a reasonable salary? Oh, you do not hesitate to pay some men $12,000. When the Shipping Board bill comes in you do not hesitate to pay salaries of $25,000. When the Department of Justice bill comes in and when the Attorney General of the United States gets only $12,000—you do not fail to pay some big salaries, ranging up to double what the Attorney General gets, for positions in the Department of Justice, when the Attorney General gets a smaller salary. But you want to balk here because our friend from Michigan says it is more than somebody else in the District gets.

I want to submit to my colleagues in conclusion that you now have a chance to keep an expert, efficient, and capable man in this position. He is sincere; he is giving every bit of his time to the Government in an effort to stop these traffic accidents. Why not pay him a reasonable and fair salary?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. UNDERHILL. Mr. Chairman, I move to recommit this bill to the committee, and I want to be heard on the motion.

The CHAIRMAN. The gentleman's motion is not in order at this time.

Mr. UNDERHILL. Then I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. UNDERHILL. Mr. Chairman, I am as much interested in this traffic bill, and was in the one which we passed at the last session, as probably any Member of Congress, but I want to keep faith, and I want to keep my word. An agreement was entered into in the committee, and the gentleman from Texas agreed, to take this bill and to offer one amendment, which appears as a committee amendment on page 14, in order that we might get some necessary legislation which would correct, in part at least, the conditions which exist in Washington. This committee amendment seeks to accomplish practically all that is necessary at the present time. I will not take the time to read the amendment, but each and every one of you can read it for yourselves.

Now, it is unfair when any group, either in committee or outside of committee, makes an agreement with another group on a piece of legislation to go back on that agreement, because they have that right on the floor of the House. They may have a legal right, but they have not a moral right to do so. I wish my motion were in order and that this bill might be referred back to the committee, and then we would thrash it out in the committee. I am not going to vote on these propositions. I have not yet voted on one of them, and I am not going to vote on one of them and break faith with the District Commissioners and break faith with the committee. I think that the procedure thus far is all wrong.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Did I not give notice to the committee that I expected on the floor of the House to put these propositions before the Members of the House?

Mr. UNDERHILL. The rules of the House prevent my saying what occurred and happened in the committee, but I will say that I for one, and I understood every other member of the committee, agreed to the proposition of accepting this amendment in order that we might get necessary legislation on the statute books, and I for one believe we ought to stick to that.

Mr. TREADWAY. Mr. Chairman, I move to strike out the enacting clause. I am in hearty sympathy with my colleague [Mr. UNDERHILL] who has just spoken. The situation appears to me to be about like this: In some way or other a bill came out of the Committee on the District of Columbia striking out all but a very brief first section; lines are stricken out throughout the entire bill, and an amendment is offered in the form of a new section, which the gentleman from Massachusetts says practically covers the intent of the committee. Then the gentleman from Texas, a member of the committee, objects to the consideration of the committee amendment but demands the reading of a bill which evidently the Committee on the District of Columbia does not back up. They are not here advocating the adoption of their own bill. That is the situation we find ourselves in. Then the gentleman from Texas says he wants to perfect the old text, that the committee is not submitting to the House. There is a mix up. Then, on top of that, there is still further trouble as to just where we are going to end up in considering these various paragraphs and sections, whether to vote them out seriatim or all together.

Therefore, at quarter past 2, we find ourselves in a situation where from a parliamentary point of view we are evidently going to continue this discussion indefinitely and then kill the bill. Consequently, I move that we strike out the enacting clause, give the Committee on the District of Columbia a chance to start with a clean slate, and then they can report a bill and we will know whether the committee is advocating it or whether one member of the committee is advocating it or whether they want to kill the whole proposition. What is the House going to vote on if we keep this up all day?

Mr. COLTON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLTON. If the gentleman's motion prevails, will we have an opportunity again to vote on this proposition?

Mr. TREADWAY. The Committee on the District of Columbia can then consider any amendments they wish to make to the traffic act.

Mr. COLTON. I was interested in what the gentleman said a while ago about correcting conditions down here at the Union Station.

Mr. TREADWAY. That condition has been going on for several years and we can wait until another District day and let the Committee on the District of Columbia tell us what they are advocating and what they are not advocating. What does the House know about the attitude of the committee at this time?

Mr. UNDERHILL. If the committee brings in such a bill on the next District day, would a point of order lie against the bill because the enacting clause had been stricken out?

Mr. TREADWAY. I can not rule on that point, but I should not think so. It would be new matter.

Mr. UNDERHILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERHILL. I would like to submit to the Chair the question whether, if the pending motion prevails, it pre-

cludes the District of Columbia Committee from bringing in an amended bill for the entire session.

Mr. TREADWAY. The whole subject matter of any amendment to the traffic act of last year would then be before the Committee on the District of Columbia.

Mr. DOWELL. At any rate, the present chairman would not be able to bind the committee at the next hearing of the bill.

Mr. UNDERHILL. I want to know about that point.

The CHAIRMAN. The rule is very plain on the parliamentary inquiry raised by the gentleman from Massachusetts [Mr. UNDERHILL]. If the committee should concur in the motion of the gentleman from Massachusetts to strike out the enacting clause, then when the committee goes into the House, just before the motion is put to strike out the enacting clause, a motion to recommit the bill to the committee has preference.

Mr. TREADWAY. We can then recommit.

Mr. DOWELL. May I inquire of the gentleman from Massachusetts——

Mr. TREADWAY. If my time has not expired, I yield to the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON and Mr. GILBERT rose.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized, and the Chair will later recognize the gentleman from Kentucky.

Mr. BLANTON. Gentlemen, unless we pass a traffic bill now and get it over to the Senate there will be no chance to pass one this session, and in order to enact one I am going to join with the committee and ask you to adopt the committee amendments following the amendments we have already adopted. Let the gentleman from Maryland [Mr. ZIHLMAN] offer his amendment now to substitute for the rest of this bill the committee amendments and we will pass them, and then at the end of the bill, I will state to the gentleman from Massachusetts, I will offer my amendment about the depot, and then we will have a fairly good traffic bill. The only reason I have been offering these amendments is because the traffic department needs them.

Mr. TREADWAY. Mr. Chairman, let us understand the situation, so there will be no further complication, if the gentleman will yield.

Mr. BLANTON. I will state the situation. If the gentleman will withdraw his motion to strike out the enacting clause, let the gentleman from Maryland [Mr. ZIHLMAN] make a motion, which is in order now, to strike out paragraph 2 of the bill and insert the committee's amendments, and give notice that he will strike out the rest of the bill in case the committee substitute is adopted. We will then adopt the committee amendments, and I will offer my amendment, which the gentleman spoke of, at the end of the bill, and we will have a fairly good traffic bill. Is that satisfactory?

Mr. TREADWAY. Let me understand. There is nothing to go into this bill from section 2, page 2, where we are now reading, until we get over to page 14.

Mr. BLANTON. Yes; except what we have already adopted.

Mr. TREADWAY. That is all right. We have adopted section 1.

Mr. BLANTON. And we have adopted an amendment put in here from the floor by a large vote with respect to control of street cars and pedestrians.

Mr. TREADWAY. All right; but as to section 2 there will be no section 2, and nothing further will go into the bill until we get to page 14.

Mr. BLANTON. Except the amendment we have adopted and the committee amendments and my amendment concerning monopolies.

Mr. TREADWAY. Certainly; that is understood. We then come to section 2, on pages 14 and 15, in italics, offered by the gentleman from Maryland.

Mr. BLANTON. Offered by the gentleman from Maryland, which we will adopt, and then we will offer nothing except my amendment against monopolies.

Mr. TREADWAY. That is satisfactory, and I ask unanimous consent to withdraw the motion to strike out the enacting clause.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the motion to strike out the enacting clause. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman, which I shall not do. If the gentleman will permit, to avoid any confusion—I do not think the gentleman from Massachusetts understands that the chairman of the committee [Mr. ZIHLMAN] has a sort of substitute here which he proposes to offer. It is not the same text as is in the bill, but is a substitute for it.

Mr. BLANTON. That is agreeable to me.

Mr. TREADWAY. Then let us have it understood that the gentleman from Maryland is to offer a satisfactory section 2.

Mr. BLANTON. That is agreeable to the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I move that section 2 be stricken, and I serve notice if that motion is adopted I will offer a substitute for section 2 on page 14 of the bill.

The CHAIRMAN. If the gentleman from Maryland will permit, the Chair would suggest he put his motion in the form that section 2 be stricken out and the following sections be substituted, with notice that if the motion is carried he will then move to strike out the rest of the bill.

Mr. ZIHLMAN. I offer the substitute, Mr. Chairman, which I send to the desk.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. ZIHLMAN moved to strike out section 2 of the bill and substitute the following:

"SEC. 7. (a) Upon application made under oath and the payment of the fee hereinafter prescribed, the director is hereby authorized to issue a motor-vehicle operator's permit to any individual who, after examination, in the opinion of the director, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The director shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District, and in the presence of such individuals as he may authorize to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived, in the discretion of the director. Should the director believe that the issuance or reissuance of a permit in accordance with the provisions of this resolution may prove a menace to public safety, he may, in his discretion, refuse the issuance or reissuance thereof. Operators' permits shall be issued for a period not in excess of three years, and shall be renewable for periods of three years upon compliance with such regulations as the director of traffic may prescribe. The fee for any such permit shall be $3. In case of the loss of an operator's permit, the individual to whom such permit was issued shall forthwith notify the director, who shall furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents. No operator's permit shall be issued to any individual under 16 years of age, and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age, for the operation of any motor vehicle other than a passenger vehicle used solely for purposes of pleasure and owned by such individual or his parent or guardian, or a motor cycle, or a motor bicycle.

"(b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space for the notation of conviction for violations of the traffic laws of the District.

"(c) Any individual to whom has been issued a permit to operate a motor vehicle shall have such permit in his immediate possession at all times when operating a motor vehicle in the District, and shall exhibit such permit to any police officer when demand is made therefor. Any individual failing to comply with the provisions of this subdivision shall, upon conviction thereof, be fined not less than $2 nor more than $40: *Provided*, That this shall not apply to transient visitors from States in the Union which do not require drivers' permits.

"(d) Permits issued in accordance with the provisions of this act to individuals in possession of operators' permits issued to such individuals in the District prior to the enactment of this resolution may be issued with or without the examination and practical demonstration provided in subdivision (a) of this section, as the director may deem advisable.

"(e) No individual shall operate a motor vehicle in the District, except as provided in section 8 of the act of March 3, 1925, without having first obtained an operator's permit issued under the provisions of this resolution. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than $500 nor imprisoned for not more than one year, or both.

"(f) Nothing in this act hereby amended shall relieve any individual from compliance with the act entitled 'An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire,' approved January 29, 1913.

"(g) This act shall become effective immediately upon passage, and promptly thereafter the director shall commence the call of out-

standing permits and the reissuance thereof in accordance with the provisions of this resolution and shall complete such reissuance within a period of one year.

"SEC. 13. (a) Except where for any violation of this act revocation of the operator's permit is mandatory, the director or any assistant whom he may designate for the purpose may revoke or suspend an operator's permit for any cause which he or such assistant may deem sufficient: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act may appeal to the Court of Appeals of the District of Columbia, and the decision of such court shall be final; *Provided further*, That an appeal to the said court shall not operate as a stay of such order of the director or his assistant."

Mr. ZIHLMAN. Mr. Chairman, as I understand it, this substitute offered by me is a substitute for the new language on pages 14 and 15 of the bill.

The CHAIRMAN. That has not been offered yet.

Mr. ZIHLMAN. I ask that it be considered at this time.

Mr. BLANTON. That is all done at one time—the gentleman moves to strike out and substitute.

The CHAIRMAN. Section 2 as offered in italics on pages 14 and 15 is not before the House.

Mr. BLANTON. The motion was to strike out section 2 in italics.

The CHAIRMAN. No; the motion was to strike out section 2 of the bill, and what the Clerk has read is a substitute he offers.

Mr. UNDERHILL. Mr. Chairman, I want to offer a minor amendment, and, as I can not tell the line and place in which it occurs as a substitute, I will state it. The amendment provides that permits shall be issued for a period of three years and that the fee shall be $3. What I want to offer is an amendment that the period shall be one year and the fee shall be $1. I want to be recognized on that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Zihlman amendment so it will read: "Operators' permits shall be issued for a period not in excess of one year and shall be renewable for periods of one year upon compliance with such regulations as the director of traffic may prescribe. The fees for any such permit shall be $1."

Mr. UNDERHILL. Mr. Chairman, I offer this amendment not only for the protection of the people of the District of Columbia, but for the protection of the people in my State and in all the States where they have up-to-date automobile regulations. Now, if you issue these permits for three years, that guarantees that anybody who gets a permit in the District of Columbia to go into my State, into New Jersey or Maryland, or any State that issues permits for one year—it guarantees on the part of the man that issues the permit that that man is an honest, capable driver, that he is not a bootlegger, so far as he knows, that he is not driving a stolen car, that he has not committed any offense against the automobile traffic laws—in other words, that he is a reputable citizen. It is the only evidence that people in my State or your State have as to the character of the man or his fitness to drive an automobile. If you issue these licenses for three years, no matter what may happen during the three years, that man has an operator's permit, unless it has been taken away from him.

Let us suppose an instance. They had a cleaning out up in New York, and they found 1,000 taxi drivers who were criminals or had criminal records. They fired them out, and a lot of them came down here and registered in the District of Columbia. They now hold their license as a driver of an automobile, and under this bill they would hold it for three years.

We have reciprocal relations with the District of Columbia, and anyone that comes to my State with this license has the right to drive in our streets. It seems to me that this is a regulation under the police powers to keep tab on every driver of every automobile. There is no trouble in getting a license. We issue almost a million licenses in the State of Massachusetts every year. There is no delay; there is no trouble about it. A man has sent to him a blank, and if he wants a renewal of a license, he fills the blank out, sends it to the registry office with a $2 fee, and that is all he has to do. He gets the new license within a very short time. The gentleman from Massachusetts [Mr. TREADWAY] has just handed me a renewal license—

399374. You are hereby licensed to operate a motor vehicle for one year from date in accordance with the laws of Massachusetts, subject to any restrictions checked on the reverse side of the license.

There is a place on the reverse side to show whether the owner of the license has been haled into court. A description of the holder of the license is given, the date of his birth, height, complexion, and so forth.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. CONNALLY of Texas. Under the present law what is the provision with reference to a permit. If one gets a permit in the District of Columbia, does he not get a permanent permit?

Mr. UNDERHILL. He used to, but it is proposed to limit it under this bill, so that he will have it for three years.

Mr. CONNALLY of Texas. I am speaking of the existing law.

Mr. UNDERHILL. A permanent permit; yes. This law restricts it to three years. In the gentleman's State, where everyone is honest, where they have no crooks, where they have no bootleggers, where they have no automobile thieves, it may be all right to issue a permanent permit.

Mr. CONNALLY of Texas. I am not taking issue with the gentleman. I just asked for information. I have always understood here that in the District when one got a permit to drive it was good until it was revoked.

Mr. UNDERHILL. It has been.

Mr. LAGUARDIA. If the owner of a license moved to New York, in my State, he can not drive permanently under that license. That is only for a resident of the District.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. The permit would not be a permanent license to drive.

Mr. UNDERHILL. No; but if that man is driving a car in the city of New York, and he is stopped by a traffic officer, whether he is driving lawfully or not, he will pull out his permit for the District of Columbia and say, "Here is my permit from the District of Columbia," and it is perfectly all right in New York City.

Mr. LAGUARDIA. Not after 30 days.

Mr. UNDERHILL. But the officer does not know whether he has been there 30 days or three years.

Mr. KELLER. Mr. Chairman, if the gentleman will permit, at the present time a permit costs $1 and is good for only one year, not permanently.

Mr. CONNALLY of Texas. A driver's license?

Mr. KELLER. A driver's permit is good for one year.

Mr. UNDERHILL. My understanding is that this was adopted in the last Congress because it was then a permanent permit. We pay a $2 license fee annually in my State, and we also pay a registration fee annually, and that fee ranges from $10 up to $30. Then, in addition to that, we pay a personal-property tax. We pay pretty nearly $100 for the privilege of driving a medium-priced automobile in the city of Boston, and here you let them drive for three years for a permit fee of $1 and a registration fee of about $2, and they have practically no property tax on the automobile.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RANKIN. Mr. Chairman, I have one of those permits in my hand. There is nothing on it to indicate that it is limited to any given period of time. It is indefinite. There is no time limit placed upon it.

Mr. CRAMTON. Mr. Chairman, if I might suggest, in order to clarify the situation, for a long time there was no time limit upon the permit to drive an automobile. The act which we passed about a year ago, but which has not yet become fully effective, contained a one-year proposition, and by the 31st day of March the gentleman will need to get a new permit.

Mr. UNDERHILL. Mr. Chairman, I stood on the floor of this House last year and advocated this proposition, and the House supported it—not because it came from me, but because it appealed to the House as a safety precaution not only in this District but in the States. I hope we will not amend the act we passed last year requiring annual permits and allow them for a period of three years.

Mr. EDWARDS. Mr. Chairman, I hold in my hand a permit issued in the District of Columbia on the 2d day of December last, which expires on March 31 of this year.

Mr. UNDERHILL. Yes; that is according to the traffic act.

Mr. EDWARDS. Would the gentleman's proposed amendment limit it to an issuance of these permits annually?

Mr. UNDERHILL. Yes.

Mr. EDWARDS. I think that is the way it ought to be.

Mr. STEVENSON. Mr. Chairman, if the gentleman will yield, I have a chauffeur who has had a permit for years. After the traffic act was passed I went down there to get a new permit. They looked at me and said, "We have not got time to bother with this now. Go ahead until we notify you," and he is riding on that yet. I was interested in the gentleman's statement that they do not pay taxes on their automobiles here. I received a notice a few days ago that told me that I had been assessed so many hundred dollars of tangible personal property. I went down there to see what it was, and it was my automobile, assessed at all that I had paid for it, and it was already assessed at home.

Mr. UNDERHILL. Oh, yes; but the gentleman is not a permanent resident of the District. If he was and owned a Ford or a Dodge or some low-priced car he would not be assessed, but if he owned a Pierce-Arrow or some high-priced car he would get soaked. I register my car in my State, and I get my license in my State, and when I pay my personal property taxes in my State, and when I come to Washington I pay 2 cents a gallon tax on gasoline in lieu of paying something else for the use of the streets while in the District, which I think is a fair proposition.

Mr. ZIHLMAN. Mr. Chairman, I hope the amendment offered by the gentleman from Massachusetts will not be adopted. The present law provides that proper permits shall be issued for one year, and no permit now held shall be good after March 31 of this year. The annual fee is $2, and if the permit is less than six months it shall be $1. In the substitute offered here in section 2 the director of traffic is given very wide powers to revoke permits, and I believe the interest of the public and the safety of the public will be sufficiently safeguarded by the provisions of the amendments I have offered. It will minimize the expenses of issuing permits. It simply provides if a man obtained a permit, it shall be good for three years without being renewed.

Mr. TREADWAY. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. TREADWAY. Do I understand that with the present traffic law in force March 31 it licenses a man to drive a car for one year?

Mr. ZIHLMAN. Yes, sir.

Mr. TREADWAY. Now, the amendment the gentleman has sent to the Clerk's desk, in lieu of the language on pages 14 and 15, which we have to take the gentleman's word is all right, never been seen in print, changes the law soon to go into effect, and allows a man a three-year permit?

Mr. ZIHLMAN. That is right.

Mr. TREADWAY. Then I am very seriously opposed to that. There is no more dangerous place in the United States for anybody to drive an automobile than the city of Washington. There are more reckless drivers in this city operating cars than any place I have ever been, and I can see no reason whatever for extending the permit to three years. One year is ample time, and I do not think we ought to swallow the amendment offered by the chairman of the committee, hook, line, and sinker, without knowing anything about it. If that is the amendment we are going to have, at the proper time I feel absolved from withdrawing my motion to recommit, or to strike out the enacting clause. I do not believe the gentleman should submit any such proposition, and unless we adopt the amendment offered by the gentleman from Massachusetts, my colleague, making the proposition one year, I shall renew my motion to strike out the enacting clause.

Mr. ZIHLMAN. The gentleman does not consider the statement he has made a question?

Mr. TREADWAY. I beg the gentleman's pardon for taking up so much of his time, and I ask unanimous consent that the gentleman have five additional minutes in lieu of that which I consumed in asking a question in his time.

Mr. STEPHENS. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. STEPHENS. Under the gentleman's plan of issue of permits for three years, in case they drive recklessly would not this permit be withdrawn at once?

Mr. ZIHLMAN. Yes.

Mr. STEPHENS. It would be just about as effective if it was made three years as one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Is there objection?

Mr. STEVENSON. Mr. Chairman, reserving the right to object, I want to know who is going to have this time, the gentleman from Maryland or the gentleman from Massachusetts?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMMER. Is it not a fact that Mr. Eldridge claimed they issued about 90 daily permits, and he wanted a year given him to make out these permits, and we only gave him to July, but he insisted that he can not do it in time without a great deal of extra assistance in his office, and this very efficient gentleman, whose salary we want to raise to $10,000 a year, says it will take a year to do this, and by that time the gentleman from Massachusetts wants to begin again.

Mr. ZIHLMAN. I am very much surprised at the attitude of the gentleman from Massachusetts, a distinguished statesman, rising up here in great indignation when I am offering a section which provided for the issuance of permits for three years. This is in the amendment of the committee perused by the gentleman when he was in the chair. The permit should be taken for three years. This is an amendment, because the District Commissioners submitted a bill to our committee to extend the time of issuing permits to one year, because they said they could not issue these permits before March 31, as provided in the traffic act, and instead of giving that we provided that the permits should be issued for a period of three years and give the traffic director broad powers of revocation. We are giving him very broad powers to revoke, subject to appeal to the court of appeals. We felt if a man takes out a license to drive an automobile and conducts himself properly and obeys the traffic regulations and the laws, that he should not be forced each year to come and obtain a new license. We provide that it shall be issued for three years and that the director of the traffic at any time for any cause whatever shall have power to revoke that permit.

We are simply providing that we extend it over a period of three years, but that the director of traffic, for any cause whatever, at any time, shall have the power to revoke the permit.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. UNDERHILL. The act does not guarantee, however, that within the period of three years after the permit is issued a man may not become insane or incompetent. My idea is that they should be renewed each year. The State of New York issues 2,000,000 licenses in a few days, and the State of Massachusetts issues a million licenses in a few days' time. They can do it here as well as in Massachusetts and in New York if they only get busy.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. What does the gentleman think about the chances of a man going insane inside of three years under this multiplicity of traffic regulations? [Laughter.]

Mr. ZIHLMAN. I see no danger in adopting this provision.

Mr. NEWTON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. NEWTON of Missouri. How much time is a man given before he is required to undergo examination?

Mr. ZIHLMAN. That is left to the judgment of the traffic director. He will automatically reissue licenses to those against whom no charges have been filed.

Mr. NEWTON of Missouri. That is an automatic renewal. How is the director to know about the insanity of the individual?

Mr. ZIHLMAN. The director is authorized and directed to conduct an examination before the issuance of the original permit.

Mr. NEWTON of Missouri. What is the need of a renewal every year if they have the power to revoke upon a showing?

Mr. ZIHLMAN. The reason for what?

Mr. NEWTON of Missouri. Is it not better to let the director have the power to revoke upon a showing that a man is not competent to drive the car?

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. REID of Illinois. Your substitute provides that a license may be issued for one or two or three years at option?

Mr. ZIHLMAN. No, sir.

Mr. REID of Illinois. In the case of a Government employee who does not run his car perhaps more than two or three months, must he pay for a whole year?

Mr. ZIHLMAN. I will say that since the time the committee adopted this amendment we have not heard any complaint about the issuing of these permits for three years.

Mr. REID of Illinois. Is it not a fact that they would have to pay for three years under your amendment?

Mr. ZIHLMAN. Under existing law they would have to pay for six months.

Mr. REID of Illinois. I might want to go back to Illinois after six months' residence here, after I had paid the money.

Mr. CHALMERS. Mr. Chairman, I have an amendment that I want to offer to section 13 (a) of this bill. When would it be in order?

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] offers an amendment. The Chair will recognize the gentleman from Ohio now.

Mr. CHALMERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHALMERS: In line 20 of the committee amendment, after the word "bicycle," strike out the period and insert: "*Provided further*, That when such duplicate permit is filed with the secretary of state of any State in the United States, such permit shall be effective in such State."

Mr. BLANTON. Mr. Chairman, I make the point of order that that would be an interference with the laws of each State.

The CHAIRMAN. If the gentleman makes the point of order the Chair will sustain it.

Mr. BLANTON. I do make the point of order.

The CHAIRMAN. The Chair sustains it.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts [Mr. UNDERHILL] has misunderstood the situation. This matter that the gentleman from Maryland [Mr. ZIHLMAN] has offered is a committee matter. The committee adopted that provision as to a three-year permit for $3. The gentleman from Massachusetts offered his proposal in the committee, and it was voted down. The committee voted it down. He tried to have the one-year proposition put into the bill.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I know the gentleman wants to be right.

Mr. BLANTON. I do. I gladly yield to my friend for any correction.

Mr. UNDERHILL. "The gentleman from Massachusetts" offered that on the floor of this House. It was accepted last year. He never offered it otherwise.

Mr. BLANTON. I was under the impression that the gentleman made the same argument in the committee that he made here.

Mr. TREADWAY. Mr. Chairman, is there not a certain amount of confidence to be observed in regard to committee amendments and committee discussions?

Mr. BLANTON. Our committee meetings are held in the open, with newspaper reporters present. They are not confidential.

Mr. UNDERHILL. If any other member of the committee—and I make no reflection on the gentleman from Texas—heard me offer that amendment this year, I will admit that the gentleman from Texas is right.

Mr. BLANTON. I will accept the gentleman's statement as correct. But, did not the committee adopt this provision for a three-year permit for $3 as a committee amendment just before we voted to report this bill to the House?

Mr. UNDERHILL. I was not present at the meeting.

Mr. BLANTON. Well, I was present, and that was done. My friend from Illinois [Mr. REID] got up and proposed that it should be left optional with the applicant as to whether he should take a one-year permit or a three-year permit, and after arguing it the committee turned him down. The committee was almost of one mind as to this three-year proposition at $3.

The gentleman from Massachusetts [Mr. TREADWAY] wants to change the present traffic conditions in the District. Yet every time some little obstacle develops on this floor he is ready to offer to strike out the enacting clause, and thus kill this bill, and let the old conditions exist, and then he blames the committee for it.

The gentleman from Maryland [Mr. ZIHLMAN], as chairman of the committee, has offered this, and it is indorsed by the traffic department, and he has authority from the committee to offer it. He is offering it as the traffic officials want it. Are you not going to back up the committee? I am in favor of this traffic bill. I am backing the chairman in what he has offered. Let us back up the chairman of this committee. Let us back the committee and vote these proper amendments to the traffic act. I agree with every word that is in it, so far as it goes. It will be a great help to the traffic situation here. I think we ought to support our chairman and the committee.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FAIRCHILD. How about the House last year voting to pass it for one year? You are reversing it.

Mr. BLANTON. It would take an army of employees down here to reissue these 115,000 permits by April 1, and all expire March 31.

Under the present law every single permit in the District expires the 31st of this month. Unless we pass the provision that has been offered by the chairman they can not issue the permits in time for us to have the permits by April 1. They can not do it.

Let me tell you this. They need this $3 permit to finish the electric signal system here. This $3 permit for three years, which is $1 a year, is not unreasonable. It is cheaper than any State in the country charges. In Baltimore they charge 32 cents per horsepower for registration, which runs away up yonder when you get your number tags, while they charge only $1 here. In Virginia they charge 70 cents per horsepower instead of $1 for the whole matter of registration and number tags, as against only $1 here. It is the most reasonable charge anywhere in the United States. They need this money now, and if you will vote for this committee proposition, as the chairman has offered it here, it will put enough money in the treasury of the District of Columbia to complete the entire electric signal system on all principal streets here, so that you will have a first-class traffic system.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. TREADWAY. Reserving the right to object, will the gentleman yield to me for a question?

Mr. BLANTON. I want to yield to the gentleman from New York [Mr. STALKER] first, and then I will yield to the gentleman from Massachusetts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STALKER. I will state that in the State of New York they hand out permits with no questions asked, and there is no examination, while here in the city of Washington it is customary to give them an examination, and they must demonstrate that they are able to operate a car.

Mr. BLANTON. That is true, but I have in my possession four permits that were issued to lunatics out here in the insane asylum at St. Elizabeth's. Now, the director will have a chance, under the proposition the chairman has offered, to suspend and revoke such permits. Now I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Do I understand that all permits in the District of Columbia expire on the 31st of March?

Mr. BLANTON. Every one.

Mr. TREADWAY. And the gentleman says it will take an army of men to renew them?

Mr. BLANTON. Yes; by April 1. We propose, under this amendment, to give the director plenty of time to renew them. Then he can call in so many at a time and renew them just so many each month.

Mr. TREADWAY. Will it take any longer to make out a permit for one year than it will for three years? The gentleman says they can not do it for one year. If that is so, how can they do it for three years?

Mr. BLANTON. But we are trying to save this turmoil next year, on the 31st of March next year, when they will come in again and ask for more time. This amendment permits them to extend the time and reissue so many each month.

Mr. TREADWAY. But for three years?

Mr. BLANTON. Yes.

Mr. TREADWAY. You should make it one year.

Mr. UNDERHILL. Will the gentleman yield to me?

Mr. BLANTON. Yes; gladly.

Mr. UNDERHILL. My amendment does not affect that, and next year they would be issued automatically.

Mr. BLANTON. But the gentleman wants them issued every year, when that is useless. In my home State of Texas they do not require any permit. All you have to do is to register your car and pay about $12.50 a year for a Ford car, and you can drive it without a permit.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. LAGUARDIA. I would ask the chairman to make it 11 minutes.

Mr. ZIHLMAN. Mr. Chairman, I modify my request and make it 11 minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this section and all amendments thereto close in 11 minutes. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. CHALMERS. Mr. Chairman and members of the committee, I introduced my amendment to this District bill in the interest of the public. I realized when I proposed the amendment that a point of order would stand against it if any Member of the House saw fit to raise it; but on account of the great public interest in a law of this kind, I was in the hope that a point of order would not be raised.

I was very sorry that the gentleman from Texas objected to an explanation to the committee of what I hoped to accomplish in the introduction of my amendment.

The amendment which I offered to the District traffic bill which would legalize a driver's or chauffeur's license issued in the District of Columbia in the States of the Union would, in my judgment, be of great public service. The National Auto Renters' Association is very much interested in any legislation of this kind, which will make drivers' licenses issued in one State of reciprocal effect in the other States of the Union. We can not pass such a law. We can, however, legalize licenses issued in the District of Columbia in all matters affecting interstate traffic. The Willys-Overland Co., of my city, is very much interested in a legal provision of this kind. All automobile manufacturers and associations and clubs are interested in a Federal provision of this kind.

For instance, a person who holds a driver's license, under the present practice in the State of Pennsylvania or any other State of the Union, is not permitted to go into the State of New York and rent a car and drive it without first qualifying for a driver's license in New York State.

Then, again, there are States, such as my own, that do not require a driver's license, and, of course, a person going from Ohio to New York State finds it necessary to qualify for a driver's license before he can rent a car. This works a delay and a great hardship to corporations and individuals.

The rent-a-car or drive-it-yourself business is just in its infancy. It is growing very rapidly, and from the number of cars that are in use and are being purchased each year, it is bound to be an important factor in the automobile manufacturer's volume.

I believe therefore that in fairness to the rent-a-car industry, some Federal legislation should be enacted that would make it possible for the holders of a driver's license in the District of Columbia to rent and operate an automobile in any State of the Union.

Mr. BLANTON. Will the gentleman yield?

Mr. CHALMERS. I yield to the gentleman from Texas.

Mr. BLANTON. By courtesy. That is the practice now. A driver's license in the District of Columbia is recognized in the 48 States of the Union.

Mr. LAGUARDIA. Not permanently.

Mr. CHALMERS. No; not permanently.

Mr. BLANTON. But for the same length of time as other State licenses are recognized.

Mr. CHALMERS. I am glad to hear the gentleman say that; and if that can be maintained and continued, it will solve the problem I sought to solve by my amendment.

Mr. BLANTON. That is permanent law in every State.

Mr. CHALMERS. I am very glad to be assured of that fact by the gentleman from Texas, who is himself a good attorney and a member of the District Committee, because if this assurance is true it accomplished the very purpose for which I introduced my amendment.

This will offer the relief that I hoped to bring about. It will simply be necessary for corporations and individuals to secure a driver's license for their agencies and individuals in the District of Columbia. Inasmuch as the license fee in the District after the first of the next month will be only $1, this will not work a hardship upon the general public.

Mr. GIBSON. Mr. Chairman and gentlemen of the committee, it was not my intention, in view of the situation into which this bill has gotten, to say a word. When it came before the committee I did reserve the right to file a minority report, but finally decided to swallow it and let it go along as it is. In view of the amendment offered by the gentleman from Maryland, I must call your attention to one or two things.

In every complete traffic law it is necessary to follow certain vital principles. The registration should be yearly. The permits should be granted yearly. What is the situation here in the District? We have not 100 or 200 but we have 1,000 criminals driving automobiles, bootleggers and that class of men, and it is necessary to issue the permits yearly in order to keep a check on people of that class who apply for licenses.

The fees are not sufficient. We passed this bill last year and made the fees for drivers' permits $2 for the first year. The amendment which is offered by the gentleman from Maryland makes it $1 a year.

I call your attention to the fact that if you adopt this amendment you are cutting off from the revenues to be received from permits alone $100,000 the first year, which ought to come into the treasury of the District of Columbia or the Treasury of the United States as legitimate revenue. Up in my State I pay $32.60 for a license to operate and registration, which costs $3 here. In the State of New Hampshire they pay $50. In the State of Massachusetts they pay about $100, which includes the personal property tax. Does not the District of Columbia need this money? We ought to have, if necessary, $100,000 a year for the enforcement of the traffic regulations, for the lighting of the streets, and for other similar improvements.

Mr. BLANTON. Will the gentleman yield?

Mr. GIBSON. I yield.

Mr. BLANTON. The gentleman does not want to be inaccurate, I am sure, because I know the gentleman wants to be exact in his statement. The present law is not $2, but just $1. I have the law here and it provides that the permits shall be renewed for $1 a year.

Mr. GIBSON. Yes; but the first license is $2.

Mr. BLANTON. But that has passed. The law says that on March 31 every permit shall be renewed for $1 a year.

Mr. GIBSON. Yes, renewed; but the first permit, as I understand the law, is $2.

Mr. BLANTON. But after March 31 it is $1.

Mr. GIBSON. Oh, no. The new permits are still $2.

Mr. LAGUARDIA. Mr. Chairman, I simply want to call the attention of the chairman to the fact that in the text of his amendment he refers to a resolution when we have a bill before us.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to correct the language of the amendment by inserting the word "act" where the word "resolution" appears.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. HILL of Maryland. May we have the amendment again reported?

The amendment of the gentleman from Massachusetts [Mr. UNDERHILL] was again reported.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. The amendment of the gentleman from Massachusetts [Mr. UNDERHILL] states that it is an amendment to the amendment of the gentleman from Maryland [Mr. ZIHLMAN]. Is that the committee amendment?

The CHAIRMAN. No; it is another amendment.

Mr. HUDSON. Then I ask, Mr. Chairman, that the amendment of the gentleman from Maryland [Mr. ZIHLMAN] may be read.

Mr. BLANTON. That is practically the committee bill.

Mr. ZIHLMAN. Will not the gentleman modify his request and simply have read the paragraph which the gentleman from Massachusetts seeks to amend?

Mr. HUDSON. I have submitted my request in order that we may be able to vote intelligently.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment of Mr. ZIHLMAN's was again reported.

Mr. TREADWAY. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the enacting clause——

Mr. BLANTON. Mr. Chairman, I ask recognition.

Mr. KETCHAM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. My understanding is there was a limit on debate of 11 minutes and that 3 minutes still remain. I ask recognition under that unanimous-consent agreement.

The CHAIRMAN. The gentleman can not get recognition ahead of the motion to strike out the enacting clause.

Mr. KETCHAM. In order that I may understand the position of the Chair, even when there has been a unanimous-consent agreement that debate may continue 11 minutes a motion to strike out the enacting clause may intervene?

The CHAIRMAN. Yes.

Mr. TREADWAY. Mr. Chairman, I ask recognition on my motion.

Mr. BLANTON. I make the point of order that the gentleman from Massachusetts made a motion to strike out the enacting clause and used his five minutes in discussing that motion.

Mr. TREADWAY. I withdrew it.

Mr. BLANTON. He made the motion, and under the agreement that we would pass the committee bill he withdrew it. Now, when we are trying to follow the chairman of the committee he makes another motion to strike out the enacting clause, and I make the point of order that he has used his time.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TREADWAY. Mr. Chairman and gentlemen, the previous motion I made to strike out the enacting clause was made somewhat in accordance with the agreement, as the gentleman from Texas states it, that the chairman of the committee was to offer a sort of perfecting amendment to the language on pages 14 and 15, but instead of that—and I am not claiming that he is breaking faith—he offers two or three pages of amendments.

Mr. CRAMTON. If the gentleman from Massachusetts will permit, he will recall that I called his attention to the fact that the gentleman might not be aware of the situation and also called his attention to the fact that the chairman of the committee had an amendment to offer. If the gentleman from Massachusetts did not have full information as to the length of that amendment, it was not my fault.

Mr. TREADWAY. I know; but I am putting this proposition up to the House. Does the House want to take up an amendment to such an act as this, a permanent traffic act for the District of Columbia, that has not gone into effect, and without seeing the amendment in print, simply hearing it read from the Clerk's desk, and say that must be the permanent law of the District of Columbia? That is the situation we are in. My only reason for making this motion is that this whole proposition ought to go back to the committee. It is not going to be ruled out of order; it can be brought in here in two weeks and we can have a well-digested bill. What the traffic law will be when we adopt the motion of the gentleman from Maryland and make it a permanent law under this method of procedure no one can tell. All I am asking for is if we are going to act as a board of aldermen for the District of Columbia that we know what we are putting into the permanent law. I defy any Member here to tell what is contained in the amendment offered by the gentleman from Maryland by simply hearing it read from the desk. I say it is no more than right to ask the committee to bring in a perfected and well-considered bill.

Mr. HUDSON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HUDSON. Have not I heard the gentleman from Massachusetts argue on the floor that after his committee has thoroughly digested a matter, that is sufficient?

Mr. TREADWAY. Let me interrupt the gentleman; this committee has not thoroughly digested this proposition. Members of the committee say they have not had this question before them in the form that is now presented. The Ways and Means Committee does not present a bill in this manner.

Mr. HUDSON. I have not heard any such statement.

Mr. TREADWAY. It has been made here, and the gentleman from Illinois [Mr. REID] and the gentleman from Illinois [Mr. RATHBONE] will bear me out.

Mr. BLANTON. Let me say to the gentleman that this amendment is the present law with the exception of seven words——

Mr. TREADWAY. Well, that is something we had not heard before; we are getting information all the while.

Mr. BLANTON. Section (a) has been amended, but sections (b), (c), (d), (e), and (f) is the present law with the exception of a few words.

Mr. ZIHLMAN. Let me say that the gentleman from Michigan [Mr. CRAMTON] has been very insistent that when we amend a section of the District Code we should rewrite the whole language, and in compliance with the position taken by the gentleman, which I think is sensible and logical, we have rewritten the entire section.

Mr. TREADWAY. Let me ask the gentleman if he thinks that the House can intelligently act on the proposition now before it.

Mr. ZIHLMAN. I think so.

Mr. TREADWAY. The gentleman thinks that the House has sufficient information to act intelligently on the subject of traffic regulations in the District of Columbia.

Mr. ZIHLMAN. I will answer the gentleman, yes.

Mr. UNDERHILL. Mr. Chairman, it is hardly fair to the committee and it surely is not fair to the District when a Member of Congress, instead of using his good offices to perfect such legislation that may inadvertently pass a committee, moves to strike out the enacting clause. That practice was followed a few years ago, and no legislation beneficial to the District resulted. My object in offering my amendment is to protect the people of the District and to protect the people of other States. The police find that yearly registration is one of the best methods which they can follow to keep tabs on law breakers and nonobservers of decency on the road and elsewhere. Just simply because we have gotten into a little jam here on the floor of the House, which can be easily ironed out, is no reason why we should strike out the enacting clause. Let us take this bill and let every Member use his mentality, his superior knowledge of procedure, his superior knowledge of parliamentary practice, and help the District of Columbia Committee, and thereby help the District rather than strike out the enacting clause.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HILL of Maryland. In considering this license matter, did the committee consider the desirability of putting on the license the photograph of the person purporting to hold the license? Anybody can steal a license or pick up a license that is lost. On railroad tickets you have to have a photograph.

Mr. UNDERHILL. I understand you have to have a photograph on railroad passes. I never saw a photograph on any ticket that I ever bought. The gentleman is more fortunate than I am if he has secured a pass on a railroad; but as far as the license is concerned, the license should state approximately the height, the complexion, the general appearance of the applicant, and in that way he can be identified; but that has nothing to do whatever with striking out the enacting clause.

Mr. HILL of Maryland. I am asking for information.

Mr. UNDERHILL. I can not yield further. It is simply a question of whether we are going to pass some legislation that will benefit the people of the District and mitigate to some extent the dangers that surround him on every street to-day.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. TREADWAY. Does the gentleman think that the bill is in such form now that we can act intelligently upon it?

Mr. UNDERHILL. I think the bill is in such form that I can act intelligently upon it, and I think the gentleman's patience ought to be of such a character so he may act intelligently on it.

Mr. TREADWAY. The gentleman has the advantage of his colleague in that he is a member of this particular committee.

Mr. UNDERHILL. If the gentleman from Massachusetts has any question about it, he had a prerogative that all of us enjoy of voting against the whole proposition because we do not understand it, but let us not give away our prerogatives and neglect our duties by striking out the enacting clause when we can perfect the bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment again.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his motion to strike out the enacting clause. Is there objection?

Mr. STEVENSON. I object.

The CHAIRMAN. The question is on the motion to strike out the enacting clause.

The motion was rejected.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. UNDERHILL].

The CHAIRMAN. The gentleman is recognized for four minutes.

Mr. KETCHAM. Mr. Chairman, when one rises in opposition to anything that comes from so distinguished a Representative as the gentleman from Massachusetts [Mr. UNDERHILL], supported by his colleague [Mr. TREADWAY]—and I am now

referring to the amendment to reduce the fee to $1 and the time to one year—he certainly is up against a hard combination. In knowledge of parliamentary procedure, in vehemence of declamation, very few gentlemen on the floor surpass the gentleman from Massachusetts [Mr. TREADWAY]. However, I think he has certainly overstepped in this one regard, because in his anxiety to protect against that very small percentage of all who register, who are of disreputable character, he has overlooked the vastly greater percentage of those of us who at least try to live within the provisions of the law. In voting on this amendment I submit this consideration to you: Out of the 110,000 people who shall apply for registration under the law, more than 99.47 per cent, the proverbial amount we see so much of in advertisements, will certainly obey the law in every particular. I think the percentage would be very much higher than that, probably 99.99 per cent of all who apply for registration. I think that percentage will live up to the provisions of the law. The real question is, Shall we subject that great percentage of law-abiding citizens to the inconvenience of going through this tremendously complicated routine every year in order that their driver's licenses may be renewed? In that connection it has been stated by almost everyone who has appeared on the floor that practically every State has a revocation clause in all of these licenses, so that if any of these disreputable citizens from the District of Columbia wander up into the delightful hills of Massachusetts, all that need be done there is to have them apprehended after they have been there over 30 days. There is nothing to prevent the eagle-eyed officials up there going out and haling these chaps into court. Looking to the greatest good for the greatest number, it seems to me that there is no reason in the world why the provisions of the amendment that is proposed by the committee should not prevail and why the amendment proposed by the gentleman from Massachusetts [Mr. UNDERHILL] should not be defeated, as I hope it will be.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 17, noes 57.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Maryland [Mr. ZIHLMAN].

The motion was agreed to.

The Clerk read as follows:

SEC. 3. Under said section 6 of said title of said act subdivision (d) be, and the same is hereby, amended so as to read as follows:

"(d) The commissioners are hereby authorized to appoint three additional assistants to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923."

SEC. 4. Under the title "Operators' permits" subdivision (a) of section 7 of said act be, and the same is hereby, amended so as to read as follows:

Mr. ZIHLMAN. Mr. Chairman, my understanding is that we have struck out section 2, and have adopted a substitute therefore. I ask unanimous consent that all of this matter stricken out in the bill on pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 be passed over.

Mr. GARRETT of Tennessee. Mr. Chairman, I think the reporters' notes will show, certainly the right procedure is, the gentleman from Maryland offered his amendment as a substitute for the language contained in section 2, beginning on page 2, giving notice that if that substitute should fail he would then move to strike out section 2 as it appears on page 14. Now the substitute has prevailed. He should either move to strike out section 2 or offer a substitute.

The CHAIRMAN. The Chair thinks the motion of the gentleman from Maryland was to strike out section 2 with a statement that in case his motion prevailed he would then move to strike out all after section 2.

Mr. GARRETT of Tennessee. Here is where I think a good deal of confusion has grown out of this matter. There are really in this bill two sections 2. On page 2 there is a section 2. After all of that was stricken out the committee itself inserted another which they numbered section 2. That began on page 14, and that is where apparently the confusion is. I thought it was this first section 2 he proposed to strike out?

The CHAIRMAN. It is.

Mr. ZIHLMAN. My understanding was we struck out section 2 and adopted a substitute. Why read the matter stricken out?

Mr. BLANTON. I ask unanimous consent that the language be stricken out down to line 18, page 14.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that section 2 down to and including the words "Columbia," on page 15, be stricken out.

The CHAIRMAN. The gentleman means section 3. Section 2 is out of the bill.

Mr. ZIHLMAN. The Clerk was reading section 2.

The CHAIRMAN. No; section 3.

Mr. ZIHLMAN. I ask unanimous consent that section 3——

The CHAIRMAN. If the gentleman from Maryland will permit the Chair to suggest, the proper motion at this time would be to strike out all down to line 18, page 14, and then offer his substitute, if the Chair is properly advised of what the gentleman wants.

Mr. ZIHLMAN. I will say to the Chair we want to substitute——

Mr. BLANTON. I ask unanimous consent, to which the gentleman from Maryland will agree, beginning with section 3 on page 3, which is where we left off, I move to strike out the balance of the bill down to and including line 4, page 15.

Mr. DOWELL. Mr. Chairman, that motion is out of order unless by unanimous consent.

Mr. BLANTON. I am asking unanimous consent, and the gentleman from Maryland will agree to that.

The CHAIRMAN. The gentleman from Texas is asking to strike out something that is not in the bill. The bill ends with line 17.

Mr. BLANTON. I ask unanimous consent that beginning with section 3 on page 3 to strike out all of the balance of the bill down to and including line 17, page 14.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none. Now the gentleman from Maryland offers an amendment.

Mr. ZIHLMAN. I offer a substitute for section 3——

The CHAIRMAN. There is no section 3; it has been stricken out.

Mr. ZIHLMAN. I offer an amendment to section 3, and ask the Clerk to report it.

Mr. DOWELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The section 3, page 15, is not part of the bill, but I understand is an amendment suggested by the committee.

Mr. BLANTON. It is offered as a new section.

Mr. DOWELL. An amendment is not being offered——

The CHAIRMAN. In that form the amendment is known as section 3.

Mr. DOWELL. The committee amendment must first be submitted.

Mr. ZIHLMAN. I am offering it as an amendment.

Mr. DOWELL. The first that can be offered is the committee amendment and then the gentleman can offer his amendment to it.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN to follow the amendment just adopted:

"SEC. 3 (a). Except where for any violation of this act revocation of the operator's permit is mandatory, the director, or any assistant whom he may designate for the purpose, may revoke or suspend an operator's permit for any cause which he or such assistant may deem sufficient: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act, may appeal to the Court of Appeals of the District of Columbia and the decision of such court shall be final: *Provided further*, That an appeal to said court shall not operate as a stay of such order of the director or his assistant."

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The gentleman from Maryland offers this as a committee amendment to take the place of section 13 (a) of the bill. That does not show from the way the Clerk read it. It should be amended.

Mr. CRAMTON. Mr. Chairman, the correct statement, it seems to me, would be that the gentleman from Maryland is offering the amendment just read as a substitute for the committee amendment. The matter in lines 5 to 14 is a proposed committee amendment. Lines 5, 6, and 7, which the Clerk did not read, are not to be disturbed. But the gentleman from Maryland wants to substitute what has been read as a substitute for the committee amendment.

Mr. BLANTON. The other lines should be inserted.

Mr. CRAMTON. The committee amendment, as I understand, from lines 5 to 14, is pending. That is on page 15.

The CHAIRMAN. If the gentleman from Michigan [Mr. CRAMTON] will permit, the committee amendment has not yet been offered. It is not yet before the House.

Mr. CRAMTON. It came to the committee with the bill from the committee.

The CHAIRMAN. It is not before the House. It has not been read.

Mr. CRAMTON. It should be read.

Mr. DOWELL. Mr. Chairman, I still insist that the gentleman can not offer an amendment to the committee amendment when the committee amendment has not been offered. That is just what he is trying to do.

The CHAIRMAN. If the gentleman from Iowa has stated it correctly, neither the Chair nor the gentleman from Maryland [Mr. ZIHLMAN] has understood it correctly. The Chair understood that the gentleman from Maryland wanted to offer this amendment to precede his committee amendment. If so, the procedure on this amendment is accurate. Now, then, if the reverse is true and the gentleman from Maryland wants to amend his committee amendment the gentleman from Iowa [Mr. DOWELL] is correct in his contention. Will the gentleman from Maryland please state what he wants to do?

Mr. ZIHLMAN. Mr. Chairman, the amendment of the committee on page 15 of the bill is a committee amendment, and is brought in by the committee.

The CHAIRMAN. It has not yet been reported. If the gentleman from Maryland wants to amend the committee amendment, the committee amendment should be read.

Mr. ZIHLMAN. After it is read I shall avail of the privilege of offering an amendment.

Mr. BLANTON. I ask unanimous consent, Mr. Chairman, that on page 14, what is there shown as a committee amendment, beginning "section 2," providing that section 7 of said act be stricken from the bill; that is, all from line 18 down to line 25 on page 14, and on down to and including line 4 on page 15, should be stricken from the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that lines 18 to 25 on page 14 and lines 1 to 4 on page 15 be stricken from the bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 5, committee amendment:

"SEC. 3. That subdivision (a) of section 13 of said act be, and the same is hereby, amended, so that as amended the same shall hereafter read:

"'SEC. 13. (a) The director may in his discretion (except where for any violation of this act revocation of the operator's permit is mandatory), revoke or suspend the operator's permit of any individual convicted of a violation of any of the provisions of this act, or, before conviction after notice and upon hearing, for a violation of any of the provisions of this act, or any regulations made thereunder.'"

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the language on page 15, lines 8 to 14, and offer a substitute in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN to the committee amendment: Page 15, line 8, strike out all of lines 8 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 13. (a) Except where for any violation of this act the revocation of the operator's permit is mandatory, the director, or any assistant whom he may designate for the purpose, may revoke or suspend an operator's permit for any cause which he, or such assistant, may deem sufficient: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director, or such assistant, for any cause not made mandatory by this act, may appeal to the Court of Appeals of the District of Columbia, and the decision of such court shall be final: *Provided further*, That an appeal to said court shall not operate as a stay of such order of the director or his assistant."

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. My purpose in striking out the last word is to protest against the manner in which the committee has brought this bill before the House.

It is simply impossible for a Member to vote intelligently on any of the amendments that are now offered. The bill comes before us with all the subject matter practically stricken out, and after that are set forth the proposed amendments of the committee. So far, that is in accordance with the practice. But now, instead of voting upon these amendments that we have before us, lengthy substitute amendments are offered by the committee, and I venture to say that there is not a man on the floor of this House who can get the gist or purpose of the amendment from the first reading at the desk.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from Maryland sits on one side of the table and I sit on the other. I agree with every single thing he has done concerning this amendment, and if the gentleman is willing to accept an agreement of the two sides that fight each other in the committee——

Mr. LAGUARDIA. That is no reply. There are 435 Members in this House and not only 2 Members; the gentleman from Maryland and the gentleman from Texas, and some of us, who want to do our work intelligently and take our work seriously, certainly can not legislate in this manner, and it should not be done. If the District Committee should bring in any more bills of this kind, we will have the House pass upon them, because I, for one, shall protest.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The CHAIRMAN. The question now recurs upon the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment. At the end of the amendment offered by the gentleman from Maryland to insert the following.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: At the end of the amendment——

Mr. BLANTON. At the end of the traffic act.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. There is one committee amendment still remaining.

The CHAIRMAN. We are not yet through with the committee amendments, and the Clerk will read.

The Clerk read as follows:

SEC. 4. At the end of this act add a new section, as follows:

"SEC. 19. The director is authorized and directed to designate New Jersey Avenue from the Capitol to U Street NW. as a traffic-signal boulevard street, and in the present program of completing the system of electric traffic signals said portion of New Jersey Avenue shall be included."

Mr. GILBERT. Mr. Chairman, I want to offer an amendment to strike out all of section 4.

Mr. CRAMTON. Mr. Chairman, a point of order. That is simply accomplished by voting down the committee amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Strike out all of section 4.

Mr. GILBERT. Mr. Chairman, section 4 introduces into the act an administrative feature. When the traffic act was before the House the last time the House designated certain streets to be arterial highways. In conference it was agreed that that should be an administrative matter and left to the director of traffic, and that was accepted by both Houses. This bill now seeks to point out one street and direct the director of traffic to designate that street as a boulevard street. I just want to call your attention to the fact that that carries with it a lack of uniformity, and we ought to leave the director of traffic to designate all the streets and not tie him up by mentioning some one street.

Mr. MAPES. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. MAPES. Does the gentleman state that this is the only street that is designated by law?

Mr. GILBERT. Yes; this is the only street designated by law. There are many other streets more important than this street, and the director of traffic has, for some reason suitable to him, failed up to this time to designate this as one of the boulevards or arterial highways.

Mr. BLANTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. BLANTON. Why do we not just vote it down and go on?

Mr. GILBERT. I think we should at least eliminate that part of it.

Mr. McLEOD. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. McLEOD. For what reason should this be voted down?

Mr. GILBERT. For the simple reason that this is an attempt by law to designate a particular street in the city when it is purely an administrative feature.

Mr. McLEOD. But that is the way this Congress considered the matter a year ago when certain streets were designated by this House as boulevards or arterial highways.

Mr. GILBERT. That is true, but that was stricken out by the Senate, and the House agreed that it should be stricken out.

Mr. McLEOD. If the only way a street can be made a highway is by a law of this kind, should we not adopt the committee amendment?

Mr. GILBERT. The only way we should make it possible to designate a street a boulevard or arterial highway should be through the action of the director of traffic, because the situation might change the next year or so, and it might take an act of Congress to change it instead of having it an administrative matter.

Mr. CRAMTON. Mr. Chairman, I offer a preferential motion, and I want to finish the few remarks I started to make a moment ago. I want to offer a preferential motion to perfect the text. I agree with the gentleman from Kentucky that if we have at the head of the traffic bureau a gentleman who has the right ability and judgment, Congress ought not to be passing on these questions, but if we are to pass upon them, I simply offer this amendment to the text: In line 18, on page 15, strike out "U Street" and insert "Florida Avenue." This, perhaps, is an illustration of the undesirability of Congress legislating on such matters. New Jersey Avenue does not extend through to U Street; it only extends to Florida Avenue. So I move to perfect the text by striking out in line 18 "U Street," and inserting "Florida Avenue." After we have done that I think we might well consider the proposition of voting down the committee amendment.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. As these are the only five lines, so far as I am able to learn, that the committee has reported in the bill, it occurs to me they ought to be stricken out. [Laughter.]

It is a very strange procedure, it seems to me, that the committee should report a bill of 15 pages, every line of which is disagreed to by the committee when they come upon the floor, and except for the fact that the chairman of the committee offers an amendment to each paragraph and each section, which is agreed to by the gentleman from Texas, we would not have a bill at all. Not a line of the committee amendments has been approved up to this time, and I presume the other five lines will go out, as I assume they should go out. [Laughter.]

It occurs to me this committee ought to learn something from this experience to-day. If they are going to offer a bill upon the floor, they ought to agree upon it in the committee before they bring it to the House.

Mr. KETCHAM. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. KETCHAM. Does not the gentleman think that is a very great reflection upon the subcommittee——

Mr. DOWELL. I am casting no reflection upon anyone; I am simply stating a fact which all of you know is a fact at this stage of the proceedings.

Mr. KETCHAM. Will the gentleman allow me to finish my question? Does he not think that his remarks are a very great reflection upon the splendid judiciary subcommittee of the Committee on the District of Columbia?

Mr. DOWELL. I am not casting any reflection on anyone. I am simply stating a fact which has been demonstrated very clearly this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment.

The question was taken; and on a division (demanded by Mr. McLEOD) there were—ayes 2, noes 23.

So the amendment was rejected.

Mr. McLEOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. McLEOD. I rise for information.

Mr. BLANTON. Mr. Chairman, I offer an amendment. At the end of the bill I offer a new section to be known as No. 4.

Mr. McLEOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. McLEOD. I make the point of order that there was not a quorum present.

The CHAIRMAN. The gentleman from Michigan makes the point of order there is not a quorum present. The Chair will count.

Mr. GARRETT of Tennessee. Mr. Chairman, is it in order to make a parliamentary inquiry pending the count?

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. I understand a decision has been rendered upon the amendment. There would not be another vote upon it, in any event, as I understand it.

The CHAIRMAN. Not on the amendment.

Mr. DOWELL. Mr. Chairman, I make the point of order that the point of no quorum having been made, discussion is not in order.

Mr. McLEOD. Mr. Chairman, when I rose I doubted the vote at the time, and before the Chair again recognized me there was something else offered on the floor and that is why I made the point of no quorum, which I believe is right.

The CHAIRMAN. The gentleman has the right to make the point of no quorum at any time. [After counting.] Ninety-two Members present; not a quorum.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise, and on that motion I ask for tellers.

Tellers were ordered, and the Chair appointed to act as tellers Mr. ZIHLMAN and Mr. BLANTON.

The committee again divided; and the tellers reported there were—ayes 5, noes 100.

So the motion to rise was rejected.

Mr. BLANTON. Mr. Chairman, I ask that my amendment may be reported.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Add a new section at the end of the bill, as follows:

"SEC. 4. The vehicular approach to all railroad stations, both steam and electric, and the street curb space fronting all hotels, restaurants, cafés, and other commercial places of business in the District of Columbia, are charged with a public interest, and the free use of the same by the general public is essential and necessary for the health, safety, comfort, convenience, and general welfare of the officers and employees of the Federal Government and of the general public; and from and after 30 days after the passage of this act it shall be unlawful for any railroad company, hotel company, or other corporation, business enterprise, or individual to sell or permit the exclusive occupancy to any owner, operator or operators of motor vehicles, the exclusive right to operate motor vehicles in front of such places of business mentioned."

Mr. UNDERHILL. Mr. Chairman, I make the point of order that the amendment offered is not germane to the bill.

Mr. BLANTON. Mr. Chairman, I want to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, what is before the House now is a traffic bill affecting all traffic within the District of Columbia. It embraces every street, highway, and alley in the District of Columbia. We are not merely amending the former traffic bill in one particular; we are amending it in a dozen particulars and the universal rule of the House is that whenever a committee attempts to amend a former act in more than one particular, that makes any amendment in order that is germane to that act.

This is a bill concerning traffic in the District of Columbia. It affects the streets of the District of Columbia; it affects the public highways in the District of Columbia and the public interest in those highways. This amendment would have been in order on the original traffic bill. As a matter of fact there was an attempt to put this provision in the other traffic bill, but it was voted down in committee. Being in order on that bill it is certainly in order on this bill, and therefore the gentleman is mistaken as to the rule.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LaGUARDIA. The very purpose of the bill is to regulate traffic?

Mr. BLANTON. Certainly.

Mr. LaGUARDIA. And the gentleman's amendment goes to the very heart of congestion on the highways and streets of the District.

Mr. BLANTON. Yes; and the amendment gives the public its rights in the streets and highways and alleys of the District of Columbia.

The CHAIRMAN. Unless the gentleman from Maryland wants to be heard on the point of order, the Chair is ready to rule. This bill seeks to regulate traffic of all kinds, but more particularly the vehicular traffic. The amendment offered by the gentleman from Texas seeks to regulate the privileges around private property, and as such it seems to the Chair that it is not germane to the bill. The Chair therefore sustains the point of order.

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair.

Mr. BLANTON. And I ask for recognition on the appeal.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I make this appeal with all due respect to the Chair. Ordinarily I vote with the Chair many times, but in this particular I think the Chair has made a mistake. If you can not regulate traffic in front of the Willard Hotel or on Pennsylvania Avenue where can you regulate it? If you can not regulate traffic at the Union Station when you go to unload people there out of your automobile where can you regulate it?

Mr. LAGUARDIA. And the gentleman is not undertaking to regulate traffic on private property.

Mr. BLANTON. No; I am not; it is on the public streets and highways of the District of Columbia. There is no attempt to regulate anything on private property. It regulates where the automobiles go now, where vehicles now go. The Chair has made a mistake in this particular. The gentleman from Massachusetts [Mr. TREADWAY] was so anxious to get the matter regulated awhile ago; and that is the trouble, every time you offer an amendment to interfere with a hotel or with the depot something comes up to stop it. Is it not time when we should legislate and do something that everybody in the House wants done?

This is certainly a traffic matter. Let us vote to remedy it. Let us put this amendment in the bill and we will have no more trouble about it. If the gentleman from Massachusetts [Mr. TREADWAY] votes to do it, he can remedy it; if he votes not to do it, it is then his and not our fault. Here is a point where the House has a chance to stop this monopoly that is daily at the station and in front of the hotels where they will not let anyone but a certain kind of a taxicab stand in front of it; that is so with the Willard, that is so with the Washington, and it is so with the Raleigh and another monopoly at the depot. We do not want such monopolies and here is a chance to vote them down.

Mr. OLIVER of New York. They will not allow your machine to drive into the passageway.

Mr. BLANTON. They will not allow any machine to drive into the passageway, except the ones the railroads sell exclusive rights to, and we ought to have a right to stop it. The commissioners ought to have the right to control it and the traffic director ought to have the right to control it. It is foolishness and it ought to be stopped. The director ought to have a right to control this traffic and my amendment is germane to this traffic measure because it pertains to the traffic of Washington. Now, let us vote for this appeal and then pass the amendment, and we will not have any more trouble about it.

Mr. LEHLBACH. Mr. Chairman, with the merits offered by the amendment of the gentleman from Texas I have no concern and do not desire to argue it. But I am concerned over a proper interpretation of the rules of the House and of the committee, and am concerned that when the chairman of the committee makes a proper ruling that the merits of the amendment ought not to weigh with the committee in order to induce them to overrule the chairman. This is a traffic act. Traffic means the movement of all kinds of vehicles through the streets of the city. Parking regulations are injected in such an act sometimes, because the parking of vehicles, no matter what kind they may be, impede to some extent the passage of such traffic. There is embodied in this amendment neither a regulation of traffic moving nor the impeding of traffic by parking cars at certain points. It is directed solely to the exclusive privilege of certain cars to park at given points, not because the cars interfere with traffic but because other cars are not allowed to park there. It has nothing to do with traffic and therefore the ruling of the Chair was proper; and no matter how we feel about the amendment, the Chair ought to be sustained.

The CHAIRMAN. The Chair feels justified in making an added statement before putting the question. Regardless of any personal opinion the Chair might have as to the merits of the amendment pro or con, because the Chair tries to be consistent in his rulings, he must follow his ability to reason. This amendment provides that no hotel company, railroad company, or other corporation, business enterprise, or individual shall have the right to sell or permit to any owner, operator, or operators of motor vehicles the exclusive right to operate motor vehicles in front of such places of business. Evidently it must be his own private property, else he could not sell a privilege belonging to the company, and as this bill is a bill to regulate traffic, as the gentleman from New Jersey [Mr. LEHLBACH] very clearly suggests, the Chair finds himself in the position where he could rule in no other way than to sustain the point of order.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 55, noes 22.

So the decision of the Chair stood as the judgment of the committee.

Mr. BLANTON. Mr. Chairman, I offer another amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BLANTON: Add a new section to the act as follows:

"SEC. 4. The vehicular approach to all railroad stations, both steam and electric, and the street-curb space fronting all hotels, restaurants, cafés, and other commercial places of business in the District of Columbia are charged with a public interest, and the free use of the same by the general public is essential and necessary for the health, safety, comfort, convenience, and general welfare of the officers and employees of the Federal Government and of the general public."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that this is not germane to the purpose of the bill.

Mr. TREADWAY. Mr. Chairman, may I be heard upon the point of order?

The CHAIRMAN. If the gentleman cares to contribute anything.

Mr. TREADWAY. Mr. Chairman, I understood the Chair ruled that the previous amendment of the gentleman from Texas [Mr. BLANTON] applied to the private use of land in front of hotels, depots, or other places. This distinctly refers simply to the public highways, the actual street. It has nothing to do with any private lands or anything of that kind, and I do not think the ruling of the Chair on the previous question applies to the present amendment.

The CHAIRMAN. Has the gentleman from Massachusetts any argument he desires to further state? The Chair has given no indication of how he is going to rule.

Mr. TREADWAY. I am arguing against the contention of the gentleman from Maryland.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the Chair again to the fact that we are now proceeding to amend the District of Columbia traffic act. I did not clearly get the reading of the amendment, but from my understanding of it, it is a declaration as to public interest or the right to use the public streets, which certainly is not germane to the purpose of this bill. While it may be a very wise declaration, yet it has no place in the legislation now before the committee.

Mr. LAGUARDIA. That is a part of the traffic ordinance of every city in the country. It is in New York City, although it is awfully hard to enforce it.

Mr. BLANTON. Oh, we can enforce this in the equity courts by an injunction, if we pass it.

The CHAIRMAN. The amendment last offered by the gentleman from Texas [Mr. BLANTON] is decidedly different from the other amendment ruled out of order by the Chair. This merely declares what the purpose of the highways shall be at certain particular points; and as the legislation under consideration is a regulation of traffic over the streets at all points, it seems to the Chair that the amendment is in order. The Chair overrules the point of order.

The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. TREADWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. I would like to know if it would be possible, now that we have finished the bill, that it be written out so that one can comprehend it and understand just what we have passed?

The CHAIRMAN. That is not a parliamentary inquiry.

BOARD OF PUBLIC WELFARE

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 5045) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

The Clerk reported the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the Senate bill 1430, of similar title, be considered in lieu of the House bill.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that Senate bill 1430 be considered in place of House bill 5045. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, which I do not intend to do, I think this would be as good a place as any for the gentleman from Maryland [Mr. ZIHLMAN] to state to the committee whether there are any important and essential features of difference between this Senate bill which he proposes to bring up now and the bill which passed the House in the last Congress.

Mr. ZIHLMAN. I will say to the gentleman that the only difference in this bill as passed by the House at the last session of Congress is in section 11, where the language is stricken out, in referring to the Board of Children's Guardians, where the following powers are vested in the welfare board. It is under subdivision (a):

> To aid in the enforcement of laws for the protection of children and to cooperate to this end with the courts and all public and reputable private agencies.

Those words are stricken out. That is the only difference.

Mr. CRAMTON. The language that appears in the present House bill is omitted in the Senate bill under paragraph (a)?

Mr. ZIHLMAN. Yes; subparagraph (a).

Mr. LAGUARDIA. Further reserving the right to object, what effect will that have on the mothers' pension bill passed a few days ago?

Mr. ZIHLMAN. It does not affect it in any way.

Mr. LAGUARDIA. Who was the author of the Senate bill?

Mr. ZIHLMAN. Senator CAPPER. Mr. Chairman, I move that we take up Senate bill 1430.

Mr. BLANTON. A point of order——

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. KELLER. We have already substituted one Senate bill to-day in the Committee of the Whole.

The CHAIRMAN. There is a difference in that case, as that was on the calendar and this Senate bill is not on the calendar.

Mr. BLANTON. I make a point of order that there being a Senate bill which is substantially identical with the House bill on the Speaker's table that, under the rules of the House, it is in order to move to substitute the Senate bill.

The CHAIRMAN. That is in the House, not in the Committee of the Whole.

Mr. BLANTON. Is not this Senate bill on the Speaker's table?

The CHAIRMAN. That motion can be made in the House, but not in the Committee of the Whole House.

Mr. ZIHLMAN. Mr. Chairman, I call up the bill H. R. 5045.

The CHAIRMAN. The bill has been called up and reported. Does the gentleman desire to proceed under the five-minute rule?

Mr. ZIHLMAN. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. HILL of Maryland. Mr. Chairman, reserving the right to object, if this bill is the same as that passed last year, I remember last year we had a very long and interesting discussion of the question as to what is to be done with the Board of Children's Guardians?

Mr. ZIHLMAN. It is the same bill the House passed last session with a few minor changes.

Mr. HILL of Maryland. Nothing in it about the Board of Children's Guardians?

Mr. ZIHLMAN. Yes, sir.

Mr. HILL of Maryland. Will the gentleman explain?

Mr. ZIHLMAN. The chairman of the subcommittee will explain the provisions of the bill.

Mr. KELLER. Mr. Chairman, this bill is in substance the same as that passed last year. This is a bill to create a board of nine members, and this new board will take over all the powers of the three existing boards, including the Board of Children's Guardians.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

Mr. BLANTON. If the gentleman does not want to use some time, I have some requests.

Mr. ZIHLMAN. I will say the gentleman from Minnesota [Mr. KELLER], I presume, would like to make a statement as to the purposes of the bill.

Mr. KELLER. Mr. Chairman, the reports of the Senate and House are very definite in regard to every feature of the bill, and I think every Member has read the report. The hour is late, and I do not desire to take up much time in explaining the bill, which can be done under the five-minute rule, and if there are any questions which members of committee desire to ask for information, not contained in the report or in the paragraphs of the bill, I can answer those questions under the five-minute rule.

Mr. BLANTON. The gentleman from Kentucky wants some time.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. KELLER. I will.

Mr. NEWTON of Minnesota. As I understand this bill, it is practically the same as the bill passed by the House a year ago, and it was indorsed by all of the civic and welfare organizations of the District?

Mr. KELLER. Yes, sir. Now, the bill last year was amended by an amendment offered by the gentleman from Texas referring to mothers' pensions, and we have already passed the mothers' pension bill, so that question does not enter into it.

Mr. BLANTON. Mr. Chairman, the gentleman from Kentucky [Mr. GILBERT] desires some time. I yield to him such time as he wants within the hour.

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. BLANTON. For such time as he wants within the hour.

Mr. NEWTON of Minnesota. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEWTON of Minnesota. I am under the impression that under a unanimous-consent arrangement general debate was done away with, and the committee was to consider this bill under the five-minute rule.

Mr. BLANTON. Oh, no. The time of the whole evening was divided.

The CHAIRMAN. The time is divided between the gentleman from Texas [Mr. BLANTON] and the gentleman from Maryland [Mr. ZIHLMAN]. The gentleman from Texas has yielded to the gentleman from Kentucky.

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, Shakespeare said:

> Some men are born great, others achieve greatness, while still others have greatness thrust upon them.

Honors come in the same way. I have the honor of serving on the Committee on the District of Columbia, and the honor I derive from serving on that committee is derived wholly through the last course. The District of Columbia's purpose is to be the seat of government, and incidentally the people in Washington may live here. People who have to come here to attend to public business retain their right of suffrage elsewhere. Those who are born here and come voluntarily do so knowing that they surrender their suffrage and receive in its place the benefits incident to being close to the seat of government.

We have often heard here that the District Committee should bring in such legislation as the people of Washington want. But, for the reasons I have just stated, that is less true of the city of Washington than of any other city in the United States. I have endeavored to conform to their wishes in matters of legislation except where they ran counter to my own sense of right and justice, and I have had a very peculiar experience with this bill.

When it was before the House last session it seemed to me to be radically wrong. It seemed to me it was not justified by human experience or by logic. But acting under that continuous insistence that we legislate as the people of the District want, I did not oppose it. The bill passed the House, and in the interim between then and now a situation has arisen which vindicates my position on the bill, and I decline further to follow it simply because the people of the District want it.

As I said, in the interim we have demonstrated, and the author of this bill will concede it to this extent, that the bill is unsound in that one board should regulate all public welfare. He introduced a bill not long ago for child welfare within the District. That was a very wise and a very proper piece of legislation. The only contention on that bill was whether or not it should be administered by a board altogether

its own, or whether it should come within the general welfare committee that should handle all welfare and charity matters.

People came before our committee from the State of New York, and especially from the city of New York, insisting that child welfare had failed when placed in the control of the same board that controlled other public charities and welfare, and that for the best interests of child welfare there should be a board having no other function than the functions of that particular administration; that is, for child welfare. The Washington people came before the committee and opposed that and said that all charities and all welfare activities should be consolidated under one head.

We had hearings on that matter and the New York idea prevailed. There was some criticism to the effect that we were dictated to in the District of Columbia by New York, and the fact that the New York people came here—although they were welcome—if it had any effect upon my attitude upon the bill other than to scrutinize my position more carefully, was detrimental rather than otherwise, because I felt that the people of New York should not dictate to the people of Washington.

Their position, however, coincided with the position I had taken the year before, and in my honest belief every board of charity exercised without compensation should be limited to the functions of that particular charity. The arguments that the New York people made were so conclusive to my mind and so coincided with the views I had from the start that I felt it incumbent upon myself to reverse the position I had consented to a year ago in agreeing to support this bill and to now oppose it.

Therefore, I say this House has by its vote established the fact that the principles of this bill are wrong. What does this bill do? It creates a new commission, to be appointed by the Commissioners of the District of Columbia, who shall have charge not only of separate charities and separate welfare activities, but also correctional institutions. There are other people on the committee that oppose the passage of this bill, because they believe the jail and the houses of correction should not be administered by the same board that administers purely charitable and public-welfare activities. To my mind that is obviously true. But I go further than that. I say that every charity controlled by a board serving without pay should limit its functions to the operations of that particular charity.

I have not had much experience in city legislation, but down in the country from which I come, in the small towns with which I am familiar, we have in a small way these charitable boards. The good women of our town operate a hospital known as the King's Daughters' Hospital. They serve without pay and they take great interest in their work, and it is a success.

There are other women, serving without pay, who operate the Red Cross. There are other women, serving without pay, who operate other charitable institutions. They take pride in that work. Each one is interested in the institution making a good showing. They are jealous as to the rights and privileges of that institution. It would be unwise to have the same board administer the King's Daughters Hospital, the Red Cross, and so on, because their self-interest, their jealousy of their own institutions, and their pride in making a good report would be lessened if all of these were put into a hodgepodge and administered by one charitable board without pay.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LAGUARDIA. There is also the diversified nature of the work, one being a correctional institution and the other being purely a welfare proposition.

Mr. GILBERT. That is absolutely true. You might as well argue that a policeman should conduct the Sunday schools or that a policeman should conduct the King's Daughters Hospital as to say that the same board which operates the jail in the District of Columbia should take care of the poor children of the District of Columbia.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. HILL of Maryland. And also should take care of the District Training School in Arundel County.

Mr. GILBERT. I am going to come to that in just a minute. There is no reason for that. This House has decided that the same board that takes care of some of these charities—for instance, the Board of Charities—should not administer child welfare.

If the Board of Charities is not the proper board to have control of the administration of child welfare, then it is not the proper board to have charge of the girls' school over in Maryland, a school maintained for the correction of girls. Now, there is one institution that by all means should come out of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. BLANTON. So far as the mothers' pension bill, so called, which has been passed by this House and is now pending in the Senate, is concerned, I understand from the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Minnesota [Mr. KELLER], who will be two of the conferees on that bill and on this bill, that they will protect the action of the House in passing that bill separately, in keeping that a separate and distinct board, and that is my attitude. I believe it should be a separate and distinct board and that there should be no attempt to combine the two under one board.

Mr. GILBERT. That is true, and the people who came before our committee demonstrated that they should not be mingled into one board, and this House decided that they should not be, and for that very reason it is unwise to commingle these other boards. The same reason applies exactly.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LAGUARDIA. You have the tuberculosis hospital and the workhouse under exactly the same jurisdiction?

Mr. GILBERT. Yes. We have the same board, serving without pay, administering the workhouse, the jail, the tuberculosis hospital, and other charitable matters.

Now, gentlemen, I want particularly to call your attention to the National Training School for Girls. In 1888 the National Training School for Girls was provided for. A site was bought and a home was provided in the District of Columbia where girls should be sent for correction by the Federal courts all over the United States. At about the same time a home was provided, a correctional institution, for boys who were sent to it by the different Federal courts in the United States. You will notice that this bill does not make any change as to the boys.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. There is, however, a very distinct difference between the two institutions. The institution in Maryland, the Training School for Girls, is an institution that is financed out of moneys of the District of Columbia and belongs to the District of Columbia, whereas the Training School for Boys is a Federal institution entirely and financed out of Federal moneys. That is the difference between the two.

Mr. GILBERT. The reason for that is this, because there were so few girls sent to this home and that it was practically filled with girls from the District. Later on, although it was not originally contemplated, it was put in an appropriation bill so that it did come out of these funds, but another change has taken place. However, before I get to that, the reason for that is that girls are naturally better than boys. You hear about girls going wrong. No girl ever goes wrong unless some boy goes wrong with her and generally in the lead of her, with the result that there are very few girls sent to correctional institutions while there are a great many boys.

The courts over the United States did not take advantage of this institution for girls, but having a lot of boys on hand they did send them here, and the home was filled with District boys and with boys from other parts of the United States who were sent here. Then, as the gentleman says, later on it became so that this school was provided for out of District funds. But, as I said, another change has taken place. They have now arranged and provided for taking care of girls. A new home has been bought, new arrangements have been provided, and at the time of the introduction of this bill they were just beginning to advise the Federal judges of the United States of the fact that this home was here and ready for them. They had not been sending them here because the girls' home did not let them know about it, and they did not actually know there was such a home here until within the last year or two, when they had a new home provided and were prepared to disseminate that information over the United States. Then this bill was introduced.

Mr. CRAMTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. CRAMTON. I happened to be on the committee handling the District bill when the funds were provided for the new home the gentleman speaks of. It was urged at that time strictly and solely in order to permit a further segregation of the girls, some to be sent out here on the Conduit Road and some to the new home. There was to be the segregation of races and a greater segregation as to ages. There was no suggestion at that time of the Federal aspects of the case.

That was not urged upon the committee, and the home, as a matter of fact, was not provided for the purpose of taking care of commitments from all over the country. It was a District proposition.

Mr. GILBERT. In answer to that I will read the testimony of the president of the Boys' National Training School and one of the trustees of the girls' school. This was before a joint hearing of the Senate and the House, and is a statement of Mr. Duehay, of the United States Department of Justice:

Mr. DUEHAY. These schools started out practically the same, but we committed boys to the boys' school because we had accommodations for the Federal boys and the District boys, too. To-day we have 202 Federal boys at our school and 116 District of Columbia boys. That is not one-tenth Federal boys. Federal commitments in the girls' school have not been extensive, because the institution was crowded with District of Columbia girls and there was no room for Federal girls. During the war emergency we had to designate 14 Federal girls from the camps to this school, and we kept them there three or four weeks and had to send them to Massachusetts simply because the school was not large enough. We had an appropriation for the support of prisoners and could go out and board our girls.

Further testifying, he says:

We are just about ready to announce to the department that we are able to take care of them, and we have been cooperating with the superintendent of prisons, and he is just about ready to circularize the Federal judges. Of course, if this goes under the District, well, then, the Federal Government is out again.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. At that particular point, or at some other part of the hearing, you will find there were some questions asked as to how this institution is being run and how it is financed, and you will find that the persons who are sent here from other parts of the United States are very few. I think they have had one or two in the last two or three years, and when they are sent there the Federal Government pays for such person; and, vice versa, at the Boys' Training School, when the District of Columbia places any boys there they pay the Federal Government for such service.

Mr. LAGUARDIA. Will the gentleman yield for a reply to that?

Mr. GILBERT. Yes.

Mr. LAGUARDIA. It is not a question of who pays for the maintenance of this institution; it is a question of the character of their work and whether it should be placed under one supervision. Is not that the point the gentleman is making?

Mr. GILBERT. Absolutely. The point I am making is that this is not a District matter, and it ought not to be under District control, regardless of who pays the bill. Further legislation as to paying the bills can be taken care of. This is a Federal institution and the Federal Government should have a place to send these girls. There is no place to which the Federal courts in my State can send them. They ought to have a place to send them under the control of Federal authorities instead of District authorities.

Mr. KELLER. Will the gentleman yield again?

Mr. GILBERT. Yes.

Mr. KELLER. Does not the gentleman know that the persons who would be sent to an institution of this kind from all over the United States would be very few? I do not believe there are over a dozen of the age to be sent to an institution of this kind. Does the gentleman believe the Government of the United States ought to finance an institution where they only have 12 or 15 from all over the United States and bring them here to Washington to an institution which is far removed from their own people?

Mr. GILBERT. The gentleman disagrees with this witness, who says they had 14 sent at one time, and they had to send them to Massachusetts.

Mr. KELLER. That was during the war, and at an unusual time. I am speaking of normal times. The gentleman will also find the Federal Government will suggest that all persons of this sort all over the United States should be placed in institutions near their homes, in some State institution, the Federal Government paying for such service.

Mr. GILBERT. As I was just stating to the gentleman, there are many States in the Union, and one of them is mine, where there is no place they can send them, and the Federal Government ought to have a home at the seat of government where it can send them just like it sends the boy. The statement there would be but 10 or 12 of them is purely voluntary and in my opinion grossly incorrect. I believe if it was well known all over the United States that they have a proper home here for girls who need correctional training there would be any number of them sent here.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. And one reason they are not being sent now is because there is no place to send them.

Mr. KELLER. That is not the reason. The reason is the girls you are referring to are girls that are taken care of by home institutions of their own States and by the different municipalities. The Federal Government does not have anything to do with placing those girls in such institutions, because they do not come under the Federal laws.

Mr. GILBERT. I am just stating to the gentleman there are many States that have no place to send them and I will say furthermore to the committee that there is no reason for this bill. It is simply an attempt on the part of some civic leaders to be doing something.

There is not a line of proof that this board has not acted splendidly in the past. The proof is to the contrary. It has worked well under separate management. Why change it?

Another thing, the Attorney General of the United States—I do not know about the present Attorney General, but a year ago the Attorney General was opposed to taking this from under his control. The board of the National Training School for Girls is appointed by the Attorney General. In its functions it is purely a Federal matter, and for my part I object to taking that institution, which is supposed to provide a place for girls from Kentucky and Tennessee and Texas, and putting it under the charge and under the control of the District of Columbia commissioners.

Mr. HILL of Maryland. Will the gentleman from Kentucky permit an interruption?

Mr. GILBERT. Yes, sir.

Mr. HILL of Maryland. Does not the same thing apply to the Board of Children's Guardians? I am asking this for information. Is there any reason why the work of the Board of Children's Guardians, which apparently is being very properly conducted at the present time and which deals with a very special phase of public activity, should be taken from its own independent supervision and put in an organization dealing with an entirely different matter?

Mr. GILBERT. Absolutely no reason in the world, and I defy the author of this bill to find in the hearings a line where a single one of these boards has justified its abolition. Every one has worked successfully.

Mr. KELLER and Mr. CRAMTON rose.

Mr. GILBERT. Let me finish this sentence and then I will yield. You will find only the general statement that there has been an overlapping of authority—not in any particular pointed out—and that they think it would be best to consolidate these activities, and they introduce splendid gentlemen who testify about them, such as Justice Siddons.

But they have not pointed out any place where the boards have operated as a failure or anything that would justify the consolidation or experiment of consolidating the different charities, correctional institutions, into one hodgepodge to be administered by the same board or one directorate.

Mr. KELLER. The report of the welfare commission appointed by the District commissioners was unanimous on this legislation. That welfare commission consisted of the best people in the District of Columbia of all classes. Now, does the gentleman mean to say that those people that made a two or three years' study of the matter would recommend a bill that would not be beneficial to the welfare work of the District of Columbia? Every member of these boards except one appeared before the committee.

Mr. GILBERT. In answer to the gentleman I repeat what I said. They all said that they wanted it, but gave general reasons, and I repeat that you can not find in the hearings anywhere a concrete statement where the separate boards have fallen down in the administration of their functions.

Mr. KELLER. They said that if they were permitted to function as one board, they would save considerable money out of the funds that are appropriated for these different purposes.

Mr. GILBERT. They did not point out how they would save a single dollar.

Mr. KELLER. They pointed out enough to convince the committee.

Mr. GILBERT. I ask the gentleman to point out in his time in the hearings where they have shown that any board has been guilty of carelessness, inefficiency, corruption, or negligence.

Mr. KELLER. That would not be necessary.

Mr. HILL of Maryland. If the gentleman will yield, I want to say that at the present time, or last year, the Board of Children's Guardians received an appropriation for administra-

tive expenses in 1925 of $46,100; for the board and care of children under its guardianship, $157,500; and for the maintenance of the Industrial Home School, $44,440; a total of $248,040. At the present time there are nine members on the board of guardians, and those nine members are deeply interested in this matter. You propose to substitute for the nine members another nine which will have charge of all services?

Mr. KELLER. All nine members have recommended the doing of this very thing.

Mr. CRAMTON. I do not want to encroach on the gentleman's time, but the gentleman from Maryland asked for information, and the gentleman from Kentucky tells him that it can not be given. I do not suppose I can give it as fully as one better informed, but there is overlapping and want of coordination of the different institutions. For instance, the Board of Children's Guardians, which the gentleman from Maryland [Mr. HILL] has spoken of, has charge of the placement of children and looking after them. They place a child, for instance, in a certain institution for the feeble-minded; that is to say, they take care of certain children they think are feeble-minded. We have established an institution for feeble-minded; we have provided for the transfer from one institution to another. This bill proposes that the institution for feeble-minded and the work of other institutions pertaining to children shall be brought under one board in close coordination so that when a child comes under the attention of the board they determine whether it is best for the child to be put into a home or into an institution, or perhaps if a delinquent he needs to be put in a national training school for boys or for girls. All of these, instead of overlapping, are brought under one management.

Mr. HILL of Maryland. I recall that in the last Congress or perhaps a previous one when this matter came up the gentleman went into it very fully and there was considerable discussion on the safeguarding of children by putting them into various homes.

Mr. CRAMTON. At this time the Board of Children's Guardians was on a limb all by itself with no supervision. Another board had charge of an institution to which children could be committed only by the Board of Children's Guardians. We corrected that and put the Board of Children's Guardians under the supervision of the commissioners. Now, this institution which the gentleman from Kentucky speaks about for girls is out on a limb, no one gives it supervision, and while it appeared that the present management is efficient, under the former régime there was extreme gross mismanagement. It ought to be brought in coordination with other institutions.

Mr. HILL of Maryland. The gentleman believes that this coordination is one that will improve the general situation?

Mr. CRAMTON. It seems to me very much that way.

Mr. LAGUARDIA. Would the gentleman put the supervision of these boys and girls which he has described and classify them together with the workhouse and the reformatory and the jail? We are going backward instead of forward. They do not do anything like that in any enlightened community.

Mr. CRAMTON. The fact that they are both under the supervision of one board out there does not classify the children in this training school with the inmates of the workhouse at Occoquan.

Mr. LAGUARDIA. But the attitude of the board should be entirely different.

Mr. CRAMTON. It will not affect the attitude of the board.

Mr. GILBERT. Mr. Chairman, even if the gentleman were right in his position as to the slight overlapping of authority, that simple matter does not compare with what the gentleman from New York [Mr. LAGUARDIA] has brought out, namely, the viciousness of the principle of taking those unforunate children and administering them by the same board and officer who handles criminals and cutthroats at the jail and at the workhouse. The gentleman from Michigan [Mr. CRAMTON] volunteers some information that does not conform to the hearings at all. It may have conformed to the hearings before his committee. I do not know about that. The hearings that we have had here point out that this institution, the National Training School for Girls, has been splendidly managed not only by those in charge but those opposed to the bill conceded it.

Mr. CRAMTON. Mr. Chairman, I would not want to be misunderstood on that point. The present board, beginning with the administration of Mrs. Veerhoff, has been well managed, so far as I know. Prior to that time there was gross mismanagement, as their experience in the building of the brick structure out near the Conduit Road amply illustrates.

Mr. GILBERT. The present board is managing it well and it is a Federal institution, in function. The Attorney General, who is administering it, is opposed to putting it under the District. Nobody wants it except a few civic workers here; and if that is so, why change it?

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. The Attorney General has indorsed placing it under this board.

Mr. GILBERT. What Attorney General?

Mr. KELLER. A year ago when this matter was up a certain person in the Attorney General's office wrote a letter disapproving of it; but a week or 10 days later, when they really received some information, they reversed themselves and indorsed placing this institution under the general board created by this bill.

Mr. GILBERT. It is very strange that the gentleman let that information go to the committee in the shape it did go, in view of the statement he is now making to the House. I want to read from the hearings before the committee:

> Representative KELLER. The present Attorney General has written a letter, I believe, to both committees—at least I received one—in which he does not agree with the commission, but states no particular reason.
>
> Representative GILBERT. What is the opinion of the present Attorney General? His letter simply stated they were opposed to the idea of the commission in this bill, but stated no reason why. I would like to have an opinion or explanation of why they take that position.

Mr. KELLER. My answer to that is that a week later they wrote a letter indorsing this.

Mr. GILBERT. A week after the hearings?

Mr. KELLER. In a week or 10 days, a very short time after the time the gentleman refers to there, indorsing the thought that this should be placed under the board created by this bill.

Mr. GILBERT. There has been a great deal of pressure brought to pass this bill. The Attorney General's office, in my opinion, is opposed to the bill. That same pressure perhaps did cause a letter taking back what they had said in part, but there is no reason for this bill. It is contrary to science; it is contrary to principle and the policy adopted by this House less than a month ago. I insist that these separate charities be maintained by these separate boards, which are now and have been working satisfactorily, and that the poor children who happen to come within the charitable control be not administered by the same man who administers the jail and the workhouse of this District. I yield back the remainder of my time.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, I ask the committee to look at page 3 of the report on this bill and note the different and totally uncorrelated activities which are proposed to be placed under the welfare board. Here are the things proposed to be joined in administration with the Board of Children's Guardians: The workhouse at Occoquan, Va., where short-term prisoners convicted of minor offenses are kept; the reformatory at Lorton, Va., for long-term prisoners; the Washington Asylum and Jail in the District, a place of detention for persons awaiting trial; the Gallinger Municipal Hospital, in the District, which receives indigent patients needing hospital care; the tuberculosis hospital, which receives indigent tubercular patients needing care; the Home for the Aged in the District, which cares for the aged; the municipal lodging house of the District, which provides temporary shelter and care for homeless men; the Industrial Home School for Colored Children, which, while under the general supervision of the Board of Charities, receives all its children through the Board of Children's Guardians, under whose guardianship they have been placed by the juvenile court; and the Home and Training School for the Feeble-Minded, in Anne Arundel County, Md., to which feeble-minded persons from the District are sent for custodial care. I ask the chairman of the committee upon what theory of welfare work would the care of little children, who have nothing against them except that they are poor and have to be supported, be placed under the supervision of a board charged with administering short-term prisoners convicted of minor offenses and reformatory prisoners? There is no connection between them.

Mr. KELLER. The understanding and suggestion made by persons interested, by citizens of the District of Columbia, was that this board was to be divided into three divisions. I suppose they will be determined along the line suggested by the gentleman.

Mr. HILL of Maryland. Have there been any protests against the work of that board?

Mr. KELLER. Yes.

Mr. HILL of Maryland. As to not being satisfactory?

Mr. KELLER. Yes.

Mr. HILL of Maryland. Will that be cured by putting it under a new board?

Mr. KELLER. We hope so.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Board of Charities of the District of Columbia, created by act of Congress June 6, 1900; the Board of Children's Guardians of the District of Columbia, created by act of Congress July 26, 1892; the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls by act of Congress July 9, 1888, shall be abolished upon the appointment and organization of the board of public welfare as hereinafter provided.

Mr. GILBERT. Mr. Chairman, I offer an amendment. Beginning on page 1, line 6, after "1892," strike out "the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls by act of Congress July 9, 1888."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the figures "1892," strike out all of line 6 and all of lines 7 and 8 down to the figures "1888" in line 9.

Mr. TILSON. Will the gentleman from Kentucky suspend, so as to allow the committee to rise?

Mr. GILBERT. Yes.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the Clerk be instructed to correct the spelling of words in the bills we have laid aside. I notice there was one misspelled where it lacks an "s."

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. GILBERT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILBERT. When this bill is called up again where do we begin?

The CHAIRMAN. That rests entirely with the chairman of the committee. He can call up another bill if he cares to do so.

Mr. GILBERT. But if this bill is called up?

The CHAIRMAN. If this bill is called up, we will begin where we left off.

Mr. GILBERT. And I will be given an opportunity to explain my amendment?

The CHAIRMAN. The gentleman's amendment will be pending when the bill is called up, and he will be entitled to five minutes.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report back to the House the bills H. R. 9685, S. 2041, and H. R. 3802 with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bills H. R. 3802, S. 2041, and H. R. 9685, had directed him to report the same with sundry amendments with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the previous question shall be considered as ordered on the pending bills and amendments to final passage.

The SPEAKER. Is there objection? The Chair hears none. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House bills and the third reading of the Senate bill.

The Clerk read as follows:

A bill (H. R. 3802) to amend an act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public No. 561, Sixty-eighth Congress, and for other purposes.

A bill (S. 2041) to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

A bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The SPEAKER. The question is on the passage of the bills.

The question was taken, and the bills were passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bills were passed was laid on the table.

Mr. BEGG. Mr. Speaker, as Chairman of the Committee of the Whole House on the state of the Union, I wish to report back to the House further that the committee had under consideration the bill (H. R. 5045) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, and had come to no resolution thereon.

The SPEAKER. The gentleman from Ohio [Mr. BEGG], Chairman of the Committee of the Whole House on the state of the Union, reports further that that committee, having under consideration the bill H. R. 5045, had come to no resolution thereon.

ATTITUDE OF THE LUTHERAN CHURCH ON PROHIBITION

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief statement in regard to the attitude of the Lutheran Church on prohibition.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by inserting a brief statement in regard to the attitude of the Lutheran Church on prohibition. Is there objection?

There was no objection.

Mr. KVALE. Mr. Speaker, the gentleman from Massachusetts [Mr. TINKHAM] included in his remarks on March 3 a statement by Professor Graebner, of Concordia Theological Seminary, St. Louis, regarding the attitude of the Lutheran Church on prohibition.

In all fairness it should be stated that the synodical conference, for which Professor Graebner speaks, comprises only a part of the Lutheran Church in America. There are other and larger bodies of Lutherans in our country, notably the United Lutheran Church, numbering about 1,000,000 communicant members; the Norwegian Lutheran Church of America and the Swedish Augustan Synod, numbering about half a million. The attitude of all these regarding prohibition and law enforcement is set forth in editorials in their church papers and in resolutions unanimously adopted at their annual conventions, all voicing the most loyal support of the eighteenth amendment.

From the minutes of the Fourth Biennial Convention of the United Lutheran Church in America, 1924, page 273, I quote:

In the matter of prohibition enforcement we repeat and reprint the resolution passed by the United Lutheran Church in convention at Buffalo in 1922:

"Concerning the problem which has been created by those who in an unlawful way are seeking to invalidate the law of the United States in the matter of prohibition enforcement, we would call attention to the constant necessity of enforcement laws on the part of Congress to render all constitutional provisions effective. It is the duty of loyal citizens everywhere within the United States to abide by constitutional provisions and the laws passed by Congress relating to their enforcement."

From the minutes of the Sixty-sixth Annual Convention of the Augustana Synod, 1925, page 170, I quote:

Resolved, That we express emphatically our continued interest in the enforcement of the eighteenth amendment and all laws enacted in conformity therewith.

I also quote the following extract from the annual report of the Norwegian Lutheran Church of America:

We, the members of the Norwegian Lutheran Church of America in convention assembled, have viewed with the greatest satisfaction the continued temperance victories being won in our country. We also view with equal satisfaction the fine beginning made in foreign lands, and particularly in Scandinavian countries, looking toward world-wide prohibition: Therefore

Resolved, That we express our profound thanks to Almighty God for the great moral, social, and economic victory won by the Christian sentiment of this country in outlawing the liquor traffic. In order that the full benefits of this victory may be realized we urge upon all law-enforcement officers the strict and thorough enforcement of the Volstead prohibition enforcement law.

Resolved, That we urge upon the leaders of both political parties the absolute rejection of all proposals to repeal or to weaken the Volstead Act.

CONFERENCE REPORT ON SENATE BILL 1129

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on Senate bill 1129, authorizing the sale of certain military posts.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a proviso in the conference report on the disagreeing votes of the Senate and House on the amendments of the House to Senate bill 1129, which has become a law, is not only of history-making significance but has a background of memories which will some day, when the pen of a Macaulay shall write a history of the United States, become thrilling and exalting chapters in a fraternal strife the bitterness of which has been buried forever by the sons of the blue and gray in their common love for a reunited country and their devotion to the flag that so proudly floats over the land of the free and the home of the brave. Just as Englishmen to-day glory in William the Conqueror and Harold, the last of the Saxon Kings, in the House of York and in the House of Lancaster, in the martial achievements of those that wore the red rose and those who wore the white, shall Americans in the years that lie ahead, when tender memories come back like burning stars to drive the gloom away, if there be gloom, exult in the reflection that Grant and Lee, Sheridan, and Stonewall Jackson, were their countrymen and move them to the heights of national pride and patriotism, voicing itself in the exclamation of Webster:

I thank God I, too, am an American.

Listen to the proviso, as explained in the statement of the managers on the part of the House:

On No. 28: This proviso is inserted to take care of a situation existing in the State of Louisiana, where the National Guard has been occupying Jackson Barracks, an abandoned Government reservation of 87 acres, since February 1, 1921, keeping the buildings in a good state of repair without expense to the Government. The Inspector General of the Army has commended the Louisiana National Guard highly for the manner in which this property has been cared for.

The post is now being occupied by the Washington Artillery Battalion of Field Artillery, an old historical organization, dating back to the Mexican War, and several troops of Cavalry, together with 125 horses, the matériel and transportation of these organizations; for storage purposes for all Federal property issued to the State and not in the hands of troops. Buildings are also used for armory purposes and as quarters for the officers commanding the organizations mentioned above. The National Guard has expended $6,000 for the construction of stables alone, and has incurred a great deal of expense in the repair of many buildings on the reservation.

The Louisiana National Guard wishes to purchase the whole tract to be held for the future development of the guard, but believes permission should be given to sell any portion of the land not found necessary for the development of the guard because of curtailment of National Guard activities by the National Government. This permission is given with the proviso that no portion of the land shall be sold without the approval of the Secretary of War.

The language of the amendment as agreed upon has the approval of the Secretary of War.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

Some one once said that the Civil War was a four-year battle between the North and the Washington Artillery. Of course, that was the facetious but affectionate utterance of many loving lips. But historians and strategists are agreed that Gettysburg tested and evidenced the capacity of the opposing forces and won a secure and lasting place for them in the science of war; and the perfect manner in which the Washington Artillery covered the withdrawal of Lee from that immortal battle field is a fadeless epoch in that titanic struggle, for there were, indeed, giants in those days. Many of the Washington Artillery have passed into the great beyond.

On fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Their sons went out in 1898 when the bugle blast called for volunteers for the Spanish-American War. They were down on the Mexican border with Pershing. They were overseas "in Flanders Field, where the poppies grow," and little crosses mark the last sad, silent resting place of our American dead—heroes whose sacrifice will never be forgotten by a brave and valiant people.

Nor shall your glory be forgot,
While fame her record keeps;
Our honor points the spot
Where valor proudly sleeps.

But let us turn from the past, "giving one longing, lingering look behind," to the future of the State National Guard of every State in the Union, as outlined to me by a friend whose affection I value and to whose services to the State every Louisianian is proud, Adjt. Gen. Louis A. Toombs:

The State National Guard—its genesis, its high resolve and noble purpose.

Quoting from the Constitution of the United States:

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

In 1792 Congress passed an act which had for its purpose—I quote:

More effectually to provide for the national defense by establishing a uniform militia throughout the United States.

Had the Congress and the people followed this act and provided a balanced, organized, trained, and equipped militia for that day along the lines of our present National Guard there would not have been the debacle of 1813, when the raw, unorganized, and untrained troops lost the acquisition of Canada and permitted our National Capitol to be burned, and this with more than 500,000 Americans against 67,000 British regulars. The War of 1812 is a picture of unpreparedness that should make even a pacifist weep if he had any American blood in him. God forbid that this history repeat itself.

For more than a century this same old law of 1792 remained and this potential force of citizen soldiery for national defense was an unknown asset, because the Federal Government had never taken any interest nor encouraged its proper development.

From date of the establishment of our Republic down to and including a period shortly before the Spanish-American War the militia of the country remained an "intangible asset." Organizations were perfunctorily maintained in towns, districts, counties, and so forth, but most of these organizations were compelled to support themselves; there was little or no State support; the members were generally required to supply their own arms and provide their own ammunition, while uniforms—if uniforms they had—were procured by bartering shingles, hides, lumber, and other commodities for cloth, from which their uniforms were fashioned oftentimes by none other than the good housewife. The type of organization conformed to the exigencies of the time and to geographical limitation, which latter was in that day a no inconsiderable limitation. Field training and muster for these units was sometimes held for periods of two or three days each year. Although training and discipline was, perforce, almost entirely lacking, nevertheless there breathed in that body of men the very spirit which has made of the National Guard that highly creditable element of our national defense which it is to-day. What I have just said is a brief picture of the early struggles of the militia, it is true, but time will not now permit me to attempt a closer scanning of these years; I must hurry on to later times.

Many individual militia regiments rendered glorious service in the Civil War, but as this was largely a fight of volunteer against volunteer, it only again demonstrated that our wars are fought by the citizen soldiery. After the close of the Civil War, as after the close of the Revolution and War of 1812, the Federal Government again failed to recognize the service rendered by its citizens and their great potential value only awaiting proper development. The Government taking no lesson from the past, wherein the large majority of its fighters in all its wars were citizen soldiers, again let the burden of national defense by its citizens fall back on the States.

Let us now step into the period just before the Spanish-American War. Even at this late date the militia was in most cases a thing of "parts"—many parts; each State a thing apart, and many parts within a State—with little or no effort put forward toward the maintenance of a balanced force and with scarcely any coordination in training of the various units. At this time no Federal funds were appropriated for the support of these militia organizations and, except in a few States, the most meager State funds were appropriated.

In 1898 the Spanish-American War found us, but we had not "found" ourselves. I venture to say that the taste from that bitter pill of unpreparedness lingers to-day with many a man who served during those hectic days. In spite of this the guard or volunteers made such a creditable showing that the Government finally noting the value and possibilities of a well-organized and trained citizen soldiery, made a start toward a national military policy.

Profiting by the sad experiences of that war, the keenest military minds of our country—civilian soldier as well as professional—realized that there must be built up within our

Nation some defensive military force which in time of need could supplement our always-to-be-small standing Army.

It was evident to all that any plan for universal military service in time of peace would meet nothing less than opposition. Dismissing, therefore, any hope of universal service, our military thinkers cast about for other means which would provide for our national security. It was apparent that our reliance in this respect must rest wholly upon the foundation of voluntary service. This being so, what then could be safer than to place the development of our plans for a greater national defense in the hands of a patriotic body of men who had for years—although occupied with the duties and cares of civil life, found time to voluntarily give hour upon hour and dollar upon dollar to the militia service of their States—and whenever the call came to give this same unstinted service to the Nation. And so it came to pass that the Congress enacted the act of January 21, 1903, better known to all of us as the Dick bill.

At the time the Dick bill was passed the strength of the Organized Militia—as it was to be called—totaled 9,120 officers and 107,422 enlisted men. In terms of units this strength was found to be divided up as follows: 1,662 companies—equivalent to 138 regiments—of Infantry. An enlightening example of an unbalanced force, is it not, especially when it is remembered that in our better balanced force of to-day there are authorized for the National Guard only 84 Infantry regiments; there were also 86 troops—equivalent to 7 regiments—of Cavalry; 34 companies of Coast Artillery; 76 batteries of Field Artillery; 17 Engineer organizations; 29 Signal Corps organizations, and 15 Hospital Corps organizations.

It is interesting to note how the 76 batteries of Field Artillery were found equipped. There were seventy-three 3.2-inch breech-loading rifles; three 6-inch breech-loading rifles; thirty-four 3-inch muzzle-loading rifles; forty-one 12-pounder Napoleons; seventy-five Gatlings (caliber .45); two Gatlings (caliber .30); one naval Gatling; nine Hotchkiss guns; one Hotchkiss revolving gun; one Colt automatic gun; two 3-inch naval howitzers, and two 6-pounder brass guns. Truly, this would have made a fine collection for the National Museum.

From this pot-pourri of units above mentioned it was intended to organize a force of five Army corps, each with three divisions of three brigades of three regiments of Infantry, together with a tactical complement of Cavalry, Artillery, and other arms. Well, in a more or less incomplete way this was accomplished. But, even so, for a period of approximately 13 years the organized milita pursued its way, in the majority of States, with but a small degree of that actual coordination with regard to its organization, equipment, and training, so much to be desired from a military standpoint. It was, however, a period of experimentation and evolution, during which—thanks to the provisions of the Dick bill—these somewhat disorganized State organizations were laying the foundation for that well-organized, efficient, and balanced force as to all arms that we see in the National Guard of to-day.

Early in 1916 the organized militia entered a new epoch in its history. This epoch was ushered in by the enactment of the national defense act of June 3, 1916, the country's first real effort toward providing an adequate plan for national preparedness. This new law was the culmination of a series of legislative enactments which followed the passage of the Dick bill of 1903.

By the provisions of this act, the Organized Militia became the National Guard—the National Guard of the United States and of the States; it also provided for greater Federal financial support; for greater recognition as a Federal force; for greater Federal control; for an increase in Regular Army instructors and sergeant instructors—all of which would permit of more uniform and efficient organization, instruction, and discipline, to the end that States might more nearly meet the standards established for the Regular Army.

This law, as passed, was given little chance to operate, for it was enacted at a time when the National Guard was about to be called, almost in its entirety, into the Federal service for duty on the Mexican border. Time will not permit me to take up in detail the activities of the guard while in Federal service during the border troubles. It must suffice to say that that call proved to be the guard's first dress rehearsal for the part it was later to play in that great drama—the World War. Scarcely had the National Guard been released from border service—and some units had not been released at all—when the World War came upon us, and back again into Federal service went the guard.

There were 17 divisions and various other National Guard units in the World War. The divisional organizations authorized for the guard, just prior to their draft but not completed, was that of maneuver armies, as authorized then for the Regular Army—namely, three Infantry brigades of three regiments each, one Field Artillery brigade of three regiments, one regiment each of Cavalry and Engineers, and appropriate auxiliary troops.

The new conditions of strategy, tactics, and the service of supply developed on the western front made it necessary for the War Department to reorganize our Army similar to the organizations of our allies. This meant many consolidations and conversions into new units. Infantry and Cavalry were converted into Artillery and auxiliary units overnight. Instead of a million volunteers it caused a million nightmares overnight. It was remarkable that these troops functioned in their new arms as well as they did. These changes, coupled with the use of guard divisions for replacement purposes, brought many heartaches.

Of the 42 divisions which reached France before the armistice, 8 were so-called Regulars, 17 National Guard, and 17 National Army; 29 divisions took part in active operations, 7 Regular Army, 11 National Guard, and 11 National Army. The other divisions not in action furnished replacements to the Regulars as well as to their own components.

In July, 1918, there was a total of 10 divisions actively engaged. Of these, five were National Guard. In August there were 6 out of 11; in September, 9 out of 22; in October, 11 out of 24; and in November, 12 out of 33. Thus throughout the fighting the guard carried its full proportion of the burden and in the early months even more.

Out of a total advance against the enemy by the Americans of 782 kilometers, the guard divisions made 285 kilometers. Out of 63,079 prisoners captured by the Americans, they took 22,753. Out of a total of 46,739 Americans killed in action, the guard lost 18,238. Out of a total of 230,664 wounded, they had 97,294. Not only did the guard carry its share in combat, but in the staff and S. O. S. work and in the business conduct of the war at home and overseas. In addition to the above, thousands from guard replacement divisions were lost and credited with regular divisions.

The National Guard's record speaks for itself. All that it has ever cost to State and Nation has been many times over repaid in service. The World War, as in all of our wars, again demonstrated that the bulk of our fighters are citizen soldiers, that they are vitally necessary and are always dependable when properly trained. It also proved beyond any further doubt that any sane policy and plans for the national defense must consider and utilize that great potential force of citizen soldiery, its backbone being the National Guard and Reserves. It is evident that if this backbone is to bear the weight of the main body it must be nourished, strengthened, and kept fit.

No sooner had the National Guard been demobilized following the close of the World War than its reorganization was commenced. But in this connection greater plans were in the making, for the experiences of that war had taught us many things with regard to our national preparedness, or, rather let me say, our national unpreparedness.

Profiting by these experiences the Congress, in consultation with the best military minds of our country, evolved the amended national defense act of June 4, 1920. This act was indeed an epoch-making document, for it decreed for the first time in our history that our Army in time of peace should be organized into a well-balanced force of all arms. It provided for an organized peace establishment which should include the Regular Army, National Guard, and Organized Reserves; it provided that that peace establishment should "include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency"; it provided that that Army should at all times "be organized so far as practicable into brigades, divisions, and army corps," and whenever the President should "deem it expedient, into armies."

Another great step forward in the plan for a suitable national-defense policy was that clause in the act of June 4, 1920, which provided for the preservation in the Army of the United States of—

> the names, numbers, and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War.

To carry out the provisions of law just quoted the War Department has whenever and wherever practicable allotted to States as their quota in the Army of the United States the same units and designations which such States furnished for the World War. This was done in order that the history and honorable traditions of these units might be perpetuated so long as our country stands.

The national defense act of June 4, 1920, provided for 800 guardsmen for each Member of the Congress. This would give the National Guard 435,800 troops. We all know that the States and Nation do not desire the expense burden of this number at this time. The National Guard of the country, having this in mind and being desirous of helping to hold expenses down during our heavy debt period, voluntarily asked to have this 435,800 reduced to 250,000 for the time being, which is the minimum strength our guard authorities believe to be safe for defense purposes. If our 18 Infantry divisions, 4 Cavalry divisions, Coast Defense Corps, and Army troops had all units organized and filled to maintenance strength, it would require 250,000 troops.

A year ago the guard reached a strength close to 190,000 and, coupled with an increased attendance at armory drills, caused a fear that if the growth was not checked that a deficit in funds might possibly occur. The recognition of new units was therefore stopped, enlistments were curtailed, and the number of armory drills reduced. This caused a loss of 8,000 troops, whereas under favorable conditions the guard would easily have passed 200,000. This had a very depressing effect on the guard and State officials, particularly in States where their appropriations had provided for armory facilities and the State's share of meeting the War Department's allocation of guard troops that they were to organize and maintain. Some felt that faith had not been kept with them. Nearly every State was blocked with incomplete organizations. Some regiments lacked only a headquarters or service company or a medical detachment, or some other key unit necessary to their proper functioning and training.

The National Guard not in the Federal service is a distinct and separate force and the governors of the respective States are supreme commanders thereof. No Federal official can exercise any command over such a force. The States look to the Militia Bureau of the War Department for guidance and assistance in training their forces and for the military supplies necessary to equip them. Recent developments in the War Department, I am strongly inclined to believe, would justify a modification of section 81 of the national defense act in order to give the Chief of the Militia Bureau, under the immediate supervision of the Secretary of War, complete administrative control over the National Guard, when not in the Federal service, except those matters relating to policies pertaining to organization, distribution, and training. We must not lose sight of the fact that the National Guard, when not in the Federal service, is a citizen agency; it is composed of breadwinners, men who are the bone and sinew of the agricultural, economical, and commercial life of this Nation. They are not professional soldiers in any sense of the word. The records of the World War prove that they were qualified and did perform efficient service in all grades on an equal parity with officers of like grade of the Regular Army. Thousands of these same officers, veterans of the greatest fighting force of the world, are still commanding organizations and administering its affairs. They all believe in the "one-army plan," and at their last two National Guard conventions passed resolutions requesting Congress to again place the Militia Bureau under the immediate supervision of the Secretary of War and that the functions of the General Staff be restricted to the preparation of policies concerning organization, distribution, and training of National Guard units.

The records show that there are now in the Militia Bureau 28 Regular Army officers. Certainly these officers, being in daily contact with National Guard administration, many of whom have held commissions in the National Guard or have had long tours of duty with same as instructors, are fully if not the best qualified officers of the Regular Army to advise the Secretary of War, through the Chief, Militia Bureau, on all matters connected with the National Guard. The original act of 1916 did give the Chief of Militia Bureau direct access to the Secretary of War. It was believed by the National Guard that the act of 1920 did likewise; but recently it was stated on the floor of this House that the War Department General Staff and other agencies of the War Department are gradually encroaching upon the prerogatives of the Chief, Militia Bureau, and it is now strongly believed that unless the principles they desire are written into the law in no uncertain terms, the usefulness of the Militia Bureau to the National Guard will fail in the mission for which it was originally intended.

The guard's strength, including 11,533 officers, is about 188,431. The 18 Infantry divisions average 7,100 troops each. The entire 18 divisions, slightly over 116 units each, and are nearly 82 per cent complete. The 18 Infantry divisions have a strength of 127,660. The four Cavalry divisions have a strength of 11,740. The remaining 42,600 are divided between corps, army, coast defense, and special Infantry troops. The guard has a total of 2,958 units and is stationed in 1,408 different cities. Certainly the National Guard is a most potent patriotic and political factor in the life of our Nation.

Since it is the expressed intention of Congress and the policy of the War Department to use the National Guard along with the small Regular Army as first-line troops, they must be properly prepared in order to do justice to the country and to themselves. The Infantry divisions by all means should have all of their units organized, so that in the event of an emergency by a quick and orderly expansion to war strength they can promptly take their positions; and even with this it must be remembered that two-thirds of the men and one-third of the officers will be new. It is, then, all the more vital that they now organize all units and have a few trained leaders with as much training and equipment as it is possible to secure.

The National Guard is directed not to exceed 183,519 nor to hold more than 48 armory drills during the fiscal year. The minimum authorized by law is 48 and the maximum is 60. The field training is also reduced below that held prior to the war. Formerly they were permitted to hold schools of instruction prior to the field training camps; also to hold State rifle competitions. This past year they held only the 15-day camps and participated in the national matches. Neither will there be any schools of instruction prior to the field training camps or State rifle competitions.

The National Guard appropriation for this year is $31,466,206. Practically one-third of this is for the field training of around 157,000 troops at camps, and includes pay, transportation, subsistence, construction, hospitalization, hire and forage of animals, and many miscellaneous expenses necessary for camps. About one-third of the total is required for armory drill-instruction pay. The Guard is required to hold not less than 48 armory drills, and is authorized to hold not to exceed 8 in one month or 60 in one year, each of not less than 1½ hours' duration. They receive no pay for longer hours or a greater number of drills.

The remaining one-third of this appropriation is divided between forage for 10,300 horses for mounted troops—they average about 20 horses per unit, and the law authorizes 32—for pay of caretakers for the horses, motorized units, Air Service, and so forth; for sending guard officers to service schools; for general expenses; for travel Regular Army personnel on duty with the guard; for transportation of equipment to the States; for expenses of sergeant instructors, except their pay; for a small pay for United States property and disbursing officers; and for purchasing supplies and equipment to prepare for field service.

Guard troops were used in 15 States during the past year to render aid in disaster and to assist civil authorities. Reports indicate that the conduct of these troops while so engaged was highly commendable.

The guard is a known and dependable factor in the national defense. Its value far exceeds its cost, and the Government is getting a high-grade military asset for a minimum cost. Any reduction in funds and equipment necessary to its proper training reduces its efficiency and value. The guard sorely needs an increase in funds to maintain its present strength, as the exhaustion of free-issue left-over war stocks requires that they be purchased in the future. In order to be ready as first-line troops the guard needs the maximum training authorized.

You have heard the history of the unorganized and untrained militia, of its gradual development under beneficial laws, of the National Guard's fine record in the World War, and of our present national defense laws, giving the guard a just recognition and a chance to become a real national asset.

Our past history shows that our dependence is placed on the citizen soldiery. Our laws give the guard the first call from the citizenship; it should therefore have priority in readiness. It is no longer a question as to whether or not the National Guard is dependable; it has proven that it is! The question now seems to be, How large and how well trained and equipped shall it be? Since we are considering what is best for our Air Service policy and its development, it is highly important that we give serious thought to a definite policy with coordinate plans for all of our military services. It seems that all of our Government agencies are not in complete accord as to just of what our Military Establishment should consist. If the Regular Army, National Guard, and reserves knew what their approximate strengths and appropriations were to be for a definite period of four years or so, they could have a more efficient and economical service than seems possible in a state of uncertainty. What we need is

stabilization and balanced organizations with definite knowledge of our future allowances and limitations. With our strengths and amounts of funds to be available known for a period of years will permit us to consolidate, convert, or make such readjustments as will give us balanced forces and permit us to get the best possible results.

You will find no "Reds" in the National Guard. The National Guard builds, produces, pays taxes, votes, and performs the full duties of citizenship, and in addition devotes much time to military training in order to better serve the State or Nation in time of peace or war. Are there any higher types of young Americans?

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on Senate bill S. 1129.

The SPEAKER. The gentleman from Maryland makes the same request. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, this morning the House agreed to the conference report on S. 1129, which the House had passed, upon my motion to suspend the rules, on Monday, March 1.

Undoubtedly in a few days the Senate will also agree to the conference report and the President will sign the Wadsworth-Hill bill, which creates the military posts construction fund, and under which there will ultimately be available about $28,000,000 for permanent development of Army posts along the lines of the national defense act, the nine-corps-area plan, and in accordance with the recommendations of every Chief of Staff of the Army for the last 40 years. The passage of this bill marks the initial step to a proper national-defense policy for the Army units of this Nation.

In 1916, in discussing our defense policy and the location of military posts, I said:

For the amount of money expended and for the proper protection of the United States our present military establishment is extremely inadequate. In his last report as Secretary of War, Mr. Stimson called attention to "the diffusion of the Army and the lack of tactical organization, which results in our having what is virtually a number of scattered groups of constabulary rather than an integral organization, and which prevents the proper training and teamwork of the national Army." The General Staff of the Army on August 12, 1912, made a report on "The Organization of the Land Forces of the United States." This document contained the broad outlines of a comprehensive military policy. Some of the reforms proposed can be carried out by executive action, but the greater part of these reforms must be provided by Congress. Treatment of the Army itself in time of peace has varied under every administration, and almost uniformly Congress has opposed the recommendations of the Executive for reforms of the Army. The existence of isolated and small frontier posts and garrisons throughout the United States has repeatedly been the subject of criticism by the Executive, but so far Congressmen have been very loath to consent to the removal of any body of troops from cities in their districts which profit by the presence of such troops.

I am delighted to congratulate the present Congress on having departed from the tradition of many past Congresses, and by the passage of this bill not only to have consented to the removal of many bodies of troops from various cities in their districts, but for having laid the foundations for a definite coordination of Army posts under the national defense act.

On December 11, 1924, began the joint hearings of the Committee on Military Affairs of the Senate and the House of Representatives on Senate bill 3575 and House bill 10529, introduced in the Sixty-eighth Congress by Senator WADSWORTH and myself. These bills, reintroduced in this Congress as S. 1129 and H. R. 47, will become law in a few days.

At the first hearing Secretary of War Weeks said—

to remedy these conditions—

Army posts construction previously enumerated by the Secretary—

the present Congress passed the following act:

"* * * The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes."

The Secretary of War then continued:

In compliance with the above act, a careful and thorough study of the requirements for the future as to the distribution and housing of the Army has been made. We are guided in our military policies by the national defense act of 1916, as amended. There are certain missions assigned the Regular Army which must be fulfilled.

These missions, stated briefly, are as follows:

(1) To furnish nine divisions for one field Army for battle service.

(2) To provide adequate and efficient personnel for giving the utmost assistance in the training and development of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps.

(3) To provide the necessary personnel for the overhead of the Army of the United States, wherein the duties are of a continuing nature.

(4) To provide an adequate organized, balanced, and effective domestic force which shall be available for emergencies within the continental limits of the United States or elsewhere, and which will serve as a model for the organization, discipline, and training of the National Guard and the Organized Reserves.

(5) To provide adequate peace garrisons for the coast defenses within the continental limits of the United States.

(6) To provide adequate garrisons in peace and war for our overseas possessions.

The objective of the War Department is constantly before it in the language of sections 2 and 3 of the national defense act, as amended, wherein is provided the composition of the Regular Army, with the further statement that "The organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form a basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. * * *

During these hearings Mr. Weeks said:

Senator BURSUM. And this is to be substituted for such property as may be of use for military purposes?

Secretary WEEKS. Yes.

Senator BURSUM. That seems to be a matter of common sense.

Mr. HILL of Maryland. And $19,000,000 would result, would it not, from the sale of these items?

Secretary WEEKS. If we could sell the properties at what it is estimated to be their sale value, and if local communities did not come in here and ask to have those properties turned over to them without any compensation.

Senator BURSUM. But whatever building program there is comes to Congress for its approval?

Secretary WEEKS. Exactly. We would have to specifically say what we wanted the money for, of course.

There were also certain properties authorized to be sold, which by section 3 of the bill would ultimately put at least a total of $28,000,000 into the military-posts construction fund. Questions were raised as to nearly every one of the military properties owned by the United States. Concerning the disposition of properties, the following questions were asked the Secretary of War and answered by him:

Mr. MCSWAIN. Right in that connection, is it your experience in actual dealings, and also by correspondence with any of the States and municipalities, that any considerable number will take over these properties at the appraised price?

Secretary WEEKS. Not generally speaking. I think we did sell one or two small pieces of property to the State of Maine, but it was of inconsequential value—one or two little islands and a piece of property near the New Hampshire line on the Piscataqua River, but I do not recall where any other State has made any move to purchase any of these properties. They usually want them given to them, if they want them at all.

Mr. MCSWAIN. For instance, you recall that Congress a few years ago gratuitously donated Fort McHenry to the city of Baltimore, and now the city of Baltimore is begging Congress to take it back; you remember that?

Secretary WEEKS. Yes.

Mr. HILL of Maryland. We are not really begging Congress to take it back; that is not the construction to be placed on that.

Mr. GARRETT. You are asking Congress to dress up the child that they gave you?

Mr. HILL of Maryland. Yes; in proper clothes.

I might here inject that Congress did "dress up" Fort McHenry "in proper clothes," and the Star-Spangled Banner waves there daily with its patriotic message.

During these hearings the whole question of the land defense of the Nation for the next 15 years came up in the following discussion:

Mr. HILL of Maryland. There is a question I would like to ask right there. We are considering, or beginning the consideration, of the whole broad question of distribution of permanent posts. Now, we have been having hearings on the unified Air Service and that sort of thing. It occurred to me yesterday that it would be interesting to know what real

estate was possessed by the Navy, because in a great many cases there is useless real estate that would be available for Army purposes.

Of course that is really outside the scope of our work at present, but we are considering the whole defense problem, and there is undoubtedly a good deal of real estate or other property in the hands of the Navy which, while perhaps of no use to them, would be valuable to the Army, and there is no reason why the department that has been Santa Claus to the Nation should not get some of those properties back if they need them. I think it would be very interesting if we could have a map showing the location of all real estate now owned by the War Department and also the property owned by the Navy Department. It seems to me almost absurd, when we are considering coordination of national defense, as we are in this question of the Air Service, to have Army posts and Navy posts flung around without any coordination at all.

Chairman WADSWORTH. The committee may decide later on to have some witnesses from the Navy Department.

Mr. HILL of Maryland. It seems to me that would be an interesting thing to consider, because we are laying out really the whole policy of land defense for the Nation for the next 15 years, and it ought to be for more than that.

Senator FLETCHER. This plan that has been worked out I presume does not involve purchasing any extensive area by the Army.

Major BRANT. No; we are giving up quite a number of properties.

Senator FLETCHER. And the new locations won't make it necessary for you to buy any more land?

Major BRANT. No, sir.

Senator FLETCHER. You are probably utilizing reservations you already have.

The national defense act, for the first time, provided a proper plan of land defense. The bill, the conference report on which we agreed to to-day, is the basis of carrying out the proposed plan. The following is of interest from the hearings in the Sixty-eighth Congress:

Senator FLETCHER. Well, is that satisfactory?

Colonel KNOX. It is not as far as the combat arms are concerned, for this reason: The reservations are quite small and they are largely covered with buildings and fortifications. There is very little extra space for troops of the line to drill. There are no facilities for target practice with the rifle and with the machine gun. Also in some cases, particularly the First Corps Area, the animals for the trains of Infantry organizations and the animals for machine-gun carts have to be cared for at Camp Devens. These posts are largely on islands, which makes it necessary to use water transportation for both personnel and supplies, so they are generally unsatisfactory for mobile troops of the Regular Army. As a means of shelter, which is all they are getting at the present time, they will shelter the troops, but invariably in summer troops go for training purposes to Camp Devens.

That is just one corps area, and the other corps areas along the Atlantic seaboard are in a similar situation.

Mr. HILL of Maryland. In that corps area you would concentrate everything at Camp Devens, if you could?

Colonel KNOX. Yes, sir.

Mr. HILL of Maryland. And that is your theory of national defense?

Colonel KNOX. Yes, sir. They have to go there anyhow. That is, what we want. Of course, the Coast Artillery posts that we would thus vacate have valuable equipment, the care of which is necessary, and the Coast Artillery would care for this and would retain these posts, or a large majority of them.

Mr. HILL of Maryland. And the same in the third area; you have your Artillery brigade at Fort Howard, have you not?

Colonel KNOX. We have an Artillery brigade there less one regiment.

Mr. HILL of Maryland. Is not that Infantry headquarters?

Colonel KNOX. Yes, sir; the Twelfth Infantry, less one battalion.

Mr. HILL of Maryland. It ought to be at Camp Meade, ought it not?

Colonel KNOX. Yes, sir.

The existing conditions at corps area training areas and mobilization points were shown as follows in the hearings before the joint subcommittees in the Sixty-eighth Congress:

Chairman WADSWORTH. Are there any questions the members of the committee desire to ask the major?

I see these photographs display typical quarters.

Major PRENTISS. Yes, sir.

Chairman WADSWORTH. I have seen a good many of them myself.

Mr. HILL of Maryland. Yes; for instance, at Camp Meade there is a large number of barracks which are the type of one of these at Fort Bragg.

Major PRENTISS. Yes, sir.

Mr. HILL of Maryland. A number of them have been condemned; you can not put troops in them.

Major PRENTISS. That is the fact.

Mr. HILL of Maryland. And, as a matter of fact, a majority of them are in that condition.

Major PRENTISS. An increasing number each year have to be abandoned. Last year one of those buildings collapsed with some Reserve Officers' Training Corps students in them, and it was a miracle that they were not injured.

Mr. HILL of Maryland. There is an enormous danger from fire?

Major PRENTISS. Yes; there is.

Mr. HILL of Maryland. At those places?

Major PRENTISS. At Camp Meade one of the buildings half burned down, and they put up a tar-paper partition so as to fix up the other end, and they are still living in that end of the building.

Mr. HILL of Maryland. That night the whole camp nearly burned down.

The second step in the plan of proper coordination of land defense appears in a bill which I have just placed in the basket on behalf of the chairman of the Military Affairs Committee of the House.

A bill authorizing appropriations for construction at military posts, and for other purposes

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $6,820,000 from the net proceeds derived from the sales of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public, No. 45, 69th Cong.), said sum to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Schofield Barracks, Hawaii, continuing of hospital construction, $450,000; Fort Benning, Ga., continuing of barracks construction, $725,000; Fort Monmouth, N. J., barracks for enlisted personnel, $555,000; Fort Monmouth, N. J., hospital, $100,000; Camp Lewis, Wash., beginning construction of post hospital, $125,000; Camp Lewis, Wash., barracks, $800,000; Fort Sam Houston, Tex., barracks, $500,000; Selfridge Field, Mich., barracks, $570,000; Selfridge Field, Mich., noncommissioned officers' quarters, $180,000; Camp Meade, Md., barracks, $410,000; Fort Bragg, N. C., barracks, $360,000; Fort Humphreys, Va., barracks, $500,000; Camp Devens, Mass., barracks, $500,000; Erie Proving Ground, Ohio, barracks, $47,000; Edgewood Arsenal, Md., officers' quarters, $90,000; United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, $125,000; Mitchel Field, N. Y., barracks, $287,000; France Field, Panama, officers' quarters and noncommissioned officers' quarters, $139,000; Schofield Barracks, Hawaii, noncommissioned officers' quarters, $72,000; Fort Wadsworth, N. Y., barracks, $285,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for expenditure on any of the projects herein authorized: *Provided further*, That the limitations imposed by sections 1136 and 3734, Revised Statutes, shall not apply to the above authorized expenditures.

The following from the hearings on the Wadsworth-Hill bill are of interest in reference to the location of corps area mobilization and concentration points:

Mr. HILL of Maryland. Mr. Chairman, has it appeared in the record what camps in the nine corps areas are considered as ultimate corps area training camps? Has that been put in the record? For instance, I take it that Camp Devens is intended to be the central mobilization and concentration point in the First Corps Area; is that right?

Major PRENTISS. Yes; I think Colonel Knox can give you that.

Colonel KNOX. I think the corps area headquarters will remain in Boston.

Mr. HILL of Maryland. I mean the mobilization and instruction headquarters.

Colonel KNOX. Yes.

Mr. HILL of Maryland. That is Camp Devens?

Colonel KNOX. Yes.

Mr. HILL of Maryland. And the second?

Colonel KNOX. Camp Dix.

Mr. HILL of Maryland. And the third?

Colonel KNOX. Camp Meade.

Mr. HILL of Maryland. And the fourth?

Colonel KNOX. Camp McClellan.

Mr. HILL of Maryland. And the fifth?

Colonel KNOX. Camp Knox.

Mr. HILL of Maryland. And the sixth?

Colonel KNOX. Camp Custer.

Mr. HILL of Maryland. And the seventh?

Colonel KNOX. We have several in the seventh; I don't recall just now.

Mr. HILL of Maryland. Well, that can be put in.

Colonel KNOX. I think it is Fort Riley.

Mr. HILL of Maryland. And the eighth, I suppose, is San Antonio?

Colonel KNOX. Yes.

Mr. HILL of Maryland. And the ninth?

Colonel KNOX. Camp Lewis.

Chairman WADSWORTH. You own the land necessary, do you not?

Colonel KNOX. Yes; with the exception of a small portion at Camp Devens.

Senator FLETCHER. Of what are the permanent establishments composed in the fourth area? Of course, at Camp McClellan, Ala., you need a number of permanent buildings.

Major PRENTISS. Yes; that is the training center for that corps area.

Senator FLETCHER. And where else?

Major PRENTISS. The permanent buildings will be covered by Captain Hobson.

Chairman WADSWORTH. Do you want to ask any more questions concerning the condition of buildings occupied for the distribution of troops? We have heard Colonel Knox and Major Prentiss on those phases.

Mr. HILL of Maryland. Is it not a fact that practically all of these central mobilization and instruction points, and the points you have mentioned, are temporary construction for the war, and are in practically the same condition as the buildings you have shown at Camp Bragg?

Major PRENTISS. Yes.

Mr. HILL of Maryland. In other words, these nine points in the nine corps areas are made necessary by the new policy of defense in the nine corps areas?

Major PRENTISS. Yes, sir.

Mr. HILL of Maryland. And practically new construction should be made in all of them?

Mr. PRENTISS. Yes, sir.

Mr. HILL of Maryland. You have, however, drainage and sewerage and plenty of land?

Major PRENTISS. Yes. The underground utilities in general are in good shape with the exception of certain water mains, where they used wood-stave pipes. The sewers and so on are in good shape, so it would be much more costly to build on new sites than the old sites.

Mr. HILL of Maryland. Could you give us an estimate of the cost in the way of roads and land at these nine points now?

Major PRENTISS. It runs up into a great many million dollars. Yes; I could give you that for the record.

Mr. HILL of Maryland. I think that would be interesting to show what the Army proposes to build on at these permanent stations.

Major PRENTISS. That will be inserted in the record.

Value of utilities now existing at corps area training camps

Corps area	Camp	Roads	Railroads	Water systems	Sewer systems	Incinerators
First	Devens	$125,000	$220,000	$460,000	$250,000	$5,000
Second	Dix	190,000	325,000	235,000	265,000	10,000
Third	Meade	570,000	165,000	270,000	325,000	10,000
Fourth	McClellan	120,000	150,000	255,000	275,000	
Fifth	Knox	325,000	380,000	240,000	235,000	
Sixth	Custer	221,000	280,000	192,000	163,000	15,000
Seventh	Riley	545,000		255,000	180,000	
Eighth	Travis	670,000	580,000	295,000	210,000	10,000
Ninth	Lewis	325,000	315,000	178,000	190,000	15,000
Total		3,091,000	2,415,000	2,290,000	2,093,000	65,000

Corps area	Camp	Electric systems	Heating systems	Refrigerating systems	Total
First	Devens	$227,000	$187,000	$11,000	$1,485,000
Second	Dix	154,000	187,000	11,000	1,377,000
Third	Meade	156,000	41,000	11,000	1,548,000
Fourth	McClellan	51,000		26,000	877,000
Fifth	Knox	139,000	30,000	8,000	1,357,000
Sixth	Custer	108,000	210,000	11,000	1,200,000
Seventh	Riley	72,000	66,000		1,118,000
Eighth	Travis	67,000	40,000	5,000	1,787,000
Ninth	Lewis	116,000	20,000	15,000	1,174,000
Total		1,090,000	781,000	98,000	11,923,000

Hearings were also held by the House Military Affairs Committee of the present Congress on this bill, and the following is part of the report which I filed on behalf of the committee on January 7, 1926:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report (to accompany S. 1129):

The Committee on Military Affairs, to whom was referred the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

Page 7, line 3, strike out all of section 5.

Page 8, line 13, change the colon to a period, and strike out all thereafter down to and including line 18.

Page 8, line 22, change the period to a colon and add the following: "*Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said properties in excess of $100 a day."

S. 1129 is the form in which the Senate has just passed S. 3573 and H. R. 10529 of the Sixty-eighth Congress, reintroduced in the Sixty-ninth Congress as S. 1129, H. R. 47, and H. R. 4805.

There are only three amendments recommended to the bill as it finally passed the Senate. The first amendment strikes out section 5. It is recommended because the War Department in recent years has turned over to other departments of the Government a total of approximately $76,000,000 of property, and it is the opinion of the committee that the profits which may accrue from the sale of the property listed in S. 1129 should revert to the War Department for its use in the development of its housing program, which program, however, is subject to approval and appropriation by Congress.

The second amendment to S. 1129, herein recommended, strikes out the provision that if the property has been advertised and offered for sale on not less than two separate occasions and no bid equaling or exceeding the amount of appraised value has been received, the Secretary of War, in his discretion, is authorized to accept the highest and best bid received. With this provision struck out no property can be sold for less than the appraised value.

The third amendment recommended to S. 1129 adds to section 8 a provision that no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day. This amendment is similar to one fully discussed and adopted by the Sixty-eighth Congress on a similar bill.

With these three amendments, it is recommended that S. 1129 pass as it was passed by the Senate.

Congress itself is responsible for this bill, which is in the interest of economy and efficiency in the national defense. The 1925 War Department appropriation act states:

"The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes."

A complete and thorough study of the matter was made by the War Department, and full hearings were held both in the House and Senate Military Committees. The Secretary of War, at the hearings most recently held, i. e., Thursday, January 7, 1925, before the House Committee on Military Affairs, stated that repairs on existing War Department properties, as well as the housing program of the department, were dependent upon the prompt passage of this legislation.

Herewith are made a part of this report:

1. The report of the Committee on Military Affairs of the Senate, without the appendix.

2. The report of the chairman of the Committee on Military Affairs of the House, the late Hon. Julius Kahn, transmitting the report of the real estate subcommittee of that committee on the real estate holdings of the War Department, composed of Hon. John C. McKenzie, Hon. Frank Green, and Hon. William C. Fields.

3. Letter to the Speaker of the House of Representatives from the Secretary of War, dated December 10, 1925, in reference to this proposed legislation, giving complete information concerning the proposed properties to be disposed of.

The bill was subsequently recalled to the committee, and again reported with certain amendments contained in it as it finally passed, such amendments being necessary to cover various situations which had developed in reference to the bill.

I have gone rather fully into these hearings, because the bill, the conference report upon which we have agreed to to-day, will be the basis of legislation for many years to come. It is important that the underlying theories of national defense which caused the passage of this bill be thoroughly understood. It is of interest to know what the Army and Navy Journal said of this bill editorially on March 6, 1926:

Well, the Army housing bill at last has been enacted. Now the War Department can get busy disposing of the land and other real property which has been listed as surplus and prepare for the construction of permanent and sanitary buildings for sheltering the troops. The debate on the measure which took place in the House pursued the usual zigzag course.

* * * * * * *

Moreover, Congressman JOHN PHILIP HILL, of Maryland, who was in charge of the bill—it is, in fact his particular "baby"—handled the debate in masterly style, calling on informed colleagues to answer the arguments advanced against action, and closing, through Congressman TILSON, of Connecticut, with the declaration that "We must provide proper housing for the Army." The House received this assertion of an important principle with applause and further demonstrated its attitude by declining to grant the yeas and nays.

So, within a few years the Army will be properly housed, and the real danger of sickness and fire will be eliminated.

This bill will be the basis for the whole development of the Army posts in our nine corps-area system. I think this Congress is to be congratulated in the willingness of certain Mem-

bers to give up posts and properties in their districts for the common good, and I feel that this bill will be the foundation of a proper building program for the Army, in accordance with the national defense act.

FUNDS PERTAINING TO OIL LANDS

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a telegram from the president of the University of New Mexico as to the apportionment of the bonds pertaining to oil lands in a bill now pending in the Senate.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks by publishing a telegram from the president of the University of New Mexico in regard to certain matters. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, under leave to extend my remarks I insert a telegram from the president of the University of New Mexico as to the apportionment of funds pertaining to oil lands in a bill now pending in the Senate.

The telegram is as follows:

ALBUQUERQUE, N. MEX., *March 7, 1926.*

Hon. JOHN MORROW,

House of Representatives, Washington, D. C.:

I respectfully request that this message be read aloud in full and be printed as a part of the official record at hearing Monday of Senate bill 46, relating to proposed constitutional amendment in New Mexico and, in fact, affecting income from oil found recently and mainly on lands of State University of New Mexico. As citizen, taxpayer, and as president of University of New Mexico, I earnestly protest recommendation or passage of this Resolution 46, and on these five grounds: First. The measure proposes a bad national precedent. Second. It would cause diversion in part of educational funds to noneducational purposes, such as river improvement, hospital, penitentiary. Third. Education in common schools is vitally dependent upon quality of higher institutions, and this act affects unfavorably all public colleges of this State. Fourth. Coupled with action of New Mexico State land office, the amendment would cause loss of 97 per cent of interest of money derived from oil lands given to the State by Congress for the exclusive use of the University. Finally, I submit that this measure in its actual results is not well understood by the people of New Mexico or of the Nation. It has not been voted upon by the electorate of this State. I believe it should not pass without searching investigation and study.

DAVID S. HILL,
President State University of New Mexico.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 613. An act for the relief of Archibald L. Macnair; to the Committee on Claims.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 9, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 9, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

For the relief of Sheindel, Morris, Zechari and Frieda Clateman (H. R. 9261).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON MILITARY AFFAIRS.

(10.30 a. m.)

Department of national defense: Air Service.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Private bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service (H. R. 9511).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To provide for the purchase or condemnation of property in the Reno subdivision and adjacent thereto, for the purpose of improvement of street plan (H. R. 5015).

To provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage (H. R. 7286).

EXECUTIVE COMMUNICATIONS, ETC.

386. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting proposed legislation affecting the use by the National Sesquicentennial Exhibition Commission of an existing appropriation (H. Doc. No. 264) was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 3858. A bill to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; without amendment (Rept. No. 483). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 4119. A bill for the relief of Edward R. Ledwell; with amendment (Rept. No. 484). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KELLER: A bill (H. R. 10121) extending the time for the completion of the bridge across the Mississippi River in Ramsey County, Minn., by the city of St. Paul; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTGOMERY: A bill (H. R. 10122) providing for remodeling, repairing, and improving the Pawnee Indian school plant, Pawnee, Okla., and providing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 10123) to prohibit public dancing, theaters, and other secular and commercialized sports and amusements on Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARDNER of Indiana: A bill (H. R. 10124) to amend section 4 of the act of May 1, 1920, to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War and the war with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines and to certain Army nurses and granting pensions and increase of pension in certain cases; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10125) to provide for the coordination of the public health activities of the Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT (by departmental request): A bill (H. R. 10126) to revise the boundary of the Mount Rainier National Park, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. NEWTON of Minnesota: A bill (H. R. 10127) to provide for the transfer of certain records of the general land office to State historical agencies; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10128) to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; to the Committee on Banking and Currency.

By Mr. KETCHAM: A bill (H. R. 10129) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes; to the Committee on Agriculture.

By Mr. PURNELL: A bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now, or may be, in his custody; to the Committee on Naval Affairs.

By Mr. BLAND: A bill (H. R. 10131) granting the consent of Congress to the Wakefield National Memorial Association to build upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 10132) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM. Joint resolution (H. J. Res. 191) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; to the Committee on Banking and Currency.

By Mr. SUMMERS of Washington: Joint resolution (H. J Res. 192) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BOYLAN: Memorial of the Legislature of the State of New York relative to the Erie Canal, Barge Canal, and St. Lawrence waterway; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 10133) granting an increase of pension to Rebecca Garrett; to the Committee on Invalid Pensions.

By Mr BROWNE: A bill (H. R. 10134) granting a pension to Laurence Bendixen; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 10135) granting an increase of pension to Phebe E. Pray; to the Committee on Invalid Pensions

By Mr. CAREW: A bill (H. R. 10136) granting an increase of pension to Julia McElroy; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 10137) for the relief of R. M. Hilderbrand; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 10138) granting an increase of pension to Margaret Driscoll; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10139) granting an increase of pension to Mary A. Furgeson; to the Committee on Invalid Pensions

By Mr. GORMAN: A bill (H. R. 10140) granting a pension to Ella B. Scott; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 10141) granting an increase of pension to Sarah E. Virtue; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 10142) granting an increase of pension to Margaret J. Miller; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10143) granting an increase of pension to Bessie E. Campbell; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10144) granting a pension to William B. Melvin; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 10145) granting an increase of pension to Maria A. Mayers; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 10146) granting an increase of pension to Rebecca Poff; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 10147) for the relief of the estate of Charles Le Roy, deceased; to the Committee on Claims.

Also, a bill (H. R. 10148) granting a pension to James White; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10149) granting an increase of pension to Sally Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10150) granting an increase of pension to Emily Robinson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10151) granting an increase of pension to William McKeown; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10152) granting an increase of pension to Louise T. Thomson; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 10153) granting a pension to Bertha A. Pyne; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10154) granting a pension to Ellen Wyncoop; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10155) granting an increase of pension to Anna Brown; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10156) granting a pension to Mary M. Sturgeon; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10157) for the relief of Mary E. Whitney; to the Committee on Claims.

Also, a bill (H. R. 10158) granting an increase of pension to James McBirney; to the Committee on Pensions.

Also, a bill (H. R. 10159) to authorize the Comptroller General of the United States to relieve James W. Boyer, jr., former special disbursing agent, Department of Commerce, in the settlement of his account; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 10160) for the relief of John Rooks; to the Committee on Claims.

Also, a bill (H. R. 10161) for the relief of the owners of the barge *McIlvaine No. 1;* to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 10162) to provide for an examination and survey of Douglas Bay, Hyde County, N. C., a tributary of Pamlico Sound; to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 10163) granting a pension to Sarah Millicent McDonald; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1084. By Mr. BOYLAN: Petition signed by citizens of Brooklyn, N. Y., entering their protest against compulsory Sunday observance; to the Committee on the District of Columbia.

1085. By Mr. CRAMTON: Petition of D. E. Knickerbocker and 34 other residents of Memphis, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1086. By Mr. DICKINSON of Missouri: Petition of Joe Doak et al., of Kingsville, Mo., against the passage of House bills 7179 and 7822, for compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1087. By Mr. DOUGHTON: Two petitions against compulsory Sunday observance, both from Wautauga County, N. C.; to the Committee on the District of Columbia.

1088. By Mr. FOSS: Petition of sundry citizens of Massachusetts, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1089. By Mr. GALLIVAN: Petition of Miss Bessie Elwell, 522 West Park Street, Dorchester, Mass., and 112 others, protesting against House bills 7179 and 7822, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1090. By Mr. KELLER: Petitions of sundry citizens of St. Paul, Minn., protesting against the enactment of Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1091. By Mr. KINDRED: Petition of residents of Brooklyn, N. Y., in opposition to the bills (H. R. 7179 and 7822) for compulsory Sunday observance, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1092. By Mr. LEATHERWOOD: Petition of 4,766 persons protesting against the provisions of House bill 11, relating to the protection of trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand; to the Committee on Interstate and Foreign Commerce.

1093. By Mr. LEAVITT: Resolutions of Women's Clubs of Belfry and Miles City, Mont., favoring continuance of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1094. By Mr. O'CONNELL of New York: Petition of the Pacific Coast Borax Co., of New York City, opposing the passage of House bill 4475, the Kendall bill; to the Committee on the Post Office and Post Roads.

1095. Also, petition of the Chamber of Commerce of the State of New York, opposing the Gooding bill (S. 575) on long and short haul rates; to the Committee on Interstate and Foreign Commerce.

1096. Also, petition of the National Society, Sons of the American Revolution, favoring the passage of House bill 9644, for a memorial to George Rogers Clark; to the Committee on the Library.

1097. By Mr. SEGER: Petition of Mr. B. E. Miller and other citizens, of Paterson, N. J., and vicinity, protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1098. By Mr. SHALLENBERGER: Petition of sundry citizens of Hastings, Nebr., opposing the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1099. Also, petition of sundry citizens of Adams County, Nebr., opposing compulsory Sunday observance bills; to the Committee on the District of Columbia.

1100. By Mr. STRONG of Pennsylvania: Petition of citizens of Big Run, Pa., and vicinity, in favor of Federal regulation of motion pictures; to the Committee on the Judiciary.

1101. Also, petition of citizens of Corsica, Pa., and vicinity, in favor of Federal regulation of motion pictures; to the Committee on the Judiciary.

1102. By Mr. THOMPSON: Petition of citizens of fifth district of Ohio, protesting against the passage of House bills 7179 and 7822, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1103. By Mr. TILSON: Petition of Andrew M. Bristol and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1104. By Mr. WEFALD: Petition of 75 residents of Becker County, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822), or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1105. Also, petition of eight residents of Badger, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1106. Also, petition of 16 residents of Lockhart, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1107. Also, petition of 35 residents of Richville, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1108. Also, petition of 44 residents of Roseau County, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1109. Also, petition of 118 residents of Minnesota, urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

SENATE

TUESDAY, *March 9, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, who art in heaven, hallowed be Thy name. Grant that it may always be hallowed to us, so that in our speech, in the daily intercourses of life, we may remember the hallowing influence of that name which should ever abide as the chiefest of all names. Grant that we may enter into the sympathies of the Psalmist and say, "May the words of my mouth and the meditations of my heart be acceptable to Thee." Through Jesus Christ, is our prayer this morning. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 8, 1926, the President had approved and signed the act (S. 2825) to grant the consent and approval of Congress to the South Platte River compact.

SALE OF REAL PROPERTY BY WAR DEPARTMENT

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 6½, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "*Provided*, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post"; and the House agree to the same.

Amendment numbered 28: That the Senate recede from its disagreement to the amendment of the House numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "*And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act"; and the House agree to the same.

J. W. WADSWORTH, Jr.,
RALPH H. CAMERON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS

Mr. WARREN presented a petition of the Sheridan (Wyo.) Commercial Club, praying for the passage of legislation prohibiting the sending of unsolicited merchandise through the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Sheridan (Wyo.) Commercial Club, favoring the continuation of the furnishing of printed stamped envelopes by the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. STEPHENS presented the following concurrent resolution of the Legislature of Mississippi, which was referred to the Committee on Irrigation and Reclamation:

A concurrent resolution (H. Con. Res. 13) memorializing Congress to grant to the various States of the Union Federal aid for the drainage and reclamation of swamp and overflowed lands

Whereas there are great areas in the State of Mississippi and other States of the Union which are now in swamps and are subject to overflow; and

Whereas the agricultural prosperity of the Nation would be greatly benefited by the reclamation and drainage of these swamp lands; and

Whereas the reclamation and drainage of said lands is a project which would benefit the whole Nation and a project which is practically impossible for the individual States to carry out without financial aid; and

Whereas the Federal Congress has appropriated great sums of money for the purpose of irrigating and reclaiming barren and arid lands in the West and Northwest; and

Whereas drainage and reclaiming swamp lands in the Middle and Southern States will yield to agriculture the same benefits as that derived from irrigating and reclaiming the plains region: Be it

Resolved by the house of representatives (the senate concurring), That the Members of the United States Senate from this State and the Representatives in the Congress of the United States from this State be requested to use every effort in their power to secure for the State of Mississippi and other States similarly situated Federal aid for the drainage and reclamation of swamp and overflowed lands; and be it further

Resolved, That the Congress of the United States be, and it is hereby, respectfully memorialized and requested to grant to the various States of the Union Federal aid as herein set out.

Adopted by the house of representatives January 15, 1926.

THOS. L. BAILEY,
Speaker of the House of Representatives.

Adopted by the Senate February 1, 1926.

DENNIS MURPHREE,
President of the Senate.

I, Joseph W. Power, secretary of state of the State of Mississippi, hereby certify that the foregoing copy of House Concurrent Resolution 13 is a true and correct copy of the enrolled act, as same appears on file in my said office.

Given under my hand and the great seal of the State of Mississippi this the 23d day of February, A. D. 1926.

[SEAL.] JOS. W. POWER, *Secretary of State.*

Mr. EDGE. Mr. President, I present for reference and insertion in the RECORD a concurrent resolution passed by the Legislature of the State of New Jersey, urging that Congress effectively regulate stations for the transmission of radio communications or energy, and so forth.

Mr. BORAH. I would like to have the resolution read.

The resolution was read and referred to the Committee on Interstate Commerce, as follows:

STATE OF NEW JERSEY.

Concurrent resolution 2 asking Congress to effectively regulate stations for the transmission of radio communications or energy in the United States, introduced February 2, 1926, by Mr. Case

Whereas the Radio Corporation of America or the Westinghouse Electric & Manufacturing Co. has established a superpower radio broadcasting station near Bound Brook, N. J., in the center of the residential suburban community in this State, which station has for its purpose the broadcasting of radio communications to distant points with the least interference to New York City, and entirely without regard to the effect of such broadcasting upon the many suburban communities located in the counties of Middlesex, Union, and Somerset, and adjoining counties in this State; and

Whereas the operation of said superpower radio station will constitute an intolerable nuisance to the citizens of said communities who use radio-receiving sets or who operate radio-broadcasting stations; and

Whereas the governing bodies of numerous cities and towns located in said counties have passed resolutions calling upon the governor of this State and upon the legislature to take all steps necessary to limit the signal strength of said broadcasting station so that it will not be operated so as to create such nuisance; and

Whereas the Congress of the United States has pending before it bills designed to more effectively regulate the transmission of radio communications and energy: Be it

Resolved by the senate (the house of assembly concurring), That the legislature urge upon Congress the necessity for the enactment of legislation which will vest in the Secretary of Commerce adequate control of all stations transmitting radio communications and energy in interstate commerce and that such legislation may embody provisions giving to persons or corporations affected or to be affected by the operations or proposed operations of such broadcasting stations an opportunity to be heard before the Secretary of Commerce prior to the licensing of such stations and an opportunity to apply to such Secretary for the revocation of the license of any such station for violation of law or of the regulations of such Secretary, and an opportunity to appeal from the action taken by such Secretary affecting such person or corporation; be it further

Resolved, That a copy of this resolution be transmitted to the President of the Senate of the United States and the Speaker of the House of Representatives and to each of the Senators and Congressmen from this State.

STATE OF NEW JERSEY,
DEPARTMENT OF STATE.

I, Thomas F. Martin, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of Senate concurrent resolution 2, as the same is taken from and compared with the original filed March 2, 1926, and now remaining on file and of record in my office.

In testimony whereof I have hereunto set my hand and affixed my official seal at Trenton, this 4th day of March, A. D. 1926.

[SEAL.] THOMAS F. MARTIN,
Secretary of State.

Mr. EDGE. I also present a concurrent resolution passed by the Legislature of New Jersey relative to the necessity for the appropriation of sufficient funds to carry out the provisions of the national defense act, and ask that it be referred to the Committee on Military Affairs.

The concurrent resolution was referred to the Committee on Military Affairs, as follows:

STATE OF NEW JERSEY.

Senate concurrent resolution 4, introduced February 8, 1925, by Mr. Pierson. Referred to committee on Federal and interstate relations

Whereas the platforms of the two great political parties of this Nation advocate the maintenance of an adequate system of national defense; and

Whereas the people of New Jersey have ever been in the front rank when the safety of this Nation has been endangered; and

Whereas the Organized Reserves will, in case of a national emergency, constitute by far the largest component of the Army of the United States and should therefore receive proper training and equipment; and

Whereas the Reserve Officers' Association of the United States, a patriotic body of citizens of whom the great majority have had active service in the Army of the United States during the late war, have requested the Congress to appropriate $5,136,500 for the training and maintenance of the Organized Reserves for the fiscal year 1927, an increase of $1,468,700 over the amount allocated by the Director of the Budget: Be it

Resolved by the Senate of the State of New Jersey (the House of Assembly concurring), That the Congress be, and it hereby is, requested to appropriate sufficient funds to carry out the provisions of the national defense act of 1920 and its accompanying legislation, so that the following program may be effectively carried out:

(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale.

(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000.

(c) That the skeleton organization of the Organized Reserves be adequately mantained.

(d) That all reserve officers receive an average of 15 days' training in each three years.

(e) That the Reserve Officers' Training Corps units be further developed.

(f) That provision may be made for a gradual increase in the number accommodated annually in the citizens' military training camps.

(g) That $5,136,500 shall be alloted by Congress for the training and maintenance of the Organized Reserves for the fiscal year 1927: Be it further

Resolved, That the secretary of the senate is hereby instructed to forward certified copies of this resolution, signed by the president and

secretary of the senate and the speaker and clerk of the house, to the following:

The President of the United States, the United States Senate, the House of Representatives, the Senators and Members of Congress from the State of New Jersey.

I hereby certify that this resolution was passed by the senate and house of assembly of the State of New Jersey, and the original copy delivered to secretary of state, Thomas F. Martin, on Tuesday, March 2, 1926.

MORGAN F. LARSON,
President of the Senate.

Attest:
ROBERT M. JOHNSTON,
Secretary of the Senate.

RALPH W. CHANDLESS,
Speaker of the House of Assembly.

Attest:
FREDERICK A. BRODESSER,
Clerk of the House of Assembly.

Mr. FLETCHER. I present a resolution adopted by the Florida Bar Association, which I ask to have printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolved, That the Florida Bar Association heartily indorses the provisions of the bill H. R. 3831 recently introduced by Congressman GRAHAM, of Pennsylvania, which provides for an increase in the compensation of certain Federal judiciaries, as follows:

The Chief Justice of the Supreme Court of the United States, $20,500 per year; other justices, $20,000 per year.

To each of the circuit judges the sum of $15,000 per year.

To each district judge the sume of $12,500 per year.

The chief justice of the Court of Claims, $13,000 per year; other judges, $12,500 per year.

The chief justice of the Court of Appeals of the District of Columbia and each associate justice, $15,000 per year.

The chief justice of the Supreme Court of the District of Columbia and each associate justice, the sum of $12,500 per year.

To each judge of the Court of Customs Appeals the sum of $12,500 year year.

All of said salaries to be paid in monthly installments.

And urge upon the Members of the Senate and Congress from Florida to support the same.

W. W. HAMPTON,
President the Florida State Bar Association.
GEO. P. RANEY,
GEORGE P. GARNETT,
JNO. P. STOKES,
JOHN H. CARTER,
GOVERNOR HUTCHINSON,
PHILIP B. MAY,
Members of Executive Council of the Florida State Bar Association.

Mr. FLETCHER. I also present a memorial of certain residents of Manatee County, Fla., which I ask may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the memorial was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

Petition to Congress against compulsory Sunday observance

To the honorable the House of Representatives of the United States:

Whereas Sunday in origin and history is religious and is now an institution of the church and should not be made the subject of civil legislation; and

Whereas there are in existence at least four classes of citizens—(a) those who observe no day, (b) those who observe Saturday, (c) those who observe Friday, and (d) those who observe Sunday—upon whom such legislation would be stamped as sectarian and commit our Government to a sectarian program; and

Whereas when Congress should represent and protect all shades of belief, to single out Sunday observers for protection and favors is unconstitutional: Therefore

We, the undersigned, adult residents of Manatee County, State of Florida, earnestly petition your honorable body not to pass the compulsory Sunday observance bills (H. R. 7179 and H. R. 7822), or any other national religious legislation which may be pending.

Mr. WILLIS presented resolutions adopted by Caldwell (Ohio) Chapter of the Izaak Walton League of America, in favor of the passage of the so-called Stephens antipolution bill and also the passage of legislation to regulate the interstate transportation of black bass, which were referred to the Committee on Interstate Commerce.

Mr. BLEASE presented a paper in the nature of a petition signed by Mrs. J. W. Anderson, State chairman of art, South Carolina Federation of Women's Clubs; Mrs. L. H. Jennings, president of the South Carolina Federation of Women's Clubs, and sundry other members of that club; and other citizens of South Carolina, favoring the making of an appropriation of $10,000,000 for the erection of a national gallery of art in the city of Washington, which was referred to the Committee on the Library.

Mr. McLEAN presented papers in the nature of memorials from a conference of the fish and game commission at Hartford and the executive committee of the Black Rock Forest (Inc.), of Watertown, in the State of Connecticut, protesting against the passage of the so-called Stanfield grazing bill, which were referred to the Committee on Agriculture and Forestry.

He also presented a telegram and paper in the nature of memorials from the Catholic Daughters of America, of Bridgeport, and Council No. 11, Knights of Columbus, of Hartford, in the State of Connecticut, protesting against the passage of the so-called Curtis-Reed bill to establish a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Hartford (Conn.) Chamber of Commerce (Inc.), remonstrating against the passage of the so-called Gooding long-and-short-haul bill, which was ordered to lie on the table.

He also presented petitions of the Sons of Union Veterans of the Civil War, of Ansonia, and Hobbie Post, No. 23, Department of Connecticut, Grand Army of the Republic, of Stamford, in the State of Connecticut, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Willimantic, South Coventry, and South Windham, all in the State of Connecticut, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of Lieut. N. W. Bishop Camp, No. 3, Department of Connecticut, United Spanish War Veterans, of Bridgeport, and sundry citizens of Waterbury, all in the State of Connecticut, praying for the passage of legislation providing increased pensions to Spanish-American War veterans and their widows, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 2323) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage, reported it without amendment and submitted a report (No. 307) thereon.

Mr. FESS, from the Committee on Interstate Commerce, to which was referred the bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, reported it with amendments and submitted a report (No. 308) thereon.

Mr. MAYFIELD, from the Committee on Interstate Commerce, to which was referred the bill (S. 3286) to authorize reduced freight rates in cases of emergency, reported it without amendment and submitted a report (No. 309) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (H. R. 8040) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Missouri River at or near Fort Benton, Mont. (Rept. No. 310);

A bill (H. R. 8316) granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala. (Rept. No. 311);

A bill (H. R. 8463) granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La. (Rept. No. 312);

A bill (H. R. 8598) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct a bridge across the

Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish (Rept. No. 313); and

A bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn. (Rept. No. 314).

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 1989) to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor, reported it without amendment and submitted a report (No. 315) thereon.

He also, from the same committee, to which was referred the bill (S. 2530) authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail, reported it with an amendment and submitted a report (No. 316) thereon.

He also, from the same committee, to which was referred the bill (S. 1225) to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes, reported it with amendments and submitted a report (No. 317) thereon.

CERTAIN FEDERAL RECLAMATION PROJECTS

Mr. KENDRICK. I report favorably without amendment from the Committee on Irrigation and Reclamation the bill (S. 3425) to authorize aided and directed settlement on certain Federal reclamation projects, and for other purposes, and I submit a report (No. 305) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; and it was read, as follows:

Be it enacted, etc., That in connection with the settlement and development of not exceeding two existing Federal reclamation projects, or units thereof, to be later selected and designated by the Secretary of the Interior, the said Secretary is authorized to withdraw from entry such an area of public land as, together with other land that may be acquired, shall be designated as a settlement unit or a project of sufficient size to create therefrom not less than 100 farms and not less than 10 fractional farm allotments on each of such projects, or units of projects, and to provide for an aided and directed settlement of such lands, including their disposition in accordance with the provisions of this act.

SEC. 2. That where the unentered public land on the projects or units selected for settlement under this act is insufficient in area, or unsuited to the purpose, the Secretary is authorized to acquire by gift or by purchase such an area of land as will, when added to the area of unentered public land of such project or unit of a project, permit the establishment of a settlement unit, as provided in section 1 hereof.

SEC. 3. That the Secretary shall cause said farms and fractional farm allotments to be disposed of, and the construction charges and the charges for operation and maintenance against the land on account of the water rights shall be paid in accordance with the requirements of the reclamation law of June 17, 1902 (32 Stat. L. p. 388), and acts amendatory thereof or supplementary thereto. The Secretary is authorized to contract for the sale of any land purchased under section 2 hereof upon such terms as he may deem appropriate, provided part is paid in cash and the balance thereof shall be paid with interest at 4 per cent per annum in amortized installments. Upon compliance by the purchaser of such land with the terms of his said contract and upon his making the payments referred to in section 5 hereof, the Secretary is authorized to make conveyance to the purchaser of all the right, title, and interest of the United States in and to the land so purchased.

SEC. 4. That the Secretary shall require each applicant for a farm or fractional farm allotment to show that he has had at least one year's actual farming experience, and is possessed of capital in money or farm equipment, or both, of not less than $1,500 when a farm is entered or purchased, and $200 when an entry or purchase is made of a fractional farm allotment. Every entryman or purchaser under this act shall maintain his actual residence upon the land for at least seven months in every calendar year following the year of his entry or purchase, and until he shall have made full payment of all moneys advanced to him under section 5 of this act, together with the then accrued and unpaid interest thereon, and shall have also paid or provided for the payment of all State, county, and local taxes and irrigation district assessments which at that time constitute liens on his improvements; whereupon, and after such payments, a patent or deed shall be issued to him or to his grantee: *Provided,* That the Secretary may, in his discretion, for good cause shown and under such rules as he may prescribe, grant any entryman or purchaser a leave or leaves of absence from his land: *Provided further,* That any such entryman or purchaser of a farm or fractional farm allotment under this act shall have the right to sell his land, with the approval of the Secretary, on condition that his grantee shall succeed to all his right and privileges, and assume and discharge all his obligations and burdens as to such land.

SEC. 5. That the Secretary is authorized, in his discretion, to advance for permanent improvements and for the purchase of livestock not exceeding the sum of $3,000 on account of any one farm, and not exceeding the sum of $800 on account of any one fractional allotment. No such advance shall exceed 60 per cent of the value of permanent improvements, or livestock, in connection with which made, nor shall such advances be made for permanent improvements until the purchaser shall have provided the remaining 40 per cent in cash or shall have theretofore provided its equivalent in value in improvements made at his sole cost. Advances for permanent improvements and the purchase of livestock shall constitute a first lien on such improvements and livestock, and shall be paid with interest at the rate of 4 per cent per annum in amortized installments, as may be authorized by the Secretary. The Secretary shall provide such supervision as in his opinion may be necessary to insure the use of all advances for the purposes for which made. Each entryman or purchaser shall, if required, insure and keep insured against fire, all buildings on his land, the policies therefor to be made out in favor of the Secretary or such other official as he may designate. The Secretary shall, by regulation or otherwise, require that the entryman or purchaser shall cultivate the land in a manner to be approved by him, and shall keep in good order and repair buildings, fences, and other permanent improvements situated on the land, reasonable wear, tear, and damage by fire excepted.

SEC. 6. That in case of default on the part of the entryman or purchaser to comply with any of the terms of this contract or any rules or regulations promulgated by the Secretary under this act, continuing after one year's notice, the Secretary shall have the right, in his discretion, to cancel said contract, and thereupon shall be released from all obligation in law or in equity to convey the property, and the entryman or purchaser shall forfeit all rights thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The Secretary shall thereupon be entitled to the possession of said property. The failure of the Secretary to exercise any option to cancel the contract for default shall not be deemed a waiver of the right to exercise the option to cancel said contract for any default thereafter on the part of the entryman or purchaser. No forfeiture so occasioned by default on the part of the entryman or purchaser shall be held or deemed in any way or to any extent to impair any lien or security on improvements or other property which may be obtained as provided in this act.

SEC. 7. That for the purpose of carrying this act into effect there is hereby authorized to be appropriated, out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund," to be immediately available, not exceeding $500,000.

SEC. 8. (a) That the words "settlement unit" when used in this act shall be construed to mean a substantial irrigable area of a project designated as a unit by order of the Secretary of the Interior; (b) the word "farm" as used in this act shall be construed to mean an area of land, not exceeding 160 acres, designated by the Secretary as a farm; (c) the words "fractional farm allotment" as used in this act shall be construed to mean an area of land, not exceeding 5 acres, designated by the Secretary to provide a home for a settler sufficient for dwelling and necessary outbuildings and for a garden on which the settler and his family may grow products for their own food supply; (d) the words "entryman or purchaser" as used in this act shall be construed to mean one who has entered or to whom has been sold a farm or fractional farm allotment.

SEC. 9. That the Secretary of the Interior is hereby authorized to perform any and all acts and make all needful rules and regulations for effectuating the purposes of this act.

Mr. KENDRICK. The chairman of the committee, I believe, desires to offer an amendment to the bill.

Mr. McNARY. The Senator suggested to me yesterday a proposed amendment which will be presented to the Appropriations Committee. So I do not care to offer any amendment to the bill which the Senator has just reported.

Mr. KENDRICK. Does the Senator think it will meet the situation if he offers the amendment in that way?

Mr. McNARY. I do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSQUEHANNA RIVER BRIDGE AT HAVRE DE GRACE, MD.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (S. 3173) granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland,

to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River between Havre de Grace in Harford County and Perryville in Cecil County, and I submit a report (No. 306) thereon.

Mr. BRUCE. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Let the bill be reported.

Mr. BRUCE. It is simply a bill authorizing the widening of an existing bridge over the Susquehanna River at Havre de Grace. That is all. The committee have favorably reported it unanimously.

Mr. KING. I have no objection.

Mr. BINGHAM. It is a bridge bill in the usual form, with certain amendments which have been approved and suggested by the War Department. It is not a bill granting an additional franchise.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, at the beginning of line 6, to strike out "alter and widen the bridge, and alter, widen, and"; at the beginning of line 7 strike out "the draw span of" and insert a comma and "maintain, and operate," and in the same line, after the word "present," to insert "highway," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, and its successors and assigns, to reconstruct, maintain, and operate the present highway bridge across the Susquehanna River, between Havre de Grace in Harford County and Perryville in Cecil County, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace, in Harford County, and Perryville, in Cecil County."

ALTAMAHA RIVER BRIDGE, GA.

Mr. BINGHAM. Mr. President, at the request of the senior Senator from Georgia [Mr. HARRIS], I ask unanimous consent for the immediate consideration of Order of Business No. 289, House bill 6710. I understand there is certain work in connection with the State highway that needs to be done at once, and therefore there is immediate necessity for action on the bill. It is a bridge bill.

Mr. WARREN. Will it lead to any discussion?

Mr. BINGHAM. It will take no time, I believe. If it does, I shall withdraw the request.

There being no objection, the bill (H. R. 6710) granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 10, after the numerals "1906," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Georgia, and the counties of Long and Wayne in said State, to construct, maintain, and operate a bridge and approaches thereto across the Altamaha River at a point suitable to the interests of navigation, near Ludowici, Long County, State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 3467) for the relief of John N. Bassin; to the Committee on Naval Affairs.

A bill (S. 3468) to authorize the refund of visa fees in certain cases; to the Committee on Immigration.

A bill (S. 3469) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 3470) granting a pension to Mary L. Bird; to the Committee on Pensions.

A bill (S. 3471) for the relief of Philip T. Coffey; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3472) to provide for the development of stock-watering places in the Modoc National Forest; and

A bill (S. 3473) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ASHURST:

A bill (S. 3475) granting 2,000,000 acres of land to the State of Arizona for the benefit of sick, disabled, or otherwise infirm soldiers, sailors, and marines of the World War; to the Committee on Public Lands and Surveys.

By Mr. SWANSON:

A bill (S. 3476) for the relief of the widow of W. J. S. Stewart; to the Committee on Claims.

A bill (S. 3477) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district; to the Committee on the District of Columbia.

A bill (S. 3478) to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3479) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on the Judiciary.

A bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment; to the Committee on Naval Affairs.

A bill (S. 3481) for the relief of Adam J. Kent; and

A bill (S. 3482) authorizing the payment of a claim to Alexander J. Thompson; to the Committee on Claims.

A bill (S. 3483) to correct the military record of Bert H. Libbey;

A bill (S. 3484) authorizing the Secretary of War to place the name of Henry J. Macpeake on the list of retired captains of the United States Army; and

A bill (S. 3485) providing for the restoration of Maj. James S. Greene to the active list of the Army; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 3486) for the relief of S. C. Davis; to the Committee on Claims.

A bill (S. 3487) to provide for the erection of a public building at the city of Louisville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. DILL:

A bill (S. 3488) to authorize the Secretary of the Navy to proceed with the establishment of and the construction of

certain public works at the Naval Air Station, Sand Point, Wash.; to the Committee on Naval Affairs.

By Mr. ROBINSON of Arkansas:

A bill (S. 3489) to convey to the Big Rock Stone Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas; to the Committee on Finance.

By Mr. JONES of Washington (for Mr. DU PONT):

A bill (S. 3490) granting a pension to Jonathan Muncey (with an accompanying paper); to the Committee on Pensions.

AMENDMENT OF THE PATENT LAWS

Mr. KING. I introduce the bill which I send to the desk.

The VICE PRESIDENT. The bill will be read by title.

The bill (S. 3474) to provide for compulsory licenses for unused patents was read twice by its title.

Mr. KING. Mr. President, the bill which I have just offered is one of great importance. Many complaints have been made to the Senate based upon the ground that patents necessary for the welfare of the people have been suppressed by the patentees or by those to whom the patents have been transferred. It has been claimed that corporations, as well as individuals, when they perceived that patents had been issued of much greater value to the public than those which they possessed and which, if utilized, would materially affect their profits, purchased the same from the patentees and then adopted whatever means were possible to prevent the public from learning of them. In this way it is said important inventions and discoveries have been suppressed to the disadvantage of the public.

The bill which I have offered is a radical change in existing law.

Section 4884 of the Revised Statutes grants to a patentee or his heirs or assigns an exclusive right to make, use, and vend an invention for which a patent has been granted for a term of 17 years. Under the terms of the present bill this exclusive right is now curtailed in many respects.

At the Convention of Union for the Protection of Industrial Property, revised at The Hague on November 6, 1925, there was a statement in Article V of such convention that contracting parties should have the right to take—

necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent; for example, failure to work.

These measures will only provide for the revocation of the patent if the granting of compulsory license shall not suffice to prevent such abuses.

The convention also suggested that the patent should not be subject to such measures before the expiration of at least three years from the date of its grant and if the patentee produced just excuses for failure to work.

Under the bill just offered after five years from the date of issuance of the patent any person may file an application with the Commissioner of Patents showing nonuse of the patent by the patentee or any other person entitled to make use of it; also that the applicant is financially responsible and able to manufacture such patent for public use, and submitting an offer in specific terms for a compulsory license.

Upon receipt of such application the commissioner is to investigate and determine the question of nonuse, the question of public interest, and the ability of the applicant to manufacture, and if he believes it advisable to grant a compulsory license he is to provide for a hearing to determine finally whether a license should be granted and the terms and conditions under which the grant should be made. At the hearing all interested parties are permitted to intervene and show cause why the license should or should not be granted, and the commissioner is vested with the power to dismiss the application, to supervise the granting of the license, or to revoke the patent in case the patentee refuses to grant a license. The bill contains provisions relating to the license and a license fund; also administration.

The bill just offered does not affect vested rights or interfere in any manner with the holders of patents issued prior to the passage of the bill. Nor does it include what are known as design patents. I am sure the importance of this measure will challenge the attention of those who are authorities upon patents and patent laws as well as officials in the Patent Office. I venture to hope that the committee to which this bill will be referred will give it consideration at an early date.

The VICE PRESIDENT. The bill will be referred to the Committee on Patents.

CONDITION OF AGRICULTURE

Mr. BROOKHART. Mr. President, I desire to have inserted in the RECORD an article with reference to a statement issued by the National Industrial Conference Board (Inc.), 247 Park Avenue, New York. It was published in the New York Times of March 8 and relates with a great deal of detail to the condition of agriculture showing that the rate of farm failures from 1910 to 1924 increased over 1,000 per cent in contrast with the commercial failures, which have remained practically the same per year during the same period.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

FINDS RADICALISM SHIFTING TO FARMS—CITY WORKERS PROSPER AND NOW ARE CONSERVATIVE, INDUSTRIAL CONFERENCE BOARD SAYS—EAST URGED TO AID WEST—ECONOMIC COORDINATION NEEDED—MISSISSIPPI RIVER THE NEW "MASON-DIXON LINE"—AGRICULTURE STILL LAGS—SURVEY SHOWS THAT FARM FAILURES INCREASED 1,000 PER CENT FROM 1910 TO 1924

The National Industrial Conference Board (Inc.), with headquarters at 247 Park Avenue, issued a statement yesterday that its year's survey of agricultural and industrial conditions had shown a complete reversal in the political life of the United States, with the farmers now plainly displaying strong radical tendencies, in contrast to the increasingly conservative trend of urban populations.

After pointing out that the farmers once constituted the main strength of the conservative wing of the body politic in this country, and declaring that the "new Mason-Dixon line" no longer separates the North from the South, but is the Mississippi Valley and separates the West from the East, the statement continues:

"The chief significance of this shifting of political attitudes lies in the fact that it directly reflects a serious economic maladjustment of agriculture, and it is seen by the conference board as a warning that a more scientific coordination of all industrial and business activities is needed.

SEE THEIR PROBLEMS NEGLECTED

"The complaint that the East, absorbed largely in industry, trade, and finance, has been more or less indifferent to the problem of agriculture, which is now principally centered in the West, meets with the accomplished fact that one of the greatest industrial, economic organizations, supported by manufacturing, mining, transportation, and public utility industries, has devoted nearly a year to an exhaustitve investigation of the problems arising out of the agricultural situation.

"The National Industrial Conference Board is now urging business interests generally that the problem of the farmer must be studied and understood by them for the reason that farm production is closely interwoven with the entire economic structure of all business life.

"Why does the farmer of to-day tend toward radicalism? With the increase and growth of corporate enterprise in industry and business there has been a diffusion of ownership of industry among urban populations, by which interest in and understanding of industrial problems has been stimulated among those engaged in or connected with or living on the scene of industrial or commercial life.

"The large capitalization of modern industrial enterprise, the growing practice of employee and customer stock ownership, increasing investments of savings in corporate securities, all tend to make the urban populations more and more conservative. On the other hand, the average farm enterprise represents a capital investment of about $12,000, generally individually owned.

SEEK LEGISLATIVE RELIEF

"To a very large degree unorganized and isolated farmers naturally have tended more and more to resort to political pressure to obtain relief from their economic ills, such as dwindling incomes, decline of agricultural production in proportion to growth of population, and mounting production costs on the farm in the face of falling markets.

"But the agricultural problem is the common problem of all industrial and commercial life as well. It is to no greater extent a question of what will be the consequences for the farmer than it is of what will they be for our entire economic and business life if American agriculture continues to lag behind in comparison with the general economic development of the country.

"In many instances, our survey shows, farmers have had to forego payment of interest on debt or taxes, to say nothing of repairs, equipment and maintenance, and proper care of the fertility of the soil, in order to pay ordinary living expenses. This situation is illuminatingly reflected in farm-bankruptcy statistics.

"The rate of farm failures from 1910 to 1924 shows an increase of over 1,000 per cent, in contrast to that of commercial failures, which has remained practically the same per year during the same period. Capital invested by farm operators decreased from $47,000,000,000 in 1920 to $32,000,000,000 in 1925, a loss of approximately $3,000,000,000 a year."

PROPOSED MODIFICATION OF VOLSTEAD ACT

Mr. BRUCE. Mr. President, if there is no objection, I would like to have printed in the RECORD a statement appearing in the Washington Post this morning showing the result of its poll with reference to the light wines and beer question. It is shown that on the question the poll resulted: For light wines and beer, 1,465 votes; against, 176 votes.

Mr. WILLIS. Reserving the right to object, I do not object, but I suggest to the Senator that if we are to start this game of printing stuff in the RECORD upon the wet and dry question we are not going to get anything else done. I have a desk full of it here that I have kept out of the RECORD because I can not see any advantage in introducing this question in the Senate.

Mr. BRUCE. I will say to the Senator that he need not entertain any apprehension of that kind, because public opinion, so far as evidenced by such polls, is all one way.

Mr. WILLIS. The Senator from Maryland is mistaken about that. The very fact that we are now in a discussion of it illustrates the unwisdom of loading up the RECORD with a lot of newspaper clippings about a ballot that is taken somewhere to accomplish a particular purpose.

I do not object, but I serve notice on the Senator that if this thing is to be done there will be plenty of clippings of this character inserted in the RECORD.

Mr. BRUCE. Mr. President, if the Senator will permit me, I should like to remind him that he has repeatedly asked to be indulged with the same privilege.

Mr. WILLIS. Not unless the Senator and his colleagues on the other side who are in favor of the wet issue have started it. They may start it but I will finish it.

Mr. BRUCE. I will say that, so far as I am concerned, I am perfectly willing that the Senator from Ohio should have read into the RECORD any polls going to show a majority against the modification of the Volstead Act, because, in my humble judgment, he will never have an opportunity to put any such material in the RECORD.

Mr. WILLIS. I do not consider that it is a proper function of the RECORD to be retailing a lot of mere newspaper stories and polls that may be conducted by persons who want to accomplish some particular object. As I have said to the Senator, I have a desk full of such "dope" as that, and if this campaign is to continue there will not be much else in the RECORD aside from this sort of stuff. I do not object in this instance, but I warn the Senator that it is not productive of the promotion of public business.

Mr. BRUCE. May I ask the Senator whether he has any poll going to show a popular vote of any kind against the modification of the Volstead Act?

Mr. WILLIS. No; I have not anything of that kind; I am too busy attending to the public business to be scanning newspaper columns trying to get a scant crumb of comfort out of such business.

Mr. WARREN. Mr. President, under what order of business are we proceeding?

Mr. WADSWORTH. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded. Are there any additional bills or joint resolutions?

Mr. ASHURST. Mr. President, the Senator from Maryland inquired if there had been a poll on the other side of the question. Let him run for the United States Senate on a wet plank in any one of about 43 States of the Union and see where he will land. He will get a poll.

Mr. BRUCE. Mr. President, I question the correctness of the Senator's statement in the existing condition of public opinion.

There being no objection, the clipping was ordered to be printed in the RECORD, as follows:

[From Washington Post, March 9, 1926]

The total vote reported last night in the Washington Post's poll to test the sentiment on the light wine and beer question showed:

For light wines and beer, 1,465.

Against light wines and beer, 176.

A total of 953 votes were received by the Post yesterday. These were divided: For light wines and beer, 840; against, 113.

Although those favoring light wines and beer continued last night to hold a commanding lead, those who were opposed gained by comparison with the total reported in the Post Monday. On Monday the light wines and beer adherents were leading by about ten to one. Their lead, based on the returns last night, had shrunk to about eight and a half to one.

Most of the ballots came from Washington, but several came from Maryland and Virginia, with seven votes in favor of light wines and beers received from various cities in Ohio, Arkansas, Vermont, North Carolina, and Georgia, and from New York City.

Residents of the District cast 286 votes for light wines and beer and 48 against; from Maryland came 18 for and 5 against; from Virginia, 29 for and 5 against.

Many of those who voted sent in their ballots with explanatory letters, most of them denouncing the prohibition law, but some of the "dry" adherents denounced those who wanted wines and beers. Several ballots were not counted because of defective marking.

Returns in the city evidenced the fact that 90 per cent of those voting lined up for light wines and beer, with "whisky" frequently added in the writer's hand next to his signature. A number of those favoring the return to a wet régime, however, expressed themselves as opposed to any movement that would bring about a comeback of the old-time saloon. Members of Congress and prominent citizens were among those balloting.

Only votes cast on the coupon ballot printed on page 2 of the Post are counted.

Results elsewhere

	For	Against
New York City	7,162	155
Suburban New York	316	9
New Jersey	549	18
Cincinnati	1,300	89
Boston	11,275	3,694

MINUTES OF UNITED STATES TARIFF COMMISSION

Mr. SMOOT. I send to the desk a Senate resolution and ask for its immediate consideration.

The resolution (S. Res. 165) was considered by unanimous consent, read, and agreed to, as follows:

Resolved, That the United States Tariff Commission be, and is hereby, requested to submit to the Senate a certified copy of the minutes of the meetings of the commission from September 19, 1922, to January 26, 1926, inclusive, and that these minutes be printed as a public document.

TREATMENT OF AMERICAN CITIZENS IN MEXICO

Mr. KING. Mr. President, the Senator from Nebraska [Mr. NORRIS] a few days ago offered a resolution, which was subsequently adopted, requesting the State Department, if not incompatible with the public interest, to give publicity to all correspondence between the State Department and the Government of Mexico relating to the application of the laws of Mexico to the oil properties of American companies.

The resolution, as I understood its provisions, did not seek to have the notes exchanged between the two Governments, dealing with the rights of Americans in property other than oil lands, made public, nor did it ask for the correspondence, extending over a period of several years, relating to the claims of American citizens against Mexico for the wrongs suffered by them.

When the resolution of the Senator from Nebraska was under consideration, I stated that I regretted that it was not more comprehensive and did not ask for all notes and all correspondence, since the year 1910, referring to the protests against Mexico, filed by American citizens with the State Department, growing out of injuries in person and in property which they had sustained at the hands of the Mexican Government or those for whose conduct it was responsible.

Mr. President, so much has been said about the Mexican constitution and its confiscatory provisions in connection with the holdings of oil companies in Mexico that the impression has obtained that the rights or interests of no Americans have been infringed and that the only controversy between American citizens and Mexico or between our Government and the Mexican Government were in connection with the threatened application of certain articles of the Mexican constitution, and laws that might be enacted in pursuance thereof, to the oil lands in Mexico owned by American citizens. The fact is, Mr. President, that the controversy over oil lands is far less important, if measured alone by the standard of dollars and cents, than the questions involved by reason of the losses in life and property sustained by American citizens at the hands of the Mexican Government.

I have offered this resolution, Mr. President, because I believe that the American people should have full information of the relations between the two Governments, as well as all controversies and grounds of controversy arising since 1910. I should like the American people to be advised of the hundreds of protests filed in the State Department by American

citizens against the indignities and cruelties and wrongs inflicted upon them by Mexico and by Mexican nationals.

In 1910 there were many thousand American citizens in Mexico engaged in the development of the country and making important contributions to its material and moral welfare. As I have heretofore stated, they were not there as trespassers or to exploit or rob the Mexican people. They were adding to the wealth of Mexico and contributing to the prosperity of all the people. Many of them had acquired lands which were sterile and unproductive. They had, by their toil and efforts, brought thousands of acres to a high state of production. They built railroads and smelters and opened up mines and furnished employment to tens of thousands of Mexican people. Their investments amounted to more than a billion dollars. Indeed, the Senate committee which investigated conditions in Mexico reported to the Senate in 1920 that American holdings amounted to approximately $1,500,000,000. The value of the oil properties owned by Americans constituted but an unimportant part of this stupendous sum. Thousands of these Americans have been driven out of Mexico. Their farms and fields and homes have been seized, and in many instances destroyed.

I shall not discuss the provisions of the Mexican constitution which aim at the confiscation of much of the property of Americans, as well as other foreigners, nor shall I at this time discuss the various statutes passed by Sonora and other States within the Mexican Federation. I shall only say in passing that a number of the Mexican States have enacted laws which were confiscatory not only of the property of aliens but in some respects the property of Mexican citizens. Under these statutes the property of aliens and Mexicans has been expropriated, but there is no lack of information tending to prove that the avowed objects of such expropriation have not been realized, and that greater distress and poverty have come to the mass of the people in consequence of such legislation.

Of course Mexico has the right to enact any laws that the people of that country desire for their own government and for the control of their own domestic affairs. Our Government has no right to interfere with the domestic affairs of any nation, and I am not advocating any departure from this well-recognized American policy. It is the duty, however, of our country to see that the rights of American citizens shall be protected, and it should adopt all reasonable means to vindicate its own honor and to protect its own citizens.

Mexico has the right to adopt an agrarian policy if she wishes and to acquire by the exercise of the right of eminent domain landed estates to be divided among the Mexican people. It has no right, though, to seize the property of Americans and deprive them of their possession and ownership without just compensation, nor may Mexicans kill American citizens who are rightfully upon Mexican soil without making reparation.

I have stated that the owners of oil properties are not the ones who have the greatest reason to complain. They have managed to operate their properties and have made arrangements with the various governments in control under which they have retained possession of their property and exercised that control which follows ownership.

Mr. President, I appreciate the difficulties which our Government has had in dealing with Mexico. Since the days of Andrew Jackson there have been many controversies between the United States and Mexico. I sincerely hope that Mexico will so order her life and will so conduct herself in her relations with the United States that mutual confidence will grow and increase and strong bonds of amity and good will bind the two nations together. This Republic desires the happiness and welfare of the Mexican people. The American people would rejoice to see peace and prosperity come to Mexico. This Republic does not covet a single foot of Mexican territory, and I am sure it will welcome every friendly advance made by Mexico and cooperate in every possible way to strengthen the relations which should exist between these two Republics.

Our ambassador in Mexico, Mr. Sheffield, has been doing his duty. I hope the State Department will support him; but if it follows the advice of another gentleman of whom we have heard in the Senate upon former occasions, I am rather inclined to believe that the rights of American citizens will not be protected.

I ask that the resolution be read and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. That reference will be made.

The legislative clerk read the resolution (S. Res. 166), as follows:

TREATMENT OF AMERICAN CITIZENS IN MEXICO

Whereas the Committee on Foreign Relations of the Senate, pursuant to a resolution passed August 8, 1918, made an extensive investigation of outrages and damages suffered by American citizens in Mexico, and found and reported to the Senate in 1920 that in 1910 there were probably 75,000 Americans residing in the Republic of Mexico engaged in mining, agriculture, educational work, and visiting in the country; that 461 Americans had been brutally killed in Mexico; that 126 Americans had been killed on American soil by Mexicans in raids upon American territory or by shots fired by Mexicans across the boundary; that several hundred Americans have been personally assaulted and otherwise mistreated, because denied the protection of the Mexican Government; that indemnification in the sum of $14,675,000 on account of the unlawful deaths of Americans and indemnification in the sum of $1,476,629 on account of personal outrages suffered by Americans were due from the Mexican Government; that the American consul at Chihuahua had filed with the State Department a statement showing that American investments in Mexican railway stocks, railway bonds, bank stocks, bank deposits, mines, smelters, national bonds, timberlands, ranches, farms, livestock, houses, personal effects, factories, public utilities, stores, rubber plantations, theaters, hotels, institutions, and other forms of business and professional activity, amounted to $1,057,770,000, of which only $15,000,000 was invested in the oil industry; that the estimate made by the American consul was not complete and that the actual investments of Americans in Mexico amounted to at least $1,500,000,000; that Americans had paid out more than $1,500,000 in blackmail to prevent the destruction of property; that power lines had been cut, power plants destroyed, irrigation works dynamited, canals cut, factories burned; railroad and mining supplies, fuel, stock, and equipment destroyed; banks, trust companies, and investment companies looted; and brokers, commercial agents, professional men, and wholesale and retail merchants despoiled of their investments, their books of account, their implements and stocks of merchandise in the total amount of at least $50,481,133 because of the neglect of the Mexican Government to afford the protection due American citizens and property in that country; that a large proportion of these damages have been suffered by individuals representing personal as distinguished from corporate investments; and

Whereas since the report of such Senate investigation committee was made in 1920 numerous seizures and confiscations of American property in Mexico have been made and are now being prosecuted under the provisions of the so-called "Mexican constitution of 1917," particularly under article 27 of said constitution, which asserts property to exist in the Mexican Government which, in fact and in law, is vested in the private proprietors of lands in Mexico, the effect of which is to deprive American citizens of their property without compensation and in contravention of international law, of the comity of nations, of treaties, and of the plighted faith and guaranties of the Mexican Government, upon which all American investments in Mexico have been made; and

Whereas the matters in the premises set forth since the year 1910 have been the subject of numerous complaints by American citizens to the State Department and of repeated protests and extensive correspondence between the State Department and the Government of Mexico looking to arrangement for the settlement, liquidation, and satisfaction of claims for indemnification; and

Whereas officials and agents of the Government of Mexico are seeking by propaganda to create the impression that it is the oil companies which for the most part are asserting claims against Mexico for indemnification, and otherwise that the Mexican Government is not responsible for the damages which have been sustained by Americans in that country: Now therefore be it

Resolved, That the Secretary of State transmit to the Senate, if not incompatible with the public interest, all protests received by the department respecting outrages and damages suffered by American citizens in Mexico, and the text of all correspondence exchanged between the State Department and the Government of Mexico since 1910, containing protests against crimes, outrages, and spoliations perpetrated against American citizens and property in Mexico and relating to claims for indemnification for such crimes, outrages, and spoliations, or to arrangements for the settlement, liquidation, and satisfaction of such claims.

Mr. BORAH. Mr. President, I understand that the Senator from Utah has asked that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. It has been so referred.

Mr. BORAH. Very well. I have no desire to discuss at length the resolution at this time, as it is going to the committee. I do desire to make one observation, however.

Undoubtedly, in so far as the actions of the Mexican Government affect international rights and interests they will have the serious consideration of our Government and of the committee; but Mexico is undertaking to work out some of her internal problems, and I have observed a disposition upon the part of some of our people to criticize the actions of the Mexican Government with reference to matters which, in my judgment, are purely internal—domestic to Mexico.

They may be or they may not be in accordance with our views; but as they relate to the internal affairs of Mexico it is not for the United States or the people of the United States to criticize the action of the Mexican Government relative to those matters.

I think Mexico has some very serious problems to deal with, and I am frank to say that I have a very deep sympathy with the effort which is being made to work out those problems upon the part of the present Mexican administration. If, in working out those problems, they come in conflict with the rights of the citizens of the United States or the international obligations which rest upon all governments, of course it is our duty to give consideration to those matters and to deal with them; but Mexico has a right to adopt her constitution and to incorporate in her constitution such provisions as Mexico thinks proper for her interests and in accordance with her welfare; and until they encroach upon international rights it is not the part of the United States to criticize or to seek to impose our views upon that Government. Let us be tolerant and friendly and helpful in so far as we can. We will best serve our own interest and the interest of peace by pursuing that course.

Mr. KING. Mr. President, just a word.

I agree with what the Senator from Idaho has said. The situation in Mexico is tragic, and the condition of the masses calls for legislation of a social character and for agrarian reforms. I agree with the Senator that in regard to domestic affairs our Government has no right to interfere. I am not criticizing the acts of the Mexican Government in dealing with its own internal problems. I am protesting against the wrongs and indignities to which Americans have been subjected upon Mexican soil when they were there under the protection of treaties and those guaranties which should govern the international relations of civilized states.

I believe—and that was the report of the committee of the Senate of which the late Senator Brandegee was chairman, a report which went into the matter very fully, and it is a very voluminous report—I believe it is manifest that American citizens have had their personal and property rights violated. It is against those violations, some of which are continuing, that I am protesting; and I am merely asking that our Government take the necessary steps to protect the rights of American citizens.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2041) to provide for the widening of First Street, between G Street and Myrtle Street NE., and for other purposes.

The message also announced that the House had passed bills and a concurrent resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes;

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia; and

H. Con. Res. 13. Concurrent resolution providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia convention of 1776, proposing that Congress make a declaration of independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 7173) authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes, and it was thereupon signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were each read twice by title and referred to the Committee on the District of Columbia:

H. R. 3802. An act to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes; and

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

THE TARIFF COMMISSION

The VICE PRESIDENT. Resolutions coming over from a previous day are in order. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The Chief Clerk read Senate Resolution 162, submitted by Mr. ROBINSON of Arkansas on the 6th instant, as follows:

Resolved, That the Committee on Finance is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of production in the United States and in competing countries, as well as the method of ascertaining which country constitutes the principal competing country within the meaning of said tariff act of 1922. The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and the administration of the tariff laws.

The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The committee shall promptly report its proceedings, findings, and recommendations to the Senate.

Mr. SMOOT. Mr. President, I do not rise to object to the resolution itself, for I am in favor of the resolution; but I ask the Senator from Arkansas if he will not allow it to go over until to-morrow, because I desire to make some remarks upon it at that time?

Mr. ROBINSON of Arkansas. Mr. President, in view of the statement of the Senator from Utah that he expects to support the resolution, I shall not object to its going over until to-morrow. I presume it will be necessary to take it up during the morning hour. I wish, however, to make a brief statement about the resolution at this time.

I have received from Mr. Commissioner Glassie a letter which I am going to ask the Secretary to read. In the letter Mr. Commissioner Glassie complains that I put him in a false attitude in my statement to the Senate some days ago in impliedly connecting him with the declaration that the commission has been so organized, by the appointment of a nominal Democrat to membership on the commission, as to give a preponderance on the commission to high protective tariff views.

Mr. President, I have not the slightest doubt as to the accuracy of that statement. I have not the slightest doubt that Mr. Commissioner Glassie is not truly representative of what may be termed the orthodox Democratic viewpoint touching the tariff. I recall that a year or two ago, when the sugar tariff was under investigation by the commission, the right of Mr. Commissioner Glassie to serve in that proceeding was challenged by members of the commission. Two members of the commission believed that he ought not to sit because the facts and circumstances showed that members of his family were directly interested in the result of the proceedings of the commission. Mr. Commissioner Glassie had the indelicacy to insist upon passing upon the question of his own qualifications. He voted in the commission, when his right to serve because of interest was challenged, that he was qualified; and he served, notwithstanding the fact that he could not have served if he had pursued the course that any other honorable man save himself would have pursued and had refrained from passing upon the question of his own qualifications.

The commissioner challenges the source of my information. He joins in a request for an investigation. He asks that the minutes of the commission be published.

I do not know how the commission keeps its records; I do not know anything about their accuracy; but I gladly accept the challenge, and when this resolution has been passed and the Senate goes into the subject I expect that the investigation will disclose that the Tariff Commission long ago ceased to function in the slightest degree in the way that the law contemplates that it shall function, and that Mr. Commissioner Glassie, an alleged Democratic member, is largely responsible for the breakdown of the commission.

I ask that the Secretary read the letter, and that the resolution lie over until to-morrow, as requested by the Senator from Utah.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk reads as follows:

UNITED STATES TARIFF COMMISSION,
Washington, March 9, 1926.

(Thomas O. Marvin, chairman; Alfred P. Dennis, vice chairman; Edward P. Costigan; Henry H. Glassie; A. H. Baldwin; Edgar B. Brossard; John F. Bethune, secretary)

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SIR: In your remarks in the Senate on Saturday, March 6, 1926, as reported in the CONGRESSIONAL RECORD, I observe that, with pointed reference to me, you stated that "by the appointment of a commissioner nominally a Democrat but actually an advocate of high protective-tariff rates the Tariff Commission has been perverted into a partisan body; that is to say, into a body in which partisanship dominates."

Speaking of the Tariff Commission you also stated "that its decisions reflect the fact that it has been so constituted by the appointment of one nominally a Democrat but known to be in favor of high protective tariffs; that those who favor the reduction of tariff as an economic principle are never able to have their views considered, much less carried into effect."

Is it not proper to inquire why you lend the prestige of your name to these statements? You do not, of course, profess any personal knowledge on the subject, saying, however, that I am "known to be in favor of high protective tariffs." Under the circumstances it seems to me that common fairness requires a statement of the name of the person or persons upon whom you are here depending for the supposed information. Surely a charge such as this should not be made without offering some proof of it. Any statement that I am a nominal Democrat or an advocate of high protective-tariff rates is not true.

I, as well as other members of the Tariff Commission, have repeatedly stated that I welcome an investigation of the administration of the flexible provisions of the tariff act in all its ramifications. Is it consistent with your notion of fair play that statements such as those made concerning me should be given currency from the floor of the Senate when the evidence which would enable me to disprove the imputations is necessarily locked up in the minutes of the commission? It needs only a word from Congress to make these minutes accessible to all. Once open, they will demonstrate clearly and indubitably that the charges which you are now repeating are without foundation.

In justice not only to myself but to other members of the commission, an immediate and thorough investigation should be made. In truth, it seems to me that under the circumstances I have a right to demand such an investigation, and I trust that you will insist upon its being made without delay.

I respectfully ask that you will be good enough to place this letter in the RECORD, so as to afford me at least the small justice of making my position publicly known, for I have at present no other means of doing so.

Respectfully yours,

HENRY H. GLASSIE.

The VICE PRESIDENT. The resolution will go over without prejudice.

Mr. COPELAND. Mr. President, I should like to say in connection with the resolution which has been introduced by the Senator from Arkansas that there is in my section of the country a tremendous amount of criticism of the Tariff Commission. I hold in my hand two letters—one from the Dairymen's League, the greatest organization in this country interested in the production of milk, and another from the National Cooperative Milk Producers' Federation, a national organization.

These letters came to me as the result of a resolution which was presented the other day by the Senator from Wisconsin [Mr. LENROOT], in which he asked that the Tariff Commission be directed to make an investigation as to the foreign and domestic cost of producing milk and milk products.

These letters protest against this particular reference, because, as one of the letters states:

> With all emphasis we protest against the delay that this means. The Tariff Commission has shown itself incapable to act, as shown by its delay in acting on investigations of other dairy products.

Both these letters refer to investigations in this same industry; for instance, an investigation as to casein, commenced in the early months of 1923, and final briefs were filed as early as September, 1923, but no report has been made by the Tariff Commission as yet on that subject. Likewise, reference is made to investigations as to butter being commenced in July, 1924; public hearings were had, these letters say, in 1925, and although the matter has been continuously pressed the commission has made no report.

So, with all earnestness, these writers say that they want immediate relief; and one of the letters concludes:

> Then let the Tariff Commission and its members investigate, procrastinate, and fight each other as much as they please.

It is very evident from the correspondence I have that there is very widespread dissatisfaction with the inactivity of the Tariff Commission.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. LENROOT. The Senator may not be aware of the fact that the Tariff Commission has made a report to the President upon the cost of production of butter, and that last Saturday the President issued a proclamation increasing the tariff on butter from 8 to 12 cents a pound.

Mr. COPELAND. It took two years, I take it, to do that. What has the Senator to say about the investigation as to casein?

Mr. LENROOT. It took too long, I thoroughly agree, but this is true, that except for the flexible provisions of the tariff act, the dairymen of the country could not have received the relief which they have now received by the increase in the tariff. May I say further to the Senator that he may not be aware of the fact that yesterday the commission reported to the Senate with reference to the resolution to which the Senator has referred, which I introduced and which the Senate passed, setting March 25 for a public hearing upon that question.

Mr. COPELAND. I have no doubt that there will be a public hearing, but it is very questionable when we may have the report.

I ask to have printed in the RECORD a letter sent me by the National Cooperative Milk Producers' Federation. I have several letters of like tenor.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD as follows:

THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,
Washington, D. C., February 19, 1926.

Hon. ROYAL S. COPELAND,
Senate Office Building, Washington, D. C.

DEAR SENATOR: We are informed by the newspapers that Senator LENROOT introduced, and the Senate adopted, a Resolution No. 146, directing the Tariff Commission to make an investigation as to foreign and domestic costs of producing cream and of milk, sweet, sour, and buttermilk.

With all emphasis, we protest against the delay that this means. The Tariff Commission has shown itself incapable to act, as shown by its delay in acting on investigations of other dairy products.

An investigation as to casein was commended in the early months of 1923. Final briefs were filed by the parties in September, 1923, and no report has yet been made to the President.

Investigations as to butter were commenced in July, 1924. The public hearing was had on the 21st and 22d days of May, 1925, and no report has yet been made to the President, although we have been continually pressing the commission for such a report.

The want of adequate tariff rates on dairy products is depressing the dairy industry of this country, and we submit that the best possible service that Congress can render the great dairy industry is to proceed forthwith by special bill to establish adequate tariff rates on all dairy products.

Not only would this directly and immediately benefit dairy farmers but would materially assist in stabilizing all agriculture.

The annual farm value of dairy products is greater than that of corn, one and one-half times that of cotton, and three times that of wheat.

Economists estimate that the dairy cows of the United States consume annually 20,000,000 tons of concentrates, which are in a large part the by-products of corn, wheat, and cotton.

With all earnestness we urge this immediate relief and then let the Tariff Commission and its members investigate, procrastinate, and fight each other as much as they please.

Yours very truly,

THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,
By J. D. MILLER, *President.*

Mr. WARREN. Mr. President, I do not understand that the Tariff Commission matter is before us. The resolutions referring to that matter have been laid aside, and I think we should proceed with the regular order of business and let the debate over the Tariff Commission matter come up when a resolution relating to that subject shall be before us.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. Mr. President, has the routine morning business been concluded?

The VICE PRESIDENT. Morning business is concluded.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of House bill 8917, the War Department appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WADSWORTH. I ask that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments, the amendments of the committee to be acted upon as they are reached in the reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL AID TO PUBLIC LAND STATES

Mr. PITTMAN. Mr. President, I notice in the CONGRESSIONAL RECORD of March 8 an article written by the Senator from New York [Mr. WADSWORTH], which was published in the Nation's Business for March, 1926, in which he opposes the "50-50" Federal road-aid legislation. I do not rise for the purpose of discussing that question. I rise for the purpose of answering some arguments of the Senator directed toward my own State, which I do not consider to be sound or justified.

He said in the article:

> The State of Nevada pays into the Federal Treasury $760,000 annually and receives in subsidies $1,845,945.

Nearly all of the money received by the State of Nevada from the Federal Treasury is for two purposes, namely, for reclamation or for road building. Let us consider first the money that is received for the purpose of road building. Eighty-seven and one-half per cent of the lands in my State over which roads are built are public lands, owned by the Government of the United States, and 12½ per cent are lands owned by individuals. I do not think anyone is sufficiently unfair to state that the State should be required to build roads on Government land.

The situation is entirely different in a State like Pennsylvania, where all of the land is owned by individuals. It may be true in the State of Pennsylvania, where all of the land is taxable, that there is a bonus of 50 per cent of the cost of the roads granted by the Federal Government to the State. There is no bonus to the State of Nevada. We simply ask the Government to build their roads on their land, and we will join with them and build our roads on our land. Yet it is contended that the money that has been spent in building roads on 87½ per cent of the lands in Nevada was a bonus to Nevada. That is a part of the calculation involved in the figures submitted by the Senator from New York.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SMOOT. I think it is well to state at this time that if the Government will give the Western States all of the public lands within the borders of the States we will build our roads and we will attend to the management of all our affairs and ask nothing of the Government.

Mr. PITTMAN. I agree with that, and I was coming to it. The western Senators and Representatives, in the 13 years I have been here, have time and time again proposed that to the Congress of the United States.

I have accounted for 87½ per cent of the so-called bonus to the State of Nevada. What is the balance of the money spent in the State by the Federal Government? The rest of it is money sent to the State for reclamation purposes on Federal public lands. Is that a bonus to the State of Nevada? Every citizen of the State of Nevada who goes on a reclamation project has a contract to pay back his proportionate share of what the Government puts into the project. I will go a little further. In Pennsylvania every bit of the property, every resource of the State, is subject to taxation. In the State of Nevada the public lands are not taxable by the State, nor are the resources of the land, such as timber, fodder, grasses, coal, or oil.

Take the State of Wyoming, which the Senator from New York has attacked as an example. Let me read a statement of the facts about that State, and let us see what would happen. This is the statement of the Senator from New York:

> Wyoming gets $5,143,434, an amount equal to 246 per cent of the amount of Federal taxes it pays into the Treasury. When the subsidies are added to this amount, Wyoming receives from the Federal Government $6,491,285. Its contribution to Federal taxes is $2,088,353. The amount of the subsidies and refunds therefore is equal to 310 per cent of the State's contribution to the National Government.

From what source does the Federal Government receive the $6,500,000 going into development of Wyoming? It gets it from 47½ per cent of oil royalties from the leasing of oil lands. If the State of Wyoming owned the lands and the minerals in them, instead of getting 47½ per cent royalties spent in the State, it would be entitled to all the royalties, and all the royalties would amount to over $10,000,000. It is entitled to receive, on the basis of the treatment given Pennsylvania, $10,000,000. Then it is paying back to the Government $2,000,000 in addition to the $10,000,000 it should receive. It pays $12,000,000, and it receives $6,000,000 for the building of roads and reclamation projects on Government lands. In other words, for its road purposes and its reclamation projects it is receiving from its own resources $6,000,000 and paying to the Government from such resources $12,000,000.

The injustice of this argument toward the public-land States must be apparent to everyone. I believe that the Senator from New York would favor turning over the resources within a State to the State. But so long as that is not done we are in this helpless position: That on the oil that comes out of our ground, instead of receiving a reasonable royalty, which is equivalent to a tax, we receive only 37½ per cent. Instead of getting a reasonable royalty on the coal that comes out of the ground, in lieu of a tax, we get only a part of that royalty, and the rest of it goes for other purposes.

When we get down to reclamation projects the Government contracts that the Government shall be paid back by our citizens who settle on the projects; but in addition to that it is provided that from the sale of all public lands, and the major portion of royalties from the coal and oil, which should go to the public-land States, shall go into the Treasury of the United States. So the argument that the State of Nevada is paying in only half what is spent by the Federal Government is an erroneous argument and a deceptive argument. Give us all the receipts from our public domain, and there would not be any need for any donation by the Federal Government for public roads in our State. We would not want it; we would not need it. There would not be any advances to the State for reclamation. We would not need them, and we would not want them. We have built several projects in our State where the Government gave us only the reservoir sites. In addition to the reservoir sites and the rights of way, give us the natural resources of our State, which the Government holds to-day to the extent of 87½ per cent, and what would we care about coming to the Federal Government for a million and a half dollars every year? We would not need it, would not care anything about it. There is one project which individuals are building in our State where the Government gave the reservoir site that is costing that much money. The whole trouble about the proposition is that the Government wants to hold everything we have in the State that is essential for the sovereignty of the State. It does not want to build its roads on the land it holds and does not want to build reclamation projects, when it holds the rights of way, when it holds the water, the lands, and everything else.

Congress sometimes contends that it will not pay to develop public lands, and yet they are not willing to turn over to the States something that they argue will not pay. What is the meaning of the whole proposition? It is simply a greedy proposition that is not founded in logic or justice. The only thing that the Federal Government has recognized in the past as being under the sovereignty of the public-land States has been their nonnavigable waters, an essential to the existence of life, an essential to the existence of the community, and yet to-day the Federal Government in its greed and selfishness is now asserting the Federal Government's power and control over the waters of the nonnavigable streams that they may determine their use and conduct them outside of the boundaries of the State, if they see fit.

What we ask of those who are constantly arguing for State rights, like the Senator from the State of New York [Mr. WADSWORTH], is to look outside of the borders of their own wealthy States to those States which need State rights a great deal more than the State of New York. We are compelled to live as tenants of the Federal Government. We do not want to do that. We are held as tenants not only on the surface of the land, but as tenants of everything that lies under the land, and now matters are getting to such a point that it is desired to hold us as tenants for the water that we have to drink from the nonnavigable streams that flow in our States.

Eastern States have aided us with their capital. They have opened up in my State the second largest copper mine in the world, and yet a large portion of it or nearly all of it is owned by stockholders in the State of New York. The great revenues from that mine are paid into the treasury of the State of New York. The men work in the ground in Nevada and the money is paid out of the offices in the city of New York. That may be necessary. We may have no complaint, but nevertheless the real resources that are going to build up the returns to the Federal Treasury in the State of New York largely come out of the natural resources of the West, which do not come into the Senator's calculation. We ask the Senator in these matters, when he is criticizing the 50-50 road proposition, not to neglect to understand our position with relation to it.

Let us have a movement in this Congress to turn over to us the public lands, the land reserves, and the natural resources in those States and then, as we have been telling the Congress of the United States during the past 13 years, we will not come back to you for that character of aid against which you complain. Do not make parks, game reserves, and recreation grounds of the whole West for the benefit of the world, and then criticize us because we ask you to build a road on your own lands.

DEPORTATION OF POLITICAL REFUGEES

Mr. KING. I ask the attention of the Senate to a resolution which I feel is justified because of conditions referred to in the resolution. A few days ago I invited the attention of the Senate to the action of certain immigration officials who had arrested General Torres in violation of the law and against all principles of humanity and delivered him to military authorities in Mexico, who promptly executed him. In effect, I declared that their conduct was indefensible and contributed to the death of this man.

Mr. President, I affirm, from the information which has come to me, that there has been collusion between representatives of the Department of Justice who are operating in Texas, and particularly along the Mexican border, and agents of the Immigration Bureau, whose activities are also in the same section, to accomplish the arrest and deportation of persons, citizens of Mexico but who are lawfully in the United States. Their conduct is partly inspired by Mexican officials, and their collusive acts are aimed against political refugees and inoffensive Mexicans who are claiming the protection of our Government.

Mr. President, I ask that the resolution be read.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 167), as follows:

Whereas it has always been the policy of the United States to afford asylum to political refugees who come or escape to this country, to be safe from political persecution and from jeopardy of life and liberty; and

Whereas native citizens of Mexico, under the immigration acts, may be admitted to the United States, either as visitors or as immigrants, freely at their option, without restriction as to numbers and without reference to any annual immigration quota; and

Whereas the immigration acts do not prescribe the period within which a visitor may be within the United States and do not give the Department of Labor any express mandate or power to deport citizens of Mexico who do not come within the class of aliens excluded by law, or who have not otherwise committed crimes or offended against the law in this country; and

Whereas it is not the purpose or intention of Congress that native citizens of Mexico who are peaceably within the United States, and who are not otherwise excluded by the immigration acts, and who have not offended against the law, shall be deported from the United States merely because they are within the country; and

Whereas agents of the Department of Justice, acting in collusion with immigration agents, and at the instigation of the Mexican consul general at San Antonio, Tex., recently arrested without a warrant Francisco Coss, a native citizen of Mexico peaceably residing within the United States and cast him into jail, whereupon said immigration agents charged said Coss with being illegally in the United States, and upon said Coss proving that he had entered the country after inspection and had been domiciled and engaged in business in the United States for more than five years, said agents reported said Coss to the Department of Labor for deportation upon the allegation that he had come in as a visitor and had remained longer than six months, which proceedings for deportation are now pending against said Coss; and

Whereas it has been charged that agents of the Department of Justice, at the instance of the Mexican consul general at San Antonio, Tex., recently caused a fictitious indictment charging a violation of the neutrality laws to be found against Renaldo Esparza Martinez, formerly secretary to the Mexican National Congress and a political refugee in the United States, and arrested said Martinez under said indictment and while Martinez was in custody permitted agents of the Mexican Government operating in this country to copy personal letters belonging to said Martinez, particularly a letter from the father of said Martinez, a prominent and respectable citizen of Mexico, residing at Guadalajara, whereupon the contents of said letter were wired to Mexico City with the result that a few days later the father of said Martinez was seized by the Mexican authorities and shot to death; and

Whereas agents of the Department of Justice, in collusion with immigration agents and at the instigation of the Mexican consul general at San Antonio, Tex., recently arrested without a warrant Manuel Dimetrio Torres, a native citizen of Mexico and a political refugee in this country, and cast him into jail, whereupon said immigration agents charged that said Torres was illegally in the United States and reported said Torres to the Department of Labor for deportation from the country, although he was not charged with any extraditable offense and no demand had been made through diplomatic channels for his delivery to the Mexican Government under any treaty of extradition; and

Whereas the Department of Labor, after making a formal order releasing said Torres from custody for 60 days, within which he was to leave the United States to satisfy the arbitrary demands of the Department of Labor, although said Torres had a right to be and remain in the United States, and it would have been a simple matter to have allowed him to report to an immigrant station for inspection and registration as lawfully within the country; and

Whereas after such order of release the Department of Labor did not in fact release said Torres from custody, but weighing the mere informality of not having been seen by an immigration inspector at the time of his entry against his dignity and liberty as a human being and against his life which the department had been warned would be summarily taken if he were expelled to Mexico at the indirect solicitation of the Mexican Government, issued secret instructions to Immigration Agent W. M. Hanson at San Antonio to deliver said Torres to Mexico, whereupon said Hanson took said Torres to Laredo, placed said Torres in an automobile belonging to the Mexican consul at Laredo in which, in the custody of said Mexican consul and said Hanson, said Torres was carried to the border and delivered to the commander of the Mexican military garrison at Neuvn Laredo from which place said Torres was transported to Torreon and by order of the Secretary of War of Mexico, and without charges, trial, or notice, was summarily shot to death; and

Whereas it is claimed there are other instances in which aliens peaceably in the United States have been arrested by immigration agents to satisfy the personal vindictiveness of foreigners both in and out of the United States, or because of the autocratic and oppressive methods adopted by some immigration subordinate officials: Therefore be it

Resolved, That the Committee on Immigration is directed to make an investigation of the administration of the laws relating to immigration by the Department of Labor and by the Bureau of Immigration, particularly with respect to arbitrary arrests upon warrant proceedings of aliens who have lawfully entered the United States or who would be entitled, upon inspection, to be and remain within the United States, and to recommend legislation to the Senate which will prevent the arbitrary arrest or deportation of aliens who are peaceably within the United States, who have lawfully entered the United States, or who, upon inspection, are entitled to be or to remain within the United States and to safeguard the civil rights of such aliens while under the protection of the Government.

Mr. KING. Mr. President, General Torres, as I am advised, was a supporter of De la Huerta in the recent contest between the latter and President Calles. After the defeat of the De la Huerta forces, many Mexicans fled from their country because they knew if captured they would be promptly executed. Many were arrested and summarily shot. General Torres came to the United States seeking asylum and protection. He violated no law in coming into the United States, nor did he violate any law during the brief period that he remained in our country.

Shortly after his arrival in the United States he was arrested by the immigration officials. He received assurances from them that he would not be deported to Mexico, but that he could remain in the United States for 60 days and then depart, going to such country as he might choose. He received a letter, as I am advised, from the Immigration Bureau, confirming this understanding or agreement. Shortly after, and before the 60 days had expired, he was taken secretly by Mr. Hansen, the head of the Immigration Service at San Antonio, Tex., and conveyed across the border line and delivered into the hands of military forces upon Mexican soil. Torres was hurriedly carried to Torreon, in Mexico, and there promptly shot, pursuant to the orders of the Mexican Government.

The immigration officials knew, or ought to have known, what the fate of this man would be. It was an inhuman and

a most cruel and heartless thing for our immigration officials to deliver General Torres into the hands of his political enemies when they knew, or ought to have known, that many so-called "political offenders," and others who had opposed General Calles, were being executed under the orders of the Mexican Government. They were told by Torres and by his counsel what his fate would be the moment he was delivered into the hands of Mexican authorities, civil or military.

In my opinion Mr. Hansen, if not others who participated in this inhuman and reprehensible act of delivering this unfortunate man to certain death, ought to be disciplined or removed from office. It seems as if certain agencies of our Government are to be used as instrumentalities to aid Calles in perpetuating his power and authority, and my information is that agents of the Mexican Government have free access to the officials of the Department of Justice in various border towns and also to Mr. Hansen and agents of the Immigration Service. Their representations are acted upon, in many instances, as a result of which Mexican nationals are arrested and terrorized and charged with violations of the neutrality acts. Innocent conduct is regarded as evidence of a violation of Federal statutes, and inoffensive persons are arrested and thrust into jail.

Mr. President, I protest against the Department of Justice and the Immigration Bureau and the machinery of the Federal courts being employed to buttress and support the Calles government and to deprive innocent persons who have sought an asylum under the Stars and Stripes of this Republic of their freedom. The conduct of the officials of the Department of Justice in arresting Martinez and searching his residence and seizing his private papers and communicating their contents to Mexican officials calls for condemnation.

The resolution which I have offered refers to Francisco Coss and to his arrest, illegally, by immigration officials. I presume under this same inhuman, un-American, and illegal policy he is to be delivered over to Mexican officials, whose vengeance will only be satisfied when he is brutally shot and buried in some unknown grave.

Mr. President, many complaints have come to me of the autocratic and tyrannous course of petty agents in the Immigration Service. The liberty of individuals means nothing to many of them, and, armed with a little brief authority, they hound innocent and unoffending persons who are lawfully within the United States and seek by devious ways to secure their deportation from the United States.

Mr. President, the Judiciary Committee of the Senate should look into the conduct of the agents of the Department of Justice to whom I have referred and the Committee on Immigration should ascertain the facts in the Torres case and also submit for the consideration of the Senate a bill that will curb the illegal and oppressive acts of irresponsible and autocratic agents and officials of the Immigration Service.

Mr. President, I ask that the resolution just read be referred to the Committee on Immigration.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Is there objection to the reference of the resolution to the Committee on Immigration? The Chair hears none, and the resolution is so referred.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. ASHURST. Mr. President, I read at this juncture a letter from Mr. Roland Johnston, manager of the traffic bureau of the Phoenix (Ariz.) Chamber of Commerce, which is as follows:

PHOENIX, ARIZ., *February 27, 1926.*

Senator HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SIR: Here is positive proof that the Southern Pacific Co. has been violating the fourth section of the act to regulate commerce for the past three years, in defiance of the order of the Interstate Commerce Commission.

The inclosed exhibit shows comparison of the rates on numerous commodities, via the Southern Pacific Co., to the various points shown in the heading. This exhibit deals with the rates on only a few commodities, but the rates shown are fairly representative of the situation as a whole.

It should be understood that Phoenix, Nogales, Tucson, and practically all other points in Arizona are subject to the same rates—the rate to San Francisco is the rate that applies to all Pacific coast points. The rate to Mazatlan is the rate that also applies to Guaymas and San Blas. In my opinion the exhibit itself is self-explanatory; however, I would like to make an example which can be followed in making rate comparisons on all the other commodities.

Take the matter of paper, bags, and wrapping, mixed carloads shown on the second sheet of the exhibit. The rate in carload to points in Arizona and California is $1.25 per 100 pounds, with a minimum weight of 40,000 pounds for the car; while the rate to Mazatlan is 75 cents for a minimum carload of 30,000 pounds. The less-than-carload rate from New York piers to Mazatlan is $1 per 100 pounds, or 25 cents less than the carload to Arizona destinations.

Attention is called to the fact, however, that 100 pounds of paper bags can be shipped to Mazatlan for 70 cents per 100 pounds, which is 5 cents less than the carload rate on bags and wrapping paper to that point.

On the third sheet of the exhibit distances from Nogales, Ariz., to Guaymas, San Blas, and Mazatlan, Mexico, are shown, together with the first, second, third, and fourth class rates from Nogales, Ariz., to the same points. It will be noted that the distributor at New York can make a shipment of 100 pounds of paper bags through Nogales, Ariz., to Mazatlan, a distance of 4,159 miles, for 70 cents per 100 pounds, while the distributor at Nogales, Ariz., must pay the rate of $1.95½ if the shipment originates at Nogales, Ariz. The New York shipper can ship to Guaymas for 70 cents per 100 pounds in less than carload, while the Nogales (Ariz.) consignee must pay $3.08 for a like shipment. Under the provisions of the tariffs quoted, merchants at Nogales, Sonora, can ship from New York to Guaymas, Mexico, for 70 cents per 100 pounds, reship from Guaymas, Mexico, to Nogales, Sonora, for 54½ cents per 100 pounds, making a through rate of $1.24½ per 100 pounds, while the Nogales (Ariz.) merchant—across the line a hundred feet away—must pay $3.08 per 100 pounds.

This analysis, when applied to the other commodities, will obtain similar results.

Attention is called to the fact that at Phoenix, Ariz., canned milk is manufactured, and the manufacturer at Phoenix, in shipping a carload of canned milk to Guaymas, a distance of 452 miles, must pay a rate of $1.19½ per 100 pounds, while the shipper at New York can make shipment of a carload of canned milk from New York to Guaymas, 3,690 miles, at $1 per 100 pounds.

Attention is also called to the class rates (first to fourth, inclusive) in Arizona, as compared to the same class rates in Mexico; for instance, first-class rate from Phoenix to Nogales, Ariz., a distance of 187 miles, is $1.35, while from Nogales, Ariz., to Guaymas, Mexico, distance of 265 miles, the first-class rate is 63 cents per 100 pounds.

The Southern Pacific of Mexico is a subsidiary of the Southern Pacific Co. If the rates from New York piers to the Mexican points are reasonably compensatory, the rates to Nogales, Ariz., are excessive. If the rates to the Mexican points are unreasonably low, it is apparent that the Southern Pacific Co., in order to recoup losses incurred from these unreasonably low rates, are charging the people of the United States rates that are sufficiently excessive to make up the losses on the Mexican business.

The Southern Pacific Co., together with the western carriers, are now before the Interstate Commerce Commission, seeking a 5 per cent horizontal increase in all freight rates, claiming that under section 15-A of the act to regulate commerce they are entitled to 5¾ per cent earnings for the western carriers as a whole. This is now before the Interstate Commerce Commission under Ex Parte 87.

I am inclosing herewith copies of my letter to the Interstate Commerce Commission and its reply thereto. This shows conclusively that although the Interstate Commerce Commission refused fourth-section relief and ordered rates to Mexico adjusted, under fourth-section order No. 8441, the Southern Pacific Co. has continued to publish lower rates to Mexico than are contemporaneously applicable at intermediate points in Arizona, in defiance of that order.

As you no doubt know, the Interstate Commerce Commission is overburdened with work, and it is therefore impossible for it to check up all the tariffs. Probably, in this instance, the matter had not heretofore been brought by any shipper to the attention of the commission. I have no doubt but that the Interstate Commerce Commission will promptly take steps to enforce compliance with its fourth-section order No. 8441.

It is such instances as this which show how far the carriers will go in their efforts to impose unreasonable and unjustly discriminatory rates upon Arizona; it also shows that, realizing the inadequacy of the force of the Interstate Commerce Commission to check up the tariffs, they feel that they are taking no risks in ignoring the orders of the Interstate Commerce Commission.

Yours truly,

TRAFFIC BUREAU, PHOENIX CHAMBER OF COMMERCE,
ROLAND JOHNSTON, *Manager.*

Mr. President, on November 4, 1913, there was a conference ruling on this subject, which is as follows:

CONFERENCE RULING

NOVEMBER 4, 1913.

447. Application of fourth section: The provisions of the fourth section apply where the point of origin is in an adjacent foreign country and the intermediate point and more distant point of destination are in the United States, or where the point of origin and the intermediate point are in the United States and the more distant point of destination is in an adjacent foreign country.

Mr. President, I ask permission to insert in the RECORD at this point some correspondence between Mr. Johnston, the manager of the traffic bureau, and Mr. George B. McGinty, secretary of the Interstate Commerce Commission, and also to have printed in the RECORD the tabular statement to which the letter refers.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection, the matter referred to by the Senator from Arizona will be printed in the RECORD.

The matter referred to is as follows:

TRAFFIC BUREAU, PHOENIX CHAMBER OF COMMERCE,
Phoenix, Ariz., February 8, 1926.

Mr. GEO. B. MCGINTY,
Secretary Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: Please refer to Southern Pacific Co.'s joint freight tariff No. 114-C, I. C. C. 911, and note that through rates are named to Mexican points from New York, N. Y., and Baltimore, Md., lower than contemporaneous to intermediate points within the United States.

The tariff does not show that any fourth section order has been issued by the commission. An examination of Pacific Freight Tariff Bureau tariffs No. 9-B, I. C. C. 567, No. 20-F, I. C. C. 747, shows that they were issued subject to the commission's fourth section orders 1397 and 609, respectively.

The Southern Pacific Co. has from time to time encouraged trade excursions from Arizona points to Mexican west coast points, intimating that a tremendous trade territory adjacent to and naturally tributary to Arizona distributing points is being opened up. A study of the tariffs referred to and others carrying rates from Arizona to Mexican west coast points shows that it is impossible for manufacturers and distributers located in Arizona to compete for the business that is being developed on the west coast of Mexico.

We are inclosing a comparison of the rates referred to above, which is representative of the entire situation.

We are therefore interested to know why the Southern Pacific Co. is permitted to publish lower rates to points in Mexico than those that apply at intermediate points in Arizona without fourth section relief.

Your early reply will be greatly appreciated.

Yours truly,

TRAFFIC BUREAU, PHOENIX CHAMBER OF COMMERCE,
ROLAND JOHNSTON, *Manager.*

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, February 20, 1926.

Mr. ROLAND JOHNSTON,
Traffic Bureau, Phoenix Chamber of Commerce,
Phoenix, Ariz.

DEAR SIR: I have your letter of the 8th instant in regard to rates published in Southern Pacific Co.'s tariff I. C. C. No. 911, from Atlantic seaboard points to Guaymas, Mexico, which are lower than rates on like traffic to Phoenix, Tucson, and Nogales, Ariz., in apparent contravention of the fourth section.

Investigation of the matter develops that so far as rates to Phoenix are concerned there is no violation of the fourth section, because traffic moving to Guaymas over the Southern Pacific lines does not move through Phoenix. It is possible, however, to route traffic through Tucson, and all traffic coming to Guaymas over the Southern Pacific lines moves through Nogales, and in so far as it moves through the two latter points there would be a violation of the fourth section.

It appears that formerly this situation was properly protected by application No. 571, filed by the Southern Pacific Co. in accordance with the provisions of the 1910 amendment to the act to regulate commerce. This application was denied, however, by fourth-section order No. 8441 corrected, dated November 17, 1922, and effective April 2, 1923. Since the latter date, therefore, the situation complained of has not been properly protected.

Respectfully,

GEORGE B. MCGINTY, *Secretary.*

A statement of the distances via Southern Pacific—steamship and rail lines—from their New York piers to El Paso, Tex., Phœnix and Nogales, Ariz., San Francisco, Calif., and Mazatlan, Mexico, with the prescribed minimum weights for the carloads, and a comparison of the rates in cents per hundredweight on the various listed commodities

From New York (Southern Pacific Co. piers) to—	El Paso, Tex., 3,046 miles		Phoenix, Ariz., 3,479 miles		Nogales, Ariz., 3,425 miles		San Francisco, 4,342 miles		Mazatlan, Mexico, 4,159 miles	
	Minimum weight	Rate	Minimum weight	Rate	Minimum weight	Rate	Minimum weight	Rate	Minimum weight	Rate
COMMODITIES										
Agricultural implements	24,000 40,000 70,000	1.53 1.29 1.00	24,000	1.93	24,000	1.93	24,000	1.93	24,000	1.25
Calcium carbide			70,000	1.00	70,000	1.00	70,000	1.00	40,000	.75
Less than carload										1.65
Canned goods	60,000	1.05	60,000	1.05	60,000	1.05	60,000	1.05	40,000	1.00
Less than carload										1.25
Dry goods	30,000	1.58	30,000	1.58	30,000	1.58	30,000	1.58	30,000	1.25
Less than carload										1.75
Drugs	30,000	1.75	30,000	1.75	30,000	1.75	30,000	1.75	24,000	2.00
Less than carload										2.30
Furniture	24,000	2.21	24,000	2.21	24,000	2.21	24,000	2.21	24,000	1.75
Less than carload										2.25
Tools, mechanic's, less than carload		2.98½		3.40½		3.40½		3.40½		1.75
Belting, hose, etc	30,000	1.75	30,000	1.75	30,000	1.75	30,000	1.75	30,000	1.50
Less than carload		3.53½		3.75		3.75		3.75		1.75
Anvils and vises, combined, less than carload		2.48½		3.08		3.08		3.08		1.25
Pipe fittings	40,000	.90	60,000	1.00	60,000	1.00	60,000	1.00	40,000	.70
Less than carload		2.16		3.40		3.40		3.40		1.25
Nails, spikes, wire, etc	80,000	1.00	80,000	1.00	80,000	1.00	80,000	1.00	40,000	.70
Less than carload										1.25
Saws, circular, drag and band, less than carload		2.98½		4.12½		4.12½		4.12½		2.75
Saws, hand, less than carload		2.98½		3.75		3.75		3.75		2.25
Paint	40,000	1.20	40,000	1.25	40,000	1.25	40,000	1.25	40,000	1.25
Less than carload										1.50
Paper, bags and wrapping	40,000	1.25	40,000	1.25	40,000	1.25	40,000	1.25	30,000	.75
Less than carload										1.00
Paper, cigarette, newsprint, poster, printing, other than newsprint and wrapping, less than carload		3.53½		3.75		3.75		3.75		.65
Paper bags, less than carload		2.48½		3.08		3.08		3.08		.70
Paper, writing and envelopes, less than carload		3.53½		3.75		3.75		3.75		.75
Paper, board, binder, and straw	40,000	.97	40,000	1.13	40,000	1.13	40,000	1.13		
Less than carload										.70
Sewing machines, less than carload		3.53½		4.12½		4.12½		4.12½		2.15
Stamped ware	22,000	1.86	22,000	1.86	22,000	1.86	22,000	1.86	22,000	1.50
Less than carload		3.53½		3.75		3.75		3.75		2.00
Beverages	30,000	1.20	30,000	1.21	30,000	1.21	30,000	1.21	30,000	1.00
Less than carload										1.50
Bags and bagging	30,000	1.35	40,000	1.50	40,000	1.50	40,000	1.50	40,000	.90
Less than carload										1.15
Baking powder	40,000	1.20	40,000	1.20	40,000	1.20	40,000	1.20	30,000	1.00
Less than carload										1.50
Brass, bronze, and copper goods			30,000	1.85	30,000	1.85	30,000			
Less than carload				3.16		3.16		3.16		1.75
Window glass	40,000	1.02	50,000	1.20	50,000	1.20	50,000	1.20	30,000	1.00
Less than carload										1.25
Common glassware	30,000	1.15	30,000	1.55	30,000	1.55	30,000	1.55	30,000	1.25
Less than carload				3.75		3.75		3.75		1.50
Axle grease	36,000	.83	40,000	1.58	40,000	1.58	40,000	1.58	30,000	1.00
Less than carload										1.25
Harness			24,000	2.50	24,000	2.50	24,000	2.50		
Less than carload										1.75

A statement of the distances via Southern Pacific and class rates

	Distance (miles)	1	2	3	4
Phoenix, Ariz., to Nogales, Ariz.	187	135	118	94½	84½
Phoenix, Ariz., to Guaymas, Mexico	452	(1)	(1)	(1)	(1)
New York, N. Y., to Guaymas, Mexico	3,690	(2)	(2)	(2)	(2)
Nogales, Ariz., to—					
Guaymas, Mexico	265	.63	.57	.54½	.51
San Blas, Mexico	460	1.41⅓	1.31	1.24	1.16⅔
Mazatlan, Mexico	734	2.22⅔	2.07	1.95½	1.83½

[1] Canned milk rate, car load, $1.19½.

[2] Canned milk rate, car load, $1.

Tariffs: Southern Pacific Co.'s (Southern Pacific Steam Ship Lines) 114-C, I. C. C. 911. Joint and Proportional Freight Tariff, 16-K, W. J. Sodgman's I. C. C. 176, T. C. F. B. westbound 1, R. H. Countiss's I. C. C. 1155. Southern Pacific Co.'s Loc. & Prop., 160-F, I. C. C. 4536. Southern Pacific of Mexico Traffic Department, G. F. D. Circular, 68-E.

PERSONAL EXPLANATION BY SENATOR HEFLIN

Mr. HEFLIN. Mr. President, on yesterday, after we had agreed that no Senator should speak more than 15 minutes and I had exhausted my time, the junior Senator from Arkansas [Mr. CARAWAY] in his speech made the charge that I had been in Congress for some 20 years and never done anything of value for the farmer. I had no opportunity then to reply to the statement of the Senator from Arkansas, but the Baltimore Sun this morning in an article, written by a correspondent by the name of Frank Kent, misrepresented the situation when he said in effect that I declined to reply. As a matter of fact, I had no opportunity to reply.

I wish to read now briefly from the CONGRESSIONAL RECORD a statement showing a number of measures with which I have had to do since I came to Congress, measures that I supported and helped to pass, particularly in the interest of and for the benefit of the farmers:

One to investigate and encourage the adoption of improved methods of farm management and farm practice.

One for carrying out the provisions of the act establishing a Bureau of Animal Industry to enable the Secretary of Agriculture to collect and disseminate information concerning livestock, dairy, and other animal products.

One providing for all necessary expenses for investigations and experiments in the dairy industry.

One for preparing and disseminating reports on animal industry.

One for inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the inspection of work relative to the existence of contagious diseases of animals.

One for investigating the disease of tuberculosis of animals, for its control and eradication, methods of treatment and prevention, independently or in cooperation with farmers' associations, State, or county authorities.

One for investigations and experiments in animal husbandry.

One for experiments in animal feeding and breeding, including cooperation with State agricultural experiment stations.

One for scientific investigations in diseases of animals.

One to enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of livestock production in the cane-sugar and cotton districts of the United States.

One for collecting and distributing by telegraph, mail, or otherwise timely information on the supply, demand, commercial movement, disposition, quality, and market prices of dairy and poultry products.

One for furnishing to producers, dealers, newspapers, and consumers accurate information regarding supplies of fruits, vegetables, dairy and poultry products.

One for investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs.

One providing for the publication and distribution of bulletins on hog and cattle raising in the South.

One for investigating the disease of hog cholera and for its control and eradication.

One for carrying out the provisions of the meat inspection act.

I aided in securing a provision in the law for the placing of a Government expert at Chicago and other big marketing centers to inspect and report on shipments of fruits and other perishable products shipped to these places by the farmers and fruit men of the country, thus putting an end to the robbery that used to be practiced, where the buyer at the other end of the line would report to the seller that the goods were in bad condition when they arrived.

One to provide for cooperation with the States, through their respective highway departments, in the construction of rural post roads.

One for the construction and maintenance of roads.

I helped to establish the Bureau of Markets, giving needed and valuable assistance and information to both producer and consumer.

One for investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes.

Mr. President, I shall not read the entire list, numbering 122 important measures that I have had to do with and helped to pass since I have been in Congress. I ask to print this list in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Appendix to the CONGRESSIONAL RECORD, vol. 59, pt. 9, p. 8920]

Mr. HEFLIN. Mr. Speaker, under leave granted me to extend my remarks in the RECORD I submit the following summary of my 16 years of service as a Member of the House. The following are some of the measures that I have advocated and helped to pass:

1. To investigate and encourage the adoption of improved methods of farm management and farm practice.

2. For carrying out the provisions of the act establishing a Bureau of Animal Industry to enable the Secretary of Agriculture to collect and disseminate information concerning livestock, dairy, and other animal products.

3. For all necessary expenses for investigations and experiments in the dairy industry.

4. To prepare and disseminate reports on animal industry.

5. For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the inspection of work relative to the existence of contagious diseases of animals.

6. For investigating the disease of tuberculosis of animals, for its control and eradication, methods of treatment and prevention, independently or in cooperation with farmers' associations, State, or county authorities.

7. For investigations and experiments in animal husbandry.

8. For experiments in animal feeding and breeding, including cooperation with State agricultural experiment stations.

9. For scientific investigations in disease of animals.

10. To enable the Secretary of Agriculture in cooperation with the authorities of the States concerned or with individuals to make such investigations and demonstrations as may be necessary in connection with the development of livestock production in the cane-sugar and cotton districts of the United States.

11. For collecting and distributing by telagraph, mail, or otherwise, timely information on the supply, demand, commercial movement, disposition, quality, and market prices of dairy and poultry products.

12. For furnishing to producers, dealers, newspapers, and consumers accurate information regarding supplies of fruits, vegetables, dairy and poultry products.

13. For investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs.

14. Provided for publication and distribution of bulletins on hog and cattle raising in the South.

15. For investigating the disease of hog cholera and for its control and eradication.

16. For carrying out the provisions of the meat inspection act.

17. To enable the Secretary of Agriculture to gather from stockmen, livestock associations, State livestock and agricultural boards, common carriers, stockyards, commission firms, livestock exchanges, slaughtering and meat-packing companies, and other information relative to the number of different classes and grades of marketable livestock.

18. For the study and improvement of methods of utilizing by-products of citrus fruits.

19. For investigation of plant diseases.

20. For conducting such investigations of the nature and means of communication of the diseases of citrus trees known as citrus canker and for the eradication of same.

21. For soil bacteriology and plant nutrition investigations.

22. For investigations of insects affecting fruits, orchards, vineyards, and nuts.

23. For the investigation and improvement of fruits and the methods of fruit growing, harvesting, and in cooperation with the Bureau of Markets, studies the behavior of fruits during the processes of marketing and while in commercial storage.

24. For collecting and distributing, by telegraph, mail, or otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables.

25. Aided in securing a provision in the law for the placing of a Government expert at Chicago and other big marketing centers to inspect and report on shipments of fruits and other perishable products shipped to these places by the farmers and fruit men of the country, thus putting an end to the robbery that used to be practiced, where the buyer at the other end of the line would report to the seller that the goods were in bad condition when they arrived.

26. Voted for Federal aid for State schools and colleges and for vocational educational measures.

27. Voted for measure to require Government to educate and train soldiers disabled in the war with Germany.

28. Advocated and voted for the measure to increase the pay of school-teachers in the District of Columbia.

29. To cooperate with the States, through their respective highway departments, in the construction of rural post roads.

30. For construction and maintenance of roads.

31. For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kind of road-making material, and for furnishing expert advice on road building and maintenance.

32. I favor keeping faith with the people in the matter of good-roads construction in the United States and pledge myself to the policy of carrying on this work in each and every county in the State. I will see to it that every county shares in these appropriations and has a fair deal. I have the friendship and confidence of the various departments of the Federal Government that have to do in various ways with this question of road building, and it will be my desire and purpose to see that justice is done to all the counties in this matter.

33. Helped to pass the good roads act, which appropriated millions for building roads by cooperation between county, State, and Federal Governments, these roads to lead from the farms to the towns and cities.

34. I favor the speedy completion of the Bankhead Highway. It will stand as a splendid tribute and testimonial to Alabama's beloved Senator's great service to the people of the whole country.

35. Since Senator Bankhead's death I have determined, if elected to the Senate, to take up and carry on to completion the great good-road work and river and harbor improvement that Senator Bankhead served so ably and well and will help to complete the Muscle Shoals nitrate plant.

36. For investigation of the chemical and physical character of road materials.

37. For conducting field experiments and various methods of road construction and maintenance.

38. For studying and testing commercial seeds.

39. For the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds.

40. For applying methods of eradication or control of the sweet-potato weevil.

41. For investigating the history and the habits of insects injurious and beneficial to agriculture, the study of insects affecting the health of man and domestic animals, and ascertaining the best means of destroying those found to be injurious.

42. For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, and sugar cane.

43. For investigations of insects affecting such crops, including insects affecting the potato, sugar beet, cabbage, onion, tomato, beans, and peas.

44. For the investigation and improvement of cereals and methods of cereal production and the study of cereal diseases.

45. For investigation of insects affecting cereal and forage crops.

46. To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act.

47. For the investigation and improvement of grasses, alfalfa, clover, and other forage crops.

48. For investigations of lands reclaimed under the reclamation act.

49. To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering.

50. For eradication or control of the white-pine blister rust.

51. For the purpose of more effectually providing for the national security and defense and carrying on the war with Germany by gathering authoritative information concerning the food supply, by increasing production, by preventing waste of food supplies.

52. To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions, plans, and methods for the more effective utilization of such products for these purposes.

53. Helped to pass law taking tariff tax off of bagging and ties and agricultural implements.

54. Helped to pass law providing for the election of United States Senators by direct vote of the people.

55. Have defended at all time the South's plan and policy of race separation in schools and churches and railroad trains, contending that this was the wisest and best way to handle the race problem. The failure to have separate street cars for whites and negroes in Washington caused me to have to inflict severe punishment upon a drunken negro who had insulted a white woman on the car.

56. In replying to an article in the Washintgon Post written by ex-President Taft a few months ago, I said:

"Mr. Taft says that 'each one of us has a responsibility to the community in dealing with colored citizens,' and that is true. There is no better way of serving the community and no better way of serving the negro everywhere than being entirely frank with him and telling him the truth and the whole truth regarding an evil and a crime that lies at the bottom of nearly every race riot that has occurred in our country, and that is the crime of rape. That crime committed by negro men on white women in Washington recently started the riot in this city. It is unfortunate that Mr. Taft did not call attention to and condemn the crime responsible for the race riot here. The negro who commits that offense against the white woman deserves to die, and whether it be in the North or in the South, the white man will see to it that the death penalty is imposed. When that crime is committed in the South the negro who commits it dies, but we never harm or permit anyone to harm an innocent negro. It is wrong and indefensible to attack an innocent negro because another negro, his neighbor, has committed a crime. It is the duty of the white man to distinguish between the law-abiding negro and the criminal negro, and it is the duty of the law-abiding negro to aid the authorities in apprehending the lawless negro who has committed the crime that stirs up race prejudice and produces race riot. It is clear, then, I submit to Mr. Taft, that the way to prevent an outbreak between the races is to remove the cause or crime that produces the outbreak."

57. Advocated separate cars for negroes and whites in the District of Columbia, city of Washington.

58. Advocated and helped to bring about the separating of the races in the Government departments at Washington, placing whites in one room and the negroes in another.

59. Helped to establish the Bureau of Markets, giving needed and valuable assistance and information to both producer and consumer.

60. For investigation and reporting upon the utilization of water in farm irrigation.

61. For investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes.

62. For investigating farm domestic water supply and drainage.

63. Advocated and helped to secure appropriations for the development of Mobile Harbor.

64. Was instrumental in securing appropriations for the development of the Warrior River, the Alabama, Tombigbee, Tennessee, and Coosa Rivers.

65. Led the fight in securing the passage of a bill through the House to build a dam at Lock 18 on the Coosa River, which was vetoed by President Taft.

66. To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products.

67. For the development of methods for the manufacture of table sirup and of methods for the manufacture of sweet sirups by the utilization of new agricultural sources.

68. For the investigation and improvement of methods of crop production.

69. For investigating the food habits of North American birds in relation to agriculture.

70. To carry into effect the provisions of an act to establish agricultural experiment stations in connection with the colleges established in the several States.

71. To enable the Secretary of Agriculture to enforce the provisions of the act to provide for cooperative agricultural extension work between the agricultural colleges in the several States.

72. To enable the Secretary of Agriculture to make studies of cooperation among farmers in the United States in the matters of rural credits and other forms of cooperation in rural communities; to diffuse

among the people of the United States useful information growing out of these studies.

73. To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products.

74. First to bring before a committee of Congress the wisdom and necessity of establishing a nitrate plant at Muscle Shoals, Ala., and advocated and helped to bring that great industry to the State.

75. For experiments in the manufacture of rare chemicals.

76. For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers.

77. For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale.

78. For investigations of cotton, corn, and other crops introduced from the tropical regions and for the improvement of cotton.

79. For investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marketing, compressing, and tare of cotton.

80. For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

81. To enable the Secretary of Agriculture to carry into effect the United States cotton futures act.

82. To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink cotton bollworm in Mexico, and to prevent the establishment of such insect in the United States by the employment of all means necessary.

83. To prevent the movement of cotton and cottonseed from Mexico into the United States, to make surveys to determine the actual distribution of the pink bollworm in Mexico, and to exterminate local infestations in Mexico near the border of the United States in cooperation with the Mexican Government or local Mexican authorities.

84. To conduct surveys and inspections in Texas or in any other State to detect any infestation and to conduct such control measures, including the establishing of cotton free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation.

85. On account of the menace to cotton culture in the United States arising from the existence of the pink bollworm in Mexico, the Secretary of Agriculture, in order to prevent the establishment and spread of such worm in Texas and other parts of the United States, is authorized to make surveys to determine its actual distribution in Mexico; to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico; and to cooperate with the Mexican Government or local Mexican authorities in the extermination of the local infestations near the border of the United States.

86. Advocated and helped to take away from cotton exchanges final decision in the matter of settling disputes arising between buyer and seller regarding cotton grades named in contract, and aided in placing a provision in the law requiring the Secretary of Agriculture, through expert cotton men in the department, to determine the grade and classification of the cotton in dispute, thus requiring the seller to deliver spinable cotton and the grade named in the contract. This required the seller to call upon the producer for real cotton with which to fill his contract.

87. Was the pioneer in crying out against speculation in cotton futures where no delivery of cotton was contemplated.

88. Started the fight on the 28 grades of stuff called cotton tendered in settlement of future contracts on the exchanges and stated that the farmers of the South were robbed through this thieving system alone of millions of dollars every year.

89. Aided in passing a law which reduced the number of grades from 28 to 10, thus enabling the buyer to compel the seller to deliver real cotton—cotton that represented the real crop—and not the rat-nest stuff that used to be kept and tendered on exchanges in settlement of future contracts. Under this new plan when the delivery of cotton was demanded the seller had to go into the spot market and buy the cotton from the farmers and merchants with which to fill his contract, and the exchange was in this way, in a measure, made to help distribute the crop.

90. Led in the fight to secure cotton statistics which enabled the farmers, merchants, and bankers of the cotton-growing States to handle the cotton business intelligently and in a businesslike way. The Government was then publishing only the reports of cotton ginned, and the cotton spinner had all the information that he needed regarding cotton produced, but the farmer and merchant did not have any authentic information regarding the consumption and exportation of cotton.

91. Was first to advocate and insist upon the Government gathering and publishing statistics giving the amount of cotton consumed each month by the cotton mills of the United States, the amount of cotton on hand from time to time at the mills and warehouses of the country, the amount exported each month, and the amount of old cotton left over at the end of the year. I aided in securing the passage of this law. Before this much-needed information was obtained the speculators would give out false and misleading reports regarding the amount of cotton being consumed and exported. When certain speculators and spinning interests in the East and in New England demanded that a price be fixed on cotton and two bills were introduced in the House—one to fix the price at 15 cents and the other at 20 cents—I found that the purpose of certain Members of the House who did not live in the cotton-growing States was to fix the price at not more than 20 cents a pound, and I fought the proposition bitterly, and by helping to defeat it prevented distress and suffering in the South and saved millions of dollars to the farmers, merchants, and bankers of the cotton-growing States.

92. In the fall of 1918 and spring of 1919, when foreign interests and bear speculators in America united their forces in one mighty effort to break down the price of cotton in the United States and succeeded in breaking the exchange price from $40 to $75 a bale, I made 10 speeches in the House and 12 in the Cotton Belt declaring that there was no excuse for a decline in prices; that the supply was not sufficient to meet the demands; and urged cooperation between farmer, merchant, and banker, saying that they could and would win the fight, and they did. Cotton advanced more than $75 a bale. When the banks of the South had loaned large sums of money on cotton, and when these banks continued to carry the loans, even after the price of cotton had been beaten down below the amount on which the banks had made the loans, certain speculative and spinning interests tried to get the Government to arbitrarily withdraw from the local banks Federal reserve bank aid, so that the farmers and merchants would be forced to sell their cotton, although to do so meant financial loss and distress throughout the cotton-growing States. Then it was that I declared that the scarcity of cotton and the large world demand made cotton the finest collateral in the world and its speedy rise in price a certainty, and that the Government should not lend itself to the mean and unholy purpose of conscienceless speculators who were seeking to rob the cotton producers of the fruits of their toil.

93. Have advocated and helped to pass laws providing for the publication and distribution of bulletins and periodicals on diversified farming and scientific agriculture. They deal with every phase of modern life upon the farm, including the health of human beings and the health and care of farm animals.

94. Led the fight in the Democratic caucus to require Federal reserve banks to loan money on cotton warehouse receipts.

95. Helped to pass the farm-loan banking system. Under this system farmers have borrowed more than $300,000,000 with which to buy new farms and lift mortgages from old ones.

96. Helped to pass the Smith-Lever Agricultural Extension Act, which gathers, publishes, and distributes throughout America the best thought and methods touching the various phases of profitable, up-to-date farming and scientific agriculture, and it is the most valuable and comprehensive farm-demonstration plan ever devised.

97. Helped to pass a law establishing a Department of Labor, which helps to settle disputes between labor and capital and safeguards the rights of the laboring man.

98. Helped to pass the child labor act, which took thousands of children out of the sweatshops and factories of the country. This law freed these children from conditions that were depriving them of an education and sapping their vitality and dwarfing their young bodies.

99. Helped to pass the workmen's compensation act for accidents and death in industry.

100. Helped to pass the humane act declaring that human labor is not a commodity, thus taking the flesh and blood of human beings out of the class of cattle.

101. I am the first Member in either branch of Congress, so far as I know, to bring to the attention of Congress the advisability and the importance of turning over Army trucks and other machinery to the counties in the various States to be used in the construction and maintenance of public roads. I offered an amendment in the House to the Agricultural appropriation bill for this purpose, and while the Speaker ruled it out of order as new legislation on an appropriation bill, the very same principles were enacted into law in the Senate, where the rules of procedure are different. So I feel that I am entitled to some of the credit for placing in the hands of the States and counties this valuable road machinery.

102. When the fathers and mothers of our American boys who gave their lives in defense of our country and the civilization of the world asked that the bodies of their brave sons be brought back and buried in American soil, I was one of the first, if not the very first, to make a speech in Congress calling upon the Government to fulfill its obligation to these patriotic fathers and mothers of America and bring the precious bodies of their boys back home.

103. I voted for and helped to pass the Federal reserve banking act, which took away from Wall Street the power to produce a panic.

104. I have opposed in every way measures that seek to foist upon America any plan or system that smacks of military despotism.

105. Have opposed universal military training, saying that I would oppose it on account of the negro problem in the South, if there were no other reasons for doing so.

106. I was the first to advocate sending out of the country those who advocated the overthrow of our Government, and helped to secure legislation to carry out this desire and purpose. Under this law these deadly enemies of our country are being sent back to their own countries.

107. I helped to pass the law which provided for a fleet of merchant ships to carry the products of our farms and factories to the markets of the world.

108. I have always voted for restricted immigration laws which were intended to protect America from the unfit people and criminal refuse of foreign countries.

109. In the cotton-marketing season have secured ships for Mobile, New Orleans, and other southern ports.

110. In regard to the railroad question, I insist that the railroads must be put upon a paying basis, a money-making basis, and then required by law to serve the public efficiently, and that those who work for the roads must be paid such wages as will permit them to share in the prosperity enjoyed by the roads, to the end that they and their families may live decently and worthily. Am the friend of both labor and capital and favor as few restraints as possible upon the proper activities of both. Have favored laws that protect and safeguard both human and property rights.

111. In the matter of differences or disputes arising between railroad employers and employees, have favored absolute justice to both in the matter of protecting and safeguarding the rights of both, keeping in mind and safeguarding at all times the rights and interests of the public, which must be respected and safeguarded.

112. Advocated, and will continue to advocate, fair and just treatment of American soldiers who served our country in the great World War. Have voted for measures that promote and safeguard their interests in various ways, and can be counted on to do the very best that can be done for them in the final settlement for which they are now asking. Various plans have been suggested and various measures on this subject are now before the Ways and Means Committee. The soldiers themselves are divided in opinion as to just what they desire done, but I believe that Congress will pass a just and satisfactory measure, and I stand ready to vote for such a measure. I wish to obtain the opinion and desire of Alabama soldiers on the subject, as I would like to comply with their wishes as nearly as possible. I have requested Adjutant General Moon, of Alabama, who was himself wounded in the war with Germany, to obtain an expression from the Alabama boys on the matter of desired legislation.

113. I have given special thought and study and rendered service to the great agricultural interests of my State and Nation.

114. Voted against Federal woman suffrage amendment, but wrote to the advocates of that measure in the State that while I was not willing to turn over to the Federal Government the matter of saying who shall or shall not vote in Alabama, that if a majority of the white women of the State wanted the ballot I was willing for them to have it, and that I would join in requesting Governor Kilby to ask the legislature to submit to the people of the State an amendment to the State constitution granting suffrage to the white women of Alabama.

115. I fought centralization of government and never lost an opportunity to defend the doctrine of State rights.

116. Have supported every measure looking to the best interest and advancement of the cause of education.

117. Have supported measures necessary to carry out the purpose of the people in the constitutional amendments adopted.

118. Have opposed Government ownership of railroads and other enterprises and industries that properly belong to the people.

119. I favor readjustment of the income tax so that the single man shall have an exemption of $2,000 and the man with a family $5,000.

120. I favor speedy action on the peace treaty and urge the repeal of all special laws growing out of the war that restrain and harass the citizen in the free and honest management of his own private business.

121. Have advocated in the House and elsewhere the doctrine that America and the other civilized nations should set up an international tribunal for the settlement of disputes by arbitration, to the end that the peace of the world may be preserved and the cruel and useless slaughter of human beings prevented.

122. Was the author of the joint resolution which named and set aside a day which shall be known in all the hereafter as Mother's Day. The resolution requires that the flag shall be unfurled and displayed on the second Sunday in May on all public buildings in honor of the mothers of America.

Mr. HEFLIN. Mr. President, in addition to that, I suggested to the Senator from Arkansas [Mr. CARAWAY] on yesterday that I had made suggestions that found favor with other Senators and legislation had grown out of them.

I was the first man in the Congress to suggest that a limitation should be placed upon the amount of money that the Federal reserve banks should use in constructing Federal reserve bank buildings. They had expended as high as fifteen and twenty-odd million dollars on one bank. I opposed that, and during the fight that I led in this matter I made the suggestion that an amendment should be passed and stated that I intended to offer an amendment to that effect. My friend the Senator from Georgia offered such an amendment. I supported it, and we adopted it. His amendment provided that they should not expend more than $250,000 on one of these bank buildings unless Congress consented.

I suggested that Democrats ought to be represented on the Debt Settlement Commission, and an amendment to that effect was placed upon that act. The Senator from Georgia [Mr. HARRIS] introduced that amendment. I supported it, and we adopted it.

Mr. President, probably the most laborious and difficult task that I have ever undertaken was that of relieving the Federal Reserve Board, the Federal reserve banking system, and the country of Governor Harding as the head of the board. I led the fight against him, assisted only by the Senator from South Carolina, Mr. SMITH, Senator HARRIS, of Georgia, Senators SIMMONS and OVERMAN, Senator FLETCHER, of Florida, and the former Senator from Oklahoma, Mr. Owen. I succeeded in driving Governor Harding off the board. President Harding sent word to the Senate that if Governor Harding could be confirmed, he would reappoint him. A poll was made of the Senate. They reported to the President that I had made his confirmation impossible. The President then declined to reappoint him. He was literally driven from the Federal Reserve Board by the fight I had made. Senators on both sides congratulated me upon the outcome of that hard and bitter fight. I think it is probably the greatest service I have ever been able to render, not only to my State and the South but to the whole country.

Governor Harding, through deception and misrepresentation, secured the adoption of an amendment to the Federal reserve act, an innocent-looking thing, providing for a progressive interest rate. The Senator from South Carolina [Mr. SMITH] told him that if that amendment should be adopted and it should be applied to the South and West it would produce a panic, and he told him the truth. Governor Harding told the Senator from South Carolina that he did not intend to apply it to the South nor to the West but only to the East; that they were getting more money than they should have. When he got the amendment on the law, however, he applied it nowhere except in the South and West, and he, with his fellow conspirators, well-night ruined both those sections.

The power in that amendment was never applied to New York or otherwise in the East. And, Mr. President, I am the author of the amendment which repealed that destructive progressive interest amendment under which the panic of 1920 and 1921 was produced, one of the worst panics that ever cursed the country. I am proud to be able to say that I was successful in cutting that dangerous and deadly amendment off of the body of the great Federal reserve act.

Mr. President, I would not have referred to my record in Congress but for the unwarranted attacks that have been made upon it.

That is all I care to say this morning, Mr. President, except just one other thing: I knew this Sun correspondent, Frank Kent, in his better and brighter days. I knew him when he was regarded as an able, whole-souled, and clever newspaper man. I knew him when he had a good deal of the milk of human kindness in his heart; knew him when he loved his friends, loved life, and loved mankind. That was before he had descended in the scale of being into the grouchy and sour little thing that he is; and unless he wakes up and faces about I am afraid that he will ultimately pass like the miserable little screech owl—

> Which, in its latest breath,
> Croaks discordant strains, and croaks itself to death.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The PRESIDING OFFICER. The Secretary will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Office of the Secretary of War," on page 2, line 19, after the word "grade," to insert: "except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the

compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate," so as to read:

Salaries: Secretary of War, $15,000; Assistant Secretary, $10,000; and for other personal services in the District of Columbia in accordance with the classification act of 1923, $195,807; in all, $220,807: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate.

The amendment was agreed to.

The reading of the bill was resumed; and the Secretary read to line 26, on page 8, the last two paragraphs read being as follows:

ADJUTANT GENERAL'S OFFICE

Salaries: For personal services in the District of Columbia in accordance with the classification act of 1923, $1,392,620; all employees provided for by this paragraph for The Adjutant General's office of the War Department shall be exclusively engaged on work of that office.

For personal services in the District of Columbia in accordance with the classification act of 1923, for the completion of the compilation of the roster of the officers and enlisted men of the Union and Confederate Armies authorized in the act of February 25, 1903 (vol. 32, U. S. Stat. L. p. 884), $70,000.

Mr. KING. Mr. President, while I understand that under the unanimous-consent agreement we are to consider first amendments offered by the committee, to prevent recurring to this item, I ask the Senator the reason for these large appropriations for The Adjutant General's office.

My understanding has been that much of the work done by The Adjutant General's office during the past few years grew out of the war and the records which the war required to be kept and to be transcribed. We have been promised from year to year that the work of that branch of the War Department would soon get down to normal, or approximately normal, and therefore that the amount required for compensation of employees would be greatly reduced. I do not understand the necessity for such a large appropriation as $1,392,620, then $70,000 in the next paragraph, and, of course, a number of appropriations on the next page.

Will the Senator explain the reason for these large appropriations?

Mr. WADSWORTH. Yes, Mr. President.

The first item to which the Senator from Utah has called attention is the standard item for the support of The Adjutant General's office, and is almost entirely accounted for by the necessity for employing civilian assistants, all under the civil service. The item as carried in the bill is the Budget estimate for this purpose, and is slightly smaller than the estimate and appropriation actually made for the current fiscal year.

It should be remembered that the office of The Adjutant General has confided to it the handling of practically all the correspondence of the Army, all the printed matter that comes in and goes out, and it should be remembered that as a result of the provisions of the national defense act of 1920 the office of The Adjutant General has a much heavier burden than it had before the passage of that act.

I could refer the Senator to the hearings taken before the House committee indicating the extent of this burden, and how hard the people assigned to that office have to work, although it would be perhaps a waste of time to read much of that testimony at this moment; but I can assure the Senator that this has now become a standard item, and apparently it is impossible to reduce it any further. The appropriation in this bill constitutes a further reduction; but, frankly, I do not look for much reduction in years to come, unless we take away from The Adjutant General's office the burden of carrying on all the correspondence and keeping the official records of the Organized Reserve, the Citizens' Military Training Camps, and the Reserve Officers' Training Corps, all of which are the civilian components of the Army of the United States established in the act of 1916 and in the act of 1920, amending the act of 1916. I can assure the Senator that the present Adjutant General and his immediate predecessor have accomplished wonders in securing reductions down to this point. I think they have systematized their work now to a point where there is no waste.

Mr. KING. Mr. President, will the Senator advise the Senate as to the number of civilian employees in the War Department and in all branches of the department?

Mr. WADSWORTH. I can not give the exact number of all the civilian employees of the War Department, because we must remember that they are not only here at Washington but are scattered over the country at different Army stations. I can say to the Senator, however, that there are fewer civilian employees in the War Department to-day than there were before we entered the World War.

In spite of the fact that we have added the Air Service since the World War, which employs a large number of persons at McCook Field, Dayton, Ohio, at the research and experimental station of the Air Service; in spite also of the fact that since the war we have established a Chemical Warfare Service, and have a number of civilian employees at work at the Edgewood Arsenal, which is the working headquarters of the Chemical Warfare Service; in spite of these additions made to the combat branches of the Army, and the necessity for carrying on certain work which must be done by civilian employees, there are to-day fewer civilian employees in the War Department, as a whole, than there were in 1916. Incidentally, in The Adjutant General's office during the last year these people worked 7,400 hours overtime.

Mr. KING. Mr. President, the bill before us carries $343,153,493.16. In 1916, the year to which the Senator referred just now in his remarks, the entire appropriation for the War Department was $101,959,195.87, and that notwithstanding the fact that we had mobilized a considerable Army, Regular Army and National Guard, on the Mexican border, and had incurred a very large expense in protecting the border, and in our expedition into Mexico. Probably the latter followed a little later.

I confess that I can not understand the reason why our appropriations for the Army are so large. It seems to me that for a combatant force of less than 120,000 men, this appropriation of more than $300,000,000, to which I have referred, is too large. Of course, I want to be entirely fair. A large part of this, some $50,000,000, I understand, is chargeable to rivers and harbors, and, if I may say so, I think it is a great mistake to have that appropriation attached to the Army bill, because it gives the impression that the military expenses are much larger than they actually are. It seems to me that the Committee on Military Affairs could very justly insist that that be assigned to some other appropriation bill, so that the Army would not be charged with such a large appropriation, which goes for some other purpose than for the military defense of our country.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oregon?

Mr. WADSWORTH. I yield.

Mr. McNARY. I am curious to know what other appropriation bill could carry the item if it were not placed in the military appropriation bill, because all of the work on rivers and harbors is done by Army Engineers.

Mr. KING. It is quite likely that it would be illogical to assign it to some other committee, and yet the Committee on Commerce might handle it. But if it is to be handled by the Committee on Military Affairs, there ought to be some way by which the appropriation can be differentiated from the appropriation which is carried for purely military purposes, so that the military arm of the Government would not be charged with the appropriation carried for rivers and harbors. It is only in the interest of fairness that I make the suggestion. I am sure that a reading of the totals of the bill now before us would lead one to have a false idea of the expenses of the Army, in that it conveys the fact that we appropriate more than $300,000,000 for military purposes, when, as a matter of fact, $50,000,000 of that is appropriated for another purpose.

Mr. WADSWORTH. Much more than $50,000,000. It is a fact, as the Senator has stated, that some people become confused about the cost of the Army when they read that the total appropriation is in the neighborhood of $340,000,000. It has been my observation that pacifists take advantage of that situation, although they know better, and endeavor to persuade people that the Army is costing $340,000,000 and that therefore it ought to be reduced in numbers. The fact is, of course, that $50,000,000 of this $340,000,000 is for rivers and harbors and has nothing to do with the Army. Six or seven million dollars is for the support of the national soldiers' homes, an item never carried in the Army bill until the adoption of the Budget system. Something like seven million is for the support of the

Panama Canal, which was never carried in this bill. All the items for seacoast fortifications used to be carried in a separate seacoast fortification bill in what I may term the "old days." In addition to that, all the expenses for supporting the national military parks and cemeteries are taken care of in this bill.

Mr. WARREN. In other words, the items carried in the old sundry civil bill are now provided for in this bill.

Mr. WADSWORTH. A large portion of the old sundry civil bill is now covered in this bill. The appropriation for the support of the West Point Academy used to be carried in a separate bill. That is all included in this bill now. So, of course, this bill upon its face carries a much larger total than was carried in military appropriation bills before the establishment of the Budget, which bills provided solely for the support of the regular establishment. The difference would aggregate in the neighborhood of $100,000,000. I am glad the Senator has called attention to that. I wish he had done so at the beginning of his remarks, when he called attention to the fact that our Army was costing so much, the cost being $340,000,000. Of course the Senator corrected himself later on, but the first statement is the one that goes out.

Mr. KING. Mr. President, I think the Senator should compliment me for explaining for the RECORD what the facts are. One can not in one sentence explain the whole thing. I called attention to the appropriation, and then said, within two or three sentences thereafter, that in fairness it ought to be stated that $50,000,000 of this appropriation of more than $300,000,000 was due to an appropriation for rivers and harbors.

Mr. WADSWORTH. I am thankful to the Senator for his explanation. I merely observe now that it explains only about half of the situation.

Mr. KING. I am glad the Senator explained the balance. If the Senator had given me an opportunity, I should have asked him to explain the residue.

Be that as it may, the appropriation bill does carry for the Army more than $100,000,000, perhaps $130,000,000 or $140,000,000, more than was appropriated for the Army in 1916. As to whether that is too much or too little there will be a difference of opinion. For myself, I confess I think that $240,000,000, or thereabouts, in times of peace, is a very large sum for our Army. When we take into account the fact that we have appropriated this year more than $300,000,000 for the Navy, and there will be deficiency bills, undoubtedly, before we adjourn, and there will be deficiency bills for the next current year, the appropriations for military and for naval purposes will aggregate between six and seven hundred million dollars. I submit that that is entirely too much for this Republic in days of peace and under the conditions which now exist throughout the world. I submitted a motion, when the naval bill was before us, to recommit it, with instructions to the committee to report back a bill carrying $50,000,000 less than was carried by the appropriation bill then before us. That motion was defeated.

My understanding is, returning now to the question which I propounded to the Senator, that there are more than 30,000 civilian employees in the War Department. That, of course, calls for a very large appropriation. That will eat up a considerable part of this three hundred and forty-odd million dollars. The Army, perhaps less than the Navy, and perhaps less than many other departments of the Government, suffers from enormous overhead expenses. There have been in the past too many Army posts and too many extraneous activities, which consumed a considerable part of the appropriation.

I did wish that this administration could get down to economy, and could reduce the appropriations of the Government to approximately $3,000,000,000, or not to exceed three and a half billion. Instead of that, the appropriations which we will make, plus the deficiencies which undoubtedly will be called for, for the next fiscal year, will make the total sum of expenses of the Government for the fiscal year 1927 nearly $5,000,000,000. Yet this is an "economical" administration, and we are living in the days of peace.

The next amendment was, under the subhead "Finance Department, pay, etc., of the Army," on page 10, line 9, to increase the appropriation for pay of enlisted men of the line and staff, not including the Philippine Scouts, from "$48,973,485" to "$49,962,144."

The amendment was agreed to.

The next amendment was, under the subhead "Mileage of the Army," on page 13, at the end of line 18, to strike out "$800,000" and insert "$822,400," so as to make the paragraph read:

For mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law, to commissioned officers, warrant officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, $822,400.

The amendment was agreed to.

The next amendment was, under the subhead "Apprehension of deserters, etc.," on page 14, at the end of line 14, to strike out "$166,000" and insert "$160,000," so as to make the paragraph read:

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to each prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, $160,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps, subsistence of the Army," on page 17, at the end of line 16, to strike out "$16,109,908" and insert "$16,115,908," so as to read:

Subsistence of the Army—Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army: *Provided*, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard while competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men when stationed at places where rations in kind can not be economically issued, including retired enlisted men when ordered to active duty and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions when traveling to and from places of contest, applicants for enlistment and general prisoners while traveling under orders. For payment of the regulation allowances of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $16,115,908.

The amendment was agreed to.

The next amendment was, on page 20, at the beginning of line 15, to strike out "$11,634,391" and insert "$11,965,986," so as to read:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for the use of the Army for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, warrant officers, and field clerks, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902, and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto and the repair thereof; for ice machines and their maintenance where required for the

health and comfort of the troops and for ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; for cold storage; for the construction and maintenance of laundries at military posts in the United States and its island possessions; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $11,965,986, of which amount not exceeding $3,500,000 shall be immediately available for the procurement of fuel for the service of the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 21, at the end of line 23, to strike out "$5,101,916" and insert "$6,501,916," so as to read:

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the Mine Planter Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued to each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $6,501,916.

The amendment was agreed to.

The next amendment was, on page 22, line 12, to strike out "$3,929,600" and insert "$3,934,600," so as to read:

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the operation of coffee-roasting plants; for payment of entrance fees for Army rifle and pistol teams participating in competitions; for lecture fees at the Army Music School and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, $3,934,600.

The amendment was agreed to.

The next amendment was, on page 23, at the end of line 23, to strike out "$14,467,580" and insert "$14,577,718"; and on page 24, line 1, after the numerals "1927," to insert "and of the said sum of $14,577,718, $30,000 shall be immediately available for transportation of troops to and from the celebration commemorating the fiftieth anniversary of the Battle of the Little Big Horn, and $11,000 shall be immediately available toward defraying expenses in connection with the national rifle match," so as to read:

Army transportation: For the transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including per diem allowances in lieu of subsistence, not exceeding $4 for those authorized to receive the per diem allowances; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the operation and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $14,577,718, of which amount not exceeding $2,000,000 shall be immediately available for the procurement and transportation of fuel for the service of the fiscal year 1927, and of the said sum of $14,577,718, $30,000 shall be immediately available for transportation of troops to and from the celebration commemorating the fiftieth anniversary of the Battle of Little Big Horn, and $11,000 shall be immediately available toward defraying expenses in connection with the national rifle match.

The amendment was agreed to.

The next amendment was, under the subhead "Horses for Cavalry, Artillery, Engineers," and so forth, on page 25, line 5, after the figures "$450,165," to insert: "and in addition thereto the sum of $600,000 of the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is hereby reappropriated and made available for the fiscal year 1927, for the purchase of horses," so as to read:

For the purchase of horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $450,165, and in addition thereto the sum of $600,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is hereby reappropriated and made available for the fiscal year 1927, for the purchase of horses.

Mr. EDGE. Mr. President, this amendment leads me to make an inquiry of the Senator having the bill in charge. I notice that the amendment throughout refers to an unexpended balance of $600,000, appropriated heretofore for the equipping and training of the National Guard, and in view of that unexpended balance the appropriation for horses is raised in the sum of $600,000. I would like to ask the Senator having the bill in charge if the appropriation carried in this bill for the maintenance of the National Guard is increased over that of the past year. I am led to make that inquiry because of the fact that there was this unexpended balance. I would also like to have the reason for the appropriation of this additional sum for horses when the Army is being somewhat reduced.

Mr. WADSWORTH. It might not be amiss for me to state to the Senate the situation confronting the Army with respect to its horses.

It will be recalled that we had a large surplus of horses immediately upon the conclusion of hostilities in the Great War, and, of course, it was incumbent upon the War Department to sell the surplus. Otherwise, it would have been put to a tremendous expense to feed and care for them, when they were not needed in the reduced Army. Of course, the War Department retained enough of these horses to equip the Army at its reduced figure. It was not necessary for the Con-

gress to make any appropriation for this purpose for the year or two immediately succeeding the close of hostilities, as we had enough horses on hand.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. GOODING. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from New York will proceed.

Mr. WADSWORTH. In the years 1920, 1921, 1922, 1923, and 1924 there were no appropriations for the purchase of horses or mules for the Army. In 1925 a modest appropriation was made. For 1926, the current year, an additional appropriation was made. Taking into account the number of horses purchased under the appropriation bills for 1925 and 1926, the wastage in the number of horses has been so great, due to death and condemnation for exhaustion, that to-day the Army is 3,000 horses short of the number required to mount the Cavalry, Field Artillery, and other mounted or horse-drawn organizations required for the peace-time minimum strength. In other words, if the Army had to take the field to-morrow at its reduced strength, it would be short 3,000 horses.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. WADSWORTH. I yield.

Mr. KENDRICK. Will the Senator inform us as to the average age of the Cavalry horses in the Army?

Mr. WADSWORTH. I shall be glad to do so. The inquiries of the committee developed the fact that of the horses now on hand in the Army the average age is a trifle over 16 years. Hundreds of them are over 20 years of age.

Mr. FESS. Mr. President, may I ask the Senator from New York how serviceable is a horse 16 years of age?

Mr. WADSWORTH. Horsemen might have different views as to how serviceable a 16-year-old horse may be. If he is an exceptionally good horse and has had the good luck not to be injured so as to make him unsound he might be good for some time, as the Senator knows. But on the average, by and large, a regiment of Cavalry mounted on horses averaging over 16 years of age could not keep the field for more than two weeks.

Mr. KENDRICK. Mr. President——

Mr. WADSWORTH. I shall have some other observations to make with reference to age before I conclude. I yield to the Senator from Wyoming.

Mr. KENDRICK. The discussion of this item reminds me that when we were considering the item in the committee a member of the committee facetiously asked whether or not the Army had any plan of retirement for its horses at the age of 64, the same as the age of retirement for its officers.

Mr. WADSWORTH. Sixty-four is the legal age of retirement for officers and it may be the plan is to allow horses to retire at that age.

The item carried in the Budget, which in effect was adopted by the House with very slight change and was included in the bill as it passed the House and sent to the Senate Committee on Appropriations, would permit the purchase of 1,818 horses in the next fiscal year. If we purchase only 1,818 horses in the next fiscal year, the year covered by the pending bill, at the end of the fiscal year 1927 the Army, instead of being short 3,000 horses as it is to-day, would be short 5,200. In other words, the purchase of 1,818 horses comes nowhere meeting the wastage which must occur among these aged quadrupeds during the coming fiscal year.

Further, if the Congress is no more liberal in the matter of appropriations for new horses for the Army than is suggested by the Budget and the House of Representatives this year, and if it is no more liberal the year following for the fiscal year ending 1928, at the end of that fiscal year the Army will be short 13,000 horses and the average age will be over 18. So we are heading for a perfectly ridiculous and absurd state of affairs.

Mr. SMITH. What is the total number of horses in the Army?

Mr. WADSWORTH. The total number needed?

Mr. SMITH. No; I mean the total number that is in ordinary use in the Army.

Mr. WADSWORTH. The Army has to-day 26,600 horses.

Mr. SMITH. What is the average age of those horses?

Mr. WADSWORTH. About 16½ years.

Mr. SMITH. That is the average age?

Mr. WADSWORTH. Yes. That includes some young horses that were purchased last year and some purchased the year before, which, of course, bring the average age down a little.

Mr. SMITH. That means necessarily that a large percentage of them are away above 16 years of age.

Mr. WADSWORTH. Certainly; hundreds of them are.

Mr. SMITH. If the wastage is not more than is covered by the provision that we have now for the purchase of new horses, we are not replacing any at all of the number that is necessary now. We are simply providing in the bill for the wastage and not for the additional number of horses needed. What I want to get at is, what appropriation ought we to make to equip our Army with proper horse power?

Mr. WADSWORTH. Perhaps I can express it in this way. The committee proposes to take $600,000 out of an unexpended balance which was found in the appropriation for arming and equipping the National Guard and to add it to the $450,000 appropriated by the House for this purpose. It may be understood, however, that of the $450,000 appropriated by the House, $150,000 goes to the encouragement of breeding and not the purchase of horses. Added to the $300,000, we could then in the next fiscal year purchase 5,500 horses altogether. If the Senate committee amendment is adopted and passes through conference and is finally agreed to, we could purchase 5,500 horses. That would enable us to just hold our own against a threatened shortage of 5,200 horses at the end of the fiscal year 1927. We will gain perhaps 200 or 300 against the present shortage of 3,000.

As a matter of fact, we shall have to face this proposition sooner or later. Your committee has not faced it completely when it urges this increase, large as it may seem. Next year the appropriation will have to be larger than the one we proposed, because the wastage will be even greater next year. As these horses approach the "voting" age of 21 they are bound to die. It will be incumbent upon the Congress at this time, in connection with this appropriation and in connection with the next two appropriations, to decide whether we are going to have any Cavalry or any Field Artillery horse drawn. We can not have them without horses. Mind you, it does not pay to feed oats and hay to a horse that can not work in active field service, and yet that is what we are doing by the hundreds and hundreds. There is no economy in it. When we have a young horse he eats no more than the old horse. The War Department estimates that to put the horse problem back on a satisfactory basis of economy and efficiency we should buy 6,000 animals annually for the next seven years. We propose under the increased appropriation to purchase 5,500.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I yield.

Mr. BROOKHART. I desire to ask the Senator in charge of the bill about the $600,000 unexpended balance of the National Guard appropriation. Why is it necessary to take the National Guard money in that way?

Mr. WADSWORTH. This provision does not take any money from the National Guard. Those items are taken care of in a satisfactory manner, as I think I can show. I can show the Senator that it is all right. It is an unexpended balance which the National Guard does not need.

Mr. BROOKHART. How does it happen to be unexpended by the National Guard?

Mr. WADSWORTH. It was left unexpended largely as the result of an Executive order which had the result in turn of preventing the guard from continuing its recruiting program in the fiscal year in which the appropriation was made. That is taken care of in the bill later on.

Mr. BROOKHART. It means a restriction of the National Guard, then?

Mr. WADSWORTH. The item has no effect in the way of restricting the National Guard. That was 1924 money.

Mr. BROOKHART. It seems to me that instead of being appropriated to the Regular Army it ought to be used for the benefit of the National Guard.

Mr. WADSWORTH. If the guard needed it, that would be true. I am going to offer an amendment to the amendment which we are now discussing, so that the guard may get some of these horses. I can assure the Senator from Iowa that the National Guard item itself contains appropriations sufficient to support the guard at a strength somewhat larger than it has to-day.

Mr. BROOKHART. But the guard is not properly supported because there is no recruiting under Executive order. I do not understand the proposition.

Mr. WADSWORTH. The bill permits an increase of the National Guard. I can show it to the Senator when we reach that item in the bill.

Mr. EDGE. Mr. President, repeating the question which I asked at the outset, does the bill provide an increased appropriation for the National Guard over 1925?

Mr. WADSWORTH. When we reach that item I can give the Senator the exact figure. I can not carry those figures in my head. It is a slight increase and permits the Guard to grow to 185,000.

With the permission and authority of the committee, I desire to offer the amendment which I send to the desk in connection with the horse appropriation.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. At the end of the amendment of the committee, insert:

One thousand of which shall be delivered to the National Guard.

Mr. WADSWORTH. I think an explanation of the amendment to the amendment should go into the RECORD at this point. The National Guard to-day under the law is authorized to have delivered to it from the Regular Establishment 32 horses for each battery of field artillery or troop of cavalry. The guard, like the regulars, is short of horses. To-day the average troop of cavalry in the guard, instead of having 32 horses, has about 22. The average field battery of the guard, instead of having 32 horses, has about 18. The average age of the Government-owned horses now in the hands of the National Guard is 18 years. This provision will permit the guard to get 1,000 horses that can work outside of the stable.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York in behalf of the committee to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Military posts," on page 26, after line 20, to insert:

Not exceeding $800,000 may be used from the proceeds of the sales of surplus real estate not heretofore covered into the Treasury for construction of permanent barracks at Camp Lewis, Wash.

Mr. KING. Mr. President, several years ago there was objection made to departments and bureaus being permitted to avail themselves of funds in their possession derived from various sources. It was regarded as wiser to have those funds covered into the Treasury and then an appropriation made. I am wondering why there has been a departure from that policy which, as I understood it, was adopted a number of years ago.

Mr. WADSWORTH. The item to which the Senator calls attention is exactly in line with the principle which he enunciates. This money has come into the War Department as a result of the sale of surplus real estate. It has come in very recently. It has not yet been technically turned into the Treasury. The committee proposes that $800,000 of it be appropriated by the Congress for this specific purpose. They have to come to Congress to get the authority and the appropriation.

Mr. KING. It seemed to me, Mr. President, that this was merely a short cut for the purpose of obtaining this money without covering it into the Treasury and then having it reappropriated. The policy which has been adopted, as I understood, contemplated that funds of this character should actually go into the Treasury, and then appropriation should be made without reference to any particular fund and without identifying the appropriation made with any funds which had been covered into the Treasury of the United States.

Mr. WADSWORTH. The technical position of this fund or of this money in the hands of the administrative branch of the Government would not seem important to me so long as the Congress held control of the appropriation.

Here is the situation in this respect: The Senator from Utah may remember that this morning I submitted a conference report on the so-called War Department housing bill. That is the name that has been attached to the bill, although it is not accurately descriptive. It really provides for the sale of a number of properties listed in the bill, the proceeds of which are to be turned into the Treasury in a special fund to be known as "the War Department housing fund." From that fund the Congress expects to appropriate from year to year the sums necessary to construct decent quarters for the officers and the men.

Incidentally that same bill provides that the funds already accrued from sales of real estate under a recent authorization of the Congress may be used as a part of this same fund. That bill has passed; it is on its way to the President, and, of course, will be signed, because it is one of the matters with which he has dealt officially.

The committee thought it was justified in taking advantage of that agreed-upon policy and appropriating $800,000 to meet a very emergent situation at Camp Lewis and to take that money from this fund which has accrued from the sale of real estate; and that is what we have done.

Mr. KING. Mr. President, I have no doubt this appropriation is necessary, but I think it is a very unwise policy for this reason: If departments and bureaus are permitted to sell property or to accumulate funds, and then to get Congress by legislation to agree that such funds may be used by them, there is an inducement for them oftentimes to get a larger appropriation than otherwise the Bureau of the Budget might be willing to recommend or Congress might be willing to pass. The Budget Bureau, if the matter is submitted to the Budget, is more inclined to recommend a larger appropriation when the funds out of which the appropriation is to be met are to be derived from the sale of some property or from some other source than if a direct appropriation out of the Treasury is made. I submit that the policy which was adopted some years ago was a wise one. This is a departure from that policy, a technical departure, it is true, but, nevertheless, it is a departure, which, in my judgment, will be very unwise and will be provocative of the results to which I have just referred.

Mr. TRAMMELL. Mr. President, in view of the unanimous-consent order, I do not know that I can offer any amendment to the bill at this time, but I wish to add a few words to the discussion concerning real estate that has been sold, the proceeds of which have been covered into special funds in the War Department. In equity and justice, I think that the Government in disposing of such property where the local communities at the time the Government located a camp or a flying field, or whatever it may have been, expended considerable sums in the way of helping to construct highways for the purpose of bringing these properties closely in contact with the surrounding towns there should be some equitable adjustment with those communities.

We have one instance of that in Florida at Arcadia, where there was established the Corlstrom Flying Field. There was a considerable sum of money expended by the local road district of the county in building a road out to that flying field. The Government under plans which have been adopted now proposes to sell that property. We contend that that road district at least ought to be compensated or reimbursed for a part of its expense in connection with that particular property and development, for the construction of roads to that flying field.

Of course, I do not approve in some instances of the policy of selling many of these properties and going off and building up a camp or camps at a distant locality, frequently at a largely increased expense on the part of the Government. We had in Florida a most excellent flying field, Florida being a location which was decided upon during the World War as being ideal in view of the fact that aviators could fly there every day in the year. Florida's mild, suitable climate and all other conditions blended to make it an ideal location for flying fields. The Government has abolished all the flying fields in Florida and has, in a degree, been speculating in property. In Miami the Government has discontinued the flying field there and has sold the property which probably cost the Government not over $100,000 for $1,800,000, taking the money and expending it somewhere else. I do not believe that that is good business policy on the part of the Government. Nevertheless the act providing for that has been passed, and the department is now operating under it.

The particular matter, however, to which I wished to call attention is that the localities and communities which have expended money for the purpose of building roads to camps and flying fields should have a settlement made with them and should have some contribution made for the reimbursement of those expenditures. I merely wish to submit these remarks for the consideration of the chairman and of the Committee on Military Affairs in dealing with situations of this kind.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Military posts, Hawaiian Islands," on page 27, at the beginning of line 6, to strike out "for" and insert "toward," so as to read:

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, $100: *Provided*, That not to exceed $450,000 may be used toward completion of hospital at Schofield Barracks from the proceeds of the sales of surplus real estate not heretofore covered into the Treasury.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, I want again, at the expense of reiteration and bringing the condemnation of the Senate upon my head, to protest against the policy of authorizing the sale of real estate and then using the funds, without their being covered into the Treasury, for the purchase of other property. I believe that every appropriation ought to stand upon its own merits. It ought to be submitted to the Budget; it ought to pass muster, regardless of the sale of real estate or regardless of the fact that, through speculation or otherwise, the Government has made money and has that money available in the hands of some bureau or some Government agency. I believe that it makes for bad appropriations, unwise appropriations, and extravagant appropriations if we encourage agencies and bureaus of the Government to sell property and to avail themselves of money that may thus come into their hands. If we authorize them to use the money for purposes which may be entirely legitimate and proper, instead of covering the money into the Treasury and then if they need an appropriation go to the Budget or to the constituted authorities and in the proper and legitimate way secure approval of it and have the measure come here in the ordinary manner, I repeat it makes for extravagance and it is a departure from the usual procedure.

If the department has money in its hands—a million dollars, say—obtained from the sale of property and wants to construct barracks or to expend money for some legitimate purpose, it will shape its course so as to utilize the entire million dollars; whereas if that money were covered into the Treasury and it had to pass the scrutiny of the department and the Budget, it might be that $800,000 or less would be all that would be required, or at least would be approved; but when they have the $1,000,000, and the understanding is that they are to call for no more out of the Treasury, the disposition of those who pass upon the matter is to say, "Well, this does not cost the Treasury anything; let us expend the entire $1,000,000." It tends, I submit, to extravagance, is a bad practice, and is in violation of the policy which heretofore has been adopted by the Senate.

Mr. WADSWORTH. Mr. President, I think perhaps if the Senator were acquainted with the facts underlying the provision on page 27, lines 5 to 8, which makes an appropriation similar to the one made at the bottom of page 26, he would understand that under certain circumstances it is wise and economical to violate the rule of sound appropriating policy.

Here is what happened in Hawaii. The information did not come to us through the Budget. We find that we learn many things which are not covered by the Budget when we examine into conditions affecting what might be termed the "plant" of the Army. Some time ago the Congress made an appropriation to commence the building of a hospital at Schofield Barracks in Hawaii. There is not a modern hospital there, although there is a garrison of 13,000 men. The present hospital is in a temporary structure. The money appropriated by Congress to commence the construction of the hospital was expended under contract, and three wards were finished. We find that those three wards are finished and are standing there now empty and unusable, for the simple reason that last year we did not continue the appropriation. Those wards can not be used, because there are no kitchens, no quarters for the hospital attendants, no quarters for the medical officers, no laboratory. There stand three brand-new buildings, empty. Your committee made up its mind that it would be wise to cut a little red tape in order to cure a situation of that kind, because, as the Senator from Utah will agree with me, there is no economy in any such program as that. So the Senate committee agreed to leave in the bill the item inserted by the House and continue the building of that hospital; that is all.

Mr. KING. Undoubtedly the building of a hospital is necessary, but the argument which the Senator has made is merely a condemnation of Congress for failing to make an adequate appropriation.

Mr. WADSWORTH. It is unfair to condemn Congress, because a committee of Congress can not know about all the conditions with respect to every building at every post all over the continental United States and in the territorial possessions. It was purely by accident that the House Members found out or heard about those three empty wards.

Let me remind the Senator from Utah that under the present system of the Budget information is not brought officially to the committees of Congress. We have to go out and dig it up. The only information that comes to us from the Budget is "Here are the Budget figures"; nothing else. We can be told by an officer of the War Department how much those Budget appropriations can accomplish, but we can not find out from him unless we cross-examine him and have some information in advance to guide our cross-examination what the true facts may be. So we must not blame Congress if things of that kind slip by.

I am quite certain that had Congress, during the consideration of the last bill, known that three wards of a brand-new hospital would be standing empty and useless to the Government, it would have appropriated money for continuing the building; but no such continued appropriation was recommended by the Budget.

There is a building standing to-day at Fort D. A. Russell, in Wyoming, a barracks building, in the attic of which a fire broke out about two years ago. The roof was burned off. I never heard of that incident until about a month ago. The Senator from Wyoming [Mr. WARREN] told me about it. He had visited the post and seen the building. There it has stood for two years with no roof on it. Why? Because there was not enough money appropriated for the current year or for the preceding year under the item "barracks and quarters" to put a roof on a permanent building which is standing open to the elements.

We find out about such things accidentally. We have no means of investigating systematically the condition of all the buildings and structures of the Army in this country and in our territorial possessions. Had not the Senator from Wyoming gone to that post we probably never would have had any official information about it. We find out these things, and as we do find them out we try to cure them. Of course, no one will contend that there is any economy in letting a permanent building, constructed of brick and stone, designed to house a company of Infantry, stand for two years with no roof on it; but that is the situation of that building at Fort D. A. Russell to-day.

Mr. BINGHAM. Mr. President, I should like to ask the Senator whether it is not true that under the present system an officer of the Army knowing of these things, appropriations for remedying them not having been approved by the Budget, is forbidden from appearing before the committee and calling the committee's attention to the needs as he knows them?

Mr. WADSWORTH. If he calls our attention to those needs in such fashion as to ask for an increase of an appropriation, he is guilty of a misdemeanor under the Budget law; so, as I say to the Senator from Utah, we have to dig these things out ourselves. I would not have known anything about the horses had I not seen a battery of Field Artillery and had a look at the legs of the horses. I did not have to look at their teeth to guess their age. Then I made inquiries, and I found that officers in that service had been warned by their superiors not to talk about the age of the horses in the Army, because they might be disciplined by higher authority if they did so.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I do.

Mr. BROOKHART. I should like to ask if there is not some authority in the Army somewhere for these matters to be considered and reported to the committee?

Mr. WADSWORTH. There is not; not after the Budget report is made. Nothing comes out of the War Department from then on.

Mr. WARREN. Except as we send for the officers.

Mr. WADSWORTH. We send for the officers, from the Secretary of War down, and we put to them every question that we can think of; but we can not think of all the things that need examination.

Mr. BROOKHART. It seems to me that efficiency would demand that incidents such as the Senator has related should be reported at once and all the time, and the attention of Congress should invariably be called to them.

Mr. WADSWORTH. The War Department is notified by the Director of the Budget that a certain figure is the limiting figure, and that it must make its estimates inside that figure. The War Department officers have hearings before the Budget and thrash out those things, and do the best they can; but

when once the Budget is submitted to the Congress no officer of the War Department may ask for an increase in any item.

Mr. BROOKHART. Then these things were deliberately left out by the War Department?

Mr. WADSWORTH. No; they were not deliberately left out. They were compelled to be left out. They had no choice.

Mr. BROOKHART. Did the Director of the Budget order them left out, or how did it happen? Did the Budget consider them?

Mr. WADSWORTH. Certainly; the Budget officer goes through all these estimates.

Mr. FLETCHER. Mr. President, I take it the War Department has to decide what are the most pressing and urgent and emergency matters and eliminates those that it thinks can stand for another year.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. WADSWORTH. Yes.

Mr. COUZENS. I should like to ask the Senator a question. If the Bureau of the Budget hear about a building in Wyoming without a roof and three barracks without a kitchen, do they ignore those conditions when they are presented to them?

Mr. WADSWORTH. I do not know.

Mr. COUZENS. Should not the Congress know if those things are presented to an agency of the Government and no cognizance is taken of them?

Mr. WADSWORTH. I only know that the War Department makes out its preliminary estimates through its own Budget officer. He is the Chief of Finance. To him each bureau of the War Department and all the branches make their estimates as to the amount of money which they regard as necessary for their upkeep for the ensuing year. The Chief of Finance, who, as I say, is the War Department Budget officer, collates those estimates, and in consultation with the Secretary of War they are carved down and readjusted until finally the Secretary of War, with the aid of his own Budget officer, is ready to submit to the Budget Director a complete set of estimates for the support of the whole War Department. Then the Budget Director goes through them, and he may and does summon officers from the War Department to explain item after item. When he reaches his decision and fixes a limiting figure on the whole appropriation for the War Department, the Secretary of War is notified; and he must still further cut his estimates or his items to get inside of that limiting figure, and he has no say in the matter from that point on.

Mr. COUZENS. May I ask the Senator if there is any record of these negotiations in the bureau that the committees of Congress may see?

Mr. WADSWORTH. I do not know what records are kept of the negotiations. We can get the original War Department estimates as submitted to the Director of the Budget on any item in this bill; but what kind of negotiations go on from that time on I can not say, and I do not know what record is kept. All that we eventually get is the final figure of the Director of the Budget, and the War Department has nothing to do about it after that.

Mr. WARREN. Here is the volume in which we get all those things from the Bureau of the Budget.

Mr. SMOOT. Mr. President, I will say to the Senator that a record is kept, not only of the original amount asked for but of the amount that was first proposed by the Director of the Budget, and then a record is made of the estimate of the department—whatever department it may be—which is supposed to fall, if possible, within the amount that has been assigned to that department. Almost invariably the department has asked for more than that amount, however. Then complete hearings are held between the officials of the department and the Director of the Budget as to the real necessity for the increase asked for. It is true that there is vested in the Bureau of the Budget the power of saying that the amount shall be increased or decreased; but a complete record is made of every transaction and every statement that is made, and the changes that may be made, either in the way of an increase or in the way of a decrease, and why.

Mr. COUZENS. Mr. President, I understood the chairman of the committee a moment ago to say that it is only by accident that the appropriating bodies of the United States Government find out that there are three hospital wards built in Hawaii without a kitchen, without a steam plant, without facilities for use, and that it is only by a casual visit of a Senator that we find a barrack in Wyoming that has been standing there for years without a roof on it. I submit that no one can condone a condition of that kind. I do not understand why the Appropriating Committees of the Congress should permit that sort of thing to continue. I do not understand why there should not be some remedial legislation, or some report from the Budget that would enable Congress to see whether their discretion is wisely used.

Mr. SMOOT. Mr. President, the statement made by the Senator is the first I have heard in that connection. Of course, it may be perfectly correct. I do not know.

Mr. COUZENS. If Congress is run by accident, we ought to know about it.

Mr. SMOOT. As I say, that can be easily ascertained; and I shall take it upon myself to find out just how it happened.

Mr. BINGHAM. Mr. President, in answer to some of the remarks made by the junior Senator from Utah [Mr. KING] in his opposition to appropriations being made from money received for the sale of War Department property and War Department posts——

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. Yes.

Mr. KING. I extended what I said to all governmental departments and bureaus. I condemned the principle by which moneys that come into the hands of any bureau or department or executive agency, or, for that matter, any agency of the Government, which ought to be covered into the Treasury, may be held by them and then may be expended either without any direct authority from Congress or by direct authority from Congress. My position is that it is wiser to have all moneys that come into the hands of Government officials turned into the Treasury, and then let the appropriations come through one channel; if we have a Budget officer, let the Budget officer consider the applications for appropriations and then let Congress make the appropriations.

Mr. BINGHAM. Actually, though, Mr. President, the Congress has to make the appropriations. The money received from the sale of the lands can not be spent by the War Department without the approval of Congress. Is not that correct? This seems to contemplate that, I will grant.

Mr. SMOOT. Mr. President, I will say to my colleague that I think 99.99 per cent of all the money that is collected from any source whatever goes into the Treasury of the United States and is drawn out by appropriations. The Senator will find in this bill one of the exceptions, namely, the receipts from the Panama Canal and the Panama Railroad, which can be used without that money being reported to the Treasury and placed to the credit of the institution. There are so very few of them, however, that I think I can count on the fingers of one hand the cases where that is allowed; because a few years ago we went so far as to pass a law saying that every dollar received from every source should be put into the Treasury of the United States, and no expenditure of money should be made by our Government unless it was by a direct appropriation. That is the law now, with the exception of the few cases that do exist where Congress authorized it.

Mr. BINGHAM. Mr. President, there is this to be said on behalf of the War Department in this connection, and also in connection with the increased appropriations: Ever since the war, the Senator will remember, the War Department has been acting as a fairy godmother to various other departments. For instance, take the Post Office Department, which is charged with the conduct of the air mail. The War Department has handed over to the Post Office Department from time to time a hundred Liberty motors, and at another time a hundred Liberty motors, and at another time a hundred Liberty motors, without receiving a cent in compensation or even any bookkeeping credit; and yet those motors might have been sold for the benefit of the Federal Government. The War Department, however, has acted as a fairy godmother to various departments with trucks, automobiles, Liberty motors, airplanes, and one thing and another, using up surplus supplies and things left over from the war.

Mr. KING. Mr. President, will the Senator yield? I am familiar with that; and if the Senator had been here a few years ago—he was not—he would know that though I was not a member of the Military Affairs Committee I took the position that it was unfair to the War Department to have the War Department act as the fairy godmother to other departments. I insisted that the property should be appraised, and if any of the departments wanted it they would have to get an appropriation, and the War Department would get credit for it, and the department that utilized the property should pay for it; that is, it should get an appropriation from Congress, so that the War Department would get credit. I think we were prodigal and wasteful and extravagant in the highest degree in the disposition of tens of millions of dollars' worth of war property that was literally squandered by giving it to the States in many instances, and to some of the departments in other instances.

Mr. BINGHAM. I am very glad to have the Senator's explanation. I am sorry that I was not aware of his position in the matter. I might have known that that would have been his position. But, Mr. President, it does not alter the fact that now we have come to the end of a large part of our surplus supplies, and we are no longer able to use many of the horses that were bought during the war and much of the material that was bought during the war. Nearly all of the automobiles that are used by the Army to-day are of the vintage of 1916 and 1917. We have actually been spending more money on the War Department in the past few years than the appropriation bills show; and although actually this appropriation bill carries a very considerable increase, it is only because we have to buy things now that heretofore were bought previously, and were being used up. So I hope the Senator will not feel under the necessity of continually taking the position that we are unduly increasing appropriations that are very much needed for the War Department.

Mr. SMITH. Mr. President, before we leave this question I desire to call the attention of the Senate to the fact that the Senator from New York explained a moment ago that the work of making appropriations for the Army is practically decided by the War Department and the Bureau of the Budget. That is true of every one of the appropriations heretofore made for the different departments.

I want to take this occasion now to protest against the delegation of the power and responsibility of Congress to what we call the Budget and to the departments. We should abolish this miserable system, under which the departments here shall determine what they want and in what localities they see fit to spend the appropriations, and then the Budget is to determine whether or not it is to be allowed, with the amount of cloth they have to make the garment, and we simply rubber stamp it and sit here under the absolute dominion of a detached, irresponsible body, created, I think, in a moment of mental aberration on the part of this body, in a Government such as ours, where each one of us is responsible to his constituents, and the whole responsible to all.

We deliberately delegate to a body not elected by a mortal soul, a body of appointees, the responsibility of what shall be done with the money extracted from the pockets of the people under laws passed by us. We are responsible for the laws laying the taxes. We are responsible for the laws under which the taxes are expended, and yet we delegate to some appointee the right to determine how much we shall spend, where we shall spend it, and for whom we shall spend it. It is a cowardly attempt to dodge a responsibility. We should never have adopted that miserable Budget system in democratic America.

Mr. WARREN. Mr. President, I presume the Senator voted for the law establishing the Budget, did he not?

Mr. SMITH. I do not know whether I did or not. But a good many of us vote for things and are sorry afterwards. If I did vote for it, I hope I may be forgiven. God knows I would never do it again and would welcome the chance to undo what I have done.

Mr. WARREN. I may say, as to myself personally, that I did not vote either for or against it, but by a very, very large majority Congress passed the law providing for the Budget to aid Congress in making appropriations. But we retain the privilege of doing as we please in making appropriations. We can follow any one of the Budget's recommendations we care to follow. I hold in my hand the statement of the proceedings of the Bureau of the Budget for this year, containing all their recommendations to the Congress as to appropriations. But we can proceed to frame bills and pass them without looking at the recommendations of the Budget, if we care to do so.

Mr. SMITH. Precisely; and if we can do as we please, what do we want with the Budget?

Mr. WARREN. Sometimes when we become a little irritated about a matter, when we do not get something we want, we condemn the Budget, and we can do as we please, but generally we prefer to come back to the recommendations of the Budget.

Mr. SMITH. Oh, yes. I can rise and talk as I am talking now, because I have been denied nothing, though if I had expressed a wish for anything it would probably have been denied. I happen to come from that section which is generally denied most things. But take the principle involved. We delegate to a body the responsibility of apportioning the expenditures of the money collected in taxes from the people under laws passed by the Congress.

We say to a department which we created, "You are superior to us. You go down there and work it out, and we will rubber stamp it." That is all we do. The Committee on Agriculture used to have charge of the agricultural appropriation bill, in which we have provided many things that have worked out splendidly. Now that bill never comes to that committee. It goes to General Lord and his crowd, who may know a cotton stalk from a jimson weed or an ear of corn from a head of lettuce. They are the ones to pass upon what we, under the genius and form of our Government, are supposed to know intimately.

I think there is no more splendid system of representation than we have had. In this body the sovereignty of the State is taken care of. In the other body the population of the State is taken care of. Every year the Representatives and Senators come to Washington fresh from their constituents, but this bureau which passes upon the exigencies that arise throughout the 12 months is located here in Washington. Those persons never leave Washington. They know nothing about what is going on, and the moment we come in honestly and sincerely and point out a thing, in place of our recommendation being taken in good faith and examined to see whether or not we may be right or wrong, what does the Budget say? What does the department here, which has not been within a thousand miles of the situation, say?

We have before us now the Army appropriation bill, and the Senator from New York sits here in charge of that bill, managing it with his usual skill and expedition, telling us certain things are done because the cloth was apportioned by General Lord, that the Army went in and collaborated with him; that we, upon whom the responsibility of representing the Government rests, through the passage of the proper laws, pass the serious part of the responsibility over to a board of irresponsible individuals.

The Senator from Wyoming calls my attention to the fact that I may have voted for the law establishing the Budget. I intend to show how much I appreciate this abortion, this travesty, this reproach on the House and the Senate, by introducing a joint resolution to repeal the whole miserable business and let the Congress do what the people have elected them to do. It is a good thing the people of America are too busy trying to make a living round about in the little spaces left by certain intrenched forces to keep up with what we are doing. If they understood just exactly how the business of appropriating money is handled, I think they might get a body that would be responsive to them, and not responsive to General Lord. The Senator is not responsive to his constituents in New York. Oh, no! He comes here to legislate according to how General Lord lets him legislate.

My good friend here from Utah [Mr. KING] sees in one of the departments certain things which he thinks need attention, and he comes before the proper committee, and the first question that is asked him is, "Has the Budget or the department acted upon it?"

I seriously think that if we are dead in earnest about economy, we ought to elect a Vice President and perhaps one or two heads of departments. Then we could do away with the sessions of Congress, or be here only long enough to come in and answer to the roll call. It is a monstrous thing for a committee to have to sit here and do what these committees have to do. What does the Committee on Military Affairs do; what does the Committee on Agriculture do, outside of introducing a few bills which carry no appropriations?

The members of every single committee charged with investigating the conditions in this country come here and lay before each other the results of their investigations. They are appointed to the various committees for the purpose of seriously and honestly considering the state of the country in reference to the particular matters which come before them. But everything is referred to General Lord and the Bureau of the Budget, and to some department, the officials of which never go out and come in vital touch with the conditions with which you and I are supposed to come in contact in our several communities. It is a monstrous perversion of what we are supposed to do, and it is a cowardly thing for us to sit here and submit to such a perversion of the very genius and spirit of our Government.

Some say that we need the Budget in the spirit of economy. Then we convict ourselves of being less efficient in performing the duty imposed upon us than another body, and we delegate the power to a man better qualified than we are to do what we are supposed to do. There is no escape from that logic.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. SMITH. I yield.

Mr. DILL. The Senator thinks, then, that in actual practice this Government has become a sort of elective monarchy for four years, in which the President and Cabinet really determine what legislation will pass?

Mr. SMITH. I do not know very much that is left. We get together here and pass certain laws, but we must not touch the sacred thing, the dollars and cents. We have convicted ourselves of incompetency to meet and discharge our responsibility. We have turned it over to a body that was elected by nobody, that is responsible to nobody. We have turned over to them a sacred duty which belongs to us all. It irritates me to have men say, when I bring up conditions, or when other Senators bring up conditions, which call for serious consideration, to ask the question, "What did General Lord say about it?" We have created a Frankenstein to overlord and rule us. It is a monstrous proposition, and we are derelict in our duty if we do not take the first opportunity to abolish this miserable, un-American thing called a Budget, in a democratic government, such as ours.

Mr. JONES of Washington. Mr. President, I want to say just a word. In my judgment, the greatest instrument for efficiency and economy in the administration of the Government is the Budget.

Mr. SMITH. Then, Mr. President, all I have to say is that the Senator from Washington has solemnly charged the body of which he is a Member with being incompetent to do the thing for which the people elected us.

Mr. JONES of Washington. No; Mr. President, I have not done anything of the kind. The Budget is simply an instrumentality of the Congress which enables it to do things economically and efficiently.

Mr. SMOOT. The ultimate power is in the Congress. I think the Senator from South Carolina voted for the bill creating the Budget.

Mr. SMITH. That is like that miserable statement so often made, that I voted for the Henry Ford offer for Muscle Shoals. The only consistent man I ever saw in my life was a dead man; he never changed except to get a little deader. It is no argument to say that because a man does a thing once he ought to do it again. We tried this as an experiment, to put the most charitable construction on it. We have no right, in discharging our duty to the American people, to bring about such a miserable situation as is this.

Mr. SMOOT. If the American people knew the amount of money that has been saved to the Treasury of the United States by the creation of the Budget, I think there would be an acclaim of approval from one end of the country to the other.

Mr. SMITH. The Senator is reiterating just what others have admitted, that we, the Senate, and the other body of the Congress can not efficiently discharge the duty imposed upon it, but have to go and lock ourselves up with an outside force to keep us from squandering the people's money. That is what it amounts to. That is what it means, and that is all it means, that we have not sense enough to save money, we have not patriotism enough to do it, are not representatives of the people enough to do it, but we must create another body, bind ourselves by rules and regulations, in order to keep from squandering the people's money.

Mr. SMOOT. Mr. President, if there were no regulation at all, and if we followed the wishes of every Senator who wanted appropriations, which were to be expended within the State which the Senator represented, I do not know to what point our expenditures would go. There would be no end to them, and we would not collect enough taxes in any form or shape, nor could a sufficient amount be collected to meet the requirements.

Mr. SMITH. I am sorry the Senator has prophesied such a thing. We ran along before until we got this miserable Budget, and I think we did fairly well. The Senator is like Josh Billings. He said he lived to be 40 years old before he found a good place for a boil. Somebody asked him where it was, and he said it was on the other fellow's neck. [Laughter.]

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate, under the agreement previously made, will proceed to the consideration of executive business.

The doors were closed and the Senate proceeded to the consideration of executive business. After two hours and five minutes spent in executive session the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Wednesday, March 10, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 9, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, Thou hast withheld no good thing from us. We thank Thee for Thy love, which is our hope at the break of day and our guardian through the dark of night. Truly Thou dost remember us according to the multitude of Thy mercies. They explain the divine estimate of man. Whatever the day's tasks, duties, or privileges may be, remove our imperfect views of them. O let each of us get his wisdom from behind the things of force and sense. Help us to spend wisely and industriously the hours that await, and all to Thy glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE JOHN E. RAKER

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a tribute to the late JOHN E. RAKER appearing in the Placer Herald, of Auburn, Calif., February 20, 1926. I will say that this article was written by a lifelong friend of Mr. RAKER, and is really a very beautiful tribute to his services in Congress.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. OLDFIELD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

JOHN E. RAKER—A TRIBUTE

By W. A. Shepard

Congressman JOHN E. RAKER died a month ago while "on the job" at Washington. At the time of his death the writer was too ill to be told about it, and it was fully two weeks afterwards before I learned the truth. While I had known of Judge RAKER's condition for many months and had been apprised by Mrs. Raker of his very serious state only a few days prior to my sickness, yet his death came as a great shock to me.

Probably no one knew Judge RAKER better than I did except Mrs. Raker, a very gracious, lovable, and devoted companion, worthy of her husband's every confidence.

Not only did I know Judge RAKER as a man, a friend, and as a confidant, but I probably knew more of his political activities, more of the things that he has done, and more of the things that he wanted to do in his ambition to serve the people of his district, of his State, and of the Nation.

Nowhere has service been more truly exemplified than in the character of Judge RAKER. And in his endeavor to be of service to his people he probably hastened his death.

When JOHN E. RAKER first ran for Congress in 1910 he adopted a platform of his own and had it printed and circulated throughout his district. Among other things, as I remember, he set himself down as favoring: Japanese exclusion, woman suffrage, reclamation of arid lands, extension of the Forest Service, protection of our natural watersheds, reforestation, and development of hydroelectric power. Later he became a strong advocate of a national-park service and of national fish and game preserves. At his request he was assigned to the Public Lands Committee, the Immigration Committee, and the Irrigation of Arid Lands Committee, where he was able to force his views upon a membership composed mostly of conservative easterners who knew nothing about the problems of the great western portion of their country.

It was a long, hard fight, but Congressman RAKER lived to see his efforts crowned with success. He lived to see every plank set forth in that 1910 platform a reality. He was really the author of the Japanese exclusion act, and he was chairman of the House Committee on Woman Suffrage when the seventeenth amendment became a law. He was the author of the desert land act and many other laws affecting the great West. He was the best land lawyer in Congress. Legislation, fathered and championed by RAKER, found its way into the Reclamation Service, the Forestry Service, and the National Park Service. He championed the mining, fruit-growing, and all other industries of his district. The Hetch Hetchy bill, which the writer helped to draw, was forward-looking legislation, placing the people of San Francisco forever in Congressman RAKER's debt, in the giving to them for all time an ample supply of pure mountain water, with untold hydroelectric power for the city's use. Mount Lassen Park, some day to equal Yosemite and Yellowstone in its scenic beauty and interesting formations, should stand forever as a monument to Con-

gressman RAKER's name. It was the ambition of his life to place, with the help of good roads, the wonders of this park within the reach of all who cared to see.

Congressman RAKER was known as the soldier's friend. Likewise he was the friend of the soldier's widow, and I believe he assisted in the getting of more pensions than any other one man in Congress. The many smaller acts and favors done for his constituents are so numerous that it would take a book to record them. He was always on the job.

I believe that Judge RAKER had the best labor record in Congress. The American Federation of Labor, through its office in Washington, maintains a bureau of record, noting the votes of all Congressmen on all labor bills and on all questions favored by labor. The last report I received gave RAKER the highest per cent. Andrew Furuseth, the "grand old man of the sea," was his friend, and the representatives of the Big Four were frequent callers at his office.

In conclusion, I want to say that Judge RAKER was a far bigger man than his most enthusiastic admirers could know. While he was not of the brilliant, effervescent type, he was a very deep thinker and a very forward-looking man. In a political way he was the best single-handed campaigner I ever knew.

Congressman RAKER'S great success was largely due, I would say, first to his rugged honesty and integrity; second, to his insistence upon the doctrine of a square deal and the giving to everyone a fair hearing; third, his indomitable energy and love of work; and fourth, his bulldog tenacity and persistence in his advocacy of those things he believed to be right.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments House concurrent resolution of the following title, in which the concurrence of the House of Representatives was requested:

House Concurrent Resolution 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GARNER of Texas. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That JOHN MORROW, of New Mexico, be, and he is hereby, elected a member of the standing Committee of the House on Irrigation and Reclamation.

Resolved, That LINDSAY WARREN, of North Carolina, be, and he is hereby, elected a member of the standing Committee of the House on Immigration and Naturalization.

The resolution was agreed to.

LEAVE OF ABSENCE

Mr. CROSSER. Mr. Speaker, I request indefinite leave of absence for my colleague, Mr. MOONEY, on account of illness.

The SPEAKER. Without objection, the leave of absence will be granted.

ORDER OF BUSINESS

Mr. BEGG. Mr. Speaker, I ask unanimous consent to make a brief statement regarding procedure.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House regarding procedure. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker and Members of the House, owing to the illness of the gentleman from Tennessee [Mr. DAVIS], a member of the Committee on the Merchant Marine and Fisheries, it has been suggested that a unanimous-consent request be made that the Calendar Wednesday business which was in order for to-day and to-morrow be made in order on Friday and Saturday of this week, and that District of Columbia business be in order to-day, followed by the resolution reported by the Committee on Ways and Means dealing with the cattle situation across the border. Therefore, Mr. Speaker, I ask unanimous consent that Calendar Wednesday business in order to-day and to-morrow be in order on Friday and Saturday of this week.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the Calendar Wednesday business in order to-day and to-morrow be made in order on Friday and Saturday of this week.

Mr. BEGG. Under the Calendar Wednesday rule.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object, I want to ask the first assistant majority leader why he does not put the balance of his request?

Mr. BEGG. I shall put that as soon as this is disposed of.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I wish to state that the gentleman from Ohio did me the courtesy of conferring with me concerning this matter; in fact, I may say that it was largely taken at my request on account of the illness of my colleague [Mr. DAVIS], who was on the subcommittee that considered the radio question and who filed certain minority views thereon. It is our hope that he will be able to be here on Friday.

The SPEAKER. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that District Committee business may be in order to-day and continue in order until not later than 4 o'clock.

The SPEAKER. The gentleman from Ohio asks unanimous consent that business reported by the Committee on the District of Columbia be in order to-day to a period not later than 4 o'clock. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that to-morrow—and I will state that it is not absolutely necessary to get this consent, but I make it more as an announcement than anything else—general debate on the District of Columbia appropriation bill may be in order. I will state that the bill will be reported to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate upon the bill providing appropriations for the District of Columbia may be in order to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand it is definitely known that the District appropriation bill will be reported to-morrow?

Mr. BEGG. Yes; the gentleman from Illinois [Mr. MADDEN] gave me that assurance, that the District of Columbia appropriation bill will be reported to-morrow.

Mr. MADDEN. It will be reported to-morrow, and we are going to go on with general debate if there is no objection.

Mr. GARRETT of Tennessee. Of course it would be a privileged proposition to-morrow, anyway, if the gentleman desired to make it so.

Mr. MADDEN. But we do not intend to have anything but general debate to-morrow.

Mr. GARRETT of Tennessee. I think the gentleman is wise in making the announcement, so that Members may know what is in order.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a most important bill; it is one of the most important bills that comes from the Appropriations Committee, and we are now adopting a new rule.

Mr. MADDEN. No; it is not a new rule. We have a right to do this under the rules.

Mr. BLANTON. Yes; by bringing in a rule.

Mr. MADDEN. No; we do not need any rule.

Mr. BLANTON. But no appropriation bill, under the real rules, can be taken up until after it is printed.

Mr. MADDEN. Oh, yes; under the rules it can be taken up immediately upon its being reported, but we are not asking to make that the practice. We are simply trying to accommodate ourselves to the convenience of the House.

Mr. BLANTON. It is not in accordance with the precedents.

Mr. MADDEN. Oh, yes; we did that once before.

Mr. BLANTON. I know you ran over the precedents and did that once, but I can cite the gentleman from Illinois [Mr. MADDEN] and the gentleman from Ohio [Mr. BEGG], as well as the Chair, to numerous precedents holding the bill must be printed and lay over a day for the information and protection of the membership of the House. I am not going to force the gentleman to bring in a rule here or interfere with the business of the House, but I want to ask the gentleman from Illinois a question. This being an important bill——

Mr. MADDEN. All bills are important.

Mr. BLANTON. We ought to have the right to look into it and study it after it is printed. The gentleman probably will not read this bill under the five-minute rule until Saturday.

Mr. MADDEN. I will tell the gentleman what we hope to do or what we would like to do. We will come in to-morrow and we will go on with general debate and my hope is that if the House is desirous of having considerable general debate to have general debate last until Thursday night.

Mr. BLANTON. Good. That would be sufficient.

Mr. MADDEN. And then go on with the reading of the bill on Friday.

Mr. BEGG. Friday and Saturday are to be Calendar Wednesdays for the consideration of the radio bill.

Mr. MADDEN. I did not understand that. However, we are not going to take any snap judgment on the gentleman because we know how sensitive he is and we are anxious to accommodate everybody.

Mr. BLANTON. It is not sensitiveness, it is "darn" hard work.

Mr. MADDEN. I withdraw the word and apologize to the gentleman for having used it. We are anxious to accommodate ourselves in the Committee on Appropriations to the business of the House and we will do anything in the world to make it as agreeable as we can for everybody.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BEGG]?

There was no objection.

Mr. BEGG. May I add that following the business of the District of Columbia Committee the bill from the Ways and Means Committee will be taken up.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. RAMSEYER. What bill?

Mr. BEGG. The bill from the Committee on Ways and Means extending the time two years for the reentry of cattle that have been taken out of the country for the purpose of grazing.

Mr. RAMSEYER. That is, taken out of Texas over into Mexico?

Mr. BEGG. Wherever it may be.

BOARD OF PUBLIC WELFARE

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business, and pending that motion I ask unanimous consent that the time of general debate be controlled one-half by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that general debate on the bills reported from the Committee on the District of Columbia be controlled equally, one-half by himself and one-half by the gentleman from Texas. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent in the House to substitute the Senate bill, S. 1430, for consideration in lieu of a similar House bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to substitute the Senate bill, S. 1430, for an identical House bill, H. R. 5045. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to have an understanding about one matter. The gentleman from Maryland knows what appears on page 9 of the House bill as a committee amendment is, in fact, an error. The amendment was just the reverse of what appears in the bill, and I would like to have it understood that that committee amendment shall be considered in connection with the Senate bill as it was adopted by the committee.

Mr. KELLER. Mr. Speaker——

Mr. ZIHLMAN. The gentleman from Texas has been given assurance both by myself and the chairman of the subcommittee that that correction will be made.

Mr. BLANTON. And it will be considered as a committee amendment on the Senate bill when we reach it?

Mr. ZIHLMAN. I will say to the gentleman the Senate bill has that correction.

Mr. BLANTON. It has been corrected?

Mr. ZIHLMAN. It already has the correction—the word "parents" instead of "child."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business pertaining to the District of Columbia, with Mr. LEHLBACH in the chair.

Mr. ZIHLMAN. Mr. Chairman, before the House resolved itself into committee I asked and obtained unanimous consent to substitute the Senate bill, and I want to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ZIHLMAN. The first paragraph of the House bill dealing with the same subject was read. Is it in order to read the first paragraph of the Senate bill, which is identical, and then permit the gentleman from Kentucky to reoffer his amendment to the Senate bill which has been substituted for the House bill?

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. It would be necessary for the gentleman from Maryland to ask unanimous consent that the first reading of the Senate bill be dispensed with.

The CHAIRMAN. The Senate bill has not even been read.

Mr. BLANTON. I mean, after the Clerk reports it, the gentleman should ask unanimous consent that its first reading be dispensed with.

The CHAIRMAN. The Clerk will read the Senate bill.

The Clerk read as follows:

An act (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. EDWARDS. Reserving the right to object, what is it?

Mr. ZIHLMAN. This bill is to establish a board of general welfare, which was under consideration when the committee rose yesterday afternoon.

The CHAIRMAN. The Chair hears no objection. The Senate bill having been substituted for the House bill and the first section having been read, the Clerk will report the pending amendment to that section.

Mr. CRAMTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. Are there any copies of the Senate bill in the form that it passed the Senate? The only copy I have been able to get hold of is as it was reported to the Senate.

The CHAIRMAN. The Chair will state that there are no copies of S. 1430 in print as passed by the Senate. The bills are not printed until referred to the committee, and this was taken from the Speaker's table.

Mr. CRAMTON. Let me ask the chairman of the committee. The bill before us as reported in the Senate carries certain amendments. Are we to understand that the bill passed the Senate in the form recommended by the Senate committee?

Mr. ZIHLMAN. The bill was passed without any further amendment and the amendments were adopted in the Senate.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Amendment by Mr. GILBERT to the Senate bill: Page 1, line 6, after the figures "1892," strike out the remainder of line 6 and also lines 7 and 8 and the figures "1888" in line 9.

Mr. GILBERT. Mr. Chairman and gentlemen of Congress, this bill has not only been found a grievous mistake in its operation wherever attempted but it is absolutely repugnant to our sense of propriety. There is attempted to be placed under the management of one board and under one director the following institutions: The workhouse, the reformatory, the jail. Those three might well be under one head, but there is added to it the following: National Training School for Girls, the Gallinger Municipal Hospital, the Tuberculosis Hospital, Home for Aged and Infirm, the municipal lodging house, the Industrial Home School, and other institutions. In other words, the same board that deals with the criminals at the jail and workhouse are put in charge of those whose only crime is to be poor.

The bill is repugnant to the sense of propriety, and the whole bill should be defeated. Addressing myself to this particular amendment, it furthermore makes the mistake of attempting to coordinate District functions with purely Federal functions. My amendment is to strike out at this time the operation of the bill the National Training School for Girls, established in 1888, and now under the control of the Attorney General's Office. That is, the board which has charge of that institution is now appointed by the Attorney General. The board by this bill is to be appointed by the District Commissioners. I think we will make a sad mistake whenever we attempt to eliminate the line existing between purely local institutions in the District of Columbia and functions having in their operation the entire United States.

Mr. JOHNSON of Texas. Will the gentleman point out wherein the National Training School for Girls is not a local institution?

Mr. GILBERT. The National Training School was organized in 1888. The purpose of it is to send girls for correction from anywhere in the United States—from my State, from the gentleman's State—and that was the purpose of it, as I pointed out yesterday. Because girls are naturally better than boys, not so many have been sent there. They have been kept at home, and that is a good policy when possible; but there are many States, such as my own, that have no place where girls found guilty in the Federal courts, and who need protection as well as correction, can be sent, and this school is for that purpose. It has been taken care of, it is true, by appropriations in the District of Columbia appropriation bill. But this home has within the last year or two been enlarged, and at the time

of the hearings the Attorney General was prepared to circularize the Federal judges of the United States that they were now prepared to take care of the girls that should be sent from anywhere in the United States, as I said, for protection as well as correction. It is a great mistake to attempt to put this national function under local management.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. BLACK of Texas. Does the Board of Charities of the District of Columbia have charge of all these other institutions except this National Training School for Girls and the children that the Board of Children's Guardians has supervision over? In other words, does the Board of Charities have control of these other institutions?

Mr. GILBERT. Not all, but a great number of them. There are several different boards now that are attempted to be coordinated by this bill. The gentleman is correct in that the Board of Children's Guardians has charge of most of them, but there are some, such as the National Training School for Girls and others, over which they have not control.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that he have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Chairman, the National Training School for Girls is being operated now under a separate board, which the opponents of this bill admit has operated successfully, and not only successfully, but very creditably, and there is no reason in the world for the passage of this bill, except that the civic leaders of the city of Washington want it. As I explained yesterday, I try at all times as a member of the Committee on the District of Columbia to follow their desires, but this principle they are now advocating has been tried out, and everywhere it has been tried out it has been found not to work. Within the last month the House of Representatives went on record as disapproving the principle when it made the Board of Children's Welfare a separate board, because the proof showed it had never operated successfully when it was coordinated with other boards. For that reason I ask the committee at this time to strike out the National Training School for Girls, which is prepared and ready to receive girls from all over the United States. This country should have an institution of that kind at some place, and it should be, as it now is, under the control of the United States authorities. The board is appointed by the Attorney General of the United States, who has been opposed and who in the hearings was opposed to this move, but who, I am informed now by gentlemen having charge of this bill, later wrote that he did not object to it. He had objected to it and did object to it, and my opinion is that the sole reason he is not objecting now is because it has not been of any large proportions in the past, and because he has been importuned he has consented to withdraw his objection.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. HOUSTON. Is it not a fact that the National Training School for Girls—that is, the board of trustees of that institution—does exercise supervisory administration.

Mr. GILBERT. Certainly, and that is all they are seeking to exercise in any of these functions.

Mr. HOUSTON. And that it is subject to a visitation by the Board of Charities and in District of Columbia matters is under the control of the District Commissioners, and that the Department of Justice exercises certain general control over its administration.

Mr. GILBERT. That has more or less become true because of the fact that they did not have Federal girls, because they were not prepared to receive Federal girls, but now they are prepared, and this institution, if permitted to operate as a separate function, in my opinion, will be a refuge for girls that need correction from all over the United States, and it should not be localized and put under a combination of local institutions.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. JOHNSON of Texas. The question was asked a moment ago about the duties of the board of trustees, as to whether they are merely supervisory. I see that in the bill in section 12 some light is shed on the question. That section provides that the duties heretofore imposed by law upon the board of trustees of the National Training School for Girls concerning the admission, care, parole, and discharge of inmates shall be vested in the board. That would indicate that the law heretofore gave them more than supervisory control and that it had to do with the admission, care, parole, and discharge of these girls.

Mr. GILBERT. The gentleman is right. Supervisory control is a very broad term, but let me in a moment state that this bill not only contemplates that but it contemplates putting them all in the hands of one administrative director. The same director who controls the hardened criminals at the jail is going to control the Tuberculosis Hospital, the Home for the Aged and Infirm, and all of these charities, something which I say has not only been found absolutely deleterious in operation but is repugnant to my sense of propriety and humanity.

Mr. CRAMTON. Mr. Chairman, the number of girls under the age of 17, although it may be 18—I refer to the maximum age for admission to this institution—who would be sentenced to confinement anywhere by Federal courts necessarily would be very limited. The Federal laws are such that not many young girls would be found guilty of violating them. The ordinary offenses which lead to their imprisonment are offenses committeed under State laws, and the girls are confined in State institutions.

The institution in question is in fact entirely a local District of Columbia institution. The board of public welfare bill is based upon the theory that there should be for the best administration, with the greatest economy, a unification of the control over all of these institutions, and the amendment that the gentleman from Kentucky proposes would be destructive of the principles underlying the bill. This institution, which the gentleman from Kentucky says should be taken out of the bill, is a District institution, and to my mind it is highly desirable that it should be brought under the supervision of this board as are other District institutions. The executive agent of the Board of Charities appearing recently before the Committee on Appropriations with reference to appropriations for this institution made it clear that it is a District institution. It is supported entirely from District funds, and it ought to be so supported. Mr. Wilson said at that time that it was a Federal institution in control and a local institution in function.

If the bill passes as it passed the Senate and is reported to the House, it will become a District institution in control as it is now in functions. He stated that this institution is maintained in the local budget, the District budget, and always has been so maintained. It receives girls only from the District. As a matter of law the Federal court can send a girl to the institution; and, of course, if it does, the Federal Government will pay the per capita cost of her maintenance in the institution. During the war there were as many as four or five sent there, but the number is negligible. It is a District institution in fact, and if we are going to unite the control of all these institutions of similar function, it is highly desirable, I believe, this one should not be omitted. I have had some contact with this problem, having had something to do with the District of Columbia appropriation bill some two or three years ago, and at that time I found how undesirable it is to have any institution, any establishment of the Government set aside so that the people who are running it are without supervision and so that they are enabled to run things as they want them. The exposure of the Veterans' Bureau showed how undesirable it is to have an independent establishment outside of any departmental supervision. Just so with this institution. The members of the board are appointed through the Department of Justice. The Department of Justice gives them no real supervision, and I found that when we got into the matter of appropriation for the board that just prior to the date of our investigation there had been gross mismanagement of its affairs, nobody to check upon them; they ran wild. They showed extremely poor business judgment, and gross mismanagement resulted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. May I ask for two additional minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. At that time the new management had gone in, and Mrs. Veerhof at that time became president, and I have no criticism to make of the management now in. I have not been in touch for the last year, but my judgment is they were efficient, capable, and well meaning; but I do not care how good a board it is, how well meaning they are, it is not desirable that they be set off by themselves with no supervision whatever. A board may be well meaning and efficient to-day, and a new board come in to-morrow that might be unsatisfactory. There is no reason to set this board off by itself, and I think it would be a great mistake to accept the amendment of the gentleman from Kentucky.

Mr. ROMJUE. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. ROMJUE. Did the gentleman say he would accept the amendment?

Mr. CRAMTON. I said it would be a great mistake to accept the amendment of the gentleman from Kentucky.

Mr. ROMJUE. How is this board operating now relative to giving satisfaction?

Mr. CRAMTON. I have no knowledge. I have given it no attention this past year.

Mr. ROMJUE. The gentleman does not know whether it is operating satisfactorily or not?

Mr. CRAMTON. I contend this, that it can not give the maximum of service. If it is detached from other agencies in the District, we have to deal with a grave problem.

Mr. ROMJUE. How many members are on this board, if the gentleman knows?

Mr. CRAMTON. I think the board is made up of seven members; I am not sure, either seven or nine.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky. In reply to the argument just made in opposition I want to say that the question is not where the girls come from or whether they are charges of the District or of the Federal Government that is the test. The real test is the scope and purpose of the institution and the nature of the institutional work. This bill is unscientific. It is not in keeping with the times. This bill is an antiquated, sloppily put together hodgepodge. It groups all institutions regardless of their character and purpose under one management. That is not done any more. There is not an enlightened community in the whole country that would group and connect such institutions under one head as this bill does.

Mr. GILBERT. If the gentleman will yield, was I not correct in my statement that in New York and everywhere this same principle had any application it has miserably failed?

Mr. LAGUARDIA. Yes; absolutely. We have lived through it. We have been through all of this, and yet in 1926 a bill is presented to Congress that if they had intended to put together all of the errors in the past in one bill they could not have done a better job.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. For a question.

Mr. BLANTON. The gentleman is the sole representative of his party here——

Mr. LAGUARDIA. Just a question, please.

Mr. BLANTON. And he has seen fit both yesterday and to-day to criticize the bills coming from the District of Columbia Committee?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I wish the gentleman would get his party to recommend him for a position on the District Committee. We need him there because he has so much time to devote——

Mr. LAGUARDIA. He has not.

Mr. BLANTON. On the floor of the House that he would be a valuable member of that committee.

Mr. LAGUARDIA. No; he has not the time. Let me say to the gentleman from Texas that he is not the sole brains of the District of Columbia Committee, and I stand on my criticism of yesterday. I think that the traffic bill yesterday was presented in a very unsatisfactory manner, and I believe it is impossible intelligently to legislate on a bill brought in the House under such conditions. I stand on what I said about that bill.

We at least know what is provided in this bill. I am against the bill. It is unscientific. It is putting into one bill all the errors of the past.

Now, if I may be permitted to point out, the work of the workhouse and jail is punitive. You take the hardened criminal, and he is sent to these institutions for punishment, while the National Training School for Girls is not a punitive institution. That is a correctional institution. It should be separated entirely from your jail. That is the purpose of an institution like that. And then you go to the tubercular hospital; that is entirely apart and separate from your correctional institutions. You have three different sets of public institutions in this bill—the punitive, the correctional, and the welfare institutions, such as hospitals. Now, to put these three kinds of institutions under one management is absolutely to destroy their usefulness and purpose.

Let me give you an example. Take our Committee on Naval Affairs. The members serve on that committee year after year, and they look at matters from the Navy standpoint. You can not get those members to look at a matter of public defense with the same viewpoint that the Committee on Military Affairs will take. They naturally grow to look at propositions from two different angles. They look at these matters differently. Take the Committee on the Territories or the Committee on the Public Lands. Those two committees look at the same subject matter differently. They live in different atmospheres. So a committee of public welfare in charge of a punitive institution like the workhouse or jail get accustomed to the prison atmosphere. They are hardened with it, and they view matters from that attitude.

You take the board of directors of a correctional institution, like the Training School for Girls or the Training School for Boys, their work is of a different nature from that of a prison board. Then you propose to take men who are accustomed to look after workhouses and jail cases and ask them to look after hospitals and tubercular patients and little colored children. It can not be done. It has failed in the past and should not be attempted at this late date.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five additional minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HOUSTON. Does not the gentleman know that the institutions of which he speaks are all under the direction of the Board of Charities of the District of Columbia?

Mr. LAGUARDIA. Yes; and I object to it.

Mr. HOUSTON. That is the existing law.

Mr. LAGUARDIA. Yes; and now that we are legislating on the subject, let us do it properly, intelligently, and in keeping with the times, and in accordance with past experience. Let us do it intelligently.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr LAGUARDIA. Yes.

Mr. BLANTON. I was just wondering whether the sole representative of a separate and distinct party here in Congress was prepared to tell us what was scientific and what was not scientific.

Mr. LAGUARDIA. Certainly. If the gentleman does not know, I shall be glad to tell him.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. KELLER. You are proposing a separate board for every one of these institutions. That is your argument.

Mr. LAGUARDIA. No. I am saying that there are three separate kinds of institutions—punitive, correctional, and hospital. In New York we do not put the tubercular hospital at Seaview under the department of correction.

Mr. HAMMER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HAMMER. Are not these three separate matters interrelated and overlapping in many respects? Is there not one general purpose running through them all?

Mr. LAGUARDIA. No.

Mr. HAMMER. You may have enough money in New York to take care of them separately, but we think it is better in this territory to have one board.

Mr. LAGUARDIA. Permit me to state to the gentleman that a patient in a tubercular hospital has nothing in common with a hardened criminal at the workhouse. A girl in her teens who has made one misstep and is sent to a correctional school has nothing in common with a county jail. The gentleman from Minnesota [Mr. KELLER] states that there are very few Federal cases of such girls. He is in error. There are many. The States and municipalities and counties are looking after these girls. There are many cases under the Mann Act dealing with cases of commercialized prostitution where the girls are witnesses for the Government and are afterwards cared for in private or municipal homes. You take cases of narcotics, of girls addicted to the use of narcotics, and often vendors used as the tools of dope dealers; those girls need looking after, and they are looked after in New York City by private or municipal institutions. There are many of these cases that could be sent to this home. But the question is not, I repeat, where the girl comes from, whether it is a local institution or national institution; it is the nature of the work that should determine.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SPROUL of Kansas. But if certain considerations regarding capacity are observed in doing this work, economy would be obtained, would it not?

Mr. LAGUARDIA. Economy in what respect?

Mr. SPROUL of Kansas. Economy in time and cost.

Mr. LAGUARDIA. Oh, when you are dealing with human beings and the salvation of souls you can not stop to count dollars and cents. The whole economy involved here would amount to only a comparatively few thousand dollars, and it would be a cheap thing, indeed, for the National Congress to count pennies when we are trying to do useful and constructive welfare work. If that is the justification for this bill, that may explain the reason for its peculiar nature, and the reason for taking these institutions of a diversified character and grouping them all under one supervision. It is unscientific; it is bad.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. KELLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. KELLER. Mr. Chairman and gentlemen of the committee, there is a peculiar situation in the District of Columbia. In the first place, you have an area of only 10 miles square. The gentleman from New York [Mr. LAGUARDIA] refers to the way they handle things in New York.

New York is a great State, and naturally all of those welfare activities could not properly be managed by one board. But here in this District, where you have only 10 miles square, where you have three boards functioning, where the powers overlap and where the laws are even contradictory as to the powers of these boards, the committee felt that in the District of Columbia, with this small area, one board could very well function efficiently in the management of these activities.

Mr. GILBERT. Will the gentleman yield?

Mr. KELLER. Yes.

Mr. GILBERT. The gentleman within the last month agreed that it was not wise for the same board that had charge of the jails and hospitals to have charge of the general welfare of children. The gentleman agreed and admitted that was wrong and agreed to the establishment of a separate board.

Mr. KELLER. I agreed that whenever you pass a law which gives aid to dependent children and to the mothers to help support them that there should be a separate board, because it is a peculiar function and because the mothers who ask for aid do not want to go to any charitable institution to ask for it, because they are entitled to it. It is a just and fair demand on her part that the Government help her to raise those children, and therefore I felt it should not be under the supervision of any other board except the board which had the power to give them that aid.

Mr. GILBERT. May I add that the gentleman is certainly correct in that view; but does not the same thing apply to the aged and infirm and those who are unfortunate enough to be sent to the tubercular hospital?

Mr. KELLER. In my judgment, that is entirely different, because they go to the hospital and they are not asking for aid in the same way that a mother is asking for aid for her children.

Now, the people who are asking for this legislation and who are indorsing it compose the welfare commission appointed by the Commissioners of the District of Columbia. The view of this commission was this: That all institutions which are financed by moneys raised through taxation in the District of Columbia should come under the supervision of those who are responsible to the people of the District and those who are responsible are the Commissioners of the District. However, the commissioners felt they had all the duties they could perform and therefore they suggested there should be a separate board which should have supervision over all this class of institutions and that the members of such board should serve without pay. Therefore the committee took the view of the welfare commission that by having such matters under the supervision of a separate board economy would result and there would be efficient management and that the moneys which were appropriated for such purposes under one board would go further; that the people who are to be benefited by such moneys will get the most for every dollar that is spent in aiding the people who are entitled to receive that help.

Mr. ROMJUE. Will the gentleman yield?

Mr. KELLER. Yes.

Mr. ROMJUE. The gentleman drew a distinction between New York State and the limited area in the District of Columbia.

Mr. KELLER. Yes.

Mr. ROMJUE. The gentleman does not undertake to convey the idea to the committee that this does not reach out and extend beyond the District of Columbia?

Mr. KELLAR. No; it does not.

Mr. ROMJUE. In other words, a girl coming from outside the District, in fact, from any section of the United States, who needs this corrective training is entitled to come under the jurisdiction of this board, is she not?

Mr. KELLER. They do take care of them in a way, but they finally send them home. Money is being spent for transportation in sending those girls and boys home all the time if they do not properly belong here, and if they can not take care of them under the law they are sent home. In other words, the District of Columbia has been very generous to anybody who comes here and is found to have done things that are wrong. They have done everything to help them get on the right road and if under the law they can take care of them here they do so, but if not they send them home.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KELLER. Mr. Chairman, I ask unanimous consent to proceed for two more minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield to me?

Mr. KELLER. Yes.

Mr. BLANTON. This is the fact, is it not, that when an outside court commits a delinquent girl to this institution the Federal Government pays a certain amount to the institution for each one of the girls committed to it. That is the fact, is it not?

Mr. KELLER. Yes.

Mr. BLANTON. I wanted the gentleman to understand that.

Mr. KELLER. I want to point this out to the committee. Some criticism has been made as to why we do not place a similar institution—that is, the training school for boys—also under this board. There is a reason for that. The training school for boys is now operated and financed by the Federal Government, and most of the boys in such an institution are boys who come under the Federal law. The District of Columbia has very few boys who go into that institution, and the District of Columbia pays the Federal Government for all the boys committed to the institution, and likewise the Federal Government pays for girls who are placed in the institution which is now under controversy. They pay for such persons placed in that institution. Now, in the past there have been very few girls placed in this institution. I think there was one or two a few years ago out of some several hundred. Now, it has been suggested that the Federal Government should maintain an institution for such girls. I might agree with that, but the fact is that the number is so small that it certainly would not be a matter of economy to have the Government go to the expense of constructing an institution of this kind for 15 or 20 girls when they can commit girls to this institution and pay for them. At the present time if the Federal Government finds a girl in Kentucky or in my State who comes under the Federal law and she is placed in any such institution the Federal Government will pay for her commitment to such institution.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. COYLE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman and gentlemen, it seems to me that perhaps a rather peculiar and unusual early environment leads me to ask very serious consideration of the committee in favor of the bill brought in by the Committee on the District of Columbia, for several reasons. My own contacts make me know as a positive fact that the best and most unselfish thought among the people of the District themselves is back of the work which this bill seeks to accomplish.

After all, this House is not here particularly to rubber-stamp what the District of Columbia wants unless in the opinion of the committee those desires are entirely in accordance with the needs of the Federal Government as seen here in the District of Columbia. This particular bill, to my mind, provides real economy of administration, and it seems to me that in all charity work and work of a similar nature economy in administration is the very kind of economy we must have.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. COYLE. Yes.

Mr. JOHNSON of Texas. I have an open mind on the bill, but on the question of economy I do not quite get the viewpoint of the gentleman. These commissioners are to serve without compensation, as I understand it, and I do not see how there is to be any saving if there are to be no salaries paid. When the gentleman from New York was speaking a

moment ago his suggestion was that these institutions, there being 11 that are to be served by this board, should be grouped into three classes. If a board could be found that would serve the 11 institutions without pay, would it not be possible to get three boards that would serve each of these groups without pay? In other words, how do we save money by this arrangement? In what way is there economy when the members of the board receive no compensation?

Mr. COYLE. My answer to the gentleman is based on some experience in volunteer charity work and a realization that coordination of effort on the part of unselfish directors is the very best place at which economy can rightly serve its purpose, and I do not believe that you do get coordination of effort out of your central board that controls your 11 institutions, and also that you get a higher type of service on that board, with consequent economy, than you could possibly get out of 11 boards or even out of 3 boards.

Mr. JOHNSON of Texas. If the gentleman will pardon me, I do not yet understand where the economy comes in. If this board has 11 institutions to look after there would be more economy if the members had a fewer number of institutions to look after and could give them more time and attention.

Mr. KELLER. Will the gentleman permit me to answer that question?

Mr. COYLE. Gladly.

Mr. KELLER. The efficiency is not in dollars and cents, as I see it. The efficiency of this board will be reflected in more service and more help for those who are dependent and for those who are entitled to the benefits of such welfare work.

Mr. JOHNSON of Texas. In what way?

Mr. KELLER. In other words, you will get more service for your money. Another point is, as the gentleman will notice, in the appropriations requested by all these boards there is a certain amount requested for what we might call overhead, and for one board particularly I think that appropriation is $41,000 for what is usually called overhead. If you have three boards, you can readily see that by reducing the number to one board you cut down overhead expenses so that the money saved in that way can be spent for such purposes as the law requires in the District of Columbia. That is where the efficiency comes in. You will have more money to spend for welfare work.

Mr. LAGUARDIA. Will the gentleman from Pennsylvania yield in order that I may ask the gentleman a question?

Mr. COYLE. I yield.

Mr. LAGUARDIA. In this overhead is included the expense of your supervisors and your inspectors. Would the gentleman use the same inspectors and supervisors to make an inspection of the tuberculosis hospital that he would use for the county jail?

Mr. KELLER. No; I would not; and all the employees now employed by all these boards under this bill will be transferred to the new board and will go right along in the same way.

Mr. LAGUARDIA. Then where is the economy?

Mr. JOHNSON of Texas. How do you, then, effect any economy?

Mr. KELLER. Because if you have to have three organizations, you also have to have secretaries and assistant secretaries for each board, as we all know. They would all be wiped out under this one board, and if you can save $15,000 and add it to the money to be expended for welfare work, I call that efficiency and economy.

Mr. GILBERT. Will the gentleman yield?

Mr. KELLER. Yes.

Mr. GILBERT. I call the gentleman's attention to the fact that he just answered the gentleman from New York directly in conflict with the bill. The bill provides not only for the same board but the same administration, the same director, who shall be the chief executive officer of the board and will be charged with the executive and administrative duties provided for in this act. The bill then goes ahead and provides that he shall be the chief executive officer both of the hospital and of the jail.

Mr. KELLER. Yes; but instead of having three secretaries for the different boards you would only have one or two for the new board.

Mr. GILBERT. If it stands as it is, you will have a separate director for each of these institutions.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COYLE. Mr. Chairman, I ask that I may have one additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COYLE. It would appear that the question has been answered and that the economy arrived at is the economy gained through coordination of administrative effort. That is the sole or at least the major economy the committee seems to desire in this bill and the one which I believe the bill will accomplish.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I hope that the amendment offered by the gentleman from Kentucky [Mr. GILBERT] will not prevail. If we are going to put this National Training School for Girls under a separate board, you strike the very meat and heart out of the bill; you destroy the purpose of the act. I do not know how far the House is disposed to adopt what is termed as the New York idea. I do not know whether the gentleman from New York advocates—I could not gather from his statement whether he wanted a separate board with a paid director for each institution or a separate board and one director for all institutions. If that is his purpose, nothing can be accomplished by carrying on the idea. This bill comes as a result of more than a year's work by the welfare board in Washington, men and women from the commercial, professional, and judicial life of this city, sitting down and working out their differences with a paid expert from New York, paid by the Russell Sage Foundation—Mr. Hastings H. Hart—and having the advice of welfare associations all over the country.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ZIHLMAN. I would rather not, for I have only five minutes. This bill provides for only one board. It proposes to coordinate the penal and eleemosynary institutions under one board and provides that there shall be a paid director, known as the chief executive officer, who shall be qualified under the classification act and trained in the work he is to perform. There is no doubt but that this bill will bring about efficiency and economy in the administration of this board.

I do not know anything about the government of the great imperial State of New York, but I do know that in most counties of the States of this Union all institutions of this character are under the direct supervision of the county commissioners of the county. In this District our activities are limited, and I do not believe we ought to have a separate board for every institution with a paid director for each institution.

This bill was passed by the House at the last session. It has been passed by the Senate during this session. The District of Columbia Committee has carefully considered it and has amended the bill to meet some objections. It does not destroy or change the duty or responsibility of any existing boards. If there is anything wrong with it we should change the existing law, because this bill does not change or destroy any of the powers now vested in the separate boards it is proposed to abolish.

Mr. BLANTON. Mr. Chairman, there are several features about this bill that I would change if I had my way, but the committee, with the exception of a few votes, seemed almost unanimous in adopting all of the provisions of the bill. So I shall not stand in the way of the committee, especially in view of the fact that the Senate had adopted this bill.

The gentleman from New York [Mr. LAGUARDIA] is not expected to agree to any bill that the Democrats and Republicans of the District Committee bring in.

Mr. LAGUARDIA. Does the gentleman agree to this bill?

Mr. BLANTON. When I first came here he was an orthodox Republican.

Mr. LAGUARDIA. No; the gentleman must be fair.

Mr. BLANTON. That is, the Republicans elected him and sent him here and he sat with them and organized with them. He had Republican patronage and was given his seniority on committees as a Republican.

Mr. LAGUARDIA. I never had one penny of patronage in my whole life.

Mr. BLANTON. He did get his seniority from the Republicans. But the Republican Party did not suit him, and he began to sit across the aisle occasionally. And the great Democratic Party did not suit him, so he got off in one little corner of New York where you can find any kind of people and organized a party of his own. He represents his party on the floor and is the sole representative, and naturally sound legislation that the Democrats and Republicans agree upon does not suit him. But, notwithstanding all that, individually and personally he is a bully good fellow, whom we all like.

Mr. LAGUARDIA. What has all that got to do with this bill?

Mr. BLANTON. I was just remembering a very severe castigation of the District Committee that the gentleman gave it here yesterday on the floor.

Mr. LAGUARDIA. And the gentleman from Texas knows I was right.

Mr. BLANTON. However, this bill came on the floor backed by practically all members of the committee. You can not bring in a bill that will suit only one man.

You have got to bring a bill out from a committee of 21 members that suits all of the 21 members, and if it is not the proper kind of a bill, then when you get it on the floor of the House the House has the right to rewrite the bill over again and make it a good bill, and the House did that thing yesterday. The House yesterday wrote a pretty good traffic bill, although one of the distinguished gentlemen from Iowa joined forces with the gentleman from New York [Mr. LAGUARDIA] in criticizing it, because their committees do not keep them busy enough and they felt that they should interfere with the business of anotner committee, and between the two of them, our friend Cassius and the distinguished gentleman from New York, undertook to castigate the Committee on the District of Columbia.

However much I regret it, I can not agree with the amendment offered by our distinguished friend from Kentucky [Mr. GILBERT]. I do insist upon protecting the bill that the House passed the other day, that there should be a separate mothers' aid board. That is absolutely necessary; but as to these other boards, all of which are correlated, every one of them a welfare board, I do agree with the general principles of this bill. I hope that the amendment offered by the gentleman from Kentucky will not prevail. I hope that the bill as written will be passed, with this exception: That there should be a provision put in the bill—and I am going to offer an amendment to that effect as soon as we get to it—to protect the mothers' aid bill.

Mr. BLACK of Texas. Mr. Chairman, I am not going to discuss the pending amendment, but I take the floor at this time to call the attention of the Committee on the District of Columbia to some conditions which I found at the Gallinger Hospital last summer, and which I hope may be remedied. My knowledge of conditions come about in this way: An old gentleman came to Washington some time early in the spring of 1925 with a great scheme to reform the currency of the country. He had the idea that his plan, if put into operation, would correct all of the economic ills that flesh is heir to. He came to my office because I am a member of the Committee on Banking and Currency and asked me if I would grant him an interview. I did so. After he had stated the details of his plan I ventured to point out what I thought were the weaknesses of it, but I soon saw that he was reaching the age where it irritated and bothered him to have anyone disagree with him. Therefore, out of deference to his age, I turned the conversation around and finally agreed with him that his plan would reform all of the economic ills of humanity. This pleased him very much, and after that he paid frequent visits to my office to discuss his great idea.

Usually he would not stay very long and I heard him patiently. He was a man of culture and education, although what I would term "cranky" on his idea. As time went on I saw that his health was failing and that he would probably not live very long. I found out from him where his relatives lived and wrote them of his failing condition, and told them they had better have him come home. Before I could hear from them, however, he was taken ill. He had told me where he was stopping. I went to see him and found him in a very serious condition, and carried him to the Gallinger Municipal Hospital, where they agreed to admit him and take care of him. I did not go back the next day, having some official business of pressing importance, but did go back the day after. It was one of the hottest days of the year. The thermometer registered 107° in the sun. I went to the ward where the old gentleman was and found him completely prostrated by the heat, as were some other patients in the hospital. It was the ward for the aged. I was amazed to find that there was not an electric fan in the building, notwithstanding it is a hospital; it was not even wired for electricity. It would be hard on a cold day like to-day for gentlemen to visualize what it means for a sick man in a hospital to not have an electric fan in the terrific heat of such a summer day, but if gentlemen had been there on the day I was, with the thermometer at 107°, they would be amazed that in the city of Washington we have a municipal hospital which did not have an electric fan in it; a frame building at that, which on this hot day I was there was as hot a place as I ever saw.

Mr. BLANTON. And it was not screened against flies.

Mr. BLACK of Texas. No. I hope the District Committee will do something to improve the situation at Gallinger Hospital. As I said, the old gentleman was completely prostrated by the heat.

I saw to it that he was moved at once to the coolest place in the hospital, but without electric fans that was hot enough.

That night he died. I do not know how much the heat prostration hastened his death. Probably he would have only lived a few days at best even if the weather had been normal.

But no one could have been in that hospital, as I was on this intensely hot day, without realizing the inadequate facilities for caring for the sick. I do not condemn those in charge of the hospital. They are probably doing the best they can with the facilities provided.

Let Congress awake to the urgent need of improving the conditions. Let us provide the needed money, even though something else less urgent in the District has to wait. The present condition at the jail and a part of this hospital are a disgrace to Washington. They should be speedily remedied.

Mrs. NORTON. Mr. Chairman and gentlemen of the committee, as a member of this subcommittee I want to say that I agree with the amendment offered by the gentleman from Kentucky [Mr. GILBERT]. The logic of this separation is most apparent, because poverty is not a crime. The unfortunates compelled through their misfortune to become inmates of institutions should not be controlled by the same kind of board that controls felons. Since coming to Washington I have been in contact with this phase of the situation and have been told it is most unsatisfactory to have the same board control the felons and the unfortunates. I feel that the chairman of our committee has worked very faithfully to bring as good a bill to this House as is possible, and with that correction I think it would be a splendid bill. I think we should have two separate boards, one for the unfortunates and the other for the felons. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 26, noes 33.

Mr. GILBERT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ZIHLMAN and Mr. GILBERT to act as tellers.

The committee again divided, and the tellers reported—ayes 29, noes 46.

So the amendment was rejected.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: Page 1, lines 4 and 5, after the figures "1900," strike out "the Board of Children's Guardians of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. That there is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1, and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards. All employees of the boards specified in section 1 shall become the employees of the board for such time as their services may be deemed necessary, and the unexpended balance of all appropriations heretofore made for such boards, or to be disbursed by them, shall become available for the use and disbursement of the board.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 6, after the word "boards" where it appears the first time, strike out the period and insert a colon and add the following proviso: "*Provided*, That the board of public welfare shall in no way interfere with the powers and jurisdiction that may be vested by Congress in the mothers' aid board."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that it is new legislation, that it is not germane, and it refers to a board that has not yet been created by law.

Mr. BLANTON. The gentleman does not want to do that. He knows that several Members of the New York delegation would like to have this bill amended so as to protect the mothers' aid board.

Mr. ZIHLMAN. I will say to the gentleman we can not——

Mr. BLANTON. I promised to let them know when any proposition came up which might affect the mothers' aid bill. If the gentleman wants to push it through without protecting this mothers' aid board it will not give me time to notify these absent New York Members who would like to be here to protect the mothers' aid bill.

Mr. CRAMTON. Whatever amendment you put into this bill the terms of the subsequent bill will govern and if gentlemen are so interested in the matter the gentleman speaks of they should see that the mothers' aid bill when it passes is framed in accordance with their wishes.

Mr. BLANTON. I want to be heard on the point of order, Mr. Chairman. This House the other day——

The CHAIRMAN. The Chair does not care to hear the gentleman on the point of order. Whether the amendment be meaningless or ill advised, or whether it has merit as a substantive proposition, has no bearing on the question under the rules of the House. This amendment restricts the jurisdiction of the public welfare board to be created by this act, and therefore is perfectly germane, although there may not be such a board as the mothers' aid board, and the amendment be perfectly meaningless. However, for that reason it is not subject to a point of order.

Mr. BLANTON. Mr. Chairman, I ask for recognition on the amendment. Mr. Chairman, I am merely keeping faith with the promise I made to certain of the New York delegation in this House. Interested in this proposition are Republicans, Democrats, and LaGuardias, and they are in favor of protecting the mothers' aid bill that has been passed by an overwhelming vote in this House. Now, I have promised certain of the Members of the New York delegation that they would be protected when it came up. The gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Minnesota [Mr. KELLER] will be conferees on this bill and also on the mothers' aid bill, and they have agreed to protect in conference the mothers' aid bill, but without this amendment in the bill when Congress adjourns this welfare board which you are creating in this bill will assume much of the power that is given the mothers' aid board, and this amendment ought to be in this bill to clarify the situation.

Mr. KELLER. There is nothing in here and nothing in the mothers' aid bill permitting what the gentleman says will be done.

Mr. BLANTON. If you will look at the last page of this bill, it speaks of the custody and care of children, and it speaks of placing children in certain homes that have the same religious faith of their parents and that may conflict with jurisdiction that is given to the mothers' aid board. That can be well misunderstood. The jurisdiction may be misunderstood, so you will find, unless you pass the amendment making clear and plain that it shall not interfere with the jurisdiction of the mothers' aid board you will find as soon as Congress adjourns with a long vacation this new board we are now creating will assume much of the power and function of the mothers' aid board, and there will be constant trouble between the two boards.

Mr. KELLER. I want to correct the gentleman from Texas at that point. At present there is a law permitting the Board of Children's Guardians to place certain children in homes, submitted to the board by the courts. We must go on in order to cover that law.

Mr. BLANTON. I do not want the gentleman to take up the balance of my time, because I do not intend to use but the five minutes.

Mr. KELLER. I answered the gentleman's question.

Mr. BLANTON. I want to put this to my colleagues as a fair proposition. This House adopted the other day the mothers' aid board, separate and distinct, and gave it powers and jurisdiction. If the committee wants to do that, why do they object to this amendment? All on earth this amendment says is that when we appoint this welfare board they shall not interfere with the powers and jurisdiction vested by Congress in the mothers' aid board. If they are with the House on that proposition, why do they object to this amendment? Is not the amendment fair?

There are many Members who are not here on the floor to-day because they understood they were going to be protected in this bill and did not know it would come up to-day. I want to say unless you pass this amendment you would not be acting fairly with those Members of the New York delegation who are now absent.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Delaware.

Mr. HOUSTON. Certainly no Member of the delegation has ever mentioned that fact to the members of the subcommittee.

Mr. BLANTON. Well, some of them have spoken to me. I promised some of them the other day that their interests would be protected on the floor. I am trying to keep faith with him now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield again?

Mr. BLANTON. Yes.

Mr. HOUSTON. Will the gentleman point out wherein he finds in this bill any provision for the board of public welfare assuming jurisdiction over the children covered by the mothers' aid bill?

Mr. BLANTON. Well, if Congress does not intend that they shall have any such jurisdiction, why not put in the amendment? Why object to it? Why not tell this board of public welfare, when we appoint it, "You must keep hands off this mothers' aid board"? Why not have it well defined and understood? This board of public welfare will have custody of certain children, and you will find the jurisdiction constantly conflicting in many respects. Why not make it plain?

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. As the gentleman says, if there is no intention to take on this new work by this new board, why not adopt the amendment?

Mr. BLANTON. Yes. It ought to be adopted.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEPHENS. What interest have the Members of the New York delegation in this matter?

Mr. BLANTON. Mr. MILLS, of New York, has the same interest in it as any Member has in a bill of which he is the author. We adopted his idea of a separate board when we passed the mothers' aid bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. LAGUARDIA. I move to amend that by making it 15 minutes. I want to be heard.

The CHAIRMAN. This is a unanimous-consent request. Is there objection?

There was no objection.

Mr. KELLER. Mr. Chairman, I want to point out one thing to the committee, and that is that the mothers' aid bill when it passed the House gave aid only to mothers, and to no other person. But there is a law now in the District of Columbia where aid is given to dependent children—such children as are turned over by the court to a certain board called the Board of Children's Guardians. This board has the power now, where they give aid out of money derived from taxation in the District of Columbia, so that you really have two child aid bills in force in the District of Columbia. If the mothers' aid bill passes, then a certain group may receive aid through a certain board and the other from a mothers' aid bill that was passed the other day; I can not see why there should be any restriction placed in this bill in regard to the mothers' aid bill. As a matter of fact, it may hinder the new board in functioning. I do not think the amendment should be adopted.

Mr. LAGUARDIA. Mr. Chairman, the gentleman from Texas [Mr. BLANTON], who has just had the floor, has made a splendid argument in favor of the amendment offered by the gentleman from Kentucky [Mr. GILBERT]. The powers of the board as described by the gentleman from Texas are such that they constitute my reason for opposition to the bill, and as he states it, this newly created board, with its tremendous powers, will reach out and take control and jurisdiction over the mothers' pensinon law which passed the House a few days ago.

The gentleman from Minnesota [Mr. KELLER] now states that there are two boards. More confusion! More disorder! And in the face of that, to come in with a bill of this kind, putting all these punitive, correctional, and welfare activities under the jurisdiction of one board, why, the argument of the

gentleman from Minnesota and the argument of the gentleman from Texas, who are in favor of this bill, is a living proof of the fact that this bill is unscientific, and that these activities should be divided and placed in groups where they belong.

Now, gentlemen, we have been all over this ground before. We were over it when we had the mothers' welfare bill before the House. The House passed upon it; and if, as the gentleman from Maryland said, there is not the slightest danger of this board acquiring jurisdiction over the mothers' welfare work, why not put in the amendment and save trouble in the future by that much? Why, gentlemen, this is the best proof that we could have of the fact that Congress can not legislate on local municipal matters for the District of Columbia.

The gentleman from Texas [Mr. BLANTON] is the last person in this House who should criticize the activities of the gentleman from New York. He is my fellow member in the Committee of the Whole.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No; I regret I can not yield now. We have not always obtained seniority recognition. I believe we have that in common. I do not believe the gentleman should criticize my activities in this respect. I have had some experience on these matters. In New York City we have a department of welfare carrying $5,200,000 appropriation annually, and a department of correction, carrying a $2,127,000 appropriation. We not only separate the activities of these two departments, but we even take the parole work from the department of correction and create a separate board for that.

This is not a tariff act where you make a schedule for wool and a separate schedule for leather. We are dealing with human souls. I plead with the Members of the House to heed the experience of the past. Let us not ignore the mistakes of the past. Economy is not the main purpose. Economy is secondary in constructive welfare work of this kind. You are providing one director to take charge of the patients in the Tuberculosis Hospital and the same director to take charge of the bums and criminals at the workhouse and jail.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. The gentleman is devoloping exactly the point I wanted him to develop. The New York delegation is against this bill because they have had practical experience in New York and know something about the proposition.

Mr. LAGUARDIA. We have been through it.

Mr. HILL of Maryland. It is a practical matter with the New York delegation while it is a theoretical matter with the committee.

Mr. LAGUARDIA. We have appropriated for such institutions in New York City and the appropriations run into the millions. Our budget in New York City is about $447,000,000 a year and the board of estimates is in direct contact with it. If I am to be criticized because I want to give this House the benefit of my experience in these matters, I am willing to be criticized for it. I say, gentlemen, you are making a mistake. You can not group these institutions together. If you vote down the amendment offered by the gentleman from Texas I am going to offer an amendment to section 6, and I hope at least this amendment will be approved by the committee. [Applause.]

Mr. CRAMTON. Mr. Chairman, although the gentleman from Texas has reluctantly admitted that he has been chosen the spokesman for the delegation from the State of New York, I find that some Members on that delegation who are present do not realize that situation, and I think they will not appreciate—most of all the gentleman from New York [Mr. MILLS]—the gentleman assuming to speak for them on this amendment, because it is the type of amendment that the gentleman from New York [Mr. MILLS] would not support. He is an able lawyer, and he would know in the first place that there is nothing in this bill to interfere with the mothers' pension bill. In the second place, he would know that if there were anything in it the place to correct it would be in the mothers' pension bill which will follow this one. The gentleman asks why we object. Anyone who has any pride in the work of Congress must object to such a ridiculous proposition as inserting in this bill a reference to a pending measure that may become law or may not become law; and if that measure becomes law subsequent to this one, and if it carries a provision protecting it that would control; that is the place to put in the provision, and not by a reference in this bill to a bill which may never become law. As a matter of fact, there is no necessity for creating such a spectacle as that, because there is nothing in this bill to interfere with the other bill in any way, and the gentleman from New York [Mr. MILLS] would be one of the first to recognize that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 9, noes 22.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia, and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) District Training School, in Anne Arundel County, in the State of Maryland.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, line 14, strike out all of lines 14 to 22, both inclusive.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, the purpose of my amendment is obvious. A reading of section 5, wherein a director of these institutions is created, with power to discharge employees and with general supervisory powers, indicates that the bill is taking the institutions mentioned in section 6 of diversified character and purpose and putting them under the jurisdiction of one director. Now, by striking out lines 14 to 22 it will leave the workhouse, the reformatory, and the jail under the jurisdiction of this new board. They are purely punitive institutions, and the three of them properly and naturally may be grouped together and put under the jurisdiction of one board. The remaining institutions, which are stricken out by amendments, can be grouped later on and placed where they logically belong.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. For a question. I know the gentleman usually makes a speech.

Mr. CRAMTON. First let me remind the gentleman that the Board of Charities has been abolished by section 1. Then, is the gentleman aware that all of the institutions which he proposes to strike out of this paragraph, except (d), the National Training School for Girls, are now under the jurisdiction of the Board of Charities, which section 1 has abolished?

Mr. LAGUARDIA. Exactly; and if you are writing a new bill abolishing that board and creating a new board, let us do something scientific; let us do something intelligent. Let us profit by the experience of the past. That is my objection. You are merely changing the name of this board, and you are not doing anything constructive; you are not doing anything useful. You are not increasing the efficiency of the work of this institution. That is my objection to it.

Mr. HOUSTON. Is not the gentleman aware that this bill was really suggested and prepared by the leading expert in the United States representing the Sage Foundation on this question?

Mr. LAGUARDIA. I do not say the Russell Sage Foundation is the leading expert in the United States. I do not believe any private institution ought to have the final say in writing a bill. We do not do that in New York, the home of the Sage Foundation. If you are going to permit these private institutions to even monopolize charity and monopolize welfare work, it is about time this House should know it.

Now, we know this is a Sage bill. Oh, this is a Russell Sage bill. We did not know that before. A few moments ago it was a composite opinion of the various workers in the District of Columbia, and we were told that the judges and the welfare workers were agreed. Now, we know it is a Russell Sage Foundation creation.

Mr. HOUSTON. Will the gentleman yield again?

Mr. LAGUARDIA. Yes.

Mr. HOUSTON. He was brought here by the welfare organizations of the city as an adviser and worked in an advisory capacity.

Mr. LAGUARDIA. That puts an entirely different aspect upon it.

Mr. ZIHLMAN. I will say to the gentleman this is a New York idea.

Mr. LAGUARDIA. As long as you were contending that this was the agreement of all the welfare workers of the District, as well as the judges of the juvenile court and your police courts, then there was some argument, but when you now tell me that this is a Russell Sage Foundation creation, all the more I protest. We do not let them run our municipal institutions in New York City; not by a long shot. Why should you let the Sage Foundation and the Rockefeller Institute and the Carnegie Institute run such matters? They not only want to monopolize the industry of the country, they want to monopolize and control the very lives of the people.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. All the more reason we should object to this bill. What a big difference there is.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. LAGUARDIA. When New York came here and advised you on mothers' welfare, there was a howl in this House. The committee protested, but when the Russell Sage Foundation sends somebody here, oh, it is a great bill, and you fall for it. I now yield to the gentleman from Michigan for a question.

Mr. CRAMTON. In the gentleman's city of New York there is another private institution known as Tammany which has the preference.

Mr. LAGUARDIA. Let me say something about Tammany, and I have fought them all my life. There is some heart in Tammany. Tammany is full of heart and full of human interest, and Tammany has done more for the welfare institutions of that great city in one year than many private foundations, with its theories and statistics, can do from now until the end of time, and I am not a Tammany man.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto now close.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 10. That the following powers and duties heretofore imposed by law upon the board of charities shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To provide for the transportation to their respective places of residence of nonresident indigent persons, and to provide for indigent persons, who are legal residents of the District of Columbia, medical care and treatment when necessary, under contracts with such hospitals as are or may be designated by law; (b) to provide for the transportation to their respective places of residence of nonresident insane persons and to afford hospital care for indigent insane persons who are legal residents of the District of Columbia in such hospital or hospitals as are or may be designated by law; (c) to provide for the maintenance of boys committed by the courts of the District of Columbia to the National Training School for Boys under contracts which are or may be authorized by law; (d) to provide for all other aged, infirm, or needy persons, including women and children, in the manner heretofore authorized by law or by appropriations enacted by the Congress.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the board of charities, and such powers and duties are hereby vested in the board.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman, we passed in the House a few days ago a bill creating a mothers' aid board, giving them jurisdiction of children in homes of indigent parents.

The gentleman from Michigan attempts to be facetious when he wants to carry a point. When I am with the New York delegation on a proposition I love to see them here; when I am against them on a proposition I love to have them in New York. When we passed the prohibition enforcement bill over the President's veto I was mighty glad many of them were in New York. When a proposition comes up here in which I am interested, such as keeping the mothers' aid board separate and distinct, and the members of the New York delegation are for the same thing, I like to see them present.

Mr. STALKER. The gentleman means the New York City delegation?

Mr. BLANTON. Yes. Let us see whether or not this bill interferes with the mothers' aid bill. Section 1 abolishes the Board of Children's Guardians, which has complete control now of all children in the District of Columbia, and confers all of its powers on this new board.

Mr. HOUSTON. Will the gentleman yield? I know the gentleman does not want to make a misstatement.

Mr. BLANTON. This bill does abolish the Board of Children's Guardians. That is a fact.

Mr. HOUSTON. But the Board of Children's Guardians only has charge of the children committed to its care by the courts of the District.

Mr. BLANTON. I know; but there are many children so committed who are children of indigent parents and concerning whom this mothers' aid board will take charge and put them back in their homes and give their mothers the chance to redeem them.

Mr. HILL of Maryland. And, if the gentleman will yield, the work of the two is entirely correlated.

Mr. BLANTON. Certainly; and when you pass this bill you are going to have the jurisdiction of the two conflicting, and you are going to have this new welfare board gradually taking charge of every child in this District and taking them away from the mothers' aid board.

Mr. CRAMTON. Mr. Chairman, will my friend from Texas yield?

Mr. BLANTON. The gentleman can get time. I want to use my own time. I am willing for the gentleman from Michigan [Mr. CRAMTON] to come on the floor here and run all the money part of the District business, because he is a member of the Committee on Appropriations and the Committee on Appropriations is claiming jurisdiction over everything. I am willing for the gentleman to do that.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. When the District Committee brings in a legislative bill the legislative committee ought to be heard on it. I am simply trying to clarify the situation. I want you to notice the language of this bill on page 7, section 11, as follows:

SEC. 11. That the following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board. * * * (a) The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions, as the welfare of the child may require.

They have been taking the children away from their mothers heretofore, and they will continue to do so unless we protect the jurisdiction of the mothers' aid bill. It is ridiculous for the gentleman from Michigan [Mr. CRAMTON] to say that no lawyer would recognize a bill until it has been passed by the Senate after it has passed the House. I call his attention to the fact that in every Congress, since we have given entire jurisdiction to the Appropriations Committee, as soon as a legislative bill is passed in this House, before it passes the Senate in many cases, they have placed the item in an appropriation bill and passed the appropriation here in the House. Does not the Appropriation Committee do that; does not it put items in an appropriation bill before the legislative authority has been passed by the Senate?

Mr. CRAMTON. The last instance of that——

Mr. BLANTON. Oh, "the last instance." Then the gentleman admits it?

Mr. CRAMTON. No; they are not of the same effect, and in the last instance it was brought back for a separate vote in the House, and the fact that the exposition bill had passed the House made no difference.

Mr. BLANTON. It has been done time and time again. The Appropriations Committee does it, and there are good lawyers on the Appropriations Committee. The gentleman from Michigan may not be a lawyer, yet he does it. It does not behoove the gentleman to come in here and criticize others for doing what he has done.

Mr. CRAMTON. A provision has not been placed in an appropriation bill referring to any bill that has not become a law.

Mr. BLANTON. Oh, yes; they have brought in an appropriation and it has passed the House when the legislative authority had not passed the Senate. They put an appropriation in a deficiency bill and bring it in here, and I can cite a dozen of such cases to the gentleman from Michigan.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CRAMTON. Mr. Chairman, the gentleman from Texas having "clarified" the situation, I want to point out as to

the provision he read, the situation is clearer if you leave it alone. The Board of Children's Guardians under section 11 are given custody of the child pending investigation. Then the child comes before the proper authority and there it is determined as to what should be done. If the mothers' pension act is passed and they decide to give the mother a pension and leave the child with the mother, the mother will have charge of it. If the court gives a child that has no mother to the care, to the legal guardianship, of the Board of Children's Guardians, that board will take jurisdiction. There is no conflict; they will not reach into the field of the mothers' pension at all.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 13. That is shall be the duty of the board to prepare and submit to the Commissioners of the District of Columbia, in such manner as they shall require, an annual budget itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the board and for the support and maintenance of the institutions under its management. The board shall also submit to the commissioners an annual report of its activities and the work carried on under its direction, together wtih its recommendations for securing more efficient and humane care for all persons in need of public assistance. The board shall study from time to time the social and environmental conditions of the District of Columbia and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents: *Provided*, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

Mr. HOUSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 9, after the word "children," insert the words "when practicable."

Mr. HOUSTON. Mr. Chairman and gentlemen of the committee, this amendment is offered to perfect the text. The clause referred to is mandatory, and we are suggesting this same change that is found on page 11, wherein there is a similar provision. There it is provided that when children are placed in a family home or private institution as far as practicable, and so on. So in this section the clause as it now appears reads as follows:

except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents.

Then the proviso goes on to provide:

That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

Of course, it is apparent that if it is mandatory in placing the child in a home it would not be necessary to state any reason for placing it there.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. ZIHLMAN. This language is identical with the language on page 11 of the bill that has already been passed.

Mr. BLANTON. But this is a broader power on this page. It concerns more children.

Mr. ZIHLMAN. The gentleman will admit that the two propositions are contradictory.

Mr. BLANTON. I know, but whenever you give anyone such a leeway——

Mr. KELLER. This same amendment was placed in the bill reported by the House.

Mr. BLANTON. I know, but I am opposed to it.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. I am one of those who do not believe in this continual religious strife that is going on between the denominations in the country. I think there is plenty of room for everybody's religion, and we ought to pay more attention to our own than to somebody else's, and if we want to keep down the strife we ought to so make laws that one denomination can not take charge of another denomination.

Mr. KELLER. That is what we are trying to do.

Mr. BLANTON. Oh, the way the clause is now written, you require this board, whatever their religious faith may be, to place the child in a home of the same religious belief as its parents, but when you add "when practicable" the board can very easily say that it is not practicable to do it.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. And a board made up of prejudiced religious minds could say that it is not practicable to put the child in a home of the same religious belief as that of its parents, and they would put it in a home of their own faith, and you would have this continual strife going on. I think we ought to leave this exactly as it is. There is nothing unreasonable about it. They surely can find a home of the same religious faith as the parents of the child.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Let me finish. The gentleman believes in his amendment. I do not. I do not think we ought to pass this amendment. I think the bill is well written as it is. This is a broad provision and it affects every single child that can come within the jurisdiction of this board, and I think the House ought to pause before it nullifies this provision, and it will nullify it whenever you put in those words "when practicable." When you do so you give a leeway for them to go beyond what Congress is requiring them to do. I now yield to the gentleman from Delaware.

Mr. HOUSTON. If the gentleman will read the text, he will find that it is absolutely necessary, otherwise we must strike out the proviso to make sense.

Mr. BLANTON. The gentleman knows that I have read the text, because in the committee the bill first read that they must put the child in a home of the same religious faith of the child. What is the religious faith of a 7-year-old child? That is the way the bill read in the committee, and I offered the amendment in the committee to require it to be of the religious faith of the child's parents.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the gentleman from Texas should not discuss what occurred in the committee.

Mr. BLANTON. Oh, our committee is not like the gentleman's committee. Our committee is an open committee, where everything is done in the presence of the public.

Mr. HILL of Maryland rose.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman, this particular section in the bill was the subject of long and serious consideration by the House in the last Congress, and was discussed fully in the previous Congress. What the gentleman from Texas [Mr. BLANTON] says is absolutely the existing condition. The House deliberately decided on this provision which exists in the bill at the present time.

If we insert the words "when practicable," we put in a condition which absolutely nullifies the whole procedure, because there is no power that can test a decision made on the basis of the words "when practicable." It is an administrative power, and, as the gentleman from Texas has stated, you can not go behind it. I do not think this particular amendment should be placed in the bill.

Mr. HOUSTON. Mr. Chairman, let me state to the gentleman that the reason for that amendment is that people interested have stated that in a number of cases there were no institutions, as in the case of Protestant children. There are no institutions in which they can be placed, and how could they place children under this provision of the law in some institution which did not exist?

Mr. HILL of Maryland. They made the same objection two years ago, but they have been able to place them all during this time. The religion of the child must be protected.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. CRAMTON. As I understand the gentleman, he takes the position that it is better to have a fixed, positive, definite standard rather than to have an indefinite standard. If the gentleman would apply that to the word "intoxicating" I think he would agree with us that one-half of 1 per cent is a desirable basis as a definite standard, rather than the vague term "intoxicating," which the courts of Baltimore have demonstrated to be quite uncertain.

Mr. HILL of Maryland. Mr. Chairman, the interruption of the gentleman from Michigan shows exactly the frivolity with which certain members of this committee are considering the grave subject of child welfare in this District. No one has said anything about prohibition. The gentleman from Michigan is always alert on the subject and I am interested in it myself; but here is the question of changing the law which this House

deliberately decided on for the protection of the religion of children, and for not fomenting religious prejudice. I do not think we ought to approach this question from the point of view of the levity just exhibited by my distinguished friend from Michigan [Mr. CRAMTON].

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. ZIHLMAN. I know the gentleman is a very able lawyer, and was United States attorney for Maryland for a number of years. Does he not believe that the amendment offered by the gentleman from Delaware is merely to correct a clerical error, in order to make the language conform to the language in section 11 of the bill?

Either we should adopt this amendment or strike out the proviso because the proviso is inconsistent with the language as it now appears in the Senate bill.

Mr. HILL of Maryland. May the amendment be again reported. I ask that the Clerk report the amendment offered by the gentleman from Delaware.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. HILL of Maryland. In other words, the amendment pending is the amendment we have been discussing to insert the words "When practicable"? Now a thing can not be done unless it is practical. Those words are totally unnecessary. The law as it exists has been administered without them, and it brings in the element of fundamental law that you can not go back of the discretion of an administrative officer, and the words "when practical" gives that discretion. It seeks to amend section 13, as follows:

SEC. 13. That it shall be the duty of the board to prepare and submit to the Commissioners of the District of Columbia in such manner as they shall require an annual budget, itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the board and for the support and maintenance of the institutions under its management. The board shall also submit to the commissioners an annual report of its activities and the work carried on under its direction, together with its recommendations for securing more efficient and humane care for all persons in need of public assistance. The board shall study from time to time the social and environmental conditions of the District of Columbia, and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia, and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the board shall, when practicable, place them in institutions or homes of the same religious faith as the child. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

I shall vote against this amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware.

The question was taken; and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 17, noes 14.

So the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

There was no objection.

DELIVERY OF WATER TO THE ARLINGTON COUNTY SANITARY DISTRICT

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district.

Mr. ZIHLMAN. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York, chairman of the subcommittee [Mr. STALKER].

Mr. STALKER. Mr. Chairman, this bill is to authorize the Secretary of War to permit the delivery of water from the Washington pumping station to Arlington County, Va. The bill has the approval of the Secretary of War and the Commissioners of the District of Columbia, with the exception that both desired jurisdiction over the provisions of this act. Your committee decided that, inasmuch as this aqueduct was built by Federal funds, is now and always has been under the jurisdiction of the Secretary of War, that the control should remain in that department. The enactment of this legislation entails no expense upon the part of the District of Columbia or the Federal Government. It provides that all the expense shall be borne by Arlington County, which is estimated to be $400,000. Within two years the Dalecarlia Reservoir will be completed. At that time there will be available for the District of Columbia and adjoining territory a daily capacity of 180,000,000 gallons, and it is estimated that the requirements of the District of Columbia will be approximately 70,000,000 gallons per day, leaving a surplus of 110,000,000 gallons. It is also estimated that the needs of Arlington County will be 1,000,000 gallons per day, which is less than 1 per cent of the existing surplus. The revenue which Arlington County will pay in the District will be approximately $30,000 annually. I think that I have explained the details of the bill.

Mr. MOORE of Virginia. I would like to ask the gentleman this question simply for the purpose of giving the House the information: The connections of the water mains from the reservoir in which the water of which the gentleman has spoken will flow will be wholly at the expense of Arlington County?

Mr. STALKER. That is correct.

Mr. MOORE of Virginia. Not only the expenditure on the north side of the river but in the construction across the river by using the piers of the Chain Bridge?

Mr. STALKER. The Secretary of War is authorized to acquire by purchase or condemnation such land as may be needed.

Mr. MOORE of Virginia. If the gentleman will allow me, I will say for the information of the House that the territory in question is on the south side of the river, is a very limited territory, and was once part of the District of Columbia. It is only 28 square miles; and it is contemplated that if this permit is granted, which will be without any expense, not 1 cent being laid on the Government of the United States, but which, on the contrary, will bring revenue into the Treasury, that community will be supplied with water, a community which is now largely populated by people who are serving in the departments in Washington or transact their business in Washington City. While a very considerable expense will be imposed upon them—probably not less than a million dollars—in perfecting the scheme, it will relieve them from the embarrassing situation in which they are now placed, in not having any adequate supply of water; and we are only doing, if this bill is passed, for that suburb of the Capital City what has already been done in 1917 for the outlying districts of Washington in the State of Maryland.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. STALKER. Yes.

Mr. MORTON D. HULL. Will the annual estimated revenue of $30,000 pay anything more than the share of the operating cost of furnishing water to that community?

Mr. MOORE of Virginia. No. The bill provides for operating the water mains at the expense of Arlington County, and any change that may be made in the plant shall be at the expense of Arlington County.

Mr. MORTON D. HULL. Does the gentleman from Virginia say that Arlington County will pay any of the cost, either by way of rental or otherwise, of the original development of the water supply?

Mr. MOORE of Virginia. Not of the original development; but I will say to my friend this: For years prior to 1860 there was one conduit bringing water into the District of Columbia. Before my friend became a Member of the House, provision was made for the construction of an additional conduit, and that is expected to be completed during the next fiscal year, and then there will be an ample supply of water, and there will be no use for the water outside of the needs of the District of Columbia, unless this bill is passed, which will enable the excess over and above the needs of the District of Columbia to be sold to this other community.

Mr. STALKER. I will say further that the Secretary of War has power to revoke this permit at any time.

Mr. FENN. Mr. Chairman, will the gentleman yield?

Mr. STALKER. Yes.

Mr. FENN. I am not asking this question in opposition. Are the rates to be established the same as the people of the District pay?

Mr. MOORE of Virginia. They are to be established by the Secretary of War. He can raise them or lower them.

Mr. FENN. Does Arlington County contribute anything at all for the construction of this reservoir project?

Mr. MOORE of Virginia. It does not contribute anything for the construction of the original reservoir. That is paid out of the Federal Treasury.

Mr. FENN. But the pipe lines are extended at the expense of Arlington County?

Mr. MOORE of Virginia. Yes.

Mr. THATCHER. The power of revocation remains in the Secretary of War, and if the needs of the people of the District of Columbia are such as to take all the water supply in the future, the revocation can be made without further legislation?

Mr. STALKER. Yes.

Mr. MOORE of Virginia. I will say further that this supply of water is to be so very ample that the engineers that have looked into the matter say it will be many years before the people of the District of Columbia will need to use the entire supply there.

Now, the gentleman from New York [Mr. STALKER] having made such an admirable statement, I think the bill should be amended so as to give the Secretary of War the power to condemn land outside as well as in the District of Columbia, because about three-fourths of the area of the reservoir will be outside the confines of the District of Columbia. I shall want to say a word or two on the last section to that effect.

Mr. STALKER. Practically all of the present aqueduct was built out of Federal funds, and the additions and extensions have largely been built out of the surplus revenues. The public consumes approximately 59 per cent of the water coming into the District of Columbia, which constitutes the sole revenue. The Government consumes approximately 18 per cent, for which no payment is made. This is justified on account of the original investment from Federal funds.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for five additional minutes.

Mr. STALKER. For public purposes the District government uses about 23 per cent of the water furnished the entire District, for which no payment is made.

Mr. THATCHER. The gentleman will pardon me. Then what is the total percentage of water used without payment of water rent?

Mr. STALKER. Forty-one per cent. The District of Columbia has practically no original investment, and yet it secures and uses 23 per cent of the water without cost.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion and subject to the approval of the Chief of Engineers, upon the request of the board of supervisors of Arlington County, Va., to permit the delivery of water from the Federal water supply pumping station at the Dalecarlia Reservoir to the Arlington County sanitary district, created by an act of the General Assembly of the State of Virginia, of March 15, 1922, and to connect the force main of said pumping station with the water main in Arlington County at the southerly end of the Chain Bridge: *Provided*, That all expense of installing said connection and its appurtenances and any subsequent changes therein shall be borne by said Arlington County, which shall pay such charges for the use of such water as may be determined from time to time in advance by the Secretary of War, the payments to be made at such time and under such regulations as the Secretary of War may prescribe: *And provided further*, That the Secretary of War may revoke at any time any permit for the use of said water that may have been granted.

With a committee amendment, as follows:

Page 2, line 10, after the word "prescribe," insert: "all payments for the use of water to be deposited in the Treasury of the United States as other water rents now collected in the District of Columbia are now deposited."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On line 16, page 2, insert a new section as follows:

"SEC. 2. The Secretary of War is hereby authorized to acquire by purchase or condemnation all necessary lands, easements, and rights of way for pipe lines within the District of Columbia to connect the force main of said pumping station with the water main in Arlington County as herein authorized."

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment to that.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia to the committee amendment: Page 2, line 18, after the word "within," insert the words "or without."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia to the committee amendment.

Mr. BLANTON. Let us see just what this amendment means.

Mr. MOORE of Virginia. This reservoir is partly within the District of Columbia and partly without. Conceivably it may be necessary for the Secretary of War to condemn land outside of the boundaries of the District. The bill as it stands, or at least the bill with the amendment suggested by the committee, confines the condemnation to lands within the District of Columbia. In order to give the Secretary of War the further right to condemn outside of the District of Columbia to perfect connections, if that is necessary, I offer the amendment.

Mr. MORTON D. HULL. Then the provision of the preceding section, beginning on the fourth line—

that all expense of installing said connection and its appurtenances and any subsequent changes therein shall be borne by said Arlington County—

Will not be true, will it?

Mr. MOORE of Virginia. Oh, yes; it will be true, whether the connections require the use of land outside of the District or altogether within the District. The first section would continue to apply, and the entire expense would be paid by the county. I do not think there can be any doubt about that, but if the chairman or my friend from Illinois thinks there is any doubt about it, I shall not object to having the doubt clarified.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. Does the gentleman want to embark upon a new policy by permitting condemnation proceedings to be made outside of the District of Columbia?

Mr. MOORE of Virginia. The Secretary of War now has, for a great many purposes, the right to condemn outside of the District of Columbia. For instance, it was necessary for the Secretary of War to condemn land in Maryland to construct a conduit from above the Great Falls to this reservoir.

Mr. BLANTON. My point is this, I will say to the gentleman from Virginia: This amendment is a matter that the committee has had no notice of. We have not had a chance to study it, and we do not know what it means. I wish the gentleman had brought it to our attention when we had the bill up.

Mr. MOORE of Virginia. If the gentleman really objects to it, I am willing to withdraw the amendment. I do not know that there is going to be any necessity for condemnation outside of the District of Columbia.

Mr. BLANTON. I wish the gentleman would withdraw it and let us have a chance to study it. If it is a good amendment, then he can have it put in the bill in the other body.

Mr. MOORE of Virginia. I have no objection to that. I doubt the necessity for the provision and only suggested it because of the possibility of it being necessary. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Virginia will be withdrawn, and the question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

FREE PUBLIC LIBRARY

Mr. ZIHLMAN. Mr. Chairman, I now call up Senate bill 2673, an act to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia."

The CHAIRMAN. The gentleman from Maryland calls up Senate bill 2673, which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. ZIHLMAN. Mr. Chairman, I have no request for time on this bill, and unless the gentleman from Texas wishes to consume some time in general debate I ask unanimous consent that the bill be read under the five-minute rule.

Mr. BLANTON. Mr. Chairman, I desire to use some time, and ask recognition.

Mr. Chairman and gentlemen, in the main this is a good bill and should pass. I have but two criticisms to offer, and I would like to get the attention of the alert gentleman from Michigan [Mr. CRAMTON], whose prerogatives are being somewhat encroached upon in this bill. I would like to call the attention of my colleagues to two provisions that you ought to consider before you vote for this bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. I think the two provisions the gentleman refers to have already had the attention of the gentleman from Maryland and myself, and the gentleman from Maryland has amendments to take care of them.

Mr. BLANTON. Let us see whether he has. If he has, then I will have nothing further to say on the bill.

Mr. CRAMTON. They relate to the fees, and so forth, being turned into the Treasury?

Mr. BLANTON. No; I am referring to other language in the bill. On page 2, beginning in the middle of line 24, I call the attention of my colleagues to the following language:

> The board of library trustees, hereinafter provided, is authorized to rent suitable buildings or parts of buildings for use as branch libraries and distributing stations.

There is language that delegates to this board the prerogatives of Congress absolutely without limit or restriction. This board, if this bill passes, has legislative authority, whether they have the money or not, to contract for the rental of any building and as many buildings as they want, scattered all over the District of Columbia, and for just as much of a rental price as they desire to pay.

It becomes a contract and it is a legal obligation for which the Government is responsible. The Appropriations Committee would have to pay it because we have authorized them to do it through this bill. Do you want to delegate that general authority to this board? If you do, it is a new policy that Congress is pursuing. I do not think we ought to give carte blanche authority to any board to rent just as many buildings as they want to rent here in the city of Washington. They might abuse the power.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLANTON. I always yield with pleasure to the distinguished gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Is there any limit as to the amount which they can pay?

Mr. BLANTON. None; absolutely none.

Mr. COOPER of Wisconsin. Does the gentleman think any law should ever be enacted which does not fix the amount which can be taken from the Treasury by an executive?

Mr. BLANTON. No. My ideas along that line correspond with the ideas of the gentleman from Wisconsin, and that is what the gentleman from Wisconsin [Mr. COOPER] has been fighting for during his long, distinguished, able, and efficient service in this House. [Applause.] It is for the people to know what they are doing, and it is for the Congress to retain its powers and not delegate them without limit and without restriction.

Mr. DOWELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. Was anything before the committee to indicate or was there a showing before the committee as to the buildings that were contemplated to be rented by this board?

Mr. BLANTON. Nothing. As usual, the gentleman from Texas raised this question and was outvoted; the bill was voted out and it is on the floor and it is going to pass as written if somebody does not stop it. We must amend it. I want the distinguished gentleman from Wisconsin to note the language in the bill; here is language absolutely unrestricted and unlimited in any way:

> The board of library trustees, hereinafter provided, is authorized to rent suitable buildings or parts of buildings for use as branch libraries and distributing stations.

There is unlimited and unrestricted authority as to buildings that may be rented or the rental that may be paid. They can rent just as many as they want to rent, scatter them over the city just where they want to and pay whatever rental they want to pay. It will be a contract authorized by law, and the Congress will have to pay whatever they contract to pay, because it will be an obligation on the part of the Government.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. From what committee does this bill come?

Mr. BLANTON. It comes from one of the hardest working committees of the Congress.

Mr. LAGUARDIA. It slipped through, did it?

Mr. BLANTON. It did not slip through. It came through in the ordinary routine of business.

Mr. LAGUARDIA. The gentleman is not for it?

Mr. BLANTON. I want to say to the gentleman from New York in behalf of my hard-working colleagues on the District of Columbia Committee, we have not only the duty of looking after all other legislation that comes on this floor in the Committee of the Whole House on the state of the Union, the same as you do, but it is within the province and becomes the duty and responsibility of the Committee on the District of Columbia, in addition to all that work, to legislate for this entire District, and if the gentleman from New York knew how many calls are made on the 21 members of this committee, the gentleman would not be casting any slurs upon them.

Mr. LAGUARDIA. I was not doing that. I thought the gentleman from Texas was doing that.

Mr. BLANTON. No; I am upholding the committee.

Mr. LAGUARDIA. The gentleman is not in favor of the bill.

Mr. BLANTON. I am not in favor of the bill as now written.

Mr. LAGUARDIA. Nor its provisions.

Mr. BLANTON. I am in favor of the bill in the main. It is a good bill, if properly amended, and its purpose is good. The purpose is to establish branch libraries, but I am against the provision in the bill that gives up the prerogatives of Congress to a board and places no limitation upon the board at all. I hope you will adopt an amendment here that will limit the rental of buildings to such money as may be appropriated by Congress.

Mr. KELLER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KELLER. Of course, the gentleman knows that there would be the usual restriction on this board, the same as on any other board, to the money appropriated by the Committee on Appropriations?

Mr. BLANTON. That is always the cry.

Mr. KELLER. That is not a cry, it is a fact, and any man who gets by the Appropriations Committee and the House on any proposition, we can rest assured it has merit.

Mr. BLANTON. But I know there is not a lawyer in this House who will deny the statement that when you give legislative authority to a board to rent buildings such as they want to rent, they have the right to contract for them, and when they do contract it is an obligation for which this Government is responsible. That is a legal proposition that no lawyer on this floor will deny.

Mr. CRAMTON. Mr. Chairman, of course, that statement stamps me as not being a lawyer; but I will have to say that under this provision the board will not be able to incur a liability which the Government will have to pay.

Mr. BLANTON. The gentleman is not a lawyer?

Mr. CRAMTON. They can not incur a liability unless there has been an appropriation passed out of which it can be paid.

Mr. BLANTON. This is legal authority for them to act. I know the gentleman thinks the Committee on Appropriations is the great Rock of Gibraltar that stands between the people and any wasteful expenditures, but I want to say to the gentleman that I want him to look up the report I made to this Congress, which, I think, was in 1921 or 1922, about rented buildings and about vacant space in buildings. In that report I called attention to the fact that the United States Shipping Board, in Washington and in Philadelphia, was renting buildings at that time for which it was paying $556,000 a year as rent, and I showed at the same time in that report, by actual investigation and measurement, that in the new Navy building on the Potomac Driveway there was enough vacant space in one corner of that building to house the entire Shipping Board; and after that report was made, I noticed the administration forced the Shipping Board to give up its rented buildings, and you will find it housed in the very space I called the attention of Congress to as then being vacant.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. So, after all, it pays us to look after these things. I yield to the gentleman.

Mr. STEVENSON. Would it not cure this trouble if you added there, "provided they shall not exceed the amount of money already appropriated for that purpose"?

Mr. BLANTON. That or similar language ought to be in this bill.

Mr. STEVENSON. Then, why do you not put it in the bill?

Mr. ZIHLMAN. I will say to the gentleman that if the language is properly presented, as chairman of the committee, I will be glad to accept such a proviso.

Mr. STEVENSON. It ought to go in the bill.

Mr. BLANTON. I hope the gentleman from Michigan will prepare such an amendment.

Mr. CRAMTON. I will say to the gentleman from Texas——

Mr. BLANTON. Oh, the gentleman thinks that his committee is going to stop any waste, but suppose the gentlemen should not be on the committee?

Mr. CRAMTON. I was just going to say, Mr. Chairman, that any amendments to the bill which the gentleman proposes that will induce him to support the bill I, of course, will have no objection to.

Mr. BLANTON. I knew the gentleman would not have any objection, but the gentleman is not sure he is going to be always on the committee, and I am not sure I am going to be here. Neither one of us has any lease on life, and what we want to do is to pass laws that will protect the people whether we are here or not.

Mr. CRAMTON. No one is arguing with the gentleman. The chairman has agreed to accept his amendment.

Mr. BLANTON. All right; we will pass on to another question.

Mr. GILBERT. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. GILBERT. Of course, I appreciate with great concern that with the passing of either of the two gentlemen Congress would perhaps cease to function.

Mr. BLANTON. No; it would go along just the same.

Mr. GILBERT. But does the gentleman seriously contend it makes any difference what we put in this bill as to the amount Congress wants to spend for any purpose? Did not this House after very careful consideration and after long debate decide that the amount we would spend on parks in the District would be a certain amount, and fix it to the dollar, and did not the Budget and the Committee on Appropriations refuse to grant the amount that this Congress had said it wanted?

Mr. BLANTON. Why, certainly they pay no attention to Congress unless it meets with their approval.

Mr. GILBERT. Then why concern yourself about the amount?

Mr. BLANTON. They pay no attention to Congress. Look at the act which Congress passed which was signed by the President giving the Indians in Nebraska a certain amount of money. The Committee on Appropriations would not put it in the bill. The chairman turned it down. That is the only time, as far as I can now recollect, when I refused to follow the chairman of the Committee on Appropriations and voted to put the amount in the bill anyway.

Mr. STEVENSON. If we put a provision in the bill that the board of trustees shall not exceed the amount of the appropriation by Congress, that limits them. No contract they make in excess will be binding on Congress, and we can run over the Appropriations Committee if they undertake to put in more?

Mr. BLANTON. Certainly. Now, gentlemen, I hate to raise this question with the chairman of our committee coming from Maryland [Mr. ZIHLMAN] on one side, and our distinguished friend from Virginia [Mr. MOORE], whom we all love, on the other. But they are getting a whole lot of hand-outs in Maryland and Virginia. I want to tell you what you do. I wish that every Member of Congress would go into Joel Grayson's office, a man who has served here 50 years, and look into the private bill box of the gentleman from Maryland [Mr. ZIHLMAN], and see how many bills are there that give hand-outs to Maryland.

Mr. ZIHLMAN. The gentleman from Texas does not want to be unfair in that matter. I would like the gentleman to enumerate them. With the exception of one or two bills I have introduced they have all been sent to me by the District Commissioners.

Mr. BLANTON. Oh, I know, the gentleman stands in with the District Commissioners and the District Commissioners stand in with him. He helps the District Commissioners and they help him. And so it goes. I can enumerate them but I can not take the time.

Mr. ZIHLMAN. I hope the gentleman will do so.

Mr. BLANTON. Oh, I am not going to embarrass the gentleman.

Mr. ZIHLMAN. It does not embarrass me at all.

Mr. BLANTON. I wish you would go in and look at the private-bill box of the gentleman from Virginia [Mr. MOORE] and see how many of his bills provide for hand-outs to be given to the people of Virginia. Do you know there are 2,500 children whose parents live in Virginia and Maryland who are getting their schooling in Washington and free textbooks? The gentleman will not deny that, because it is a fact. Two thousand five hundred of them. We just passed a bill for the gentleman from Virginia [Mr. MOORE] giving his people water from the District; that is, they pay for the aqueduct, and it is almost free, because we get it for $5.65 a year for a family, and that is nearly free.

Mr. ROMJUE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ROMJUE. In view of the fact that the Congress and the Library are established here, does the gentleman know of any good reason why any of the counties in Virginia and Maryland should have access to this library which you are discussing under this bill when the citizens of other States and other sections do not have this privilege?

Mr. BLANTON. That is what I am calling attention to. My friend the chairman of the committee says he did not write it in the bill, but somebody did. It gives the people of Maryland and Virginia the right to get books.

Mr. ZIHLMAN. I would be glad to have it extended to all States of the Union.

Mr. BLANTON. Oh, yes; but we who live 2,000 miles away down in Texas could not avail ourselves of it.

Mr. ROMJUE. Why was not the provision incorporated in the bill?

Mr. ZIHLMAN. This bill was sent here by the Commissioners of the District. It was drafted by the library authorities. The provision was not put in for the reason given by the gentleman from Texas—the people from other States would not come here and avail themselves of it.

Mr. ROMJUE. That is speculation; the gentleman does not know whether they would come here or not.

Mr. BLANTON. Now, as I say, 2,500 children in Virginia and Maryland get their schooling here and school books free. Now, listen to this provision:

> Persons living outside of the said District, but having regular business or employment or attending school in the said District, shall for the purpose of this act be deemed temporary residents. Other persons residing in counties of Maryland and Virginia adjacent to the said District may gain the privilege of withdrawing books from the said library by the payment of fees fixed by the board of library trustees, hereinafter provided.

Mr. ZIHLMAN. Mr. Chairman, if the gentleman will offer that amendment at the proper time, I will accept it as chairman of the committee. I shall be very glad to extend that privilege to all the people living outside of the District.

Mr. BLANTON. I stated that I did not want to embarrass the gentleman by calling attention to these things, but it ought to stop some time.

Mr. ZIHLMAN. Oh, it does not embarrass me.

Mr. BLANTON. Mr. Chairman, let me say for the gentleman from Virginia [Mr. MOORE] that there is not a finer man in the United States than WALTON MOORE. I let his last bill go by here, but we must stop this thing some time. There is another bill coming up here for a sewer system, and I now call attention to what is coming this evening a little later. These people over here in Maryland have opened up a new addition. They have been developing Alaska Avenue, which is between the District and the State of Maryland.

The real-estate men there want a driveway out Fourteenth Street, so that those people can come straight into town. They have been trying here for three years to get a driveway right through Walter Reed Hospital grounds, where those poor, sick, disabled soldiers live, and for years our committee on Military Affairs turned them down. Finally they were strong enough to vote it out of the Committee on Military Affairs, and we whipped it on the floor. We killed it. Now, they have quit the Military Affairs Committee and they have turned it over to the District Committee, and they brought that bill in here last year. We gave them a fight on it. That bill is back here again. I want every one of you colleagues who have the interest of those poor, sick, disabled soldiers at heart to stand up here and help us defeat that bill when it comes up here again in a few minutes. These blind, deaf, crippled soldiers may be run over at midnight in these hospital grounds by

these Alaska Avenue people driving home after the theater at the rate of 40 miles an hour. I want you to stand up with us and help beat that bill.

Mr. MORTON D. HULL. Mr. Chairman, reverting to this bill, does the gentleman see any real objection why the residents of Virginia and Maryland, who are close enough at hand here to avail themselves of the privilege, should not have the library facilities on reasonable terms?

Mr. BLANTON. I will state that looking at the matter from the standpoint of our very good friend from Virginia [Mr. MOORE] and from the standpoint of the chairman of our committee [Mr. ZIHLMAN], it might be contended that they ought to get free water here from Washington, that they ought to get free electric lights and free gas and free sewer connection and have the library facilities free and also free textbooks and free street-car transportation and free access across all of the toll bridges.

Mr. MORTON D. HULL. But I am asking the gentleman to look at it from the standpoint of the people themselves who might use the water.

Mr. BLANTON. Oh, to be perfectly frank with the gentleman, I could not look at it from any standpoint but from the standpoint of the chairman of the committee and from the standpoint of my very good friend from Virginia; but when you look at it from the standpoint of the United States, the people who live outside of the District of Columbia, the people in Maryland and Virginia have no more right to get things from the Government than do the people who live in Illinois or Texas.

Mr. MORTON D. HULL. They have the advantage that they are close at hand and can use the facilities; and those facilities being here, there is no reason why they should not have them.

Mr. BLANTON. I wonder what bee has stung our friend from Illinois. [Laughter.] Some bee surely has stung him.

Mr. STALKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STALKER. The gentleman has referred to the bill for the opening of Fourteenth Street, going through the hospital reservation.

Mr. BLANTON. Oh, let us take that up when the time comes.

Mr. STALKER. The gentleman has referred to that.

Mr. BLANTON. I do not want the gentleman to use my time now. I want to close in just a minute or two.

Mr. STALKER. The bill as drawn had the approval of the War Department and of General Ireland.

Mr. BLANTON. Oh, I am going to tell my colleagues what General Ireland admitted when we get that bill up. I asked him some pertinent questions about what he thought of it down deep in his heart, and the gentleman from New York heard him answer. I am going to tell my colleagues about it.

I want to use about three minutes now under general debate on another matter. Mr. Francis Ralston Welsh is one of the leading citizens of the city of Philadelphia, Pa. I do not know of any man in the United States who has done more for his Government than has Mr. Welsh in a patriotic way. He asked me to read these few lines into the RECORD for him. Under date of February 9, 1926, he writes:

> I spoke of Mr. Will Irwin as a candidate for office on the Socialist ticket. Evidently this was an error. Mr. Irwin says that this error had originated with what he calls the spider-web chart, and it was on this chart that I saw this statement. The statement was confirmed by several others, but on checking up I find that this chart was their authority also. It is doubly regrettable that this error in the chart occurred, as for the most part the chart is very accurate and reliable and was gotten up to serve an excellent patriotic purpose. However, it was an error, and I gladly acknowledge it and tender my apologies to Mr. Irwin, and I know that your unfailing sense of justice will make you wish to correct this in the RECORD.

I do this at the request of Mr. Welsh, to show his position on the question.

MR. EDWARD HOUSE

There is just one other matter that I want to take a minute about, and then I am done. There has appeared in the press of late and from the floor of this House much criticism of a distinguished gentleman from my home State, Mr. Edward House. I hold no brief for Mr. House. I am not authorized to speak for him in any particular, but because of such criticism I want to give you a different viewpoint than that which you have had concerning this gentleman.

For 20 years in Texas Mr. House named the governors of the Lone Star State, and there were but a few people in Texas who knew anything about him. He was not a man who pushed himself forward. He was a man whom few people in the State knew. He came from a distinguished family, wealthy, prominent; yet he always kept himself in the background. Shortly before the time to elect a governor friends from different parts of the State, less than a dozen, would congregate at his home at a dinner. They would speak their views and thoughts. At the end of that discussion the election of the next governor of Texas was arranged. Not one single thing did he ever ask for himself.

I want to say that some of the best governors the State of Texas ever had were men selected at such meetings. I was a green, country boy going to the State University at Austin, where I was working at night in order that I might maintain myself and pay my way through the university. I was walking down the street in Austin one day in the hot sun, going to town, and Mr. House drove by me in his one-horse buggy. He drove a one-horse buggy then and he drove himself. No pretentions, meek as he could be, and he saw a poor boy walking along in the hot sun; he did not even know my name; but he called me and asked me to get in the buggy and ride to town with him, and the finest talk I ever received in my life was given me by Mr. House, inciting ambition to be something in the world, inciting ambition to live a straight life and keep sober and to be industrious, and that was the lecture I then received from Mr. House, and I have never forgotten it, and I feel that I owe it to him to state this little angle of his life. I thank you. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be now read under the five-minute rule for amendment.

The Clerk read as follows:

SEC. 2. That in order to make the said library an effective supplement of the public educational system of the said District and to furnish the system of branch libraries provided for in section 1 hereof, the board of library trustees, hereinafter provided, is authorized to enter into agreements with the Board of Education of the said District for the establishment and maintenance of branch libraries in suitable rooms in such public-school buildings of the said District as will supplement the central library and branch libraries in separate buildings. The board of library trustees, hereinafter provided, is authorized to rent suitable buildings or parts of buildings for use as branch libraries and distributing stations.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 25, after the word "authorized," insert "within the limits of appropriations therefor."

Mr. BLANTON. That is all right.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto. Persons living outside of the said District, but having regular business or employment or attending school in the said District, shall for the purpose of this act be deemed temporary residents. Other persons residing in counties of Maryland and Virginia adjacent to the said District may gain the privilege of withdrawing books from the said library by the payment of fees fixed by the board of library trustees, hereinafter provided. Said fees shall be expended by the board of library trustees, hereinafter provided, for the support of the said library.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment. I move to strike out, on page 3, line 15, the last sentence of the paragraph which reads:

Said fees shall be expended by the Board of Library Trustees, hereinafter provided, for the support of said library—

And I offer the following in lieu thereof.

I might say this amendment was suggested to me by the chairman of the Committee on Appropriations [Mr. MADDEN].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 15, strike out the language beginning with the word "said" and ending with the word "library" in line 17, and insert in lieu thereof the following: "After June 30, 1927, all fees shall be paid weekly to the Collector of Taxes of the District of Columbia for deposit with the Treasury of the United States to the credit of said District of Columbia."

Mr. BLANTON. Why limit it to June 30, 1927?

Mr. ZIHLMAN. I will say that is the suggestion made to me by the chairman of the Committee on Appropriations, who wanted it to begin at that time.

Mr. BLANTON. What are you going to do with the fees before that time?

Mr. ZIHLMAN. They, of course, will be administered as heretofore.

Mr. BLANTON. When you strike out this language you leave a hiatus from now until June 30, 1927, when they will not know what to do with those fees? Why not let them begin now when the bill is passed and put it "upon the passage of this bill"?

Mr. CRAMTON. If the gentleman will permit me to suggest, the difficulty is in making up the estimates for appropriation this year those fees have not been taken into consideration, and if you make it apply immediately you cripple the library to that extent.

Mr. BLANTON. What direction have we given in this bill to dispose of those fees?

Mr. ZIHLMAN. I will say to the gentleman I originally prepared an amendment which provided for the carrying on up to June 30, 1927.

Mr. BLANTON. Under the present law what is done with those fees?

Mr. ZIHLMAN. They are administered as provided in the bill by the board of trustees; that is, they expended the money without turning it into the Treasury and——

Mr. BLANTON. If that suits the chairman of the Committee on Appropriations I shall not object.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was agreed to.

Mr. ROMJUE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 9, after the word "District," strike out all down to and including the first three words in line 13.

Mr. ROMJUE. Now, Mr. Chairman and gentlemen of the committee, this bill as originally drawn extended the privilege of the use of these books to certain counties in the States of Maryland and Virginia. True, upon the payment of certain fees. This privilege is not extended to any other county within any other State in the Union.

I think the gentleman from Illinois [Mr. MORTON D. HULL] a moment ago intimated that this privilege should be granted to those counties near enough to the city of Washington to use these books. I agree with him in that. He stated also that people away from here might not want to use them. That might be true, and yet there might be people in other sections of the United States who might want to use these books, and that privilege ought to be extended to every citizen of every other State as well as to the citizens of Maryland and Virginia. Whether they choose to exercise that privilege is a matter of their own choice. The board will have control of the regulation of the fees and the manner of the loaning of these books.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield there?

Mr. ROMJUE. In a moment. By striking out the language after the word "District," on page 3, in line 9, to and including the word "District" in line 13, the same privilege would be extended to citizens of other States.

Mr. MORTON D. HULL. The gentleman is discussing the policy of a library giving this privilege to people far away. Does the gentleman know that as an administrative matter it can be done effectively?

Mr. ROMJUE. That matter will be left to the managers of the library as to what rules will have to be enforced in order to protect the books, and also furnish the books to citizens wherever they may be located, and to fix the rules so that the privilege will not be abused.

Mr. ZIHLMAN. Mr. Chairman, I have no objection to the amendment of the gentleman, except that he proposes to strike out a practice that has grown up and is recognized here, that those who have regular business in the District and are employed by the Government shall for the purposes of this act be deemed temporary residents. I do not see why that should be stricken out. I am willing to extend the privilege to those living outside of the District, but I do not see why those who have regular business or employment or are attending school in the District shall not be deemed temporary residents for the purposes of this act.

Mr. ROMJUE. This will permit that.

Mr. ZIHLMAN. You strike that out.

Mr. ROMJUE. Yes; but when it is all stricken out it applies to citizens generally. They come under the general provision and authority. Nobody is discriminated against by striking this out.

Mr. ZIHLMAN. I hope the amendment will not be adopted in that form.

Mr. ROMJUE. I have no objection to saying that those now in the District, although temporarily, may have that privilege. They are not excluded under the amendment. I think the gentleman from Michigan [Mr. CRAMTON] will agree with me in that.

Mr. CRAMTON. It will give all people outside of Washington alike the opportunity to get books. The trouble with my friend from Maryland is that he wants people who get their livelihood in the District and live outside the District to have their books free of any charge, and the pending amendment provides that they should pay a fee. Inasmuch as the library here is always suffering from lack of funds for administration, I believe that the people outside, even if they get their livelihood in the District, but who pay no taxes here, should pay fees for taking out books. I hope the amendment of the gentleman from Missouri will prevail for that reason.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. ZIHLMAN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 12.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and for the retention of books beyond the period fixed by library regulations, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. All fines and penalties so collected shall be expended by the said board for the support of the said library. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board shall deem necessary to the proper conduct of the library. The said board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 4, line 18, after the word "shall," strike out the rest of the sentence, namely, the words "be expended by the said board for the support of the said library," and insert the following in lieu thereof: "after June 30, 1927, be paid weekly to the collector of taxes of the District of Columbia for deposit in the Treasury of the United States to the credit of the said District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I move that the bill be laid aside with favorable report to the House.

The motion was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report back to the House Senate bill 2673, Senate bill 1430, and House bill 4505, with amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration District business, had instructed him to report back Senate bill 2673, Senate bill 1430, and House bill 4505, with amendments, with the recommendation that the amendments be agreed to and that the several bills as amended be passed.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the previous question shall be considered as ordered on the amendments and bills to final passage.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the previous question shall be considered as ordered on the amendments and the bills to final passage. Is there objection?

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BLANTON. Mr. Speaker, I ask for separate House action on Senate bill 1430, known as the welfare bill.

The SPEAKER. The question, then, is on agreeing to the amendments to Senate bill 2673 and House bill 4505.

The amendments were agreed to.

House bill 4505, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

Senate bill 2673 was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The question now is on the amendments to Senate bill 1430.

The amendments were agreed to.

The SPEAKER. The question is now on the third reading of the bill.

Mr. BLANTON. Mr. Speaker, at this juncture I ask the gentleman from Maryland to put off a vote on this bill until to-morrow morning. There are some Members absent who want to vote on this bill. I do not want to make a point of no quorum now, but I will have to do so unless the gentleman is willing to put off the vote until to-morrow morning. Of course, the gentleman can get the Members here. There are just a few of us here now and I ask the gentleman to put off the vote until to-morrow morning when it will come up the first thing, because the previous question has been ordered.

Mr. ZIHLMAN. I will say to the gentleman that I am endeavoring, as best I can, to expedite the business of the House. The Committee on the District of Columbia was given to-day for the consideration of District legislation.

Mr. BLANTON. But no one knew of it until this morning. The gentleman ought to be fair with the membership.

Mr. ZIHLMAN. This bill was before the committee yesterday and was the unfinished business. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZIHLMAN. As I understand it, the other two bills have been acted upon?

The SPEAKER. The other two bills have been passed.

Mr. BLANTON. Let us put off the vote on this bill until to-morrow morning. I do not want to make a point of no quorum.

Mr. ZIHLMAN. I think, Mr. Speaker, that the responsibility is entirely the gentleman's. The committee considered this bill for a number of hours to-day, and if there is any serious opposition to it it did not manifest itself on the floor. I think we ought to finish the consideration of this measure, as it is a Senate bill.

Mr. BLANTON. This is an important bill, and it affects an important bill that has already been passed. I have a motion to recommit the bill, and at this juncture, Mr. Speaker, I will offer it; but if the gentleman from Maryland will allow this bill to go over until to-morrow morning I will appreciate it. If not, I make a motion to recommit the bill.

Mr. LEHLBACH. Mr. Speaker, the bill has not been read the third time.

The bill was ordered to be read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia with instructions to that committee to report the same back forthwith with the following amendment: On page 2, line 6, after the word "boards," where it first appears in line 6, strike out the period, insert a colon, and add the following proviso: *Provided*, That the board of public welfare shall not assume or in any way interfere with the power and jurisdiction that may be vested by Congress in the mothers' aid board.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Is only one motion to recommit in order?

Mr LEHLBACH. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The Chair did not ask the gentleman from Texas whether he was opposed to the bill or not. No other gentleman rising, he recognized the gentleman from Texas, but the Chair would first recognize any gentleman who is opposed to the bill.

Mr. LAGUARDIA. Mr. Speaker, I am opposed to the bill.

The SPEAKER. Is the gentleman from Texas opposed to the bill?

Mr. BLANTON. I certainly am, Mr. Speaker. I have indicated that all the way through the debate.

The SPEAKER. Then the gentleman is entitled to prior recognition.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 13, noes 38.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is not a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER (after counting). Sixty-nine Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 127, nays 168, not voting 137, as follows:

[Roll No. 47]

YEAS—127

Allgood	Eslick	Lanham	Rayburn
Almon	Fisher	Lankford	Romjue
Arnold	Fletcher	Larsen	Rouse
Aswell	Free	Lazaro	Rubey
Bankhead	Gardner, Ind.	Lindsay	Rutherford
Bell	Garner, Tex.	Lowrey	Sabath
Berger	Garrett, Tenn.	Lozier	Sanders, Tex.
Black, N. Y.	Garrett, Tex.	McClintic	Sandlin
Black, Tex.	Gasque	McDuffie	Schafer
Blanton	Gilbert	McKeown	Sears, Fla.
Bloom	Green, Fla.	McMillan	Shallenberger
Box	Greenwood	McReynolds	Smithwick
Brand, Ga.	Griffin	McSweeney	Somers, N. Y.
Briggs	Hare	Mansfield	Steagall
Browning	Harrison	Martin, La.	Stevenson
Buchanan	Hastings	Mills	Swank
Byrns	Hayden	Moore, Ky.	Taylor, Colo.
Canfield	Hill, Ala.	Morehead	Taylor, Tenn.
Cannon	Hill, Md.	Morrow	Taylor, W. Va.
Celler	Howard	Nelson, Mo.	Thomas
Collier	Hudspeth	Norton	Tydings
Collins	Hull, Tenn.	O'Connell, R. I.	Upshaw
Connally, Tex.	Jacobstein	O'Connor, La.	Vinson, Ga.
Connery	Johnson, Ky.	Oldfield	Vinson, Ky.
Crosser	Johnson, Tex.	Oliver, Ala.	Warren
Cullen	Jones	Oliver, N. Y.	Wefald
Curry	Kemp	Parks	Whittington
Dickinson, Mo.	Kerr	Perlman	Williams, Tex.
Dickstein	Kincheloe	Quin	Wilson, La.
Doughton	King	Ragon	Woodruff
Drane	Kunz	Rainey	Wright
Edwards	LaGuardia	Rankin	

NAYS—168

Ackerman	Eaton	Keller	Schneider
Adkins	Elliott	Kelly	Scott
Andresen	Ellis	Ketcham	Shreve
Appleby	Esterly	Kiefner	Simmons
Arentz	Evans	Kiess	Sinclair
Bacharach	Faust	Kirk	Sinnott
Bachmann	Fenn	Kopp	Smith
Bacon	Fitzgerald, Roy G.	Lampert	Snell
Bailey	Fitzgerald, W. T.	Lea, Calif.	Speaks
Barbour	Fort	Leatherwood	Sproul, Ill.
Beedy	Foss	Leavitt	Sproul, Kans.
Beers	Frear	Lehlbach	Stalker
Begg	French	Letts	Stephens
Bixler	Frothingham	Lineberger	Strong, Kans.
Bland	Gambrill	McFadden	Strong, Pa.
Bowles	Garber	McLaughlin, Mich.	Summers, Wash.
Bowman	Golder	Madden	Sweet
Browne	Goodwin	Magee, N. Y.	Swing
Brumm	Green, Iowa	Magrady	Taber
Bulwinkle	Griest	Manlove	Taylor, N. J.
Burdick	Hadley	Mapes	Thatcher
Burtness	Hale	Martin, Mass.	Thompson
Burton	Hall, N. Dak.	Michener	Thurston
Busby	Hammer	Miller	Timberlake
Carpenter	Hardy	Moore, Va.	Tinkham
Carss	Hawley	Morgan	Tolley
Carter, Calif.	Hill, Wash.	Murphy	Underwood
Carter, Okla.	Hoch	Nelson, Me.	Vaile
Chalmers	Hogg	Newton, Minn.	Vestal
Clague	Hooper	Patterson	Vincent, Mich.
Cole	Houston	Perkins	Walters
Colton	Huddleston	Porter	Watres
Cooper, Ohio	Hudson	Pou	Watson
Cooper, Wis.	Hull, Morton D.	Pratt	Welsh
Coyle	Irwin	Purnell	Wheeler
Cramton	Jeffers	Ramseyer	White, Kans.
Crumpacker	Jenkins	Ransley	Whitehead
Darrow	Johnson, Ind.	Rathbone	Williams, Ill.
Denison	Johnson, S. Dak.	Reed, N. Y.	Winter
Dickinson, Iowa	Johnson, Wash.	Reid, Ill.	Wolverton
Dowell	Kahn	Robinson, Iowa	Wurzbach
Drewry	Kearns	Rogers	Zihlman

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Abernethy	Boylan	Connolly, Pa.	Douglass
Aldrich	Brand, Ohio	Corning	Doyle
Allen	Brigham	Cox	Driver
Andrew	Britten	Crisp	Dyer
Anthony	Butler	Crowther	Fairchild
Auf der Heide	Campbell	Davenport	Fish
Ayres	Carew	Davey	Flaherty
Barkley	Chapman	Davis	Fredericks
Beck	Chindblom	Deal	Freeman
Boies	Christopherson	Dempsey	Fuller
Bowling	Cleary	Dominick	Fulmer

Funk	Linthicum	Parker	Tillman
Furlow	Little	Peavey	Tilson
Gallivan	Luce	Peery	Tincher
Gibson	Lyon	Phillips	Treadway
Gifford	McLaughlin, Nebr.	Prall	Tucker
Glynn	McLeod	Quayle	Underhill
Goldsborough	McSwain	Reece	Updike
Gorman	MacGregor	Reed, Ark.	Vare
Graham	Magee, Pa.	Robsion, Ky.	Voigt
Hall, Ind.	Major	Rowbottom	Wainwright
Haugen	Mead	Sanders, N. Y.	Wason
Hawes	Menges	Sears, Nebr.	Weaver
Hersey	Merritt	Seger	Weller
Hickey	Michaelson	Sosnowski	White, Me.
Holaday	Milligan	Spearing	Williamson
Hull, William E.	Montague	Stedman	Wilson, Miss.
James	Montgomery	Stobbs	Wingo
Johnson, Ill.	Mooney	Strother	Wood
Kendall	Moore, Ohio	Sullivan	Woodrum
Kindred	Morin	Sumners, Tex.	Wyant
Knutson	Nelson, Wis.	Swartz	Yates
Kurtz	Newton, Mo.	Swoope	
Kvale	O'Connell, N. Y.	Temple	
Lee, Ga.	O'Connor, N. Y.	Thayer	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Connell of New York (for) with Mr. Treadway (against).
Mr. Doyle (for) with Mr. Kendall (against).
Mr. Sullivan (for) with Mr. Johnson of Illinois (against).
Mr. Mooney (for) with Mr. Swoope (against).
Mr. Corning (for) with Mr. Connolly of Pennsylvania (against).
Mr. Quayle (for) with Mr. Luce (against).
Mr. Auf der Heide (for) with Mr. Aldrich (against).
Mr. Kindred (for) with Mr. Kurtz (against).
Mr. Douglass (for) with Mr. Gorman (against).
Mr. Prall (for) with Mr. Chindblom (against).
Mr. Carew (for) with Mr. Brigham (against).
Mr. Weller (for) with Mr. Butler (against).
Mr. Gallivan (for) with Mr. Knutson (against).
Mr. Cleary (for) with Mr. Morin (against).
Mr. Boylan (for) with Mr. Newton of Missouri (against).
Mr. Mead (for) with Mr. Rowbottom (against).
Mr. O'Connor of New York (for) with Mr. Sosnowski (against).

Until further notice:

Mr. Anthony with Mr. Perry.
Mr. Boies with Mr. Barkley.
Mr. Campbell with Mr. Davey.
Mr. Crowther with Mr. Wingo.
Mr. Fish with Mr. Tillman.
Mr. Funk with Mr. Cox.
Mr. Seger with Mr. Reed of Arkansas.
Mr. Thayer with Mr. Tucker.
Mr. Hersey with Mr. Davis.
Mr. Merritt with Mr. Wilson of Mississippi.
Mr. Britten with Mr. Hawes.
Mr. Andrew with Mr. Lee of Georgia.
Mr. Moore of Ohio with Mr. McSwain.
Mr. James with Mr. Montague.
Mr. Davenport with Mr. Little.
Mr. Fairchild with Mr. Woodrum.
Mr. Phillips with Mr. Deal.
Mr. Freeman with Mr. Weaver.
Mr. Gibson with Mr. Sumners of Texas.
Mr. Graham with Mr. Chapman.
Mr. Hall of Indiana with Mr. Spearing.
Mr. Tilson with Mr. Allen.
Mr. Sanders of New York with Mr. Bowling.
Mr. Parker with Mr. Abernethy.
Mr. Michaelson with Mr. Stedman.
Mr. Magee of Pennsylvania with Mr. Crisp.
Mr. White of Maine with Mr. Linthicum.
Mr. Vare with Mr. Ayres.
Mr. Wainwright with Mr. Dominick.
Mr. Wood with Mr. Fulmer.
Mr. Wyant with Mr. Milligan.
Mr. Williamson with Mr. Kvale.
Mr. Yates with Mr. Driver.
Mr. Wason with Mr. Goldsborough.
Mr. Gifford with Mr. Lyon.
Mr. Dyer with Mr. Major.
Mr. Dempsey with Mr. Nelson of Wisconsin.

The doors were opened.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

A similar House bill (H. R. 5045) was laid on the table.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the several bills were passed was laid on the table.

RETURN DUTY FREE OF CATTLE WHICH HAVE CROSSED THE BOUNDARY LINE

Mr. GREEN of Iowa. Mr. Speaker, I call up joint resolution (H. J. Res. 148) extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

The SPEAKER. The gentleman from Iowa calls up a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That notwithstanding the provisions of paragraph 1506 of Title II of the tariff act of 1922 cattle which heretofore have strayed across the boundary line into any foreign country, or which have been driven across such boundary line by the owner for temporay pasturage purposes only, or which may so stray or be driven before May 1, 1926, and the offspring and increase of any such cattle, shall be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury if brought into the United States at any time before December 31, 1926.

SEC. 2. The Secretary of the Treasury shall, under regulations prescribed by him, remit and refund any duties on any such cattle and their offspring and increase brought into the United States after December 30, 1925, and before the enactment of this resolution. Such refunds shall be made upon application therefor made within one year after the enactment of this resolution. There is hereby authorized to be appropriated an amount necessary to make such refunds.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand the request to be to consider the resolution in the House as in Committee of the Whole?

Mr. GREEN of Iowa. Yes; that is the request.

Mr. GARRETT of Tennessee. What about the debate on it then?

Mr. GREEN of Iowa. Of course, the debate would be under the five-minute rule; but if some gentleman like the gentleman from Arkansas [Mr. OLDFIELD] or other gentlemen want some extra time there will be no difficulty about it.

Mr. GARNER of Texas. If the gentleman will permit, as I understand, there is really no opposition to this resolution, but the gentleman from Arkansas desires to offer an amendment and wishes to discuss the amendment. If the discussion should involve any question about lengthening the time of discussion the gentleman would not object?

Mr. GREEN of Iowa. No; there would be no objection.

Mr. GARNER of Texas. I think that is all right.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That notwithstanding the provisions of paragraph 1506 of Title II of the tariff act of 1922, cattle which heretofore have strayed across the boundary line into any foreign country, or which have been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before May 1, 1926, and the offspring and increase of any such cattle, shall be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury if brought into the United States at any time before December 31, 1926.

Mr. OLDFIELD. Mr. Speaker, I offer the following amendments.

The SPEAKER. The Clerk will report the amendments offered by the gentleman from Arkansas.

The Clerk read as follows:

Amendments by Mr. OLDFIELD: Page 1, line 6, strike out the figures "1926" and insert in lieu thereof "1936." Page 2, line 2, strike out "1926" and insert in lieu thereof "1936."

Mr. OLDFIELD. Mr. Speaker and gentlemen of the House, ever since the Fordney-McCumber tariff law was enacted placing a duty of 1½ cents a pound on cattle weighing up to a thousand and fifty pounds and 2 cents a pound on cattle weighing more than a thousand and fifty pounds, the livestock people along the border between this country and Mexico come in here and get us to pass a free trade law applying to cattle being shipped from Mexico into this country. That law expired by limitation in about one year. Then they came back and asked us to repeat it and pass another law which would call for the privilege of driving cattle into Mexico and feeding them on the range for several months or a year and bringing them back duty free. They were not satisfied with that, and so they came to Congress again and asked us to extend the time another year. We did so, and now for the fourth time since the Fordney-McCumber tariff law has been placed on the statute books these same interests come and ask us to extend the law to May 1, 1926.

Now, my friends, if this resolution repealing the Fordney-McCumber tariff law in regard to cattle between this country and Mexico is good for 4 or 5 years, it ought to a good thing for at least 10 years. Therefore my amendment to strike out 1926 and insert 1936 ought to prevail. They have been coming here year after year and asking us to extend the law, and why not extend it for 10 years. The fact is we ought to put cattle on the free list. It does not do the stock growers any good to have this provision here. It might be of some benefit to people living on the border, but the farmers in the West are finding trouble in getting stock to feed their hay and grain to. Therefore if we had free trade in cattle between Mexico and Canada, the livestock people of the whole country would be benefited.

That is about all I care to say on this question, because I do not like the idea of the War Finance Corporation and the cattle owners in Arizona and New Mexico and Texas coming here every six or eight months asking us to give them free trade so far as Mexico is concerned and so far as they are personally concerned without giving the rest of the people of the country the benefit of this legislation.

Mr. BEGG. Will the gentleman yield?

Mr. OLDFIELD. Certainly.

Mr. BEGG. How does the gentleman figure it that it gives them free trade?

Mr. OLDFIELD. It admits cattle into Mexico and then brings them back without paying duty.

Mr. BEGG. For pasturage purposes?

Mr. OLDFIELD. Yes.

Mr. BEGG. Why should they pay duty when they only take them out for grazing purposes?

Mr. OLDFIELD. If this statute expires, then they could not do what they wanted to do, could they?

Mr. BEGG. No.

Mr. OLDFIELD. And they would have to pay duty on them?

Mr. BEGG. They are American cattle and we could not levy a tariff against Mexico, anyway.

Mr. OLDFIELD. What the bill is seeking to do is only a benefit to a few people on the border.

Mr. BEGG. Why should not they have that benefit when it is good pasturage in Mexico and there is none here?

Mr. OLDFIELD. I am in favor of giving that benefit to all the people of the country.

Mr. BEGG. Is the gentleman in favor of repealing the tariff on cattle?

Mr. OLDFIELD. I certainly am—I am in favor of that.

Mr. WURZBACH. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Arkansas [Mr. OLDFIELD]. The sole purpose of this joint resolution, as is clearly indicated by its terms, is to permit American cattlemen in New Mexico, Arizona, and Texas to bring back their cattle from Mexico where they had strayed or were driven for grazing purposes only. The gentleman from Arkansas [Mr. OLDFIELD], I think, is entirely consistent when he states that he is opposed to the resolution. Under his free-trade ideas, he believes in permitting the Mexican cattleman or the foreign cattleman to bring his cattle into this country without paying any duty at all in competition with American cattlemen, but when we present to him a proposition of permitting the American cattleman to bring back his own cattle, he is opposed to it. We are not asking in behalf of these men any 10-year extension; we are asking an extension only until May 1.

Mr. OLDFIELD. Mr. Speaker, will the gentleman yield?

Mr. WURZBACH. I decline to yield; I have not the time.

Mr. OLDFIELD. Can they get the cattle out by May 1?

The SPEAKER pro tempore (Mr. SNELL). The gentleman declines to yield.

Mr. WURZBACH. Mr. Speaker, this resolution provides that any cattle that stray over into Mexico up to May 1, 1926, and which are brought back into this country before the end of this year shall not be required to pay duty. This resolution does not violate any principle of the protective tariff that we Republicans stand for, because it is not intended to cover the case of cattle belonging to other than American citizens, and it is not in violation even of a Democratic free-trade policy. We are attempting to apply in small measure, but only for the benefit of the American cattleman, your ideas or policies. We are requesting by this resolution that American cattle, as distinguished from foreign-raised cattle, be permitted to come into this country free, and I do not see how the most radical free trader could object to that. Certainly if it is proper, as some Democrats contend, to permit foreign cattle to come into this country without paying any duty, no objection ought to be raised by Democrats to permitting American cattlemen to bring their cattle into this country that were sent to Mexico for grazing purposes or that strayed across the line, where only the interest of Americans are concerned.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. GARRETT of Texas. I do not know whether the gentleman from Arkansas heard the gentleman from Texas, but I think the gentleman from Texas stated that the gentleman from Arkansas was opposed to the resolution.

Mr. WURZBACH. Yes.

Mr. GARRETT of Texas. I do not so understand.

Mr. OLDFIELD. Oh, no; I am not opposed to the resolution. I want to extend the time longer than is provided in the resolution. I am for the resolution.

Mr. WURZBACH. I may have misunderstood the gentleman. I thought when the gentleman from Ohio [Mr. BEGG] propounded the question to the gentleman from Arkansas as to whether he was in favor of or against the resolution, the gentleman stated that he was opposed to it.

Mr. OLDFIELD. Oh, no; I am in favor of extending the time.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HOWARD. Mr. Speaker, I am in favor of this resolution. I have been listening to the reverberations of the revolution out in the Corn Belt, and every day they distinctly seem to say that the desire of all people in the Corn Belt is that the tariff laws of our country shall be so adjusted that they will give the same measure of relief to agricultural interests, the same fostering care and protection that they now give to manufacturing, railroad, and financial interests. Here is the first opportunity that I have had since I came here to cast a vote for a reduction of the tariff, and I am going to vote for this resolution. In a few days I am hoping that somebody having the interest of the Corn Belt country at heart, some of my Republican friends from Iowa, for instance, will introduce a little tariff reducing bill of some kind. I ask them to introduce it, knowing that if they should introduce it it would progress further than it would if I should introduce it. I do hope that they will. I am heartily in favor of this resolution. As I said before, it is the first opportunity that I have had to admit anything free of duty. I am very fond of bananas, and I understand that there is in the offing somewhere a resolution which will permit bananas to be introduced free of duty until after Christmas. I am for it.

I think the resolution will pass now, Mr. Speaker. [Laughter and applause.]

Mr. GREEN of Iowa. Mr. Speaker, I am pleased that my friend from Nebraska [Mr. HOWARD] gets on the right side of a tariff matter occasionally. He will vote right when he votes for this resolution. I think practically every Member of the House will. The resolution is a very simple matter, which involves no question of protection or free trade, so far as that is concerned.

Our tariff bills for a long time, even the protective tariff bills, have contained a provision which enables persons on the border to take their cattle over into Mexico or into Canada, for that matter, keep them there eight months and afterwards return them to the United States without paying any duty. This provision was manifestly in the interest of the cattle growers along the border line, and this particular case arose out of the fact that when these cattle were first taken over, which was several years ago, and we have been extending the provision for several years, a drought ensued at the time when the cattle ought to have been brought back under ordinary provisions. Not being brought back within the time provided by the general law, they could not be returned without paying duty. We extended the time for them, but unfortunately that drought has continued for a number of years. I think it is now being broken, but at the time when these cattle should have been brought back it was impossible to return them. There is nothing in this bill——

Mr. OLDFIELD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. OLDFIELD. This is the 9th of March, and this bill says the 1st of May. Does the gentleman think if this bill passes through the Senate they can get the cattle out by the 1st of May, 1926?

Mr. GREEN of Iowa. They do not have to bring them back until the 31st day of December under this bill, as far as that is concerned.

Mr. WURZBACH. It covers cattle that strayed over there up until May 1; is that right?

Mr. GREEN of Iowa. This covers cattle that happened to stray across the border up until May 1, 1926.

Mr. HAYDEN. Will the gentleman state to the House how many head of cattle there are in Mexico, if the gentleman has that information?

Mr. GREEN of Iowa. It is stated in the report.

Mr. HAYDEN. It is true that the larger part are controlled by the War Finance Corporation?

Mr. GREEN of Iowa. A greater part are controlled by the War Finance Corporation, which has mortgages upon them, and, in fact, the mortgages are large enough to absorb all the value in them.

I do not care to answer what the gentleman from Arkansas said with reference to benefits or injury to the farmer by the tariff on cattle, but at some later period when we have a little more time than we have this evening I hope to answer in full. I will say this much, however, that our friends upon the Democratic side have always been trying to deprive the farmer of his best market. The Republican Party wants to provide him with a market at home, so far as possible, where he will get the full benefit of it. It is his best market, where he gets the best prices and gets the most of its benefits.

So far as this amendment which the gentleman from Arkansas introduced, I think he introduced it for the purpose of making certain remarks. I do not think he has any expectation it will be passed. Of course, it is in the nature of a joke to extend this provision for 10 years.

Mr. OLDFIELD. It was a joke every time we have extended it. We ought never to have extended it at all.

Mr. GREEN of Iowa. Unfortunately the gentleman has not been able to appreciate the full humor of the occasion. I have been trying to educate him, but have not succeeded. The committee has stated in the report this is the last time any extension can be granted. They must get their cattle across this time regardless of the losses or of price; that no further extension will be granted.

Mr. GARNER of Texas. If the gentleman will permit, this much ought to be said for the benefit of the House. We made that promise once before.

Mr. GREEN of Iowa. Not in writing.

Mr. GARNER of Texas. I do not think the gentleman ought to repeat it, because we violated it once before last year. We made that promise before and did not do it.

Mr. GREEN of Iowa. I ask for a vote.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the joint resolution.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, Mr. WINGO was granted leave of absence, for an indefinite period, on account of death in his family.

WITHDRAWAL OF PAPERS

Mr. FRENCH was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Emmett A. LaDow (H. R. 5004), Sixty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 10, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 10, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON APPROPRIATIONS

(2 p. m.)

Legislative bill.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the lower Colorado River Basin (H. R. 9826).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the disposition of lands no longer needed for naval purposes (H. R. 9881).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service," approved June 7, 1924 (H. R. 9875).

To authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building (H. R. 9869).

Granting an easement on public land to Legion Post No. 8, Nebraska City, Nebr. (H. R. 9832).

Providing that no permanent building shall be erected in East Potomac Park solely for tourist-camp purposes pending the selection of a more suitable site (H. J. Res. 174).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(8 p. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To provide for the election of the Board of Education of the District of Columbia (H. R. 58).

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

Providing for a mine rescue station and equipment at Madisonville, Ky. (H. R. 3879).

Providing for a mine rescue station and equipment at Pineville, Ky. (H. R. 5953).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

387. A letter from the Secretary of War, transmitting draft of a bill for the payment of claims for pay, personal injuries, loss of property, and other purposes, incident to the operation of the Army; to the Committee on War Claims.

388. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lake City Harbor, Minn.; to the Committee on Rivers and Harbors.

389. A letter from the Secretary of the Interior, transmitting a report by the board of survey and adjustments covering a survey of irrigation projects of the Bureau of Reclamation; to the Committee on Irrigation and Reclamation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. J. Res. 171. A joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922; with amendment (Rept. No. 486). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT: Committee on the Merchant Marine and Fisheries. H. R. 7245. A bill providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes; with amendment (Rept. No. 487). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 613. An act for the relief of Archibald L. Macnair; without amendment (Rept. No. 485). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5607) for the relief of Georgia Cotton Co.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6121) for the relief of W. D. Wilson; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9791) granting an increase of pension to Keziah Imhof; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9720) granting an increase of pension to Susan G. Ulrick; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5467) granting a pension to Nannie O. Hinds; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10046) for the relief of A. C. Tomson; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9898) granting a pension to Fred Libbee; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 10164) granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUST: A bill (H. R. 10165) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. PORTER: A bill (H. R. 10166) for the acquisition of buildings and grounds in foreign countries for the use of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 10167) to amend the act entitled "An act for the reorganization and improvement of the foreign service of the United States, and for other purposes," approved May 24, 1924; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 10168) authorizing the Secretary of the Interior to transmit to Congress a final roll of Indians on several Indian reservations; to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 10169) granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 10170) to authorize the coinage of 50-cent pieces in commemoration of the birthday of Stephen C. Foster, July 4, 1826; to the Committee on Coinage, Weights, and Measures.

By Mr. GORMAN: Joint resolution (H. J. Res. 193) providing for an investigation of the right of Chicago to divert water from Lake Michigan for sanitary purposes in the amount of 10,000 cubic feet per second; to investigate the activities of public officials who may be, directly or indirectly, receiving remuneration from Canadian interests; and for other purposes; to the Committee on Rules.

By Mr. BUSBY: Resolution (H. Res. 161) directing the Attorney General to transmit to the House the report on the Mississippi patronage abuses relating to Perry W. Howard; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. PATTERSON: Memorial of the Senate of the State of New Jersey, asking Congress to regulate stations for transmission of radio communication or energy in the United States; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of New Jersey, requesting that an appropriation of sufficient funds to carry out the provisions of the national defense act of 1920 and its accompanying legislation; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 10171) granting a pension to Martha B. Patmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10172) granting a pension to Nettie Crandell; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 10173) granting a pension to Lewis Sawyer; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10174) granting an increase of pension to Edmond Jameson; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10175) granting an increase of pension to Grace Davis Shepherd; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 10176) for the relief of George B. Snyder; to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 10177) for the relief of Commander Albert Newton Park, jr.; to the Committee on Naval Affairs.

By Mr. HOOPER: A bill (H. R. 10178) to confer jurisdiction on the Court of Claims to hear and adjudicate the claim of Lester P. Barlow against the United States; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10179) for the relief of Pirdie Handley; to the Committee on War Claims.

Also, a bill (H. R. 10180) granting an increase of pension to Mrs. E. E. McGuire; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 10181) granting a pension to Addie I. Parsons; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 10182) granting an increase of pension to Nannie E. White; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 10183) granting an increase of pension to Jane C. Herr; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 10184) for the relief of Josiah Harden; to the Committee on Military Affairs.

By Mr. McMILLAN: A bill (H. R. 10185) granting an increase of pension to J. O. Ladd; to the Committee on Pensions.

By Mr. MOREHEAD: A bill (H. R. 10186) granting a pension to Mary A. Cox; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10187) granting an increase of pension to Lucy Ingraham; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10188) granting an increase of pension to Mary P. Lewis; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 10189) granting an increase of pension to Peter Breen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting an increase of pension to Catherine Guyette; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 10191) granting a pension to Mary E. Floyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10192) granting an increase of pension to Susan Holliday; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10193) for the relief of Lewis H. Easterly; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 10194) granting a pension to Hannah Gatliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10195) granting an increase of pension to Esther Cunningham; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 10196) to remove the charge of desertion and grant an honorable discharge to W. H. Mulkey; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 10197) granting an increase of pension to Isabella S. Holland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1110. Petition of sundry citizens of the city of Muskogee, Okla., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1111. By Mr. ALDRICH: Petition of residents of Rhode Island, protesting against passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1112. By Mr. BARBOUR: Resolution adopted by the Board of Fish and Game Commissioners of the State of California, opposing Senate bill 2584, known as the grazing bill; to the Committee on the Public Lands.

1113. Also, resolution adopted by the Board of Fish and Game Commissioners of the State of California, opposing House bill 17; to the Committee on the Merchant Marine and Fisheries.

1114. By Mr. CONNERY: Resolution of the Peabody (Mass.) School Board, against the Curtis-Reed bill; to the Committee on Education.

1115. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the Gooding long and short haul bill; to the Committee on Interstate and Foreign Commerce.

1116. By Mr. FULLER: Petition of Edward L. Burke and others, favoring the enactment of House bill 8132; to the Committee on Pensions.

1117. Also, petition of G. E. Esperson and others, favoring the enactment of House bill 8132; to the Committee on Pensions.

1118. By Mr. GALLIVAN: Petition of Corpl. Gordon E. Denton Post, No. 319, Veterans of Foreign Wars, William V. Shine, adjutant, protesting against the sentence imposed on Colonel Mitchell and the manner in which his trial took place; to the Committee on Military Affairs.

1119. By Mr. GREEN of Iowa: Petition of Dr. E. W. Wiltse, of Modale, Iowa, and others, in opposition to House bills 7179 and 7822, with reference to compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1120. By Mr. JENKINS: Petition signed by 36 citizens of Athens and Hocking Counties, Ohio, entering their protest against compulsory Sunday observance as provided in House bills 7179 and 7822; to the Committee on the District of Columbia.

1121. Also, petition signed by 155 citizens of Athens County, Ohio, entering their protest against compulsory Sunday observance; to the Committee on the District of Columbia.

1122. By Mr. KETCHAM: Petition of 60 voters of Decatur, Mich., urging the passage of House bill 8132, granting an increase of pension to Spanish War veterans; to the Committee on Pensions.

1123. By Mr. O'CONNELL of New York: Petition of the United Retail Grocers' Association, of Brooklyn, N. Y., opposing the Beck bill (H. R. 5188); to the Committee on Agriculture.

1124. Also, petition of citizens of Brooklyn, N. Y., opposing compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation; to the Committee on the District of Columbia.

1125. Also, petition of the General Alumni Association, Howard University, of Washington, D. C., to remove the ground for objection and to provide supervision of the university by the Government through proper representation on the board of trustees; to the Committee on Appropriations.

1126. Also, petition of Ferguson Kinsella, of New York, favoring the passage of the Knutson bill (H. R. 8132), Spanish War pension bill; to the Committee on Pensions.

1127. By Mr. ROBINSON of Iowa: Petition of sundry citizens of Dubuque County, Iowa, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1128. By Mr. SINCLAIR: Petition of Mr. Carl Adamson and 85 others of Kenmare, N. Dak., and vicinity, protesting against the enactment of compulsory Sunday observance legislation; also, Mr. C. K. Rasmussen and 56 others of Kenmare, N. Dak., and vicinity, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1129. By Mr. SWING: Resolution of Board of Fish and Game Commissioners of the State of California, protesting against the passage of House bill 17; to the Committee on the Merchant Marine and Fisheries.

1130. Also, petition of residents of Chula Vista, Calif., protesting against the passage of bills for the compulsory observance of Sunday for the District of Columbia; to the Committee on the District of Columbia.

1131. Also, petition of the faculty of the University of Redlands, Redlands, Calif., to have section 15 of the present copyright law amended by inserting the words "of mimeographed process" after the words "or photoengraving process," in lines 9, 15, 34, and 41 of said section; to the Committee on Patents.

1132. Also, petition of certain residents of Loma Linda, Calif., protesting against the passage of House bills 7179 and 7822, for compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1133. By Mr. TILSON: Petition of Mrs. James E. Farrell, New Haven, Conn., and others against compulsory Sunday observance; to the Committee on the District of Columbia.

1134. By Mr. WILLIAMSON: Petition of electors of Pennington County, S. Dak., opposing any legislation which will modify the present prohibition law; to the Committee on the Judiciary.

SENATE

WEDNESDAY, *March 10, 1926*

The Senate met in executive session at 12 o'clock meridian.

After 2 hours and 17 minutes spent in executive session the doors were reopened.

CONFIRMATION OF CHARLES W. HUNT

In executive session this day, following the confirmation of Charles W. Hunt to be a member of the Federal Trade Commission, on motion of Mr. REED of Missouri and by unanimous consent, the injunction of secrecy was removed from the vote on confirmation.

The vote resulted—yeas 48, nays 20, as follows:

YEAS—48

Bayard	Dale	Jones, Wash.	Ransdell
Bingham	Edge	Lenroot	Sackett
Blease	Edwards	McLean	Schall
Bratton	Ernst	McMaster	Shortridge
Brookhart	Ferris	McNary	Smith
Broussard	George	Mayfield	Smoot
Bruce	Glass	Means	Stanfield
Butler	Goff	Metcalf	Wadsworth
Cameron	Gooding	Oddie	Warren
Capper	Greene	Pepper	Watson
Couzens	Hale	Phipps	Williams
Cummins	Harreld	Pine	Willis

NAYS—20

Borah	Johnson	McKellar	Simmons
Frazier	Jones, N. Mex.	Nye	Stephens
Harris	Kendrick	Reed, Mo.	Trammell
Heflin	King	Sheppard	Walsh
Howell	La Follette	Shipstead	Wheeler

During the call of the roll the following pairs were announced:

Mr. DU PONT for confirmation, Mr. FLETCHER against.

Mr. GILLETT for, Mr. DILL against.

Mr. KEYES for, Mr. NEELY against.

Mr. MCKINLEY for, Mr. ASHURST against.

Mr. FESS for, Mr. COPELAND against.

Mr. WELLER for, Mr. SWANSON against.

Mr. UNDERWOOD for, Mr. NORRIS against.

Mr. BROUSSARD announced that his general pair [Mr. MOSES] would vote as he intended to vote and voted "yea."

Mr. FERRIS announced that his general pair [Mr. CURTIS] would vote as he intended to vote and voted "yea."

Mr. BRATTON announced that his general pair [Mr. ROBINSON of Indiana] would vote as he intended to vote and voted "yea."

Mr. BAYARD announced that his general pair [Mr. REED of Pennsylvania] would vote as he intended to vote and voted "yea."

Mr. JONES of New Mexico transferred his pair with Mr. FERNALD to Mr. TYSON and voted "nay."

Mr. JONES of Washington announced that the following Senators were necessarily absent and, if present, would vote "yea": DENEEN, DU PONT, FERNALD, and ROBINSON of Indiana.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that pursuant to the provisions of section 5 of the first deficiency act, approved March 3, 1926, the Speaker had appointed Mr. HADLEY and Mr. GALLIVAN members on the part of the House of the United States Evacuation Day Sesquicentennial Commission.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The message further announced that the House had passed the bill (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

A bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district; and

A joint resolution (H. J. Res. 148) extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (S. 2041) to provide for the widening of First Street, between G Street and Myrtle Street NE., and for other purposes, and it was thereupon signed by the Vice President.

PETITION

Mr. LA FOLLETTE presented a petition numerously signed by sundry citizens in the State of Wisconsin, praying for the passage of Senate bill 98, granting increased pensions to Spanish-American War veterans and their dependents, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom, reported it with an amendment to strike out the preamble and submitted a report (No. 318) thereon.

Mr. WALSH, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 856) for the relief of Joseph Mayhew, reported it without amendment and submitted a report (No. 319) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3108) to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," reported it without amendment and submitted a report (No. 320) thereon.

Mr. FRAZIER, from the Committee on Pensions, to which was referred the bill (S. 1609) to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the United States, reported it with amendments and submitted a report (No. 321) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 3491) to amend sections 1155 and 1158 of the Code of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 3492) granting a pension to Flora Levenseller; to the Committee on Pensions.

By Mr. JONES of Washington (for Mr. MCKINLEY):

A bill (S. 3493) granting an increase of pension to Robert O. Thomas; and

A bill (S. 3494) granting an increase of pension to Senie A. Rainey; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3495) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. HARRIS:

A bill (S. 3496) extending the time for awarding medals of honor, distinguished-service crosses, and distinguished-service medals, etc.; to the Committee on Military Affairs.

By Mr. STEPHENS:

A bill (S. 3497) granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 3498) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock raising industry, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WILLIS:

A bill (S. 3499) granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3500) to further amend an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920, as amended by the act approved March 3, 1921, by amending the definition of navigable waters contained in the seventh paragraph of section 3 of said act, and by preserving to the several States the exclusive jurisdiction over power developments on nonnavigable waters; to the Committee on Commerce.

By Mr. STANFIELD:

A bill (S. 3501) to reconvey to the State of Oregon all right, title, and interest of the United States in and to Sand Island, near the mouth of the Columbia River, in the State of Oregon, reserving to the United States the right to the perpetual use of the said lands for military purposes; to the Committee on Public Lands and Surveys.

By Mr. McMASTER:

A bill (S. 3502) granting a pension to George C. Widlon; to the Committee on Pensions.

A bill (S. 3503) to authorize the President to sell coal at retail in an emergency; and

A bill (S. 3504) to authorize the President to sell gasoline, fuel oils (including kerosene), and lubricants at retail in an emergency; to the Committee on Interstate Commerce.

CHANGE OF REFERENCE

On motion of Mr. BORAH, it was ordered that the Committee on Foreign Relations be discharged from the further consideration of the bill (S. 1629) for the relief of George Turner, and it was referred to the Committee on Claims.

VALIDATION OF CERTAIN PUBLIC-LAND ENTRIES

Mr. STANFIELD submitted an amendment intended to be proposed by him to the bill (S. 3223) validating certain applications for and entries of public lands, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

AMENDMENT TO COMMERCE AND LABOR, ETC., APPROPRIATION BILL

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for establishing and improving aids to navigation and other works from $484,601 to $534,601, intended to be proposed by him to House bill 9795, the State, Justice, Commerce, and Labor and the judiciary appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 9341, the independent offices appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 32, line 16, after the word "claims," add the following:

"*Provided further*, That no part of the moneys appropriated or made available in this act for the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor, that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning can be constructed, purchased, repaired, or reconditioned when time and facilities permit in each or any of the navy yards or arsenals of the United States at an actual expenditure of a sum less than that for which it can be constructed, purchased, acquired, repaired, or reconditioned otherwise."

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by title and referred as indicated below:

H. R. 4505. An act to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district; to the Committee on the District of Columbia.

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Finance.

LONG-AND-SHORT-HAUL CLAUSE OF THE INTERSTATE COMMERCE ACT

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate bill 575.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. GOODING. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. BRUCE. I will ask the Senator to wait for one moment. I object to his request merely for one moment.

The VICE PRESIDENT. The Senator from Maryland.

THE PROHIBITION LAW

Mr. BRUCE. If the Senator will defer to me merely for a moment, I may withdraw my objection to his request.

Mr. President, if there is no objection, I should like to have read into the CONGRESSIONAL RECORD a statement showing the results of the recent prohibition poll taken by the Hearst newspapers throughout the United States up to a late hour last night.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk proceeded to read the newspaper article.

Mr. BRUCE. Mr. President, I know the Chair is doing the best he can, but I ask that order may be preserved in the Chamber.

The VICE PRESIDENT. The Senate will be in order.

Mr. BRUCE. I ask that whatever measures may be necessary to be taken to preserve order may be taken, because I think that the result of the vote which is about to be announced will have a very salutary effect upon the minds of Members of this body.

The Chief Clerk resumed and concluded the reading of the article, which is entire, as follows:

[From the Washington Herald, March 10, 1926]

PROHIBITION BALLOT

1. Are you in favor of the existing prohibition law?.....YES ☐
NO ☐

2. Are you in favor of modification of the Volstead Act to permit the manufacture and sale of beer and light wines?...YES ☐
NO ☐

(Register your opinion by marking plainly in the little square after each one of the questions an X.)

Name.....

Address.....

After voting clip your ballot and mail it to the prohibition ballot editor, The Washington Herald, 1317 H Street NW.

Each voter's name will be held in strict confidence. Each name will be checked for its validity.

No one may vote more than once.

LATEST RESULTS IN POLL ON PROHIBITION LAW

The following are the results of the prohibition poll being taken by the Hearst newspapers throughout the country up to a late hour last night:

	Existing law		Wine and beer	
	For	Against	For	Against
Washington	236	2,884	2,988	184
Baltimore	104	1,081	1,101	94
New York	450	23,949	23,611	256
Boston	3	57	71	2
Rochester	71	1,564	62	1,564
Syracuse	543	3,764	3,990	521
Detroit	370	2,383	7,288	682
Chicago	1,153	10,317	14,315	538
Milwaukee	3,968	21,753	21,753	3,968
Seattle	298	16,226	3,629	491
San Francisco	80	1,903	1,905	63
Oakland	2	65	72	2
Los Angeles	90	1,998	2,035	79
Albuquerque	1,156	1,856	1,700	1,043
Denver	20,756	79,700	83,356	18,999
Atlanta	65	887	906	43
Reno	21	451	455	33
Arizona	1,113	1,781	1,781	1,113
Total	30,479	161,183	171,108	29,675

RUM BALLOTS PASS TOTAL OF 200,000

A total of 200,783 votes were recorded up to to-day in the Hearst newspapers' nation-wide prohibition poll.

The vote for modification, permitting the manufacture and sale of light wine and beer, continues to outstrip, many fold, the vote for the continuance of a bone-dry law.

The balloting gave 171,108 votes for modification. A total of 29,675 voted against wine and beer. Those in sympathy with the Volstead Act number 30,479 to date. Recorded against the present law are 161,183, approximately 10,000 less than those favoring beer and wine.

The pool indicates interest is growing daily. Each day sees almost a doubling of the vote of the day before.

The Washington Herald's poll for the District of Columbia and near-by Maryland and Virginia totals to date:

For existing law, 236; against existing law, 2,884.

For beer and wine, 2,988; against beer and wine, 184.

Heavy voting is reported in New York and Chicago areas, Baltimore and Detroit. Several new districts are added to the poll this morning. Reno, Nev., registered a comparatively large vote against prohibition and for light wines and beer. Arizona gave prohibition 1,113 votes and 1,781 votes to wine and beer.

Mr. BRUCE. Mr. President, I simply desire to add that on yesterday the Senator from Arizona [Mr. ASHURST] said that if I wished to ascertain the sentiment of the people of the United States in relation to prohibition all I had to do was to be a candidate for the United States Senate in any one of 43 States. I wish to say it looks to me, from the result of the poll which I have just brought to the attention of the Senate, that if I were a candidate for the United States Senate in 43 States of the Union I would be elected to the Senate from every one of them.

Mr. WILLIS. Mr. President, I expressed yesterday my dissent from the program of my friend from Maryland, believing as I do that the CONGRESSIONAL RECORD ought not to be made the medium of the dissemination of editorials and back-door temporary election returns, and so forth, but I said then that if the Senator desires each morning that we shall be regaled with information of that kind, I am perfectly ready to meet him.

Mr. BRUCE. Mr. President——

Mr. WILLIS. Just a moment. I wish to remind the Senator that the people of the United States have not yet commenced to vote upon this question. The Senator labors under the impression that when he gets some votes from Baltimore City, which does not believe in the Volstead law and incidentally has no enforcement act, and New York City and Chicago, which the Senate has just recently been asked to investigate and straighten up, and Reno, Nev., and a few other metropolises of the country—that when he has heard from those he has heard from the people. There will be other returns to be printed from time to time, but meanwhile, in conformity with the Senator's idea that we should have such material in the RECORD, I ask unanimous consent——

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. WILLIS. I yield to the Senator from Maryland.

Mr. BRUCE. Just for one moment. I simply want to say that it is no part of my intention to have anything read into the RECORD but polls taken throughout the country showing the existing state of public sentiment regarding this matter. I quite agree with the Senator from Ohio in thinking that it is not proper that the CONGRESSIONAL RECORD should be cluttered up merely with cumulative evidence in relation to public opinion on this subject.

Mr. WILLIS. Then, Mr. President, when the returns indicate a different situation I shall expect my friend from Maryland, with religious devotion, to arise every morning and insist that the result of the polls shall be printed. Meanwhile I ask unanimous consent to have inserted in the RECORD, so that they may appear with this statement two editorials. I have several hundred others, but at present I merely ask for the printing in the RECORD of an editorial from the National Spectator, under date of February 27 of this year, and also an editorial from the Hamilton Daily News, of Hamilton, Ohio, under date of February 12, entitled "Lincoln the prohibitionist." I ask that those two articles may be printed in the RECORD.

Mr. SMOOT. Mr. President——

Mr. REED of Missouri. Mr. President, before I give my consent I wish to know whether the editorial from the Hamilton (Ohio) newspaper undertakes to demonstrate that Lincoln was a prohibitionist.

Mr. WILLIS. If the Senator will permit the article to appear in the RECORD, he will have an opportunity to read it and then can draw his own conclusions.

Mr. REED of Missouri. I am going to object until I know whether or not it is that kind of an article. I do not want history falsified to that extent.

Mr. WILLIS. Then I suggest that the article be read, so that the Senator may judge now.

The VICE PRESIDENT. Objection being made——

Mr. REED of Missouri. The Senator might read it, and then we can discuss it.

Mr. SMOOT. Does the Senator object?

Mr. REED of Missouri. I am going to object if that is the character of article that is going in here.

Mr. WILLIS. Then I change my request, Mr. President. I ask unanimous consent that the article touching Lincoln be read from the desk, so that the Senator may know whether or not he wants to object.

Mr. REED of Missouri. I am going to object to that equally.

Mr. WILLIS. Then let me have it. I will read it.

Mr. REED of Missouri. Now we will have a chance to discuss it.

Mr. WILLIS. Does the Senator withdraw his objection?

Mr. REED of Missouri. Oh, no. Go ahead and read it. I want to hear it.

The VICE PRESIDENT. Under the rule the request will be submitted to the Senate for a vote as to whether the article shall be read.

Mr. REED of Missouri. Oh, no, Mr. President; nobody has made that motion yet.

Mr. SMOOT. Nobody made the motion, Mr. President.

The VICE PRESIDENT. The rule provides——

Mr. SMOOT. The Senator can read it into the RECORD; but let me make a suggestion, Mr. President.

I used to take a good deal of pride in keeping the RECORD free, so far as the Senate is concerned, from anything outside of just what was said in this body by Senators. I long ago gave that up; but I simply wish to submit this consideration from another standpoint:

Every page that is printed in the RECORD costs about $48, outside of the cost of transportation throughout the United States of the mail itself. I think Senators ought to begin to recognize that if we are going to fill the RECORD, page after page, day after day, with extraneous matter, they are simply taking that much money out of the Treasury of the United States.

The VICE PRESIDENT. The Chair will read Rule XI:

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

The question is——

Mr. REED of Missouri. That means that a motion shall be made, of course. I do not care about it except as a matter of future procedure. The procedure always has been that if a Senator asks to have a paper read, and it is objected to, and he then moves that it be read, it is determined without debate. No motion has been made.

The VICE PRESIDENT. The practice is to put the question without a motion under this rule.

Mr. REED of Missouri. I think not; but I am not going to stand here and take time cavilling about it. It has not been the procedure. I never heard it suggested before in the Senate.

Mr. WILLIS. I am perfectly willing to let the Senate vote on it; or, if I can make a statement on the subject, that might clear the atmosphere.

Mr. BLEASE. Mr. President, I suggest that the Senator withdraw his request and read it anyhow.

Mr. WILLIS. Particularly in view of the statement made by the Senator from Utah [Mr. SMOOT], I desire to call his attention to one suggestion.

When this matter was brought up yesterday I took exactly the position which the Senator now takes. I think the CONGRESSIONAL RECORD ought to be a record of the proceedings of the Senate and the House; but when Senators proposed to infect here material of an entirely different nature for propaganda purposes, I served notice then that if it were to be continued there were others who could play at that game. Evidently it is proposed to continue it, so I am perfectly willing to play the game.

Mr. BRUCE. Mr. President——

Mr. WILLIS. I yield to the Senator from Maryland.

Mr. BRUCE. I simply wish to say that the Senator from Utah should not lose sight of the fact that the tendency of correct information on this subject is to save the United States Government the expenditure of $25,000,000 a year, for that is the amount that it is expending at the present time in its vain and futile effort to enforce prohibition.

The VICE PRESIDENT. The Chair will insist upon compliance with Rule XI unless overruled.

Mr. HEFLIN. I call for the regular order.

The VICE PRESIDENT. The rule reads:

When the reading of a paper is called for and objected to, it shall be determined by a vote of the Senate without debate.

All in favor of the reading of this paper will say "Aye." [A pause.] Those opposed will say "No." [A pause.] The ayes have it.

Mr. ASHURST. Mr. President, the Senator from Maryland complains of a lack of perspicacity on the part of some Members of the Senate, but he is employing his perspicacity and his great ability to foist upon the people and to rehabilitate the worst curse that ever afflicted the people—intoxicating liquors.

Mr. REED of Missouri obtained the floor.

Mr. WATSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Indiana will state his parliamentary inquiry.

Mr. WATSON. My understanding is that when the Senator from Ohio asked permission to insert an article in the RECORD the Senator from Missouri objected. That one objection kept it out. Then the Senator from Ohio asked permission to read the article. Under Rule XI, whether or not he shall read it is determined by a vote, and not whether or not it shall be inserted.

The VICE PRESIDENT. The Senator is correct.

Mr. WATSON. The Senate voted that he should be permitted to read the article, and now I insist on having it read.

Mr. SMOOT. It will have to be read, Mr. President, or it will not go into the RECORD.

Mr. WATSON. It can not go into the RECORD if it is not read.

The VICE PRESIDENT. The Senator is correct. The Senator will read the article.

Mr. WILLIS. Very well.

Mr. President, the title of this article is "Lincoln the prohibitionist." This article is from the Hamilton Daily News, Hamilton, Ohio, under date of February 12. It is as follows:

Mr. WILLIS proceeded to read the article, and was interrupted by——

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator.

Mr. WADSWORTH. I ask unanimous consent that the Senator from Ohio be excused from reading this article.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. I object.

The VICE PRESIDENT. The Senator will proceed.

Mr. WILLIS resumed the reading of the article.

Mr. WADSWORTH. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WADSWORTH. Under Rule XI this article should be read, not by the Senator from Ohio, but by the Clerk of the Senate.

The VICE PRESIDENT. The Chair rules that the point is well taken.

Mr. HEFLIN. No doubt the Senator from Ohio thanks the Senator from New York for making the point of order.

Mr. WADSWORTH. The Senator from New York could not hear the Senator from Ohio, and he wanted to know what the article contained. [Laughter.]

The VICE PRESIDENT. The Clerk will read.

The Chief Clerk resumed and concluded the reading of the article, which is entire as follows:

[From the Hamilton Daily News, Hamilton, Ohio, Friday, February 12, 1926]

LINCOLN, THE PROHIBITIONIST

(An interesting treatise by O. T. Corson, of Oxford, on the attitude of martyred President toward intoxicating liquor)

It seems to be the pleasing pastime of some individuals seeking political preferment at the present time to state precisely what the great men of the past would say and do were they alive to-day—a species of political propaganda in which it is perfectly safe to indulge, since there is no possibility that the dead will ever question any of the statements of the living.

As the result of such propaganda we are informed or perhaps misinformed as to the stand Washington, Jefferson, Lincoln, Jackson, and others would certainly take relative to the League of Nations, World Court, and other questions which are attracting public attention at present, the one striking and amusing feature being that the views, which it is declared these men would hold were they alive to-day, invariably coincide with the opinions and desires of those who presume to know the unknowable.

In the past, propaganda which was a libel on the dead has occasionally been circulated. It will be recalled that 10 years or more ago, in one of our State campaigns for prohibition, there was bulletined all over Ohio statements which were falsely represented as being quotations from speeches made by Abraham Lincoln in opposition to prohibition and at least indirectly favoring the use of intoxicating liquors as a beverage.

LINCOLN'S RECORD

Everyone acquainted with Lincoln's record on the temperance question, in both theory and practice, knew then that the statements attributed to him were maliciously false. Since then an individual, unworthy of being called a man, has confessed that he was the author of the libel which was invented for use in a southern city campaign for prohibition with the purpose of influencing the colored people, whom it was intended to deceive into believing that the emancipator

of their race was opposed to prohibition and in favor of the use of liquor.

Fortunately, both for the cause of prohibition as well as for the honor of Lincoln, we are not left in any doubt as to his real views on the temperance question, including prohibition of the liquor traffic.

STAND IN 1842

Eighty-four years ago, February 12, 1842, Lincoln made his historic address before the Washington Society, of Springfield, Ill., on Charity in Temperance Reform, in which he took a stand for temperance far in advance of his day and at the same time gave evidence of that feeling of pity and charity for the victims of intemperance, which characterized him in all his dealings with the evils of slavery. In that address he said:

"Whether or not the world would be vastly benefited by a total and final banishment from it of all intoxicating drinks seems to me not now an open question. Three-fourths of mankind confess the affirmative with their tongues, and I believe all the rest acknowledge it in their hearts.

JUSTLY PROUD OF '76

"Of our political revolution of '76 we are all justly proud. It has given us a degree of political freedom far exceeding that of any other nation of the earth. In it the world has found a solution of the long-mooted problem of the capability of man to govern himself. In it was the germ which has vegetated and still is to grow and expand into the universal liberty of mankind. But, with all these glorious results, past, present, and to come, it had its evils too. It breathed forth famine, swam in blood, and rode in fire; and long, long after, the orphan's cry and the widow's wail continued to break the sad silence that ensued. These were the price, the inevitable price, paid for the blessings it bought.

A VILE SLAVERY

"Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed; in it, more of want supplied, more disease healed, more sorrow assuaged. By it no orphans starving, no widows weeping. By it none wounded in feeling, none injured in interest; even the dram maker and the dramseller will have glided into other occupations so gradually as never to have felt the change, and will join all others in the universal song of gladness."

To all who want to know the truth, the beneficial results of prohibition are everywhere plainly evident. The dire effects of its adoption into our National Constitution and consequent enactment into law, prophesied by those who were opposed to it, that it would ruin business, that storerooms would be standing idle and thousands of men would be thrown out of employment, have never appeared.

LINCOLN'S WISDOM

On the other hand, Lincoln's vision has been fully realized wherever an honest effort has been made to enforce the law. There are "no orphans starving, no widows weeping"—a common condition in the days of the open saloon. It is literally true that there are none injured in interest, and that wherever those who were engaged in the liquor business have sought reputable means of support, they have "glided into other occupations so gradually as never to have felt the change."

A little more than a decade ago it was my privilege to confer several different times with the late Maj. J. B. Merwin, who sustained a most confidential relation to President Lincoln during the war. He was with him the afternoon of the day on which he was assassinated and reported him as saying:

"Merwin, we have cleaned up, with the help of the people, a colossal job. Slavery is abolished. After reconstruction, the next great question will be the overthrow and abolition of the liquor traffic"—and you know Major Merwin had known Lincoln intimately since 1852—"Merwin, my head and my heart and my hand and my purse will go into that work.

SAW END OF DRINKING

"In 1842, less than a quarter of a century ago, I predicted, under the influence of God's spirit, that the time would come when there would be neither a slave nor a drunkard in the land. I have lived to see, thank God, one of these prophecies fulfilled. I hope to see the other realized."

Major Merwin was so deeply impressed with the important significance of the statements made by Lincoln that he said to him, "Shall I publish this as coming from you?" He instantly replied:

"Yes; publish it as wide as the daylight shines."

INIQUITY OF TRAFFIC

Not only did Lincoln believe that the world would be greatly benefited by a total and final banishment of all intoxicating drinks, and not only had he declared on the day of his death what his fixed purpose with reference to the liquor traffic would have been had his life been spared, but he also freely gave expression to his positive views relative to the iniquity which always results from legalizing the traffic by levying a tax on the business or by licensing it with the purpose of securing financial aid for the Government. His convictions on the question were reported by Major Merwin:

"He hesitated in regard to signing that document, the internal revenue act, which was passed in time of the Civil War to tax the liquor business to secure money to help defray the expenses of the war. Mr. Chase, the Secretary of the Treasury, said to him:

"'Mr. Lincoln, we must have the resources of evil as well as good to end this rebellion.'

"Still the President hesitated and again his Secretary urged that the Nation 'can not stand it any longer,' and must have the money.

"Finally Lincoln signed the revenue act, remarking as he did so:

"'I had rather lose my right hand than sign a document that shall perpetuate the liquor traffic, but as soon as the exigencies pass away I will turn my whole attention to the repeal of that document.'"

There can not, therefore, be any doubt as to Lincoln's views on temperance and prohibition when he was living, or as to what he would do were he alive to-day. He would certainly be enrolled in the ranks of those who are unalterably opposed to the liquor traffic because of its history, which is an unbroken record of misery and crime. It never did a decent deed nor performed a kindly act.

A FALSE PRETENSE

When under the false pretense of a desire to help pay the expenses of Government and thereby reduce the burden of taxation, it has been ready to pay large sums of money into the public treasury, its real purpose has always been to purchase immunity from prosecution for its violation of law in the transaction of its business which has always cost far more in the necessity of caring for the poverty and crime resulting therefrom than the contributions made to the Treasury. If at times it has made pretensions of charity by sending a sack of flour or a load of coal to a poverty-stricken home, the small gifts have represented only a pitiably insignificant value in comparison with the amount paid for the beer and whisky which had produced the poverty.

FIRST REBELLION

The first serious trouble this Nation had came in the first term of Washington's administration and is known in history as the "whisky rebellion." The liquor traffic has been in rebellion ever since. It never obeyed a law except upon compulsion. To-day it is doing everything in its power to nullify the law passed in obedience to a constitutional provision ratified by all the States of the Union save two.

Abraham Lincoln knew that only good could result from the total abolition of intoxicating liquors and that just as certainly only harm could follow from legalizing in any way the liquor traffic. Away back in 1842 he had a clear vision of his duty to the Nation. And he had the courage of his convictions to express what he believed. To-day all thinking people who are not in some way directly or indirectly interested in the manufacture, sale, or use of intoxicating liquors know that Lincoln was right. If all such people will only follow his example and courageously stand for what they know is right, all attempts to defy the law by insolent disobedience to its provisions or to nullify it by bringing back the curse of wine and beer are certain to fail. United and active, the law-abiding people of the Nation are in an overwhelming majority.

The only hope of a return to power by the liquor interests is in the lack of unity or in the inactivity of the people who at heart revere the Constitution and the laws of the land but who are either too cowardly or too indifferent to stand by their convictions.

The Chief Clerk also read as follows:

[From the National Spectator, February 27, 1926]

PROHIBITION

At the beginning of the present century the Rev. Henry C. Potter, Episcopal Bishop of the Diocese of New York, realizing that the saloon as then run under the liquor laws of the country was a blot upon civilization, courageously opened a saloon in the city of New York and undertook to run it on decent lines. In the saloon opened by Bishop Potter liquor was sold, but it was not sold to drunken men. The place was clean. Evil language was not permitted. No man under the influence of liquor was allowed in the place. It was a great experiment in an attempt to bring the saloon up to a plane of decency where it could be tolerated.

The experiment failed. For a time the saloon was visited by the curious, but the very decency of it drove drinking folk away. After being run for a while, always, we believe, at a loss, the place was abandoned. It is a queer thing that a quarter of a century later the Church Temperance Society of the Episcopal Church should vociferously proclaim prohibition to be a failure. If prohibition has accomplished nothing except to abolish the saloon, it has been a vast success.

We have reached the stage of wild statements in the discussion of prohibition. One group declares that there is more drinking now than there was when the saloon was with us. If there is more drinking now, then the ordinary citizen, going about his lawful errands in his clubs, in hotels, in trains, to and from his office, does not see it.

The ordinary citizen can remember when the lounging room of his club in the city was constantly disturbed by drunken men, when his country club was a riot of drinking, when the bar of his favorite hotel was filled every afternoon and evening with a mob of more or less drunken men, and when a trip in the club car of a railroad train was a nightmare. The ordinary citizen, given to looking at things calmly, fails to see where there is more drinking, or anywhere near as much drinking, as there was under the saloon.

Another group claims that there is no violation of the law at all. That also is a wild statement. There is violation of the law, plenty of it, just as there is violation of the law against stealing. We never have known a law that was not at times violated. Observation leads to the conclusion that the law is being violated largely by restless well-to-do folk and by the young, to whom the bootleggers are peddling their poison because they find a failing market among grown people.

Neither one of these extreme groups will settle the matter. Prohibition problems will be settled, when it is necessary to settle them, by the great mass of thinking people who are now merely listeners. These quiet people were putting prohibition into effect in the States long before the eighteenth amendment to the Constitution was adopted. In 21 States prohibition was made effective by popular vote before the amendment. This country would have gone prohibition almost completely without an amendment to the Constitution. If the law fails in any respect, the same thoughtful people will see that it is corrected. The extremists will have but little to do with the matter, because the extremists on both sides are hopelessly in the minority. If all of the members of the Episcopal Church were to turn against prohibition—which they will not—they would be in a hopeless minority, because there are only a few more than a million of them, while there are more than 7,000,000 Methodists alone in the country, to say nothing of 8,000,000 Baptists and two and a quarter million Presbyterians, none of whom have as yet shown any signs of turning against prohibition. Minorities sometimes make a lot of noise, but they do not make many laws nor amend many.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. REED of Missouri. What is the question now before the Senate?

The VICE PRESIDENT. The unfinished business, Senate bill 575, is before the Senate.

Mr. REED of Missouri. In view of the statement just made by the Senator from Ohio, and the editorial which has just been read, I want to call attention to an article of news from his own State, printed on Tuesday, March 9, in the Daily Times Star, of Cincinnati, Ohio. It is headed:

Donahey denounces methods used by Propst in dry raids—Orders dismissal of deputy commissioner, but latter resigns—Governor classes "frame up" as "revolting" and "criminal."

I am reading it as an illustration, not of the good or evil of strong drink but as showing what is going on in this country under the American flag.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED of Missouri. I trust the Senator will not interrupt the reading.

Mr. WILLIS. I shall not interrupt the reading. I simply desire to say to the Senator, if he will permit me, that I want him to assume full responsibility for what he is going to read, because the difficulty about which he proposes to read is entirely a Democratic fuss, in which I have no part at all. It refers to a Democratic governor and a Democratic appointee. So I assume no responsibility for any of it, even for the reading.

Mr. REED of Missouri. I am sure that if it has had this corrupting influence in the Democratic Party, nobody could measure the extent of the evil under a Republican administration. [Laughter.]

The article is as follows:

DONAHEY DENOUNCES METHODS USED BY PROPST IN DRY RAIDS—ORDERS DISMISSAL OF DEPUTY COMMISSIONER, BUT LATTER RESIGNS—GOVERNOR CLASSES "FRAME UP" AS "REVOLTING" AND "CRIMINAL"

COLUMBUS, OHIO, March 8 (Associated Press).—Governor Donahey's investigation of the State prohibition department's enforcement methods had the following results:

Demand for the dismissal of 3. A. Propst, deputy prohibition commissioner.

Submission by Propst of his resignation, effective March 23.

Demand for dismissal or suspension of Prohibition Inspectors Carl Selzer, J. B. Coulter, and Fred C. Curtiss.

Denouncement of the hiring of women to lure men into dry law violation as "moral crimes of reprehensible character."

Condemnation of "such high-handed tactics" as the shooting at automobiles occupied by innocent persons on the highways.

Orders that no homes shall be invaded by prohibition agents except after "most careful inquiry, and then not except upon abundant corroborating evidence of law violation therein."

Orders that the prohibition department confine its activities mainly to apprehension and prosecution of manufacturers and transporters of liquor for sale and bootlegging rings.

Instruction that inspectors work with local authorities to see that local officials are doing their duty and report to the prohibition department dereliction of duty by the local officials.

Expression of confidence in the integrity of Prohibition Commissioner B. F. McDonald and his efforts honestly to enforce the prohibition laws.

Orders that this motto be placed on the walls of the prohibition department so every person connected with the department may read it: "Respect for law is in exact proportion to its honest enforcement."

GOVERNOR'S FINDINGS

The findings follow:

"The incident which provoked the investigation was the alleged frame up or entrapment of Harry N. Nutt, marshal of Westerville, the night of February 4, 1926. Mr. Nutt claimed Deputy Commissioner Propst and City Manager L. G. Whitney, of Westerville, attempted to entrap him in a liquor law violation by employing as a decoy a Columbus woman of questionable morals. The woman in the case disappeared before an investigation began, and her testimony could not be obtained. We have, however, the testimony of Mr. Propst, Constable Meredith Brate, and State Inspectors Carl Selzer and J. B. Coulter, all of whom participated in the raid upon the quarters occupied by Mr. Nutt and the woman.

SORDID AND REVOLTING

"The testimony shows conclusively that, at the direction of Deputy Commissioner Propst, an attempt was made to entrap Mr. Nutt through the lure of a woman, whose reported conversation and overtures in planning the arrangements were sordid and revolting. The frame-up was not successful, in that the marshal failed to supply the woman with intoxicating liquor, and consequently charges were not filed against the marshal. Another woman, a friend and associate of the decoy in question, accompanied the State inspector to Westerville in the prohibition department automobile. Her testimony was not available, because she also disappeared after having been arrested by the city police of Columbus.

"We need not resort to frame-ups in the enforcement of prohibition. We do not desire in the State department officers who, in the name of the State, stoop to add the allurement or enticement of sex to a planned entrapment for a liquor law violation, such as the sale or giving away of a small quantity of liquor. Such methods in themselves are moral crimes of reprehensible character. The spectacle of State enforcement officers driving about in the night season, or even by day, with immoral women, also employed by the State, is revolting.

SHOOTING CASE REVIEWED

"The Springfield case:

"Complaint was made that in the middle of the night of August 14, 1925, Deputy Commissioner Propst and several State inspectors, driving in a high-powered State-owned automobile, brought a runabout to a standstill by piercing a rear tire with bullets. The runabout was occupied by Harold F. Jackson, his wife, and baby, of Springfield, who were returning to their home after a visit in the country.

"This incident was investigated carefully by Adjt. Gen. Frank D. Henderson and Capt. George W. Tooil, of the judge advocate's department of the Ohio National Guard. We have the statements or affidavits of all the witnesses of the affair, the State inspectors as well as the victims.

"There is no essential conflict in the evidence, which shows that Mr. Propst and State Inspector Fred C. Curtiss fired several shots, flattening a tire, to compel the frightened driver to stop. The machine was searched and only vegetables instead of liquor found. The lives of an innocent man, woman, and child were endangered and property destroyed at the mere whim or suspicion that the machine might contain intoxicating liquor. No effort was made to right the wrong. The terrorized family was left stranded on a country road at night as the enforcement officers continued on their way. That such high-handed tactics could happen in America is almost unthinkable, and yet the evidence is unmistakable.

"The London case:

ACTIONS INDEFENSIBLE

"I am sure you will agree with me that the actions of Deputy Commissioner Propst, in connection with several of the incidents, are not only unjustifiable but indefensible. I appreciate that he had been well intentioned and energetic in his work, but in his eagerness to enforce the prohibition laws he tramples on the rights of innocent people and resorts to means that can not in good conscience be defended.

SHAMEFUL EPISODES

"It is my recommendation that Mr. Propst be dismissed; also that Inspectors Selzer and Coulter, who participated in the Westerville affair, and Inspector Curtiss, who took part in the tire-shooting incident at Springfield, be either dismissed or suspended for a period, as your judgment may dictate. They were engaged in shameful episodes, and the good of the service demands that they be at least disciplined.

"Prohibition is the law of the land and the law of Ohio. The Crabbe Act and subsequent supplementary laws against the liquor traffic are the most drastic and stringent on our statute books. I realize you have a most difficult task, perhaps the most difficult of any State official, and I want you to know that I have every confidence in your integrity and your efforts to enforce honestly the law. You have my fullest cooperation and sincere support.

"It should be borne in mind that in its last analysis the enforcement of all law is in the hands of loyal officers. The State of Ohio has a population of more than 6,000,000. Each county, city, village, and township has its sheriffs, police, and other law-enforcement officials. The State prohibition department has only 20 regular inspectors. They could not keep the average county dry if they devoted all their time to police duty. The law terms them 'inspectors,' and the intent of the law clearly is that they should inspect local enforcement and assist local officials in enforcement.

LARGER GAME URGED

"In the exercise of their police power they should devote their efforts largely to manufacturers and transporters of liquor for sale and to the breaking up of bootlegging rings. I learn that two inspectors of your department in the last year seized 105 stills, 1 being a 600-gallon still, the largest ever taken in the State.

"In their capacity as inspectors your men should report to you local officials who fail or refuse to enforce the prohibition law. This law must be enforced as well as any other law, whether it be in city, village, or rural district. The prohibition law gives the governor authority to remove officials who fail or refuse to enforce it. So long as I am governor I will do my full duty in this respect. I stand ready now and in the future, as I have in the past, to hear and pass on any cases of official dereliction which you may submit to me. The enforcement of prohibition is unpopular with those who are not in sympathy with the law, but that must not swerve us from doing our full and sworn duty under the law as it exists. However, our enforcement must be honest, fair, and respectable.

"In conclusion, I want to instruct you to have printed and placed on the wall of your office, so all your men may read it, a placard bearing these words:

"'Respect for law is in exact proportion to its honest enforcement.'"

Mr. President, it seems to me that is a very temperate and very fair statement by the Governor of Ohio.

Mr. WILLIS. Mr. President, will the Senator yield just there in fairness?

Mr. REED of Missouri. I yield.

Mr. WILLIS. I think the Senator is probably not aware of the facts. I do not desire to take advantage of an occasion of this kind for any partisan matter, but having called to the attention of the Senate that this is a Democratic governor and these are Democratic people, I wish to add that the Governor of Ohio has, since this article appeared, investigated the matter, and I am advised this morning that the officer guilty of this reprehensible conduct has either been removed by the governor or has been practically compelled to resign.

Mr. REED of Missouri. That fact is contained in the article. I was not reading, evidently, with as fine modulation as the Senator employs, or he would have understood that it was in the article.

Mr. WILLIS. I did not hear it.

Mr. REED of Missouri. I read it. I started to say, Mr. President, that this seems to be a very fair, dispassionate statement by the Governor of the State of Ohio. The Senator said and repeats that the governor is a Democrat, but does the Senator object to anything the governor has said?

Mr. WILLIS. I did not read his article carefully. So far as I observed, it is all right.

Mr. REED of Missouri. I was reading it for the particular benefit of the Senator.

Mr. WILLIS. I know the Senator was doing so.

Mr. REED of Missouri. I am sorry the Senator from Ohio did not hear it. The only point I want to emphasize is this: Occurrences similar to this which have been officially investigated in Ohio are of daily happening in the United States. Regardless of the opinions we may have for or against liquor, for or against its sale, I think there ought to be no difference of opinion in this body that in so far as the Federal Government has jurisdiction over enforcement, it ought to see to it that crimes similar to those which have been described in this article, for they are crimes, shall not be perpetrated under the agency of the Federal Government.

We have had some evidence already produced before us of almost identical practices by prohibition officers in the city of Washington. In one case it appeared that one of these enterprising gentlemen also had a woman employed, and that they had wine at one of the hotels. I will not say "wine," but intoxicating liquors, for I want to be accurate. It appeared that it was a perfect scheme of entrapment which went beyond the borders even that the law permits and it became the promotion of a crime, not the detection of a crime.

I have no purpose here to-day to inject into our deliberations the question of prohibition or antiprohibition, but I do want to say as a citizen of the United States and as a Member of this body that, regardless of the right or wrong of the prohibition law, scoundrels ought not to be in the public service enforcing this law or any other law, and that respect for the rights of citizens under the Constitution ought to be maintained and upheld; that a man and his wife and his child ought to be safe proceeding along the highways of the country, at least, from murderous assaults of men who wear a badge of office and who have sworn to protect the rights of the people under the constitution of the State where they reside and under the Constitution of the United States.

If this were an isolated case, I would not call attention to it; but it is a matter of almost daily occurrence in various parts of the country. I say to those who are the advocates of the prohibitory law that if I were of their faith, if I believed as they believe, if I wanted the law to succeed and to obtain that degree of reverence and respect that every law must possess if it is successful, I would join in every effort to see to it that enforcement officers should be honest men and that they should enforce the law with due regard to the constitutional rights of the citizens of the United States.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "at any time after 15 years after completion of such bridge."

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN B. PARKS,
Managers on the part of the House.

The Senate, by unanimous consent, proceeded to consider the report.

Mr. KING. Mr. President, will the Senator explain the matter that is before us?

Mr. BINGHAM. The conference report which is before us is on the bill providing for the Big Sandy River bridge which was passed by the Senate some time ago as a test bill. It contains new provisions regarding toll bridges which were recommended by the Committee on Commerce and which for the first time will protect the public against the gaining of an indefinite monopoly over these valuable toll bridges, made valuable by the enormous amounts of money spent by States and the Federal Government on their roads, and gives the States distinct rights to condemn the bridge at any time in accordance with the State law. Heretofore they have held that on account of it being a Federal transaction the bridge could not be condemned. The House receded from its disagreement on one unimportant

amendment with an amendment, and agreed with the Senate on all important amendments.

Mr. REED of Missouri. What is the unimportant amendment?

Mr. BINGHAM. I will ask the clerk to read it.

The Chief Clerk read as follows:

That the House recede from its disagreement to amendment No. 5 and agree to the same with an amendment as follows: "At any time after 15 years after the completion of such bridge."

Mr. KING. I would like to ask the Senator from Connecticut whether it has been the policy of the Congress to legalize toll bridges over streams which the Federal Government assumes the right to regulate?

Mr. BINGHAM. I will say to the Senator that it has been the policy of Congress for a great many years, under the general bridge act, to give the right to private parties to construct toll bridges. There never has been heretofore any limitation. The Senator will remember that there have been any number of bridge bills passed in the usual form. The Senator, I think, was ill when the Committee on Commerce made the report in regard to a new bridge policy. The Senator from Virginia [Mr. SWANSON] and another Senator, whom I do not at the moment recall, asked that a new bridge policy be printed as a Senate document, and it is to be published.

This policy, I will say for the benefit of the Senator, who was not present at that time, contemplates that in the future, when Congress gives the privilege to private parties to construct a bridge across a navigable stream, which may be a toll bridge, that the State or subdivision thereof may at any time have the right to condemn it, just as they may condemn any other property within the State, but that at the end of 15 years, more or less, dependent upon the nature of the case and the size of the bridge and the time required for amortization, the value of the bridge as a going concern, which has been greatly increased by roads and by use which people make of it, shall not be taken into consideration, but the bridge may then be condemned without any of its additional value as a going concern being taken into consideration by the courts. It was suggested by the House that the State and municipal authorities could not have the privilege of condemning a bridge unless they would immediately make it a free bridge, which they felt would simply mean that it would be impossible for the State or the municipality to float its bonds and to amortize the bridge in the interest of the public. The House has receded from that amendment, and the Senate committee has been able to carry out the policy as adopted the other day by the Senate and as recommended by the Committee on Commerce.

These are the principal things which have been incorporated. In the future it will not be the policy of the committee to recommend the construction of any bridge unless the rights of the public are fully protected.

Mr. REED of Missouri. Does the bill contemplate that the right of the States to condemn does not accrue until 15 years?

Mr. BINGHAM. That was the desire of the House, but the House has now receded from that desire.

Mr. REED of Missouri. So that if Congress has any power to confer this right it can be exercised by the State at any time?

Mr. BINGHAM. Yes; at any time.

Mr. REED of Missouri. Of course, I very much doubt the right of Congress to confer any power upon the States by a statute of this sort. We have, however, so far stretched the interstate commerce act that I am not certain of that.

Mr. BINGHAM. The Senator from Missouri is probably correct that Congress has no authority to confer that right on the States, but the Senator will probably also realize that companies holding franchise privileges of toll bridges over navigable streams have heretofore maintained that the State could not condemn those bridges because the Federal Government had given a franchise across such streams, and this specifically provides that the State shall have that right.

Mr. REED of Missouri. It seems to me that the point could be covered by providing in the franchise that it must be formally accepted by the company, and putting in a clause that, as a matter of contract, it agrees as a part of the consideration granted that at any time the State could condemn. I think it could possibly be done in that way and I am not certain it could not be done in another way; but what I am interested in is this: If I understand the Senator correctly, the particular matter now before us is whether we shall accept this bill with the clause in it attempting to confer the power on the States. That is the situation. We are doing no harm by attempting to do it, as I see it.

Mr. BINGHAM. The Senate has already passed upon that amendment and the House has receded from its objection to it, I will say to the Senator. The only serious amendment from which the Senate conferees receded is one which attempted to limit the power of condemnation to the States, whereas the bill, as now recommended, gives it also to subdivisions of the States.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New York?

Mr. BINGHAM. I yield.

Mr. COPELAND. I should like to ask the Senator from Missouri if he does not think that the plan proposed by the Senator from Connecticut [Mr. BINGHAM] really writes into the agreement something which is in the nature of an implied contract?

Mr. REED of Missouri. I would not want to answer that question without having carefully examined the language, but I would not want it to rest on an implication if I could have a positive agreement. However, it is beyond remedy at this moment.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the unfinished business may be laid aside, in order that the Senate may proceed to the consideration of the War Department appropriation bill.

Mr. ODDIE. Mr. President, will the Senator from New York yield to me for a few minutes?

Mr. WADSWORTH. Will it make any difference to the Senator from Nevada whether the Army bill or the long and short haul bill may be before the Senate?

Mr. ODDIE. It will make no difference to me.

Mr. WADSWORTH. Then, I press my request that the unfinished business may be temporarily laid aside, in order to permit the Senate to proceed to the consideration of the War Department appropriation bill.

Mr. OVERMAN. Before the request shall be agreed to, I desire to inquire of the Senator from Idaho whether he expects to call up the unfinished business this afternoon.

Mr. GOODING. I am quite willing that Senate bill 575 shall be temporarily laid aside, and I was on my feet to ask that that be done.

Mr. OVERMAN. Does the Senator from Idaho think his bill will be taken up this afternoon?

Mr. GOODING. I hardly think so.

The VICE PRESIDENT. Without objection, the request of the Senator from New York is agreed to, and the Chair lays before the Senate House bill 8917.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

FEDERAL AID TO PUBLIC-LAND STATES FOR ROADS

Mr. ODDIE. Mr. President, on Monday last there was placed in the CONGRESSIONAL RECORD an article from Nation's Business, written by the senior Senator from New York [Mr. WADSWORTH], criticizing the system of Federal aid for roads. On yesterday my colleague, the senior Senator from Nevada [Mr. PITTMAN], made a very able statement answering the arguments and statements that were made in the article referred to, and I fully concur in what he then said. I desire now to say a few words in further explanation of the statements which have been made in reference to this matter.

Mr. President, I ask permission to have printed in the RECORD an article from Nation's Business for January, 1926, entitled "A billion for highways! Who pays the bill?" by A. J. Brosseau, director of the National Automobile Chamber of Commerce. In this article that I am placing in the RECORD is found the following:

Federal participation in highway construction and maintenance is not new. In 1803 Congress authorized the construction of a national highway, the Cumberland Pike, which ran from Cumberland, Md., to Wheeling, W. Va. To-day Uncle Sam is again in the business, but this time on a partnership basis. Now he is paying for a part of the construction only, and that on a very limited mileage.

I will quote one more statement from this article, as follows:

More than 50 per cent of the vehicular traffic of the Nation moves over the primary system of highways.

That refers to motor vehicles.

It can hardly be claimed that these are of "local" importance only. Millions of motorists are annually visiting the national parks.

State lines are more often crossed and more quickly crossed nowadays than township lines formerly were.

I ask that the entire article may be printed in the RECORD, Mr. President.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Nation's Business, January, 1926]

A BILLION FOR HIGHWAYS!—WHO PAYS THE BILL?

By A. J. Brosseau, Director National Automobile Chamber of Commerce

We bought a billion dollars' worth of highways last year—and for three years before that.

Since 1921 we've each been spending an average of $10 for more new roads and for maintaining those we have. Two and three-tenths cents of each Federal dollar spent last year went for roads—$92,000,000 altogether. States spent nearly half billion dollars more. Counties, townships, road districts, and other highway authorities spent still another half billion dollars on rural roads.

Highway building in the United States is to-day undoubtedly the largest public-works job in the world. But questions arise. Why Federal aid in road building? Who wants the roads? Who is paying for them?

REVOLUTION IN HIGHWAY POLICY

Federal participation in highway construction and maintenance is not new. In 1803 Congress authorized the construction of a national highway—the Cumberland Pike, which ran from Cumberland, Md., to Wheeling, W. Va. To-day, Uncle Sam is again in the business, but this time on a partnership basis. Now he is paying for part of the construction only, and that on a very limited mileage.

In 1803 he did the whole job and paid for it. But for the shift to rail transportation some 25 years later we might now have a strictly national system of highways. Railroads, however, provided interstate, long distance transportation. Highway activities lapsed. Government—Federal and State—left road building to the local units, counties, and townships. Often State responsibility was shifted to toll companies.

The introduction of power vehicles to the highway caused a revolution in highway policy. County and State lines faded before the widening range of motor vehicle travel. It became imperative to build highways that began somewhere and ended somewhere, and that in relation to each other. Crazy-quilt highway systems are out of vogue now, due to the needs of 18,000,000 motor vehicles.

What is Federal aid? As a matter of fact, Federal aid is not "aid" at all. It is the share paid by the Federal Government as its recognized obligation for its use of, and interest in, such a national system.

In brief, Federal highway aid now provides for Federal participation in the cost of construction on a specified system of highways on a 50-50 basis with the States. The Federal share is limited to $15,000 a mile. As a result it isn't quite a 50-50 proposition, the Federal share averaging about 47 per cent.

No Federal funds are available for maintenance, one of the requirements asked of the State being that it will guarantee the maintenance of the roads when built.

In 1916 Congress passed the first Federal aid highway act, appropriating $5,000,000 to start the job of assisting the States in building a nationally connected system of highways. Since then Congress has authorized appropriations totaling $615,000,000 up to July 1, 1926, of which approximately $490,000,000 has been appropriated and some $420,000,000 paid to the States. The task of administering Federal aid fell naturally to the Bureau of Public Roads in the Department of Agriculture. The creation of the bureau's predecessors in 1893, as the Office of Road Inquiry, has indicated the Federal Government's interest in highway transportation.

In 1921 Congress indicated the necessity for a logical development of highways. The Federal highway act passed that year required that Federal funds be confined to a 7 per cent system, so called because it comprised 7 per cent of the State highway mileage, three-sevenths to be primary or interstate roads and four-sevenths to be known as secondary or intercounty (intrastate) highways.

The system now totals 178,797 miles, with all States included. Believing that 48 State highway departments could work more effectively than 3,000 county boards of supervisors, and at a great deal less expense, the 1921 act required that the direction of this Federal highway work be carried on by such State departments.

What are the objections to the Federal Government's participation with the States in highway building?

Opponents of this system assert that:

1. Federal highway aid is misleading in that it offers a gift to the States but in reality taxes them for the money which it gives back—after deducting huge sums for the cost of Federal bureaus.

2. The Federal Government by the 50-50 system indirectly gets control and supervision over local affairs which it could not supervise or control directly without violating the Constitution.

3. Large bureaus are built up in Washington, with resultant red tape and incompetence.

4. State initiative and incentive are impaired.

5. State funds more needed for other local purposes must be used to meet Federal aid.

6. Wealthier States must pay for roads in the poorer States, their share of Federal aid bearing no relation to their contributions to Federal expenses.

7. Federal control results in standardization in local affairs contrary to local needs and desires.

ARMY OF MAIL CARRIERS

Let's look at each argument in the light of all the facts.

(1) Federal funds are spent only for those things of general benefit and to meet the Federal Government's obligations. Its use of the highways and authority over them would seem to indicate a responsibility for assistance in financing their construction. There can be no authority without responsibility.

Each day a small army of mail carriers travel over a million and a quarter miles of highways delivering the United States mails, seven times the mileage in the Federal system. The administration of Federal highway aid is limited by statute to 2 per cent of available funds. This must provide for central administration for approval of projects, inspection, financial arrangements, research, etc.

(2) The framers of the Constitution provided the basis of Federal cooperation in highway building when they prescribed in that document that Congress should have power to " * * * establish post offices and post roads." And further " * * * provide for the common defense and general welfare of the United States. * * *."

In 1921, speaking before the Senate Committee on Post Offices and Post Roads, General Pershing said, "The country roads will be of tremendous value in time of war * * * these roads must be relied upon to obtain the needed food supplies."

Out in Indiana recently the construction of a drainage canal was being carried on by cutting through the Lincoln Highway. The cut was covered with a temporary bridge, but no provision was made for permanent repairs. The State highway commission acknowledged itself powerless to compel such repairs. The Bureau of Public Roads then stepped in on the grounds of interference with interstate commerce and the court sustained the plea.

MILLIONS SAVED

More than 50 per cent of the vehicular traffic of the Nation moves over the primary system of highways. It can hardly be claimed that these are of "local" importance only. Millions of motorists are annually visiting the national parks. State lines are more often crossed and more quickly crossed nowadays than township lines formerly were.

(3) There has been no criticism of the Bureau of Public Roads' administration of Federal aid from any but local politicians and selfish local interests. The honesty, efficiency, and fairness of the bureau does not seem to be open to question. Its cooperative researches alone have saved millions to the taxpayers. Through its studies of the management of earth moving, increases of 25 per cent to 35 per cent in the amount of earth moved in a given time have been made possible through improved management and elimination of preventable time losses in operation.

Continuing intensive studies by the United States Bureau of Public Roads at Arlington, Va., on road-surface wear and road resistance have brought tangible results in present-day Federal-aid construction.

Two or three years ago the State highway department of Illinois built 2 miles of highway for test purposes—the Bates Test Road—and then proceeded to run heavy trucks over it to determine the wearing qualities. The road in some places was demolished and in other places stood the battering very well.

INITIATIVE LIES WITH STATES

Out of the test came extremely valuable knowledge. It was found that roads should be built heavier at the edge than in the center, as had previously been current practice growing out of the "always been-done-that-way" habit of years. Thirty-three States have adopted this practice and something like $3,900 a mile is being saved in construction costs.

(4) The initiative in connection with Federal highway aid is with the States. They submit projects of desired improvement on the Federal system to the Secretary of Agriculture for approval. Such projects are refused only where it appears clearly to the public benefit not to approve them. In some instances no provision has been made for maintaining the road when built. In others it does not appear that the State highway department has control of sufficient funds to complete the project. In other instances the type of road which the State desires to build may be uneconomic.

Nor are expensive roads required to secure Federal funds. To date more low-type roads—sand, clay, and gravel—have been built with the assistance of Federal funds than all the higher types of surface put together.

It is specifically provided in the act that such types of road shall be built as are adequate, with due regard to the economic needs of the

locality. And this applies to the extent of preventing overzealous communities from building roads too expensive for their pocketbooks, just as well as it applies in preventing them from building roads too cheap to be serviceable.

(5) Last year less than 2½ cents of each Federal dollar was devoted to highways, $92,000,000 being paid to the States. During the same period there was collected by the States from motor vehicle registration fees and gasoline taxes $304,000,000, more than three times as much in special fees as required to meet Federal aid.

Bond issues have not been voted to meet Federal aid, but to extend State systems even faster than the Federal Government proposed. The demands of 18,000,000 motor vehicles make highway improvement one of the primary functions of the State government—than which it has no more important use for its funds. President Coolidge said, "No expenditure of public money contributes so much to national wealth as that for building good roads."

(6) It is sometimes said that one State contributes more to the Federal Government than another. Applied to Federal aid this argument is advanced as a reason for securing a share of Federal aid based on the percentage of the State's contribution to the total Federal income. But how sound is the argument?

The Union Pacific in 1923 paid an income tax in New York City of $4,500,000 and yet this road does not operate east of Omaha and Kansas City. The Southern Pacific paid through New York a tax of $5,000,000 and this road does not run any nearer New York than New Orleans.

Sixty-four thousand corporations made their reports to the Federal Government through New York City. Seventy-three per cent of all the Federal automobile excise taxes in 1924 were collected in the State of Michigan—43 per cent of Michigan's contribution to the Federal Government. Eighty-six per cent of North Carolina's contribution to the Federal Government was from the tax on tobacco in manufactured form. Are these States entitled to pay these taxes as their contribution to the expenses of the Federal Government?

(7) In an upper corner of Arizona is a little stretch of road which is on the Federal 7 per cent system. It probably runs about 25 or 30 miles across a desert with no inhabitants. Arizona says, and rightly so, "Why should we build a road across there?" But transcontinental traffic, and in fact, heavy interstate traffic from Salt Lake City to Los Angeles, finds it the only route between these two points. Some one has to see to it that traffic needs paramount to the immediate needs of individual States are cared for.

ACROSS THE GREAT SALT DESERT

Then there's the famous Wendover cut-off, built by Utah and the Federal Government across the Great Salt Desert. No local people are served. Why should Utah build a road there? Yet we find them whole-heartedly cooperating to build a shorter route from New York and Washington to San Francisco.

Some 50,000 miles of highways have just been approved for uniform sign posting by the joint board of interstate highways, composed of State highway officials and Bureau of Public Roads representatives. Danger and direction signs will be standardized, and order will now be possible out of the chaos of signs confronting the bewildered motorist at every crossroad. This cooperative accomplishment is easily the outstanding achievement of the year in the highway world—made possible by an impartial national agency, through which individual State differences and opinions could be adjusted.

And so we come to the question: Who wants the roads? Our 18,000,000 motor vehicles, 10 per cent of them motor trucks and busses, require good roads. Until the World War the roads were built for light, fast, passenger-car traffic. Then the motor truck came into use and with it the destruction of unsuitable road surfaces. Now it is the abuse, rather than the use of roads, which is responsible for extraordinary wear and tear.

Secretary of Agriculture Jardine, speaking before the Mid-West Motor Transport Conference, said:

"The idea that trucks destroy roads is a hangover from the war period, when they were actually destroyed, for two very good reasons: First, because the heavier motor trucks—then comparatively new—were suddenly released on roads which had not been built to accommodate them; and second, because at that very time the expenditure of money for highway maintenance was declared to be nonessential to the winning of the war and discouraged."

The roads we are building now are built to accommodate the traffic they will be called upon to carry, as determined by detailed surveys such as I have described. And they are maintained. They wear out, just as rails and locomotives and motor trucks wear out, but they are not destroyed.

Undoubtedly we shall in time come to the segregation of traffic upon our highways. But the earning capacity of a road determines the amount of money, which can economically be invested in it.

In England the primary consideration in road construction has been the utilitarian use for the carriage of goods. The use of steam-propelled vehicles with steel rims, far antedating our own motor-truck development, no doubt has been largely responsible. The passenger car followed rather than preceded the commercial vehicle.

We did not come in this country to an established economic rail-transportation system overnight. Nor was it accomplished without Government aid, public lands equal in area to the thirteen original States having been conveyed in public grants to assist in railroad construction.

Commercial passenger and freight carrying by motor vehicle is in its infancy. The strongest factor of it is public demand. Without it this new "infant industry" could not exist.

NOT A COMPETITOR OF RAILS

The motor vehicle is not a rail competitor, as Secretary Jardine said: "One thing we know very definitely, there is no basis for the fear that the motor truck is going to compete seriously with the railroads. The facts we have found in all our surveys are sufficient to convince me. The truck has found its place in the short haul, and it is not taking any business that the railroads can do as well or better."

One has but to look at the peak records for car loadings established during the past year, and earnings climbing to new peaks, to be convinced of this fact. Rail passenger business has fallen off. But has it been due to commercial passenger transportation? The private automobile seems to have been chosen in preference to the passenger train. What the future trend will be remains to be seen, but it is certain that rail abandonment is not chargeable to highway competition.

Only 50 miles out of a total of 250,000 miles of railroad in use have been abandoned since 1920 because of motor competition. According to a recent study of the Bureau of Public Roads, this is about 4 per cent of the rail mileage abandoned in the five-year period. Rail competition is indicated as responsible for the abandonment of six times the mileage abandoned because of highway competition.

And last, but not least: Who is paying the highway bill? Several States reduced general property taxes last year principally because of increased motor vehicle revenues which decreased or eliminated the general State levy for highway purposes. This is notably the case in Wisconsin and North Carolina.

The accompanying table of State highway income shows the shift in the highway tax burden, due to increased motor vehicle revenues.

Local roads are largely financed from local tax levies, and economists generally agree that this is sound, except where the State does not assume its full obligation for a state-wide system of highways.

Eighty per cent of the motor vehicles of the country pay gas taxes ranging from 1 cent to 5 cents a gallon. South Carolina leads the list with a 5-cent tax. North Carolina, Nevada, and Arkansas follow closely with a 4-cent tax; one State has a 3½-cent tax, 15 others a 3-cent tax, 1 a 2½-cent tax, 19 a 2-cent tax, and 4 a 1-cent tax.

It is estimated that the tax will yield $139,000,000 in 1925, as against $79,000,000 in 1924. Registration fees will probably reach a total of $250,000,000, as against $225,000,000 last year, so that these two special taxes will reach approximately $400,000,000 in 1925.

HOW TAX MONEY IS SPENT

Of the motorists' special tax bill in 1924, of more than half a billion dollars, only about 50 per cent was directly applied to highway work under State highway departments. This does not include $100,000,000 in personal property taxes on the vehicles and all other taxes paid regularly by the owners of these vehicles.

About $48,000,000 out of $79,000,000 in gas taxes was so utilized. Some of the rest was applied to highways by counties, but much went to schools, State fish hatcheries, general funds—to retire old railroad bonds—and other purposes which should be met out of general taxes.

In 1923, according to John E. Walker, former tax advisor to the treasurer, some 3.5 per cent of the total highway bill for that year was derived from rail taxes, about $32,000,000 of the railroad tax bill of $330,000,000 going to this purpose. It appears, however, that in the same year revenues were derived from the carriage of road materials and motor vehicles which brought in more than $400,000,000. This was entirely aside from new business generated over the feeder highways.

With rapidly decreasing State taxation for highway purposes it becomes evident that the burden of rail taxation for highway purposes is in the local units, county and township. Yet these are the feeder roads without which the railroad could not exist and which do not enter into competition whatever with the rail lines.

But these investments in highways are profitable only when they make a return. This is as applicable to highways as to the field of finance. A highway's earnings are largely in the savings in costs of transportation, in the operation of the vehicle, in economic readjustments as in the field of the short haul, increased land values and development of new areas of food production.

Suppose, as has been advocated, Uncle Sam withdrew from the highway business to-morrow. Suppose also, following his example, the States decided to let the counties take care of their own highway construction and maintenance. Would it pay? Would we permit it?

State highway income, showing the shift in the highway tax burden, due to increased motor-vehicle revenues

	1921		1923		1924	
	Amount	Per cent	Amount	Per cent	Amount	Per cent
Bond issues	$120,499,923	28.2	$96,035,048	19.6	$101,803,327	18.3
State taxes levied	47,826,291	11.2	25,596,457	5.2	19,692,629	3.6
Legislative appropriations	40,758,583	9.5	36,318,721	7.4	27,953,920	5.1
Transfer from counties	32,005,656	7.5	65,021,500	13.3	77,386,842	14.0
Gasoline taxes			19,921,077	4.1	46,060,385	8.3
Motor-vehicle license fees	93,585,124	22.0	154,075,080	31.5	175,252,260	31.6
Federal aid	78,920,941	18.5	74,383,783	15.3	91,801,907	16.6
Miscellaneous	13,385,517	3.1	17,515,571	3.6	13,083,478	2.5
Income for year	426,968,035		489,367,237		553,634,748	
Balance on hand from previous year			99,212,986		146,583,340	
Grand total funds available			588,580,223		700,218,088	

These funds are expended upon the roads carrying from 50 per cent to 75 per cent of the total vehicular traffic.

Mr. ODDIE. Mr. President, my State, Nevada, has been unfairly dealt with in the statement which appeared in the CONGRESSIONAL RECORD on Monday, to which I refer, in which a comparison is made between the money the State pays into the Federal Treasury and the amount it receives back from the Federal Treasury for road-building and other purposes.

There are three main transcontinental highways crossing my State from east to west. The Federal Government has paid considerably more than half of the cost of this construction work, because these roads traverse mostly Federal lands, the Federal Government owning nearly 90 per cent of the area of the State of Nevada. That question has been ably discussed on the floor of the Senate previously, and I will not now go into it in detail. I want to call the attention of the Senate to the fact that the Federal Government compels the States to maintain these roads after they are built. The State of Nevada, with its enormous area, comparatively small population, and assessed property—and I am speaking also for a number of the other Western States—is compelled to maintain these roads which the Federal Government has helped to build.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. ODDIE. I yield.

Mr. COPELAND. Are those the only roads in the State of Nevada aided by Federal grant?

Mr. ODDIE. Those, Mr. President, are the principal roads, the three main highways. They come under the 7 per cent system.

Mr. COPELAND. Are there other roads, lateral roads, not direct trunk lines across the State, which are built by Federal aid?

Mr. ODDIE. Only a very small mileage, besides the transcontinental highways, that does not come under the Federal aid system.

The transcontinental roads across the State are about 500 miles long each, there being, as I have said, three of them, so that there are about 1,500 miles of road which the State of Nevada has to maintain. That imposes a very heavy burden on the State.

Mr. President, these roads are used mostly by automobiles and trucks from other States. The citizens of the Eastern States and the Middle Western States use these roads far more than do the citizens of the Western States which are traversed by them. I feel that a great injustice has been done to the Federal aid system by the comments made by those who are, I am sure, not so well informed as I wish they were on these matters.

I desire to call attention to something which I consider distinctly unfortunate and unfair in our present taxation system. I will take for illustration the great State of New York. Everybody in the Union is proud of that State; everyone glories in its greatness and in its wealth; but, Mr. President, the American people are misinformed as to certain features of the taxation problems which affect the State of New York in its relation to other States. For instance, the banks of the city of New York have on deposit nearly two and a quarter billion dollars, but 38 per cent of that money comes from banks and trust companies in other States.

As to the question of railroad taxation—and I am now speaking of income taxes which go to the State of New York, using that State as an illustration—the Southern Pacific Railroad Co. paid a tax of $5,000,000 last year in the State of New York; the Union Pacific Railroad Co. paid a tax of four and a half million dollars in that State. Those railroads have their entire mileage in the Western States.

In New York State there are something like 65,000 corporations. I will mention but 24 of them as illustrating the point I am trying to bring out. They are corporations which operate and own property in other States very largely, but pay their taxes in New York. Among these corporations are the American Railway Express Co. The net income of that organization last year was $2,950,000. The American Beet Sugar Co., with a net income of a million and a half dollars; the American Can Co., with a net income of nearly fifteen and a half million dollars; the American Locomotive Co., with a net income of nearly twelve and a half million dollars, with stockholders numbering over 11,000 in many States.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. ODDIE. I yield.

Mr. COPELAND. Does the fact that the money collected in New York comes from Nevada furnish an excuse for giving it over for the building of Federal roads in Nevada?

Mr. ODDIE. The money that the Federal Government expends for Federal roads, Mr. President, comes out of the Federal Treasury and is paid to the various States to match the funds they contribute.

Mr. COPELAND. Mr. President, the objection I have to the grant of money for the building of roads out of Federal funds is that there is no constitutional justification for it. It is a violation of our entire arrangement of government.

Mr. ODDIE. The plan has been in existence for a number of years, and its constitutionality has never been questioned.

Mr. COPELAND. Mr. President, I beg to say it has been questioned and I believe it is going to be questioned more seriously this year than ever before. The only excuse for granting money for the aid of building Federal roads in these States out of Federal funds is that under the provisions of the Constitution Congress is empowered to establish post offices and post roads.

If these trunk roads may be considered to be post roads, all right; we have justification for the expenditure in that instance, but I myself have a very serious question. I held my nose and voted for the measure last year, but I have got to have stronger medicine to make me vote for it this year, because I am more than ever convinced that it is an unconstitutional procedure.

Mr. ODDIE. Mr. President, to continue the list of companies which operate and own their properties mostly in other States and pay their income taxes in New York, I call attention to the American Radiator Co., with a net income of nearly $10,000,000; to the American Smelting & Refining Co., with stockholders in every State, numbering over 12,000, with plants in Colorado, Utah, Washington, California, Montana, Texas, Arizona, Maryland, Illinois, Nebraska, Oklahoma, New Jersey, and also in Mexico and South America, and with a net income of nearly twenty-two and a half million dollars; the American Sugar Refining Co., with stockholders in every State numbering over 25,000, and having a net income of over eight and a half million dollars; the American Telephone & Telegraph Co., with over 358,000 stockholders in all the States of the Union, and having a net income of nearly $145,000,000; the American Tobacco Co., with a net income of nearly $18,000,000; the Anaconda Copper Mining Co., with plants in Montana and Wyoming, and having a net income of over eighteen and one-half million dollars; the Buckeye Pipe Line Co., having pipe lines in Ohio, with a net income of over a million dollars; the Indiana Pipe Line Co., with pipe lines in Indiana, with a net income of nearly $1,000,000; the National Biscuit Co., with a net income of over $12,000,000; the National Lead Co., with 49 plants in various States, and with a net income of about five and a quarter million dollars; the Nevada Consolidated Copper Co., with mines and plants all in Nevada, with stockholders in several States, and having a net income of over $2,500,000; the Pan American Petroleum & Transport Co., which has no property in New York, with a net income of over $13,000,000; the Postum Cereal Co., with plants in Michigan and Canada, and stockholders in every State numbering 1,500, and with a net income of nearly $3,000,000; the Sinclair Consolidated Oil Corporation, with over 41,000 stockholders scattered all over the various States, and with a net income of nearly $30,000,000; the Tobacco Products Cor-

poration, which controls the United Cigars Stores Co., with factories in Virginia, and a net income of over four and a half million dollars; the Union Tank Car Co., with a net income of over $1,000,000; the Utah Copper Co., with 867,613 acres in Utah, and owning the Nevada Consolidated, with a majority of the stockholders living in New York, and having a net income of over $12,000,000; the Utah Securities Corporation, which is engaged in the electric power, light, and gas business in Utah, Idaho, and Colorado, with a net income of $135,606; the Woolworth Co., with stockholders in every State, 1,356 stores, and a net income over $20,000,000; the Western Union Telegraph Co., with stockholders in every State numbering over 26,000, maintaining 25,000 offices throughout the country, having over a million and a half miles of wire, and a net income of nearly $16,000,000.

Mr. President, this shows that a large proportion of the income taxes paid in New York State on corporations is derived from companies operating and owning properties outside of New York State. The States in which these companies own property and operate should be entitled to some credit which they are not getting to-day, because all of it is going to the State of New York. These comparisons of income received by different States, that I have seen published numbers of times, are doing a great injustice to my State and to some of the other Western States. The comity between States should be considered. I know that my friends from New York have no intention of doing anything unfair or harmful; but these statements going about the country tend to withhold from our Western States benefits and necessities to which they are entitled, and, furthermore, they injure their credit.

I have the highest respect and regard for my friend, the Senator from New York [Mr. WADSWORTH]. I do not think a more able, a more fair-minded, or a more honest man ever sat in the Senate. I believe that he has taken as true these statements which have been repeatedly published throughout the country regarding the proportion and amount of taxes Nevada pays into the Federal Treasury. I do not think he has looked at our side of the matter, as he is confronted with such enormous problems concerning the great State of New York. I hope that hereafter the people of the country look at this problem a little more justly than they have heretofore.

I ask that the statement made by the American Association of State Highway Officials, commenting on this matter, be placed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WHO PAYS UNCLE SAM'S BILLS

When the Federal Government wants funds to meet its obligations it calls upon its citizens, irrespective of residence, to pay according to their means.

States, as such, have no obligations, and tabulation of receipts for the Federal Treasury, by States, is misleading, unfair, and in many cases far from the truth as to who meets the assessments.

A NATIONAL VIEWPOINT DESIRABLE

Probably the ideal way of considering the real business affairs of the Nation as transacted by present-day methods would be to discard all State lines and consider New York, Boston, Philadelphia, Baltimore, New Orleans, St. Louis, Chicago, San Francisco, etc., as clearing-house centers. But we have been in the habit of telling what this State does and what that State has accomplished, so long, that certain results are tabulated as by States, when in reality some States would actually starve, if it were not for their neighbors. They have plenty of gold in the till but no hills on which to graze cattle. Some of the richest States in the Union do not annually produce one-half of 1 per cent of the basic wealth so necessary to our very national existence.

Some people can be born in one State, educated in another, and attain business success in another—always at home, and proudly American. Others are like one of the early fathers, who, going 12 miles west of Boston, celebrated the event by erecting a stake on which he had inscribed "Thus far shall civilization go and no farther."

CLAIM AN UNEQUAL BURDEN TO STATES

In recent months a concerted effort has been made to try to prove that Federal cooperation with the States in certain endeavors is vicious, leads to extravagance, and compels certain States to contribute to the Federal Treasury amounts beyond a just requirement. It is not the purpose of this article to discuss the merits or demerits of Federal financial cooperation with the States in certain endeavors. But it is our purpose to attempt to show that, while there are States given credit for very large payments into the Federal Treasury, and the bookkeeping total seems to give them grounds for such assumptions, in reality it is property often thousands of miles away from the bookkeeper's desk which furnishes the taxable wealth from which the seeming excess of contributions is made.

In entering the protest against Federal cooperation with the States in various enterprises tables have been widely published to prove that a few States really furnish more than 75 per cent of the entire amounts collected by the Federal Government for these purposes, and that they receive in return but a very small portion of what they pay into the Treasury. At the same time other States are given sums far in advance of what they pay.

Since the larger part of these Federal contributions of late years has been for highways, these highway appropriations have been singled out as especially unfair.

GROUP STUDY BY STATES

In reality no State pays more into the Federal Treasury than is indicated by its wealth and population.

The total receipts of the Federal Treasury, in a major part, come from internal revenue and customs duties. These two items last year constituted 83.27 per cent of the entire receipts. Since we have no way of prorating the tariff returns to the several States, this leaves us to consider internal revenue as the source from which the States pay funds direct to meet the bills of the Federal Government. Last year internal revenue represented almost 70 per cent of the total Federal receipts.

It is impossible to make a study of this situation except by certain comparative methods. To make tabulations showing the entire 48 States is unnecessary, and to do so simply overburdens the line of investigation and makes it more difficult for one to follow the relationship of the several States. We have therefore taken 15 States from which to make certain deductions—the first 15 States leading in various things around which center the basis for collecting funds for Federal appropriations. The items used for comparison are basic wealth, national wealth, population, and internal revenue.

The first 15 States in basic wealth are given because, while they may not pay the Federal Treasury as much as some States which are called "industrial" and are therefore capable of producing larger incomes, basic wealth is of vital importance to the entire Nation and States providing such wealth need the fullest development. By basic products is meant the value of one year's production of wealth from minerals, forests, animals, and agriculture. Basic wealth gets the least return for its products. Many crops are perishable and must take the market price offered.

Naturally, we think that States having the greatest amount of total wealth should pay the largest sums to run the Government and population in relation to total wealth is an element for consideration.

There are 22 States in these four groups and it should be noted that the following States are always a part of the four groups given: California, Illinois, Indiana, Michigan, Missouri, New York, Ohio, Pennsylvania, Texas, and Wisconsin.

Two States are in all groups but one: Massachusetts and New Jersey, each not being in the basic wealth group.

Four States are in two groups: Iowa, Kansas, and Minnesota in both basic and total wealth and North Carolina in population and revenue paid.

Six States are in one group only: Connecticut and Virginia in revenue payments; Georgia and Kentucky in population; and Oklahoma and West Virginia in basic wealth.

TABLE NO. 1.—*First 15 ranking States in percentage of total basic wealth of the Nation compared to their percentage of the Nation's total wealth, their percentage of total payments through internal revenue and population*

State	Percentage of total basic wealth	Percentage of total national wealth	Percentage of total internal revenue paid	Percentage of total population
Pennsylvania	7.6	9.2	9.7	8.4
Texas	7.5	3.1	1.3	4.3
Illinois	5.2	7.1	7.7	6.0
California	4.8	4.8	4.6	3.6
Iowa	4.8	3.3	.06	2.2
Ohio	4.1	5.8	5.5	5.3
Oklahoma	3.6	1.2	.04	1.9
Missouri	3.5	3.1	2.4	3.2
Minnesota	3.2	2.7	1.1	2.2
New York	3.2	11.7	28.8	10.2
Kansas	3.0	2.0	.07	1.7
Indiana	3.0	2.8	1.6	2.7
Wisconsin	2.9	2.5	1.4	2.4
Michigan	2.7	3.6	7.9	3.3
West Virginia	2.5	1.4	.07	1.3
Total	61.6	64.3	72.24	58.7

TABLE No. 2.—*First 15 ranking States in percentage of total national wealth in comparison with their percentage of total payments made by the States through internal revenues, population, and percentage of basic wealth*

State	Percentage of total national wealth	Percentage of total internal revenues paid	Percentage of total population	Percentage of total basic wealth
New York	11.7	28.8	10.2	3.2
Pennsylvania	9.2	9.7	8.4	7.6
Illinois	7.1	7.7	6.0	5.2
Ohio	5.8	5.5	5.3	4.1
California	4.8	4.6	3.6	4.8
Massachusetts	4.1	5.0	3.5	0.05
New Jersey	3.7	4.0	3.2	0.07
Michigan	3.6	7.9	3.3	2.7
Iowa	3.3	0.06	2.2	4.8
Missouri	3.1	2.4	3.2	3.5
Texas	3.1	1.3	4.3	7.5
Indiana	2.8	1.6	2.7	3.0
Minnesota	2.7	1.1	2.2	3.2
Wisconsin	2.5	1.4	2.4	2.9
Kansas	2.0	0.07	1.7	3.0
Total	69.6	81.13	62.2	55.62

TABLE No. 3.—*First 15 ranking States in percentage of total national population compared to their percentages of the total national wealth, credits in payments of internal revenue, and total basic wealth*

State	Percentage of total population	Percentage of national wealth	Percentage of internal revenue paid	Percentage of basic wealth
New York	10.2	11.7	28.8	3.2
Pennsylvania	8.4	9.2	9.7	7.6
Illinois	6.0	7.1	7.7	5.2
Ohio	5.3	5.8	5.5	4.1
Texas	4.3	3.1	1.3	7.5
California	3.6	4.8	4.6	4.8
Massachusetts	3.5	4.1	5.0	.05
Michigan	3.3	3.6	7.9	2.7
New Jersey	3.2	3.7	4.0	.07
Missouri	3.2	3.1	2.4	3.5
Georgia	2.8	1.2	.06	1.6
Indiana	2.7	2.8	1.6	3.0
Wisconsin	2.4	2.5	1.4	2.9
North Carolina	2.3	1.4	5.7	2.4
Kentucky	2.2	1.1	1.0	2.4
Total	63.4	65.2	86.66	51.02

TABLE No. 4.—*First 15 ranking States credited with largest payments of internal revenue, 1924, compared to their percentage of the total national wealth, population, and the total basic wealth of the Nation*

State	Percentage of total revenue paid	Percentage of total national wealth	Percentage of total population	Percentage of total basic wealth
New York	28.8	11.7	10.2	3.2
Pennsylvania	9.7	9.2	8.4	7.6
Michigan	7.9	3.6	3.3	2.7
Illinois	7.7	7.1	6.0	5.2
North Carolina	5.7	1.4	2.3	2.4
Ohio	5.5	5.8	5.3	4.1
Massachusetts	5.0	4.1	3.5	0.05
California	4.6	4.8	3.6	4.8
New Jersey	4.0	3.7	3.2	0.07
Missouri	2.4	3.1	3.2	3.5
Virginia	1.6	1.5	2.1	0.04
Indiana	1.6	2.8	2.7	3.0
Wisconsin	1.4	2.5	2.4	2.9
Connecticut	1.3	1.6	1.3	0.03
Texas	1.3	3.1	4.3	7.5
Total	88.5	66.0	61.8	47.09

A MORE INTIMATE INSPECTION

Now let us study more closely these various elements as expressed in percentages of the total for the United States.

Notice first, that in every column in each table, the total percentage shows that the 15 States considered furnish over 50 per cent of the entire percentages of the United States, with the exception of one—the group which pays 88.5 per cent of the total internal revenue furnishes 47.09 per cent of the total basic wealth. The general average of all the elements considered is 65.9 per cent of the percentage for the entire Nation.

The 15 States leading in basic wealth have 61.6 per cent of the total national wealth. They pay 72.24 per cent of the internal revenue, have 64.3 per cent of the total national wealth, and 58.7 per cent of the population.

The 15 States leading in total wealth have 69.6 per cent of the total national wealth, pay 81.13 per cent of the internal revenue, have 62.2 per cent of the population, and furnish 55.62 per cent of the basic wealth.

The 15 States leading in population have 63.4 per cent of the total national population. They pay 86.66 per cent of the internal revenue, have 65.2 per cent of the total wealth, and furnish 51.02 per cent of the basic wealth.

The 15 States leading in payments of internal revenue pay 88.5 per cent of the total national internal revenue. They have 66 per cent of the total wealth, 61.8 per cent of the population, and supply 47.09 per cent of the basic wealth.

In furnishing basic wealth, outside of the basic-wealth group, the other groups are in the following order: Total wealth, 55.62 per cent; population, 51.02 per cent; payments in internal revenue, 47.09 per cent.

The groups of States having the largest amount of total wealth, outside of the total-wealth group, are in the following order: Payments in revenue, 66 per cent; population, 65.2 per cent; and basic wealth, 64.3 per cent.

The groups of States having the largest population, outside of the population group, are in the following order: Total wealth, 62.2 per cent; payments in revenue, 61.8 per cent; and basic wealth, 58.7 per cent.

The groups of States making the largest payments in internal revenue outside of the internal-revenue group are in the following order: Population, 86.66 per cent; total wealth, 81.13 per cent; and basic wealth, 72.24 per cent.

The groups ranked according to the highest percentage of the total for the United States are:

	Per cent
Payments in internal revenue	88.5
Total wealth	69.6
Population	63.4
Basic wealth	61.6

You will notice that the total percentage for the group making payments of internal revenue is higher than any other group, although the population and total wealth groups are very close seconds in their payments of revenue, being 86.66 and 81.13, respectively.

DEDUCTIONS DRAWN

Closer observation of these groups by comparison shows that:

1. In total payments into the Federal Treasury the group having the largest population coincides very closely to the 15 highest in actual payments, being 86.66 per cent over against 88.5 per cent.

2. The group having the greatest total wealth follows closely with a percentage of revenue payments of 81.13 per cent.

3. This shows that the 15 States in population and the 15 States in total wealth follow very closely the 15 States in revenue payments.

4. In these comparisons one naturally supposes that population and total wealth would go hand in hand with revenue payments, and they do very closely, as far as total percentages are concerned, but the list of States changes, and consideration of population and total wealth bring six other States into the reckoning.

5. If the Federal Government used the method of raising funds by a general levy on all property these groups of States would not shift so much.

6. Connecticut and Virginia, representing 0.07 per cent of the entire basic wealth of the Nation, when we come to make up the population group, give way to Georgia and Kentucky, which furnish 4 per cent of all the basic wealth. Also Connecticut, North Carolina, and Virginia, representing 2.47 per cent of the entire basic wealth of the Nation, when we come to make up the total-wealth group, give way to Iowa, Kansas, and Minnesota, which furnish 11 per cent of all the basic wealth.

If this last group of States were manufacturing tobacco products instead of corn and wheat products, they would also be in the first 15 States paying internal revenue.

WHO REALLY PAYS THE BILLS?

This brings us to a concrete study of the group making the largest payments into the Federal Treasury. It will be noticed that the following States pay a much larger percentage than their percentage of total wealth or population:

New York, Michigan, and North Carolina

State	Payments	Total wealth	Population
New York	28.8	11.7	10.2
Michigan	7.9	3.6	3.3
North Carolina	5.7	1.4	2.3

The question arises as to the cause for this excess of payments.

In the case of Michigan it is immediately and satisfactorily explained when it is understood that 43 per cent of the total tax paid by Michigan

is excise on automobiles and 73 per cent of all the automobile excise tax of the United States is collected in Michigan. When it is known that there is an average of $31 per car collected it can be understood how this large fund is really spread out over the country, for the purchaser of the car pays the bill.

Here is a list of the cars, by States, which paid this excise tax last year:

Alabama	31,213
Arizona	9,744
Arkansas	44,327
California	158,275
Colorado	24,034
Connecticut	46,243
Delaware	6,586
Florida	36,584
Georgia	27,453
Idaho	10,269
Illinois	166,543
Indiana	85,397
Iowa	76,936
Kansas	55,411
Kentucky	38,743
Louisiana	24,495
Maine	19,273
Maryland	44,473
Massachusetts	94,622
Michigan	161,561
Minnesota	63,772
Mississippi	42,271
Missouri	98,699
Montana	9,414
Nebraska	31,874
Nevada	1,091
New Hampshire	11,236
New Jersey	84,922
New Mexico	6,385
New York	221,091
North Carolina	30,651
North Dakota	13,285
Ohio	141,454
Oklahoma	73,045
Oregon	27,596
Pennsylvania	200,027
Rhode Island	16,717
South Carolina	33,806
South Dakota	14,794
Tennessee	44,710
Texas	178,531
Utah	11,495
Vermont	10,955
Virginia	48,325
Washington	35,193
West Virginia	30,929
Wisconsin	84,860
Wyoming	6,699

Of the Michigan income tax the Fords alone paid $21,260,000. It should be stated, however, that the people of Michigan have not made any claim that they are paying more than their due share of the internal revenue.

As to North Carolina, a similar explanation can be made. North Carolina's seeming excess is even more startling, for 86 per cent of the total internal revenue paid by North Carolina is on tobacco in its manufactured form, and the purchaser, wherever he may live, pays for the revenue stamp. North Carolina likewise is not making any complaint.

Before we take up the case of New York, it should be noted, in passing, that all of the other States in this group are not paying much more if as much as their total wealth and population would seem to demand.

State	Revenue	Wealth	Population
Pennsylvania	9.7	9.2	8.4
Illinois	7.7	7.1	6.9
Ohio	5.5	5.8	5.3
Massachusetts	5.0	4.1	3.5
California	4.6	4.8	3.6
New Jersey	4.0	3.7	3.2
Missouri	2.4	3.1	3.2
Virginia	1.6	1.5	2.1
Indiana	1.6	2.8	2.7
Wisconsin	1.4	2.5	2.4
Connecticut	1.3	1.6	1.3
Texas	1.3	3.1	4.3

While Massachusetts and New Jersey show a slight increase of payments in excess of wealth, the results obtained from a study of New York State are the same for these States except in a much less degree. Massachusetts, New Jersey, Virginia, and Connecticut together barely furnish an average of one-half of 1 per cent of the basic wealth of the Nation from each State. Virginia would not be in this group at all if it were not for the tobacco revenue tax, which is 56 per cent of the total internal revenue paid through that State. And Virginia likewise is not complaining.

IS NEW YORK IMPOSED UPON?

By public address and newspaper articles, broadcast throughout the country, statements have repeatedly been made that New York pays over 25 per cent of every bill that Uncle Sam must meet.

Let us see. The keeper of accounts credits New York with having paid 28.8 per cent of the total internal revenue collected. Normally, wealth and population considered, New York should pay 10.9 per cent. If all the facts could be secured, it could easily be shown that that is really all she is doing now. Publicity of income taxes paid and much painstaking study of tabulations, some of which seem to be made more for bewilderment than elucidation, enables one to at least scratch the surface and present to the public a fair and well substantiated statement as to the real situation.

The total internal revenue credited to New York, in round numbers, is $690,400,000. Of this amount $506,593,000, or over 73 per cent, comes from corporation and individual incomes. And 40.9 per cent of the 73 per cent is from corporations. Speaking of personal income tax paid in New York, who is it that does not understand that the $7,500,000 personal income tax paid last year by Mr. Rockefeller represented earnings collected from many States? Always remember that corporations pay an income tax only when a profit exists. Such is not the case in personal obligations above certain exemptions. With corporations it is "No profits, no income tax." In 1922 (last Federal report) the corporations in New York paid 25.59 per cent of all the corporation tax of the United States and still were able to declare cash dividends to their stockholders of over $975,724,000 and also stock dividends of over $1,229,572,000. No one begrudges their prosperity. The total number of corporations in the United States paying an income tax that year were 212,535. Of this number 35,504 paid an income tax in New York—almost three times as many as Pennsylvania and yet New York has only 11.7 per cent of the total national wealth while Pennsylvania has 9.2 per cent of the total national wealth.

Again, according to the latest Federal report (1922) the total corporation tax paid in the United States that year was $783,776,268, which was 47.6 per cent of the entire income tax. Manufacturing paid $389,776,280, or 40.9 per cent of all corporation tax or 23.7 per cent of all income tax of the Nation.

New York paid 22.8 per cent of all corporation tax paid by "manufacturing," while Pennsylvania paid but 11 per cent. The same year manufacturing plants and equipment were valued in New York State at $2,133,897,000, while the same kind of property was valued by the Federal report at $2,193,873,000 for Pennsylvania. Since New York paid more than twice as much as Pennsylvania on a less valuation, there is no other conclusion to be drawn but that there are manufacturing corporations paying income tax in New York which have no property whatsoever in that State.

In 1921 (last Federal report) manufacturing plants in New York State showed a production of $6,973,506,000 and those in Pennsylvania a total output of $5,059,009,000. At the same time the corporations under the head of manufacturing in New York State paid a Federal tax of $89,131,469, while those of Pennsylvania $42,992,173. This shows that the industries in Pennsylvania produced 72 per cent as much as New York, while the Federal tax paid was but 48 per cent as large as that of New York. No one would accuse Uncle Sam of letting Pennsylvania pay a less proportionate share than New York; hence the only conclusion to be drawn is again to assert that manufacturing corporations pay taxes in New York which have their property in other States.

Then, again, railroads and equipment in New York State have a value of $1,479,682,000, and street railways, shipping, waterworks, etc., are valued at $2,594,070,000, making a total for transportation and other utilities of $4,073,752,000. Pennsylvania for the same items has a value on railroads and equipment of $1,902,737,000 (exceeding that of New York) and $1,268,165,000 on street railways, shipping, etc., making a total of $3,170,902,000. These properties in New York paid an income tax of $40,459,465, while Pennsylvania paid but $9,920,949. At the valuation rate Pennsylvania should have paid around thirty million. Some one might suggest that many Pennsylvania corporations failed to show a net income, hence their income tax was below normal. The facts are, however, that a larger percentage of corporations in New York failed to show a net income than in Pennsylvania. There is, therefore, but one answer to this situation, namely, that there are transportation corporations paying an income tax in New York which have no property there. (See illustration Southern Pacific and Union Pacific Railroads.)

On page 30 of "Statistics of Income" of the Treasury Department (1922), in connection with table showing the net income and taxes paid on personal and corporation income, by States, the Treasury Department gives this word of explanation:

"The amounts do not represent, however, what may be called the geographical distribution of income. The figures are compiled from the returns filed in each State. An individual files his income tax return in the collection district in which his legal residence or principal place of business is located, and a corporation files its income-tax return in the collection district in which its principal place of business or the principal office or agency is located. Consequently income reported by an individual or corporation in one State may have been derived from sources in other States. From the foregoing it will be clear that there is no way of ascertaining from the income-tax returns the amount of income earned in the respective States or the amount of tax paid on that basis."

WHO OWNS THE NEW YORK CORPORATIONS AND WHERE IS THEIR PROPERTY?

It is naturally an impossible task to find the ownership of the corporations listed to pay income tax in New York, for while there were, according to the last Federal report, 35,504 corporations which paid an income tax, there were also 29,358 which, through making certain deductions, were relieved from paying an income tax. Therefore to list this number of corporations—64,862—as to who controls them, where their property really exists, and who enables them to make a profit so they can pay an income tax, shall not be attempted.

Surely a reasonable number of illustrations will serve to prove the statement that residents of New York are not the sole owners of many of the corporations paying an income tax in that State, and in many cases little or none of the property creating the profits is in that State.

UNITED STATES STEEL CORPORATION

The United States Steel Corporation in 1923 paid an income tax of $16,000,000 in New York. They have 145 plants and warehouses, only 2 of which are located in New York State. They have 153,350 stockholders who really paid this income tax. These stockholders hold residence as follows:

Alabama	1,678
Arizona	52
Arkansas	38
California	2,004
Colorado	424
Connecticut	5,800
Delaware	507
District of Columbia	1,313
Florida	364
Georgia	344
Idaho	27
Illinois	10,048
Indiana	2,406
Iowa	341
Kansas	137
Kentucky	1,205
Louisiana	325
Maine	1,234
Maryland	1,493
Massachusetts	11,100
Michigan	3,279
Minnesota	4,412
Mississippi	122
Missouri	1,347
Montana	83
Nebraska	168
Nevada	20
New Hampshire	1,835
New Jersey	6,495
New Mexico	35
New York	32,322
North Carolina	348
North Dakota	22
Ohio	9,574
Oklahoma	84
Oregon	173
Pennsylvania	41,917
Rhode Island	1,385
South Carolina	103
South Dakota	37
Tennessee	457
Texas	215
Utah	76
Vermont	986
Virginia	780
Washington	239
West Virginia	2,057
Wisconsin	1,112
Wyoming	20
Alaska	8
Canal Zone	18
Hawaii	21
Philippine Islands	9
Porto Rico	25
Foreign	2,716
Total	153,350

Attention is called to the fact that there are more stockholders of this company living in Pennsylvania than in New York.

THE BANKS

It is well known that New York is our financial center, and we must have financial centers.

On May 15, 1925, the statement of the United States Treasury Department showed that while the deposits in the New York City national banks totaled $2,218,027,000, a study of this statement shows that 38 per cent of those deposits were from banks and trust companies outside of New York State.

RAILROADS

Probably the most flagrant examples of the railroad situation are the Union Pacific and Southern Pacific. The Union Pacific in 1923 paid an income tax in New York of $4,500,000, and yet this road does not operate east of Omaha and Kansas City—half the length of the continent from New York State.

The Southern Pacific paid a tax of $5,000,000, and this road does not run any nearer New York than New Orleans.

No attempt will be made to give the list of stockholders of these two railroads, but it is common knowledge that they live in many States.

JUST A FEW MORE EXAMPLES

There are over 64,800 corporations making reports to the Federal Government through New York State. Here are 24 examples, in addition to the ones previously mentioned—hardly a drop in the bucket—with whose names you are more or less familiar. The mention of them immediately makes you realize how they permeate so many activities of the business life of the Nation. They do not know State lines. Transportation has enabled them to carry their products to the remotest hamlet. Only 24—and yet their paid-up capital stock is $2,380,242,000, and their net income last year—after paying their income tax—was $376,955,787, or 15.8 per cent. This statement of capital stock and net profit is merely shown to indicate what enormous proof would pile up if a larger list of the 64,850 other corporations in New York were tabulated. These 24 corporations with that of the United States Steel before referred to have a paid-up capital stock greater than the entire wealth of Colorado, or Florida, or South Carolina, or Maine, or Arkansas, or South Dakota. It is also greater than the entire wealth of Delaware and Arizona combined, Idaho and Vermont, Mississippi and Nevada, New Hampshire and Wyoming, Rhode Island and New Mexico and Montana and Utah thrown in for good measure.

Here is the list. Unless otherwise stated, the net income given is for the year 1924. Remember that the Federal corporation tax has been paid before net income is tabulated:

American Railway Express; net income, $2,950,000; operates in every State.

American Beet Sugar Co.; net income, $1,515,972.

American Can Co.; net income, $15,423,202.

American Locomotive Co.; stockholders in many States total 11,754; plants in New York, Virginia, New Jersey, Pennsylvania, and Canada; net income, $12,462,563.

American Radiator Co.; net income, $9,908,217.

American Smelting & Refining Co.; stockholders in every State total 12,807; plants in Colorado, Utah, Washington, California, Montana, Texas, Arizona, Maryland, Illinois, Nebraska, Oklahoma, New Jersey, also Mexico and South America; net income, $22,471,506.

American Sugar Refining Co.; stockholders in every State total 25,747; group of Northeastern States has more stockholders than group in which New York is classed; plants are located at Boston, Brooklyn, Philadelphia, Baltimore, and Chalmette, La.; also owns stock in beet-sugar plants in California, Michigan, Iowa, and Ohio; net income, $8,557,724.

American Telephone & Telegraph Co.; stockholders in every State in the Union total 358,273; companies extending through the entire United States; net income, $144,954,889.

American Tobacco Co.; net income, $17,952,545.

Anaconda Copper Mining Co.; plants in Montana and Wyoming; net income, $18,589,971.

Buckeye Pipe Line Co.; pipe lines in Ohio; net income, $1,041,571.

Indiana Pipe Line Co.; pipe lines in Indiana; net income, $965,945.

National Biscuit Co.; net income, $12,092,828.

National Lead Co.; plants, 49 in various States; net income, $5,296,413.

Nevada Consolidated Copper Co.; mines and plants all in Nevada; stockholders in several States; net income, $2,620,797.

Pan American Petroleum & Transport Co.; no property in New York; net income, $13,011,215.

Postum Cereal Co.; plants at Battle Creek, Mich., and Windsor, Canada; stockholders in every State total 1,500; net income, $2,881,466.

Sinclair Consolidated Oil Corporation; stockholders, over 41,000 living in every State; has refineries, terminals, bulk stations, or service stations in nearly every State east of the Rocky Mountains; pipeline companies, Texas, Kansas, Oklahoma, Missouri, and Illinois; net income, $29,737,887.

Tobacco Products Corporation; controls United Cigars Stores Co. and factories in Virginia; net income, $4,529,556.

Union Tank Car Co.; net income, $1,101,717.

Utah Copper Co.; 867,613 acres in Utah; owns Nevada Consolidated; majority of stockholders live in New York; net income, $12,140,261.

Utah Securities Corporation; electric power, light, and gas business in Utah, Idaho, and Colorado; net income, $135,606.

Woolworth Co.; stockholders in every State; stores, 1,356; net income, $20,698,180.

Western Union Telegraph Co.; stockholders in every State, 26,138; maintains over 25,000 offices throughout the country, has over 1,500,000 miles of wire; net income, $15,915,756.

THE OTHER SIDE OF THE PICTURE

Before concluding it is well that we take a glance at the other side of the picture. Parties who have been protesting that their State is being assessed by the Federal Government to give funds to some far-distant State seem to forget that it is the natural resources of that far-distant State which enable her citizens to sit in their smug complacency. Mines of Nevada, Utah, Montana, and Colorado are emptied

of their wealth, never to be reimbursed, and the profits go to residents of other States.

Insurance—fire, life, and casualty—are much-needed parts of our business life—yet New York, Hartford, and Baltimore are foolish to lay claim to the prosperity of these institutions.

Boston is the center of our wool market, and yet the Boston Common can not take the place of New Mexico, Arizona, and Utah as a sheep pasture.

Knowing that all manufacturing in Montana last year paid out over $21,000,000 in wages and salaries alone, it is astounding to note that manufacturing of metals and metal products for the entire State paid an income of but $17.

BUSINESS CENTERS NOT STATE OWNED

Centralization of business in certain centers is a natural growth and economically sound. Surplus funds gravitate to certain cities; industries develop where power is cheapest or raw material nearest at hand. Water transportation can not be developed around a desert town. Fertility of the soil is not the gauge of land values. The Federal Constitution, at the beginning, refused to curb domestic business relations and would not allow States to set up toll gates at State lines.

States do not own the corporations or the individuals in their business relations. There is not a single large city in the entire country which secures its prosperity exclusively from the citizens who live in the same State in which that city is located. The poorest State helps to enrich the richest State.

That is a false theory which makes the claim that States contribute to the Federal Treasury. Federal funds should go for Federal needs, collected from all who have, and expended so that all may have again.

Mr. ODDIE. Mr. President, while the population and assessable property of the State of Nevada are small compared to some of the other States, it has done great things for this Nation. There are numbers of millionaires in New York, Pennsylvania, and other States—useful, great men in the business and financial world—who had their start and made their fortunes in the State of Nevada. Numbers of the greatest industries in the United States had their start in and were financed from money that the mines in the State of Nevada produced. I feel that people in the large Eastern States should be a little more fair to certain Western States which happen to be down in the scale in population and assessable property. These Western States have their place in this Union; and the people from them who have had to struggle for existence while building up our great West are entitled to more consideration than they have been getting.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. ODDIE. I yield.

Mr. COPELAND. I know the Senator wants to be fair. I have no disposition to stand out against the State of Nevada or any other State; and, indeed, I recognize that the building of good roads in Nevada and every other State is an advantage to my State. I think it makes possible the transportation of foodstuffs and building materials and other things that we need; I think it cheapens those products; but that is not the question. The question is, How can we make use of these funds in a legal way? That is what I should like to have the Senator from Nevada present to us. How can we salve our consciences so that we can vote the money that his State needs?

So far as my State is concerned, even though we pay 27 per cent of all the taxes of the United States and furnish these funds in proportion, I am sure the people of my State are so liberal in their disposition that they would be glad to do it, and particularly, I may say to the Senator from Nevada, in view of his statement that most of that money comes from outside, anyhow, so it is not our money that we are giving away; but that is not the question, after all. It is, How are we going to vote this money and do it in a constitutional and legal way? That is the thing which presents itself to my conscience.

Mr. ODDIE. It has been done for a number of years, as I have stated, and I believe it is constitutional, and its constitutionality never has been questioned.

There are several angles to this problem. One is that of military preparedness. I believe it is as important for us to have a good system of transcontinental highways from coast to coast in this country as it is to have railroads from coast to coast. We know what subsidies were granted to the railroads that were built across this continent years ago. Millions and millions of acres of land were donated to them by the Government. Every alternate section for 20 miles on each side of the main lines was granted them. The constitutionality of that was not questioned. We must keep on developing our country. We can not stand still. We see that a revolution has come in transportation. We see that the automobile and the autotruck have come to stay. They are a very large part of our economic unit to-day, and we must furnish highways for them. We must prepare for emergencies in a military way. I do not believe in preaching calamity. I hope and trust we will never have another war; but if we ever do, if we have this system of highways which are being completed to-day, we will be in far better condition than we otherwise would be.

Mr. President, I hope hereafter this question will receive the fair consideration to which it is entitled.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Barracks and quarters," on page 28, line 2, after the word "tents," to strike out "$3,324,812" and insert "$3,334,812," so as to read:

For construction, repair, and rental of barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, garages, reclamation plants, and other buildings necessary for the shelter of the Army and its property, including retired officers and enlisted men when ordered to active duty; for rental of grounds for military purposes, of recruiting stations, and of lodgings for recruits and applicants for enlistment; for repair of such furniture for Government-owned officers' quarters and officers' messes as may be approved by the Secretary of War; for wall lockers, refrigerators, screen doors, window screens, storm doors and sash, window shades, and flooring and framing for tents, $3,334,812, and in addition the sum of $425,000 from the unexpended balance of the appropriation for "Inland and port storage and shipping facilities" is hereby reappropriated and made available for the purposes enumerated in this paragraph.

The amendment was agreed to.

The next amendment was, on page 28, line 12, after the word "condition," to insert a colon and the following additional proviso:

Provided further, That $5,000, or so much thereof as may be necessary, of the sum herein appropriated shall be expended for the repair of the old building known as the "Castle" at Fort Niagara, N. Y.

Mr. COPELAND. Mr. President, may I ask my colleague whether this amendment makes provision for the improvement of Fort Niagara?

Mr. WADSWORTH. It makes provision, just as it states, for the repair of that historic old building, which was built in 1725 and which the Government has allowed almost to go to pieces.

Mr. COPELAND. I am very glad, indeed. I congratulate my colleague that this provision is made. It is a very just appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 29, line 18, after the word "employees," to strike out "$2,380,196" and insert "$2,384,886," so as to read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at military posts and stations; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto; for repairs to water and sewer systems and plumbing; and for hire of employees, $2,384,886: *Provided*, That not to exceed $50,000 of this appropriation shall be expended for new construction work.

The amendment was agreed to.

The next amendment was, under the subhead "Roads, walks, wharves, and drainage," on page 30, line 1, after the word "stations," to strike out "$709,381" and insert "$709,431," so as to read:

For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $709,431.

The amendment was agreed to.

The next amendment was, under the subhead "Shooting galleries and ranges," on page 30, at the end of line 14, to strike out "$30,000" and insert "$30,475," so as to read:

For shelter, grounds, observation towers, shooting galleries, ranges for small-arms target practice, machine-gun practice, field, mobile,

and railway artillery practice, repairs, and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $30,475.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps, Signal Service of the Army," on page 34, line 22, after the word "required," to strike out "$1,908,522" and insert "$1,908,767," so as to read:

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the Office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $1,908,767.

The amendment was agreed to.

The next amendment was, under the subhead "Air Service, Army," on page 38, line 2, after the word "equipment," to strike out "for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary," and insert: "for the services of not more than four consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses, including a per diem not to exceed $4 in lieu of subsistence: *Provided*, That amounts heretofore paid or obligated for such services and expenses are hereby authorized and validated," so as to read:

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses, including a per diem not to exceed $4 in lieu of subsistence: *Provided*, That amounts heretofore paid or obligated for such services and expenses are hereby authorized and validated, including necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air Service; for maintenance and operation of such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, $15,050,000.

Mr. McKELLAR. Mr. President, will the Senator from New York please explain that provision?

Mr. WADSWORTH. Yes; Mr. President.

For some few years the Chief of the Air Service of the Army has been accustomed to employ upon a per diem basis, for a few days in each year, two or three very eminent specialists and scientists to assist him and his subordinates in solving certain scientific problems presented to the Air Service from time to time. To these gentlemen, who stand very high in the scientific world, General Patrick, the Chief of the Air Service, has been paying, upon occasion only, all the way from $25 to $60 per day. The Comptroller General has questioned, and indeed denied, the right of the Chief of the Air Service or the War Department to pay any person a per diem compensation in excess of the amount which that person could get per day under the highest rating permitted under the reclassification act, which is $7,500 a year.

This matter was presented to the committee; and the committee was persuaded that with certain strict limitations as to the number of days in the year that the Chief of the Air Service should be permitted to employ these persons, and with the per diem limited it was to the advantage of the Government to permit the employment of these persons from time to time. The committee believed also, in view of the fact that the War Department has been doing this in perfectly good faith until recently prohibited by a ruling of the Comptroller General, that it was only fair and just to validate the payments heretofore made.

Mr. McKELLAR. The statement of the Senator is entirely satisfactory. I think the amendment ought to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMERICAN OCCUPATION OF HAITI

Mr. KING. Mr. President, I send to the desk and ask to have read a memorandum of Mr. Perceval Thoby, former Haitian chargé d'affaires at Washington, and who represents the 61 committees of private citizens, residents of Haiti, who are members of what is called "the Patriotic Union" of Haiti. I have heretofore had occasion to criticize the course of the United States in continuing to occupy Haiti with military forces and in maintaining control of the Government and assuming political authority over the entire Haitian state.

Soon after the occupation of Haiti by our military forces we prepared a constitution which materially changed the constitution under which the Haitian people were living and by which they were being governed. This new constitution, formulated under the direction of Americans, superseded the Haitian constitution and was superimposed upon them under conditions which I regard as without justification. They did not want the constitution which we prepared, nor have they been willing that the United States should occupy their coun-

try and govern and control the people as it has done from 1915 until the present hour. They object to the change in the constitution which permits foreigners to acquire title to lands in Haiti. The Haitian constitution prevented the acquisition of Haitian soil by aliens. The Haitian people knew that if their lands were open to exploitation by foreign capital, and aliens could acquire title to the same, within a comparatively short time the Haitian people would be mere tenants and the valuable lands of their country would be in the hands of foreign landlords.

Mr. President, Americans as well as other aliens, since the change in the constitution, have acquired valuable holdings in Haiti, and thousands of Haitians have left the land of their birth and gone to Cuba and surrounding countries. The Haitian people do not want us to govern them. They do not desire American marines to occupy their country. They resent the sending of a governor general who possesses the power exercised by General Russell, and also the practical control of their political and internal affairs by alien officeholders. The fact is that Haiti is governed by American officials and the military forces of the United States.

I have had occasion to refer to the conflicts between our armed forces and the Haitian people, as a result of which more than 3,000 Haitians have been killed. In my opinion we are not justified in pursuing the course which is now followed by our Government, and we can not defend the further occupancy of Haiti by the military forces of the United States. In my opinion it is against the interests of the Haitian people and contrary to the spirit of our institutions.

I ask that this protest and this memorandum, which recites the facts and conditions, as Mr. Thoby understands them to be, may be read for the information of the Senate and the American people.

The PRESIDING OFFICER. Is there objection?

Mr. KING. In my time.

The PRESIDING OFFICER. The Chair understands that no document of this kind can be read if there is objection without a vote of the Senate under Rule XI. Is there objection?

Mr. WADSWORTH. May I ask how long the article is?

Mr. KING. It will take probably 5 to 10 minutes to read it. If not read, I shall have to read it myself. The Secretary can read it much better than I can.

The PRESIDING OFFICER. Without objection, the Secretary will read the paper.

The paper was read by the legislative clerk.

Mr. KING obtained the floor.

Mr. WADSWORTH. Mr. President, will the Senator from Utah submit to a brief inquiry in regard to this article?

Mr. KING. Certainly.

Mr. WADSWORTH. I did not hear the clerk when he read the name of the author of the paper.

Mr. KING. Perceval Thoby.

Mr. WADSWORTH. May I ask if the Senator stands sponsor for all the statements made in the article?

Mr. KING. I stand sponsor for many of the statements.

Mr. WADSWORTH. But not all?

Mr. KING. So far as I am advised, many of them. That is, from my study of conditions in Haiti and also from information obtained from persons who have visited that country and are familiar with the situation there, it is my opinion that many of the statements are justified.

Mr. WADSWORTH. I would be interested to know just how far the Senator cares to be responsible for the statements made in that article.

Mr. KING. I stand sponsor, as I understand the spirit of the word, for the statement—that is, the implication—that the United States has superimposed upon Haiti a government which the people do not want; that the United States compelled the abrogation of the constitution which had been in force for many years and forced upon the Haitian people another constitution, under which aliens are permitted to acquire real property in Haiti, contrary to the provisions of the superseded constitution; also the statement which, in effect, is that General Russell is practically the dictator and the ruler of Haiti, backed by the marines of the United States; also the statement that hundreds, if not thousands, of the Haitians are leaving Haiti because of the conditions there prevailing, largely due to the occupation by the United States of their country; also the statement that a large area of valuable arable lands of Haiti formerly belonging to Haitians has been acquired by Americans and American interests, in contravention of the constitution by which the Haitians were governed when our naval forces took possession of the Haitian State. And I also approve the statement, or the deductions from the statement, that we have no business in Haiti and should immediately withdraw our marines and let the Haitian people have a government of their own.

I sponsor the statement that for years the Haitians have not had a constituent assembly or a parliament and that Borno, the so-called president, is the nominal executor, but is under General Russell, who is supported by our marines, and that Borno has a council, the personnel of which he changes whenever any member of the same is not amenable to his slightest suggestion. I do not have the memorandum before me and do not recall all of its provisions now, though I have read it several times. I felt that the Senate of the United States and the American people ought to know just what the Haitian people claim. Mr. Thoby is a lawyer and a man of honor and integrity. At one time he represented Haiti as the chargé d'affaires at Washington. He comes here representing the Haitian people so far as they are permitted to speak for themselves. This is his statement of conditions in Haiti and of the relation of our Governmet to the Haitian people. I think he presents a sad and tragic picture. Tomorrow I may offer a resolution calling attention to this statement and to other matters and if so shall ask that an investigation be made by the Committee on Foreign Relations of conditions in Haiti.

Mr. ODDIE. Mr. President, I can not agree with all the statements contained in the article just read at the desk or with the conclusions of the able Senator from Utah. I am familiar with conditions in Haiti, having made quite a study of them for several years past. Four years ago I was a member of the committee which investigated conditions and spent a number of weeks there. We had hearings all over the island and found that a certain damaging propaganda regarding our occupation had been sent all over the country and had done great harm. It meant an indictment of our Navy and of our Marine Corps and of American fairness and justice.

The Haitian people are a good people. They are kind and law-abiding. We have no intention of territorial acquisition in our occupation.

Mr. REED of Missouri. Just what are we doing there? What business have we there?

Mr. ODDIE. Since 1915 we have been occupying Haiti with our Navy and Marine Corps and assisting those people in getting back on a stable basis.

Mr. REED of Missouri. Under what pretext have we been there since 1915?

Mr. ODDIE. In 1915 a revolution broke out, following the massacre of the President of Haiti, and things were in turmoil. The people for years had been in revolution, one following another almost every year, and there was distress throughout the island. Admiral Caperton, under instructions from our Government, landed marines and took possession in 1915, and we have been administering the government to a very large extent ever since by lending a helping hand and giving protection to those people who needed help.

Mr. REED of Missouri. We took possession under what claim of right? That is what I want to ascertain.

Mr. ODDIE. Protection of American property and American people.

Mr. REED of Missouri. That is to say, we did not go in to benefit the Haitian people? That was not our claim of right?

Mr. ODDIE. That was not the original intention.

Mr. REED of Missouri. We could not make that claim of right because they had the right to live as they pleased under our theory, but we said there were some Americans who had invested their money and we would go in there and protect their property. That is our claim of right. What right have we to stay there and take possession of their Government and control it?

Mr. ODDIE. Under the treaty of December 16, 1915.

Mr. REED of Missouri. That was entered into after we had taken possession?

Mr. ODDIE. Yes.

Mr. REED of Missouri. And it was negotiated under American bayonets, I suppose?

Mr. ODDIE. That is rather stretching the point. I can hardly agree with my friend from Missouri in that statement, although America had to assert its right and its strength in dealing with the difficult and revolutionary conditions that existed there.

Mr. REED of Missouri. What American property was down there?

Mr. ODDIE. Money had been loaned by Americans for building railroads and various industries and to American citizens there.

Mr. REED of Missouri. Is it the Senator's theory that if American capitalists go down into a semibarbarous country and loan their money and there is a revolution in that country,

it is then our duty to send our Army and our Navy down there and keep them there and hold the country in subjection?

Mr. ODDIE. At the time our forces were landed armed forces from other nations had landed for the purpose of taking possession, and we have a doctrine in this country which had to be maintained.

Mr. WADSWORTH. Mr. President, will the Senator from Nevada permit me to remind the Senator from Missouri of the incident that occurred which led to the landing of our marines?

Mr. REED of Missouri. I would be glad to know.

Mr. WADSWORTH. I undertake to remind him, because I have heard him on this floor urge very eloquently that the United States should acquire the West Indian Islands for our protection.

Mr. REED of Missouri. That is all right; that is a different thing.

Mr. WADSWORTH. The Senator may remember that as a result of a series of the most bloodthirsty revolutions the West Indies has ever known, the President of Haiti was hounded from his office and in terror took refuge in the French Legation in Haiti in the city of Port au Prince. The mob smashed the gate of the compound, invaded the house, and dragged the President of Haiti out from the French Legation into the yard and literally tore his body up into little pieces and threw it over the fence. The insult to France, of course, was apparent, and a very grave situation arose upon that instant. There could not be the slightest doubt that the French Government would make a very emphatic protest and would take immediate action.

It so happened, as I recollect it, that one of our gunboats was in the neighborhood or cruising in Haitian waters at that time, and, hearing of this atrocious occurrence, proceeded immediately to the city, landed its marines in order that—I assume this was the reason, and if it is I stand for it for one—if any nation was to straighten out the tangle in Haiti and stop a repetition of things like that, it should be the United States rather than a European power. That is the way we went into Haiti originally.

Mr. REED of Missouri. All right. Let us say it is a good pretense. How many years ago was that?

Mr. WADSWORTH. The Senator knows. It was 1915.

Mr. REED of Missouri. And we are still there. It is a very different reason from that given by the distinguished Senator from Nevada, who has the floor and who said that we went there to protect American property.

Mr. WADSWORTH. I think I am reasonably correct, am I not?

Mr. ODDIE. Yes; the Senator is correct.

Mr. WADSWORTH. In other words, we did not seek deliberately to intervene in Hatian affairs. In a very true sense it was forced upon us by that occurrence.

Mr. REED of Missouri. That incident was the reason for landing in Haiti to straighten out that matter, because it is, I frankly state, much better for the United States to have gone in than for France to have gone in. But between going in for a purpose of that kind and staying in and keeping possession of the country, there is all the difference in the world. I think the two questions are entirely disassociated unless we are going to assume that it is our business to take those islands and establish a government and keep them. If so, let us say so and do it frankly and openly and establish a decent government and not a bayonet government.

Mr. KING. Mr. President, will the Senator yield?

Mr. ODDIE. Certainly.

Mr. KING. I did not hear all of the statement made by the Senator from New York [Mr. WADSWORTH], as I was called from the Chamber, and if I misinterpret what he stated I shall be glad to be corrected. I only heard his concluding sentences referring to the occupation by the United States and also his charge that the then President of Haiti was cruel and despotic.

Mr. WADSWORTH. So had they all been before him.

Mr. KING. We will take care of that indictment when it is presented.

Mr. WADSWORTH. May I ask the Senator——

Mr. KING. One question at a time, please. We will attempt to dispose of them to the satisfaction of the Senator from New York.

The President of Haiti had arrested or there had been arrested and imprisoned a number of the best citizens of Haiti. No one can justify the conduct of the then President of Haiti. Pursuant to his orders these citizens were killed while in prison. That so infuriated the populace, including some of the relatives of those who were killed, that they broke into the palace—and that part of the Senator's statement I heard. The President fled and took refuge in a French building. I am not sure whether it was the legation or not.

Mr. WADSWORTH. It was the French Legation, where the minister lived.

Mr. KING. They dragged him from the building and killed him. We can not, of course, condone the offense which was committed by the Haitian people. A tyrant had ruled over them, and after he had butchered a number of Haitian citizens, the people took revenge upon him. We can not justify, of course, either his course or the acts of the people. These cruel deeds call for condemnation.

But the question propounded by the Senator from Missouri is entirely pertinent. These crimes have nothing to do with our continued occupation of Haiti and the control of their political affairs. May I say to the Senator from Nevada, although I have not the record before me and have not read it for three years, that I think he will search in vain the record to which he refers, and which was made when he and I were members of a committee charged to investigate conditions in Haiti, for evidence in support of his statement that the reason ascribed for the military occupation of Haiti was that American interests were jeopardized. As I recall, it was claimed by some American citizens, as well as some nationals of the allied nations, that Germany contemplated utilizing Haitian ports as submarine bases. Undoubtedly such statements or rumors influenced, more or less, some officials of our country. It is my recollection that one of the reasons for sending Admiral Caperton to Haiti was to guard against the possibility of the Germans, or for that matter the Allies, from taking possession of any Haitian ports. The admiral landed marines at Port au Prince and assumed control over the Haitian state and took charge of the Government. From that day until this we have not relinquished our stronghold upon Haiti.

The treaty to which the Senator has referred was negotiated after we had taken possession of the Government and had placed in authority men who would be subservient to the will of the United States.

I submit that the treaty was not in the true sense the voluntary act of the Haitian people.

Mr. ODDIE. Mr. President——

Mr. WADSWORTH. Mr. President, will the Senator from Utah permit a question from me?

The PRESIDING OFFICER. Does the Senator from Nevada yield for that purpose?

Mr. ODDIE. Yes.

Mr. WADSWORTH. May I ask if the article or petition or memorial is signed by a foreigner?

Mr. KING. It is signed by a foreigner.

Mr. WADSWORTH. I desire to call attention to the rule of the Senate in that respect. Paragraph 5 of Rule VII provides:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. KING. It is not a memorial or a petition.

Mr. WADSWORTH. But it is a paper.

Mr. KING. It is a paper.

Mr. WADSWORTH. Mr. President, I raise the point of order that the reception of that article by the Senate is out of order, and, if that point shall be sustained by the Chair and ultimately by the Senate, I shall ask that the article be stricken from the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Chair will rule that the point of order is well taken.

Mr. KING. I want to be heard before the Chair rules.

Mr. ODDIE. Mr. President, may I ask the Senator to yield for a moment?

Mr. KING. Certainly.

Mr. ODDIE. I desire to make an observation. Germany had landed her troops at that time. The record shows that.

Mr. KING. Mr. President, the immediate question before the Senate is the point of order, raised by the Senator from New York. The interpretation placed upon the rule seems to me most remarkable. The rule relates to "petitions" or "memorials" addressed to the Senate by aliens. The paper before the Senate is not a "petition" or a "memorial." It is a memorandum containing certain statements as to the political, industrial, and social conditions existing in Haiti, and the effect which the policy of the United States in dealing with the Haitian people has had upon those conditions. It is not addressed to the Senate—and is here only because I brought it here. I am not offering it as a petition or memorial—but only as a statement of the views of many people as to the matters referred to therein. The words quoted by the Senator from New York "or any other paper" are tied to the preced-

ing words—"petition" or "memorial"—and are kin to them and mean that the "other paper" must be of the nature of a petition or memorial.

Mr. President, it is a novel decision that a Senator may not read or have read something written by a citizen of a foreign country as a part of his remarks. The practice is common in the Senate.

But, Mr. President, let us look at the question from a broader standpoint. Haiti is under the control of the United States; it is deprived of a portion at least of its sovereignty by the United States, who have sent a governor general and military forces to control a foreign country and its people. I challenge the Senator from New York [Mr. WADSWORTH] or any other Senator to declare that when the United States take possession of a country and direct its political affairs and control its government and for that purpose maintain its armies and navies in such country, that a citizen of the latter may not address a respectful communication to an American Senator or to an American newspaper by way of protest against such foreign occupation, and that if such communication was made that it could not be read by a Senator upon the floor of the Senate. I say, with all due respect to the present occupant of the chair, that his interpretation placed upon the rule is unjust and not within the letter or the spirit of the rule.

This is not a communication addressed by a foreigner to the Senate of the United States; this is a memorandum which a representative of certain Haitian citizens handed to me. I present it here as a part of my remarks and ask that it may be read. Obviously I could read it as a part of my remarks.

But a word further on the point referred to a moment ago. Can it be said that we may take possession by force of a country, retain such possession by military authority and power, and that none of the inhabitants of the subjugated people may speak out in protest against our conduct, and that a Senator of the United States may not challenge attention to what he conceives to be the illegal or unconstitutional act of his country, and may not fortify his statement by reading from the written words of a citizen of such country?

To repeat: The memorandum or a "paper," such as is meant by the rule, is not a petition addressed to the Senate of the United States; it is a memorandum which was handed to me. I asked that it be read by the clerk. Consent was given to its being read, and even if it was a petition, it is now too late to object. I ask that it may be considered as part of my remarks. I submit, with all due respect to the Chair, that in his ruling the Chair is in error.

The PRESIDING OFFICER. The Chair will call the attention of the Senate to the fact that the rule reads:

> But no * * * other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. KING. I will strike out the signature and present the paper as a part of my remarks. I will state now that that document was written by Mr. Perceval Thoby, a respectable lawyer in Haiti, and former charge d'affaires of that country to the United States when Haiti was free and when it was not under the domination of the United States.

Mr. REED of Missouri. What is the number of the rule which has been cited?

Mr. WADSWORTH. It is Rule VII.

The PRESIDING OFFICER. It is paragraph 5 of Rule VII; the last clause of that paragraph. The Chair has ruled that the point of order made by the Senator from New York [Mr. WADSWORTH] is well taken.

Mr. REED of Missouri. Mr. President, the Chair having ruled on this question, perhaps it is just as well to appeal from the decision of the Chair and have the matter settled by a vote of the Senate. I have not the slightest doubt that the rule recited has no application whatever to this case. If the Chair regards his ruling as final, there is no use of arguing with the distinguished Senator who is in the chair.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Missouri appeals from the ruling of the Chair?

Mr. REED of Missouri. I appeal from the ruling of the Chair, and I raise the question of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Ferris	Heflin	La Follette
Bratton	Fletcher	Howell	Lenroot
Brookhart	Frazier	Johnson	McKellar
Capper	George	Jones, Wash.	McMaster
Copeland	Goff	Kendrick	Metcalf
Couzens	Gooding	King	Nye
Oddie	Schall	Standfield	Williams
Overman	Sheppard	Wadsworth	Willis
Pepper	Shipstead	Walsh	
Reed, Mo.	Smith	Warren	

The PRESIDING OFFICER. Thirty-eight Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. CAMERON, Mr. CARAWAY, Mr. HARRIS, Mr. PHIPPS, Mr. RANSDELL, Mr. SIMMONS, Mr. TRAMMELL, and Mr. WHEELER answered to their names when called.

Mr. BLEASE, Mr. BORAH, Mr. DILL, Mr. EDGE, Mr. HALE, Mr. HARRELD, Mr. MAYFIELD, Mr. MCNARY, Mr. NORRIS, Mr. PINE, and Mr. SMOOT entered the Chamber and answered to their names.

Mr. BRATTON. I desire to announce that the senior Senator from New Mexico [Mr. JONES] is absent on account of illness.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, there is a quorum present.

Mr. FLETCHER. Mr. President, without meaning to concur at all in the views expressed by the Senator from Utah [Mr. KING] with reference to blame attaching to the United States for being in Haiti, and without indorsing the statements made in this memorandum, I desire to submit just a word in opposition to the ruling of the Chair. I think the Chair is in error in ruling in accordance with the point raised by the Senator from New York [Mr. WADSWORTH].

I was in Haiti and Port au Prince in 1916 as a member of the Joint International High Commission on its way to Buenos Aires, and I saw the situation there, and I ascertained some of the facts with reference to our landing at Port au Prince about a thousand marines under Admiral Caperton; and I can verify the statements made by the Senator from New York as to what had occurred just prior to that, and the conditions there. The former President had ordered a lot of people taken out of prison and stood up against the wall and shot, and there was a revolution, and they went after the President, and they finally found him in the house occupied by the French Legation. They took him out and they parceled out various portions of his body as souvenirs, and so forth. There was a terrible situation there; and the head of that revolution, exercising all authority and control in the midst of that excitement, was approached when our marines landed, and said he was perfectly willing to cooperate with the Americans in restoring order in the island.

Subsequently this treaty was made, and our occupation has continued. I am not prepared to state but that it was the very best thing that ever could have happened to Haiti; but this point is raised now with reference to the memorandum which has been submitted to the Senate by the Senator from Utah.

I hold, in the first place, that Rule VII, paragraph 5, applies to petitions or memorials or papers in the nature of petitions or memorials. This is not a petition addressed to the Senate or addressed to anybody. It is not praying for some relief, something to be granted the petitioner. It is a memorandum submitted by the Senator from Utah, setting out certain facts and conditions from the standpoint of the author of the memorandum, and is offered as part of his remarks.

The rule says:

> Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents and shall be presented and referred without debate.

Of course, that part so far has no reference to this document; but the Chair, I take it, has the impression that the latter part of paragraph 5 does apply to this paper:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

That, I take it, is the basis of the Chair's ruling; but it must be construed in connection with the other provisions of that paragraph which have to do with petitions or memorials, and a paper such as is referred to in the second part of the paragraph in my judgment must be a paper of that nature or character.

I do not think that any paper signed by any citizen or subject of a foreign country is to be ruled out, not received, or is to be condemned by this rule, unless it be a paper in the nature and character of a petition addressed to the Senate. In that event it comes under the condemnation of the rule; but a mere memorandum or statement furnished to a Senator not addressed to the Senate at all and used by him as a part of his remarks in stating his position with regard to certain

affairs, happening to come from a subject of a foreign country, is not within this rule at all.

Turning to section 19 of Jefferson's Manual you will see at page 251:

> A petition prays something. A remonstrance has no prayer.
>
> Petitions must be subscribed by the petitioners unless they are attending—

And so forth; and then:

> Regularly, a motion for receiving it must be made and seconded, and a question put, whether it shall be received. But a cry from the House of "Received," or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

This memorandum has already been received. The point can not be made now, after it has actually been received by the Senate and been read at the desk, that it should not be received. It comes too late. The paper has already been received. The only time when the question could have been raised at all was when it was offered, and the Senator from Utah asked that it be read, and the Chair put the question: "Is there objection?" There was no objection, and it was read. It has been received. It is too late now to raise the point that it can not be received.

Mr. SMOOT. A motion can be made to strike it out.

Mr. FLETCHER. That is another matter; but the objection is under Rule VII, paragraph 5, which applies to its reception only. It takes a motion to strike it out. That is another question. I submit that it has already been received, and that the point of order is not well taken on that ground, as well as the fact that it is not in the nature of petition or a paper such as comes within the contemplation of the rule.

Mr. WADSWORTH. Mr. President, this matter came up rather suddenly; but, suddenly as it did come up, I think it is of a great deal of importance, and I hope the Senate will give it serious consideration.

The Senator from Florida [Mr. FLETCHER] has just discussed paragraph 5 of Rule VII and has placed his interpretation upon it. It is true that the first sentence of paragraph 5, relating to the method of presenting and referring petitions and memorials, uses only the words "petition" and "memorial." The second sentence, however, which relates entirely to the rights of foreigners in this respect, adds to the words "petition or memorial" the words "or other paper."

The men who wrote that rule must have had something in mind when they decided to add the words "or other paper." I take it that it was in their minds that they did not intend to permit any foreigner, no matter by what agency, to insert his ideas in the CONGRESSIONAL RECORD except by unanimous consent of the Senate or suspension of the rule.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. The Senator will recall that in all of our water-power debates innumerable articles, signed articles, and quite a number of them signed by Canadians, who are foreigners to our system of Government, have been included in the RECORD in exactly the same way. That has been the uniform custom for many years.

Mr. WADSWORTH. It may be that in the past papers signed by foreigners have been presented and printed in the RECORD. I do not understand, however, that in any of those cases a protest was made and the rule invoked as I attempted to invoke it this afternoon after I found that this particular paper was signed by a foreigner.

Mr. WALSH. Mr. President——

The PRESDIING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. WADSWORTH. I yield.

Mr. WALSH. In the World Court debate I read a letter which I had from the Hon. Max Huber, the president of the Permanent Court of International Justice, a citizen of the Republic of Switzerland. I wrote to him to ask him for some information, and he answered my letter, and I read the letter here in the Senate. Did I offend against the rule?

Mr. KING. Mr. President, before the Senator answers that question, will he pardon me? The Senator will recall that when we were debating the immigration law a year ago, or a little more, the late Senator Lodge read on the floor of the Senate a statement from the Japanese ambassador, or some representative of the Japanese Government, and that was such a powerful argument to some of our friends here that it persuaded many to vote a certain way, when if it had not been for that I am sure they would have voted a different way.

Mr. WADSWORTH. Then, I think, if that is the case, it is unfortunate. I think this rule was framed to stop that kind of influence upon the American Senate and the American people by foreigners.

Mr. KING. The Senator will recall that when we were debating the League of Nations the late lamented Senator Knox read statements, as did Senator Lodge and other Senators, in opposition to the treaty of Versailles, as well as those who were proponents of it, scores of statements, letters, and communications from foreigners with respect to the League of Nations and what its effect would be upon our country and upon the world. No one ever thought of objecting. They were not petitions addressed to the Government or to the Senate. They were communications, sometimes to individuals, sometimes signed articles, and they contained matters which were considered germane to the subject under consideration, and they were read freely in the Senate.

I beg the Senator's pardon for interrupting him.

Mr. WADSWORTH. Mr. President, there is no doubt whatsoever that letters or papers coming from foreign sources, and signed by foreigners, written by foreigners, have been read here. That does not mean that those incidents were not in violation of this rule. It may be that in most instances it is not profitable or necessary to invoke the rule. I do, however, beg leave to invoke it in this case.

This paper which has been presented here and read, which we learned later was written by a foreigner, is a bitter attack against the United States Government. It sets forth charge after charge against our officials, our servants, affecting at least two administrations of this Government, that of Mr. Wilson and that of Mr. Harding. It makes no difference to me what administration is attacked, whether it is Republican or Democratic; I do not propose to sit here in the Senate and permit a document prepared by a foreigner, attacking the Govment of the United States, to be inserted in the CONGRESSIONAL RECORD and distributed over this country, using the RECORD as a funnel through which to pour out charges against ourselves as a Government all over this country, when I believe it is in contravention of this rule, which says that no paper shall be presented coming from a foreigner or a foreign subject.

It may be that in most cases there is no reason to complain, but in this case I believe the rule should be invoked. That is why I have taken that action.

I hold in my hand the Precedents and Decisions on Points of Order, United States Senate, 1789 to 1913, by Gilfry. On page 468 I find this notation:

> Thirty-seventh Congress, third session, January 26, 1863.
>
> Mr. Foster presented papers signed by British subjects. Ruled not in order to present communications emanating from citizens of a foreign government.

Mr. REED of Missouri. Mr. President, as I made the appeal, I would like to be permitted to say just a word touching this question. I think when we get the facts clearly in our minds most of the difficulties will be removed.

The facts were that the Senator from Utah [Mr. KING] made some remarks, and then in support of his remarks sent forward a document which he asked to have read, this document which I hold in my hand, and to which I will call attention in a moment. When the reading was concluded the Senator from New York [Mr. WADSWORTH] inquired whether the Senator from Utah stood sponsor for the statements contained in the document. The Senator from Utah stated in substance, without saying that he stood sponsor for every statement made in the document, that he did stand sponsor for certain statements of facts with which he was familiar, and he named a great number; indeed, in a general way, he covered the substance of what is laid down in the document.

After that had been done, and after the Senator from Nevada [Mr. ODDIE] had resumed the floor, the Senator from New York rose and called attention to paragraph 5 of Rule VII, and raised the point of order that that document in question was a petition from a citizen of a foreign government, and could not be received.

Mr. WADSWORTH. I hope the Senator will not say that I used the word "petition."

Mr. REED of Missouri. The paper, the document.

Mr. WADSWORTH. And it was after inquiry of the Senator from Utah if the author was a foreigner.

Mr. REED of Missouri. The point of order was raised after the document in question had been read without any objection or protest. So that presents this sort of a question: Can a Senator have read, as a part of his remarks, a paper which is written and signed by a foreigner? It does not present the question which would come within the rule. The rule is aimed at petitions or papers in the nature of petitions

which come to the Senate for action upon the petition or the paper.

I think that is made very clear if we read a little more of Rule VII.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED of Missouri. It will help so much if I may be permitted to state my position without interruption. Then I will yield for any question.

Rule VII, which lays down the order of proceedings for morning business, provides that—

> The Presiding Officer shall then call for, in the following order: The presentation of petitions and memorials.

That means petitions to the Senate for action, and memorials to the Senate for action upon those documents.

Again it is provided:

> It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee—

And so forth.

Then, in paragraph 4, it is provided that—

> Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

So that what is contemplated is a document of such a nature as can be referred to some one of the committees for action upon it.

Then we come to paragraph 5, the one in question:

> Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.
>
> 6. That only a brief statement of the contents, as provided for in Rule VII, paragraph 5, of such communications as are presented under the order of business, "Presentation of petitions and memorials," shall be printed in the CONGRESSIONAL RECORD; and that no other portion of such communications shall be inserted in the RECORD unless specifically so ordered by vote of the Senate—

And so forth.

What are we talking about and dealing with in that language? It seems to me that it is perfectly plain. We are dealing with that class of petitions which citizens of this country, or bodies of this country, might send here, addressed to the Senate, asking the Senate for action, and they can be called petitions, memorials, or other papers, and that clause occurs in several places. They are to be referred without debate. But such petition can not be sent here by a foreign country, or by a citizen of a foreign country, unless it is sent by the President to this body for the official action of this body, which is contemplated.

But who has ever heard the claim that a Senator of the United States can not introduce, as a part of his remarks, any kind of a paper he sees fit to introduce, coming from any source whatsoever, he, of course, having to take the responsibility of introducing nothing that is treasonable, or indecent, or offensive to public morals and good taste.

Mr. President, according to the contention now being made, if it came to a Senator's knowledge that a foreign country was massing troops, putting them aboard its ships, and preparing to attack this country, if that were communicated to him by a cable message or a letter signed by a foreigner, he could not stand on the floor of the Senate and warn us of the danger to our country, and produce in evidence that document, because it would be signed by a foreigner. He could not read the newspaper comments of other countries, he could not even read a declaration of war that had been made against us, or the order to a military commander.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. We could only receive that if the President saw fit to send it to us. I yield.

Mr. HEFLIN. In a case of that sort an executive session of the Senate could be ordered, and the matter could be presented to Senators when the public would not be present.

Mr. REED of Missouri. No; in a case of that sort the document would still be barred by this construction of the rule, because it would come from a foreign source.

Mr. HEFLIN. Unanimous consent could probably be obtained.

Mr. REED of Missouri. It might be; but is it necessary to have any such situation as that?

I submit that this rule applies to a petition or document addressed to this body for the action of the body, in which some foreigner is undertaking to ask things from the American Senate or to lay something before the American Senate for its action; but that a Senator, as a part of his remarks, taking the full responsibility for his act, as he must do, can, as a part of his remarks and as evidence of the truthfulness of his statements, read any paper coming from any source whatsoever.

Mr. GEORGE and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED of Missouri. I yield to the Senator from Georgia.

Mr. GEORGE. Before this paper could come under the rule it must be a petition or memorial or paper presented by or on behalf of a foreign citizen. If presented by a Senator on his responsibility, in whatever form, it could not be affected by the rule.

Mr. REED of Missouri. The Senator has stated the matter very accurately, and his statement affords the very preface I desired to now state the facts.

Let me read the paper, not all of it, but the beginning of it:

> Memorandum of Perceval Thoby, former Haitian chargé d'affaires at Washington, official representative of 61 committees of the Patriotic Union of Haiti.

Then beneath that:

> The indictment of present conditions in the Haitian Republic falls under five main heads, as follows:

Then follows the statement:

1. Popular elections deferred.
2. Depreciation of Haitian currency.
3. Changes in land laws.

I am abbreviating this abstract.

4. Increase in prostitution.
5. Extension from 10 to 20 years of treaty of 1918.

So it runs on at considerable length. It is dated at Washington, March 5, 1926, and is signed "P. Thoby."

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED of Missouri. In a moment. The Senator from Utah had that read as a part of his remarks and then vouched for the paper. It is now proposed that it be stricken from the RECORD, after it has been received without objection.

Mr. ODDIE. Mr. President, I want to ask the Senator from Missouri if he does not think that the statement in question was presented to the Senate for the purpose of influencing the action of the Senate on the resolution of the Senator from Utah which he has said will be presented to-morrow?

Mr. REED of Missouri. I have not any doubt that the Senator from Utah had some reason for introducing the paper. I have not any doubt he introduced it as evidence to sustain something he had done or intends to do. I have not any doubt that a Senator has the right to introduce any document, taking the responsibility for its introduction, for any purpose relating to the action of the Senate.

Mr. ODDIE. Mr. President, I have two reports relating to the American occupation of Haiti—one of last year and one of this year, which has just been received. I ask that they may be made a part of the RECORD.

Mr. McKELLAR. Are they signed by a foreigner?

Mr. KING. Will the Senator permit an inquiry?

Mr. ODDIE. Yes.

Mr. KING. In these reports does the name of Mr. Borno appear, the de facto or alleged President of Haiti?

Mr. ODDIE. Yes.

Mr. KING. He is a foreigner, is he not?

Mr. ODDIE. Yes; but it appears in an entirely different form from that of the statement the Senator from Utah has had read. This is not a report of Mr. Borno. It is a report of an American official.

Mr. KING. But it contains the statement that Mr. Borno is the alleged president of the de facto Government of Haiti?

Mr. ODDIE. Yes; but it is the statement of an American official.

Mr. KING. It is the statement of an American official, but there is also the statement of Mr. Borno and other Haitians.

Mr. REED of Missouri. Mr. President, will the Senator permit an inquiry?

Mr. ODDIE. Certainly.

Mr. REED of Missouri. Is the Senator from Utah an American official?

Mr. ODDIE. Yes.

Mr. REED of Missouri. If the statement of an American official gives sanction and makes proper the statement of one foreigner, why does it not do so as to another?

Mr. ODDIE. I contend that the conditions are entirely different, because this is an official statement from our own Government.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. McKELLAR. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ODDIE. Mr. President, I want to make one further statement.

Mr. McKELLAR. Mr. President, I will withdraw the objection and let the reports go in.

Mr. ODDIE. Mr. President, aside from the question of how we got into Haiti, the American occupation forces have been of tremendous benefit to Haiti and to its people. They have exercised humane methods; they have educated the people; they have introduced methods of educating them in agriculture and home economics; they have increased the revenues and made the country prosperous and in every way they have been a decided benefit to the Haitian people. The reports which I have just asked to have placed in the RECORD give an excellent summary of what our occupation forces have done in the last two years.

The PRESIDING OFFICER. Without objection, the reports will be received and placed in the RECORD.

The reports are as follows:

RELATIONS WITH HAITI

THE TREATY OF 1915

The treaty concluded between the United States and Haiti September 16, 1915, ratified by the Haitian Congress November 11, 1915, and to the ratification of which the Senate of the United States unanimously gave its advice and consent February 28, 1916, provided—Article I—that "The Government of the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral, and commercial resources and in the establishment of the finances of Haiti on a firm and solid basis." The remaining articles of the treaty set forth the methods by which these ends are to be accomplished. A copy of the treaty is annexed.

THE EXTENSION OF THE TREATY IN 1917

Article XVI of the treaty reads: "The present treaty shall remain in full force and virtue for the term of 10 years, to be counted from the day of exchange of ratifications, and further for another term of 10 years, if for specific reasons presented by either of the high contracting parties, the purpose of this treaty has not been fully accomplished." The exchange of ratifications took place May 3, 1916.

On March 1, 1917, the Haitian Government requested the good offices of the United States in securing for Haiti a loan of $30,000,000 for the purpose of refunding and consolidating the existing public debt, and to provide for public works and improvements necessary to the development of the country's resources. In order that the projected loan might be arranged upon terms most advantageous to Haiti, that Government notified the United States of its desire to exercise the option conferred by Article XVI of the treaty, thus extending the treaty until May 3, 1936. The considerations which prompted this action are obvious. Haitian bonds in any large amount could not be placed advantageously unless the prospective purchaser could have assurance that such bonds would be properly secured as to payment of interest and amortization. This security was fully provided as long as the participation of the United States in the administration of Haitian affairs within the scope of the treaty should continue. That participation would, however, cease in 1926 unless it should be extended by agreement between the two Governments. A loan of the amount proposed for a period of less than 10 years was out of the question. On the other hand, provision for the possible prolongation of the treaty was contained in that instrument itself.

An additional act—copy attached—covering this extension of the treaty was signed at Port au Prince March 28, 1917. It was not necessary to submit this agreement to the United States Senate, inasmuch as that body had already given its approval to the treaty of which the provision for extension by supplementary agreement was an integral part.

THE PROTOCOL OF OCTOBER 3, 1919

Arrangements for the loan above referred to were impeded by conditions arising out of the war in Europe, and it was not until 1919 that the matter again became the subject of active consideration. As the funding of the Haitian debt, including internal as well as external obligations, was a problem that could not be considered apart from that of determining the total amount of such indebtedness, it was felt that any arrangement for the floating of a loan should comprehend a plan for the adjustment of the many outstanding claims of foreign nationals against the Haitian state. An agreement providing for the organization of a claims commission and specifying the conditions under which Haiti should issue bonds to the extent of not more than $40,000,000 was accordingly entered into October 3, 1919. This agreement, which was signed by the American minister at Port au Prince and the Haitian minister for foreign affairs, and a copy of which is annexed, provided for the continuance during the life of the contemplated loan of supervision over the collection and allocation of the hypothecated (customs) revenues of Haiti by a person appointed by the President of Haiti upon nomination by the President of the United States.

The authority of the executive branch of the United States Government to conclude such an agreement was derived from Article XIV of the treaty of 1915, which empowers the high contracting parties "to take such steps as may be necessary to insure the complete attainment of any of the objects comprehended in this treaty." To insure the financial rehabilitation of Haiti, one of the most important objects comprehended in the treaty, the continuance of United States customs supervision appeared necessary. The execution of a protocol with the United States for the settlement of foreign claims against Haiti had been specifically agreed to by Article XII of the treaty.

THE LOAN OF 1922 AND THE FINANCIAL REHABILITATION OF HAITI

The revival of commerce following upon the termination of the European war enabled the Government of Haiti in June, 1920, to resume service of its foreign debt, which had been suspended for several years. At the same time plans were worked out for a refunding of the entire public debt by means of the before-mentioned loan. The flotation of the loan was, however, rendered difficult, both by financial conditions in the United States and by friction between the American financial adviser and the Haitian Government, but the difficulties were finally overcome and the issue of the first series of the loan, to the amount of $16,000,000, was agreed upon by the two Governments in June, 1922. Public bids were solicited and the loan was awarded on September 28, 1922, to the National City Bank of New York, which bid 92.137 for the 6 per cent 30-year bonds that were offered. From the proceeds of this loan the Government has arranged to refund the entire outstanding foreign debt, amounting to more than 80,000,000 French francs, at a cost of about $6,000,000, due to the depreciation of francs at the time of purchase. The amount remaining to the credit of the Haitian Government, together with the proceeds of an internal bond issue of $5,000,000, is being employed for the liquidation of the internal and floating debt and for the settlement of awards made against the Government by the Claims Commission. A third series of bonds in the amount of $2,660,000 was authorized in December, 1923. These bonds are to be issued in exchange for bonds of the National Railroad of Haiti under an arrangement with the bondholders of that corporation.

The net public debt of the Republic was $21,772,684.08 at the close of the last Haitian fiscal year (September 30, 1925). This represents a considerable reduction of the bond issues just described. In 1915 the public debt amounted to approximately $36,000,000. These figures speak for themselves, although it should be noted that a large number of claims against the Haitian Government remain to be decided by the claims commission, and that if the awards of the commission necessitate the payment of large sums by the Government its financial position will be somewhat less favorable.

That the public credit of Haiti is increasingly well regarded by investors both at home and abroad is indicated by the fact that all three series of the bonds outstanding have shown an appreciable advance in market price during the year; series A having advanced from 92 on September 30, 1924, to 96 on September 30, 1925; series B from 68 to 78; and series C from 89 to 92. (Series B bonds are subject to Haitian income tax). Incidentally it may here be stated that Haitian revenues for the fiscal year ended September 30, 1925, totaled more than $8,000,000, an amount unequaled since the year 1890–91.

THE AMERICAN ORGANIZATION IN HAITI

This organization consists of a high commissioner, holding the rank of an ambassador, and under his supervision five departmental officials, viz, a financial adviser and general receiver of customs, a chief engineer of public works, a chief engineer of the sanitary service, a chief agricultural engineer, and a chief of gendarmerie, each acting in cooperation with the corresponding member of the cabinet ministry of the Republic of Haiti. A number of American experts assist each of these officials.

There is also in Haiti one brigade of United States marines composed of 59 officers and 916 men, who are concentrated at Port au Prince, the capital, and at Cape Haitien, the second city of the Republic. Public order, however, is maintained entirely by the gendarmerie of Haiti, the enlisted personnel of which is exclusively Haitian, but a majority of whose officers are Marine Corps officers and enlisted men, to the number of 28 and 80, respectively.

Until 1922 these officials appointed under the treaty had worked independently of one another and with only a small measure of supervision by the American Government. They did not always cooperate with one another, and there was consequently occasional friction among the officials themselves and between them and the Haitian Government. With the object of attaining better coordination and more efficiency the President, in February, 1922, appointed Brig. Gen. John H. Russell, United States Marine Corps, as high commissioner with the rank of ambassador, with power to supervise the activities of all of the treaty officials and to act as the channel through which those officials should communicate on important matters with the Haitian Government and with the Department of State. The appointment of the high commissioner has done much to place the relations between Haiti and the United States on a more satisfactory basis.

There is attached hereto a summary of the outstanding accomplishments of the American intervention in Haiti during the last 10 years.

SUMMARY OF OUTSTANDING ACCOMPLISHMENTS OF THE AMERICAN INTERVENTION IN HAITI DURING THE PAST 10 YEARS

FOREWORD

It is difficult to present in summarized form the outstanding accomplishments of the 10 years of American intervention in Haiti, for the reason that in order to understand and appreciate the importance and magnitude of each particular accomplishment, it is necessary that one should have a thorough insight into Haitian history, Haitian politics, Haitian economics and finance, as well as the conditions that existed immediately prior to and at the time of the American intervention. Without such knowledge, it is almost impossible to appreciate the results that have been attained. For example, consider the question of the establishment of peace throughout Haiti. For a person who is not conversant with or has only a superficial knowledge of Haitian affairs, it is impossible to realize the far-reaching effect and importance of this accomplishment.

POLITICAL

1. The conclusion of a treaty between the United States and the Republic of Haiti, with the object of confirming and strengthening the amity existing between them by the most cordial cooperation in measures for their common advantage, as well as to remedy the condition of the revenues and finances of Haiti, to maintain the tranquillity of the Republic, and to carry out plans for economic development and prosperity of Haiti and its people.

2. The organization of a constabulary force named the "Gendarmerie of Haiti," and organized to replace the old Haitian Army and communal police forces, which were notoriously inefficient.

3. The holding of a plebiscite and the adoption of a new constitution (June, 1918). Prior to the voting on the constitution, it was carefully explained to the inhabitants by the "conseiller d'agriculture" and other Haitian officials, and it is probably the only time in the history of Haiti that a free and unrestricted vote has been given by the people.

4. The signing of a protocol between the United States and Haiti in 1919, arranging for the settlement of the numerous outstanding debts and claims against the Haitian Government, some of which were of many years standing.

5. The suppression of banditry throughout the entire Republic.

6. The establishment of the rural police as an adjunct of the gendarmerie.

7. The signing of an agreement between the Republic of Haiti and the United States regarding the employment of engineers for agricultural and vocational training.

8. The appointment of a high commissioner to have general supervision over all treaty officials, to coordinate their work in order that the purposes of the treaty might be more fully accomplished, and the administration for which the treaty provides might be more efficiently conducted. The organization of the treaty officials in order to bring about the above-desired results.

9. The gradual withdrawal of the United States forces of occupation and the strengthening and improvement of the gendarmerie of Haiti. The turning over to the gendarmerie of the posts formerly occupied by the United States forces of occupation and the concentration of United States forces, greatly reduced, at Cape Haitian and Port au Prince.

10. The holding of an absolutely free election for President (1922), with possibly one exception, the only absolutely free election for President ever held in Haiti.

11. The unparalleled spectacle of the inauguration of the new President and his receiving the reins of office from the outgoing official.

12. The drafting of an elaborate plan and the passage of a law reorganizing the National Railroad of Haiti, having for its principal object the classification of financial relations between the railroad company and the state; the extension of trackage, rolling stock, etc. It might be stated without exaggeration that since the plan of reorganization was worked out and by law put into effect the National Railroad has entered on an era which gives promise of new growth and large usefulness, while the state has been relieved from the obnoxious guaranty of interests.

FINANCE

FOREWORD

One of the chief aims of the treaty was the stabilizing of Haitian finances. At the time of the American intervention in Haiti the financial situation was almost as chaotic as the political. It was apparent that one of the first steps to be made in the stabilizing of Haitian finances was the flotation of a loan which would make it possible to refund and consolidate the then existing public debt. The result of such refunding would be to secure for current expenditure income that was pledged and segregated for the payment of amortization and interest on the public debt, provide for the payment of claims against the Haitian Government, and secure for public works and improvements funds necessary to the development of the resources of the country.

Furthermore, the placing of Haitian finances on a firm and solid basis necessitated the devising of a method for providing internal revenue and the inauguration of an adequate system of an audit and control of Haitian revenues in general.

The accomplishments under this heading during the past 10 years have been such as to greatly enhance the credit of Haiti. The receipts for the fiscal year just closed have been the greatest, except for one year, in the history of Haiti, and the indications for the present fiscal year lead to the belief that it will be a banner one.

1. The public debt has been reduced from 153,861,068.85 gourdes to 115,231,263.80 gourdes.

2. Claims against the Government have been paid or refunded or are in the process of settlement by the claims commission. Reserves for the payment of all its awards have been set aside.

3. The currency, formerly subject to violent fluctuations, has been stabilized. All Government paper money has been retired and a reserve fund has been created for nickel subsidiary currency. The fiduciary Government currency has been replaced by national-bank notes secured by a reserve.

4. The Government guaranteed indebtedness to the National Railroad of Haiti has been converted into direct indebtedness of the Government and a comprehensive plan of reorganization has been effected with considerable saving to the Haitian Government and improvement of the railroad.

5. Numerous changes in the debt structure have been made with the result that the debt service, including expenditures of the receivership and various administrative expenses secured by pledges of revenues, now absorb about 37 per cent of the revenues compared with debt charges of about 76 per cent of the revenues prior to the American intervention. Debt charges and current expenses as well are now promptly paid. Prior to the American intervention both were in arrears. Since the American intervention all arrears of both classes have been liquidated.

6. The budget has been balanced and current expenses are required to be kept within current revenues. Deficits covered by borrowings or issues of paper money are no longer permitted. A large proportion of the revenue is devoted to public works, sanitation, and agriculture, while prior to the intervention the expenditures for these purposes were negligible.

7. Instead of constant heavy bank borrowings, on which high interest rates were paid by the Haitian Government, there has been substituted a treasury position under which the Government has bank balances fluctuating around 25,000,000 gourdes, upon the great part of which interest is received.

8. Cash reserves have been created as precaution against slumps in revenue, and these reserves are used at the beginning of each year to make advance payment on the entire debt service for the year, thus saving an accrual of interest by retiring indebtedness in advance of the due date.

9. The system of disbursements has been completely reorganized, all payments being made directly to the creditor, principally by check. Government employees and other creditors are paid promptly, as contrasted to the former system, under which delayed payments resulted in forcing an employee or other creditor to sell his salary or other claim against the Government at large discounts.

10. A modern system of government accounting has been instituted including preaudit of disbursements and the simplification of methods of vouchering and warranting. The old system of budgeting in two currencies, dollars and gourdes, has been replaced by a budget in one currency only—gourdes.

11. Graft and inefficiency have been eliminated from the customs service. A revision of the import tariff has been prepared and awaits action by the legislative body. This revision, a stupendous work, will result in a more equitable distribution of the burden of customs duties and will give increased protection to national agriculture and industry without increasing the total revenue derived from imports. Customs properties have been maintained in efficient operating condition, and new warehouses and customhouses constructed where required. In Port-au-Prince the "Palace of Finance" has been constructed to house all the financial activities of the Government, formerly widely scattered in rented buildings.

12. A law reorganizing the internal-revenue service has been passed, and that service has been placed under American control. Internal revenues have been increased from 543,610.05 gourdes in the first year of the American intervention to 4,089,926.19 gourdes during the fiscal year just closed, which was the first full year during which the internal-revenue service was in operation under American supervision. This increase of over 700 per cent in internal revenues has been accomplished primarily by increased honesty and efficiency of collections without any material change in tax legislation.

13. Complete records of Government expenditures are kept and promptly published, contrasted with incomplete and unreliable records prior to American intervention, which, if published at all, were invariably several years late.

14. An accurate and detailed record of statistics of imports and exports has been instituted. Prior to the American intervention there were no accurate statistics of foreign trade.

15. A monthly bulletin has been established and published in both French and English. It contains a summary of the activities of the services under the management of the treaty officials; a balance sheet showing the cash resources and obligations, and also the financial and commercial statistics for each month of the year compared with the same period of the preceding year. This bulletin is distributed to the merchants and officials in Haiti and in foreign countries.

16. A purchasing organization with a purchasing agent in New York has been established, the services of which are available to all branches of the Government and result in important economies being made.

17. Pension legislation has been improved and pensions are now granted only to functionaries who have the required service and otherwise meet the legal requirements, contrasted with the former practice of granting pensions as favors.

18. The offices of financial adviser and general receiver have been combined, both functions being performed by one official.

PUBLIC HEALTH

FOREWORD

Prior to the American intervention public-health work in Haiti did not exist. Matters of health and allied affairs were under the direction of a central body, having local subsidiary bodies, all known as the "Jury Medical," which consisted of a group of medical men. This organization practically existed in name only. The sanitary condition of the country, particularly of the more settled places, towns, and cities, was extremely bad. Flies and mosquitoes bred freely in their numerous habitats and no attempt was made to prevent their propagation. Natives, with most all types of tropical diseases, paraded the streets and frequented markets and public places. The condition of the markets was indescribable.

There were a certain number of so-called hospitals in the larger towns. They were hospitals in name only, being but places of refuge for those about to die. They were equipped with the most meager of supplies. Patients suffering from all kinds of diseases and conditions were huddled together in the same rooms, sleeping on the floors.

1. The sanitary engineer was appointed and a law was passed creating the public health service.

2. Sanitary rules and regulations as well as quarantine regulations were drafted, approved, and published. A school for the training of Haitian nurses, of which there were none in Haiti, was organized and is yearly graduating trained and efficient nurses.

3. Public latrines have been built in large towns and the number of private latrines greatly increased.

4. Hospitals have been taken over by the public health service. The hospitals have been improved. Modern operating rooms, laboratories, and new wards have been built where necessary. The hospital in Port au Prince has been made into the Haitian General Hospital and is gradually being developed into an institution capable of treating not only the sick in the immediate neighborhood but chronic cases from all over Haiti. An epidemic of smallpox was fought and a large per cent of the population vaccinated. A compulsory vaccination law was enacted.

5. A general poorhouse was opened in Port au Prince.

6. Rural clinics were initiated and have developed and grown to be a very important part of the public health service.

7. Numerous sanitary improvements have been effected. In the large cities garbage and refuse have been hauled from the houses and properly disposed of, and street cleaning put in force.

8. A new hospital was erected at Hinche, in central Haiti, where formerly there was no hospital nor medical facilities within a radius of 80 miles.

9. A more or less extensive survey of mosquito breeding has been extended over all the Republic and in the larger cities marked progress has been made in extermination of the anopheles albimanus, the malaria carrier in Haiti. For example, in Port au Prince the entire lower section that was in 1915 a continuous swampy tract has now been filled in and drained. Similar activities have been carried on in other sections of the Republic.

10. In the larger communes the use of the privy has been made nearly universal.

11. A general system of school inspection has been introduced, particularly to check up on vaccination, and in malaria districts to determine the extent of malaria. In the worst sections a splenic index of from 50 to 80 has been found. It is remarkable how the operation of these schools improves under the administration of quinine to the pupils.

12. There has been a tremendous development during the last 10 years in the actual medical attention afforded the people. In 1915 there were a few poorhouses operating under the name of hospitals in some of the larger cities. To-day, Port au Prince, Cape Haitian, Hinche, Aux Cayes have hospitals of bed capacities from 100 to 400. These hospitals are equipped with modern appliances and facilities, including X-ray departments, laboratories, operating rooms, and dispensaries. Towns such as Gonaives, Jeremie, and Jacmel have smaller, but nevertheless modern institutions, while the old structures at St. Marc and Petit Goave and Port de Paix will shortly be replaced with better buildings.

13. A building program will supply the smaller communes along the coast and in the interior with dispensaries where proper treatment may be given, either by the local doctor or by a visiting public-health officer.

14. Twenty rural standard dispensaries are nearing completion. In addition, 100 places are visited several times a month by medical officers, and clinics held. Thus, over 35,000 people are seen each month. The educational value of this massive treatment, aside from its purely medical importance, is tremendous. The country districts where voodooism was rampant are being invaded by modern ideas regarding sickness and health.

15. Negotiations are being carried on for sites for a modern quarantine station, an asylum for the insane, a hospital for lepers, and homes for indigents and orphans, all of which are institutions which are sorely needed in Haiti.

16. Negotiations are also under way for compelling medical students to take advantage of clinics and laboratory facilities offered by the Haitian General Hospital.

17. The international health board of the Rockefeller Foundation has, for the past year and a half, had its representatives in Haiti for the purpose of making a medical survey of the country, and the public health service has cooperated with these officials.

PUBLIC WORKS

FOREWORD

At the time of the American intervention there was no definite organization for carrying out the few public improvements that were undertaken. A number of engineers, citizens of Haiti, were attached to the ministry of public works and were assigned to particular projects in a more or less haphazard and desultory fashion.

There was no accurate system of accounting for expenditures, and the public works of the country as a whole, such as they were, were in a deplorable condition. The organization of a technical department with a proper accounting system and an efficient professional personnel for carrying out the work of this department was therefore of primary importance. The existing public works were few. There were practically no roads connecting the cities and towns, and as a consequence communication was most difficult. In view of this difficulty, the interior of Haiti was practically unknown to those living on the seacoast or in the port towns. The construction of roads became, therefore, one of the first objects of the American intervention, as without good communications it was impossible to obtain and maintain tranquillity throughout the country. After the roads, the trails must be improved in order to facilitate the bringing of the produce to the main arteries. As commerce increased, the telephone and telegraph system had to be improved and expanded in order to meet the increased demands.

1. Appointment of an engineer in chief and the passage of a law organizing the "Direction Generale des Travaux Publics," under the control of the engineer in chief.

2. The construction of slightly over 1,100 kilometers of national highway.

3. The improvement of trails leading to the main arteries or highways.

4. The construction of bridges over the large rivers crossed by the national highways. The manner in which these highways have been improved can be appreciated, for when the occupation arrived in Haiti there were practically no roads or automobiles. To-day there are 1,250 registered cars, representing an approximate value of $1,500,000. Up to 1923 there was practically no commercial trucking and no passenger busses. On September 30, 1924, there were 9 commercial trucks in the Republic. To-day there are 40 commercial trucks hauling supplies and merchandise. During the past two years there has grown up a considerable passenger-bus system ranging from the ordinary Ford passenger car to busses carrying over 20 passengers. These busses offer rapid transportation to many places in the Republic. There are 183 such machines operating to-day. Their introduction has also resulted

in the necessity of the further maintenance and further construction of the existing highways.

5. In 1915 there were three lighthouses for nearly 1,000 kilometers of coast line of the Republic. Two of these were near Port au Prince and one near Cape Haitien. On October 1, 1925, 13 lighthouses were in operation. The 10 additional lights installed are of the automatic acetylene flashing type. A dependable maintenance service for these lights has been organized and the entire lighthouse and buoy service has been placed under the direction of the coast guard, which forms a part of the gendarmerie of Haiti.

6. The principal harbors have been supplied with buoys and the existing wharves have been improved and a definite wharf-improvement program is being carried out.

7. A definite building program has been followed and hospitals, schools, and other necessary buildings have been constructed, while many old government buildings, including churches, have been repaired. The national palace, under contract in 1914, was completed. Additional customhouse facilities have been constructed. Buildings, barns, corn sheds, silos, machine shops, etc., have been constructed for the Service Technique d'Agriculture. The Palace of Finance has been constructed at Port au Prince and an extensive program of construction for the gendarmerie is being carried out. Improvements have been made in the streets of the towns of the Republic. A street-paving program under way at the time of American intervention was completed in Port au Prince; 70,000 square feet of asphalt were laid in Port au Prince. Approximately one-half of this was accomplished during the fiscal year 1924–25, not by contract but by the direction generale des travaux publics.

8. The drainage at Port au Prince has been improved. Many lines of concrete surface drains have been laid during the last year in the poorer sections of Port au Prince.

9. The water works in Port au Prince have been repaired and rebuilt, and where formerly the springs supplying water were poorly housed and open to contamination, pipes clogged with lime, and supply inadequate, the springs are now properly housed in a modern and sanitary manner, new pipe lines have been laid, and additional springs have been brought into service, so that the water supply of Port au Prince now amounts to about 40 gallons per capita per day. This work involved the construction of nearly 5 miles of concrete aqueduct. At Cayes a pumping plant has been installed and the distributing system almost entirely rebuilt. At Gonaives the main water-supply line was rebuilt. At Jacmel improvements have recently been finished which greatly augment the supply of water. At Cape Haitien many new wells have been drilled in order to increase the water supply, which was apparently drying up. At other places the existing systems have been maintained and improved. The Direction Generale operates two portable well-drilling rigs for supplying water to villages. One of these has already drilled some 30 wells in the Department of the North. The other, which has been recently purchased, has drilled two wells in the Department of the South, and it is proposed to continue this class of work.

10. In 1915 there were the ruins of irrigation systems of French colonial origin in the Plain of the Cul-de-Sac, the Plain of Leogane, the Plain of Arcahaie, and of the South. These have been repaired and water made available to landholders. In 1923 additional irrigation construction was undertaken on the Plain of the Cul-de-Sac. There was also started a series of improvements to the Riviere Blancke system in the Plain of the Cul-de-Sac. This latter project alone results in the saving of enough water to cultivate approximately 2,000 acres of fertile land. In addition the Riviere Gris system, involving 1½ kilometers of masonry lining, has been reconstructed. The Momance system on the Plain of Leogane has been completed, permitting the irrigation of over 2,000 acres of land. In 1924 funds were made available to undertake extensive irrigation investigations. A complete survey of the Artibonite, involving a project of some 80,000 acres, has been studied, and a similar study is being made for the Plain of Gonaives, involving some 10,000 acres. Irrigation studies of similar character are being carried on in other parts of the Republic.

11. There was early foreseen the need of definite data on the rainfall and the run-off in order to intelligently make studies for future improvements. There was, therefore, brought into being an organization for that purpose, and regular measurements were made on all of the principal streams of the Republic from that time on.

12. Telegraph and telephone systems have been made serviceable, improved, and expanded. Long-distance service, which had existed between only a few of the more important cities of the Republic, and even then was extremely intermittent, has been placed on a satisfactory basis. An automatic telephone system has been installed in Port au Prince. New metal-circuit creosoted-pole lines have been constructed over some 65 miles and are being extended over the Republic. At the present time there are 45 commercial telephone posts and over 900 miles of long-distance lines. The receipts of telephone and telegraph have grown from less than 350,000 gourdes for the fiscal year 1920–21 to 535,000 gourdes for 1924–25. This system now operates with a large margin of profit to the Republic since the operating expenses of the fiscal year 1924–25 were under 400,000 gourdes. At the time of the American intervention the receipts were much below those of the year 1920–21. The remarkable feature in the improvement in the telegraph and telephone service has been the rapid growth of the telephone business. Telephone receipts have grown from some 75,000 gourdes in 1920–21 to approximately 310,000 gourdes during the year 1924–25. The Port au Prince telephone system handles on an average of 6,000 calls per day. There is now on hand a project for a new fireproof and earthquake proof telephone and telegraph building, housing not only the local telegraph office but also the telegraph and telephone activities of Port au Prince.

GENDARMERIE

FOREWORD

The gendarmerie of Haiti was organized in accordance with the provisions of article 10 of the treaty of September 16, 1915, and to-day includes the gendarmerie, coast guard, and rural police. It has a strength of 2,433 enlisted, exclusive of the 551 rural police, 1 rural policeman being in each section of the 551 sections of the Republic. As before stated, it replaces the old Haitian army and communal police force. Previous to 1915 the army had a strength of 38 regiments of the line, 250 men to the regiment, 4 regiments of artillery, and a gendarmerie of 43 companies of 43 men each, and 4 regiments of the President's guard. The high ranking officers of the army consisted of 308 generals and 50 colonels. In addition to the number of generals assigned to duty with regiments, arrondisements, and communes, the President of the Republic made many brevet generals, honorary titles which he gave to his friends. The number of these varied with the number of friends. The present gendarmerie has 2 generals and 5 colonels (3 line and 2 staff), 7 majors, inspectors, 2 majors, assistant quartermasters, and 3 majors, surgeons inspectors.

The old method of recruiting, never based on law, was performed in such a fantastic manner as to facilitate the graft of the officers. The recruiting officer in the Haitian Army, prior to the intervention, sent his soldiers to gather in all young men, whether of the required age or not, and forced them, without law, into his general's army. After the different recruiting parties so gathered arrived at the place for recruiting, there was selected from them those who should be inducted into the army. Young Haitians of good family, in order not to serve, used to engage themselves in either parade companies or in the fire brigade. Both of these organizations were exempt from military duty. Those of the poor country people who could afford it paid 10 gourdes or more in the form of graft to the so-called recruiting officer and were exempt from service. The pay of the Haitian private was 1 gourde a week for rations and 1 gourde a month for pay (a gourde is equal to 20 cents United States currency), none of which he ever received with the exception of some few who were selected for honor duty. This nonpayment of troops, in addition to appropriations made for medical service and uniforms, comprised three of the main sources of graft by which the Haitian generals benefited. The present method of enlistment in the gendarmerie is entirely voluntary and by selection, provided the physical condition of the applicant warrants it. The gendarmes are housed in clean barracks, equipped with uniforms sufficient to make a presentable appearance, and are regularly paid once a month. The pay of the private is $10 per month and 15 cents per day ration allowance, all United States currency.

1. Previous to 1915 Haiti had been practically in general revolution for over its entire period of so-called independence. With the exception of one or two instances, these revolutions were never suppressed by the standing army. In fact, many of the recruits of the revolution came from members of the standing army. Since the organization of the gendarmerie there have been no revolutions. Banditry broke out in October, 1918, and continued until 1921. This banditry was strenuously fought by the gendarmerie, and with the assistance of a brigade of marines stationed in Haiti it was suppressed. Since that date there have been no recurrences, and Haiti to-day is one of the most peaceful countries of the world.

2. The supervision of local native officials by gendarmerie officers has been large and varied, and the success acquired in that part of the gendarmerie service has greatly bettered the condition of local administration.

3. Officials of the gendarmerie act as communal advisers in every commune of the Republic and aid the communal officers in the administration of affairs in drawing up the communal budget for the fiscal year and in advising in modern methods of work.

4. The prisons have been renovated, and while those which were taken over by the gendarmerie in 1915 were unfit for human habitation, they have to-day been reconstructed and turned into immaculately clean buildings. Prior to 1915 food for prisoners was procured supposedly by contract, but unless the families of the persons condemned to prison supplied them with food the prisoner, as a rule, did not eat. A comparison of the old system, if system it might be called, to the present manner of housing prisoners in clean, healthy places, with modern facilities based on the health requirements as to space, etc., and the advent of messes for feeding prisoners, affords a contrast that is so startling that it can not be expressed. In addition to

better conditions, general work-shop activities are maintained, in which the prisoners can work for pay which he can either leave on deposit and draw when his term expires, or he can make arrangements whereby the money earned is delivered to his family in weekly stipends.

5. In June, 1919, the road construction and maintenance work was turned over to the engineer of Haiti and the direction generale. In the four years preceding that time the gendarmerie had direct charge of this work and many miles of roads were constructed and maintained under the direction of the gendarmerie, without any increased personnel.

6. The gendarmerie has its own medical department, has organized a hospital and dispensary service covering the entire Republic, and has established a supply depot and medical stores at Port au Prince. A native hospital corps of 60 men has been trained and are rendering efficient service. The medical department of the gendarmerie, in addition to caring for the personnel of the gendarmerie, is charged with the sanitation of prisons and of sick prisoners. The outstanding achievement of this department has been its work in the reduction of prison mortality and improvement of sanitary conditions of prisons. The death rate among the personnel of this corps has been gradually reduced until it is to-day about seven per thousand, where five years ago it was double that number. The deaths among prisoners has been gradually reduced from 439 in 1919 to 85 in 1925. This reduction of deaths was in a large part due to improved sanitary conditions and to properly balanced diet.

7. The quartermaster department of the gendarmerie has during the past 10 years gradually brought about improvements in the purchasing methods by buying in larger quantities during periods of low prices and in this way obtaining greater value for the money expended. The gendarmerie supply department was established at Port au Prince and supplies are kept on hand for ordinary needs and for emergency.

8. The methods of accounting of both property and funds have been simplified and standardized. To increase economy in clothing a clothing allowance has been established. A simplified and standardized system of bookkeeping has been established and a quartermaster manual compiled, which gives detailed instructions as to the rendering of all returns. In addition a deposit system has been inaugurated whereby gendarmes can make deposits from pay, such deposit to be paid to the gendarme with interest upon his discharge. At the present time this deposit fund amounts to 315,341.34 gourdes. Great improvement has been made in rationing the gendarmes and prisoners. Economies have been effected by the purchase of standard articles of food in large quantities. Standee bunks have been procured by purchase from the United States Army and installed throughout the gendarmerie at a cost of $5 per bunk. The installation of these bunks is not only an economy but adds to the comfort of the gendarmes and increases the space in the barracks. A comprehensive building plan for the gendarmerie is now being pushed to completion. It contemplates the construction of serviceable and standardized barracks in place of the buildings which are now unsuited for gendarmerie barracks.

9. An ecole militaire has been established for the training of young men to be officers in the gendarmerie, and its successful operation has been a decided achievement.

SERVICE TECHNIQUE

FOREWORD

While prior to 1915 there was a department of agriculture, it was a department in name only. It had no organization and there were no agriculturists attached to it. Practically nothing was done by the Haitian Government to really forward agricultural development in the Republic. At the time of the American intervention one commonly heard the statement that the future of Haiti lay in its agricultural development, and yet no real effort had ever been made to further such development.

During the first years of American intervention conditions were unsettled and not ripe for the undertaking of agricultural educational work, nor was the financial condition such as to warrant the expenditures necessary for agricultural development. It was therefore not until the year 1922 that the "service technique de l'agriculture" was established by law. In the following year an agricultural engineer, to be placed at the head of this service, was selected and arrived in Haiti and given the title of director general of the service technique. Shortly afterwards the assistant agricultural engineer provided for in an agreement between the Republic of Haiti and the United States was appointed and joined the service technique to take charge of the vocational training under the direction of the director general of that service. Both of these men had to familiarize themselves with the local conditions, and it was consequently some time before the director general could draw up his plan of organization for the service technique.

This plan of organization and of agricultural and professional education was shortly afterwards enacted into law and the necessary credit voted to put it into operation. The director general then gathered about him an appropriate staff to fill the positions of departmental heads in the service technique. These positions included those of agronomist, soil chemist, botanist, and plant pathologist, entomologist, animal husbandryman, forester, etc. It will be seen from the above that the work of the service technique is concerned not only with agricultural development but with vocational training. In agriculture it is concerned with:

(a) Research and demonstration, including forestry and the protection of water resources, and in the agricultural development of the country through irrigation and various other enterprises which may be undertaken or fostered by the Government, either directly or through cooperation, contract, or concession.

(b) Education which may take the form of:

1. Higher agricultural education for the training of agricultural and forestry experts, research workers, teachers of farm schools, and agricultural advisers.

2. Rural farm schools to teach the native children how better to care for their crops and animals.

3. Advice to the adult agricultural population by means of agricultural advisers and demonstration farms, and teaching them better methods of farming and marketing their products.

4. Through direct aid to the farmers in the treatment of sick and injured animals and the control of outbreaks of plant and animal diseases.

On the other hand the service technique is concerned with all phases of vocational, industrial, and agricultural education, and certain so-called vocational schools which existed at Port au Prince were by law turned over to the service technique. These schools under the Haitian régime were industrial or vocational schools in name only. The instructors were numerous, but spent only an hour a day, if that much, at the school. There were practically no funds for the purchase of supplies and the schools were poorly administered. Under the supervision and direction of the service technique, with little or no increase in the budgetary allowance, these schools have been amalgamated and made into modern vocational institutions. There was also transferred to the service technique a boys' correctional school.

This school was notorious in Port au Prince for the filthy condition in which it was always found; the terrible condition under which the boys were living; and the obvious graft which was being made by those in charge of it. It was almost impossible to keep boys in this correctional school, for those little youngsters were constantly running away. Some instruction was given in mat weaving, carpentry, and iron work, but the boys worked like slaves for the instructors who sold the articles they made and pocketed the profits. This school has been entirely renovated; the boys put into uniforms; appropriate sleeping quarters provided for them; instructors supplied to teach them trades and primary schooling; and, in fact, they are so well satisfied that instead of running away, as they did under the régime prior to 1915, the gates almost have to be closed to keep those outside from coming in.

Although the service technique has only been in operation for a few years, in fact little more than has been necessary to build up its organization, it has succeeded so well that it has become a prominent factor in the economic life of Haiti, and has already many accomplishments to its credit.

1. The Ecole Central was inaugurated with the view of furnishing teachers to farm schools, farm advisers, research workers, etc. It has a most comprehensive curriculum and is really the heart of the agricultural system in Haiti.

2. Rural farm schools were established for the purpose of reaching the coming generation. Reading, writing, and arithmetic are taught to the children at these schools, in addition to agricultural instruction. It is estimated that at the close of this year 25 of these schools will be in operation.

3. The entire Republic has been divided into districts, and in each district a farm adviser has been placed to advise the farmers as to better methods of planting and better cultivation of crops and caring for the livestock and poultry. In addition, these men keep the central office of the service technique informed of the conditions of crops in their district, and of any outbreak of animal or plant diseases.

4. In order to bring home to the farmers the benefits of the improved methods of agriculture, as well as to form points of contact to overcome the timidity of the farmer in accepting innovations, especially verbal and written advice, there are being organized cooperative demonstration farms. The peasant farmer accepts a small salary from the Government, 40 or 50 gourdes per month, and in return agrees to cultivate his farm in the manner prescribed by the adviser. He furnishes all the labor, plants his regular crop, but cultivates it as he is instructed. In addition, he keeps his farm clean and conditions sanitary. The farmer retains all the produce of his farm, and under the careful instruction of the farm adviser the farm becomes the demonstration place in that neighborhood or section. Once or twice a year fairs will be held and prizes given, and such fairs will be held on demonstration farms. There is in reality a modification of the Knapp system, which worked so well in the Southern States some years ago. At the present time there are 22 such farms in operation. At first the Haitian peasant farmer refused to sign the cooperative contracts for fear that it was

some underhand means by which the Government was attempting to take his land away from him, but this fear is gradually being overcome.

5. Of all the Haitian agricultural products, coffee ranks the first in value. Its quality is excellent, but the grade is low on account of the fact that a large part of the coffee is cleaned by the natives in a very crude manner, especially in districts too remote from the large commercial cleaning mills to permit the unhulled berries to be taken to them. To overcome this difficulty the Service Technique purchased eight sets of cleaning machines, each set consisting of the following units: A decordicator, a fan, and a small platform balance. These sets have been placed in selected districts, and the peasant coffee growers of the district are allowed to use them free of charge. These plants enable the peasant to prepare a clean grade of coffee and to know the exact amount that he is taking to market for sale.

In addition to the coffee-cleaning plant, cooperative coffee-demonstration farms have been organized and at the present time seven of these farms are in operation. These farms are organized by means of a cooperative contract by the peasant farmer in the same manner as the demonstration farms already described. They are designed to improve both the production and the quality of the coffee by showing the peasant the greater yield and profit to be obtained by the proper spacing, cultivation, shading, and pruning of his coffee trees and proper methods of packing, cleaning, and marketing his coffee. In order to further increase coffee production in Haiti coffee bonuses are given for new plantations of coffee planted and cultivated in accordance with rules and regulations issued by the Service Technique.

6. Another type of agricultural extension work which is designed not only to aid but to educate the masses of the farmers in the care of farm livestock is that of veterinary clinics. The veterinary staff of the Service Technique not only gives courses in the care and treatment of animal diseases and control of epidemics, but they are also engaged in holding clinics at various points throughout the country. Since their work was organized, the average total number of cases treated per month has risen from 100 or less to more than 1,400. During the past fiscal year more than 16,000 cases were treated. The work is well appreciated by the Haitian peasant and has high educational value, in that it demonstrates the practicability of scientific methods and gives to the peasant confidence in the guidance and leadership that the Government is giving them in other lines of effort.

7. Another line of demonstration undertaken by the Service Technique has been that of the control of the cotton-leaf worm. During the past season spray pumps and dust guns were placed in the hands of the agricultural advisers in the principal cotton districts and 10 separate demonstrations in as many different sections were made for the destruction of the worms.

8. A central experimentation farm has been established, not only for experimental work but for the purpose of affording practical instruction to the students of the Ecole Centrale. Land for this purpose has been purchased in a fertile area of the Cul-de-Sac, not so far removed from Port au Prince as to make it impracticable for students living at that city to attend the courses, for it is here that the main buildings of the Ecole Centrale will be erected. One wing sufficient to accommodate 150 students is rapidly nearing completion. In addition, cow sheds, machine shops, laboratories, barns, and silos, and other appropriate buildings have been erected.

9. The central plain of Haiti contains large areas of uncultivated and unoccupied grazing land. These lands carry very few cattle for the following reasons:

1. Lack of breeding stock.
2. Shortage of food during the dry season.
3. Cattle diseases, principally Texas fever.
4. The lack of an agricultural system added to the semiarid condition of the plains area.

It is part of the plan of agricultural development to establish breeding stations throughout this area. Already 60 cows have been purchased, and it is planned to loan these cows to reliable peasants on a share basis for the offspring. In addition, a cattle station consisting of about 1,500 acres is being installed near Hinche. Animals have been imported from the United States as breeding stock, and it is believed that this section of the country can be developed into a large cattle area.

10. In addition to the extension, demonstration, and educational work with coffee, there is being undertaken certain research work, and to this end a coffee experimental station will shortly be put into operation.

11. To anyone conversant with the principal characteristics of Haiti the importance of forestry work is obvious. Although the head of the forestry department has only been with the service technique for a short time, he has made a general survey of forestry conditions in the country; has developed sisal plantations and established a forestry nursery, where he will shortly be able to turn out some 200,000 trees per year. The nursery beds have been planted to Spanish cedar, wattle, mahogany, and other useful forest trees, which will be used in reforestation work during the present year. A forestry law has been formulated and is now before the legislative body.

12. In order to test the quality of the sisal now grown in Haiti and to particularly encourage those who are attempting or interested in its cultivation, two sisal plantations have been developed during the past year. Approximately 30 acres have been cleared and planted with plants, numbering about 600 plants per acre. One hundred per cent have lived and are now growing vigorously. Cotton has been planted between the sisal and is making good growth. This cotton now promises to yield sufficient produce to offset the cost of planting and cultivation for this year. The rate at which this plant will grow in Haiti, the quality of the fiber, and the cheapness of labor which prevails here should render Haiti particularly favorable to the commercial production of sisal.

13. As a part of the investigation of certain areas of the Plain of the Artibonite, it became necessary to make a soil map of that section. This map has been completed and gives most valuable information of that area.

CLAIMS COMMISSION

The claims commission held its first meeting in April, 1923, and since that date it has practically been in constant session, adjudicating the many outstanding claims against the Haitian Government, and it is confidently expected that by April, 1926, it will have completed its work. The total of all claims against the Government amounted to over $38,000,000. Up to the present time the commission has allowed claims to the amount of $2,689,353.66 and has disallowed claims amounting to $20,214,037.41.

DEPARTMENT OF STATE,
March 6, 1926.

FOURTH ANNUAL REPORT OF THE AMERICAN HIGH COMMISSIONER AT PORT AU PRINCE, HAITI, TO THE SECRETARY OF STATE

LEGATION OF THE UNITED STATES OF AMERICA,
Port au Prince, Haiti, February 15, 1926.

SIR: I have the honor to submit herewith my annual report covering the conduct of my special mission to the Republic of Haiti during the past calendar year.

GENERAL

In my third and last annual report I have the honor to point out that the rehabilitation of Haiti had progressed far enough during 1924 to permit of the launching of projects of productive development, and it is with infinite pleasure that I can now report that during 1925 the Haitian Government and the treaty officials have exerted every effort to build up the organizations which are increasing the productive wealth of the country, and that their efforts have already resulted in the strengthening and improving of the general economic condition.

The Haitian Government and the treaty officials have, moreover, continued the well-thought-out program for the stabilization of Haitian finances, the maintenance of tranquillity, the construction of much-needed public works, and the improvement in public-health conditions.

Although at the beginning of the year there were fewer outstanding problems that had confronted the Haitian Government in previous years, there were, nevertheless, many important questions that had to be answered. Among the subjects considered were the enactment of appropriate legislation relative to the ownership of real property by foreigners; a revision of the tariff; the conclusion of a fiscal agency contract for the issuance of series C bonds; the drafting and enactment of a forestry law, passport law, appropriate quarantine regulations; and the reorganization of the judiciary.

During 1920 the Haitian Government had enacted a law interpreting Article V of the constitution of 1918, which dealt with the ownership of real property by foreigners. This law, which was clearly contrary to the direct provisions of Article V, extremely detrimental to the interests of both Haitians and foreigners, and consequently had to be redrafted so as correctly to interpret Article V and adequately protect the rights of foreign owners of real property. Such a draft was finally completed and was enacted into law by the council of state on February 15, 1925. This law covers the subject more fully than the law of 1920, particularly regarding inheritance, and lies well within the provisions of Article V of the Haitian constitution. The Haitian Government is to be congratulated on the happy solution of this vexatious problem.

The necessity for the revision of the 50-year-old tariff and archaic customs laws of Haiti had long been apparent to students of Haitian affairs; but, in view of the former unstable condition of Haitian finances, it was thought proper to postpone such action until the financial and economic condition of the country was placed on a sounder basis. The greatly improved and essentially sound condition of Haitian finances now permitted consideration of this important problem. This stupendous work was undertaken by the office of the general receiver of customs. After many months of continuous labor the fruits thereof were presented in the form of a complete revision of the customs laws and a revised tariff table. The general principle governing the preparation of the revised tariff was an innova-

tion to Haitian economics. It placed a high tax on luxuries and a low tax on commodities used by the mass of the people. Formerly the contrary was true. In addition the customs laws were modernized and clarified. The contemplated tariff revision was then submitted to the scrutiny of the various chambers of commerce, prominent merchants, and other persons affected thereby in order that all might be given an opportunity to express their views. That the proposed revision received general approbation not only from recognized authorities but from these frank critics is indicative of the care exercised in its preparation.

The series "C" bonds were being issued by the Haitian Government in exchange for the National Railroad bonds in accordance with the reorganization plan of that railroad, which was rapidly being put into effect. It was consequently necessary that a fiscal agent be appointed. The National City Bank of New York was appointed fiscal agent and a contract between that organization and the Haitian Government was signed on May 26, 1925, and was later ratified by the Council of State.

A passport law was enacted by the Haitian Government for the purpose of eliminating many useless formalities required by obsolete laws of Haitians as well as foreigners upon entering or leaving Haiti. It was much-needed legislation, and its enactment met with universal approval.

For many years logwood has been one of the leading exports of Haiti. There being no laws relative to the cutting of wood, it has been natural that promiscuous cutting took place as near to the port of shipment as possible. As the exporter, moreover, was heedless of the future, no effort at reforestation has been made, and as a consequence certain sections of the country that formerly were valuable logwood areas are now denuded of trees. With the object of controlling and supervising the cutting of logwood with a view to the preservation of the logwood forests, a forestry law was drafted by the service technique of the department of agriculture and has been placed before the council of State for early enactment.

JUDICIARY

I have commented upon the necessity of the reorganization and reform of the Haitian judiciary in all my annual reports.

The judiciary is the foundation upon which government is built. If the courts are incompetent and subject to personal, political, and other methods of persuasion, the foundation crumbles and "good" government can not be maintained thereon. Law holds the community together. It is the certain and prompt administration of justice that gives to both citizen and foreigner the feeling of security and stability and which permits each to pursue his legitimate business ventures with the greatest prospect of success.

Last year the Haitian Government voted a law reducing the number of judges serving in the courts of appeal and first instance and substantially increasing the salaries of all judges. The courts of Haiti have been but little, if any, improved by this reorganization.

At times there will arise cases, sometimes civil but more generally criminal, that assume for the moment great importance and work the respective partisans up to fever heat. At such times the integrity of the judges and the efficiency of the judiciary system are put to a severe test.

These conditions emphasize the urgent need of the establishment of courts whose decisions, though liable to error, would nevertheless be acceptable as emanating from fair-minded judges without political or personal bias.

PRESS

The past year has seen no decrease in the attacks indulged in by certain of the local newspapers against the Haitian Government and American officials. These newspapers are such in name only, for they carry little or no news and devote their columns to petty criticisms of governmental acts, usually accompanied by some ill-meant but futile attack. Their editors evidently realize that they are incapable of conducting a reputable newspaper with the purpose of disseminating news and therefore make what profit is possible in their insignificant circulation by printing yellow news.

A free press to them apparently means an unlicensed press, and consequently when the Haitian Government deems their annoying attacks important enough to take means to curb their verbose slander and malice against governmental and diplomatic officials, they vehemently protest that the Government is interfering with their liberty of action.

ELECTIONS

Communal elections in Haiti are held on the 10th of January of every even year. The transitory provision "C" of the constitution of 1918 provides, in general terms, that elections for senators and deputies, or what may be termed national elections, shall be held, when the President of Haiti considers the conditions ripe, on January 10 of an even year.

The population of Haiti is essentially rural, less than 15 per cent being urban. The literate class represents about 5 per cent of the population and naturally it is to be found in the cities, mainly in the ports. Port au Prince, being by far the largest city and the seat of government, contains the largest unit of this class. The peasants, who form the mass (85 per cent) of the population and who have so long been held by their literate brothers in a backward state, have the mentality of a child of not more than seven years of age reared under advantageous conditions.

In the past there have been virtually no political parties in Haiti. There have been no platforms or announced policies. A revolutionary leader was promptly elected President of the Republic by the national assembly after he had entered the city of Port au Prince at the head of his revolutionary army and placed the customary cordon of troops around the chamber in which the national assembly was sitting. Such was the usual procedure. Senators and deputies were elected through the influence and at the command of the President. Consequently, while Haiti has long been a Republic, it has been a Republic in name only. As a matter of fact, from colonial days until 1915 it was a military oligarchy of the most severe type.

The communal elections were as bad as the general elections. The literate class as a rule did not vote, as its vote counted so little that it was considered useless. A candidate brought in his supporters from the country, and voting was carried on in a most irregular manner. Often false registration cards were issued, repeating was common, and the voters had no conception of their civic rights and duties. In view of such a history the difficulties encountered in now establishing proper elections are obviously almost insurmountable.

After a most careful consideration of the entire subject the Haitian Government decided that it would as a first step draft and put into effect a suitable communal election law. Political parties would be established and the communal elections supervised in such a manner as to build up a sound electoral system, which could later be expanded for the purpose of holding national elections.

Accordingly early in October President Borno in a circular letter addressed to the prefects fearlessly and forcefully set forth the true political situation of his country and advised the prefects that communal elections only would be held on January 10, 1926.

The publication of this letter in Haiti brought a storm of protest from the antigovernment element, but I have yet to see one criticism of the facts. The facts are apparently irrefutable. Criticism was directed more particularly to the propriety of President Borno's telling his countrymen the truth, the critics evidently assuming the attitude that the President should only tell them pleasing things and that the truth when it was disagreeable should be withheld or perhaps only told to them discreetly and confidentially.

President Borno in his message to the prefects after quoting from the official statement of ex-President Dartiguenave concerning the conditions in Haiti prior to the American intervention cites some of the numerous accomplishments of the intervention and then states in part as follows:

"And, nevertheless, if the general situation offers so much satisfaction how can it be denied that the work accomplished until now is but a beginning, when one considers all that still is left to be done to assure the continued development of agriculture, commerce, public education, health, seriously to guarantee public peace, public and private property, the home, and the security of all, against any possible return to our bad past, our past of bloody and destructive revolutions, scandalous pillage, and the persecution and exploitation of the peasants by military satrapes, masters of life and property.

"And before this immense task which solicits, urges, and demands an active coalition of all good wills, what do we see to-day? Groups of politicians at bay, scattered through different parts of the country, pretend to oppose the civilizing progress of the Government by exerting themselves to create and to develop agitation purely political under the lying pretext of 'restoring democratic institutions'; that is to say, to be exact, to replace the present legislative council of state by a chamber and a senate.

"You are not ignorant of the fact, Mr. Prefect, that it is the firm design of the present Government to realize fully the constitutional provision for the election of the two legislative chambers. But at what moment ought this election be brought about, which the constitution itself, in an evident view to prudence and wisdom, has made dependent upon a special convocation by the President of the republic? This is the whole question between the Government and its adversaries. These latter say: 'Immediately'; that is to say, 'on January 10, next.' But the Government, which has no thought of deceiving itself or of deceiving anyone else, replies: 'No; the Haitian people are not ready. Democracy is the Government of the people by conscious, popular suffrage, practiced with the greatest possible liberty. We have that liberty. Never in any period of our country, for more than a century, has there been in Haiti as much liberty as at the present moment. The liberty of circulation is absolute; without any passport one crosses the country in every sense. The freedom of holding meetings is subject only to a previous notification to the local police. The freedom of the press which is, when summed up, the expression of

all the others, is absolute; the law which governs it is made only to suppress abuses, defamation, outrage, provocation to crime, all those intolerable excesses by which the old revolutionary demon, impatient to break his chains, manifests himself from time to time.

"We have liberty. But where, then, is our popular conscious suffrage?

"Our rural population, which represents nine-tenths of the Haitian people, is almost totally illiterate, ignorant, and poor; although its material and moral situation has been appreciably bettered in these last few years, it is still incapable of exercising the right of vote, and would be the easy prey of those bold speculators whose conscience hesitates at no lie.

As for the urban population, one-tenth of the total population, those of its members who are capable of expressing an intelligent vote—a little progressive minority formed of peaceful men, business men, artisans, citizens of different professions, belonging to different social classes—have for a long time, for the most part renounced their electoral right, disgusted by the immoral maneuvers and the insolent frauds which render, and would still render, illusory their efforts as intelligent electors. The remainder is the small group of professional politicians, with their followers of every sort, who are mainly illiterate.

"This is the present electoral body! It is characterized by an absolute lack of organization as to the little number of its useful elements, and for the rest by a flagrant inability to assume, in the decisive period through which we are passing, the heavy responsibilities of a political action.

"Popular suffrage has not its raison d'être if it can only serve to elect individuals and nothing else. True democratic suffrage should serve, primarily, to elect individuals, definite principles, programs of action, and methods of government.

"All this amounts to saying that the rational and necessary foundation of democratic suffrage is in a conscious electoral body the organization of parties with platforms.

"Our national history has only presented up to now two real parties, the National Party, which extols the principles of a strong executive authority, and the Liberal Party, enthused by parliamentarism. Both have disappeared from the political scene through lack of interior discipline and of support by a real public opinion.

"The Government is working to prepare the way of the intelligent and disciplined democracy to the solid organization thereof. The present electoral law is recognized by all as incompatible with the sincere expression of popular will. A new law, now in the course of preparation, will be presented at the next ordinary session; it will offer all the possibilities for the full functioning of political parties, and for the constitution of an intelligent electoral body capable of exercising, without danger to the Republic, the sovereign attributes of universal suffrage.

"And when the hour shall have struck, an hour which will be hastened, let us hope, by the wisdom of our citizens, the president of the republic will be proud to put into operation the solemn prerogative which the constitution has consigned to his patriotism, his judgment, and his conscience, to fix the date of the legislative elections."

EDUCATION

To students of Haitian affairs it is manifest that government stabilization must come from the development of Haiti's economic resources through agricultural and industrial education.

Up to the time of the American intervention, the entire school system of Haiti, from the primary grades up, emphasized classical studies almost to the complete exclusion of industrial education. As a consequence, the children and young men of Haiti have been guided from, rather than toward, productive industry. This is the primary cause of the low productivity of Haiti as contrasted to neighboring countries with soil no more fertile nor climate more favorable than that of Haiti. This emphasis of classical studies and practical exclusion of agricultural and industrial education has necessarily led to the creation of a class of young men who desire to take up professions and occupations such as law, medicine, commerce, and clerical, a great portion of the latter seeking governmental positions. The members of this class do not know how to use their hands and have no idea of the dignity of labor. As a result, there is a regrettable shortage of agriculturists and skilled workers. It is among such a class that revolutions are bred.

The population of Haiti is estimated at well over 2,000,000 people. With improved sanitary conditions and methods of caring for the ill, which are now assured by the well-established department of public health, the population of Haiti will increase far more rapidly than in the past. Unless active steps are taken to increase the productivity, the cost of living is bound to advance and the mass of the people to suffer therefrom. The laws of Malthus show that a population tends to increase in geometric progression while the food supply increases only in arithmetic progression. The cost of living is now low, but unless the soil productivity of the country increases proportionally with the population 25 years from now the cost of living will be high.

Furthermore, Haiti can not look forward to economic independence and a sound financial condition unless there is a material increase in its production.

It is therefore essential that the educational system of Haiti should, at the present time, be designed to furnish agricultural education to the rural classes and industrial education to the urban population. Despite the number of obstacles to be overcome, the Haitian Government is now pursuing this sound policy. The development of agricultural and industrial education will undoubtedly go far toward permanently stabilizing the government and bringing happiness and prosperity to the Haitian people.

In this connection, an innovation in educational methods is about to be introduced by the Haitian Government. The council of state was called into extraordinary session in September for the consideration of special credits and certain urgent laws. At this session, funds were appropriated for the erection of a radio broadcasting station at Port au Prince, and it is expected that this station will be completed in the early spring of 1926. A one-kilowatt broadcasting station will be constructed at Port au Prince with receiving sets installed in the open market places where the market people assemble in the important towns. Each market day, short talks or lectures will be given in Creole to the illiterate peasants on such subjects of educational value as explanation of the Haitian laws, planting and care of coffee and cotton, cultivation of native crops, care of animals, etc. This apparatus will also afford the possibility of diverting the people with music and will tend to unify the country.

COMMERCE

During the year just concluded, the commerce of Haiti has been even more satisfactory than during the previous year. The coffee crop was excellent, and the price continued high. As this is by far Haiti's most important crop, the economic condition is largely gauged by it. As usual, the bulk of this crop, amounting to about 71 per cent of the total exports of the country, was shipped to France; on the other hand, about 76 per cent of the imports came from the United States, with textiles predominating. The dangers of allowing Haiti to become a one or two crop country are realized, and steps are being taken to overcome this danger by stimulating the production, in large quantities, of other crops which lend themselves readily to cultivation in Haiti. Such crops are sisal, tobacco, sugar cane, cotton, rubber, fruits, cashew nuts, and vegetables, the last being especially suitable for cultivation with a view to reaching the New York winter market.

The policy of gradually improving the ports to meet the increase in trade has been continued by the general receiver of customs. Where necessary, new wharves are being constructd, customshouses enlarged and improved, and efforts made to modernize the port facilities in general. The excellent system of lighthouses which has been installed along the Haitian coast has been operated during the past year in a most efficient manner, and the coast guard which is in charge of this work contemplates gradually improving the marking of shoals and channels in all of the important ports of the country.

ROCKEFELLER FOUNDATION

Dr. George R. Payne, representing the international health board of the Rockefeller Foundation, continued, for most of the year, his valuable work in connection with the making of a medical survey of the country. This task was completed early in December, and it is expected that Doctor Payne will shortly return to the United States. It is, however, hoped that the Rockefeller Foundation will continue, in some other form, its much-appreciated assistance to the Haitian people.

CLAIMS COMMISSION

The claims commission continued its deliberations throughout the entire year.

By virtue of the protocol between the United States Government and the Republic of Haiti the claims commission, which held its first public session April 18, 1923, was given the jurisdiction to examine and adjust all pecuniary claims against Haiti except those excluded by Article III thereof. This necessitated the examination of 5,482 items submitted to the commission of verification of unpaid claims under the governments of Gens. Sam, Nord Alexis, and Antoine Simon, known as the Sambour Commission, appointed by decree of September 9, 1911, the claims having originated during the period October 1, 1899, to July 31, 1911.

There were also included for review by the present commission 63,092 items submitted to the commission of verification of vouchers of the floating debt, known as the Fequierre Commission, instituted by decree of November 14, 1916, these claims having originated during the period of August 1, 1911, to December 31, 1915.

The above-mentioned claims have been examined and reviewed by the present commission and final decisions rendered on all but a few items that are still under investigation.

In addition to the Sambour and Fequierre categories, there were before the claims commission at the close of December, 1923, after which date claims were no longer admissible, original claims numbering 4,335. The status of all these claims is indicated hereunder:

Status of claims

	Number of claims	Allowed	Disallowed
Sambour claims less items under investigations	5,482	$927,194.99	$1,240,190.90
Fequierre claims less items under investigation	63,092	726,401.28	3,115,323.44
Domestic also foreign claims in which jurisdiction of present commission was accepted plus items not included in original Sambour and Fequierre awards	1,865	1,115,096.83	16,467,461.69
	70,799	2,768,692.10	20,823,176.03

Decisions pending January 1, 1926

	Number of claims	Amount of claims
Claims for losses during political disturbances; these claims including 213 of the foreign claims listed below were heard at points throughout Haiti in May, June, July, 1925; the decisions will be subsequently announced	2,146	$6,747,620.56
Claims pending Jan. 1, 1926:		
Haitian	39	1,729,119.86
French	212	5,296,171.50
British	30	816,306.95
Italian	17	164,644.67
German	26	580,741.36
Total of undecided claims	2,470	8,586,984.34

The total of claims filed will be in excess of the figures shown above, as in many instances claimants have demanded interest to the date upon which awards are rendered which could not be calculated at the close of the period in which claims were receivable.

The column of disallowances includes reductions in amounts claimed, also unexamined claims over which the commission lacked jurisdiction.

Total of claims pending, $15,334,604.90.

NATIONAL BANK OF HAITI

The majority of the stock of the National Bank of Haiti was owned by the National City Co., but the National City Bank, upon the authority of the Federal Reserve Board, has made arrangements to take over the stock at the beginning of the year. This is believed to be distinctly to the advantage of the Haitian Government, as it strengthens the position of the national bank of the Republic.

THE UNITED STATES FORCES

The United States forces in Haiti during the year have consisted of a skeleton brigade of United States marines and a mine sweeper of 950 tons displacement.

During the period covered by this report the strength of the brigade has been gradually decreased until at the present time it consists of 59 officers and 916 men, concentrated at Port au Prince and Cape Haitien.

There was a continuation last year of the high standard of efficiency of the United States forces which reflects great credit on the commanding officer and the officers and men serving under him.

In December Brig. Gen. Ben F. Fuller was relieved as brigade commander by Col. John T. Myers.

According to the established policy martial law has been exercised only on rare occasions. A continuation of the policy of the indoctrination of officers and enlisted men in the necessity of the maintenance of friendly relations with the Haitians has resulted in an extremely small number of conflicts during the year.

THE GENDARMERIE OF HAITI

In May Col. Julius S. Turrill, United States Marine Corps, relieved Lieut. Col. Douglas C. McDougall, United States Marine Corps, as chief of the gendarmerie.

The efficiency of the gendarmerie has been maintained at a high standard during the year, while many improvements have been made and its strength increased 91 officers and men. This brings the total strength of the gendarmerie up to about 2,700 commissioned and enlisted. During the year there was a continuance of peaceful conditions throughout the country, and the inhabitants have gone about their various vocations with the assurance that life and property were fully protected. This feeling of security has been manifested by the vast majority of the population, especially in the rural districts, and has materially assisted in the development of Haiti.

The rural police force, which forms an adjunct of the gendarmerie, was reorganized in January. Champetres, who had been assistants to the chiefs of sections, were abolished, and this organization changed from one chief and two champetres to three sections, to chief for each section. This reorganization has worked successfully, except that in sections comprising large areas the chief of section is unable to completely cover it. Where such conditions exist, it is intended later, when funds are available, to provide one or more assistants in order that the section may be thoroughly policed.

The rural inhabitants have gained great confidence in this new protection afforded by the gendarmerie, and the result has been a general wave of prosperity throughout agricultural areas.

Additional duties were given the gendarmerie during the year in the form of detailing gendarmes as "ministères publiques" in order that police cases might be properly prosecuted before the lower courts. As this class of duty is of considerable importance, it calls for specially selected and trained men.

The officers' school at Hinche, for officers of junior grade upon assignment to the gendarmerie, and the Ecole Militaire, at Port au Prince, have been continued throughout the year and are rendering signal service in the building up of the gendarmerie.

In October the third class of aspirant officers was organized and its work begun at the Ecole Militaire. The course of instruction is two years, one year being devoted to theoretical instruction and one year to practical work with troops. Previous to final graduation an examination is held at Port au Prince.

The national rifle matches were held at Port au Prince the latter part of December. These matches were a great success and speak well for the thoroughness of instruction given to this phase of training by the officers of the gendarmerie.

A continuance of the policy of encouraging athletics has been pursued and the gendarmerie has made a very creditable showing, particularly in soccer football.

In addition to their regular duties gendarmerie officers have continued to act as communal advisers, and at remote posts as representatives of the departments of public works, public health, and the general receiver of customs.

At the present time there are 53 native officers attached to the gendarmerie. One native officer has recently been promoted to the grade of captain and placed in command of an entire district.

Articles for the government of the gendarmerie have been promulgated and published to the service. The gendarmerie regulations have been revised and a pamphlet on gendarmerie courts and boards issued.

Under the supervision of the communal adviser the financial condition of the communes of the Republic has been materially improved. Reports from various communes show that the total communal revenues for the year were 26 per cent over the revenues for the best previous year. This increased revenue has made it possible for the communes to assist the state in sanitary and public works projects within their respective communes.

The excellent condition of the prisons has been maintained throughout the year. The construction program for the national penitentiary is gradually nearing completion.

In February the coast guard took over all the lighthouse service from the Direction General des Travaux Publics. The navy yard at Bizoton has been improved and renovated. The old machinery has been removed from the main building and preparations made for the new machinery which has been ordered.

Special credits voted last year provided for the erection of outpost barracks, and this work is so far advanced that many of these buildings are now ready for occupancy. Some delay has been experienced in securing a suitable site for the gendarmerie headquarters at Port au Prince, but work will shortly commence on this much-needed structure.

FINANCIAL ADVISER AND GENERAL RECEIVER OF CUSTOMS

In my last annual report I pointed out the decided improvement in the economic situation in Haiti, and I felt certain that a pursuance of the policy of development which had been inaugurated would lead to further improvement.

The complete and enlightening report of the financial adviser general receiver of customs, Dr. W. W. Cumberland, confirms this view, and it is gratifying to note that he is, moreover, of the opinion that the prospects for the year 1925–26 are unusually favorable.

The bureau of contributions or internal revenue has been expanded and improved, and while no change has as yet been made in the internal taxes the system of collection has resulted in the proper enforcement of the law and a decided increase in the revenues has resulted. The total internal revenues collected by this bureau during the year amounted to $817,985.24.

The Palais des Finances has been completed and occupied by the Secretary of State for Finance, financial adviser and general receiver of customs, the deputy receiver, the director general of contributions, and their respective office forces. This centralization of activities, formerly widely distributed, has already lead to closer cooperation.

During the fiscal year the value of imports reached $20,237,565. This represents an increase of 37.7 per cent over the imports for the previous fiscal year. The total exports for the same period amounted to $19,408,762, with a 36.87 per cent increase over the year before. The public debt during the fiscal year 1924–25 was decreased by $1,163,447.49 and funds for amortization were provided. This reduction amounted to 5.05 per cent. At the close of the fiscal year 1924–25 the public debt amounted to $23,046,252.76.

The customs receipts during the first three months of the new fiscal year have been the largest in the history of Haiti. It is anticipated that the total receipts for the entire year will be large enough to devote a generous amount to debt reduction.

At the close of the fiscal year there existed a cash surplus of $1,273,568.68. Considering the increased activities of the Haitian Government during the past year in carrying out its program of development, it is truly remarkable that this large cash reserve, representing about 16 per cent of the total receipts of the country, could be maintained.

The policy inaugurated by the Haitian Government of endeavoring to effect economies has been continued throughout the year, resulting in a considerable saving to the state. A much-needed negotiable instrument law has been drafted and is now being considered by the Haitian Government with a view to its early enactment into law. It is beyond question that the putting into operation of this law will meet with the hearty approbation of all sound business concerns in Haiti.

In order to settle the frequently recurring question of what proportion of the Haitian Government's expenditures are devoted to the salaries of American personnel, the financial adviser compiled statistical data which shows that the United States Government is paying monthly in salaries to American officials loaned to the Haitian Government the amount of approximately $41,350, while the Haitian Government's expenditures for American personnel amounts to but $35,400 per month. The expenditures of the United States Government, therefore, are 17 per cent greater than those of the Haitian Government for American personnel serving with the Haitian Government.

An idea of the standing of the credit of Haiti may be gauged by the fact that during almost the entire year the series A bonds have maintained a market rating of 95 to 97. The series B bonds, "internal bonds," which a few years ago were selling under 50, are now secure at 80, and a higher advance is anticipated. The series C bonds, issued in exchange for the National Railroad bonds in furthering the plan of reorganization of the railroad, have now a market value of about 92.

PUBLIC WORKS

During the year the activities of this department have materially increased, but its efficient organization has permitted it to handle this increase in a most satisfactory manner. In addition to the regular maintenance and repair service of the department, studies were continued on the irrigation projects of the Plain of the Artibonite and the Plain of Gonaives. The Rivière Blanche irrigation project was completed. The road system throughout Haiti is gradually being improved and extended, and facilities for travel by automobile during all periods of the year have been greatly improved. This general improvement of roads has resulted in the introduction of autobusses and trucks into Haiti, the traffic of which is rapidly expanding. Trucks are now being employed in many places to bring the coffee to the port. The peasant receives the same price for it as if he sold it at the port and is spared the loss of time involved in the carrying of coffee to the port on the back of his slow-moving "burro."

The Palais des Finances at Port au Prince has been completed and the building program, including new barracks and outpost buildings for the gendarmerie, schoolhouses, customs warehouses, and other public buildings and works is being rapidly pushed to completion.

It is difficult to summarize, in a few words, the extensive work that is yearly undertaken by this service, but a general idea of its activities may be gained from the yearly expenditure which during the period covered by this report amounted to some $1,506,788, or about one-sixth of the total receipts of the Republic.

PUBLIC HEALTH

The sanitary engineer of Haiti, Commander C. S. Butler, Marine Corps, United States Navy, in his comprehensive report shows the continuance during the past year of excellent health conditions throughout Haiti. The intensive sanitary campaign carried on in Port au Prince has practically eradicated the anopheles, or malaria-carrying mosquito, from that city. In addition, sanitary measures have been extended to many of the other communes, and as fast as funds will permit this important work will be further extended until it includes every commune in the Republic.

Hospitals and dispensaries are gradually being improved, and the institution of rural dispensaries and clinics, established about two years ago, has been expanded with most beneficial results. All hospitals are now owned by the State.

A complete survey of the quarantine situation has been made; a new quarantine law drafted and plans for a quarantine station and insane asylum near Port au Prince completed. In this connection, the Public Health Service of Haiti was fortunate to have the services of a United States Public Health Service official to assist it in the consideration of the quarantine problem.

It has, unfortunately, not been possible for the Haitian Government to allocate to this department all the funds required, but a sufficient amount has been given to improve decidedly the sanitary and health conditions throughout the Republic and to extend to the sick of the lower classes modern hospital treatment and nursing, for which they are most grateful.

In addition, the sanitary campaign which is being carried on by the public health service as well as its medical educational efforts and rural clinics have acted to reduce the amount of illness and greatly alleviate suffering throughout Haiti.

THE SERVICE TECHNIQUE OF THE DEPARTMENT OF AGRICULTURE

The service technique has rapidly advanced during the year its carefully planned program for the agricultural development of Haiti. This work, comprising not only agricultural development but vocational education and manual training, is beginning to show results, and I am firmly convinced that a continuance by the Haitian Government of this policy for the next five years will mean the rapid economic expansion of the Republic.

The continuation by the United States Department of Agriculture of its investigations into the possibility of rubber growing in Haiti has been ably assisted by the service technique. These investigations have so far advanced as to demonstrate most clearly the feasibility and practicability of rubber growing in Haiti. A small amount of rubber has already been exported from Haiti, bringing $1 per pound.

The work in connection with the examination of the soil, making of a topographical survey, and the investigation of dam sites in the plain and valley of the Artibonite has continued during the year, with the result that the soil survey has advanced sufficiently to furnish all necessary data for a careful consideration of the development project involving the irrigation and cultivation of some 65,000 to 80,000 acres of the valley and plain of the Artibonite River. These reports indicate that no serious difficulties would interfere with the carrying out of this project.

The summaries of accomplishments of the various departments of the Haitian Government, supervised by the treaty officials, are herewith appended and demonstrate most clearly the tremendous advance that has been made during the past year in the rehabilitation of Haiti.

With a basis for a sound financial condition already formed, with a material improvement in the economic condition and the execution of plans for productive development going forward, a marked advance is being made toward stabilized government and the bringing of happiness and prosperity to the Haitian people.

President Borno has been the enlightened leader of the Haitian Government in this important work, and had it not been for his unceasing efforts and whole-hearted cooperation in the execution of the provisions of the treaty of September 16, 1915, so great a stride could not have been possible.

In conclusion, it is most gratifying for me to speak of the work performed by the treaty officials. It is unquestionably due to the efficient conduct of their respective organizations that this decided improvement in Haitian affairs has taken place. I can not refer too highly to their loyal, devoted, and capable service.

Mr. BORAH. Mr. President, do I understand we are about to take a vote upon the question of eliminating the statement from the RECORD?

Mr. WADSWORTH. The question is upon an appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? For the information of the Senator the Chair will ask the Clerk to read from the transcript of the Official Reporter.

The Chief Clerk read, as follows:

Mr. WADSWORTH. May I ask if the article or petition or memorial is signed by a foreigner?

Mr. KING. It is signed by a foreigner.

Mr. WADSWORTH. I desire to call attention to the rule of the Senate in that respect. Paragraph 5, of Rule VII, provides:

"But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President."

Mr. KING. It is not a memorial or a petition.

Mr. WADSWORTH. But it is a paper.

Mr. KING. It is a paper.

Mr. WADSWORTH. Mr. President, I raise the point of order that the reception of that article by the Senate is out of order, and, if that point shall be sustained by the Chair and ultimately by the Senate, I shall ask that the article be stricken from the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Chair will rule that the point of order is well taken.

Mr. REED of Missouri. Let it be understood that those proceedings occurred after the paper had been read, and after another Senator had continued making remarks.

Mr. KING. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. KING. After I had made some remarks relating to our occupancy and expressed my opinion that it was improper, I stated, as in the beginning I stated, that I had a memorandum

written by a foreigner, Mr. Perceval Thoby, who was formerly Haitian chargé d'affaires, and after making some comment upon our occupation I then——

Mr. SHIPSTEAD. Mr. President, may I ask the Senator if the paper in question was addressed to the Senate of the United States?

Mr. KING. Oh, no; it is simply a memorandum by Perceval Thoby, former Haitian chargé d'affaires at Washington, official representative of certain committees of private citizens. At the conclusion of my statement I said:

> I ask that this protest and this memorandum, which recite the facts as Mr. Thoby understands them to be may be read for the information of the Senate and of the American people.
>
> The PRESIDING OFFICER. Is there objection?
>
> Mr. KING. In my time.
>
> The PRESIDING OFFICER. The Chair understands that no document of this kind can be read if there is objection without a vote of the Senate under Rule XI. Is there objection?

There was no objection, and it was received and read.

Mr. BORAH. Mr. President, as there is to be a vote taken upon the matter, I want to say a word before I cast my vote. The clause of the rule which the Senator from New York invokes reads as follows:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

It may be, owing to the phrase "or other paper," that technically it could be argued that the document comes within the rule.

We occupied Haiti some years ago and have been in possession of the territory from time to time, and I presume many Senators have received—at least I have—communications from Haitian people contending that great wrongs have been practiced toward the Haitian people by those who represented the United States, our officers and representatives. I know of no possible way for us to present that question to the Senate when it comes along, as it will shortly under a resolution, other than to read such statements from the Haitian people. It does not seem to me to come within the spirit of the rule to exclude these people from a hearing through a Senator who sees fit to present their memoranda or statement of facts to the Senate. It has been done on previous occasions. In the debates upon the Haitian question a number of articles or papers or statements were read as a part of the debate or as a part of the remarks of the Senator discussing the question.

This statement is not in the nature of a petition to the Senate or a memorial to the Senate. It is a memorandum or a statement of facts which has been presented to the Senator from Utah, and the Senator has read it here and vouches for it. In view of our relationship with Haiti and the contention which is now going on as to what has been done in Haiti or as to what the results have been, it seems to me we ought to be willing to receive a memorandum from the people who contend against the position which is contended for by our own officers. For that reason, even if it were the rule technically to exclude it, I would not be content or could not get my consent to vote to deny these people an opportunity to be heard, and certainly the only way they can be heard in debate or argument here is through a statement of facts presented by a Senator who takes responsibility for the statement of facts.

The PRESIDING OFFICER. The Chair desires to make a statement. In view of the fact that the Senator from Idaho was not present when the paper was read, the Chair, having listened to the reading, holds the opinion that the paper was more or less in the nature of a petition and memorial, owing to the fact that the last clause in the memorandum reads as follows:

> The 61 committees of the Union Patriotique have intrusted me with the mission to lay these facts before you in the hope that justice will be done.

These words being so similar to the wording of many petitions and memorials, the Chair ruled that the point of order was well taken.

Mr. BORAH. As I understand, it is a memorandum which was furnished to the Senator from Utah. I have similar statements, very recently received, but they were presented to me as a Senator. I have not seen fit as yet to present them to the Senate. I shall undoubtedly do so, if I am permitted to do so under the rules of the Senate, when we come to discuss that question. I am not in sympathy with all that has been done by the United States in Haiti. I think, at least, there are two sides to the question. Certainly those who think there ought to be modifications of the practices which have been had heretofore would be justified in appealing to the facts as the facts are presented to them, even if they are presented by Haitian people.

It is a little different than if we were receiving a memorial or petition from some one whose territory we had not occupied and from a people with whom we had not come in contact as we have in this instance. We have practically been in possession of their territory. We have invaded their sovereignty. Whether it was justified or not is a matter about which we are going to have some discussion, and it will be discussed until the matter is finally settled. I can not believe it is quite within the rule.

The PRESIDING OFFICER. The Chair will say to the Senator that before ruling the document was examined, and the examination disclosed that it was not addressed to the Senator who presented it.

Mr. NORRIS obtained the floor.

Mr. KING. Mr. President, will the Senator from Nebraska yield to me to make a brief statement?

Mr. NORRIS. I only want to make a short statement myself, but I will yield to the Senator from Utah.

Mr. KING. In reply to the suggestion of the Chair that the last paragraph, which the Chair read, apparently was addressed to the Senate; may I say I do not have that view. Upon various occasions during the past four or five years I have offered resolutions in the Senate calling for the withdrawal of the United States from Haiti. I have received many letters from Haitians in regard to my efforts to free the Haitian Government from the control of the United States, and in regard to what they contend is the illegal occupancy of their country by the military forces of the United States. Mr. Thoby came to the United States a few days ago, and called upon me and discussed conditions in his country. He prepared the memorandum to advise me of what he believed to be the conditions in his country. He and other Haitians regard me as their friend and one who is interested in their welfare. Accordingly this memorandum was presented to me that I might have the benefit of their views and be able to do what little I could to change conditions which they believe to be unjust and oppressive. I brought the memorandum here myself. Mr. Thoby did not bring it, nor did he ask me to present it to the Senate or to anybody in person.

Mr. NORRIS. Mr. President, I am concerned with the precedent we are going to establish one way or the other more than I am with the merits of the particular case. It is so clear to me that I want to say just a few words directly on the point of order, which is the question now before the Senate involved in the appeal from the decision of the Chair.

If the decision of the Chair shall be sustained, then we must all remember if that precedent is to be enforced that we shall have almost curtailed the right of free speech in this body. It is perfectly plain upon a reading of the entire paragraph and other paragraphs of the rule that it has no application whatever to an instance of this kind. However, I wish to read something besides that paragraph of the rule. First I am going to read the paragraph which was invoked in raising the point of order:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

That is part only of one paragraph of several paragraphs of Rule VII dealing with petitions and memorials. There can be no doubt, as I think I am going to convince the Senator from New York, that his point of order can not be sustained, and he should not desire it to be sustained. If it shall be sustained, then hereafter any Member of this body who is addressing the Senate and has a letter or memorandum from some citizen of Canada or Mexico or even from the city of Washington, if it should be a man or a woman who is not a citizen of the United States, can not have it read as a part of his remarks; he will not dare read it himself. Now, let us see what we are talking about. Paragraph 4 of this same rule, referring to petitions and memorials, states:

> Every petition and memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendments, except to add instructions.
>
> 5. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate.

Now comes the particular clause which has been invoked for the basis of the decision of the Chair:

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

Reading right on, the rule provides:

6. That only a brief statement of the contents, as provided for in Rule VII, paragraph 5, of such communications as are presented under the order of business "Presentation of petitions and memorials," shall be printed in the CONGRESSIONAL RECORD, and that no other portion of such communications shall be inserted in the RECORD unless specifically so ordered by a vote of the Senate, as provided for in Rule XXIX, paragraph 1, except that communications from the legislatures or conventions, lawfully called, of the respective States, Territories—

And so forth.

The rule is referring to petitions and memorials that come to the Senate as such and are presented under the order of business, as has been stated, of petitions and memorials. That does not apply to this case; there is nothing of that kind before the Senate now. This is not a petition; it is not a memorial such as is in contemplation in the rule here. It has no reference to a petition—no connection whatever with it. In the morning hour, when we are presenting morning business, there is a place, as the Chair will find in the order of business before him on the desk, which provides for petitions and memorials.

If a petition or memorial, coming under that head, is directed to the Senate or is presented by a Member directed to the Senate and is signed by an alien, this particular provision applies. Nothing of that kind has happened here. This is not, under any construction that one can put upon it, a petition or memorial to the Senate which has been presented in that way. If it were a petition or memorial, and had the right to come here, then the first thing that would have to be done would be to refer it to the proper committee, as is done every morning when we have morning business.

Mr. WADSWORTH. Mr. President——

Mr. NORRIS. I yield to the Senator from New York.

Mr. WADSWORTH. I ask this question in a perfectly friendly way.

Mr. NORRIS. Oh, yes; I am making my observations in that way; but I do not want the Senator to make a mistake.

Mr. WADSWORTH. What is the Senator's idea as to the use of the phrase "or other paper"? Why was that language used?

Mr. NORRIS. I do not know why it was used.

Mr. BRATTON. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. BRATTON. In response to the question of the Senator from New York [Mr. WADSWORTH], I desire to say that I think it is the rule in all legislation and rules of this kind that where certain persons or things are enumerated and such enumeration is followed by general language of this character, the general language includes only others of the same kind or species. For instance, if in a statute certain felonies are enumerated, and the statute uses the word "larceny," which has a dual meaning—petty larceny and grand larceny—the courts everywhere have held that the word "larceny" as used in such a case is limited to grand larceny and does not include petty larceny; and likewise if a statute uses the word "felony" and enumerates a number of felonies, and provides "or other offenses or other crimes," the general language is confined to crimes falling within the same class. So in this rule where the language used is "petition or memorial or other paper," it must be a paper in the nature of a petition or a memorial or falling within that category, under the uniform rule of construction of rules and legislation, National, State, and otherwise. So that the phrase "or other paper" as used in this rule means the same kind or the same kin or the same class and can not mean anything beyond that. So that when the Senator from New York expressly disclaimed the use of the words "petition or memorial" and did not desire to bring this paper within that class——

Mr. WADSWORTH. I did not take that attitude.

Mr. BRATTON. Does the Senator say it is a petition or a memorial?

Mr. WADSWORTH. No; I do not contend that technically it is a petition; but I think the language of the rule was meant to cover more than petitions.

Mr. BRATTON. Unquestionably the phrase "or other paper" is confined to papers of the kind or class of a petition or memorial, and if a paper does not fall within that class the rule does not apply.

Mr. NORRIS. Mr. President, I think the Senator from New Mexico has given a good explanation of the rule. I was going to call the attention of the Senator from New York again to the rule. It starts out by saying:

Every petition or memorial——

Mr. WILLIAMS. Mr. President, may I make an inquiry?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield, but I will never be able to complete my explanation if I do not have an opportunity to do so pretty soon.

Mr. WILLIAMS. The word "petition" as used in paragraphs 4 and 5 of Rule VII is the type of petition which is referred to in the first amendment to the Constitution, is it not, which will be found on page 389 of the manual?

Mr. NORRIS. I did not catch all of the Senator's question. Will he please repeat it?

Mr. WILLIAMS. I say the word "petition" as used in the rule is the same word "petition" as used in Amendment I to the Constitution of the United States as found on page 389 of our manual.

Mr. GEORGE. Does the Senator mean the first amendment to the Constitution?

Mr. WILLIAMS. Yes; which recites that—

The right of the people peaceably to assemble and to petition the Government for a redress of grievances—

"Petition the Government." The word "petition" as used in paragraphs 4 and 5 of Rule VII is that type of petition, is it not?

Mr. NORRIS. The first amendment to the Constitution reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. WILLIAMS. Yes; and the word "petition" as there used has the same significance as the word "petition" which is used in paragraphs 4 and 5 of Rule VII, has it not?

Mr. NORRIS. I do not know; but it is not material to assert or to deny that proposition, as I understand it.

Mr. WILLIAMS. It does become pertinent to inquire whether this is a petition or a memorial.

Mr. NORRIS. No; I do not think it is important. It does not make any difference whether one calls it a petition or a memorial. The rule applies to both petitions and memorials.

Mr. WILLIAMS. My point is that we can not make a rule which would be in contravention of the Constitution of the United States.

Mr. NORRIS. No; I do not think we could; but, of course, it might be held, I presume, that even under that provision of the Constitution such a petition as there referred to would have to come from a citizen of the United States or an American State or legislature or municipality, or something of that kind, and not from a citizen or subject of a foreign country.

Mr. WILLIAMS. Paragraph 5 provides that petitions, memorials, or other papers signed by citizens or subjects of a foreign power shall not be received.

Mr. NORRIS. Yes.

Mr. WILLIAMS. If we had entered the League of Nations, had taken a mandate of Armenia, were in occupation of Armenia, and the Armenians had grievances against the officers and soldiers of the United States for the treatment they were being accorded in Armenia, could the second sentence of paragraph 5 be applied to them as being citizens or subjects of a foreign power?

Mr. NORRIS. I presume they would be citizens or subjects of a foreign power; I presume we could make reasonable rules by which we would require them to present their petitions or memorials to the Senate through the President of the United States; and that, perhaps, that would not be a violation of the Constitution; but I think that is entirely immaterial. We do not have that case before us. We have not before us any petition or memorial of any kind coming from anybody.

Mr. WILLIAMS. The same situation would be applicable, would it not, if we had been or were in possession of Haiti?

Mr. NORRIS. No. If we were in possession of Haiti, as we are, and a citizen of Haiti wanted to write to a Senator, a Member of this body, there is not anything in the Constitution of the United States or the rules of the Senate that would prohibit him; and if a Senator wants to read a letter in the Senate written by a citizen of Haiti, there is not anything in the Rules of the Senate or in the Constitution of the United States that prohibits him from doing that.

Mr. WILLIAMS. I quite agree with the Senator.

Mr. HARRELD. Mr. President, I should like to ask the Senator from Nebraska a question.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I started to answer the question of the Senator from New York [Mr. WADSWORTH], but every time I started some other Senator interrupted me. I should like to go a little further into this question, because I am interested in it. Before I am interrupted any further, let me say a word while I have the floor.

I think the explanation made by the Senator from New Mexico [Mr. BRATTON] is a full answer to the question of the Senator from New York, but, in addition to what he said, I want to call attention again to the wording of the rule. First, it starts out and provides:

> Every petition or memorial shall be signed—

And so forth. Then it provides:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received.

It is referring to the reception of petitions and memorials and the framers of the rule proposed to include in it something else that might be considered, perhaps, as a petition or a memorial, or, to be technical, that might be included if it did not come within the technical definition if it were presented to the Senate as such petition or such memorial, even though technically it would not be a petition or memorial or other paper. If it comes in that form—if it is properly here and comes through a message from the President, then it is the duty of the Presiding Officer at once to refer it to the proper committee. That did not happen in this instance.

Mr. WADSWORTH. And yet I cited an instance where a Senator presented a paper signed by a British subject and the Chair held that it could not be presented.

Mr. NORRIS. All right; and this is not presented. It is part of the remarks of the Senator from Utah. Here is a memorandum—as a matter of fact, I understand in this particular case made for him—intended for his consideration, and he has it read here as a part of his remarks. It is true that he had it read by the clerk; but suppose he had read it himself—would the Senator contend that he would not have the right to read it as part of his remarks? And are we to go so far as to say that because of this rule if I have a letter from a man over in Canada I can not read it here?

I have read a good many letters from Canada; I have listened many times to letters written by men who were not citizens of the United States as part of the remarks of other Senators. The Senator would not contend that that would not be allowable, would he?

Mr. WADSWORTH. I will confess that it depends a good deal on the nature of the communication. I am human enough to state that.

Mr. NORRIS. I have nothing involved in this discussion except a desire to do what I believe is our duty—to save the Senate from taking a step that will bring us lots of trouble in the future.

Mr. WADSWORTH. May I interpose this observation: My idea of the use of the words "or other paper" is that they were intended to include those other papers or documents which technically could not be called petitions or memorials but which nevertheless were designed to influence the action of the Senate of the United States and to influence public opinion in the United States even to the extent of using scurrilous language and making scandalous charges against the United States Government and its dignity. This paper comes within an ace of doing that.

Mr. NORRIS. I think I see the Senator's point, and I think there is something in it. Still, that would apply just the same, I will say to the Senator, if the Senator undertook to read the article. No Senator would have a right to read a scurrilous article of that kind.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. LENROOT. Is there not a rule of the Senate that if any paper is read, even by a Senator, objection may be made, and he must then have the consent of the Senate?

Mr. WADSWORTH. Yes.

Mr. LENROOT. We decided just to-day that it could not be done otherwise.

Mr. FLETCHER. Mr. President, does it not make a difference if the paper was ruled out on objection? In the first place, the paper to which the Senator from New York refers was in the nature of a petition, and immediately its reception was objected to. In this case its reception was not objected to.

Mr. NORRIS. I think in this case, taking this language in connection with all the surrounding language that I have read—and I did not read all of it—taking it as a whole, there can be but one construction. It applies to something that is presented as a memorial or as a petition to the Senate itself. I suppose the words "or other paper" are intended to cover a case like the Senator himself has described, in which, by naming the document something else—a letter, for example—and at the same time presenting the essential features of a memorial or a petition, an attempt might be made to avoid the rule, and then this would apply. It says "or other paper"; but we are talking about memorials or petitions, nothing else, all through this part of Rule VII. The rule has no reference to debate that is going on in the Senate. It has no reference to a paper that a Senator undertakes to read. Other parts of the rules apply to that.

I think a fair, honest construction of this language will confine it to those things that are presented to the Senate itself as memorials or petitions. The words "other paper" I think are described by the Senator from New York himself when he says that it may be a paper not called a memorial, with the object of getting something before the Senate by naming it something else, and saying it is a letter, a memorandum, and so forth, naming it something else; but if in fact it is or possesses the essential features of a memorial or a petition, then, by whatever name it may be designated, this rule applies, where it comes, as other petitions and memorials do, before the Senate in the morning hour.

That is what we are talking about in these rules, about that order of business. It is so stated distinctly. That is all that it applies to. So it seems to me that if this is objectionable it must be on account of some other provision of the rule and not the one that is invoked here.

Mr. WADSWORTH. Mr. President, will the Senator yield for a moment?

Mr. NORRIS. Yes; I yield the floor.

Mr. WADSWORTH. Mr. President, I see very plainly that there is a grave difference of opinion on the interpretation of the second sentence of paragraph 5 of Rule VII; and I am frank enough to say that I can see that there is some danger in establishing the precedent which it is contended would be established were the ruling of the Chair in support of my point of order sustained by the Senate. I can see the point that is made in that connection. Perhaps the Senate will be somewhat out of patience with me for having raised the point of order and being instrumental in prolonging the session this afternoon. I did it, of course, with the utmost sincerity.

Perhaps I can reach the objective which I had principally in mind when I heard this thing read by requesting permission to withdraw the point of order and moving to expunge this paper from the RECORD.

Mr. NORRIS. I hope the Senator will do that.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Chair understand that the Senator withdraws the point of order?

Mr. WALSH. Before we take that course with respect to this matter I desire to add my view to that expressed by the Senator from New Mexico [Mr. BRATTON] that the Senator from New York is obviously giving too wide an application to the general language of this rule, "or other paper."

The rule was very accurately stated by the Senator from New Mexico; namely, that whenever specific language is used in a statute, specific items are named, and then general language follows, that general language is to be restricted in its application to conditions quite like those that precede. The rule is expressed by a Latin expression in the law, "ejusdem generis"; and I sent out and got the volume which gives us the application of that rule:

> "Ejusdem generis" means of the same kind or species. The words are used to designate a rule of construction that "When an author makes use, first, of terms, each evidently confined and limited to a particular class of a known species of things, and then, after such specific enumeration, subjoins a term of very extensive signification, this term, however general and comprehensive in its possible import, yet, when thus used, embraces only things 'ejusdem generis'"—that is, of the same kind or species—with those comprehended by the preceding limited and confined terms.

That rule is applicable not only to statutes but to wills and to contracts and all papers of that kind. Thus, if we had a statute saying that no note, I O U, or other instrument should be valid without a witness, it would be confined to instruments practically like those theretofore named in the statute. So, beyond cavil or question, we must read these words "no petition or memorial or other paper *of like character*," and so forth. That, however, it will be observed, is a rule that comes under the division, as stated by the Senator from Nebraska, of morning business, and obviously contem-

plates presentation to the Senate in these informal ways; not matters that are introduced in the body of a speech.

Mr. PEPPER. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. PEPPER. I entirely agree with what the Senator from Montana [Mr. WALSH] has said about the rule of construction; but I take it that it is reasonably clear that under the rule of ejusdem generis a remonstrance would be another paper in the same category as a petition or a memorial. Indeed, I find in Jefferson's Manual that remonstrances which call for no action, which are a protest against something done, are in the same category as petitions which pray for action. So I can very well conceive that this document might be regarded as a remonstrance, however intemperate and improper, against what is being done by the United States, and I can conceive that it might be included in the category of things covered by the rule that we are disputing.

But, Mr. President, I suggest that the test is whether the use intended to be made of the document under discussion is the individual use of the Senator who propounds it, or whether he is calling for action by the Senate in respect of the document that he propounds. This rule is a restraint on what the Senate may do with a document presented to it for action. The rule provides that the Senate may not receive documents of a certain class. This rule never becomes operative until there is a proposal that the Senate shall receive it. When there is a proposal that the Senate shall receive it the Senate may not receive it if it be of the character which the rule specifies.

In the absence of a request that the Senate receive the document, it seems to me that this rule can have no application. Therefore, I shall have to vote against the view taken by the Chair; and I hope the Senator from New York will persevere in the course that he has suggested.

Mr. WADSWORTH. Mr. President, as I said a moment ago, I myself am impressed with the argument that the ruling of the Chair, which was upon the point of order raised by myself, if sustained by the Senate, might very well set up an embarrassing precedent which would have an unfortunate effect upon the freedom of debate here in the Senate. I can see that there are at least two sides to this proposition, and of course I would not want to be a party to any effort to bring the Senate to such a conclusion, which might be a dangerous conclusion in matters far removed from this particular case.

With an expression of regret, which perhaps I owe to the Senate for being the cause, in part at least, of keeping it here until 20 minutes of 6, I ask unanimous consent to withdraw the point of order, giving notice at the same time that if that is agreed to by the Senate I shall move to expunge this memorandum or other paper from the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Missouri. Mr. President, the Senator ought to include in that, if he is to withdraw his point of order, that the ruling be likewise withdrawn, so that it shall not appear here as a precedent to bind us.

Mr. WADSWORTH. Yes.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw the appeal?

Mr. REED of Missouri. I will withdraw the appeal with the understanding that the ruling will be withdrawn.

The PRESIDING OFFICER. The Chair so understands. Without objection, the point of order, the ruling, and the appeal are all withdrawn.

Mr. WADSWORTH. Now, Mr. President, I simply desire in a sentence or two to express my view of this matter.

Here is a memorandum or other paper prepared by a subject or citizen of a foreign power, who at one time was chargé d'affaires in the legation of that power here in Washington, which contains some extraordinarily bitter denunciations of the policies of the United States Government, involving, among other things, the charge that the United States through its policy has spread vice and corruption in this other country, and charging our Government and its agents with brutality to an extreme degree. Coming as it does from a foreigner, from a citizen or subject of another power, to me at least it is offensive, and I do not like to see it printed in the CONGRESSIONAL RECORD.

I make that motion.

Mr. KING. Mr. President, I have read that statement, and the impression which it gives to me is quite different from that which has just been expressed by the Senator from New York. I can understand, however, that there are some criticisms there of the conduct of officials of our Government—I refer particularly to those military authorities who are in charge in Haiti—which might be offensive to some Senators and to other Americans, and might be construed as an attack, at least, upon some branch of the Government, if not upon the Government. I do not regard it in that light, but in deference to the views some Senators may have with respect to that matter, I think I shall suggest that the document be referred to the Committee on Foreign Relations, and I shall take their judgment.

Mr. REED of Missouri. And that it not now be printed in the RECORD?

Mr. KING. And that it not be printed in the RECORD now.

Mr. WADSWORTH. So far as I am concerned, that will be satisfactory, the understanding being that it will be expunged from the RECORD of to-day's proceedings.

Mr. KING. The Committee on Foreign Relations will pass upon it.

Mr. BORAH. I would like to have the suggestion of the Senator from Utah as to what the Senator expects us to do with it.

The PRESIDING OFFICER. Does the Senator from New York withdraw his motion?

Mr. WADSWORTH. With that understanding, the motion is withdrawn.

The PRESIDING OFFICER. The Senator from Utah asks that the paper be referred to the Committee on Foreign Relations. Is there objection? The Chair hears none, and it will be so referred.

Mr. ODDIE. Mr. President, I wish to express my approval of what has just been done, because I have unlimited confidence in the personnel of the Foreign Relations Committee. I wish further to say that any papers of this kind should also be referred to the State Department. I know that that department will give any statement from the subjects of Haiti every consideration necessary and that those people will have justice from this Government.

Mr. KING. Mr. President, will the Senator yield?

Mr. ODDIE. I yield.

Mr. KING. Of course, the Senator does not mean that we have to ask the State Department before we proceed. Does the Senator desire to have printed in the RECORD the statements for Mr. Borno and other foreigners which he has just offered?

Mr. ODDIE. I want that statement to go in just as it is, because it is an official document.

Mr. KING. Then I say to the Senator that he may expect a reply to-morrow.

Mr. ODDIE. I am perfectly willing to listen to a reply.

MUSCLE SHOALS

Mr. HARRIS. Mr. President, I do not desire to offend the Senator from Alabama [Mr. HEFLIN] or to infringe on any of his assumed rights as the President's spokesman in the Senate relative to the development of Muscle Shoals, but I ask unanimous consent to have printed in the RECORD the authoritative views expressed by the White House spokesman of the President on Muscle Shoals which was published in yesterday's Evening Star and this morning's Washington Post. This official statement shows conclusively that the President regards this question as a matter of nitrates for national defense and fertilizers for the farmers, and that it is not regarded by him as a water-power proposition.

Yesterday in my address in the Senate on Muscle Shoals resolution I called attention to the fact that the debates had been on other matters rather than the primary purpose for which the plant was originally intended—manufacture of nitrates to be used in making munitions in time of war and to manufacture fertilizer in time of peace, so the plant would be kept always ready for capacity production and at the same time enable farmers to get cheaper fertilizer.

I feel absolutely sure that Congress, with the cooperation of President Coolidge, will see to it that neither the Water Power Trust nor the Fertilizer Trust gets charge of this property to be used for their selfish end.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PRESIDENT STRESSES NEED FOR NITRATES—WANTS MORE ATTENTION PAID TO DEFENSE SIDE OF MUSCLE SHOALS PROJECT

While President Coolidge has expressed warm approval over passage by the Senate of the Muscle Shoals leasing bill, it was emphasized at the Executive Offices yesterday that he feels too little attention has been devoted to the national-defense side of the question. Primarily this project, the White House spokesman pointed out, was for the manufacture of nitrates so that the Nation would be independent should command of the seas be wrested from it in the event of a war.

While the country has spent and is spending large sums of money for the Army and the Navy and for the production of armament, all this would be worthless in case of war if the needed materials for the production of high explosives were not available, it was pointed out. Chief of these is nitrates.

At the present time they are not available in this country. With the Muscle Shoals project developed to the limit, the spokesman advised, an adequate reserve supply would be available, while at the same time the agricultural interests of the country would be able to have the surplus, thus keeping down the price now considered above the fair margin because of the Chilean monopoly.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. I ask that the War Department appropriation bill be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

Mr. JONES of Washington. The Senator from New York desires to finish the consideration of his bill this evening if possible.

The PRESIDING OFFICER. The clerk will state the next amendment of the Committee on Appropriations.

The CHIEF CLERK. The next amendment is on page 43, line 16, in the items for Medical and Hospital Department, to strike out "$1,197,011" and to insert in lieu thereof "$938,255."

Mr. WADSWORTH. Mr. President, several Senators have suggested to me that they would like to give special consideration to and perhaps indulge in debate in connection with several items in the bill. It is now 12 minutes to 6, and it is apparent that we could not make much progress this evening without attempting to keep a quorum present.

The Senator from Missouri [Mr. REED] has a matter he desires to present, and I had an understanding with him that he might bring it up while the Army appropriation bill was pending. Therefore I yield to him now.

NATIONAL MILITARY PARK, WESTPORT, MO.

Mr. REED of Missouri. Mr. President, I do not want to impose on the good nature of the Senate, but it is a simple bill. I ask unanimous consent for the consideration of Senate bill 2479, to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to the same on behalf of the United States.

Mr. WARREN. I understand that we are proceeding by consent of the Senator from Idaho [Mr. GOODING], who has in charge of the bill to amend the interstate commerce act, and whom I do not see in the Chamber at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. REED of Missouri. If the bill shall provoke debate of any length, I will lay it aside.

Mr. JONES of Washington. I would like to have the bill read.

The Chief Clerk read the bill by title.

Mr. JONES of Washington. I have no objection to the consideration of the bill.

Mr. WADSWORTH. If the Senator will permit me to interrupt him, I may shorten the proceedings. This bill is drafted along parallel lines with the provisions of other measures already passed for the establishment of military parks. It authorizes the acquisition of the necessary land. Later on the financial phase of the matter will have to be considered by the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2479) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park and to authorize the Secretary of War to acquire title to same on behalf of the United States, which had been reported from the Committee on Military Affairs with amendments: On page 1, line 7, after the word "Westport," to strike out the words "to foster, in rising generations of Americans, love of the institutions of liberty which there triumphed, the history of that memorable battle at once the last and supreme effort of southern armies in the trans-Mississippi West and the final clash of bitter border enmities may be appropriately preserved on the ground where the deeds of fine courage and high devotion were wrought"; on page 2, line 7, after the word "park," to insert the words "to be known as Westport National Military Park"; on page 2, line 9, after the word "States," to strike out down to and including line 21, as follows:

that is to say, that tract of land defined and bounded by streets and avenues of said municipality as follows: On the north by Fifty-first Street, on the east by Wornall Road, on the south by Fifty-fifth Street, and on the west by Belleview Avenue; that the area so defined shall be known as the Westport National Military Park, being the tract heretofore occupied by the Kansas City Country Club.

SEC. 2. That the Secretary of War, upon the passage of this act, shall proceed to acquire said tract of land by purchase, condemnation, or otherwise, and provide for the proper custody and uses of same conformably with the purposes hereof.

On page 2, after the matter just stricken out, to insert a new section, as follows:

SEC. 2. In order to establish said Westport National Military Park, the Secretary of War is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, at a cost not to exceed $600,000, which sum is hereby authorized to be appropriated, a tract of land lying within the municipality of Kansas City, in the State of Missouri, defined and bounded by streets and avenues of said municipality, as follows: On the north by Fifty-first Street, on the east by Wornall Road, on the south by Fifty-fifth Street, and on the west by Belleview Avenue, being the tract heretofore occupied by the Kansas City Country Club.

On page 3 to insert a new section, as follows:

SEC. 3. The Secretary of War shall be charged with the maintenance and administration of said park and regulations for its maintenance and use shall be prepared and issued under his direction and with his approval. In so far as appropriations will permit he shall cause the necessary roads to be opened and repaired, the battle lines to be suitably marked, and such labor and services to be employed as may be necessary to carry out the purposes of this act.

On page 3 to insert a new section, as follows:

SEC. 4. It shall be lawful for any State that had troops engaged in the battle of Westport to enter upon the lands of the Westport National Military Park for the purpose of marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed method of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary: *Provided further*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

On page 4 to insert a new section, as follows:

SEC. 5. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injury any tree, bush, or shrubbery that shall be growing upon said park or shall cut down, fell, or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of said park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter on any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, and is found guilty thereof before any justice of the peace in the county in which the offense may be committed or any court of competent jurisdiction, he shall for each and every offense forfeit and pay a fine of not less than $5 or more than $50, one-half for the use of the park and one-half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the county where the offense may be committed.

So as to make the bill read:

Be it enacted, etc., That, as was done to memorialize the heroisms of their comrades of the armies of the Civil War at Gettysburg in the East and at Chickamauga and Shiloh in the Central West, so in like manner to perpetuate the memory of the splendid valor of the men of the Southwest at Westport, a portion of that battle field lying within the municipality of Kansas City, in the State of Missouri, is hereby declared to be a national military park, to be known as Westport National Military Park, whenever title to same shall have been acquired by the United States.

SEC. 2. In order to establish said Westport National Military Park, etc.

SEC. 3. The Secretary of War shall be charged with the maintenance and administration of said park, etc.

SEC. 4. It shall be lawful for any State that had troops engaged in the battle of Westport to enter upon the lands of the Westport National Military Park, etc.

SEC. 5. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. PITTMAN. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

ADJOURNMENT

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Thursday, March 11, 1926, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 10 (legislative day of March 9), 1926

UNITED STATES ATTORNEY

Peyton Gordon, of the District of Columbia, to be United States attorney, District of Columbia. (A reappointment, his term having expired.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10 (legislative day of March 9), 1926

MEMBER OF FEDERAL TRADE COMMISSION

Charles W. Hunt.

SOLICITOR OF THE TREASURY DEPARTMENT

Robert J. Mawhinney.

UNITED STATES ATTORNEY

Walter G. Winne to be attorney, district of New Jersey.

UNITED STATES MARSHAL

Francis Marion McCain to be marshal, western district of Kentucky.

POSTMASTERS

COLORADO

Charles Lawton, Fort Logan.
Kiah C. Brown, Merino.

KANSAS

Melvin L. Holaday, Anthony.
Mabel I. Driggs, Bern.
Stephen T. Roach, Englewood.
Marion W. Covey, Miltonvale.

MICHIGAN

Isaac Hurst, Akron.
Edwin L. Fox, Athens.
Webster C. Casselman, Baroda.
Percy W. Totten, Brooklyn.
Olin M. Thrasher, Mount Morris.
Amos H. Crosby, New Buffalo.

NEBRASKA

Frank A. Millhouse, Sumner.

NEW MEXICO

Guy Miner, Des Moines.
Charles C. Lee, Las Cruces.

OHIO

Clarence E. McCafferty, Chauncey.
Charles E. John, Elida.
Harry F. Mikesell, New Madison.

OKLAHOMA

Eugene J. Blossom, Atoka.
George N. Davina, Colony.
William I. Fisher, Cordell.
Edwin B. Minich, Eldorado.
Jason A. N. Horton, Hunter.
Charles L. Bell, Lindsay.
Walter S. Florence, Madill.
Lee R. Johnson, Olustee.
Edward McKim, Prague.
Bernie A. Cockrell, Tonkawa.
Logan G. Hysmith, Wilburton.

TEXAS

John H. Atterbury, Benjamin.
Emil Gold, Kerrville.
John H. Sharbutt, Lueders.
Ada Rodgers, Miami.
Frank L. Aten, Round Rock.

UTAH

Frank M. Shafer, Moab.

WEST VIRGINIA

Oscar T. Maynard, Williamson.

WISCONSIN

Lester B. West, Barron.
Alexander C. Magnus, Glen Flora.
Mamie B. Johnson, Kennan.
Frank E. Munroe, Ladysmith.
Amund J. Amundson, New Auburn.
Verner A. Nelson, Ogema.
David E. Lamon, Three Lakes.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 10, 1926*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite Spirit, teach us day by day the lessons of Thy wisdom. Give us faithful and loving hearts to do something for Thee, and help us to live and labor for the highest good. Forgive us if we are selfish, call us if we are estray, rebuke us if we are untrue, and cleanse us from all secret faults. May we so value this present life that we may realize it to be an echo of that life without end. When we have lived our little day and the old earth, that we so dearly love, is receding, may we be permitted to bow down in the presence of the "Holy of Holies" through Thy marvelous mercy and because of the little good we have done. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendment the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3173. An act granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River between Havre de Grace in Harford County and Perryville in Cecil County.

S. 3425. An act to authorize aided and directed settlement on certain Federal reclamation projects, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3173. An act granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River between Havre de Grace in Harford County and Perryville in Cecil County; to the Committee on Interstate and Foreign Commerce.

S. 3425. An act to authorize aided and directed settlement on certain Federal reclamation projects, and for other purposes; to the Committee on Immigration and Reclamation.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 2041. An act to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

DISCHARGE OF SOLDIERS OF THE WORLD WAR

Mr. REECE. Mr. Speaker, I ask unanimous consent to call up the conference report on Senate bill 1343, for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The SPEAKER. The gentleman from Tennessee calls up the conference report on the bill S. 1343. The Clerk will report it.

The conference report and accompanying statement were read, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Page 2, line 4, strike out the matter proposed to be inserted by the House and insert the following: "*Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act"; and the House agree to the same.

CARROLL REECE,
JAMES P. GLYNN,
LISTER HILL,
Managers on the part of the House.

J. W. WADSWORTH, JR.,
RALPH H. CAMERON,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, submit the following written statement explaining the action agreed upon:

The amendment agreed to in conference accomplishes the purpose and relief which the House amendment sought to accomplish, but is worded in such a way as not to attempt to change an historical fact.

CARROLL REECE,
JAMES P. GLYNN,
LISTER HILL,
Managers on the part of the House

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I present, for printing under the rule, a report [No. 488] from the Committee on Appropriations.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GRIFFIN. Mr. Speaker, I reserve all points of order on the bill.

Mr. FUNK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill (H. R. 10198); and, pending that motion, I desire to see if we can not have some agreement as to the time for general debate. I have discussed the matter with the gentleman from New York [Mr. GRIFFIN], and I have suggested 10 hours, one-half to be controlled by him and one-half by myself.

Mr. GRIFFIN. I will say that that will be agreeable to this side.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate be limited to 10 hours, one half to be controlled by himself and the other half by the gentleman from New York [Mr. GRIFFIN]. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not object—I want to file a protest, so that this action will not constitute a precedent and overturn existing precedents on this subject. During my service here, which has been nearly 10 years, this is the second time only that a supply bill, embracing almost a hundred pages, has been introduced and taken up for debate on the same day, before printed copies are generally available. It has occurred only once before this instance, and I protested then against the practice.

The Committee on Appropriations concerning all supply bills ought to give the membership plenty of time to study same after they are printed. Of course we are going to have plenty of time in this instance, but this ought not to be considered as a precedent without some protest being filed against it. I want to file my feeble protest against it.

Mr. MADDEN. I want to say to the gentleman that, irrespective of the protest, I maintain that the committee has the right to present the bill and proceed with its consideration at once, although we do not intend to do that.

Mr. BLANTON. The rules do not prevent it, but the precedents do.

Mr. MADDEN. Except in rare instances, where the House itself desires the committee to proceed for the expedition of business before the House, it is not the intention of the Committee on Appropriations to press the policy of immediate consideration. While of course the right of protest exists in every body, this practice is not forbidden under the rules of the House, and we are only proceeding in regular order under our unequivocal rights.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there for a question?

Mr. MADDEN. Yes.

Mr. BLANTON. Does the gentleman think it a wise policy as a general rule on behalf of the Committee on Appropriations to take up an 87-page supply bill such as this is, embracing $34,000,000, and consider it in general debate immediately after its introduction?

Mr. MADDEN. I will answer the gentleman by asking him a question. Does the gentleman from Texas sincerely think that the general debate, which really has nothing to do with the bill and in which men talk in connection with everything under the sun except the bill, has any relationship to the orderly consideration of the appropriation bill, which will not begin until next Tuesday in the consideration of the items contained in the bill?

Mr. BLANTON. It has not; but those who stay on the floor and listen to the general debate have no time to study this 87-page printed bill, and my contention is that the membership should have an opportunity to study every item in these bills before the general debate is had.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In a moment. I have always given the gentleman from Texas credit for having too much sense and too much wisdom to sit around here all the time listening to discussions in which he is not interested.

Mr. BLANTON. I think we should have time to study the bills before the general debate.

Mr. BYRNS. I think it should be emphasized that this bill will not be taken up for practically a week.

Mr. GARRETT of Tennessee. In so far as it could be, it was merely a part of the agreement had between the gentleman from Ohio [Mr. BEGG], acting in behalf of the majority leader, and myself on yesterday that this program be pursued, it being well understood that the bill would not come up for actual amendment until next Tuesday, and we thought that would give ample time for the Members to acquaint themselves with the provisions of the bill.

Mr. MADDEN. And the Committee on Appropriations is simply conforming to the policy outlined by the gentleman from Tennessee and the gentleman from Ohio, speaking for the majority and minority of the House.

Mr. BEGG. And both of us made the arrangement in order to accommodate a respected and honored Member of the House——

Mr. GARRETT of Tennessee. Who is ill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 10198.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10198) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 10198, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. HOWARD]. [Applause.]

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, in recent days our eyes have been dimmed by overmuch reading of the reports which have leaked out from a house which they call the fact-finding house.

I have had a strange experience recently, Mr. Chairman. I do not know how it happened, and I do not know what great power brought it about, but one evening recently, without any request of mine and without any power on my part to resist, I was placed upon a moonbeam and carried away over into Dreamland and dropped down into a beautiful garden. Near the garden was a beautiful mansion, and over the door of the mansion, in golden letters, were the words, "The Place Where Facts are Found." When I arrived there I saw a great many persons assembled in the garden, but it seemed to me I could not understand the language that they spoke.

After a while a charming gentleman, in the guise of one of the most beautiful sheiks, beckoned to me to enter the house with him, the "fact-finding house," and I did. There I discovered a great assemblage of those whom I recognized as having recently presented in the newspapers and on this floor a great many facts with reference to legislation which they have a desire to have pending in this House. The great room was arranged as a banquet hall, and in the place of honor, at the head of the great table, was a gentleman representing very closely one of our beloved colleagues in this House. I think if I should give a personal description of him all of you would instantly recognize him. He was the presiding genius. Up to that moment I had not understood a word of the language those people were speaking, but suddenly there seemed to be given to me the power to understand that language. Oh, it was a very queer language. Did any of you ever hear of it? Quite a number of you, I dare say, may not believe me when I tell you it was the language of the dead. And now I come back to you to bear to you some report from that strange meeting and to tell to you what I heard in the language of the dead. I know you will look incredulous. You do not believe there's a language of the dead. Ah, my friends, there is. There's a language of the lowly and a language of the great; there's a language of the diplomat to conceal affairs of state; there's a language of the heart and a language of the head, but the queerest tongue e'er spoken is the language of the dead. Men may not learn that language in any earthly school. It's a language never spoken by any man-made rule, but it is the tongue of Dreamland, where John Barleycorn lies sleeping; where the legions of John Philip their faithful watch are keeping. [Laughter and applause.]

The services at the banquet were opened by the toastmaster with the announcement that they would sing, "We won't go home 'till morning." I thought it was odd that they should begin that so early in the evening, and I was more and more surprised at the next vocal number when it was announced that the audience would rise and sing Sweet Adeline. In all my experience I had never known before that anybody was capable of properly rendering Sweet Adeline without proper orgnization. [Laughter.]

Now, if any of you have had any doubt in your mind about whether or not light wines and beer are intoxicating, let me direct your attention to the fact that the light wines and beer consumed over in that fact-finding house in four minutes' time enabled that vast audience to render Sweet Adeline more eloquently than I ever heard it rendered in the cold gray dawn of the morning. [Laughter and applause.]

The first—shall I call it a literary number—I guess I will, because it was grandiloquently eloquent, and it was delivered by Governor Rickey. [Laughter.] I was sitting so far back I could not get exactly what he said, and so I will not attempt to repeat it to you.

Then came the oddest experience. The toastmaster announced that the patriarch of the fact finders would pronounce an ode, an ode to the cherry in the glass.

Very few of you here are old enough to remember that once upon a time, and for more than 100 years, the most popular diplomatic drink in the assemblies of the great, at home and abroad, was known as the American cocktail. We in our country call it, or we used to call it, the Manhattan cocktail. As a matter of history, in order that you may hand it down to the children, I will tell you how men used to make the Manhattan cocktail. First they took a little glass with a flaming rim, poured a little liquor in the glass, and an equal amount of brandy, then a little dash of Angostura bitters, and then a little twist of a dry lemon peel, and into the glass they dropped a blood-red cherry. This constituted the Manhattan cocktail.

The patriarch explained all this, and then he took the cherry in the glass, with its contents, light wine and beer, emblematic of that which used to be, and then he spoke to the cherry. Mind you, friends, he was speaking in the language of the dead, but I correctly interpreted him. I had been there some time then, and the language was very clear to me. He looked at the cherry appealingly, and so did all the rest of them. [Laughter.] He held it before him, and some of them stood up when they could not see it, and for their benefit he held it higher, and he said to the cherry: "Thy value is a farthing, and yet so highly prized art thou that nabobs have been pauperized by ambition to possess thee. Athletes strong as Ursus, fit to win and fit to wear the laurel wreath in Athens or in Rome, have offered at thy shrine, only to see Apollo forms and Samson strength transformed to the ruin and to wreck of all that made them beautiful and strong. The brightest intellects of men whose writings and whose speech have lighted torches of liberty in darksome Russia or rendered more effulgent still the liberal paths in our America have been reduced to sickly dips by thy destroying power. Far away in the years when the gods were young they gave thee powers like unto the gods themselves. Into the mirror of history I peer and see thee clothed as Cleopatra, with all the princes of the earth as lovers at thy feet. But even there thy regal self was hedged about by legions not more dangerous than now attend thee in this glass. Again I see thee in the guise of modern woman, one who like a magnet draws unto herself the very soul, the waking thoughts and all the dreams that come to soothe or mar the slumbers of a man. He knows thy power and fears it, but swears he will be strong to stay thy spell, and in his braver moments draws anear, only too late, to find his weakness and thy wondrous power. The rarest gem from Africa's mine was reached through dangers like to those which ever stand between thy beauteous self and fond desire of human hearts.

"O cherry, fell destroyer in forms most fair! And yet I love thee, and though the gates of death were yawning wide, I'd enter even there to reach thy side, and feel within my soul the bliss vouchsafed alone through thy sweet kiss." [Laughter and applause.]

There was a great applause, and, as it died away, I heard a wonderful voice speaking from, I do not know where; nobody seemed to see the source of the voice. It was a beautiful voice, and it said: "John Barleycorn is dead, and I killed him. I am the Constitution of the United States of America. I am the only power on the earth than can make John Barleycorn live again. Until I shall have been so changed by my sovereign masters, the American people, as to permit me to bring John to life again, John must remain dead." [Laughter and applause.]

I do not remember what happened after that. [Laughter and applause.]

Mr. GRIFFIN. Mr. Chairman——

Mr. HOWARD. Mr. Chairman, I did not have anything more to say, but I understand I had quite a bit of time left, and I yield it back to somebody else. [Laughter.]

The CHAIRMAN. The gentleman yields back 30 seconds. [Laughter.]

Mr. GRIFFIN. Mr. Chairman, I yield 25 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman and members of the committee, for some time I have contemplated bringing to your attention a condition which exists in Mississippi, which condition is the direct outgrowth of the corrupt manner in which Federal patronage is dispensed in that State.

In order to properly and officially get this situation before the House, I have introduced a resolution (H. Res. 161) directing the Attorney General to transmit to this House the report, and evidence sustaining that report, made almost a year ago

to the Department of Justice, relating to abuses in dispensing Federal patronage in Mississippi.

I am calling your attention at this time to the resolution because I hope that it may receive consideration very soon under the rules of the House giving it a privileged status. I hope it will be reported to the House promptly by the Judiciary Committee in order that the House may give immediate consideration to the proposition presented in the resolution.

An outline of the facts on which the resolution is based, and which I believe will be disclosed to the House when the resolution is responded to, is this:

It has been publicly charged that Federal patronage is sold to the highest bidder in Mississippi by Perry W. Howard and his subordinates. No Federal appointments in Mississippi are made without the approval of Perry W. Howard.

The Department of Justice, through F. J. Blake and T. M. Daniel, made a full investigation in the early part of 1925 of the charges against Perry W. Howard of patronage selling in Mississippi and their report with full evidence to sustain it having been filed with the Department of Justice about May, 1925, and the Attorney General having failed or refused to take any action on this report, or to make public the report and the evidence to sustain it, I have introduced the following resolution in an effort to get the matter opened up, the truth revealed, and the situation before us so that we can take such action as is proper when the report is before us.

Resolved, That the Attorney General be, and he is hereby, directed to transmit to this House for its information and guidance in such action as it deems necessary to be taken the report of F. J. Blake and T. M. Daniel on the Mississippi patronage abuses charge and all evidence filed therewith relating to Perry W. Howard.

I have hesitated about calling attention on the floor of the House to this situation because I had hoped that it might get better, or that some action might be taken by the administration to remedy it. I must confess that that hope has been entirely shattered, and instead of conditions getting better, they have grown constantly worse, and no relief has been promised by official action.

In almost every other Southern State, as well as in Mississippi, an open charge has been made that the individuals representing the Republican organization in those States, if the Republican Party could be said to have real organizations in some of them, headed by the Republican national committeeman and the Republican State chairman, have been making sales of the Federal patronage of any and every kind to the highest bidders. These charges have become so open, continuous, and notorious, I take it that no one connected with the political affairs of the country is ignorant of them or doubts the truthfulness of these charges or doubts that they are founded on facts.

In my particular State—Mississippi—so corrupt, open, and notorious has been the practice of barter and sale of Federal positions from the humblest place of postmaster or rural letter carrier to the most important appointive Federal positions in the State, that self-respecting, decent citizens shudder to think of the humiliation into which the State has been dragged by those who would debauch the reputation of their country and sell its good name in order that they might be personally enriched by the sale of Federal patronage. These individuals are the representatives of the Republican Party in Mississippi and are so recognized and accredited by the national Republican organization.

Believing in the fair sense of honor of the membership of this House, whether you come from the East, the West, the North, or the South, I lay before you this condition and appeal to you as fair-minded men who have at heart the good of our country and the honor of its institutions to join hands with us who are afflicted by this plague of honorless patronage sellers and help us to relieve our own State of the ignominy to which it is now subjected as well as clear the name of your party of the indelible blot which is being perpetrated on a page of its history. For you to do so will not only be a service to our people but an honor to our country. Into your hands has been intrusted the leadership of its destinies and the protection of its honor and glory for the present.

The Republican Party in Mississippi is headed by a negro by the name of Perry W. Howard, who is the Republican national committeeman for that State, he having achieved that distinction in June, 1924. A negro woman by the name of Booze, of Mound Bayou, Miss., is the Republican national committeewoman. S. D. Redmond, a half brother of Perry W. Howard; A. M. Redmond, another half brother of Perry W. Howard; and W. L. Mhoon, a law partner of Perry W. Howard, all high in the councils of the Republican organization in Mississippi, hold the chief places in directing the welfare of that party as well as being the exclusive body through which Federal patronage is dispensed.

Perry W. Howard is located here in Washington. He has been given an appointment in the Department of Justice as a special assistant to the Attorney General, a position paying $5,000 per annum. As Republican national committeeman for Mississippi, he is the sole arbiter and has the only and last word on Federal appointments in that State, and to him must be submitted, under the policy of the Republican Party in dispensing patronage, the most trivial appointment as well as the more important. On his approval, and on his approval only, are appointments made by the governmental departments at this time and for many months past.

Mississippi, I am informed, has been thoroughly organized by the Redmonds, half brothers of Perry W. Howard; the Boozes, including E. P. Booze and wife, mentioned heretofore; Mhoon, law partner of Perry W. Howard; and some other like characters, into an organization so constructed as to most carefully and advantageously make sale of Federal patronage. I am sure that is true regarding my district, and I understand it is true regarding the other congressional districts as well.

Mr. QUIN. I want to say to the gentleman that I do not believe there has ever been a deal of that kind pulled off in my district.

Mr. BUSBY. I am glad to hear of one pure spot in the State. In each county some negro has been selected by the organizers, and to him has been intrusted the important position of naming some of the minor appointees and collecting from them the amount charged for the position, the most important places being reserved to the "higher-ups" in the organization in order that they may profit by the sale of the better places. The persons designated to receive appointments by these "field agents" are O. K'd by Perry W. Howard, and the appointments are then made by the departments. I do not say that all appointments are sold; I know some persons who have received appointments who are beyond reproach, but this is not to the credit of Howard and his bunch, but due to the integrity of those persons.

In the latter part of 1924 it became apparent that the United States marshal for the northern district of Mississippi would resign; in fact, if I remember correctly, he stated through the press that he expected to resign from that position, the resignation to become effective October 1, 1924. This would create a vacancy in one of the most important Federal positions in Mississippi to which appointments are made. Immediately S. D. Redmond and A. M. Redmond, half brothers of Perry W. Howard, got in touch with some of the leading Republicans of the northern district of Mississippi and proposed to make a deal with them and by this deal to sell the appointment of United States marshal for an amount ranging around $1,500—"cash in advance." They proposed this deal not to just one person, but to several persons, all of whom were too honorable to lend a hand to perpetrating this infamy on the honor of our Government; consequently the offers were respectively declined. To substantiate their authority to make the sale of this office the Redmonds exhibited an agreement, it is alleged in affidavits I hold, signed by Perry W. Howard, wherein it was agreed that S. D. Redmond should be consulted when appointments were made of United States marshal and United States attorney for Mississippi. Perry W. Howard, being an appointee in the Department of Justice, as well as the Republican national committeeman for Mississippi, the proposed sale of the United States marshal's office by Howard and his gang was laid before the Department of Justice in November, 1924; affidavits were submitted to the department by persons who had been approached to buy this position. On December 5, 1924, Rush L. Holland, Assistant Attorney General, wrote A. M. Storer, one of the parties to whom the Redmonds had proposed to sell the United States marshalship, that—

> The information contained in your letter and the affidavits accompanying it is amazing. It discloses that there apparently exists a conspiracy in Mississippi to dispose of offices for a cash consideration, which of course is damnable and unthinkable and can not be tolerated. You are assured that this matter will be thoroughly investigated by the department.

In furthering the promise of an investigation, F. J. Blake, post-office box 91, Dallas, Tex., and T. M. Daniel, post-office box 409, Memphis, Tenn., were appointed by the Department of Justice to make an investigation of these charges against Perry W. Howard and his subordinates, and these investigators entered immediately upon that duty. They completed the investigation in the latter part of May, 1925, and filed their report with full evidence to sustain it and to sustain the charges of the sale of Federal patronage. The Attorney General failed to take any

action on this report or to make public the report or the evidence.

In February, 1925, the Attorney General's attention was called to the fact that no report had been made on the case. He replied that—

> Additional information is being sought.

On February 20, 1925, this situation was fully laid before President Coolidge in a communication addressed to him. It was likewise fully placed before Hon. WILLIAM M. BUTLER, chairman of the Republican National Committee, the two individuals who have complete authority and power to correct the evils that are so palpably shown to exist, the one as Chief Executive of the United States, in whose department Perry W. Howard is serving as special assistant to the Attorney General; the other, Mr. BUTLER as head of the Republican Party organization. He has the power to remove Howard from the favored position of "Federal pie dispenser in the State of Mississippi."

To these—the President of the United States and the chairman of the Republican National Committee—is chargeable all the blame for the continuation of this condition of political corruption after it has been disclosed to them.

In June, 1925, the attention of President Coolidge and of Chairman BUTLER was again called to the fact that no decision in this case had been made by the Department of Justice, to which Mr. BUTLER replied:

> The matter to which you refer is still under investigation.

We are now well into the year 1926, and I suppose "the matter is still under investigation."

The evidence of guilt and criminality connected with the barter and sale of Federal patronage in Mississippi continues securely concealed in the archives of the Attorney General's Department.

The foregoing instance to which this resolution relates and to which I have addressed myself is not the only occasion where it has been alleged and proved that Perry W. Howard and his gang have materially profited by the sale of Federal patronage in Mississippi. Dozens of instances of the sales of postmasterships, rural letter-carrier positions, and other positions could be cited. The particulars of these deals I have in my possession.

Some kind of an investigation was put on by the Postmaster General's Department, and while Postmaster General Harry S. New, in a letter of January 31, 1925, to Perry W. Howard, addressed to him at the Department of Justice, Washington, D. C., attempts to absolve Howard from blame as principal in the transaction, says:

> It was, however, indubitably shown that certain individuals who have been connected with the organization in Mississippi in the recent past stand convicted of having accepted money, and not only that but having most assiduously solicited it from candidates for office.

But it is not necessary that I should go into the details of these abominable transactions. This should be done by the Government departments that are under the control of this administration and that are affected by this practice. They are the proper agencies to take action. I can only call attention to conditions that exist.

The Republican Party is in power; the Republican Party alone is responsible.

This corrupt conduct is being carried on in the executive department—that department headed by President Calvin Coolidge—and he having had it fully laid before him and his attention directed to it as many as three different times, he is directly chargeable with the duty of remedying that which is contrary to all sense of honor, common decency, and political integrity now existing in one of the 48 sovereign States. If this condition has been proven, and the evidence of guilt is in the hands of the Department of Justice, connivance by the President at its continuance only affirms his approval of it.

Chairman BUTLER is directly in a position to relieve Perry W. Howard of authority to dispense the patronage in Mississippi. I can not understand why he should so agreeably ignore the continuation of this condition or the practices it makes possible, unless, as I have been told by many leading Republicans from other States as well as from mine, that the purpose of his organization is to permit negroes in some of the Southern States, in which there is practically no Republican strength, to control, dispense, and sell, if they desire to do so, the Federal patronage in those States in order that the negroes of Northern States and those in the Eastern States can be convinced of the goodness of the Republican Party to them when it is pointed out by the Republican politicians that the Republican Party is permitting negroes to stand in the places of chief authority in dispensing patronage in other States.

I am not on the inside of the Republican Party enough to know any other reason than this one, so often stated to me by persons who claim to be members of that party.

It little concerns me what branch or wing of the Republican Party in my State has the upper hand of things. It makes no difference whatever to me. I am not advocating the cause of any of them. I am advocating the cause of the honor of Mississippi and of upright Mississippians. I am advocating the cause of government without corruption, of national honor, untinged by the putrid practices of a gang of low, mercenary characters permitted to gain and remain in power, and to convert their Nation's honor and their party's integrity into shame and disgrace for profit.

I believe we have some good and upright Republican citizens in Mississippi, but it is a hard struggle for them to hold on to the faith in the face of the treatment they are accorded by the national Republican organization.

I know that we have upright, high-minded, loyal Republicans who are Members of this House, men who believe in every man and in every State having a square deal and fair treatment. It is to you I appeal, as well as to the Democrats of the House, to join hands with us that we may take whatever action is necessary to clean up the condition in my State as well as in all other States where similar conditions prevail.

No party success is or can be sufficient to compensate a political party for loss of honor and integrity through corrupt practices to secure that success.

Let us stand solidly together, whether Democrat, Republican, or Progressive, for clean government, fair treatment, and open honesty to every State and to the peoples from one end of the country to the other. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and Members of the committee, I assure you gentlemen that the remarks of the gentleman from Nebraska [Mr. HOWARD] in telling us how to make a Manhattan cocktail very likely awakened emotions of recognition within most Members who are present this morning. [Laughter.] However, it all goes back, I am sure, to what the very distinguished Senator, Mr. BRUCE, recently said, that the country is divided into two classes—those who have a little still and those who still have a little. [Laughter.]

In connection with that subject there is being conducted now by a great many metropolitan dailies throughout the country a prohibition referendum, and so important to my mind is that referendum that I think the matter should be called to the attention of the Members of the House and of the country.

For the benefit of gentlemen who come from far Western States I want to direct attention to the fact that the Denver Post—and I am glad to see a member of the Colorado delegation [Mr. TIMBERLAKE] present—conducted a poll and the results show an overwhelming moist, damp, sentiment, not only in the State of Colorado but throughout the Rocky Mountain area, and the final figures for the poll conducted by the Denver Post, from February 12 to February 22, shows that the answer to the question on prohibition was yes to the extent of 20,756, and against prohibition 79,700. That is a margin against prohibition of 58,944.

They conducted a secondary poll with reference to the modification, liberalizing the Volstead Act for the purpose of legalizing the manufacture, sale, and distribution of light wines and beer. Those who voted for liberalization were 83,356, and against only 18,999, leaving a margin in favor of wines and beer to the extent of 64,357. Thus the supposedly arid region of the Rocky Mountain States is "wet" by more than 4 to 1.

Mr. BLANTON. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. BLANTON. If there is such a strong sentiment in the United States for wine and beer as the gentleman would indicate from his quotation of these statistics, it ought to be a very easy matter for the wets to stack this House with Members in favor of modification. I predict that you will not have five votes more than you have now.

Mr. CELLER. If the gentleman's prediction is like all his other predictions he will find he is mistaken.

Mr. BLANTON. The most that you have been able to corral recently is 37 votes by actual count.

Mr. CELLER. I will say that most of the Members in this House are very much like the leaning tower of Pisa; they have the inclination but they dare not fall. [Laughter.] I am sure that this poll that is now being taken, indicative of the situation throughout the country, is going to make a great many Members of the House fall.

Mr. O'CONNOR of New York. Is it not a fact, because of that poll, that two Senators from Colorado fell?

Mr. CELLER. I think the gentleman is correct. The gentleman from Texas reminds me of an Irish lady in my district. She said to me, "Congressman, I am not going to read the Literary Digest any more." I said, "Why, Mrs. McDowd?" She says, "The Literary Digest always publishes two sides of the Irish question. I'll not read it. There is only one side of the Irish question." [Laughter.] The gentleman from Texas can only see one side of the prohibition question.

Mr. BLANTON. Would the gentleman yield after that?

Mr. CELLER. I yield.

Mr. BLANTON. Whenever the leaning tower of Pisa falls, the gentleman may expect some dry Congressman to fall.

Mr. CELLER. The gentleman would better look out that he does not fall. With reference to the poll in the Rocky Mountain area, let me say that that area has always been the backbone of the prohibition movement. That was the most arid section in the country. I took a trip to the West only recently, to be exact, last October. I stopped in the city of Denver and in other parts of Colorado. I assure you, my good friends, I found from my own observation that Colorado was quite moist, and nobody ever wanted for any of the delectable liquids one might desire. There were always those ready and willing and able to serve one not only in the city of Denver but in most parts of Colorado.

Now with reference to the poll conducted by the Denver Post, the total votes, including the straight dry and wet ballots and the split ballots, in which voters expressed themselves on only one of the two questions submitted, was approximately 110,000. I have read you the way the vote went, but the response, so the paper states in its edition of February 23, "is all the more significant when it is considered that the total number of ballots cast in Denver is more than 50 per cent of the normal city vote in a presidential election year, while the total vote for the entire State of Colorado is more than 25 per cent of that normally polled in the most important election." It also states that "the Post's prohibition poll is all the more surprising in that the referendum was indorsed by the drys and opposed by the wets. The poll was begun on February 12, and two days later a wet organization in Denver published a newspaper advertisement advising the people not to vote, and the Colorado division officers of the Association Against the Prohibition Amendment called on all members of the organization and all members in favor of modification not to vote. While the leaders of the wet movement were urging their followers not to take part in the poll, the Colorado Anti-Saloon League and other dry organizations were waging a state-wide campaign to get out their votes. Appeals for the people to rally to the support of prohibition were voiced from almost every Colorado pulpit. Ballot boxes were put in a large number of churches and the votes collected there were delivered to the Post. No ballots were accepted, says the newspaper, which did not bear the signature and address of the person voting. The average daily circulation of the Denver Post is 163,000. That the total number of ballots cast is 52,000 fewer than the total number printed and circulated forestalls any claim that there was ballot stuffing.

Mr. Chairman, I commend that poll and also this statement which I shall now read to the delegation from the State of Colorado. Mind you, the Post states that it had always been consistently for prohibition. It has been in favor of the prohibition law, and it has this to say:

> The owners of the Post have always been in favor of prohibition, and in spite of the result of the referendum vote on the subject we are as strong for prohibition as ever. The Post believes that the unprecedented prosperity, growth, and development of our country during the past few years is due more to prohibition than to any one cause.

So it will be seen that the tendencies of the Post were pro-prohibition, that they were all in that direction. It attributes, for example—of course, erroneously—the prosperity of the country to prohibition; but nevertheless we may be sure, because of its prohibition proclivities, that it conducted this poll in a fair and impartial manner. The poll indicated the wet sentiment of the people of Colorado. Colorado Congressmen had better make their votes consistent with that sentiment. The paper further says:

> The Post is of the opinion that it will take many generations, if ever, for the people of the United States to consent to bring back upon themselves the curse of saloons and liquor. The referendum vote recently taken by the Post on this question was a very great surprise to us.

And so it must be to the gentleman from Texas [Mr. BLANTON]. But this vote clearly shows a very radical change in public sentiment during the last few years.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. WELLER. Is there a State enforcement act in the State of Colorado?

Mr. CELLER. There is.

Mr. WELLER. Was that adopted at or about the time the other enforcement acts were adopted, or only recently?

Mr. CELLER. I think it was adopted before national prohibition went into effect. The gentleman from Colorado [Mr. TIMBERLAKE] may be able to enlighten us upon that subject.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CELLER. Certainly.

Mr. TIMBERLAKE. Mr. Chairman, I have been very much interested in the account the gentleman has given of the referendum conducted by the Denver Post. I have seen the result of that referendum vote. I want to confirm what was stated a few moments ago—that Colorado was dry many years before we had national prohibition, and it was dry. I do not know from what source the gentleman speaking was able to give the testimony that it was a very easy matter to get liquor of any kind in the State of Colorado during his visit there last year. It must have been exceptional places that he visited, because I have a very good knowledge of conditions in Colorado and I think to-day under the enforcement law that it is one of the dryest States in the Union.

Mr. CELLER. It perhaps is like the case of a prohibition official walking along with a citizen and remarking, "It is great to walk here and not see a saloon." To which the citizen replied: "It is greater for us to know that the saloons are still here although we can not see them."

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. TIMBERLAKE. Yes.

Mr. O'CONNOR of New York. Has it not always been the view that in Colorado the drinking of liquor was especially dangerous on account of climatic conditions?

Mr. TIMBERLAKE. I do not know; but it might have had some deterrent effect; I do not know as to that. Further, with reference to the referendum vote, the Denver Post is a wonderful paper. It circulates through many States throughout the Union.

Mr. CELLER. Would the gentleman say that it is a very fair paper?

Mr. TIMBERLAKE. I do not know that I would deny that statement.

Mr. CELLER. Would the gentleman say that the poll conducted was fairly conducted?

Mr. TIMBERLAKE. I do not know with regard to that.

Mr. CELLER. Did the gentleman vote on that ballot?

Mr. TIMBERLAKE. I know one thing, that it does not represent the sentiment of the citizens of the State of Colorado. I know and I have reason to believe that very many of the votes cast in favor of a modification of the Volstead Act by the manufacture of light wine and beer came from subscribers to the Post, a great many of them, I have an idea, from the State of New York and other States through which the paper circulates.

Mr. CELLER. It is very difficult to understand the statement made by the gentleman from Colorado that people from New York and residents of New York voted on this poll. There are hardly any New York subscribers. I will say to the gentleman that the Denver Post, as I have been informed, has been insisting in every instance the name and address of the man or woman who voted could be registered on the poll submitted. It is absurd to discredit the poll in that illogical fashion.

Mr. LAGUARDIA. If the gentleman will permit, I would like to inquire of the gentleman from Colorado if it is not true that in and around the city of Denver they have more road houses and speak-easies since prohibition, and they have had a great deal of trouble with young people going out to these road houses and drinking hooch?

Mr. TIMBERLAKE. If I may be permitted to answer the question, I want to say to the gentleman his opinion is entirely wrong. [Applause.]

Mr. LAGUARDIA. That is the information that I got in Denver two years ago while there.

Mr. TIMBERLAKE. I am very well acquainted with the surroundings of Denver, and there are no road houses in its vicinity at the present time. [Applause.]

Mr. LAGUARDIA. And no liquor drank?

Mr. TIMBERLAKE. I will not say absolutely that.

Mr. BLANTON. Mr. Chairman, I make the point of order it is entirely unfair for five New York men to jump on one Colorado man.

The CHAIRMAN. That is not a point of order.

Mr. BLANTON. The gentleman can hold his own, but it is rather unfair.

Mr. WELLER. Will the gentleman yield?

Mr. CELLER. I will.

Mr. WELLER. I want to ask the gentleman from Colorado if it is not a fact that one can get easily a kick in the city of Denver without having a Manhattan cocktail?

Mr. TIMBERLAKE. You can get a kick from the climate there without any intoxicant.

Mr. HILL of Maryland. Here is the poll from the Hearst papers——

Mr. CELLER. I am coming to that. I say also if the gentleman from Colorado goes to Colorado and speaks to Judge Ben Lindsay, of Denver, who probably knows more about the condition of the young in Denver than any man living, because he conducts the juvenile court there and presides over matters of juvenile delinquency—I am sure the gentleman from Colorado will be startled out of his senses. A brief conversation with Judge Ben Lindsay as to the drinking and the overwhelming increase in drinking of young people in the city of Denver and its environs will be surprising. I have spoken to a great many people in Denver, including policemen, and I have specifically asked where I could buy something stronger than wines and beer, and the answers were indicative of the fact that Denver is as wet as a soaked sponge. The newspapers of this country are deserving of great commendation, particularly those who are now conducting these polls.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. TIMBERLAKE. I am rather interested in knowing, after listening to the last statement of the gentleman from New York, whether after securing the information that he says he had no difficulty in securing from the policemen of Denver, whether he purchased the liquor in Denver?

Mr. CELLER. I am not a drinking man. I do not care whether all the whisky in creation is utterly destroyed, but I do have consideration of the rights of other people in reference to their personal habits. I do not drink whisky, and would not drink the stuff I would be likely to get in the city of Denver.

Mr. TIMBERLAKE. It was the information the gentleman intended to convey to others, rather than a desire to purchase himself?

Mr. CELLER. No; I did not desire to convey information to anyone but Members of the House, and the Members of the House ought to have that information.

Mr. BLANTON. Will the gentleman yield?

Mr. CELLER. I refuse to yield for a few moments. The newspapers are now conducting a very important poll. The press during the war rendered a very fine service to the Government and to the people. I had occasion to say only recently what Jefferson said, namely, "That if I were given the choice between a government without newspapers or newspapers without a government, I would choose the latter." I believe with Jefferson, because not only in the war but at all times the newspapers have rendered a very fine service for the weal and welfare of the country and for the making of a good citizenry, and when they undertake to find out the sentiment on the question of prohibition they are rendering no less service than they rendered during the World War. Now, the Washington Post, along with others in the country, is conducting a poll in this city. In the Washington Post of the issue of Wednesday, March 10, 1926, appears the result of its poll to date.

It shows, for example, that in the city of Washington 1,885 voted in favor of modification; that is, in the interest of light wine and beer, and only 214 opposed it. Here in the very Capital of the country, the cynosure of all eyes in the political world, the sentiment is "wet." Everybody's eyes are more or less focussed upon Washington. It is the paragon, it is a pattern for the rest of the country. And yet we find an overwhelming sentiment in favor of light wines and beer.

The Post also indicates that with reference to the polls that it is conducting, along with other newspapers, in New Jersey, for example, there were 1,257 for, and 51 against wines and beer; in Cincinnati there were 1,300 in favor of light wines and beer, and 87 against. In Boston there were 13,097 for, and 397 against. In New Orleans there were 601 for, and 34 against. In Salt Lake City, 1,003 for, and 61 against.

I commend the Washington Post for its attitude in the conduct of this poll and its willingness to serve not only its readers and the people of the country, but particularly to serve the Members of this House, in order that they may vote in strict consonance with the sentiment of the rest of the country and especially their districts. And some Members of this House, who very likely in all good conscience vote dry, might be wakened to a sense of their real responsibility to their constituents by the benefit they might get from this poll in determining what their constituents want and what the country wants.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. CELLER. Yes.

Mr. BLANTON. Would the gentleman in his district permit the Forum, for instance, to prepare all the ballots for his voters, and receive all the ballots, and do all the counting for him when he is elected?

Mr. CELLER. Of course I would not allow that. The State election laws take care of our election. But I am not afraid to trust newspapers in this poll.

Mr. BLANTON. That is the reason why people will not permit the Washington Post or Mr. Hearst's papers or the Denver papers to do their counting for them.

Mr. CELLER. I am not one of those who see only one side of this prohibition question. There are probably some merits in prohibition. It has done good things. But in all matters of legislation you must weigh the good with the bad, and if the disadvantages outweigh the advantages, as might be indicated by this poll, then I expect you, and the gentleman from Texas, and the gentleman from Colorado, and all others, whether they be wet or dry, to give this poll at least fair consideration and not make snap judgment to the effect that these polls are unfair and unjust, and that we should not care a tinker's damn for them. That is the judgment that I want you to follow.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. COX. Do you mind giving the House the reasons you have for quoting this poll?

Mr. CELLER. There are so many reasons that I would not want to take up the time of the House in enumerating them. I rose to give the gentlemen of the House some information on these polls. Prohibition, to my mind, has been a blot, and I fear it like the plague, because its handmaidens are chicanery and deceit and fraud and graft and utter disregard for law. If these polls will help do away with it, I am content. That is a concise statement of my opinion. [Applause.]

Mr. COX. I do not want to press the gentleman with the question if it is his desire to escape an answer.

Mr. CELLER. I do not want to escape at all. I have only a few minutes, more or less, and I want in those few minutes to address myself to this poll.

Mr. COX. Do you advocate the repeal of the law because there has been apparent inability on the part of the Government to bring about a strict enforcement? Is that the main reason?

Mr. CELLER. That is one of the reasons. That is only one of a great many.

Mr. COX. Would not that same reason apply to the law against counterfeiting?

Mr. CELLER. No. There is a great distinction between the law against counterfeiting and the law imposing prohibition. There is no sentiment anywhere against the law against counterfeiting. There is a universal desire to punish counterfeiting. But that is not the case with reference to prohibition. There is not a universal sanction, there is not that public sentiment as is behind the law against counterfeiting. I repeat the words of a very eminent jurist whose name I am not privileged to divulge as the author of the statement that—

> In order to make a law respected you must make it respectable, and prohibition is not respectable, and therefore it is not respected or obeyed.

Mr. TYDINGS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. TYDINGS. I would like to say to the gentleman from Georgia that I heard a very eloquent appeal made some time ago by the gentleman from Florida that a State had a right to determine and execute its domestic policy. Why not let each State have authority to pass prohibition laws for itself?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. I ask my colleague from New York if he can give me five minutes more?

Mr. GRIFFIN. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. CELLER. The Daily News of New York has also taken a poll. It is a paper having the largest circulation in the metropolitan area, a circulation probably of more than a million and a quarter. There is not a paper in the world having a

larger circulation than the Daily News. They are making the poll with the Washington Post and the Cincinnati Enquirer and the Boston Traveler and the New Orleans Times-Picayune and the Salt Lake City Telegram. Their poll for Greater New York is 14,864 for light wines and beer; against, 306; New Jersey, 1,257 for; 51 against; rural districts of New Jersey, 761 for, and 35 against; Cincinnati, 1,300 for, 89 against; Boston, 13,097 for, and 3,397 against; New Orleans, 601 for, and 34 against; Salt Lake City, 1,003 for liberalization of the Volstead Act, and only 61 against.

The Hearst papers throughout the country are also rendering a very splendid service, and I am going to put in the RECORD the poll of the various Hearst papers in all sections of the country, which will show beyond peradventure that the country is overwhelmingly in favor of the modification of the Volstead Act. It prints the following result as of March 10 in the Washington Herald:

LATEST RESULTS IN POLL ON PROHIBITION LAW

Following are the results of the prohibition poll being taken by the Hearst newspapers throughout the country up to a late hour last night:

	Existing law		Wine and beer	
	For	Against	For	Against
Washington	236	2,884	2,968	184
Baltimore	104	1,081	1,101	94
New York	450	23,949	23,611	256
Boston	3	57	71	2
Rochester	71	1,564	62	1,564
Syracuse	543	3,764	3,990	521
Detroit	370	2,383	7,288	682
Chicago	1,153	10,317	14,315	538
Milwaukee	3,968	21,753	21,753	3,968
Seattle	298	16,236	3,629	491
San Francisco	80	1,903	1,995	63
Oakland	2	65	72	2
Los Angeles	90	1,998	2,035	70
Albuquerque	1,156	1,856	1,700	1,043
Denver	20,756	79,700	83,356	18,999
Atlanta	65	887	906	43
Reno	21	451	455	33
Arizona	1,113	1,781	1,781	1,113
Total	30,479	161,183	171,108	29,675

Now, the New York World, a very fine and meritorious metropolitan daily, in conjunction with 375 newspapers throughout the length and breadth of this country—newspapers with all shades of opinion on the subject of prohibition—are to conduct a three days' poll to-day, to-morrow, and Friday—that is, March 10, 11, and 12—and that poll will undoubtedly show, touching as it will the residents of almost every section of this country, that the country is moist; that the country wants to have a return to sense, to common sense, and wants to turn its back upon the impossibility of enforcing prohibition, and wants an act that is enforcable and one that will be backed by the sanction of the entire people.

The importance of a poll that the World is taking with 375 papers under the auspices of the Newspaper Enterprise Association, is quite manifest when you realize that the territory embraced by these papers contains a population of more than 35,000,000.

One hundred and forty-five newspapers associated with the World have already been taking their local polls. The territory covered by the newspapers has a population of 15,103,812. The combined circulation of the newspapers is 2,736,193, and at 6 o'clock last night they had received 300,000 ballots.

These newspapers include—

The Republican-Journal, Ogdensburg, N. Y.; the Syracuse Journal; the Buffalo Times; the Port Jervis (N. Y.) Union-Gazette.

ILLINOIS WELL REPRESENTED

The Morning Star, Rockford, Ill.; Evening Citizen, Cairo, Ill.; Morning Press, Danville, Ill.; Free Trader-Journal, Ottawa, Ill.; Chronicle-Herald, Hoopeston, Ill.; Evening Mail, Galesburg, Ill.; Tribune, La Salle, Ill.; Argus, Rock Island, Ill.; News-Herald, Litchfield, Ill.; Daily Register, Belleville, Ill.; Daily Herald, Morris, Ill.

Chronicle, Marion, Ind.; Review, Crawfordsville, Ind.; Evening Despatch, Michigan City, Ind.; Journal-Gazette, Fort Wayne, Ind.; Post, Terre Haute, Ind.; Press, Evansville, Ind.; Daily News-Times, Goshen, Ind.; Times, Indianapolis, Ind.

Advertiser, Clinton, Iowa; Gazette, Burlington, Iowa; Press, Charles City, Iowa; Republican, Cedar Rapids, Iowa; Daily Tribune, Ames, Iowa.

Capitol-Times, Madison, Wis.; Telegram, Eau Claire, Wis.; Evening Times, Monroe, Wis.; Times-Call, Racine, Wis.; Daily Freeman, Waukesha, Wis.; Telegram, Chippewa Falls, Wis.

Daily News-Times, York, Nebr.; Independent, Grand Island, Nebr.; Daily News, Omaha, Nebr.; Daily News, Nebraska City, Nebr.

Times, St. Louis, Mo.; Daily Chronicle-Herald, Macon, Mo.; America, Poplar Bluff, Mo.

OHIO NEWSPAPERS ENROLLED

Telegram, Youngstown, Ohio; Post, Cincinnati, Ohio; Citizen, Columbus, Ohio; News-Bee, Toledo, Ohio; Press, Cleveland; Star-Journal, Sandusky, Ohio; Times-Press, Akron, Ohio; Daily Newssignal, Middletown, Ohio; Evening Tribune, Ironton, Ohio.

Press, Fort Worth, Tex.; Journal, Beaumont, Tex.; Daily News, Amarillo, Tex.; Morning Review, Cleburne, Tex.; Post, El Paso, Tex.; Press, Houston, Tex.

News, Oklahoma City, Okla.; Times-Democrat, Muskogee, Okla.; News, Ponca City, Okla.

Express, Denver, Colo.; Leader, Great Falls, Mont.; Post-Enterprise, Sheridan, Wyo.; Press, Sioux Falls, S. Dak.; Republican, Mitchell, S. Dak.; Daily Pioneer, Bemidji, Minn.; Daily People's Press, Owatonna, Minn.; Daily Enterprise, Virginia, Minn.; Star, Seattle, Wash.; Evening News, Port Angeles, Wash.

News, San Francisco, Calif.; Sun, San Diego, Calif.; State-Tribune, Albuquerque, N. Mex.; Times, Shreveport, La.; Post, Birmingham, Ala.; Herald, Haines City, Fla.

PENNSYLVANIA BEING CANVASSED

Press, Pittsburgh, Pa.; Daily News, Ashland, Pa.; Evening Times, Warren, Pa.; Evening Standard, Milton, Pa.; Evening Journal, Corry, Pa.; Chronicle-News, Allentown, Pa.; Times, Chester, Pa.; News-Dispatch, Jeanette, Pa.

Daily Globe, Ironwood, Mich.; News, Iron Mountain, Mich.; News, Alpena, Mich.; Journal, Sturgis, Mich.; News, Monroe, Mich.

News, Knoxville, Tenn.; Press, Memphis, Tenn.; Inquirer, Owensboro, Ky.; Daily News, Little Rock, Ark.; Daily Republican, Cherryvale, Kans.

Post, Washington, D. C.; Exponent, Clarksburg, W. Va.; Post, Morgantown, W. Va.; Bee, Danville, Va.; Piedmont, Greenville, S. C.; Daily Record, Hickory, N. C.; News-Tribune, Rome, Ga.; Post, Baltimore.

Enterprise, Brockton, Mass.; Times, New Bedford, Mass.; Evening Post, Worcester, Mass.; Daily News, Burlington, Vt.; News, Rutland, Vt.; Journal, Lewiston, Me.; Times-Leader, New Haven, Conn.; Evening Herald, Manchester, Conn.

Jersey Journal, Jersey City, N. J.; Times, Bayonne, N. J.; Courier, Camden, N. J.; Bronx Home News, Brooklyn Citizen.

CALIFORNIA PAPERS INCLUDED

Democrat, Johnstown, Pa.; Star, Ventura, Calif.; Star, Tucson, Ariz.; Milway Driller, Taft, Calif.; News, San Jose, Calif.; Imperial Valley Press, El Centro, Calif.; Daily Independent, Ashland, Ky.; Sun, Waukegan, Ill.; Herald, Titusville, Pa.; Evening News, Sault Ste. Marie, Mich.; Times-Journal, Dubuque, Iowa; Democrat, Durango, Colo.; News, Portland, Oreg.; Evening News, Benton, Ill.; Daily Republican, Marion, Ill.

Telegram, Salt Lake City, Utah; Evening Telegram, San Bernardino, Calif.; Press, Muncie, Ind.; Gazette, Niagara Falls, N. Y.; Sun, Durham, N. C.; Leader, Frederick, Okla.; Evening Herald, Rockhill, S. C.; Star, Bridgeport, Conn.; Daily Times, Tampa, Fla.

Daily Enterprise, Chico, Calif.; Daily Review, Bisbee, Ariz.; Daily Herald, Biloxi-Gulfport, Miss.; Daily Times, Wichita Falls, Tex.; Evening Bulletin, Miami, Ariz.; Cedar Valley Times, Vinton, Iowa; Chronicle, Marshall, Mich.; Telegram, Concord, N. H.; Star Eagle, Newark, N. J.

Mr. BLANTON. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. BLANTON. Is the gentleman in favor of the return to the open saloon?

Mr. CELLER. Of course not, and the gentleman knows that.

Mr. BLANTON. How are you going to sell beer and wine?

Mr. CELLER. I will sell beer and wine through the Government, and I intend to speak again on that subject. I think the Government has the right to enter into the business and the Government should adopt a dispensary system, such as was conducted some years ago in one of the Carolinas, and as is now being conducted in the Province of Ontario, in Montreal, and other Canadian cities. The Government should buy all distilled spirits and wines in bond and all floor stocks. Hard liquor should be sold by the Government through dispensaries for medicinal purposes. Light wines and beer up to 8 per cent alcohol could likewise be sold in such Government stores, but to be consumed off the premises where sold. That would avoid having the open saloon again.

Mr. BLANTON. Does the gentleman want to permit any café or restaurant to dispense these liquors?

Mr. CELLER. That is a matter that can be determined later on. First, let the Government dispense it and then if the people want a change in that regard, then let wines and beer be sold by private individuals, but for consumption off the premises where sold and that, as I say, will prevent the return of the open saloon. Furthermore, each State should have the

right to determine just what kind of enforcement it wants. That, roughly, is my position.

Mr. BLANTON. As I am going to answer the gentleman in a few minutes I would like to ask him one other question. The gentleman is one of the shrewdest and most ingenious Members on this floor.

Mr. CELLER. I do not care for bouquets. I want light wines and beers.

Mr. BLANTON. I was referring to his ingeniousness and shrewdness the other day when he worked into his facetious speech a beer recipe and put it in the RECORD. I want to ask the gentleman what was his real motive in putting that beer recipe in the RECORD.

Mr. CELLER. If I have the time I shall be very glad to answer the gentleman.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. CELLER. I will say to the gentleman from Texas that I put that beer recipe in the RECORD——

Mr. BLANTON. The gentleman's real purpose.

Mr. CELLER. And I put something else in the RECORD that the gentleman has overlooked.

I inserted the following:

One of the stories that Thomas Jefferson repeated at Monticello was the one on Jefferson's boyhood chum, Ben Harrison. While a Member of the Continental Congress at Philadelphia Ben Harrison was joined by a friend as he left the Congressional Hall. He took him for a bumper to a place where supplies were furnished Members of Congress. They called for two glasses of brandy and water. The man in charge replied liquors were not included in supplies furnished Congressmen. Ben Harrison said, "Why not? What are those New England Members drinking over there?" The answer was, "Molasses and water, which they charge to stationery." Harrison rejoined, "Very well; give us brandy and water and charge it to fuel."

Mr. BLANTON. But what was the real motive of the gentleman?

Mr. CELLER. Now I will tell the gentleman.

Mr. BLANTON. I asked the gentleman that, but he has not answered the question.

Mr. CELLER. That story is history and I put it in the RECORD also, and I will say that that story is just as important from a historical standpoint as Washington's beer recipe. The Washington beer recipe is found in every proper biography of General Washingon; it is a part of his life; it is a part of his history, and you can no more take out of the biography of Washington that beer recipe than you can destroy Parson Weem's story of the cherry tree. It is just as important, one as the other.

Mr. BLANTON. And what was the gentleman's purpose?

Mr. TYDINGS. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Maryland.

Mr. TYDINGS. Does the gentleman mean to say that in 1926, after 136 years of unparalleled prosperity, that on the floor of Congress he would insinuate that that great patriot, George Washington, drank that vile stuff called beer?

Mr. CELLER. Not only do I insinuate that he drank it but he drank it often and probably not too wisely.

Mr. UPSHAW. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. UPSHAW. Does the gentleman believe that the Father of His Country, who helped to establish the Constitution, would violate it if he were living now?

Mr. CELLER. If General Washington were here at this time I am positive he would be opposed to prohibition, because he liked his beer and he wanted to make his own beer. He was a man's man. He also drank lots of Maderia. More power to him. He was no milk sop. Surely men like Washington do not win battles on barley water and pop.

Mr. BLANTON. And what was the gentleman's purpose?

Mr. CELLER. The gentleman's purpose was to indicate to the gentleman from Texas and to the whole country, in putting Washington's beer recipe in the RECORD, that Washington would oppose prohibition if he were living to-day.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. HILL of Maryland. Does the gentleman think that if Washington were here to-day he would accept a seat in this House in direct violation of the fourteenth and fifteenth amendments to the Constitution?

Mr. CELLER. Well, I think the gentleman is somewhat unfair about that. However that may be, we will not go into that question now. It might be embarrassing to some of our colleagues.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. OLIVER of New York. Does not the gentleman know that Washington was considered a well-known rebel in his day?

Mr. CELLER. Indeed he was; and I am glad the gentleman said so. He surely would have rebelled against a diet of near beer. He would have wanted something with more "conversation" in it.

Mr. UPSHAW. Will the gentleman yield further?

Mr. CELLER. Yes.

Mr. UPSHAW. Just long enough to say to the gentleman who interrupted him that I challenged the gentleman from Maryland on the floor of this House two years ago to find one single instance in the State of Georgia where the fourteenth and fifteenth amendments have been violated, and further—listen—that any man——

Mr. CELLER. Mr. Chairman, I refuse to yield any further to discuss that.

Mr. UPSHAW. Any man who hides behind the fourteenth and fifteenth amendments shows he can not discuss the eighteenth amendment.

Mr. CELLER. I refuse to yield any further to the gentleman. I hope I have answered the gentleman from Texas as to why I put into the RECORD Washington's beer recipe.

Mr. BLANTON. Now, his real purpose.

Mr. CELLER. The real purpose is to get the record printed and scattered broadcast throughout the country.

Mr. BLANTON. That is the idea. We all knew that.

Mr. CELLER. There is no doubt about it. It is in the RECORD.

Mr. BLANTON. We wanted it from the gentleman.

Mr. CELLER. I did not know the gentleman from Texas did not have knowledge that the CONGRESSIONAL RECORD circulates throughout the country. It is spread throughout the country.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FUNK. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, the subject upon which I wish to talk a little while is the subject of crime within the United States, the causes of crime which is attracting so much attention, and what might be preventives of crime.

Crime is increasing to such an extent throughout our peaceful country that it requires an artist to write up a crime story that will be attractive. The subject of crime is one that receives the special attention of peace organizations when they are in session, and religious organizations as well as State and national bar associations. It even receives the attention of the Members of Congress when we are appropriating money to pay the cost of maintaining the penal institutions of our country.

Gentlemen of the committee, we are confronted with the fact that the penal institutions, both of the States and the Federal Government, are capacity full. This condition of affairs in our country is said by some to be a national disgrace. The causes of it doubtless are numerous. To some the Volstead Act is the big contributing cause toward the filling of the State and Federal penal institutions. There are other alleged causes. The Volstead Act probably did not lead to the organization of a band of eight men to enter the offices of the International Harvester Co. in Chicago a few days ago to secure $80,000. Gentlemen, I do not know what you think about so much crime in our country, but I think the subject deserves the most serious consideration of every Member of this House.

I have requested the different departments of our Government to furnish me some record information, if possible, upon the amount of crime in our country, and I have been advised that the Federal Government does not have such information; but I learned that a gentleman in the city of Washington, Mr. William Helm, jr., during the year 1925, procured from the police departments of our leading cities a lot of information as to the crime that was being committed.

For your information I will call your attention to some interesting records. According to Mr. Helm the following information was furnished him:

In the city of Chicago, out of each 1,000 population in the year 1907 there were 30 arrests; in 1924 there were 82 arrests per thousand. In 1907 the total number of arrests were 63,000 plus, and in 1924, 242,000.

In Detroit, in 1907, 31 per thousand, and in 1924, 129 per thousand, and the total number of arrests in 1907 in Detroit were 11,000, and in 1924, 161,000.

So we observe that crime within this, the best of all nations, is rapidly and alarmingly increasing.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. Does the gentleman know whether those arrests were for felonies or for all crimes?

Mr. SPROUL of Kansas. I will come to that later.

The records show that 8.5 per cent of the whole population of 34,000,000 of people in 170 cities in 1924 were arrested for crime.

Here are more records of the same general character. In 1924 in the following cities there were per each 1,000 of population the following arrests: Tampa, Fla., 442; Houston, Tex., 328; Dallas, Tex., 279; Grand Rapids, 247; Columbus, Ga., 239; Shreveport, La., 202; and so on.

Then in smaller cities than those first mentioned we find substantially the same rapid increase in crime. In Cincinnati in 1907 there were 41 arrests per 1,000; in 1924, 114 per thousand. In Indianapolis in 1907, 59 per thousand, and in 1924, 168 per thousand. In Toledo there was a smaller number—32 per thousand in 1907 and 55 per thousand in 1924.

The crime of theft is one in which we all have an interest. In the city of New York, in 1924, there were 8,075 arrests for theft in some form or another. In Chicago, 13,132; in Philadelphia, 13,687; Detroit, 7,496; Los Angeles, 7,084; Cleveland, 1,555; St. Louis, 19,228.

It is interesting to know something about the ages of those who commit the crimes we complain of. Criminals between 10 and 20 years of age in 1924 committed 28,739 offenses; between 21 and 30, 70,000; between 31 and 40, 56,000; between 41 and 50, 37,000; 51 years and over, 31,000.

The question of the number of murders and manslaughters is an interesting one. In New York, in 1924, there were 297 arrests for murder and manslaughter; in Chicago, 499; in Philadelphia, 404; Detroit, 183; in Los Angeles, 161; in Cleveland, 132. The percentage of manslaughter and murder to all other crimes is 1 per cent; that is, the percentage of all of murder and manslaughter to all the crimes committed for which arrests are made is 1 per cent.

Mr. LAGUARDIA. The gentleman has given us the number of murders and manslaughters and not the percentage. New York having a lower rate and double the population, it is below the other States. Please take note of that.

Mr. BLACK of New York. Can the gentleman give us the percentage that thefts bear to other crimes?

Mr. SPROUL of Kansas. I do not have that, but I can furnish it.

Mr. WURZBACH. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WURZBACH. Has the gentleman any statistics about his own cities in Kansas?

Mr. SPROUL of Kansas. Yes. I will give it to the gentleman.

Mr. MORTON D. HULL. I would like to ask the gentleman if an offense is murder until the man is convicted?

Mr. SPROUL of Kansas. I suppose it would be generally considered. This general term applies to a death that is determined by the circumstances to be murder.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. HUDSPETH. I have been wondering whether or not the data the gentleman has given us is sufficient data to indicate whether or not crime is on the increase or decrease at the present time.

Mr. SPROUL of Kansas. I have shown that in 1907 the number of arrests per thousand of population and given you the number in 1924, so that the gentleman can easily determine himself.

Mr. HUDSPETH. But the gentleman's statement gives the conditions in different States.

Mr. SPROUL of Kansas. It does, and in 90 per cent of the States crime has rapidly increased.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. SHALLENBERGER. Has the gentleman the number of arrests for traffic violations which have multiplied by thousands?

Mr. SPROUL of Kansas. I will refer to that in a minute.

Mr. BLANTON. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLANTON. Is it not true that following every war there is an increase in crime, and is it not also true that following that there is a reaction in favor of a support of all laws? Has not that been the history of the country?

Mr. SPROUL of Kansas. Ultimately it might be said to be so.

Mr. BLANTON. We have recently come out of one of the greatest wars in the history of the world where 4,000,000 men were in uniform and training. It could be expected that there would be an increase of crime following such a war.

Mr. LAGUARDIA. Is it the war or economic conditions that are brought about by war?

Mr. SPROUL of Kansas. It is interesting to note that the success of the public prosecutors enforcing the law varies in the different States. In New York the percentage of those who are arrested and later convicted is 75.2; in Chicago, 30.2; in Baltimore, 58; in San Francisco, 17; Washington, D. C., 75; in Minneapolis, 84; in Rochester, N. Y., 60; in Oakland, Calif., 87; in Omaha, Nebr., 50; in Dayton, Ohio, 78; in Norfolk, Va., 64; in Grand Rapids, Mich., 9.8; Jacksonville, 10.8.

Mr. LAGUARDIA. Is that what makes Florida so attractive? [Laughter.]

Mr. SPROUL of Kansas. I want to call your attention to an article in the Herald of yesterday on the subject of crime in the city of Washington. The Herald says that there were 754 cases before the courts of Washington City day before yesterday. Four hundred and fifty of them were for traffic violations. The Herald also states that the prisons of the city of Washington are full to their maximum capacity and that appropriations for additional prisons are required.

Now, gentlemen, I want to call your attention to another matter.

Mr. BLANTON. Will the gentleman mind stating what he is leading up to as a conclusion?

Mr. SPROUL of Kansas. I purpose calling attention to the percentage of the traffic law violations and to what, in my judgment, is the leading cause of crime in the United States. I purpose suggesting a remedy or remedies for this condition.

Of all the crimes committed in this country approximately two-thirds are for traffic violations. Here in the city of Washington, perhaps, 65 per cent of the arrests are for traffic violations. I call the attention of gentlemen to the alarming condition in the United States. Think of it! Every penal institution in the entire land filled and overflowing, filled to bursting, and every penal institution in the Federal Government without room for more. They are knocking at our doors for appropriations for more prisons. I submit that it is time that every Member of Congress should inquire, should think, should wonder, as to the cause or causes of such an alarming condition in a Nation that has the enviable place for peace and harmony that our great country has among the nations of the earth.

I repeat that whenever every penal institution in our whole land is full of convicts it is time to ask the question, Why does this condition exist and what is the cause of it? When we have located the causes, I ask here if it is not time for thinking men, charged with the duty of helping to run this Government, to come forth with a remedy? What are we going to do about it? Continue to build penal institutions and let conditions continue in the future as they have been going in the past?

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WHITE of Kansas. Did my colleague state from the information in his possession what percentage of crime in the cities which he has so catalogued is chargeable to traffic violations?

Mr. SPROUL of Kansas. I have given the number, but that does not state the whole truth.

Mr. WHITE of Kansas. Did the gentleman give the total number in all of the cities?

Mr. SPROUL of Kansas. It varies in the different cities. From 33⅓ per cent to 75 per cent of all the violations are traffic violations.

I want now to call attention to the kind of government we have. Washington has been and always will be quoted, as Hamilton always has been and will be quoted upon our Constitution. I am a great believer in George Washington's doctrine of government, his idea of government, and I am a still stronger believer in an Alexander Hamilton kind of government; but I am a very strong believer in the doctrine of the principles of Thomas Jefferson when and wherever they are the best. [Applause.] I was born and reared in one of the States that believed that it had the right to withdraw from the Union. My earliest ideas of government were those of local self-government, State rights; but, gentlemen, when we study without prejudice the causes of the Revolutionary War and come to understand the denials of the people who inhabited the thirteen Colonies, and their petitions for the right to select their own governors and rulers, which was denied them, there

is no wonder that at the end of a 13 years' war to secure the right of local and self government they would be prejudiced in favor of the Jefferson idea of government. They were disposed to go too strong in that direction. When the Articles of Confederation were first drawn it was with a great reluctance and prejudice in favor of State rights and local self-government that they yielded powers to the Federal Government. They grudgingly gave up to the Federal Government, and so they did not yield to the Federal Government enough power, and in 1787 we had to make the Constitution which we now have. It is easy to understand that Hamilton had studied with care the needs that our great Government would have for power to meet the problems of state.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. CONNALLY of Texas. Is it not a fact, without detracting in any way from Hamilton and his great ability, that Hamilton attended the convention in Philadelphia only for a very short period, and took very little interest in its work until right near the close?

Mr. SPROUL of Kansas. I do not agree with the gentleman.

Mr. CONNALLY of Texas. The record shows the facts.

Mr. SPROUL of Kansas. Let me call attention now to what was done. It does not matter, for the sake of this subject, just how much part Hamilton did take in the making of the Constitution, but I do know that his wonderful talent of statesmanship was appreciated by the president of that convention or association, and when he took his departure it was with great reluctance on the part of General Washington. Why? Because he knew more and better the capacities and wisdom and foresight and real statesmanship of Hamilton than anyone else.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. Is it the gentleman's opinion that the cause of the crime wave is due to the fact that the Constitution in 1787 was a Hamilton-Jefferson institution, and to-day, with the increased crime wave, is a Wayne B. Wheeler creation?

Mr. SPROUL of Kansas. I do not agree with the gentleman, but here is the idea.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FUNK. Mr. Chairman, I yield 30 minutes additional time to the gentleman.

Mr. SPROUL of Kansas. When that convention adjourned Hamilton was satisfied with two things, that the Congress should have the power to legislate for the general welfare and for the common defense. History does show the enthusiasm and the influence with which Hamilton endeavored to secure the adoption of this Constitution. Since that time our great country has made phenomenal progress. Since that time we have grown to have 115,000,000 people. Since that time and now we have, within 600 miles of the city of Washington, 40,000,000 people—40,000,000 as near to the Capital of the Nation as the most remote part of Texas is to the capital of Texas. We have made such progress as enables a citizen of Seattle, Wash., to reach the Capital to-day in much shorter time than a citizen in the farthest away point in the State of Virginia could reach Washington when our Government was started upon its illustrious career.

I wish now to refer to provisions in the Constitution with reference to the rights of the citizens of the country. No matter to whom credit is due for that provision in the Constitution with reference to the full faith and credit that shall be given in one State to the official acts of another State, it was through the wisdom, foresight, and statesmanship of some man or men who could read accurately the future needs of the citizens of this country. Within the Constitution is the further provision that the citizens of each State shall be entitled to all privileges and immunities of the citizens in the several States. It was foreseen that those who might commit crime would flee to some other State for protection. Provision was made for the extradition of such fleeing citizens, but there were some things that were not foreseen or that were overlooked. The Congress was given the power to establish post offices and post roads. Congress was given power to regulate interstate and foreign commerce. In looking over the needs of our people in this country and reading and applying the Constitution to those needs I do not see how we can fail to venerate the name of every man who had anything to do with the making of such a wonderful and immortal instrument.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. BLANTON. I am one of those here who is trying to follow the gentleman. Just what conclusion is the gentleman attempting to draw?

Mr. SPROUL of Kansas. I shall come to that if the gentleman will be patient.

Now we are building State highways all over the United States at the instance and upon the action and initiative of the Federal Government. At the conclusion of the hearing before the Good Roads Committee not a solitary objection came from any source, from any place within the United States against Federal aid for roads. The indorsement of the plan was unanimous. The evidence showed there were places within the United States where the Federal engineers had been solicited to come and help solve the traffic problems. Now, furthermore, we find recently in the city of Chicago that many citizens therein ask the Federal Government to assist in eliminating from that city an intolerable crime wave. In the United States industry has so developed and so grown that to-day there is not a leading business man in the United States but who has for his business territory the entire country of the United States. No matter where you go you will find representatives traveling through the country representing the leading industries of this whole country. Whereas the business territory of a citizen 100 years ago was limited to his State, now it has the whole United States. Hence we conceive the wisdom of this provision put in the Constitution giving to the citizen of one State the rights of those of every other State. I want to call attention to the actual kind of Government that we have. I think it is a wonderful Government; I like its principles; I like the local self-government idea whenever it serves the purpose. I remember the time when a little road district superintendent determined the kind of road we should have. I remember the time when that gave way to the county system. I remember the time—and it is very recent, too—when the county system had to give way to the State system, and when the State system wisely gave way to the Federal system, showing the inadequacy of the original principle of local self-government that King George drove us to adopt, and showing that Hamilton's idea had to be resorted to in order to get the best kind of Government. [Applause.]

Now, what is the kind of Government we have? We have 48 independent sovereignties in this country; and then we have the Federal Government, making 49; and then we have the District of Columbia government, making 50 independent law-making bodies; and then within every State we have on the average four or five hundred independent municipal law-making bodies. Once upon a time I compiled the laws of a little city. I know they had not less than 100 criminal statutes in the municipal organization. If you would multiply, you would see that we have in the United States more than 2,000,000 criminal laws which, when we travel, as we have to travel, over the country we must know. In traveling over the country and in passing from one of these jurisdictions into another we are presumed to know all of those laws. Besides, we have rules and regulations of the various departments and bureaus, both of the Federal Government and each of the State governments, making thousands more of criminal laws which we are to know and obey, or otherwise we go to the police court. Then we have 200 tribes of Indians, in each of which there are laws and regulations which are to be known and observed, besides the laws of the Federal Government of the United States. Now, as we pass over the country with the most complex law restrictions and limitations upon the activities of its citizens, it is impossible to avoid breaking those laws. We break them every day. Everybody breaks them. Everybody violates them—traffic laws and restrictions that no human being can know and can avoid breaking as we transact our business. Forbidding parking as long as 30 minutes at one place, and to observe that we must have a correct time-keeping watch with us and closely watch our timepiece, and see that we move within the 30 minutes, otherwise we go to the police court.

Now, just for a minute I am asking you thinking men if the continual breaking of all laws has the tendency to breed disrespect for law? You hear as we go about the expression, "We have too many laws, too many laws; nobody can keep them." When you have been pulled into the police court time after time with every manner and form of criminal, so to speak, because you have unavoidably broken laws, how can you have the proper regard for our altogether too numerous laws? A young man in my office yesterday said he stopped his car to see if he had blown out a casing, and when he went around to the rear of his car a cop came up and observed that he was not where he should be, and he was taken to the police court. Time was taken from him and he was required to put up a $10 deposit for his appearance while he went to get a lawyer and take him

into court to show that he was wrongfully held and without any excuse. What was the state of mind of that young man with respect to the too numerous laws? I call your attention to this. Every State has different laws in every respect from every other State. Every city has different laws from every other city, and they are different in application within the jurisdiction of the same city, one thing at one place and another at another. In one place you will find that if you drive faster than 12 miles per hour you are fined, and at another place if you do not drive faster than 12 miles an hour you are fined.

Mr. BLANTON. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. BLANTON. If the gentleman will introduce a resolution that we pass this supply bill and adjourn and go home, I will support it.

Mr. SPROUL of Kansas. The gentleman has introduced a resolution calling for the appointment of a committee of five, consisting of three Members of the House and two of the Senate, to investigate the question of making uniform the traffic laws of the States and the cities, and to make such other recommendations as may bring about a uniformity of laws throughout the United States.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. I wonder if the gentleman has in his figures anything to indicate how many people convicted of violations of the Volstead Act are treated like malefactors and put in jail and mingled with criminals?

Mr. SPROUL of Kansas. It is a fact that a large percentage of the crimes consist of violations of the Volstead Act and other acts making it a crime to be intoxicated while driving cars in public places, and things like that.

Mr. BLACK of New York. Do you not think it ought to be considered a crime to drive when intoxicated?

Mr. SPROUL of Kansas. Yes.

Now, here is something that I want to call your attention to. I think there ought to be an effort made on the part of the Federal Government to bring about a uniformity of laws, of the major offenses as well as the traffic laws. Furthermore, if the Federal Government will not enforce its laws, if it looks upon the violation of law as though it were an unimportant matter, if the Congress will not empower the Attorney General to enforce the law against the higher-ups as well as the lower-downs, how can we expect the fellows at the bottom to observe the law?

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. No; I beg the gentleman's pardon.

Mr. BLACK of New York. All right.

Mr. SPROUL of Kansas. Whenever the Federal Government may have its property taken from it by unlawful means, by questionable means, without prosecution and conviction, I ask you how can we expect the citizen of a State to have the proper respect for law? Very well. What would you do? I know there is a question in the mind of Members. What do you suggest to be done? What do you advise to be done?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLANTON. The gentleman would not want Congress to sit here and pass laws for the people of Kansas, would he?

Mr. SPROUL of Kansas. Oh, no.

Mr. BLANTON. You want your Kansas Legislature to do that?

Mr. SPROUL of Kansas. Yes. Here is what I think ought to be done: I think the Federal Government has a system of laws for which it is responsible. It has the Constitution to enforce and to require respect for, and it should set an example to each of the States in law enforcement.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. No; I beg your pardon.

I have had a brief made of the duties of the Attorney General of the United States and have carefully read every act in reference to his duties. I think that this Congress owes it to the Government to fully authorize and direct the Attorney General, independent of anybody else, to enforce the Federal law; and, furthermore, to convene, if necessary, the district attorneys of the Nation and demand that they shall discharge their duties or quit their jobs.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. No.

I think, too, that he should be directed to call together the attorneys general of the different States and offer to work in harmony with them in enforcing the law. I think the Federal Government ought to treat the United States as a Nation, instead of a mere federation of States, each one to run its own society.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. I want to say to the gentleman that some time ago I introduced a resolution, which has gone to the Committee on the Judiciary, for the purpose of asking the President to suggest to the Attorney General that he call together all the law-enforcement officers of the Federal Government and the States to meet here in Washington.

Mr. SPROUL of Kansas. That is a good idea.

Mr. BLACK of New York. Will the gentleman appear with me before the Committee on the Judiciary on it?

Mr. SPROUL of Kansas. We can do this, gentlemen: We can say, "Let the States do that." We can say that we believe in State rights. We can say that we believe in local self-government as an excuse for not taking the initiative in this matter. But for one I am in favor of the George Washington and Andrew Jackson and Thomas Jefferson and Alexander Hamilton ideas of government. Let us combine the good of all their doctrines and clean up the crime of this country.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield right there?

Mr. SPROUL of Kansas. Yes.

Mr. BOYLAN. The gentleman knows that if we espouse the Alexander Hamilton theory of government we could not espouse also that of Thomas Jefferson?

Mr. SPROUL of Kansas. Yes; we could use part of one and part of others. We can not take on all of Jefferson, but we can take a part and some of the Hamiltonian ideas. Let us place the United States in its proper place among the nations of the earth that it deserves to occupy for maintaining nationally as well as internationally.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WURZBACH. I gather from the gentleman's remarks that what he is complaining about is not the lack of power on the part of the peace officers but of their failure to perform the duties that they now have. Is that right?

Mr. SPROUL of Kansas. I would not say that. I am not finding any fault with anybody because of his construction of the law with reference to his duty.

Mr. WURZBACH. What further powers would you give them?

Mr. SPROUL of Kansas. We can do this: We can enact a law stating that it shall be the duty of the Attorney General to do certain things, and that he is directed to do them.

Mr. WURZBACH. Is he not already required to do that by the law?

Mr. SPROUL of Kansas. No; I think he has an excuse. I think this ought to be done by a committee. It should recommend a plan to secure uniformity in laws, both the major laws as well as the traffic laws, and I think they ought to recommend raising the salaries of public prosecutors in the National Government as well as in the States. They ought to shorten up the legal procedure, so that there can be a quick ending of the trial of a criminal, and then we ought to repeal not only the Federal but the State parole statutes.

Let me recite an incident that happened in this city. Sixty days ago a young man under 16 years of age stole an automobile belonging to one of the Congressmen here and got away with it. It did not suit him exactly, and he stole another one. With the second one he was apprehended. He was taken to our municipal court here, where he pleaded guilty and was paroled to his father.

The next day he was in school talking over the trouble, although it was not trouble. Within 30 days thereafter the younger brother of this automobile boy and his neighbor chum, who knew how easy it was to steal automobiles and get away with them, stole some other cars and they, too, were taken to court. They were paroled with the father and he now has two sons under 16 paroled to him on charges of auto stealing. That is a concrete illustration and example of the way the parole laws act. It is not a cause but it is an inducement. The parents were not disgraced. The mother would not even attend court. She knew what had to be done; she knew her boy would be at home that night and go to school the next day. That is the kind of sentimental sob stuff that is filling our jails and our penitentiaries. There is no question about it. You have got to have a deterrent; something to stop crime and cause the parents to teach the rights of individuals, personal and property rights, before you can have crime stopped in this

country. The Federal Government should take the initiative in bringing about the results to which I have called your attention. [Applause.]

IN THE HOUSE OF REPRESENTATIVES,
March —, 1926.

Mr. STROUL of Kansas introduced the following resolution, which was referred to the Committee on Rules and ordered to be printed:

Joint resolution providing for the appointment of a joint committee of the Senate and House of Representatives to investigate the causes of an alarming amount of crime and what appears to be a failure to properly enforce the laws in the United States, and for other purposes

Whereas the amount of law violations in the United States has been so rapidly increasing as to attract the attention of all law-abiding citizens, and, until it has become a national disgrace and jeopardizes the lives and property of the American people, and our institutions for learning; and

Whereas within the United States there are 50 independent governments, each with a separate executive and law-making department, with hundreds of criminal statutes upon the statute books of each; and

Whereas there are approximately 25,000 semiindependent municipal governments within the United States, each with a separate executive and law-making body, with hundreds of criminal laws upon the statute books of each; and

Whereas there are upon the statute books of the thousands of different governments in the United States more than 1,000,000 criminal laws, each restricting and limiting the liberty and freedom of the American citizen; and

Whereas the growth and development of the United States commercially and industrially has increased the requirements of the American citizen for travel throughout the whole territory of the United States, making it necessary for our citizens to frequently pass through hundreds and thousands of different law-making jurisdictions; and

Whereas every citizen is presumed to know the law, even though it is impossible for him to do so if he would; and

Whereas the laws of the various jurisdictions throughout the United States into and through which its citizens are of necessity continually passing, making it unavoidably and indispensably necessary to violate certain laws of this country; and

Whereas a great abundance of crime goes unpunished for lack of detection, and men charged with crime are permitted to secure delay after delay until acquittals are secured: Therefore be it

Resolved, That a joint committee of the House and Senate is hereby created, to consist of five members, three to be appointed by the Speaker of the House of Representatives and two to be appointed by the President of the Senate, to investigate the causes of the growing sentiment against statutory law, and the reasons and causes for a lack of better law enforcement, and to report its findings and recommendations to the United States Senate and House of Representatives, separately, as to proposed legislation and comity relationships between States, and any such further recommendations as to the committee may deem proper to be made; and the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of making effective the objects of this resolution.

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN]. [Applause.]

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, I will use my time in reading into the RECORD a copy of a letter sent by the Secretary of State to the Hon. STEPHEN G. PORTER, chairman of the Committee on Foreign Affairs, House of Representatives:

THE SECRETARY OF STATE,
Washington, March 2, 1926.

MY DEAR CONGRESSMAN: I received your letter of February 26, inclosing a copy of the resolution introduced by Congressman BOYLAN, which reads as follows:

"*Resolved*, That the Secretary of State is hereby authorized and directed, if not incompatible with the public interest, to furnish to the House of Representatives at the earliest possible date such data and information as he may have in respect of the expulsion from Mexico of citizens of the United States on account of their religious belief."

The only information I have as to the expulsion of citizens of the United States from Mexico is the following:

(1) In a dispatch from the American ambassador to Mexico I learned that Mesdames Semple, Evans, and Connelly, of the Academy of the Visitation, a Catholic school situated at Coyoacan, in the neighborhood of Mexico City, had been ordered expelled. Mr. Sheffield interceded for them with the Minister of Foreign Affairs. The order was subsequently revoked, but I am informed by the American ambassador that they believed it to be the best policy to close their school and leave the country, and they are leaving on the 4th day of March for Mobile, Ala. I have to-day received a message that Madame Semple has informed the embassy that all Government supervision has been withdrawn from property at Coyoacan.

(2) Another case which came to my attention was that of Dr. J. A. Phillips, a Methodist Episcopal ordained minister, who was principal of the Institute of the People, a school at Piedras Negras, opposite Eagle Pass, Tex. The expulsion was also said to include three teachers. It was afterwards reported to me that the order had been revoked, and I am now informed by the embassy in Mexico that Phillips will be allowed to return to Mexico and the school will be reopened provided he, being a foreigner and a minister of religion, does not teach. I take it in this case the expulsion is claimed on the ground that under the Mexican Constitution no ordained minister of any creed may teach in a school of primary instruction.

(3) There has been reported to me that Elder Ralph E. Brown, of the Church of the Latter Day Saints, was ordered to leave on February 20 by the municipal authorities of Tula de Allen, de State of Hidalgo, and that the following Mormon missionaries from Ozumba, State of Mexico, have been given 10 days by the municipal authorities in which to leave the State. No mention is made of their leaving the country. The names of the parties as near as I can make out are Owen V. Call, Daniel H. Higgenbotham, and one other person, whose name I can not make out from the dispatch, from Salt Lake City, and Alton S. Hays, of Provo, Utah. Mr. Sheffield reports that he is doing everything he can on behalf of Madame Semple and any other American citizens who may be in difficulty, and that he will continue to do so. He has been instructed to this effect.

It is impossible for me to determine in each one of these cases exactly the ground of expulsion, but I assume on the ground that they are teaching in violation of the constitution and laws of Mexico, which I have furnished you.

Very sincerely yours,

FRANK B. KELLOGG.

Hon. STEPHEN G. PORTER,
Chairman Committee on Foreign Affairs,
House of Representatives.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. HASTINGS. Mr. Chairman, I want to direct the attention of the Members of the House to a bill (H. R. 5406) which I have introduced, to provide for the furnishing of surety bonds by all banks, national and State, and trust companies which are members of the Federal reserve system for the protection of depositors.

It will be noted from reading the bill that it affects only those banks, State and national, and trust companies which are members of the Federal reserve system, as Congress, of course, has no jurisdiction over banks organized under State laws unless they are members of the Federal reserve system.

This bill would require these banks to file in the office of the Treasurer of the United States a surety bond conditioned for the payment by said banks and trust companies, upon demand, to the depositors of said banks or trust companies, 25 per cent of the amount of their deposits. As to banks already organized, it would require this bond to be filed within six months after the approval of the act, and upon failure to file the bond the Comptroller of the Currency is required, as to national banks, to sue for a cancellation of the charter, and as to State banks and trust companies that they shall fail to be a member of the Federal reserve system upon failure to file the required bond.

Section 2 provides that new national or State banks and trust companies, members of the Federal reserve system, when organized, are to furnish bond in an amount equal to the capital stock of the bank at the time of organization and annually thereafter furnish a bond in an amount of 25 per cent of the deposits as shown by the annual statement.

Section 3 makes it the duty of the Treasurer of the United States to ascertain the financial responsibility of the surety company before approving any such bond in order that only bonds of reputable and responsible surety companies may be accepted, and in event any bond is not approved 30 days' additional time is given after notice of disapproval within which a new bond may be filed by any bank or trust company.

Section 4 permits surety companies the same privilege of examining banks as now given by law to the Comptroller of the Currency.

Reports are required to be filed on the 1st day of January of each year showing the deposits of said banks which come within the provisions of the law in order to ascertain the amount of bond required to be made.

It will be noted that the bill only requires a bond in an amount equal to 25 per cent of the amount of the deposits. This percentage is fixed upon the theory that with the close supervision of the Comptroller of the Currency through bank examiners and with the added supervision of the surety company making the bond, that a bond of 25 per cent of the deposits would always be sufficient to guarantee any bank against failure and would protect the depositors against all loss. Of

the failed banks brought to my attention if 25 per cent of the deposits had been supplied in cash by a surety company, as this bill would require, I know of no bank that would have failed. In the event, however, it is found that 25 per cent is not sufficient, the percentage could be increased.

The comptroller reports that the average rate of dividends paid on claims approved was 77.84 per cent, and including offsets allowed and loans paid and other disbursements and dividends, that the creditors received on an average of 84.24 per cent. It would seem, therefore, that a surety bond in an amount equal to 25 per cent of the deposits would be adequate to guarantee all deposits and the banks should not be required to pay larger premiums on bonds than is reasonably necessary to guarantee all deposits.

It may be inquired as to the necessity of this legislation. In answer permit me to say that every bank, State and national, which receives school, county, city, and State deposits is required to give a surety bond in an amount equal to the deposits. This is true regardless of the financial standing of the bank. If a bank is required to give bond to secure the deposits of school, county, city, and State deposits, why should it not be required, in a reasonable amount, to insure individual deposits against loss? I see no difference in principle. In the State of Oklahoma all Indian funds deposited with banks, no matter how strong, are required to be secured either by surety bonds or by a deposit of securities in an amount equal to the deposits.

For my part I see no difference in requiring a bond in a sufficient amount to protect the laborer, the washerwoman, farmer, business and professional man, or all classes who are depositors, against loss. The only argument I have heard against it is that the premium on the bond would be an expense to the bank. Of course, that is true, but banks are required to pay premiums on the bonds given to secure school, county, city, and State funds, and also Indians funds. This bill would not only be a good thing for the depositor but it would be good legislation for the shareholders of the banks. It would result in the executive officers of the banks being more conservative, they would require better security for loans, and their assets would be kept in more liquid form, for they would be subject not only to the supervision and criticism of the bank examiners, but also by the representatives of the surety companies making the bonds for the banks. This would therefore, in my judgment, prevent many banks from failing and would save large amounts to the shareholders in assessments where banks fail, and result in larger dividends being paid the stockholders.

Contrary to the general belief of the public the Comptroller of the Currency reports that the average dividend paid on their capital and surplus by banks is only 6.63 per cent.

Again, the active officers of the banks are required to give bond to protect the bank against loss on their account, notwithstanding they are men and women of high character. If this be true as to individuals, why, on principle, should not the depositors be protected against loss, by requiring the banks to give bonds?

An examination of the comptroller's report for the year 1925 presents an interesting study. On April 6, 1925, the number of reporting national banks was 8,016, with a capital stock of $1,361,444,000.

Congress passed the Federal reserve act in December, 1913. It provided a financial reservoir to which member banks might go for assistance, and it has been successful since the organization of the Federal reserve banks thereunder in 1914. The failures of banks have been due to a number of causes, and among them are: Too many banks were organized in some communities, some banks were in charge of inexperienced officers, and some have been due to economic conditions. Failures in the South and Middle West have been due to agricultural conditions, and in the far West and Southwest to the losses on cattle, and, of course, a few failures have been due to corrupt management. I think by far the most failures can be attributed to inexperienced management.

This bill, in a way, intends to guard against this because surety companies would be reluctant to make bonds for banks which are not managed by experienced officers.

Again, it has been suggested that surety bonds are not required to insure the deposits of State banks, and that therefore this would be a discrimination against the banks mentioned in the bill. I think it would have the contrary effect, because I believe that it would necessitate every competing bank to take out insurance for the benefit of their depositors. As between two banks, one conservatively managed with a surety bond to protect the depositors, and the other without such a bond, everyone knows, of course, that the majority of the people would deposit their money in the bank protecting its depositors by surety bond.

In my judgment the premium on the bonds required under this bill would be small as compared with the profit on the increased deposits which the bank would receive, and that therefore this bill would be financially beneficial to all the banks throughout the country. It certainly would make the officers of the banks more conservative and result in fewer bad loans and therefore would result in a greater advantage to the shareholders in increased dividends; it would protect the depositors against loss and would clearly be in their interest.

Again let me state that every bank under this bill would pay for the premium on its own bond. No bank would be dependent upon another bank. I have no doubt it would result in increased deposits for each bank, and therefore increased profits, far in excess of the small amount of premium required to be paid on the bond. Again it would establish confidence in banks throughout the country and bring out of hiding large amounts of money not now deposited in banks. I believe this a good bill from every standpoint. I believe it right in principle, and I want to urge it upon the earnest consideration of the Members of the House.

During my entire life I have exerted my very best efforts to assist in the protection of the men and women of small means who did not possess financial strength or who were not organized to fight his or her own battle, and I am forced to the conclusion that every bank and trust company which is required to furnish a bond to secure school, county, city, and State funds, and also Indian funds, should also be required to make a bond to protect the other depositors who have confidence in the banking institution conducted and protected by the laws of the Federal Government.

Mr. GRIFFIN. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, lest we may forget, I want to read into the RECORD the eighteenth amendment to the Constitution, and I would like the gentleman from New York to pay attention to it. It provides that—

> The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States for beverage purposes is hereby prohibited.

I want it to be remembered, too, that the great State of Maryland was the sixth State to ratify that amendment to the Constitution. Maryland did not have to ratify it; it was not compulsory upon the Legislature of Maryland; it was their privilege to ratify or not to ratify, as they saw fit. If the people of Maryland were against its ratification, their legislature had the right to turn that amendment down. But it promptly ratified it.

Thirty-six States within a short time ratified that amendment to the Constitution. Proclamation was duly made by the Secretary of State, in accordance with law, and then what happened? It became a part of the fundamental law of this land. After the Secretary made his proclamation and it became fundamental law, then what happened? When it was not even necessary for them to ratify, and when their action did not count one way or the other, we find 10 other States in this Union coming in thereafter and through their legislatures ratifying that amendment. Pennsylvania thus ratified it when it was not necessary, when the action of the legislature did not count, because it was fundamental law already; and the State of the gentleman who spoke this morning against this amendment [Mr. CELLER]—New York—ratified it long after the proclamation had been made. New York ratified it January 29, 1919, and Pennsylvania ratified it February 25, 1919. Why did they ratify if their people were against it? The great State of our distinguished present chairman of this committee—New Jersey—ratified it in 1922, nearly one year after it had become a part of the Constitution of the United States. Why did New Jersey ratify it if the people of New Jersey were against it? Are legislatures absolutely callous and disregardful of the wishes of their people?

I want the gentlemen from New York to pay attention to another part of the Constitution, which reads as follows:

> Senators and Representatives—

That means us in Congress—

> and members of the several State legislatures and all executive and judicial officers both of the United States and of the several States shall be bound by oath to support the Constitution.

And before the gentleman from New York who spoke this morning could cast a vote on this floor and before he was privileged to make a single speech in this great forum he was

compelled under that Constitution to take an oath, and what was the oath? I want to read that into this RECORD. You will find it in the Manual on page 66. It says:

I—

THOMAS L. BLANTON and EMANUEL CELLER—

do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic—

Listen! That is just a part; here is the balance of the oath—

that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

That is the conclusion of that oath, a whole sentence by itself: "So help me God."

Mr. GRIFFIN. Will the gentleman yield for a question at that point?

Mr. BLANTON. Certainly.

Mr. GRIFFIN. I would like to ask the gentleman from Texas whether he conceives that the taking of that oath precludes a Member of the House from advocating any change in the Constitution?

Mr. BLANTON. That is a matter for each one of us to determine under our own consciences. I believe that any American citizen has a right, within lawful circumscription, to propose any kind of a lawful change to the Constitution. Now, how may it be lawfully changed? You can not lawfully change it either by ignoring it or by disregarding it or by overriding it or by nullifying it.

Mr. GRIFFIN. Will the gentleman yield for another question in sequence?

Mr. BLANTON. Certainly.

Mr. GRIFFIN. The gentleman had to confront that very situation when it was proposed to amend the Constitution in order to enable the income-tax law to be passed and then again when we changed the manner of choosing United States Senators. I want to ask the gentleman from Texas whether he contends that the advocacy of those amendments would be contrary to the oath which the gentleman has read?

Mr. BLANTON. Those illustrations are not analogous, unless one would now importune citizens not to pay their lawful income tax or would insist on legislatures ignoring the Constitution and selecting United States Senators without election by the people. I am not reflecting on anybody. I am just reading that part of the Constitution relating to this subject into the RECORD, and we must all follow the dictates of our own consciences, but I do want to make some pertinent observations.

Mr. CELLER. Will the gentleman yield?

Mr. BLANTON. Certainly, because the gentleman himself always courteously yields to others.

Mr. CELLER. Does the gentleman mean to imply that the "gentleman from New York" does not follow the dictates of his own conscience?

Mr. BLANTON. Oh, no! I have no right to make that accusation against anybody and do not do it. That is a question for the gentleman himself to decide. We all have to follow the dictates of our own conscience. And we ourselves must determine whether we are so following them. Now, the gentleman from New York has a perfect right to introduce a resolution to repeal the eighteenth amendment to the Constitution. Has he done it?

Mr. CELLER. The gentleman has done it.

Mr. BLANTON. Is it here?

Mr. CELLER. It is.

Mr. BLANTON. Is it before a committee?

Mr. CELLER. It has been referred to a committee.

Mr. BLANTON. Has the gentleman ever appeared before that committee and asked them to report it out for consideration? Has the gentleman ever asked for a hearing?

Mr. CELLER. He has.

Mr. BLANTON. When?

Mr. CELLER. I asked for hearings on that bill and a bill for an impartial study of prohibition and a bill which I introduced for a referendum.

Mr. BLANTON. I am talking about a measure to amend the Constitution.

Mr. CELLER. If the gentleman will give me an opportunity, I want to reply to him. I introduced a bill for a referendum on prohibition; I introduced a bill to——

Mr. BLANTON. I am only asking about a measure proposing to amend the Constitution.

Mr. CELLER. I will answer the gentleman if he will allow me. I have introduced seven or eight bills at this session and in the last Congress, all for the purpose of effecting a change not only in the Constitution but in the Volstead Act. I have asked for hearings on every one of them and hearings have always been denied.

Mr. BLANTON. Well, be that as it may, there is but one lawful way to get rid of the eighteenth amendment, and that is for Congress by a two-thirds vote to pass a resolution submitting the repeal to the States, and for the legislatures of 36 States to ratify such repeal. And you will never get all of that accomplished in 100 years.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. In just a moment, I will yield.

When the distinguished gentleman from New York, our friend, EMANUEL, first came here, he knew that this eighteenth amendment was part of the Constitution. He knew he was required to take this oath "to support and defend the Constitution of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to it," and that he must have no mental reservation or purpose of evasion. And he took that oath and obligation. He has a perfect right to introduce a resolution here to amend it, but I submit to him whether or not his ingenious speech wherein he extended his remarks and shrewdly put into the RECORD George Washington's beer receipt, which he says he did with the express purpose of having it broadcasted over the United States, when it is a violation of law to publish liquor advertisements. I ask him whether or not that is in line with said oath of office? And is his argument to-day merely urging us to lawfully amend the Constitution or is his purpose to nullify it? We want to understand each other.

Mr. GRIFFIN. Will the gentleman yield?

Mr. BLANTON. Is it to amend or to nullify? I yield, if this other distinguished gentleman from New York can answer for his colleague. Of course, I am going to ask the gentleman to give me some more time because I want to complete my remarks.

Mr. GRIFFIN. I will be very glad to give the gentleman time, but I would like to have him answer this question, if he can.

Mr. BLANTON. Certainly; I shall answer it frankly.

Mr. GRIFFIN. Does the gentleman imagine that the turpitude of the gentleman from New York [Mr. CELLER]——

Mr. BLANTON. I did not say that there was turpitude.

Mr. GRIFFIN. Is greater than that of the gentleman from Nebraska [Mr. HOWARD], who to-day introduced into the RECORD a receipt for the manufacture of a Manhattan cocktail?

Mr. BLANTON. I shall make no comparisons, because they are always odious, and I shall charge no turpitude against any colleague. Each Congressman must determine for himself what his duty and obligation is under his oath, guided by his own conscience.

Mr. CELLER. Would the gentleman prefer the Manhattan cocktail or the recipe for beer?

Mr. BLANTON. I will let the gentlemen determine that for themselves under their respective oaths and consciences. A Federal law provides that it is unlawful to publish by newspapers or otherwise the manufacture of any intoxicating liquor. Beer is intoxicating. Courts have held that beer is intoxicating. If a Manhattan cocktail has both whisky and brandy in it, then it has in it two ingredients that are intoxicating, for courts have held that both whisky and brandy are per se intoxicating.

The Constitution outlaws intoxicating drinks. We are sworn to uphold and defend the Constitution and will bear true faith and allegiance to the same and do it without mental reservation or evasion.

Mr. LAGUARDIA. Will the gentleman yield now?

Mr. BLANTON. In a moment I will gladly. Only two States did not ratify. Forty-six States out of 48 ratified this amendment of the Constitution. The gentleman from New York [Mr. CELLER] in his speech to-day introduced a lot of so-called polls here, and many "wets" would like to post them as authentic and make some uninformed people believe that they are reliable, for the gentleman once stated they came from "dry papers"; they are "dry" like the papers of William Randolph Hearst, when everybody in the United States, who is well posted on the subject, knows that the papers owned and controlled by Mr. Hearst are now doing everything possible to try to break down the prohibition laws, and to incite people to ignore and disregard such laws, and to get Congress to pass some of the proposed nullification measures.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. BLANTON. In just a few minutes, and then I will gladly. And I presume the Denver Post is just about as dry as the Washington Post. [Laughter.] And I presume that the Denver editor of the Denver Post is just about as dry as the Washington editor of the Washington Post, and I presume these

two Post editors are just about as dry as is Mr. Hearst and his newspapers.

Mr. LAGUARDIA. Will the gentleman now yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. The gentleman is defining and characterizing the duties of Members, under the evasion clause of the oath which we have taken. Who is the Member who is guilty of evasion, the outstanding wet who seeks to modify the law by proper constitutional or legislative means, or the advocate of the drys who violate the law every day of his life here and in his own community?

Mr. BLANTON. I think we ought to run that kind of dry out of the public service of the United States. No officer in the Army or Navy should violate the law. No official of the United States should violate the law. No Senator or Congressman should violate the fundamental law of his country which he is under oath to uphold and obey, and when they break the law we ought to put them out of the service.

Mr. LAGUARDIA. Then we would not have a quorum here. [Laughter.]

Mr. CELLER. Will the gentleman yield?

Mr. BLANTON. In just a moment I will yield. I want first to answer the gentleman from New York [Mr. LAGUARDIA]. I think that is an unfair accusation against his colleagues. I have been here nearly 10 years. I can count on the fingers of my two hands the colleagues during that time upon whose breath I have smelled liquor.

Mr. LAGUARDIA. That is not the only test, I will say to the gentleman.

Mr. BLANTON. Oh, it is the acid test. When you see smoke there is always some fire. And when there is whisky around the tell-tale fumes are easily detected.

Mr. LAGUARDIA. Does the gentleman go around every morning after a call for a quorum has been made and smell every Member's breath as he comes into the Chamber?

Mr. BLANTON. No; I do not. But I mingle freely with colleagues. Whisky is one thing you can not conceal. When a man drinks liquor you can always smell it on his breath.

Mr. CELLER. Will the gentleman yield at that point?

Mr. BLANTON. And, truthfully, I can count on the fingers of my two hands my colleagues, with whom I have served here 10 years, upon whose breath I have smelled liquor. Of course, some may drink when they are away and are not on duty here in the House.

Mr. CELLER. Will the gentleman yield at that point?

Mr. BLANTON. In just a moment. I want first to finish my answer to the other gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Kindly yield me 10 minutes additional?

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes additional to the gentleman from Texas.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. Let me first answer the other gentleman from New York [Mr. LAGUARDIA]. The gentleman represents a big party here and he deserves an answer, as he is his party's sole representative here. You can not find 435 men in any other group in the whole United States who are as sober and free from liquor drinking as are the 435 Members of this House [applause], and you know it. There is much "wet" talk around here, but most of it is influenced by politics, and comes from a very small "gang."

Mr. CELLER. Will the gentleman yield at that point?

Mr. BLANTON. And my colleague [Mr. LAGUARDIA] knows it.

Mr. LAGUARDIA. I will concede that, and I will say that there is the same percentage of drinking men in any other group of 435 gentlemen in the United States. We are no different in this House from any other group of 435 men, whether they be judges, district attorneys, or anything else.

Mr. BLANTON. I now yield to the other gentleman from New York [Mr. CELLER].

Mr. CELLER. The gentleman admits there are some men who vote dry in this House and who drink. The gentleman will admit that, will he not?

Mr. BLANTON. There may be. I will not deny it. And I want to say it is to their credit. They realize the evil of it as affecting their own lives, and they want to save others from the curse. I give much more honor and credit to a legislator who is imprisoned within the awful clutches of the liquor habit, yet who is brave enough and high-principled enough to vote against liquor because he does not want to be instrumental in bringing about the downfall of others, than I give to a legislator who is strong enough to keep himself clear of the pitfall and does not use liquor, yet is willing to vote it on every man, woman, child, and home in the Nation.

The gentleman from New York should never criticize or condemn any man who drinks and yet who votes dry. There may be such in this House, and I commend them.

Mr. CELLER. Would you say that was in their personal capacity or in their legislative capacity?

Mr. BLANTON. What would the gentleman say? Oh, I am not going to bring any accusation against any of my colleagues. It does not take any straw polls from the Hearst newspapers, or the Washington Post, or the Denver Post to tell me how the situation stands in the United States. These newspapers are simply making themselves ridiculous. The gentleman never saw a straw vote in his life that was correct. They are always misleading. No posted person in the United States considers such votes. I asked the gentleman from New York [Mr. CELLER] if he would submit himself to that kind of an election in New York, and let the newspapers prepare the ballots and distribute the votes, and do all the counting privately for him, and he said no, sir; he would not. Such an election to him would be ridiculous. And to prohibitionists all over the United States this so-called voting conducted by "wet" newspapers is silly, foolish, and ridiculous.

Mr. CELLER. Will the gentleman yield at that point? I asked the gentleman from Texas to give fair consideration to these polls, not to close up his mind, not to seal it up against what the polls might reveal.

Mr. BLANTON. The only correct poll that we have had was on two occasions, one when we voted here in this House on December 22, 1925, and the other was the referendum in the State of Ohio. They had a real bona fide referendum in Ohio on wine and beer, you will doubtless remember. It was put up to the voters in the great State of Ohio, and they answered by a majority of over 100,000 against light wines and beer. Then there was another vote here on this floor. On December 22, 1925, we had a test vote here in the House of Representatives. The "wet" gentlemen did not put one of their wet leaders in front; they jumped over here, and got that great constitutional lawyer, HENRY ST. GEORGE TUCKER, and put him in the lead with an amendment that would have hog-tied the prohibition enforcement unit of this Nation. Every "wet" got in behind him and egged him on, and they marshalled every vote on the floor that they could muster. It is true that some of the New York men were not here, but many of them were here. When the votes were counted, how many "wet" votes does the Denver Post and the Washington Post and Hearst newspapers imagine could be counted? How many did they get? How many could they muster? Seventeen! Look at the RECORD of December 22, 1925, page 948, and they will see that the "wet" vote was 17 as against 139 "drys." That was the last real, bona fide poll that has been taken.

Now, listen, these Members are just as careful as any representatives of people can be; they keep their ears to the ground as closely as anybody. They would not vote against the wish of their constituencies if they knew it. They would not vote against the voters in their district if they knew it, when they all have to be reelected every two years. They always try to vote the wishes of the voters in their district. What did the people at home want? Prohibition enforcers to the tune of 139 stood up here against 17 wets and snowed them under.

That is the way you will find it in the next Congress, after November elections, regardless of all the "wet" polls by the Hearst newspapers, regardless of the "wet" polls by the Denver Post and the Washington Post, regardless of the "wet" speech made by the gentleman from New York, so ingenuously made on the floor, in spite of the "wet" leadership of the gentleman from Maryland [Mr. HILL], who is trying to break into the United States Senate on the wet issue, in spite of these "wet" face-the-facts banquets that they hold, in spite of it all, you will see coming back here from the primaries and the election in November a House and Senate dryer than it has ever been before. [Applause.]

You "wets" are thoroughly organized in this House. You are carrying on a studied campaign here to modify the Volstead law, and get light wines and beer, in spite of the Constitution. You put your men up here almost daily on this floor to criticize the law, and to make it unpopular. You are hoping to influence the voters back home. You are hoping to influence the election of "wet" men in this Congress. But you will fail. There are enough of us prohibitionists in this House willing to make the sacrifice to sit here all the time, and answer every "wet" speech that is made on this floor. There will be a MURPHY for every GALLIVAN. There will be an UPSHAW for every TINKHAM. There will be a COOPER of Ohio

for every SCHAFER. There will be a HUDSON for every CELLER. There will be a CRAMTON for every GRIFFIN. There will be a BARKLEY for every HILL. So let this talkfest go on. If you "wet" gentlemen have to be outtalked to stop you, then you have matched your fight, and let the talking commence.

While I am a prohibitionist, and preach it, and practice it, and live it, and am not narrow-minded on the subject, I am not so hidebound that I can not see the faults with which some prohibitionists are afflicted, and I am not so hidebound that I can not see the virtues which Providence has so abundantly bestowed upon many "wets."

I sit here with the wets. I like every one of them; they are bully good fellows. The gentleman for Maryland [Mr. HILL] and I vote together many times. I vote with the gentleman from New York [Mr. LAGUARDIA] many times. And on some economic questions I even follow the gentleman from New York [Mr. CELLER], and my friend on the committee [Mr. GRIFFIN] on many occasions. Outside of prohibition they all have good judgment.

Mr. CELLER. Is it because they drink a glass once in a while?

Mr. BLANTON. I am sure if he drinks at all, the gentleman from New York takes more drinks than I, for I never took one in my life. Yet, apparently he is always as sober as I am. But he lives in an atmosphere that makes him think like he does. If I had been born and raised and reared and came up through the same atmosphere, I should probably be making the same kind of speeches that he is, and citing the straw polls in the Denver Post, and the Washington Post. Perhaps I might even go to Denver, as he did, and ask the first policeman I met if he knew where I could get a drink, and after he told me, I would say, "I don't want it, I was just asking for information" [laughter], as he did.

Perhaps I am not any better off than my friend from New York, but that is a matter of opinion. That is a matter of viewpoint, but the people of the United States must not be misled by these wet speeches that are so often and frequently and periodically made on the floor. What is it all for? Hearst's papers first said that the President of the United States was going to try prohibition one more year and if it fell down he was going to quit trying to enforce it. Hearst's newspapers the other day said that Colonel Andrews, at the head of the prohibition unit, was going to try it out for six months, and if he could not enforce it, he was going to resign. Well, if he resigns, we may get somebody even better to enforce the laws than Mr. Andrews, but there will be somebody to enforce them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Will the gentleman from New York [Mr. GRIFFIN] yield me one minute in which to yield to the gentleman from New York [Mr. CELLER]?

Mr. GRIFFIN. Mr. Chairman, I yield one minute more to the gentleman from Texas.

Mr. BLANTON. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I think it might be well for the gentleman from Texas [Mr. BLANTON] to go back two years and read the issues of all of the Hearst papers. He will find in truth and in fact that the Hearst papers have always been consistently dry and in favor of prohibition.

Mr. BLANTON. No real, posted prohibitionist will agree to that. Oh, will anybody in New York vote as Hearst tells them to? He has lost every campaign that he has ever run in New York. That is because the people of New York have not confidence in him.

Mr. CELLER. But that is beside the question.

Mr. BLANTON. Whenever the Hearst papers come out for a candidate in New York his name is Dennis before he ever gets started. New York people do not believe in him, and we posted prohibitionists do not believe in him.

Mr. CELLER. But I want the gentleman to be clear on the attitude of the Hearst papers in respect to prohibition. They have always been for prohibition and against anybody that was wet.

Mr. BLANTON. The gentleman, being a wet, has that idea, and I, being a dry, have the contrary idea. Hearst's papers just now are doing everything possible to break down the law and to nullify the Constitution. But, as usual, he will fail.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. JONES]. [Applause.]

Mr. JONES. Mr. Chairman, within the past three weeks the gentleman from Massachusetts [Mr. UNDERHILL] has made two extended speeches in opposition to Philippine independence. My relations with Mr. UNDERHILL have always been the most friendly and I also have quite an admiration for his ability, his facility for expressing himself clearly, and his courage in stating his convictions on public matters. I freely concede to him the right to his opinion. Naturally, I claim the same privilege for myself.

It seems to me that his speeches are a strange mingling of logic and sophistry, and that some of his conclusions are rather remarkable. He claims, if I read his speeches aright, that the Philippines are not worth much to us, and yet he wants to keep them. He says that it would tend to promote peace, and yet admits that if war should come they would be a military liability and that it would be next to impossible to defend them. Then he makes this remarkable statement:

> My view is that as long as the United States has control in the Philippines and has its Government in the Philippines, that it is a guaranty of peace in the Far East, but the moment we give up our jurisdiction over there we invite war not only for ourselves but practically for all the nations of the world.

If that statement is true, we should permanently retain the islands, and if I thought that position a correct one I should certainly oppose independence either now or in the future, but in undertaking to defend this position I think the gentleman's logic breaks down utterly.

On August 13, 1898, the American forces captured the city of Manila. Spain had exercised authority over those far eastern islands for more than 300 years. Her emblem now gave way and the American flag went up for the first time on oriental soil.

This presented a new problem in American political and economic life. The islands were on our hands. The question was what to do with them.

It is axiomatic to say that there are but two courses open in our policy toward the Philippines—either to grant independence or to hold the islands permanently. On the question of independence, that may be granted immediately or we may pursue our present declared policy of our intention of granting independence when the Philippines are capable of self-government, or we may declare our intention to grant independence at the end of a specified period. If we do not intend to grant independence at all, we should say so in outright fashion; but I can not conceive of this course being taken, in view of the declared purposes of our Government.

The statements made by the gentleman from Kentucky a few days ago, quoting the various Presidents and others in authority since 1899, some of which I have quoted heretofore, and the quotations made by Mr. RAGON in his report some two years ago, prove conclusively that we morally obligated and bound this Government to grant independence at some time in the Philippine Islands. No other course is open to us. Our good faith has never been questioned, our national word has never been broken, and, in my judgment, we can not afford to consider any other kind of a policy. This being true, regardless of what any man's views may be with reference to the capability of the Filipinos to govern themselves at this time, our whole policy in the islands should be laid out with the end in view of endeavoring to qualify them for independence, with the purpose of granting it as soon as those requirements are met.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. KINCHELOE. Has not the gentleman the same idea that I have regarding the fairness of Governor Wood toward the Philippine people, based on a statement he made at the conference we had with him before our departure, when the last question I asked of him was, "General, I understand from you that it does not make any difference how well qualified the Filipinos may be in the future for independence, you believe from the economic standpoint that they ought never to have their independence?" And he answered, "Yes."

Mr. JONES. Yes. I recall General Wood making that statement, in substance.

Believing, as I do, these to be the facts, I do not believe that General Wood is a proper man for Governor General of the Philippine Islands for two reasons, both of which I regard as good and sufficient. In the first place, General Wood has stated in an authorized interview, which was placed in the RECORD by the gentleman from New York [Mr. BACON], that he believes that the United States Government should retain the islands permanently, both from a military and a commercial standpoint. Governor Wood has not hesitated to express this opinion in positive and unmistakable language on several occasions. I admire him for his frankness, but I also assert that that very statement and those views render it very difficult for

him to shape his policy looking toward any other end than the permanent retention of the Philippine Islands.

About the declared policy of the United States Government there can be no doubt, and it seems to me that it is altogether fitting and proper that a man should be Governor General of the Philippines who is in sympathy with their aspirations to qualify themselves for independent government and who will shape his policy and govern his conduct in such a way as to accomplish that end.

It is very difficult for any man, much less a man who has spent his life in the military service, to believe as strongly as General Wood does that one thing should be done, and yet to conduct a position of authority so as to accomplish an end that is diametrically opposed to his very deep convictions.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JONES. I will.

Mr. CONNALLY of Texas. Did the gentleman say that the cause of that particular situation is the fact that the Governor General is a soldier and accustomed——

Mr. JONES. In reply I want to say that I do not believe it is a wise policy to have any military man at the head of any civil government, and in doing so I do not criticize the officers of the Army or the military service. They are an essential part of the Government, but they should be an arm of the Government and not the Government itself.

In all the history of the world I know of no military man who has commanded supreme authority over a nation who did not have a tendency or a desire to subordinate civil government to military purposes, or at least to exaggerate the importance of the military. An army is essential to the maintenance of a free government or any other kind of a government, but it should be under control of the civil authorities, to be governed by the civil authorities, not as an end in itself, not for the purposes of military glory but as a means whenever necessary of protecting the civil government in the exercise of its essential functions.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield right there?

Mr. JONES. Yes.

Mr. LaGUARDIA. Assuming that the government of General Wood or the administration of any governor is perfect, that is not a test in considering or deciding a matter of independence for the islands?

Mr. JONES. Certainly not.

Mr. HUDSON. Will the gentleman yield?

Mr. JONES. Yes.

Mr. HUDSON. The gentleman spoke in criticism of General Wood's administration in the Philippines. Has the gentleman any criticism of his administration of Cuba? Has it not been consistently shown that wherever he had been the administrator, whether in Cuba or in the Philippines, there has been a great development and a progressive development?

Mr. JONES. I am not especially familiar with his conduct of Cuban affairs, but I have been informed that he had some friction there. He is a man of ability, and no doubt has done some valuable work wherever he has been.

Mr. HUDSON. The gentleman wants to be fair?

Mr. JONES. I will say this for him: He has done some very valuable things in the Philippines, and I presume he did some very valuable things in Cuba; but if the gentleman will get the CONGRESSIONAL RECORD—I have the date somewhere here in my papers—he will find very severe criticism of his conduct of Cuban affairs put in the RECORD by a gentleman whom I did not have the honor of knowing personally, a gentleman by the name of Hayes, in commenting on General Wood's conduct of affairs in Cuba. I just want to say I am not as familiar with affairs there as I am with the affairs in the Philippine Islands, but I do know there was much in the papers at that time as to conflicts, troubles, and disagreement. Whether or not he is to blame for that I will not undertake to say, because I am not going to be sidetracked on a question far afield from that which I am discussing.

Mr. HUDSON. Will the gentleman yield for one more question?

Mr. JONES. I will.

Mr. HUDSON. Is it not a fact that the conditions in the Philippines are constantly improving to-day, even as to some of the things which the gentleman criticized? Is it not a fact that as a whole there is a constant improvement?

Mr. JONES. I hope there is a constant improvement; I think there should be. I think there has been since the time the Americans took charge of the islands, but I am afraid there is less progress being made now and less harmony than there has been at some other times since the inauguration of our activities there.

In making these remarks I am not reflecting upon General Wood. I think he is a fine character, and I have no doubt a man of good impulses and the best intentions, but I do claim for these two reasons, first, that his life training has in large measure disqualified him for civil authority, and because his deep-seated convictions are for a permanent retention of the islands, and therefore, contrary to the frequently expressed purpose of the American Government, he is not the man to be Governor General of the Philippine Islands.

The gentleman from Massachusetts mentions General Wood's efforts in connection with the leper colony. I honor and admire the General for his work in this matter, which I assume is in accordance with the description of the gentleman from Massachusetts. It is a great and commendable work. In this connection I also want to add that I agree with the gentleman from Massachusetts that we should support General Wood or any other official in carrying out the legitimate purposes of government. I have no doubt the American people will back him in any reasonable action he may take. However, the right to criticize freely the public action of any official, or any policy of government, is a fundamental right and is conducive to better government. I do not blame General Wood for his views with reference to the Philippines. I blame those who keep him in authority when his views are so manifestly out of harmony with the well-defined position of our Government toward the Philippines.

I observe in the speech of the gentleman from Massachusetts he says—

> the Philippines are no more fit at the present time for self-government than an equal number of children.

In a deadly parallel with this I want to insert this statement from the Wood-Forbes report, which was made after a thorough investigation of the conditions in the Philippine Islands. That report contains the following language:

> No people under the friendly tutelage of another have made so great a progress in so short a time.

I also want to quote from the late President Harding, who said:

> The progress [of the Filipinos] is without parallel anywhere in the world.

During last summer I spent several days in the Philippines. While I did not have great opportunity for extended study, I took occasion on several different days to go far into the country and to mix and mingle as far as possible with the Filipino people. My impressions are not in accord with many of the conclusions reached by the gentleman from Massachusetts.

The question of whether the Filipinos are just now capable of self-government may be a debatable one. In all the circumstances, I would favor the granting of independence, but the question of whether that independence should be granted now or whether it should be deferred for a period of years, or for an indefinite time, is a legitimate field for debate. However, in view of the expressed intention of the United States, and in view of our course of conduct ever since we have been in control of the islands, the question of the permanent retention, contrary to the wishes of the Filipinos themselves, has passed beyond the realm of discussion, and no man who favors the permanent retention of the islands in these circumstances, is, in my judgment, a proper man to be at the head of our affairs in those islands.

Much has been said during recent years about the peculiarities of the Filipino people; about their mixed blood; about their numerous tribes and dialects; about their head hunters, who are few and who are such now in name only.

These peculiarities form an interesting basis for discussion. Of course, they are different; they live in the Orient, we in the Occident. It is natural for anyone to exaggerate the peculiarities of other people and to forget the whims of oneself. Naturally we have read and heard much of the peculiarities of these people, but this is not typical any more than some flapper in a one-piece bathing suit at Atlantic City is typical of American womanhood, or a member of an Indian tribe is typical of American manhood. News stories call for the unusual, and a native clad in a breech clout or a G string has a hundred times more chance to be pictured in a magazine than the mayor of Manila, who is an educated and cultured man.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. JONES. Yes.

Mr. JOHNSON of Texas. I would like to ask the gentleman, in view of his trip to the Philippines last summer, if it was not the universal verdict of all that as a race they were very much devoted to the cause of education and that there was

no race of people striving harder to secure an education and were succeeding more successfully than they?

Mr. JONES. I think that is very true, and I want to say this in that connection: The only criticism I heard them make of General Wood was that they did not believe he was in sympathy with their desire for ultimate independence. They all said they wanted their independence, but were perfectly willing to trust the good faith of America so long as America did not seek to take a backward step and did not seek to turn the Philippines over to those who wanted to exploit the islands and keep them permanently. That is their position.

There are more than 1,000 schools in the Philippines and more than a million children in school. English is the language of all these schools. Parents will make any kind of a sacrifice in order to give their children an education. Go into the lobbies of the hotels and you will see the elevator boy with his school book in his pocket, learning. You can not stop that kind of a people. One who lives in that atmosphere of mighty earnestness has read history to little purpose if he fails to see in it the finger of destiny. The dominant note just now is political independence; and what a subject for poet and orator. The finest oratory that ever fell from the lips of man has been inspired by the love of liberty. There is no other such appeal to the human emotions. All that is finest in the world's literature has been built around that word. Can America, with her own wealth of sentiment, of song, and of story, permit herself to run counter to this stream of human experience?

Many reasons are assigned for our keeping the Philippines, but when they are finally analyzed and sifted down they amount in almost all instances to the proposition that we should keep them because we need their products, especially their rubber products, of which there is a shortage in this country.

I talked with a great many Americans in the Philippines, with American business men, with Americans who had interests there, with General Wood, and with various other officials, and the thing that was always emphasized most was the commercial value of the Philippines to ourselves, and that was the reason that was finally assigned for keeping them. What a strange and cruel philosophy! What difference does it make that a great people are being deprived of the right to manage their own affairs; what difference if America's plighted word is to be broken? We must have rubber; we must ride on cushioned air. That is the same philosophy in a little more refined form but the same philosophy that the cave man used when with his crooked stick he destroyed his neighbor because he wanted his possessions. That is the doctrine that might makes right in all its stark nakedness. No great nation has ever yet adopted such a policy for its permanent course of action and remained great. I do not believe any nation ever can.

I am surprised at some of those who have stated this proposition, and I think they have done so without reasoning out the full results of such a policy. Many of them are too able and too fair in their general views to advocate such a course, and it evidences either a hurried consideration and hastened conclusion or that they have not had the matter called to their attention in its true light.

All of America's greatness and prestige have been built up on her fairness and justice to all, on her keeping her obligations and not treating them as "scraps of paper"; her past is founded on a practice of those virtues; her future is dependent upon her remaining true to such traditions.

Even from the standpoint of commerce I think the value of the Philippines to this country has been greatly exaggerated. I feel sure that even if we regarded rubber as a paramount matter there would be no trouble in securing the free exchange of that commodity, the right to bring it into this country without paying an export tax when it leaves the Philippines, and the privilege of engaging in its production in those islands in a fair and unhindered way.

Mr. BLANTON. Will the gentleman yield?

Mr. JONES. Yes.

Mr. BLANTON. The gentleman from Massachusetts stated that if the United States granted independence it would surely involve us in a great war. I want to ask my colleague if just the opposite is not true. As long as we maintain our domination over the Philippines we are going to maintain our flag no matter how much it costs in man power or money. Is not that true?

Mr. JONES. I think that is very true.

Mr. BLANTON. And if we continue to hold these people against their will we are more apt to be involved in a war some day than if we were to grant them their independence?

Mr. JONES. Undoubtedly.

Mr. RAGON. Will the gentleman yield?

Mr. JONES. Yes.

Mr. RAGON. The gentleman from Texas [Mr. BLANTON] suggested that we would protect our flag in the Philippines regardless of the amount of man power and money involved. I want to ask the gentleman if he thinks, since the disarmament conference treaty was signed in Washington, we have enough money and man power to keep the Philippines and protect the American flag against Great Britain or Japan.

Mr. JONES. Well, that would be a difficult question to answer. I would not want to ever admit that anybody anywhere in the world and under any circumstances could whip the United States. [Applause.] But I do want to say this to the gentleman, that it would be a very difficult proposition if a great power attacked us.

My main reason for favoring the granting of Philippine independence is from the standpoint of America. An American I was born, as such I shall live, and an American I expect to die. This, therefore, is my natural viewpoint. Everyone who has studied the question for a moment must admit that the Philippines are our weakest point. Any nation in the Orient which might attack us would naturally attack us at that point. Of course, they would strike us at the place they considered weakest. If they captured the Philippines that would put us in the attitude either of sending an army twice as far as we sent it in the World War, or of losing the war. If we sent them, we would have a battle line 6,000 miles long, subject to flank attack all along the line. Thus the war not only would be tremendously expensive but would necessarily entail great loss of life. From almost every angle, therefore, it would seem to me that the Philippines are a liability rather than an asset.

And I want to add that I would not have made this speech but for the fact that there has been considerable agitation of late to take away some of the powers of government now exercised by the Philippine people. Against such a backward step I want to protest.

Immediate independence may or may not be wise. It is possible that the Filipino people would be better off if that event were deferred a few years. No one can know of a certainty. But any backward step might be misunderstood. The deep conviction that no such step should be taken and that our country should take no action that will give these people any ground to doubt our absolute good faith is the occasion of these remarks.

Mr. RAGON. I think I have as much pride in America's fighting force as anybody. I would like to call the gentleman's attention to this fact, that under the disarmament treaty that was signed in Washington, Japan and England insisted that America's fortifications beyond the Hawaiian Islands were to remain in statu quo. Now, they defined in that treaty what status quo meant, namely, that we should not increase the power of the naval base in the Philippine Islands or in Guam and that we should not increase the strength of the fortifications in either one of those places.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. RAGON. Then, under that agreement, Great Britain was permitted to fortify Singapore, and that agreement permitted an increase in the naval forces of Japan. Now, England is within 30 hours of the Philippine Islands, while we are within 10,000 miles of them; Japan is even closer than England—I mean England's possessions over there—and before the Senate committee Admiral Jones stated that by a major operation Japan could take the Philippine Islands and we could not prevent Japan from doing so.

Mr. JONES. Whether that be true or not, there is no question about the fact that England maintained all of her rights at the disarmament conference, and she is in a position to very strongly protect her rights.

Our natural outpost of defense is Hawaii. These islands are a comparatively short distance from American shores. They are naturally suited to fortifications, and by fortifying them we could say to all the nations of the Orient, "You can not, in armed hostility, pass this way." Of course, no one wants a war. We do not expect a war in the near future, but no one, however intelligent, can fortell the future to a certainty, and so long as conditions remain as they are, all nations must make some preparation for national defense. From the standpoint of America, therefore, I consider the Philippines a military liability.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. JONES. Yes.

Mr. VINSON of Kentucky. I would be interested to know the gentleman's judgment relative to whether the Philippine Islands are actually coveted by any other nation.

Mr. JONES. Of course, there are a great many nations that covet all the territory they can get. I do not think there is any immediate danger, and so far as conditions exist now, I do not think there would be any great likelihood of any other nation attacking the Philippines if we granted independence. It is probable that if any nation were disposed to invade the islands, other nations interested, not for the purpose primarily of protecting the Philippines, but in protecting their own interests, would protest.

Mr. VINSON of Kentucky. I have also heard very distinguished gentlemen on this floor say that climatic conditions would prohibit.

Mr. JONES. I was just going to mention the climatic conditions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman two more minutes.

Mr. JONES. The Japanese have free entry into the Philippine Islands and at one time the Japanese population in the islands numbered some 15,000. The 15,000 have dwindled now to about 5,000 because, apparently, the climatic conditions are such they do not like to live there or do not thrive there.

Mr. VINSON of Kentucky. When was that?

Mr. JONES. That was right after the war. The number dwindled from 15,000 to 5,000, according to statements which came to us and which, I believe, General Wood confirmed.

Every impartial student must admit that America has done wonderful things for the Philippine Islands. Our Nation has done more for them than any other nation; yes, than all other nations combined, and the Filipino leaders, recognizing this, express their frank appreciation and their admiration for America. There can be no doubt, however, that the Filipinos themselves want independence; that is, a vast majority of them do. No political candidate of either party for years has taken any other position. Nearly 1,000,000 men voted in the last election, so that almost as large a percentage of their qualified electors voted in that election as voted in our last national election. There can be no doubt, therefore, of the attitude of the Philippines toward this question. In my mind, American interests would also be best subserved by granting them this independence. It is in accord with our own faith and practices. Any other attitude or position, especially an attitude of permanent retention of the islands as colonial possessions, would be contrary to our own philosophy of government.

One hundred and fifty years ago a band of Americans met in the city of Philadelphia and gave to the world one of its immortal documents, the Declaration of Independence. One of its cardinal principles is that governments derive their just powers from the consent of the governed. About two years ago the original of this instrument was placed on exhibition in the Library of Congress, where every citizen who comes to Washington may look upon it. I am glad that this step was taken, for it is a good thing that the original instrument, the ink with which and the parchment upon which were written these great principles, should be preserved for the inspiration of future generations. I pity the man who calls himself an American who does not get a thrill when he looks upon it. But important as it is to retain the material elements of this instrument, a far more important thing is to preserve in the thoughts, in the ideals, in the lives, and in the activities of the American people the principles embodied in that great document.

True to the principle of the consent of the governed we have grown from simple beginnings to the proud heritage of freedom and power. It has been our philosophy of government. True to that principle we may remain great, but empire building on the basis of colonial or foreign possessions is contrary to that philosophy and can not permanently live in the same atmosphere or under the same flag.

Mr. FUNK. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. WHITE]. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman and gentlemen of the committee, on last Saturday there was held in the city of New York, in Carnegie Hall, a national glee club contest; not the first that has been held in this country but the first contest of the kind in which an organization as far west as Kansas participated.

Mr. Chairman and gentlemen, there are in the city of Washington about 35 members of that organization looking over this great city, exercising their great interest in the capital of their country, viewing its public buildings, its parks, and its many places of great interest.

It is to me a matter of satisfaction and pride that in this competition, the first in which a Kansas organization ever participated, the Kansas organization stood third. There were 15 similar organizations from our universities participating in New York City last Saturday night. I am further pleased, and I take this opportunity to say that among the number is Leroy Reynolds, a son of a good neighbor, an humble boy, a student of our public schools and of the high school, graduating this year from the University of Kansas. We are very proud, as Kansans, of these students of the University of the State of Kansas, coming from the States of Oklahoma, Nebraska, Colorado, and from our own State.

About 20 members of this organization are now in the gallery and I will ask them to rise, and I will be very glad to have you welcome them. [Applause.] I thank you, gentlemen.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. Chairman, since I have been a Member of Congress I have not asked for very much time, and I have listened a great deal to discussions about the prohibition question. It has occurred to me that the position taken by those who favor national prohibition is not only untenable, but in direct conflict with the principles on which this country is founded. The proponents of prohibition always say that any man who does not believe in its wisdom as being the best solution of this important question, who sees fit to rise on his feet and petition his Government and ask for a change in the law, is not a law-abiding American citizen. Speaking in my individual right as a citizen and on behalf of a great many of the people of Maryland and this Nation, I demand the right to tell the Congress of the United States about any particular provision, constitutional amendment or otherwise, which I believe is not for the best interests of myself, my State, or of our country. We do not consider such a protest against a change in any law or proposed law a crime. The Constitution gives us a right to peaceably assemble and petition Congress for a redress of such grievances or hurtful laws as we may feel we have. A citizen always has the right to advocate any change he deems wise in either the Constitution or its laws. Such a right has never heretofore been called in question. What kind of a government would there be if once a proposition were adopted and found to be bad and no one could dare to move for a change in it? The sophistry of such dictum is apparent. Our Constitution provides that the people have the right to amend and alter it at their pleasure.

Why should a man who does not believe in the philosophy of national prohibition be called un-American and a nullificationist, a defamer of the Constitution, if he sincerely looks over the history of our country and deems that a particular amendment is obnoxious to the ideals of liberty and his conception of the purposes of government. And yet, every time anybody ventures to say a word about the prohibition amendment and the Volstead Act he is denounced as a bad citizen and an un-American citizen. Why, you can go to any legislature, if you do not like the time for the open season on squirrels and ask for a change in the time and you are not called un-American or unpatriotic if you ask the legislature to make a change for what you believe is for the best interests of your State. How many of those who believe in the philosophy of prohibition take the floor and because other men will not subscribe to the intolerable doctrine advanced by them call their opponents un-American.

But I want to take a new angle; I want to quote the Scriptures. I want to show you the un-Christian aspect of this very law. St. Paul says:

> If righteousness shall come by the law, then Christ is dead in vain.

Ponder the wisdom of that remark.

> If righteousness shall come by the law, then Christ is dead in vain.

Is not it logical, is not it good common sense that if people attain righteousness and goodness through force and the power of the Government that a religion of righteousness so obtained is not from the heart, not from the head, but is forced from the outside?

Mr. BLANTON. Will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. BLANTON. Will the gentleman kindly give us the verse and chapter of that quotation?

Mr. TYDINGS. I thought the gentleman from Texas, being a great prohibitionist, would know all about the Bible. It is apparent that he does not know all about it when he tries to square prohibition and the Bible.

Mr. UPSHAW. Will the gentleman yield?

Mr. TYDINGS. Certainly.

Mr. UPSHAW. I will remind the gentleman that the Scripture he just quoted referred absolutely to the plan of personal salvation.

Mr. TYDINGS. The gentleman's own statement proves what I have just said. He said personal salvation. You have not

the spirit of the sacrifice of Christ on the cross, who died between two thieves, but you take the narrow, intolerant power of force. I resent any inhibition of my personal rights. I want my salvation to be voluntary and personal, for if it is forced on me it is no salvation at all—it is fake, valueless. So long as I am temperate in habits what right have you to lay down a code of morals for my personal conduct? If one gets drunk, if one offends the laws of his country and becomes a menace, you can interfere, but until one does one has the right to demand that the power of lawmaking does not invade every domain of purely private endeavor.

Mr. UPSHAW. The gentleman's doctrine would abrogate every law of God and man from Sinai to Washington.

Mr. TYDINGS. What law besides prohibition? Name one if you can.

Mr. UPSHAW. The law against stealing.

Mr. TYDINGS. Oh, the gentleman is as shifty as the quicksands on which he stands. [Laughter.] Stealing is a crime against society, but when I go and get grapes and convert them into wine and take a temperate drink and handle the wine in a temperate way I do not offend society. The gentleman's own statement proves my argument again. Further, stealing is contrary to the ten commandments, but the temperate use of wine is not included in the Bible's prohibitions.

Mr. BLANTON. I will name one. What about the narcotic law?

Mr. TYDINGS. Well, what about it?

Mr. BLANTON. Does the gentleman claim that he has right to sell morphine and to administer it freely?

Mr. TYDINGS. I will say to the gentleman in answer to his question that if narcotics were used temperately and properly there would not be any necessity for a prohibition law against their use, and all I am arguing for is temperance as opposed to prohibition. Again the gentleman's answer proves my argument. You can not name one. I defy anybody in the House to name a single instance where the philosophy of Christ as written in the Bible is in conflict with the mass of criminal law.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. GRIFFIN. I want, through the gentleman, to suggest a reply to the gentleman from Texas [Mr. BLANTON]. He refers to the antinarcotic law. Would it not be proper to ask him whether it would be reasonable to put an antinarcotic amendment in the Constitution of the United States?

Mr. TYDINGS. It would, according to his philosophy. He would remake our Constitution into a criminal code.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. I have only three minutes. I gave the gentleman from Georgia three chances, and I thank him for proving my arguments; he has been my best witness to prove he is wrong, but I want to prove the rest of them myself. [Laughter.]

The main contention I make is that these proponents of national prohibition really say in effect that the people of my State have not the right to have the kind of laws in Maryland dealing not with national but with their own intimate life which they want to have. In other words, they set themselves up as superkings and deny the right of a voice in government to the people. If the people of my State want to vote dry, I have no quarrel with them. If they do not want prohibition and want another form of law dealing with this question, I say we have as much right over in that State as they have in the State of Georgia. We do not ask you in Georgia to adopt our system, and we do not want you to force your views upon us. That is good Democratic doctrine, and no Democrat can deny that the principle upon which that party is founded is to give the people the widest measure of local self-government.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. I yield to the gentleman from Georgia.

Mr. UPSHAW. Will the gentleman contend that the eighteenth amendment, which closed every saloon in America, was not passed by due governmental process, and will the gentleman contend that his own State of Maryland has not refused to take her place by the side of her sister Commonwealth in supporting the Constitution?

Mr. TYDINGS. Oh, the gentleman is wrong again. In the first place, nobody but a blind man would say that prohibition has closed every saloon. Plenty of them are open, and they are open in Atlanta, Ga., as well as in any other place.

Mr. BLANTON. Suppose the people of Maryland wanted plural wives?

Mr. TYDINGS. Oh, do not let us suppose. Let us state conditions as they exist. Why suppose?

Mr. BLANTON. Does the gentleman approve of the Federal law that prevents plural wives in Utah?

Mr. TYDINGS. The gentleman from Texas, in order to maintain his position, is taking a rubber band, and he has stretched it and stretched it until it almost breaks and relies upon the fact that it is still rubber. [Laughter.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. TYDINGS. May I have five minutes more?

Mr. GRIFFIN. Mr. Chairman, I yield five minutes additional time to the gentleman.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. Yes; but this must be the last question. I would like to say something myself.

Mr. STRONG of Kansas. The gentleman objects to the Government control in his State, and the gentleman says that he would follow his State.

Mr. TYDINGS. Yes.

Mr. STRONG of Kansas. But suppose a county in the gentleman's State disagreed with the State?

Mr. TYDINGS. Oh, I would abide by it gladly. When I was in the legislature in my own State there were saloons in my home county, and I stood up and voted to give the people a chance to vote on whether they wanted saloons or not. I am not asking for saloons or for prohibition, I am asking that the people have a voice in their government, and to amend, alter, and change their government at their pleasure.

Mr. STRONG of Kansas. And the gentleman believes that the county should decide?

Mr. TYDINGS. I believe the State has the right to give the people of the State the kind of government the people of that State want in respect to their intimate lives, without any interference from Washington.

Mr. UPSHAW rose.

Mr. TYDINGS. Oh, one moment. I have only two minutes left. Very well, I yield to the gentleman.

Mr. UPSHAW. According to the gentleman's doctrine, he is in favor of his home town and city having liquor, Constitution or no Constitution?

Mr. TYDINGS. The gentleman is wrong again, and if he will sit down I will show him that he is just as intemperate in what he has said as he is about his advocacy of prohibition. I said not more than half a minute ago that when I was in the legislature liquor was sold in my home town and that I stood up and fought to give the people of my town an opportunity to vote on the liquor question, and that they had voted dry, and thereby I incurred the ill will of some of the liquor people. I am not arguing for liquor, I am not arguing for prohibition. I am arguing for the right of the people to have the kind of government they want without the gentleman's supervision and interference. Is it wrong to ask that the people have the kind of government they want or shall we admit they are incapable of it? What becomes of our country when we deny people the right to a voice in their affairs? Is a man wrong to contend for a people's government?

Mr. UPSHAW. Mr. Chairman, will the gentleman yield now?

Mr. TYDINGS. Yes; I yield now.

Mr. UPSHAW. Does the gentleman contend that the eighteenth amendment was not passed by due governmental process and is a mandate to each State?

Mr. TYDINGS. Yes. I say it was passed that way because there were 4,000,000 men denied the right to vote; they were under arms, at war, and I was one. It was passed while I was in France, and I do not surrender my personal right without wanting to have a voice in a matter.

Mr. UPSHAW. I remind the gentleman that the Sixty-fifth Congress that passed the eighteenth amendment was elected before a single soldier went to France. Now, come on.

Mr. TYDINGS. Well, I was in the Army April 6, 1917. But the question was not submitted to the legislatures until millions of soldiers were in France. It was not done by my voice; I was in France.

Mr. UPSHAW. It was submitted to the gentleman's legislature.

Mr. TYDINGS. Whether it passed regularly or irregularly is not the question. The question is that the gentleman from Georgia would say to the people of Maryland that Marylanders have not the right to have the kind of government in their State which our people want to have in a purely personal matter. There is not an ounce of temperance in him in his stand, he is for prohibition, he has no tolerance, he wants to dry up everybody. He is not a temperance advocate, he is a prohibitionist.

Mr. UPSHAW. Amen.

Mr. TYDINGS. And every drop of liquor, even though used temperately, makes his blood run cold and puts the fires of a furnace in his heart. [Laughter and applause.]

Mr. OLIVER of New York. Will the gentleman yield?

Mr. TYDINGS. I will.

Mr. OLIVER of New York. I want to ask the gentleman if it is not true that the Constitution gives concurrent power to a State and that the Volstead Act destroys that concurrent power?

Mr. TYDINGS. I am glad the gentleman made mention of that. Thank God we have men and women in Maryland with principles and beliefs founded upon sincerity and not upon slush. We do not scrap our beliefs and give way to clap-trap patriotism that has no real sustenance in it.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. TYDINGS. I will.

Mr. STRONG of Kansas. Did not the gentleman just state that he went against the wishes of his own town in not giving them control?

Mr. TYDINGS. No; the gentleman is again stretching the rubber band. I did not say I went against the wishes of the town. I granted them the right to vote on the question which the gentleman from Kansas now denies them, the people, and yet this is supposed to be a Government of the people. I say I granted them the right to vote, and that is what you will not give to them.

Mr. STRONG of Kansas. I will be glad to give it——

Mr. TYDINGS. No; the gentleman will not.

Mr. STRONG of Kansas. It would be sustained overwhelmingly.

Mr. TYDINGS. No; the gentleman will not, has not given them this right.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GRIFFIN. I will yield the gentleman five additional minutes.

Mr. UPSHAW. Will the gentleman yield?

Mr. TYDINGS. I will.

Mr. UPSHAW. I remind the gentleman that his own State of Maryland voted to ratify the eighteenth amendment.

Mr. TYDINGS. And the man who went to the legislature from my county ran against me for the senate on a platform that was dry, and I came out for State rights, for the right of the people to vote on this matter, and I defeated him over 3 to 1. What does the gentleman think of that? [Applause.]

Mr. UPSHAW. I call the attention of the gentleman to the fact that his own State did ratify the eighteenth amendment. What do you think of that?

Mr. TYDINGS. I call your attention to the fact that after they did so the people sent to the legislature that year over the protests of such representatives of prohibition as the gentleman from Georgia, men who would not vote to embrace the iniquity of a State Volstead Act. What do you think of that? [Laughter.]

Mr. UPSHAW. I say to the gentleman that evidently he wants to secede from the Union.

Mr. BANKHEAD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. I simply desire to call the attention of the disputants here on the floor and to the Chair to the fact that these gentlemen are rather vehemently violating the rules of the House which compel the gentlemen to refer to each other as the gentleman from Maryland or the gentleman from Georgia.

The CHAIRMAN. The point of order is well taken.

Mr. TYDINGS. I accept that; I am sorry we were intemperate for a moment, but when you associate with prohibitionists who are perhaps intemperate people you absorb the atmosphere, as the gentleman from Texas said a while ago.

Mr. BLANTON. The gentleman from Maryland is the most sensible wet that I have heard for a long time.

Mr. TYDINGS. I thank the gentleman; I believe that myself. I wish he would come over to good sense with me. [Laughter.]

Mr. OLIVER of New York. Will the gentleman yield?

Mr. TYDINGS. I will.

Mr. OLIVER of New York. Does not the gentleman think the Volstead Act has really nullified the powers of the States to interpret the Constitution and that the Volstead Act and nullification power ought to be discussed?

Mr. TYDINGS. I would say to the gentleman from Georgia that if every representative in our State had known the eighteenth amendment would have been followed by the passage of such a notorious, unsound, illogical, senseless act as the Volstead Act, I will say in all sincerity my people would probably not have voted for it.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. UPSHAW. Has not the constitutionality of the Volstead Act as a supporting statute to the eighteenth amendment been sustained by the Supreme Court of the United States?

Mr. TYDINGS. Oh, I am not trying to hurt my fellow men; I do not want to be a hurtful influence or to injure proper government. I want to teach the way of Christ by the example of Christ. I am asking you to follow God's plan. You can not improve on it. What did St. Paul say? He said:

> If righteousness shall come by the law, then Christ died in vain.

What you want to do is to do away with what St. Paul said and set up man's plan for God's plan. [Applause.]

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. TYDINGS. Yes.

Mr. UPSHAW. I remind the gentleman that in the temptation on the mount, the devil himself quoted Scripture to prove his point.

Mr. TYDINGS. And I have heard a lot of prohibitionists inspired by the devil do the same thing to maintain their point. [Laughter.] The trouble with prohibition is that it has no real milk of human kindness in it; it has no soul. The bayonet is back of that kind of religion. True religion teaches tolerance and refinement and kindness, and these are all absent and foreign from the religion of prohibition. Why abandon temperance for prohibition? Why not look rationally at this matter. What is the harm in my making a mint julep and having two or three fellows go out under the trees with me on a hot summer's afternoon and in a temperate way, sipping mint juleps? If that is sin, then hades is not so bad. [Laughter.] But I can not see any sin in that. I can see no evil in temperance. The trouble with the prohibitionist is that he is not a member of an Anti-Saloon League, not for temperance, but he wants a total abstinence league. However, the question here is, Shall the people or a few rulers dictate the kind of government we shall have?

Mr. UPSHAW. Did the gentleman ever make a fight against the saloon in Maryland?

Mr. TYDINGS. Did not I just tell you that I voted to give the people a vote on the liquor question in our legislature? I have always stood for the right of the people to vote in each State whether the condition was wet or dry at the time of the vote. Why will you not let them vote now, the people? [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from Kansas [Mr. SPROUL], in the course of some remarks on the history of the Constitution and the fundamentals earlier in the day, was discussing the part that Mr. Hamilton had in the formation of the Constitution. I asked the gentleman if he was aware of the fact that Mr. Hamilton took very little part in the convention which framed the Constitution, and if his chief service to the Constitution was not in helping to secure its adoption after the convention had submitted it; and a great number of Republicans on the other side, after showing agonized expressions and a revulsion of feeling at that suggestion on my part, by their actions vigorously denied that such a state of facts occurred.

I hold in my hand a volume entitled "American Statesmen: Alexander Hamilton," by Henry Cabot Lodge.

Now, the name of Henry Cabot Lodge at one time had some strength and considerable potency and was entitled to some consideration in Republican councils, and I want to ask the Clerk to read some extracts from his biography of Alexander Hamilton in regard to the convention. I do not detract anything from Mr. Hamilton. Mr. Hamilton was a great man and a great American. He rendered great service to this country in its formative days. He rendered an inestimable service, as is shown by that remarkable series of papers entitled "The Federalist," which greatly aided in the adoption of the Constitution of the United States. But there is no occasion to attribute to him qualities that he did not possess nor attribute to him accomplishments which he did not perform to prove his greatness. The truth of history ought to be preserved. I am asking the Clerk to read in my time an extract from Lodge's Life of Alexander Hamilton.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read, as follows:

> The convention which he had urged had met, he was himself a member, and yet he still stood alone, master only of his own per-

sonal influence. In the decision of the momentous questions he was helpless, for the vote of New York was in the hands of his enemies and sure to be cast against him on every occasion. To have contested every position with his colleagues, and at every trial to have voted against his State, would only have impaired his standing and injured his cause. He therefore prudently refrained from the useless and unequal conflict, took comparatively little part in the debates on details of the Constitution, and was absent a large part of the time from the convention. In conversation with the members he could persuade and counsel, and this he did; but he wisely decided to concentrate all his force in debate in one speech. For this purpose he selected at the beginning of the convention, after the various plans had been submitted, the general theme of a new government. Completely master of his subject, filled with a deep conviction of the solemnity of the occasion, he delivered a speech occupying five or six hours, described by Gouverneur Morris as the ablest and most impressive he ever heard, and embodying all the accumulated reflections of years. The brief remains to us, and in that bare outline can be readily traced the range and variety of the speech. He spoke of the gravity of the occasion, of the choice possible to the convention; he reviewed the whole science and theory of government, and, with an overflowing abundance of illustration, surveyed the entire domain of historic precedents; he showed our low condition, the evils of the existing system, and the resulting principles on which a new government should be founded. Delivered with all Hamilton's impressive energy, glowing with the ardor of the speaker, and expressed in language at once forcible and transparently clear, we may well believe that this speech had a profound effect.

In the course of his argument he read his own plan for the new Government, carefully worked out and perfected. This plan, which discloses the essence of his opinions on government, followed in a general way the English system, as did all others presented, including the one finally adopted. In after times Hamilton was severely reproached with having said that the British Government was the "best model in existence." In 1787 this was a mere truism. However much the men of that day differed, they were all agreed in despising and distrusting a priori constitutions and ideally perfect governments, fresh from the brains of visionary enthusiasts, such as sprang up rankly in the soil of the French Revolution. The convention of 1787 was composed of very able public men of the English-speaking race. They took the system of free government with which they had been familiar, improved it, adapted it to the circumstances with which they had to deal, and put it into successful operation. Hamilton's plan, then, like the others, was on the British model, and it did not differ essentially in details from that finally adopted, but it embodied two ideas which were its cardinal features and which went to the very heart of the whole matter. The republic of Hamilton was to be an aristocratic as distinguished from a democratic republic, and the power of the separate States was to be effectually crippled. The first object was attained by committing the choice of the President and Senators, who were to hold office during good behavior, to a class of the community qualified to vote by the possession of a certain amount of real property.

The second was secured by giving to the President of the United States the appointment of the governors of the various States, who were to have a veto on all State legislation. These provisions, as may be seen at a glance, involved the essential character of the Government, and although purely republican, came much nearer to the British model than any other by their recognition of classes and of the political rights of property, while by the treatment of the States a highly centralized National Government was to supersede entirely the confederate form. In the Congress of the confederation Hamilton had seen that all the difficulties arose from the too great power of the States, and further, as he believed, from the democratic form of their governments. With his usual bold decision, therefore, he struck at the root of the evils and struck hard. Many of the State-rights men in the convention dreaded too much democracy when applied to the people of the United States collectively, but they were far from approving the vigorous ideas of Hamilton. The majority of the members undoubtedly favored a democratic system in the Union, such as they were familiar with in their own States. Even those who believed with Hamilton, that in the best government there should be an infusion of aristocracy, had no disposition to risk what was then deemed the last chance for a respectable Union on a scheme which would be hopeless of acceptance. There can be no doubt that Hamilton, with his keen perception of existing facts, was perfectly aware that the leading principles of his plan stood no chance of adoption either by the people or the convention. The aim of his great speech and of his draft of a Constitution was to brace the minds of his fellow members and to stimulate them to taking higher ground than the majority of their constituents demanded. In this he succeeded. His eloquent reasoning, if it did not lead men to his own conclusions, at least raised their tone, enlightened many members and brought them to a more advanced ground than they were at first prepared to take. This was all of great importance, and to work for such results was, in Hamilton's isolated position, his wisest course.

His message once delivered, he waited and watched, aiding quietly and effectively whenever he could, but not attempting to thrust himself forward, fettered as he was by the action of his own State. His colleagues, however, abandoned the convention, and at the close Hamilton, not shrinking from the responsibility of representing alone a State where opinions adverse to his own prevailed, once more took part in the debates and affixed his name and that of New York to the Constitution. When the end was thus finally reached, he sprang once more to the front and gave free rein to all his activity and zeal. It was in this last decisive struggle, in securing the acceptance of the work of the convention, that Hamilton rendered his greatest services to the cause of the Constitution—services more important and more effective than those of any other one man at this last stage of what was in truth a great political revolution.

I have said that Hamilton had no expectation of the adoption of his own plan of government by the convention, but he none the less thoroughly believed in it. He thought it better and more enduring than the one actually adopted, and he never lost faith in its principles. Indeed, as the distrust of democracy disclosed in his plan by the proposition for an Executive and Senate to be chosen by a qualified suffrage grew and strengthened in the conflicts arising from the French Revolution, Hamilton's confidence in his own theory deepened, and his faith in the existing Constitution declined. But when the work was completed at Philadelphia, when he had put his name to the compromise which he had anticipated, and in which he rejoiced, he gave his loyal adherence to the new Constitution and the new system.

Mr. GARRETT of Tennessee. Will the gentleman from Texas yield?

Mr. CONNALLY of Texas. I yield.

Mr. GARRETT of Tennessee. It has been some time since I refreshed my recollection of the Madison papers, but unless I am very greatly in error an examination of them will show—and, by the way, the manuscript which Mr. Madison inserted was furnished by Mr. Hamilton—that Mr. Hamilton himself stated in the convention that he realized that his views did not accord with the views of the great majority of the convention and that, therefore, he was not in a position, entertaining the views he did, to exert any influence of any extensive character in making up the Constitution itself, and he did not try to do so. He only attended the convention upon rare occasions. It is true, however, as the gentleman has stated, that he was a tower of strength and to him, of course, was due the ratification of the Constitution by the State of New York.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. CONNALLY of Texas. I will say to the gentleman from Tennessee that my recollection is that his recollection is entirely correct. I have heretofore had occasion to review the proceedings of the Constitutional Convention and as I recall the details of it now, Mr. Hamilton appeared early in the session and made the address and submitted the plan just mentioned by the gentleman from Tennessee; he then absented himself from the convention and remained away during the major portion of its deliberations, returning to the convention along in its later days.

As has already been suggested by the gentleman from Tennessee and my earlier suggestions in reply to suggestions on that side of the House, I would not in any wise detract from the great services which Mr. Hamilton rendered with reference to the adoption of the Constitution; but even in that campaign Mr. Hamilton made no pretense that he was satisfied with the Constitution, but he took it because it was the best and nearest approach to that which he really desired. Mr. Lodge, in his concluding paragraph, says:

> I have said that Hamilton had no expectation of the adoption of his own plan of government by the convention, but he none the less thoroughly believed in it.

That confirms what the gentleman from Tennessee has suggested, that Mr. Hamilton had no expectation that his plan would receive the serious consideration of the convention, and, as a matter of fact, the Hamilton plan was not taken up by the convention in detail.

Mr. Madison, in his diary of the Debates of the Philadelphia Convention, which framed the Federal Constitution, reports the speech of Mr. Hamilton, which was made on June 18, 1787. The speech was a long one. Mr. Madison, among other things, reports Mr. Hamilton as follows:

> As to the Executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question; for can there be a good government with-

out a good Executive? The English model was the only good one on this subject. The hereditary interest of the King was so interwoven with that of the nation, and his personal emolument so great, that he was placed above the danger of being corrupted from abroad, and at the same time was both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. One of the weak sides of republics was their being liable to foreign influence and corruption. Men of little character, acquiring great power, become easily the tools of intermeddling neighbors. Sweden was a striking instance. The French and English had each their parties during the late Revolution, which was effected by the predominant influence of the former. What is the inference from all these observations?

That we ought to go as far, in order to attain stability and permanency, as republican principles will admit. Let one branch of the legislature hold their places for life, or at least during good behavior. Let the Executive also be for life. He appealed to the feelings of the members present whether a term of seven years would induce the sacrifices of private affairs which an acceptance of public trust would require, so as to insure the services of the best citizens. On this plan we should have in the Senate a permanent will, a weighty interest, which would answer essential purposes.

Again, on September 6, 1787, Madison's notes read:

Mr. Hamilton said that he had been restrained from entering into the discussions by his dislike of the scheme of government in general; but as he meant to support the plan to be recommended as better than nothing, he wished in this place to offer a few remarks.

Again, on September 17, the day upon which the Constitution was finally signed, Mr. Madison says:

Mr. Hamilton expressed his anxiety that every member should sign. A few characters of consequence, by opposing or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks that lurk under an enthusiasm in favor of the convention which may soon subside. No man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy and convulsion on one side and the chance of good to be expected from the plan on the other?

It will be noted that after the Constitution had been placed in its final form, and though Mr. Hamilton urged that every member of the convention sign the document, he agreed to it not because he approved its provisions, but because it was an alternative to be adopted rather than anarchy. He said in Madison's language:

No man's ideas were more remote from the plan than his own were known to be.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. May I have two additional minutes?

Mr. GRIFFIN. May I state that I had an understanding with the gentleman in control of the time on the other side that I would turn over the situation at 4 o'clock, but I ask the gentleman's indulgence, so that I may be permitted to grant the gentleman from Texas an additional three minutes.

Mr. GARRETT of Tennessee. May I call the attention of my friend from Texas to the fact that Mr. James M. Beck, until quite recently the Solicitor General of the United States, in a very interesting work upon the Constitution—"Yesterday, To-day, and To-morrow," I believe is the title of it—as the result of original research on his part, asserts substantially the same thing, simply in different language, that is asserted by the late Senator from Massachusetts, Mr. Lodge, and if the gentleman can get hold of it in time I would be glad if he would include that statement by Mr. Beck.

Mr. CONNALLY of Texas. I will say to the gentleman from Tennessee that I read that volume by Mr. Beck last summer. I sent over to the Library an hour ago for Mr. Beck's volume, so that I could read it in connection with Senator Lodge's volume, but the librarian reported that while they had two copies both were off the shelves. If I am able to obtain a copy of that volume I ask unanimous consent to insert that statement by Mr. Beck in connection with my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. In a recent, able, and interesting work entitled "Jefferson and Hamilton," by Claude G. Bowers, reference is made to Mr. Hamilton's connection with the convention and the plan which he submitted. It is there said:

But in the convention itself he played no such part as is popularly ascribed to him. After the presentation of his own plan in the early stages, he played an inconspicuous part, and much of the time he was not only absent from the convention but out of the State. This was not because of indifference to the event, but to a realization that he could accomplish nothing for his plan. (For authority of the above statements, Mr. Bowers cites Fiske, 120; Lodge, 58.)

Again Mr. Bowers says:

This plan was a direct contradiction of that which was adopted. There is nothing conjectural about that fact—the records are indisputable. We have the plan, the brilliant 5-hour oration in its behalf, the brief from which he spoke. These have come down to us, not from his enemies, but from his partial biographers, his son the editor of his "Works," and the report of Madison on the authenticity of which he himself passed. This plan provided for the election of a President for life; for Senators for life or during good behavior, and by electors with a property qualification; and for the crushing of the sovereignty of States through the appointment by the President of governors with a life tenure and the power to veto any act of the State legislatures, though passed unanimously. Not only was the President enabled under this plan to negative any law enacted but he had the discretionary power to enforce or ignore any law existing. (As authority for the above statement, citation is made to the work of Mr. James M. Beck, p. 75.)

These are but condensed excerpts from a rather extended and detailed discussion of Hamilton and the Constitution.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. SPROUL of Kansas. The gentleman will remember that what I undertook to convey to the committee was this: Since Hamilton's day we have seen that the central Government should have the powers which Hamilton advocated it should have.

Mr. CONNALLY of Texas. Does the gentleman mean the appointment by the President of the governors of the States?

Mr. SPROUL of Kansas. No; certain powers. I did not undertake to indorse everything that Hamilton advocated, but I stated he advocated that the Federal Government should have more powers and that Jefferson, in the making of the Louisiana Purchase, adopted the powers which Hamilton advocated.

Mr. CONNALLY of Texas. I did not undertake to deny the gentleman's general statements, but I did ask him this particular question, and there seemed to be a good deal of surprise that anybody should make that kind of a statement.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TINKHAM]. [Applause.]

Mr. TINKHAM. Mr. Chairman, many false and misleading statements have been made in relation to arrests for intoxication and violation of the liquor laws in the District of Columbia. The superintendent of police prepared and has transmitted to the Committee on Appropriations statistics which disclose that although the increase in population from 1910 to 1925 was only 34.7 per cent, the arrests for intoxication for this 15-year period have increased 111.9 per cent. The increase for the five-year period, 1920–1925, was shown to be 95.1 per cent. Each year begins July 1 and ends June 30. The arrests for intoxication for these years, beginning July 1, 1910, have been as follows:

1911	4,988
1912	5,663
1913	5,710
1914	8,889
1915	9,788
1916	9,449
1917	9,687
1918	6,896
1919	6,651
1920	3,568
1921	5,415
1922	6,375
1923	8,368
1924	9,149
1925	10,571

The report of the superintendent of police showed also that there was a larger number of arrests for intoxication from July 1, 1925, to January 31, 1926, than for the same months in 1924–25, the figures indicating that at the present rate of increase the total number of arrests for intoxication for the year ending June 30, 1926, will reach 11,500. However, during last week 301 persons were arrested for intoxication, and at this weekly rate the number of arrests for intoxication from January 1, 1926, to December 31, 1926, will exceed 15,000.

It should be noted that previous to 1913 intoxication was not a crime in the District of Columbia.

The report showed also for the same 15-year period the following increases in arrests for violation of the liquor laws:

	Per cent
Illegal possession of liquor	14,300
Manufacture of liquor	323
Selling liquor	1,239
Transporting liquor	5,609.5
Violation of other laws governing the manufacture and sale of liquor	278.5
Drinking in public	54.3

The number of arrests for operating a vehicle while under the influence of liquor was shown to have increased 1,205.5 per cent since 1918, the first year that this was made an offense.

The report showed the following increases in arrests for violation of the liquor laws for the five-year period beginning July 1, 1920:

	Per cent
Illegal possession of liquor	845
Selling of liquor	297
Transporting liquor	1,773.4
Drinking in public	97.9
Operating a vehicle while under the influence of liquor	316.6

The report showed the following increases in other crimes in the 15-year period beginning July 1, 1910:

	Per cent
Murder	85.7
Manslaughter	1,400
Assault with dangerous weapon	165.9
Assault with intent to kill	200
Robbery	95.2
Bigamy	175
False pretense	32.3
Forgery	71.1
Grand larceny	285.2
Housebreaking	185.5
Threats of personal violence	80.3
Carrying weapons	77.7
Fornication	418.6
Disorderly house	1,950
Soliciting prostitution	1,237.5

And for the five-year period beginning July 1, 1920:

	Per cent
Assault with dangerous weapon	23.4
Assault with intent to kill	16.0
Robbery	19.2
Bigamy	57.1
Embezzlement	5.8
Housebreaking	49.5
Assault	2.8
Disorderly conduct	28.2
Threats of personal violence	6.6
Carrying weapons	27.0
Petit larceny	27.6
Fornication	26.0
Disorderly house	247.4

These statistics disclose a profound civic depravity and social disintegration. Yet comparable statistics are to be found in the records of almost all of America's large cities. History does not record in so brief a number of years such complete moral decadence. No other capital in the world can compare with the Capital of the United States in lawlessness, disorder, and increase in crime.

The District of Columbia is under the complete control of the Federal Government. If the Federal Government under present laws and policies can not establish a better reign of law and order in its own territory, what can be expected from cities not so controlled and without such resources to govern themselves?

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, I can count only 24 Members on the floor. It seems that every time our distinguished friend from Massachusetts speaks we should have a quorum. If the gentleman desires one, I will make a point of no quorum for him. If the gentleman is willing to proceed with only 24 Members present, I shall not make it.

Mr. TINKHAM. I am willing to proceed.

The causes for this social dissolution are patent to any casual student of the science of government and the decline of civilizations and any intelligent observer of humankind. Among the foremost should be placed the decline of the permanency of American family life and the destruction of the American home. Divorce in the last 15 years has increased over 100 per cent in the United States. In the home is built the character of the individual; there is taught the value of self-restraint and the virtues of honesty, truthfulness, and obedience to authority.

Another important cause is the loss of respect on the part of the people for the church, which, abandoning the most exalted fields for its endeavors, the salvation and redemption of the individual through moral suasion and spiritual direction, has entered the political arena, thereby establishing in the United States a theocracy, or rule of the church, for a democracy, or rule of the people. American representative government has gradually come under the control of ecclesiastical authority, which has lost the spiritual influence and control it once exercised over the hearts and consciences of men.

Still another cause is the adoption of constitutional amendments and the passage of laws making crimes of actions which are not sins and to which is attached no moral turpitude. Laws which deny to the individual the control of himself and his own actions in his own home, and which dictate to him the regulation of his diet, are not binding on the intelligence or the conscience of man, as permissible to government to impose, and can never be self-executing. Force alone can compel obedience to such laws, and government is impotent to coerce obedience. The right to live under the club of a policeman and surrounded by paid Government informers has never and never will be called liberty by any free people.

The American home must be restored, the church must be purged of its temporal ambitions and its political aspirations, and the eighteenth amendment must be taken by the roots from the Constitution of the United States, or constitutional government will die at its roots and American civilization perish at its source. [Applause.]

Mr. FUNK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, had come to no resolution thereon.

ALTAMAHA RIVER BRIDGE, GEORGIA

Mr. EDWARDS. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 6710) granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga., and move to concur in the Senate amendment.

The Senate amendment was read.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAWES (at the request of Mr. MILLIGAN), for one week, on account of important business.

To Mr. STROTHER (at the request of Mr. PEERY), for the remainder of the week, on account of illness.

ADJOURNMENT

Mr. BEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, March 11, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 11, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10. a. m.)

Agriculture relief legislation.

COMMITTEE ON APPROPRIATIONS

(10. a. m.)

Legislative bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To establish a woman's bureau in the Metropolitan police department of the District of Columbia (H. R. 7848).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect the provision of the convention between the United States and Great Britain concluded on the 24th day of February, 1925 (H. R. 439 and H. R. 9872).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act, 1920, and the shipping act, 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

Authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of of Columbia (H. R. 5358).

Authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master-track scale and test-car depot (H. R. 5359).

An act for the enlargement of the Capitol Grounds (S. 2005).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the disposition of lands no longer needed for naval purposes (H. R. 9881).

To authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care (H. R. 3994).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

390. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, House of Representatives, for the fiscal year 1927, in the sum of $1,780 (H. Doc. No. 265); to the Committee on Appropriations.

391. A letter from the Secretary of Interior, transmitting a list of provisions coming under the head of Government in the Territories; to the Committee on the Territories.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FUNK: Committee on Appropriations. H. R. 10198. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 488). Referred to the Committee of the Whole House on the state of the Union.

Mr. WELSH: Committee on Industrial Arts and Expositions. H. J. Res. 176. A joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance; without amendment (Rept. No. 489). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 8918. A bill authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; with amendment (Rept. No. 491). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9392. A bill granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River, between Havre de Grace, in Harford County, and Perryville, in Cecil County; with amendment (Rept. No. 492). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 9393. A bill authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin; with amendment (Rept. No. 493). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 9596. A bill granting the consent of Congress to the board of county commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River; with amendment (Rept. No. 494). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 9599. A bill granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city; with amendment (Rept. No. 495). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9634. A bill granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; with amendment (Rept. No. 496). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 9688. A bill granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; with amendment (Rept. No. 497). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 4080. A bill granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., and the Fort Smith waterworks district of said city to construct, maintain, and operate a dam across the Poteau River; without amendment (Rept. No. 498). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 5012. A bill to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.; without amendment (Rept. No. 499). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 9346. A bill granting the consent of Congress to the construction of a bridge across the Rio Grande; without amendment (Rept. No. 500). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 9460. A bill granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.; without amendment (Rept. No. 501). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. S. J. Res. 59. A joint resolution authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926; with amendment (Rept. No. 502). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas; with amendment (Rept. No. 503). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 252. A bill to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land; without amendment (Rept. No. 504). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 3971. A bill to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof by the Secretary of the Treasury; without amendment (Rept. No. 505). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS: Committee on Public Lands. H. R. 9559. A bill granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes; without amendment (Rept. No. 506). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 9832. A bill granting an easement on public land to Legion Post No. 8, Nebraska City, Nebr.; without amendment (Rept. No. 507). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CELLER: Committee on Claims. H. R. 4902. A bill for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate; with amendment (Rept. No. 490). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FUNK: A bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and

for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. FREAR: A bill (H. R. 10199) respecting vested rights of Indians in reservations created by treaty; to the Committee on Indian Affairs.

By Mr. PORTER: A bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; to the Committee on Foreign Affairs.

By Mr. ROWBOTTOM: A bill (H. R. 10201) renewing and extending patent No. 912383; to the Committee on Patents.

By Mr. WHITEHEAD: A bill (H. R. 10202) granting an extension of patent to the United Daughters of the Confederacy; to the Committee on Patents.

By Mr. FREE: A bill (H. R. 10203) authorizing the Secretary of War to convey certain portions of the military reservation of Monterey, Calif., to the city of Monterey, Calif., for street purposes; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 10204) providing an additional wing to the District Jail; to the Committee on the District of Columbia.

By Mrs. NORTON: A bill (H. R. 10205) to provide for the more effectual enforcement of the narcotic drugs acts; to the Committee on Appropriations.

By Mr. RAGON: A bill (H. R. 10206) to allow suits of all claimants to be filed in the United States district courts against the United States of America growing out of the *Norman* disaster of May 8, 1925, on the Mississippi River, and making appropriation for the payment of any judgment obtained; to the Committee on the Judiciary.

By Mr. WEFALD: A bill (H. R. 10207) to assist inventors in perpetuating evidence of conception of their inventions; to the Committee on Patents.

Also, a bill (H. R. 10208) amending the statutes of the United States as to the procedure in the Patent Office; to the Committee on Patents.

By Mr. HOWARD: Joint resolution (H. J. Res. 194) to prevent the exportation from the United States of crude oil and gasoline for a period of one year; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: Joint resolution (H. J. Res. 195) providing for the appointment of a diplomatic representative to the National Republic of Georgia; to the Committee on Foreign Affairs.

By Mr. WILSON of Mississippi: Joint resolution (H. J. Res. 196) calling upon the Department of Justice to investigate the alleged sale of post-office appointments in the State of Mississippi; to the Committee on the Judiciary.

By Mr. STEVENSON: Resolution (H. Res. 163) relative to the sale of postal positions in South Carolina; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 10209) for the relief of Philip T. Coffey; to the Committee on Military Affairs.

By Mr. BLOOM: A bill (H. R. 10210) granting a pension to Eugene N. Hoyt, alias William Naylor; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 10211) granting a pension to Angelina H. Fortier; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10212) granting a pension to Mary A. Van Vechten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10213) granting an increase of pension to Eliza Pedrick; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 10214) granting an increase of pension to Henrietta Cromwell; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10215) granting an increase of pension to Jane C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10216) granting an increase of pension to Caroline Greenfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10217) granting an increase of pension to Malinda E. Willhaite; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10218) granting an increase of pension to Mollie M. Corya; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10219) granting an increase of pension to Amanda Ammon; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 10220) for the correction of the military record of Allen Carter; to the Committee on Military Affairs.

Also, a bill (H. R. 10221) granting a pension to John G. Slate; to the Committee on Pensions.

Also, a bill (H. R. 10222) granting a pension to Clarinda Mason Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10223) granting an increase of pension to William H. Baird; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10224) granting an increase of pension to Harriet M. Rodman; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10225) for the relief of Maj. Harry O. Smith; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 10226) to correct the military record of John P. Daley; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 10227) for the relief of Charles W. Reed; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 10228) granting an increase of pension to Francis S. Torback; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 10229) for the relief of Capt. Noe C. Killian; to the Committee on War Claims.

By Mr. MONTGOMERY: A bill (H. R. 10230) granting a pension to Elbert C. Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10231) granting an increase of pension to Emily R. Gray; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10232) granting an increase of pension to Mary J. Miller; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 10233) granting a pension to Frank E. Brown; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 10234) granting a pension to Lucy E. Warren; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 10235) granting an increase of pension to Emma L. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10236) granting an increase of pension to Mary E. Garland; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 10237) granting a pension to Sarah A. T. Fox; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10238) for the relief of Josiah Odgen Hoffman; to the Committee on Naval Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10239) granting an increase of pension to Rebecca A. Craig; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1135. Petition of the Common Council of Milwaukee, Wis., asking the Federal Government to abate nuisance caused by the new fog horn installed in Milwaukee; to the Committee on Interstate and Foreign Commerce.

1136. By Mr. BERGER: Petition of Hugh J. McGrath Camp, No. 4, United Spanish War Veterans, Department of Wisconsin, Milwaukee, Wis., signed by approximately 2,100 citizens, praying for the early consideration and enactment of House bill 98, since superseded by House bill 8132, which grants an increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors; to the Committee on Pensions.

1137. Also petition of 3,000 citizens residing in New York and New Jersey, for the national ownership and democratic management of coal mines under conditions which will (1) protect the Nation from paying on the basis of swollen valuation, (2) recognize the interests of the workers in their own union, and (3) guarantee democratic administration in place of bureaucracy; to the Committee on Interstate and Foreign Commerce.

1138. By Mr. CAREW: Petition of the National Guard Association of New York, in re appropriation of funds for military annuals for National Guard; to the Committee on Military Affairs.

1139. Also, petition of Morgan J. O'Brien, in support of increase of Federal judicial salaries; to the Committee on the Judiciary.

1140. By Mr. CROWTHER: Petition of sundry citizens of Amsterdam, N. Y., opposing House bills 7179 and 7822, compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1141. Also, petition of sundry citizens of Schenectady, N. Y., opposing House bills 7179 and 7822, compulsory Sunday ob-

servance in the District of Columbia; to the Committee on the District of Columbia.

1142. By Mr. CURRY: Petition of the California Fish and Game Commission, protesting against enactment of House bill 17; to the Committee on the Merchant Marine and Fisheries.

1143. By Mr. FOSS: Petition of sundry citizens of South Lancaster, Mass., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

1144. By Mr. FREDERICKS: Petition of sundry residents of Los Angeles, Calif., favoring House bill 98, Spanish War veterans' pensions; to the Committee on Pensions.

1145. By Mr. GALLIVAN: Petition of George R. Nutter, president the Bar Association of the city of Boston, 161 Devonshire Street, Boston, Mass., recommending early and favorable consideration of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

1146. By Mr. GARRETT of Tennessee: Petition of the Mothers' Club of Greeneville, Tenn., opposing the passage of the pending educational bill; to the Committee on Education.

1147. Also, petition of the Cherokee Club of Greeneville, Tenn., opposing the passage of the pending educational bill; to the Committee on Education.

1148. By Mr. GLYNN: Petition of sundry citizens of Torrington, Conn., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

1149. By Mr. KINDRED: Petition of Oscar Amann Post, No. 853, American Legion, asking for a modification of the Volstead law to permit the sale of beer and light wines; to the Committee on the Judiciary.

1150. By Mr. KVALE: Petition of sundry members of the Minnesota Editorial Association, in convention assembled, unanimously urging the consummation of the St. Lawrence tidewater project in order to eliminate the transportation handicap now operating against the agricultural sections of the Nation; to the Committee on Rivers and Harbors.

1151. Also, petition of sundry members of the Minnesota Editorial Association, in convention assembled, unanimously urging adoption of House bill 4478; to the Committee on the Post Office and Post Roads.

1152. By Mr. LYON: Petitions of certain citizens of Fayetteville and Cumberland Counties, N. C., protesting against the passage of compulsory Sunday observance bills H. R. 7179 and H. R. 7822; to the Committee on the District of Columbia.

1153. By Mr. MACGREGOR: Resolutions of the Buffalo Branch of the Polish Welfare Council of America, protesting against the annual registration of aliens; to the Committee on Immigration and Naturalization.

1154. By Mr. O'CONNELL of New York: Petition of John J. Canning, of Brooklyn, N. Y., chairman of the board of directors of the Brooklyn Insurance Brokers' Association, opposing the Fitzgerald insurance bill; to the Committee on the District of Columbia.

1155. Also, petition of Kenneth Fisk, recorder of the New York Commandery of the Naval Order of the United States, favoring the passage of House bill 9433, for the relief of Lieut. A. E. Metz; to the Committee on Naval Affairs.

1156. Also, petition of the National Council of Business Mail Users of New York City, requesting action during the present session of Congress toward the reduction of present postal rates; to the Committee on the Post Office and Post Roads.

1157. Also, petition of the Disabled American Veterans of the World War, favoring certain amendments to the World War veterans' act; to the Committee on World War Veterans' Legislation.

1158. By Mr. SWING: Petition of sundry residents of Hinkley, Calif., protesting against passage of House bills 7179 and 7822 and similar bills for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1159. By Mr. TILSON: Petition of Robert H. Covert, New Haven, Conn., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1160. By Mr. VINCENT of Michigan: Petition of numerous citizens of Ionia, Montcalm, Shiawassee, and Saginaw Counties, Mich., protesting against House bills 7179 and 7822, which provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1161. By Mr. WEFALD: Petition of 45 residents of Roseau County, Minn., urging that the Sunday observance bills (H. R. 7179 and 7822), or any other national religious legislation which may be pending, be not passed; to the Committee on the District of Columbia.

1162. By Mr. WELSH: Petition of Branch No. 175, Knights of St. George, Tacony, Pa., consisting of 250 members, protesting against passage of Curtis-Reed education bill; to the Committee on Education.

SENATE

THURSDAY, *March 11, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, as the recipients of Thy mercies, we come together this morning to thank Thee for past blessings and to trust our lives into Thy keeping for future responsibilities. Deal with us most mercifully. Thou knowest the drift of each heart and mind, and too often we choose for ourselves ways not agreeable to Thy will. Help us to look less and less upon ourselves and more and more unto Thee for guidance in the manifold duties granted unto us. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	King	Robinson, Ark.
Bingham	Ferris	La Follette	Schall
Blease	Fess	McKellar	Sheppard
Borah	Fletcher	McLean	Shipstead
Bratton	Frazier	McNary	Shortridge
Brookhart	George	Mayfield	Simmons
Broussard	Glass	Means	Smoot
Bruce	Goff	Metcalf	Stanfield
Butler	Gooding	Neely	Stephens
Cameron	Greene	Norris	Swanson
Capper	Hale	Nye	Trammell
Caraway	Harreld	Oddie	Tyson
Copeland	Harris	Overman	Wadsworth
Couzens	Harrison	Pepper	Walsh
Cummins	Heflin	Phipps	Watson
Dale	Howell	Pine	Weller
Deneen	Johnson	Pittman	Wheeler
Dill	Jones, Wash.	Ransdell	Williams
Edge	Kendrick	Reed, Mo.	Willis

Mr. JONES of Washington. I was requested to announce that the Senator from Kansas [Mr. CURTIS], the Senator from Maine [Mr. FERNALD], and the Senator from New Hampshire [Mr. KEYES] are absent because of illness.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6710) granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1129. An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes; and

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.

WARM SPRINGS (GA.) FISHERIES STATION (S. DOC. NO. 80)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, with an accompanying letter from the Director of the Bureau of the Budget, transmitting a supplemental estimate of appropriation under the Department of Commerce, Bureau of Fisheries, for an auxiliary fish-cultural station at Warm Springs, Ga., fiscal year 1927, amounting to $30,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ADMINISTRATION OF SHERMAN ANTITRUST LAW (S. DOC. NO. 79)

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to Senate Resolution 153 (submitted by Mr. KING and agreed to February 22, 1926) certain data with reference to cases insti-

tuted under each of the first seven sections of the Sherman antitrust law, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed

CARE AND CUSTODY OF THE ALASKAN INSANE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, submitting, pursuant to the act of March 3, 1925 (43 Stat. 1181), recommendations relative to the advisability of the establishment of an institution for the care and custody of the Alaskan insane within the Territory of Alaska or in the United States, etc., which, with the accompanying papers, was referred to the Committee on Territories and Insular Possessions.

PETITIONS AND MEMORIALS

Mr. BINGHAM. Mr. President, I am in receipt of a communication from the superintendent of the State Board of Fisheries and Game of the State of Connecticut with reference to Senate bill 2584, providing for the regulation of grazing upon the national forests and public domain. I ask that the letter may be referred to the Committee on Public Lands and Surveys, and I also ask unanimous consent that it be printed in the RECORD. I would call the particular attention of the junior Senator from Iowa [Mr. BROOKHART] to the latter part of the communication.

The letter was referred to the Committee on Public Lands and Surveys and, there being no objection, was ordered to be printed in the RECORD, as follows:

STATE BOARD OF FISHERIES AND GAME,
STATE OF CONNECTICUT,
Hartford, March 3, 1926.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SENATOR BINGHAM: The fish and game commission had a conference with the sportsmen composed of delegates from various fish and game associations throughout the State, as well as some individual sportsmen—some 150 to 175 individuals—on February 16, 1926. This was one of our get-together meetings to find out what the sentiment is and to aid in conducting a campaign of education for sane conservation of wild life. The discussions were confined very largely to questions pertaining to the protection of wild life indigenous to Connecticut and the extermination of vermin, but incidental to all this there were some resolutions introduced and passed, among them the following:

"Whereas Senate bill 2584, introduced into the United States Senate by Senator STANFIELD, purports to regulate grazing upon the national forests and public domain; and

"Whereas said bill, if enacted into law, will, instead of regulating grazing, actually make regulation impossible and will in addition grant practically perpetual rights of use to large grazing interests on our national forests and public domain; and

"Whereas the experience of centuries in Europe and elsewhere, and more recently the experience in our West, show that unrestricted grazing is a great cause of game destruction and of deforestation; and

"Whereas 'rights' such as those which would be granted by the said Stanfield bill, if enacted into law, have long existed in European countries and have to be extinguished at great public expense wherever they existed in order to permit the proper practice of forestry and management of game: Therefore be it

"*Resolved*, That this meeting unqualifiedly condemn said Stanfield bill as being a most vicious attack upon our national conservation program, and that our representatives in the Senate be called upon to use their efforts to defeat it: And furthermore be it

"*Resolved*, That in our opinion any legislation concerning grazing which would in any way weaken the authority of the Secretary of Agriculture in his control of grazing on the national forests would be in the nature of an attack on our national conservation program."

There was also a discussion of the Federal migratory bird act following which this brief resolution was passed:

"*Be it resolved*, That this conference go on record as approving of such an act of imposing a Federal license on those taking migratory birds."

But the vote was not unanimous as it was with reference to the national forests and public domain. The objection to it was chiefly that the words "migratory birds" would include woodcock. I understand that the woodcock have been eliminated from the bill, and this commission indorses both of the bills involved in these resolutions and trusts that you will find it not inconsistent with your oath of office to stand with the commission and the sportsmen of this State on these questions.

Yours very truly,

J. W. TITCOMB, *Superintendent.*

Mr. OVERMAN. I present sundry memorials from trade associations, prominent citizens, tobacco associations, and cotton associations protesting against the Gooding bill, known as the long and short haul clause bill. I ask that they may be noted and indicated in the RECORD so as not to take up too much space.

Mr. NORRIS. Mr. President, I would like to inquire of the Senator from North Carolina whether any of those memorials are signed by people who are not citizens of the United States, or do any of the corporations have stockholders who are not citizens of the United States?

Mr. OVERMAN. They are all signed by North Carolina citizens. There are no foreigners among them.

The memorials were ordered to lie on the table, as follows:

Telegrams in the nature of memorials from the following citizens, firms, and organizations in the State of North Carolina, protesting against the passage of the so-called Gooding long and short haul bill:

Chadwick Hoskins Co., of Charlotte; Fred N. Tate, of High Point; Carolina Wood Products Co., of Asheville; John L. Gilmer, president Winston-Salem Chamber of Commerce, of Winston-Salem; traffic bureau, High Point Chamber of Commerce, of High Point; North Carolina Cotton Growers' Cooperative Association, of Raleigh; W. J. King, president Wilson Tobacco Board of Trade, of Wilson; W. D. Adams, secretary and treasurer, the American Cotton Manufacturers' Association, of Charlotte; W. L. Thornton, jr., of Wilson; and W. N. Reynolds, of Winston-Salem.

Mr. OVERMAN also presented a memorial of sundry citizens of Vance County, N. C., remonstrating against acceptance by the Senate of the terms of the Italian debt settlement, which was ordered to lie on the table.

He also presented a petition of members of the United States Capitol police force, praying an increase in salaries to meet the present-day cost of living, which was referred to the Committee on Appropriations.

Mr. WILLIS presented resolutions adopted by the board of directors of the Columbus (Ohio) Chamber of Commerce, protesting against the passage of the bill (S. 1091) to repeal the act of May 22, 1918, and the act of March 2, 1921; the bill (S. 1427) to protect persons in the exercise of certain privileges and immunities guaranteed and secured by the Constitution of the United States; and the bill (H. R. 8538) prohibiting any course of military training from being made compulsory as to any student in any educational institution other than a military school, and amending accordingly the act of June 4, 1920, entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," which were referred to the Committee on Military Affairs.

Mr. CAPPER presented a petition of members of Franklin Relief Corps, No. 3, of Olathe, Kans., praying for the passage of legislation granting increased pensions to veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Wichita, Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain and their widows and dependents, which were referred to the Committee on Pensions.

Mr. BLEASE presented sundry papers in the matter of the claim of Samuel J. Leaphart, United States marshal for the eastern district of South Carolina, in connection with the transportation of certain special deputies appointed for the duration of the railroad shopmen's strike to and from Charleston, S. C., etc., which were referred to the Committee on Claims.

FEDERAL INHERITANCE TAX

Mr. FLETCHER. Mr. President, I have received a document entitled "Special report and recommendations on Federal inheritance tax measure" from the committee of speakers and officers of State legislatures. I ask that it may be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE OF SPEAKERS AND OFFICERS OF STATE LEGISLATURES—SPECIAL REPORT AND RECOMMENDATIONS ON FEDERAL INHERITANCE TAX MEASURE

To the legislatures of all States in the Union and the people thereof:

We, your committee, appointed to safeguard the interests of the States in joint-tax levies and appropriations made by Congress, beg leave to report on inheritance-tax legislation and to make recommendations to State legislatures as follows:

RECOMMENDATIONS

1. That State legislatures take no action that permanently commits them to the joint inheritance-tax levy plan enacted by Congress.

2. That Congress repeal that portion of the Federal inheritance-tax provision relating to State levies and reduce the Federal levy accordingly.

3. That State legislatures demand recognition by Congress in all joint levies, appropriations, and interlocking policies of Government before Congress legislates upon such matters.

4. That an estate tax is a property tax and is a source of revenue belonging to the State and should be abandoned by Congress and every legitimate effort should be made to accomplish that result.

The House measure carried a graduated inheritance-tax levy at a minimum rate of 1 per cent and a maximum rate of 20 per cent, but provided that death taxes of any form which had been levied by and paid to States might be deducted from the Federal levy up to 80 per cent of that levy. An exemption of $50,000 was given to each State.

The Senate bill repealed the Federal inheritance tax. A compromise was effected in conference raising the exemptions from $50,000 to $100,000 for each estate and accepting the House bill as so amended. This compromise, in our opinion, very greatly destroyed the practical effect of the measure in so far as it applies to those States now levying an inheritance tax, except a very few States where large units of wealth are concentrated, among them New York, Massachusetts, Illinois, New Jersey, and Pennsylvania. In these States the legislatures will have to raise their State inheritance-tax rates to 16 per cent in order to avail themselves of the credit due them on the large estates.

In all other States that levy an inheritance tax and where there are very few large estates no change in the present State inheritance-tax law would seem necessary. As we understand it, an estate in settling with the Federal Government is to be given credit for any amount the estate has paid to any State Government up to 80 per cent of the Federal levy. No special or additional legislation on the part of State legislature is necessary to secure this credit provided the present State inheritance-tax rates absorb the 80 per cent levy the Federal Government offers the States. The Federal Government exempts $100,000 estates and the initial levy made on a $150,000 estate amounts to a total of $500. These brackets cover most of the properties levied against in a majority of the States.

The Federal levy is against the estate as a whole and makes no distinction between close kin exemptions or provisions which all State legislatures recognize, and in accepting the Federal measure the State legislatures must surrender their basis of levy and conform to the Federal provisions in most all instances, as well as accept the basis and methods of appraisement made by Federal agents. These are matters for all legislatures to consider.

For your information and use in applying the Federal levy to your State we list below the amount of the Federal levy against each estate up to a value of $1,000,000 as submitted to us by acceptable authority. The proportion the Federal Government takes and the proportion it offers the States is shown separately.

Bracket	Value of estate	Amount of levy	Federal proportion	State proportion
1 per cent	[1] $150,000	$500	$100	$400
2 per cent	[1] 200,000	1,500	300	1,200
3 per cent	[1] 300,000	4,500	900	3,600
4 per cent	[1] 500,000	12,500	2,500	10,000
5 per cent	[1] 700,000	22,500	4,500	18,000
6 per cent	[1] 900,000	34,500	6,900	27,600
7 per cent	[1] 1,100,000	48,500	9,700	38,800

[1] $100,000 exempt.

The Federal act works a hardship upon those States that have no State inheritance tax such as Alabama, Florida, and Nevada, as well as upon all States that exempt close kin or apply a very much lower rate to near relatives than to remote kin. We question the constitutionality of the act.

Regardless of the legal status of the measure, we consider its provisions obnoxious to the public sentiment and an offense against State legislatures of the Nation. The object of the measure, as stated by its proponents, and the acknowledged effect of its operation, is not to raise revenue for the Federal Government but to regulate the taxing powers of the States. It is proposed to compel all States to levy an inheritance tax and to levy it at a rate and under conditions prescribed by Congress. Both procedures are a grievous invasion of the rights of States. We challenge the statement that it is in the interest of the public welfare that legislatures be forced to enact laws and the people be compelled to think and act according to mandates laid down by Congress.

The gift tax was repealed. It was passed in 1924 as a companion measure to the estate tax and for the purpose of preventing evasion of the estate tax.

As soon as developments warrant it, we will call a meeting in Washington of the speakers and officers of all State legislatures and adopt a definite program of procedure understood and approved by those most interested.

Respectfully submitted.

ARTHUR A. SHERMAN, *Chairman,*
President pro tempore Rhode Island Senate.
HUGH D. MERRILL,
Speaker Alabama Legislature.
EDGAR A. BROWN,
Speaker South Carolina Legislature.
FRANCIS P. CURTIS,
Speaker Maryland Legislature.
A. Y. MILAM,
Speaker Florida Legislature.

In session at the Raleigh Hotel, Washington, D. C., March 6, 1926.

REPORTS OF COMMITTEES

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 569) to authorize the transfer of surplus books from the Navy Department to the Interior Department, reported it without amendment and submitted a report (No. 322) thereon.

Mr. PEPPER, from the Committee on Naval Affairs, to which was referred the bill (S. 2746) to correct the naval record of Charles David Gutheridge, reported it with amendments and submitted a report (No. 323) thereon.

Mr. TRAMMELL, from the Committee on Naval Affairs, to which was referred the bill (S. 3269) to grant to the city of Key West, Fla., a tract of land belonging to the United States Naval Hospital at that place, reported it without amendment and submitted a report (No. 324) thereon.

Mr. COPELAND, from the Committee on Naval Affairs, to which was referred the bill (S. 952) authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia*, reported it without amendment and submitted a report (No. 325) thereon.

Mr. ODDIE, from the Committee on Naval Affairs, to which was referred the bill (S. 2033) to provide for the advancement on the retired list of the Navy of Milton F. Nicholson, reported it without amendment and submitted a report (No. 326) thereon.

Mr. FERRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, reported it with amendments and submitted a report (No. 327) thereon.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 37) authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," reported it without amendment and submitted a report (No. 328) thereon.

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (S. 1352) for the relief of J. Block & Co. (Rept. No. 329);

A bill (S. 1353) for the relief of D. W. Fidler, Liberty loan subscriber of the National Bank of Cleburne, Tex. (Rept. No. 330); and

A bill (S. 2595) for the relief of Karim Joseph Mery (Rept. No. 331).

Mr. MEANS, also from the Committee on Claims, to which was referred the bill (S. 2335) for the relief of the Andrew Radel Oyster Co., reported it with an amendment and submitted a report (No. 332) thereon.

He also, from the same committee, to which was referred the bill (S. 1792) for the relief of Chris A. Chulufas; William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Nellie L. Tandy; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly; William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred

Moody, deceased, reported it with amendments and submitted a report (No. 337) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1355) for the relief of J. J. Redmond and J. R. McNutt (Rept. No. 338);

A bill (S. 1729) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood* (Rept. No. 336);

A bill (S. 1731) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair* (Rept. No. 335);

A bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia* (Rept. No. 334);

A bill (S. 1733) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Stboney* and the United States Army tug *No. 21*, at St. Nazaire, France (Rept. No. 333);

A bill (S. 2594) for the relief of Odelon Ramos (Rept. No. 339); and

A bill (S. 3077) for the relief of John T. Wilson (Rept. No. 340).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 108) for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co., of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers' Insurance Co., reported it with an amendment and submitted a report (No. 341) thereon.

Mr. CAPPER, from the Commitee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2483) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, reported it without amendment and submitted a report (No. 342) thereon; and

A bill (S. 2484) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré (Rept. No. 343).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 2602) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased, reported it without amendment and submitted a report (No. 344) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 496) for the relief of W. R. Grace & Co. (Rept. No. 345);

A bill (S. 1341) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased (Rept. No. 346);

A bill (S. 1515) to extend the benefits of the employees' compensation act of September 7, 1916, to Daniel S. Glover (Rept. No. 347);

A bill (S. 1522) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson (Rept. 348); and

A bill (S. 1555) for the relief of John F. White and Mary L. White (Rept. No. 349).

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 1651) for the relief of the widow and minor children of Ed Estes, deceased, reported it without amendment and submitted a report (No. 350) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes (Rept. No. 351); and

A bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Crow Indians may have against the United States, and for other purposes (Rept. No. 352).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, reported it with an amendment and submitted a report (No. 353) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 3505) granting a pension to Sarah P. Cunningham; to the Committee on Pensions.

A bill (S. 3506) granting military status to field clerks, Signal Service at large, American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 3507) granting a pension to Mary E. Lowe; and

A bill (S. 3508) granting an increase of pension to Rebecca M. Henderson; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 3509) to find markets and to provide credits for financing the exportation of surplus agricultural products, to authorize the payment of bounties on exports of agricultural surpluses, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 3510) granting an increase of pension to Thomas Purcell; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3511) regulating the purchase and sale of automobiles, automobile trucks, and automobile busses, and providing a penalty for the violation thereof; to the Committee on Finance.

By Mr. HALE:

A bill (S. 3512) granting an increase of pension to Lenora Lowell (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3513) granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes; to the Committee on Public Buildings and Grounds.

A bill (S. 3514) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct"; and

A bill (S. 3515) to amend the retirement laws affecting certain grades of Army officers; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3516) for the relief of Mrs. Charles D. Kicher; and

A bill (S. 3517) for the relief of Charity Blodgett; to the Committee on Claims.

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 3518) making eligible for retirement under the same conditions as now provided for officers of the Regular Army A. Richard Hedstrom, chaplain, an officer of the United States Army during the World War, who incurred physical disability in line of duty; to the Committee on Military Affairs.

A bill (S. 3519) granting an increase of pension to Joseph A. Betterton (with an accompanying paper);

A bill (S. 3520) granting a pension to Laura Henry (with accompanying papers);

A bill (S. 3521) granting an increase of pension to William C. Wezel (with an accompanying paper);

A bill (S. 3522) granting a pension to Fountain W. Wayland (with an accompanying paper);

A bill (S. 3523) granting a pension to Catherine Becherer (with an accompanying paper);

A bill (S. 3524) granting an increase of pension to Mary J. Keene;

A bill (S. 3525) granting an increase of pension to George Slifer;

A bill (S. 3526) granting a pension to Charles A. Evans; and

A bill (S. 3527) granting an increase of pension to Lucinda Beck; to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 3528) granting an increase of pension to Nancy J. Keen (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 3529) to amend section 215 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

A bill (S. 3530) to authorize the President to take over anthracite coal properties in an emergency, to create the Federal anthracite corporation for the purpose of maintaining, operating, and controlling such properties, and for other purposes; to the Committee on Mines and Mining.

By Mr. SHORTRIDGE:

A bill (S. 3531) granting an increase of pension to Estelle H. Reynolds; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3532) to prevent fraud respecting securities offered for sale within the District of Columbia, to provide a summary proceeding therefor, to license persons selling securities in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PHIPPS:

A bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. HARRISON:

A joint resolution (S. J. Res. 69) granting permission to Thomas P. Magruder, rear admiral, United States Navy, and Lyman A. Cotten, captain, United States Navy, to accept certain decorations bestowed upon them by the King of Italy; to the Committee on Foreign Relations.

By Mr. COPELAND:

A joint resolution (S. J. Res. 70) providing for the appointment of a diplomatic representative to the National Republic of Georgia; to the Committee on Foreign Relations.

ELECTRICIAN SERGEANTS, FIRST CLASS, COAST ARTILLERY CORPS, RETIRED

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (S. 2081) placing certain noncommissioned officers in the first grade, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to House bill 9341, the independent offices appropriation bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

On page 30, line 12, strike out the period and add the following: "*And provided further*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who is presently holding office under a commission which was granted during the recess of the Senate and which will expire at the end of the present session of the Senate, unless said member in the meantime shall have been appointed a member of the commission by and with the advice and consent of the Senate."

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 10, 1926, the President had approved and signed the following acts:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

RELIEF OF CERTAIN WORLD WAR SOLDIERS

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Page 2, line 4, strike out the matter proposed to be inserted by the House and insert the following: "*Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act"; and the House agree to the same.

J. W. WADSWORTH, Jr.,
RALPH H. CAMERON,
MORRIS SHEPPARD,
Managers on the part of the Senate.

CARROLL REECE,
JAMES P. GLYNN,
LISTER HILL,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 197) to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam, with amendments, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 197) to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition was read twice by its title and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 13) providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia convention of 1776, proposing that Congress make a Declaration of Independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va., was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

RETIREMENT ANNUITIES

Mr. COPELAND. I ask unanimous consent to have printed in the RECORD an article by the junior Senator from Oregon [Mr. STANFIELD], entitled "Senator STANFIELD urges more generous annuities," which appears in the Washington Post of the 7th instant, and also an editorial from the Washington Post of the 8th instant, entitled "Economy in retirement."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sunday, March 7, 1926]

SENATOR STANFIELD URGES MORE GENEROUS ANNUITIES—GOVERNMENT WOULD SAVE MILLIONS, HE DECLARES, BY AIDING OLD CLERKS AFTER YEARS OF FAITHFUL SERVICE

By ROBERT N. STANFIELD, United States Senator from Oregon

On May 22, 1920, the Congress passed an act for the retirement of employees in classified civil service. This act provided that in no case should an annuity exceed $720 per annum. The present law bases retirement wholly upon age. The ages are such that in effect the law really provides only for retirement through superannuation; that is, when the employee is unable to perform his duty with satisfactory efficiency. The annuity payments are so low that the employees appeal to remain in the service if able to work, and even when not well able to do so.

The cost of living is stabilized on a higher basis than was anticipated at the time of the passing of the present retirement law in 1920. Employees eligible for retirement plead to be retained and are retained even after they are not efficient, because their superiors recognize that to compel retirement will involve inflicting a hardship, due to the inadequacy of the annities which the law provides.

Many employees who have suffered serious loss of efficiency can not be retired because they have not reached the retirement age, so from a consideration only of the efficiency of the Government service the annuity should be increased, and, from the same consideration, the retirement ages should be reduced.

The amendment to the present law as provided for in the Lehlbach-Stanfield bills as introduced, provides for retirement after 30 years of service, regardless of age. The employees may remain in the service if they so desire until they reach the age of involuntary retirement, and after they have reached the age of involuntary retirement, they may be retained in the service if, in the opinion of their superiors, it is desirable and to the best interests of the Government that they should be retained. Thus the bills provide that the Government will not be deprived of valuable employees.

While the act of 1920 has been very helpful and accorded relief to thousands of retired employees—in fact, there have been retired something in excess of 13,000 employees, to whom was granted an average annuity of $551.64—the annuities have proven to be woefully inadequate. Only about one-third of the annuitants receive the maximum allowance of $720 per year.

It is difficult for men and women who have been receiving a salary of from $30 to $40 and more a week to adjust their lives at time of retirement to an income of $10 a week. We have given recognition to the inadequacy of the annuity scale as proposed in the law of 1920 by raising the salaries of Government employees since that time. For instance, we have twice increased the postal salaries, yet the salary upon which the maximum annuity is now based still remains at $720 per annum.

It is the duty of Congress to be seriously concerned as to what civil service pension retirement annuities mean to the taxpayers, but, in giving regard to the cost in dollars and cents to the taxpayer, Congress should and will keep in mind the humanitarian side of the question and the necessity for the Government's showing its appreciation for the long years of toil and service rendered by people who have given their lives and sacrificed what might have been their other opportunities in order to serve the Government. Then, too, Congress must realize the great saving that will come to the Government by relieving the pay rolls of the superannuated or disabled employees whenever their inefficiency reduces them to a standard where the service rendered is not fairly comparable with the salary received.

Mr. Joseph S. McCoy, actuary of the Treasury Department and a member of the civil service board of actuaries, in a letter addressed to me while I was chairman of the Civil Service Committee of the Senate, said, in part:

"In estimating the cost to the Government of retiring those incapacitated by age or by physical or mental disability, little attention has been given to the saving to the Government incidental to this retirement. No longer do we see physical wrecks—yes, and even mental wrecks—assisted to their offices and desks by dependent relatives, widowed daughters or daughters-in-law or by stalwart young negroes. No longer is provision necessary for invalid chairs to bring those unable to walk to their desks, there to doze the livelong day and bother their fellow employees."

Prior to 1920 this was a common sight. These incapacitated employees had given the best years of their life to faithful service. In their old age, with impaired health, energy, and mentality, they found themselves with no resources other than their meager salaries. Often not only themselves depended upon this salary, but, through misfortune, families of orphan grandchildren, widowed daughters, etc.

Very few Cabinet officers, or others in authority, were so cold-blooded as to separate these veterans from the service, knowing the result and consequences. Most of these old employees had at one time, through long and efficient service, reached the top of the ladder, so far as their respective offices were concerned. With failing powers, often due to their work, they were demoted, their salary being cut from time to time, until it was reduced from 25 to 50 per cent. Had those unfortunates been marked for efficiency, 50 per cent of them would have received zero marks; another 40 per cent from one-tenth to one-fifth of a perfect mark; and of the remaining, none would have received a good mark.

While under the provisions of the present retirement act this practice has been eliminated, it must be admitted that because of the low retirement annuity as compared with the salaries previously earned by many of the annuitants, together with the high cost of living, many who have even reached the high retirement age benefited by the retirement.

It is possible to make a close estimate of the gain to the Government through the present retirement act. The retired annuitants, instead of receiving an average of $1,400 per year in salary, are receiving $561.64 in annuity from the Government.

That is, the Government saves in salary an average of over $600 per year on every employee retired. Before retirement these employees cost the Government more than $15,000,000 per annum. After retirement the cost, as long as they live, is about one-half of this amount, or about $7,000,000.

According to the actuaries' statement, these employees were giving in return for the $15,000,000 paid them as salaries about $4,000,000 or $5,000,000 worth of service. So normally, instead of costing the Government, retirement will be saving it money. Those on the retired list will be costing the Government from $200 to $300 less per year than before retirement.

Retirement will weed the Government service of all inefficient employees and enable the employee to devote his undivided efforts to the Government, without continually thinking of the future and also of his dear ones' future to be guaranteed, and this at no additional cost to the Government.

The United States is proud of its record of being the first and most generous to help the hungry or afflicted in all parts of the world—Armenians, Greeks, Russians, German children, the Japanese—all of which is commendable charity and fills the headlines of the newspapers. On the other hand, this suggested way of helping those, together with dependents who have become incapacitated by long service for the Government of the United States, is not charity and practically without cost to the Government.

The proposed amendment to the present retirement law will increase the maximum annuity from $720 to $1,200. The maximum will probably be granted to those who have been in the service for 30 or more years and who have, for the past 10 years, received an average of $1,600 per year.

It does not seem likely that Congress at this time will pass a law granting optional retirement after 30 years of service without an age limit. Just what this age limit will be can not be determined until the board of actuaries can show what the cost to the Government will be, taking into account various age limits, but all are hopeful that the age limit can be very much reduced from that of the present law.

Subcommittees of the civil service committees of both the House and Senate are working on bills which they propose to offer within a few days to the committees for their consideration, and in all probability before the present Congress adjourns there will have been enacted into law amendments liberalizing the civil service retirement law along the lines that I have herein recited.

[Editorial from the Washington Post, Monday, March 8, 1926]

ECONOMY IN RETIREMENT

In reviewing the present Federal employees' retirement law and its proposed liberalization in Sunday's Washington Post, Senator ROBERT N. STANFIELD, of Oregon, coauthor of the bill, gives some valuable information and advances unanswerable arguments in favor of the bill. Senator STANFIELD asserts that to give the Federal employees larger annuities and to reduce the present age limit will improve the efficiency of the Government service immensurably and actually result in saving money. He states also that a larger annuity is demanded because of the higher cost of living.

"Many employees who have suffered serious loss of efficiency can not be retired because they have not reached the retirement age, so from a consideration only of the efficiency of the Government service the annuity should be increased," says Senator STANFIELD, "and from the same consideration the retirement ages should be reduced." He adds: "The ages are such (under the present law) that, in effect, the law provides only for retirement through superannuation; that is, when the employee is unable to perform his duty with satisfactory efficiency. The annuity payments are so low that the employees appeal to remain in the service if able to work, and even when not well able to do so."

The amendment to the present law as introduced provides for retirement after 30 years of service regardless of age. Employees who have served 30 years may remain in the service, however, until they have reached the age of involuntary retirement, provided they are efficient. Many employees who have served the Government 30 years probably would avail themselves of the privilege of retiring under an amended law; but the number would be comparatively few, because thousands still strong and active would prefer to continue work for the higher salaries.

Senator STANFIELD quotes one of the Government actuaries as having said that a liberal retirement law will save the Government a large sum of money in increased efficiency by the weeding out of employees physically and mentally unfit to continue work. Yet they are forced to stay in office because the retirement annuities are too low to enable them to live, and Cabinet officers and other officials are not so cold-blooded as to separate them from the service.

Senator STANFIELD says that even under the present retirement act the Government saves in salaries an average of over $600 a year on every employee retired. Before the retirement law of 1920 was enacted these employees cost the Government more than $15,000,000 a year. After retirement the cost as long as they live will be less than one-half of this amount, or $7,000,000. This is explained by the actuary's statement to the effect that these employees were giving in return for the $15,000,000 paid them in salaries about $4,000,000 or $5,000,000 worth of service.

Senator STANFIELD's statement should be studied by every Member of both Houses. It is to be hoped that Congress will make retirement possible after 30 years of service regardless of age. It would not only be a recognition of faithful service but it would be economical.

POSTAL RECEIPTS

The VICE PRESIDENT. If there be no concurrent or other resolutions, the Chair lays before the Senate Senate Resolution 156, coming over from a previous day, which will be read.

The resolution (S. Res. 156) submitted by Mr. HARRISON February 24, 1926, was read as follows:

Resolved, That the Postmaster General is directed to furnish to the Senate, at the earliest practicable date, a statement showing the postal receipts, by classes, for the period from July 1, 1925, to December 31, 1925, both inclusive, as compared with such receipts for the corresponding period of the year 1924, together with a statement containing such observations as the Postmaster General may be in a position to make relative to the effect on the volume of business and revenue received of the postal rates now in force.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. HARRISON. Mr. President, I do not care to say anything in reference to the resolution if the Senate is willing to agree to it.

The resolution was agreed to.

THE TARIFF COMMISSION

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 162, which will be read.

The resolution (S. Res. 162), submitted by Mr. ROBINSON of Arkansas on the 6th instant, was read as follows:

Resolved, That the Committee on Finance is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of production in the United States and in competing countries, as well as the method of ascertaining which country constitutes the principal competing country within the meaning of said tariff act of 1922. The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and the administration of the tariff laws.

The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The committee shall promptly report its proceedings, findings, and recommendations to the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. KING. Mr. President, I offer the amendment to the resolution which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The CHIEF CLERK. In line 1, strike out the words "the Committee on Finance" and insert in lieu thereof—

a committee composed of five Senators, three of whom shall be members of the majority and include one who is a progressive Republican, and two of whom shall be members of the minority, said committee to be appointed by the Vice President.

Mr. ROBINSON of Arkansas. Mr. President, the amendment proposed by the Senator from Utah [Mr. KING] is acceptable to me. I do not know whether or not I have the right to accept the amendment or to modify the resolution so as to include the amendment. The original resolution provided that the investigation should be conducted by the Finance Committee. The amendment proposed contemplates that a special committee shall be appointed to consist of five Senators, three of whom shall be members of the majority and shall include a progressive Republican, and two of whom shall be members of the minority.

The investigation would probably be more efficiently conducted by a special committee. It appears from the record of proceedings in other instances that when investigations are carried on by standing committees of the Senate usually one or two members of the committee are compelled to do all the work in connection with the investigation, but that when a special committee is created to conduct the investigation the work is usually more thorough and accurate. I indorse the amendment and shall support it, and if privileged to do so will accept it and incorporate it in the resolution.

Mr. BINGHAM. Mr. President, in the list of Senators as printed in the Congressional Directory the names of Republicans are printed in roman type, of Democrats in italics, and of Farmer-Labor Senators in roman capitals. How is it proposed by the Senators to determine who are progressive Republicans?

Mr. ROBINSON of Arkansas. There is not the slightest difficulty in determining that. If the Senator from Connecticut [Mr. BINGHAM] or any other Senator thinks the Chair has not sufficient information or intelligence to decide who constitute the progressive Republicans in this Chamber, I shall be perfectly willing to furnish the Chair with a list of Senators known by everyone to be progressive Republicans.

There is a sound principle involved in the proposal to give representation on this special investigating committee to the so-called progressive Republicans. There is not a Senator on the other side of the Chamber that does not know, first of all, that there would be included the Senator from Nebraska [Mr. NORRIS], who some months ago in this Chamber, in an address that has never been replied to, here disclosed the existence of a state of facts which not only warrants but makes necessary this investigation.

If the Senator from Connecticut prefers, I have no objection to the election of the special committee by the Senate; that course has been pursued; but I am entirely content to leave the selection of the committee under the instructions which are contained in this amendment and which the Senate has a right to give to its Presiding Officer, to the Chair himself. I know that in the appointment of a progressive Republican, as authorized and directed by the proposed amendment, the Chair would never do what the President of the United States has done in the selection of members of the Tariff Commission. I know that the Presiding Officer of the Senate would not select as a progressive Republican the Senator from Utah [Mr. SMOOT], for instance, or the Senator from Indiana [Mr. WATSON]. I know that he would be limited in his selection of a progressive Republican to a list of Senators who are known throughout the country by reason of the position they have taken. They are just as well defined as are the regular Republicans and quite as well defined as are the Democrats. There is not any difficulty about that. The Senator from Connecticut need not worry himself on that subject. If this resolution shall be adopted, incorporating the amendment proposed by the Senator from Utah [Mr. KING], the Chair will not have the slightest difficulty in selecting a Member of this body who is a progressive Republican to serve on this committee.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. If the Senator will consult the Congressional Directory, he will notice that in the biographies prepared by Senators themselves——

Mr. ROBINSON of Arkansas. No; I will not. I respectfully decline in this debate to take any notice of the eulogistic things that Senators say of themselves when they cause their biographies to be incorporated in the Congressional Directory.

Mr. BINGHAM. Will the Senator yield?

Mr. ROBINSON of Arkansas. I yield with pleasure to the Senator from Connecticut.

Mr. BINGHAM. But I notice that only one Senator has put down after his name the words "Progressive Republican," and that is the junior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. ROBINSON of Arkansas. That makes not the slightest difference to me, nor do I think it would raise the slightest difficulty in the mind of the eminent gentleman who presides over the deliberations of the Senate, if our proceedings can be called deliberations.

Mr. BINGHAM. But the fact remains that there is only one Senator who, on his own statement, can be included in the category, and that is the junior Senator from Wisconsin.

Mr. ROBINSON of Arkansas. The Senator from Connecticut need not worry about that. The Chair will have full authority to make selections within the limitations presented by the resolution.

Mr. REED of Missouri. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Missouri.

Mr. REED of Missouri. I want to suggest that probably the only person in the United States who does not know there is such a thing as a progressive Republican, who is a thorn in the flesh of the regular Republicans, is the Senator from Connecticut, though there may be some other citizens of that State who do not possess that information.

Mr. ROBINSON of Arkansas. Yes, Mr. President. Public men do not always take the status in public opinion and in the eyes of others which they assign to themselves. It is not neces-

sary for one to go forth heralding himself as a "progressive Republican" to acquire recognition as such or before the country. As I have already stated, there is not the slightest difficulty about designating an able Senator who is a progressive Republican to serve on this committee. The difficulty exists only in the imagination of the Senator from Connecticut, and he has disclosed that his imagination is very fertile, indeed.

Mr. BINGHAM. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. Would it be in the mind of the able Senator from Arkansas that the mark of a progressive Republican would be that he always votes with the Democrats?

Mr. ROBINSON of Arkansas. No, indeed. The mark of a progressive Republican is that he looks with suspicion on the plans and proceedings and schemes and intrigues of the regular Republicans. [Laughter.]

Mr. JOHNSON. Mr. President——

Mr. BINGHAM. Would the Senator assume——

Mr. ROBINSON of Arkansas. I yield to the Senator from California.

Mr. JOHNSON. Perhaps it would be a Republican who followed Democratic leadership such as we have witnessed in this Chamber in two very important matters recently.

Mr. ROBINSON of Arkansas. Mr. President, I never can find any objection to a Republican who is wise enough—sane enough, I may say—to follow Democratic leadership. My difficulty is in defining Democratic leadership. [Laughter.] The Senator will observe that I am being entirely frank.

Mr. WADSWORTH. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from New York.

Mr. WADSWORTH. Apropos of following Democratic leadership, I can remember very distinctly that it was only two days ago that several so-called regular Republicans followed the leadership of the Senator from Alabama [Mr. HEFLIN].

Mr. JOHNSON. Why, surely.

Mr. ROBINSON of Arkansas. Yes; and I have not the slightest criticism to make of it.

Mr. JOHNSON. Nor have I; but in following it I have no doubt, according to the definition of the distinguished Senator from Connecticut, that that would constitute these gentlemen progressive Republicans.

Mr. ROBINSON of Arkansas. Mr. President, until I learn which side of the question the Senator from California is on—whether he is supporting me or supporting the Senator from Connecticut—I shall not make any effort to reply to anything that he says. I base my support of this amendment on the proposition that it is sound, fair, and just.

There is in this Chamber and there is in the United States a strong sentiment which, to say the least, reflects the attitude of those who are not in complete harmony with the regular organization of the Republican Party, and yet who are Republicans, who align themselves with that political organization. They are known as progressive Republicans. That sentiment is reflected in the Senate of the United States.

There is a considerable group of the membership of this body who are entitled to be known as progressive Republicans. In my judgment most of them are a great improvement over the regular Republicans, although they are all in a degree bad. [Laughter.] But the justification for this amendment is that it will give representation on the committee to the various political elements which constitute the Senate of the United States. I think it is a fair thing to do.

The progressive Republicans in this Chamber represent a large geographical portion of the United States. They and their constituents are directly interested in the manner in which the tariff laws are administered and enforced; and there is not any sound, common-sense reason for denying them representation on special committees.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. In view of what the Senator has just said, would the Senator object to the Chair requesting each Senator in the body to state whether he is a Republican or a Democrat or a progressive Republican or a progressive Democrat? Would the Senator object to having the amendment broadened so as to provide also for the appointment of a progressive Democrat?

Mr. ROBINSON of Arkansas. I do not object to anything that the Vice President chooses to do, and I am satisfied that if I did object it would make no difference as to his action. If this resolution passes, the responsibility will be on the Vice President to select the special committee created by the resolution. I am willing to leave it to him to do so, because I know that he never would appoint the Senator from Connecticut as a progressive Republican.

Mr. BINGHAM. I thank the Senator.

Mr. ROBINSON of Arkansas. I know that he would appoint a member of the group in this body who, by their proceedings here and their utterances here, have earned the right to be called progressive Republicans.

Mr. BINGHAM. Will the Senator yield further?

Mr. ROBINSON of Arkansas. I yield with pleasure to the Senator.

Mr. BINGHAM. Would the Senator have any objection to the amendment providing that one of the Democrats should be a progressive Democrat?

Mr. ROBINSON of Arkansas. Yes. I have agreed to the amendment proposed by the Senator from Utah. The Senator from Connecticut may propose any amendment to that that he chooses, and as the amendments are offered I will reflect very readily my views respecting them; but I can not undertake to answer hypothetical questions.

Mr. REED of Missouri. That would be impossible, because all Democrats are progressive.

Mr. ROBINSON of Arkansas. Yes; the Senator from Missouri is right, but we may admit that they are progressive in varying degrees.

I want to be fair and I want to be right about this. I want an investigation, in the first place, in which the Senate will have confidence. I might be willing that the Senator from Utah [Mr. SMOOT] should conduct this investigation and reach his conclusions; but I am satisfied that I am the only Member of the United States Senate who would consent to such an arrangement, and therefore I have agreed to the amendment offered by the Senator from Utah [Mr. KING]. I should like to hear some one utter an argument that sounds in reason in opposition to this proposal.

Mr. WILLIAMS. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Missouri.

Mr. WILLIAMS. I think I could obtain authority from the junior Senator from South Carolina [Mr. BLEASE] to admit that he is being excluded from participation in this investigation.

Mr. ROBINSON of Arkansas. I do not know upon what theory the Senator from Missouri assumes to speak for my friend the Senator from South Carolina. He can take his own time and his own method of explaining his assumption that he has the right to define the attitude of the Senator from South Carolina.

I am ready for a vote, Mr. President.

Mr. SMOOT. Mr. President, ordinarily a resolution providing for an investigation would be referred to the committee to which any bill pertaining to the subject matter of the investigation would be referred. Of course, in this case that is the Finance Committee, just as the Senator from Arkansas provided when he introduced the resolution.

I am in full accord with the Senator from Arkansas and other Senators that this is a proper time to make an investigation of the Tariff Commission. I am sure no member of the Tariff Commission would object to it. If the Senate desires that the investigation shall be made by a special committee, that is with the Senate to decide, and whatever is the decision should be carried out.

I did intend to answer some of the charges that have been made and some of the insinuations that have been thrown out as to the appointment of members of the Tariff Commission, and as to its not being a bipartisan commission, as provided by law. I am going to take just a moment of the time of the Senate to call attention to the very first commission of six members that was appointed under the existing law, which provided that the commission should be a bipartisan commission. These were all appointments made by President Wilson. The members were Frank W. Taussig, a Democrat; Daniel C. Roper, a Democrat; David J. Lewis, a Democrat; William Kent, chairman of President Wilson's campaign in southern California; William S. Culbertson, a Republican; and Edward P. Costigan, who ran twice on the Bull Moose ticket in Colorado.

That is the kind of a "bipartisan" commission we had to begin with; and I might go clear down the line with every appointment made by President Wilson and point out what the political beliefs of the commissioners were. I am not going to do that, however, and I am not going to discuss at all now the question as to whether the commission has been bipartisan or progressive or Republican. What we want to do now is to go into this matter and make a thorough investigation, and I am quite sure that no member of the commission will object to it; and they have no right to object even though they might desire to do so.

Mr. REED of Missouri. Mr. President, I should like to ask, merely for information, whether the Senator means to intimate that a man who voted or ran on the Bull Moose ticket is not a Republican?

Mr. SMOOT. I am saying, Mr. President, that the first commission was not a bipartisan commission.

Mr. ROBINSON of Arkansas. The Senator may call it tripartisan if he wants to.

Mr. SMOOT. The law says it shall be a bipartisan commission.

Mr. ROBINSON of Arkansas. But the Senator has not answered the question of the Senator from Missouri.

Mr. REED of Missouri. I am curious about that.

Mr. SMOOT. I should say, Mr. President, that if William Kent ran the campaign of a Democratic President in the State of California, he is not a true Republican. That is what I should say.

Mr. JOHNSON. What is that?

Mr. SMOOT. I should say that if William Kent ran the campaign of President Wilson in the southern part of California, he is not a Republican.

Mr. ROBINSON of Arkansas. Will the Senator state whether he would regard him as a good American?

Mr. SMOOT. We are not discussing the question whether or not a man is a good American. I consider that both Republicans and Democrats are good Americans. I consider the Senator from Missouri to be just as good an American as I am. I am a Republican, and he is a Democrat. I consider the Senator from California [Mr. JOHNSON] just as good a Republican as either the Senator from Missouri [Mr. REED] or myself. [Laughter.] I meant to say just as good an American. Therefore, Mr. President, whether or not any man in this body is a good American is entirely aside from the question.

Mr. JOHNSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield.

Mr. JOHNSON. I may not have understood the Senator from Utah, but as I grasped what he said it was that he considered the Senator from California as good a Republican as the Senator from Missouri [Mr. REED] or the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, instead of saying "Republican," I had reference to an American.

Mr. CARAWAY. They are not synonymous.

Mr. JOHNSON. I wanted simply to thank the Senator for ranking me with such distinguished gentlemen, and I wanted to thank him, too, for his peculiar designation and characterization of the Republicanism of the different Members of this body. If he can designate the Senator from Missouri [Mr. REED] as a Republican, and designate himself the like kind of a Republican, and designate me as being just as good as each of them, I feel that he has paid me the highest possible compliment. [Laughter.]

Mr. SMOOT. I want to say to the Senator that there is nothing which would give me more pleasure than to pay any compliment that it was possible for me to pay to the Senator from California.

Mr. NORRIS. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Yes; I yield.

Mr. NORRIS. I want to say for the benefit of my friend from California, who seems to be well pleased with this compliment or this alleged compliment, that the Senator from Utah has paid him, that as one of his friends I am beginning to get suspicious of him. [Laughter.]

Mr. JOHNSON. Mr. President, I hope the Senator from Nebraska will not destroy the serenity of the occasion. This is one of those charming occasions when we see the Senator from Utah, the Senator from Missouri, and the pariah and outcast from California all agreed. Now, let it go at that. [Laughter.]

Mr. SMOOT. Mr. President, if the Senate desires to have this investigation made by a special committee, let it so decide. My opinion is that it ought to be made by the Finance Committee.

Mr. NORRIS. Mr. President, this is not the only amendment which should be attached to the pending resolution. I had intended to offer one, but have been out of the Chamber until just now. I have one on my desk that I desire to offer after the pending amendment shall be disposed of.

The only idea I have in regard to the pending amendment is what I get from its reading. If I had prepared it I would not have classified it as has been done, although I have no objection to anything if it will mean a fair investigation of what I think ought to be investigated. But I can not let the occasion pass without in a serious vein referring to some of the things the Senator from Utah [Mr. SMOOT] has said. What I shall say will apply not only to the Tariff Commission but to many other items of legislation which have been put through Congress during the last 10 years.

There is not much difference in human nature, after all. When we provide that a commission shall be composed of members representing different parties, and then give the President the appointing power, we have found almost without exception that if the President be a Democrat, he will select the Republican members of the commission from among those Republicans who supported him when he was elected to the Presidency. If he be a Republican, he will select the Democratic members from among those who either directly or indirectly supported him in his campaign for the Presidency.

When Bryan was a candidate for the Presidency, and a Republican President was elected, and had the appointment of members to this kind of a board, when he selected the Democratic members, he almost always selected Palmer and Buckner Democrats. The regular Democrats resented that. When Wilson was elected to the Presidency, and he had that kind of a board to select, he selected as the Republican members those who had supported him when he was a candidate for the Presidency.

I was a member of the Committee on Banking and Currency of the Senate when the farm loan act was enacted, and at that time President Wilson was in the White House. It was provided in the law that the Farm Loan Board should be bipartisan. I opposed that provision of the bill when it was before the Senate, and said that it was not fair to the President and not fair to the country to have that kind of a provision in the measure. I am opposed to such a provision in any law we enact, because at best it never means anything, and if it is followed strictly, it results in a bipartisan board when the body should be a nonpartisan board.

I will never forget the discussion which took place when the nominees for the first Farm Loan Board came before our committee. The Democrats objected to some of the Democratic members whom President Wilson had selected. The Republicans objected to some of the Republican members. The only objection made on the part of the Democrats was that some of those the President selected as Democrats were not good Democrats, and the Republicans objected because he selected men as Republicans who were not good Republicans, but who, as a matter of fact, had supported President Wilson in the campaign.

There was one nominee from Iowa, I remember, a Republican, who was strenuously opposed in the cloakrooms and in the conversations, and perhaps he would have been rejected had it not been that the two Senators from Iowa, both Republicans, came to his rescue and defended him, although they admitted that he had supported President Wilson. But they said that did not make him a Democrat, that men went across the line occasionally, and that lopping over once would not make a Democrat of a Republican, just as was said about Palmer and Buckner men who were appointed on some boards. It was said that the fact alone that they had not supported Bryan, but had supported Palmer and Buckner, which was the best way to help the Republican candidate, did not make them Republicans.

I remember, after this discussion had gone on for some time in the Committee on Banking and Currency, and not a word had been said about the qualification of any man for the office to which he had been appointed, I asked the committee whether there was any objection to these men as far as their qualifications were concerned to fill the offices to which they had been appointed, and no one had any objection to any of them. The result was that they were all confirmed. But one of the great leaders in the Republican Party, now passed on, but in that day one of the leaders, in a conversation in the cloakroom, in discussing with other Senators the question then before the Committee on Banking and Currency—and I can mention this because if he were still here he would not object to it, being open and aboveboard about it, making no pretense about it—said, "We ought to see to it that the Republicans who are appointed on the Farm Loan Board are such Republicans that they will insist that we shall have our part of the patronage when that board comes to deal it out."

I mention these things only to show what runs through the minds of even great statesmen, to show that they are so imbued with a partisan spirit, which they have always had, and in which they are perfectly honest, that they think one of the great functions of government is to see that the offices are dealt

out to those whom they believe to be good Republicans, or good Democrats, and that the qualification for office is a secondary consideration.

I have heard the names of the members of the Tariff Commission mentioned. It so happens that for a long term of years I have known some of the men on the commission, as many of my colleagues have also. We are told that David J. Lewis, a Democrat, was appointed. I suppose every Member of this body knows David J. Lewis. Many, perhaps, have not had the pleasure of his acquaintance as long as I have. I served with him in the House, and of all the men I have met since I have been in public life, there is not a man, in my judgment, who has greater courage, more honesty, a greater tenacious ability to get at the truth and to get the facts than has Mr. Lewis. He is what we would call a digger. He goes to the bottom of any question he undertakes to consider. I think he is one of the best qualified men who was ever appointed to that commission. So far as I know, no man who has ever known him has ever said or thought or believed for a moment that in that place, or in any other place he might have, he would be moved by anything that he did not in the bottom of his heart believe to be his conscientious duty.

I would not agree with Mr. Lewis on the tariff, but would nevertheless just as lief give him the power to make an investigation as to find the facts in regard to any item contained in a tariff bill as to any man I know of. I would know that he would come back with the truth. He would not try to bolster up his ideas. He is eminently qualified for that position.

Then there was William Kent. William Kent was elected to the House of Representatives as a Republican. Party spirit never had much control, or any control, practically, over him. One of the first things I knew of William Kent doing was the delivering of a speech in the House of Representatives against the tariff on wool. He was elected and sat there then as a Republican. He had made and was then making money out of wool. He was a sheepman himself. He possesses the ability which enables him to try a case and sit as a judge where his own interests are at stake and yet do justice. Very few men possess that qualification. I think he is one of them.

Then there was Mr. Costigan. It is said now, in a sort of joking way, that he ran twice for office on the Bull Moose ticket and was appointed as a Republican. When President Wilson appointed him he did not suit the partisan men in the Republican Party. The President selected Costigan, who was designated as a Republican and who claims to be one yet, I think. I am not questioning that, but no man who ever knew Costigan, no man who knows him now, will think for a moment that Costigan in a public office, whether he got it from a Republican or a Democrat, could ever be moved one iota from what he believed to be the path of duty. He stands on that Tariff Commission to-day like a stone wall, defending the law, defending righteousness, and while many influences, some right from the White House itself, were being used to control the votes of the Tariff Commission he stood there unaffected, unafraid, and not discouraged. Costigan is another man who was eminently qualified for that place.

While I had nothing to do with the selecting of Costigan, while I had nothing to do with the selecting of any of the members of that commission, I do not care whether they are Republicans or Democrats or Bull Moosers, so long as they are men who have the ability and the courage to do their duty; and these men have done their duty. If President Wilson had always been as careful and had always been as successful in the selection of men for office as he was in this case, he never would have made a mistake.

Costigan, it is said, ran for office on the Bull Moose ticket. So did our friend Senator JOHNSON. Yet even the Senator from Utah says the Senator from California is a good Republican, as good as he is. Is that any disgrace?

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield.

Mr. REED of Missouri. Does the Senator think that the Republican Party could carry any State in this Union if it permanently barred every man who had ever voted for the Bull Moose ticket?

Mr. NORRIS. I do not think they would. I do not think they ought to. No Senator has a right to tell me what my politics shall be, and I have no right to dictate to anyone else. When this body or any other body undertakes to define a Republican or a Democrat or a Progressive, it is, after all, in deep water.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BINGHAM. In view of what the Senator has just said, it would seem as though he would object, naturally, to the language of the amendment.

Mr. NORRIS. No; I do not object to it, and I do not care anything about it. If the Vice President should select all the members of this committee from the Democratic side, taking broad-minded men, who would do their duty in the investigation, I would not care. If he should select them all from this side, I would not care. Above all, he should not select anybody, whether he is on this side or on the other side, who would undertake to whitewash somebody for partisan political effect. That applies to every commission and every committee, and to every man, from the janitor up to the President in the White House.

If we would think less about party advantage, and a little more about the good of the country and the welfare of the people, who do not care a damn whether a recommendation comes from a Republican or a Democrat, just so it is right, we would get along better, we would have better laws, and we would have a better country and more happiness.

The party spirit which pervades everything and, if men happen to be Republicans, causes them to cover up what they believe to be wrong if it is done by a Republican, and, if they happen to be Democrats, to cover up what is wrong done by a Democrat, does not work toward good government and does not bring good government. A man here or in any other body, or on any committee or on any commission, just as a judge upon the bench, should not be moved by partisanship in any official action he takes or vote he casts. He has a duty that is higher than the duty he owes to his party. A party is nothing in the world but an instrumentality of government. There is nothing sacred about it. When we say, "This man did not vote for Mr. A, who was running for road supervisor on the Republican ticket, and therefore he is not a good Republican," the answer is that the man who makes that kind of a criticism is not a good citizen. I do not mean he is bad or wicked, or anything of that kind, but he is not as good a citizen as he would be if he could look above those things and let every man follow the dictates of his own conscience when the responsibility is upon him to perform an official act or to vote at an election.

Who else was it on the commission that has been criticized? Culbertson? Everybody, I think, concedes that he was Republican, appointed as a Republican, and now holds office as a Republican. I wish this committee would put Mr. Culbertson on the stand. He is another man whom I want to commend as being able, fearless, courageous, and honest, who did his duty on the commission as he understood it. He was met everywhere, from the beginning to the very end, with influences that I think were wrong, influences from the White House itself, as well as influences from elsewhere, to control his official action for a partisan reason. I will condemn that just as quickly if it be a Republican Party reason as if it were a Democratic Party reason. There is no doubt about those influences.

Culbertson had, on the one hand, a threat held out against him that he was perhaps going to be removed from office, because it was claimed that he had violated the law. On the other hand were various positions dangling in his face with no other purpose, I believe the evidence would disclose if all brought out, than to influence his official action on the Tariff Commission. He finally did accept an appointment. It has always been a question in my mind whether he ought to have done it, although it was a promotion. It has always been a question in my mind whether he did not yield to temptation. It would be all right under ordinary circumstances for a member of the Tariff Commission to resign and be appointed to a diplomatic position if that were his ambition, and that was Culbertson's ambition; but when it was done under the circumstances that he understood, and when he knew it was done to get him away from the Tariff Commission where he was doing work that did not satisfy members of his own party because he was following his convictions, I have always wondered whether he ought not to have had the stamina and the courage to turn it down.

A crown had been offered him before. He had pushed it aside each time. I would have thought more of Culbertson if he had pushed it aside this time. I can not criticize him for it. At least no man can criticize his work on the Tariff Commission, whether he agrees with the conclusions Culbertson reached or not.

His work will stand as a record forever in favor of Culbertson. He stood up at a time when it required courage to do it, and so did Lewis, and so did Costigan. There were three men during those trying times on the Tariff Commission who met

opposition and overcame influences which the majority of mankind perhaps would be unable to withstand. They made good. They still continued to do what they believed to be right, notwithstanding the demands made that they should submit their resignations, notwithstanding indirect threats that charges were made against them and that they might be removed from office, notwithstanding the allurements of higher positions that were kept dangling before them all the time. Whether one agrees with them or not is a different thing, and so far as this argument is concerned I care not anything about the tariff; but if anyone will consider these men under the powerful influences that were brought to bear against them and think of what they did, he will commend them. No matter what our opinion may be about the Tariff Commission we must have a love and affection for men who can stand up against such influences and do their duty.

Here was Lewis, a man who devoted a great part of his life to the public service, a man who came up from the most humble ranks of life, who worked his way—a laboring man. He finally got into the House of Representatives and served there, spending his time trying to bring about legislation favorable to the masses of the people, always standing for them. No party yoke ever controlled him when he saw his duty. He went out and continued to do it. He has not been able to save any money. He is now, comparatively speaking, a poor man, dependent upon his salary as a member of the Tariff Commission for the support of himself and his family. In that position his term expired and he was confronted with a proposition to submit to the appointing power his resignation. He knows what that means. No threat is made, but he is no fool. He knows enough of public life and he knows enough of human nature to know what that means. He knows it means an effort to control his official action as a member of the board, and he knows that if he would follow the wishes of the appointing power he can hold the office for another term.

Yet in the face of poverty, in the face of going out into the world without anything he refuses it and says he will not accept an appointment on those conditions.

Although he was reappointed, he knew then that his appointment was only going to last until a little while after election, and that is as long as it did last. Although he did receive a temporary appointment, his name never came to the Senate, and he went out into the world, giving up the position that meant more to him than language can describe.

That man is entitled to some praise and some commendation. The same thing can be said to a great extent of Costigan and of Culbertson. Costigan knows that he can not be reappointed. Costigan has even had the courage to say in public, talking about the Tariff Commission, that in his judgment there ought to be no appropriations made for it under present conditions until something is done to place it upon a square and honest basis. It means the abrogation of his own salary. It means that he must go out of public office. I have dealt with public men for a good many years, and it is very seldom that I have found one who is courageous and patriotic enough to be willing to give up his own place for the good of the country, for that means something as a member of the Government. So in my weak way I want to defend these men, not because some of them are Democrats or some of them are Republicans but because they are more than Democrats and because they are more than Republicans. They are American citizens who deserve the praise, the admiration, and the love of every American citizen in the country for standing up as they did under trying circumstances that come very seldom to any man, and they made good, even though they were confronted with such conditions.

Mr. SWANSON. Mr. President, I wish to say this for Mr. Culbertson. The German treaty was before the Foreign Relations Committee, and it was the desire to make it a model treaty for all commercial treaties in the future. The State Department sent Mr. Culbertson before the committee to present his views on certain provisions of the treaty and the necessity for our having the treaty.

Anyone who will read those hearings carefully and thoughtfully will realize that Mr. Culbertson is one of the ablest young men in public life to-day. He is not only able but he has courage. We were amazed at the information he gave us with reference to treaties we had with various countries that needed modification. Our relations with Great Britain by treaty were such that she was able to discriminate against us in all the territory outside of European waters, which really injured our trade. His statement was a revelation to the committee. He came before the committee as a representative of the State Department, and I believe was the ablest man they could send there to present their views on the commercial treaty with Germany.

Mr. EDGE. Mr. President, as I understand the pending resolution, there is absolutely no objection to the investigation. I think, in view of the many allegations that have been made, that it is very wise to have the investigation.

As to the personnel of the commission and the interesting discussion of the Senator from Nebraska [Mr. NORRIS] in that connection, I have no comment. I do not know about it. The question that appeals to me is why there is any necessity to depart from traditional channels and precedents in naming a committee to make the investigation. The Finance Committee unquestionably is the committee that should consider subject matter of this character. The Finance Committee has in its membership representatives of both of the political parties as recognized and representatives who are thoroughly familiar with tariff questions and who, because of their service on the committee, are thoroughly familiar with the questions which would naturally be referred to the Tariff Commission.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. EDGE. With pleasure.

Mr. KING. The Senator will recall that upon many occasions special committees have been appointed; for instance, the so-called Couzens committee, where we were investigating a matter that was purely within the jurisdiction of the Finance Committee, to wit, the Internal Revenue Bureau of the Government, and yet we appointed a select committee named by the Senate itself. We appointed a special committee to investigate the situation in Haiti. Many other special committees have been appointed. We took it away from our Foreign Relations Committee and named a special committee. I take it that the Senator is familiar with that fact. If I had a little more time, I could give the Senator a score of special committees that have been appointed.

Mr. EDGE. I am quite aware of that fact, but frankly I do not consider that a justification for a continuation of the policy. I believe in the orderly process of parliamentary procedure through committees appointed for specific purposes. The members of our committees, naturally, when they accept appointment on the respective committees, familiarize themselves with the responsibilities which would ordinarily go to the committees. I can not see the necessity for select committees on any subject that is already in charge, presumably, of some standing committee of the Senate. I understand from the remarks made by the chairman of the Finance Committee [Mr. SMOOT], although more or less connected with very refreshing humor at the time, that he is personally absolutely in sympathy with the investigation.

Among the minority members of the Finance Committee are the distinguished Senator from North Carolina [Mr. SIMMONS] and the distinguished Senator from Utah [Mr. KING] himself, both of whom have given a large part of their time in the public service to a study of financial responsibilities and financial problems. It seems to me if not a rebuff to the committee, at least a departure from the ordinary manner of conducting the business of the Government, for which there is absolutely no necessity. Here we are united in our determination and belief that the investigation should be made in order that the country at least may have the facts, whatever they may be. Why should we depart from the usual procedure in such matters?

I have seldom seen an important investigation like this where both sides of the Chamber were so united, and with that realization in mind it would seem all the less necessary to depart from accepted methods. I hope the Finance Committee will be recognized as it should be recognized, that it will be trusted as it should be trusted, and given the opportunity to make the investigation which seems to be so generally acquiesced in. The resolution as introduced by the able Senator from Arkansas [Mr. ROBINSON] provided originally for the investigation to be made by the Committee on Finance. The amendment suggested has apparently been an afterthought which to my mind, I repeat, does not seem to be justified.

Mr. SWANSON. Mr. President, it seems to me that the pending resolution is a proper one to adopt to provide for conducting this investigation. If the investigation shall be intrusted to the Finance Committee of the Senate that committee will appoint a special committee to conduct it. The Finance Committee is too large to make the investigation. Should the Senate adopt the resolution it would simply do what the Finance Committee otherwise would do—appoint a special committee to carry on the investigation. I can see no reason why the Senate should not appoint a special committee under the circumstances, when the Finance Committee would appoint a subcommittee specially authorized to conduct the investigation.

Mr. EDGE. Mr. President, will the Senator from Virginia yield to me?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. SWANSON. I do.

Mr. EDGE. Is it not the usual procedure when a subject is referred to a committee that a subcommittee of that committee is appointed to consider the subject matter?

Mr. SWANSON. I say that that is exactly what will be done by the Finance Committee should it be intrusted with the investigation. Under such circumstances that committee will appoint a subcommittee to conduct the investigation. Should we agree to the amendment to the resolution, all that we would do would be to let the Senate appoint a special committee of about the same size as a subcommittee which would be appointed by the Finance Committee.

Mr. EDGE. Should the amendment be adopted, all that would be done would be to take it out of the hands of the responsible committee of the Senate which is constituted for the purpose.

Mr. SWANSON. We should not be taking any special business from the Finance Committee with which it has been intrusted under the Rules of the Senate. The Finance Committee of the Senate could not conduct this investigation unless it were authorized to do so by the Senate. Should we adopt the amendment to the resolution, we shall not deprive the Finance Committee of any authority or any power or any right which it possesses under the rules of the Senate. What committee shall conduct the investigation, and whether this is the most effective way to accomplish the desired result, are questions for the Senate to determine.

I submit, Mr. President, that the resolution is in full accord with the precedents of the Senate. According to the precedents of the Senate, in the appointment of a committee of five, the majority of the Senate would usually be given three members, and the minority two members. That has been the usual practice.

Mr. BINGHAM. Mr. President, will the Senator from Virginia yield to me?

Mr. SWANSON. I yield.

Mr. BINGHAM. Was the Senator from Virginia present when the Senator from Arkansas [Mr. ROBINSON] said, in effect, that the term "progressive," as used in the amendment, was a term which included all the Democrats and a certain number of Republicans? According to that statement, the amendment, therefore, actually attempts to put on this committee a fictitious majority composed of Senators whom we have no means of knowing by reference to any of our official documents.

Mr. SWANSON. Mr. President——

Mr. ROBINSON of Arkansas. Mr. President, before the Senator from Virginia answers the question propounded to him by the Senator from Connecticut [Mr. BINGHAM], based on what I am assumed to have said, it is necessary to point out the fact that his premise is incorrect.

Mr. BINGHAM. Then, I apologize to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The proposed amendment is that a special committee of five shall be appointed by the Vice President, three of whom shall be Republicans and shall include one progressive Republican. There is nothing in the resolution that relates to "progressive" Democrats.

Mr. BINGHAM. I did not refer to that.

Mr. SWANSON. Mr. President——

Mr. BINGHAM. Mr. President, will the Senator from Virginia yield to me?

Mr. SWANSON. Let me proceed. I will answer the Senator's question.

Mr. BINGHAM. May I ask the Senator from Arkansas a question?

Mr. SWANSON. I yield for that purpose.

Mr. BINGHAM. I am sorry I did not make myself understood. I did not refer to that part of the previous colloquy; but I did refer to the fact that the Senator from Arkansas, if my memory serves me correctly, said that all Democrats were progressive Democrats, and by using the term "progressive" in that sense and by——

Mr. ROBINSON of Arkansas. As a matter of fact, it was the Senator from Missouri [Mr. REED] who made that statement, but I concur in it. All Democrats ought to be progressive-minded citizens.

Mr. BINGHAM. Assuming that the Senator from Arkansas is correct—and I am willing to assume it for the purpose of the argument—in answer now to the argument of the Senator from Virginia [Mr. SWANSON] I desire to say that it is perfectly clear that it is the purpose of this amendment to create a representation for a fictitious majority party composed of all the Democrats and a certain number of Republicans, no one knows how many, for there is nothing in any of our documents that shows officially who are progressive Republicans, except that one Member on this side of the Chamber has specifically put himself down as a progressive Republican.

Mr. SWANSON. Mr. President, I heard the Senator make that statement about 10 minutes ago, and I want to reply to it, as I knew what the implication was in his first question. What are the real facts in this instance? By a combination or cooperation—I will make no distinction—between regular Republicans and progressive Republicans a majority of the Senate so constituted controls. No one denies that; no one disputes it. Every time the Republicans wish to make an excuse for not passing certain legislation which that party has promised the country, their excuse has been that the progressive Republicans and Democrats have united in preventing them from doing so. That is the usual excuse made where a regular reactionary majority exists in Republican States. The excuse is that the Senate is dominated by progressive Republicans and Democrats to defeat action by the Republican Party.

Mr. BINGHAM. Mr. President, will the Senator from Virginia yield to me?

Mr. SWANSON. No; I am not yet through. What does this resolution propose to do? It simply provides for the appointment of a committee to investigate the subject matter mentioned in the resolution, recognizing the actual conditions that exist in the Senate. What are the actual conditions which are admitted by everybody? That by a combination or cooperation of regular Republicans and progressive Republicans the Republicans have organized the Senate. In the resolution we propose properly to recognize that condition by providing for the appointment of two regular Republicans and one progressive Republican for the majority. That combination and cooperation gives the Republicans a majority. They know it; they can not deny it. The resolution as proposed to be amended is a recognition of that condition. The minority are Democrats. All the resolution proposes to do is to recognize the condition upon which the majority of the Senate is organized.

Mr. BINGHAM. Mr. President, will the Senator from Virginia yield to me at that point?

Mr. SWANSON. I will.

Mr. BINGHAM. But the only reason why there can be no denial of the remark which the Senator has said can not be denied is that there is no official list of progressive Republicans. If there were an official list of progressive Republicans, there could be no objection to the amendment, but the point which I make——

Mr. SWANSON. The Senator seems to have an idea that the Vice President has not the knowledge, capacity, and ability to go beyond an official published list. I know that he has a discerning mind; that he has an appreciation of the conditions in the Senate, and I am satisfied he will be able to select out of the 10 or 12 progressive Republicans in this body one to represent them on the special committee. If that one is not selected properly he can decline; he will know the situation; but the Senator from Connecticut wants to confine everything to an official list.

Mr. BINGHAM. Would the Senator object in that case putting into the RECORD at this point a list of those whom he regards as progressive Republicans?

Mr. SWANSON. I will name one whom I would be very glad to see appointed on that committee. I think the senior Senator from Nebraska [Mr. NORRIS] should be on that committee, and I know full well, unless the amendment shall be adopted, that he will not be put on it. If I had the power of appointment of the Vice President I would put him on the committee. He started the movement for this proposed investigation; he put facts before the Senate that entitle him to be on the committee; but I know an effort is being made to have the members of the committee appointed from the Finance Committee in order to prevent him from becoming a member of the committee of investigation. That is my frank, candid opinion of the situation, but the Senator seeks to disguise it.

Mr. HARRISON. Mr. President, if the Senator from Virginia will yield to me for a moment I should like to ask the Senator from Connecticut if he agrees with the Senator from Virginia in that statement.

Mr. BINGHAM. The Senator from Arkansas has already denominated the senior Senator from Nebraska as a progressive Republican, and I was going to ask the Senator from Arkansas when I got the floor in my own right—and I say this in all seriousness—if there has been——

Mr. HARRISON. I suggest that the Senator from Connecticut has not answered the question I asked. I asked the Senator from Connecticut if he did not agree with the Senator from Virginia that the Senator from Nebraska should go on this committee if one should be named.

Mr. BINGHAM. Far be it from me, Mr. President, to dictate to the Vice President as to whom he should select. The point I am making in all seriousness is this, that this resolution refers to three types of Senators—Democrats, Republicans, and progressive Republicans. There is no question in anybody's mind, I assume, as to the Democrats, although if the Vice President should appoint from this side of the aisle certain Senators who in his inner consciousness he deems to be Democrats rather than Republicans, I can imagine the protest that would arise on the other side of the aisle.

Mr. SWANSON. Mr. President——

Mr. BINGHAM. Just a moment.

Mr. SWANSON. The Senator can speak in his own time. I heard him before. I would yield for a question, but I want to consume a few minutes in my own right.

Mr. President, I realize that there is a certain condition on the other side of the Chamber, and that condition ought to be recognized in the resolution. Senators are cooperating over there who do not like to say they are Republicans unless a prefix is put before the word "Republican." They say, "We are progressive Republicans"; they do not say, "We are regular Republicans"; they like to have a prefix before the word "Republican," so as not to be subject to a certain amount of suspicion that goes with the term "regular Republican." I think the resolution ought to recognize the conditions which exist in the Senate.

The Senator from Connecticut can not deny that the present majority of the Senate has control by the cooperation of a number of Senators known as progressive Republicans and the regular Republicans. Why should not the appointment of a special committee recognize the real condition that exists in the Senate rather than to be governed by the designations as set forth in the Congressional Directory?

Mr. BINGHAM. Why should not the official directory recognize it?

Mr. SWANSON. Every Senator describes himself as he sees fit in the Congressional Directory. That document was written at the beginning of the session, but since the session has progressed, since legislation has been put before this body——

Mr. BINGHAM. Have they become progressive Republicans since the beginning of this session?

Mr. SWANSON. Since the Republican Party has adopted policies against which some Republicans want to protest the progressive representation has grown, and it will grow larger in this country if the Republican Party continues the policies which it has espoused and puts through in the future the legislation which it contemplates.

Mr. President, the resolution proposes a fair recognition of the conditions existing in the Senate, a recognition of its organization, a recognition of the special conditions surrounding the control of the Senate by a majority. The resolution is fair and just in that respect. In addition to that, this is the only way by which the senior Senator from Nebraska, who is acquainted with this matter, who is earnest about it, and who brought it to the attention of the Senate and the country, can be made a member of the committee of investigation.

I am not suggesting to the Presiding Officer the course which he should pursue; but he has a right to appoint two Republican members of the Finance Committee and two Democratic members of the Finance Committee, and then the resolution as proposed to be amended will give him an opportunity to put on the committee the senior Senator from Nebraska, who I think ought to be on the committee if we are going to have an earnest, determined, full investigation.

Mr. BINGHAM. Mr. President, will the Senator amend the amendment so as to carry out his desire?

Mr. SWANSON. So far as I am individually concerned, I should be very glad to put in the name of the senior Senator from Nebraska and leave out the words "progressive Republican," if the Senator wants that done.

Mr. BINGHAM. Mr. President, it seems to me to be a very serious point which has been raised here. Instead of having a bipartisan committee proposed in accordance with the party titles which Members accept when they come into the Senate and which they put into the directory, we assume a tripartite arrangement. There are certain Senators on this side of the aisle who seldom vote with those to whom the Senator refers as "regular Republicans." Personally I would have no objection whatever to the word "regular" being placed in front of my name in the directory. On the other hand, there are certain Senators on this side of the aisle, and I think I may say without contradiction that there are certain Senators on the other side of the aisle who regard themselves as progressives. They do not use the term "progressive" in front of the word "Republican" or "Democrat," but they might very properly be considered as progressive. Yet there is no means of knowing whether or not they would be properly included in this resolution. It seems to me to have a resolution referring definitely to "progressive Republicans," when there is no official list of them, is establishing an extremely dangerous precedent.

If the Senator from Arkansas, who accepted the amendment——

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. I will yield in a moment. If the Senator from Arkansas, who accepted the amendment, will read into the RECORD a list of those whom he considers to be "progressive Republicans," and they are willing to accept the designation, that is one thing; but if there is no list at all, it seems to me that it is an extremely dangerous precedent, and that the question should receive very earnest consideration. Personally I am in entire sympathy with the resolution as introduced by the senior Senator from Arkansas, and I have no objection to the amendment presented by the Senator from Utah, except that it refers to a party that does not exist here except in the minds of certain Senators. It would be perfectly possible, if it were not improper under the rules to mention Senators by name, to indicate certain Senators who consider themselves progressives and yet do not always vote with the senior Senator from Nebraska by any means.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. BINGHAM. Certainly.

Mr. NORRIS. Would the Senator have any objection to the amendment of the junior Senator from Utah [Mr. KING] if it provided simply that this investigation should be made by a special committee?

Mr. BINGHAM. None whatever.

Mr. NORRIS. The Senator would be willing to support that amendment?

Mr. BINGHAM. Certainly.

Mr. NORRIS. Not refer it to the Finance Committee, but have a special committee appointed, and have no limitation on the authority of the Vice President?

Mr. BINGHAM. Certainly.

Mr. NORRIS. I am glad to hear the Senator say it.

Mr. BINGHAM. I will say to the Senator that I am in entire agreement with him—I hope he will not object to that—in his attitude toward bipartisan boards. Personally, I think that boards and commissions ought to be selected by the President in accordance with their ability, in accordance with their known integrity, and not merely because of certain labels which may be attached to them.

Mr. President, there is another point in connection with this amendment which seems to me extremely unfair. It expressly prohibits any representation on this committee of the only third party which is officially recognized in our records—the Farmer-Labor Party. Is that considered fair to that minority party?

Mr. NORRIS. How many members of the Farmer-Labor Party would the Senator like to have on this committee?

Mr. BINGHAM. I am not advocating——

Mr. ROBINSON of Arkansas. Mr. President, I should like to answer the Senator's suggestion. There is one Member of the Senate who is a member of the Farmer-Labor Party. There are something like 8 or 10 Members of the Senate, at least, who are recognized as progressive Republicans. As to furnishing a list, it is not difficult to do that. It would not only include the senior Senator from Nebraska [Mr. NORRIS], as I have already stated, but it would include the Senator from California [Mr. JOHNSON], the Senator from Michigan [Mr. COUZENS], the Senator from Iowa [Mr. BROOKHART], the Senator from Wisconsin [Mr. LA FOLLETTE], probably the Senator from North Dakota [Mr. FRAZIER], and the junior Senator from Nebraska [Mr. HOWELL]. It would include other Senators whom I do not take the liberty of naming at this time.

Mr. BINGHAM. May I ask the Senator why he will not name them?

Mr. ROBINSON of Arkansas. But I am amazed at the failure of the Senator from Connecticut to recognize the fact, after his very distinguished and otherwise intelligent service here, that there exist in this body a number of Senators who have earned throughout the United States recognition of the fact that they are progressive Republicans.

Mr. BINGHAM. The Senator has misunderstood me.

Mr. ROBINSON of Arkansas. No; I have not.

Mr. BINGHAM. I recognize their existence in this Chamber just as clearly as the Senator from Arkansas does.

Mr. ROBINSON of Arkansas. Very well; then what is the Senator quibbling about?

Mr. BINGHAM. Mr. President, what I desire to have put on the record is an official list of these Senators, if they are to be included in a resolution of this kind. There are certain Senators on this side of the aisle who seldom vote with the Senators mentioned by the Senator from Arkansas, who consider themselves progressive in every sense of the word "progressive," and who have a right to consider themselves progressive; but the trouble is that there is a special significance of the word "progressive," meaning a kind of political party.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me——

Mr. BINGHAM. I decline to yield at the present time.

Mr. ROBINSON of Arkansas. Surely the Senator will not decline to yield for a question after I have yielded to him upon every occasion when he desired to interrupt me.

Mr. BINGHAM. I did not understand the Senator to ask a question.

Mr. ROBINSON of Arkansas. What I want to ask the Senator is, can he give any reason why, in fairness and justice, that element known as progressive Republicans in the Senate should not be represented on this committee?

Mr. BINGHAM. None at all, Mr. President.

Mr. ROBINSON of Arkansas. They originally combined their efforts to secure the passage of the so-called flexible provision of the tariff law.

Mr. BINGHAM. The Senator is using my time to argue, not to ask a question. In answer to his question I will state that I have no objection whatever to the progressive Republicans being represented on this committee, although I think it would be far better if the resolution provided that a committee of five Senators appointed by the Vice President should consider this question without regard to party. Since, however, the resolution has been presented in the form in which it has been presented, it seems to me it is impossible to use the words "progressive Republican" in the sense of a political party, when with one exception there is no Senator in this Chamber who bears that official label. Until that time presents itself it seems to me most unfortunate to use that expression in an amendment which excludes the Farmer-Labor Party entirely, and which attempts to label certain Republicans here, with or without their consent, as belonging to a third party.

I recognize perfectly well the existence of that group; and if the members of that group will furnish the Vice President or will put in the directory their labels as progressive Republicans, then no question can arise that we have three distinct parties in this Chamber, or four with the Farmer-Labor Party. Until that time arrives, however, it seems to me that a wording of that kind is entirely out of place in the amendment.

Mr. HARRISON. Mr. President, before the Senator yields the floor may I ask him one question?

Mr. BINGHAM. Certainly.

Mr. HARRISON. I desire to have his position made clear. As I understand, the term "progressive Republican" is so offensive to the Senator from Connecticut that he prefers, instead of writing it into this resolution, to write that the Farmer-Labor Party shall have one representative.

Mr. BINGHAM. Not at all. The Senator has misunderstood me.

Mr. HARRISON. I am glad the Senator does not take that position.

Mr. BINGHAM. I used the term in no offensive sense whatever, nor did I assume at any time that it was an offensive appellation. The point which I am trying to make, and which I am sure the Senator from Mississippi will get if he will listen but a moment, is that if we are going to refer to a section of the Senate as progressive Republicans, then an official list of them should be prepared, and it should not be left in the hands of the Vice President to determine whether or not I am a progressive Republican. Of course, the Senator from Arkansas [Mr. ROBINSON] has already clearly stated, and I have admitted, that I do not come under that appellation; but he has given the names of only three Republicans whom he does not consider as progressive. If he is perfectly willing for all the other Republicans except the three named to be considered as progressive, I have no objection; but I do object to the use in a resolution, under the same category as the words "majority party" and the words "minority party," of the term "progressive Republican," just as though we recognized in our lists those three parties on the floor.

Mr. NORRIS. Mr. President, the persistency with which the Senator from Connecticut continues to press his request that somebody shall prepare a list of progressive Republicans and submit it indicates to me that it is rather with the idea that he wants to classify some men over here in a class that will be different and perhaps in his estimation on a little lower level than the ordinary Republicans.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. I think the Senator has misjudged me. There is no question of a lower level.

Mr. NORRIS. Perhaps I have. I certainly do not want to misjudge the Senator.

Mr. BINGHAM. I trust that before the Senator gets through he will tell the Senate how the Vice President may determine, under the terms of the resolution, who are progressive Republicans and who are not, in all seriousness.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. FRAZIER. Perhaps the Senator from Connecticut wants a list such as that in which the official organization on this side classed my good friend the junior Senator from Iowa [Mr. BROOKHART] and myself. Perhaps they are intending to take further action along the same line, so that they can line up the rest of them in the same class as the Senator from Iowa and myself.

Mr. NORRIS. That suggests a new idea to me, and it leads me to take a different course and to talk a little differently from the way I intended to talk, because it would be an awful thing in my case if they took that action in reference to me. Perhaps, when the Senator from Connecticut gets this list that he wants the Senator from Arkansas to give, the next thing will be a conference of Republicans, and they will prove by the list given by the Democratic leader that I am not a Republican, and I will have to give up my committees and be classified with the down-and-outs who were put out in the cold about a year ago.

Mr. FRAZIER. At the bottom of the list.

Mr. NORRIS. I do not believe, however, that that is the object of the able Senator from Connecticut.

Mr. BINGHAM. I thank the Senator.

Mr. NORRIS. Still, he must have some motive in trying to get this list. Does he want to get an education himself? Is it for his own information that he wants to know this, or is the inquiry based upon some other motive?

Mr. President, there is not any man here who can classify his fellow men.

Mr. WADSWORTH. Mr. President——

Mr. BINGHAM. Why, then, should the Vice President be granted that privilege?

Mr. NORRIS. Just wait until I get through. There is not any man here who can classify his fellow man as to his political affiliations. The man does not live, either here or elsewhere, who can do it always and not be mistaken. There is a line of demarcation that no man possesses the ability always to point out. On the other hand, there are those who stand out prominently in the Democratic Party as being regular and reactionary, and there are those who stand out in the Republican Party as being regular and reactionary—and I am using the word "reactionary" in no offensive sense—and others who are progressive, sometimes even called socialistic, though wrongfully, I think.

A man has the right to do that if he wants to; so that if we are only going to pick out a few, a blind man can pick them out. The Vice President can not always tell with accuracy just who is a progressive Democrat and who is a reactionary Democrat, or who is a progressive Republican and who is a regular Republican. Honest men will differ in many instances; but nobody would question the Vice President's judgment if he selected the Senator from Connecticut as a regular Republican. I say that with perfect respect to the Senator from Connecticut. Everybody knows that is where he belongs.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; and I hope the Senator from New Jersey is not offended because I did not include him in the class with the Senator from Connecticut.

Mr. EDGE. Not in the slightest degree. I think my class is very well known. Does the Senator believe that any Member of this body would take offense if the Vice President should decide, for instance, that the Senator from Washington [Mr. JONES] is a progressive?

Mr. NORRIS. I have heard many people say he was progressive, and I have heard many people say he was not. You can take your choice. I am not going to decide the matter. I am going to leave that to my friend from Washington. He is not here at the moment; but he can make his own choice if he wants to, or make none. I do not care. It does not make any difference to me.

Mr. WADSWORTH. Mr. President, the Senator believes it should be left to each individual?

Mr. NORRIS. It has to be. Who is it that told the Senator from New York, whom I respect, and whose judgment I respect in selecting his party affiliations, that he is a Republican? I can go down into the State of New York and get many men in that State to say from the mountaintops that there is not any difference between the Senator from New York and Governor Smith. [Laughter.] I can get thousands of people to say that as between the Senator from New York [Mr. WADSWORTH] and Governor Smith the voter could shut his eyes and vote for either one, and the result would be just the same.

Mr. COPELAND. Mr. President——

Mr. NORRIS. I am not saying that. I do not claim that. I do not believe that, I will say frankly to my friend from New York.

Mr. WADSWORTH. The Senator is just repeating rumors that have reached him?

Mr. NORRIS. No; not rumors. Why, we hear politics in New York talked about all over the country, and how, if the Republicans nominate the right kind of a man—and it is often said that it is my good friend here—and the Democrats nominate the right kind of a man, it is only Hobson's choice, and it does not make any difference who is elected. That is true of all of us, I presume. That only demonstrates that you can not get a unanimous opinion as to the politics of anybody. I have heard the Vice President, who sits before me, denounced as not being a good Republican. I heard that in the campaign.

Mr. WADSWORTH. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Yes.

Mr. WADSWORTH. Then, as I understand, the Senator would leave it to each individual to decide for himself how he should be classified politically?

Mr. NORRIS. Why, yes; I would.

Mr. WADSWORTH. In that event would the Senator object to the Vice President considering me seriously for appointment on this committee as a progressive Republican?

Mr. NORRIS. I would not. If the Vice President wanted to appoint the Senator as a progressive Republican——

Mr. WADSWORTH. The Senator from Nebraska would make no complaint?

Mr. NORRIS. I would make no complaint. I would simply disagree with his judgment and say, "Go ahead. I have faith that Senator WADSWORTH will do his duty." [Laughter.]

Mr. WADSWORTH. To use the hackneyed political expression, "Many of my friends are urging me" to announce my candidacy as a progressive for this place.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. Just wait a moment. The Senator has said something that I can not let go without noticing. I did not know that the Senator was a candidate for a position as a progressive.

Mr. WADSWORTH. Not yet.

Mr. NORRIS. The Senator's friends are talking with him about it?

Mr. WADSWORTH. They may urge me. [Laughter.]

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield after a while, but I have not gotten through with this matter yet. Let me answer the Senator from New York first.

The Senator from New York has the bee in his bonnet to become a progressive candidate for office. Mr. President, if that gets out down in New York among the regulars, they will slaughter him before to-morrow night. He will not stand a ghost of a show to be reelected to the Senate.

Mr. BINGHAM. Will the Senator yield?

Mr. NORRIS. Not now. Just wait a while. If the Senator from New York is now thinking of becoming a progressive candidate for office, he might just as well hang his harp out on the weeping willow tree now as to wait until later, because down in Wall Street there are not very many progressive Republicans. The facts are, however, that if the Senator announces that he is a progressive, I am willing that he should designate himself so. It is perfectly immaterial to me, and I think he ought to have, and I think he does have, and is the only man who does have, the right to say how he shall be designated. There are many Democrats sitting right here in front of me now from Southern States with ideas that agree ninety-nine times out of a hundred with the ideas of the Senator from Utah [Mr. SMOOT], but they are Democrats and he is a Republican. They vote together, they work together, even on tariff matters. But they designate themselves Democrats and he designates himself a Republican.

Down in the South one has to be a Democrat if he is anybody. I speak of that without any complaint. I think it is only the natural thing. I want the country to see and get the truth. After all, a designation, whether you call yourself this or that, does not change the nature of the brute. You may call yourself a Democrat and vote for all of the policies of the so-called faction of the Republican Party known as reactionary. The tariff is usually designed as the thing that divides men in the Republican Party from those in the Democratic Party, although I do not believe that is the only thing. I think everybody concedes that is one of the great points of difference. Just look at the faces here. Can the Senator from Utah and the Senator from Indiana and the Senator from New York and the Senator from Connecticut get together and bring in a tariff bill with a wall so high that it will give any offense to some of our brethren over on the other side? They will back them up in it in a minute.

Mr. BINGHAM. Will the Senator yield?

Mr. NORRIS. In a moment. They will back them up right away, and they do it honestly. I am not criticizing their action, but they are doing it as Democrats. Ninety per cent of this party business is mostly a fiction. Gentlemen talk about the division over here between progressives and reactionaries, and there is a division. There is no use denying the truth. Everybody knows that is the truth. I say that without any disrespect to anybody in either faction. But shall somebody come along and say that because there is that kind of a division you should meet in conference and put four or five men out of the party and say, "You are not Republicans"? Why should that be done? The men who helped to put them out themselves have been guilty, as far as supporting men in political contests is concerned, of supporting more Democrats than these men ever did all put together.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. In just a moment.

Mr. REED of Missouri. I wanted to suggest to the Senator that it is nearly 2 o'clock, and I think we might apply cloture. We have talked on this question as long as we talk on international questions.

Mr. NORRIS. Mr. President, I digress long enough to say that I am opposed to cloture. [Laughter.] So I had bette give a practical illustration of my belief, possibly.

I have an amendment which I shall offer, the consideratio of which will probably take some time. I have not the remotest idea that we can finish the consideration of this matter by 2 o'clock; and I want to have it concluded, too, because this resolution, or a similar resolution, ought to be passed.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. But speaking of the progressives, some have been kind enough, although some probably did not mean it as a compliment, to designate me in this debate as one who beyond all doubt was a progressive Republican. Yet what is the truth? The last time I was elected to this body I ran on the Republican ticket, and the Progressive Party nominated the man who was running on the Democratic ticket. So my opponent, a Democrat, had the progressive nomination in my State, and remained on the ticket and was voted for. Every straight progressive vote in that contest was recorded in favor of the Democratic nominee. I do not speak in criticism of that, because I think my opponent was a progressive, I think as good a progressive in his ideas of government as I claim to be. So what I say is in no sense a criticism. But it shows that the designation of me here as a Republican was the designation my people put on me when I was elected to the Senate. But the progressives went to somebody else. It only shows that we can not settle this question. It only shows that when we commence to classify this man and that man we run up against a stone wall.

But let me get directly to the amendment that is proposed.

Mr. BINGHAM. Mr. President, before the Senator gets to that will he yield?

Mr. NORRIS. I beg the Senator's pardon. I promised to yield to him.

Mr. BINGHAM. The Senator's point, as I understand it—and he will correct me if I am wrong—is that the designation of "Republican" and "Democrat" which is put in the directory is the one which a Senator assumes for himself?

Mr. NORRIS. I suppose so. We all put such a designation in the directory. The Senator put his in, did he not?

Mr. BINGHAM. Absolutely; and a Senator has a perfect right to designate himself as belonging to whichever party he considers himself a member of.

Mr. NORRIS. I think so.

Mr. BINGHAM. I agree entirely with the Senator on that point. But that does not meet the situation with regard to this amendment, the Senator will observe, because it assumes that

there are a number of Republicans here with a label which they have assumed and a number of Democrats with a label which they have assumed, and a number of progressive Republicans. Would the Senator assume that all those sitting on the other side of the aisle are progressive Democrats?

Mr. NORRIS. No; I do not think they are. The combination of the progressive Republicans and the progressive Democrats has been mentioned several times, combining to do their duty and on different questions arising, the parties dividing along different lines. We had an illustration not long ago of the reactionary Republicans and the reactionary Democrats forming a coalition and putting a tax bill across, which, to my mind, is one of the worst that was ever put on the statute books.

Mr. BINGHAM. I hope the Senator will realize that when he uses the terms "reactionary" and "progressive" he is applying——

Mr. REED of Missouri. Mr. President, I would like to know how long this filibuster can go on without calling for some action in the nature of cloture.

Mr. NORRIS. I yield to the Senator from Connecticut. There is no limit on the debate. Has the Senator from Connecticut a question to ask?

Mr. BINGHAM. Just a moment. The Senator was kind enough to yield, and the Senator from Missouri, without having the floor, interrupted.

Mr. NORRIS Yes.

Mr. BINGHAM. The question which I was referring to was the Senator's remark regarding the number of reactionary Republicans and reactionary Democrats and the number of progressive Republicans and progressive Democrats. The Senator will admit that when he speaks of progressive Republicans he uses a term which those to whom it applies have chosen to use for themselves, and enjoy using, and regard as descriptive; will he not?

Mr. NORRIS. No; I will not. When I call a man a progressive Republican I do not consult him in advance to find out whether that term is objectionable to him. It might be. But I am assuming that he has classified himself, and I am not going to classify him, unless it is somebody who stands out so prominently in his ideas and goes so far toward the extreme, as does the Senator from Connecticut, that nobody has any doubt about it.

Mr. BINGHAM. That was just the point to which I desired to call the Senator's attention.

Mr. NORRIS. I have had my attention called to it several times. I have gone over it several times, and I do not want to take up the time of the Senate in going over it again. The Senator can do what he pleases. It is perfectly immaterial to me what he designates me. I am not going to be the judge of my fellow Senators. They can do their own judging. But when it comes to the selecting of a few without classifying everybody, then there can be no doubt about what we should do. Doubts come. For instance, I never had any doubt before that the Senator from New York was a progressive Republican, but I am beginning to wonder now. He has confessed that he is coquetting with the progressives, with the idea of becoming the candidate for office along that line, and if I had classified him as an old-liner, it might have been offensive to him, and I might not have known it. So we can not judge those things. But that has nothing to do with what is before us, not a thing.

Mr. BINGHAM. The word to which I objected was the word "reactionary." The Senator deliberately and specifically classified certain Senators here as "reactionary."

Mr. NORRIS. I told the Senator I meant no offense in that.

Mr. BINGHAM. That is not a fair description of Senators——

Mr. NORRIS. If the Senator will give me a name that is more agreeable, I will use it instead. Would he rather that I say "regular"?

Mr. BINGHAM. Constitutional——

Mr. NORRIS. Constitutional; all right.

Mr. BINGHAM. Senators who desire to stand by the Constitution.

Mr. NORRIS. Then I will designate the Senator from Connecticut as a "constitutional Republican," and I hope that in the next edition of the Congressional Directory the Senator, in writing up his biography for the amusement and edification and education of admiring multitudes, will classify himself as a "constitutional Republican."

Mr. BINGHAM. Will the Senator tell us whether, in his opinion, the junior Senator from Washington [Mr. DILL], on the other side of the aisle, is a progressive Democrat?

Mr. NORRIS. No; I have declined to do that, and the Senator can not lead me on to that uncertain ground. I have tried to be fair and tell the Senator the reason for my position, and I have been assuming all the time that the Senator was moved by the very best of motives and that he was not trying to put somebody in a hole. Now he rather indicates by his persistency, when he asks about this man and that man and this man's wife and that man's wife, that he is trying to get somebody onto dangerous ground, and he can not do that with me. He might just as well stop trying.

Mr. BINGHAM. The Senator misjudges my motives entirely. Here is a resolution offered which uses certain words, two of which are perfectly well understood, and we have official lists of the members of the parties indicated. The third is not understood. Do I understand that the Senator is in favor of the amendment now before the Senate?

Mr. NORRIS. I am going to vote for it unless it is modified by an amendment such as that suggested by the Senator. I would not object to giving the Vice President carte blanche without saying anything about politics, letting him appoint whomsoever he pleases. But I am opposed to the Finance Committee making this investigation, and that is just what I wanted to come to, but the Senator has been interrupting me for the last half hour. That is something that is before the Senate, which we have to pass on, and at the risk of being misunderstood I am compelled now to say something by which, I want to assure the Senate and I want particularly to assure my friend from Utah, I mean no offense. I say that, in my judgment, it would not be fair if this investigation were made by the Finance Committee. It would at once be considered in the country as one step in a whitewash. It might not be that. I have faith in the Senator from Utah [Mr. SMOOT]. I believe he is conscientious, but his ideas about what should be done, even though he is conscientious, do not agree with mine. For instance, it would be disclosed by an investigation that this man Culbertson, a member of the Tariff Commission, was called into conference by the Senator from Utah, where the only persons present besides Mr. Culbertson were the Senator from Utah and others who believed in the sugar tariff and the attorneys for the various sugar companies. To my mind, that was out of place. I do not charge the Senator from Utah with any wrong purpose. I think he thought it was perfectly proper, but I do not think he ought to have done it.

Mr. SMOOT. Would it not be proper and right to say that before ever Culbertson went into the committee room at all I told him in my own office what they wanted and what they wanted to see him for?

Mr. NORRIS. All right.

Mr. SMOOT. It was in his hands to decide whether he would go or whether he would not go.

Mr. NORRIS. But the Senator from Utah invited him.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the resolution under consideration will go to the calendar. The Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. ROBINSON of Arkansas. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the further consideration of Senate Resolution 162.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is before the Senate and will be proceeded with.

Mr. NORRIS. Mr. President, replying to the Senator from Utah, the conference came about on the initiative of the Senator from Utah. I want to repeat that, according to his theory of government and according to his theory of the Tariff Commission. I am not charging that there was anything wrong about it, but according to my theory there was, and I have to say so frankly or else be dishonest with myself. I do not think the Senator from Utah ought to be the chairman of the committee that would investigate the Tariff Commission. I do not believe the Senator from Utah, if the investigation is to be conducted by a subcommittee, ought to appoint the subcommittee that would investigate the Tariff Commission, and the country does not believe it either. I do not believe we can investigate the action of the Tariff Commission on the sugar question without investigating the senior Senator from Utah, and that is the reason why I believe the question ought not to go to the Finance Committee. It ought to be considered by an independent committee.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	McKellar	Schall
Bingham	Fletcher	McLean	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Glass	Mayfield	Simmons
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Bruce	Hale	Neely	Stephens
Butler	Harreld	Norris	Swanson
Cameron	Harris	Nye	Trammell
Capper	Harrison	Oddie	Tyson
Caraway	Hefiin	Overman	Wadsworth
Copeland	Howell	Pepper	Walsh
Couzens	Johnson	Phipps	Watson
Dale	Jones, N. Mex.	Pine	Weller
Deneen	Jones, Wash.	Pittman	Wheeler
Dill	Kendrick	Ransdell	Williams
Edge	King	Reed, Mo.	Willis
Ernst	La Follette	Robinson, Ark.	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The Chair understands that the Senator from Arkansas [Mr. ROBINSON] has accepted the modification of his resolution in the form of the amendment submitted by the junior Senator from Utah [Mr. KING].

Mr. NORRIS. In that case it is then in order to offer an amendment, which I send to the clerk's desk and ask to have read.

Mr. BINGHAM. Is there to be no vote on the amendment offered by the Senator from Utah [Mr. KING]?

The VICE PRESIDENT. The Senator from Arkansas accepted the amendment of the Senator from Utah as a modification of his resolution. The amendment offered by the Senator from Nebraska will be stated.

The CHIEF CLERK. At the end of line 7, on page 2 of the resolution, add the following:

The committee shall also investigate the appointment of members of said commission and report to the Senate whether any attempt has been made to influence the official action of members of said commission by any official of the Government or other person or persons, and, if so, what were the means or methods so used?

Mr. NORRIS. Mr. President, I want to say just a word in regard to the amendment. As the resolution was drawn I doubt very much whether it would be in order to go into the questions that have been raised on the floor of the Senate, for instance, in regard to the appointment of Mr. Lewis, in regard to the influences that were used to control, as I believe they were, the actions of Mr. Culbertson, or to bring into evidence the meetings that it is admitted took place between Mr. Culbertson and the attorney for one side of the controversy in the sugar case, the meetings held at the instigation or on the initiative of the senior Senator from Utah [Mr. SMOOT].

It seems to me that no investigation of the Tariff Commission, especially as it pertains to the sugar schedule, the flexible part of the tariff law, ought to omit those things. There ought to be no doubt that the truth is going to be brought out. Either the charges are true or they are not true. If they are not true, that fact ought to be shown and the men who made them compelled to apologize or be driven from public life. If the charges are true, then it is due to those making them that they no longer be compelled to live under the slogan that has more or less gone over the country that they are doing something wrong in trying to injure their own political party. Therefore, it seems to me, the committee ought to be directly authorized to go into the facts and investigate those things which have been promulgated and charged on the floor of the Senate.

Mr. BRUCE. Mr. President, I am heartily in favor of the resolution proposed by the Senator from Arkansas [Mr. ROBINSON] and I am heartily in favor of having the investigation a most searching one into all the operations of the Tariff Commission. I have already served notice, so far as one member of the commission is concerned, who happens to be, or to have been, a resident of my State, that, should he be reappointed by the President, I shall most assuredly oppose, tooth and nail, his confirmation. But I think that it would be a mistake to adopt the amendment suggested by the Senator from Nebraska [Mr. NORRIS]. If we have an investigation we want, of course, as far as possible not only a thorough but a perfectly fair investigation. It seems to me the effect of the amendment of the Senator from Nebraska would be to suggest in the very beginning of the investigation the idea of partisanship. It is obviously aimed partly at the President in his relations to Mr. Lewis, one of the former members of the commission, and partly at the chairman of the Finance Committee [Mr. SMOOT].

If we are going to have an investigation, let us have one that will in every respect excite and justify the confidence of the general public. The amendment is plainly marked on its face by partisanship; and while I want the investigation just as searching, just as inquisitorial, and, I may say, just as merciless as possible, yet when its results are given to the public I want it to have been of such a character as to convey to the American people generally the idea that it had been fair and, so far as possible, nonpartisan, and that the conclusions of the committee are entitled to the very highest measure of respect. Therefore I shall be compelled to vote against the amendment submitted by the Senator from Nebraska, especially as the terms of the resolution are broad enough to comprehend its objects.

Mr. BORAH. Mr. President, I would like to have the resolution read as it would read in case the amendment were adopted.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read the resolution as proposed to be amended, as follows:

Resolved, That a special committee composed of five Senators, three of whom shall be members of the majority and include one who is a progressive Republican, and two of whom shall be members of the minority, said committee to be appointed by the Vice President, is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of production in the United States and in competing countries, as well as the method of ascertaining which country constitutes the principal competing country within the meaning of said tariff act of 1922.

The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and administration of the tariff laws.

The committee shall also investigate the appointment of members of said commission and report to the Senate whether any attempt has been made to influence the official action of members of said commission by any official of the Government or other person or persons, and if so what were the means and methods so used.

The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The committee shall promptly report its proceedings, findings, and recommendations to the Senate.

Mr. WATSON. Mr. President, I wish to ask the Senator from Arkansas, has he indicated any intention of accepting this amendment, and I will make the same inquiry of the Senator from Utah.

Mr. KING. I have made no such indication.

Mr. ROBINSON of Arkansas. Mr. President, I have not said anything touching the amendment proposed by the Senator from Nebraska [Mr. NORRIS]. My feeling is that the resolution as drafted would comprehend any fact or circumstances in relation to the operation and administration of the tariff laws and of the agents and processes employed in their administration, and that the amendment is not necessary.

Mr. WATSON. Very well.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. KING. I understand that the amendment which I offered has been accepted and now constitutes a part of the resolution?

The VICE PRESIDENT. The amendment offered by the Senator from Utah has been accepted as a modification of the resolution of the Senator from Arkansas.

Mr. NORRIS. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). On this question I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. If the Senator from Pennsylvania were present, he would vote "nay." I transfer my pair with him to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT].

I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. KING (when his name was called). On this vote only I am paired with the Senator from Illinois [Mr. MCKINLEY]. If I were permitted to vote, I should vote "yea."

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following pairs:

The Senator from Kansas [Mr. CURTIS] with the Senator from Michigan [Mr. FERRIS], and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from New Jersey [Mr. EDWARDS] and will vote. I vote "yea."

Mr. BROUSSARD. I have a general pair with the Senator from New Hampshire [Mr. MOSES], who is absent. Not being able to secure a transfer, I withhold my vote.

Mr. STANFIELD. I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

Mr. OVERMAN. May I inquire whether the junior Senator from Alabama [Mr. HEFLIN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. OVERMAN. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the junior Senator from Alabama [Mr. HEFLIN] and vote "yea."

The result was announced—yeas 38, nays 30, as follows:

YEAS—38

Bayard	George	McNary	Shipstead
Blease	Harris	Mayfield	Simmons
Borah	Harrison	Neely	Stephens
Brookhart	Howell	Norris	Swanson
Caraway	Johnson	Nye	Trammell
Copeland	Jones, N. Mex.	Overman	Tyson
Couzens	Kendrick	Pittman	Walsh
Dill	La Follette	Reed, Mo.	Wheeler
Fletcher	McKellar	Robinson, Ark.	
Frazier	McMaster	Sheppard	

NAYS—30

Bingham	Fess	Metcalf	Stanfield
Bruce	Goff	Oddie	Wadsworth
Butler	Gooding	Pepper	Watson
Cameron	Hale	Phipps	Weller
Dale	Harreld	Pine	Williams
Deneen	Jones, Wash.	Ransdell	Willis
Edge	McLean	Schall	
Ernst	Means	Shortridge	

NOT VOTING—28

Ashurst	Edwards	Heflin	Reed, Pa.
Bratton	Fernald	Keyes	Robinson, Ind.
Broussard	Ferris	King	Sackett
Capper	Gerry	Lenroot	Smith
Cummins	Gillett	McKinley	Smoot
Curtis	Glass	Moses	Underwood
du Pont	Greene	Norbeck	Warren

So the amendment of Mr. NORRIS was agreed to.

Mr. BINGHAM. I desire to submit an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The CHIEF CLERK. The Senator from Connecticut proposes to strike out in the amendment suggested by the Senator from Utah [Mr. KING] and accepted by the Senator from Arkansas [Mr. ROBINSON] the words "and include one who is a progressive Republican," so as to read:

That a special committee composed of five Senators, three of whom shall be members of the majority and two of whom shall be members of the minority——

Mr. BINGHAM. Mr. President, I will state very briefly for the benefit of some Senators who were not in the Chamber at the time of the discussion——

Mr. KING. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. KING. I raise the point of order that the amendment offered by the Senator from Connecticut is not in order at this time. The amendment offered by the Senator from Utah, which was a change in the original resolution, was agreed to, and this is practically a vote upon the same question.

Mr. BINGHAM. The amendment was not agreed to. If there had been any question of the amendment being agreed to by anyone except the originator of the original resolution, I would have moved my amendment at that time. That is the reason why I directed to the Chair a parliamentary inquiry, whether the amendment as suggested by the Senator from Utah is now a part of the original resolution, and I was informed that it is.

Mr. KING. If I may be pardoned, while my amendment did not follow all of the parliamentary proceedings involved in the adoption of an amendment, the effect was the same as if the Vice President had formally submitted the question upon the amendment offered by the Senator from Utah.

Mr. ROBINSON of Arkansas. Mr. President, if there was no vote taken upon the amendment proposed by the Senator from Utah, if I was permitted to accept the amendment and incorporate it in my resolution, I think it would be fair to permit the Senate to vote on an amendment to it, because the effect of that action was just the same as if the original resolution had incorporated the amendment proposed by the Senator from Utah.

Mr. KING. I submit the point of order.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken.

Mr. BINGHAM. Mr. President, I should like to explain very briefly the reason for the amendment.

The resolution as drafted refers to two classes of persons—those who bear a party label, namely, those in the majority and in the minority, and those who have a distinction given them as a matter of opinion, a state of mind which the Vice President may or may not consider them to have entered into. Therefore it seems to me it is highly improper to combine the two things; and I have moved to strike out that part of the resolution which refers to the Vice President's opinion of the state of mind, and to leave it merely in the form in which it refers to those having a party label.

Mr. BORAH. Mr. President, I understand that if this language is stricken out the Vice President's authority will be confined to the appointment of Democrats and Republicans.

Mr. BINGHAM. Members of the majority and the minority. If the resolution should be amended as proposed by the Senator from Connecticut, there will be nothing in it to prevent three so-called progressive Republicans from being placed on the committee. It merely says "three from the majority party and two from the minority party."

Mr. ROBINSON of Arkansas. Mr. President, a few moments ago, when the amendment proposed by the Senator from Nebraska [Mr. NORRIS] was pending, I stated that I did not believe the amendment was necessary, because the language of the resolution was broad enough to enable the committee to investigate any subject connected with the agents of the Tariff Commission in the administration of the tariff laws or with the manner of the operation of the tariff laws. To have voted against the amendment, however, would have been construed by the committee itself as an instruction not to investigate the subject matter of the amendment proposed by the Senator from Nebraska; and that was the reason why I voted for the amendment.

The proposal of the Senator from Connecticut has the same principles applicable to it. The question has been raised here as to how this special committee shall be constituted. My purpose in accepting the amendment creating a special committee of five, instead of referring the investigation to the Finance Committee, was to make certain that the outstanding viewpoints reflected in the Senate touching the subject of the tariff and the administration of the tariff laws should be represented on the membership of the committee. For that reason I favored giving the progressive Republicans in this body representation on the committee.

To adopt the amendment of the Senator from Connecticut after the discussion that has taken place here, and strike out the words "progressive Republican," might very well be construed as an expression of opinion by the Senate that the progressive Republicans in this body should not be represented on the committee. I think they ought to be represented. I think they are entitled to representation and that the best interests of the country require that they shall be represented.

For that reason I shall vote against the amendment proposed by the Senator from Connecticut.

Mr. BRUCE. Mr. President, just two or three words to call attention to the fact that it seems to me that there is a special reason why there should be a progressive Republican upon this committee. It is that the great States of the Northwest are mainly agricultural States and have a peculiar interest, of course, in the operation of the tariff. We all know that there has been a great deal of discontent in those States in relation to the actual workings of the tariff, so it seems to me that it is peculiarly proper that there should be a progressive Republican upon this committee.

I am bound to add, before I take my seat, as a result of my observation of this body, that, including the two Democratic

progressives in this body, if I may call them such, decidedly the most cohesive element in it is the progressive element. I think that the progressives in the Senate are as richly entitled to the character of a party as either of the other two elements in the Chamber.

Mr. NORRIS. Mr. President, I regard this resolution as one of considerable importance. I should like to see the Senate take no hasty action. I want to see a committee selected that will command the respect of the country, because I think they are going to have a very important task, and one that will attract a great deal of attention. Not only ought this to be a committee that will have the respect of the country, but it ought to be known at the time of its appointment that it is going to the bottom of whatever it investigates; that it has no ax to grind; that it has no political party to serve, but that it is going to get the truth, no matter where it may cause it to go.

There has been some feeling in regard to the matter. There is more than appears on the surface of the amendment that is pending now. As I said in the course of the debate, so far as I am concerned I am willing to leave it without any limitation to the Vice President, although I am going to vote against this amendment for the reason that since it is there, a vote any other way would be misconstrued. I believe it to be the duty of the Vice President, when he appoints this committee, as it would be his duty in appointing any other committee, to appoint in the first place a committee the majority of whom are in favor of the investigation. He ought to preclude any possibility that there is going to be a whitewash here, and he ought to preclude any possibility that it is going to be a committee moved only by disreputable motives, for the purpose of finding fault with somebody, or for the purpose of injuring somebody. It ought not to be either extreme; and when we think it over calmly everybody will agree, I think, to both of those propositions.

If the matter were allowed to rest just a little while, to cool off just a little, if Members would think about it and have consultations back and forth and have consultations with the Vice President, I think it would not be a difficult matter, and this committee would be appointed practically by unanimous consent, and it would be one that would command the entire respect of everybody here in the particular work it is going to have to do.

I would rather, myself, that we did not vote on this matter at once. Perhaps it can all be agreed to. If it is obnoxious or offensive to anybody to put such limitations upon the appointing power of the Vice President, I do not want to do it. I do not know any reason, however, why the committee to be appointed should not be composed of Senators who feel it their duty to make an investigation thoroughly, honestly, and fairly.

Before we vote on this question, Mr. President, I want to relieve the Vice President, no matter how this vote may go, of one responsibility that might be embarrassing to him. I can not help but feel that the motion probably affects me personally more than any other Member of the Senate. I would not feel that way if it had not been for the fact that in the course of the debate my name has been mentioned in connection with this committee. There is only one so-called progressive, and in the course of the debate my name has been mentioned a great many times by those who favor the resolution as one who ought to be on this committee.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. NORRIS. In just a moment I will yield.

There is another reason, Mr. President, that seems to me to relieve this question entirely of any bias or prejudice or ill will or bad feeling that may come. I was the Senator who brought to the attention of the country—not entirely alone, but perhaps more than any other Senator—one of the phases that this committee is going to be called upon to investigate. It has been charged hundreds of times in partisan newspapers over the country that in doing that I was moved by motives that were not honorable, and that I did it only for the purpose of injurying somebody, or finding fault with somebody; and very often it was said that I was trying to create trouble within my own party. If I was moved by anything of that kind I was unconscious of it, but I recognize that those charges had to come; and I am very anxious that this investigation shall start out without any possibility of a cloud on the committee that is going to make the investigation, because if I were put on it I realize that those charges would be made. It would be said, "Here is an unfair committee starting out," and an impression would be spread more or less all over the country that would affect the work of the committee, and interfere, to quite an extent, with its proper investigations. So I want to say now, before we vote on this question, before we know whether we are going to be in or out, for the benefit of the Vice President in case the resolution should afterwards be passed, that I will not accept a place on this committee.

The only reason why I hesitate to say that is because, as the Chair knows, I am declining something that as a matter of fact has not been offered to me, and perhaps never would have been offered to me; and in that respect it may be just a little embarrassing. I would not have mentioned it if it had not been so often referred to in the debate.

It seems to me, Mr. President, that the wording of the resolution ought not to be offensive to anybody. I believe there ought to be that kind of a Republican on this committee. I think if we did not hurry too much we could perhaps agree on somebody, perhaps on the full membership of the committee.

I remember that the discussion on the resolution for the Daugherty investigation ran along here for several days, and before we came to a final settlement there was a unanimous-consent agreement as to just who the members of the committee would be.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BINGHAM].

Mr. BINGHAM and Mr. McKELLAR called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST], and will vote. I vote "nay."

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON], and therefore withhold my vote.

Mr. BROUSSARD (when his name was called). Making the same announcement as to my pair as on the previous roll call, I withhold my vote.

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I transfer that pair to the junior Senator from Alabama [Mr. HEFLIN], and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from New Jersey [Mr. EDWARDS], and vote "nay."

Mr. STANFIELD (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. KEYES] and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following pairs:

The senior Senator from Kansas [Mr. CURTIS] with the senior Senator from Michigan [Mr. FERRIS]; and

The junior Senator from Massachusetts [Mr. GILLETT] with the senior Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 29, nays 41, as follows:

YEAS—29

Bingham	Ernst	Metcalf	Stanfield
Butler	Fess	Oddie	Wadsworth
Cameron	Goff	Pepper	Weller
Couzens	Gooding	Phipps	Williams
Cummins	Hale	Pine	Willis
Dale	Harreld	Schall	
Deneen	McMaster	Shortridge	
Edge	Means	Smoot	

NAYS—41

Bayard	Glass	McNary	Shipstead
Blease	Harris	Mayfield	Simmons
Borah	Harrison	Neely	Stephens
Brookhart	Howell	Norris	Swanson
Bruce	Johnson	Nye	Trammell
Caraway	Jones, N. Mex.	Overman	Tyson
Copeland	Jones, Wash.	Pittman	Walsh
Dill	Kendrick	Ransdell	Wheeler
Fletcher	King	Reed, Mo.	
Frazier	La Follette	Robinson, Ark.	
George	McKellar	Sheppard	

NOT VOTING—26

Ashurst	Fernald	Lenroot	Sackett
Bratton	Ferris	McKinley	Smith
Broussard	Gerry	McLean	Underwood
Capper	Gillett	Moses	Warren
Curtis	Greene	Norbeck	Watson
du Pont	Heflin	Reed, Pa.	
Edwards	Keyes	Robinson, Ind.	

So Mr. BINGHAM's amendment was rejected.

The VICE PRESIDENT. The question is upon agreeing to the resolution as amended.

Mr. SMOOT. Mr. President, I want to call to the attention of the author of the resolution and to the attention of the Senate the fact that as the resolution was introduced the Committee on Finance was authorized to make the investigation. Therefore, no provision was necessary for the payment of the expenses of the investigation. The resolution provides that—

> The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

Of course, that will involve some expense, and that being the case, under the law, the Committee to Audit and Control the Contingent Expenses of the Senate must pass upon the measure.

Mr. ROBINSON of Arkansas. I will move to strike that provision out of the resolution and will let the committee itself report a resolution making the authorization.

Mr. SMOOT. I was just about to ask the Senator which he would rather do. I do not want to hinder the passage of the resolution for a moment, but that matter will have to be taken care of.

Mr. ROBINSON of Arkansas. I move to strike out the language commencing with line 8, down to and including line 11. I will state that it is expected that if the language shall be stricken out, the special committee, when it shall have been created, will report a resolution giving it the authorization necessary.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 8, to strike out down to and including line 11, as follows:

> The committee may summon witnesses, administer oaths, hear testimony, and compel the production of papers, documents, books, and records in the possession of or kept by the Tariff Commission.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. NORRIS. I did not quite understand the Senator from Arkansas. He said that the special committee would report.

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. He means the Committee to Audit and Control the Contingent Expenses of the Senate, does he not?

Mr. ROBINSON of Arkansas. No. In the regular course of events the special committee will submit to the Senate a resolution authorizing it to incur expenses in connection with the hearings, and that will automatically go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. WADSWORTH. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. GOODING. I ask unanimous consent that Senate bill 575 be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

WAR DEPARTMENT APPROPRIATIONS

Mr. WADSWORTH. Mr. President, I ask that the Senate resume the consideration of the War Department appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

Mr. WADSWORTH. I ask that the Senate turn, in the consideration of the bill, to page 38, line 13. Through an error in printing the words "including necessary traveling expenses" are found on that line, and they should be stricken out, for that phrase, or its equivalent, occurs on line 6 of the same page in an amendment already adopted.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The clerk will state the amendment.

The CHIEF CLERK. On page 38, line 12, to strike out the comma after the word "validated" and the words "including necessary traveling expenses."

The amendment was agreed to.

Mr. KING. I would like to ask the Senator from New York whether the two provisions found in the bill permitting the employment of certain experts at not to exceed $50 a day was approved by the Bureau of the Budget, and whether, if it was approved by the Budget, they took into account the certain effect upon other appropriation bills and the certain demand which will be made for the employment of so-called experts in all of the departments of the Government? I am asking for information and not by way of criticism.

Mr. WADSWORTH. Mr. President, the two provisions found in this bill, one relating to the Army Air Service and the other to the Ordnance Department, are putting into effect a practice which has existed for some time and which was regarded as legal with respect to per diem allowances until the comptroller ruled that the allowances could not be paid in those amounts. This is for the purpose of validating in past payments made in good faith. My recollection is that the practice has the approval of the Budget. Its continuation excites no criticism or objection from the Budget.

Mr. KING. It will mean no additional expense?

Mr. WADSWORTH. Not over what has been expended in the past. It is limited to $10,000 a year altogether.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the subhead "Medical and Hospital Department," on page 43, at the beginning of line 16, to strike out "$1,197,011" and insert "$938,255," so as to read:

> For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for tuition of officers of the Medical Department, including the Army Nurse Corps, under section 127-a of the Army reorganization act approved June 4, 1920; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $938,255.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer School," on page 46, line 12, after the word "instruction," to insert a comma and "$29,835," so as to read:

> And for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction, $29,835.

Mr. McKELLAR. Mr. President, I rise at this point to ask the Senator from New York a question, which does not, however, apply to this amendment at all. What provision is there in this bill for the buying of nitrates? I remember we had quite a large amount of nitrates on hand at some point in the West, and I do not know whether we have been buying any for the Army since. Can the Senator give me any information about that?

Mr. WADSWORTH. In reply to the inquiry of the Senator from Tennessee let me say that there is no direct appropriation in this bill for the purchase of nitrates for the Army.

Mr. McKELLAR. We still have a supply on hand from that accumulated during the war?

Mr. WADSWORTH. We have. The appropriation in this bill will make possible the manufacture of small-arms ammunition to a certain extent, very limited, and also for certain

types of ammunition for field artillery, the surplus of which has been exhausted. Of course, the manufacture of ammunition involves the use of nitrates, but there is no provision in this bill for the purchase of any raw nitrate.

Mr. McKELLAR. Can the Senator give me any information about the average cost of nitrates per year, or the average amount used in tons?

Mr. WADSWORTH. No; I could not. We have been manufacturing so little ammunition in the last four or five years, since the war, that the amount would be negligible. We have been using the surplus of ammunition, and it is only in this last year that certain types of ammunition, just a few types, which have been carried in reserve, have been exhausted, and this bill permits the replenishment of the reserves by a small appropriation.

Mr. McKELLAR. My recollection is, from information received during the time I served on the Military Affairs Committee with the Senator from New York, that after the war we stored a very large amount of nitrates at some points in Iowa. I have forgotten just where, and I suppose we have been drawing on those reserves for some time. I was wondering whether any of it was still left.

Mr. WADSWORTH. Oh, yes; there is some left. I think it is at Ogden, Utah. I am not certain, but I think so.

The PRESIDING OFFICER. The question is on agreeing to the amendment on line 12, page 46.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, under the subhead "Engineer School," on page 46, at the end of line 18, to strike out the comma and "$29,835," so as to read:

Provided further, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, United States," on page 48, line 22, after the figures "$200,000," to insert: "and in addition thereto the sum of $100,000 of the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1923,' and reappropriated for 1925, is hereby reappropriated and made available for the fiscal year 1927, for the purposes named in this paragraph," so as to read:

For protection, preservation, and repair of fortifications for which there may be no special appropriation available, and of structures for the submarine mine defense of the United States and for maintaining channels for access to submarine mine wharves, $200,000, and in addition thereto the sum of $100,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1923," and reappropriated for 1925, is hereby reappropriated and made available for the fiscal year 1927, for the purposes named in this paragraph.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, Panama Canal," on page 50, line 6, after the figures "$100,000," to insert: "and in addition thereto the sum of $400,000 of the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1924,' is hereby reappropriated and made available for the fiscal year 1927, for the purposes named in this paragraph," so as to make the paragraph read:

For preparation of plans for fortifications and other works of defense, including surveys for roads, Canal Zone, $3,000.

For the construction of seacoast batteries on the Canal Zone for defense of the Panama Canal, $100,000, and in addition thereto the sum of $400,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," is hereby reappropriated and made available for the fiscal year 1927, for the purposes named in this paragraph.

Mr. McKELLAR. Mr. President, may I ask the Senator in charge of the bill whether he can say why the amounts were not spent last year for the National Guard? I see they are reappropriated, both the amount on page 50 and the amount on page 48.

Mr. WADSWORTH. That was not last year's appropriation. It was an appropriation of the previous year, 1924, as the Senator will see by the wording of the amendment. The explanation given to the committee was that the recruiting of the guard and its enlargement had been halted during that fiscal year, with the result that it did not require the entire appropriation to arm and equip it.

Mr. McKELLAR. I was interested because of the situation in the National Guard in my own State. I was informed by the department that they did not have the money. I notice that the appropriation was for 1924 instead of 1925, but I imagine, if they had the sums which seem to have been appropriated in previous years, they could easily have gotten authority for making the appropriations available for succeeding years to build up the National Guard.

Mr. WADSWORTH. I may say to the Senator that it is extraordinarily difficult to make in advance an accurate estimate of the cost of the National Guard for any one year. It fluctuates in its strength, and the recognition of new units brings in variable elements of expenditure, so that, so far as my experience teaches me, we have never yet had a really accurate estimate of just what the guard is going to cost. We come pretty close to it, but occasionally we incur a deficit and occasionally we find ourselves with a surplus.

Mr. McKELLAR. How does this appropriation, including appropriations made this year and reappropriation of the amounts appropriated for 1924, compare with the amount that was appropriated last year?

Mr. WADSWORTH. The appropriation carried in the bill for the support of the National Guard for the next fiscal year is larger than the appropriation for the current year.

Mr. McKELLAR. Does the Senator recall about how much larger it is?

Mr. WADSWORTH. About $1,000,000 larger. It will permit the guard to maintain an average strength of about 185,000 men. The increase is largely due to the fact that the surplus of arms, uniforms, and equipment in the hands of the War Department, upon which the guard has been drawing from time to time, is approaching exhaustion, so that the item for arming and equipping the National Guard as carried in the bill has had to be increased over the corresponding item for the present fiscal year. In other words, we can not live on our fat much longer. We must go into the market and buy.

Mr. FLETCHER. Mr. President, I think one explanation of the surplus is that there were not as many drills as they expected there would be during that year, and therefore they did not need quite as much money as was appropriated. There was a falling off in the number of drills.

Mr. WADSWORTH. For the purpose of the record and for the information of those Senators who are present and interested in the matter, I desire to make a brief statement concerning the amendment on page 50. It will be seen that the House bill carries an appropriation of $100,000 for the construction of seacoast batteries on the Canal Zone for defense of the Panama Canal. The Senate committee proposes that $400,000 be added to that amount out of the unexpended balances which the Senator from Tennessee and I have just been discussing. Here is the situation:

By previous acts of Congress appropriations were made for the purpose of at least starting the work. On the Pacific side of the Canal Zone, at or near the Pacific entrance to the canal, the War Department has been erecting four 16-inch gun batteries. Those guns are the last word in heavy artillery, with a range which certainly is equal to and probably excels that of any other gun. The engineers build the emplacements for guns, and it will be noticed that the appropriation comes under the head of the Engineer Corps. To build the emplacements for the four guns, with their magazines and all the machinery to operate them, is quite an undertaking and will cost about $1,100,000.

The four guns themselves are ready. Two of them are actually in place in improvised emplacements. Three of the carriages to support the four guns are ready and the fourth is being manufactured and will be finished shortly. But with an annual appropriation of only $100,000 to build an emplacement which will cost $1,100,000, it will take 11 years to build the emplacements in which these guns are to be used. Your committee thought that was not true economy. If we are to have the guns, and we have them, and the carriages, and we will have all the carriages in a few months, we might as well place the guns. Therefore the committee added $400,000 of the unexpended balance to the House appropriation and Budget estimate of $100,000 to expedite the completion of the emplacements.

Mr. McKELLAR. How long will it take to complete them?

Mr. WADSWORTH. The emplacements could be done in about a year and a half if the Engineer Corps had the money, but it will take 11 years at the rate the appropriations are proposed by the Budget and adopted by the House.

Mr. McKELLAR. It seems to me the provision suggested by the committee is a very wise one.

Mr. WADSWORTH. The money will have to be spent some day, and it is economical to do it with one "bite of the cherry" rather than to extend it over a term of 11 years.

Mr. KING. Does the Senator think it is wise to retain such large unexpended balances which have been appropriated for some particular activity and then divert them to an activity of an entirely different character? Ought not the appropriation, if it were not used for the specific purpose designated, to have been covered back into the Treasury and then a reappropriation made for the very important work which the Senator has indicated? It is just a matter of policy.

Mr. WADSWORTH. As a matter of fiscal policy, of course I believe in appropriating direct each year for what we need for the next fiscal year. Of course errors are made in estimates. They can not be accurate to the last cent. An appropriation made by the Congress for the support of the Army is available for two years under the Constitution and no longer. This fund under ordinary circumstances would be covered back into the Treasury on June 30 next, which would mark the expiration of the year following the year for which it was appropriated. I would rather see every appropriation clearly defined, accurately estimated each year; but sometimes, as the Senator knows, elements enter into the situation which we can not anticipate, and the committee thought in this case it was a wise way to use the money.

Mr. McKELLAR. It is purely a question of bookkeeping.

Mr. WADSWORTH. That is all.

Mr. KING. It is more than a question of bookkeeping, because the figures would show an appropriation of a given sum last year or the year before, but that a portion of the amount was actually not expended. We reappropriate that money now, and it will bear upon its face the indicia of a new appropriation, so that it will appear as though our expenses are greater than they actually are. It seems to me it is an unwise policy.

Mr. McKELLAR. The Senator need not concern himself very much about it, because there are not a great many of these unexpended balances.

The PRESIDING OFFICER. Without objection, the amendment on page 50, line 6, is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Ordnance Department, Ordnance Service," on page 52, line 9, after the figures "$1,066,500," to insert a colon and the following proviso:

Provided, That the Ordnance Department is hereby authorized to employ under its various appropriations not exceeding four consulting engineers as the Secretary of War may deem necessary at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses, including a per diem not to exceed $4 in lieu of subsistence: *Provided further*, That amounts heretofore paid or obligated for such services and expenses are hereby authorized and validated.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance stores, ammunition," on page 52, line 26, to strike out "$2,801,135" and insert "$2,861,265," so as to make the paragraph read:

For the development, manufacture, purchase, and maintenance of airplane bombs, pyrotechnics, grenades, ammunition for small arms, targets, and accessories for bomb, small arms, and machine-gun target practice; and ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized, $2,861,265.

The amendment was agreed to.

The next amendment was, under the subhead "Chemical Warfare Service," on page 59, line 11, to strike out "$1,207,980" and insert "$1,232,980, of which sum not to exceed $25,000 may be used in completing agricultural research experiments in exterminating the cotton-boll weevil," so as to read:

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, research, design, experimentation, and operations connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuel, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and adding machines, including their exchange, office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals which may be paid for in advance; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges, $1,232,980, of which sum not to exceed $25,000 may be used in completing agricultural research experiments in exterminating the cotton-boll weevil.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, insular possessions," on page 64, line 9, after the name "Hawaiian Islands," to strike out "$40,000" and insert "$90,000, and in addition thereto the sum of $100,000 of the unexpended balances of the appropriation for 'Arming, equipping, and training the National Guard, 1923,' and reappropriated for 1925, is hereby reappropriated and made available for the fiscal year 1927 for the purposes named in this paragraph," so as to read:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus and materials, coast-signal apparatus, subaqueous, sound, and flash ranging apparatus, including their development, and salaries of electrical experts, engineers, and other necessary employees connected with the use of Coast Artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture in the Hawaiian Islands, $90,000, and in addition thereto the sum of $100,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1923," and reappropriated for 1925, is hereby reappropriated and made available for the fiscal year 1927 for the purposes named in this paragraph.

The amendment was agreed to.

The next amendment was, under the subhead "Militia Bureau, National Guard, arming, equipping, and training the National Guard," on page 68, at the end of line 19, to increase the appropriation for expenses, camps of instruction, from $9,670,517 to $9,872,517.

The amendment was agreed to.

The next amendment was, on page 68, at the end of line 22, to increase the appropriation for expenses, selected officers and enlisted men, military service school, from $308,000 to $400,000.

The amendment was agreed to.

The next amendment was, on page 69, line 5, to increase the appropriation for travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard from $300,000 to $375,000.

The next amendment was, on page 71, line 2, after the words "National Guard," to insert the words "and 'Arms, uniforms, equipment, etc., for field service,'" so as to read:

The appropriations herein made for "Arming, equipping, and training the National Guard" and "Arms, uniforms, equipment, etc., for field service" shall be available until December 31, 1927.

The PRESIDING OFFICER. There seems to be some confusion in the print with reference to the amendment just stated.

Mr. McKELLAR. It does not appear on page 71 of the print I have.

Mr. WADSWORTH. I can explain it. The committee amendment comes in after the words "National Guard" on page 71, line 2. One print before the Senators does not contain it. The other print contains it in Roman type. It should be in italics. It is merely to correct a matter of giving the proper title to the unexpended balance.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Organized Reserves," on page 72, line 24, after the numerals "1924," to strike out "$525,000" and insert "$528,300," so as to read:

Headquarters and camps: For establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for transportation of baggage, including packing and crating, of reserve officers on active duty for not less than six months; for medical and hospital treatment, continuation of pay and allowances not to exceed six months, and transportation when fit for travel to their homes of members of the Officers' Reserve Corps and Enlisted Reserve Corps of the Army injured in line of duty while on active duty under

proper orders or while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, and for the preparation and transportation to their homes and burial expenses of the remains of members of the Organized Reserves who die while on active duty, as provided in section 4 of the act of June 3, 1924, $528,300.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

For travel of officers and noncommissioned officers of the Regular Army in connection with the Organized Reserves, $100,000.

The amendment was agreed to.

Mr. KING. Mr. President, I notice on page 69 an item for travel of officers and noncommissioned officers, $375,000, and now the item just read carries $100,000. Does the Senator think that both amounts are necessary? Is not the work so closely integrated that the officers who discharge the duties with respect to one matter can perform the duties with respect to the other?

Mr. WADSWORTH. No; they are two entirely different sets of officers assigned to entirely different work. One group of Regular Army officers are assigned as instructors for the National Guard. In other words, to use an ordinary phrase, they are the "coaches" of the guard. They are taken care of by the item of $375,000 on page 69. The other item on page 73 is for the use of officers of the Regular Army and noncommissioned officers who are assigned to the Organized Reserves and who must of necessity visit the several units of the reserve organization to which they are assigned in order that they may give them proper instruction and training.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Citizens' military training, Reserve Officers' Training Corps," on page 76, line 12, after the word "vehicles," to strike out "$3,911,493" and insert "$3,926,493," so as to read:

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920; for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps injured in line of duty while at camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916, as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in section 4 of the act approved June 3, 1924; and for the cost of maintenance, repair, and operation of passenger-carrying vehicles, $3,926,493, to remain available until December 31, 1927.

The amendment was agreed to.

The next amendment was, on page 77, line 5, after the word "exceed," to strike out "$100" and insert "$15,000," so as to read:

Provided further, That not to exceed $15,000 of the total appropriated by this act may be expended for the transportation of authorized Reserve Officers' Training Corps students who may be competitors in the national rifle match and to subsist them while traveling to and from said match and while remaining thereat.

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' military training camps," on page 79, at the beginning of line 7, to strike out "$2,807,471" and insert "$2,820,671," so as to read:

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence for travel to and from camps travel allowances at 5 cents per mile, as prescribed in said section 47d; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for gymnasium and athletic supplies (not exceeding $15,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications; for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the citizens' military training camps injured in line of duty while attending camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916, as amended, and for the cost of preparation and transportation to their homes and burial expenses of the remains of civilians who die while attending camps of instruction, as provided in section 4 of the act approved June 3, 1924; in all, $2,820,671, to remain available until December 31, 1927.

The amendment was agreed to.

The next amendment was, under the subhead "National Board for Promotion of Rifle Practice, Quartermaster supplies and services for rifle ranges for civilian instruction," on page 80, at the end of line 23, to strike out "$40,700," and insert "$101,700," so as to read:

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services, not exceeding $20,000; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, and their participation in national and international matches, to be expended under the direction of the Secretary of War, and to remain available until expended, $101,700.

The amendment was agreed to.

The next amendment was, on page 80, line 25, after the word "exceed," to strike out "$100" and insert "80,000," so as to make the proviso read:

Provided, That out of this appropriation there may be expended not to exceed $80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Nonmilitary activities of the War Department, Quartermaster Corps, national cemeteries," on page 84, line 14, after the word "cemeteries," to strike out "$180,000, of which amount $10,000 shall be expended by the Secretary of War toward erecting a fitting marking of the burial place, at Washington Crossing Park, Pa., of 40 soldiers who died in the American Revolution," and insert "$170,000," so as to make the paragraph read:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines, and soldiers, sailors, and marines of all other wars in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; and fur-

nishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $170,000.

The amendment was agreed to.

The next amendment was, under the subhead "National military parks, Chickamauga and Chattanooga National Military Park," on page 88, line 6, after the word "maintenance," to insert "including not exceeding $5,000 for posts and guard rails on highways," and at the end of line 8 to strike out "$73,265" and insert "$78,265," so as to make the paragraph read:

For continuing the establishment of the park; compensation and expenses of the superintendent, maps, surveys, clerical and other assistance; maintenance, repair, and operation of one motor-propelled and one horse-drawn passenger-carrying vehicle; office and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; roads and their maintenance, including not exceeding $5,000 for posts and guard rails on highways; repair or removal of towers, purchase of small tracts of lands heretofore authorized by law, $78,265.

The amendment was agreed to.

The next amendment was, on page 90, line 25, to strike out "$155,167" and insert "$157,167," so as to make the paragraph read:

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1928, from the receipts of the Washington-Alaska military cable and telegraph system which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, $157,167.

The amendment was agreed to.

The next amendment was, under the subhead "Construction and maintenance of roads, bridges, and trails, Alaska," on page 92, line 20, after the word "amended," to strike out "$751,000" and insert "$1,000,000," so as to read:

For the construction, repair, and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, $1,000,000, to be immediately available, and to include $1,000 compensation to the president of the Board of Road Commissioners for Alaska, in addition to his regular pay and allowances.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 95, at the end of line 13, to strike out "$430,000" and insert "$410,000," so as to make the paragraph read:

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; food supplies purchased for the subsistence of the members of the home and civilian employees regularly employed and residing at the branch, freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; tobacco; dining-room and kitchen furniture and utensils; bakers' and butchers' tools and appliances, and their repair not done by the home, $410,000.

The amendment was agreed to.

The next amendment was, on page 97, line 5, to reduce the appropriation for Central Branch, National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, from $1,187,500 to $1,167,500.

The amendment was agreed to.

The next amendment was, on page 99, line 18, to reduce the total appropriation for the National Home for Disabled Volunteer Soldiers from $7,705,100 to $7,685,100.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. This completes the committee amendments.

Mr. WADSWORTH. Mr. President, I have been instructed by the committee to offer the amendment which I send to the desk.

The PRESIDING OFFICER. Which the Secretary will state.

The CHIEF CLERK. On page 10 it is proposed to strike out all after the numerals "$2,658,790," in line 20, down to and including line 23, and insert in lieu thereof the following:

: *Provided*, That hereafter enlisted men entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided further*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense.

Mr. KING. Mr. President, will the Senator from New York explain the purpose of that amendment?

Mr. WADSWORTH. Mr. President, a curious and unlooked-for state of affairs has developed with respect to the allowances which may be given to enlisted men of the Regular Army in lieu of quarters or subsistence. The pay law provides that when a noncommissioned officer or an enlisted man is assigned to a place where there are no Government quarters; that is, at a place far removed from an Army post, he shall get a certain allowance with which to pay his rent; but the law is so phrased at present, and has been so construed by the comptroller, as to bring about a situation like this: A sergeant, for example, a man with a family, is drawing a rental allowance while he is not living in Government quarters. He receives an order to go to another place temporarily and remain there two or three weeks or two or three months. He has to obey the order. He may be sent to a training camp to assist in training some citizen components of the Army during the summer; he has to leave his family in the quarters which he is renting, for which he has been paying out of his rental allowance. If he does go to the other point in response to the order to perform duty at that place, he loses his rental allowance. Of course it places him in an almost impossible situation. It is true he himself can be living in a tent at the training camp and getting his food, but in the meantime his family are deprived of all rental allowance from the Government.

Another instance has arisen which is even more trying. It has been held now that a sergeant, for example, who is drawing rental allowance will lose that rental allowance if he falls sick and has to go to a hospital, on the theory, I suppose, that he himself is getting his living at the hospital, his food and his shelter; but, of course, it is a catastrophe to that man, not only because he is ill but because the fact that he is ill automatically starves his family.

So this amendment which the Senate committee proposes, and which was dealt with in part in the House in the language of the bill which is found on page 10, in lines 20 to 23, provides:

Provided, That hereafter enlisted men entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided further*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense.

It has to do with rental allowance instead of subsistence. It is merely a matter of decency and justice to these men.

Mr. KING. Will the amendment increase the expense?

Mr. WADSWORTH. Only infinitesimally. The increase will be exceedingly small.

Mr. KING. And it does not permit duplication?

Mr. WADSWORTH. None; that is impossible.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I offer another amendment.

The PRESIDING OFFICER. Which the Secretary will state.

The CHIEF CLERK. On page 35, in lines 6 and 7, it is proposed to strike out the words "but not including hiring of personnel."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KING. Will the Senator from New York, please, explain that? Is that an increase or a limitation?

Mr. WADSWORTH. Mr. President, here is the situation with respect to that: The Senator from Utah may know that the Signal Corps of the Army has a radio net extending over the country, linking up the War Department with a considerable number of Army posts. I suppose it might be said that the center of that net is here in Washington. The War Department itself is linked up by it. It is the earnest desire of the Signal Corps to extend that service to the Capitol Building.

Mr. KING. Does the Senator mean the Capitol here in Washington?

Mr. WADSWORTH. Right here in Washington. That will involve the employment of three or four telegraphers to send the news from the Capitol here to the radio broadcasting set which the Signal Corps maintains for the purpose of sending messages to the various parts of the country where the War Department has establishments. I have a letter here which is dated March 5, 1926, explaining the amendment.

Mr. KING. Mr. President, I may say to the Senator that I see no advantage in having the Capitol connected, because no executives are here and the legislative branch of the Government does not give orders to the War Department. There may be persuasive reasons, however, why the amendment should be agreed to.

Mr. WADSWORTH. I presume legislative messages will be carried. A good many of these stations are remote, and the War Department has to be in communication with them, any way. The map showing the extent of this work is rather an interesting one. I have here a letter written by General Lord to General Smither, the chief coordinator here in Washington, which is as follows:

BUREAU OF THE BUDGET,
Washington, March 5, 1926.

Gen. H. C. SMITHER,
Chief Coordinator.

MY DEAR GENERAL SMITHER: Yesterday Captain Jackson of your office and Major Sadtler of the Signal Corps brought to my attention a proposal to extend the War Department radio net so as to embrace the handling of telegrams for the legislative branch of the Government.

I presented this matter to the President this morning, and he offers no objection whatever to the proposal, but rather thinks that it is a thing which can very properly be done.

Major Sadtler stated to me that the last phrase appearing in the estimate for the Signal Service of the Army, on page 995 of the Budget for the fiscal year 1927, which reads "but not including the hiring of personnel," would prevent the extension of the radio net service to the legislative branch of the Government, for the reason that additional personnel would be required for such extension. In view of this, I have been authorized by the President to state that there will be no objection to the elimination of the phrase quoted above.

Sincerely yours,

H. M. LORD, *Director.*

I understand the number of persons required will be four.

Mr. KING. Mr. President, of course, it is a very insignificant item, and yet I can not conceive of any necessity for it. For instance, Congress will adjourn probably by the 1st or 15th of June, and possibly earlier, so there will be no legislative activity from then until next December, but these employees will be here, although there will be no news. As I have said, there will be no laws being enacted; no committees will be in session; there are no executive officers who stay here and no officers of the Army are here.

Mr. WADSWORTH. The service is at the disposal of all officers of the Government, including Members of Congress. It will permit legislative telegrams being sent to the various posts and points covered by the radio net of the Signal Service.

Mr. KING. Let me ask whether Senators and Representatives ever avail themselves of this service?

Mr. WADSWORTH. They can if they pay for it. It is not a service furnished free of charge to persons outside the Army.

Mr. KING. Of course, the instrumentalities are down at the War Department—the headquarters are there—and, in view of the fact that the Capitol is so close to the headquarters of the Army, and undoubtedly there are a number of telegraphers and the necessary machinery there for the purpose of transmitting all orders and all military information, I am not able to perceive any necessity for having telegraphers here.

Mr. WADSWORTH. I do not think it is a matter of immense importance; it is small.

Mr. KING. It would mean several thousand dollars a year, would it not?

Mr. WADSWORTH. No; it does not necessarily mean additional employees.

Mr. KING. I supposed it did.

Mr. WADSWORTH. Employees of the Signal Corps can be assigned to work of that kind, if the department so desires.

Mr. KING. I supposed it involved the creation of an enlarged personnel.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York in behalf of the committee.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I make the usual request that the clerks be authorized to make corrections in section numbers and in totals.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES of Washington. Mr. President, two or three years ago we made provision for a survey of the Tennessee River and its tributary waters. We have appropriated a little over $500,000 to carry on that survey. The engineers state, if it is carried out according to the original plans, that amount of money will be sufficient to complete the survey, but they say that it has been developed that if they are permitted to make further surveys of some of the smaller tributaries it will result in very great saving and also make possible the development of a much larger amount of water power. So I offer the amendment which I send to the desk, to come in on page 93, after line 25.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 93, after line 25, it is proposed to insert the following:

The limit of cost fixed for the completion of the survey of the Tennessee River and its tributaries as recommended in House Document 319, Sixty-seventh Congress, second session, is hereby increased to $790,800 and the survey extended to include tributaries with a drainage area of about 100 square miles, and the funds for the prosecution of this work within the limit above set out may be allotted from appropriations heretofore, herein, or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors: *Provided*, That reports of such survey or surveys may be made to the Congress from time to time, but the Engineer Department shall not give out information as to said surveys to other persons until after a report, partial or final, shall be made to the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Washington.

Mr. FLETCHER. That does not call for an additional appropriation, as I understand?

Mr. JONES of Washington. No; the amount will be paid out of the $50,000,000 appropriation carried by the bill.

Mr. FLETCHER. It will come out of the general appropriation made for rivers and harbors?

Mr. JONES of Washington. Yes.

Mr. FLETCHER. I think that is a very splendid work. It is not yet completed, but it has already proven to be of very great advantage, because they have found immense water-power possibilities. It involves three propositions—water-power development, navigation, and flood control—and I think it is important to carry on that work to completion. I am sure that we will get ample returns from that kind of an appropriation.

Mr. JONES of Washington. Let me read a paragraph from a letter which I received from the Chief of Engineers, whom I asked about this matter. He says in part:

It is now regarded as advisable to extend the survey to such tributaries as have a drainage area of about 100 square miles, where, on account of the great fall which may be obtained in special instances, such a small watershed will enable a dam to be built which will provide not less than 1,000 primary horsepower. It is believed that this extension of the survey will greatly add to the value of the survey now in progress—

And so forth.

Some of us think it is very advisable to have this amendment go to conference, in any event, in order that it may be given very careful consideration. As has been stated, the amount comes out of the $50,000,000 appropriation and does not increase the appropriation carried by the bill. I ask that the letter from which I have quoted may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, that order will be made.

The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 9, 1926.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: In accordance with your desire for a statement concerning the status of the Tennessee River improvement and the question of the advisability of extending the scope of the survey, I respectfully submit the following:

The plan for the survey for which the appropriation of $515,800 was made by Congress was that the survey should cover the main stream and those tributaries which would develop a reservoir storage capacity of power derivable from a watershed equivalent to 1,000 square miles or more. The survey has progressed to such point that it can be stated that it will be completed with the sum available if the plan originally adopted be adhered to. The survey so far performed, however, has shown that not only can a much greater development of power upon the main stream and the principal tribu-

taries be obtained than had been anticipated from any information possessed heretofore, but also that by the judicious use of reservoirs upon the smaller tributaries that primary power at the dams upon the larger streams can be materially increased. It appears that with reservoirs properly established and properly regulated upon the minor tributaries, the primary power at some of the larger dams can be so increased as to fully justify an extension of the survey to such point as will develop the facts concerning the locations at which the smaller reservoirs should be located. The upper Tennessee River and its tributaries lie in the region of greatest general rainfall in the United States, and both on this account and from the fact that the streams are in a mountainous region, where high dams can be established and large head of water maintained, a given area will develop a relatively large amount of power.

It has been found also as a result of the survey so far prosecuted that the high dams which will be built for power purposes will in most cases upon the main stream back the water up to such extent that there will be a navigable depth of 9 feet between these dams. Whether or not it will be possible to extend this 9-foot depth throughout the whole length of the river is one of the reasons why it is considered advisable to extend the survey to the lower river—a portion not originally included in the estimate for $515,800. It now appears not impossible to secure a navigable depth of 9 feet or greater upon the main stream and also upon the more important tributaries without any great cost to the United States, this depth being provided, as above indicated, as a result of the construction of the power dams.

It might be stated that the original estimate of $515,800 was based upon the assumption that that amount would be made available in one sum and the work could proceed uninterruptedly. Only $200,000, however, was appropriated at the outset, and the balance of the funds was not provided until two years later. In the meantime, the first appropriation had become exhausted, and the survey and drafting forces disbanded. It was necessary, therefore, to effect a reorganization which required a considerable direct expense and, in addition, the delay added materially to the overhead cost of the work.

It is now regarded as advisable to extend the survey to such tributaries as have a drainage area of about 100 square miles, where, on account of the great fall which may be obtained in special instances, such a small watershed will enable a dam to be built which will provide not less than 1,000 primary horsepower. It is believed that this extension of the survey will greatly add to the value of the survey now in progress, and as applications are now being received for the dams, which the survey has indicated will be desirable, it is extremely advisable that the necessary data for the most efficient and economical system should be made available as soon as possible.

It is estimated that the extension of the survey as here contemplated will cost about $275,000, and if this amount can be appropriated before the work now in progress is finished, all arrangements can be made to carry it on uninterruptedly with the present work at a very considerable saving in cost.

Very sincerely,

H. TAYLOR,
Major General, Chief of Engineers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, on page 93, line 20, I move to strike out "$50,000,000" and insert in lieu thereof "$40,000,000." The bill carries $50,000,000 for rivers and harbors, and my motion contemplates its reduction to $40,000,000. I regret to say, Mr. President, that I have no encouragement from Senators in offering this amendment. Most of the States will get a part of this huge appropriation. The little streams and canals within many of the States will receive further contributions from the Federal Treasury. We have already expended considerably more than $1,000,000,000 upon our rivers and harbors. More than one-half of this amount has been expended upon what some people euphemistically call "inland waterways." It would be more accurate to say that most of them are little streams and rivulets which never can be made available for transportation purposes.

A few years ago I took the trouble to examine all records of the Government dealing with rivers and harbors. I examined hundreds of reports and ascertained every little spring and stream and rivulet and canal upon which Federal money had been expended. There were literally scores, and indeed hundreds, where the flow of the water was from 1 to 2 and 3 feet in depth and but a very few feet in width. Many of them, as I have stated, were little brooks and country streams which during the greater part of the year were so small that they would scarcely float insignificantly small pieces of wood.

Upon hundreds of these streams there was no navigation. They are not navigable streams, and appropriations for their alleged development under no theory, as I understand the powers of the Federal Government, can be justified.

Mr. President, the records which I examined showed that there was less freight carried upon the inland waterways of the United States now than there was 50 years ago. Millions have been spent upon the Mississippi River and yet it carries but a small amount of freight, and the quantity transported is annually growing less. Many of the canals which have been constructed at great cost have been abandoned, and few, if any, serve any useful purpose. I repeat, that we have wasted approximately a half billion dollars upon our inland streams and waterways.

Mr. President, we will take up the consideration, perhaps to-morrow, of a railroad bill known as the railway long-and-short-haul measure. It seems to give some relief to various sections of the United States which have suffered from discriminatory freight rates imposed by the railroads and still permitted by the Interstate Commerce Commission. Senators have voted to permit these injustices to the intermountain section of our country, as well as to other sections, and yet have squandered millions upon our waterways which seem only to have aided the railroads in continuing unjust policies and maintaining inordinately high freight rates.

I was speaking of the Mississippi River, and referred to the fact that the boats found thereon are fewer now than in the days of Mark Twain. I am told, sotto voce, by my friend from Nevada [Mr. PITTMAN] "there are no boats upon the Mississippi."

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. KING. I yield to my friend.

Mr. BROUSSARD. I should not like that statement to go unchallenged. The Government is operating barges on the Mississippi River.

Mr. PITTMAN. Mr. President——

Mr. KING. I yield.

Mr. PITTMAN. Of course it is general knowledge that the Government is operating barges on the Mississippi and Warrior Rivers. I referred to private or individual companies. As a matter of fact, General Ashburn, in his testimony before the committee, stated that it would be impossible for private corporations or individuals to operate under the opposition that even the Government line receives.

Mr. KING. Mr. President, the statement of the Senator from Louisiana [Mr. BROUSSARD] and the statement made by the Senator from Nevada [Mr. PITTMAN] demonstrate the fact that our appropriations for water transportation, or at least many of them, have been of little utility. The Senator says there are barges upon the Mississippi River. It is true that there are a few, carrying a little freight and operated by the Government, and the Treasury of the United States meets the charges and any deficits that arise.

Mr. BROUSSARD. Mr. President, I will say to the Senator from Utah that the barge lines are making money. They have made money in the last few years.

Mr. FLETCHER. That is the testimony of General Ashburn—that they are operating profitably.

Mr. BROUSSARD. They are making money; and it is the intention of the Congress, as I undertake to interpret its policy, after the proper arrangement for the distribution of freight charges between the railroads and the barges, to permit these barges to be sold to private parties.

Mr. KING. Mr. President, the project to which the Senator has referred is merely a relic of the war. I recall that some citizens of St. Louis came to Washington during the war and urged, as a "war necessity," that the Government construct and operate barges upon the Mississippi River. We passed some ill-advised and improper legislation then, because it was supposed to be "necessary in the prosecution of the war." We were fired by patriotism and stimulted by considerable emotionalism, which led to some unwise legislation and some extravagances. I opposed the project then, believing that it would be a failure, and I think it has been a failure. Of course, I accept the word of my friend from Louisiana that there is no deficit now in the operation of the barges; but I venture the assertion that those who have furnished us the figures have not taken into account the capital invested, the insurance, the overhead which will be charged to the Government, because there are bound to be some governmental activities in connection with the supervision of it one way or another, and in one department or in another department of the Government.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator again?

Mr. KING. I yield.

Mr. BROUSSARD. If the Senator will take the trouble to read the reports made by General Ashburn, he will find that all expenses have been deducted from the earnings, and that depreciation has been charged against it and all operation costs of every kind, and still it shows a profit in its operation.

Mr. KING. Has there been taken into account the capital invested, and has provision been made for its amortization?

Mr. BROUSSARD. Yes, sir; everything has been taken into account.

Mr. PITTMAN. Mr. President——

Mr. KING. I yield to the Senator from Nevada.

Mr. PITTMAN. I have not my hand on the exact statement to which the Senator from Louisiana refers; but I have in my possession General Ashburn's statement, and I will read two little paragraphs which will be enlightening:

> The necessity for the passage of this act—

That is, referring to the Gooding bill—

> to me is so paramount that I am glad to have the opportunity of appearing here. I will probably be followed by rate experts. I do not claim to be a rate expert. You will have a mass of specific data presented to you that will befog you so that you will not know where you will stand unless you are a rate expert, and it takes from 30 to 40 years to become a rate expert.
>
> There is a basic principle involved. Congress has decided that it is their intention to protect, foster, and develop waterways, and to foster and preserve in full vigor both rail and water transportation. I believe that Congress was in earnest when it gave that expression of its policy. I know it was in earnest when it created the Inland Waterways Corporation and placed upon it the necessity and the duty of enforcing this thing.
>
> Now, as long as it remains in the power of the railroads to reduce their rates on account of actual competition to such a point that they can kill water transportation, water transportation can not come back. It is essential, as far as I can see from a waterway standpoint, that the railroads should have said to them now and effectively: "You have used these practices in the past, but the time has come to stop them. When we said we meant to encourage the waterways, we meant what we said. And you can no longer invoke this clause, the short-and-long-haul clause, because we intend to have water transportation come back." If that is done, then what are the railroads going to do? They are going to devote their energies to something besides destroying water transportation. You will find, if you could analyze it, that a large part of the so-called losses that the railroads have are losses which are due to rates which have been put in effect primarily to destroy water competition.

One other short paragraph in connection with that.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. Will the Senator wait until the Senator from Nevada gets through?

Mr. GOODING. I just wanted to ask that the Senator from Nevada state the official position that General Ashburn occupies. I should like to have it appear in the RECORD at this point; that is all.

Mr. PITTMAN. General Ashburn is a United States Army officer who is in general charge of the Government barge line or barge corporation on the Mississippi and Warrior Rivers, and was taken out of the Army and placed in that position by reason of being an expert in that line.

He says:

> I am convinced that no agency, other than the Government of the United States, would have withstood such vicious assaults made upon our demonstration, such misrepresentations of facts, such combined attacks to belittle the demonstration and to prevent the success, as the Government has, in the reestablishment of the great common carrier operated on the Mississippi-Warrior Rivers by the Inland Waterways Corporation.
>
> * * * * * * *
>
> The sine qua non of successful common carriage is cooperation with the railroads. So long as it remains in the power of the railroads to destroy water transportation not governmentally operated, so long will private capital refuse to contract on such a venture.

I will simply add this, while I am on my feet, to the Senator: It is not so much a question of the rules that are in effect at the present time, but it is a question of the power of the Interstate Commerce Commission to give a rate at competitive points to water lines so low that they may take a part, if not all, of the built-up transportation.

May I illustrate that in this way:

There are 5,000,000 tons of revenue traffic being carried through the Panama Canal to-day. The western railroads have made application to the Interstate Commerce Commission to fix an 80-cent rate on steel out to the Pacific coast. What is the object of it? There is no disguise about what is the object. The representatives of the executives who testified before our committee state very frankly what it is. They say: "We want our share of that traffic that is going through." We have asked them: "What do you consider your share?" They say: "Well, half." The majority of the Interstate Commerce Commission have testified before us that they consider it their duty to have a part of the transportation of the boats carried by railroad. Mr. Aitchison, in testifying, says he does not believe it will get them half. He says he believes it will get them not over a quarter.

This is the question: How can a rate on steel be fixed that will enable the railroads to carry half the steel to Los Angeles and San Francisco and not result in them carrying it all? Why should a man want to ship his steel on the railroad unless it were more advantageous to do so? They have to make a rate that is more advantageous, or the boats will carry it. As a matter of fact, there was one gentleman before the committee of the House who was perfectly frank in this matter. That was Mr. Donnelly, president of the Northern Pacific Railroad. This is what he said:

> If it is the policy of the Interstate Commerce Commission that the railroads shall be permitted to handle any and all traffic which shall show some profit above the out-of-pocket cost, then the railroads can handle all of the business now transported by steamship, both east and west, through the Panama Canal.

There are applications pending now by the railroads of the West to reduce the rates on 47 different articles at the competitive points on the Pacific Coast to a figure low enough to give them half of all the traffic there. Mr. Donnelly says that the 80-cent rate will give them half of it. The Interstate Commerce Commission thinks it will give them only a quarter of it. The rate, mind you, is a rate which no one calls anything except an out-of-pocket cost rate. It is not a reasonable rate, because in making application on the forms provided by the Interstate Commerce Commission one has to state right on the face of the application that the rate he asks is not a reasonable rate and that he only asks it so as to get a part of the water transportation. It is from one-half to one-quarter of the rate charged for a haul a hundred miles shorter on the same line. In some cases, to Salt Lake, the rate is four times what it is for the same distance to a coast point. It does not even include depreciation, maintenance, and overhead charges. It is not supposed to earn any dividends, any interest on the investment or on the bonds. It is what has been termed, for the sake of the argument, an indefinable thing called "out-of-pocket cost." In other words, it is supposed to pay for the coal used in the engine, the salary of the engineer, and that of the brakeman.

Mr. Esch said they could not put the same rates in effect at a point a hundred miles nearer, because if they did so the loss to the railroad in maintaining that rate would be too great. Mr. Shoup, of the Southern Pacific, said that to put the same rate in on the shorter haul would bankrupt them. As a matter of fact, that is the issue. We will cripple the Panama Canal if we do not take away from the Interstate Commerce Commission their discretion, and all these beautiful theories of Mr. Hoover and others for great canal systems in this country will go glimmering. It is the duty of everyone in this country who does not get a direct benefit from the expenditure of the money, as distinguished from improvements, to fight every development of every river and canal unless at the same time the discretion is removed that will prevent the utilization of that money for water transportation.

Mr. KING. Mr. President, the Senator from Nevada referred to my State and the disastrous effect of the discriminatory freight rates upon the economic development of the intermountain region. Apropos of his statement permit me to mention the crushing results of these rates upon the iron and steel industry of my State and Colorado, where steel and iron of a superior grade are produced, but the transportation charges to the Pacific coast are so high that the progress of the industry is materially arrested. Though Utah is less than 800 miles from the coast, steel and iron can be shipped from Pittsburgh to the Atlantic coast, and down through the Caribbean Sea and the canal and up the Pacific coast to Los Angeles or San Francisco at a cost less than from Utah to the Pacific coast. I observe an item in this bill for $7,000,000 plus for expenses in operating the Panama Canal. We have given a monopoly to our coastwise trade, and for a while they had free tolls, and even now the charges are so small that they are no obstacle whatever to water transportation from coast to coast. The people of the intermountain region, as well as those of the entire Nation, were taxed to build the Panama Canal,

and the tolls charged intercoastal freight carried through the canal are not adequate to properly and fully reimburse the United States and, in the last analysis, the people.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WADSWORTH. I think it a little inaccurate to say that we tax any of the people of the United States for the maintenance of the Panama Canal. The Panama Canal is much more than supporting itself out of its receipts.

Mr. KING. That is quite recently.

Mr. WADSWORTH. It may interest the Senator to know that the Panama Canal is paying all of its expenses, of every kind and description, plus interest on the amount of the investment, to such an extent that we can say now that it is earning a little over 5 per cent on the investment, net.

Mr. KING. I am very glad to learn that; but it will be many years before the original cost is paid; and already it is contended a new canal must be constructed or the present one enlarged.

Mr. WADSWORTH. So no one is taxed for its support.

Mr. KING. I am not sure that all factors in the equation are considered; the capital invested, the deterioration, the added cost to the Nation in guarding and protecting the canal. Congress gives the coastwise trade a monopoly, and then permits the use of the Panama Canal without a reasonable compensation being paid to the Government.

Mr. RANSDELL. Mr. President, right on that point I want to call the Senator's attention to the fact that our coastwise vessels do pay toll through the Panama Canal.

Mr. KING. Yes; but not an adequate toll as I view the situation.

Mr. RANSDELL. No; it is the same toll that other vessels pay, as I understand it.

Mr. WADSWORTH. The Senator will remember the tolls controversy.

Mr. RANSDELL. Am I not correct in my statement?

Mr. WADSWORTH. Certainly.

Mr. RANSDELL. I remember the fight when the Democratic Party repealed the free tolls provision of the Panamal Canal act. We had the provision in the act and my party said it was wrong, and it was repealed. Now, our coastwise vessels pay just the same as all other vessels going through the Panama Canal.

Mr. KING. Mr. President, may I ask the Senator how, if they pay an adequate toll, freight can be carried from the east to the west, from the Atlantic coast to the Pacific coast, in American vessels for the low freight rates mentioned by the Senator from Nevada?

Mr. RANSDELL. The only way I can account for it, I will say to the Senator, is that water transportation is very much cheaper than transportation by rail. When a ship is loaded at Boston or New York, for instance, and starts southward and goes through the Panama Canal, it costs very little to that vessel to go one, or two, or three, or even four thousand miles more, when it is once loaded, whereas the railroad has to bear a heavy burden all along the line. The railroad offers very great frictional resistance to the movement of the freight. Water, being a liquid, the vessel goes forward with very little propelling power. I can not give the exact proportion, but students of the subject will tell you that it costs a great deal less, infinitely less, to transport freight on the water than it does to transport it on the land. I remember the figures for the Great Lakes. I have studied them a number of times. The actual cost to carry freight on the Great Lakes from Duluth, for instance, to Buffalo, N. Y., a little over a thousand miles, is less than one-ninth of the average railroad rate to carry the same freight. I think on the ocean, going from the Atlantic to the Gulf, it would even be less than one-ninth. So the Senator can see that these enormous vessels, with tremendous cargoes, carrying freight for less than one-ninth what it costs to transport by rail, can afford to charge less and yet make a considerable profit.

Mr. KING. Mr. President, with the low rate mentioned by the Senator from Nevada on freight from the Atlantic to the Pacific through the canal it is obvious that the intermediate sections, particularly the intermountain region, can not compete on the Pacific coast, though they may be located only a few hundred miles from the Pacific coast, with those who are engaged in like activities and industries 2,500 miles farther away.

Mr. RANSDELL. I am in sympathy with the Senator, but I did not want a misunderstanding as to the tolls provision of the Panama Canal act to exist. I simply rose to correct that, because I knew the Senator did not intend to state it erroneously.

Mr. KING. My position is that we are giving what amounts to a gratuity or bounty to the coastwise trade in the monopoly granted and the low tolls charged. Of course, as the Senator can see, the policy is destructive to the development of intermediate sections. The intermountain section can not ship east nor west in competition with water transportation through the Panama Canal and with the reduced and limited tolls paid by the coastwise vessels.

Mr. RANSDELL. Will the Senator yield?

Mr. KING. I yield.

Mr. RANSDELL. What would the Senator suggest as a means of correcting that at the Panama Canal? He must not forget that we have the Suez Canal to compete with the Panama Canal, and he must not forget that we have the great continent we call Europe, which manufactures many of the same products we manufacture. So it would not be feasible, it seems to me, to impose any higher rates of toll on vessels from foreign countries, at any rate, which use the Panama Canal, including those of South America. How would the Senator correct that, so far as the canal is concerned?

Mr. KING. This could be done if the interpretation of the interstate commerce law is such as some assert, namely, require the Interstate Commerce Commission to assume jurisdiction over water rates and establish rates from coast to coast that would be fair in view of all conditions and having in view all sections of the country.

If the Interstate Commerce Commission could fix reasonable rates upon water transportation, and if the coastwise trade paid a reasonable rate for the use of the Panama Canal, it is manifest that freight could not be hauled, as it is now, for an insignificant charge measured by the railroad rates from the east coast to intermediate points. I do not think there need be any apprehension of injury to our commerce because of the Suez Canal, as the Senator seems to anticipate.

Mr. RANSDELL. The Senator overlooks the foreign competition. Granting that we could fix the rates in this country, we could not fix them in Canada, and Canada produces many of the commodities we produce. An enormous amount of lumber that goes to the Pacific coast from the Atlantic comes from Canada. Europe produces many of the same commodities we produce. Granting that the Interstate Commerce Commission could fix the rates from the Atlantic cities around to the Pacific, who would fix the rates on that ocean traffic from the Old World, and the various countries of the world, around to the Pacific? Does not the Senator see that they would come in and drive our Atlantic coast business out of the market?

Mr. KING. The Senator knows that for a number of years there was destructive competition between boats owned by the United States and by American citizens and companies plying between coastal points, and particularly between the Atlantic and the Pacific coasts. Indeed, as the Senator knows, because he was an able and diligent member of the Committee on Commerce, many of the ships sold by the Government to private individuals were driven from the sea because of cutthroat competition.

Mr. RANSDELL. The Senator means cutthroat competition from foreign ships, does he not?

Mr. KING. No; cutthroat competition between American-owned vessels.

Mr. RANSDELL. I do not know anything about that. I think the Senator is mistaken.

Mr. WADSWORTH. Mr. President——

Mr. KING. I yield to the Senator from New York.

Mr. WADSWORTH. I inquire if we may have a vote on the amendment offered by the Senator from Utah.

Mr. KING. I would have been through before this if I had not been interrupted by Senators.

I was remarking, when interrupted, that after an examination of the hundreds of projects which had cost the Government more than a billion dollars I reached the conclusion—and I think this was the view which was expressed by former Senator Kenyon, who was a deep student of the problem—that at least 50 per cent of our appropriations for rivers and harbors had been wasted. We know that upon the Mississippi River and upon other streams upon which millions of dollars has been spent there are fewer boats now than there were 30, 40, or 50 years ago, and those streams are less serviceable for carrying freight than they were before the Civil War. We are asked now to appropriate $50,000,000 for various projects, some of them doubtless worthy projects, but I have no doubt that a careful scrutiny of all of the items embraced within the $50,000,000 fund would show that many are unwise and entirely lacking in merit. I think if we appropriate $40,000,000 we are too generous.

Moreover, I want to help our Republican friends redeem their promises. They are only promises, not executed, and our friends have never intended to execute them. I want to aid them in the redemption of their promise to practice economy. I do not want them to spend $5,000,000,000, as they are determined to do during the next fiscal year. After we have met the deficit which will inevitably arise between the adjournment of Congress and the expiration of the next fiscal year we will have to appropriate before we adjourn more than $600,000,000 deficit for the present fiscal year. Our Republican friends, with their usual political strategy, will apparently reduce the expenditures this year to approximately $4,500,000,000, but before the end of the next fiscal year Congress will be called upon to appropriate an additional $500,000,000.

After I have secured a vote on the pending amendment—and, of course, I shall be defeated, because the Republicans will not vote for it and many of my Democratic friends will not vote for it—I shall move to recommit the bill with instructions to report a bill carrying appropriations of $300,000,000 instead of $343,000,000.

Mr. RANSDELL. Mr. President, I shall detain the Senate only a few moments, but I can not let go unchallenged some of the statements made by the Senator from Utah [Mr. KING]. He said three times, perhaps oftener, in his speech that the waterways of the Nation have cost over a billion dollars. I believe that is true. Since the foundation of our Government in 1789, we have spent perhaps more than a billion dollars on waterways, but that was for all the harbors and rivers and small streams and canals of this great Republic during a period of nearly 140 years. Considerably more than one-half of this sum was for the harbors of the country and the improvement of the Great Lakes. No expenditure ever made by our Government has been so beneficial to the people of the Nation as the greater portion of this sum of over $1,000,000,000.

The Senator did not tell us anything about the enormous sums spent for railroads. I could tell about that, but I am not going to take the time of the Senate to do so. It is infinitely more than we have spent to improve our rivers and harbors.

The Senator from Utah said to-day——

Mr. KING. Mr. President, will the Senator yield?

Mr. RANSDELL. Certainly.

Mr. KING. The Senator ought to tell the Senate, in connection with that statement, that the freight carried by the water instrumentalities is so infinitely small, measured by the stupendous amount carried by the railroads, that the disparity of which he speaks is far less when measured by the situation which I have indicated.

Mr. RANSDELL. I can not admit the entire correctness of that statement. The freight carried at the great harbors of the country like Boston, New York, Baltimore, Philadelphia, Norfolk, Savannah, Charleston, Jacksonville, Mobile, New Orleans, Galveston, Houston, San Francisco, Los Angeles, Portland, and Seattle is immense. The volume runs into colossal figures. Those harbors could not serve the people, not alone of America but of the world, if we had not made them available to ships of the greatest draught by the expenditure of very large sums of money.

The commerce on the Great Lakes is enormous. It is carried at rates one-ninth the average railroad rates, and this remarkably low rate is possible because of the canalized system of the Great Lakes through the St. Mary's River, the Detroit River, and the many harbors of all these Great Lakes. The whole country gets the benefit. Of course, there is not as much freight carried on all of our rivers and all of our harbors as on the railroads, but there is a colossal commerce on them, and it is carried at rates very much cheaper than those by rail.

Mr. President, the Senator from Utah charges that we are expending vast sums on insignificant creeks and small streams.

All I have to say in regard to that is that the Senator has made the statement so often on this floor that I imagine he now believes the correctness of it when he makes it. He alludes to former Senator Kenyon, a very distinguished Member of this body, who was in the habit of making the same statement. But I say to the Senator from Utah and to other Senators that it is not correct. There is not a single item of appropriation made by our great Government in the entire $5,000,000,000 alluded to by the Senator—if we are really appropriating that vast sum—that is more carefully spent, that has more safeguards thrown around it, than every single dollar appropriated for rivers and harbors. I say that, sirs, after having been a close student of the subject during the 27 years of my service in the American Congress. I have watched all our appropriations, and I am thoroughly convinced that none of them have so many safeguards thrown around them as expenditures for the waterways of the Republic.

The Senator wants to reduce the item of $50,000,000 to $40,000,000. He wishes to reduce it by $10,000,000. He does not tell us why. He generalizes. He seems dissatisfied with the appropriations for rivers because his section is having trouble with the railroads. I would like to say to the Senator that the great misfortune to the rivers of the country is that they have had very serious trouble with the railroads for the past half century.

The Senator tells us there is practically no commerce on the rivers.

There is very little, but I would like to say to the Senator from Utah and to those Senators who do me the kindness to listen to me that the reason why there is so little commerce on great rivers like the Ohio, the Tennessee, the Mississippi, and others is that the railroad companies by their cutthroat methods of competition drove river boats out of existence. It was the efforts of the railroads to destroy water competition that drove away those boats.

Mr. President and Senators, I have no quarrel with the railroad companies. They are behaving fairly well now. But I would like to see the people of this country enjoy the first and best method of transportation the world has ever enjoyed, that by water. We had the water for thousands of years before anyone dreamed of a railroad. We had the waterways for thousands of years before there were any improved highways except perhaps in and around great cities like ancient Rome and Athens.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I yield.

Mr. HEFLIN. The Senator has, of course, observed that where there is a waterway paralleling a railway the people of those communities always get better freight rates on the railroad.

Mr. RANSDELL. That is absolutely correct. It seems to me that the Senator from Utah, instead of opposing the item, would help us to make improved waterways just as far out into the great West as possible. He must not overlook the fact that in the early days steamboats navigated the Missouri River to Fort Benton, Mont., many hundreds of miles west of the Mississippi. They carried freight there by water long before there was any railroad.

Let us improve the waterways to the highest degree, and we shall secure one of the finest regulators of rates, and will find legitimate competition in transportation. Competition, Senators, is the life of trade and of business. We do not need any law to regulate legitimate, proper competition between business competitors. Let us improve the waterways thoroughly and prevent the railroads by law from their cutthroat methods formerly pursued. Then, I say to Senators from the great West, they will find cheaper rates away out into their section than they now enjoy. The waterways people and representatives of the intermountain region ought to pull together, but the Senator from Utah is trying to divide them and antagonize them.

The engineers say, "We need this $50,000,000; we need every dollar of it, and it is not sufficient either. It ought to be more than $50,000,000." Yet the Senator from Utah is trying to cut it down. I do not think there is the slightest danger of his effort succeeding, and I hope there will not be a vote for his amendment except his own.

Mr. President, I would like to go into the subject much further, but believe I have said enough.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to page 93 and to reconsider the vote by which the amendment there was agreed to, for the purpose of permitting me to offer an amendment to the amendment offered by the Senator from Washington [Mr. JONES].

The PRESIDING OFFICER. Is there objection? Without objection, the vote whereby the amendment on page 93 was agreed to will be reconsidered.

Mr. McKELLAR. I now offer the amendment which I send to the desk, to be inserted after the amendment previously presented by the Senator from Washington, for the purpose of amplifying the language.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Tennessee.

The LEGISLATIVE CLERK. At the end of the amendment offered by the Senator from Washington [Mr. JONES] insert the following proviso:

Provided, That reports of such survey or surveys may be made to the Congress from time to time, but the Engineer Department shall not give out information as to said surveys to other persons until after a report, partial or final, shall be made to the Congress.

Mr. JONES of Washington. I see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment of the Senator from Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I know there is a solid phalanx of Senators behind this bill, and I appreciate the futility of any attempt to modify it or to strike out any of the appropriations carried therein. More than $340,000,000 is to be taken from the Treasury of the United States to meet the provisions of this measure. We are at peace with the world, and there is no situation calling for military preparation. We have an Army of approximately 112,000 and yet are making appropriations larger than were made by Germany when she was a great military power and had between a half million and a million men in her military service.

This bill, like substantially all appropriation bills, is loaded down with enormous overhead expenses and with a multitude of features and provisions which consume in the aggregate a very large fraction of the total appropriation. There are perhaps 30,000 civil employees in the War Department, and the machinery constructed and maintained to train and employ the comparatively small Army that we maintain becomes unwieldly and involves expenditures far beyond the benefits derived.

It has been charged that democracies are always extravagant, that they incline toward bureaucracy, waste, and cumulative organizations and agencies. Our appropriation bills support this indictment. We are spending annually at least $250,000,000 more for employees than are needed to properly carry on Federal activities.

An examination of the pending bill reveals the enormous amount appropriated for expenses of officers and civilian employees and for activities which in my opinion could, without loss to the strength or efficiency of the Army, be greatly restricted and in some instances abandoned. This bill carries $50,000,000 for rivers and harbors. Appropriations for rivers and harbors have always brought together in the utmost harmony substantially all Senators. There is something unique in the spell which rivers and harbors cast upon Congress.

Senators grow eloquent in speaking about water transportation, our inland waterways, the cheapening of freight rates, and the binding together of the country through the agencies of rivers and canals. And yet the larger the appropriations made the less traffic upon our inland waterways. I think it may be stated as a proposition or a formula that in proportion, as appropriations for rivers and canals are increased, the traffic upon the same is decreased.

Former Senator Kenyon and a few who united with him in the Senate for years pointed out the folly of many of the appropriations made for inland waterways. Attention was challenged by them to canals which cost millions which were practically abandoned to the millions wasted on little bayous and swamps and rivulets and insignificant streams which never carried and never could carry any freight or commerce. I had the honor to be associated with Senator Kenyon in some of these contests, and though the wasteful character of millions of dollars for these inland streams was demonstrated, all efforts to prevent a continuation of such policy were in vain.

Mr. President, perhaps it is a confession of weakness to admit before submitting my motion that I do not expect that it will carry. I feel, however, that I am doing my duty, and regardless of the consequences I shall challenge this enormous appropriation bill and move for its recommittal. It is not irony when I say that I want to help the Republicans if they will show any disposition toward economy in inaugurating and carrying out economies in our national administration. I confess that I become a little weary in listening to the loud declamations of Republican orators concerning the so-called "economy" of President Coolidge and the Republican Party.

I have stated upon a number of occasions during this session that there were no evidences of economy—indeed, that the expenditures for the next fiscal year, after the deficiency bills which will be submitted are acted upon, will be in excess of the expenses of the Government for the fiscal year ending June 30, 1926. In other words, under the Republican régime, the expenses of the Federal Government will never be lower than they are now, but upon the contrary will increase. This means that the National Budget must provide approximately $5,000,000,000 for the annual expenses of the Government.

The military and naval expenditures for the next fiscal year will be at least $700,000,000. Not that entire amount will be carried in the bills which will be passed before adjournment, but when Congress meets in December, deficiency bills will be presented, and before it adjourns in March, 1927, millions of dollars will be added to the stupendous sums carried in the naval appropriation bill, which we passed a few days ago, and the Army appropriation bill, which is now before us.

Mr. President, I protest against the extravagance of this administration, against the lack of economy, and the gross inefficiency and incompetency in the administration of our national affairs. I now move that the bill be recommitted to the committee with instructions to report back a bill, the aggregate appropriations of which shall not exceed $300,000,000.

The PRESIDING OFFICER. The question is on the motion of the junior Senator from Utah.

The motion was not agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER FOR RECESS

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and that order will be made.

PROHIBITION

Mr. McKELLAR. Mr. President, I understand that to-morrow the Senator from Idaho [Mr. GOODING] desires to make a speech on the bill that is now before the Senate, which is known as the long and short haul bill. I want to give notice that at the conclusion of the speech of the Senator from Idaho I desire to offer some remarks on the subject of prohibition.

INDIAN AND PRIVATE LANDS IN LUMMI INDIAN RESERVATION, WASH.

Mr. DILL. Out of order, from the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes, and submit a report (No. 354) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $65,000, or so much thereof as may be required, for reclaiming by construction of dikes approximately 4,000 acres of lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington: *Provided*, That the total cost of the project shall be distributed equitably among the lands in Indian ownership and the lands in private ownership that may be benefited in accordance with the benefits received as designated by the Secretary of the Interior.

SEC. 2. The construction charge properly assessable against the Indian lands shall be reimbursed to the Treasury of the United States under such rules and regulations as the Secretary of the Interior may prescribe, and there is hereby created a lien against all such lands, which lien shall be recited in any patent issued therefor, prior to the reimbursement of the total amount chargeable against such lands.

SEC. 3. No part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by the landowners whose lands may be benefited by the project.

SEC. 4. The Secretary of the Interior is hereby authorized and directed to declare by public notice the cost of the project and the equitable share to be assessed against the lands benefited in accordance with their respective benefits, which cost shall be repaid in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of such public notice, the remainder of the said cost with interest on deferred amounts against land in private ownership from the date of said public notice to be 4 per cent per annum, to be payable on each December 1 thereafter, on the same basis as the first installment, until the obligation is paid in full.

SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF ROAD ON LUMMI INDIAN RESERVATION, WASH.

Mr. DILL. From the Committee on Indian Affairs I report favorably without amendment the bill (S. 3217) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash., and submit a report (No. 355) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I desire to ask the Senator from Washington whether that bill has been approved by the Committee on Indian Affairs?

Mr. DILL. It has been approved by the committee and also by the department.

Mr. KING. And it has also been approved by the Budget Bureau?

Mr. DILL. Yes.

Mr. KING. Is the appropriation carried in the bill to come out of the Treasury of the United States or out of Indian funds?

Mr. DILL. It is an appropriation out of the Treasury of the United States to complete a county road crossing Indian lands which can not be built out of the regular funds that are appropriated for State aid.

Mr. McKELLAR. How much is the proposed appropriation?

Mr. DILL. It is $20,000.

The PRESIDING OFFICER. Is there objection to present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That not to exceed the sum of $20,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the completion and graveling of the road which has been partially constructed by Whatcom County across Lummi Indian Reservation, in the State of Washington, to be expended under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the proper authorities of the State of Washington or the county of Whatcom shall agree to maintain such road free of expense to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOMBIGBEE RIVER BRIDGE, ALABAMA

Mr. HEFLIN. Mr. President, in view of the unanimous-consent order which has been granted to recess until 12 o'clock to-morrow, I wish to ask unanimous consent for the present consideration of House bill 8382, which provides for the construction of a bridge in my State.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. KING. Let the bill first be reported by title.

The PRESIDING OFFICER. The title of the bill will be stated for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 8382) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville, on the Gainsville-Aliceville road, in Pickens County, Ala.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Is this proposed legislation in accordance with the policy which has been adopted?

Mr. BINGHAM. I will state for the benefit of the Senator from Utah that the bill for which the Senator from Alabama has asked consideration is a bill granting to the highway department of the State of Alabama the right to construct a free bridge and has nothing to do with tolls. The bill carries an amendment which is in accordance with the policy which was adopted by the Senate a few days ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in section 1, on page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

So as to make the section read:

That the consent of Congress is hereby granted to the highway department of the State of Alabama, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation, at or near Aliceville on the Gainesville-Aliceville road in the county of Pickens, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

CONSIDERATION OF BRIDGE BILLS

Mr. WADSWORTH obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from New York permit me to interrupt him for a moment?

Mr. WADSWORTH. I yield.

Mr. HEFLIN. Mr. President, there are a number of bridge bills on the calendar, all in exactly the same form, which have been reported by the Senator from Connecticut [Mr. BINGHAM]. I ask unanimous consent for their present consideration.

Mr. McKELLAR. Does the Senator mean en bloc?

Mr. HEFLIN. En bloc, if there be no objection.

Mr. WADSWORTH. Mr. President, I think they had better not be put on the Journal en bloc.

Mr. COUZENS. Mr. President, I will object to that being done.

The PRESIDING OFFICER. Objection is heard to that procedure.

Mr. HEFLIN. Then, Mr. President, I ask that they may be considered separately. There is no objection to them so far as I know. They are in exactly the same form as the bridge bill which the Senate just passed.

Mr. BINGHAM. Mr. President, I may say that none of them provide for toll bridges; they all provide for free bridges.

Mr. HEFLIN. Mr. President, the bills are in consecutive order on the calendar.

The PRESIDING OFFICER. Will the Senator from Alabama again state his request for unanimous consent? The Chair thinks it is an unusual proceeding in the Senate.

Mr. COUZENS. Mr. President, I have objected to considering the bills en bloc.

The PRESIDING OFFICER. The Senator from Michigan objects to the consideration of the bills in the manner suggested by the Senator from Alabama.

Mr. HEFLIN. Mr. President, I merely submitted that request for the purpose of saving time. I ask now that the Senate may proceed to consider the bills to which I have referred in the consecutive order in which they appear on the calendar. It will take but a few moments to dispose of them.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

ELK RIVER BRIDGE, ALABAMA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8386) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala., which had been reported from the Committee on Commerce with an amendment on page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

Mr. BINGHAM. Mr. President, I ask unanimous consent that the amendments in the case of the bills which are now

being considered, which amendments are identical and have had the approval of the committees of both Houses, be not read by the clerk.

Mr. COUZENS. Mr. President, what is the particular amendment to which the Senator has reference?

Mr. BINGHAM. The amendment is that which, as the Senator will recall, requires the Secretary of War and the Chief of Engineers to pass not only upon the plans of the bridge from the point of view of navigation but also upon the plans of the bridge from the point of view of the volume and weight of the traffic.

Mr. COUZENS. Is that the only amendment?

Mr. BINGHAM. That is the only amendment to any of these bills.

Mr. HEFLIN. All of them are reported with the same amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE NEAR SCOTTSBORO, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8388) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE NEAR WHITESBURG FERRY, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8389) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TOMBIGBEE RIVER BRIDGE NEAR JACKSON, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8390) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TOMBIGBEE RIVER BRIDGE BETWEEN CHOCTAW AND MARENGO COUNTIES, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8391) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TOMBIGBEE RIVER BRIDGE NEAR GAINESVILLE, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8511) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOSA RIVER BRIDGE NEAR CHILDERSBURG, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8521) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOSA RIVER BRIDGE NEAR FAYETTEVILLE, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8522) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PEA RIVER BRIDGE NEAR SAMSON, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8524) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PEA RIVER BRIDGE NEAR GENEVA, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8525) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHOCTAWHATCHEE RIVER BRIDGE, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8526) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road between Dale and Houston Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 2, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PEA RIVER BRIDGE AT ELBA, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8527) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 1, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COOSA RIVER BRIDGE BETWEEN CHILTON AND COOSA COUNTIES, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8528) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE NEAR GUNTERSVILLE, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8536) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala., which had been reported from the Committee on Commerce with an amendment in section 1, page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOSA RIVER BRIDGE NEAR PELL CITY, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8537) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala., which had been reported from the Committee on Commerce with an amendment on page 2, line 3, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOSA RIVER BRIDGE NEAR WETUMPKA, ALA.

Mr. HEFLIN. There is one more bridge bill, Mr. President, being Order of Business No. 319, House bill 8316, which I ask to have considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8316) granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala., which had been reported to the Committee on Commerce with an amendment in section 1, page 2, line 1, after the numerals "1906," to insert the following proviso:

Provided, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to

and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF WILLIAMSBURG DECLARATION

Mr. FESS. Mr. President, there is a concurrent resolution coming over from the House which I ask the Chair to lay before the Senate.

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 13), which was read, as follows:

Whereas the Virginia Convention in session in the city of Williamsburg, on the 15th day of May, 1776, adopted a resolution instructing the representatives of Virginia in the Continental Congress to propose a resolution declaring the "United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the Colonies"; and

Whereas, pursuant to this action, a resolution was offered by Richard Henry Lee, of Virginia, in the Continental Congress and adopted on the 29th day of June, 1776, declaring the Colonies free and independent, and absolved from all allegiance to the British Crown, which was followed by the Declaration of Independence; and

Whereas it is appropriate that Congress should recognize the 15th of May of the current year as the one hundred and fiftieth anniversary of an event of such great historic interest and importance: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That there shall be a committee of Congress consisting of 10 Members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to participate as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary to be held in the city of Williamsburg, Va., on the 15th day of May, 1926.

Mr. FESS. Mr. President, May 15, 1926, will be the one hundred and fiftieth anniversary of the famous address of Patrick Henry, moving the resolution that later on was offered by Richard Henry Lee in the Continental Congress to the effect that the American Colonies are by right and ought to be free and independent. I should like to have the concurrent resolution considered, and I understand the Senator from Virginia [Mr. SWANSON] desires to offer an amendment to it

Mr. JONES of Washington. Mr. President, I will ask the Senator from Ohio if the resolution carries an appropriation?

Mr. FESS. It carries no appropriation whatever. The Senator from Virginia, however, I understand, desires to offer an amendment making some provision for the expenses of the committee to be appointed.

Mr. SWANSON. I desire to offer an amendment. By an oversight the expenses of the committee to be appointed for the House and Senate were not provided for in the resolution. A committee of five Members from each House is to be appointed to represent the Congress at the celebration which is to be held. It will cost very little for the committee to go to Williamsburg, and I do not think the Senate will be bankrupted if it pays the expenses of the five members of the committee appointed to represent it on the occasion of the celebration of the anniversary of the great event which is to be commemorated.

Mr. JONES of Washington. Does not the Senator think that the resolution and proposed amendment ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SWANSON. I do not think so. The amendment I desire to offer comes in on page 2, line 6, after the numerals "1926," and proposes to add the words "the expenses of said committee to be paid equally out of the contingent funds of the Senate and House, the amount thereof not exceeding $500." I think that amount will cover the expenses of the committee.

Mr. President, the declaration of Williamsburg marked the establishment of the first Republic in the Western Hemisphere. On the 15th day of May, 1776, Virginia declared herself free and independent. Of all the Colonies Virginia was the first to sever her connection with the British Empire and declare her independence. At the same time she directed her Representative in the Continental Congress to move that all of the Colonies are free and independent and directed the motion to be made in her name.

Mr. OVERMAN. What was the date of that action?

Mr. SWANSON. The 15th day of May, 1776.

Mr. OVERMAN. That was five days before the Mecklenberg declaration?

Mr. SWANSON. I am not talking about the Mecklenberg declaration. There is no necessity of bringing in any historical events of the State of North Carolina. No American Colony prior to the 15th day of May, 1776, had declared itself free and independent. It was the first republic on the Western Hemisphere.

It seems to me that the anniversary of the establishment of the first republic in two continents ought to be celebrated. I ask that my amendment be adopted, and I trust the Senate, without reference to the committee, will agree to the House concurrent resolution.

Mr. JONES of Washington. I suggest that the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate, together with the amendment proposed by the Senator from Virginia.

The PRESIDING OFFICER. The Chair thinks that under the rule the resolution and the amendment, which will be considered pending, will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate, and that reference will be made.

NATIONAL SESQUICENTENNIAL EXPOSITION

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 197) to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the appropriation made in the first deficiency act, fiscal year 1926, to enable the Government of the United States to participate in the National Sesquicentennial Exposition, may be expended for the purposes enumerated in that act without regard to the provisions of any other act relating to the expenditure of public moneys or the employment of personal services on the certificate of the National Sesquicentennial Exhibition Commission that the materials or services were necessary to enable the United States Government to participate in said exposition: *Provided*, That this authority shall not be construed to waive the submission of accounts and vouchers to the general accounting office for audit.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN OCCUPATION OF HAITI

Mr. KING. Mr. President, I stated yesterday, after the Senator from Nevada [Mr. ODDIE] had offered certain documents for the RECORD relating to Haiti, that I should feel constrained to make some comments upon the same to-day. I intended to speak upon the Haitian question to-day, and offer a resolution dealing with Haitian affairs, but the time has been otherwise occupied. I intended also to read as a part of my remarks practically all of the memorandum which yesterday was the subject of controversy, and also to call the attention of the Senate to an interview by an American who has been in Haiti recently, and whose statements and charges relative to conditions there will scarcely be considered less serious than the statements in the memorandum to which reference was made. However, I shall not offer to-day the resolution, but give notice that I shall seek an early opportunity to address the Senate upon conditions in Haiti.

RED RIVER BRIDGE AT OR NEAR MONCLA, LA.

Mr. BINGHAM. Mr. President, at the request of the Senator from Louisiana, I ask unanimous consent for the immediate consideration of House bill 8463, a bill granting the consent of Congress to the construction of a bridge—not a toll bridge—in the usual form, with the customary amendment which we have just adopted in connection with other bridges.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent for the present consideration of House bill 8463, granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

The amendment was, on page 1, line 10, after "1906," to insert: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Louisiana highway commission to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in the Parish of Avoyelles and State of Louisiana, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. GOODING obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. GOODING. I yield to the Senator from North Carolina.

Mr. SIMMONS. I ask unanimous consent to have incorporated in the RECORD the telegrams and letters which I send to the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none.

The telegrams and letters are as follows:

[Telegram]

CHARLOTTE, N. C., *March 9, 1926.*

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.:

We understand Gooding bill comes up in the Senate Wednesday. We think this bill will be hurtful to our interests in getting competitive rates established. We are already handicapped as compared with other sections. Will appreciate your voting against this bill.

CHADWICK-HOSKINS CO.

WINSTON-SALEM, N. C., *March 10, 1926.*

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.:

Believe it would be better to let interstate commerce law stand as at present. Think North Carolina and its industries stand more to lose than to gain if all discretion is taken from the Commerce Commission in the matter of considering competition under certain conditions as proposed by the Gooding bill.

W. N. REYNOLDS.

WILSON, N. C., *March 10, 1926.*

Hon. F. M. SIMMONS,
Capitol, Washington, D. C.:

We oppose Senate bill 575, as we believe it is unwise to take from the commission the discretionary powers of permitting rail lines to meet competition of boat lines after due hearing and investigating. It would be detrimental to the tobacco interests of North Carolina.

WILSON TOBACCO BOARD OF TRADE,
W. J. KING, *President.*

RALEIGH, N. C., *March 10, 1926.*

Hon. F. M. SIMMONS,
Capitol, Washington, D. C.:

We are opposed to the Gooding bill requiring rigid application of fourth section of interstate commerce act and prefer allowing Interstate Commerce Commission to decide fourth-section applications on their merits.

NORTH CAROLINA COTTON GROWERS' COOPERATIVE ASSOCIATION.

CHARLOTTE, N. C., *March 10, 1926.*

Hon. F. M. SIMMONS,
Senate Office Building, Washington, D. C.:

Our southern cotton manufacturers are concerned regarding Gooding bill now pending. This bill if enacted, we understand, would tie the hands of the Interstate Commerce Commission in such way that the commission would have no authority to make competitive rates, no matter what situation might arise making it necessary for us to have competitive rates. The steady growth of industrial development in the South makes issue of rates paramount. Trust you can use your influence to bring about defeat of Gooding bill.

AMERICAN COTTON MANUFACTURERS' ASSOCIATION,
Per W. D. ADAMS, *Secretary and Treasurer.*

HIGH POINT, N. C., *March 9, 1926.*

Senator F. M. SIMMONS,
Washington, D. C.

DEAR SENATOR: We, along with other large shippers, are very much interested in the Gooding bill now before the Senate and trust you will see your way clear to oppose this bill.

There are so many complications in rate making that we would like to see all rate making left with the Interstate Commerce Commission, believing that the commission gives the necessary time and thought to such matters so that shippers and transportation companies usually receive fair treatment.

Many thanks for your kind consideration.

Yours very respectfully,

TOMLINSON CHAIR MANUFACTURING CO.,
C. F. TOMLINSON, *Secretary and Treasurer.*

CHATHAM MANUFACTURING CO.,
Winston-Salem, N. C., March 10, 1926.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SENATOR SIMMONS: Our larger shippers here, who cover the United States with their products, feel as I do, that the Gooding bill would cost us a good deal of money if it becomes a law.

We have tried to investigate it pretty thoroughly and would be very much gratified if, in your wise judgment, you will see it as we do. Our freight rates are terrific now, as you know.

With kind regards, I am,

Yours truly, H. G. CHATHAM.

Mr. GOODING. Mr. President, in my judgment there never has been before the Senate a more important bill than Senate bill 575, as far as the transportation of the country is concerned. Knowing the lateness of the hour, I do not, of course, desire to proceed this evening. I will ask the Senator from Washington if it is the intention to have an executive session?

Mr. JONES of Washington. It is.

Mr. GOODING. Then I will yield the floor, Mr. President.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess, the recess being until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, March 12, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 11, 1926

UNITED STATES PUBLIC HEALTH SERVICE

The following-named passed assistant surgeons to be surgeons in the Public Health Service, to rank as such from March 18, 1926:

Marion F. Haralson.
John F. Mahoney.

(These officers have passed the examinations required by law and the regulations of the service.)

REGISTER OF THE LAND OFFICE

David Leland Spaulding, of Washington, to be register of the land office at Seattle, Wash., vice Irving D. Smith, resigned.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Richard Coke Marshall, jr., reserve, from February 4, 1926.

POSTMASTERS

ALABAMA

Joseph D. Pruett to be postmaster at Boaz, Ala., in place of J. D. Pruett. Incumbent's commission expired March 10, 1926.

Meige C. Bronson to be postmaster at Dadeville, Ala., in place of M. C. Bronson. Incumbent's commission expired March 10, 1926.

Tommie P. Lewis to be postmaster at Seale, Ala., in place of T. P. Lewis. Incumbent's commission expired March 10, 1926.

Pallie M. Ellis to be postmaster at Valley Head, Ala., in place of P. M. Ellis. Incumbent's commission expired March 10, 1926.

Henry E. Hart to be postmaster at Waverly, Ala., in place of H. E. Hart. Incumbent's commission expired March 10, 1926.

ARIZONA

James L. T. Watters to be postmaster at Duncan, Ariz., in place of J. L. T. Watters. Incumbent's commission expired February 2, 1926.

CALIFORNIA

Christian F. Richter to be postmaster at Auburn, Calif., in place of C. F. Richter. Incumbent's commission expired March 9, 1926.

Vada M. Slye to be postmaster at Cucamonga, Calif., in place of V. M. Slye. Incumbent's commission expired March 9, 1926.

Charles H. Silva to be postmaster at Newcastle, Calif., in place of C. H. Silva. Incumbent's commission expired March 9, 1926.

Roy E. Copeland to be postmaster at San Jacinto, Calif., in place of R. E. Copeland. Incumbent's commission expired March 9, 1926.

Clarence Beckley to be postmaster at Santa Paula, Calif., in place of Clarence Beckley. Incumbent's commission expired March 4, 1926.

Samuel F. Ellison to be postmaster at Vacaville, Calif., in place of S. F. Ellison. Incumbent's commission expired March 9, 1926.

Clifford M. Moon to be postmaster at Victorville, Calif., in place of C. M. Moon. Incumbent's commission expired March 9, 1926.

COLORADO

John W. Hultquist to be postmaster at Wray, Colo., in place of J. W. Hultquist. Incumbent's commission expired March 8, 1926.

Charley W. Mickey to be postmaster at Rico, Colo., in place of Clare Bloomingkemper, resigned.

IDAHO

Laura S. Enberg to be postmaster at Fruitland, Idaho, in place of Iona Anderson. Incumbent's commission expired December 22, 1925.

Ira W. Moore to be postmaster at St. Anthony, Idaho, in place of I. W. Moore. Incumbent's commission expires March 13, 1926.

Charles H. Hoag to be postmaster at Worley, Idaho, in place of C. H. Hoag. Incumbent's commission expires March 13, 1926.

ILLINOIS

Edward H. Hannant to be postmaster at Mount Sterling, Ill., in place of E. H. Hannant. Incumbent's commission expires March 13, 1926.

John W. Sheary to be postmaster at New Holland, Ill., in place of J. E. Sheary. Incumbent's commission expired October 20, 1925.

Isaac D. Gum to be postmaster at Pocahontas, Ill., in place of I. D. Gum. Incumbent's commission expired March 1, 1926.

Maurice Z. Moore to be postmaster at Industry, Ill., in place of J. O. Miller, removed.

INDIANA

Jacob W. Mintzer to be postmaster at Ashley, Ind., in place of J. W. Mintzer. Incumbent's commission expired March 2, 1926.

Edgar H. Newlin to be postmaster at Bloomingdale, Ind., in place of E. H. Newlin. Incumbent's commission expires March 13, 1926.

William O. Nation to be postmaster at Centerpoint, Ind., in place of W. O. Nation. Incumbent's commission expires March 13, 1926.

Arthur F. Saylor to be postmaster at New Paris, Ind., in place of A. F. Saylor. Incumbent's commission expired February 15, 1926.

Byron B. Ganger to be postmaster at Bristol, Ind., in place of L. B. Kantz, resigned.

IOWA

Cleon F. Wigton to be postmaster at Britt, Iowa, in place of C. F. Wigton. Incumbent's commission expires March 13, 1926.

Armanis F. Patton to be postmaster at Gowrie, Iowa, in place of A. F. Patton. Incumbent's commission expires March 13, 1926.

Lynn McCracken to be postmaster at Manilla, Iowa, in place of Lynn McCracken. Incumbent's commission expires March 13, 1926.

Keith L. McClurkin to be postmaster at Morning Sun, Iowa, in place of K. L. McClurkin. Incumbent's commission expired November 22, 1925.

Ida G. Schloeman to be postmaster at Norway, Iowa, in place of I. G. Schloeman. Incumbent's commission expires March 13, 1926.

Danel O. Clark to be postmaster at Ogden, Iowa, in place of D. O. Clark. Incumbent's commission expires March 13, 1926.

Otto Anderson to be postmaster at Ossian, Iowa, in place of Otto Anderson. Incumbent's commission expires March 13, 1926.

Leo E. Perry to be postmaster at Rhodes, Iowa, in place of L. E. Perry. Incumbent's commission expired March 10, 1926.

Ralph S. Van Hooser to be postmaster at Terril, Iowa, in place of R. S. Van Hooser. Incumbent's commission expired March 10, 1926.

Charles P. Worrell to be postmaster at Whiting, Iowa, in place of C. P. Worrell. Incumbent's commission expired March 10, 1926.

KANSAS

Harry T. Hill to be postmaster at Colony, Kans., in place of H. T. Hill. Incumbent's commission expires March 13, 1926.

Samuel N. Nunemaker to be postmaster at Hesston, Kans., in place of S. N. Nunemaker. Incumbent's commission expires March 13, 1926.

Eva M. Baird to be postmaster at Spearville, Kans., in place of E. M. Baird. Incumbent's commission expired January 17, 1926.

KENTUCKY

John P. Perkins to be postmaster at Albany, Ky., in place of J. P. Perkins. Incumbent's commission expires March 13, 1926.

LOUISIANA

Charles J. Slack to be postmaster at Maringouin, La., in place of C. J. Slack. Incumbent's commission expired March 2, 1926.

Henry A. Donaldson to be postmaster at Reserve, La., in place of H. A. Donaldson. Incumbent's commission expired March 2, 1926.

Dorothy J. Fetzer to be postmaster at South Mansfield, La., in place of D. J. Fetzer. Incumbent's commission expired March 7, 1926.

MAINE

La Forest T. Spear to be postmaster at Rockport, Me., in place of L. T. Spear. Incumbent's commission expired November 23, 1925.

MASSACHUSETTS

Jennie L. Holbrook to be postmaster at East Douglas, Mass., in place of J. L. Holbrook. Incumbent's commission expired January 30, 1926.

Effie M. Ellis to be postmaster at East Wareham, Mass., in place of E. M. Ellis. Incumbent's commission expired March 10, 1926.

Lester M. Blair to be postmaster at Whitinsville, Mass., in place of L. M. Blair. Incumbent's commission expired March 10, 1926.

Frederick M. Hickey to be postmaster at Grafton, Mass., in place of Martin Hickey, deceased.

Doris B. Daniels to be postmaster at Shrewsbury, Mass., in place of H. E. Buxton, resigned.

MICHIGAN

Helen G. Smith to be postmaster at Mohawk, Mich., in place of T. H. Berryman, resigned.

MINNESOTA

William F. Bischoff to be postmaster at Bigfork, Minn., in place of Folmer Bjorge, resigned.

MISSISSIPPI

James C. Reddoch to be postmaster at Quitman, Miss., in place of J. C. Reddoch. Incumbent's commission expired February 28, 1926.

MISSOURI

Edwin H. Vemmer to be postmaster at Gerald, Mo., in place of E. H. Vemmer. Incumbent's commission expired March 8, 1926.

James A. Pidcock to be postmaster at Lockwood, Mo., in place of J. A. Pidcock. Incumbent's commission expired February 2 1926.

James H. Somerville to be postmaster at Mercer, Mo., in place of J. H. Somerville. Incumbent's commission expires March 13, 1926.

Glenn S. Elliston to be postmaster at Montrose, Mo., in place of G. S. Elliston. Incumbent's commission expires March 13, 1926.

May Venard to be postmaster at Tina, Mo., in place of May Venard. Incumbent's commission expires March 13, 1926.

Leland T. Moore to be postmaster at Warsaw, Mo., in place of L. T. Moore. Incumbent's commission expires March 13, 1926.

MONTANA

Henry O. Woare to be postmaster at Chester, Mont., in place of J. T. Smith. Incumbent's commission expired January 17, 1926.

Sidney Bennett to be postmaster at Scobey, Mont., in place of Sidney Bennett. Incumbent's commission expires March 13, 1926.

NEW HAMPSHIRE

Almon W. Eaton to be postmaster at Wolfeboro, N. H., in place of A. W. Eaton. Incumbent's commission expired January 25, 1926.

NEW JERSEY

Alfred P. Jolin to be postmaster at High Bridge, N. J., in place of E. B. Ramsey. Incumbent's commission expired November 18, 1925.

Harry J. Manning to be postmaster at South Plainfield, N. J., in place of P. F. Kaine, resigned.

NEW YORK

Melvin A. Marble to be postmaster at Clayton, N. Y., in place of M. A. Marble. Incumbent's commission expired March 7, 1926.

Harry J. Goodfellow to be postmaster at Fayetteville, N. Y., in place of H. J. Goodfellow. Incumbent's commission expired March 7, 1926.

Lucy E. Murray to be postmaster at Florida, N. Y., in place of L. E. Murray. Incumbent's commission expired December 14, 1925.

Harold E. Sargent to be postmaster at Liverpool, N. Y., in place of H. E. Sargent. Incumbent's commission expired January 5, 1926.

Lewis O. Wilson to be postmaster at Long Beach, N. Y., in place of L. O. Wilson. Incumbent's commission expired February 21, 1926.

David R. Dunn to be postmaster at Scarsdale, N. Y., in place of D. R. Dunn. Incumbent's commission expired November 17, 1925.

William H. Evans to be postmaster at Morrisville, N. Y., in place of R. W. Northup, resigned.

NORTH CAROLINA

Robert O. Smith to be postmaster at Creedmoor, N. C., in place of R. O. Smith. Incumbent's commission expired November 9, 1925.

Gideon T. Matthews to be postmaster at Rocky Mount, N. C., in place of L. F. Tillery. Incumbent's commission expired June 4, 1924.

NORTH DAKOTA

John H. Bolton to be postmaster at Fairmount, N. Dak., in place of E. W. Wetherbee. Incumbent's commission expired November 8, 1925.

Abbie L. Boyd to be postmaster at Pingree, N. Dak., in place of A. L. Boyd. Incumbent's commission expired March 4, 1926.

OHIO

Egbert H. Phelps to be postmaster at Andover, Ohio, in place of E. H. Phelps. Incumbent's commission expires March 13, 1926.

William S. Burcher to be postmaster at Beallsville, Ohio, in place of W. S. Burcher. Incumbent's commission expired March 2, 1926.

Frank M. McCoy to be postmaster at Bloomingburg, Ohio, in place of F. M. McCoy. Incumbent's commission expired February 10, 1926.

George F. Ruggles to be postmaster at Jefferson, Ohio, in place of G. F. Ruggles. Incumbent's commission expires March 13, 1926.

Cortelle B. Hamilton to be postmaster at Kinsman, Ohio, in place of C. B. Hamilton. Incumbent's commission expires March 13, 1926.

Adda B. Henkle to be postmaster at Larue, Ohio, in place of A. B. Henkle. Incumbent's commission expires March 13, 1926.

William F. Lafferre to be postmaster at Lewisville, Ohio, in place of W. F. Lafferre. Incumbent's commission expired March 2, 1926.

Leonard L. Harding to be postmaster at Milford, Ohio, in place of L. L. Harding. Incumbent's commission expires March 13, 1926.

Harry H. Davis to be postmaster at New Holland, Ohio, in place of H. H. Davis. Incumbent's commission expired March 10, 1926.

Theodore S. Hephinger to be postmaster at New Philadelphia, Ohio, in place of T. S. Hephinger. Incumbent's commission expired March 10, 1926.

William T. Sprankel to be postmaster at New Straitsville, Ohio, in place of W. T. Sprankel. Incumbent's commission expired March 10, 1926.

Mathias Tolson to be postmaster at Salineville, Ohio, in place of Mathias Tolson. Incumbent's commission expires March 13, 1926.

James W. Rush to be postmaster at Sardis, Ohio, in place of J. W. Rush. Incumbent's commission expired March 2, 1926.

Fred Mills to be postmaster at Sebring, Ohio, in place of Fred Mills. Incumbent's commission expires March 13, 1926.

Ward B. Petty to be postmaster at Sycamore, Ohio, in place of W. B. Petty. Incumbent's commission expired February 10, 1926.

John F. McQueen to be postmaster at Wellsville, Ohio, in place of J. F. McQueen. Incumbent's commission expired February 28, 1926.

OREGON

Minta D. Cathers to be postmaster at Wheeler, Oreg., in place of M. D. Cathers. Incumbent's commission expired March 9, 1926.

PENNSYLVANIA

Joseph A. Buchanan to be postmaster at Ambler, Pa., in place of J. A. Buchanan. Incumbent's commission expired February 6, 1926.

Ira R. Burns to be postmaster at Bellwood, Pa., in place of I. R. Burns. Incumbent's commission expired August 17, 1925.

Fred F. Duke to be postmaster at Clifton Heights, Pa., in place of Bernard Doherty. Incumbent's commission expired October 24, 1922.

Samuel W. Hodgson to be postmaster at Cochranville, Pa., in place of S. W. Hodgson. Incumbent's commission expired March 7, 1926.

Anna M. Hess to be postmaster at Duncansville, Pa., in place of A. M. Hess. Incumbent's commission expired August 24, 1925.

William Rosemergy to be postmaster at Mayfield, Pa., in place of John Wilson. Incumbent's commission expired January 30, 1926.

John W. Eshleman to be postmaster at Mount Joy, Pa., in place of J. W. Eshleman. Incumbent's commission expired December 20, 1925.

Charles A. Graeff to be postmaster at Schuylkill Haven, Pa., in place of J. M. Ebling. Incumbent's commission expired June 5, 1924.

Percy B. Swanwick to be postmaster at Harmarville, Pa., in place of F. S. Davis, resigned.

SOUTH DAKOTA

Cecil L. Adams to be postmaster at Frankfort, S. Dak., in place of C. L. Adams. Incumbent's commission expired November 17, 1925.

TENNESSEE

Laura W. Malone to be postmaster at Alexandria, Tenn., in place of B. P. Compton. Incumbent's commission expired January 30, 1926.

William D. Howser to be postmaster at Clarksville, Tenn., in place of W. D. Howser. Incumbent's commission expires March 23, 1926.

Joe R. Taylor to be postmaster at Etowah, Tenn., in place of J. R. Taylor. Incumbent's commission expired March 9, 1926.

William J. Whitsett to be postmaster at Lewisburg, Tenn., in place of W. J. Whitsett. Incumbent's commission expires March 24, 1926.

George B. Beaver to be postmaster at McMinnville, Tenn., in place of G. B. Beaver. Incumbent's commission expired January 17, 1926.

TEXAS

Marshall Callaway to be postmaster at Howe, Tex., in place of Marshall Callaway. Incumbent's commission expired March 2, 1926.

Collins M. Click to be postmaster at Lovelady, Tex., in place of C. M. Click. Incumbent's commission expired March 10, 1926.

Silas T. Compton to be postmaster at Mount Enterprise, Tex., in place of S. T. Compton. Incumbent's commission expired March 10, 1926.

Rufus L. Hybarger to be postmaster at Pineland, Tex., in place of R. L. Hybarger. Incumbent's commission expired December 20, 1925.

Joseph E. Willis to be postmaster at Rochelle, Tex., in place of J. E. Willis. Incumbent's commission expired February 10, 1926.

Mary E. Holtzclaw to be postmaster at Tatum, Tex., in place of M. E. Holtzclaw. Incumbent's commission expired March 2, 1926.

UTAH

Eugene Chatlin to be postmaster at Helper, Utah, in place of J. F. Hunter, resigned.

VIRGINIA

Griffith S. Marchant to be postmaster at Mathews, Va., in place of G. S. Marchant. Incumbent's commission expired March 10, 1926.

George E. Jones to be postmaster at Painter, Va., in place of G. E. Jones. Incumbent's commission expired March 10, 1926.

WASHINGTON

George L. Deu Pree to be postmaster at Marysville, Wash., in place of G. L. Deu Pree. Incumbent's commission expired March 9, 1926.

Theodore M. Benedict, jr., to be postmaster at Lyle, Wash., in place of E. M. Splawn, resigned.

WEST VIRGINIA

Hattie Brown to be postmaster at Bramwell, W. Va., in place of M. R. Walker. Incumbent's commission expired June 5, 1924.

WISCONSIN

John W. Crandall to be postmaster at Deerbrook, Wis., in place of J. W. Crandall. Incumbent's commission expired February 15, 1926.

Michael C. Keasling to be postmaster at Exeland, Wis., in place of M. C. Keasling. Incumbent's commission expired January 18, 1926.

George B. Aschenbrener to be postmaster at Fifield, Wis., in place of G. B. Aschenbrener. Incumbent's commission expired March 9, 1926.

Chester A. Minshall to be postmaster at Viroqua, Wis., in place of W. N. Coffland. Incumbent's commission expired March 22, 1924.

Carl R. Anderson to be postmaster at Weyerhauser, Wis., in place of C. R. Anderson. Incumbent's commission expired December 15, 1925.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1926

DIPLOMATIC AND CONSULAR SERVICE

Philip Adams to be secretary.

Edward B. Rand to be vice consul of career.

POSTMASTERS

ALABAMA

Lucy Downing, Moulton.

ARIZONA

Donald McIntyre, Yuma.

CALIFORNIA

Henry M. Hammond, Alameda.
Florence E. Mathews, Brea.
Leonard E. Whitener, Coalinga.
Rena J. Wright, Downieville.
Walter L. Cleveland, Huntington Park.
Kenneth F. Reynolds, Irvington.
Rebecca Dabney, La Crescenta.
Miriam I. Paine, Mariposa.
Philip C. Scadden, Nevada City.
Fred R. Howe, Santa Cruz.
Edward T. Ketcham, Santa Maria.
Ray A. Ferrill, Smith River.
Mary L. Schellenger, Soquel.
Columbus W. Bouldin, Strathmore.
Elsie B. Lausten, Walnut Grove.

DELAWARE

William H. Rogers, Frederica.
John J. Jolls, Middletown.

FLORIDA

Jesse F. Warren, Apalachicola.
William B. Wingate, Callahan.
Edward N. Winslow, Cocoa.
Effie M. Robinson, Coleman.
Rexford D. L. Graves, Daytona Beach.
Elmer J. Roux, Fernandina.
Mattie D. Perry, Floral City.
Louis C. Lynch, Gainesville.
William H. Berkstresser, Hawthorn.
Vilma B. Rhodes, Oakland.
Pearl E. Graham, Orange City.
John D. Peterson, Pierson.
Orrell W. Prevatt, Seville.
Cornelia Higgins, Warrington.

INDIANA

Alice H. Firebaugh, Medaryville.

IOWA

John H. Taylor, New Sharon.
Thomas F. Fawcett, Ocheyedan.

KENTUCKY

Walter Robins, Brodhead.
Arthur G. Powell, Irvine.
Ludlow F. Petty, Louisville.
Oscar W. Gaines, Oakland.

LOUISIANA

Maude Norsworthy, Collinston.
Angus O. Ott, Kentwood.
Thomas E. Barham, Oak Ridge.
George S. O'Brien, Rhoda.

MAINE

Winnifred J. Libby, Ocean Park.

MASSACHUSETTS

George L. Minott, Gardner.
Frances C. Hill, Templeton.

MINNESOTA

George T. Sands, Alvarado.
Charles W. Strebel, Arlington.
Edward L. Barstow, Barnum.
Emily M. Drexler, Brandon.
Robert W. Stewart, Ceylon.
Michael Hollaren, Ellsworth.
Leslie A. Persons, Garvin.
Lewis Garden, Gary.
Erwin O. King, Hackensack.
Hazel W. Noeske, Hewitt.
Amos P. Wells, Holloway.
Harlan J. Miner, International Falls.
Lynn J. Dewey, Jeffers.
Fred G. Brower, Kimball.
Harry Coleman, Lancaster.
Edward M. La Fond, Little Falls.
Albert D. Day, Long Prairie.
Wallace R. Ackerman, Mapleton.
Andrew Bromstad, Milan.
Ralph V. Townsend, Minnesota Lake.
Walter W. Pearson, Nevis.
Arnold J. Derksen, Pequot.
James N. Kain, Round Lake.
William H. Wilson, Rushmore.
John C. Klein, St. Joseph.
Lewis A. Bradford, Verndale.
Joseph Groebner, Wabasso.

MISSISSIPPI

Nettie M. Scott, Lake Cormorant.
Lula M. T. Rutledge, Newhebron.

MISSOURI

Leland G. Riley, Eagleville.
John M. Atkinson, jr., Eldorado Springs.
Herold D. Condray, Ellsinore.
Clyde E. Jennings, Hollister.
Benjamin S. Lacy, Malden.
Guy Ridings, Middletown.
George W. Davies, Osceola.
Gustav C. Rau, Pacific.
William F. Norris, Perry.
Jennie M. Peck, Sheldon.

John J. Schaper, Warrenton.
Oscar F. Schulte, Washington.
Albert W. Selway, Williamstown.

NEW JERSEY

Charles H. Conner, Bayonne.

NEW YORK

Otis G. Fuller, Central Square.
Norman S. Taylor, Clayville.
Earl A. Wheeler, East Randolph.
Lena M. Johnson, Interlaken.
Darwin A. Sanders, Keene Valley.
David C. Gilmour, Morristown.
John B. Mullan, Rochester.

NORTH CAROLINA

Dan W. Hill, Asheville.
Loyd V. Sorrell, Cary.
Claude C. Tillman, Dover.
Walter F. Justus, Flat Rock.
Jenks Terry, Hamlet.
James L. Davenport, Jamesville.
John C. Smith, Lenoir.
Charles R. Thomas, Milton.
Henry Reynolds, North Wilkesboro.
Thomas H. Peele, Rich Square.

NORTH DAKOTA

M. Evelyn Peavy, Egeland.

OKLAHOMA

Mahlon F. Manville, Ada.
Leo C. Sharp, Antlers.
Thomas H. W. McDowell, Blackwell.
Ulysses S. Markham, Caddo.
Edgar R. Freels, Canute.
William C. Cooley, Cashion.
Dallas M. Rose, Davis.
Coral B. Waldie, Deer Creek.
William J. Krebs, Kaw.
Marshall H. Whaley, Morrison.
Robert V. Anderson, Muskogee.
James S. Goodwin, Stratford.
Etta B. Henderson, Wayne.

PENNSYLVANIA

Harry L. Warnick, Glen Riddle.
Edward F. Poist, McSherrystown.
Lawrence L. Steiger, Mercersburg.

SOUTH CAROLINA

Trower Cravens, Beaufort.
Louis Stackley, Kingstree.

TEXAS

Joseph C. Eakin, Chilton.
William J. Ott, Cuero.
Maggie Beck, Hillsboro.
Robert Dempster, Hitchcock.
Alfred M. Finger, Hondo.
Virgil A. Smith, Kenedy.
Thomas L. Darden, Meridian.
Sam G. Reid, Oglesby.
Charles E. Simpson, Refugio.
Willie E. Penick, Rule.
Thomas J. Hill, Yoakum.

VERMONT

Milton B. Hoag, Grand Isle.
Otto R. Bennett, Manchester.
Arthur G. Hinman, Middlebury.

WISCONSIN

Edward W. Guth, Adell.
Royal C. Taylor, Boyceville.
Dell L. Amerpohl, Brodhead.
Leo O. Dietrich, Cassville.
Benjamin F. Querhammer, Cazenovia.
Henry W. Lemmenes, Cedar Grove.
Lewis T. Larson, Danbury.
Clarence L. Jordalen, Deerfield.
Emil C. Kraemer, Fond du Lac.
Charles H. Prouty, Genoa City.
Charles P. Peterson, Glenwood City.
Kate S. Conrad, Hammond.
John P. Fitzgerald, Mellen.
William T. Hoyt, Rosendale.
Christian R. Mau, West Salem.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 11, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, Thou art the Judge of all the earth, and can do no wrong. May our offering unto Thee be an earnest and a contrite heart. We thank Thee for the hope, the joy, and the love that make life an abiding blessing. Be Thou unto us the inspiration of duty and the restraining power when the way is not clear. Emancipate the hearts of all men from the bondage of prejudice and intolerance. Give us the courage of a compelling faith that declares in the midst of all problems that man and his earth shall yet come to their glory. Gladden all our homes, and may they symbolize the peace and the rest of the Father's house above. The light on the altar of a happy home has been extinguished. We pause a moment in silence, for his memory is dear and his labor lives. Comfort the fireside in its affliction, and in the fading of the starlight may they see the coming morn. Amen.

The Journal of the proceedings of yesterday was read and approved.

NATIONAL SESQUICENTENNIAL EXPOSITION

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 197, to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of House joint resolution which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 197

Joint resolution (H. J. Res. 197) to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition

Resolved, etc., That the appropriation made in the first deficiency act, fiscal year 1926, to enable the Government of the United States to participate in the National Sesquicentennial Exposition, may be expended for the purposes enumerated in that act without regard to the provisions of any other act relating to the expenditure of public moneys or the employment of personal services, on the certificate of the National Sesquicentennial Exhibition Commission that the materials or services were necessary to enable the United States Government to participate in said exposition: *Provided*, That this authority shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

Mr. MADDEN. Mr. Speaker, I would like a few minutes to explain the purpose of the resolution.

The SPEAKER. Without objection, the gentleman from Illinois is recognized for five minutes.

There was no objection.

Mr. MADDEN. When the appropriation for $2,185,500 was made for the sesquicentennial exposition, of which $1,185,500 was intended to be used for the exhibits to be displayed by the National Government, it was assumed that the work would be conducted under the ordinary laws in existence at the time. But the Secretary of Commerce, who is the chairman of the national commission, and the Secretary of State, who is a member, have sent a communication to the Committee on Appropriations setting out the impossibility of proceeding with the exposition necessary to enable the Government to make exhibits in time to meet the needs of the case. Time is the essence of the whole question here. To assemble the personnel that will be required both in Washington and Philadelphia under the civil-service rules, for example, they say will take about 60 days, whereas many exhibits are required to be installed under a time limit fixed before the end of that 60 days. It is clear from the statement they make to us that it would not be possible for them to proceed expeditiously if the civil-service rules are not waived.

Mr. SNELL. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. SNELL. The joint resolution does not do anything more than was intended to do when we passed the original resolution.

Mr. MADDEN. No; but I think it ought to be explained for the record. Then, as to the letting of contracts, many of which must be let in the expenditure of the funds, under the law they would be required to advertise for bids. That would take 30 to 60 days before they could get the bids and before they could decide upon what they would do. Then they would have to

wait until the contracts were executed, which would take 30 or 60 days more, and by that time half of the exhibition period would be over.

So they submitted a resolution asking that the laws in respect to the employment of persons and the purchase of supplies be waived. The resolution did not provide, as they submitted it, for an audit of the account as approved by the national commission. I have inserted at the end of the resolution submitted to us a proviso which requires that all accounts for all purposes in connection with the expenditure of this money must be submitted to the Comptroller General for audit. I think, the Commitee on Appropriations unanimously thought, and it is by their authority that I am asking for this now—that the proviso should be added. The positions are only temporary; at the end of the exposition the positions no longer will exist and those required to conduct the service can not be recruited within the time necessary under the civil-service rules.

Mr. BLANTON. When did the time become the essence of the contract?

Mr. MADDEN. The gentleman from Texas wants some time, Mr. Speaker, and I yield him three minutes.

Mr. BLANTON. Mr. Chairman, time has suddenly become the essence of this legislation. Yet this matter has been before Congress for a long time. In a former Congress the first resolution concerning it came up and subsequent ones have come down to the present situation when time becomes the essence of them all. This proviso is the most ridiculous one that I ever knew the chairman of the Committee on Appropriations to place in a resolution. What is the use of submitting these accounts to the Comptroller General for audit when we are by law now saying that there shall be no restrictions and no limitations whatever on the expenditure of the $2,186,000. These people can spend it just like they want to. And any way they spend it will therefore be lawful. Then why have an audit by the Comptroller General?

Mr. BYRNS. My friend does not object to publicity, does he?

Mr. MADDEN. We want to know what they spend it for.

Mr. BLANTON. If we were providing how they shall expend it there would be a reason for letting the splendid Comptroller General audit it.

But when we give them this $2,186,000 and say, "Spend it just as you want to, Mr. VARE," what is the use of sending it to McCarl and bothering him about it? [Laughter.] They do not usually catch the gentleman from Illinois [Mr. MADDEN] napping; but he wanted to make some showing here before his colleagues that he was protecting the Treasury, because he is always doing that, and it appealed to him that he must do something, and so he says, "After they spend it and it is all gone, then let us let McCarl see how they spend it, so that we may find out something about it." But McCarl could not stop the expenditure of any of it. McCarl has stopped lots of money from being improperly spent. He stops the Navy Department and the Army every year from improperly spending hundreds of thousands of dollars.

Mr. MADDEN. Mr. Speaker, let me say to the gentleman from Texas that Mr. McCarl has done a wonderful work.

Mr. BLANTON. Wonderful! He is the most wonderful man we have in the employ of the Government. He has made the railroads pay back into the people's Treasury hundreds of thousands of dollars, but after this proviso is passed, Comptroller General McCarl could not make these people pay back one cent, and the gentleman knows it, because it is lawful for them to spend as they please. He can not turn down a single account, and it is foolishness to adopt this last clause, as it is no safeguard whatever.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for three minutes out of order to prefer a unanimous-consent request and to discuss legislation affecting disabled veterans.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, last December, as chairman of the Committee on Veterans' Legislation, I introduced H. R. 4474, a general legislative bill affecting disabled veterans. Since that time the Committee on Veterans' Legislation has continuously had hearings on that measure and has discussed it. The committee has directed me to report a general bill based on the provisions of H. R. 4474. This involves a very great number of amendments to the bill as originally introduced, perhaps 75. For that reason the Veterans' Committee decided to introduce practically a new bill, which would require a new number. If that is brought before the House, it should be printed in such a way that the Members of the House will know what the committee has tried to do; and I am about to prefer a unanimous-consent request that when this bill is printed it be printed in two kinds of type, so that the present law would appear in italics and the part of the present law stricken out would have a line drawn through it and the amendments would appear in caps. If this is not done, it would be impossible for anybody except one who has especially studied the legislation to tell what it is all about. If it is done as I request, it will be easy for any Member of the House to know exactly what the committee has done—what has been stricken out, what is proposed, and what part of the old law is retained. Therefore, Mr. Speaker, I ask unanimous consent that this bill, when it is introduced to-day, be printed as I have indicated.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, it seems to me that that would be an unusual way of printing the bill. Usually the report gives that information about a bill. Has the gentleman made any estimate as to how much that will increase the size of the bill?

Mr. JOHNSON of South Dakota. It will increase it very little. We have already had a confidential print in that form for the use of the committee. This type is all set up in exactly the form proposed, and it would be a distinct saving to the Government to have it printed in that way.

Mr. BLACK of Texas. I shall not object.

Mr. MACGREGOR. Mr. Speaker, reserving the right to object, I have looked at the bill proposed by the gentleman from South Dakota [Mr. JOHNSON]. A short time ago I introduced an amendment to the rules providing for the method of printing bills amending existing laws so that the Members on the floor and in the committee would know what is being attempted. I do not think that the method adopted by the gentleman from South Dakota [Mr. JOHNSON] is the right method, because it involves additional paper and, I think, additional work. Nevertheless, I shall not object. I simply call attention to this amendment to the rules which I have proposed and which some couple of hundred Members of the House have agreed to, and which I hope the Committee on Rules will take up and consider very carefully and adopt, so that it will save the time of the Members in going over pending legislation amending existing law, not only when they are in their offices but here upon the floor. Many times it happens that bills are brought on the floor amending existing law with no indication upon the face of the bill of what is proposed to be amended. Much time is lost by questioning Members and in explaining what is proposed to be amended. Simply providing in the bill an indication of what is attempted would inform the Members without spending time and effort in explanation.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am in hearty sympathy with the proposal of the gentleman from New York [Mr. MACGREGOR]. I think that should be adopted; but because we have this bill already printed in this form it would be much cheaper to let that type stand, and it will allow every Member of the House to know exactly what is proposed.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. Mr. Speaker, I think the suggestion of the gentleman from New York [Mr. MACGREGOR] is a wise one. It will save time. As long as we follow the present rule of printing, where it is proposed to amend a law, we must print the whole section. The gentleman's suggestion will save a great deal of time, because in a moment we can tell by inspection just what has been added to and what has been taken away from the present law.

Mr. JOHNSON of South Dakota. I think the gentleman is correct.

Mr. LAGUARDIA. If the gentleman will permit, was it not true in the last Congress in its closing days when a bill came before the House every member of the committee interested found it very difficult to explain to the House—and I am sure the same thing happened on the other side of the Capitol—where the changes were?

Mr. JOHNSON of South Dakota. That was because of the form in which the bill was printed. We are trying to obviate that now.

Mr. LEHLBACH. Just as a bill coming from the Senate with amendments, the same method is employed in the printing of committee amendments.

Mr. JOHNSON of South Dakota. Exactly the same.

Mr. LEHLBACH. Assuming this bill is introduced and a new bill printed under unanimous-consent request and it becomes necessary for the committee to report it with amendments, how can we determine what are the committee amendments?

Mr. JOHNSON of South Dakota. I am going to report it at once without committee amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to print the bill referred to in a manner indicating changes in existing law. Is there objection?

Mr. BANKHEAD. Reserving the right to object, for a matter of information I want to ask if any arrangement has been made for the consideration of this bill when reported?

Mr. JOHNSON of South Dakota. None, except I have discussed the matter with the Speaker for a moment. The bill has been just reported, and I expect to try to get it up as soon as I can under the general rules of the House, as indicated at the time of the passage of other veterans' legislation in 1924 and 1925.

Mr. BANKHEAD. Is it the gentleman's expectation to call it up on Calendar Wednesday?

Mr. JOHNSON of South Dakota. I will say that as chairman of the committee I am to-day introducing a rule which will go to the Committee on Rules asking for a day to consider it under the general rules of the House unless some other arrangement can be made. The appropriation bills have the right of way, but I am endeavoring to bring it up in every possible way it can be considered except we do not desire to bring it up under suspension of the rules or any way which would preclude amendments.

Mr. WINGO. Mr. Speaker, reserving the right to object, the gentleman stated that he had had this printed confidentially?

Mr. JOHNSON of South Dakota. It was necessary to have it for the benefit of the committee.

Mr. WINGO. Did the gentleman go to the Printing Committee for permission to have it printed?

Mr. JOHNSON of South Dakota. I did not.

Mr. WINGO. How did the gentleman get around the law?

Mr. JOHNSON of South Dakota. I do not know, we had it printed that way.

Mr. WINGO. I wanted to know, because if the gentleman would make a request to do something like that in the CONGRESSIONAL RECORD the Printing Office would ignore it and say it was beyond the power of Congress to do that, Congress having abdicated its power by passing a general statute saying the Joint Committee on Printing should control this, and the Joint Committee on Printing having made regulations controlling such requests the entire thing was in their hands. Now whenever the House grants unanimous consent for a change of this kind in the printing of the RECORD the Printing Office ignores that, and when taken to task about it refer you to the Committee on Printing. Of course, they do not always check the Senate. They can do anything on earth with the CONGRESSIONAL RECORD in the way of printing and the Printing Office will not check them. I wanted to know if the gentleman had taken it up with the Committee on Printing and if it is going to permit this for a committee and yet refuse the whole House to make the same kind of a proposition when it wants to print matter in the RECORD.

Mr. JOHNSON of South Dakota. I anticipated that if there was any difficulty it would be in the House and not the Committee on Printing, and if no objection be made to unanimous consent in the House there would not be in the Committee on Printing.

Mr. WINGO. The gentleman did not catch my question. Is that contrary to the law as laid down by the Committee on Printing?

Mr. JOHNSON of South Dakota. I have not examined it, but I anticipate no difficulty arising from this situation——

Mr. WINGO. Will the gentleman be able to advise me whether the Public Printer could start on the printing before——

Mr. JOHNSON of South Dakota. I did not take it up with him.

Mr. GREEN of Iowa. I can not say just where the rule is, but it has been the practice of the committee to have a confidential print of the bill made in the form in which the gentleman has indicated.

Mr. WINGO. I know that the chairman of a committee of the House or the Senate could get things done at the Government Printing Office where it would be refused even where the House by unanimous consent ordered it done.

Mr. GREEN of Iowa. I can not say about that.

Mr. BYRNS. Did I understand the gentleman to say there is a distinction made between the House in reference to printing in the CONGRESSIONAL RECORD and that the Senate is permitted to print anything that it pleases and the House can not secure printing to be done in the CONGRESSIONAL RECORD in accordance with its orders?

Mr. WINGO. I thought that was obvious to a seasoned Member like the gentleman from Tennessee and that he had discovered that before.

Mr. BYRNS. If there is a distinction between the treatment accorded to the House and the Senate, I protest against it.

Mr. WINGO. I will say this much: The House has ordered certain things to be done in the CONGRESSIONAL RECORD in connection with the House proceedings, and the Public Printer has refused to do them, giving as a reason that it is contrary to the rules of the Joint Committee on Printing. That very same thing, however, has been done three times at least by the Senate of the United States. If the House orders a thing done, as, for instance, the chairman of a committee gets a confidential advance print of a bill made, he can do it only by calling up the clerk of the Joint Committee on Printing.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. STEVENSON. I will be glad if the gentleman will call the attention of the chairman of the Committee on Printing to that infraction of the rule, because it has been very strong on the enforcement of that rule, which provides how the extensions of remarks and things of that kind shall be printed. On several occasions Senators have been very indignant because we insisted upon printing them just as they print them for the House, and the Senator from New Hampshire [Mr. MOSES] had to tell them several times where they got off at. The committee will not stand for it either here or in the Senate——

Mr. WINGO. The gentleman from Arkansas, as I recall, called attention to a matter of that kind at one time, and I must confess that after doing it I felt very much like a country boy dealing with a city auctioneer after I got through with that Joint Committee on Printing.

Mr. STEVENSON. There have been several things that we would not stand for, and I protested, and they have been stopped.

Mr. BLANTON. I would like to ask the gentleman from South Carolina, who is a member of the Committee on Printing, whether, when the House wants something done, his committee does anything to set aside the order of the House?

Mr. STEVENSON. It merely enforces the law.

Mr. BLANTON. What is the law?

Mr. STEVENSON. The gentleman asks for an answer and I will give it to him. There is a law that provides that the Joint Committee on Printing shall have the right to make rules as to how things shall be printed. For instance, we made a rule that when you insert something taken out of a book or a magazine it must be printed in 6-point type. That rule is made the law. It is made by the joint committee, not by the House committee alone. It is law, and it has been so held. When the House, by unanimous consent, orders that a certain matter is to be printed in 8-point type, that is an endeavor to amend the law by mere unanimous consent on the part of the House, and inasmuch as it would take the action of both the House and the Senate to amend the law, we pay no attention to it when a Member asks to have something printed in 8-point type, which is more expensive. We shut down on it absolutely and pay no attention to unanimous-consent requests in this House, because the House by unanimous consent can not amend the law.

Mr. BLANTON. Then it is to be understood that the creature has become greater than the creator. The gentleman's committee is merely the creature of the House, and if the creature has become greater than the creator we want it understood.

Mr. STEVENSON. The House is not the creator. The House and the Senate together are the creators, and the creature having been created with certain powers, the House can not set aside those powers and interfere with them. [Applause.]

Mr. CONNALLY of Texas. If it were not that way, the House could pass a law by unanimous consent of the House?

Mr. STEVENSON. Yes.

Mr. BLANTON. Or it could repeal one.

EMPLOYMENT OF CONSULTING ENGINEERS, COOLIDGE DAM

Mr. HAYDEN. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 6374) to authorize the employment of

consulting engineers on plans and specifications of the Coolidge Dam, with a Senate amendment, and move to concur in the Senate amendment with an amendment, which I send up to the Clerk's desk.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The Clerk will report the motion of the gentleman from Arizona.

The Clerk read as follows:

Motion by Mr. HAYDEN: That the House concur in the amendment of the Senate to the bill H. R. 6374, with an amendment as follows: Page 2, line 8, after the word "day," insert "and necessary traveling expenses, including per diem of not to exceed $4 in lieu of subsistence," and on page 2, lines 6 and 7, strike out the words "and which compensation shall be inclusive of all traveling and other expenses incident to the employment."

Mr. HAYDEN. Mr. Speaker, in explanation of the amendment, permit me to say that the House, by unanimous consent, passed this bill authorizing the Secretary of the Interior to employ not more than three consulting engineers to examine the plans and specifications of the Coolidge dam, which is to cost several million dollars. The salary of each engineer was fixed at $75 a day, which should be inclusive of traveling and all other expenses. When the bill was under consideration in the Senate notice was taken of the fact that in the Army appropriation bill there is a provision for four consulting engineers for the Air Service at a salary of $50 a day, and for that reason the Senate reduced the compensation provided for in this bill from $75 to $50. In the Army appropriation bill, as reported to the Senate, provision is not only made for the service of four consulting engineers at $50 a day but each engineer is also allowed his necessary traveling expenses, including a per diem of not exceeding $4 in lieu of subsistence. Therefore, in order that the compensation of consulting engineers may be the same in both instances, I have moved to further amend this bill by allowing $4 a day in lieu of subsistence and necessary traveling expenses.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Arizona to concur in the Senate amendment with an amendment.

The motion was agreed to.

TO COORDINATE THE ARMY AND NAVY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in explanation of a bill that I am introducing relating to an amendment to the law creating the council of national defense and other matters relating to national defense.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in explanation of the bill that I have introduced I am extending my remarks in order to get the provisions of this bill before the Congress and the country at the earliest possible date.

Here is the language of this bill itself:

Be it enacted, etc., That there shall be a council of national defense to consist of the Secretary of State, the Secretary of War, and the Secretary of the Navy, and the chairman of the Committees on Foreign Affairs, Military Affairs, and Naval Affairs of both the Senate and House of Representatives of the Congress of the United States, of which the Secretary of State shall be chairman ex officio, and in his absence the Secretary of War shall act as chairman, and in the absence of the Secretary of War, the Secretary of the Navy shall act as chairman.

SEC. 2. It shall be the duty of the said council of national defense to meet at least once in every three months, or oftener if ordered by the President, or by previous resolution of the board itself, and the council shall appoint a secretary from among the officer personnel of the Army whose duty it shall be to keep full and accurate minutes of all proceedings of the board, and the Secretary shall prepare, under the direction of the Secretary of State, the agenda for each meeting; but any member of the council may bring for the consideration of the board any matter not already upon the agenda, and decisions shall be made only on a two-thirds vote of the full membership of the council.

SEC. 3. It shall be the duty of the council of national defense to submit to the President of the United States any matters and suggestions calculated to produce greater efficiency and economy in either the Army or the Navy or in any other of the defense activities of the Government, and the said council shall have the power to originate any such suggestions, or to consider and submit to the President any such matters as may have been submitted to it by the Army and Navy executive council hereinafter created.

SEC. 4. There shall be, and is hereby, created an Army and Navy executive council to consist of the Secretary of War as chairman, and in his absence the Secretary of the Navy as acting chairman, and the Secretary of the Navy, the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Chief of the Air Service of the Army, the Chief of Bureau of Aeronautics of the Navy, the Chief of Chemical Warfare Service, and the Chief of the Militia Bureau, and the said executive council shall appoint from among the officer personnel of the Army a secretary whose duty it shall be to keep full and accurate minutes of all the proceedings of the said executive council and to prepare an agenda for each meeting thereof under the direction of either the Secretary of War or the Secretary of the Navy, or both; and said war council shall meet at least once every month and oftener if directed by the President or upon resolution of the said executive council itself.

SEC. 5. It shall be the duty of the Army and Navy executive council to consider all matters that may be submitted to it by either the President or the council of national defense, or by any member of said executive council, or by the chief of any branch or bureau of either the Army or the Navy, or by The Adjutant General of the Army, or by the Army and Navy advisory council and to advise either the President or the council of national defense, as the case may be, upon any such matter submitted to and passed upon by the said war council. It shall further be the duty of the said executive council to require the Army and Navy advisory council, hereinafter created, to certify to the executive council all questions that have been pending and unsettled before it for a period of three months, and in the event of war or a national emergency to report any such question that may be pending before the said joint Army and Navy board upon such shorter time, or instantly, as the President shall direct. It shall be the power and duty of the said executive council to make decisions on all such questions as may be certified to it by the Army and Navy advisory council or as may be submitted to it by the council of national defense or by the President, or as may originate within the war council itself, upon the suggestion of any member thereof, and after such decisions shall have been made the said executive council shall have the power to direct and order either the War Department or the Navy Department to execute and carry out such decisions, unless the President shall otherwise direct. A record vote of two-thirds majority of the membership shall be necessary before issuing any order.

SEC. 6. There is hereby created a board to be known and designated as the "Army and Navy advisory council," which shall consist of an officer of the line of the Army and a member of the General Staff having the permanent rank of colonel, an officer of the Quartermaster Corps of the Army, and a reserve officer of the Army to be called to active duty and service upon the said advisory council for a period of not less than one nor more than two years, and after having served such tour of duty shall be ineligible thereafter to be recalled to active duty for such purpose, and of a line officer of the Navy with the rank of captain, an officer of the Paymaster Corps with the rank of commander or above, and an officer of the Naval Reserve called to duty for not less than one year, nor more than two years, and thereafter to be ineligible for such duty. The chairman of said advisory council shall be the Deputy Chief of Staff of the Army, but without any right to vote, and in his absence the ranking officer present shall act as chairman, and the said advisory council shall meet weekly and shall appoint an officer of the Army as secretary, who shall keep full and accurate minutes of all proceedings and shall arrange an agenda for each meeting, but any member may suggest the consideration of any subject not on the agenda. Agreement by two-thirds of the voting membership of the advisory council shall be necessary to render a decision on any matter.

SEC. 7. It shall be the duty of the Army and Navy advisory council to consider, advise, and report on all matters that may be submitted to it, either by the President or the executive council or the council of national defense or upon any matter that may originate within the advisory council, and it shall be the duty of the members of said advisory council to keep under constant observation, study, and consideration all matters relating either to the Army or the Navy with a view to originating suggestions as to ways and means of bringing about closer cooperation, better coordination, and the elimination of duplications between the Army and the Navy.

The purpose of this bill is to bring about coordination between the two principal defense organizations, to wit, the Army and the Navy. Our people are spending nearly seven hundred millions each year on the combined activities of the Army and the Navy. This is an enormous sum of money. Many students of these questions during the last 20 or 25 years have expressed the conviction that there is a grievous lack of cooperation and coordination between the Army and the Navy. They both admittedly exist solely and only for their service in national defense. They may in the discharge of their respective functions be obliged to cooperate for the protection of our Nation. In the event of such cooperation some common command would be necessary. The best time to become accustomed

to unity of command is in peace, in advance of war, so that there may be ease and harmony in submission to unity of command during war. Furthermore, many students of these two institutions have expressed the belief that there is a great deal of unnecessary duplication between the Army and the Navy. It is believed that this duplication does not increase the efficiency of our national defense, but, in fact, costs us many, many millions of dollars per year. Both institutions have transports, whereas the same transports could serve both the Army and the Navy. Ofttimes both institutions have warehouses, coaling stations, and supply depots in the same vicinity, when one of each would be sufficient for both the Army and the Navy. There is no reasonable excuse for maintaining three separate enlistment services such as are now maintained by the Army, the Navy, and the Marine Corps. There should be a single procurement agency for all those common commercial articles of subsistence such as meat, flour, and so forth, and such common supplies as uniforms, hats, shoes, gasoline, lubricating oils, and fuel oils.

At present these two defense agencies, the Army and the Navy, are competing against each other in the market and thus stimulating prices and costing the Treasury millions of dollars. Only a few years ago we found that the Army was selling many articles at about 10 per cent of the cost, when the Navy was buying these same articles in the market at their inflated values. Thus the Government was losing at "both ends of the sack." It is well nigh axiomatic that when the Government buys it must pay two prices and when it sells it obtains less than one-half price. We have an illustration right here in the District of Columbia, where owners of real estate have been charging for space upon which to build schoolhouses to educate children several times the assessed value of the property. This only illustrates how too many of the public regard the Public Treasury as legitimate prey, and how too many public officials that have the buying or selling are indifferent to the matter of cost, or the conserving of public funds.

But the principal and paramount consideration in the preparation of this bill is the matter of efficiency. Undoubtedly at present there is a certain jealousy between the Army and the Navy. This is not the stimulating, helpful, and beneficial rivalry as is sometimes expressed, but is in effect a destructive jealousy that ignores the public interest and obstructs the public service. I have inserted a diagram seeking to illustrate the relative positions and functions of the council of national defense, the Army and Navy executive council, and the Army and Navy advisory council. The Council of National Defense is purely advisory to the President. Of course, the President, as commander in chief of the Army and the Navy, is not bound to accept the advice of anyone. But the President is not an experienced military man as a general thing.

Most Presidents have been elected on political and economical grounds. Most of them are utterly ignorant of special military problems outside of that common sense which is 99 per cent of war; most Presidents contribute nothing to the efficiency of national defense. Therefore there is elected the Council of National Defense to consist of the Secretary of State, Secretary of War, the Secretary of the Navy, and the chairmen of the Committees on Foreign Affairs, Military Affairs, and Naval Affairs of the Senate and the House of Representatives of the Congress. This will give a membership of nine, presided over by the Secretary of State, and they will hold meetings every three months, or oftener as may be necessary, as determined by them or by the President, and the said council shall consider all such questions as may be submitted by the President, or by the Army and Navy executive board through the President or the said council may originate any suggestions and pass them on to the President, and the President will accept this advice either for the purpose of making recommendations to the Congress, or for the purpose of giving orders to the Army and Navy executive council. It will be observed that the Council of National Defense consists exclusively of civilians. There is a reason for this.

When the Hon. Dwight W. Morrow was recently before the Committee on Military Affairs he expressed the very sound proposition that civilians should always determine policies, even the general policies affecting the Nation in relation to other nations and as thus reflected to the Army and the Navy. The reason is manifest. This Nation belongs to the civilians who must pay the bills and who, when war comes, do the greater part of the fighting and the suffering.

The purpose of the Congress in prescribing civilian heads for the Army and the Navy was to insure the domination of the civilian idea. However, this has not been sufficient to insure civilian control. As a matter of fact, both the Secretary of War and the Secretary of the Navy have recently admitted at public hearings that their opinions and ideas are based upon the advice of those in high command in the Army and the Navy in whom they have confidence. Thus they admit that their policies are not the result of their own independent and personal judgment, but that they accept the conclusions of the General Staff in the Army and the General Board in the Navy. Thus these civilian heads of the Army and the Navy amount to mere camouflage. They pose as the civilian masters when in fact they become the pliant and subservient special pleaders of the Army and the Navy. They do not control the excessive zeal and partisanship and jealousy of the Army and the Navy, but they find it and seek to make it effective. A very apt statement in regard to this may be found in one of the books entitled How America Went to War, in the special volume entitled The Giant Hand, by Assistant Secretary of War Crowell and Capt. Robert F. Wilson. Speaking of the advisory council created by the Council of National Defense, we find this language:

> The advisory commission, as it was charted on paper, possessed in theory no executive powers. It could only advise, and the Council of National Defense proper (the individual Cabinet officers) was free to accept the advice or reject it as it chose. And even if the members of the council did accept it, there was no assurance that the purchasing bureaus in their departments would follow it, for the control of the periodical civilian Secretaries over such intrenched bureaus as those of the War Department was less absolute than an outsider would think. But, even though the law had carefully withheld from the mobilizing organizations any authoritative voice in the Government, a new element arose to give it in fact an unexpected but real authority. This element was an aroused public opinion.

Again, in speaking of the General Munitions Board, it was created in order to coordinate the buying activities of the Army and the Navy. We find on page 23 these words:

> Its chief lack, however, was the fundamental one of authority. It possessed no rights of initiation. Its province was merely to review and coordinate such purchasing activities as were voluntarily brought to its consideration by the departmental bureaus. The bureaus naturally resented any outside restrictions upon their freedom; and since there was no compulsion upon them to seek the good offices of the General Munitions Board, they did not call upon it to any great extent, but placed far more contracts independently than they did with the assistance of the board. Industry staggered under the uncontrolled rush of competitive buying. The confusion became steadily worse. The chief value of the General Munitions Board was that its experiences pointed the way to absolute control, the one factor that could save the war enterprise. On July 28, 1917, after less than four months of existence, the General Munitions Board gave way and was succeeded by the War Industries Board.
>
> As a controlling organization it became efficient, and efficiency was a thing which the Federal departments sorely needed. The departmental heads gradually enforced the cooperation of the unexecutive War Industries Board upon the procurement bureaus.

Next in the order of position and of command is the Army and Navy executive council. The purpose of this council is indicated by its title; it is to be executive. It will be observed that the Secretary of War and the Secretary of the Navy, with a select company of official advisers from both the War and Navy Departments, are to constitute this executive council. This executive council is to have power to direct and order that its conclusions shall be put into operation by either or both the War Department and the Navy Department, unless upon application of the Secretary of War or the Secretary of the Navy to the President the order of the executive council is revoked or modified.

At present the situation is very different. As is illustrated by numerous instances, the Secretary of War and the Secretary of the Navy often do not agree on policies or procedure. When they disagree it is theoretically possible for the President to step in and become the umpire and settle their differences, but practically it is quite difficult to do so. The reason is not far to see, both the Secretary of War and the Secretary of the Navy are his confidential advisors with coordinate authority. The President has no independent judgment of the merits of the controversies that arise and must rely on the advice of these two Cabinet members. Where they disagree to decide in favor of one and not in favor of the other is tantamount to a rebuke of the one decided against. In such crises there would be little left for the Secretary who had received an adverse decision to do but resign. The President naturally dreads such a result as the resignation of a Cabinet officer. It jars the political firmament. It gives the impression of confusion in the organization of the Government, but in the event of a virtual appeal from the executive council by either Secretary it would not be accepting the opinion of

one as against the other, but would be accepting the opinion of that majority of the executive council which includes several experienced and authoritative commanders in both military establishments.

It will be observed in the diagram attached that the arrows point in the direction in which the channels of command run. All command originates in the President and proceeds to the council of national defense and to the Secretary of War and to the Secretary of the Navy and to the executive council and through the executive council to the advisory council. Furthermore, command originates either with the President or with the executive council, proceeding either to the Secretary of War or to the Secretary of the Navy and through either of these into all the establishments and bureaus of the Army and Navy, respectively. But, it must be observed, and this is by no means unimportant, that the channels of advice and council run always in opposite direction to those of command.

Advice may originate with the General Staff and proceed to the Secretary of War and from the Secretary of War may proceed to the President, or may originate with the General Board of the Navy and proceed to the Secretary of the Navy and from the Secretary of the Navy to the President. Furthermore, advice may proceed either from the Secretary of War or the Secretary of the Navy and proceed to the executive council. Furthermore, advice may originate with the advisory council and proceed upward to the executive council, and from the executive council proceed upward to the council of national defense, and from the council of national defense on to the President. Thus is knit into a compact and workable unit all the defense forces of the Nation.

Some explanation is due in regard to the organization of the Army and Navy advisory council and its mission and function. This council is purely advisory and is to consist exclusively of those who are in either the Army or the Navy and are presumed to have expert knowledge of their functions and needs. These experts are charged with the responsibility of constantly observing, considering, and reporting to the executive council all matters, questions, and problems relating to, or connected with, the elimination of duplication of activities or expenses and intended and calculated to produce efficiency and economy and to submit any and all suggestions that may come to them or may originate with them that may seem to them calculated to better the service and to better secure national defense. The personnel of this advisory board of the Army and Navy comes with the classification made by the Hon. Dwight W. Morrow as to the uses and functions of specialists. These men are especially qualified to advise as to the tactics or strategy whereby to supply and make effective the broad lines of policy marked out either by Congress or by the President of by the Council of National Defense upon the approval of the President.

Now comes the meat of the whole situation. Now comes the axis around which the whole system revolves. It is the Army and Navy executive council. It is composed of civilian and military experts. In this executive council meet the advice of those experts in the advisory council below and the advice of the council of national defense above, composed of civilians exclusively, and these two currents of advice are combined and as resultant produce in the executive council composed of both civilians and military men. In the executive council whatever is good and practical in the advice from above and from below is applied and put into practice. Of course, if the President expresses and directs that certain policies outlined by the council of national defense shall be applied by the executive council, and through it by either or both of the departments involved, it will be the duty of such council to order and direct the execution of such policy, and undoubtedly it will be done.

It will be observed that the present Joint Army and Navy Board is purely a voluntary establishment and has no statutory existence and may be abolished any day, and its recommendations may be ignored by either or both departments.

The purpose of the legislation proposed by this bill is to make legally effective the aims that were set out in creating the Joint Army and Navy Board as found on page 15 of the pamphlet issued by Secretary of War Newton D. Baker and Secretary of the Navy Josephus Daniels, in an order that bears no date, but presumably was issued in the early part of 1921, because it was filed in the Library of Congress on March 1, 1921, just three days before those gentlemen retired from office:

> The best assurance of effective cooperation between the Army and Navy comamnders within a given region will be found in cooperation in the preparation of defense plans in time of peace. Intelligent work of this character will result in the determination of the more probable situations likely to arise and in advance agreements upon plans of joint action for each such situation.
>
> The principal responsible subordinates and staffs must be informed of such plans and conform their peace organization and training thereto.
>
> Any instructions for cooperation between officers of the two services must fail of complete effectiveness unless the cooperation is brought to its logical focus in the offices of the Secretary of the Navy and the Secretary of War.

In 1914 General Wood, then Chief of Staff, issued a pamphlet relating to the Army of the United States, and in view of the aptness and prophetic character of the language found on page 24, I extract and insert the same for the information of the Congress of the country.

> As war is but a phase of international politics, so military policy is but a phase of international policy. In its broadest sense the organization of the land forces is but a part of the national war organization, which includes the organization of the sea forces and all other national resources.
>
> A scientific solution of our military problem must include a determination and definition of national policy, and the provision of sufficient military and naval forces to support that policy against such adverse interests as may develop from time to time. As several departments of the Government are concerned in the settlement of this question, it is obvious that a sound policy must be predicated upon a comprehensive view of the whole problem with a view of coordinating and balancing its several elements.
>
> In order to formulate a comprehensive policy for the consideration of Congress, it is believed that there should be a council of national defense similar to the one proposed in H. R. 1309. The function of this council, as defined in the bill, is to "report to the President, for the transmission to Congress, a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

If the statement of Gen. James G. Harbord, to the effect that the Army and Navy exist for the purpose of carrying out the foreign policies of this country, or as it should be more appropriately expressed in a negative form, that the Army and Navy exist for the defensive purpose of preventing other nations from imposing their foreign policies upon us, then the first and prime consideration in seeking to fix a national military policy, is to find out what our national policies are in general, and next to find out what are the policies of other nations. This necessarily involves the State Department. For that reason the Secretary of State is made chairman of the Council of National Defense. Now, what the policy of this Nation is, is the composite and resultant of the opinions of a clear majority of the citizens of this Nation. Nobody, nor any group, is better qualified to know what the opinions and feelings of the citizens of this Nation are than the Congress of the United States.

Since the Congress as a whole can not sit upon the council of national defense, certain representatives thereof, presumably those with long and continuous service and those sitting in official positions of responsibility, are best qualified to speak for the people. For this reason I have included the chairman of the Committee on Foreign Affairs of the House of Representatives. In like manner I have included the chairmen of the Committees on Military Affairs and on Naval Affairs of the Senate and of the House of Representatives. The combined services of these six chairmen will at any time probably aggregate 100 years. We recall that men rise to chairmanships of committes by seniority of service.

I do not agree with the wisdom or the policy of having included in the Council of National Defense, approved August 29, 1916, such Cabinet officers as the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and the Secretary of Labor. Members of the Cabinet are not elected by the people, and are not responsible to the people. They are responsible only to the President and it is almost universal that the President approves of everything they say or do. Therefore, to include those Cabinet officers just mentioned, in the Council of National Defense is loading it down with members that have no special qualifications to advise the President as to what our foreign policies or military policies should be. They will take no interest in the work, they will probably not attend the meetings of the council. If they do, they will merely approve like a rubber stamp whatever the Secretary of War or Secretary of the Navy may recommend. For this reason, the council of national defense that was created under the act of 1916 failed to pass. It had no power and it had no definite mission and its personnel did not give it vigor, in fact it was a mere gesture. We remember that in 1916 public sentiment in the country was greatly divided.

One section of our people residing principally along the Atlantic seaboard were greatly excited over the necessity of arming to the teeth as a defensive measure against the aggres-

sion of Germany. Another section of our people living in the Mississippi Valley and on the Pacific coast felt little concern about what was going on in Europe. The Democratic administration was working for reelection on the ground that they kept us out of war. The establishment of the Council of National Defense was, therefore, a sort of gesture to those who thought greater activity for preparation for war should be made. At the same time it was so limited in power and so organized in personnel as to recommend it to the pacifistic sentiments of those in the middle and far West. The purpose of the organization now proposed is to create a body of men that has knowledge and that has official responsibility and will recommend definite policies to the President in order that he may give them effective life by the breath of an Executive order.

TEXT OF BILL BY R. P. HOBSON

Mr. Hobson introduced on April 4, 1911, the following bill, which was referred to the Committee on Naval Affairs and ordered to be printed, and on April 22, 1912, reported with amendments, committed to the Committee of the Whole House of the state of the Union, and ordered to be printed:

A bill (H. R. 1309) to establish a council of national defense

Be it enacted, etc., That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council: the Secretary of State, who shall preside in the absence of the President, the Secretary of War, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, an officer of the Navy not below the rank of captain, to be designated by the Secretary of the Navy, the president of the Army War College, and the president of the Navy War College.

SEC. 2. That the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

SEC. 3. That said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

SEC. 4. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation.

SEC. 5. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of the committees of the Senate and House of Representatives when called to attend meetings of said council when Congress is not in session, and the necessary expenses of all persons summoned shall be paid from this appropriation, upon approval by the president of the council. (Rept. No. 584. 62d Cong., 2d sess.)

EXTRACTS FROM HEARINGS HELD MAY 19, 1911, ON H. R. 1309

The CHAIRMAN. Mr. Secretary, you know the bill that is before the committee, and we would be glad to have you express to the committee any ideas or views you have in regard to it.

Secretary MEYER. Mr. Chairman and gentlemen of the committee, in war nothing fails like failure. Now, in order to have success we must have efficiency. To have efficiency we must have a definite policy, and to bring about a definite policy we have to have cooperation and coordination of Congress, the Army, and the Navy. To bring about this cooperation we have to have an intelligent understanding.

Now, this national council of defense bill is made up of two Cabinet officers, four Senators, four Congressmen, two Army officers, and two naval officers. It would seem that this council would tend toward and result in an intelligent understanding and assist in cooperation of Congress to a definite policy. I can not help feeling, after due consideration, that this council would result in a definite policy and would encourage cooperation and would increase efficiency as well as economy.

OPINION OF GEN. LEONARD WOOD

The CHAIRMAN. General Wood, we have before us this morning for consideration and hearing a bill to establish a council of national defense, and we would be pleased to hear any suggestion or expression of your views with reference to the bill.

General WOOD. I believe thoroughly in the bill. I consider it to be the most important measure for military efficiency that has come up for consideration since I have had anything whatever to do with my present duties in Washington, and probably one of the most important that has ever come up. My reasons for making this statement so strong are as follows: If we succeed in having this bill enacted into law it means that we shall have a committee consisting of the elements directly interested in the preparation and maintenance of national defense. It will insure the military proposition, and by "military" I mean the propositions advanced by the naval and military authorities, being considered by a committee in which both Houses of Congress and the President's Cabinet are strongly represented, and it means that matters which are approved by this committee will be presented to Congress under an indorsement guaranteeing to that body that four of its own Members and two officers of the Cabinet, all civilians, have very carefully considered the measure and believe in it and recommend its enactment.

It is well known to all of us that officers of the Army and Navy are generally looked upon as being a little overenthusiastic in military matters, and I believe that the effect of a joint committee of this sort taking up and considering questions of policy will, if it approves them, bring these matters before Congress in a much stronger way than we could possibly do it ourselves. It means, moreover, that we shall be able to establish and maintain a general military policy. The committee will change is membership gradually. We shall be able to adopt a general policy and carry it out from one administration to another without the radical changes which occur at the present time.

A committee of this sort will insure a continuity of policy and a harmonizing, I think, of the military policy of the Government; it will provide a body in which the civilian element outnumbers the military, and whatever it approves is bound, I think, to appeal very strongly to Congress. I think it will be safe, sane, and strong for the betterment of the national defense.

COMMENT BY ADMIRAL MAHAN

Admiral MAHAN. It appears to me that the three functions of the Government—the diplomatic, the Army, and the Navy—work now in what you might call water-tight compartments. They really do not have the influence one upon the other that they should have, and that a system like this proposed council would tend in that direction. Of course, the members of this committee, for instance, pay more attention to naval matters than they do now to matters that pass before the Military Committee. I presume every member of the Naval Committee, as a Member of Congress, interests himself to a certain extent in what passes before the Military Committee, and takes part in the debates, etc., but I apprehend that they do not look upon questions before that committee as having any particular connection with them as members of the Naval Committee, and so equally with regard to the Foreign Affairs Committee, which I think the present bill provides.

It seems that there is very little appreciation in the country of the relation between diplomacy and Army and Navy. How much there may be among the members of the Naval Committee or the Military Committee I do not know; but, after all, our military and naval policy depends substantially upon what we conceive our relation to be with foreign countries, as forecast of the future, and what the probabilities of the future are.

When you come to the question of economy, which I have heard other witnesses questioned about, I do not think there is the least doubt that you would get more; you might have to spend more money, but you would get more for the money you spent.

Take the question of coast fortification and its relation to the Navy, that is a question where I myself some years ago took, in my opinion, a very one-sided view. I do not see what is to correct this one-sidedness generally, unless a measure such as this. Men who are not military or naval by profession, unless they mingle with men who are able to consider it from that point of view, will not look at it adequately.

Mr. HOBSON. Admiral, in your investigations of history and the effect of the sea power upon it, have you seen any application of the correlation of the Army and Navy and diplomacy?

Admiral MAHAN. Mr. Corbett, in his book called The Seven Years' War, draws marked attention to the fact that the great success of Great Britain in that war, the most successful war ever waged by her, was due to the fact that all of the functions of the army and diplomacy were in the hands of a single man, who happened to be a man of consummate ability. I think he makes his case out pretty well. No army or naval movement was calculated with reference

to the army or navy only, but the whole depended upon the general summary and view of the political situation, which was known to the same man. Of course a one-man power in the United States is not possible. It is not possible in any representative country, except under particular conditions. It was not a legal power, but a power that drifted into his hands, his personal ability. I think that the three functions of the Government—diplomacy, Army, and Navy—should be brought into relation one with the other, and I understand that some such systematic provision lies at the foundation of what you call a council of national defense, which, to my mind, is the great merit of this bill.

STATEMENT OF GENERAL WOTHERSPOON, CHIEF OF STAFF

The CHAIRMAN. General Wotherspoon, I will ask you to express to the committee any views, ideas, or suggestions you have in reference to the bill that is now before the committee.

General WOTHERSPOON. Mr. Chairman and gentlemen, I consider this as decidedly the most important measure that has ever come under my observation since I have been in the Army, in forty-odd years. I should say that I have been working continuously for the last six years in order to get some such body as is proposed in this bill to pass authoritatively upon a national policy with regard to national defense. I have been compelled, as president of the War College, in preparing plans to pass from a state of peace to a state of war, to search the records to see if there existed such a thing as a military policy in the United States. I found no evidence whatever of it. There is nothing that anyone can point to and say, "This is the policy the Nation will pursue in the event of war or in the preparation for war." In those studies I have seen that the expenditures for the Army are enormous without results adequate to the cost.

I have never seen a staff for one of these higher organizations trained. I consider that this bill will coordinate the efforts of the Army and the Navy and the legislative branch into some unified policy, which will make for decided economy and still more decidedly for efficiency. I have stated to this committee before and to the Military Committee that I am perfectly convinced that an army three times as efficient and probably twice as strong as we have now can be maintained for the money we are at present spending for the Army. I should regret very much to see this bill fail, because it will throw us back to where we have always been, so that when a war comes on the first step is to evolve a policy from uncoordinated elements; the next step is to organize the higher fighting units; the third step, and that we always fail in, is the equipment of those units. I do not know that the committee knows that when the war of 1861–1865 came on it was the Secretary of the Treasury that drafted the bill for the United States Army or the Federal Army. The Secretary of War was too busy at that time to establish either a policy or to prepare for an organization. Consequently, it was left to Mr. Chase.

The CHAIRMAN. How was it in the Spanish-American War?

General WOTHERSPOON. I should say that at the inception of the Spanish-American War the different elements of the Military Establishment—that is, the staff departments—were exceedingly efficient in themselves for peace purposes; but the Quartermaster General, I believe, said that he was in a very unfortunate condition, that just as he had perfected the department for a peace status, here comes a war and breaks up all his plans. There was absolutely no policy for coordination of effort and no policy for coordination of supply between the different elements of the Army. Congress gave us unlimited money. We found many of the things necessary for war were not in the market and could not be bought, and when we did buy such as we could get we could not get them together.

Mr. TRIBBLE. You mentioned the question of economy. You opened a large field for this committee to go into. Do you think these gentlemen, who are the chairmen of these committees and who are men of affairs, carrying with it no salary—do you think they will devote as much time to these great questions as ought to be devoted?

General WOTHERSPOON. I think they would not have to devote as much time to the minute considerations of economy as one would think at first sight. When a question relating to the economic administration of the Army, such, for instance, as "Will you have your organizations stationed at places where recruits are obtained and where food and supplies are of the cheapest character, and where means of transportation to the possible centers of conflict are abundant and the best, rather than station these organizations in the corners of the wilderness, where a man has to be enlisted in New York to be sent to, say, northern Montana, and where the supplies have to be sent there to keep him going, at a cost of $40 a ton more in freight than they would cost if he were stationed at some center?" Such a question will be simple and will not require lengthy discussion. If the commission would adopt some such general policy as that, hereafter all troops should be stationed at the points where recruits, supplies, and transportation were most advantageous, that would be a sufficient guide to the Secretary in preparing measures.

STATEMENT BY COMMANDER F. K. HILL

At present it seems to be a popular idea that statesmen control up to and including the time when the solution of difficulties between nations is impossible except by resort to arms; that after that they call in the naval and military forces to cut the Gordian knot which they have been unable to disentangle; and that the making of war has little connection with the cause of the war. These are very false ideas.

War, being the result of policies enforced, should be based on strategic plans to gain certain definite ends. For instance, if the United States had a policy of extension of territory by absorption of Canada, the war would be directed so as to gain military control of that territory, and if the war ended successfully for the United States, the treaty would probably cede to them such territory as was held under military control at the end of the war.

It is thus seen that the strategic objective of a war must rightly comprehend a knowledge of the policies which preceded war and contemplate the treaty which is to conclude the war.

In order to make war successfully, it is not only necessary to have properly conceived strategic plans which endeavor to carry out policies, but these policies must be based on the moral convictions of the people that not only are the results of the policies beneficial to the country but also that they are ethically correct. The moral force of the Nation must be behind the policy, and this moral force must be developed in the people, so that every ounce of the strength of the Nation will be exerted throughout the war. All wars gather strength from the intensity with which the people enter into the spirit of upholding the policy adopted. A war waged in a lukewarm spirit is worse than useless, and it would be better not to enter into war unless it is known that the fight will have the backing of the people to the bitter end.

CONCLUSIONS BY COMMANDER HILL

War is not independent of political consideration, but must be outlined and carried on with due regard to these considerations. That to properly outline the war the three branches of the Government—State, War, and Navy Departments—should act in conjunction, and that peace preparation in anticipation of war should be the joint action of Congress, the War and the Navy Departments.

Finally both the peace preparations and war will best be carried out by a national board for war, comprised of units representing both branches of Congress and the Departments of State, War, and Navy.

The following is recommended as the composition of the national board for war: Secretary of State; Secretary of War; Secretary of the Navy; chairmen of the Senate and House Military Committees; chairmen of the Senate and House Naval Committees; Chief of Staff, Army; president of Army War College; naval aid of operations; president of Naval War College; one permanent secretary, civilian under State Department.

For the information of this board it is necessary to have as its head the Secretary of State, who knows about the diplomatic relations which may precipitate war; it is necessary to have the legislative members, so that they may decide on the policies to be carried out and the expenditures required to prepare for war; and it is necessary to have the military branches, which will furnish technical information as to preparation for war and, from the discussion of the board, will understand the policies to be enforced in the prosecution of war.

THE SAME BILL IN THE SIXTY-FIRST CONGRESS, THIRD SESSION

A bill (H. R. 29371) to establish a council of national defense

Be it enacted, etc., That there is hereby established a council of national defense, consisting of the Secretary of War, who shall be president of the council; the Secretary of the Navy, the chairman of the Finance Committee of the Senate, the chairman of the Military Affairs Committee of the Senate, the chairman of the National Affairs Committee of the Senate, the chairman of the Appropriations Committee of the House of Representatives, the chairman of the Military Affairs Committee of the House of Representatives, the Chief of the General Staff of the Army, the aid for operations of the fleet of the Navy, the president of the Army War College, and the president of the Navy War College.

SEC. 2. That said council shall determine a general policy of national defense and shall recommend to the President, for transmission to Congress, such measures relating to the national defense as it shall deem necessary and expedient.

SEC. 3. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That special meetings may be called by the president of the council: *And provided further*, That any member of the Cabinet, any Senator, any Representative, and any officer of the Army, Navy, Marine Corps, or Militia may be called for consultation at any meeting of the council.

SEC. 4. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended and to be expended upon vouchers signed by the president of the council.

GEN. LEONARD WOOD

General WOOD. It will also give us, of course, in the President's Cabinet, two officers who have become thoroughly conversant with all the details of the general policy which it is proposed to ask legislation in support of. For instance, we have to take up very soon the ques-

tion of fortifying the Hawaiian Islands and garrisoning those islands. We ought to have some general policy; we have none at present. The War Department is building powerful fortifications, the Navy is constructing a large naval station, and we are acquiring, and have acquired, certain reservations, and we are now discussing whether or not we shall have a large or a medium-sized garrison there. The situation is one of great importance, and before we go before Congress asking for an appropriation of, perhaps, a million dollars to build a large military post, and to acquire additional lands, it is a matter which ought to be thoroughly thought out and discussed in a committee such as I speak of, in which the naval features of the question are brought up, the military aspects of the question are brought up, and the representatives of Congress will have a chance to go into the matter in great detail and become thoroughly acquainted with the military and naval needs of the situation, and either agree to support the policy or not. If they will not support it, of course there is no use bringing it up. It dies then and there. If the council adopt the policy proposed by the military members, the matter goes to Congress, and there is a guaranty to Congress that this matter has been discussed and passed upon by six of its own Representatives.

ADMIRAL RODGERS

The CHAIRMAN. Let us hear Admiral Rodgers.

Admiral RODGERS. Mr. Chairman, I think the principle embodied in this bill is most desirable and necessary for us in determining any policy of preparation for war. It not only brings together the two executive military departments, the Army and Navy Departments, but it brings into this council several of the principal representatives of both Houses of Congress to shape these policies. Councils similar to the one proposed are found in all the parliamentary countries of the world, and the advantage of them has been found to be very great. We have not had very much policy heretofore, for anything we got in the way of increase was of value; but now that we have developed so widely as we have it seems most important that there should be a policy for future development and expenditure in preparedness for war, and it seems that a council of this character is the best adapted for the purpose. Aside from certain details which have been mentioned here this morning relating to the adjustment of certain congressional features, I think the bill is most desirable.

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Admiral RODGERS. It is an essential feature of the bill, certainly, to have a civilian congressional element. In all other countries the prime minister is a member of this council and presides over it. I am not prepared to say how the congressional part of it could be handled, but Admiral Wainwright, a moment ago, before you came in, suggested that as no recommendation could be made to Congress when Congress was not in session, questions might await the convening of Congress.

ADMIRAL WAINWRIGHT

The CHAIRMAN. Now, Admiral Wainwright, we will be glad to hear from you.

Admiral WAINWRIGHT. Mr. Chairman, I am entirely in favor of the objects of the bill. I believe they will promote both efficiency and economy. With the same amount of money we should get more efficient military and naval forces; or for the same efficiency we should do it for less money. I think we must be very careful, as I think such a council would be careful, not to go into details; that is, to define a broad policy and the details would come to the appropriate committees. I think the object of the council would be entirely defeated if we were without legislative members. I think the object is to better bring before the Members of both Houses the requirements of the country, and then they would determine how much their resources were to be turned into preparation. I think, after the first formulation of the policy, there would not be a necessity of many meetings. Of course, from time to time the circumstances of the country would change, its foreign relations, etc., that might require changes in the broad policy. And, of course, each year the question of how much should be recommended to do in that year—that is, broadly, between all the services taken together—would have to be largely determined by the Members who are representing the Senate and House.

LETTER OF ADMIRAL MAHAN TO SECRETARY OF NAVY

LAWRENCE, LONG ISLAND, *February 1, 1911.*

DEAR MR. MEYER: Your letter of January 27 reached me only the morning of day before yesterday. It will not be expected that in 48 hours I can have given a ripened consideration to the measure (H. R. 29371) in itself, but my mind is somewhat prepared by previous habits of thought and by cognizance of the British committee of defense (or some such title).

The general purpose of the bill seems to me excellent. It would compel the deliberation in common of a number of men whose specialties are closely allied actually, but are not brought into formal cooperation, as the bill provides they shall hereafter be. For the information of each member of the council, and of the whole as a body, and for the subsequent formulation of measures, this method is superior to the appearance of experts before a committee, though it doubtless will not supersede that. Experts before a committee are like witnesses in a box, and confine themselves very closely to the matter in hand, whereas in discussion between equals many collateral facts and considerations transpire because of the freedom of range. Time is not thereby lost, at least to any greater extent than the half-informed questionings of those who are eliciting statements from a witness. I believe that Congress, the ultimate arbiter in matters of military provision, would be enabled to judge much better through the institution of this proposed council.

As to questions of detail, I have very little to suggest. The proposed composition of the council, by ex officio members, seems to me very judicious. In a copy of the bill which reached me from some other quarter, by the same mail as your letter, there is a suggested substitute of "a senior admiral of the Navy," instead of the aid for operations. I think this a mistake. If I rightly apprehend the functions of this aid, he should ex officio be on the council, because the distribution of the fleet in peace should correspond fundamentally with that deemed probable for war, which the council will determine.

My own prepossessions would have led me to place on the council the chairmen of the two Committees on Foreign Affairs, because the details of military provision depend very largely upon questions of international relations. It has been justly remarked (Corbett's Seven Years' War) that the strength of great Army and Navy were in one hand. In my judgment they should all be represented in the proposed council. The chairman of the Appropriations Committee can contribute little, ex officio, however competent personally, to the military knowledge of the council; but they doubtless can assimilate information which would qualify duly the necessary tendency toward close economy proper to their committees. Also, being specified in the bill as framed, to omit them now would probably foster antagonism.

It strikes me as somewhat singular that the commander in chief of Army and Navy, the President, should not be on the council. In Great Britain the Prime Minister is ex officio president of their commission. I do not know whether it would be competent for Congress to legislate the President onto a council, but it seems to me he ought to be there for several reasons; above all, because he sums up in his office the three functions—diplomacy, Army, and Navy.

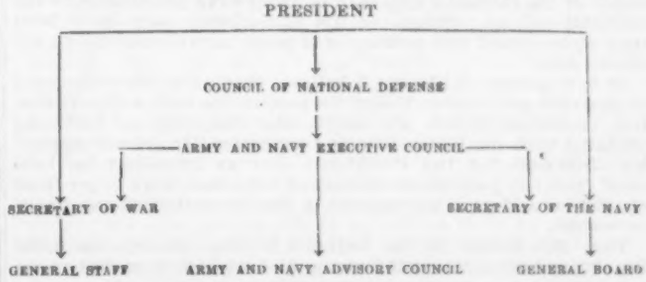
It appears to me that the provision of only one meeting annually rather belittles the importance of the measure, and that it would be better to provide for a fixed greater number during each session of Congress. Of the feasibility of this, however, I obviously am less capable of judging than the members of the Naval Committee.

Very truly yours,

A. T. MAHAN.

Hon. GEORGE VON L. MEYER,
Secretary of the Navy.

Diagram indicating plan to coordinate work of Army and Navy



DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 10198, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 10198, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of H. R. 10198, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. GRIFFIN. Mr. Chairman, I yield 45 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, popular government, the rule of the people by themselves, almost always works out its major problems through the instrumentality of party. This is decried at times by persons given to academics, but it continues true that this system holds sway in every nation having elective officials.

This has been the system in all the past; it is the system to-day; it will be the system to-morrow and in the years that are to be. Whatever may be its faults and shortcomings, its weaknesses and failings, the fact remains that the genius of man so far has devised no other plan.

In some nations where popular government prevails parties are formed about each issue as it arises; here in our own land—largely, I think, because we have written constitutions which define the limits and fix the outposts of governmental activity—political parties have arisen, springing up out of the mingled emotions and impulses and interests of men, two of which have had a continuing and permanent character.

Any fair statement must declare that the application of the principles of these parties has, on the part of both of them, varied from decade to decade. Different issues have been met by different processes, and at times what seemed the same issue has had differing forms of treatment, but the principles themselves have been perpetual; and throughout all our national history under the Constitution, save the major portion of Washington's administrations, we may trace with reasonable clearness the line of cleavage.

In a recent very interesting work on the Origins of the Whig Party, its author, Carroll, in the opening chapter has this very apt expression:

> The names of American political parties give a superficial impression of unity that rarely exists in fact. Individual differences of opinion, sectional interests, and conflicting personal ambitions combine to make complete harmony an ideal that can only be approximated by a free use of compromises and adjustments.

Of course the problems of government are diverse and arise in differing forms. Sometimes they are constitutional, involving the interpretation and application of organic law; sometimes they are economic; sometimes they are moral and quite naturally history teems with incidents where upon many questions parties have overlapped, and almost every national campaign witnesses outbursts of dissatisfaction with the two great existing organizations, manifesting itself in third and fourth party movements. Some of these at times have reached rather large temporary proportions, but eventually all have proven sporadic and ephemeral and our political system continues grounded to-day, as it has been almost from the beginning, upon the two-party basis.

General Washington was not until after his retirement from the Presidency in any sense a party man. There were no definitely organized entities as political agencies whose forces were applied to or for him or which he sought to apply at either of his elections, and both of them were unanimous in the electoral college. Whatever his dispositions may have been they were curbed and nothing of a party nature attaches to his official life.

It is a matter of history, I believe, that after his retirement to peaceful and classic Mount Vernon, in the only national contest occurring before his death—the campaign of 1796—he affiliated with the Federalists and supported Mr. Adams against Mr. Jefferson for the Presidency, but as President he held aloof from the political divisions and rifts that were in progress about him and gave no impetus to the formation of any party movement.

That this inured to the Nation's fortune we can see quite clearly, and recognizing his virtue and wisdom it causes us no wonderment.

The new and novel experiment in government would inevitably have failed had he pursued a different course and placed himself at the head—for unavoidably this man of whom Beck says "He was always Cæsar" would have been the head—of a party organization.

That was the legislative formative period of the United States. The Constitution had been adopted, and by the third year of his first administration all the thirteen original States had accepted the terms and become affiliated with the Union, while by the close of his second the three new States of Vermont, Kentucky, and Tennessee had been admitted upon equal terms with the older Commonwealths, but few indeed were the provisions of that Constitution that were self-executing. It was a dormant organism which could be brought to function only by legislative and administrative action.

No President applying partisanism could have successfully met the challenge of that era or guided the new Republic out from its vicissitudes into the security in which Washington left it.

But while Washington held aloof from party movement and Vice President Adams in considerable degree emulated his example, there was no such restraint upon the two outstanding figures of his first Cabinet, and out of it there flashed, or perhaps it would be better to say there flamed with steady glow, the brilliancy and genius of Thomas Jefferson, the Secretary of State, and Alexander Hamilton, the Secretary of the Treasury.

The responsibilities of these men did not demand the restrictions which duty imposed upon Washington. Jefferson had, of necessity, as one dealing with foreign nations, to exercise a greater degree of self-control and caution than Hamilton, whose official duties were primarily domestic, but in the main neither of them suffered in their political activities very much restraint aside from that imposed by the dictates of politeness, and at times even this was rather thinly veiled.

It was an evidence of Washington's impartial political attitude that both were invited into his official family, and both remained until, with regret in each case, he accepted their resignations because he knew them well, and he was a master at judging men. They were little alike except in genius, vision, industry, and impeccable integrity. Temperamentally they were wholly at variance—Hamilton impetuous, incisive, impatient of restraint, domineering in intellect and will; Jefferson cautious, philosophic, slow to reach conclusions, apparently reluctant to make decisions, but with a subtle intellect capable of sounding the depths as well as reaching the heights of human nature and of life.

They had some interests in common, but Jefferson's were the broader in scope. Hamilton had some taste for art, sculpture, paintings, but his life's passions were politics and law. At the shrine of these he worshiped with unstinted and almost undivided devotion. He had, too, a love for and might, had opportunity offered, have displayed a genuine genius for things military—the maneuver of armed troops, the strategy and tactics of war. For this latter Jefferson had no stomach or predilection. His was a philosophy of peace, some of his critics say, of timorousness. But aside from military art, Mr. Jefferson's trained and seasoned intellect traversed the whole realm of men's activities and accomplishments and ambitions. He loved music and was a skilled violinist; agriculture interested him, and he was a constant student of plant life, of flora, and of fauna; science engaged his love, and every mechanical invention coming within his reach appealed to his attention; he cultivated refined art, and the tobacco leaf and the corn blade designed by him for the capital of the columns at Monticello and copied upon certain of those in the National Capitol Building at Washington are an evidence of his artistic taste and love of the beautiful.

Public education and religious freedom were controlling principles with him, and when he dictated what his epitaph should be he passed over all references to having occupied exalted official positions and directed that there be carved upon his tomb:

> Here was buried Thomas Jefferson, author of the Declaration of Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia.

It is one of the singular events of history that Hamilton, born of obscure parentage in a little island of the West Indies, became the leader of a class and aristocratic movement, while Jefferson, born to the purple of luxury, became the greatest democratic philosopher of the ages and the undisputed leader of the great American democratic movement.

Such, however, was true and to these two geniuses of their day may be traced not exactly the origin, perhaps, but at least the organization into cohesive entities of those schools of thought which, under different party names, for a century and a quarter have struggled for domination in the affairs of these United States.

The late Senator Henry Cabot Lodge was a devoted and intellectual disciple of Alexander Hamilton. Many of us would be unwilling to accept as accurate much of the history written by Mr. Lodge and his conclusions drawn therefrom, but he possessed a certain quality of literary ability, and no one will probably be found to dispute either his right or his power to state tersely and succinctly the fundamentals of the Hamiltonian faith.

In his Alexander Hamilton, written as one of the American Statesmen Series, the late Senator, after quoting from one of Hamilton's reports to Congress and declaring "the cardinal doctrines of Hamilton in questions of politics and government were strength and order," and after elaborating upon this to some extent, says:

> Hamilton's scheme went further, seeking to create a strong and, so far as was possible and judicious, a permanent class all over the country, without regard to existing political affiliations, but bound to the Government as a government, by the strongest of all ties, immediate and personal pecuniary interest. The wisdom of this was obvious, when the object was to sustain a great experiment; yet at the same time Hamilton's purpose was not simply by the spread of a popular

loan to unite a body of men in the support of the Government, but chiefly and mainly to bring to his side a class already in existence, that which controlled the capital of the country. The full intent of the policy was to array property on the side of the Government. That once done, the experiment, Hamilton felt, would succeed, and its powers moreover might then be much extended. He had been unable to introduce a class influence into the Constitution by limiting the suffrage for the President and Senate with a property qualification, but by his financial policy he could bind the existing class of wealthy men, comprising at that day the aristocracy bequeathed by provincial times to the new system, and thus, if at all, assure to the property of the country a powerful influence upon the Government.

The creed of Mr. Jefferson as stated by himself has never been improved upon for style, compactness, or lucidity, nor can it be. In his first inaugural address he condensed it within the briefest possible limit, saying:

About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations—entangling alliances with none; the support of State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the habeas corpus; and trial by juries impartially selected—these principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

In these two statements we have the elemental germs of all the political principles over which men in these United States have since divided. Their vitality has never diminished, and all the issues of to-day are comprehended within their terms.

The history of the parties that have embraced these principles is most interesting and their names significant. The Hamilton organization in its very beginning was designated as the Federalist Party. It was proper nomenclature; it expressed the central thought of its leader's policy—a strongly centralized national government, with a gradual but steady diminution of the power and prestige of the several States until local government should be reduced to a minimum and all governmental activities, whether social or economic, concentrated in the Federal organism. The complete realization of Mr. Hamilton's dearest dreams would have eventually destroyed every vestige of State sovereignty. "Federalist" was therefore the logical and proper name for the organization sponsoring such principles.

Jefferson gave to the organization which, with the aid of Madison, Gallatin, Maclay, and others, he had by 1800 succeeded in welding into a unified and overwhelming mass the name "Republican." This too was in accord with the proprieties. The word married the system to the methods and machinery through which it was proposed to operate; that is, in the main through agents chosen from time to time by the electorate to legislate and execute. Its basis was representative government, with frequent opportunities for popular expression.

The Federalists, however, were unwilling to permit the opposition party to name itself, and quite early they began to designate its members as "Democrats," alleging that Mr. Jefferson and his followers drew their principles and inspirations from the promoters of the French Revolution.

Mr. Lodge, whether he intends it as a contemptuous criticism or a fair historical statement, refutes this as to Jefferson, however, when he declares that the latter did not get his ideas from France but that he carried them with him to France. At any rate, the name "Democrat," which was at first applied in derision, but which later was to be adopted and worn with pride and glory for a century, did not gain immediate recognition, and the party was for a quarter of a century officially known as "Republican."

The first victories went to Hamilton. In the formulation of domestic economic policies, before parties began, he had generally the sympathy and support of President Washington. The Congress during the earlier days was sitting in New York. It was then the third city in point of commercial importance, Philadelphia and Boston being, respectively, first and second. During the second Washington administration it sat at Philadelphia. Thus the Congress throughout the formative period was surrounded closely by the influences whose natural interests made them partisans of the Hamilton policy. Those were days when communication between the people and the Nation's Capital was difficult and slow of passage. Hamilton carried his proposals for debt assumption by the Federal Government at the full face value, notwithstanding the major part of the paper was in the hands of speculators who had bought it for practically nothing; his tariff policy for the stimulation of manufactures and his measure for the establishment of a national bank.

All these provoked a struggle, but they were carried, and by the time the program had been completed Hamilton had a party already organized and trained beneath his iron hand to follow with little question the suggestion of his genius—a party to his liking, "bound to the Government by the strongest of all ties, immediate and personal pecuniary interest." He never relied upon nor, except in cases of absolute necessity, appealed for popular support. Of this he was contemptuous. More than any leading man of his time he distrusted the intelligence and ability of the populace. Jefferson, on the other hand, more strongly than any leader reposed confidence in the ability of the masses to govern themselves and render popular government secure; and so, while Hamilton was going forward to victory after victory, he, more through the pens of his great lieutenants than through his own (for he wrote but little for the public until after his retirement from Washington's Cabinet), was putting into operation the forces of popular organization and democratic expression.

Hamilton never admired John Adams nor thought him properly equipped for the Presidency. In both of the latter's presidential campaigns the former preferred Pinckney, of South Carolina, and desired his selection; but even he, master of his party though he was, lacked sufficient political finesse (he was one statesman who was not a politician) to control the forces that were playing about him, and in the first Adams triumphed, while in the second he went down to defeat before the popular onslaught which Jefferson organized and launched, and so insecure was the foundation upon which Hamilton had builded, so flimsy the structure that it fell with the defeat of Adams and never again achieved a national success.

Hamilton's own lack of political sagacity, his inability to understand men even while he controlled them by sheer force of intellectual power, was in part responsible for his party's downfall, and the bitter thrusts of Senator Lodge at this failing in his hero's character are interesting and illuminating, but this was not the only cause. There was nothing of the spiritual in the Federalist organism. It was builded upon materialism. We hear frequent sneers at idealism in government, and are constantly bombarded with declarations that it has no place in a political party. Fatal mistake! Fatal error! That party which loses its idealism, which fails to take broad human nature into account as one of the lofty elements constituting the reasons for its existence, is destined to death. [Applause.]

The Federalist Party could not sustain a single national defeat and live. Even as its founder fell at Weehawken in the duel with Burr, in July, 1804, the party which he established was crumbling to ruins, and within a few brief years it had utterly perished, so far as the name it bore was concerned, and not for many years was its descendant organized.

Jefferson and his party triumphed and the Federalist Party died.

There followed him Madison and Monroe, faithful to his policies, and supported by Congresses in which the majorities were composed of his followers.

So intrenched had the principles of democracy become as that by the expiration of Mr. Monroe's term there had arisen what is known in history as the "era of good feeling," and he was reelected by unanimous vote in the Electoral College, lack-

ing one, which was withheld from him not out of antagonism but because the elector felt that to General Washington only should go the distinction of an unanimous election to the Presidency.

This brings us to 1824 and the contest which finally culminated in the election by the House of Representatives in 1825 of John Quincy Adams, son of the second President and himself eminent as a scholar, diplomat, and statesman.

The party status of Mr. Adams is somewhat anomalous. He was most of the time in foreign lands, serving in diplomatic positions, while the parties were being formulated. In 1803 he was elected to the United States Senate by the Legislature of Massachusetts, the majority of whose members were Federalists, but he was not elected by a party vote and in the Senate gave support to many of President Jefferson's policies. The support of one of these—the embargo act—led in 1808 to resolutions of criticism by the legislature, which caused him to resign. He was again returned to the Foreign Service by President Madison, and by President Monroe was made Secretary of State.

The Republican Party, which by this time was beginning to be called Democratic-Republican, was in reality the only national organization in existence, and all the candidates of 1824, including Mr. Adams, were regarded as being of it; but here and there certain congressional districts still elected Representatives who called themselves Federalists. All the remaining Federalist strength came to Mr. Adams's support, and this, plus what he drew from the Republicans, gave him the vote of 13 States in the House of Representatives and thus elected him, although he had received but 84 out of a total of 261 votes in the Electoral College.

It was in the good year of 1824 that a lank and angular horseman rode out of the 28-year-old Commonwealth of Tennessee, to which theretofore his political activities had been almost wholly confined, and stationed himself upon the field of national politics, which he was soon to dominate as never before or since has that field been dominated by mortal man.

His name was Andrew Jackson. [Applause.]

He was by no means an unknown, nor was his fame confined to any State or section or even to the wide Nation, which in 1824 had become a Union of five and twenty sovereign States.

His name was known, particularly in military circles, in all the civilized lands beyond the seas.

Madison and Monroe were placed before the people as presidential candidates by joint caucuses of the Republican Members of Congress held in the Hall of the House of Representatives at Washington. That was before the day of national political conventions. Gradually there grew up a popular resentment against such action. It was voiced by Henry Clay when Monroe was first nominated in 1816 in a resolution declaring it inexpedient for the caucus to make any recommendation upon the subject "to the good people of the United States." His resolution failed, however, and Monroe was recommended then, as he again was in 1820.

By 1824, however, public sentiment had so crystallized in opposition to that system as that when the caucus for that purpose was held in February of that year only about 70 out of the 216 Republican (Democrat) Members attended it. William H. Crawford, of Georgia, received the indorsement, but it had ceased to be of value, and he received but 41 of the 261 electoral votes.

Jackson, from the time that he began to take any interest in the question at all, was vigorously opposed to the caucus plan, and he showed no regard or respect for its action in 1824.

In July, 1822, the Legislature of Tennessee had nominated him for President for the elections of 1824, and in 1823 he was again elected to the Senate of the United States.

Most historians seem to agree that General Jackson evinced no great interest in his candidacy of 1824; certainly there was none of those terrific efforts which attended his subsequent campaign, but he received the plurality of the popular vote and also of the electoral college, having 99 of the 261 votes cast in the latter. His popularity had been demonstrated. He had surpassed that trio of seasoned statesmen—Adams, Crawford, and Clay—in popular appeal. It was not unnatural that a master politician such as he, though differing in type from all who had preceded him or who were his contemporaries, should have been stirred by the evident opportunity which lay before him to become the Nation's Chief Magistrate, but this might have passed, particularly in view of his enfeebled health, had it not been for an occurrence shortly after the general elections which shook the country to its uttermost bounds and made him inevitably a candidate for 1828.

No person having received a majority of the entire electoral vote, under the Constitution the decision passed to the House of Representatives, which had to choose from among the three highest, each State having one vote. Adams was elected and a few days thereafter was inaugurated, and appointed Henry Clay as Secretary of State. The charge was immediately made that this was the result of a bargain; that Clay had thrown his influence to Adams as the result of an agreement whereby the former was to become his premier, with a view, of course, to being his successor as President, as had been the case of the former Secretaries of State.

There is no time to review that controversy thus precipitated a hundred years ago. It was one of the most momentous single incidents of American political history; it lay at the basis of a new line of political and party cleavage; it led to the duel between Clay and Randolph of Roanoke. Clay denied the allegation and offered by his challenge to Randolph to defend this denial with his life. It changed history, and it was by no means the last quarrel of Jackson which was to have such an effect.

Jackson accepted the allegation as true and went to his grave in the unalterable belief of its truth. Most historians have acquitted Clay of the charge, but Jackson never did. Suspicion with him petrified into immediate obsession and his conviction was never shaken.

The first effect was to make him at once a candidate for 1828. He had carried the popular plurality; he was the people's choice; and they had been denied their choice, so he and his friends maintained, "by a corrupt and shameful bargain."

The Legislature of Tennessee, doubtless this time with his earnest approval and desire, in 1825, nominated him again for the election of 1828, then nearly four years in the future. He resigned from the Senate at once and entered with all the vigor of his vehement nature upon the four-year struggle.

That contest threw its shadow over the whole of John Quincy Adams' administration; it affected the attitude of Members of Congress upon every legislative movement of the time, for when Jackson fought he used every legitimate weapon upon which he could lay his hands and enlisted every man whom he could bend to his iron will. His whole appeal was to the people; he sought, as perhaps not even Jefferson ever sought, to ramify the popular thought with his cause and saturate it with a desire for vengeance and vindication. It was a titanic struggle, the forerunner of many to come. There belonged to him, as Thackeray says of Swift—

> As fierce a beak and talon as ever struck—as strong a wing as ever beat.

And the people responded; Heaven bless us how they did respond! Do not for one moment become obsessed with the idea that this was a mere uprising, as of a mob. Under the banner of this mighty militant there had enlisted as fine intelligence and as excellent probity as ever lent themselves to a cause—men who were themselves leaders of men, all thrilling with the impulse of their chieftain, all inspired by the flash of those penetrating eyes, whose sparks flew out from the pale, lean, classic face which was as if chiseled from granite.

I have used the words "vengeance and vindication." Let me hasten to say that these by no means comprehend all the motives that then did stir the Nation. By no means! Jackson stood for things. He had a cause and a program—the elimination of favoritism from law and the dissolving of selfish influences which, despite all, had been insidiously injecting themselves into government.

He became the embodiment of democracy; its "cloud by day and its pillar of fire by night." His lieutenants in every section of the Republic organized popular sentiment and gave it intelligent direction. They marched with pride behind a leader who knew how to lead and had the purpose and the will. The name "Republican" was dropped by his followers and proudly they called themselves "Democrats," as their predecessors in the days of Jefferson had been designated in derision and in scorn.

His triumph was complete, overwhelming; and a few days before his sixty-second birthday he was sworn in as President of the United States by the venerable Chief Justice John Marshall, the last great link connecting the long-dead Federalist organization with the eager and victorious democracy.

We may imagine the emotions with which these two great characters approached the solemn ceremonies of that day as they stood confronting each other at the east front of the Nation's Capitol and under the Nation's eye.

In his very first message to Congress he drew fire when he struck the flint of the Bank of the United States, giving the

clear intimation of his purpose to destroy that institution as it was then constituted, and thus early inviting the contest which was to be the most serious and long-drawn-out of his career and which did finally end with its destruction, root and branch.

It is almost impossible for us of to-day to realize the power which this pet institution, established as a part of Hamilton's policy, had attained in the Government, organized to be the servant, particularly of the Government and generally of individuals. It had become well nigh the master of both. Senators and Representatives in Congress had been brought beneath its influence and attached to it by "the strongest of all ties, immediate and personal pecuniary interest." In the largest degree it controlled credits throughout the country, could make or mar a business venture in the remotest hamlet of the Republic, could create panic at will, and itself frequently profit thereby.

I must not, out of deference to your patience, attempt now any detailed résumé of his administrations and their achievements. Almost all that was accomplished was the product of ceaseless struggle and embittered contest.

The history of the break with Calhoun and its effects is important enough briefly to sketch it. It was politics—great politics—in the raw. It was a mighty drama in which we see the play of human passion, sometimes at its best, sometimes at lower levels.

Toward the latter part of his first administration Jackson was placed in possession of a letter stating that while he was engaged in the Seminole military campaign Mr. Calhoun, then Secretary of War in the Cabinet of Monroe, had, in a Cabinet meeting, urged censure upon Jackson for his conduct, alleging that he had exceeded his authority. Jackson had had some intimation years before that such a proposition had been made, but he believed it came from Crawford, Monroe's Secretary of the Treasury. He was strengthened in this belief by criticisms which Crawford, joining Clay, had made in the open Senate. The information that it was Calhoun, who up to then, notwithstanding Jackson's love for Van Buren, had been his political favorite, came as a terrific blow. It aroused all the fire and fury of his well-nigh unrestrainable nature. He sent the letter to Calhoun, without any publicity being given it, and asked a direct response.

Calhoun admitted it and attempted to explain, but no explanation could satisfy the enraged man, who felt that his honor was deeply touched. After many months the correspondence was made public, and all relations between them ceased. Jackson had added to Clay and other enemies another of the most brilliant and incisive intellects of that or any other age.

It destroyed all hope of Calhoun succeeding him in the Presidency; it brought about the rejection of Van Buren by the Senate—the Vice President casting the deciding vote against him—as minister to England, to which he had been given a recess appointment, and he had to return in semi-disgrace, only to be nominated, under Jackson's compulsion, in 1832 for Vice President and elected to preside over the body which had so recently humiliated him. It doubtless had something to do with Calhoun's resignation from the Vice Presidency in December, 1832, to enter the Senate from South Carolina, where he took upon himself the defense of nullification by a State of Federal law, a challenge which Jackson first answered with the famous toast at the noted banquet, "The Federal Union—it must be preserved," and later by lengthy proclamation and the actual assembling of armed forces of the Government.

Clay in the meantime had reentered the Senate, Webster had been there during all of Jackson's administration and before, and then occurred one of those strange incidents of history. The three of them, moved in part by impulses of personal feeling and in part by points of difference with the President, although themselves disagreed upon many matters and at times maintaining no personal relations, formed a coalition against Jackson and stood forth as the great triumvirate. There is no evidence that Webster hated Jackson. He supported him most vigorously in his fight upon nullification, but he loved the bank and was prepared to go the limit in traffic and sacrifice to assure the continuance of its life. The two others not only disagreed with Jackson upon many public questions, but they hated him personally. If they did not hate him as much as he despised them, it was simply because of a lack of capacity for hating. The will was there.

No stronger intellectual combination was ever formed against a man or a cause in the world.

That coalition which we recently witnessed in the Senate against Woodrow Wilson was brilliant indeed, but I doubt if it will loom large in history as did that against Old Hickory. Yet Wilson failed, while Jackson triumphed. It was a different day and a different cause. Jackson nipped nullification in its infancy and destroyed the bank in the days of its greatest power and arrogance. The three went down before him, and, while all of them lived far beyond his time and remained conspicuous on the stage of great affairs, Clay in particular displaying wonderful resiliency, no one of them ever attained his life's ambition—the Presidency of the Republic.

I shall make no effort to go further into the details of Jackson's administrations. Many great things have not been touched, and the intensity of his struggles has been, I fear, but faintly depicted. From the very beginning to almost the end of his second term it was continuous combat. The story has filled vast volumes of history. Within that period there scintillated an intellectual grandeur which has few, if any, counterparts in human annals.

In most all that was material he triumphed. His victories upon fundamentals were complete. He challenged the mightiest forces of selfishness and governmental greed and crushed them beneath his iron heel.

It was with complete content and entire satisfaction that he turned from the White House on March 4, 1837, after witnessing the installation of his successor, whom he himself had named, and leaving his enemies crushed behind him, made his triumphant journey to the Hermitage, and sat himself down by his window, which looked out over the garden where Rachel slept under the springtime flowers.

If one be called upon to sum up Jackson in a few words and interpret him to mankind, I think it may be done by saying that he was democracy incarnate, plus the purpose, the will, and the power to enforce its decrees. He could not have been a Jefferson any more than Jefferson could have been a Jackson, but he would have been Jackson had Jefferson never lived. Democracy was not to him an abstract art or an abstruse science. It was a virile system to be applied to the needs, the evolution, and the developments of society. He grasped by intuition what so many have not learned at all, or only learned by painful processes of study and labor; and what he believed he put into action; his faith was made to function in living law.

Great as was the party system which he had builded, or perhaps it would be more accurate to say rebuilded, and compactly as he had welded it together, with his personality removed it began to weaken. He was followed in the Presidency and leadership of his party during the pre-Civil War period by men who are entitled to the designation of great, but somehow no one of them could quite "bend the bow of Ulysses."

Within four years after his retirement he witnessed, with what mingled disgust and humiliation we can well imagine, the defeat of the great party which he had left so strong.

It is rather difficult to account for the triumph of Harrison in 1840. He was the first of two Whig Presidents, Zachary Taylor being the other, both of whom died in office, to be elected. Both had achieved military distinction and this may have tipped the scales in their favor.

The Whig Party sprang up during Jackson's day and took its name from the English organization which had been formed in opposition to the crown. It was a silly misnomer so far as America was concerned, and it would seem as if Clay and Webster, with all their talents, might have thought of a better. They were unwilling, it seems, to revive the name "Republican," so closely associated with Jefferson, as was done in 1854, when slavery was becoming the one great issue, and so they took the name of Whig because, as they said, they opposed the tyranny of Jackson as the English party opposed the tyranny of the King.

The unconscious irony is clearly to be seen when it is remembered that Jackson relied always and absolutely upon popular support not only for election but for the indorsement and sustaining of his policies.

More than any President who preceded him save Jefferson, and more than any who have followed save Lincoln, perhaps Roosevelt, and certainly Woodrow Wilson, he relied upon the people. This was no demagogy with him; it was sacred to him as an article of faith.

The Whig Party embraced the principles of Hamilton and thus became the lineal descendant of the Federalist organization, but notwithstanding their successes of 1840 and 1848 they were never able to apply their principles. Tyler, who succeeded Harrison upon his death, disappointed them upon the bank question, and no serious effort was ever thereafter made to revive this institution in the Hamiltonian form. As a matter of fact, but little of Jackson's work was undone until after the war of secession.

In 1844 his party retrieved its prestige in part, and his friend and protégé, James K. Polk, was elected President.

The old warrior saw no other presidential contest, for on the 8th of June, 1845, his spirit joined the spirit of Rachel, and his

body was laid beside her in the garden where the flowers were abloom.

Following the defeat of 1852 and with the passing of Webster and Clay the Whig Party almost immediately died. The Federalist Party had just one term of the Presidency and died after one defeat; its first successor had two terms and died after two defeats.

Following its death there was organized as the opposition party the one which exists to-day under the name of Republican. This was taken for a number of reasons. Many then survived who had followed the old party of Jefferson to victory under that name, and, above all, Jefferson had been the sworn and earnest foe of slavery, and this was the sole question about which the founders proposed to build the new movement.

The national platforms of that party in 1856 and 1860 contain reference to but little save this. Lincoln was not one of the founders of the Republican Party. He joined it after it had been thoroughly organized and was a "going concern" in 1856, and became its infinitely greatest leader, but that leadership was along the lines and within the limitations of the platform which dealt only with slavery.

We know but little of Lincoln's economic ideas. There are fugitive utterances to be found here and there, to be sure, but these are not sufficiently comprehensive to enable us to reconstruct any general system to which he adhered. His public life was comparatively brief, so far as holding office was concerned. He was in national position for a little more than six years, one term as a Representative in Congress and four years and a month as President. He was a member of the Whig Party, to be sure, and an admirer of Henry Clay; but, so far as his own utterances were concerned, we have little from which to deduce the bent of his mind upon economics.

This detracts nothing whatsoever from that immortal glory which is his. No one would deny him superb greatness of character and vision and virtue. He met, as became a great, a very superior man, the issues of his hour. He wrought—not perhaps in the way that Jefferson would have wished it done—yet, nevertheless, he wrought the abolishment of slavery, for which the former stood. He made good the immortal toast of Jackson:

> The Federal Union; it must be preserved.

But I have an idea that through the use of his well-nigh sacred name in connection with the Republican Party for the last 60 years there have been wrought more things which he himself would have repulsed with indignant scorn and lashed as with scorpions than has been done through the use of any other half dozen names in our Nation's history.

That party was founded upon an idealism of which Lincoln was the incarnation. It was inevitable that the results of the war of secession should give to it a long lease of power. The Democratic Party became associated in public thought almost exclusively with the doctrine of State rights, and the expression State rights, for a generation almost, brought to millions of persons, as the initial thought, secession, war, a land billowed with graves, and a country filled with homes wherein sat mothers who were "weeping for their children and would not be comforted." The popular psychology produced by such a situation was inevitable. In the platform of 1864 the name "Republican" was not used by the convention which nominated Lincoln and Johnson, but the body was composed principally of that party's members, and the organization, the party machinery was in their hands. It was in existence, and there needed only to be fused into it the elements for which the war success opened the way to render it for a long time practically invincible. Wise and far-seeing business interests grasped this fact and, seizing upon the party of Abraham Lincoln, they engrafted upon it, in so far as they could and dared, the old policies of federalism which have been with us from the beginning, and made it the party of Alexander Hamilton.

Such is the condition which confronts the people of America to-day. The age-old struggle between popular and class rule rages still and will go on.

I have sought to say nothing offensive; I have tried to deal with the plain, recorded facts of history.

There are two, and just two, great schools of political thought between which most of our people are normally divided. The one traces its course back through the Republican Presidents, except, perhaps, Roosevelt, and surely Lincoln, and through the Whig Presidents to Hamilton and Federalism; the other traces back through the Democratic Presidents to Jefferson and republicanism, or democracy, as you will.

Those of us who belong to the latter school concede to all who unselfishly do strive to sustain the former honesty of opinion and, of course, freedom of action, but we feel that the right is with us, and we love our traditions and cherish our heritage.

May I not say to my Democratic colleagues this in particular: Our party has survived defeat after defeat and lived. We shall live and live to win again. Defeat brings discouragement but not despair. [Applause.]

From Jefferson until to-day we Democrats have followed no leader of whom we are ashamed. Our Presidents have been "lion's cubs." [Applause.]

In the developments of society, with all their new and perplexing problems, differences have arisen at times in our ranks, and, like all parties, we have recognized and acted upon the truism that "living issues have changing aspects," but the fundamentals of our creed remain the same.

May I not quote once more the closing words of Mr. Jefferson's exposition of party principle:

> They should be the creed of our political faith—the text of civil instruction—the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

My colleagues, we should ground ourselves upon the fundamentals. If we but stand true to the ancient faith, ours is destined to be once again victory and control. Let us not be discouraged by defeat. Let us plant ourselves upon fundamentals and go forth as one who is not afraid. Let us say to the mighty democratic spirits of the past as to-day they consort together, "We are faithful to your tenets, and we are carrying on." [Applause.]

Mr. FUNK. Mr. Chairman, I yield one minute to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, Porto Rico—rich port—that famous island, rich in traditions, is four days' journey from New York, about half way distant from Rio Janeiro, and is a veritable garden spot of the world, where the American flag flies over 2,000 native schools. Sometimes these modest seats of learning are discovered by the visitor far up the mountain side; often the schools are close by the sea, where our flag peeps out from under coconut palms, and again they dot the valleys and hillsides throughout the interior, but wherever the schools are there floats our flag. Nearly a quarter of a million children attend these public schools, and their influence upon the rising generation is evidenced by the statistical report that within a quarter of a century during the American period of occupation illiteracy has been reduced one-half.

This attractive island, as beautiful as the Hawaiian or Philippines, is about 100 miles from east to west in length and 40 miles from north to south across the mountains that lie between the Atlantic and the Caribbean, but within this small territory is found the most famous highway system of the world. It was 433 years ago when Columbus landed on the northern shore of the island during his second voyage to America, and soon thereafter the Spaniards began constructing their marvelous roads that have been one of the wonders of the Western World. Some of these ancient Spanish highways yet remain in use, and are among the best of the 1,500 miles of hard surface or asphalt roads now found in Porto Rico. Hardly larger than a single county of many Western States, Porto Rico has the mountains, the sea, and the trade winds that give it an unrivaled climate and rare picturesqueness in both winter and summer.

Public health, neglected and abnormally poor before the American occupation, is now under the control of an able corps of physicians and aids, who are cleaning up all parts of the island so that it is destined soon to become a model of health and sanitation for the rest of the world. Among its famous doctors are such men as Col. Bailey K. Ashford; Doctor Ortis, the island health officer; Doctor Rosa; and others of equally high standing, both native and foreign.

Schools, public buildings, and highways, second to none the world over, when the financial ability of the people is remembered, are now being constructed throughout the island in addition to those already existing. These, including the splendid highway system, are under the direct jurisdiction of Estavis, secretary of the interior, a native Porto Rican, who, like Doctor Ortis, was educated in an American university, together with hundreds of their associates, now among the leading business men and officials of the island. In the American schools these men observed and absorbed the energy of the Anglo-Saxon while poring over their books, so that to-day Gov. Horace Towner, chief administration official of the island, is surrounded by a corps of capable assistants, excelled, I believe, nowhere in this or any other country. If this seems high praise, it is not hurriedly voiced but is based on a study of

many days while driving around the island making investigations of conditions, often in company with these enthusiastic yet efficient and practical officials.

Pride and patriotism linked with boundless energy has helped Porto Rico rise to its present high plane, and those who go to the island expecting to find the reported crudeness or backwardness of former years among the people will be agreeably surprised with their remarkable progress during the quarter of a century of American supervision and aid.

Their commerce has kept pace with other lines of advancement, with a growth of external trade from $16,000,000 in 1900 to $177,000,000 in 1924, which indicates the rapid commercial progress of the island. In 1900 the United States sold to Porto Ricans nearly $7,000,000 of our products, and 24 years afterwards the sales of like products reached $80,500,000. Figures mean little to the average person, but after a brief study of conditions I believe it will be found that practically every interest in the island from its budget and needed public expenditures to its taxation system, educational, health, and other branches of activity have all kept close pace with the wonderful commercial progress to which I have alluded.

Hospitality is found everywhere among the people, for their politeness, courtesy, and kindliness is proverbial. Those who are self-satisfied with our own home conditions will also find much to learn in the religious atmosphere of this island where beautiful churches and many thousands of devout communicants are constantly in evidence.

When we drove along the highways on one Sunday countless groups of well-dressed children and adults were on their way to the many churches in near-by villages. The villages were usually 6 or 8 miles apart and the people would be met about half way distant going to one or the other of the nearest churches, sometimes in groups of a score or more and literally thousands were seen that day trudging along the highway bound for their nearest church service. With such a people, religious, industrious, and striving for an education, there can be no doubt as to their future.

Briefly, I wish to speak of Governor Towner's administration, because we had opportunity to observe conditions in San Juan, the capital city, and in many other cities and villages and country districts throughout the island. A dozen years ago it was my privilege to serve with Governor Towner, then a member of the Insular Affairs Committee of the House. When President Harding found that a former governor had aroused antagonism on the part of practically everybody on the island, until the exasperated natives, together with the Americans, were humiliated by notorious misrule, then the President's choice fell on Judge Towner, and a commission was given him to bring order out of the confusion which then existed.

Governor Towner undertook a job which would have been uninviting and discouraging to most men. Few could have succeeded in the task, because the petty tyranny of his predecessor that savored of narrow military habits and regulations had embittered people of all alien races until the aroused Porto Ricans were ready to seize upon any and every excuse to oppose and obstruct the new administration. Patient, yet firm and just in his course, the new governor, able lawyer, scholar, and experienced statesman as we have known him in Congress to be, he began his work in the island by surrounding himself with a strong corps of unusually brilliant, energetic Porto Ricans.

These he imbued with a spirit of loyalty and devotion to their own people which was reflected in their genuine loyalty to the new governor. Conditions were carefully studied and a constructive program undertaken that has been faithfully carried out. Curative laws, betterment of living conditions, and a spirit of mutual helpfulness among all classes of people, together with encouragement to Americans, Spaniards, and Porto Ricans alike in the promotion of their business activities were all efficiently undertaken for the advancement of the people.

This was the policy and program outlined by Governor Towner. Quietly and thoroughly he began untangling countless snarls that had been left as a heritage by his predecessor, until eventually there was brought about helpful cooperation on all sides that, compared to prior conditions, was as marked as it was novel in character when we visited the island last spring.

Possibly no higher praise could come to anyone than the opinion frequently heard in different parts of Porto Rico that if an election was to be held under proposals then discussed Governor Towner would be overwhelmingly elected by the people for governor if he would become a candidate for the office.

I mention this to show the difference brought about in two short years of island control. Characteristically modest, with an ambition only to give the Porto Ricans good government, which they now have, I doubt if he has or ever would have any desire to meddle in the local politics of the island. He has brought order out of chaos, as he was directed to do, and for that accomplishment Governor Towner deserves the everlasting gratitude of the American people in this country, as well as of all the people of every color and race now living on the island.

I do not say that all persons or all political parties in Porto Rico are contented or entirely happy. That condition prevails in no government on earth. Disagreements among factions and with government officials may occur, possibly with some cause for complaint, brought about by past conditions, but the future, permanent form of government is a subject too broad and the possibilities too complex to discuss here in a few words.

The future of the Porto Ricans, it is believed, rests largely with their own conduct of government and no attempt to cover that phase of the situation is offered. This much can be said, that peace and prosperity among the people of the island were never before so well assured, and to Governor Towner, in large part, must be given credit for burying factional differences among the Porto Ricans, promoting amicable relations toward Americans, and launching the island on an era of unexampled prosperity. Doubtless much remains to be done, but with united support and mutual confidence in each other, all things are possible in the advancement of this remarkable people.

I have stressed strongly the wonderfully changed conditions, which will come as a surprise to those familiar with other administrations of the island, because it has the contrast of a smoothly running useful engine working for all the people compared with the noisy rattletrap that previously had kept the island in turmoil and this country in a state of uncertainty and embarrassment as to its Porto Rican protégés. Few men in many years could have brought about the good understanding which now exists between the old Spanish families, the Porto Ricans of all walks of life, and the American colony on the island.

In this achievement the governor has had the invaluable aid of his equally capable helpmate, Mrs. Towner, so well known to the people of Washington.

I am not here to sound perfunctory praises of any one nor would those who are quietly bringing about good government in the island have me do so, but with an understanding of conditions prior to Governor Towner's appointment it is just recognition to say of the marked improvement in every avenue from business and legislation to public works, education, and cordial relations with all people that the spirit of cooperation and the marked advancement has been made possible because of the right man in the right place.

One other brief word of recognition is due to another man living in Porto Rico who is a world-wide benefactor. This man has a dream, and if his dream comes true it will be brought about through the active support of the American Congress. His plan is one of the most practical and helpful aids to humanity ever conceived by man. Col. Bailey K. Ashford, American doctor of medicine, well known in this and other countries, has a laboratory in Porto Rico that would delight the heart of any physician. It was Doctor Ashford who discovered the hookworm and the cure, and also the proper treatment of other diseases, especially those of tropical origin, all of which have received study in that laboratory until the director in charge is recognized and appreciated by a large audience of medical men and of philanthropists throughout the world. Let me not forget to mention a native Porto Rican girl, his assistant, whose knowledge of medicine he said was of an exceptionally high order. The natives are capable of meeting the highest tests when afforded opportunity.

Doctor Ashford has a dream of a great Pan American university to be established in Porto Rico, and it is a practical dream with wonderful possibilities. He has lectured before many learned bodies, and also written for various publications about the advantages of such a university if located at Porto Rico, the ancient seat of the oldest colony in the Western Hemisphere. With a dense population of nearly a million and a half people on a small island under American supervision, where 42 per cent of the budget is expended on education, where public health is placed first among its activities, in a place of growing culture and educational advancement, he has voiced the practicability and desirability of his plan for this proposed higher university of learning.

Lying between the United States and the Canal Zone and South America, the island is centrally located in the western world, where distance is being constantly annihilated by new inventions, so that in the near future it may soon be reached from our shores in a day's travel.

With high mountain chains, healthful surroundings, and equable temperature the year round, ranging from 78° in January to 82° in August, this historic spot and emerald island of remarkable beauty has a great future before it. It is the outpost between the Castilians who have settled in the southern countries and the Anglo-Saxons of the north, and it is here that Doctor Ashford hopes to secure the cooperation of all the universities of the western world in establishing a university extension beyond anything yet known.

His enthusiasm for this great university proposal is equal to that with which he undertook the field of research when studying the hookworm and its cure. Here he plans for a university that will specialize in many fields, and among the courses eventually to be included will be international law, political economy that affects particularly North and South America, international sanitation, medicine, and health enlightenment of every character.

Doctor Ashford believes that some of the great philanthropists who have aided his work in developing the present extension of his school of medicine in Porto Rico would give aid to this practical and humanitarian dream so as to make it a reality, and further that the American Government in time may be prevailed upon to give its active support to an American institution under the American flag that will be of incalculable benefit eventually to the world of to-day and the world of the future.

With such men as Ashford, Rosa, Ortis, Gonzales, Martines, Estavis, Barcelo, and of our own able colleague, FELIX CORDOVA DAVILA, Delegate from Porto Rico, together with scores of others equally noted, the island is on the threshold of a prosperity and progress beyond estimate. Much has been done and much remains to be done in improving conditions in a field that has for its ultimate purpose the building up of a once sickly, ignorant, unambitious rural people into a strong, healthy, progressive people moving forward and upward under the American flag. Our own country and the people of the world have in Porto Rico an object lesson of the influence of western progress under a wise civil administration and of a constitutional government that seeks to extend the blessings we enjoy to all those who have come under the influence of that Government.

Let me give you, my friends, a further word of advice. Do not take my judgment nor that of other Members who by personal observation and study have made discoveries like myself of the advancement going on in Porto Rico, but I advise you to go to this beautiful island where Columbus cast his anchor in 1493 and visit its quaint, historical, interesting places, far beyond those found in any other part of the West Indies, if not in the entire western world, and then learn the effect of Americanization. To-day Porto Rico extends the hand of welcome and hospitality to all the people of both the Old and New World.

Its representative, Delegate DAVILA, is one of the thousands of eminent Porto Ricans whose friendly hand-clasp as you leave our shores is repeated and long remembered in the warm-hearted reception accorded the visitor upon arrival at the quaint old city of San Juan.

In conclusion may I say I have been permitted to visit the Philippines, the Hawaiian Islands, and various other islands of the seas and of many lands in the Old World and New. The attractiveness and hospitality of their people is unfailing in my experience, but I know of no place more inviting or more beautiful than Porto Rico. We know how our former colleague, now the Governor General, entered on his official duties on the island at a time when there was great confusion. He brought order out of chaos, and there are Members on both sides of the House who, I am sure, will join with me in expressing their praise for what Governor Towner has accomplished in his new field of work and for the island of Porto Rico. [Applause.]

Mr. FUNK. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and members of the committee, some time ago I introduced a bill for the protection and development of the lower Colorado River Basin. This bill, in regular order, was referred to the Department of the Interior and was reported upon favorably with some suggested amendments. The House Committee on Irrigation and Reclamation is now holding hearings and considering the bill, and I trust, in due time, will report it to the House for your consideration and action.

I am therefore undertaking at this time to bring to you such facts as I can and to give you such information as I have regarding this project. I shall discuss it, first, from the point of the local needs and necessities, and then later develop the Federal aspects and national interests. Only a small part of the total number of bills brought here affect the welfare directly of all parts of the country. Most of them are of primary interest only to some one section of the country. We have to depend upon the people in various parts of the United States to bring to the attention of Congress those matters which they think are vitally necessary to their welfare and progress. Thus the people in the region of the Great Lakes have brought to the attention of Congress the necessity for a deep-water channel to the Atlantic Ocean.

The people of the Mississippi Valley have presented to us the benefits that would flow from a deep-water channel from that region to the Gulf. To-day I speak for the people who live in the lower Colorado River Basin, and I hope I will be able to develop the fact as I go along that this is more than a mere local project.

I have lived for some 18 or 19 years in the Imperial Valley. It is unique in many respects, one of which is that it lies almost wholly below the level of the sea. Another is, although it has practically no rainfall, yet it is one of the most fertile and productive areas in this country, irrigated as it is by a great main canal which brings water over 60 miles from the Colorado River.

Their principal problem is river control, for the protection of life and property from an annual flood menace. The people who live in this valley, 60,000 American citizens, went into the valley as pioneers, drawn from all the States in the Union. Generally speaking, they took with them little money in their pockets but plenty of courage in their hearts, and with willing hands and determined minds they set out to make something worth while out of what appeared to be a desert waste. They fought a good fight and conquered the desert, they builded their cities well, they created a magnificent community, and yet to-day these people are face to face with the menacing threat of destruction by flood.

These people live, as it were, in the hollow of a saucer, while above them, flowing around half the circumference of the saucer, is this great river, looking down into the valley and every now and then threatening to jump down in and destroy the entire community. The lowest point in Imperial Valley is 250 feet below sea level, and the maps show that from a point on the river an equal distance from the Gulf to the south and the center of the valley to the northwest the fall of the land to the Gulf is about 1 foot to the mile, as compared with a fall of 3 feet to the mile to the northwest. So you see the old law of gravitation has the downhill drag on the river and is constantly threatening to pull it into this fertile valley and destroy it.

The people there have done the best they can in handling the problem, but it is beyond the power of a local community to solve, even if it had the means and the money, because the river is an interstate and an international river, and the problem requires interstate and international consideration and treatment.

This river carries every year in solution in its waters over 113,000 acre-feet of solid material. This silt during the low flow of the river deposits itself along the bed of the river, chokes up the channel, builds up the bed, thereby lessening the height of the banks and increasing the menace of overflow when high water comes.

I am speaking primarily of the Imperial Valley, where I live and with which I am intimately acquainted, but the same situation is true, only to a less degree, of all the communities on the river below the canyon section of the river, beginning at Needles and including Palo Verde Valley, Yuma Valley, and all of the lower basin communities. While not below sea level, they are all liable to overflow during the flood season of the river, and all of them have at one time or another felt its devastating force.

The levee system is inadequate to take care of the problem. We have given it a very thorough trial; it has proven inefficient. Here is the reason: The river, as I stated, is constantly building itself up with the deposits which it brings down from the upper regions. If we build to-day a levee of 2½ feet or 3 feet above high-water mark, a year or two from now the bed has crept up and encroached upon the safety margin and left us without flood protection. Then, again, there is a height beyond which, from an engineering point of view, it is not safe to go with earthen levees, because they can not resist beyond that point the pressure of a great river.

And there is a point beyond which you can not go financially, because as your levee goes higher and higher to add 1 cubic yard of earth to its height you must go back down to the bottom of the angle of support of your levee and put 20 or 30 cubic yards upon the bank or slope in order to make the one stay on top, and each year as you go higher your angle of slope becomes longer and the expense becomes greater. We have

now about reached the point beyond which engineers say it is not safe to go, and beyond which these people have not the financial means to go.

Another problem is the violent fluctuation of this river, getting down as low as 2,000 second-feet in low flow and then springing up as high as 200,000 second-feet in flood season. In flood season the levees become soaked with water, then when the water goes down the levees dry out and the earth cracks, and should there then be a freshet the water would likely find its way through a crevasse, and presently the surrounding country would be flooded.

The nature of the soil lends to the instability and insecurity of the country. This whole lower region from Yuma on down is simply the silt deposits of that river. It came in water, it will go in water. It dissolves like sugar in water and melts away.

This whole valley was once under the sea as part of the Gulf of California, but this river built its delta in such a way as to cut the Gulf of California in two, creating an inland sea, and when its water evaporated it left this valley. We are told that in the centuries long past the river alternated its course, flowing for a time into the Imperial Valley and then into the Gulf. Each time it entered the valley it brought immense deposits of silt, and that has made the soil there immensely deep and immensely fertile. The temptation now seems to be for the river to go in there again.

Mr. BANKHEAD. Mr. Chairman, this is one of the most important subjects we are going to have for consideration in the future. There is a small attendance and I know the gentleman has given a great deal of thought to this matter. Unless my friend objects, I will make a point of no quorum.

Mr. SWING. I thank the gentleman for his kind consideration, but I will not ask for it.

The immediate danger has been somewhat alleviated by the finding of a low basin to the south into which the river, at great expense, has been diverted and through which it is now flowing to the gulf.

Knowing the amount of silt the river carries every year, as much as was taken out of the Panama Canal during the 10 years of its construction, it is a mere mathematical calculation to figure out when the river will have filled up this new basin and then be back again tearing and cutting at the levees in an effort to break into Imperial Valley. Engineers estimate that from 7 to 12 years is the maximum relief that can be secured in this way. It will take seven years, at the least calculation, to build the proposed flood-control dam, so time has become a highly important factor.

In 1905 and 1906 the entire river found its way into the Imperial Valley and created the Salton Sea, which continues to-day as a warning of what will happen unless Congress in its wisdom intervenes.

Mr. JOHNSON of Texas. Will the gentleman state what is the length of the Colorado River?

Mr. SWING. Seventeen hundred and fifty miles long.

Mr. JOHNSON of Texas. Where does it rise?

Mr. SWING. In Wyoming and Colorado. When the snow has covered the high plateaus in the winter this stream is usually at its lowest, but when summer comes and the heat melts the snow the flood waters rush down this river, filling its banks to overflowing, and in a few weeks a tremendous volume of water has run to waste into the ocean and constituted itself a menace to life and property while it ran to waste.

Flood control has for a long time been considered a proper function of our Government, and it has taken care of those communities which were unable to protect themselves against these forces of nature.

On the Mississippi our Government has spent over a hundred and fifty million dollars of Federal money, not a dollar of which will ever be returned to the Treasury of the United States, except in the increased happiness and prosperity of the people who live there, and that is, of course, ample reason for the expenditure. We will probably continue to spend additional millions on that river as the problem there seems to be an unending one. The Colorado River, fortunately, presents an easier solution. There nature has prepared a means whereby the flood problem can be permanently solved without the loss to the United States Treasury of a single dollar.

God in his wisdom saw fit to create a canyon section between the snow-clad mountain tops of the north and these low-lying valleys to the south, and placed there deep, narrow gorges, prepared sites, as it were, in which man could build dams to hold back the flood waters, or all of the waters of the river should occasion require that.

Congress has repeatedly authorized appropriations directing the Interior Department to pursue the study of the problems of this river and to report to Congress how best to solve the problems and how best to develop this river. Beginning in 1920 we appropriated $20,000; in 1922, $100,000; in 1923, $100,000; in 1924, $25,000; and along with this the local communities, feeling that their very existence was dependent upon finding a solution, took out of their own pockets thousands of dollars—the Imperial Valley $100,000, other communities $85,000 more—which was turned over to the Government to aid in carrying out this investigation.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. MADDEN. The gentleman set out a moment ago the amount of money being appropriated for the Mississippi River development, for the building of levees, and the protection of property. Does the gentleman know that under the flood control act no money is expended by the Mississippi River Commission for the things that he has been describing until one-half of the amount of the cost is contributed and put into the treasury of the Mississippi River Commission by the people who own the property?

Mr. SWING. That is true.

Mr. MADDEN. Does the gentleman propose to have such a policy pursued in connection with the matter that he is now discussing?

Mr. SWING. I propose to have the entire amount repaid to the Treasury of the United States, with interest, so that the Government will not lose a single dollar. The problems are slightly different and I think will have to be handled in a somewhat different way, but on the Colorado the Government will get every dollar back.

Mr. MADDEN. That comes in a little later. The flood control act provided that before the Federal money is expended the political subdivisions in which the money is to be expended must pay into the Treasury one-half of the cost. Is it proposed that this territory shall do that, or not?

Mr. SWING. It is not proposed to do this work under the flood control act because the Colorado has never been placed under that act. The Interior Department has made its own recommendations, which I am trying to follow. The local communities, however, have offered in the hearings to put up power royalties in advance, which would probably amount to half the cost of the dam, if the Government wants to accept it on that basis.

Mr. MADDEN. Of course the Interior Department does not legislate, it does not make laws.

Mr. SWING. I am merely submitting the plan it recommended, and the gentleman can let the merits of it appeal to him as he sees fit. I am merely presenting the situation, as I see it, to the best of my ability.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. LINTHICUM. Has the gentleman any estimate of the probable cost of that?

Mr. SWING. Yes; I shall come to that in a moment. The estimate is very complete. As a result of these appropriations and as a result of the mandate of Congress to investigate and report, the Government engineers made a most thorough investigation and study of the river problems and worked out a carefully prepared plan by which the lower Colorado River Basin can be protected and its development stimulated by the building of a dam at or near Black Canyon. That dam will solve the flood-control problem, because it will hold back any amount of water of which we have any record for any one year, and by the building of the dam we will automatically create power possibilities sufficient in amount to guarantee the repayment to the United States Treasury the entire cost of the project, together with interest on the money invested. That plan has been reviewed and approved by a board of the Government's best reclamation engineers at Denver.

It was then brought to Washington and rereviewed by the best engineers in the Government service here drawn from the Geological Survey, the War Department, the Federal Power Commission, as well as from the Reclamation Service, and all the principal features of the project were approved and indorsed.

In addition to flood control, and in addition to providing means of repayment to the United States Government through the leasing or sale of power, the dam will provide the additional facilities for storing water for domestic and agricultural uses. At the present time the total low flow of the river has been overappropriated. Last year in the Imperial Valley, with 420,000 acres in cultivation, we found that for 72 consecutive

days, even with the entire flow below Yuma diverted into our main canal, there was sufficient only to provide for half the actual needs of the American farmers. There will be ample water for all, once the flow of the river is stabilized and equated, as it will be when this dam is built.

The coast cities are confronted with the necessity of augmenting their local water supply for domestic use. The Colorado River offers them their only hope. There is ample water there if it is only stored, but none in its present unregulated condition. These cities are also looking to the Federal Government to assist them in the solution of their grave problem.

The Secretary of the Interior last year in reporting upon my bill made some very enlightening statements with reference to this Colorado River matter. He said:

The time has arrived when the Government should decide whether it will proceed to convert this natural menace into a national asset.

In no better way, in so few words, can the complete proposal be so well summarized.

The scope of this subject in many directions, its urgency in some, and its opportunities for development, together demand the determination of a definite government policy. * * * Flood control has long by common consent been regarded as an obligation of the Government to guard the life and property of its people against recurring forces of nature beyond their ability to resist. Flood control, considered alone, promises no direct return of the expenditure of the Government.

He then proposes this threefold plan whereby he can sell the power and the water and from the proceeds return to the United States Treasury every dollar it has expended, together with interest thereon.

Mr. CHALMERS. Will the gentleman yield for a question?

Mr. SWING. Yes, sir.

Mr. CHALMERS. I am fearful the time may be expired without the gentleman giving an idea of the cost. I wish the gentleman from California would touch upon that feature before his time expires.

Mr. SWING. I will give you Secretary Work's latest figures:

Colorado River development, Boulder Canyon Reservoir, all-American canal

CAPITAL INVESTMENT

Estimated cost for:	
26,000,000 acre-foot reservoir	$41,500,000
1,000,000 horsepower power development	31,500,000
The all-American canal	31,000,000
Interest during construction on above, five years, at 4 per cent	21,000,000
Total	125,000,000

ANNUAL OPERATION

Estimated gross revenues from:	
Sale 3,600,000,000 kilowatt-hours' power, at three-tenths cent	$10,800,000
Storage and delivery of water for irrigation and domestic purposes	1,500,000
Total	12,300,000
Estimated fixed annual charges for:	
Operation and maintenance, storage and power	700,000
Operation and maintenance, all-American canal	500,000
Interest on $125,000,000, at 4 per cent	5,000,000
	6,200,000

Estimated annual surplus, $6,100,000, or thought to be sufficient to repay the entire cost in 25 years.

Mr. LINTHICUM. Will the gentleman yield there? Will they be able to use the water which is impounded separately through the river and bring it on down through Imperial Valley; would it be replaced all along?

Mr. SWING. They will use the river channel to convey the water from the dam to a diversion point called the Laguna Dam, where it would be taken out for Imperial Valley. But permit me to return to the report I was reading. The Secretary goes on to say:

The Colorado River is now a local menace. It may be converted into a public utility of first importance, particularly to southwestern United States. Its possibilities rank with those of the Panama Canal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FUNK. I yield the gentleman five minutes additional.

Mr. SWING (reading):

I am concerned for the future of people menaced by temporarily controlled floods and entertain a lively sense of the magnitude, the necessity, and the importance of conserving to the United States as a whole the use of this potential natural force for the great waiting territory to be directly benefited.

Mr. McDUFFIE. Is that the President's language?

Mr. SWING. Secretary Work's; I will insert the President's statement:

I would recommend that Congress promptly initiate such commensurate measures as it may determine the Government's financial status will warrant and probable commercial returns justify from a point of view 50 or 100 years hence rather than now. The whole subject is of national moment, should be surveyed in a broad way, and is well worthy the serious consideration and action of Congress.

President Coolidge has also unqualifiedly indorsed the project. His views are stated in a communication sent to Charles C. Teague, of Los Angeles, dated October 7, 1924. I will read it:

I have received your inquiry as to my views upon the development of the Colorado River. You will recollect that I had the pleasure to state a year ago that the time had come for the Federal Government to undertake the construction of the great works upon the Colorado and I recommended the matter to Congress.

The administration has, through the Secretary of Commerce, been unceasing in its endeavor to settle the legal conflicts which have hitherto barred its consummation by opposition in Congress.

The major purposes of the works to be constructed there involve two fundamental questions which must always remain in public control—that is, flood control and the provision of immense water storage necessary to hold the seasonal and annual flow so as to provide for the large reclamation possibilities in both California and Arizona.

These considerations seem to me to dominate all others and to point logically to the Federal Government as the agency to undertake the construction of a great dam at Boulder Canyon or some other suitable locality obviously to be determined by the best engineering talent that can be secured in the Nation.

I should indeed look with great pride on the consummation of this one of our greatest national improvements within my administration.

Now, coming down to the definite project, we have already seen in the statements of Secretary Work and President Coolidge that the Federal Government has an important interest in it. There is, however, another vital reason, not mentioned by either of them, why the Federal Government must build, own, and operate this dam, and that is found in the relations of our Government with Mexico. It is known now, growing out of negotiations begun with reference to the Rio Grande, that Mexico intends to claim water from the Colorado for the amount of land which is already in cultivation in Lower California, Mexico, approximating 200,000 acres. But already the low flow of the river has been appropriated by American citizens for use on American lands under the laws of the various States and of the United States. Our Government has in every treaty it has negotiated on this subject recognized the right of the other nation to the amount of water it had beneficially used. It did with Mexico on the Rio Grande and with Canada on the Milk River and St. Marys River; and so it is obvious that when the Colorado River comes up for settlement we will grant Mexico some water. But where is our Government to get that water? It can not take it away from citizens who are now using it. There is only one way: It will have to store some of the water that is to-day running to waste, and to do that it must build and own a dam and reservoir.

Mr. COLTON. Will the gentleman yield?

Mr. SWING. Yes.

Mr. COLTON. But suppose you store a larger amount than to satisfy the claims of Mexico, would you not by equalizing the flow make it possible for people in Mexico and California to acquire the right to a use of a large amount of water?

Mr. SWING. That situation is cared for by an all-American canal on our side of the international line to the Imperial Valley and through the control of the dam and the all-American canal our Government can so control and so manipulate the river that Mexico can get no beneficial use from it except such as our Government sees fit and proper to grant to her. If this should be necessary, it could be used to bring about a reasonable agreement with Mexico. We could, if we thought proper, cut off all the water at the dam except the amount needed by American communities. We could waste water down the river channel at the season of the year when it could not be put to any beneficial use in Mexico. So the complete control of the situation will always be in the hands of our Government, and it can thereby work out a just and equitable agreement with Mexico.

As I said before, Los Angeles and some 10 or 15 cities on the coast have found that their domestic supply of water was inadequate and they have formed themselves into a league or district to build an aqueduct to the Colorado River to augment their present supply. The city of Los Angeles has already appropriated money to begin the work, and the other cities are cooperating with it. Under the present plan these cities will contract with the Government for water stored in the Boulder Dam at a price which, together with the price to be paid by

the Imperial Valley and other communities for agricultural water and the price to be paid for power, will return every dollar to the United States Treasury. No work can start until these contracts covering the total cost are in the hands of the Secretary of the Interior. Virtually the whole Southwest is back of the obligation to repay this money.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SWING. I ask the gentleman to yield me five additional minutes, and I will not ask for any more time.

Mr. FUNK. I yield the gentleman five minutes.

Mr. MADDEN. Does that require legislation by the State of California to enable them to obligate?

Mr. SWING. It will not.

Mr. MADDEN. They have power to do it now?

Mr. SWING. The cities and districts have.

As a matter of fact the city of Los Angeles has already voted $2,000,000 to be expended on preliminary work on the aqueduct.

Now, the Secretary of the Interior in his report proposes this plan for financing the project, and I submit it to you for your consideration. He proposes to follow in this great undertaking the plan of financing by a bond issue found in the legislation authorizing the construction of the Panama Canal. Considering the magnitude of this work, it appears to me that in justice to the fiscal program of the administration this plan is probably the best way to work it out.

It will enable the putting over of this great project for the Southwest, solve the menacing flood problem on the lower Colorado River, enable our Government to fulfill any treaty obligation to Mexico, supply the coast cities I have named with needed domestic water, enable the reclamation of much present arid lands in our own country—all without any present drain on the public revenues and without any loss to the United States Treasury.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. GARNER of Texas. Does the gentleman know of any plan in contemplation for negotiating a treaty with Mexico?

Mr. SWING. I understand there is a plan looking to the solution of the problem with Mexico, involving the division of the waters of the Colorado and Rio Grande Rivers.

Mr. GARNER of Texas. These are activities of the State Department, are they not?

Mr. SWING. Yes.

Mr. MADDEN. Are there not some States that are involved in this that have not yet come into it?

Mr. SWING. Yes. There has been a Colorado River compact authorized by act of Congress and the act of seven States interested in that basin. That has been ratified by six of the States but not ratified by one of the States. The six States have reached a tentative agreement whereby this project can go ahead.

Mr. MADDEN. Are there not two States that have not ratified it completely? California has not ratified it.

Mr. SWING. California has ratified it on condition that this dam be authorized by Congress.

Mr. MADDEN. Their ratification depends on whether they are going to get what they want?

Mr. SWING. No. It depends on whether they get water in exchange for that for which they have already an undisputed title. If they surrender their present water rights to the upper States under the compact, then they must have water from another source, they say, from Boulder Dam, and that is what this project would give them. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. MANSFIELD].

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I believe I voice the sentiment of all the members of the Committee on Rivers and Harbors when I express the view that it is their hope that we may be able in a short time to report a river and harbor bill to the House in time for consideration before adjournment. And believing the time to be allotted for discussion will in most part be granted to those who oppose river and harbor appropriations, I am availing myself of this opportunity to now submit a few observations.

Transportation is a question of the most vital concern to the people of the United States. No one will dispute that. Our country is so large and the points of production of manufacture and of consumption are so widely distributed that we stand in need of the most comprehensive, the most complete, and the most effective system of transportation that can reasonably be provided. For a century or more our inland transportation has consisted mainly of our railways, our waterways, and our highways. These methods had their incipiency simultaneously in the beginning of the last century. The rivalry between them at times has been very pronounced. All of them have survived, and hence we may say all of them are fit. Steamboats and lines of steamboats have been purchased from time to time by railroads and then taken out of competition. Canals with their equipment have taken a similar course. In one instance a whole system of canals, consisting of nearly 600 miles, with a full complement of floating craft, was purchased by two of the leading railway systems of this country and junked within a few years thereafter.

Mr. McDUFFIE. Will the gentleman tell us right there what canals those were that were bought by the railroads?

Mr. MANSFIELD. Those canals were in Pennsylvania and were bought by the Pennsylvania Railroad and the Sunbury & Erie Railroad for $11,375,000 just a few years before the great Civil War. There were 589 miles of those canals and they were built by the State of Pennsylvania.

Mr. SEGER. Will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. SEGER. And the Morris Canal, running from Phillipsburg to Jersey City, which carried coal from the mines to tidewater, was bought by the Lehigh Valley Railroad Co. and scrapped.

Mr. MANSFIELD. I thank the gentleman for the suggestion. Hon. Clyde B. Aitchison, chairman of the Interstate Commerce Commission, in a speech delivered last October before the National Association of Railroad and Utilities Commissioners on the subject "A Century of Transportation Problems," makes reference to the Chesapeake & Ohio Canal, which extends up the Potomac from this city. Of it he said:

> The Chesapeake & Ohio Canal was one of the great engineering works of its day. Construction of it was begun the same day as upon its great rival, the Baltimore & Ohio Railroad. After overcoming the difficulties at Great Falls, at Little Falls, and at Harpers Ferry, at the expenditure of $7,000,000, the company became bankrupt. The canal was in fact not finished until 1850. Even before it was finished the competition of the railroads was so strong as to make the discontinuance of Federal and State aid inevitable, and prevented the canal from ever connecting with the mines west of Cumberland, its chief objective.

There we have an instance where the influence of the railways was so great that it actually prevented the Federal Government and the State government from appropriating the money necessary to complete the waterway transportation project and prevented it from ever entering the field of production for which it was organized and set on foot. We have had many instances of that kind on the Ohio and Mississippi Rivers. Cutthroat rates have also been employed by the railroads, and freight to and from many points has been carried at far less than cost. While river transportation has been greatly hampered and crippled and localized, still it has never been completely killed, and is now reasserting itself to an extent that would have been thought impossible two decades ago.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. JOHNSON of Texas. What assurance have we that history will not repeat itself with reference to canals and this shipping by water in the future?

Mr. MANSFIELD. I think if the gentleman will wait a little while my remarks will answer that. I will suggest, however, that the railways are not now making the organized fight that has been made in the past. That is the main thing.

In our transportation scheme we are fortunate in having several thousand miles of coast line on the Atlantic, Pacific, and Gulf coasts, and in having those waters connected by the Panama Canal. On these coasts we have about 125 ports where ships can enter, many of them capable of accommodating vessels of the deepest draft. These ports afford ample means for our foreign commerce as well as for the coastwise trade. The commerce of these ports last year was 329,563,713 tons, valued at $18,694,404,287.

We are also fortunate in having the system of the Great Lakes on the north. These waterways, since their improvement by the Federal Government, have afforded the most adequate and economic system of transportation in the whole world. Commerce is now being handled there more systematically and at less cost than has been found possible by any other means of transportation in this or any other country. The total commerce of the Great Lakes last year was 203,534,234 tons, valued at $3,572,521,195.

Those of our citizens who live in the great interior regions of our country are a little less fortunate in the way of transportation facilities than those nearer the oceans and Great Lakes. We must give to those of the interior, wherever possible, the means of reaching the high seas, so that their products may find sale in the world markets. Those more remote from river transportation must, of necessity, depend in most part upon the railways and highways, at least in the initial stage.

We have, it is true, a great system of railways, consisting of a little more than 250,000 miles of main-line tracks. These we must retain and accord to them fair treatment. Congress has already recognized their importance to the country by giving them a virtual guaranty of profits. These railways handle more than two and one-third billion tons of freight a year.

In the oil trade pipe lines are now performing a tremendous service and constitute a very important part in the great scheme of transportation, but I have not been able to secure any reliable data as to their operations. Transportation by air is yet the problem of the future.

We also have what is fast becoming a great system of public highways, consisting at present of a little more than 2,900,000 miles of public roads, nearly 400,000 of which have been paved or hard-surfaced to a certain extent and are now in a greater or less degree of efficiency. These highways are carrying probably three-fifths as much freight as the railroads are carrying and more than two and one-half times as many passengers.

We also have 25,000 miles of rivers and canals partially improved, though generally in disconnected segments. Notwithstanding their disconnected and unfinished condition, these rivers and canals for the year ended June 30 last bore 194,721,917 tons of commerce of a value of $3,746,799,431.

The Chief of Engineers in his annual report gives us the information that after the elimination of duplications of traffic as between ports, rivers, canals, and connecting channels the net water-borne commerce of the United States during the calendar year 1924 amounted to 453,700,000 tons, valued at $22,115,000,000. The value of this commerce handled over our improved waterways in a single year exceeds by more than $2,000,000,000 the value of all the railroads of the United States. This enormous volume in a single year has justified the expenditures of a century.

Our commerce for 1925 as a whole—that upon the railways, waterways, and highways, but not including the pipe lines—can reasonably be estimated at four and one-half billion tons. That is a conservative estimate. As an illustration of its enormity, it would constitute 180,000,000 carloads, at 50,000 pounds to the car, making 3,600,000 trains at 50 cars to the train. Considering the cars at a length of 41 feet, the American average, then parking space would require 466 lines of railroad track extending from New York to San Francisco, and 40,738 miles of additional trackage to hold the locomotive engines necessary to pull these cars.

To move our present commerce, enormous as it is, by no means represents the problem before us. The real question is, How are we going to take care of double that volume within the next few years? The traffic experts all tell us that our commerce doubles every 12 to 14 years. Highway traffic has been increasing in greater proportion. Waterway traffic will necessarily be limited to the facilities provided by Congress. Notwithstanding, no new waterways have recently been placed in operation, substantial gains in water-borne commerce are shown, the increase for last year being over 11,600,000 tons, as shown by the report of the Chief of Engineers. I was informed by the Interstate Commerce Commission a few weeks ago that the increase on Class I railroads for 11 months of last year was 124,680,000 tons. The figures for December were not available at that time.

Secretary Hoover, when before the Committee on Rivers and Harbors a few weeks ago, gave us the information that within a quarter of a century our rail traffic had grown from 114,600,000,000 ton-miles to 338,000,000,000 ton-miles, an increase of nearly 300 per cent. Speaking of the ability of the railroads to take care of this ever-increasing volume, the Secretary said:

> Our present mileage equipment of railroads obviously would be wholly inadequate to meet the task. We are faced in peak loads even now with difficulties at the great gateways and at the terminals; so we would be faced naturally with an enormous expansion of railroad transportation to take care of the future.

He further said:

> It would require an enormous expansion of railway terminals, which is becoming a most acute problem, because they could only be expanded at an enormously increased cost, due to the great increase in land values in the cities. The waterways, because they possess already continuous terminal along the water fronts of many cities, have the terminal question largely solved.

Secretary Hoover urges the early completion of the Ohio-Mississippi River system, including the intracoastal canal of Louisiana and Texas, at a minimum depth of 9 feet, and connecting this system with the Great Lakes. This would afford more than 9,000 miles of connected waterway through the great central region of the United States, with outlets to the high seas already existing through the St. Lawrence, the Hudson, and Passes of the Mississippi.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman.

Mr. JOHNSON of Texas. I am very much interested in the gentleman's speech, and I know his familiarity with the subject he is discussing. I would like to inquire what, in his opinion, would be the effect, if any, upon the reduction of freight rates if this canal is completed, with reference to shipments from somewhere in the upper Mississippi region down into the gentleman's district in Texas where he lives—whether it would have the effect of lowering the rates; and if so, to what extent?

Mr. MANSFIELD. There is no question but what there will be a very substantial reduction in rates. The exact reduction that could be made is a problem, of course, that will have to be worked out hereafter; but I will say that nowhere have water rates been as high as rail rates.

Mr. JOHNSON of Texas. That is what I wanted to know.

Mr. MANSFIELD. And I will yield to the gentleman from New York [Mr. DEMPSEY] to answer that question more fully.

Mr. DEMPSEY. President Loree, of the Delaware & Hudson Railroad, is deemed to be perhaps the ablest traffic expert in the United States. By a system of carefully prepared tables he demonstrated recently that rates upon the Great Lakes were only one-tenth of railroad rates, and that rates upon the ocean were only one-fifth of railroad rates. By a deeper waterway to the sea I think we would continue lake transportation until we met the ocean, and would continue at one-sixth of railroad rates. On the Mississippi the figures given by the Secretary of Commerce were something like this: They could carry 1,000 bushels of wheat 1,000 miles on the Great Lakes for $30 and on the Mississippi and its tributaries for 9,000 miles at, I think, about $60 or possibly $70. On the railroads the same transportation would cost from $150 to $200. I think that is the estimate, and that will give you a general idea of the proportion of rates. [Applause.]

Mr. MANSFIELD. I thank the gentleman from New York for his answer to the question. The gentleman is one of our best authorities upon questions of that kind, and that is the reason I yielded to him.

Mr. WILLIAM E. HULL. Will the gentleman from Texas yield for an explanation of just one or two items?

Mr. MANSFIELD. I yield to the gentleman.

Mr. WILLIAM E. HULL. A Cadillac car can be shipped from Detroit to Buenos Aires through this Mississippi route saving $100 over any other route from the United States.

Mr. JOHNSON of Texas. How much would be saved on the shipment of a Ford?

Mr. WILLIAM E. HULL. On a Ford you would probably save $40. This gives you an idea of what the saving would be.

Mr. JOHNSON of Texas. I thank the gentleman for the information.

Mr. KETCHAM. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman.

Mr. KETCHAM. A few moments ago the gentleman made a very interesting statement with reference to a change of policy on the part of the railroads with reference to waterway improvements. Is the gentleman able to give any information as to the reason that attitude has changed in recent years?

Mr. MANSFIELD. I will answer that, I will say to the gentleman, a little further on in my remarks. If I fail to give a complete answer, I will ask the gentleman to please ask the question again at that time.

Mr. KETCHAM. I will be very glad to have that matter covered.

Mr. MANSFIELD. Yes. This work upon the great Mississippi River system, I might say, is over half completed. More than half of the expense has been paid already by the Federal Government, but the work that has been done is in great part in disconnected segments, consequently the traffic handled upon this great river system is more or less of a local nature, and no through traffic has been able to be carried. In this connection I want to say that if the railways of this country were forced in like manner to carry local freight only, as the river

system has been forced to do, I do not believe there is a line of railway in the United States that could survive.

Mr. ROMJUE. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman.

Mr. ROMJUE. I want to ask the gentleman from New York, who made a distinction a moment ago about rates on the Lakes and on the Mississippi River, the basis for the difference in rates.

Mr. DEMPSEY. It is simply because of the difference in the transportation unit. What makes possible the very cheap transportation on the Great Lakes is a combination of several factors. First, they have a very large transportation unit carrying from 14,500 to 15,000 tons. Second, that transportation unit is built at a very low cost, because of the method of construction. It is built low, and it does not have to be built with the strength of an ocean-going vessel, because it does not have to meet the same stress of the sea. Next, on account of the fact it can get coal at different places on its voyage, it does not have to have large fuel space, and, therefore, it can give practically all of its space to cargo. Next, and perhaps as important as all the rest combined, is the fact we have on the Great Lakes the swiftest and cheapest loading and unloading facilities the world has ever known. They can either load or unload one of these vessels in something like 16 to 19 minutes, which, of course, is a marvelous record. It is due to a combination of these things.

Mr. MANSFIELD. I will state in that connection, and to supplement the remarks of the gentleman from New York, that by actual test at the port of Two Harbors on Lake Superior a vessel was actually loaded with 12,508 tons of ore in 16½ minutes, and when it arrived at Conneaut, Ohio, where they transfer to train to Pittsburgh, it was transferred from the ship to the ore trains in three hours and five minutes. No facilities of that kind exist anywhere else in the world, I think.

In the great war of secession that shook the fabric of this Government to its foundation more than 50 years ago, the right to navigate the Mississippi River was the issue over which many of the most sanguinary engagements took place. Over that contention, the flower of American manhood, both North and South, spilt their blood and laid down their lives at Fort Donelson, at Shiloh, at Corinth, at Pittsburg Landing, at Vicksburg, and at New Orleans. It was one of the motives that helped to inspire a prompt response to the call to arms. It was one of the issues on which both Mr. Lincoln and Mr. Douglas made their impassioned appeals to the country. In a speech before the Illinois Legislature on April 25, 1861, 11 days after the fall of Fort Sumter, Mr. Douglas, in his appeal, said:

> While all the States of this Union, and every citizen of every State, has a priceless legacy dependent upon the success of our efforts to maintain this Government, we in the great valley of the Mississippi have peculiar interests and inducements to the struggle. What is the attempt now being made? Seven States of this Union choose to declare that they will no longer obey the behest of the United States; that they will withdraw from the Government established by our fathers; that they will dissolve, without our consent, the bonds that have united us together. But, not content with that, they proceed to invade and obstruct our dearest and most inalienable rights, secured to us by the Constitution. One of their first acts is to establish a battery of cannon upon the banks of the Mississippi, on the dividing line between the States of Mississippi and Tennessee, and require every steamer that passes down the river to come to under a gun, to receive a customhouse officer on board to prescribe where the boat may land, and upon what terms it may put out a barrel of flour or a cask of bacon, to cut off our freedom of trade upon the river and on the borders of those States.
>
> We are called on to sanction this policy. Before consenting to their right to commit such acts I implore you to consider that the same principle which will allow the Cotton States to exclude us from the ports of the Gulf would authorize the New England States and New York and Pennsylvania to exclude us from the Atlantic, and the Pacific States to exclude us from the ports of that ocean. Whenever you sanction this doctrine of secession you authorize the States bordering on the Atlantic and Pacific Oceans to withdraw from us, form alliances among themselves, and exclude us from the markets of the world and from communication with all the rest of Christendom. * * *

Concerning the great interior basin of the Mississippi system, and the effect that would be produced upon the trade of that river by the success of the Southern Confederacy, Mr. Lincoln in his message to Congress on December 1, 1862, said:

> But there is another difficulty. The great interior region bounded east by the Alleghenies, north by the British dominions, west by the Rocky Mountains, and south by the line along which the culture of corn and cotton meets, and which includes part of Virginia, part of Tennessee, all of Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Kansas, Iowa, Minnesota, and the Territories of Dakota, Nebraska, and part of Colorado, already has above 10,000,000 people, and will have 50,000,000 within 50 years if not prevented by any political folly or mistake. It contains more than one-third of the country owned by the United States—certainly more than 1,000,000 square miles. Once half as populous as Massachusetts already is, it would have more than 75,000,000 people. A glance at the map shows that territorially speaking it is the great body of the Republic. The other parts are but marginal borders to it, the magnificent region sloping west from the Rocky Mountains to the Pacific being the deepest and also the richest in undeveloped resources. In the production of provisions, grains, grasses, and all which proceed from them this great interior region is naturally one of the most important in the world. Ascertain from the statistics the small proportion of the region which has as yet been brought into cultivation, and also the large and rapidly increasing amount of its products, and we shall be overwhelmed with the magnitude of the prospect presented. And yet this region has no seacoast—touches no ocean anywhere. As part of one nation, its people now find, and may forever find, their way to Europe by New York, to South America and Africa by New Orleans, and to Asia by San Francisco; but separate our common country into two nations, as designed by the present rebellion, and every man of this great interior region is thereby cut off from some one or more of these outlets, not perhaps by a physical barrier but by embarrassing and onerous trade regulations.
>
> * * * These outlets—east, west, and south—are indispensable to the well-being of the people inhabiting and to inhabit this vast interior region. Which of the three may be the best is no proper question. All are better than either, and all of right belong to that people and to their successors forever. True to themselves, they will not ask where a line of separation shall be, but will vow rather that there shall be no such line. Nor are the marginal regions less interested in these communications to and through them to the great outside world. They, too, and each of them, must have access to this Egypt of the West without paying toll at the crossing of any national boundary.

Upon the question of connecting the Mississippi system with the Great Lakes at Chicago, thus giving a trade outlet to the northeastern seaboard, Mr. Lincoln, in his annual message to Congress on December 8, 1863, spoke as follows:

> The attention of Congress during the last session was engaged to some extent with a proposition for enlarging the water communication between the Mississippi River and the northeastern seaboard, which proposition, however, failed for the time. Since then, upon a call of the greatest respectability, a convention has been held at Chicago upon the same subject, a summary of whose views is contained in a memorial addressed to the President and Congress, and which I now have the honor to lay before you. That this interest is one which ere long will force its own way I do not entertain a doubt, while it is submitted entirely to your wisdom as to what can be done now. Augmented interest is given to this subject by the actual commencement of work upon the Pacific Railroad under auspices so favorable to rapid progress and completion. The enlarged navigation becomes a palpable need to the great road.

Mr. Chairman, for several decades prior to the great World War the commerce on the Mississippi and Ohio, on account of the opposition of some of the great railway lines, had become reduced to a minimum. The ascendancy of northern arms in the War of Secession prevented barriers to commerce on the Mississippi that might have resulted from international boundary lines, but the railroads thereafter succeeded in establishing trade barriers, a thing which southern arms and southern valor, under leadership the most valiant, was unable to accomplish.

The descendants of those who wore the blue and the descendants of those who wore the gray should now join together in restoring to all the people this great channel of trade, this the greatest of all rivers, the Father of Waters. Extending from the northernmost boundary of the Union to the southernmost boundary of the one-time Confederacy, its improvement for commerce will reunite the country by a band of friendly trade relations that will forever make it impossible for our people to again become divided on such sectional lines. [Applause.]

We are no longer met with that organized opposition of the railroads that a few years ago carried everything before it. Railroad opposition is now only fragmentary. The responsible heads of many of the railroads now realize the importance of water transportation not only to the country but to the railroads as well. They have found that they get their share of the increased business resulting from the general prosperity that springs up from these great aids to commerce. Since the Panama Canal carries her 27,000,000 tons, the transcontinental lines have increased their earnings. Since the Monongahela

transports from twenty to twenty-four million tons, the two paralleling railroads, one upon either bank of the river, are burdened with traffic as never before.

Heretofore, transportation on the Mississippi River and its tributaries has been localized. The river has not been in position to compete with the railroads for the long hauls. When it is connected up into one continuous channel, circumstances will be reversed. The railroads, by comparison, will then become the short lines. A barge load of barbed wire, for farm fencing, can then go from Pittsburgh to Corpus Christi in one continuous haul. Such a shipment by rail would pass over at least four different lines. No single railroad would be in position to destroy the river traffic by putting on cutthroat rates, as such rates would apply to only a short section of the waterway. Ninety per cent of this river traffic will be in long hauls. It will consist mainly of iron and steel products, automobiles, farm machinery, sugar, sulphur, oil, wheat, corn, salt, coal, and lumber.

Furthermore, very much of this traffic will not even be handled by common carriers at all. In case of steel-mill products, for instance, the Carnegie Steel and the Jones & Laughlin Cos. already have their own steamboats and barges in operation on the Monongahela and upper Ohio. One of these companies has assured the Chief of Engineers that when the dams are completed between Louisville and Cairo it will send a 12,000-ton cargo to the West and South each week in the year. The managers of these great steel companies are able and conservative business men. The fact that they have already invested many millions of dollars in transportation facilities to be used on these rivers is the best evidence of their faith in the proposition.

The policy of improving the rivers and harbors of the United States, as we are told in the annual report of General Taylor, Chief of Engineers, was inaugurated by Congress about the year 1824. The work has generally been executed under the direction of the Corps of Engineers. The total expenditures to the present time are approximately $1,300,000,000, the major portion of which has been for securing and maintaining the necessary depths in our larger seaports.

These vast expenditures have been made during a long period of years, under the direction of the chief and efficient Corps of Engineers, and with one single exception not a breath of scandal has ever resulted. This is a record to which every citizen of this country should point with pride. The single instance of reprehensible conduct on the part of an engineer was promptly discovered by other members of the Engineering Corps and by them exposed, even before any injury resulted to the Government or to anyone else, except to the culpable party himself. Benedict Arnold did not detract from the honor of Washington, Putnam, or Wayne. Judas Iscariot did not diminish the glory of Matthew, Mark, Luke, and John.

But we are told that some of the money spent for waterway improvements has been wasted on unmeritorious projects, and therefore the inference is that $22,000,000,000 of commerce should be swept from the waterways and destroyed. They say that Congress has made mistakes and that the engineers have made mistakes. Possibly so. Mr. Ingersoll said that Moses made mistakes, and he delivered a famous lecture entitled "The Mistakes of Moses." Still we have no historical record to show that Moses ever changed his course on account of this criticism of Mr. Ingersoll. The Book of the Law which Moses handed down to us is yet, after the lapse of the ages, still regarded as the foundation stone of civil law in all civilized countries.

Moses was also a great expert on water transportation. He transported the children of Israel safely across the Red Sea, while in an effort to stop him we are told that Pharaoh and all his host were lost. Sometimes I fear that even Mr. Ingersoll may have shared a similar fate. Now, I want to say to my good friends here who oppose expenditures for waterway transportation that I hope they may yet see the error of their way in time to escape such doom. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LINDSAY].

IN THE VALLEY OF SHADOWS

Mr. LINDSAY. Mr. Chairman, I know that my colleagues on both sides of this Chamber are in full sympathy with the objective matter with which I shall engage their courteous attention at this time. Concerning the surgical aid, medical care, mental relief, or physical comfort which this Government shall provide for those men who in the full promise of their youth were by war's cruel blast consigned to a living death, I know there is not a man in this House who would deny them anything helpful to their welfare or comfort.

Therefore as there will be nothing controversial in my remarks and as I wish to submit some interesting figures, may I ask you to consider that I am even less skilled in mathematics than I am in discourse. In view of the dual handicap under which I labor may I ask that you do not request me to yield any of my time.

Gentlemen, there are to-day some 27,000 men to whom the god of war denied even the peace of death. For them the gentle coming of spring holds no hope. Season may succeed season, the fields may be green with promise for everyone else, something better may always be waiting over yonder hill for other men, but these heroes are doomed to a life of hospital regularity and monotony. Not for them the restful bed in Flanders Fields; only the dreary days, one exactly like another, in a hospital ward.

Who knows to what heights any one of these 27,000 men might have climbed; what gift to science, to art, to industry, or to government may have been within these shattered bodies? "Excelsior"—that brave motto of youth—is forever off the shields of such as these.

Tuberculosis claims 8,845, or 32 per cent, of our disabled soldiers now in hospitals; and the Veterans' Bureau, in estimating that 7,500 of these tubercular cases will cease to require hospitalization within the next 10 years, bravely and hopefully includes in this 7,500 reduction, in addition to deaths, those in whom it is hoped the dread disease may be arrested or cured. As between the probability of death or cure within 10 years, sad experience leaves but one conclusion. Gentlemen, in the name of these who are about to die, I ask your further consideration.

Then there are 12,643 cases of mental and nervous diseases, 46 per cent of the total in hospitals throughout the country. All of us have had experience at first hand with veteran claimants. Observing the reluctance which those veterans who have come before me personally have to entering a hospital—and many of them are in extreme ill health—I can understand that those who are within the hospitals for so long a period must be in a serious plight, indeed.

The Veterans' Bureau, after all these years of observation and treatment in its hospitals for psychiatric cases, states that the persistence of a large hospital load is due to the low death rate and negligible social readjustment among the neuropsychiatric patients. Here, then, we have a more pathetic situation, with 12,643 men whose mental condition sets them forever apart from their fellows. What worlds they live in we know not. Whether the horrors of battle are still real to them, what specters plague their nights and days, we can only guess. These are the men for whom war decreed a life of banishment from all the world as we know it. I ask you, in kindness and justice, to consider their lonely isolation.

There are still 5,448 surgical and general cases in hospital. This is 22 per cent of the total under treatment. This is the one group where cures do most largely result. Of course, not all are cured, and those who are pay the price. The loss of an arm, a leg, an eye, both perhaps, but then the hospital can do no more, so the man returns to his home. Returns to his family and friends not as he left them, but still alive and with a permanent reminder of war's horrors. Many surgical and general cases are hopeless; that is, life may be, and is, prolonged in the shattered body so long as the patient remains in hospital régime. With what grim determination men cling to life!

I shall not dwell longer on this sad phase of the subject. I repeat that every Member of this House is sympathetic to any measure that seeks to improve the conditions of these men who paid war's most terrible price, a fate perhaps harder than death.

I should like to say at this time that I am impressed with the tremendous task that caring for these men and administering some 150 hospitals—I think that is about the number—involves. I have been examining certain reports and figures of the Veterans' Bureau in an attempt to estimate the probable cost involved in the bill to which I shall refer later. Incidentally I shall offer the estimate of the Director of the Veterans' Bureau for your information, although I believe it is far too high. I am impressed with the careful administration of hospitalization shown by the promptness with which the Veterans' Bureau was able to offer me information that enabled me to visualize the situation of these hospital cases.

On January 9, 1926, there were 27,244 veterans under treatment in hospitals supervised by the Veterans' Bureau. Of these 6,626 were short-term or temporary patients. It is with the practically permanent 20,244 patients that I am now immediately concerned. After 10 years it is estimated that 16,000 will be the permanent load. The deduction due to deaths, cures, recoveries, and so forth, has been checked against the figures of the United States Census Bureau for

greater accuracy. Tubercular cases will probably account for 68 per cent of the reduction, or 7,500 out of 11,000, in 10 years, or about 7 per cent decrease annually in tubercular patients.

The Veterans' Bureau estimates that an average patient travels 313 miles from his home to enter a hospital. This average seems high, as General Hines admits, but he points out that many patients in the West and Southwest travel 1,000 to 1,500 miles to reach a hospital. The territory to which he refers is evidently area D, in part including Nebraska, North Dakota, and South Dakota; area C, in part including Texas and Oklahoma and all of area E, which embraces Montana, Colorado, New Mexico, Utah, Wyoming, California, Arizona, Washington, Idaho, Oregon, and Nevada.

These undoubtedly are the regions of great distances. Still I feel that 313 miles is a high average for the entire country when we consider that farther east the distance drops perceptibly as the congestion of population increases.

On January 9 the Dallas (Tex.) office had 1 case in the general surgical group in a contract hospital. Oklahoma City had 19 tubercular cases in contract hospitals, 21 mental cases similarly located, and also 3 general surgical cases, a total of 43 patients. Since all are in contract hospitals I assume these are reasonably close to home.

Omaha, Nebr., had no hospital cases on record up to January 9. Fargo, N. Dak., had 2 mental cases, 7 tubercular, and 2 general surgical in contract hospitals. Sioux Falls, S. Dak., had 16 tubercular at the Hot Springs Soldiers' Home and 5 general surgical cases in contract hospitals. Contract hospitals I might mention are usually State or civic hospitals.

Now in all of area E, the West and Northwest, of far reaches and long distances, let us analyze the distribution of patients on January 9, 1926. Helena, Mont., had 82 tubercular, 3 mental, and 113 surgical and general, all in Government hospital at Fort Harrison, Mont. Denver, Colo., had 270 tubercular, no mental cases, and 4 general cases in Government hospital at Fort Lyon, Colo., and 489 tubercular, 42 mental, and 166 general cases at the Army hospital at Fitzsimons, Colo. Albuquerque, N. Mex., had 3 tubercular cases in contract hospital, and 383 tubercular cases and 7 general cases at Fort Bayard, N. Mex., and also had 68 tubercular, 17 mental, and 38 surgical and general cases all at the Army hospital at Beaumont, Tex. Salt Lake City had 3 general cases at contract hospital. Casper, Wyo., had none of any kind. San Francisco had 1 mental case and 6 general cases in contract hospitals, and had 598 mental cases at Veterans' Bureau Hospital at Palo Alto, Calif., and 223 tubercular cases at Veterans' Bureau Hospital at Livermore, Calif., and also 13 tubercular, 20 mental, and 346 surgical and general cases at the Army hospital at Letterman, Calif., and 1 tubercular, 1 mental, and 36 general cases at the naval hospital on Mare Island.

Los Angeles had 8 tubercular cases.

Phoenix, Ariz., had 3 tubercular cases in contract hospitals; 375 tubercular, 6 mental, and 7 general cases at Whipple Hospital; and 299 tubercular at Tucson Veterans' Hospital. Seattle, Wash., had 43 mental cases and 1 general case in contract hospitals; 1 tubercular, 33 mental, and 197 general cases at Tacoma Veterans' Hospital; 181 tubercular at Walla Walla; and 324 mental cases at American Lake Veterans' Hospital. The Navy hospital at Puget Sound had 25 general cases.

Portland, Oreg., had 2 tubercular cases, 1 mental, and 103 general cases in veterans' hospital at Portland. Reno, Nev., had none at all. Boise, Idaho, had 47 tubercular, 35 mental, and 88 general cases in that city.

I have given these figures for the Western States, because I agree with the Veterans' Bureau that the maximum distance traveled in going to a hospital will be within those States. It will be observed, however, that many of these regional-office commitments are small in number, and in some cases there are none.

The basis for these figures will be found in the weekly chart of hospital facilities by coordination areas for United States Veterans' Bureau patients. I do not think it necessary to analyze each area in detail at this time, but an exact figure of the distance traveled and cost of commutation could be obtained from this source.

I would like to point to the figures for New York City just to provide a comparison. Obviously, New York State, like most of our Eastern States, does not comprise the vast area of States like Texas, for instance. Hence the distances traveled are not so great in the East. In considering the probable costs created under this bill for providing travel commutation we must consider that where a distance of perhaps less than 50 miles is covered the full allowance of 12 trips annually may be used, but where any distance like 1,000 or 1,500 miles is contemplated it would be impractical to figure on 12 trips in a year merely because free transportation was available. Incidental cost of travel, food, lodging, and other items would be considerable on a long trip, and the time consumed would prevent too frequent trips. Even for the average trip of 313 miles, as estimated by the Veterans' Bureau for the whole United States, would be too high to permit 12 visits annually in any reasonable practical application. This should be considered in examining their estimate, which is the maximum, and which even as such I consider too high.

Regional offices at Boston, Mass.; Manchester, N. H.; Providence, R. I.; Burlington, Vt.; Hartford, Conn.; New York City; Buffalo, N. Y.; Newark, N. J.; Philadelphia, Pa.; Pittsburgh, Pa.; Washington, D. C.; Baltimore, Ohio; Richmond, Va.; and Charleston, W. Va.; total, 7,596 cases where conditions of shorter travel distance obtain, in my opinion.

Now, New York City had on January 9, 1926, 533 tubercular patients, 633 mental cases, and 13 general cases in contract hospitals. Also there were in the Veterans' Hospital No. 81 in the Bronx, an autonomous division of our city, 748 mental cases; and in Tupper Lake Hospital, up State, there were 273 tubercular cases and 1 general case. There were 348 tubercular cases at Castle Point, on the Hudson, and there were 5 tubercular cases, 21 mental cases, and 210 general cases in the naval hospital in Brooklyn. Here are a total of 2,784 cases, or about 10 per cent of the total for the entire United States, where travel in most cases is less than 10 miles, and in any case not more than 100 miles perhaps. A great many cases therefore do not receive commutation of travel under the 10-mile limitation provision of the bill.

In estimating the probable costs incurred under this bill if it should be enacted, and I know that is the important question you will have before you, it may be of value to know that of all the men in hospitals as previously recounted for the entire Nation, 8,765 have dependents and 11,163 have no dependents. You might reasonably assume that the major portion of claims for commutation of transportation will come from the smaller group, who have dependents. However, a soldier having no dependents may the more desire a visit from some friend. Dependents mean wives, children, and parents. I repeat, I indorse no present estimate. I submit all the information I have and my opinions in the hope that some of my colleagues who are more gifted in handling figures will devote their thought to these things.

Now we provide these men with the best doctors we can induce to enter the service; we provide most modern equipment. Congress has been lavish with money to build hospitals and has ever been anxious to meet any request for funds to improve the condition of the disabled veteran. We have just appropriated $462,965,000 for the Veterans' Bureau, plus $105,000,000 to cover deficiencies, making a total of $567,995,000. This included $9,000,000 for hospital construction.

In discussing this appropriation for the Veterans' Bureau before the House on February 18, the following exchange took place.

I quote from the RECORD of February 18:

Mr. LAGUARDIA. What scientific discovery has been made in the treatment of tuberculosis?

Mr. COLTON. Rest and proper food, quiet, and things of that sort that the average patient will not follow unless he is supervised.

Mr. LAGUARDIA. I wish there was a cure for tuberculosis. I lost the dearest one in the world to me through that disease. I have been through it all. I know about it. I know that quiet, proper food, and rest constitute the proper treatment for tuberculosis; but above all things, contentment; but if you take a boy and put him in a veterans' hospital, if he is dissatisfied and is unhappy, the climate and treatment will do him no good. You can not get away from that.

Mr. LINTHICUM. Has not the idea that you must go to high altitudes and so on to cure tuberculosis been largely exploded?

Mr. LAGUARDIA. Oh, yes; we have them treated at the seashore now. It is an individual matter. Each case depends on the attitude, temperament, and degree of advancement of the disease.

Mr. LINTHICUM. As the gentleman has just stated, is it not more a matter of placing them near home, where home folks can visit them and where they can get some attention from their friends by way of visits and so on, and in this way do they not recuperate and improve faster?

Mr. LAGUARDIA. There is nothing more important than peace of mind, contentment, nourishment, and rest. The boys should not be sent to distant hospitals unless they particularly desire to go there.

Mr. LINTHICUM. That is what I find in my State. The tendency now is to send them some place where their friends and relatives can visit them and where they can have some little home life and yet receive the proper attention.

Mr. Chairman, I concur fully with these expressions of my distinguished colleagues, and it is to provide a way wherein the contentment and peace of mind resulting from such visits

and contacts with the home shall be made always available that I take your time and attention.

I have introduced a bill which removes the possible barrier of cost of travel between home and hospital. I have so drawn the bill as to eliminate trifling claims for distances of less than 10 miles. I hope the gentlemen who show such close appreciation of the value of contentment in the treatment of tuberculosis will examine that bill. It is House bill 6537.

With further reference to the quoted remarks of my colleagues may I say that the Veterans' Bureau, in General Order 59–C, indicates that the regional offices attempt to admit a patient to that hospital nearest his home. Under the system of segregation sometimes necessary this may often mean a considerable distance nevertheless. The general order to which I refer also states that—

> Preference in hospitalization is always given to United States veterans' hospitals. When a choice of hospitalization in other than veterans' hospitals is presented, the claimant will be sent to the nearest.

This latter method of utilizing contract hospitals is not employed when it can be avoided. Further, the general order states that—

> Where a transfer from contract to Government hospital is proposed, the consequence of the patient refusing such transfer will be that further expense of hospitalization will not be borne by the Government.

This is the ruling of the Comptroller General.

So you see, gentlemen, a patient must go where he is sent if his preference can not be followed. This may mean going many miles from home. In some parts of the West, I am officially informed, he may travel from 1,000 to 1,500 miles. Of course, such cases are less numerous, because of the less densely populated areas of the West as compared to the East.

Perhaps some consolidation of hospitalization by enlarging some and eliminating others would effect economy in operating expenditures, but examination of the present distribution of hospitals in various areas seems very efficient and carefully planned.

Now, of course, to provide travel allowance for certain persons visiting veterans in hospitals will mean an expense to the Government. The Veterans' Bureau estimates a minimum and a maximum figure, but I think it is high, although I can not dispute it at this time. No estimate means much to me at this stage. I submit figures merely to encourage a close calculation or survey, a more accurate accounting. However, it is a proper expenditure regardless of cost, which I believe would be about $2,000,000 maximum the first year, with a decrease every year to the minimum in 10 years. This is less than one-half of 1 per cent of the total sum appropriated for veterans this year.

And when so careful an observer of expenditures, so watchful a guardian of all measures coming before the House, as the gentleman from Texas [Mr. BLANTON] can be quoted favorably in the exchange of remarks on February 18, to which I have previously referred, I dare ask all you gentlemen to give this bill your serious consideration.

Speaking of the possibility of abolishing some hospitals, as suggested by the gentleman from New York, I quote the gentleman from Texas as follows:

> Mr. BLANTON. It may be that it will save some money, but I am more concerned about saving the tubercular boys.

That, gentlemen, is my attitude in this matter. Let us be careful of expenditures, but let us be more careful of our disabled men in hospitals. I thank my colleagues, if they will permit me, for the 8,845 tubercular boys to whom we must answer.

I have dwelt so long on these tubercular cases because their illness is peculiarly benefited by visits from the home folks. The faculties are not impaired by tuberculosis. The gradual progress of the disease or the improvement of the patient is always understood by him. Retrospection and melancholy are his chief foes. We can not offer these men any new medicine or this House would appropriate any amount for that purpose. We can provide them with the homely old remedy of cheerful visits, and this is all I ask for them.

The 12,643 mental cases under treatment I have already mentioned. Small enough consolation can we offer the wives and mothers of such as these. Little light can we admit to the darkness of impaired reason; but such simple pleasure, such brief respite, as may be found in a visit from the folks back home, this we should provide them freely. It may be that we can by such measures restore some of these men to society. If we can help even the least of these, we can not count the cost. Economy is a splendid thing. Money is, after all, the measure of toil of our people and we should not add unnecessarily to their burden. Is not economy of men's lives more important? Who will begrudge the cost of any hope or comfort to these men? Their comforts are so few, their hope so insecure. The mind of a man is all he has. The war took many; perhaps we can restore a few. Shall we not try in full measure?

In conclusion, there is the surgical and general group. Men undergoing long treatment for every manner of disease or infirmity—blind men, maimed men, the crippled, and the sick. This is the smallest group, 5,448 men on January 9 last. Many are short-term patients, but commutation of transportation as provided in the bill to which I am directing your attention is not available for patients in hospital less than 30 days. Obviously those in for 60 or 90 days will be less likely to seek commutation than those permanently hospitalized. To those who are permanent patients—hopeless cases and those slow to recuperate—a visit from home would be a tonic. To touch those whom they can not see, to hear the voice of those they may not touch, this would be joy.

My friends, the shattered visage of a soldier blasted by shrapnel, the shriveled body of the boy struck down by exploding shells, these may be hard to look upon now. Once these were cradled in some mother's arms. Some father, gazing on these boyish limbs, once saw his recreated self. That is all past now. Only the memory remains; but this shattered face, this hollow cheek, this twisted body house an imagination. To many these wounds are not obvious. To the wife or mother, the father, brother, or friend love and the spirit of sacrifice cloak all the ghastly scars.

"He laughs at scars who never felt a wound." But there is no laughter over this matter. Will you not provide the most trifling means of insuring these social contacts so necessary to effective treatment? The traveler may do with little food, he may forego lodgings, but he must have transportation. This bill merely provides transportation where requested, and it will not be requested where it is not required. It can be used only for the purpose of visiting a soldier patient in a Government-supervised hospital. It is to be issued only to certain prescribed relatives and friends. It is not available for journeys of less than 10 miles—that is, a 20-mile round trip—and it can not be issued for more than 12 trips annually, an average of 1 a month, so that a demand for the maximum of 12 trips is hardly possible in cases of long journeys.

Gentlemen, ours is a land of hope and opportunity. The toll of war has destroyed the opportunities of many beyond our power to restore or replace. We dare not deprive even one of our boys of hope, and to our sick, our maimed, our disabled veterans we must carry every message that holds out any hope of even partial recovery. To those who now dwell in the valley of shadows let us be as generous, as kind, as faithful as we would be to those who have gone down into the valley of death. Could they return they would plead the cause of their comrades who still linger with us.

Situation in Government hospitals

[Not including contract hospitals]

[NOTE.—4,049 men, or 14 per cent, are in State or civic hospitals, "contract hospitals"]

	Beds available	Beds occupied	Beds unoccupied
United States Veterans' Bureau hospitals	20,640	16,705	3,935
United States Public Health Service hospitals	258	212	46
United States Army hospitals	2,791	2,013	778
United States Navy hospitals	2,537	1,295	1,242
Soldiers' Homes hospitals	3,123	2,008	1,115
St. Elizabeths Hospital	962	962	None.

Distribution of hospital cases by areas and classification

[Not including Panama, Porto Rico, Hawaii, and Philippines]

	Tuberculosis	Psychiatric cases	General and surgical
Area A	660	899	309
Area B	1,462	4,235	1,031
Area C	2,187	1,891	1,254
Area D	1,733	4,019	1,540
Area E	2,803	1,599	1,314
Total all United States	[1] 8,845	[2] 12,643	[3] 5,448

[1] 32 per cent. [2] 46 per cent. [3] 22 per cent.

Appropriation for medical and hospital services, 1926 and 1927	$35,000,000
Hospital employees, 1927	14,545
Total salaries, 1927	18,698,076

Total number of patients on January 9, 1926, 27,244 (including 308 in Hawaii, Philippines, Porto Rico, and Panama, and 26,936 in United States).

Average indicates one employee for every one and four-fifths patients.

Average salary indicated for hospital employees is $1,286 per year.

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, January 30, 1926.

Hon. GEORGE W. LINDSAY,
House of Representatives, Washington, D. C.

MY DEAR MR. LINDSAY: Reference is made to your letters of January 20 and January 21, 1926, requesting statistical data to be used in introducing a bill (H. R. 6537) to provide commutation of transportation on common carriers for certain persons traveling thereon for the sole purpose of visiting war veterans in hospitals, sanatoriums, or similar institutions. You are advised that this information is furnished below in the order of the questions, beginning with those in the letter of January 20, 1926.

1. There are 20,618 World War veterans at the present time under hospitalization by the United States Veterans' Bureau, exclusive of those who will probably be under treatment for a temporary or a short term.

2. The present hospital load, which is 27,000, will be considerably reduced in 10 years. It is estimated that there will then remain as permanent or indefinite patients approximately 16,000. The factors used in the estimate are the death rates and the recoveries and cures minus the relapses, or in the case of the tuberculous, the arrested, apparently arrested, minus the reactivations. These factors were checked against those of the Census Bureau to determine their reliability. The persistence of a large hospital load is due to the low death rate and negligible number of social readjustments among the neuropsychiatric patients. The tuberculous patients would probably cause 7,500 of the 11,000 decrease in the 10 years.

3. There is attached hereto a photostatic report known as "hospital facilities" by coordination areas for United States Veterans' Bureau patients which is compiled each week by the bureau for administrative purposes. This report indicates the designation and location of hospitals which furnish treatment to beneficiaries of the United States Veterans' Bureau.

4. It is the policy of the Veterans' Bureau to hospitalize a veteran as near his present abode as proper Government facilities permit. To this end General Order 59–C, a copy of which is attached, was promulgated. This general order covers the procedure in hospital admissions, transfers, and discharges. It will be noted that hospital admissions, except in the case of emergency, are made by the regional offices. On page 8 of the general order will be found a list of the hospitals allocated to the regional offices. It is estimated that a patient travels on an average of 313 miles in entering a hospital. It is appreciated that this average mileage seems high, but it must be borne in mind that many patients in the West and Southwest travel from 1,000 to 1,500 miles to a hospital.

5. It is estimated that to give all the dependents of disabled World War veterans commutation of transportation 12 times a year would cost approximately $5,242,818 per year as a maximum and $2,305,960 as a minimum. The difference in these two figures is that in the second figure no allowance is made for transportation where the beneficiaries have no dependents, whereas in the larger figure 12 trips for one person for each said beneficiary is allowed. This estimate is based on the average distance traveled by 20,000 of the 27,000 hospitalized patients of the bureau to hospitals, the average being 313 miles per patient. Where there were less than five patients from a State that State was disregarded. Those patients who traveled less than 10 miles from regional office to hospital were added to those whose home (State) was 10 miles or more distance from the hospital and the total mileage divided by the total patients. A study of the bureau's effort to hospitalize patients near their home State may be seen by reference to page 114, Table No. 34, of the annual report of the Director United States Veterans' Bureau, which table is constructed so to show the correlation between the location of the hospital and State to residence of the patient. It is revealed at a glance whether or not patients are hospitalized in institutions in their home State. The diagonal alignment of figures from left to right indicates the existence of such correlations for most of the hospitals. Those persons considered as dependents of the patients are the parent or parents, the wife and children. The total estimated dependents for patients in the hospital is 8,765. There are 11,163 patients in hospitals who have no dependents; that is, increased compensation is not being paid on account of dependents. The total number of dependents times 3½ cents per mile mileage, times the average distance, 313 miles, times two for the return journey, results in the estimated costs indicated above.

With reference to your letter of January 21, 1926.

1. There are 51 Veterans' Bureau hospitals, the locations of which are shown on the attached photostatic report of hospital facilities.

2. The number of disabled veterans in each hospital will be found in the attached "hospital facilities" report under the column captioned "Total beds occupied."

3. The United States Veterans' Bureau has as claimants 48,713 totally disabled veterans. Of this number, 15,657 are in the hospital.

4. It is regretted that there are no figures available as to the number of veterans who are visited by their families, nor which of these families can afford such visits.

5. Reference is made to the information furnished under question 4 of the letter of January 20, 1926.

I trust that this information will meet your needs.

Very truly yours,

FRANK T. HINES, *Director.*

IN THE HOUSE OF REPRESENTATIVES,
January 4, 1926.

Mr. LINDSAY introduced the following bill; which was referred to the Committee on World War Veterans' Legislation and ordered to be printed.

A bill (H. R. 6537) to provide commutation and transportation on common carriers for certain persons traveling thereon for the sole purpose of visiting war veterans in hospitals, sanitariums, or similar institutions

Be it enacted, etc., That the term "veteran" as used in this act shall mean any honorably discharged officer or enlisted man who served in the military forces of the United States of America during the World War.

SEC. 2. Any veteran regularly admitted to any hospital, sanitarium, or similar institution for observation, diagnosis, treatment, or care of physical, mental, or other disability, illness, or infirmity, who shall have entered such place and actually remained there for observation, diagnosis, treatment, or care for a period of 30 days or more, may make application to the United States Veterans' Bureau for commutation of transportation for certain persons who are to visit him, within the limits and under the express conditions hereinafter specified; or such application may be made by the persons desiring the commutation of transportation or by their legal guardian in the case of minors, or by the duly appointed committee of the veteran's person and property.

SEC. 3. Such commutation of transportation shall be granted only to such persons as are related to the veteran by blood or marriage and preference shall be in the order of consanguinity, except that where specific and peculiar circumstances may warrant the United States Veterans' Bureau may in its discretion approve additional commutation of transportation for any one other person designated by the veteran.

SEC. 4. Such commutation of transportation shall be granted only on common carriers to and from the hospital or other institution wherein the veteran is located and the actual bona fide established residence of the person visiting him; and shall not be granted when such distance is less than 10 miles; and such commutation of transportation shall not be granted to any one person more than twelve times within any one year regardless of the frequency with which the quota of 12 may be granted.

SEC. 5. When the United States Veterans' Bureau shall have approved any application for commutation of transportation, an order for such transportation shall be issued to the person by whom it is to be used and thereon will be indicated the route, termini, and date of travel and such other matter as may be necessary.

SEC. 6. Any railroad or other common carrier within the United States shall and hereby is authorized to accept the above-described order of the United States Veterans' Bureau and to provide the regular transportation called for therein; and to forward or present such orders, properly authenticated, to the Secretary of the Treasury for payment of the amounts indicated thereon.

SEC. 7. The Secretary of the Treasury of the United States is hereby authorized and directed to pay the amounts indicated on the transportation orders of the United States Veterans' Bureau as described above, from any moneys in the Treasury of the United States not otherwise appropriated.

SEC. 8. Nothing in this act shall be construed to be in conflict with any previous act.

SEC. 9. The above-described orders for commutation of transportation shall be used only by the person for whom issued and any person offering or accepting, purchasing or selling, giving away, or otherwise improperly utilizing such orders of transportation received therefor shall be guilty of fraud and conversion against the Government of the United States, and shall be sentenced as provided for in the United States Judicial Code.

Mr. FUNK. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I hold in my hand a copy of a letter which I believe to be authentic and which I wish to read. It is dated Atlanta, March 8, 1926, and is as follows:

FEDERAL RESERVE BANK OF ATLANTA,
March 8, 1926.

Hon. W. D. UPSHAW,
House of Representatives, Washington, D. C.

MY DEAR MR. UPSHAW: I am in receipt of your telegram of March 3 requesting that I wire you general statement concerning "improved conditions in business morality and sobriety in Atlanta and Georgia since barrooms were banished." Your telegram came during my absence from Atlanta, and as you expressed a wish to have the information by noon on March 3, I thought it useless to telegraph you, so am writing instead.

When I came to Atlanta 11 years ago to be with the Federal reserve bank, I found here many saloons that sold beer exclusively. This appeared to me to be a very good solution of the prohibition question, and I was very much surprised that within a short time afterwards the State legislated these beer saloons out of existence. They were well conducted and no drunkenness or excessive drinking resulted from these saloons.

Regarding business morality and sobriety in Atlanta during these years, I have seen very little improvement in that respect. I may say that from what I can learn drinking is almost universal—not only in Atlanta, but in every town in Georgia and throughout the South. My observation is that it is not confined strictly to the rich and well-to-do, but nearly every family has whisky in their home. It may not be high-priced Scotch whisky, but it is a very strong quality of native "corn" that is produced in great volume throughout this section of the country.

I have seen statements published in the Atlanta papers from the records of the police court showing that arrests for drunkenness had increased enormously within the past few years. The persons arrested, I dare say, were not of the wealthy class. I merely mention this to prove that drinking is not confined to the rich.

Therefore, it seems to me that the eighteenth amendment has been a very unwise thing, as it has not improved the morals of the country or caused very little diminution in drinking. Anyone can see from the daily press that murders, suicides, and other crimes are more prevalent now than ever before, and the court dockets are overcrowded with violators of criminal law. The Federal prison which is located adjacent to Atlanta is full to overflowing. Ever since I have been a voter I have heard prohibition orators proclaim if they could pass a prohibition law it would save the expense of fewer courts, fewer policemen, and the jails would be practically empty. Such has not proven to be the case.

Besides the facts which I have stated the eighteenth amendment has developed the ubiquitous bootlegger, which did not prevail before, when only the States had prohibition.

I believe that one of the worst features of the eighteenth amendment is that it has created a nation of lawbreakers from those in high stations to low stations, and many of the Congressmen who vote for prohibition, from accounts that I read in the press, are breakers of the prohibition law themselves. The jurors who sit in the courts are, I understand, violators, and what a travesty it is for men to try others for breaking the laws that they themselves violate. The whole situation is intolerable, and it seems to me our legislators should recognize this fact and make a change that would save us from the enormous expense that our Government is experiencing, and also from a law that is undermining the respect that all citizens should have for the law of the land.

Very respectfully yours,

M. B. WELLBORN.

I have here also some statistics contained in the report of the chief of police of Atlanta, Ga., for the year ending December 31, 1924.

State prohibition went into effect in Georgia on January 1, 1908. Since 1903 the arrests for drunkenness and disorderly conduct in Atlanta, according to the report, have been as follows:

Arrests for drunkenness and disorderly conduct in Atlanta since 1903

	Drunkenness	Disorderly conduct
1903	2,734	9,559
1904	4,876	9,404
1905	4,246	9,182
1906	5,230	11,260
1907	6,508	12,456
1908	3,741	10,075
1909	2,650	8,890
1910	2,882	9,681
1911	2,636	8,802
1912	3,021	9,089
1913	3,138	9,286
1914	2,995	9,723
1915	3,514	9,003
1916	3,329	8,736
1917	2,268	7,179
1918	2,196	8,415
1919	3,136	11,578
1920	4,199	13,150
1921	4,491	13,133
1922	6,555	15,185
1923	7,003	(1)
1924	7,973	(1)

Arrests for drunkenness and disorderly conduct in Atlanta since 1903—Continued

[1] No figures are given for disorderly conduct for 1923 and 1924.

The population of Atlanta, including immediate suburbs, in 1903 was 139,980, and in 1924, 285,000. Therefore the ratio of the number of arrests for drunkenness to the population was 1 to 51.2 in 1903 and 1 to 35.7 in 1925.

Mr. BOYLAN. Can the gentleman give the House any information as to the relative power of this diabolical corn whisky as compared with the Scotch whisky in use in other homes? [Laughter.]

Mr. TINKHAM. I can not answer that question; I am not an expert on alcohol.

Mr. LaGUARDIA. I want to say that those figures the gentleman gave were kindly loaned to me the other day, and I looked up the percentage of natives, and it was over 95 per cent natives.

Mr. McKEOWN. I would like to ask the gentleman if the numerous arrests by the policemen in the later days may not have been because they were sober and could enforce the law better? [Laughter.]

Mr. TINKHAM. I have no knowledge of local conditions.

Mr. LaGUARDIA. The 7,000 drunks were not sober.

Mr. HILL of Maryland. I would like to ask the gentleman from Massachusetts a question.

Mr. TINKHAM. I yield.

Mr. HILL of Maryland. Is the House to understand that that was at Atlanta, Ga.?

Mr. TINKHAM. It was.

Mr. HILL of Maryland. Does not the gentleman think that Georgia ought to come back into the Union?

Mr. TINKHAM. I admit that Georgia should be more sober. [Laughter.]

Mr. FUNK. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, following up the gentleman from Massachusetts [Mr. TINKHAM], I shall take the best part of my time in reading an article which appears in the Baltimore Sun this morning headed, "Priest lays liquor law to 'interests'":

PRIEST LAYS LIQUOR LAW TO "INTERESTS"—REV. J. J. AYD BLAMES STANDARD OIL AND UNITED STATES STEEL CORPORATION

The eighteenth amendment was added to the Constitution of the United States chiefly at the instigation of the United States Steel Corporation and the Standard Oil Co., the Rev. Joseph J. Ayd, professor of sociology at the Georgetown University, said yesterday at a luncheon given by the Casey Club at the Hotel Emerson.

Just before prohibition became an active issue in national politics, the United States Steel Corporation and the Standard Oil Co. were in serious danger of investigation by the Federal Government, Father Ayd said, adding that for a long time the brewing and liquor interests had maintained a lobby at Washington, which was so powerful that it had to be bargained with by the two companies named.

TRACES PROHIBITION

In order to eliminate this source of inconvenience and possible danger to themselves, but even more to divert public attention from the proposed investigations, they decided to wipe out the liquor business, Father Ayd asserted.

"At first, they had no idea of amending the Constitution," he continued, "but when Wayne B. Wheeler made clear that such action was needed to make possible the liquor laws they desired, the amendment was put through with the speed and efficiency characteristic of its backers. No bill favored merely by the churches, whether Methodist, Catholic, or other, by such a motley crew of low-grade morons as the Anti-Saloon League, or by just the plain people would have obtained such prompt consideration from our legislative organizations.

CALLS INFLUENCES EVIDENT

"It is evident that some tremendous influences were behind them.

"Prohibition is neither moral nor religious. Morality and religion do not enter into it. The drinking of liquor is an indifferent act. Christ would never have chosen wine into which to transform His blood had the drinking of wine been wrong.

"By enacting their will into law they have not only changed the Constitution, but they have transformed our Federal courts into magistrate's courts. The atmosphere of our Federal courts was formerly agreeable to persons of dignity and refinement. Now it savors of the barroom."

Mr. Chairman, I hold no brief for the Reverend Mr. Ayd, nor do I know upon what facts he bases his allegation. I read this, however, for the purpose of showing that the people of this country feel that something has been put over on them. The boys who went to Europe to fight our battles against foreign aggression and for the perpetuation of democratic principles and government, feel that while they were fighting for their country the drastic eighteenth amendment, upon which was based the Volstead Act, was put over them in their absence.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I have only a few minutes, so will be unable to yield, as much as I should like to do so.

Mr. Chairman, the strong objection of the people of my State to the eighteenth amendment and the Volstead Act is that they feel it is an encroachment upon the rights of the States and the liberties of the people as reserved to them under the Constitution. It never had been contemplated by the forefathers that an amendment would be placed in the Constitution, and upon that amendment would be fostered a law limiting them in their personal rights and liberties, a sumptuary law, which largely interferes with their domestic happiness and contentment. For this reason the people of my State are opposed to the child labor amendment, which is along the same line and upon which a law as drastic as the Volstead Act could easily be enacted. We feel that those in favor of prohibition have overstepped the lines of discretion, that the law and the amendment has been shown by various documents and statements and innumerable statistics to be broken down. No one will deny that there is more drunkenness in the country to-day than there ever has been in its history. The statistics read by the gentleman from Massachusetts show that even in Atlanta, the home of the great proponent of prohibition, Mr. UPSHAW, arrests for drunkenness and disorder have increased.

The Congress has passed bills creating a large number of new Federal judges, all because the Volstead Act has caused such vast number of arrests that the Federal courts are to-day largely engaged in trying liquor-violation cases. Not long ago I read an article saying that Fort Leavenworth prison was so overcrowded that the superintendent had to place cots in the corridors, and cells which were previously intended for only one prisoner now hold two and three.

Vast numbers of bootleggers infest the country, making large profits, and violating the law often with the connivance of men appointed to see to its enforcement. Our once boasted Revenue Cutter Service, which some years ago was amalgamated with the Life Saving Service, and is now known as the Coast Guard, is being largely utilized in the enforcement of the Volstead Act on the sea, and reduced to the humility of a patrol service to prevent the admission of liquor into the country. While we usually look upon the "rum runners" as those boats desiring to bring liquor into the country, the truth is the "rum runners" are now largely engaged in distilling liquors in barns, garages, and cellars throughout the land. The Government is releasing for medicinal purposes millions of gallons of alcohol, while the bootleggers are utilizing it by removing as much of the poison as possible, the balance of which is being consumed by the drinkers of the land, and a large number of deaths are occurring throughout the country as a result of the poison which is left in Government alcohol released by the Government, and stills, more numerous than the old saloons, abound everywhere.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I can not yield, as I have only a few minutes, as I told my friend from Georgia.

Mr. Chairman, it is therefore evident on every hand that the Volstead Act has broken down, that its object has utterly failed, so that not alone should those who are against the Volstead Act but also those who are in favor of honest prohibition devise some method which will bring us back to sane legislation and temperate habits. I have always contended, and still contend, that if it be necessary we should regulate the sale of intoxicants as they do in Quebec, Canada. We should resort to education, because you can not make good citizens by legislative enactment, but by teaching them those things which bring about the desired results. I remember in my city at one of the big midday luncheon clubs, long before the Volstead Act went into effect, the bar became so unpopular that it was finally relegated to the basement. Education did it, and education without this Volstead Act would soon discontinue the bootlegger, the hip-pocket flask, and the moonshiner, with their direful results.

I opposed the eighteenth amendment when it was first introduced. I have voted against it at all times; I am against the Volstead Act, and voted against it; and predicted that the situation which now exists would surely follow their adoption and enactment. I sincerely hope we shall soon retrace our steps, get back to State rights, and to those guaranties under the Constitution of life, liberty, and the pursuit of happiness. [Applause.]

Mr. FUNK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and had come to no resolution thereon.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA—CONFERENCE REPORT

Mr. FUNK. Mr. Speaker, on behalf of my colleague, Mr. DENISON, of the Committee on Interstate and Foreign Commerce, I present a conference report upon the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, for printing under the rule.

MUSCLE SHOALS

Mr. SNELL. Mr. Speaker, I call up House Concurrent Resolution No. 4 from the Speaker's table, with Senate amendments thereto, and as the resolution is very short, I ask unanimous consent to have the resolution with the Senate amendments read for the information of the House.

The SPEAKER. Without objection the Clerk will report the resolution and the Senate amendments.

The Clerk read as follows:

House Concurrent Resolution 4

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 519, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 1, 1926.

Senate amendments:

Page 1, line 8, after the word "lease," insert "or leases."

Page 1, line 10, after the word "purposes," insert "such power to be equitably distributed between the communities and States to which it may be properly transported."

Page 1, line 14, after the word "lease," insert "or leases."

Page 1, line 20, strike out the figure "(1)" and insert in lieu thereof the figures "26."

Mr. BLANTON (interrupting the reading of the Senate amendments). Mr. Speaker, does the gentleman think that he ought to call this up at this time, when the House is about ready to adjourn?

Mr. SNELL. The gentleman thought so, or he would not have called it up.

Mr. BLANTON. I know, but there are a few of us in the House who are on record against this proposition, and we want a record vote upon it, if we can get it.

Mr. SNELL. If the gentleman can get enough Members here, he can get a record vote on these amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman from Texas whether he means a record vote upon the resolution?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. The gentleman, of course, can not get that. We will vote only upon the amendments, and it is proposed to agree to one material amendment with an amendment. The gentleman can not get a vote upon the resolution. There was a record vote upon the resolution when it was passed.

Mr. BLANTON. I know, but if these amendments are adopted, that settles the proposition. The $100,000,000 Muscle Shoals project will be turned over to some big corporation for 50 years.

Mr. SNELL. Mr. Speaker, I do not want to yield for a speech at this time. I will yield the gentleman time later, if he wants it.

Mr. BLANTON. I would like to have it.

The Clerk concluded the reading of the Senate amendments.

Mr. SNELL. Mr. Speaker, I shall take only a moment or two in making a short statement about the situation. The gentleman from Tennessee [Mr. GARRETT] and myself and several others, who have been much interested in this proposition, have been spending most of our time for the last two or three days to see if we could make some amicable arrangement with all parties concerned whereby we could facilitate the legislation that was intended when we passed the original resolution. These amendments adopted by the Senate do not materially change the original resolution or grant any added powers to the commission that we propose to establish, and whatever is done must come back and be passed upon by both Houses.

Now, the first amendment offered by the Senate is in line 9, after the word "lease," where is added "or leases." This amendment at first caused us a little doubt, because we wanted as far as possible to carry out the intent and purposes of the House as has been shown every time this proposition has been considered. We have desired to dedicate this property primarily to the manufacture of nitrates, and we were afraid if we allowed "or leases" to stand without any modification, then there might be a possibility of dividing this up into two leases, one a power lease and one a nitrate lease, and through various circumstances and conditions that might happen after a time, the result would be that they would not be manufacturing any nitrates at Muscle Shoals but developing entirely a power proposition. Now, we thought by adding the following amendment it would take care of this and fully protect and safeguard the interests of the House and the country in carrying out the original intention, and we therefore propose at the proper time to offer the following modifying amendment. After leases add in parenthesis:

But no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided.

And it seems to us, and we have taken this up with various Members of the other body, that this will protect and safeguard the original intention of the House and by accepting the amendment with this proviso there is no way of lessening the strength or in any way changing the meaning of the original resolution. Now, the second amendment——

Mr. WINGO. Will the gentleman yield?

Mr. SNELL. I will.

Mr. WINGO. Before the gentleman leaves that—I can not get a copy of the resolution, much less what the Senate has done. What does the gentleman's proposition do with the Senate amendment to which he has referred?

Mr. SNELL. To move to accept the Senate amendment with the following amendment to the Senate amendment:

But no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided.

Mr. WINGO. Has this proposal been passed on by any committee of the House?

Mr. SNELL. No, sir; as it is not necessary; but I have consulted many members of our committee and especially the minority members.

Mr. WINGO. Why are we asked to come here and on the spur of the moment vote on an important matter when we can not even get a copy of the original resolution as it passed the Senate?

Mr. SNELL. I will say that many of the people most vitally interested, and that does not necessarily mean myself, have spent the last three days on it and have tried to work out some proposition whereby——

Mr. WINGO. I deny that——

Mr. SNELL. Perhaps the gentleman does deny it, but I do not accept the denial.

Mr. WINGO. I think I am more interested in Muscle Shoals than the gentleman's constituents are.

Mr. SNELL. I do not know that that subject is under discussion.

Mr. WINGO. I think it is.

Mr. SNELL. That the gentleman is more interested than I am?

Mr. WINGO. We both are interested in this question, but I want to know what we are voting on.

Mr. BEGG. If the gentleman will yield, I would like to make a suggestion. There is no way provided whereby this could be referred to a committee. The gentleman from New York is chairman of the committee, and the gentleman from Tennessee is the ranking minority member of the committee that reported the resolution out. Who otherwise than those two men could logically suggest to the House for its consideration any modification of the Senate amendment?

Mr. WINGO. My friend from Ohio overlooked what I said.

Mr. BEGG. I think not.

Mr. WINGO. I was speaking about that phase of the gentleman's statement in reference to consulting those who had a vital interest.

Mr. BEGG. Of his committee——

Mr. WINGO. No; each Member, especially those from an agricultural State, has a vital interest in the proposition. My own idea was that certainly Members who are really interested in it ought not to be cut off by star-chamber proceedings and snap judgment, without notice, at this time in the afternoon.

Mr. SNELL. There has been no intention on my part to cut anybody off. The people concerned have been trying to facilitate this legislation and do something to put this plant to work. That is the only desire I have, and I think that is the only desire of other gentlemen who have been consulted with reference to this proposition in the last few days. We will not cut anybody out, and all the time that is necessary will be allowed for the discussion of these amendments. We are simply aiming to carry out the will of Congress in regard to this proposition and reach some constructive conclusion before Congress adjourns.

Mr. BLANTON. Mr. Speaker, I make the point of order that this resolution does affect the Treasury of the United States in that, first, it affects $100,000,000 of the property of the United States, and it will call for an expenditure of further funds out of the Treasury. The resolution shows on its face that it will do that. It authorizes a committee appointed by Congress to negotiate leases, one lease or several leases, concerning a $100,000,000 plant belonging to the United States Government. It is such a resolution as would have to be considered, in my judgment, if a point of order were made, in the Committee of the Whole. It is not such a resolution as a mere amendment by the Senate that can be called up as a matter of right. It can only be called up by unanimous consent.

Mr. BEGG. Mr. Speaker, it seems to me the point of order comes too late.

Mr. BLANTON. A point of order is in order at any time on the improper consideration of a bill.

Mr. SNELL. We are bringing it up for a vote on these various amendments, and we have done simply what we have a right to do and what is the orderly procedure under the rules and with a desire to facilitate this resolution.

Mr. BLANTON. Only such resolutions and bills as do not affect the Treasury of the United States can be called from the Speaker's table as a matter of right.

Mr. SNELL. There was called up from the Speaker's table a resolution only yesterday by the Ways and Means Committee that in some ways was similar to this.

Mr. BLANTON. That is not my understanding of the rules. But I am not as good a parliamentarian as is the distinguished chairman of the Committee on Rules. I would like the Speaker to rule.

Mr. BEGG. I would like to call attention to this proposition——

Mr. WINGO. In order to keep the RECORD straight, Mr. Speaker, I have withdrawn the point of order which the Chair ignored. A few minutes ago I made the point of order that there was no quorum present, but with the assurance of the gentleman from Tennessee [Mr. GARRETT] that this will be fully explained before a vote is had, I withdraw the point of order.

The SPEAKER. The Chair would state that it is not necessary, in his opinion, to consider it in Committee of the Whole. The Senate amendments add nothing by way of expenditure to the resolution.

Mr. SNELL. The second amendment of the Senate, Mr. Speaker, provides that the power generated shall be equitably distributed among the communities and States to which it can properly be transported. The men who are most particularly interested in this proposition have never considered for a moment that in the very early stages of this proposition you could use all the power that is developed at Muscle Shoals in the manufacture of nitrates, and that necessarily, for a certain number of years at least, some of that power must be distributed through the surrounding communities; and as I look at that amendment it does not in any way affect the original proposition, and I believe that that is the practical and economical thing to do in connection with this power, and I do not think it detracts in any way from the original proposition as it passed the House.

The next amendment simply changes the reading, so that it complies with the language on line 9 as to leases.

The next amendment postpones the report from April 1 to April 26. I think that is necessary, because so long a time has elapsed since the original motion was passed by the House.

The other amendments have to do with minor matters that we propose to submit to the House.

Mr. LINTHICUM. Does not the gentleman think that we should have a quorum present? This Muscle Shoals proposition is important.

Mr. SNELL. Nothing can be finally done until this committee reports back to the House. Nothing definite as regards leases is now before the House. This simply establishes a committee that can receive bids, and I thought that was what the House wanted to do.

Mr. BLANTON. I want to find out what you want to do with this resolution and the amendments.

Mr. SNELL. We want to adopt the resolution with certain amendments, which will be offered at the proper time, and hope the Senate will accept them.

Mr. BLANTON. I would like to have a moment unless the gentleman from Tennessee [Mr. GARRETT] desires to speak now.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to say a word. I agree with the gentleman from Arkansas [Mr. WINGO] and the gentleman from Maryland [Mr. LINTHICUM] in the thought that this matter should be thoroughly understood before a vote is had on it; and when it is thoroughly understood, I can not conceive that there would be any real objection to the adoption of this resolution and permitting it to go further.

The Senate inserted four amendments, but one of them is a mere date change, extending the time from April 1 to April 26. Everybody agrees that on account of the long delay in the consideration of the resolution by the Senate this committee would have to have more time than was given to it by the original resolution. The amendment which gave some of us most concern was where they inserted after the word "lease" the words "or leases," so that the resolution was made to read:

> The committee is authorized and directed to conduct negotiations for a lease or leases.

Now, of course, that may not be a well-founded cause of apprehension, but the point that caused apprehension was that it might enable bids to be made upon separate parts, and the Water Power Trust might get in with such a showing upon a bid for power alone as to embarrass, if not defeat, the fertilizer end of this proposition, which I trust gentlemen will bear in mind was one of the things set up in the organic act, the national defense act of 1916, as the purpose for which this plant was being constructed.

Now, gentlemen, the line of cleavage in this matter, reduced to its finality, seems to be between those who favor Government operation of the plant and those who, before going to that end, feel that if a proper lease, safeguarding the Government's interests and providing for carrying out the purposes of the original act, can be obtained, it will be best to do it in that way. That is the line of cleavage.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. LAGUARDIA. Can the gentleman conceive of any terms in a lease that can safeguard the Government's interest and safeguard the interests of a private undertaking and investment?

Mr. GARRETT of Tennessee. Yes; I can conceive of such terms, but if my friend from New York will pardon me, I do not want to go into terms, for this reason: Bear in mind that this is not the conclusion of this matter; it is merely the beginning. When this proposition is passed upon by this committee, it must be brought back to the House; then comes the crucial time for its consideration. All we are asking is to get this on its way.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HILL of Maryland. I am glad the gentleman has made that statement, because there has been an apparent misunderstanding in the papers. It is entirely clear that this comes back to the House and that the committee does nothing except recommend.

Mr. GARRETT of Tennessee. Oh, absolutely. They will bring in a bill upon a project which they are willing to recommend, and then it must be considered just like the bill upon the Ford offer was considered when it came from the Committee on Military Affairs, of which the gentleman from Maryland is a member. The report of the special committee will be privileged and must be considered in the House.

Mr. ROBSION of Kentucky. The purpose of the resolution is to create a committee to submit recommendations as to leases?

Mr. GARRETT of Tennessee. To negotiate a lease or leases.

Mr. ROBSION of Kentucky. And then the House passes upon the lease or leases?

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. GARRETT of Tennessee. Now, in view of the fact that the words "or leases," standing alone, created some confusion in the minds of some of the Members, and the immediate reaction of the Members of the House to it was that it might open the way for defeating the very purposes of the original organic act——

Mr. BLANTON. Before the gentleman leaves the other proposition, may I ask a question on that? The gentleman has been here 20 years and he is familiar with what happens under such situations. In the history of Congress, and during the gentleman's service here, has he ever known Congress to appoint a special commission to do something and have that commission come back and make a report that the Congress did not adopt the commission's report? So it is not just the beginning. In my judgment it is the end of the proposition. [Applause.]

Mr. GARRETT of Tennessee. Well, I think the gentleman is in error about that. Let me say to the gentleman from Texas that there is no case parallel to this; we have never had occasion to deal with a business proposition and endeavor to make a lease or leases as to any other proposition that I know of.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LINTHICUM. What is the effect of the amendment offered by the Senator from Arkansas, Mr. CARAWAY?

Mr. GARRETT of Tennessee. That was the first of his amendments and I am going to try to reach the second. The first amendment was proposed by the gentleman from Arkansas. So in order to safeguard the fertilizer proposition, after an informal conference with as many gentlemen as I could talk it over with—I know gentlemen will appreciate the fact that I could not go to every Member of the House who is interested in this proposition. That which we want to do is to expedite the formation of this committee and get it started. All of these fights can come, and will undoubtedly come, later. This is merely a preliminary step. So doing the very best I could, I spent the entire day yesterday, spending very few moments on the floor of the House, in visiting the Senate Chamber and conferring with gentlemen there who are interested, including, I may say, without any violation, I suppose, of the rules, and certainly without any violation of confidence, the author of the amendment, and it was finally determined to recommend that the House concur in the Senate amendment with an amendment, putting it in parenthesis in order to prevent awkwardness, because otherwise it will read very awkwardly. In order to meet the parliamentary situation we had to tie this proposed amendment up with the Senate amendment.

Mr. LINTHICUM. Will the gentleman yield further?

Mr. GARRETT of Tennessee. Yes.

Mr. LINTHICUM. Does this resolution carry a certain time for which a lease can be made?

Mr. GARRETT of Tennessee. Yes; 50 years; that it shall not be for a longer term than 50 years; and it differs in that respect from the Ford offer. Now, we have suggested this language:

But no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided.

That is to protect the fertilizer end of it.

Mr. BURTON. It should be "hereinbefore provided."

Mr. GARRETT of Tennessee. No; it should be "hereinafter." That was a typographical error in putting in the word "hereinbefore."

Bear in mind that the angle of approach which the House has always made to this matter has been the fertilizer end of it, not the power end. Now, so much for that amendment.

With the next amendment which was inserted by the Senate the resolution reads:

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes—

Now, here comes the Senate amendment—

such power to be equitably distributed among the communities and States to which it may be properly transported.

That is the end of the Senate amendment, and then it continues—

in order to serve national defense, agricultural and industrial purposes—

And so forth.

This amendment we leave untouched. In the opinion of those of us who have studied and analyzed the language it does no more than what was in our thoughts at the time we were framing the original resolution. In other words, we assumed that surplus power would necessarily come within the purview of this committee, and in whatever they reported to the House they would have to make some provision for the surplus power.

The SPEAKER. The time of the gentleman from Tennessee has again expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. BLANTON. Does the gentleman know the maximum distance over which power may properly be transported?

Mr. GARRETT of Tennessee. I am not an expert on it, but I understand it can be economically distributed 250 miles.

Mr. BLANTON. The report of the power commission, as I gather it, is from 200 to 250 miles.

Mr. GARRETT of Tennessee. That has been my understanding.

Mr. BLANTON. And that would be quite a limitation itself.

Mr. GARRETT of Tennessee. Of course, if you could not distribute it beyond that——

Mr. BLANTON. So the amendment after all means very little.

Mr. GARRETT of Tennessee. I regard it as very unimportant.

Mr. WINGO. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. WINGO. Does the amendment use the word "transport" or "transmit"? There is quite a difference from the standpoint of distributing power.

Mr. GARRETT of Tennessee. The Senate amendment uses the word "transported," and we are not touching the Senate amendment.

Mr. WINGO. I think from the gentleman's study of it, the gentleman will recognize there is a very clear distinction between the transportation and transmittal of power.

Mr. GARRETT of Tennessee. That is the Senate language.

Mr. WINGO. What is the word used in the Senate amendment?

Mr. GARRETT of Tennessee. Transported.

Mr. WINGO. You can transmit it a great deal farther than you can transport it.

Mr. GARRETT of Tennessee. They have used the word "transported," and we do not regard that as affecting the situation sufficiently to touch that amendment with any effort to amend.

The third amendment inserts the words "or leases," as would be proper; and then the fourth amendment is simply a provision that all the bids that may be received by this committee shall, for the information of the Congress, be reported to the House and Senate when they report their bill recommending the bid they are willing to accept.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. BLANTON. The gentleman says he does not want to discuss terms, but we are limited in this bill to terms when the resolution says that we must get just as favorable terms as those which were embraced in H. R. 518, which was passed in the Sixty-eighth Congress.

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. The gentleman does not want to bind us to those terms?

Mr. GARRETT of Tennessee. That was in the resolution as it passed the House, I will say to the gentleman, and there was no way we could touch that here.

Mr. BLANTON. But that was one thing that many of the Members of the House objected to at the time.

Mr. GARRETT of Tennessee. We could not touch that even if we desired, because that was agreed to by both bodies.

Unless there are further questions, that is the general explanation I desired to make, and that is all there is to the resolution.

Mr. WINGO. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. WINGO. I do not want anything I said a moment ago to leave the impression in the gentleman's mind, that I am criticizing his action in handling the matter.

Mr. GARRETT of Tennessee. I am sure the gentleman had no such intention.

Mr. WINGO. I appreciate, of course, the difficulty the gentleman has had, and my criticism was directed to other things.

Mr. GARRETT of Tennessee. I was sure the gentleman, not knowing the facts, would not engage in criticism, and I hope I have done nothing that would subject me to criticism. My whole thought has been to try to bring about a settlement of this matter and have this committee get to work so that we can see what can be done. It is really our hope, following conferences we have had, that if the House agrees to this amendment, it can be agreed to in the other body, before they adjourn this afternoon.

Mr. BEGG. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BEGG. Is it not a fact that it was absolutely necessary to pass some kind of resolution authorizing some department of Government to receive bids if we are going to proceed in that way?

Mr. GARRETT of Tennessee. Unquestionably, and the Congress, I think, has wisely held the matter in its own hands instead of creating an outside committee and clothing such committee with complete authority to act.

Mr. BEGG. And is not that every last thing that is in this resolution?

Mr. GARRETT of Tennessee. That is all.

Mr. BEGG. Certainly; it is a simple proposition.

Mr. GARRETT of Tennessee. Yes. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA]. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, without doubt this is the most important piece of legislation this Congress will have to pass upon. It is not passing an unimportant resolution, as was indicated on the floor, but it is defining the policy of what Congress will do with Muscle Shoals. Nothing can be of greater importance. It is the last word on the subject. Your next vote will simply be to ratify what this commission brings in. The House will be asked to accept a contract. If one provision is changed, we will be told that the contract will not be accepted.

You are called upon to-day to give away the most priceless possession of the American people, and you are called upon to vote on the matter when there is not a printed resolution before the House. The parliamentary situation does not afford us an opportunity to reject the proposition. It may seem as a simple, unimportant matter, but I predict that the sponsors of this proposition and the Members of this House will live to rue the day.

I have consistently opposed the giving away of Muscle Shoals to any private corporation. This is the last step in a carefully prepared program to affect that purpose. I can see the kind of a lease that will be brought in. The resolution provides for a lease of 50 years. The resolution requires the commission to bring in an offer for a 50-year lease, providing for the transmission of power, the manufacture of fertilizer, the making of nitrates, but let me say that there is not a man in the whole world, there is not a commission that can study a proposition of this magnitude and write a lease and understand it within the time limited by the resolution. No bona fide offer could originate and be made within that time. It is difficult to

resist the conclusion that the lease, somewhere by someone, somehow, is written already.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. And 50 years will cover the lifetime of every Member of this Congress and most of their children and grandchildren.

Mr. LAGUARDIA. Yes; and our successors will read with scorn 10 or 15 years from now what we are doing to-day. There is not another power project like Muscle Shoals in the whole world. It is the most priceless gift of the American people that you are undertaking to give away.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BEGG. I can not quite understand the term that the gentleman uses—"giving it away." If I was to give a lease on my house for 1 or 50 years the gentleman would not interpret that as giving it away?

Mr. LAGUARDIA. No.

Mr. BEGG. Let us understand the gentleman's definition of the term?

Mr. LAGUARDIA. I mean exactly that "giving away"—the purpose of Muscle Shoals is not to make money but to manufacture fertilizer at a low cost and give the benefit of this great project to the people of this country. We want to give the agricultural industry some help and here is an opportunity, but you turn around and give this great project and plant costing $160,000,000 to some private corporation. You can not find any corporation in business for love, for philanthropy, or for patriotism. The lessee of Muscle Shoals will want to make money—and they will make it on the farmers and the consumers. The lessee corporation will make money and the farmers will pay.

Mr. BEGG. How are you going to manufacture fertilizer unless you let somebody do it?

Mr. LAGUARDIA. The Department of Agriculture knows more about the manufacture of fertilizer than any private company in the country.

Mr. BEGG. Did the Government make a success of its operation of ships?

Mr. LAGUARDIA. As much of a success as any private company in these times. You have a partial Government operation now at Muscle Shoals, but not managed for the benefit of the people. It is not real Government operation when you sell power at one-fifth of 1 cent to a distributing company which sells it to the Alabama consumers at 8 cents a kilowatt hour. I want to use this gigantic plant for the benefit of the people. Let the Department of Agriculture operate it for nitrates and sell it at cost, with a sufficient percentage to cover overhead, and sell the surplus power to municipalities for distribution at cost to people in that locality. If you turn it over to a private company, you only make profits for the stockholders. I repeat any offer made to the Government for this property will be for the benefit of the corporation and not for the benefit of the Government or the people. It is humanly impossible to obtain terms from any corporation that will safeguard the interests of the Government, that will produce cheap fertilizer and make profits for the company. The three simply do not go together.

I understand the aversion to Government operation entertained by the majority in this House. "But the magnitude of this project, its possibilities for the manufacture of fertilizer, the need of relief for the farmers, the capacity for generating electrical power, the necessity of this plant for the manufacture of nitrates in case of war, all taken together make it absolutely indispensable for the Government which has spent $160,000,000 for its construction to keep and operate it for the benefit of the people. That is the only way to safeguard the interests of the Government. Every time an attempt has been made to lease this property, keeping in mind the interest of the Government and the potential benefits it contains for the people, it has been found impossible to do so. To now appoint a commission and to expect a satisfactory lease to be presented to us by April 26 and then lease this property for 50 years is not only poor legislation but a wicked and willful giving away of God's gift to the people of America for their use and enjoyment to a private corporation for profit making.

On March 26, 1925, the President appointed "the Muscle Shoals inquiry." There is not a Government-ownership man on that inquiry. Every one of them is opposed to Government ownership. Yet after studying the matter from March 26, 1925, to November 14, 1925, this is what was reported by Commissioners John C. McKenzie, former Member of this House; Nathaniel B. Dial, a former Senator; and Mr. R. F. Bower. On page 5 of this report is the "Concluding statement." Let me read it:

> It is the mature judgment of the undersigned members of the inquiry that the Muscle Shoals property is primarily a part of our national defense, and we are convinced that this view is generally shared by the people of the United States. It is obvious that when these plants are needed for the production of munitions in time of war they will be needed quickly. The Government should, therefore, hold the title to the plants and prevent their being so changed as to make impracticable their immediate conversion for the manufacture of munitions, and arrangements should be made that will assure the maintenance of a trained operating force. These needs can best be served, in our judgment, by operating the plants. Fortunately the plants are of such a character that they can render an important peace-time service to agriculture, and this vast expenditure of the Government need not remain idle or unproductive.
>
> We therefore unhesitatingly recommend legislation be enacted by Congress to lease this property on such terms as have been herein enumerated, and in event of failure to obtain a lease the President should have authority to cause these plants to be immediately operated as a Government enterprise.
>
> It is with great reluctance that we turn toward Government operation, being well advised of all of the infirmities inherent in such an undertaking. The great investment of the Government at Muscle Shoals, however, the importance of its continued maintenance as a part of our national defense, the crying need of agriculture for more and cheaper fertilizer, and the favorable opportunity for meeting that need, all compel us to disregard our prejudices, for we are convinced that to longer permit this great investment to stand idle when it can be of such great service to our people would be little less than a public calamity.

When the appointment of this inquiry was authorized by a resolution passed in the closing days of the Sixty-eighth Congress it was stated then that the committee would be able to study the proposition, receive offers, and come to Congress with a new offer which would safeguard the interest of the Government, and I use those words advisedly, for they were the very words used at the time, and that Muscle Shoals could be given to a private corporation to operate. The inquiry was appointed, made the investigation, apparently failed to find the ways and means to safeguard these vital interests of the Government and at the same time profits for a corporation, and have frankly and courageously so stated. Now, we are seeking to have a congressional committee do in a few days the very thing that the President's committee, after nearly eight months' labor, said could not be done.

I have fought every attempt to give the operation of Muscle Shoals to a private corporation. I predict that the farmers will not get cheap fertilizer. I predict that there will be great dissatisfaction in that locality and surrounding country at the rates of power and the method of distribution. I see great advantage for the lessee corporation, and I see no hope for the people.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I think my friend from Ohio is very much mistaken in his conclusion that this is a simple proposition. There may be good reasons why the proposed lease is not brought in and submitted to us instead of this resolution.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. GARRETT of Tennessee. Does the gentleman understand that there is any tangible proposition—I understood some testimony was given before the Senate committee that it was the intention of some concern to bid, but I am in the same situation as is the gentleman; I do not know what the fact is.

Mr. WINGO. I am not making any charge of bad faith against my friend or anyone else.

Mr. SNELL. I thought the gentleman was saying by inference that there was a lease.

Mr. WINGO. Nobody accuses the gentleman from New York of bad faith; he is as transparent as I am, and nearly as simple. [Laughter.] But there are some things that better be left unsaid and some things that might be said. I think I will leave them unsaid at this moment. I will, however, say this much, events in my own State for the last few years in water-power operations and my investigation covering two days in the city of New York led me to view with some apprehension the future of the water power in the United States. I do not suppose that they are any more selfish than I or any other man would be in private business for profit. They are showing considerable astuteness not only in my State but in other

States following the custom of corralling all political influence and power that can make them worth while. I suppose all corporations do that; but looking at it from the standpoint of the people, who should profit from our great water powers, it gives me grave concern. When the proposition comes in here with a resolution you will be told whenever you seek to offer an amendment to it that you have got to vote it up or down. I voted for the Ford proposition with a great deal of reluctance after this House refused to put a proper legal recapture clause on the proposition upon the private assurance that if I just let it go through they could get that agreed to in the Senate. It was urged then, and it will be urged when this lease is brought in here for our ratification in May, that you have got to either vote it up or down, that if you want to have the farmers get the benefit of it and start the development of fertilizer industry down there or you must not take the responsibility of killing the only thing that is offered. That is going to be our situation. You say, what have you to propose? Gentlemen, that is the exasperating situation. We stand here with this thing being mulled along for years and years and you and I know, under present control of affairs, where it ultimately is going to land. The greatest independent water power in the United States will go the way of all the other independent water-power sites and projects in the United States, and after that this Congress will be as helpless as a newborn babe would be in attempting to stem the torrent of Niagara in an open skiff. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, as is well known to the Members of the House, the development of Muscle Shoals was brought about by the Executive order of the President in conformity with the authority conferred on him by section 124 of the national defense act of 1916. The nitrate plants of Muscle Shoals and the water-power dam were constructed for two fundamental purposes for national defense—for the manufacture of explosives in time of war, and for the manufacture of fertilizer in time of peace. The national defense act so reads. The nitrate plants and the water-power dam together constitute one development. The dam was built to create power to operate the nitrate plants, to make explosives in time of war, and fertilizer in time of peace. If there is more power developed by building the dam than would be needed for that purpose, of course, it ought to be distributed and used for the benefit of the most people possible. I am in favor of this plant being utilized for the purpose for which it was intended. This House went on record in the last Congress overwhelmingly in favor of private operation, in favor of the acceptance of the offer of Henry Ford.

The President of the United States at the beginning of this Congress delivered a very emphatic message upon the subject. He declared himself as against Government operation of Muscle Shoals. He declared himself in favor of private operation of Muscle Shoals, and he recommended in the strongest terms the appointment of the joint congressional committee to negotiate a lease for a term of years, and in the passage of this resolution we simply carried out the theory of private operation that we voted in favor of in the last Congress, and the appointment of a joint congressional committee to negotiate a lease, subject to the approval of Congress, and that lease is to be, if possible, as good for the Government and for agriculture as the Ford offer. I see no reason why any one should oppose this resolution unless he is in favor of Government operation of Muscle Shoals. I prefer private operation if a proper lease can be secured, and that is the purpose of this resolution.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. ALMON. Yes.

Mr. LAGUARDIA. Has not the gentleman omitted one step? Were we not called upon in the last few days of the last Congress to create a commission?

Mr. ALMON. Yes. We passed a House resolution requesting the President to appoint a commission to make a study of Muscle Shoals during the vacation and recommend to him what should be done with it.

Mr. LAGUARDIA. Has not that commission reported?

Mr. ALMON. Yes; and a majority of that commission reported in favor of private operation and a lease such as is sought to be secured by this resolution.

Mr. LAGUARDIA. Did they not indicate their doubts whether it would be possible to find a private operator who would operate to safeguard the interests of the Government?

Mr. ALMON. No. The purpose of this resolution is to appoint a committee composed of three from the Committee on Military Affairs of the House, and three from the Committee on Agriculture of the Senate, which committees have been considering this subject for several years, to negotiate and recommend to the Congress a 50-year lease for the private operation of this plant for the manufacture of fertilizer and to get as good an offer as possible. We give directions to the committee to get a lease as near like the Ford offer as is possible. It is nothing but rot to talk about this resolution providing for the giving away of this plant. I have seen such statements made in the newspapers. No one proposes to give Muscle Shoals to anyone. I am one of the last ones who would want to give Muscle Shoals away, because the people I represent are in the Muscle Shoals district.

They do not want Muscle Shoals given away. They want it utilized for the purpose for which Congress said it should be, the manufacture of fertilizer, and that is what I want. I think that under the existing circumstances the best thing to do at this time is to concur in the Senate amendments with the amendments which have been read and explained by Mr. SNELL and Mr. GARRETT, of the Rules Committee.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. ALMON. Yes.

Mr. WHITTINGTON. I want to ask the gentleman as to the meaning of the words to be inserted after the word "nitrates." It is proposed now to add the words "and other fertilizer ingredients." Will not the insertion of those additional words defeat the object of the original Ford offer regarding a minimum production of nitrates?

Mr. ALMON. Oh, no; I think that that is a good amendment. I believe, and it has been proven by experts, that with cheap water power at Muscle Shoals, taking the nitrogen from the air, and with the raw material in close proximity and in inexhaustible quantities, that under good management fertilizer can be made for at least one-third less than existing prices. The dam is completed and water power going to waste. The nitrate plants have been standing idle for seven years. The country, and especially the farmers, are expecting action at this session of Congress. Let us not disappoint them again. [Applause.]

Mr. SNELL. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, the question before us is a very simple one. It is the resolution that was passed by the House, was sent to the Senate and the Senate amended it, and it was feared that the Senate amendments destroyed the purpose of the resolution as it passed the House. The sentiment of the House was that the Muscle Shoals properties should be used exclusively, as far as possible, for the manufacture of nitrates in time of war and fertilizer in time of peace, and when the Senate amendments and resolution came back three or four men here, who had been more or less active in the promotion of this legislation because of their interest in the prosperity of agriculture, believed that to adopt the Senate amendments would leave a question of doubt as to whether it was a water-power proposition or a fertilizer proposition, and so these men suggested an amendment to the Senate amendment which clarifies the situation, and definitely beyond any doubt whatever, if you adopt the proposal now contained in the resolution it will commit the operation of Muscle Shoals to the manufacture of nitrates and fertilizer. That is all there is to it. [Applause.]

Mr. SNELL. Mr. Speaker, I offer the following amendment.

Mr. BLANTON. The gentleman promised me some time.

Mr. SNELL. The gentleman did not speak to me about it and I thought he did not want it.

Mr. BLANTON. I have been sitting patiently waiting.

Mr. SNELL. How much time?

Mr. BLANTON. Five minutes.

Mr. SNELL. I yield the gentleman five minutes.

Mr. BLANTON. Mr. Speaker, the time is appreciated even though it was reluctantly given. [Laughter.] We are the trustees for the people of America concerning this $100,000,000 worth of property. They expect us to safeguard their interests. When you let this resolution get away from us this evening, this is your last chance to stop the giving away of Muscle Shoals. It is truthfully stated that when it comes back here next time there will be a lease that has been negotiated and signed and sanctioned by a concurrent resolution of Congress——

Mr. SNELL. Will the gentleman yield for a question?

Mr. BLANTON. Just a moment, please. I want to use my five minutes; it was awfully hard to get.

Mr. SNELL. The gentleman wants to be fair.

Mr. BLANTON. What is it that is not fair?

Mr. SNELL. The gentleman knows it is absolutely impossible to have a lease signed under this resolution; everybody else knows it.

Mr. BLANTON. That is the gentleman's idea. What is a negotiated lease? We are creating a committee and authoriz-

ing it to negotiate a lease. Why could not it be signed to indicate just what lease has been negotiated?

Mr. SNELL. Will the gentleman yield again?

Mr. BLANTON. Are not the terms agreed upon? I want to tell you now if I were a member of this committee and were to negotiate a lease with some one, I would want to see their John Hancock on it when I brought it back to Congress.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Just a moment. You know what makes me suspicious about the resolution? The resolution recites that the terms must be as favorable as H. R. 518, in the Sixty-eighth Congress. You remember what that bill provided? It provided that the American people's Government must maintain at their own expense and operate and keep in repair those dams, gates, and locks for 100 years. That is the reason I have fought against this lease at all times. I remember what was in that bill; I have read and studied it carefully at night. It said that for 100 years we must maintain and operate the dams, gates, and locks and keep them in repair for a nominal lease for 100 years, and now it is reduced to 50 years.

These dams could be washed away numerous times in 100 years, or in 50 years, and we would have to replace them with the American taxpayers' money out of the Treasury, and I do not want to give away $100,000,000 Muscle Shoals under such a lease. This resolution says it must be done under as favorable terms as House bill 518, and I am not willing to vote for it. Fifty years is a long period of time. All of us will have passed away during that time. There will be few of our children left. And many of our grandchildren will have lost interest in things earthly by that time. We owe it to our posterity not to allow this valuable property to slip through our hands.

Ah, the gentleman from Tennessee [Mr. GARRETT]—we all have confidence in him—no one questions his good faith, but there is a whole lot that goes on here in Congress sometimes that our leader does not have time to find out about, and that even the majority leader does not have time to find out about, and that even the chairman of the Committee on Rules has so much to do sometimes that he can not find out about.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. I predict this, that just as sure as you pass this resolution, even with the Senate amendments, you are going to have one of the biggest scandals we have ever had in this Government over this $100,000,000 property. Are we so innocent that we do not know that under this resolution the Alabama Power Co. is going to gobble up this valuable property?.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I would gladly. I wish I had more time, but I have not.

Mr. SNELL. Mr. Speaker, I call for a vote on the first amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

First amendment of the Senate: Page 1, line 8, after the word "lease" insert the words "or leases."

The SPEAKER. To that amendment the gentleman from New York moves the following amendment, which the Clerk will report.

The Clerk read as follows:

Mr. SNELL moves to agree to the amendment with the following amendment: In lieu of the matter proposed to be inserted by said amendment insert the following: "or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided)."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from New York to amend the Senate amendment.

The motion was agreed to.

The SPEAKER. The question now recurs on the Senate amendment as amended.

The Senate amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Second Senate amendment: Page 1, line 10, after the word "purposes," insert "such powers to be equitably distributed between the communities and States to which it may be properly transported."

Mr. SNELL. Mr. Speaker, I move to agree to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Third Senate amendment: Page 1, line 14, after the word "lease," insert "or leases."

Mr. SNELL. Mr. Speaker, I move to agree to the Senate amendment.

The SPEAKER. The gentleman from New York moves to agree to the Senate amendment. The question is on agreeing to that motion.

The Senate amendment was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Fourth Senate amendment: Page 1, line 20, strike out the figure "1" and insert the figures "26."

Mr. SNELL. Mr. Speaker, I move the following amendment.

The SPEAKER. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Mr. SNELL moves to agree to the Senate amendment with the following amendment: Page 1, line 19, strike out the period, insert a semicolon, and the following: "*And provided further*, That the committee in making its report shall file for the information of the Senate and House of Representatives a true copy of all proposals submitted to it in the conduct of such negotiations."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York to the Senate amendment.

The amendment of Mr. SNELL was agreed to.

The SPEAKER. The question recurs on agreeing to the Senate amendment as amended.

The Senate amendment as amended was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2479. An act to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2479. An act to declare a portion of the battle field of Westport, in the State of Missouri, a national military park and to authorize the Secretary of War to acquire title to same on behalf of the United States; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.; and

S. 1129. An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

DEATH OF REPRESENTATIVE HARRY I. THAYER OF MASSACHUSETTS

Mr. UNDERHILL. Mr. Speaker, it is with profound sorrow that I announce to the House the death of my colleague, HARRY I. THAYER, of the eighth Massachusetts district.

Mr. THAYER was elected a Member of this Congress. Those of you who have met him and who knew him realize the loss that we have sustained, not only in that of a friend but in the loss of a public servant. I send to the Clerk's desk a resolution which I ask to have read.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 168

Resolved, That the House has heard with profound sorrow of the death of Hon. HARRY I. THAYER, a Representative from the State of Massachusetts;

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral;

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of this resolution, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House;

Resolved, That the Clerk of the House transmit this resolution to the Senate and a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

The SPEAKER. The Chair announces the following gentlemen as members of the committee on the part of the House to attend the funeral: Mr. TREADWAY, Mr. GALLIVAN, Mr. TINKHAM, Mr. LUCE, Mr. UNDERHILL, Mr. ANDREW, Mr. FROTHINGHAM, Mr. GIFFORD, Mr. CONNERY, Mr. FOSS, Mr. STOBBS, Mr. DOUGLASS, Mr. MARTIN, Mrs. ROGERS, Mr. BOWLES, Mr. LOWREY, of Mississippi, Mr. IRWIN, of Illinois, and Mr. LEAVITT, of Montana.

ADJOURNMENT

Mr. UNDERHILL. Mr. Speaker, as a further mark of respect for our deceased colleague, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.), the House adjourned until to-morrow, Friday, March 12, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 12, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Creating a commission to procure a design for a distinctive flag for the District of Columbia (H. R. 6557).

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia (H. R. 6715, H. R. 7612).

To amend the Code of Law for the District of Columbia in relation to descent and distribution (H. R. 7975).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Bills to amend the interstate commerce act.

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 8653).

COMMITTEE ON MINES AND MINING

(10 a. m.)

Providing for a mine rescue station and equipment at Pineville, Ky. (H. R. 5953).

Providing for a mine rescue station and equipment at Madisonville, Ky. (H. R. 3879).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Providing an amendment to the Constitution of the United States (H. J. Res. 15).

COMMITTEE ON THE TERRITORIES

(10.30 a. m.)

To authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska (H. J. Res. 100).

To prescribe certain of the qualifications of voters in the Territory of Alaska (H. R. 9211).

Authorizing the construction of a Government dock or wharf at Juneau, Alaska (H. J. Res. 139).

EXECUTIVE COMMUNICATIONS, ETC.

392. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce, transmitting a statement of expenditures in the Coast and Geodetic Survey for the fiscal year ending June 30, 1925, was taken from the Speaker's table and referred to the Committee on Expenditures in the Department of Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 5243. A bill to promote the mining of potash on the public domain; with amendment (Rept. No. 508). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 7372. A bill to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437); with amendment (Rept. No. 509). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8313. A bill to allot living children on the Crow Reservation, Mont.; without amendment (Rept. No. 510). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 9099. A bill authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail; without amendment (Rept. No. 511). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 9351. A bill extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation; with amendment (Rept. No. 512). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect; with amendment (Rept. No. 513). Referred to the Committee of the Whole House on the state of the Union.

Mr. MONTGOMERY: Committee on Indian Affairs. S. 1834. An act providing for remodeling, repairing, and improving the Pawnee Indian school plant, Pawnee, Okla., and providing an appropriation therefor; without amendment (Rept. No. 514). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 10240. A bill to amend the World War veterans' act, 1924; without amendment (Rept. No. 515). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 10200. A bill for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; without amendment (Rept. No. 520). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 2274. An act providing for the promotion of a professor at the United States Military Academy; without amendment (Rept. No. 521). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 5353. A bill to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876); without amendment (Rept. No. 522). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 9958. A bill to amend section 5219 of the Revised Statutes of the United States; without amendment (Rept. No. 526). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 10128. A bill to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; without amendment (Rept. No. 527). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. S. 850. An act for the relief of Robert A. Pickett; without amendment (Rept. No. 516). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 5486. A bill for the relief of Levi Wright; with amendment (Rept. No. 517). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 6418. A bill to correct the military record of Lester A. Rockwell; without amendment (Rept. No. 518). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 7010. A bill authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe; without amendment (Rept. No. 523). Referred to the Committee of the Whole House.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 3253. A bill for the relief of Lieut. Commander Garnet Hulings, United States Navy; without amendment (Rept. No. 524). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 9319. A bill to authorize certain officers of the United States Navy to accept from the Republic of Chile the Order of Merit, first class, and the Order of Merit, second class; without amendment (Rept. No. 525). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 759) for the relief of Robert G. Smith, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 10240) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. BLOOM: A bill (H. R. 10241) to amend section 3 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. CONNERY (by request): A bill (H. R. 10242) to amend the act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. DICKSTEIN: A bill (H. R. 10243) to amend the naturalization laws relating to certificates of arrival; to the Committee on Immigration and Naturalization.

By Mr. FULLER: A bill (H. R. 10244) to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State road No. 18 connecting the villages of Yorkville and Bristol in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER of New York: A bill (H. R. 10245) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. SWOOPE: A bill (H. R. 10246) to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the Borough of Eldred or not distant more than one-half mile north of said Borough of Eldred, McKean County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: A bill (H. R. 10247) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act; to the Committee on Agriculture.

By Mr. McSWAIN: A bill (H. R. 10248) to further provide for the national defense by coordinating the Army and the Navy; to the Committee on Military Affairs.

By Mr. BLAND: Joint resolution (H. J. Res. 198) authorizing certain funds appropriated for the reservation and monument at Wakefield, Va., to be made available for certain repairs to existing highways and lanes on said reservation; to the Committee on Appropriations.

By Mr. OLIVER of New York: Joint resolution (H. J. Res. 199) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BOYLAN: Concurrent resolution (H. Con. Res. 14) proposing the withdrawal of diplomatic recognition of Mexico until such time as the policies and conduct of the said Government in relation to educational and religious institutions of all creeds and nationalities justify a resumption of relations; to the Committee on Foreign Affairs.

By Mr. SOMERS of New York: Resolution (H. Res. 164) authorizing the Clerk of the House of Representatives to have printed, and to furnish to any Member, upon request, a sufficient number of ballots, together with franked envelopes therefor, to permit such Member to afford each registered voter of his or her congressional district an opportunity to vote upon the question of the modification of the national prohibition act, and for other purposes; to the Committee on Printing.

By Mr. BEERS: Resolution (H. Res. 165) to print 500 additional copies of the Digest and Manual of the House of Representatives; to the Committee on Printing.

By Mr. McDUFFIE: Resolution (H. Res. 166) providing for the printing of 2,000 copies of the soil survey of Monroe County, Ala.; to the Committee on Printing.

Also, resolution (H. Res. 167) providing for the printing of 2,000 copies of the soil survey of Mobile County, Ala.; to the Committee on Printing.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 169) providing for the consideration of H. R. 10240, "To amend the World War veterans' act, 1924"; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XVII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10249) granting a pension to Frances C. Myers; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10250) granting a pension to Mary A. Handel; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 10251) for the relief of Charlotte Robenalt; to the Committee on Claims.

By Mr. DAVEY: A bill (H. R. 10252) granting an increase of pension to Charlotte Taylor; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 10253) for the survey of Thunderbolt Harbor, Ga.; to the Committee on Rivers and Harbors.

By Mr. ELLIS: A bill (H. R. 10254) granting an increase of pension to Georgia Beard; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 10255) granting an increase of pension to Sarah C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10256) granting an increase of pension to Lucy E. Horton; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 10257) granting an increase of pension to Sarah E. Shuster; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 10258) granting an increase of pension to Mary E. Nichols; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 10259) granting an increase of pension to Daisy W. Lyman; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 10260) granting an increase of pension to Susan Horting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) granting an increase of pension to Sarah M. Basey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10262) granting an increase of pension to Maria Jane Hollinger; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10263) to remove the charge of desertion from the military record of Thomas C. Tinsley; to the Committee on Military Affairs.

Also, a bill (H. R. 10264) to authorize a preliminary survey of Mud River in Kentucky with a view to the control of its floods; to the Committee on Flood Control.

By Mr. PARKER: A bill (H. R. 10265) granting a pension to Alice Aylmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10266) granting an increase of pension to Mary A. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10267) granting an increase of pension to Isabelle Ellsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10268) granting an increase of pension to Annie Brazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10269) granting an increase of pension to Jane E. Taylor; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10270) granting an increase of pension to Henrietta Lawler; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 10271) granting a pension to Alonzo W. Smith; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10272) granting an increase of pension to Mary L. Ickes; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10273) granting a pension to Amanda Loshier; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1163. By Mr. CARSS: Petition of eight lodges of the International Order of Good Templars, of Duluth, Minn., Superior, Wis., and from other places, in union meeting assembled at Duluth, Minn., on the 6th day of February, A. D. 1926, indorsing enforcement of the eighteenth amendment and the Volstead Act; to the Committee on the Judiciary.

1164. Also, petition of Finnish Temperance Society, of Hibbing, Minn., opposing modification of the present prohibition law; to the Committee on the Judiciary.

1165. By Mr. FULLER: Petition of Mr. Frank H. Hall, of Rockford, Ill., urging support of House bill 9498; to the Committee on the Judiciary.

1166. Also, petition of the Illinois Motor Transportation Association, urging support of House resolution 8266; to the Committee on Interstate and Foreign Commerce.

1167. By Mr. HUDSPETH: Petition protesting compulsory Sunday observance, by citizens of El Paso, Tex.; to the Committee on the District of Columbia.

1168. Also, petition of El Paso County Retail Druggists Association, indorsing House bill 11, known as the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

1169. By Mr. KIESS: Petition of Pine Street Methodist Sunday School; Bible classes of the United Brethren in Christ Church; Fosselman Bible Class, St. John Evangelical Church; East End Baptist Bible School; St. Matthews Lutheran Sunday School; Grace Evangelical Church Sunday School; Bethany Presbyterian Church and Sunday School; and other citizens, all of Williamsport, Pa., favoring the passage of legislation to close theaters and places of amusement in the District of Columbia on Sunday; to the Committee on the District of Columbia.

1170. By Mr. LINTHICUM: Petition of Joseph N. Benners, Baltimore, Md., favoring repeal of Pullman surcharge as per House bill 4497; to the Committee on Interstate and Foreign Commerce.

1171. Also, petition of Women's Civic League, Baltimore, Md., favoring two new national parks in the eastern part of the United States; to the Committee on the Public Lands.

1172. By Mr. LITTLE: Petition in form of telegrams sent by 10 citizens of Olathe, Kans., urging favorable action on Federal building bill for Olathe, introduced by Mr. LITTLE; to the Committee on Public Buildings and Grounds.

1173. Also, petition in the form of telegrams sent by citizens of Humboldt, Kans., urging favorable action on Federal building bill for Humboldt, introduced by Mr. LITTLE; to the Committee on Public Buildings and Grounds.

1174. Also, petition signed by 224 residents of Anderson County, Kans., petitioning Congress to investigate and build for the city of Garnett a Federal post-office building; to the Committee on Public Buildings and Grounds.

1175. Also, petition signed by 170 citizens of Miami County, Kans., indorsing and urging the passage of a bill introduced by Mr. LITTLE for the erection of a Federal building at Osawatomie, Kans.; to the Committee on Public Buildings and Grounds.

1176. By Mr. MADDEN: Petition of sundry citizens supporting House bill 4548, regarding disabled emergency Army officers of the World War; to the Committee on Military Affairs.

1177. By Mr. MANLOVE: Petition of 48 citizens of Nevada, Vernon County, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1178. By Mr. MAPES: Petition of the Polish-speaking organizations in Grand Rapids, Mich., submitted by Mr. Louis Neumann, secretary Grand Rapids Chapter, Polish Welfare Council of America, Grand Rapids, Mich., recommending against the bill (H. R. 102) providing for the registration of aliens; to the Committee on Immigration and Naturalization.

1179. Also, petition of E. G. Benton, Sand Lake, Mich., and seven other residents of that vicinity, recommending against the passage of House bills 7179 and 7822, or any other national religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

1180. By Mr. MEAD: Petition of National Guard Association of the State of New York, to provide funds for National Guard for proper care of animals, etc.; to the Committee on Military Affairs.

1181. By Mr. O'CONNELL of New York: Petition of Disabled American Veterans of the World War, Allingtown Hospital Chapter No. 8, West Haven, Conn., favoring the $50 pension for arrested tuberculars; to the Committee on World War Veterans' Legislation.

1182. Also, petition of the New York Patent Law Association, favoring the passage of the Graham bill (H. R. 7907) increasing the salaries of Federal judges; to the Committee on the Judiciary.

1183. By Mr. RAINEY: Petition of sundry citizens of Eldred, Ill., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1184. Also, petition of the Southern Illinois Sportsmen's League, favoring State sovereignty and a dual form of Government; to the Committee on the Judiciary.

1185. By Mr. TILSON: Petition of Candace Ferguson and others, New Haven, Conn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1186. By Mr. VAILE: Petition of sundry citizens of the city of Denver, Colo., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

FRIDAY, *March 12, 1926*

(Legislative day of Thursday, March 11, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, communicated to the Senate the intelligence of the death of Hon. HARRY I. THAYER, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The message also announced that the House had agreed to the amendments of the Senate numbered 2 and 3 to the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals, and that the House had concurred in Senate amendments numbered 1 and 4 to said concurrent resolution, each with an amendment, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	King	Sheppard
Bayard	Fernald	La Follette	Shortridge
Bingham	Ferris	Lenroot	Simmons
Blease	Fess	McKellar	Smoot
Bratton	Fletcher	McLean	Stanfield
Brookhart	Frazier	McNary	Stephens
Broussard	George	Mayfield	Swanson
Bruce	Goff	Neely	Trammell
Butler	Gooding	Norris	Tyson
Cameron	Greene	Nye	Wadsworth
Capper	Hale	Oddie	Walsh
Caraway	Harreld	Overman	Warren
Copeland	Harris	Pepper	Watson
Couzens	Harrison	Phipps	Wheeler
Cummins	Heflin	Pine	Williams
Dale	Howell	Pittman	Willis
Deneen	Johnson	Ransdell	
Dill	Jones, Wash.	Reed, Mo.	
Edge	Kendrick	Robinson, Ark.	

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

SPECIAL COMMITTEE TO INVESTIGATE THE TARIFF COMMISSION

The VICE PRESIDENT. In accordance with the provisions of Senate Resolution 162, agreed to yesterday, providing that a special committee to be composed of five Senators, three of whom shall be members of the majority and include one who is a progressive Republican and two of whom shall be members of the minority, shall be appointed by the Vice President, the resolution authorizing and directing an investigation of the manner in which the flexible provision of the tariff act of 1922 has been and is being administered, the

Chair appoints as members of the special committee the following Senators:

The Senator from New York [Mr. WADSWORTH], the Senator from Pennsylvania [Mr. REED], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Maryland [Mr. BRUCE].

MUSCLE SHOALS

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to House Concurrent Resolution No. 4, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 11, 1926.

Resolved, That the House agrees to the amendments of the Senate Nos. 2 and 3 to the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

That the House concurs in Senate amendment No. 1 with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided)."

That the House concurs in Senate amendment No. 4 with an amendment, as follows:

On page 1, line 20, strike out the period and insert the following: ": *And provided further*, That the committee in making its report shall file for the information of the Senate and House of Representatives a true copy of all proposals submitted to it in the conduct of such negotiations."

Mr. HEFLIN. Mr. President, the House has agreed to the amendments of the Senate on the Muscle Shoals resolution with reference to the distribution of power and the extension of time in which to report bids to April 26. It modified two other propositions in the resolution, one providing that fertilizer or fertilizer ingredients, mixed or unmixed, shall be produced, and the other that all bids shall be reported back to Congress. The Senators who favored the resolution and those who opposed it have agreed to the amendments. The Senator from Arkansas [Mr. CARAWAY] and the Senator from Georgia [Mr. GEORGE] have agreed to them and I have agreed to accept them. I have asked the Senator from Idaho [Mr. GOODING] to yield to me for immediate action upon the amendments of the House, and he has agreed to do so if it does not lead to debate. Since there has been an understanding on both sides regarding these amendments, I ask for the immediate consideration of the amendments of the House to the amendments of the Senate Nos. 1 and 4.

Mr. McKELLAR. Mr. President, before that is done I ask the Senator from Alabama if he will not withhold the request for a little while until I have had an opportunity to examine the amendments.

Mr. NORRIS. Will the Senator yield to me to make a suggestion——

Mr. HEFLIN. I yield.

Mr. NORRIS. I do not know that I have any objection to the amendments, but they have not been printed. The matter has been brought back to the Senate?

Mr. HEFLIN. The amendments of the House have been laid before the Senate.

Mr. GOODING. Mr. President, before the discussion proceeds further I want to know if consideration of the matter is going to lead to any extended debate. I realize the importance of the Muscle Shoals resolution, but I am sure the Senate will remember that the bill proposing to amend the long-and-short-haul clause of the interstate commerce act has been before the Senate as the unfinished business for several days. I thought it was very proper to yield for the consideration of the Army appropriation bill and the resolution with reference to the Tariff Commission submitted by the senior Senator from Arkansas [Mr. ROBINSON], but I can not now yield for any matter that is going to develop debate. I do not think, in a spirit of fairness, that I should be asked to do so.

Mr. McKELLAR. I ask the Senator from Alabama to let the matter go over for the present.

Mr. NORRIS. I want to make a suggestion only. It is that the Senator from Alabama let the matter go over until to-morrow morning, and let us have the resolution printed with the House amendments in italics. Then we can see just what changes have been made and take up the amendments for consideration to-morrow morning.

Mr. HEFLIN. I will agree then that it may go over until to-morrow.

Mr. NORRIS. I ask unanimous consent that the resolution be printed in the usual form, showing the House amendments in italics.

The VICE PRESIDENT. Without objection, it is so ordered.

EMPLOYMENT OF CONSULTING ENGINEERS ON COOLIDGE DAM

The VICE PRESIDENT laid before the Senate the action of the House of Representatives concurring in the amendment of the Senate to the bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam, with an amendment, as follows:

On page 2, line 3, after the word "day," insert the words "and necessary traveling expenses, including a per diem of not to exceed $4 in lieu of subsistence"; and on page 2, lines 6 and 7, strike out the words "and which compensation shall be inclusive of all travel and other expenses incident to the employment."

Mr. CAMERON. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

BOARD OF PUBLIC WELFARE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, which was, on page 9, line 7, after the word "shall," to insert "when practicable."

Mr. CAPPER. I move that the Senate concur in the House amendment. It is simply a slight change in verbiage.

The amendment was concurred in.

FREE PUBLIC LIBRARY IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia."

Mr. CAPPER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

POSTAL RECEIPTS (S. DOC. NO. 81)

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting in response to Senate Resolution 156 (submitted by Mr. HARRISON and agreed to on yesterday), showing by classes of mail matter and special services the probable revenue of the Post Office Department for the fiscal year ending June 30, 1926, based upon data collected during the period July 1 to December 31, 1925, and also the probable revenues that would have been received from the same sources during the fiscal year ending June 30, 1926, had the rates of postage and the basis of classification not been changed, etc., which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. OVERMAN presented a letter from P. H. Hanes, jr., president of the P. H. Hanes Knitting Co., of Winston-Salem, N. C., protesting against the passage of the so-called Gooding long and short haul bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WINSTON-SALEM, N. C., *March 8, 1926.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR OVERMAN: The Gooding bill is again before the Senate, as I understand. It has so many dangerous and objectionable features that I can not help but bring some of them to your attention.

We find the shippers of our State, when informed, are against this measure and in favor of having the Interstate Commerce Commission administer the law as at present, all members of which, with the exception of two, have been and are opposed to a rigid fourth section law. Likewise the different organizations of shippers, such as National Industrial Traffic League, of nation-wide membership, and other smaller ones.

Certainly the Interstate Commerce Commission has been very conservative in granting relief from the present fourth section law, and, so far as I have been able to learn, there has been little or no complaint from their decisions. Of course, a great many rates are yet in effect under temporary fourth-section relief that are being eliminated

as fast as conditions will permit, as is being done on class rates to-day in Southern States. (I. C. C. Docket 13494 and Eastern States Docket 15879.)

It seems as if this subject is brought up every year or so by some one from the Rocky Mountain States, the motive of which seems to be entirely selfish. Certainly Pacific coast cities will continue to get their freight at low rates via water, lower than the rail lines can hope to carry them whether or not the Interstate Commerce Commission permits the transcontinental railroads to reduce their rates to coast points in relation to the steamship charges through the canal in the hope of attracting some of the tonnage they have lost to the boat lines. It is true railroads maintain export rates on some commodities to all the ports lower usually than domestic rates, but without which our interior manufacturers could not hope to compete with those located along the seaboard and in Europe. Assuredly it would not be a good policy for the country as a whole to abolish these export rates, yet our Rocky Mountain friends have seen fit to use them in comparison with their domestic rates and to show that shipments of certain commodities can be forwarded from Chicago to Hongkong, China, through Salt Lake City, Utah, for a lower charge than if they are shipped only to Salt Lake City. They have been broadcasting these conditions with the hope possibly of having their rates reduced, which I should like to see done, but I can not help but feel that they are pursuing the wrong path to secure this result.

To carry out an absolute fourth section law would result in having all freight rates applied on a yard-stick basis, competitive conditions could not be considered as at present and would eventually limit the distribution of all commodities to the back yard of the plant wherein they are finished, so to speak. To illustrate, the southern rail carriers now apply rates on cotton piece goods, hosiery, and underwear from Carolina mill points to cities on the Ohio River, with higher rates to intermediate stations, which enables them to make charges, permitting the Carolina mills to ship their goods to the great consuming centers of the Middle West at relatively the same rates as the manufacturer located in New York or the New England States. There are also rates to cities situated along the Mississippi River on all lines of cotton goods, also on temporary fourth section relief, but using these low rates to the river as a base we can ship our goods into Texas and the great Southwest on similar rates as the mills located in the East via boat lines from Boston, New York, and Philadelphia through the Gulf ports of New Orleans, La., or Houston, Tex.

If the Gooding bill is passed and applied, it will make unlawful the present favorable rates to the territories mentioned, which will be an irreparable blow to the Carolina cotton mill interests. Please get in touch with Senator SMITH of South Carolina, who is a member of the Senate Interstate Commerce Committee, as well as other members, and do all possible to kill the measure.

We have given the above subject close study and present the facts as they appear to us appealing to you to protect by all means the large cotton mill interests of the Carolinas against such a law. Will you kindly let me know your conclusions.

Very truly yours,

P. H. HANES KNITTING CO.,
P. H. HANES, Jr., *President.*

Mr. OVERMAN also presented letters in the nature of memorials of the transportation council of the Winston-Salem Chamber of Commerce, of Winston-Salem; the Tomlinson Chair Manufacturing Co., of High Point; W. L. Thornton, jr., secretary-traffic manager of the Eastern Carolina Wholesale Dealers and Manufacturers' Association (Inc.), of Wilson; and the Chatham Manufacturing Co., of Winston-Salem, all in the State of North Carolina, protesting against the passage of the so-called Gooding long and short haul bill, which were ordered to lie on the table.

Mr. HARRIS presented a resolution of the General Assembly of the State of Georgia, which was ordered to lie on the table, and to be printed in the RECORD, as follows:

A resolution

Be it resolved by the General Assembly of Georgia, That there is now pending before the United States Senate House Concurrent Resolution 4, which provides for the establishment of a joint committee on Muscle Shoals which will be authorized and directed to negotiate for a lease of the properties of the National Government, known as Muscle Shoals.

That it is the earnest request of this assembly, that such amendments be incorporated into the House resolution above referred to or into any other legislation authorizing the disposal of the Muscle Shoals property as will require that the electric power which may now or in the future be generated at Muscle Shoals, above the requirements for the manufacture of fertilizers or fertilizer ingredients, shall be distributed equitably throughout the territory in the States adjoining the Muscle Shoals property.

That the speaker of the house of representatives and president of the senate communicate this resolution by telegraph to the chairman of the Agricultural Committee of the United States Senate and to the Senators and Representatives from Georgia.

Mr. WILLIS presented a paper in the nature of a petition from the Western Grain Dealers' Association, of Des Moines, Iowa, urging the passage of the bill (S. 3069) to enforce the liability of common carriers for loss of or damage to grain shipped in bulk, which was referred to the Committee on Interstate Commerce.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 756, the so-called Pittman silver purchase bill, which was ordered to lie on the table.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 575, the so-called Gooding long and short haul bill, which was ordered to lie on the table.

Mr. CAPPER presented a petition numerously signed by sundry citizens of Fort Dodge, Kans., praying for the passage of the bill (S. 3301) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Wichita, Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain and their widows and dependents, which were referred to the Committee on Pensions.

Mr. LENROOT presented a resolution adopted by the common council of the city of Milwaukee, Wis., protesting against the noise and din occasioned by the operation of a new foghorn at that city, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (S. 3227) to authorize the Secretary of the Navy to dispose of sand and gravel from the naval ammunition depot reservation at Hingham, Mass., reported it without amendment and submitted a report (No. 356) thereon.

Mr. PEPPER, from the Committee on Banking and Currency, to which was referred the bill (S. 3377) to amend section 5219 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5135, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, reported it with amendments.

Mr. PEPPER. I ask that leave be granted to file a report at a later date to accompany House bill 2 just reported by me.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 2320) to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce, reported it with amendments and submitted a report (No. 357) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2817) for the relief of Edgar K. Miller, reported it without amendment and submitted a report (No. 358) thereon.

He also, from the same committee, to which was referred the bill (S. 3122) for completion of the road from Tucson to Ajo, via Indian Oasis, Ariz., reported it with an amendment and submitted a report (No. 359) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 7) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev. (Rept. No. 360); and

A bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation (Rept. No. 361).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands, reported it with amendments and submitted a report (No. 362) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924, reported it with amendments and submitted a report (No. 363) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second tme, and referred as follows:

By Mr. NEELY:

A bill (S. 3534) granting an increase of pension to Earl W. Newlon; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3535) for the relief of the legal heirs of Walter Blake Heyward; to the Committee on Claims.

A bill (S. 3536) authorizing the purchase of a site and the erection thereon of a national home for soldiers and sailors of all wars; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3537) to extend the benefits of the World War veterans' act, 1924, and acts amendatory thereof to Thomas Beverly Campbell; to the Committee on Finance.

By Mr. HARRELD:

A bill (S. 3538) authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. JOHNSON:

A bill (S. 3539) granting a pension to Harry C. Clifford, sr.; and

A bill (S. 3540) granting an increase of pension to Edward Davis; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3541) granting a pension to Margaret Rupple (with accompanying papers); and

A bill (S. 3542) granting an increase of pension to Elizabeth Lilly (with accompanying papers); to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 3543) granting a pension to Joe S. Duran; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3544) to amend Title II of an act approved February 28, 1925, regulating postal rates, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. HARRELD:

A joint resolution (S. J. Res. 71) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same; to the Committee on Indian Affairs.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 9341, the independent offices appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 32, line 16, after the word "claims," insert the following: "*Provided further*, That no part of the moneys appropriated or made available in this act for the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the reconditioning of or major repairs performed upon the steamships *George Washington*, *President Harding*, *President Roosevelt*, *America*, nor for the reconditioning of or major repairs performed upon such cargo vessels as are to be reconditioned or have major repairs performed upon them except at Government navy yards."

ADDRESS BY JAMES A. FARRELL

Mr. COPELAND. Mr. President, I observe in this morning's issue of the New York American the report of a remarkable address delivered yesterday by James A. Farrell, president of the Steel Corporation, before the American Exporters' and Importers' Association. It relates to the subject of exports to South America. In view of the agitation for a canal between the Great Lakes and the ocean, this is an important contribution. The success of that canal, as I view it, depends upon our coastal trade and our exports to Central and South America. I ask permission to have the address printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the New York American, Friday, March 12, 1926]

FARRELL PREDICTS GREATER TRADE WITH LATIN AMERICA

South and Central American exports to the United States in 1925 increased 30 per cent over the previous year and Latin-American imports to this country now far exceed our exports to the southern continent, declared James A. Farrell, president of the Steel Corporation, in an address before the American Exporters' and Importers' Association at the Whitehall Club yesterday.

Mr. Farrell, who was introduced by G. R. Parker, president of the association, predicted a long-continued epoch of amity in the trade relations between the United States and her South American neighbors.

Mr. Farrell said, in part:

"I think it almost unnecessary at a gathering of the Latin American consular representatives and the members of the American Exporters' and Importers' Association to stress unduly the friendship which should exist, and does exist, between the southern Republics and this country. For both are intent on the development of commerce between our respective countries and this will not thrive unless it has a background of amity, good will, and mutually satisfactory trade relations.

"There are many factors which join the various members of the Western Hemisphere to each other. First of all, there is the element of proximity. Notwithstanding the seemingly great distance from the northern boundary of the United States of North America to Tierra del Fuego on the south, distances between the principal commercial centers of our respective countries are not so great, and modern transportation has tended to lessen them. The Panama Canal has provided ready access to both the east and west coasts of both continents. Aside from this, better shipping facilities are constantly being developed and, as a result, North and South America are neighbors in a literal and figurative sense.

COMMUNITY OF INTEREST

"There is a community of interest in our political and economic structures, for these two continents have seen the inception and development of the republican form of government on its greatest scale. That this has not always carried with it permanent political stability reflects no discredit on the fundamental principles of self-government. Our own Civil War, and the various disturbances experienced by other countries have probably been inevitable steps in the evolution of popular government, and their decreasing frequency leads to the belief that an increasing political stability may confidently be looked for.

"Apart from our geographical proximity and governmental similarity, there are other ties which bind the southern and northern republics. The greatest of these is economic interdependence. Human existence and human progress are predicated upon the development of the world through the application of human endeavor, as exemplified in commerce. When we pass the primitive state, where mankind eks out a mere livelihood from the immediate soil on which he himself dwells, we rapidly reach the point where higher standards of living depend upon the exchange of the product of labor.

PROGRESS OF MAN

"Thus the evidences of the progress of man are associated with barter and trade, through which one group or community produced more than it required for its own needs and exchanged its surplus with other groups for a like surplus of their products, to the benefit and advantage of both. It early became evident that physical location, climatic conditions, or special aptitude for a particular form of industry made it desirable for one people or race to engage in the production of certain human needs, while their neighbors occupied themselves with others, and then through trade each secured what it lacked and both prospered accordingly. This has gone on through the ages, until to-day there is no nation which does not depend in greater or less measure on the products of others.

"As between the southern and northern halves of the Western Hemisphere this is particularly exemplified. On the one hand we have in this country a population of upward of 110,000,000 of people, while in the nations to the south of us we find a population, roughly, three-quarters as great, though distributed over an area nearly three times larger. That the needs of one should supplement those of the other would be almost inevitable, and in actual practice trade has been carried on for many years without serious interruption and in constantly increasing volume.

EXPORTS INCREASE

"Thus in the year 1925 exports to South and Central America increased approximately 30 per cent over the previous year, representing a greater increase than any other of the principal geographic divisions of the world. That this trade was reciprocal is indicated by the fact that the imports to this country were in even greater volume. In fact, South America, Central America, and adjacent countries constituted one of the three great divisions in which imports to the United States of America exceeded exports.

"A glance at the trade statistics shows the sound foundation on which this exchange of commodities rests. We have in this country

made great strides in the last half century in our industrial development, with the result that we can supply all manner of manufactured goods, from steam locomotives and automobiles to talking machines, while on the other hand the riches of the Southern Hemisphere have taken the form of food products, cattle, hides, and most of the principal minerals.

"A large part of our exports comprise machinery, oil products, steel, transportation equipment, and manufactures in great variety, which in turn are employed in the production of the very commodities which are shipped back to us.

EXPORTS OF CAPITAL

"Another part of our exports, which we are all pleased to observe, is in the form of capital, which is being utilized in the further development of natural resources and the opening of new regions, to the benefit of us all.

"This, in brief, is reciprocity of trade and community of interest in a constantly increasing measure, and I venture to say that we have seen only the beginning of the still greater prosperity which a continuation of our commercial relations will bring us.

"I feel confident that I am expressing the views not only of the American Exporters and Importers' Association, and of other commercial bodies, but of the overwhelming majority of the thinking people of this country, when I say that we extend to our sister Republics every sentiment of sincere friendship and good will, and this not solely because of self-interest but because of a genuine feeling of respect and admiration and the recognition that, despite differences of language and of custom, we are, after all, fellow beings and are in our several ways each making our contribution toward human progress."

THE PITTMAN SILVER PURCHASE BILL

Mr. PITTMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an article by former United States Senator Charles S. Thomas, of Colorado, on the pending silver bill in answer to what he considers a criticism by a newspaper.

The VICE PRESIDENT. Without objection, permission is granted.

The article is as follows:

[From the Baltimore Sun, March 12, 1926]

EX-SENATOR THOMAS DEFENDS SILVER BILL—REPLYING TO FRANK R. KENT'S ARTICLE, HE SAYS MEASURE IS NECESSARY BECAUSE TREASURY REFUSED TO COMPLY WITH PITTMAN ACT

The following letter was sent the Sun by ex-Senator Charles S. Thomas, of Colorado, counsel for the silver producers before Congress. It is a defense of a pending measure which was severely criticized in a recent article by Mr. Kent.

TO THE EDITOR OF THE SUN.

SIR: Your Washington correspondent's attack upon Senate bill 756, known as the Pittman bill, is so contrary to the facts, and so unjust to Senators PEPPER and PHIPPS, that I crave the privilege of presenting the facts to your readers. I believe that I am as familiar with all the phases of the situation as anyone, and I am sure that when they are known the injustice of his criticism will be readily acknowledged.

At the outset let me say that Mr. Kent's allusions to secrecy and underground efforts at securing this legislation are wholly gratuitous. Not a step has been taken, from its inception to the present hour, which subjects any man to the reproach of endeavoring to secure its enactment "without unnecessary noise." On the contrary, every step in the procedure, from the appointment of a Senate special committee of inquiry in 1923 down to the hearing by the Senate Committee on Banking and Currency less than two weeks ago, has been public.

Briefly the facts are that the bill for the Pittman Act of April 23, 1918, was presented to the Senate five days earlier by Senator Owen, then chairman of the committee on Banking and Currency, who urged its immediate consideration because needed to meet what he called "an emergency of the first magnitude." It was designed primarily to enable Great Britain to sustain her credit in East India. It authorized the Secretary of the Treasury "to melt or break up not in excess of 350,000,000 silver dollars then or thereafter held in the Treasury and to sell the bullion for not less than $1 per ounce of the silver."

Such sales were confined to four purposes—"to preserve the existing stock of gold in the United States, to facilitate the settlement in silver of trade balances adverse to the United States, to provide silver for subsidiary coinage and commercial use, and to assist foreign governments at war with the enemies of the United States." Upon the insistence of the Treasury it was especially provided that "the allocation of any silver to the Director of the Mint for subsidiary coinage should for the purposes of the act be regarded as a sale or resale."

The bill also required the Secretary, through the Director of the Mint, "to purchase in the United States, of the product of mines therein situated and of reduction works therein located, an amount of silver equal to 371.25 grains of pure silver in respect of every silver dollar so melted and sold," at the fixed price of $1 per ounce of silver 1,000 fine, that any silver so purchased could be resold for any of the purposes specified in the act, and that upon each sale of bullion the Secretary should "immediately direct the Director of the Mint" to make the equivalent purchases.

Your correspondent says: "Fearing that the sale of 350,000,000 silver dollars might result in curtailing the volume of silver currency in this country and damage the silver-mining industry, the silver Senators succeeded in amending the Pittman bill so as to compel the Government, when silver should be sold, to buy an equal amount at $1 an ounce." This is not true.

The bill as introduced so provided, and the fixed price at $1 was a compromise between those who insisted upon this sum and those who wanted that price as a minimum, so as to correspond with the provision regarding sales. The two amendments relating to silver which were offered on the floor and accepted confined the purchase to the American product and required the recoinage of silver into dollars, so that, in the language of Senator Owen, "the equilibrium should be complete with the final administration of the act."

Silver was then selling at about 97 cents, and both the price and cost of production were rising. Within 18 months the world price of silver was about $1.40 and beyond the melting point of all American silver currency.

The act was administered according to its terms, except as to certain allocations made to the mints for subsidiary coinage, for which there was a pressing demand, up to February 1, 1921. The conduct of the Treasury Department solely with regard to allocations or sales made to the mint for subsidiary coinage purposes under the act is the foundation of the pending bill.

There were five of these, dated September 7, 1918; November 19, 1919; November 6, 1920; October 18, 1920; and December 18, 1920. The first three allocations comprised 11,111,168 silver dollars. The other two comprised 6,000,000 ounces of silver bullion, being a total of 14,589,730.13 fine ounces. This silver was transferred on the accounts of the Treasury Department to the mint, and due credit at $1 an ounce for the bullion and much more than that for the silver dollars was appropriately given. In other words, although no money actually passed, the terms of the act regarding sales were complied with.

The director in each of these requisitions declared the existing amount of available silver to be insufficient for the purposes of the near future.

These allocations were all made by Mr. S. P. Gilbert during the administrations of Secretaries Glass and Houston. Your correspondent's statement that last year Mr. Mellon allocated a certain amount of silver in the Treasury to be made into halves, quarters, and dimes, and that almost immediately he discovered it was not needed and promptly revoked the allocations, is not true. Mr. Mellon never made any allocations under the act.

In each of the allocations the Secretary directed the Director of the Mint to purchase equivalent amounts of silver at $1 an ounce, as the law required, and of the silver allocated 10,247,976.52 ounces have been actually coined into fractional currency at a ratio of 1.38, or a profit to the Government of $3,894,220.

Thirteen months after the date of the last allocation, and on February 11, 1922, Mr. Gilbert arbitrarily revoked the last two allocations to the extent of 4,341,753.61 ounces then uncoined. Ten months afterwards he invoked the opinion of the Comptroller General as to the remainder of these allocations, but without informing him of its actual recoinage, as to his authority to revoke those also. Told to go ahead, he promptly did so by an order dated December 19, 1922.

Having sold the silver and ordered its repurchase under the law, he assumed authority 13 and 23 months thereafter, respectively, and after most of it had been recoined, to revoke the sales. These acts of the Secretary of the Treasury were at once challenged as beyond his power. His predecessor having sold the silver and ordered its repurchase, nothing remained, any more than in the sales to Great Britain, for the Secretary to do but comply with the terms of the act.

The proposition involved is whether an administrative officer can disregard the mandate of a law of Congress and substitute for it his own idea of what the law should be. If a Secretary of the Treasury can do so in this instance, any Secretary can do so whenever in the administration of a Federal statute his judgment fails to approve of its terms and requirements. No lawyer to whom I have submitted this proposition, whether in the Senate or out of it, has challenged my assertion that this is ultra vires. Senator PEPPER's offense is that he holds this view.

In April, 1924, the facts were submitted to the Senate Committee on Banking and Currency, followed by a unanimous report recommending the passage of the bill. The Senate passed it in May. On the 15th day of January, 1925, it was again argued before a full committee of the House, Undersecretary Winston appearing for the Government. This committee also unanimously recommended the measure favorably. It would have passed but for the congested condition of the docket. Because of that Senator PHIPPS made a perfectly legitimate effort to add it as an amendment to one of the appropriation bills. An objection that it was out of order was sustained and the bill failed.

A word as to the "bonus" feature of the measure, which is the principal headline to Mr. Kent's letter. It is true that both Mr. Mellon and Mr. Winston have charged the miners of the West with an effort to secure a bonus of about $5,000,000 from the Treasury. It is also true that in purchases hitherto made the excess over the market price paid for silver was more than $58,000,000. But these gentlemen have never denied our contention that not one dollar of this sum came from the people of the United States or its Treasury. The fund secured by the sales of melted silver dollars was used, and was designated for the purchase of an equivalent amount of silver at exactly the same price. The purchase of silver in dispute will cost the Government not a dollar, because it has received the equivalent in its sales under the act.

Bear in mind also that the cost of silver production, except perhaps where mined as a by-product, was, especially during the years immediately succeeding the war, virtually the equivalent of $1 an ounce. If, as now contended, the Government should have sold silver at $1 and bought it at 70 cents, it would have realized a "bonus" through the financial distress of one of our allies to the extent of nearly $65,000,000. Surely the Sun would approve of no such situation. Yet the Government insists on retaining $5,000,000 of this fund for itself. This "bonus" is included in the statutory price to be paid for the silver. Under the same statute the Government must coin it into silver dollars at $1.29. Its profit is therefore 29 per cent on the purchase, or $4,232,021.70. Would that every "bonus" were equally prolific. Let me here remind you also that the Government has made the same ratio of profit on the 209,008,120 ounces it purchased and coined under the provisions of the law, or $69,612,444.80. Is it a "bonus" also?

Senator PHIPPS has no personal interest in Senate bill 756. He is not a mine owner. Our political affiliations are diverse, yet I affirm that he has given satisfaction as a Senator, both to the State and Nation. PEPPER and he are hard-working, conscientious, and capable, and no more unjust reflection than that of Mr. KENT upon two honorable public officials can be imagined.

I have been general counsel for the American Silver Producers' Association for nearly three years. Their records and their action regarding this subject are open to the world. If the laws of the United States are to be enforced by those in authority, and the assurances of the act of April 23, 1918, are to be respected, the Treasury will buy the amount of silver in dispute. If, on the other hand, the action of the Secretary shall be determined by his sense of discretion, and the assurances thus given are mere delusions, the bill will be defeated. Our attitude has not been "in the shadows," nor have we sought the "high spots." The bill should stand upon its merits, and that alone, not upon Mr. Mellon's judgment, nor upon the pretense that it carries a bonus to the silver-mine owners. Even if it were true, the mine owners would enjoy good company.

Let me close with the reflection that this charge of a bonus first appeared in 1923, in a letter of Undersecretary Gilbert to Senator PITTMAN. It was by that time evident that an appeal to prejudice might enable him "to save his face." The bill may be defeated by resort to such methods, but not otherwise.

Senator GLASS, whom Mr. Kent refers to with such approval, complimented my written presentation of the controversy as being "technically accurate," from which I inferred that in his opinion it accorded strictly with facts and history.

Very respectfully,

C. S. THOMAS.

WASHINGTON, D. C., *March 9.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River, between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. FESS. Mr. President, I desire to announce that immediately following the address of the Senator from Idaho [Mr. GOODING] I wish to take the floor to make an address on the same subject.

Mr. McKELLAR. I gave notice on yesterday, I will say to the Senator from Ohio, that at the conclusion of the remarks of the Senator from Idaho I desired to make some remarks upon the subject of prohibition. I hope the Senator from Ohio will not interfere with that notice already given.

Mr. GOODING addressed the Senate. After having spoken for some time,

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. GOODING. I yield.

Mr. KENDRICK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	Jones, N. Mex.	Phipps
Bingham	Fernald	Jones, Wash.	Pine
Blease	Ferris	Kendrick	Pittman
Bratton	Fess	King	Ransdell
Broussard	Fletcher	La Follette	Robinson, Ark.
Bruce	Frazier	Lenroot	Schall
Cameron	George	McKellar	Sheppard
Capper	Goff	McLean	Simmons
Caraway	Gooding	McNary	Smoot
Copeland	Hale	Mayfield	Stanfield
Couzens	Harreld	Means	Tyson
Cummins	Harris	Neely	Wadsworth
Dale	Harrison	Norris	Walsh
Deneen	Heflin	Nye	Watson
Dill	Howell	Oddie	Wheeler
Edge	Johnson	Overman	Willis

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, there is a quorum present.

Mr. GOODING resumed his speech. After having spoken for some time,

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Ferris	McLean	Sheppard
Blease	Fess	McNary	Simmons
Bratton	Frazier	Mayfield	Stanfield
Brookhart	George	Neely	Stephens
Broussard	Goff	Norris	Tyson
Butler	Gooding	Nye	Wadsworth
Cameron	Heflin	Oddie	Walsh
Capper	Howell	Overman	Warren
Copeland	Johnson	Phipps	Watson
Couzens	Jones, N. Mex.	Pine	Wheeler
Cummins	Kendrick	Pittman	Willis
Deneen	King	Ransdell	
Edge	Lenroot	Robinson, Ark.	
Ernst	McKellar	Schall	

Mr. FESS. I was requested to announce that the Senator from Washington [Mr. JONES], the Senator from Utah [Mr. SMOOT], the Senator from Maine [Mr. HALE], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Florida [Mr. FLETCHER], and the Senator from Georgia [Mr. HARRIS] are detained from the Chamber on official business.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present.

Mr. GOODING resumed and concluded his speech, which is as follows:

Mr. President, in my judgment no more important bill has ever been before the Senate for consideration on the subject of transportation than Senate bill 575. The bill is not only important so far as transportation is concerned, but there is also a great social problem involved in the measure, because under the present policy of the Government we are building up great centers of population at the expense of the interior. If this bill shall become a law it will stop the Interstate Commerce Commission from permitting the railroads to discriminate against the interior in freight rates in favor of great cities.

In the last session of Congress Senate bill 2327, which was known as the long and short haul bill, was discussed on the floor of the Senate by the friends of the measure for something like seven days, and then passed the Senate by a vote of 54 to 23. The friends of Senate bill 575, which is also a long and short haul bill, hope that it will not be necessary to discuss that measure at any great length.

There is another reason, Mr. President, why the friends of the pending measure hope that it will not be necessary to take up any great length of time of the Senate in the discussion of the bill, and that is that Senate bill 575 does not in any way interfere with any of the existing conditions on our railroads. Should it become a law, it will not change a single freight rate anywhere on any railroad in the United States, for the bill specially provides that any violations of section 4 that were in existence prior to the 7th of December, 1925, shall not be required to be changed except on the authorization of the Interstate Commerce Commission.

In order that the Senate may clearly understand what the proposed amendment to section 4 of the interstate commerce act really is, I send the pending bill to the desk—it is short—and I ask that it may be read.

The VICE PRESIDENT. The bill will be read.

The bill was read as follows:

Be it enacted, etc., That section 4 of the interstate commerce act, as amended, is hereby amended by adding thereto a new paragraph as follows:

"(3) No common carrier shall be authorized to charge less for a longer than for a shorter distance for the transportation of passengers or of a like kind of property, over the same line or route in the same direction, the shorter being included within the longer distance, on account of water competition, either actual or potential or direct or indirect: *Provided*, That such authorizations, on account of water competition, as may be lawfully in effect on December 7, 1925, shall not be required to be changed except upon the further order of the commission: *And provided further*, That the provisions of this paragraph shall not apply to rates on import and export traffic, including traffic coming from or destined to a possession or dependency of the United States."

Mr. GOODING. Mr. President, Senate bill 2327 differed materially from the pending measure in this respect: That bill provided that within a year from the time it became a law the Interstate Commerce Commission should eliminate all existing violations. I am satisfied that some Senators voted against the bill because of that provision. That was true of the senior Senator from Alabama [Mr. UNDERWOOD]. If that Senator shall be in the Chamber when the vote is taken on the pending measure he will vote for it. He voted favorably to its being reported out of the committee. So, with that provision eliminated, it is hard for me to understand how any Senator can oppose the measure, which merely provides that there shall be one governmental policy in freight rates on our railroads for all the people.

Mr. President, the friends of Senate bill 575 may be forced to take up considerable time of the Senate in the discussion of the measure, for never since I have been in the Senate has there been such an organized effort to defeat any measure as there is in this instance on the part of railroads and commercial bodies which are receiving preferential freight rates and on the part of commercial bodies and cities which expect to receive preferential freight rates. Strange as it may seem, some towns and cities whose only hope for development lies in the passage of this bill are also petitioning and begging their Senators to vote against this measure.

If there is any Senator upon the floor who feels that he can justify the discrimination in freight rates against interior points I hope we shall hear from him. If there is any Senator upon the floor who can justify the Interstate Commerce Commission permitting the railroads to charge more for the shorter haul than for the longer haul in order to destroy water competition—for that has been the purpose of every violation permitted by the Interstate Commerce Commission to the railroads to meet water competition—I hope that Senator will enlighten this body so that we may have his viewpoint. Again, Mr. President, if there is any Senator upon the floor who can justify the building up of great centers of population in America at the expense of the interior, which is already bringing a congested condition in some of our great cities which is dangerous to the Government itself, I hope that Senator may enlighten the Senate along that line.

Mr. President, nations, like individuals, have their birth, their youth, their manhood, and their old age. This country is just passing from its youth to its early manhood; it has just made a beginning in the development of its mighty resources; but if we are going to permit the railroads to destroy water transportation in America, then the growth and development of this mighty empire must soon come to a standstill for the lack of adequate transportation, for no country can grow and develop beyond its transportation. In this progressive age of ours no question enters into the life of all the people as much as that of transportation; and the country which has the most efficient transportation and the cheapest transportation will take the lead in the trade of the world. So, on the other hand, the State or community that is forced to meet a discrimination in freight rates has not even a fighting chance to develop its resources; capital will never invest in any industry in any State in the Union where it is forced to meet a discrimination in freight rates or where there is even a threatened danger of such discrimination.

For many years the interior of this country has been forced to meet a discrimination in freight rates and excessive freight rates. When I say "interior," I mean the farmers, for it is the farmers in the interior who, in a large measure, pay the freight rates and make up the loss that the railroads sustain in charging less for the longer haul than for the shorter haul in order to destroy water transportation. In the South and in the West this policy of our Government has destroyed water transportation on our inland rivers and to-day the river boats which were once a mighty factor in the commerce of America rot at their wharves.

The issue on Senate bill 575 is clearly drawn. Senators must decide by their votes whether there shall be one governmental policy as to freight rates for all the people, or whether the Interstate Commerce Commission shall be permitted to allow preferential freight rates to great cities and shall permit violations of the fourth section of the interstate commerce act in order that the railroads may destroy water transportation. Senators must decide by their votes whether the small communities in this country shall pay higher freight rates for the coal they burn, for the food they eat, for the clothes they wear, and for everything that goes to make up life in the interior than those paid by the great cities in the East and the cities on the Pacific coast, where violations of the fourth section of the interstate commerce act have never been permitted to destroy water transportation.

Mr. President, I think every Senator knows that in the last few days at least there has been a great lobby here in Washington such as I have never seen before on any occasion. The presidents of railroads, vice presidents of railroads, traffic managers representing great cities have stalked the Halls of Congress; Senators have been called out of this Chamber and importuned to vote against this measure. Those engaging in that activity have the right to do so, but I ask you what opportunity have the common people of America to present their case if Senators are going to yield to such an influence? I do not believe that Senators are going to yield to it, but never at any time since I have been in the Senate have Senators been flooded to the extent that is now apparent with telegrams from commercial bodies and from the railroads, especially from commercial bodies that are receiving preferential freight rates.

The responsibility of this Government does not rest with the railroads nor with the great cities that are receiving preferential freight rates. The responsibility of this Government rests upon the chosen representatives of the people. They always have and always will represent the people here in the Senate and in the House of Representatives; and this Government will endure if Congress gives to all the people a square deal in legislation, for that at all times is the test of government. If we are going to yield to this influence, which is all powerful, and permit cities and railroads to violate the spirit of the Constitution, then there is some doubt whether our institutions can be maintained under the selfish policy of the railroads and the great cities which have been enjoying preferential freight rates.

Mr. President, I shall have no trouble in showing the fallacy of the contention on the part of the transcontinental railroads that unless they are allowed violations that will permit them to take 50 per cent of the intercoastal trade through the Panama Canal westbound they will be forced to increase freight rates in the interior to make up the loss which they sustain on traffic that is taken away from them by the Panama Canal. This argument is so ridiculous to those who have studied the railroad problem and who understand railroad methods that it is an insult to the intelligence of any man who is familiar with the facts and circumstances of the case, for the reverse has always been true. Just as soon as the railroads destroy water transportation, when they are permitted violations of the fourth section of the interstate commerce act, they then proceed to increase freight rates. There is hardly an exception to that rule.

The old, old argument has been worn threadbare; and, strange as it may seem, they have alarmed some people in the interior whose very hope of development lies in the passage of this measure.

I shall have no trouble in proving that the Panama Canal brought a great development on the Pacific coast that has given the transcontinental railroads a hundred tons of freight for every ton of intercoastal freight that it has taken away from them that passes through the Panama Canal westbound; and that is the history of all water transportation where it is permitted to exist. Why, if Germany had been patient and had not forced upon the world the great World War, in a few short years the Germans would have dominated the world as far as trade was concerned. Germany permits water transportation to be used. Fifty per cent of all the freight carried in Germany is carried upon its rivers and its canals, while we in America have a policy of destroying it by permitting the railroads to short cut water transportation.

I shall have no trouble in showing that these contentions of the transcontinental railroads are not borne out by the records of the Interstate Commerce Commission and that the railroads are enjoying a prosperity to-day never dreamed of in the history of those roads.

Mr. President, I know of no one thing that has done so much to discourage the people of my State in their Government as

the violations of the fourth section of the interstate commerce act. I have seen my own neighbors go to Portland with a car of cattle, and on the same train would be a car of cattle from Dillon, Mont. The distance from Dillon to Portland is 920 miles. The distance from my station to Portland is 606 miles. My neighbor paid $138 a car, while the cattle grower from Dillon was asked to pay only $130 a car—$138 from my station, $130 from Dillon, a haul of three hundred and some odd miles longer than from my station to Portland.

I have seen sulphur pass through my station in a train from Texas going on to Portland. The freight rate paid at Payette, Idaho, on a car of sulphur was 95 cents a hundred. This train, almost a mile long, goes down to Huntington, where it is picked up by another division of the Union Pacific, the O. R. & N. The train that passes through my State, hauled by one engine, goes down to Huntington, where it begins its ascent over the coast range, and is chopped up into two trains with a double-header on each train, and the rate to Portland is 65 cents a hundred.

It is impossible to build a citizenship on such discriminations. It will be destroyed. There will be nothing left of it. There are hundreds of those violations all over the West and in the South. Arkansas, I think, suffers more from violations than any other State in the Union. Down there the farmers pay a higher freight rate for fertilizer than they do in other States where the haul is very much longer, passing right through the State of Arkansas.

Mr. ASHURST. Mr. President, will the Senator pardon an interruption at that point?

Mr. GOODING. Yes; I yield to the Senator.

Mr. ASHURST. I do not wish to interrupt the Senator's able speech, but I am in hearty sympathy with his views. This subject is one of transcendent importance to the people of the Middle West and the Pacific coast, and the Senator has not overstated or overemphasized the question when he says it is one that runs to the vitals of the building up of the West.

The Senator called attention to a discrimination. Will he pardon me until I illustrate a discrimination now openly and notoriously practiced by the Southern Pacific Railroad Co. in defiance of a conference order on the subject issued by the Interstate Commerce Commission on November 4, 1913?

In other words, we will assume that the point of origin of a shipment of goods is New York. For that shipment of goods to reach San Blas, Mexico, or Mazatlan or Guaymas, Mexico, that consignment must pass through Nogales, Ariz.; yet the charge is infinitely greater to carry it to the intermediate point in the United States than it is to carry it 800 miles farther into the Republic of Mexico.

Senators, contemplate that! These citizens of my State are required to pay a very much larger sum in freight on the transmission of goods from eastern points to their own intermediate point in the United States than is charged the subjects of a foreign country for carrying it 800 miles farther!

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. ASHURST. I have not the floor. I thank the Senator from Idaho for yielding to me.

Mr. BRUCE. Will the Senator from Idaho yield to me?

Mr. GOODING. I yield to the Senator. I desire to state, however, that while, of course, I shall be glad to yield for questions, I hope I may be permitted to make my opening speech without much interruption. I shall be very glad, however, to yield to the Senator from Maryland.

Mr. BRUCE. I think the Senator is perfectly right. I merely want to say to the Senator from Arizona that this bill does not disturb that situation at all, because it has no application to either import or export traffic.

Mr. ASHURST. Mr. President, will the Senator pardon me until I reply to that?

Mr. GOODING. Yes.

Mr. ASHURST. I will read the conference ruling of the Interstate Commerce Commission:

NOVEMBER 14, 1913.

Paragraph 447. Application of the fourth section.

The provisions of the fourth section apply where the point of origin is in an adjacent foreign country and the intermediate point and more distant point of destination are in the United States, or where the point of origin and intermediate point are in the United States and the distant point of destination is in an adjacent foreign country.

It is precisely upon all fours, and in opposition to that conference report.

Mr. BRUCE. I suggest that the Senator read the bill.

Mr. GOODING. I will say for the benefit of the Senator from Maryland that I took up this particular case with the Interstate Commerce Commission, and was advised by one of the commissioners that they did not hold that goods going into Mexico were foreign exports. I do not know how they hold it, but that is my understanding of their holding. I was especially anxious to know about this.

Mr. BRUCE. I do not know a country in the world more foreign to the United States than Mexico.

Mr. ASHURST. Pardon me until I call attention to a letter signed on February 20, 1926, by the Interstate Commerce Commission, declaring that the Southern Pacific Railroad was in violation of the fourth section, and in violation of that conference ruling.

Mr. GOODING. I want to say to the Senator from Maryland that the Interstate Commerce Commission pay very little attention to laws as passed by Congress, and it it not strange that they do not pay much attention to the definition of foreign exports.

Mr. President, when the interstate commerce act was before Congress in 1887 the debates in Congress show that the friends of the interior made a valiant fight for an absolute prohibition in the fourth section of the interstate commerce act that would deny the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul; but the fight was lost, and the struggle has been going on ever since.

I am sure it can be said that no question in connection with our railroads has been discussed so much in Congress as the violation of the fourth section of the interstate commerce act, for at almost every session of Congress since the passage of the interstate commerce act on February 4, 1887, amendments have been offered to the fourth section of that act which denied the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for the longer haul to meet water transportation.

When the interstate commerce act was passed in 1887, the fourth section of that act read as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive a greater compensation in the aggregate for the transportation of passengers, or a like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act such common carrier may in special cases, after investigation by the commission, be authorized to charge less for the longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carriers may be relieved from the operation of this section of this act.

Very early in the history of this act the commission and the courts ruled that the dominating words of the act were "under substantially similar circumstances and conditions," and that it was for the carriers, in the first instance, to determine whether the circumstances and conditions were similar or dissimilar. If the conditions and circumstances were dissimilar, it was held that the rule did not apply. After a few unsuccessful attempts to stop discrimination by violations of the fourth section it became a dead letter, and little or no attention was paid to it.

On June 18, 1910, the fourth section was amended by striking out the words "under similar circumstances and conditions," leaving in the words "in special cases after investigation." This virtually made the section absolute so far as the railroads were concerned. It gave to the commission permission "in special cases after investigation" to grant the railroads the right to charge less for the longer than for the shorter haul.

The debates in Congress lead to the conclusion that Congress intended that "special cases" should mean exactly what the words imply—that the commission should not have authority to grant relief unless the carrier, by proper showing, made out a "special case."

The commission, in construing the amended section, ruled that the only change that had taken place was to transfer the determination of the right to charge less for the long than for the short haul from the railroads to the commission.

On February 28, 1920, section 4 was further amended by adding the words:

But in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from intermediate points on its line, the authority shall not include intermediate points as to which the

haul of the petitioning line or route is no longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence.

Mr. President, when the amendment to the fourth section of the interstate commerce act was passed in 1920 the friends of that measure believed that they had won a great victory, for the discussion of that measure on the floor of the Senate shows very clearly that the friends of that measure believed a reasonably compensatory rate on our railroads would be a rate that would earn operating expenses and interest on investments as well as dividends; but when the Interstate Commerce Commission passed on the words "reasonably compensatory," their ruling was to the effect that if the rate was not an out-of-pocket rate it was a "reasonably compensatory" rate. So the amendment of the fourth section of the interstate commerce act that was passed in 1920, like all other amendments to that act, became a dead letter.

Since the amendment of the fourth section of the interstate commerce act in 1920 we have this peculiar situation on our inland waterways: Under the amendment of the fourth section of the interstate commerce act in 1920 the Interstate Commerce Commission is denied the right to permit the railroads to charge more for the shorter haul than for the longer haul to meet potential water transportation, but as soon as that potential water transportation becomes actual water transportation, brought about by the expenditure of millions of dollars by the Government, the Interstate Commerce Commission can then permit the railroads to charge more for the shorter haul than for the longer haul to destroy water transportation.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Idaho yield to the Senator from Nevada?

Mr. GOODING. I yield.

Mr. PITTMAN. The Senator is so familiar with this subject that he might assume that most Senators are familiar with it. I take it that he means that the Interstate Commerce Commission grants a rate to the railroad at the competitive points along the water that is lower than a rate on which the railroads could exist if the same rates were put in force all along the line. Is not that the fact?

Mr. GOODING. That is the fact.

Mr. PITTMAN. In other words, there will be a rate from Pittsburgh to San Francisco of 80 cents on steel, while the rate a hundred miles short of San Francisco will be $1, because, as the Interstate Commerce Commission have stated in their reports, if they gave the 80-cent rate all along the line, it would bankrupt the railroads. Mr. Shoup, of San Francisco, the executive vice president of the Southern Pacific lines, said they could not afford to give the competitive rate to San Francisco all along the line for the shorter distance, because it would bankrupt the railroad. In other words, through the discretion of the commission to give a lower rate at the more distant points than at intermediate points, and to give a rate, as the Senator has already said, that is so low that it does not earn anything toward paying any profit to the road in the nature of dividends or interest or anything, the roads can, through that low rate, get half of the business of the Panama Canal. Is not that what the Senator means?

Mr. GOODING. That is correct; and if they take half of the business through the Panama Canal westbound, they will take half of it eastbound; and if these violations are granted, it is a well-known fact that they will ask for other violations, and the end will be that the railroads will destroy the usefulness of the Panama Canal for intercoastal traffic both eastbound and westbound. It is the purpose of the violations of the fourth section to meet water transportation. I do not think there is any question about that.

Mr. BRUCE. Mr. President, I had hoped I would not have any occasion to further interrupt, but, of course, the Senator from Idaho knows that the question put to him by the Senator from Nevada would involve a positive violation of law by the Interstate Commerce Commission, because in the exercise of its jurisdiction under the long-and-short-haul clause the Interstate Commerce Commission has no right to prescribe any rate that is not compensatory.

Mr. PITTMAN. Mr. President——

Mr. GOODING. I yield to the Senator from Nevada to answer the Senator from Maryland.

Mr. PITTMAN. The Supreme Court of the United States has held that in that particular case they may grant such a rate, by reason of the language in the statute; that the language in the statute does not mean the same thing as "reasonable compensation" as used in the law giving returns on the value of the company's property.

Mr. BRUCE. That is a fact, but still it must have an element of compensation in it. It may not have the element of full compensation—of course, it has not—but under the Federal statute the rate must be a compensatory rate. It must be in some substantial degree compensatory.

Mr. GOODING. If I may, I shall reach that point later.

Mr. BRUCE. I do not want to interrupt the Senator.

Mr. GOODING. Mr. President, all that the friends of Senate bill 575 are fighting for are the same rights, the same privileges, and the same opportunities for the development of the resources in their States that have been given to the States east of Chicago, where the violations of the fourth section to destroy water transportation have never been permitted. All we are fighting for is one governmental policy in freight rates for all of the people, regardless of whether they live in the East or the West, the North or the South; that is all, and nothing more.

Senate bill 575 is in no way a rate making bill. It merely defines the policy that the Interstate Commerce Commission shall follow in the future in dealing with freight rates to meet water competition. All this bill seeks to do is to prevent further destruction of water transportation in America by the railroads forcing the people of the interior to pay more for the shorter haul to make up the losses sustained by the railroads for the longer haul to destroy water competition. If this bill is passed, it will give the people of the interior a chance to develop their resources, which is impossible with the present policy of our Government, for capital will never invest in any industry, in any part of this country, where it is forced to meet a discrimination in freight rates, or where there is even a threatened danger of discrimination in freight rates.

For more than half a century the people of the interior of this country have been made the instrumentality for the destruction of water transportation; and in a large measure it is the farmers of the interior, Mr. President, who, through excessive freight rates, have reimbursed the railroads for the losses they have sustained in their fight for the destruction of water transportation. This struggle between the people of the interior and the railroads has been long, bitter, and severe, but with the Interstate Commerce Commission, a branch of our own Government, on the side of the railroads the struggle has been an uneven one, and the destruction of transportation on our inland rivers is almost complete.

On the other hand, on our inland waterways in the East, on the Great Lakes, and on the rivers where the violation of the fourth section of the interstate commerce act has never been permitted by the Interstate Commerce Commission, water transportation to-day is a mighty factor in the commerce of this Nation. On the Great Lakes 23 per cent as many ton-miles of freight were carried as were carried by all of our railroads; and on the Monongahela, the Ohio, and the Allegheny Rivers, where the violation of the fourth section of the interstate commerce act has never been permitted, there, too, water transportation to-day is a mighty factor in the commerce of the country.

Mr. President, it requires no argument to prove that the policy of our Government in not permitting violations of the fourth section of the interstate commerce act to destroy water transportation east of Chicago is the right governmental policy, for the wonderful development on the Great Lakes and on the rivers and canals east of Chicago tells its own story, and any effort on the part of the Interstate Commerce Commission to permit the railroads to impair in any way transportation on the Great Lakes or on the rivers east of Chicago would be denounced by the people in the East as a crime and an outrage. Yet the people of Chicago are demanding that this Government shall continue a policy toward transportation west and south of Chicago that has destroyed water transportation, and as long as we continue that policy there is not even a fighting chance for water transportation to exist, or come back, on our inland waterways in the South or in the West, for capital will never invest in river boats in any part of the country where the railroads are permitted to charge more for the shorter haul than for the longer haul to meet water transportation.

If the policy of the Interstate Commerce Commission is right in not permitting the destruction of water transportation east of Chicago, then it is right south and west of Chicago, for a governmental policy that is right in one part of this country is right in every other part of the country. And a governmental policy that develops one part of the country through discrimination in freight rates at the expense of another is a violation of the spirit of the Constitution and, in my judgment, is a dangerous policy to permit. For, if this policy of discrimination is continued, it will do much to destroy the respect and confidence of the people in their Government.

Mr. President, the great forces of nature were especially kind to America, for they gave this country more great inland waterways than to any other country on earth; and in the early history of this country our inland waterways were a mighty factor in the settlement and development of America. To me the destruction of waterway transportation by our own Government on our inland waterways is nothing less than a tragedy, and if we continue this policy we will soon reach a crisis in transportation in America that will bring the growth and development of this mighty empire to a standstill.

Mr. President, this Government has spent $1,250,000,000 for river and harbor improvements; but as far as the West and the South are concerned, practically every dollar that has been spent on our inland rivers has been nullified by the Interstate Commerce Commission permitting the railroads to charge more for the shorter haul than for the longer haul, to destroy water transportation. So it is not strange that appropriations for our inland waterways should be branded "pork-barrel" appropriations, for the country has known for many years that Congress was appropriating millions of dollars for the improvement of our inland rivers upon which not a pound of freight has been transported for many years.

We spent half a billion dollars building the Panama Canal; but if the railroads have their way, they will destroy its usefulness, for from the beginning the railroads fought very bitterly the building of the Panama Canal. Jim Hill, one of the great builders of our transcontinental railroads, used to say that before the railroads got through their fight against the Panama Canal that pond lilies would be growing in its channel. On numerous occasions he made the statement that the hour of 12 had struck in America for transportation on our inland waterways. At a joint meeting of the Western Intermediate Rate Association and all of the general freight agents of the transcontinental railroads, held in Salt Lake City three years ago, Mr. Blakely, general freight agent of the Northern Pacific, made the statement that the building of the Panama Canal, as far as the West was concerned, was a mistake and that it should be filled up.

I was present at that meeting, as a member of the Intermediate Rate Association, and branded Mr. Blakely's statement as un-American, for the Panama Canal is a mighty factor in the defense of our country, and it should be permitted to be a mighty factor in carrying the low-priced farm products and the low-priced basic materials between the East and the West, and in carrying these same products to the markets of the world.

Mr. President, the transcontinental railroads now have applications before the Interstate Commerce Commission for violations of the fourth section of the interstate commerce act on 47 different commodities from Chicago to Pacific coast points. In the applications the railroads are asking for reductions in freight rates from Chicago to Pacific coast points of from 20 cents to $1.66 per hundred, but no reduction is to be made to any of the interior points.

If the application of the transcontinental railroads is granted it will practically destroy the coastwise shipping through the Panama Canal. The railroads say they only want half of the coastwise traffic through the Panama Canal westbound; but if they can take a half of it, through these violations, they can take it all, and that is the purpose of the violations that the transcontinental railroads are asking for.

Mr. President, the fight that the interior territory of the West is making is a fight for its very existence, for its life; for, if these violations are granted, it will bring wreck and ruin to our jobbing houses and destroy the few small manufacturing industries we have to-day. They can not exist under such discrimination as the railroads are asking for in favor of Pacific coast cities. We believe there is a grave danger in the granting of these violations that the transcontinental railroads are asking. Commissioner Esch, of the Interstate Commerce Commission, who testified before the Interstate Commerce Committee on Senate bill 575, in his statement showed that 7 out of the 11 commissioners on the Interstate Commerce Commission were in favor of violations of the fourth section of the interstate commerce act, and that is not strange at all when we know what the mighty influence of the railroads will do in the affairs of this Government. So, Mr. President, the only way the interior can be saved from a discrimination in freight rates that will bring wreck and ruin to the interior is to pass Senate bill 575.

Mr. President, no body of men in all the world are given so much power as the members of the Interstate Commerce Commission, for under the interstate commerce act they control and regulate nearly half of all the railroad mileage in the world, upon which is carried one-half of all the railroad tonnage in the world; and under the fourth section of the interstate commerce act the Interstate Commerce Commission have the power to grant preferential freight rates to great cities, which they do—all at the expense of the growth and development of the interior.

Under the fourth section of the interstate commerce act, the Interstate Commerce Commission have the power to destroy our coastwise merchant marine. They have used that power in the past to cripple our coastwise merchant marine.

Under the fourth section of the interstate commerce act, the Interstate Commerce Commission have the power to destroy water transportation on our inland waterways, and they have used that power and have destroyed water transportation on our inland waterways in the South and on our inland waterways in the West, where hundreds of millions of dollars have been spent for the development of water transportation.

Under the fourth section of the interstate commerce act, the Interstate Commerce Commission have the power to say where our raw materials shall be manufactured into the finished product, and in what markets the products of these factories shall be sold.

Under the fourth section of the interstate commerce act, the Interstate Commerce Commission have the power to say what coal fields shall be operated at 100 per cent and in what part of the country the coal from these fields shall find a market. The Interstate Commerce Commission have forced some of the smaller communities of the country to pay a higher freight rate for the shorter haul, for coal they burn to keep them warm, than some of the greater cities pay for the longer haul, that are fortunate enough to have water transportation.

Mr. President, this is a dangerous power to place in the hands of any body of men, and I am sure it has done much to discredit our Government in the minds of the people who have suffered through these violations.

If Senate bill 575 becomes a law, it will take this dangerous power from the Interstate Commerce Commission, for it will deny the Interstate Commerce Commission the right to give great cities preferential freight rates at the expense of the interior, and it will deny the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter than for the longer haul to destroy water transportation.

If Senate bill 575 becomes a law, Mr. President, it will make possible the development of the interior and the full use of our coastwise merchant marine, and the use of our inland waterways to carry the low-priced farm products and the low-priced basic materials to our own markets and to the markets of the world.

If Senate bill 575 becomes a law, it will permit every part of the country that has raw material to establish industries to manufacture the raw material into the finished product, and the Interstate Commerce Commission will no longer be able to force the people of some smaller community to pay a higher freight rate where less service is given than to some great city.

Mr. President, it is clearly the duty of Congress to lay down the policies for the Interstate Commerce Commission to follow in their regulation of railroads. To permit the Interstate Commerce Commission to employ their own views, unregulated and unrestricted, in the regulation of our railroads is fraught with grave danger to the Government itself; for after all, the members of the Interstate Commerce Commission are only human, controlled by the same selfishness that controls all humanity. Such grave responsibilities as the principle of the relation of transportation to the life of the Nation should not be delegated to any body of men, but should be laid down in legislation by Congress to guide and direct the Interstate Commerce Commission in the regulation of our railroads.

Ever since the creation of the Interstate Commerce Commission many of our best citizens have believed that railroad influence has dominated in a large measure the appointment of members of the commission, and sometimes I am afraid there is much in that contention. While I do not believe in Government ownership of railroads, yet if we are going to permit selfish interests to dominate the transportation policy of America and build up great centers of population at the expense of the interior and deny the interior the same rights, the same privileges, and the same opportunities to develop its resources that are given to the States east of Chicago—if that is to be the policy of the Government, then I shall be forced to favor Government ownership of our railroads, and all of the people in the interior will be forced into the position of fighting for Government ownership of railroads, because the people of the interior are not going to submit much longer to the discriminations that are forced upon them, all of which has been sanctioned by a branch of our own Government.

The West is not going to suffer much longer from this discrimination. I am not alone when I make the statement that

I am going to fight to the last ditch and to the last minute against any appropriation for new projects for the development of water transportation in America. I shall always be glad to vote for an appropriation to carry on those great projects which are already in operation. I shall always be glad to vote for such projects as the building of levees to protect the South from the great floods that occasionally rush down upon them. But so far as new projects are concerned I served notice in the last session that unless the West is given a square deal I am going to fight any appropriation for any new project just as long as God gives me strength enough to stand on the floor of the Senate and fight. It is a fight to the bitter end. I am fighting only for the same rights and the same privileges for the American citizen who lives in the West that the Government has given to the people in the East. That is all and nothing more, and if I did not fight for that principle I would not be worthy of a place in this great body.

In the Sixty-seventh Congress I introduced Senate Resolution No. 472. The resolution passed the Senate. It directed the Interstate Commerce Commission to inquire into the pressure that is brought to bear on the railroads by the great cities to apply for the violation of the fourth section of the interstate commerce act.

The Interstate Commerce Commission made the investigation, and on February 4, 1924, rendered its report to the Senate. I want to show the Senate the pressure that is brought by the great cities on the railroads to ask for violation of the fourth section of the interstate commerce act; and at the same time I want to show the Senate how violation of the fourth section of the interstate commerce act is given to the railroads by the Interstate Commerce Commission.

On June 18, 1910, the fourth section of the interstate commerce act was amended by striking out the words "under similar circumstances and conditions," leaving in the words "in special cases after investigation." The debates in Congress lead to the conclusion that "special cases" should mean exactly what the words imply, that the commission should not have authority to grant relief unless the carrier, by proper showing, made out a special case. Of course, Mr. President, there is no way for the carrier to make out a special case except by a hearing, and the courts have held that is just what those words imply. The report shows that 12,513 applications have been filed with the commission. Out of that number there were 5,776 applications granted, 4,393 denied, 1,059 withdrawn, 153 current applications not yet acted upon, and 1,329 so-called temporary applications filed prior to February 17, 1911, which are in effect. Out of 5,776 applications granted, on only 303 were hearings held.

In the hearings in the House on Senate bill 2327 during the last session, Commissioner Campbell of the Interstate Commerce Commission made the following statement:

> In the case of the Louisville & Nashville Railroad Co. against the United States and the Interstate Commerce Commission, the court rendered an opinion on June 3, 1915, in which the court, consisting of Warrington, circuit judge, and Evans and Hollister, district judges, said:
>
> "Coming then to the consideration of the evidence as a whole, we may premise several general observations. The requirement of section 4 that such authorization shall be made, if at all, 'after investigation,' clearly implies that the question shall be determined upon testimony and after a hearing."
>
> This case was carried to the Supreme Court, which affirmed the judgment of the lower court, holding the order of the commission to be valid, in an unanimous opinion rendered on January 17, 1918, the opinion being written by Mr. Justice Brandeis (245 U. S., 463).

It is my understanding that in this particular case the Interstate Commerce Commission held hearings which were objected to by the Louisville-Nashville Railroad Co.; yet in the face of this court decision the records of the Interstate Commerce Commission show that out of 5,776 applications granted there were only 303 applications on which hearings were held, and the records now show that the Interstate Commerce Commission continues to grant applications for the violation of the fourth section without hearings. In this report on Senate Resolution 472 there are some very interesting telegrams which passed between the Chicago Association of Commerce and the executive officers of the transcontinental railroads and their representatives. These telegrams show very clearly the pressure that is brought to bear by the great cities that want preferential freight rates. At the same time they show very clearly how the railroads have been able to secure so many violations of the fourth section of the interstate commerce act without hearings. I want to read some of these telegrams to the Senate in order that Senators may understand who the gentlemen are who are playing the principal part in these applications. I wish to say that Mr. J. P. Haynes occupies the position of traffic director for the Chicago Association of Commerce and Mr. R. H. Countiss is chairman of the standing rate committee of the Transcontinental Freight Bureau, an organization that includes all of the transcontinental railroads of this country.

On August 4, 1923, the Chicago Association of Commerce wired the Union Pacific Railroad Co. as follows:

> Please advise why fourth section application is not filed with the commission. After many conferences with shippers certain commodities and rates were agreed to on which relief was found necessary, and the subject has been dragging since February last. If more prompt action is not taken, shippers will make other arrangements and will not be interested. Wire answer.

This telegram was sent to all of the transcontinental railroads; and I think Senators can understand what it means when a great city like Chicago, one of the greatest industrial cities in America, says to the transcontinental railroads, "If you do not give us preferential freight rates, we will try to find some other way of shipping our freight to the West." And they would find a way. It is a threat by which they have driven the transcontinental railroads in line to ask for the violation of the fourth section of the interstate commerce act; and so long as the fourth section of the interstate commerce act remains and the Interstate Commerce Commission can permit the railroads to make application for these violations, it must be expected that great cities will force the railroads in line to ask for those violations.

I am not going to read all these telegrams, because they are all practically the same; the same threat is sent to all the transcontinental railroads. Here is one, however, I especially wish to call attention to; and there are one or two more. I now read a telegram from the Union Pacific:

> Fourth-section relief application all ready for presentation to commission, but lines think should be personally presented by committee of executives, feeling it would have more weight with commission if presented in this manner. Will probably be disposed of in a very few days.

Here is a great case in which the interior sections of the West and a part of the South are vitally interested, and these associations say in these telegrams that it will probably be disposed of in a few days and no hearings had.

Mr. KING. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. GOODING. I yield.

Mr. KING. I ask for information whether the hearings which I have before me, but have not had an opportunity to examine in detail, show that the jobbers and other shippers in and about Chicago, and in that area which might be denominated the Chicago district, are taking the same position now that they took a year ago as revealed in the hearing, namely, that they should have preferential rates to the disadvantage of the intermountain region as well as other sections between the Mississippi River and some parts of the Pacific coast?

Mr. GOODING. Oh, yes. I will say to the Senator from Utah they are doing that. There is a renewed effort, and there is evidence here in the Senate and in the Capital City and in the Halls of Congress in great abundance to show that they are renewing their attempt more vigorously than before.

Here is a telegram sent by Mr. Countiss, who is chairman of the executive committee of the Transcontinental Railroad Traffic Association. This is the last telegram I shall read. It was sent, as I have stated, to the Union Pacific Railroad Co.:

> Fourth-section application all ready for presentation to commission, but several lines think should be personally presented by committee of executives. Understand Santa Fe and Northern Pacific in correspondence with other executives on this point. California lines had originally suggested personal presentation by me, but such personal presentation would carry no weight with commission.

So it was concluded in presenting this application for the violation of the fourth section that the presidents of all the transcontinental railroads should appear in a body and ask for it, and all without hearings. They did appear, but fortunately for the West there was some new blood upon the commission which had the courage to say, "No; under the law we must hold hearings on these applications." And hearings were held. That was two years ago. A report was made, but that application is now pending. The people of the West believe, Mr. President, if it had not been for the new blood on the commission that the applications would have been granted immediately.

The people of the West also believe that if it had not been for the fact that Senate bill 2327 passed the Senate by an

overwhelming vote, those applications would have been granted long ago. The people of the West further believe that the tremendous effort that is now being made to defeat Senate bill 575 is all for the purpose of securing an opportunity for the violation of section 4 as to 47 different commodities, which would bring wreck and ruin to almost half of the territory of the United States. There can be no doubt about that.

The Chicago Tribune sent a representative of that great newspaper to testify before the Interstate Commerce Committee of the Senate against Senate bill 575, the measure now under consideration. That representative boasted that the city of Chicago had a greater population than had all the Western States that were asking for the protection of their own Government. Unfortunately that is true and will always be true if we in the West are to be discriminated against.

In the lifetime of men in the Senate, Chicago has grown from a . Indian trading post to be the second largest commercial city in America, with a population of more than 3,000,000. Chicago is not satisfied with its wonderful growth and development. So it is Chicago that is asking that violations of the fourth section of the interstate commerce act be permitted; it is Chicago that is pressing the transcontinental railroads, as I have shown from these telegrams, for permission to make such violations.

Mr. President, in another half century we will have a population in this country of something like 220,000,000. If we are going to continue to build up great cities at the expense of the interior as we have in the past through preferential freight rates, many of our great cities in another half century will have increased in their population by three-fold, and here in America we will have the greatest cities in all the world. New York City will have a population of from fifteen to twenty millions; Chicago will have a population of between ten and fifteen millions; here in America we will have congested centers of population equally as great as those of Europe, if not greater. In my opinion, Mr. President, nothing is more dangerous in America than the policy we have been following in the past of building up great centers of population at the expense of the interior, for a city can be too great and a population can be too dense for the best interests of good government and for economical production. If we continue this policy in America, the cost of production will become so great we shall not longer be able to compete in the markets of the world, and then we shall be confronted with an army of unemployed, which, as we all know, is the most difficult problem and often the most dangerous problem for any Government to meet.

The representative of the Chicago Tribune called this policy of building up great centers of population at the expense of the interior "the American plan" for the operation of our railroads. God pity America, Mr. President, if this is an American plan for the operation of our railroads and is to be fastened on the American people for all time. At the same time the great city of Chicago is trying to destroy coastwise shipping through the Panama Canal. It is asking for two great waterways—the Illinois waterway down to the Mississippi and the St. Lawrence waterway through the Great Lakes that will move the Atlantic Ocean a thousand miles inland to Chicago and permit great ocean steamers to tie up at the Chicago wharves.

If Chicago wants these two great inland waterways, let her come with clean hands, not with what she calls "the American plan" for the operation of our railroads, that will destroy all water transportation of America except where the people are strong enough politically to stop this criminal policy.

I am for the development of water transportation, Mr. President; I am for the building of the Illinois waterway, and I am for the building of the canal down the St. Lawrence that will permit, as I said before, great ocean steamers to tie up at the Chicago docks; but why build any more waterways in America unless we are going to have a policy in this country that will make possible the use of our inland waterways upon which we have already spent hundreds of millions of dollars.

Mr. President, in speaking of America a great English historian once said:

> As long as you have a boundless extent of fertile and unoccupied land your laboring population will be more at ease than the laboring population of the Old World, and while that is the case the Jefferson politics may continue to exist without causing any fatal calamity. But the time will come when New England will be as thickly populated as old England. Wages will be as low and will fluctuate with you as with us. You will have your Manchesters and Birminghams, and in those Manchesters and Birminghams hundreds of thousands of artisans will assuredly sometimes be out of work. Then your institutions will be fairly brought to the test.

We have reached that milestone in American history, for our public lands are practically all gone, and there is no longer an opportunity for the great cities to relieve their congested conditions by the people finding new homes on the public domain. While we have only made a beginning in the development of this mighty empire, yet if we are going to continue in America a policy which will not permit the development in every part of the country of the resources that the great forces of nature have given us with so generous a hand, then the growth and development of this country must soon come to a standstill.

Our population is increasing at the present time at the rate of 2,000,000 a year, and no part of this increased population is finding new homes on the public domain. It is said that with the young men and young women who are leaving the farms, and with the abandonment of farms taking place, our cities are increasing their population over two million every year.

Mr. President, we are now in the heyday of our prosperity after a World War that has added billions of dollars to the wealth of the industrial cities of America, but, I am sorry to say, not a dollar to the great agricultural districts of America. Yet with all of this great prosperity, that is unequaled in the annals of the world, and when there is work enough for everyone who is willing to work, at the highest wage since the dawn of civilization, we have more crime in America than in all of the Old World combined. The great city of Chicago, which is pressing on for this "American plan" for the operation of our railroads, averages one murder a day for every day in the year, while in all of England and Wales combined in 1923, with a population of 40,000,000, as against Chicago's 3,000,000, there were less than 200 killings.

In the first three months of the year of 1925 there were reported in Chicago 636 robberies at the point of a gun—7 a day—while in London, with a population more than twice that of Chicago, robberies ran between 20 and 40 a year.

In 1919 the report of the American Bar Association shows that there were only 29 highway robberies in all of France, while San Francisco had 258; Washington, 323; Chicago, 1,862; Louisville, 241; and St. Louis, 1,087.

The committee on law enforcement of the American Bar Association pointed out that during a 10-year period nearly 100,000 citizens had perished by poison, pistol, knife, or other unlawful and deadly injury. Further, the bar association reports that in no year during the past 10 did the number fall below 8,500. This figure apparently increases every year. In 1924 there were more than 11,000 homicides in the United States. In the whole of France in 1919 there were only 585 murders. Six cities of the United States—Detroit, Cleveland, Los Angeles, New Orleans, Cincinnati, and Indianapolis—had more than that during 1924. Where a group of 30 American cities in 1910 showed a rate of 5 homicides for every 100,000 population, the same group at the present time shows a rate of 10 homicides for every 100,000.

Mr. President, strange as it may seem, our great cities, because they are great and offer the railroads a greater tonnage, think they are entitled to better freight rates over the railroads than the smaller communities that have but little freight to offer. In answer to a question asked a representative of the city of St. Paul who appeared before the Interstate Commerce Committee in the hearings on Senate bill 575, he frankly admitted that it was his contention that great cities that had a greater tonnage to offer were entitled to better freight rates than the smaller communities; and he, too, called this the "American plan" for the operation of railroads.

Of course, this is the policy that the Interstate Commerce Commission is putting into effect through the violation of the fourth section of the interstate commerce act; and through that policy it is not hard to understand how our great cities will grow greater, and our small communities grow smaller, until the great cities, owing to the congested condition of their population, will become a menace to the Government itself.

It was through legislation that Congress stopped discrimination in freight rates between individuals by making it unlawful for the railroads to grant rebates to favored shippers. Congress should make it unlawful to permit the railroads to violate the fourth section of the interstate commerce act to meet water transportation, which is nothing less than granting rebates to favored communities, and is a hundred times more dangerous to the interests of good government than permitting the railroads to rebate to favored shippers, for when you permit discrimination in freight rates toward any community you destroy its opportunity to develop its resources; and I am sure the Senators understand what discrimination means to any in-

dustry, to any community, and to the citizenship which suffers from these discriminations in any State in the Union.

Mr. President, on the 27th of February the citizens of Chicago sent to the Senate of the United States the most remarkable document ever presented to this body. It was presented by the Vice President, the President of the Senate. This social condition that the selfish interests of America are forcing upon the country through preferential freight rates is of such vital importance to the American people that I send to the desk and ask to have read an article that appeared in the Washington Post of Sunday morning, February 28.

The PRESIDING OFFICER. Without objection, the article referred to by the Senator from Idaho will be read at the desk.

The Chief Clerk read as follows:

[From the Washington Post of February 28, 1926]

UNITED STATES ASKED TO RID CHICAGO OF REIGN OF LAWLESSNESS—DAWES DELIVERS CITIZEN PLEA TO SENATE—ALIENS ARE BLAMED—OFFICIAL, ACCUSED, CALLS CHARGES LIES—POLICE LEND AID TO CRIME, PETITION SAYS—MAYOR DEVER PROMISES INVESTIGATION

An appeal to the Federal Government to rescue Chicago from a reign of lawlessness under alien domination was presented to the Senate yesterday by Vice President Dawes at the request of the Better Government Association of Chicago and Cook County.

Alleging a coalition between the underworld and enforcement officials, the petition declared that the community was helpless and that citizens were compelled to surrender many of their rights without protest.

"There has been for a long time in this city of Chicago," the petition said, "a colony of unnaturalized persons, hostile to our institutions and laws, who have formed a supergovernment of their own—feudists, Black Handers, members of the maffia—who levy tribute upon citizens and enforce collection by terrorizing, kidnappings, and assassinations.

INVOLVE PUBLIC OFFICIALS

Evidence multiplies daily that many public officials are in secret alliance with underworld assassins, gunmen, rum runners, bootleggers, thugs, ballot-box stuffers, and repeaters; that a ring of politicians and public officials, operating through criminals and with dummy directors, are conducting a number of breweries and are selling beer under police protection, police officials, working out of the principal law-enforcement office of the city, having been convoying liquor—namely, alcohol, whisky and beer—and that one such police officer who is under Federal indictment is still acting as a police officer.

The petition was presented in person to Vice President DAWES by Dean Edward T. Lee, of the John Marshall Law School, acting president of the Better Government Association, and Dr. Elmer L. Williams, director of law enforcement of the association. The document was referred to the Senate immigration committee.

WANT ALIENS DEPORTED

It is urged in the petition that this committee make a complete investigation of the whole situation in Chicago with a view to having deported those aliens who are alleged to form the backbone of outlawry in the Nation's second largest city.

Although he is not named, State's Attorney Robert E. Crowe is especially assailed in the petition, particular reference being made to the Morrison hotel banquet to that official by the late Tony Genna when he was in power. Genna and two of his brothers later were killed in one of Chicago's frequent gang wars.

The petition asserts that more than 100 bomb outrages have been perpetrated in the city in the last year and that there have been no convictions except where the defendants pleaded guilty. Even then, they were released without adequate punishment, it was asserted.

LIES, CROWE'S RETORT

CHICAGO, February 27.—Denials and new accusations of conniving with outlaws followed receipt here late to-day of news from Washington that Vice President Dawes had presented to the Senate the Chicago Better Government Association's petition for congressional investigation of conditions here.

Robert E. Crowe, State's attorney for Cook County, the chief figure aimed at, denied allegations made against him and called Dean Edward T. Lee, of the John Marshall Law School, and Dr. Elmer L. Williams, director of law enforcement for the association, liars, coupling the association with them in that category.

Crowe denied he ever attended a banquet given by the Gennas, several brothers of Italian parentage who rose to domination of the Chicago bootlegging field only to be smashed by the assassinations in quick succession of three of the brothers.

Crowe termed the petition presented by the Vice President cheap publicity by Mr. Lee and the Rev. Mr. Williams "in their campaign to put over 'Diamond Joe' Esposito and other candidates like him" in the coming primary.

Esposito thereupon unlocked his lips and poured forth a further arraignment of the prosecutor.

FRESH ACCUSATIONS MADE

He accused Crowe of having used "Jim" Genna as a bearer of threats in his first campaign for State's attorney. Later, after Esposito refused to support Crowe for reelection, he said, Crowe sent detectives repeatedly to raid the Esposito restaurant.

Mr. Crowe is the chief figure aimed at, said S. J. Davis, superintendent of the Better Government Association, with lesser lights, including some Chicago aldermen, policemen, and ward committeemen. Mr. Davis said Morgan Collins, chief of police, was not involved, since the policemen were under civil service and not directly in the chief's power. Deportation of alien gunmen was a matter more or less minor, said Mr. Davis, when compared with the inactivity of the State's attorney to halt outlawry through use of the grand jury.

Meanwhile, the forty-first man, slain in gangland warfare recently, was given a military funeral to-day when Edward Baldelli was buried. Baldelli was reputed to be chauffeur for Razio Tropea, "The Scourge," who was slain 10 days ago, and who, in turn, was held responsible for luring Henry Spingola, wealthy brother-in-law of the Gennas, to his death.

Frightened by police and Federal raids on their usual places of congregation, alien gunmen subject to deportation have transferred their headquarters to Cicero, a suburb, into which the city police can not reach.

More than a half dozen men, culled from more than 100 taken in raids, are held for deportation.

Foreigners in unprecedented number also were flocking to the Federal building seeking naturalization and whatever protection "first papers" will offer. In four days 763 have applied, as against 403 for the same period in 1925.

Before news of the congressional petition was received Mayor William E. Dever has joined Federal authorities to-day in promising a full investigation of charges of prohibition enforcement graft charges, involving policemen and politicians, made by a saloonkeeper.

"I hope the authorities will go to the bottom of this, no matter who it hits," said Mayor Dever. It was disclosed that Leo Klein, assistant United States district attorney, was prepared to summon before the Federal grand jury four witnesses to corroborate the story told by the saloonkeeper of paying $100 a week for police protection.

It was understood information was in the hands of the Federal prosecutor involving several other policemen, including a captain, and several politicians.

[At this point Mr. KENDRICK suggested the absence of a quorum, and the roll was called.]

Mr. GOODING. Mr. President, I am not one of those who believe there is any danger of the downfall of this Republic, but I wonder what may happen in the great congested centers of America, where to-day there is so little respect for our laws and our institutions, when hard times come again, as they will, and free soup houses and bread lines have to be established, as they have in the past, to prevent death from starvation. It will be then, Mr. President, when the laboring man hears his children crying for bread and there is no bread and no work, that the lawless element in our great cities, which has so little respect for our laws and our institutions, will lead the mob, a mob that has felt the pinch of hunger—then that our institutions will be fairly brought to the test, and if we are going to continue building these great centers of population at the expense of the interior, then, Mr. President, I am afraid there is some danger that the prophecy of that great English historian, Lord Macaulay, may some day come true.

I have here a part of an address by Hon. George W. Anderson, late a member of the Interstate Commerce Commission, delivered on April 11, 1918, before the Boston City Club. This is so important and carries out so well the line of argument I am making in regard to the building up of congested centers of America, where the cost of transportation has increased, that I want the Senate to hear it. He also calls attention to the danger of the social condition that such a policy forces upon a country. This address of Judge Anderson should have weight at least with the Senators from New England, and I ask that it be read from the desk.

The PRESIDING OFFICER (Mr. MCNARY in the chair). If there is no objection, the clerk will read as requested.

The Chief Clerk read as follows:

But a large part—and I think the weight of opinion is the larger part—of the decay of water-borne traffic has been due to artificially competitive rates. The long-and-short-haul provision of the interstate commerce act has been allowed to be set aside in order to meet water competition, and "meeting water competition" has commonly resulted in the destruction of water competition.

During the last few years this destruction of water competition has reacted upon the carriers. When a rail carrier is saturated with traffic, additional traffic, causing congestion or a tremendous expense for new facilities, is disproportionately expensive and therefore unremunerative.

Until June 30, 1915, the rail carriers of the country wanted all the traffic there was.

But during that year some of them became engorged, congested, overburdened. A large share of the locomotives which would normally have gone to our rail carriers went abroad. This made a bad situation worse. Then, almost for the first time in two generations, the American people awoke to the fact that they had been foolishly destroying transportation facilities furnished them by Divine Providence. Our canals have been in large numbers abandoned or little used. Canal transportation has been decadent from 1840. So also as to our rivers and, to a large degree, to our coastwise transportation.

But, passing what we hope are the short-lived troubles of the war, the relation of rail transportation to a properly developed water transportation is of fundamental and permanent importance. As I probe deeper into the rate structure and try to analyze fundamental transportation facts, I am surprised to find the exent to which the growth of large cities has been due to preferential rates.

Railroad managers have come almost instinctively to regard water traffic as something to be done to death, fought without quarter.

The destruction of water facilities is not the only untoward result of this unwise and injurious sort of competition. Rates, originally low but possibly remunerative, have given such advantage to certain cities that these cities have grown disproportionately, absorbing to themselves an overload of traffic with a resultant increasing terminal charge, generally absorbed by carriers, so that it is plausibly claimed there are very many long through rates between our larger cities which, including terminal charges, show an actual, substantial out-of-pocket loss.

Manifestly these railroads must become bankrupt or assess an unduly high charge upon intermediate and noncompetitive traffic. This results in subsidizing the undue growth of large cities and suppressing the proper growth of smaller cities and towns. I need not now dwell upon the disturbing social, political, and moral problems of our overgrown cities. We all agree that excessive urban growth is one of the evils of our modern society. In some of our cities the seemingly fundamental problem of housing the working population remains unsolved and now confronts us as a war matter of first importance. Few people have had any adequate recognition of the extent to which that urban overgrowth has been caused by artificially competitive rail rates.

Mr. GOODING. Or, I might say, preferential rates, all of which, as is so clearly stated, must be made up on the smaller towns and the smaller communities. In my judgment it is nothing less than a crime.

Mr. President, Senators will give little weight to what I may have to say on this question, but it seems to me that a message such as that, coming from a man who has served as a member of the Interstate Commerce Commission, who speaks from experience, who now occupies a high position on the bench in the great Commonwealth of Massachusetts, ought to carry great weight. These messages come from men who are in such positions in our national life that it can not be said they are prejudicial. They are only appealing for the best interests of this great Government of ours.

I have a statement by Colonel Keller, now Major General Keller, of the Board of Engineers, United States Army, a man who has spent his life in the building of American waterways and who speaks from years of experience. His statement is brief and I shall read it. Surely Senators ought to be guided somewhat by the opinions of men who have served in such high position, men who can speak from years of experience. I realize that Senators can not have a grasp of all the great problems of our great Government, at least not the intimate grasp that such men as Colonel Keller may have who have studied these particular matters for a lifetime. Colonel Keller said:

We already knew—we knew before we started—that there was little or no navigation. We also knew that there was comparatively little interest on the part of the various local communities that seemingly ought to be very much interested in river navigation. We found out that the causes of this condition were the familiar causes that had been reported by one commissioner after another.

And second, there is the fear of hostility on the part of the railroads. It is possibly a familiar fact to this committee that the railroads do discriminate in their dealings with people who attempt to use our inland channels. That they have the right to discriminate in this fashion no one will maintain, but they practically do discriminate no one will deny.

But foremost of all, most fundamental of all, is the detrimental effect of the rail rates to river points. I am convinced that no really successful navigation can be established unless the present structure of rail rates is completely revised.

At present the river communities do not pay their just share and traffic is handled to river points at unremunerative rates. Of course, the ultimate effect of that condition is to render transportation unprofitable and practically impossible. The fundamental cause of trouble was exposed many years ago and has been emphasized again and again. There is no novelty in the conclusions to which I have come, and I will say that when I speak in the first person I speak the views of the committee. We believe that without this primary change in railroad rates comparatively little can be done to establish a really useful and prosperous traffic upon our inland navigation routes.

Our remedy is to change the law, and that is perhaps more easily said than done. But I think we all concede that this is the evil that must be cured, that railroads should not be permitted to discriminate in favor of certain communities and against others. That is what it amounts to. When they carry freight below cost to river points in any part of the country they must recoup themselves by getting an extravagant and unjust profit on some of the rest of the business, the business to inland points.

So Colonel Keller tells the story of the discrimination in freight rates so far as the interior is concerned and the impossibility of developing water transportation as long as the Interstate Commerce Commission is permitted to grant permission to the railroads to violate the fourth section of the interstate commerce act.

I have also a statement made by General Goethals before the Rivers and Harbors Committee of the House of Representatives, when the Louisiana and Texas intracoastal waterway project was before that committee for consideration. On page 37 of the report the chairman asked General Goethals:

Is this potential commerce going to become actual commerce?

To which General Goethals replied:

I think it will. In the early days when construction of railroads received such an impetus they were unregulated. Their rates were anything they chose to make them. As soon as water development appeared in competition with railroads, the railroads promptly choked it off. I was sent down in 1890 to open the Muscle Shoals Canal, which had been dragging along, in order to get preferential rates for the city of Chattanooga. Muscle Shoals Canal was opened, the Interstate Commerce Commission held hearings, and the rates were reduced. They had organized a company on the Tennessee River which was to navigate from Chattanooga to the mouth of the river, through the canal. A few months after the inauguration of the new rates, and the establishment of this water transportation, the steamboats and the barges stopped running. I found out that the railroads had acquired a majority of the stock and stopped operation. The freight rates immediately went up. In time a competing line was established with the same process as previously existed.

Mr. President, it must be accepted that when Congress passed the transportation act of 1920 that it meant just exactly what it said in section 500, which reads as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

But it is impossible to carry out the provision of section 500 of the transportation act passed in 1920 as long as the Interstate Commerce Commission is permitting the railroads to charge more for the shorter haul than for the longer haul to meet water transportation. The only way the provision in section 500 of the transportation act of 1920 can be carried out is to take from the Interstate Commerce Commission the power to destroy water transportation.

Mr. President, the most far-reaching statement and the most interesting statement, in my judgment, that has ever been made before the Interstate Commerce Committee of the Senate, on transportation and especially water transportation, was made by General Ashburn in the hearings on Senate bill 575. I am going to refer only briefly to one or two statements made by General Ashburn at this time, because in my judgment, General Ashburn's statement is so important to the American people that its importance should be set out very fully to the Senate, which I am unable to do while discussing other phases of this important measure. But the importance of General Ashburn's statement will be given full consideration in the course of the debates in the Senate. That matter I will leave to the Senator from Nevada [Mr. PITTMAN], who was fighting for an amendment to the fourth section of the interstate commerce act long before I came to Congress. I am sure that he will discuss General Ashburn's statement in a manner that will be clear and readily understood. General Ashburn speaks with the authority of experience in the operation of our Government boats on the Mississippi and the Warrior Rivers for the past five years.

Mr. President, no one could listen to this statement before the Interstate Commerce Committee without being impressed with General Ashburn as a great executive and one who is entitled to the congratulation of the American people for the success he has made in the operation of the Inland Waterways Corporation, for he has clearly demonstrated by transportation on the Mississippi and Warrior Rivers that if we will give our waterways a fighting chance to exist they can be of great service to the American people.

My name and title are Thomas Q. Ashburn, brigadier general, United States Army, chairman and executive of the Inland Waterways Corporation, a body charged by Public, 158, 1924, with carrying into effect the congressional policy of "promoting, encouraging, and developing water transportation, and of fostering and preserving in full vigor both rail and water transportation." I have been engaged in this business exclusively since March 1, 1920, when certain transportation facilities were turned over to the Secretary of War by the Railroad Administration under the transportation act, 1920, for continued operations.

It was at my instance, and as a result of my studies and practical operations, that Congress established the Inland Waterways Corporation, with all the powers necessary to fulfill the object and purpose of its creation; that is, the carrying into effect of the policy of Congress above stated.

This corporation operates a large fleet on the Mississippi River between St. Louis and New Orleans, on Mississippi Sound and coastal water to Mobile, and from Mobile to Birmingport and Cordova. This corporation has a capital stock of $5,000,000 and assets and equipment appraised by the American Appraisal Co. of about $10,000,000. It has set for its goal the reestablishment of great common carriers by water, acting in cooperation with and not destructive competition against rail transport.

In approaching this objective much has been learned, and it has been necessary to study causes and effects and seek remedies, all of which inevitably centered around the interstate commerce act, under whose jurisdiction, to a certain extent, this corporation functions. The bill under consideration has a distinct bearing upon our successful operation.

Other acts of importance in their bearing on this whole policy of Congress are the shipping act, the merchant marine act, and the Panama Canal act.

In the study of cause and effect, it soon developed that the destruction of inland-water transportation and the building up of the present structure of rail rates are so correlated that in fairness to all concerned they should be considered together.

I believe that Congress was in earnest when it gave that expression of its policy. I know it was in earnest when it created the Inland Waterways Corporation and placed upon it the necessity and the duty of enforcing the policy which it expressed; but so long as it remains in the power of the railroads to reduce their rates on account of actual competition to such a point that they can kill water transportation, water transportation can not come back. It is essential, so far as I can see, from a waterways standpoint, that the railroads should have said to them now and effectively: "You have used these practices in the past, but the time has come to stop them. When we said we meant to encourage the waterways we meant what we said. And you can no longer invoke this clause, the short-and-long-haul clause, because we intend to have water transportation come back."

In so considering them there should be traced the underlying causes, if possible, as to why the present status exists in regard to transportation, and then to present logical reasons why the present situation, so intolerable to many, should be modified.

On page 44 of the first part of the hearings on Senate bill 575 General Ashburn says:

The necessity for the passage of this act to me is so paramount that I am glad to have the opportunity of appearing here. I will probably be followed by rate experts. I do not claim to be a rate expert. You will have a mass of specific data presented to you that will befog you so that you will not know where you will stand unless you are a rate expert, and it takes from 30 to 40 years to become a rate expert.

There is a basic principle involved. Congress has decided that it is their intention to protect, foster, and develop waterways and to foster and preserve in full vigor both rail and water transportation.

If that is done, then what are the railroads going to do? They are going to devote their energies to something beside destroying water transportation. You will find, if you could analyze it, that a large part of the so-called losses that the railroads have are losses which are due to rates which have been put in effect primarily to destroy water competition.

In my opinion, if this bill is passed the creative genius of our railroad executives will soon find a way to build up our interior, not stifle it. Coastal cities are not great of themselves, but because of the interior behind them. If the concentrated efforts of our transcontinental lines be directed toward the development of our interior States, cities, and towns west of the Mississippi, into something besides agricultural, mining, or cattle centers, they will soon find in operation the pleasing cycle of cheap transportation resulting in the creation and development of manufacturing centers that will in turn feed our railroads and make them prosperous.

They will find that by the proper use of our waterways—which is in cooperation and coordination with the railroads—they will be saved a very large part of the billion dollars a year they deem necessary to spend for the next 10 years to meet the increasing demands of transportation and increasing commerce, and to annihilate waterway transportation.

Mr. President, I offer for the RECORD a list of the 47 different commodities on which the transcontinental railroads are asking for a reduction from Chicago to Pacific coast points, and ask that this list may be printed at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Forty-seven commodities on which transcontinental railroads are asking a reduction from Chicago to Pacific coast points

Commodity	Minimum	Present rate	Proposed rate	Reduction
Ammonia, phosphate of	50,000	$2.66	$1.00	$1.66
Ammunition	40,000	1.40	1.10	.30
Compounds, boiler	60,000	1.10	.90	.30
Dry goods	40,000	1.58	1.10	.48
Electric appliances	50,000	1.20	.90	.30
Iron and steel articles:				
Pipe bands and rods	80,000	1.20	.75	.45
Bar iron, etc	80,000	1.00	.75	.25
Shingle bands and ties	80,000	1.00	.75	.25
Billets and blooms	80,000	1.00	.75	.25
Bolts and nuts	80,000	1.00	.75	.25
Horseshoes	80,000	1.00	.75	.25
Castings and forgings	50,000	1.20	.90	.30
Plate and sheet	80,000	1.00	.75	.25
Sheet iron, corrugated	50,000	1.15	.90	.25
Boiler flues	40,000	1.25	1.00	.25
Do	60,000	1.00	.75	.25
Nails and spikes	50,000	1.30	1.05	.52
Do	80,000	1.00	.75	.25
Cast-iron pipe	60,000	1.00	.75	.25
Pipe fittings	60,000	1.00	.80	.20
Structural iron and steel	40,000	1.25	1.00	.25
Do	80,000	1.00	.75	.25
Soda alumini	50,000	1.20	1.00	.20
Magnesium sulphate	60,000	1.20	1.00	.20
Packing-house products	40,000	1.60	1.20	.40
Paint	50,000	1.25	1.00	.25
Paper and paper articles:				
Bags	40,000	1.25	1.00	.25
Bags, gummed and tissue paper	40,000	1.35	1.00	.35
Bags, books, etc	40,000	1.25	1.00	.25
Boxes	40,000	1.25	1.00	.25
Boxes, fiber, pulp, or strawboard	40,000	1.35	1.00	.35
Labels	50,000	1.35	1.00	.35
Wall paper	40,000	1.35	1.00	.35
Carpet lining	40,000	1.25	1.00	.25
Do	40,000	1.35	1.00	.35
Book paper	40,000	1.25	1.00	.25
Do	40,000	1.35	1.00	.35
Writing paper	40,000	1.25	1.00	.25
Paper, news, poster, etc	40,000	1.25	1.00	.25
Tissue paper	40,000	1.35	1.00	.35
Wrapping paper	40,000	1.25	1.00	.25
Rails and fastenings	80,000	1.00	.75	.25
Axles, wheels, and forgings	60,000	1.00	.75	.25
Rice and rice products	60,000	1.05	.75	.30
Roofing material	50,000	1.10	.90	.20
Rosin	60,000	1.20	.75	.45
Soap	60,000	1.25	1.00	.25
Sodium	60,000	1.00	.75	1.00
Tinware	22,000	1.86	1.50	.36
Vehicles, self-propelling, viz:				
Pressed-steel car sides	40,000	1.25	1.00	.25
Do	80,000	1.00	.75	.25
Cable rope	50,000	1.20	.90	.30
Wire rods	80,000	1.00	.75	.25

Mr. GOODING. I am not going to take up time in the discussion of all the violations of section 4 of the interstate commerce act, but I want to call the attention of the Senate to a few of them. In doing so, I wish to use the map that is hanging on the wall of the Chamber, because I believe in that way I can better describe them.

The first line on the map west of Chicago that I want to call the Senate's attention to represents what is known as the $1.10 line—that is, the freight rate on a car of dry goods from Chicago to points designated on this line is $1.10 per hundred.

The second line is the $1.58 line. The rate of $1.58 per hundred on a car of dry goods at Bremen, N. Dak., is the same as it is at Seattle, and all other Pacific coast points. Under this application the railroads are asking a reduction on dry goods of 48 cents per hundred. They are asking the Interstate Commerce Commission to permit them to haul dry goods from Chicago to Seattle and other coast points for $1.10 per hun-

dred, the same that is paid at Detroit, Minn., and to all other points indicated on the $1.10 line, but the people living in that vast territory between the $1.10 line and the Pacific coast are not to be given any reduction regardless of the service performed by the railroads.

Starting at Detroit, Minn., on the Northern Pacific, the line runs down the map in a southeastern direction, through the States of Minnesota, Iowa, touching the eastern part of Nebraska, through Kansas and Arkansas, and on down until it reaches Greenville, Miss.

The second line west of Chicago, known as the $1.58 line, runs in practically the same direction. Beginning at Bremen, N. Dak., on the Northern Pacific, it runs in a southern direction through North and South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, and across to Amesville, La.

The distance between Chicago and Seattle over the Northern Pacific is 2,314 miles. If this application is granted the people of Seattle will pay a freight rate of $440 for their car of dry goods, or on a car-mile basis they will pay only 19.4 cents, as compared with 71.7 cents per car-mile paid by the people of Detroit, Minn.

The Northern Pacific crosses the $1.58 line at Bremen, N. Dak., 838 miles from Chicago. The people of Bremen at the present time are paying $1.58 per hundred for their car of dry goods, or $632 per car—75.4 cents per car-mile.

At the present time the people of Seattle and all other coast cities are paying the same freight rate on dry goods as Bremen, N. Dak., $1.58 per hundred, but on a car-mile basis Seattle is paying only 27 cents per car-mile, as compared with 75 cents per car-mile paid by the people of Bremen, N. Dak.

The Great Northern crosses the $1.10 line at Rothsay, Minn., where the distance is 613 miles from Chicago, the same as it is from Detroit, Minn. The Great Northern crosses the $1.58 line at Steele, N. Dak., and all of the people of that railroad, westbound, are forced to meet the same discrimination in freight rates I have described on the Northern Pacific.

The Milwaukee crosses the $1.10 line at Mina, S. Dak., and the $1.58 line at Mahto, S. Dak. The people on the Milwaukee are suffering the same discriminations.

The Northwestern crosses the $1.10 line at Scranton, Iowa, 376 miles from Chicago, but the rate on a car of dry goods at this point happens to be $1.11 per hundred. The people of Scranton are paying $1.19 per car-mile, as compared with 19.4 cents paid by the people of Portland, if this application is granted.

The Union Pacific, which connects with the North Western at Omaha, Nebr., crosses the $1.58 line at Ogallala, Nebr., 820 miles from Chicago. The people of Ogallala are paying $632 for their car of dry goods at the present time, or 77 cents per car-mile, as compared with 27.8 cents per car-mile paid by the people of Portland.

These same violations, Mr. President, occur on the Rock Island at Jensen, Kans. The people of Jensen pay 72 cents per car-mile. The Rock Island crosses the $1.10 line at Willard, Kans., 601 miles from Chicago. The people of Willard pay a rate of 73 cents per car-mile.

The Santa Fe crosses the $1.10 line at Quenemo, Kans., 523 miles from Chicago. The people of Quenemo pay 84 cents per car-mile.

The Santa Fe crosses the $1.58 line at Mackville, Kans., 729 miles from Chicago. Here the rate is 74.9 cents per car-mile, but under the present rate only 25 cents per car-mile to San Francisco.

The Frisco Road crosses the $1.10 line at Wyandotte, Okla., 625 miles from Chicago. Here the rate is 70.5 cents per car-mile, while the rate to Los Angeles, if these applications are granted, is only 19 cents per car-mile.

The Frisco road crosses the $1.58 line at Beggs, Okla., 735 miles from Chicago. Here the rate on a car of dry goods is 86 cents per car-mile and only 27.4 cents to Los Angeles.

The Yazoo-Mississippi road crosses the $1.10 line at Greenville, Miss., 784 miles from Chicago. The rate on a car of dry goods to Greenville is 59 cents per car-mile.

The $1.58 line crosses the Southern Railroad at Amesville, La., 931 miles from Chicago. Here the rate on a car of dry goods is 68 cents per car-mile; but leaving Chicago on the Illinois Central and over its connecting lines, the railroads are willing to haul this car of dry goods through Amesville, La., and on to San Francisco for $1.10 per hundred, if this application is granted, while Los Angeles will only pay 13 cents per car-mile and San Francisco will pay only 14 cents per car-mile as compared with 68 cents per car-mile paid by the people of Amesville, La.

What I have described in the discrimination on dry goods, Mr. President, only tells the story of the discrimination of 46 other commodities on which the transcontinental railroads are asking for violations of the fourth section of the interstate commerce act, and it is a well-known fact, Mr. President, if these violations are permitted, they are only a beginning of the violations that will be asked for by the transcontinental railroads in the interest of the city of Chicago and Pacific coast points.

Mr. President, in this vast territory west of the $1.10 line is more than half of all the territory of the United States, and in all this vast territory, with the exception of the cities on the Pacific and Gulf coasts that have been favored with violations of the fourth section of the interstate commerce act, there is hardly a manufacturing institution that is worthy of being called a manufacturing institution, nor can there be any manufacturing institution as long as discriminations are permitted in freight rates or as long as there is even a danger of discrimination in freight rates.

Mr. President, the people living west of the $1.10 line on all of the transcontinental railroads are not asking for a cheaper freight rate through Senate bill 575 than the people of Los Angeles, San Francisco, Portland, and Seattle, and all other Pacific coast cities, but they are asking through this legislation that the Government shall not give the people of the coast cities a cheaper freight rate than the interior is forced to pay for a haul that in some cases is 300 per cent greater and over two great mountain passes, the Rocky and Coast Ranges, and on a car-mile basis is about one-third of what the people must pay in the interior. The people in the interior are asking for a square deal in freight rates, and they are asking this from their own Government, for a freight rate is a tax that all of the people must pay for the use of our railroads; and when that tax is authorized by the Government, as it is to-day on our railroads, then it should be a fair tax, a just tax, a tax without discrimination.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Idaho yield to the Senator from Montana?

Mr. GOODING. I yield.

Mr. WALSH. I want to ask the Senator if this discrimination is applicable to Colorado and the city of Denver as well?

Mr. GOODING. I understand that it is not altogether applicable to Denver. Denver will enjoy some advantage in some respects by these violations, but here is what will happen to Denver, here is what will happen to Omaha, here is what will happen to Kansas City: For the first time in many years Chicago will enjoy the same freight rates that all those cities have if this application shall be granted.

In other words, the freight from Chicago will be hauled free to Omaha and Kansas City, although their independent roads are not a part of the transcontinental railroads. Omaha will have a rate of $1.10, the same as Chicago. It has a lower rate at the present time to the Pacific Coast, and later I will furnish for the record the freight rate that Omaha is now paying to the Pacific coast showing the sacrifice that Omaha is making in putting Chicago on the same rate level in the markets of the Pacific coast.

Mr. President, in the hearings before the Interstate Commerce Committee on Senate bill 575, Mr. Thom, who represents the railroads in all matters of legislation that come before Congress, made a statement that clearly sets forth the attitude of the transcontinental railroads toward the interior territory of the West. But, first let me say, Mr. Thom is a most able representative of the railroads, worthy of his hire. And with it all I must say he is a most splendid gentleman and presents his case in a way that wins respect for the man, if not for the argument. I am told that Colonel Thom draws a salary of $50,000 a year, and, with the propaganda assistance given him by the railroads, earns millions of dollars for the railroads, for he has a record of 100 per cent efficiency in stopping railroad legislation regardless of how meritorious it may be.

A great many people of this country regard the interior territory of the West, the Northwest, and the Southwest as a barren waste. There was a time when there were those who opposed a part of this vast territory becoming a part of the Union, and I want to thank Mr. Thom, this able representative of the railroads, for making a statement before the Interstate Commerce Committee of the Senate in the hearings on Senate bill 575 that makes clear the attitude of the great bankers of New York City toward the West.

I say the great bankers of New York City, Mr. President, because the great bankers of Wall Street dominate the policy of the transcontinental railroads. I am satisfied if the men who operate our transcontinental railroads had their say,

there would be no discrimination in freight rates toward the interior and they would turn their attention toward the development of the interior.

And I am satisfied, Mr. President, that if the transcontinental railroads would adopt that policy they would soon have to double-track their lines in the West to take care of the increased traffic on their roads.

Ever since the passage of the Esch-Cummins Act there has not been a single piece of railroad legislation passed that he has opposed, with the exception of the joint resolution known as the Hoch-Smith resolution, and that was passed with the hope of giving the farmer some relief in freight rates, but we now understand that it will take years before the Interstate Commerce Commission can make the investigation authorized under the Hoch-Smith resolution. I can remember, however, when the horizontal increase in freight rates was made under the Esch-Cummins Act in 1920. It only took the Interstate Commerce Commission a few short weeks to authorize that increase of from 25 per cent to 40 per cent in freight rates on our railroads, which has already cost the American people billions of dollars in increased freight rates, so, while Mr. Thom was not able to defeat the Hoch-Smith resolution, the Interstate Commerce Commission, with the assistance of the railroads, will defeat the object of that resolution, for an increase of 5 per cent in freight rates is now being asked for by the transcontinental railroads.

Let me say that this statement made by Colonel Thom was read from a prepared statement that no doubt was passed on by the men who dictate the policy of our transcontinental railroads. This is what Mr. Thom has to say:

> Mr. THOM. Now, the only complaint, it seems, that can be made of the policy of the railroads is that they have not agreed with the intermountain country as to the prospects of developing that country for jobbing or manufacturing purposes. They have believed that they are not in a position to compete with the more favorable situation of the coast in respect to that matter.

And so, Mr. President, here is an admission on the part of the great transcontinental railroads, or I should say, the great bankers of Wall Street, that they do not agree with the intermountain country as to its prospects for developing that country for jobbing or manufacturing purposes; and they do not propose to let it develop, if they can help it, so that the people of the intermountain country can serve their own people with jobbing houses, or manufacture their own materials into the finished product.

Mr. President, I am thankful for this admission on the part of those who dominate and control the transcontinental railroads. And, Mr. President, when this great Government of ours, through the Interstate Commerce Commission, permits the transcontinental railroads to charge the people of the interior more for the shorter haul than for the longer haul to the Pacific coast points so that it is not possible for the people of the interior to establish jobbing houses with any safety, or to encourage capital to invest in the manufacturing of our raw materials in the interior into the finished product, then, this Government of ours, through the Interstate Commerce Commission, enters into a conspiracy with the bankers of Wall Street to deny the people of the interior the right to job for themselves, or to build manufacturing industries to manufacture their raw materials into the finished product, all of which the transcontinental railroads, through their representatives, plead guilty to.

And so, Mr. President, unless Senate bill 575 becomes a law under the present policy of our own Government the great interior territory of the West must always remain an agricultural and pastoral country, for no country can develop its industries where it is forced to meet a discrimination in freight rates, for history teaches us that all down through the ages that those countries that have always remained agricultural and pastoral are the poor countries of the world, for you can not have a great population or great wealth where there are only agricultural and pastoral pursuits, and so under the domination of Wall Street the great interior territory of the West must always remain agricultural and pastoral.

Mr. President, if the bankers of Wall Street are going to be permitted to dictate our governmental policy in transportation, then I say God pity America, for this country can not endure under the selfishness of the great banking institutions of America; and so we learn through Colonel Thom that there is no hope for the interior territory of the West. The only hope we have, Mr. President, lies in Senate bill 575 becoming a law; and let me say, Mr. President, that for this great Government of ours to permit any body of men, I care not who they may be, to retard the growth and development of any part of America is tyranny, tyranny as damnable as the tyranny forced on the Colonies by England for more than a hundred years before the Revolutionary War.

For more than a hundred years before the Revolutionary War England denied the Colonies the right to manufacture even a horseshoe nail without permission from the British Parliament. Through legislation, England stopped the Colonies from building steel mills and iron foundries, and denied the Colonies the right to ship their raw materials to any country other than England. The tea party in the Boston Harbor was but an incident that led up to the Revolutionary War.

It was the tyranny of England that denied the Colonies the right to manufacture their raw materials into the finished product or to trade with the world that brought on the Revolutionary War.

Mr. President, this Government might just as well pass legislation denying the people of the great interior the right to serve themselves through jobbing houses or to build manufacturing institutions to manufacture their raw materials into the finished product, as to permit the great transcontinental railroads to say, through the violation of the fourth section of the interstate commerce act, these people are not able to serve themselves or do for themselves what the rest of the people in America have been permitted to do.

Talk about tyranny! Never in the reign of the Czar of Russia was there anything more vicious than the tyranny forced upon the people of the interior of this country in the discrimination in freight rates by the transcontinental railroads, and all by the authority of this Government.

Mr. President, the people of the interior territory of the West feel this discrimination most keenly, for they know and understand the day is coming when their mines will be worked out and their timber resources will be exhausted, and if they are forced to continue being a one-crop country, such as they are to-day, the fertility of the soil will become exhausted, for you can only keep up the fertility of the soil by a rotation of crops, and unless you have a home market rotation of agricultural crops is not possible to any great extent.

Mr. President, the best interests of this Government demand that we stop the discrimination of freight rates toward the interior, so that capital will become interested in the development of the resources of that country, so that some day we may have great industrial cities in the West that will give the farmers a home market for their farm products; for, after all, the prosperity and greatness of this country rests in a large measure on the fertility of the soil; for if you will show me a community anywhere in America where for any length of time the soil has become exhausted and it is a struggle to keep the wolf from the door, I will show you a community where the citizenship, like the soil, has gone backward.

In the fifth century, when the Huns and vandals ravished the Roman Empire, the soil of Rome was only producing on an average of 4 bushels of wheat to the acre, and the average of all other farm products was in the same proportion. When the soil of Rome lost its virile force the manhood of that mighty empire, that for centuries had ruled the world, lost its virile force, and Rome went down to destruction.

Mr. President, nowhere in all the world is there a country so rich in natural resources as that country out in the great West—a land of sunshine, with rich soil, great forests, great mountains, and broad plans, great rivers—a country that is only waiting for a square deal in freight rates to build great industrial cities and to carry on and make this a bigger and better country all the way around.

Out in the great West, the Northwest, and the Southwest, including all the territory south and west of the $1.10 line, is produced 25 per cent of all the gold in the world; 40 per cent of all the silver in the world; 30 per cent of the lead in the world; 42 per cent of the copper in the world; 40 per cent of the zinc in the world; 43 per cent of the aluminum in the world; 60 per cent of the oil in the world; and out in that vast territory is most of the standing timber that is left in America to-day; and, outside of Russia, this country produces 28.5 per cent of all the wheat in the world, most of which is produced west of the $1.10 line.

Out in that vast country is produced most of the sheep and most of the cattle of America. It is also a mighty factor in the production of corn and cotton and all other farm products that are grown in America. Out in the great West, Mr. President, in that territory west of the $1.10 line more hydroelectric power can be developed than in all the rest of the United States several times over.

Out where the West begins, Mr. President, are great coal deposits, great iron deposits, and great mineral deposits of every kind known to this civilization. Out there, Mr. Presi-

dent, we have great oil fields, great gas fields that are as yet untouched; and, in the language of the West, we have made only a beginning in the development of that mighty empire.

Mr. President, there are no better citizens in all the world than those who live out in the great West; for the citizenship of the West is made up from some of the best blood of every State in the Union, and all the West is asking is just a square deal in freight rates—that is all and nothing more. We do not want any special privileges. We would not have the railroads give us a cheaper freight rate than is given to other parts of the country for the same service, for we know and understand that if we have cheaper freight rates some other part of the country must pay for it. All we ask in freight rates is the same as this Government has given to the people east of Chicago and on the Pacific coast; that is all, and nothing more—and we will accept nothing less—and that we are going to have regardless of how long or how hard the fight must be. Nothing will be accepted by the West but a square deal, the same rights, the same privileges, and the same opportunities that have been given to the people east of Chicago—that is all we ask—that and nothing more.

Mr. President, at this point I wish to read the poem entitled "Out Where the West Begins." This is a poem that every westerner is proud of.

OUT WHERE THE WEST BEGINS

Out where the hand clasp's a little stronger,
Out where the smile dwells a little longer,
That's where the West begins.
Out where the sun shines a little brighter,
Where the snows that fall are a trifle whiter,
And the bonds of home are a wee bit tighter,
That's where the West begins.

Out where the skies are a trifle bluer,
Where friendship ties are a little truer,
That's where the West begins.
Out where a fresher breeze is blowing,
Where there's laughter in every streamlet flowing,
Where there's more of reaping and less of sowing,
That's where the West begins.

Out where the world is still in the making,
Where fewer hearts in despair are breaking,
That's where the West begins.
Where there's more of singing and less of sighing,
Where there's more of giving and less of buying,
And a man makes friends without half trying,
That's where the West begins.

Mr. President, the opposition of the railroads to Senate bill 575 is based on two propositions: First, the transcontinental railroads say that transportation through the Panama Canal is so great that it is seriously impairing the earnings of their roads, and that they are forced to haul empty cars westbound to take care of the eastbound traffic.

I shall have no trouble in showing that the arguments of the transcontinental railroads are wholly without merit, for the development of water transportation in America has brought about a great development of that part of the country where water transportation has been developed and permitted to exist. That was true of the Panama Canal. It is true of the Great Lakes and of the rivers east of Chicago.

Mr. President, the transcontinental railroads say they are only asking for 50 per cent of the intercoastal freight through the Panama Canal. They believe if the violations they are asking for are granted that it will give them 50 per cent of the interconstal freight through the Panama Canal westbound. All the way through the transcontinental railroads have contended it was the westbound intercoastal freight that was working the great injury to the railroads.

The records of the Panama Canal show that for the years of 1923, 1924, and 1925 there has been a gradual falling off of intercoastal freight through the Panama Canal, both westbound and eastbound. In 1923 the intercoastal tonnage through the Panama Canal from the Atlantic to the Pacific was 2,978,529 tons; for 1924, 2,408,423 tons; and for 1925, 2,468,262 tons.

This shows a loss for 1925 over 1923 in intercoastal freight westbound through the Panama Canal of 510,303 tons. The intercoastal business from the Pacific to the Atlantic through the Panama Canal for 1923 was 10,059,152 tons; for 1924 8,944,925 tons; and for 1925, 6,059,696 tons. This shows a loss in 1925 over 1923 of intercoastal freight eastbound through the Panama Canal of 3,067,456 tons.

Most of this loss is accounted for in the falling off in the transportation of oil. Oil is shipped in tank ships and the railroads can not handle it anyway. We can not claim anything for the loss through the Panama Canal eastbound on that score, nor do the railroads claim that they are entitled to any part of this particular kind of traffic. I desire to direct attention to the alleged falling off in transportation westbound through the Panama Canal, because that was the contention on the part of the railroad all the way through in the hearings on Senate bill 2327 in the last session and on Senate bill 575, the pending measure.

If the transcontinental railroads can take 50 per cent of the business through the Panama Canal westbound, they will take 50 per cent of the business eastbound, and that will put out of commission the ships that are carrying intercoastal freight through the Panama Canal. Of course this is the purpose of these violations; it is the same fight the railroads have been making ever since the Panama Canal was built—and that is to destroy its usefulness as far as intercoastal freight passing through the canal, both eastbound and westbound, is concerned. It is the old, old fight that the railroads have waged against water transportation for more than half a century.

The transcontinental railroads need have no fear of being injured by the Panama Canal. It is the people who need be alarmed, Mr. President, for fear the transcontinental railroads may destroy the usefulness of the Panama Canal as far as the intercoastal transportation is concerned.

Mr. President, to prove the statement I have made that the building of the Panama Canal has been beneficial to our transcontinental railroads, I offer a table for the RECORD showing the tonnage hauled by the six transcontinental railroads. Beginning with the year of 1914, the year the Panama Canal was opened, up to and including 1924, the table shows the tonnage hauled by the Great Northern, the Northern Pacific, the Chicago-Milwaukee, the Union Pacific, the Southern Pacific, and the Santa Fe.

I regret exceedingly that the figures for the number of tons hauled by the transcontinental railroads are not complete for the calendar year of 1925, for 1925 is the greatest year in the history of the American railroads. A greater tonnage has been transported than ever before, and the railroads have a greater net income than ever before. I ask permission to insert the table in the RECORD without reading.

The PRESIDING OFFICER. Without objection permission is granted.

The table referred to is as follows:

Operating results, selected western roads—1914–1924

[Interstate Commerce Commission, Bureau of Statistics]

Item and year	Great Northern Railroad	Northern Pacific Railroad	Chicago, Milwaukee & St. Paul	Union Pacific Railroad	Southern Pacific Railroad	Santa Fe Railroad
FREIGHT REVENUE						
June 30, 1914	55,025,016	48,058,812	65,266,420	35,826,351	55,182,071	61,089,211
June 30, 1915	47,147,314	43,833,637	63,953,799	35,726,726	51,029,795	64,764,400
Dec. 31, 1916	61,053,293	59,543,090	79,648,513	51,277,212	73,710,072	85,605,012
Dec. 31, 1917	64,300,666	65,258,995	79,957,271	55,839,584	87,034,922	98,801,488
Dec. 31, 1918	76,937,445	78,534,344	96,623,658	72,679,802	101,619,149	113,798,081
Dec. 31, 1919	77,351,472	72,934,723	106,288,453	80,761,292	112,710,457	124,211,105
Dec. 31, 1920	89,760,845	81,090,390	117,183,815	93,974,374	125,814,467	142,331,973
Dec. 31, 1921	74,700,241	69,246,505	104,894,848	84,377,264	122,046,545	129,276,475
Dec. 31, 1922	78,065,563	71,725,066	116,005,731	80,686,246	120,839,278	132,984,660
Dec. 31, 1923	93,672,147	77,610,570	127,953,106	88,728,990	136,069,362	139,655,477
Dec. 31, 1924	86,144,671	73,422,540	120,070,603	83,391,210	130,253,034	134,628,629

Mr. GOODING. Take the Great Northern, which is one of the six transcontinental railroads I shall discuss:

In 1914, the year the Panama Canal was opened, the Great Northern had a tonnage—using only the first figure—of 55,000,000 tons.

In 1924, the tonnage of the Great Northern had increased to 86,000,000 tons.

The Northern Pacific in 1914 had a tonnage of 48,000,000 tons, and in 1924, 73,000,000 tons.

In 1914 the Chicago-Milwaukee had a tonnage of 65,000,000 tons, and in 1924, 120,000,000 tons.

In 1914 the Southern Pacific had a tonnage of 55,000,000 tons, and in 1924, 130,000,000 tons.

In 1914 the Santa Fe had a tonnage of 61,000,000 tons, and in 1924 their tonnage had the enormous figure of 134,000,000 tons.

Mr. President, the total tonnage of the six transcontinental railroads in 1914, the year the Panama Canal was opened, was 320,447,881 tons, and in 1924 this tonnage had increased on the transcontinental railroads to 627,910,859 tons, or an increase since 1914 of 307,462,978 tons—almost 100 per cent of an increase.

The increase on the transcontinental railroads is vastly greater since 1914 than the average increase on the rest of the railroads in the United States during that time. Yet, if the railroads had their way, they would destroy the coastwise business through the Panama Canal.

If the transcontinental railroads took 50 per cent of the coastwise business from the ships, Mr. President, they would, as I have already shown, only add a little more than 1,000,000 tons to the enormous traffic on their roads. The traffic on the transcontinental railroads for 1924 was 627,910,859 tons.

A little more than 1,000,000 tons out of such a vast traffic is so small one would wonder that great railroad men would say that the Panama Canal was injuring the transcontinental railroads. You would expect more from the great men who are operating our railroads than a statement of this kind; for it is not fair, it is not just, it is not honest; yet they have made some people believe that this paltry 1,000,000 tons for which they are asking will throw their roads into bankruptcy.

And they have alarmed the people of the interior by making them believe that unless they can take this traffic from the Panama Canal it will be necessary to increase freight rates in the interior to make up their great losses. The facts are if these violations are granted it will practically destroy coastwise business through the Panama Canal. It is then the railroads will make application for an increase in freight rates on one pretext or another, which has been their method of procedure ever since the Interstate Commerce Commission was created.

Mr. President, the transcontinental railroads are as unfair in their complaint about the empty-car movement as they are about this measly little coastwise tonnage that is now passing through the Panama Canal westbound:

Freight service car-miles, including mixed and special train car-miles

Name of road, region, or district	Total car-miles	Empty car-miles	Ratio empty to total
12 MONTHS ENDED DEC. 31, 1924			
Atchison, Topeka & Santa Fe Ry. Co.	904, 811, 000	318, 550, 000	35. 2
Chicago, Milwaukee & St. Paul Ry. Co.	777, 229, 000	265, 832, 000	34. 2
Great Northern Ry. Co	500, 140, 000	169, 506, 000	33. 9
Northern Pacific Ry. Co	422, 417, 000	126, 824, 000	30. 0
Union Pacific R. R. Co	581, 188, 000	178, 353, 000	30. 7
Northwestern region	3, 140, 060, 000	1, 057, 022, 000	33. 7
Central western region	4, 392, 869, 000	1, 514, 689, 000	34. 5
Southwestern region	2, 194, 497, 000	749, 604, 000	34. 2
Western district	9, 727, 426, 000	3, 321, 315, 000	34. 1
United States	24, 448, 926, 000	8, 535, 281, 000	34. 9
10 MONTHS ENDED OCT. 31, 1925			
Atchison, Topeka & Santa Fe Ry. Co.	784, 008, 000	272, 298, 000	34. 7
Chicago, Milwaukee & St. Paul Ry. Co.	699, 209, 000	241, 778, 000	34. 6
Great Northern Ry. Co	442, 572, 000	155, 046, 000	35. 0
Northern Pacific Ry. Co	377, 008, 000	112, 733, 000	29. 9
Union Pacific R. R. Co	509, 628, 000	157, 336, 000	30. 9
Northwestern region	2, 767, 203, 000	936, 194, 000	34. 0
Central western region	3, 806, 810, 000	1, 310, 232, 000	34. 4
Southwestern region	1, 993, 361, 000	709, 579, 000	35. 6
Western district	8, 557, 374, 000	2, 956, 005, 000	34. 5
United States	21, 083, 002, 000	7, 648, 443, 000	35. 3

Relation of empty car-miles to total car-miles, selected roads, western district and United States, years 1911, 1912, and 1916

	Total car-miles	Empty car-miles	Ratio empty to total
YEAR ENDED JUNE 30, 1911			
Great Northern	363, 787, 168	95, 819, 361	26. 34
Northern Pacific	336, 113, 211	72, 502, 109	21. 57
Chicago, Milwaukee & St. Paul	497, 317, 288	141, 892, 821	28. 53
Union Pacific	298, 557, 450	77, 583, 247	25. 99
Atchison, Topeka & Santa Fe	531, 926, 674	145, 015, 732	27. 26
Western district	6, 567, 637, 369	1, 892, 299, 977	28. 81
United States	18, 384, 875, 355	5, 718, 739, 249	31. 11
YEAR ENDED JUNE 30, 1912			
Great Northern	393, 365, 534	109, 498, 857	27. 84
Northern Pacific	343, 729, 298	77, 140, 586	22. 44
Chicago, Milwaukee & St. Paul	471, 183, 368	126, 195, 685	26. 78
Union Pacific	288, 084, 332	73, 120, 881	25. 38
Atchison, Topeka & Santa Fe	524, 433, 762	139, 558, 181	26. 61
Western district	6, 579, 031, 624	1, 869, 347, 738	28. 41
United States	18, 546, 304, 157	5, 655, 788, 917	30. 50
YEAR ENDED JUNE 30, 1916			
Great Northern	487, 365, 824	151, 375, 906	31. 06
Northern Pacific	461, 848, 243	130, 585, 797	28. 27
Chicago, Milwaukee & St. Paul	773, 139, 434	221, 583, 322	28. 66
Union Pacific	384, 973, 039	100, 885, 724	26. 21
Atchison, Topeka & Santa Fe	606, 047, 899	163, 589, 959	26. 99
Western district	7, 967, 710, 237	2, 316, 708, 644	29. 08
United States	21, 792, 850, 508	6, 776, 878, 621	31. 10

I offer for the RECORD, Mr. President, a table showing the total car movement, both loaded and empty, on our transcontinental railroads, and ask that it be printed at this point in my remarks. This table shows that the empty-car movement on our transcontinental railroads is less than the empty-car movement in any other part of the United States. This table shows that in 1911 in all of the car-miles hauled by the western railroads that 28.81 per cent was empty-car movement, while for the entire United States it was 31.11 per cent. In 1912 on the western roads there was 28.41 per cent empty-car movement, while for the United States for that year 30.5 per cent of all the cars moved were empty cars.

For 1916, 29.8 per cent of the total car-miles hauled by the railroads were empty cars, while for the United States the empty-car movement equaled 31.1 per cent. For the year ending December 31, 1924, the empty-car movement on the western roads was 34.1 per cent, while on all of the railroads in the United States the average was 34.9 per cent. For the 10 months ending October 31, 1925, the empty-car movement on the western roads was 34.5 per cent and in the United States as a whole 35.3 per cent. So, Mr. President, the empty-car movement in the United States as a whole, and in every part of the country, was greater than it was on the western roads, and this table shows that that has been true now for many years.

So, Mr. President, the argument of the transcontinental railroads that they must take from the Panama Canal one-half of its coastwise business, westbound, so they will not have to haul empty cars westbound for the eastbound traffic, is far from the truth and is on a par with the rest of the argument that the transcontinental railroads are using to defeat Senate bill 575.

The most interesting statement I have to offer as far as the transcontinental railroads are concerned is their earnings and their dividends beginning with the year of 1916 up to and including 1924. For the year of 1916 the Northern Pacific earned $17,360,000 and paid a dividend of 7 per cent. They paid a dividend of 7 per cent for 1917, 1918, 1919, 1920, and 1921. In 1922 the Northern Pacific earned $12,400,000 and paid a dividend of 5 per cent, and in 1923 and 1924 they showed the same earnings and paid the same dividend.

In 1916 there was a surplus in the treasury of the Northern Pacific of $98,000,000, and in 1924 there was a surplus in the treasury of the Northern Pacific of $176,000,000.

The Great Northern paid a dividend of 7 per cent in 1916, 1917, 1918, 1919, 1920, and 1921, and in 1922 the Great Northern paid a dividend of 5¾ per cent, and in 1923 and 1924 a dividend of 5 per cent. The surplus in the treasury of the Great Northern in 1916 was $106,000,000, and in 1924 $132,000,000.

The Union Pacific for 1916, up to and including 1924, paid a dividend of 10 per cent on its common stock and 4 per cent on its preferred stock. This road had in its treasury in 1916 $116,000,000 and in 1924 $173,000,000.

The Southern Pacific declared a regular dividend of 6 per cent for every year since 1916 up to and including 1924. In 1916 the Southern Pacific had $117,000,000 surplus in its treasury. In 1924 they had, in round numbers, $210,000,000 surplus in their treasury.

The Santa Fe Railroad, beginning with 1916, paid a dividend of 6 per cent on its common stock and 5 per cent on its preferred stock. In 1917 the Santa Fe Railroad paid 7½ per cent on its common stock and 5 per cent on its preferred stock. In 1918, 1919, 1920, 1921, 1922, and 1923 the Santa Fe paid 6 per cent on its common stock and for those years 5 per cent on its preferred stock. In 1924 the Santa Fe paid a dividend of 6¼ per cent on its common stock and 5 per cent on its preferred stock. In 1916 the Santa Fe had a surplus in its treasury of $106,000,000 and in 1924 a surplus of $273,000,000.

I offer these tables for the RECORD, Mr. President.

The PRESIDING OFFICER. Without objection, they will be received and printed in the RECORD as requested.

The tables referred to are as follows:

Dividends declared and corporate surplus, selected western roads, 1910–1916

[Dividends declared from income and/or surplus and rate]

GREAT NORTHERN RY. CO.

Year	Amount of dividends (preferred)	Rate of dividends (preferred)	Total corporate surplus[1]
		Per cent	
June 30, 1910	$14, 696, 475	7	$63, 498, 110
June 30, 1911	14, 698, 416	7	66, 342, 986
June 30, 1912	14, 698, 651	7	75, 842, 325
June 30, 1913	14, 698, 659	7	85, 276, 919
June 30, 1914	15, 063, 048	7	89, 696, 365
June 30, 1915	16, 798, 857	7	92, 045, 568
June 30, 1916	17, 456, 390	7	98, 373, 902

[1] Appropriated and unappropriated.

Dividends declared and corporate surplus, selected western roads, 1910–1916—Continued

NORTHERN PACIFIC RAILWAY CO.

[Dividends declared from income and/or surplus and rate]

Year	Amount of dividends (common)	Rate of dividends (common)	Total corporate surplus [1]
		Per cent	
June 30, 1910	$17,359,685	7	$76,562,302
June 30, 1911	17,359,580	7	83,471,379
June 30, 1912	17,357,900	7	85,802,955
June 30, 1913	17,356,220	7	90,101,548
June 30, 1914	17,356,220	7	91,059,088
June 30, 1915	17,356,220	7	83,545,820
June 30, 1916	17,360,000	7	91,252,492

[1] Appropriated and unappropriated.

[Dividend declared from income and/or surplus and rate]

UNION PACIFIC RAILROAD CO.

Year	Amount of dividends		Rate of dividends		Total corporate surplus [1]
	Common	Preferred	Common	Preferred	
			Per cent	*Per cent*	
June 30, 1910	$21,703,866	$3,981,760	10	4	$76,875,312
June 30, 1911	21,659,572	3,981,744	10	4	145,541,934
June 30, 1912	21,664,739	3,981,744	10	4	151,416,774
June 30, 1913	21,663,370	3,981,740	10	4	150,917,414
June 30, 1914	[2] 93,801,150	3,981,740	42.3	4	86,487,800
June 30, 1915	17,783,328	3,981,740	8	4	93,687,131
June 30, 1916	17,783,328	3,981,740	8	4	108,521,942

[1] Appropriated and unappropriated.
[2] Includes $74,020,372 charged to profit and loss.

By a decree of the Supreme Court of the United States the Union Pacific was compelled to dispose of its Southern Pacific stock. Instead of distributing the cash proceeds of the sale of the Southern Pacific stock among the stockholders the Union Pacific declared an extra dividend on common stock amounting to $74,020,372.20 to be paid in Baltimore & Ohio stock owned by the Union Pacific (p. 23, 1914 report of Union Pacific to stockholders).

Dividends declared and corporate surplus, selected western roads, 1916–1919

[Dividends declared from income and/or surplus and rate]

Year	Northern Pacific Ry. Co	Rate	Great Northern Ry. Co.	Rate	Union Pacific R. R. Co.	Rate
		Per cent		*Per cent*		*Per cent*
1916	$17,360,000	7	$17,462,505	[1] 7	$22,229,160	10
					3,981,740	[1] 4
1917	17,360,000	7	17,462,959	[1] 7	22,229,160	10
					3,981,740	[1] 4
1918	17,360,000	7	17,462,842	[1] 7	22,229,160	10
					3,981,740	[1] 4
1919	17,360,000	7	17,462,890	[1] 7	22,229,160	10
					3,981,740	[1] 4
1920	17,360,000	7	17,462,916	[1] 7	22,229,160	10
					3,981,740	[1] 4
1921	17,360,000	7	17,462,974	[1] 7	22,229,160	10
					3,981,740	[1] 4
1922	12,400,000	5	13,097,264	[1] 5½	22,229,160	10
					3,981,740	[1] 4
1923	12,400,000	5	12,473,605	[1] 5	22,229,160	10
					3,981,740	[1] 4
1924	12,400,000	5	12,473,617	[1] 5	22,229,160	10
					3,981,740	[1] 4
Total Corporate Surplus (appropriated and unappropriated):						
1916	98,603,199	------	106,511,552	------	116,402,413	------
1917	110,727,127	------	116,968,997	------	128,209,583	------
1918	114,873,854	------	114,936,578	------	131,370,737	------
1919	121,506,350	------	119,851,063	------	138,095,911	------
1920	173,803,700	------	122,749,921	------	149,100,556	------
1921	183,130,520	------	129,371,798	------	159,162,528	------
1922	175,954,259	------	126,437,101	------	154,024,797	------
1923	173,308,043	------	128,347,164	------	164,190,331	------
1924	176,805,159	------	132,134,125	------	173,703,995	------

[1] Preferred.

Dividends declared and corporate surplus, selected western roads, 1910–1916

[Dividends declared from income and/or surplus and rate]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Year	Amount of dividends		Rate of dividends		Total corporate surplus [1]
	Common	Preferred	Common	Preferred	
			Per cent	*Per cent*	
June 30, 1910	$9,648,030	$5,708,690	6	5	$31,528,903
June 30, 1911	9,932,460	5,708,690	6	5	40,272,946
June 30, 1912	10,168,185	5,708,690	6	5	43,878,309
June 30, 1913	10,398,780	5,708,690	6	5	49,462,727
June 30, 1914	11,691,750	5,708,690	6	5	52,216,252
June 30, 1915	11,841,330	6,708,687	6	5	58,838,518
June 30, 1916	12,482,280	6,208,685	6	5	93,241,611

[1] Appropriated and unappropriated.

Dividends declared and corporate surplus, selected western roads, 1916–1924

[Dividends declared from income and/or surplus and rate]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Year	Amount of dividends		Rate of dividend		Total corporate surplus [1]
	Common	Preferred	Common	Preferred	
			Per cent	*Per cent*	
Dec. 31, 1916	$12,813,750	$6,208,685	6	5	$106,169,451
Dec. 31, 1917	16,486,402	6,208,685	7½	5	121,164,209
Dec. 31, 1918	13,289,595	6,208,685	6	5	129,853,064
Dec. 31, 1919	13,351,695	6,208,685	6	5	153,343,170
Dec. 31, 1920	13,441,110	6,208,685	6	5	172,552,334
Dec. 31, 1921	13,518,420	6,208,685	6	5	195,089,633
Dec. 31, 1922	13,605,660	6,208,685	6	5	230,384,170
Dec. 31, 1923	13,909,245	6,208,685	6	5	252,277,769
Dec. 31, 1924	14,525,594	6,208,640	6¼	5	273,159,126

[1] Appropriated and unappropriated.

Dividends declared and corporate surplus, selected western roads, 1910–1916

[Dividends declared from income and/or surplus and rate]

SOUTHERN PACIFIC CO.

Year	Amount of dividends (common)	Rate of dividends (common)	Total corporate surplus [1]
		Per cent	
June 30, 1910	$17,237,803	6	$57,125,765
June 30, 1911	16,360,342	6	60,319,649
June 30, 1912	16,360,344	6	68,448,042
June 30, 1913	16,360,344	6	77,556,846
June 30, 1914	16,360,344	6	107,355,068
June 30, 1915	[2] 16,360,464	6	112,951,054
June 30, 1916	[2] 16,360,632	6	117,251,268

[1] Appropriated and unappropriated.
[2] Represents dividends charged to profit and loss.

Dividends declared and corporate surplus, selected western roads, 1916–1924

[Dividends declared from income and/or surplus and rate]

SOUTHERN PACIFIC CO.

Year	Amount of dividends (common)	Rate of dividends (common)	Total corporate surplus [1]
		Per cent	
Dec. 31, 1916	$16,363,018	6	$117,628,599
Dec. 31, 1917	16,389,400	6	140,593,114
Dec. 31, 1918	16,404,055	6	148,048,145
Dec. 31, 1919	17,478,125	6	152,120,678
Dec. 31, 1920	18,209,281	6	158,156,833
Dec. 31, 1921	20,639,196	6	192,471,229
Dec. 31, 1922	20,662,854	6	197,988,923
Dec. 31, 1923	20,662,854	6	205,452,724
Dec. 31, 1924	20,942,854	6	210,382,595

[1] Appropriated and unappropriated.

Mr. GOODING. Mr. President, if the transcontinental railroads had paid out the accumulated surplus in their treasury since 1916 all of them would have exceeded the 6 per cent provided for in the Esch-Cummins law. And some of them would more than double that amount in dividends.

The transcontinental railroads since 1920 have seen the most prosperous years in their existence; and yet these railroads are trying to destroy our coastwise transportation through the Panama Canal. And at the same time with all of their prosperity they are demanding an increase of 5 per cent in freight rates. The earnings of these transcontinental railroads, which I have placed in the RECORD, tells only a part of the story of their income, for they have vast interests in banking institutions in the country and in other railroads that are not accounted for in this statement I have made of their earnings.

Yet the same railroads, despite all this prosperity, have filed an application with the Interstate Commerce Commission for an increase of 5 per cent. Not satisfied with their enormous earnings and the accumulations of surplus, not satisfied with the greatly increased tonnage, amounting to almost 100 per cent, they want an increase in freight rates, and seek to destroy the usefulness of the Panama Canal. Talk about selfishness and greed, unreasonableness and unfairness to a great section of the country! If they would allow the West to develop as it should develop, they would have to double-track their lines in order to carry the products of that great section to the East and to the West.

I have here some figures with reference to the Oregon Short Line, a division of the Union Pacific. I especially want to call the attention of Senators to that railroad, because I think beyond a doubt it is the richest railroad in the United States. There may be others that have earned as great dividends; I have not investigated as to that; but I have paid some attention to the Oregon Short Line, because it was my good fortune to go to Idaho just at the end of my boyhood days, before the Oregon Short Line was built across the Territory of Idaho, and I have known something about this great railroad since the day of its construction. The officers of the Oregon Short Line have always been efficient; they are splendid gentlemen, and I am sure if they had their way about it there would be no discrimination in freight rates against the people of that great State; but, with Wall Street dominating the policy of the Union Pacific and the Oregon Short Line, what chance is there for the officials of the Oregon Short Line, if they wanted to do so, to give Idaho a chance?

Most of the mileage of the Oregon Short Line is in Idaho. It passes through the great valley of the Snake—a railroad that hauls more tons per traction power than any other railroad in the United States. There, in that State, freight rates are higher than they are in any other State in the Union. It is always the peak of the freight rates for Idaho, regardless of whether the freight is going east, west, north, or south. It is always, everywhere it goes and every place, the peak of the freight rates for Idaho.

The capital of Idaho is nearer to tidewater at Portland than Columbus, Ohio, is to tidewater at New York; yet through the policy of the transcontinental railroads and Wall Street all the freight in Idaho is forced eastbound over a long line of railroad manned by the most expensive labor in the world, and where freight rates of necessity are high. Why, the freight in Idaho on wheat westbound is 20 per cent higher than it is on the Northern Pacific.

I do not think there is a greater State in all the Union than Idaho. In that State cyclones and blizzards are unknown, and owing to our wonderful climate and our sunshine, the span of life is longer than it is in any other State in the Union. If it only had an opportunity, with its rich soil and its wonderful resources, it would be a great industrial State, and we would have a city of millions, and Portland would be a great city. It is a good city as it is, but it is only a village compared with what it ought to be; but you can not build a great Portland unless you have a great interior back of it.

Do you think the people of New York care how big the interior back of it is? They want a great interior, because it is only in that way that New York can be a great city, and they are a great city, because there are no violations of the fourth section between Chicago and New York. Therefore they can have an interior; but I will say to the Senator from Oregon that Portland never can have a great interior as long as it has discrimination of freight rates.

It is the jobbing and great timber interests on the Pacific coast that are flooding the Senators of the West with telegrams in favor of these violations. Your manufacturers realize this, and the good people of Portland and Seattle understand that you can not build great cities on the Pacific coast without a great interior.

Mr. KING. Mr. President, will the Senator suffer an interruption

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. GOODING. I yield.

Mr. KING. I did not quite understand the statement of the Senator with respect to propaganda or efforts on the part of the timber interests of the Northwest to influence legislation.

Mr. GOODING. I think I will leave that to the Senator from Montana [Mr. WHEELER], who has those letters to place in the RECORD.

Mr. KING. What I wanted to inquire was whether there had been efforts by those timber interests——

Mr. GOODING. I want to say that the letter that will be placed in the RECORD was found during an investigation on a resolution that I offered, so that it is authentic; and that letter will be furnished for the RECORD in due time.

Mr. KING. I just wanted to understand it; and I do not question it, because, may I say to the Senator, there is much evidence before the Federal Trade Commission which shows a conspiracy upon the part of various lumber and timber interests in the Northwest as well as in other parts of the United States to force the prices of lumber to extortionate levels; and they did succeed in forcing certain kinds of lumber—and they are merely typical of others—from $13 to $17 a thousand to $56 and $58 a thousand. Only recently a gentleman who had been active in securing these organizations and combinations in restraint of trade, in violation of the Sherman law, told me personally that he was going to the Pacific coast to effect a stronger organization of the lumber interests there—stronger in the sense that they wanted to rob and exploit the people more than they are doing now.

Mr. GOODING. Oh, yes. I think it is generally known that every year the timber interests meet here in Washington, and that around a table they agree on prices.

Mr. KING. May I say to the Senator, if he will suffer another interruption, that I read with more or less care the report of the Federal Trade Commission against one of these conspiracies in restraint of trade; and the Federal Trade Commission, when its report was submitted to the Department of Justice, was successful in having an indictment or a complaint brought against the conspirators in Kansas. It was transferred to St. Louis and was held in abeyance for a year or two and a short time ago was dismissed by the Department of Justice; and yet it was a case that merited not only a dissolution of the corporation but criminal prosecutions for violation of the punitive provisions of the Sherman antitrust law.

Mr. GOODING. Mr. President, I now want to read into the RECORD the dividends earned by the Oregon Short Line.

On June 30, 1900, the capital stock of the Oregon Short Line was $27,460,000. That year it earned a stock dividend of 6.74 per cent, but paid no dividends.

In 1901 it earned 9.46 per cent.
In 1902 it earned 12.56 per cent.
In 1903 it earned 13.67 per cent.
In 1904 it earned 3.19 per cent.
In 1905 it earned 12.49 per cent.

For the years I have mentioned, however, the Oregon Short Line paid no dividends.

In 1906 the Oregon Short Line earned 24.35 per cent and paid a dividend of 50 per cent on its capital stock.

In 1907 the Oregon Short Line earned 40.62 per cent on its capital stock and paid a dividend of 30 per cent.

In 1908 the Oregon Short Line earned a dividend of 141.75 per cent on its capital stock, and paid 110 per cent dividends.

In 1909 the Oregon Short Line earned 52.72 per cent on its capital stock, and paid a dividend of 25 per cent.

In 1910 the Oregon Short Line earned a dividend of 71.5 per cent on its capital stock, and paid a dividend of 50 per cent.

But the banner year, the real year for the Oregon Short Line that stands out of all these years of dividends, was 1911. In 1911 the Oregon Short Line declared a stock dividend, and increased its capital stock from $27,350,700 to $100,000,000. That year it earned 13.60 per cent on its capital stock of $100,000,000, and for the same year paid a cash dividend on its increased capital stock of $100,000,000 of 68.68 per cent, of which $72,649,300 was watered stock. In other words, the Oregon Short Line that year paid a dividend of $68,680,000 on a capital stock, before it was increased, of $27,350,700. It just watered its stock $72,649,300.

I call those good dividends for any road. It is not strange, after all, that we paid the peak of the freight rates out there in Idaho, and I want to tell the Senate that we have tried to get relief from the Interstate Commerce Commission, but we have not been able to do so. There was a horizontal increase in freight rates from 25 to 40 per cent which almost wrecked Idaho, and when a good citizen of my State was telling the Interstate Commerce Commission what a hard time the farmers were having to make a living on the farms, and how hard it was to get along, and that freight rates should be de-

creased, they said, "Why do the people not leave the farms?" That is the sympathy Idaho gets when it asks for a reduction of freight rates.

On another occasion when the story of the hardships of the wheat growers was told, one of the commissioners looked down off the bench and said:

Why do they not grow something besides wheat?

That is the sympathy we got. There is a lot of country in the United States, and particularly in my State, where the people can not grow anything but wheat. The farmers were so poor, after the crash came in 1920, that in 1921, 1922, and 1923, that they could not leave the farms. They had to grow wheat to live.

In 1912 the Oregon Short Line paid a dividend of 10 per cent on its capital stock of $100,000,000. In 1913 they paid a dividend of 10 per cent. In 1914 they paid 10 per cent. In 1915 they paid 6 per cent. In 1916 they paid 8 per cent. In 1917 they paid 9 per cent. In 1918 they paid 7 per cent. In 1919 they paid 8 per cent. In 1920 they paid 8 per cent. For each of the years of 1921, 1922, and 1923 the Oregon Short Line paid a dividend of 4 per cent.

In 1924 the Oregon Short Line had a surplus in its treasury of $66,659,283, an exceedingly large amount for railroads that only operate a little more than 1,000 miles of main line. So, Mr. President, we may expect the Oregon Short Line to pay another large dividend in the near future. The money is there to pay it whenever they want to. Possibly if they can get some legislation through so they will not have to pay anything under the recapture clause that dividend will be paid very soon.

Besides these enormous dividends paid by the Oregon Short Line, they have paid out of earnings of the road millions of dollars in the building of branch lines, and in double tracking their road, until to-day the Oregon Short Line ranks as one of the best-equipped railroads in the world. Yet the Oregon Short Line, like the other western railroads, is asking for an increase in freight rates of 5 per cent.

Mr. President, while the railroads have been fighting for a monopoly of transportation and have succeeded in securing that monopoly in the East and the West, with the assistance of our own Government, they have not kept pace with the growth and development of this country.

I offer for the RECORD a table showing the increased tonnage on our railroads from 1890 up to and including 1925, a period of 35 years. This table shows that in 1890 all of our railroads in the United States hauled 76,207,047,000 ton-miles of freight. In 1925 the ton-miles on our railroads had increased to 413,537,565 ton-miles. From 1913 up to and including 1925 the ton-miles hauled by our railroads had increased to 413,000,000,000 tons of freight, in round numbers, an increase in the last 12 years of 37 per cent. This table shows that in 35 years the traffic on our railroads in this country has increased 443 per cent.

I ask that this table be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Tons originated and ton-miles, Classes I, II, and III steam roads by years, 1890 to 1925, inclusive

Year ended June 30:	Ton-miles
1890	76,207,047,000
1891	81,073,784,000
1892	88,241,050,000
1893	93,588,112,000
1894	80,335,105,000
1895	85,227,516,000
1896	95,328,360,000
1897	95,139,022,000
1898	114,077,576,000
1899	123,667,257,000
Total	932,884,829,000
1900	141,596,551,000
1901	147,077,136,000
1902	157,289,370,000
1903	173,221,279,000
1904	174,522,090,000
1905	186,463,110,000
1906	215,877,351,000
1907	236,601,390,000
1908	218,281,555,000
1909	218,802,987,000
Total	1,869,833,019,000
1910	255,016,910,000
1911	258,783,702,000
1912	264,080,745,000
1913	301,730,291,000
1914	288,637,042,000
1915	277,134,816,000
1916	366,173,174,000
1917	398,263,062,000
1918	408,778,061,000
1919	367,161,371,000
Total	3,180,759,174,000
1920	413,698,749,000
1921	309,533,365,000
1922	339,945,894,000
1923	413,562,132,000
1924	391,981,043,000
1925	413,537,565,000
Total	2,282,258,748,000

Mr. GOODING. Mr. President, I offer another table for the RECORD showing the number of miles of railroad tracks in the United States from the year 1890 up to and including 1925. This table shows that the total number of miles of railroad track for all purposes in 1890 was 199,875 miles. In 1925 we had a total mileage of railroad tracks for all purposes of 415,288 miles, an increase of a little more than 106 per cent.

While our railroad tonnage has increased more than 443 per cent we have reached a point of saturation in America as far as our railroads are concerned, and while we are no longer a new country, we have only made a beginning in the development of our mighty resources. And with the tonnage on our railroads doubling every few years it must be apparent to all that unless we make possible the use of transportation on our inland waterways, the growth and development of this mighty Empire must soon come to a standstill for lack of adequate transportation, for no country can grow and develop beyond its transportation.

I ask that this table be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Number of miles of railroad operated

Year	First track	Other main tracks	Yard track and sidings	Total
1890	156,404	9,760	33,711	199,875
1891	161,275	10,428	35,742	207,446
1892	162,397	10,846	37,807	211,050
1893	169,779	11,632	40,451	221,862
1894	175,690	12,163	41,941	229,794
1895	177,746	12,348	43,181	233,275
1896	181,982	12,439	44,717	239,138
1897	183,284	12,794	45,934	242,012
1898	154,648	12,006	47,580	245,333
1899	187,534	13,384	49,223	250,141
1900	192,556	14,075	52,153	258,784
Increase 1900 over 1890	35,152	4,315	18,442	58,909
1900	192,556	14,075	52,153	258,784
1901	195,561	14,875	54,914	265,350
1902	200,154	15,819	58,220	274,193
1903	205,313	16,947	61,560	283,820
1904	212,243	18,337	66,492	297,072
1905	216,973	19,881	69,941	306,795
1906	222,340	20,981	73,760	317,085
1907	227,454	22,770	77,749	327,977
1908	230,494	23,690	79,452	333,645
1909	235,402	24,572	82,376	342,350
1910	240,830	25,353	85,581	351,764
1911	246,238	27,612	88,973	362,823
1912	249,852	29,366	92,019	371,237
Increase 1912 over 1900	47,296	15,291	39,866	112,453
1912	249,852	29,366	92,019	371,237
1913	253,470	30,826	95,211	379,507
1914	256,547	32,376	98,285	387,208
1915	257,599	33,662	99,919	391,141
1916	259,705	34,325	102,983	397,013
1917	259,705	35,095	105,582	400,252
1918	258,506	36,228	107,608	402,342
1919	258,524	36,729	108,636	403,889
1920	259,941	36,894	109,744	406,579
1921	258,361	37,613	111,555	407,529
1922	257,834	37,888	113,994	409,716
Increase 1922 over 1912				38,479
1923	258,084	38,697	116,212	412,993
1924	258,498	39,916	116,874	415,288
Increase 1923 over 1924				2,295

Mr. GOODING. Mr. President, in this progressive age of ours transportation is vital to every industry, to every community, and to every State in the Union; and the man who would impair the great railroad system of America is an undesirable citizen and should be branded as an anarchist, for our railroads are the arteries through which flow the commerce of the country, the lifeblood of the Nation. On the other hand, Mr. Presi-

dent, the men who operate our great railroads and who for their own selfish interest destroy water transportation in America and force discrimination in freight rates on the interior and deny the people of the interior the right to have jobbing houses to serve themselves or the right to have industries to manufacture their raw materials into the finished product are a hundred times more dangerous to this Government than the anarchist or the Bolshevik; for the anarchist and the Bolshevik will never be dangerous to any government when that government gives the people a square deal; for history teaches us, Mr. President, that selfishness and greed create anarchy, and the two together—selfishness, greed, and anarchy—have destroyed one government after another as far back as history tells the story of the rise and fall of civilization.

Mr. FESS obtained the floor.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to his colleague.

Mr. FESS. I yield.

Mr. WILLIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Fletcher	McKellar	Simmons
Blease	Frazier	McLean	Smoot
Bratton	George	McNary	Stephens
Brookhart	Goff	Mayfield	Swanson
Broussard	Gooding	Neely	Trammell
Bruce	Hale	Norris	Tyson
Butler	Harreld	Nye	Wadsworth
Cameron	Harris	Oddie	Walsh
Capper	Harrison	Overman	Warren
Copeland	Heflin	Phipps	Watson
Cummins	Howell	Pine	Weller
Deneen	Jones, Wash.	Pittman	Wheeler
Dill	Kendrick	Ransdell	Williams
Edge	King	Robinson, Ark.	Willis
Ferris	La Follette	Schall	
Fess	Lenroot	Sheppard	

The VICE PRESIDENT. Sixty-two Senators having answered to their names, a quorum is present.

Mr. FESS. Mr. President, I desire to make some remarks upon the bill that is before the Senate dealing with the long-and-short-haul clause of the interstate commerce act. It will be out of question for me to conclude to-night what I desire to say. I presume it is too early to adjourn at this stage, and therefore it would be expected of me to proceed, though I can not possibly finish this evening. In that case I should like to continue to-morrow.

Mr. President, the Senator from Idaho [Mr. GOODING], the author of the bill, among other things that he said I might agree with, stated that all Senators ought to view the problem from a national rather than a local standpoint. To that principle I subscribe. I think that ought to be the determining factor in the final decision upon the bill, because whatever else we might do without the Nation can not maintain its standing without transportation. There may be some things that seem now to be absolutely useful that we could as a nation get along without, but that can not be said about transportation. The country could not exist industrially or in any other way without the maintenance of a transportation system that will make the Nation a unit.

There has been considerable agitation as to whether rail transportation has prevented water transportation. I do not think it has. I recognize, however, that the old canal system, which was so prominent in my own State and which once carried most of the traffic, has ceased to exist. It ceased not especially because it was not needed but because there was adopted a more rapid, more efficient, and more economic method of transportation. Whenever transportation by rail finds itself incapable of serving the country, then without doubt the canal system will again be reinstated. Until that time comes it will not be revived in my own State.

The same thing might be said in a sense about the rivers. There was a time when there was a great amount of traffic upon the Ohio River. It is not so great now, but I think without a doubt that when we complete the canalization of that great water route, which is about to be completed and will be completed as far as Cairo by 1930, then there will be an opportunity to know something about what will be the ability of water transportation over that river. I think without any question that it will be great enough to justify the expenditure of all the money the Government has thus far expended.

What is said about that route could be said also about other river routes when the necessity for carrying the traffic shall appear. Whatever be the outcome of river transportation, which I think without a doubt will be useful and will become general, we can not do without rail transportation unless we substitute something that is better, and that is not within the purview of anyone now living. It seems to me, therefore, that the big question is the maintenance of our transportation lines to serve the public and, as the new development may require new routes, to develop them also. For that reason the policy of the Government has been to encourage not only railroad building but also transportation on the water. I read the policy of the Government as outlined in the transportation act of 1920:

SEC. 500. It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation.

That is the policy of the Government. In accordance with that policy the Interstate Commerce Commission is working.

Mr. President, when the Interstate Commerce Commission was originally created in 1887 there was some opposition to it. A great many people thought that the Interstate Commerce Commission would exercise a function that might interfere with private enterprise; that it, being a Government agency, would interrupt the initiative of private enterprise. But it was a well-established fact that the railroads had long ceased to be merely private. They were private in ownership, but quasi public in function, if not entirely so.

Mr. BROOKHART. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield to the Senator.

Mr. BROOKHART. The Senator has announced that it has been the American policy to build up both water and rail transportation. That is not true in the Mississippi Valley, is it, where discriminatory rates have destroyed river transportation?

Mr. FESS. I think that is true as a policy throughout the country. The Government can not establish a policy and limit it to one particular section of the country.

Mr. BROOKHART. Does not the policy of permitting a lesser rate for a long haul than for a short haul distinctly destroy water transportation anywhere?

Mr. FESS. Not under the rulings of the Interstate Commerce Commission, I will say to my friend from Iowa; and I shall touch upon that, because that is the crux of this entire affair.

I was about to say, however, that the railroads, though private in ownership are public in function. That is one of the reasons why I think Congress ought to be very slow about interfering in the disputes that arise between the contracting parties who operate the railroads. I did not like and voted against the Adamson bill in 1916, for the reason that I thought a dispute arising out of wages should be a matter of contract and that the Government should never interfere except when the public interest was at stake. To-day we recognize that the operators have as their chief concern the dividends or the profits of the industry they own. I, as a Senator, as well as every other Senator, must respect the rights of the investor, and any legislation proposed upon which we would vote must necessarily take into consideration that element; but no Senator can be merely a representative of the investor or the owner, whose interest is the income from the investment.

The same thing may be said about the employees. There are 2,000,000 people employed on the railroads, representing, with their families, 5,000,000, and, if we speak of those who are interested in railroads, it would be probably our entire population. We want to see that the employees working in transportation have not only good wages, but steady employment, under the best possible conditions; and no legislation that will ignore that element of transportation is wise. Every representative in Congress in considering legislation must keep in mind the interests of that party.

But, Mr. President, there is a third party, and that third party is the most important of the three. His interest is in service; and he pays the expenses for transportation. When we legislate on matters of this sort, while keeping in mind the rights of the investor and the rights of the employee, the major concern should be the public that pays the bills. For that reason the railroads long ago came to be more than merely private enterprises; they are now, in a distinct manner, a public function and must be dealt with as such. Therefore we subscribe to the principle that the Interstate Commerce Commission is performing a function, although governmental, that is warranted by the public interest in this great industry.

First, the Interstate Commerce Commission was denied certain powers that some wanted to give it. Later on it was given the power of rate making. I recall, as every Senator here will recall, the bitterness of the contest that was waged as to whether constitutionally the Interstate Commerce Commission could exercise the power of rate making; but it was finally

decided, not only by legislation but by the judicial decision of the highest court of the land that the Interstate Commerce Commission did have that power.

Some of us feared that the Interstate Commerce Commission might feel the pressure of political interests or might yield to predatory interests or might succumb to mob rule, in which event great danger would threaten us; but I believe that every Senator here who has watched the activities of this commission is satisfied that it is above reproach; that it has not yielded its judgment to any interest; that it performs its function independently, guided by its best judgment as it sits in each individual case.

It is the humor, however, of the human mind to find fault with any deciding body when that body decides against the interest of the individual. I do not think that is wise, and I am sure that it is not a good policy. Personally I am frank to say that I was considerably disappointed in the recent decision of the Interstate Commerce Commission as to the proposed merger of the Van Sweringen railroad interests. I was seemingly committed in my own mind to the thought that the action proposed to be taken was in accordance with safe policy, in view of the fact that, under the transportation act of 1920, we had made provision for the voluntary consolidation of railroads. The distinguished senior Senator from Iowa [Mr. CUMMINS] has introduced a consolidation proposal to make even more effective and to speed up consolidations, which thus far have been very slow under the voluntary method. Consequently I had thought that the voluntary merger proposed for the Van Sweringen system would be wise. So when the decision was rendered I confess I was greatly disappointed; but I went into the findings of the decision; I looked into the basis of the final judgment of the Interstate Commerce Commission; and I then had to come to the conclusion that the commission had acted wisely.

I should be the last person to impugn their judgment. Because I was disappointed in the commission not having decided according to my view, with the limited data I had, although I was a member of the Committee on Interstate Commerce of the Senate, I would not be justified in attacking the commission because it decided in accordance with its own judgment, which was adverse to my own judgment at the time. However, as I have said, it is the humor of the individual if a decision upon a hotly contested issue is against him immediately to attack the body that renders the decision, as being unfair, or discriminatory, or slow to recognize the merits of the case as he views it.

There has been no body of a governmental character that has shown itself so free from undue pressure, from whatever source, as has the Interstate Commerce Commission. That is one reason why I have from the beginning, not only at the last session but at this session, resisted the proposal to take from the Interstate Commerce Commission the rate-making power and bring it to the floor of Congress, which too often acts from political angles and because of political interests. It seems to me that that of itself is the greatest danger in the pending proposal. Mr. President, I am concerned in maintaining the independent integrity of this governmental function, and I do not want the Congress to undertake to bludgeon the commission because it does not happen to decide in a way that some individual Member of the Congress should like to have it decide.

When we come to the immediate problem before us, we have a policy which has been outlined in the law and is now the law. The first section of the interstate commerce act, as amended in 1920, contains this provision:

> For the transportation of persons or property in carrying out the orders and directions of the President, just and reasonable rates shall be fixed by the Interstate Commerce Commission.

That is the rule of action, "just and reasonable rates." Of course, nobody is going to contest the justice of that declaration.

Mr. SIMMONS. And that applies to minimum as well as maximum rates?

Mr. FESS. Yes.

Section 2 provides:

> That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property or the transmission of intelligence, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation or transmission of a like kind of traffic or message under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

In other words, section 2 forbids rebates or special rates or discriminations between parties living in the same locality.

Mr. BROOKHART. Mr. President——

Mr. FESS. I yield to the Senator from Iowa.

Mr. BROOKHART. Under the principle announced by the Senator, should not the matters just referred to be left to the commission instead of being prescribed by the Congress of the United States?

Mr. FESS. In the first place, it would be perfectly safe, I think, to leave them to the commission, but it is so perfectly apparent that such practices should not be allowed that it is just as well to make the prohibition a part of the law. That is not a question of dispute.

Mr. BROOKHART. The long-and-short-haul provision is another prohibition against discrimination in addition to those enumerated.

Mr. FESS. No; that involves a very different proposition. Section 3 provides:

> That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Section 4 is the long-and-short-haul provision. The principle in that section is that a transportation company can not charge more for a long haul than a short haul over the same line, the long haul including the short haul, with the following proviso:

> *Provided*, That in special cases where the conditions would justify it the commission may permit a smaller charge for a long haul than for a short haul.

In other words, section 1 requires the rates to be just and reasonable; section 2 forbids rebates; section 3 denies discriminations in favor of localities; section 4 forbids a less rate for a long haul than a short haul, with a proviso, and the proviso is that where certain conditions are met, such, for example, as competition with water transportation, or in the case of a longer rail route connecting two points than a competing line, in that case it can be done.

Mr. PITTMAN. Mr. President——

Mr. FESS. I will yield in a moment.

For example, if from Washington City to Pittsburgh there are two routes and one route is much shorter than the other, then the longer route in order to compete with the shorter route would charge the same rate to Pittsburgh, but would be permitted to charge a higher rate to Greensburg, 30 miles this side of Pittsburgh. That is permitted under our present law, and it is permitted also in cases where the competition is with water.

Now I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the Senator has quoted section 3, requiring reasonable rates. Does the Senator know that the Interstate Commerce Commission, in the forms which it provides for the railroads to use in applying for a less rate for the long haul than the short haul, makes them state emphatically that the rate they ask for is unreasonable?

Mr. FESS. No. I will state to the Senator what the commission says. I will read it now.

Mr. PITTMAN. Will the Senator read the form?

Mr. FESS. I will read it now. Mr. President, I read from the testimony of a member of the commission who came before the committee, Commissioner Esch:

> In the light of these and similar considerations, we are of opinion and find that in the administration of the fourth section the words "reasonably compensatory" imply that a rate properly so described must (1) cover and more than cover the extra or additional expenses incurred in handling the traffic to which it applies—

In other words, it is not the out-of-pocket expense. That would not be allowed. It must be beyond the out-of-pocket expense. No road at any point competing with a water line can carry the traffic at a less rate than it costs. It must be reasonably compensatory. Of course, it need not be fully compensatory, but it must be reasonably compensatory; and the first condition is that the rate must be not only enough to cover the extra or additional cost, but it must be high enough to add something in the way of profit.

Mr. PITTMAN. Mr. President, the Senator did not understand my question.

Mr. FESS. I am not through reading it.

Mr. PITTMAN. That is not the form about which I asked the Senator. That is the criterion. The form is the thing that the railroads must sign. Does the Senator know what that form is—the form that the railroads must swear to? May I read it to the Senator and see if he knows it?

Mr. FESS. The Senator may read it in his own time.

Mr. PITTMAN. Ah! I did not think the Senator wanted to answer that question——

Mr. FESS. The Senator may read it in his own time.

Mr. PITTMAN. Because, if the Senator did, he would not have made the statement that the rate must be reasonable, because they make the railroads say that it is not reasonable.

Mr. FESS. Mr. President, the Senator from Nevada has his own interpretation of the English language. I shall have mine also. I will read now the rule upon which the reasonably compensatory rate is based:

First. It must cover and more than cover the cost.

Second. It must be no lower than necessary to meet existing competition.

Mr. PITTMAN. Mr. President, may I ask another question there?

Mr. FESS. I yield to the Senator.

Mr. PITTMAN. Does the Senator know whether that cost includes any calculation of overhead, any calculation of depletion, any calculation of repairs, any calculation of dividends, or any calculation of interest on indebtedness or bonds or securities? I ask the Senator if he knows whether it does or not.

Mr. FESS. I have not consulted the commission; but I should judge that the commission, in giving their decision, would include all the elements of cost in making up the rate.

Mr. PITTMAN. Then the Senator should read the record, because it does not include any of them.

Mr. FESS. I am very much obliged to the Senator for his instruction. We will see when we get through.

Mr. PITTMAN. The Senator will see when I read the evidence before our committee.

Mr. FESS. Third, the rate must not be so low as to threaten the extinction of legitimate competition by water carriers; and yet Senators will continue to charge that the purpose of this legislation is to destroy water transportation, when the commission fixes as the very basis of its judgment that the rate must not be so low as to threaten the extinction of competition by the water carrier. That is the policy of the Government, as expressed by the commission, against which these men are constantly charging.

Mr. PITTMAN. May I ask the Senator whether or not this proposed rate will take any of the transportation off the Panama Canal? I will ask the Senator just to answer that frankly. Will it?

Mr. FESS. It probably will take some of the traffic that goes through from coast to coast. It probably will take some of the traffic, for example, in San Francisco and the Pacific coast ports.

Mr. PITTMAN. Do not the railroad executives, in making the application, state that they expect to get half of the existing transportation passing through the Panama Canal, exclusive of oil?

Mr. FESS. I will say to the Senator that I have not consulted the transportation heads about this matter.

Mr. PITTMAN. I am talking about the evidence before our committee, sir.

Mr. FESS. I do not recall that they said that.

Mr. PITTMAN. That is their assertion. Would the Senator favor a rate that would let them take half of the transportation off the Panama Canal?

Mr. FESS. I will favor a rate that will maintain the water route in competition with the rail route, but that will give the rail line some of the traffic that thus far it might be denied because of a lower rate.

Mr. PITTMAN. Let me appeal to the Senator's sense of equity on this proposition: If the railroads should take a little over a million tons from the eastbound traffic, or if they should take a million and a half tons from the water, it would take off half of that transportation, and it would only add to the western railroads less than 1 per cent of their present traffic. The railroads would gain 1 per cent and the boats would lose 50 per cent. The railroads would gain 1 per cent at out-of-pocket cost—which, to say the least, is not very remunerative—and the boats would lose 50 per cent.

Another question: When 90 per cent of the traffic through the Panama Canal is steel, going largely from Pittsburgh, can the Senator conceive that if the rate were made so that Pittsburgh would ship by rail half of its steel to Los Angeles and San Francisco it would not ship the rest of it by rail? In other words, if a rate is put in force there that will make the railroads a more advantageous means of shipment, can the Senator conceive that that will give them half of the traffic and will not take it all?

That is the question we are getting down to. Do the railroads want the little out-of-pocket cost revenue on a million and a half tons of their 500,000,000 tons, or do they want to put the Panama Canal out of business? Is not that the question that we have before us?

Mr. FESS. The Senator knows that there will be no act on the part of the Interstate Commerce Commission that will put the Panama Canal out of business. That will not be done. This is simply a scarecrow that is being put up to frighten people. The Interstate Commerce Commission specifically states that this is the rule of action; and Congress, of course, would not permit a body, no matter what it is, to put out of business a transportation line that cost as much as the Panama Canal cost the Government. There is no desire to do it.

I am just as much a friend of the water carrier as is the Senator from Nevada. I live near a river. I believe in water transportation. I have always supported it. I have not, however, any fear such as he seemingly entertains that when the Interstate Commerce Commission permit the lowering of a rate to enable the railroads to get a portion of the traffic that goes from the Atlantic coast to the Pacific coast, they will allow it to be carried at a rate so low that it will destroy the Panama Canal. That is inconceivable. It will not be done.

Mr. PITTMAN. I do not criticize the Senator. I have every confidence in his intentions in the matter; but here is the proposition which bothers me as a member of the Interstate Commerce Committee:

Mr. Esch of the Interstate Commerce Commission testified the other day that he did not think the rate of 80 cents would give the railroads over a quarter of the traffic. That is what he said. I do not think it will give them over a quarter. I do not believe that Mr. Esch would give them over a half; but here is the proposition:

In the first place, we are construing the statute which says "reasonably compensatory" as which is construed as out-of-pocket rate that has been talked about, which I say the testimony will show does not include overhead or dividends or interest or depletion or repairs of the railroads. Mr. Esch thinks he can stop it at a half.

The Senator thinks the commission can stop it at a half. In the first place the great question is whether or not we should maintain the traffic over that canal in full vigor. That is what the act says; but admitting for argument that the railroads are entitled to a half, does the Senator think it is a safe thing for the Congress of the United States to allow a discretion to remain in a body like the commission, which is going to try to give the railroads a half, when the intelligence of the situation in the case is that if it gives the railroads a half they will take it all?

Mr. FESS. I think the public welfare as determined by transportation, including the Panama Canal, is in just as safe hands when it is in the hands of the Interstate Commerce Commission as it would be if it were in the hands of any equal number of Senators who are here on this floor representing any particular local interest that they might at that time be representing. In fact, I think it is a good deal safer, because the members of the Interstate Commerce Commission are selected, first, because of their efficiency in traffic problems; and while I should like to think myself reasonably intelligent upon some subjects, I have not the ability to decide these problems that they have, and I doubt whether my genial friend from Nevada has the ability to decide them that the Interstate Commerce Commission has. In other words, without offending him, I should much prefer to leave the decision to the Interstate Commerce Commission rather than to him or to any group in the Senate.

Mr. PITTMAN. The Senator is right, and I agree with him. I think wherever there is a traffic discretion, it ought to be left to traffic experts; but this is the sole problem that is presented here:

A discretionary body having indicated over a long period of years that they are going to use a discretion in a definite way—that is, that they are going to interpret "reasonably compensatory" to mean the out-of-pocket cost, which means the coal in the engine, the engineer and the fireman and two brakemen—so as to enable the railroads to get half of the water traffic through the canal; having indicated that that is their policy, that that is their discretion as already announced, I ask the Senator whether it is not time for the Senate of the United States to say: "That discretion, in our opinion, is either right or wrong"; and, if it is wrong, "You having exerted it for a period of years, we will withdraw that discretion as far as water transportation is concerned"?

Mr. FESS. Mr. President, I have none of the fears that the Senator from Nevada has in regard to the effect it is to have upon the Panama Canal.

Mr. WATSON. Mr. President, the Senator a while ago gave an illustration of two roads running from here to Pittsburgh.

The VICE PRESIDENT. The Senator will please address the Chair.

Mr. WATSON. I did address the Chair.

The VICE PRESIDENT. The rule requires that Senators shall face the Chair.

Mr. WATSON. Does the rule require that I face the Chair?

Mr. McKELLAR. And will the Senator talk a little louder?

Mr. WATSON. I did not know that the rule required that I face the Chair.

The VICE PRESIDENT. It does.

Mr. WATSON. I beg the Chair's pardon. How can I address the Senator from Ohio, who is back here, while I am facing the Chair?

The VICE PRESIDENT. That is the requirement of the rule.

Mr. WATSON. Well, I am against that rule. Will the Senator from Ohio come around in front, so that I can face both him and the Chair?

Mr. FESS. I am afraid the Senator has forgotten his question.

Mr. WATSON. No. There are two competing lines between here and Pittsburgh, and, of course, one must meet the competition of the other. Greensburg is part way between here and Pittsburgh, and naturally they would allow more for the short haul than for the long haul in order to meet the competition.

The problem here is not the problem as stated by my friend from Nevada, our associate on the committee, but that these transcontinental rates shall be such that they shall meet the water competition. It does not mean that they are going to take all the traffic, or that the water is going to take all the traffic.

Mr. FESS. It is forbidden.

Mr. WATSON. Precisely. But they shall meet that competition, just as two railroads meet competition.

Mr. PITTMAN. How much can they take and how much can they not take?

Mr. WATSON. Nobody knows about that. How much shall these two railroads take, I ask my friend, in the illustration given by the Senator from Ohio at the outset of his remarks? It is a question of competition; and then, when the competitive rate is met, it becomes a question of service as to which shall get the major portion of the traffic. It can not be any other way. It is a question of meeting the competing rate out at the Pacific ports.

Mr. FESS. That is what I was trying to say to the Senate, to give the guiding principles or the basis upon which the Interstate Commerce Commission makes its ruling. It states specifically first that the rate must be reasonably compensatory in that it must not only take care of the out-of-pocket cost, but it must add something to it, so that there will be a profit. Secondly, it must not be any lower than to enable the carrier to meet competition such as the Senator has been mentioning. Third, it must not be so low as to threaten the water competitor. Fourth, it must not put any undue burden on other traffic elsewhere. Fifth, it must not be so low as to jeopardize the transportation act, which makes possible the allowance by the Interstate Commerce Commission of a rate sufficient to make a fair return on the investment.

Those are the fundamental steps upon which the Interstate Commerce Commission makes its decision as to whether they will permit a smaller return for a longer haul than for a short haul. It seems to me, unless we are afraid of the Interstate Commerce Commission in its judgments violating the equities of the situation and paying no attention to the public welfare, unless that is our view, that is the only body in which to lodge this matter, and it ought to be lodged there rather than here in Congress.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FESS. I yield.

Mr. PITTMAN. The Senator thinks they could get half of the transportation; so does the chairman of the committee——

Mr. FESS. The Senator must not put in my mouth something I have not said. I do not know what they would get.

Mr. PITTMAN. Let me see if the Senator would agree with this. Here is the testimony of the president of the Northern Pacific Railroad, just about one sentence. This is what Mr. Donnelly said:

> If it is the policy of the Interstate Commerce Commission that the railroads shall be permitted to handle any and all traffic which shall show some profit above the out-of-pocket cost, then the railroads can handle all the business now transported by steamship, both east and west, through the Panama Canal.

Does the Senator think that is true?

Mr. FESS. They might be able to do it.

Mr. PITTMAN. That is what the president of the road said.

Mr. FESS. They might be able to do it. The Senator from Nevada is well enough acquainted with the law and the practice of this commission to know that if a ruling by the commission should be found to be hurtful, it could be changed just as easily as it was made. It is not like the laws of the Medes and Persians. It can be repealed or annulled by the body which originally made it.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. FESS. I yield.

Mr. EDGE. So many suggestions have been made by the Senator from Nevada as to what the decision would be that I would like to ask a question. As I understand it, this law has been in existence for some time, and the Interstate Commerce Commission have had the power to make these decisions upon application. Has the Senator any report or any figures as to what the result has been, for instance, as to the use of the Panama Canal?

Mr. FESS. There has been no ruling. In the first place, there was an application for the lowering of the rate to the Pacific coast in 1917. The ships were withdrawn for war purposes, as the Senator knows, and the ruling was denied at the time. The application is made now on these 42 items to which the Senator from Idaho called attention and which are shown on the paper pinned on the map which the Senator from Idaho supplied. But there has been no action upon the application. This is what I do not like: Here is a case presented to the Interstate Commerce Commission, the proper body to decide it, which we are now proposing to take from the commission, and bring on this floor. The Senator from Idaho would have us believe that the thing has already been done, and that the intermountain country is suffering tremendously because of what he calls a discrimination. That has not been done. There has been no decision on this application by the commission.

Mr. PITTMAN. I rise for the purpose of making a correction.

Mr. EDGE. The Interstate Commerce Commission has really made no decisions along this line?

Mr. FESS. On many items——

Mr. EDGE. Where they have made decisions, has it been with the result spoken of by the Senator from Nevada?

Mr. FESS. The result has demonstrated the wisdom of the decisions.

The VICE PRESIDENT. Senators will address the Chair when they desire to interrupt a speaker, for the benefit of the reporters, if for that of no one else.

Mr. FESS. I will state to the Senator from New Jersey that the decisions have justified their wisdom, otherwise the commission would have canceled the ruling.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. I yield.

Mr. CUMMINS. I desire to ask the Senator from Ohio a question, not to indulge in an argument. Does the Senator from Ohio interpret the law of 1910 as the Interstate Commerce Commisison has interpreted it with respect to what constitutes a compensatory rate?

Mr. FESS. I do.

Mr. CUMMINS. I have only one comment. I was the author of that phrase when it went into the interstate commerce law. I did not mean what the Interstate Commerce Commission has subsequently determined the law to mean. I expressed my view very fully and very clearly before the Senate when the law was enacted, and the interpretation I put upon that phrase was radically and essentially different from the interpretation which the Interstate Commerce Commission has put upon it. I think that in view of the action of the House and the Senate in 1920 the Interstate Commerce Commission ought to have given a different construction or interpretation to the phrase "a compensatory rate."

Mr. FESS. Does the Senator mean that "reasonably compensatory" should be construed to mean fully compensatory?

Mr. CUMMINS. Yes; I do.

Mr. FESS. I think the Senator is mistaken.

Mr. CUMMINS. I mean that a reasonably compensatory rate is a rate that will contribute to the income of the carrier its share of the burden which the carrier must bear; that a reasonably compensatory rate is one which the Supreme Court of the United States would hold to be not confiscatory. "Compensatory" and "confiscatory" are antagonistic terms, and any rate that is not confiscatory is reasonably compensatory.

Mr. WATSON. Mr. President, does the Senator make a distinction between the phrases "a reasonable rate" and "a reasonably compensatory rate"?

Mr. CUMMINS. There is a difference. A reasonable rate is one which, taken together with all other reasonable rates, may contribute enough to make a fair return upon the property of the carrier. A rate that is reasonably compensatory is a rate which will bear its fair share of the burden. That is what we intended.

Mr. ROBINSON of Arkansas. May I ask the Senator from Iowa a question, with the permission of the Senator from Ohio?

Mr. FESS. I yield for that purpose.

Mr. ROBINSON of Arkansas. Is a reasonable rate ever confiscatory?

Mr. CUMMINS. No; it is not.

Mr. ROBINSON of Arkansas. Is a rate which merely yields a sufficient sum to pay expenses of operation reasonably compensatory?

Mr. CUMMINS. It is not, from my point of view.

Mr. ROBINSON of Arkansas. Are Senators in accord as to what constitutes out-of-pocket cost? Is there any difference of opinion among Senators as to that?

Mr. CUMMINS. I think there is a little difference of opinion among students of the subject with respect to the phrase "out-of-pocket cost."

Mr. ROBINSON of Arkansas. May I ask the Senator from Iowa whether he is prepared to state what he would regard the phrase "out-of-pocket cost" as embracing?

Mr. FESS. I yield to the Senator from Iowa. I would be glad to have the Senator's construction.

Mr. CUMMINS. I submit my view upon that with great diffidence. I think that an out-of-pocket cost is the cost of maintenance and operation, and it includes the overhead cost, it includes every other cost that enables the carrier to perform the operation which it is performing. There are some students of the subject who believe that an out-of-pocket cost is simply the cost of performing that particular service, running the particular train which carries the commodity that may be under consideration. I do not agree with that view.

Mr. ROBINSON of Arkansas. With the further permission of the Senator from Ohio, will the Senator from Iowa state the difference between his construction of the term "out-of-pocket cost" as applicable to this controversy and that given by the Interstate Commerce Commission? What do they hold?

Mr. CUMMINS. I do not know that the Interstate Commerce Commission has construed it differently from the way I stated it.

Mr. PITTMAN. May I call this to the attention of the Senator and ask him if this is not his idea of it? Colonel Thom, who has represented the railroad executives at all of our hearings, and whom the Senator from Iowa has heard, gave this testimony before the House committee, which was read to him by me the other day to see whether or not it described the understanding of the railroad executives as to out-of-pocket costs. I said:

> Here is the statement that you made before the Committee on Interstate Commerce of the House in the hearing on this same bill (S. 2327), as follows:
>
> Mr. BURTNESS. Mr. Thom, may I ask just one question? As the term "out-of-pocket cost" is generally used, does that contemplate spending a portion of the overhead expense?
>
> Mr. THOM. I think it contemplates the haulage costs.
>
> Mr. BURTNESS. Simply the haulage costs or the additional traffic?
>
> Mr. THOM. But it must not only cover that but more than that.
>
> Mr. BURTNESS. Under the order of the commission?
>
> Mr. THOM. Yes.
>
> Mr. BURTNESS. I am referring now simply to the general expression "out-of-pocket cost."
>
> Mr. THOM. That is generally applied to the haulage costs.

Mr. CUMMINS. I do not agree with Mr. Thom about that.

Mr. ROBINSON of Arkansas. I have asked these questions for the purpose which will be disclosed by the following question: Taking the definition of "out-of-pocket costs" as given by Mr. Thom, if a railroad were required to carry on all of its business for rates which merely yielded out-of-pocket costs, would or would not the rates as a whole be confiscatory? Would they or would they not be compensatory in any degree?

Mr. CUMMINS. It would undoubtedly be held by the Supreme Court or by any court to be confiscatory.

Mr. ROBINSON of Arkansas. Then how can it be held that a given rate, which merely defrays what is denominated as out-of-pocket cost, is reasonably compensatory?

Mr. CUMMINS. I do not think it can be so held.

Mr. PITTMAN. Mr. President, may I ask the Senator from Iowa another question, with the permission of the Senator from Ohio?

Mr. CUMMINS. I am trespassing upon the good nature of the Senator from Ohio.

Mr. FESS. I am glad to yield to the Senator from Nevada.

Mr. PITTMAN. Here is what Commissioner Esch testified the other day on the subject of confiscation:

> On their contention that they could not afford to make the reduction to the Pacific coast terminals and spread that reduction throughout the intermountain points.

He was speaking about the railroad executives—

> As justification of that argument on their part, I remember one item of the evidence relating to structural steel, say, from Chicago to San Francisco, on a proposed rate of 20 cents per hundredweight, the roads would lose $6,000,000 in revenue. If that reduction were extended throughout the intermountain territory, the loss would be $67,000,000. And that was used as a reason why they could not afford to make reductions to the Pacific terminals and extend those reductions back to the intermediate points.

Mr. CUMMINS. Will the Senator from Ohio allow me just a moment more, because I am very much interested in the matter?

Mr. FESS. I am glad to yield to the Senator from Iowa.

Mr. CUMMINS. In the first place, I want it to be understood that I am in favor of the pending bill. I do not want any misunderstanding about that. I am not in favor of it for all the reasons that have been given by the Senator from Idaho [Mr. GOODING], who has spoken this afternoon.

The way it came about in the act of 1920 was about as follows: We had provided in that act that the Interstate Commerce Commission should fix rates in the United States, as a whole or in districts into which the country might be divided by the Interstate Commerce Commission, which would result as nearly as may be in a net operating income that would pay 5½ per cent upon the value of the railway property as a whole or the value in any district into which the country should be divided, with the privilege on the part of the Interstate Commerce Commission of adding one-half of 1 per cent for purposes other than the cost of transportation; that is, for capital account, for expenditures in additions, betterments, and extensions.

Then we came to section 4. A proposal was made by the very distinguished former Senator from Washington, Mr. Poindexter, and the proposal was that we should not permit any railway to charge more for a short haul than for a long haul in the same direction over the same railroad for the same commodity. We had a great deal of trouble about it, because there was the same difference of opinion then that there is now.

That difference was finally composed by providing that one of the conditions which must be observed by the Interstate Commerce Commission in granting relief from the fourth section should be that the rate for the long haul, if it was a less rate than the rate for the short haul, must be reasonably compensatory. When the fact is recalled that we provided for an aggregate return on the value of the entire railway property, no one could misunderstand the consequence of the provision in section 4, incorporated in 1920, and that is that the rate should at all events contribute its share toward the return that we had provided the railroads should enjoy.

When we came to the floor of the Senate and I reviewed the bill as it had been reported by the committee, I laid special emphasis upon that interpretation of the amendment which we had made to section 4. No one could have been more surprised than I about any interpretation of a law that was ever made or published by a judicial or semijudicial body than when it was discovered that the Interstate Commerce Commission were of the opinion that the construction I had given the clause was not the true construction, and placed a different construction upon it.

Mr. FESS. Mr. President, I understand it is the desire of a Senator to bring before the Senate another matter, so I shall discontinue for this afternoon and ask permission to continue the discussion to-morrow.

The VICE PRESIDENT. The Chair desires to make a statement in behalf of the very able and conscientious reporters of the Senate. A few minutes ago it was in their behalf that he

spoke when he referred to the rule which requires a Senator to address the Chair when interrupting the Senator who is entitled to the floor. It is difficult enough to take the debates, but it is absolutely impossible to take them properly when two are engaged in debate if the rule is not observed. In their behalf, the Chair would ask care in debate hereafter, which is liable to be colloquial, that two Senators do not speak at the same time. That, the Chair understands, is one of the chief reasons why Senators are expected to address the Chair, so that the reporter may know when the next speaker is to start. Otherwise the reporters will often find that the debate becomes a little too informal.

Mr. BUTLER. Mr. President, I ask the Chair to lay before the Senate resolutions on his table from the House of Representatives.

DEATH OF REPRESENTATIVE HARRY I. THAYER

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read:

The Chief Clerk read the resolutions of the House, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. HARRY I. THAYER, a Representative from the State of Massachusetts.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. BUTLER. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 168) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HARRY I. THAYER, late a Representative from the State of Massachusetts.

Resolved, That a committee of six Senators be appointed by the President of the Senate, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed Mr. BUTLER, Mr. GILLETT, Mr. MOSES, Mr. HARRISON, Mr. ASHURST, and Mr. BROUSSARD as the committee on the part of the Senate under the second resolution.

Mr. BUTLER. Mr. President, I move, as a further mark of respect to the deceased Representative, that the Senate take a recess until to-morrow at 12 o'clock.

The motion was unanimously agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 13, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 12, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Look upon us, O Lord, while we breathe the chant of the ages: "Holy, holy, holy, Lord God Almighty." Heaven and earth are filled with Thy goodness, and Thy mercy is everlasting. Hear us, help us, and lead us to repose our confidence in Thee. May we be constantly mindful that the basis of all worthy achievement is in unswerving fidelity to the accepted sanctities of public and private life. Remember the numerous avenues of our country through which the public mind is exercised and direct us, O Lord, to deal justly with all questions. Do Thou bless our households and all their consecrated loves and hopes. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION CASE OF H. O. BROWN AGAINST ROBERT A. GREEN

Mr. GIFFORD. Mr. Speaker, I call up the resolution contained in Report No. 359 from the Committee on Elections No. 3 and ask for its immediate consideration.

The SPEAKER. The gentleman from Massachusetts calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 170

Resolved, That Hon. ROBERT A. GREEN was duly elected a Representative from the second congressional district of Florida to the Sixty-ninth Congress and is entitled to his seat.

Mr. GARRETT of Tennessee. Mr. Speaker, I suppose that is a unanimous report?

Mr. GIFFORD. Yes.

Mr. BEGG. Mr. Speaker, by whom is the report made?

The SPEAKER. It is made by the gentleman from Massachusetts by direction of the Committee on Elections No. 3. The question is on agreeing to the resolution.

The resolution was agreed to.

BIG SANDY RIVER BRIDGE, KENTUCKY-WEST VIRGINIA—CONFERENCE REPORT

Mr. DENISON. Mr. Speaker, I ask unanimous consent to call up conference report on H. R. 5043, granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia.

Mr. BEGG. Mr. Speaker, reserving the right to object, what kind of a bill is it?

Mr. DENISON. It is a bridge bill.

The SPEAKER. The gentleman from Illinois calls up conference report on H. R. 5043, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the report?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said Senate amendment insert the following: "at any time after 15 years after the completion of such bridge"; and the Senate agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN B. PARKS,
Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress for the construction of a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and the city of Kenova, W. Va., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: This Senate amendment struck out the period at the end of line 4, on page 2, and inserted a colon and the following proviso: "*Provided*, That such bridge shall not be con-

structed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of traffic which will pass over it."

The general bridge law of March 23, 1906, provides that plans and specification for all bridges over navigable waters of the United States shall be submitted to and approved by the Secretary of War and the Chief of Engineers before the bridge can be commenced. This power conferred upon the Secretary of War and Chief of Engineers has always been construed as being limited to the interest of navigation and, therefore, under existing law, the Chief of Engineers only examines plans and specifications for proposed bridges with a view to ascertaining whether or not they will interfere with, obstruct, or endanger navigation. Amendment No. 1 will have the effect of requiring also that the Chief of Engineers examine and approve the plans and specifications for proposed bridge with a view to determining whether or not they will be sufficient to provide for the volume and weight of traffic that will pass over the bridge. This amendment is intended to protect the public and see that bridges are made of the proper strength to bear the traffic that will pass over them. The managers on the part of the House receded and agreed to that amendment.

On No. 2: The bill authorized the State or any political or other subdivision or subdivisions thereof to take over by purchase or condemnation the bridge built under the provisions of the act upon paying proper compensation therefor. The Senate amendment struck out the provisions authorizing political subdivisions to purchase or condemn the bridge. The Senate receded from its views on this amendment and agreed to the provisions of the original bill as it passed the House, and the provision giving the right to purchase or condemn the bridge to cities, counties, and other political subdivisions is restored.

On Nos. 3, 4, and 5: As the bill passed the House it authorized the State or any political subdivision thereof to take over and acquire possession of the bridge constructed under its provisions by purchase or condemnation at any time after 15 years after the date of completion under a rule limiting compensation to be paid therefor as provided in the bill.

By Senate amendments 3, 4, and 5, the Senate changed these provisions of the bill so as to allow the States or political subdivisions thereof to acquire possession of the bridge by purchase or condemnation at any time after completion upon paying the full value therefor under the laws of the States in which the bridge is located governing the condemnation of private property for public purposes. And provided further, that if the State took over the bridge by purchase or condemnation after five years from the completion thereof it could do so upon the payment of the actual value of the bridge with any improvements made and less any actual depreciation, not allowing anything for going value or prospective revenues or profits. The managers on the part of the House recede from their disagreement to amendments Nos. 3 and 4 and agreed to amendment No. 5 with an amendment, the effect of which is to give to the States of Kentucky and West Virginia and their political subdivisions the right at any time after 15 years from the completion of the bridge, either jointly or severally, to acquire possession of the bridge either by purchase or condemnation upon the payment of such amount as will represent the actual value of the physical structures with all improvements and less actual depreciation, and without taking into consideration going value or prospective revenues or profits.

On No. 6: The bill as it passed the House provided that if the State or its political subdivision should take over and acquire possession of the bridge by purchase or condemnation under the provisions of the act, it should be for the purpose of making the bridge a free bridge after a period of five years' ownership by the State or other political subdivision. In other words, under the provisions of the House bill the State could, if it chose, operate the bridge as a toll bridge for a period of five years, and thereafter it should operate it as a free bridge. The Senate struck out that provision of the bill, so that if the State or its political subdivisions should take over or acquire possession of the bridge by purchase or condemnation it could either operate the bridge as a toll bridge or as a free bridge, as it chose. The managers on the part of the House receded, and agreed to that amendment.

E. E. DENISON,
O. B. BURTNESS,
TILMAN B. PARKS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment House joint resolution of the following title:

H. J. Res. 197. Joint resolution to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8917. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate has passed without amendment bill of the following title:

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation in the State of Washington, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3217. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8316. An act granting the consent of Congress to the State highway department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Samson, on the Opp-Samson Road, in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Geneva, on the Geneva-Florida Road, in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a

bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River, near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala.; and

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Pell City, on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6710. An act granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River in the State of Georgia at a point near Ludowici, Ga.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. By order of the House to-day business in order on Calendar Wednesday is in order and the Committee on the Merchant Marine and Fisheries has the call. The Clerk will call the committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

RADIO COMMUNICATION

Mr. SCOTT. Mr. Speaker, I call up H. R. 9971 for the regulation of radio communications, and for other purposes.

The SPEAKER. The gentleman from Michigan calls up H. R. 9971, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. McKEOWN. Mr. Speaker, I desire to make a point of order against the consideration of the bill on the ground that it is improperly on the calendar and that the only bill which can be called up by the committee is H. R. 9108, and on that I desire to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. McKEOWN. Mr. Speaker, the bill H. R. 9971 is a bill for the regulation of radio communications, and for other purposes. This bill was reported to the House and referred to the Committee of the Whole House on the state of the Union subsequent to the report made by the same committee on H. R. 9108, the title of which is for the regulation of radio communications, and for other purposes. That bill had already been considered by the Committee on the Merchant Marine and Fisheries and reported to the Committee of the Whole House on the state of the Union on February 27, 1926, whereas the present bill, H. R. 9971, was reported to the House on March 5, 1926.

Mr. Speaker, there are no precedents which I have been able to find in all the history of the House touching this question. My point of order is this: That certain subjects, including radio, having been assigned by the House to the Committee on the Merchant Marine and Fisheries, that that committee is a standing committee, is the creature of the House, and is governed by the rules of the House.

Now, I want to say that after having considered the subject matter of the legislation, and after having reported a bill upon that subject matter, it is not within the province or power of the Committee on the Merchant Marine and Fisheries to reconsider the subject in identical language or in similar language and cover the subject by a subsequent bill, because the bill when reported to the House becomes the property of the House, and under the precedents it can not be reconsidered by the Committee on the Merchant Marine and Fisheries unless that committee has the unanimous consent of the House to recommit the bill, or by having the bill recommitted to the Committee on the Merchant Marine and Fisheries. The method which was undertaken in this case would mean absolute confusion and chaos and would bring to the House many bills from committees, although upon the same subject, in slightly different language.

I want to call the Speaker's attention to the fact that in the creation of committees the rule is that bills are not assigned to committees, but certain subjects; the bills necessarily contain the legislation, but the subject of the legislation is the matter for the committee to consider. Now, in creating the standing committees the Committee on the Merchant Marine and Fisheries was assigned bills relating to certain subjects, and bills relating to radio are referred to the Committee on the Merchant Marine and Fisheries. Now, my contention is that there may be 1,000 bills referred to this committee upon the subject of radio, but when that committee undertakes to report a bill into this House and report a bill upon radio, as was done in this case, then that committee is without power to report another similar bill upon that subject at this session of the House as long as the other bill is upon the calendar.

In support of that position, I will say that we will have to arrive at a decision by analogy. In ordinary parliamentary bodies the rule is that when a committee reports, it is automatically discharged. That is not true as to standing committees, but the rule is that when the committee reports upon a subject and that report is received, the committee is discharged from the consideration of that subject.

Mr. MADDEN. Will the gentleman yield for a question? It will help to elucidate the point the gentleman is making.

Mr. McKEOWN. Yes.

Mr. MADDEN. Does the gentleman contend that if a committee of the House reports a bill that has been considered by the committee, and that bill goes on the calendar, that I, as a Member of the House, can not introduce another bill on the same subject, either in a modified form or exactly like it, and does the reporting of the first bill take away the right of the committee to report that bill?

Mr. McKEOWN. Yes, sir; and I want to show you why I contend that.

Mr. MADDEN. Of course, there is nothing to that.

Mr. McKEOWN. I want to present the point upon this ground. Suppose a bill is reported out from the committee and not entitled to a place on the calendar; that is to say, suppose a committee reports a bill upon which they reach no agreement. That bill has to go upon the table of the House. Suppose a committee rejects a bill; that bill goes upon the table of the House. Now, can it be said, under the rules of the House providing that the House shall not consider any measure or bill that has been rejected and that it can not consider such matter at the same session of the House, can it be said that a committee that has reported out a bill and has it put upon the calendar can take that subject matter back into the committee and report another similar bill upon the calendar of the House when the committee can not, under the rules of the House, reconsider or entertain a motion to reconsider its action upon the bill in the committee because it is the property of the House and they can not reconsider it?

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. I will yield in a moment.

A committee may not report a bill the subject matter of which has not been referred to the House.

This was decided by the majority leader, Mr. TILSON.

Subjects relating to the merchant marine and fisheries not being in the class mentioned in clause 56 of Rule XI, reports of this committee are referred to the proper calendar. Bills reported adversely are laid on the table. The report when made becomes the property of the House. That is settled, and there is no dispute about that. A vote in the committee can not be altered except by the House.

I contend that if the committee can not vote to reconsider this bill then they can not do indirectly what they can not do directly, and that is when they vote out this latter bill it is a reconsideration of the first bill, and I will show the Speaker in one of the most learned decisions of Speaker Cannon, in 1910, that he went into the proposition to distinguish between substance and similar words of a bill.

A report of a select committee under the old rule automatically discharged a committee. From a standing committee it discharged the committee upon the particular object and the subject of legislation. After a bill has been referred and reported to the House it can not be reconsidered without the consent of the House. [Sec. 413 of Jefferson's Manual.]

When a report has been adversely disposed of, a motion to recommit is not in order. [Vol. 5 of the Precedents, 5559.]

If a committee may not reconsider its vote to report out House bill 9108 except by consent of the House, can one Mem-

ber by reintroducing a bill upon the identical subject, and in all particulars the same except the omission of paragraph 4, by such means obtain a reconsideration of the subject matter of the legislation?

The question here is that Congress deals not so much with the question of the language of bills, except when they are before the Committee of the Whole House, but the subject of the legislation and the object of the legislation.

The bill H. R. 9108 was introduced on February 9, 1926, and referred to the committee. It was reported on February 27, committed to the Committee of the Whole House on the state of the Union and ordered printed. H. R. 9971 was referred March 3, 1926, and reported out on March 5, 1926. Both reports bore instructions to call up the bill.

Now, who is to determine which bill, if they are properly on the calendar, is to be called up? If the committee having once ordered one bill to be reported can not reconsider its action, then how is the House to determine which one of the two bills is to be called up even if the bill is properly on the calendar?

Mr. BLANTON. Will the gentleman now yield?

The SPEAKER. If the gentleman will pardon the Chair, does the gentleman doubt on Calendar Wednesday the committee can call up the bill?

Mr. McKEOWN. Mr. Speaker, the point is that the chairman of the committee has not the authority himself to determine which of the two bills the House committee has authorized to be reported.

Mr. BLANTON. Will the gentleman yield for a question on that point?

Mr. McKEOWN. In just a moment. In other words, the committee having authorized the calling up of the first bill, then having authorized the calling up of a second bill——

The SPEAKER. If the gentleman will pardon the Chair, there was no action taken by the committee, as the Chair understands it, to instruct anybody to call up a particular bill on Calendar Wednesday.

Mr. LEHLBACH. Will the gentleman yield at that point?

Mr. McKEOWN. Yes.

Mr. LEHLBACH. Is it not a fact that the Committee on the Merchant Marine and Fisheries on the 5th day of March, when they authorized the reporting of H. R. 9971, expressly authorized the chairman to call up that bill on Calendar Wednesday?

Mr. McKEOWN. Yes; and that is the very thing I say you can not do, because you had already authorized him to call up the other bill, and you can not reconsider the matter in committee. That is the point I am trying to make.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. McKEOWN. In a moment. The first bill had never been called up and had never been acted upon, and therefore if the committee can not reconsider its action in authorizing the first bill to be called up, without the consent of the House, how could the committee authorize this bill to be called up, because if it had no authority to reconsider its action in respect of the previous bill then that order would be of no avail.

Mr. CRAMTON. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. CRAMTON. While the committee can not reconsider its action in ordering a favorable report on a bill what is there to prevent the committee reconsidering its action as to instructions to call up a bill?

Mr. McKEOWN. The first instruction was to call up the other bill. You can not reconsider the proposition of calling up the bill, because it is in the House and you have no authority.

Mr. SCOTT. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SCOTT. I am sure the gentleman believes that he is making a correct statement; but I think when I direct his attention to the statement he has made he will see that it is not exactly in accordance with what occurred. The committee when considering H. R. 5589 and H. R. 9108 took no action instructing the chairman of that committee to bring up that particular bill.

Mr. McKEOWN. I beg the gentleman's pardon; the motion was that the chairman should take all steps possible to call up the bill and, if necessary, ask for a rule.

Mr. SCOTT. That is true.

Mr. McKEOWN. My contention is that you are trying to reconsider the action on that bill while it was the property of the House, and it was not within the province of the committee to do so.

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. Suppose the chairman had 25 bills here; does the gnetleman contend that the chairman has not the right to call up any one he sees fit? That has been the practice for years.

Mr. McKEOWN. I am not talking about what the chairman can do, I am talking about the authority of the committee. Neither the chairman nor any Member can reconsider the action, for the bill is in the control of the House.

Mr. BLANTON. It is in control of the chairman and the committee.

Mr. McKEOWN. No; the chairman is the head of the committee and the committee is the one that has the bill in charge. Now, Mr. Speaker, these bills have the same identical title; the same objective legislation, and is upon the same identical subject.

Standing committees are the creatures of the House by the rules of the House, and, as Speaker Reed said, the committee is the "eye, ear, and hand of the House," governed by the rules of the House. The Committee of the Whole House could not receive a bill on the same subject of the same legislative object after having just reported a bill to the House. The standing committees are governed by the rules of the Committee of the Whole House. Would not it be absurd to say that if the Committee of the Whole House on the state of the Union had reported back to the House with a favorable recommendation that a bill upon a certain legislative subject with a certain legislative object could be immediately reconsidered and recommend the consideration of another bill, one with the paragraph left out or a Senate amendment changed, and report it back to the House? It certainly could not. If the Committee of the Whole House can not do it, the standing committee of the Whole House can not do it, because they are regulated and controlled by the House.

Mr. BEGG. On that point will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BEGG. Is the gentleman contending that when a committee reports a bill it loses its jurisdiction over the bill to further report?

Mr. McKEOWN. A similar bill and the same legislation; yes.

Mr. BEGG. The gentleman contends when it makes a report it has no further jurisdiction of that subject matter.

Mr. McKEOWN. Now, I am going to read some authorities to the Chair:

> Where two Houses pass similar bills on the same subject it is necessary that one or the other House should pass on the subject.

What is the practice? If the House has a bill on a certain subject and a similar bill is passed in the Senate on the same subject, not in the identical language, what is the rule? The rule is that when the Senate bill comes to the House on a similar subject the Member may move to take up in place of the House bill the Senate bill, it being a similar bill, but not with the same verbiage perhaps. In that case the House has to lay the House bill on the table, because it can not consider either of these two bills on a similar subject matter.

Now, a bill once rejected, another of the same substance, not the same language—another of the same substance can not be brought in the same session. That is from Jefferson's Manual, section 507. I will say that the only case where that was overruled was in 1851, when Speaker Colfax overruled it; but in 1910 Speaker Cannon overruled Speaker Colfax, and he was sustained by a majority of the votes of the House on that question. It is a very interesting decision, in which he discusses this question of subject, substance, and language.

A bill having been rejected by the House, a similar bill, but not identical, on the same subject was held in order. That is the case that I have just mentioned, where Speaker Colfax, in the case of the Committee on Military Affairs, on the appropriation for military activities, where a rider was put in affecting the Territory of Kansas, and afterwards a bill similar to that without a rider was introduced in the House, held upon a point of order that the bill could be considered; but Speaker Cannon in 1910 overruled that decision, and it stands now that they can not reconsider a bill that has been rejected; and if they can not consider a bill that has been rejected, then they can not reconsider the bill that has been passed. If they can not reconsider a bill that is passed in the same session, a committee can not reconsider a bill reported on and brought into the House unless it gets the consent of the House to reconsider the subject.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SINNOTT. The gentleman has spoken of substituting Senate bills that come over from the Senate for similar House

bills. How would the gentleman substitute a Union Calendar bill? The rule provides only for the substitution of a House Calendar bill, and so a Union Calendar bill covering the same subject matter would have to go to the committee. It is only a House Calendar bill of similar import that you could substitute.

Mr. McKEOWN. It could not report out both bills.

Mr. SINNOTT. It would have the same subject matter before a second time. It would have to in order to handle a Union Calendar bill.

Mr. McKEOWN. Mr. Speaker, with a rule of reconsideration it is rarely ever attempted to bring forward a bill when it is rejected. I now call the Speaker's attention to the rules covering this matter in Parliament, and read from the parliamentary debate. Here was the point of order and citation made in this particular case:

Mr. STANLEY LEIGHTON. I rise, sir, to a point of order. I wish to call your attention to the fact that Part VIII of the bill, which we are now asked to read a second time, is the same in substance as the bill the second reading of which was resolved in the affirmative on Monday last. I presume that you, sir, take official cognizance of the contents of that bill. Its object and its title is "To establish a court of appeal in criminal cases." Part VIII of this bill also proposes to do the same thing by providing that any five judges of the high court shall be a court of appeal in criminal cases. And it is further proposed that that court, when constituted, shall deal with the same subject matters as those which are included in the bill already referred to the grand committee—that is to say, the constitution, jurisdiction, and evidence which appertain to a criminal appeal court. Now, I wish to call your attention to the law of Parliament on this matter, as stated in the book to which we all refer. I find that on page 305 of Sir Erskine May's book, it is said:

"It is a rule in both Houses not to permit any question or bill to be offered which is substantially the same as one on which their judgment has been expressed in the current session. This is necessary, in order to avoid contradictory decisions, to prevent surprises and to afford proper opportunities for determining the several questions as they arise. If the same question could be proposed again and again, a session would have no end, or only one question could be determined, and it would be resolved first in the affirmative and then in the negative, according to the accidents to which all voting is liable, and a mere alteration of the words of a question, without any substantial change in its object, will not be sufficient to evade this rule."

And then Sir Erskine May proceeds to quote precedents—

"On the 7th of July, 1840, Mr. Speaker called attention to a motion for a bill to relieve dissenters from the payment of church rates before he proposed the question from the chair. Its form and words were different from those of a previous motion, but its object was substantially the same, and the House agreed that it was irregular and ought not to be proposed from the chair. Again, on the 15th of May, 1860, the order for the second reading of the charity trustees bill was withdrawn, as it was discovered to be substantially the same as the endowed schools bill, which the House has already put off for six months."

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SNELL. As I understand the gentleman's contention, it is that the subject matter in each one of these bills is practically the same?

Mr. McKEOWN. Yes.

Mr. SNELL. If it is, then what is the objection to considering either one and letting the bill come before the House and have it considered.

Mr. McKEOWN. I want to raise the point in order to determinate the question for the future. It is a question never before determined in the history of the House, and I want it determined now.

Mr. SNELL. It seems to me that the gentleman is bringing in a lot of irrelevant matter if he wants to hold strictly to the point of order.

Mr. McKEOWN. I am addressing the Chair on that question, and I am trying to argue it as a lawyer as best I can. I am glad to have the gentleman's suggestion.

The SPEAKER. The Chair quite agrees with the gentleman as to the power of the House. All the Chair cares to hear from the gentleman is as to the power of the committee to report another bill covering the same subject matter.

Mr. McKEOWN. Mr. Speaker, upon that question we have to arrive at it by analysis. If I state the rule incorrectly, the Speaker is familiar enough with the rules of the House to know it. The committee is governed in its deliberations and considerations by the rules of the House. Among those is the rule that the committee can not reconsider an action taken in the committee upon the consideration of a bill without the consent of the House. I do not know whether the Speaker agrees with me, but that is the rule under Jefferson's Manual, which is the rule of the House.

The SPEAKER. Does the gentleman contend that the reporting of House bill 9971 was a reconsideration of its action in reporting 9108?

Mr. McKEOWN. Yes, sir; for the reason that it is the same legislative purpose; is the same legislative object, upon the same legislative subject and under the same legislative title, a stronger case than the case I read from the English Parliament. Furthermore, the rule of the House is that if a bill is rejected it can not be reconsidered at the same session. The rule of the House being so, then it naturally follows that under the rule of the House a bill having been passed at a session will not consider another bill of similar purpose, of similar legislative intent, upon the same legislative subject at that session of Congress. Now, the committee is bound by the same rules of the House, having considered this bill, 9108, having reported it into the House, and having become the property of the House, it was not within its power or jurisdiction at this session of Congress again to take up the same identical legislation or purpose and object for the same subject with a similar bill with the exception of one paragraph. Now, if the bill 9108, to illustrate, should have been passed by the Senate, and the bill 9978, a subsequent bill, had been passed by the House, is there any doubt in the Speaker's mind that they could call up the Senate bill and substitute it and lay the House bill upon the table? If they could, I want to read the precedents upon that question to the House. I want to apologize to the Speaker for taking so much time. It is a most important question, in my judgment, one that will affect the entire procedure and the welfare and save confusion in future years to Members sitting here in this deliberative body. I appreciate the value of time, but I want to call attention to another rule which I desire to read from. In the British Parliament bills are introduced from the floor, as the Speaker knows, and a similar practice used to be in the House and the practice obtains now in the Senate of the United States. Here is a case of a Member offering a bill and it was received at once:

Though any Member having obtained leave of the House to prepare and bring in a bill on any subject might take days, weeks, or months for the purpose, he could not when once he had brought up such a bill, and the House had received it and read it, make any alteration whatever in it. It was no longer his property any more than that of any other individual Member, and could not be altered by anyone. The House alone could then deal with it.

The decision of the Speaker in that case was to the effect that the bill could not be considered or changed, and therefore I contend here that they could not change this bill.

Now, hurrying on on this proposition, Mr. Speaker, this question was discussed by Speaker Cannon on May 9, 1910. In this case the question was raised over an appropriation to purchase buildings for embassies in foreign countries, and the bill had been voted down, and it came up again a second time for consideration. The Speaker—I will not take the time of the House to read the entire colloquy, but I will just read several paragraphs of the decision:

The SPEAKER. The Chair has listened with attention and with much interest to the presentation of this point of order and to its discussion. Touching Jefferson's Manual, the Chair does not agree with the criticism made by a committee of the House, if the Chair recollects, in 1880, that it is substantially antiquated and of but little authority. The observation of the Chair is that Jefferson's Manual is in constant use by the House and is adopted by one of the rules of the House. The Chair is satisfied that the clause of Jefferson's Manual which is cited here, as a general proposition, lays down a very salutary and useful principle:

"A bill once rejected, another of the same substance can not be brought in again at the same session."

Now, the object of the rule in the Manual, touching this as a matter of practice, was that there should be a finality when the House had once considered a proposition, that a similar proposition, in substance the same, should not be in order during the same session; and yet there comes the question of fact as to whether it is in substance the same.

Jefferson's Manual, in dealing with the subject of inconsistent amendments, lays down the general principle that were the Chair permitted to draw questions of consistence within the vortex of order he might usurp a negative on important modifications and suppress, instead of subserving, the legislative will.

Jefferson's Manual, as it is modified by the rules of the House—and they have all to be construed together and in the light of precedents that are made and the practice of the House under other rules—may

apparently from time to time lead to conflicting decisions. In two instances it seems to be required that the Chair shall enter into the question of substance or consistency. Take the rule of the House that prohibits legislation on a general appropriation bill—a salutary rule in the opinion of the Chair and in the opinion of the House, because it has rested in the rules of the House for more than a generation.

Now, who shall determine in that case under that rule as to whether an amendment or a proposition contains legislation? In the practice, which seems necessary under the rule, the Chairman of the Committee of the Whole decides, overruling or sustaining the point of order as the case may be, always, of course, subject to appeal and approval or reversal. In practice, therefore, the Chair constantly in Committee of the Whole determines whether the proposition is legislation such as is prohibited by the rules. Again, one of the rules of the House provides that in a certain case a Senate bill "substantially the same" as a House bill may be substituted for the House bill. The Chair in such case practically determines whether the Senate bill is substantially the same, for under the conditions of such bills it would practically be impossible for the House to determine the question. Therefore there are these two exceptions to the principle that the Chair should not decide questions as to substance or consistency.

It has been held that if an amendment proposed to a bill under consideration be changed one word, it will be a different proposition, although it may be substantially the same. The Chair recollects that this is the practice which is uniform, so far as amendments are concerned, both in Committee of the Whole and in the House.

The Chair cites the rule touching amendments proposing legislation on appropriation bills, the practice of the House touching similar but not identical amendments, and the substitution from the Speaker's table of a Senate bill "substantially the same" as the House bill, in order to show that under this code of rules and the practice of the House no hard-and-fast rule can be observed by the Speaker, although the general principle that he should not decide questions as to substance and consistency is undoubtedly sound.

The SPEAKER. If the gentleman will pardon the Chair, the Chair is very familiar with the precedents; but what the Chair wants to know is not on the question of whether the House can reconsider, once having acted, but on the question of reconsideration by the committee. Let the Chair ask the gentleman if the gentleman questions the power of a committee to have reported another bill in precisely the same language?

Mr. McKEOWN. Yes, sir; I do.

The SPEAKER. Will the gentleman let the Chair ask him this question?

Mr. McKEOWN. Yes.

The SPEAKER. Does the gentleman consider the reporting of a bill in precisely the same language as that previously reported as the same action?

Mr. McKEOWN. If it is the same subject matter in substance, it is a reconsideration. If the second bill is a reconsideration of the substance of the first bill, it is the same. If it is the same bill identically, then we would have no question in determining whether they had any authority to reconsider. I have already stated that they would not have; but if the bill in substance is the same, then the same rule applies as if it were the same bill. I want to call the Speaker's attention to some authorities on that point.

Mr. DENISON. Mr. Speaker, will the gentleman yield there for a question?

Mr. McKEOWN. Yes; but let the gentleman wait until I answer the Speaker's question.

Mr. DENISON. Suppose the House passes a bill and the Senate passes an identical bill, and the Senate bill is messaged over and referred to the House committee. Can the House committee report the Senate bill out?

Mr. McKEOWN. Under the rule they can.

Mr. DENISON. It is the same.

Mr. McKEOWN. No; that is not covered by the rule at all.

Mr. DENISON. On the same subject, in the same language?

Mr. McKEOWN. That does not follow. The case mentioned is covered by another rule. I am talking about the origination of legislation.

Now, Mr. Speaker, I read you on the question of the committee's rights and power.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. Has the gentleman considered this phase of the question? As the gentleman said in the beginning of his remarks, the committee is the creature of the House, and this bill having been sent to the committee on the 8d of March, how can you question the authority of the committee to consider that which has been sent to it?

Mr. McKEOWN. If the House did not reconsider the bill, that is a matter of mere convenience to the Member who introduces the bill.

Mr. CRAMTON. It is the action of the House, however.

Mr. McKEOWN. I wish to present these authorities as to the power of committees. Now, these committees, in the first place, can not sit without the authority of the House. Under section 404 of Jefferson's Manual—

The committee have full power over the bill or other paper committed to them, except that they can not change the title or subject.

On that I want to read as to their right to reconsider. I want to call the attention of the Chair to volume 5 of Hinds' Precedents, at page 5651. It says:

After a committee has reported a matter it is too late to reconsider the vote by which it was referred.

And under section 802—

No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back to the House on a motion to reconsider.

There is a precedent to the effect that no committee can reconsider its report. I will not make further delay on this matter. Other Members may desire to be heard. I have that authority here in Hinds' Precedents, and also in Jefferson's Manual, to the effect that a committee of the House may not reconsider a vote or action in the committee. They can not change the title. They can not change the subject matter referred to them by the House. That is well settled in the precedents. If they can not do that, my contention is that if the subject matter is referred to them and they have reported out on that subject matter, it follows in sequence to the old rule that the report of the committee discharges the committee from the further consideration of that subject.

In conclusion, Mr. Speaker, I desire simply to call your attention to the importance of this matter, which has never been decided by the House or the Speaker, and it goes to this extent: If this rule prevails, as is done in this case, here is what it will lead to, Mr. Speaker. If committees can go out and reconsider and report any bills, you would have a dozen bills in here reported out on the same subject or of similar substance of legislation upon the same subject. You will increase the expenses of printing; and if it can be done, then the House can never know which bill upon an important subject is to be brought up for the consideration of the House.

You have two bills here now. How can any Member of the House of Representatives, how can any citizen of the United States, know what bill will be brought up for consideration before the House? Suppose there were a dozen bills. They could go and bring in a dozen bills and have a dozen bills on the calendar. Think of the confusion that would reign, because no Member could know what bill would be called up for the consideration of the House.

I call it to the attention of the Speaker at this time because I think it is not within the province of the committee to so report bills. I want to quote, in conclusion, the language of Mr. Onslow, who was a great speaker in the House of Commons, where he said:

It was a maxim he had often heard when he was a young man from old and experienced members that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect or departure from the rules of proceeding; that these forms as instituted by our ancestors operated as a check and control on the actions of the majority, and that they were in many instances a shelter and protection to the minority against the attempts of power.

Mr. LEHLBACH. Mr. Speaker, I wish to address myself very briefly to this subject. There is absolutely no question of reconsideration of action by a committee of the House. Committees are created as the agencies of the House, and they have jurisdiction over subject matters, but the House does not refer to committees subject matters, but refers to committees specific bills and resolutions. In accordance with that practice the House referred a radio bill, H. R. 9108, to the Committee on the Merchant Marine and Fisheries. The committee examined the bill and reported it with the recommendation that the bill be passed. After the committee took that action the House referred to it a similar bill, H. R. 9971. The committee, pursuant to its duty and under the mandate of the House, reported that bill out, and recommended that the bill do pass. It recommended that either of those bills do pass, just as it has recommended that a series of bills be passed that are now on the calendar.

The committee in each instance instructed the chairman to take such parliamentary steps as might be necessary to secure consideration. It has done that with reference to every bill reported and on the calendar. In addition to that the committee, after having reported H. R. 9971, which was referred to it by the House with instructions to examine and report

thereon, specifically directed the chairman of the committee to call it up on this Calendar Wednesday. And that is all there is to the whole subject.

Mr. McKEOWN. Mr. Speaker, I would like to read this authority:

When a vote is once passed in a committee, it can not be altered but by the House, their vote being binding on themselves.

This provision of the parliamentary law has been held to prevent the use of the motion to reconsider in Committee of the Whole and the practice seems to have inclined against the use of the motion in a standing or select committee, but there is a precedent which authorizes the use of the motion, and on June 1, 1922, the Committee on Rules rescinded previous action taken by the commmittee authorizing a report.

That is the rule as set out in Jefferson's Manual.

The SPEAKER. The Chair is prepared to rule. The Chair has followed with interest the ingenious argument of the gentleman from Oklahoma, which was well thought out, carefully prepared, and well delivered, but the Chair finds himself quite unable to follow the logic of the gentleman from Oklahoma in this case.

What are the facts? In the mind of the Chair, they are extremely simple. On February 27, 1926, Mr. SCOTT, chairman of the Committee on the Merchant Marine and Fisheries, reported House bill 9108, a bill for the regulation of radio communications, and for other purposes. Subsequently, on the 3d of March, Mr. WHITE of Maine introduced a bill which was referred to the Committee on the Merchant Marine and Fisheries, and reported to the calendar on March 5, 1926. That bill differed in some number of details from House bill 9971. In the judgment of the Chair, the argument advanced by the gentleman from Oklahoma could only hold in one of two cases, either that the Committee on the Merchant Marine and Fisheries was a select committee or that the action taken by the committee was an actual reconsideration of the action taken on House bill 9108. Of course, the Committee on the Merchant Marine and Fisheries is a standing committee. There is some reason for the rule that where a select committee is appointed for a certain purpose it loses jurisdiction entirely over the subject matter after it reports a certain bill because it is automatically dissolved, but there can be no question that no rights are taken away from any standing committee as to its jurisdiction by the reporting or nonreporting of any particular bill.

It is plain in the mind of the Chair that the action taken with regard to House bill 9971 was in no manner a reconsideration of the action taken on House bill 9108. Though it differs in detail it is just as much within the jurisdiction of the committee as was House bill 9108. In House bill 9971 section 4 of House bill 9108 does not appear, and besides there are other amendments; but the Chair thinks the bill is very greatly altered by the elimination of section 4, which, in the opinion of the Chair—although this is a matter that it is not necessary for the Chair to decide here—is a matter probably not within the jurisdiction of the Committee on the Merchant Marine and Fisheries but of another committee. However, the fact is, and it is undenied, that the House bill which the chairman of the committe has just called up for consideration is a different proposition from a bill which the Committee on the Merchant Marine and Fisheries previously reported, and there is no question in the world but that on Calendar Wednesday it is within the province of any committee to call up any bill reported by it.

The Chair thinks there is no question of the right of the gentleman from Michigan to call up House bill 9971 and to consider it in the House under the rules applying to Calendar Wednesday. The Chair, therefore, overrules the point of order.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. How does the Committee on Merchant Marine and Fisheries acquire jurisdiction over radio matters?

The SPEAKER. The Chair said that as obiter dicta, and that he doubted whether they had jurisdiction to report on that matter.

Mr. LAGUARDIA. There is nothing in the rules which has given any committee exclusive jurisdiction over that subject matter.

The SPEAKER. The Committee on Merchant Marine and Fisheries has general jurisdiction over radio matters; there is no question about that, but the question as to whether they had jurisdiction over section 4 is not to be considered in this case, because section 4 is out of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, in view of the reference which the Speaker made—and which he has indicated as obiter dicta—to section 4 of the bill first reported I do not understand that the fact that the committee might not have had jurisdiction originally over the subject would have made that bill subject to a point of order because they happened to bring it into the House.

The SPEAKER. No; the Chair has not said that. The Chair merely referred to that as illustrating a substantial difference between the present bill and the bill originally reported.

Mr. DAVIS. Mr. Speaker, in view of the suggestion made by the Chair that he thought section 4 would not be under the jurisdiction of the committee, I do not want the statement to pass without stating that at the proper time I intend to offer that section as an amendment to the bill, and I believe I can satisfy the presiding officer at the time that it is in order and is within the jurisdiction of this committee. The same section was reported out by the same committee in the last Congress and remained on the calendar of the House for months without question. It was reported again at this session and no question as to the committee's jurisdiction was raised until within the past few days. I know the suggestion is made by the last committee report that the committee did not have jurisdiction, but I insist that suggestion is absolutely unfounded and that section 4 does not even undertake to modify or change the present patent law. It is upon that idea that the suggestion is made that this committee has not jurisdiction, but I think I can substantiate my proposition by several decisions of the Supreme Court of the United States which I shall read at the proper time.

The SPEAKER. The Chair wants it distinctly understood that the present occupant of the chair has not decided that question, and what he has suggested is in no sense binding upon the gentleman who will occupy the chair during the consideration of this bill.

Mr. DAVIS. I assume the suggestion of the Chair was a prima facie statement made upon the statement contained in the report.

The SPEAKER. The Chair did not have that in mind. It was simply a suggestion that this bill, by the exclusion of that section, was quite a different one from the original bill reported.

Mr. McKEOWN. Mr. Speaker, I have such great respect for the ability as a parliamentarian of the present occupant of the chair that I desire no appeal from the decision.

The SPEAKER. The Chair thanks the gentleman. This bill is on the Union Calendar——

Mr. GARRETT of Tennessee. Mr. Speaker, before the House, as I understand it, would go automatically into Committee of the Whole House on the state of the Union, I want to ask the gentleman what his disposition is about general debate on the bill—to follow the rule or to extend the time for general debate? Of course, the time could only be extended by unanimous consent. I had an impression, I will say to the gentleman, that perhaps there might be an agreement—and bear in mind it is only an impression—to extend general debate a little longer than two hours.

Mr. SCOTT. It is quite evident from what has happened now, having consumed 1 hour and 10 minutes without even reaching the consideration of the bill, that an extension of general debate would serve no useful purpose. Personally, I have no objection to a full discussing of this bill, but I am anxious not to usurp the time of the House and prevent the early consideration of a lot of other important measures, such as the reclassification and the retirement bills. I do not want to consume the time of the House unjustly or improperly. For that reason I think we ought to adhere to the rules of the House in the consideration of this bill. May I say in addition, in reply to the gentleman from Tennessee, I shall feel very much inclined to be liberal under the five-minute rule as long as the Members confine their discussion to the bill, and that will be my attitude when we reach consideration under the five-minute rule.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. CONNALLY of Texas. The gentleman says he will be, but what about everybody else on that side?

Mr. SCOTT. Well, I assume the gentleman from Texas has observed the procedure heretofore. If the chairman in charge of a bill is inclined to be lenient, the House does not usually step in and reprimand him for his leniency.

Mr. CONNALLY of Texas. I am talking about consideration under the five-minute rule, when anybody can object.

Mr. SCOTT. I am talking about that, too.

Mr. CONNALLY of Texas. Anyone can object then.

Mr. SCOTT. I know they can; but the attitude of the chairman is usually accepted by the membership of the House very kindly, and I think very graciously.

Mr. CONNALLY of Texas. In the case of the gentleman I am sure it will go a very long way toward quieting any opposition.

Mr. CELLER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. CELLER. Does not the gentleman think the bill is important enough to permit more than two hours of general debate?

Mr. SCOTT. I think the bill is very important, but I also think the House is familiar with the subject and that an hour on each side will be sufficient. We have two days coming along consecutively in which to consider this bill.

Mr. LAZARO rose.

Mr. BEGG. Mr. Speaker, I demand the regular order.

Mr. SCOTT. Will the gentleman withhold his demand in order that I may yield to the ranking minority member of the committee?

Mr. BEGG. Yes.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. LAZARO. I want to say to the chairman that many Members on this side feel we ought to be a little more liberal in general debate and think if we could extend the time we would get along faster under the five-minute rule.

Mr. SCOTT. Permit me to say to my friend that the same situation prevails on this side, but I have indicated to gentlemen that I would be liberal and would ask the House to be liberal under the five-minute rule. I do not think the House gets any substantial benefit where a half dozen Members attempt to discuss the bill in two, three, or five minutes, and that is what always happens when there is an extended general debate. I do not think the House is particularly edified by confining a man to that length of time under general debate. I think much better results can be obtained by the membership directing their remarks to a particular section or a particular feature of the bill under the five-minute rule.

Mr. LAZARO. It is the gentleman's intention to be liberal under the five-minute rule?

Mr. SCOTT. Yes; I have so indicated.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. LAGUARDIA. I understand the committee has had a great deal of trouble on this bill and has devoted a great deal of time to it. Some of us do not want to speak, but we at least want to get intelligent information on the bill. Can we get both sides of the question in two hours?

Mr. LEHLBACH. Certainly.

Mr. SCOTT. If the gentleman is unable in two hours to form an intelligent opinion, then I have overjudged the gentleman's mental capacity.

Mr. LAGUARDIA. But the committee has spent more than two hours upon it.

Mr. SCOTT. Yes; we have spent several years upon it.

Mr. LAGUARDIA. And you have not agreed upon it yet.

Mr. SCOTT. Yes; we have agreed.

Mr. LAGUARDIA. There is a minority report.

Mr. SCOTT. You can not stop the filing of a minority report. It is signed by only one man.

Mr. LAGUARDIA. But that shows all of you have not agreed upon it.

Mr. BEGG. Mr. Speaker, I demand the regular order.

Mr. McLAUGHLIN of Michigan. Will the gentleman withhold that a moment?

Mr. BEGG. Yes.

THE LATE REPRESENTATIVE ARTHUR B. WILLIAMS

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent that Sunday, April 25, 1926, be set aside for memorial services upon the life, character, and public service of our late colleague, ARTHUR B. WILLIAMS, formerly a Member from the State of Michigan.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Sunday, April 25, 1926, be set aside for memorial services upon the life, character, and public service of the late ARTHUR B. WILLIAMS. Is there objection?

There was no objection.

RADIO COMMUNICATION

The SPEAKER. This bill is on the Union Calendar. Automatically the House resolves itself into the Committee of the Whole House on the state of the Union, and I will ask the gentleman from Illinois [Mr. MADDEN] to take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

The CHAIRMAN. The Chair understands that the committee is proceeding under the usual rules of debate on Calendar Wednesday, which means one hour under the control of the gentleman from Michigan [Mr. SCOTT] and one hour under the control of the gentleman from Louisiana [Mr. LAZARO].

Mr. SCOTT. Mr. Chairman, I yield to the gentleman from Maine [Mr. WHITE] 30 minutes.

Mr. WHITE of Maine. Mr. Chairman, the necessity for radio legislation has in recent years been often called to the attention of your committee by the Department of Commerce; consideration of the problem and action with respect to it have been urged on the Congress by two Chief Executives. The great listening public and representatives of those directly connected with the radio industry have urged upon us the need for congressional action. The most recent and authoritative utterance by the radio world was given by the Fourth National Radio Conference, held in Washington November, 1925. The conference was attended by about 500, including representatives of the listeners of broadcasting stations, amateurs, manufacturers, engineering societies, Government departments, and many others. It formally expressed the opinion that existing Federal statutes are inadequate to permit proper administration of existing radio activities, and that the public interest required that legislation be enacted. It followed these general recommendations with detailed suggestions. The pending bill is your committee's response to these requests; it is our contribution to the solution of the difficulties which are so generally recognized.

Whatever its defects may be, the bill is approved generally in form and substance by many whose interest in and knowledge of the subject should command respect for their opinions. It comes with the approval of the Department of Commerce, charged for 14 years with the administration of existing radio law; it bears the indorsement of the amateurs of the country, speaking through their national organization, the American Radio Relay Association; it is commended by the National Association of Broadcasters, by the United States Shipping Board, the Director of Naval Communications, the Coast Guard of the Treasury, the Signal Corps of the Army, and other interests and individuals. It conforms in such large measure to the specific requests and recommendations of the recent radio conference as to justify the assertion that it has the approval of that body. We submit that those Members of the House to whom this is a new subject are justified in giving large credit to those informed and definite expressions of approval of the bill. Because of them we ask you to consider the bill with sympathetic mind.

The inadequacy of existing law, the pressing need for legislation, as to which there is complete unanimity of testimony, is attributable to the extraordinary developments in radio which have come within the recent years. Marconi discovered in 1895 a system by which the distance over which electric waves could be transmitted and detected was greatly increased. The application of this system to practical purposes came slowly. In 1912 the principal use of radio was for communication between ships and between ships and shore. In this year, 1912, the Marconi Co. of America was organized. It operated at that time 60 shore stations for ship communication, including one capable of transmitting to ships 2,000 miles distant. There were approximately 600 ships upon the seas equipped for radio communication. Transoceanic communication was in its swaddling clothes. There were no other practical uses of radio.

It was in this state of the art that the existing law of 1912 was enacted. Congress did not attempt at that time to regulate or to give power to regulate unknown and nonexistent means or methods of communication. It dealt only with known factors. The legislation was appropriate to that day. Since 1912 the progress of the art and of the industry has been amazing. Wave lengths unknown then have become of common use. Power undreamed of is to-day projecting electric energy across continents and over seas. There has come the transmission of writing, of pictures, compass reports, beacon signals, radio telephony, and radio broadcasting. Upon the oceans of the world more than 12,000 ships are to-day warned of storm and stress of weather, are given their bearings and directions, send out their calls in time of danger. In the United States alone there are in operation 15,111 amateur stations, 1,901 ship stations, 553 land stations, 536 broadcasting stations. For these

broadcasting stations there are now available but 89 different wave lengths, or an average of over six stations to each wave length. The Government's task is to regulate and control a situation of such complexity under a statute framed under the conditions and with the knowledge existing in 1912. It has been held by the Court of Appeals of the District of Columbia that it is mandatory upon the Secretary of Commerce under the act of 1912 to issue a license to transmit to every applicant. The problem has been, therefore, how to distribute a limited number of wave lengths among an unlimited number of stations. By various expedients, by division of time, by power limitation, by geographical separation, and by other means of doubtful legal authority the department has sought to solve a difficulty which is inherent in the situation if there is a right in everyone who wishes to transmit to do so.

The congestion in the broadcasting field—and it is this means of communication in which the public is chiefly interested—minimizes the value of all stations. There is inequitable geographical distribution of stations, overlapping of areas served, confusion and intolerable interference and bad as the situation now is it threatens to be worse. There are now on file in the department approximately 425 applications. Add those to the 536 now outstanding and we would have a total of 961, or 11 stations for each wave length. Such a result means the complete breakdown of broadcasting service within the United States. This result is inevitable under existing law. It is universally recognized. Its appreciation is responsible for the widespread interest in radio legislation and for the general hope that Congress will confer the powers necessary to avert the impending calamity.

The radio conference, to which previous reference has been made, in recommending legislation advised that there should be incorporated therein the following principles:

(a) That the administration of radio legislation shall be vested in the Secretary of Commerce, who shall make and enforce rules and regulations necessary to the proper administration of the provisions of such legislation.

(b) Such administration shall be exercised by the Secretary through the officers or employees of the Department of Commerce.

(c) That the doctrine of free speech be held inviolate.

(d) That those engaged in radio broadcasting shall not be required to devote their property to public use and their properties are therefore not public utilities in fact or in law: *Provided, however,* That a license or a permit to engage in radio communication shall be issued only to those who in the opinion of the Secretary of Commerce will render a benefit to the public; or are necessary in the public interest; or are contributing to the development of the art.

(e) That in time of war or other national emergency the President shall have the power to discontinue or commandeer existing stations, with just compensation.

(f) That no monopoly in radio communication shall be permitted.

(g) That the legislation shall contain provisions for due appeal from final decisions of the Secretary of Commerce to the appropriate court.

(h) Except in the case of governmental stations, the Secretary shall be empowered to classify all stations and to fix and assign call letters, wave length, power, location, time of operation, character of emission, and duration of license.

6. It is recommended that call letters shall be recognized as representing a property right and be treated accordingly during the life of the license. The Secretary shall not change call letters, wave length, power, time of operation, nor character of emission except on the application by or consent of the licensee: *Provided, however,* That if in the opinion of the Secretary such changes are required as a public necessity any change or changes may be made.

7. *Provided further,* That the term of a license to operate a broadcasting transmitting station, the character of which is to be defined in the act, shall be not to exceed five years, with the privilege of renewal for like periods: *And provided further,* That the Secretary may suspend or revoke any license for failure to maintain regular operation of a transmitting station without just cause.

(i) No license shall be issued to operate a transmitting station not already operating in radio communication, except mobile or amateur stations, unless prior to the application for such license there shall have been issued by the Secretary of Commerce an erection permit: *Provided further,* That an erection permit to engage in radio communication shall be issued only to those who, in the opinion of the Secretary of Commerce, will render a benefit to the public; or are necessary to the public interest; or are contributing to the development of the art.

(j) Each license to operate a transmitting station in radio communication shall prescribe the responsibility of such station with respect to distress signals, but in any event all licenses shall provide that upon due and proper order from governmental authority such stations shall cease operation until released by the same authority.

(k) That the act should define the following terms, to wit: Commercial stations, broadcasting stations, amateur stations, and experimental stations.

(l) That the Secretary shall have the power to revoke or suspend any license whenever he shall determine that the licensee has violated any of the terms of his license, regulations of the Secretary, Federal radio law, or international treaty.

(m) That in order to insure financial stability to radio enterprises, capital now invested must receive reasonable protection; therefore all stations which contribute to the public interest and benefit shall be given a reasonable length of time to conform to the provisions of the proposed act and the rules and regulations prescribed thereunder.

(n) That rebroadcasting of programs shall be prohibited except with the permission of the originating station.

(o) The Secretary of Commerce shall be empowered to make and enforce such rules and regulations as may be necessary to prevent interference to radio reception emanating from radio sources.

(p) Authority should be provided to prescribe and enforce uniform regulations regarding the use of radio transmitters on ships in territorial waters.

With few exceptions, your committee has adopted in the bill before you the principles thus outlined. I can not in the time available discuss them or the provisions of the bill in any detail.

Let me, however, call attention to some outstanding features of the legislation in which I believe the House and the public will be interested.

At the very outset the bill asserts Federal jurisdiction over all phases of radio communication in so far as such communication constitutes or affects interstate or foreign commerce. This is but declaratory of existing law, but the assertion is advisable and important in that it gives notice to all of the principle and of the congressional purpose to maintain it and to exercise its powers thereunder. There follows the definite grant to the Secretary of Commerce of the powers which experience has demonstrated are necessary for effective and efficient regulation of this means of communication. Some of the powers now exist; all are essential. These powers are hereafter to be exercised under a different principle than has heretofore controlled. We have reached the definite conclusion that the right of all our people to enjoy this means of communication can be preserved only by the repudiation of the idea underlying the 1912 law that anyone who will may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual to use the ether. This is the first and the most fundamental difference between the pending bill and present law.

The recent radio conference met this issue squarely. It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations and it recommended that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest, or would contribute to the development of the art. This principle was approved by every witness before your committee. We have written it into the bill. If enacted into law, the broadcasting privilege will not be a right of selfishness. It will rest upon an assurance of public interest to be served. The same rule is asserted with respect to other forms of transmission.

We have sought in other ways to make more certain a proper regard for public as opposed to private right. Under existing law, there is no limitation upon the right of the Secretary to grant licenses for such time as he approves. He might grant a license for 50, a 100 years, or in perpetuity. In the present bill we definitely challenge and curtail this power. We limit the life of every license to five years but with a right of renewal.

In existing law there is no restraint upon the right of a licensee to transfer his license. We here deny this right except with the consent of the Secretary of Commerce. Freedom to barter and sell licenses threatens the principle that only those who will render a public service may enjoy a license. It would make possible the acquisition of many stations by a few or by a single interest. Your committee felt this a possibility to be guarded against.

Existing law gives the Secretary no control over the location of stations. The result has been an unjustifiable grouping of stations within limited areas. There are within 50 miles of Chicago 40 stations, of New York 38, of Philadelphia 22, and of San Francisco 22. Stations so centered detract from the value of each other and interfere with the highest quality of service. In the bill before you the Secretary is given authority in passing upon a license to consider its proposed location and the area to be served thereby, and he is enjoined to effect an equitable geographical distribution of stations over the entire country.

We have given in the measure before you power, not carried in existing law, to revoke licenses for proper causes, and we have made revocation mandatory in particular cases.

The bill now under consideration carries many provisions not in the act of 1912, designed to prevent monopoly in radio communication. All laws of the United States relating to monopolies and agreements in restraint of trade are made applicable in terms to the radio industry and to interstate and foreign communication by radio. The giving of rebates or other preferences by common carriers is prohibited by the Interstate Commerce Commission acts, which apply to common carriers engaged in transmission by radio. The provisions of the Clayton Antitrust Act applies to radio companies as well as to others. Unfair practices by radio companies as forbidden by the Federal Trade Commission act to the same extent that all others are forbidden to engage therein.

In addition to the foregoing general provision, the Secretary is directed to refuse a license to any applicant found guilty by any Federal court of monopolizing or attempting to monopolize radio communication after this act takes effect. The Secretary is further authorized in granting licenses for foreign communication to impose such terms and conditions as may be imposed upon cable companies under the cable landing license act.

In the event any licensee is found guilty of a violation of our antitrust statutes by a court, the court is authorized, in addition to other penalties, to decree a revocation of the license. Violation of the provisions of the interstate commerce acts forbidding unjust and unreasonable charges or regulations or practices is made a ground for revocation of a license by the Secretary of Commerce.

The bill contains also a prohibition against radio companies acquiring ownership or control of wire companies, or of wire companies acquiring control of radio companies, engaged in foreign communication if the purpose or effect thereof is to stifle competition between these two means of communication. We hope by this provision to preserve competitive conditions between cable and radio in transoceanic communication.

We are here dealing with a new means of communication. It is fighting to develop its usefulness in a field in which telephones, telegraphs, and cables are now entrenched. We should exercise every care in the public interest, but there exists a reasonable doubt whether we are justified in applying to this industry different and more drastic rules than the other forms of communication are subjected to.

It is certain that we should not suffer prejudice to jeopardize the further development of this art. Your committee feels that in the antimonopoly provision of general law and of this bill we have gone to the extent public safety requires. We believe that to go further would be both unjust and unwise. Laws, narrow, restrictive, destructive of a new industry serve no public good. We should avoid them.

In various sections of the bill we have given recognition to the rights of the Government. By express terms we authorize the President in time of war or of threat of war or of public peril or disaster or other national emergency or to preserve the neutrality of the United States to close all stations or to take them over for operation by any department of the Government under rules prescribed by him. We have also provided that other departments of the Government should not be subjected to the authority of the Secretary of Commerce. They need not be licensed by the Department of Commerce as all private stations must be; their operators are not required to be licensed; the Secretary of Commerce has no control over their location, the power they shall use, the time they shall operate. They are each independent in all these respects. They are subjected to the jurisdiction of the Department of Commerce only to the extent that when transmitting other than communications relating to Government business they shall conform to regulations promulgated by the Department of Commerce designed to prevent interference.

The bill contains various provisions designed to protect ship communications, and especially signals of distress, from interference. Radio is the sole means of communication for the ship at sea. As such and in the interest of safety of life we are required to safeguard the transmission of communication from and to vessels. The committee feels that it has met this solemn obligation.

We have provided checks upon the arbitrary and improper exercise of power by a single man. In the first instance broad and somewhat unusual authority is vested in the Secretary of Commerce. But this is not power to be exercised at his will. We have laid down the rule of public interest to guide and restrain him in his decisions. We have in addition set up a commission, bipartisan in character, regional in representation, to which every decision of the Secretary may be appealed and we have provided an appeal to the Court of Appeals of the District from decisions of Secretary or commission in major matters.

Your committee has no illusions concerning this bill. We have given too long and too thoughtful consideration to this subject to permit the belief in our own minds that this is the last word in radio legislation. We do assert that the difficulties which confront us, the congestion which exists, the unwarranted grouping of stations, the complaints arising from the distribution of wave lengths and from the use of power are inevitable under existing law, which gives no powers commensurate with the problem. We give you our confident assurance that the pending measure confers authority and imposes duties which should bring great public good.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. The gentleman stated the recommendations, among which was a guaranty of free speech over the radio. What provision does the bill make to carry that out?

Mr. WHITE of Maine. It does not touch that matter specifically. Personally, I felt that we could go no further than the Federal Constitution goes in that respect. The pending bill gives the Secretary no power of interfering with freedom of speech in any degree.

Mr. LAGUARDIA. It is the belief of the gentleman and the intent of Congress in passing this bill not to give the Secretary any power whatever in that respect in considering a license or the revocation of a license.

Mr. WHITE of Maine. No power at all.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITE of Maine. If I have time.

Mr. BLANTON. What is the committee going to do as to the recommendations in regard to political attacks over the radio and regulating or controlling political attacks of one party upon another or one individual upon another?

Mr. WHITE of Maine. It does not deal with that specifically in this bill. I speak only for myself when I say that it seemed to me that the common law is ample to protect any individual. I believe in many States this is supplemented by statutory provisions.

Mr. BLANTON. Are they?

Mr. WHITE of Maine. That is my personal view.

Mr. BLANTON. If the gentleman will permit, in many States under the law you can not slander a man by a verbal attack; no matter what you say, you can not slander him. He can only hold you responsible when you say something in writing derogatory about him. Speeches over the radio are not signed attacks, they are in the air. They can go fifteen hundred miles over the lines of many States. Surely the rights of individuals and business firms and of political parties ought to be protected in such measures as this. I was hopeful that the committee would make some recommendations along that line.

Mr. WHITE of Maine. That is not included in the bill and no suggestion of that character was made to the committee.

Mr. LAGUARDIA. The civil rights are still in existence.

Mr. WHITE of Maine. In thinking about the matter myself—I may be wrong—I believe that the general principles of law cover the situation that the gentleman has in mind.

Mr. BLANTON. I doubt it.

Mr. WOODRUFF. Could the Congress take action in regulating what a person might say over the radio without abridging the right of free speech?

Mr. WHITE of Maine. You get very near censorship when you undertake to do that.

Mr. DAVIS. Mr. Chairman, I yield to myself 30 minutes. Mr. Chairman and members of the committee, I wish to make public acknowledgment of my appreciation of the fact that the majority leader and the minority leader submitted a request, which was unanimously granted by the membership of the House, to defer the consideration of this bill from last Tuesday until to-day because of my illness. I appreciate that courtesy especially because it was done without any request or even a suggestion on my part. And while I am here to-day, I am just here, having been grappling for a week with a case of the grippe. However, I ask you gentlemen to kindly bear with me and my voice while I undertake to state my views upon this bill in some particulars.

First, I approve the major portions of the bill under consideration. I readily concede and wish to impress the vital importance of additional radio legislation. I think it is particularly important from the public standpoint and from the standpoint of the future, even more than it applies at the present

time. As I have taken occasion to state in the minority views upon the bill which I filed, and which I trust those of you have not done so and are interested in the subject will find time to read between now and to-morrow, I shall offer some amendments in an effort to carry out those views. I believe this bill should be amended and supplemented. In other words, I say that the time has passed for makeshift and emergency legislation. The time has arrived when we should meet this situation face to face and deal with it as the Congress should. I insist that we do not do that in this bill in its present form. The bill, generally speaking, is all right as far as it goes; but it does not go far enough in several important respects. For instance, there is not any question whatever that one of the most powerful, one of the most effective monopolies in this country is the radio monopoly, a monopoly the capital stock of whose members is quoted on the stock exchanges for $2,500,000,000. We have been dealing with this subject as a committee and the House in part for three Congresses, this being the third Congress to which the Committee on the Merchant Marine and Fisheries has reported a similar bill, and yet this bill is not as effective and has not as strong provisions against monopoly as the bills reported in the last Congress and in the Sixty-seventh Congress.

In order that I may get the picture before you I call your attention to the fact that in the Sixty-seventh Congress there was unanimously reported from this committee on January 16, 1923, H. R. 13773, to amend an act to regulate radio communication, approved August 13, 1912. The report of that committee was drafted for the committee by the distinguished and able gentleman from Maine [Mr. WHITE], who preceded me on the floor, and who has given this subject very great and intelligent consideration. I ask the Clerk to read an extract from the report on that bill.

The Clerk read as follows:

The bill before you is not a comprehensive radio law, but is limited in its scope. There are many phases of the subject which invite study and which in the not distant future may call for legislative action. Your committee has embodied in this bill only such proposals as are vital at this time and as to which the members of the committee are in unanimous agreement. The approaching end of the session and the imperative need for conferring upon the regulatory body the powers authorized by this bill are sufficient reasons for avoiding at this time controversial matters.

* * * * * * *

Apprehension has been expressed, and there is evidence sufficient to raise the question in reasonable minds, that certain companies and interests have been endeavoring to establish a monopoly in wireless communication through control of the manufacture and sale of radio instruments, through contractual arrangements giving exclusive privileges in the transmission and exchange of messages, or through other means. Your committee believes that this subject should be carefully investigated and appropriate action considered at an early date. But the committee was unanimously of the opinion that it was impossible during the life of this Congress to inform itself as to the facts involved, and that it would be unwise in the extreme to propose ill-considered legislation on so important a subject. Your committee felt that it ought not to delay presenting to the House for action the important proposals contained in this bill, with respect to which the Members are in complete harmony. The bill is not, therefore, an antitrust statute. There are included in it, however, several provisions which it is believed will have a restraining influence upon those who otherwise might disregard public right and interest. It is specifically provided in section 2 of the bill that the Secretary of Commerce may refuse a license to any person or corporation which, in his judgment, is monopolizing radio communication. He is authorized with respect to licenses for stations transmitting to foreign countries to impose any terms, conditions, or restrictions which may be imposed with respect to cable-landing licenses under the act of May 27, 1921. We have authorized the Secretary to revoke the license of any person or company which the Interstate Commerce Commission, in the exercise of the authority conferred upon it, finds has made any unjust and unreasonable charge, or has made or prescribed any unjust and unreasonable regulation or practice with respect to the transmission of messages or service.

That bill was unanimously reported, and this report unanimously made over three years ago, expressly admitting that it was an emergency proposition, was not an antitrust bill, and only dealt with the matter in a very general and temporary way, with the assurance that additional legislation would likely be forthcoming. During the consideration of that bill upon the floor Members of the House in debate criticized it because it gave too great and too much unrestrained power to one man, the Secretary of Commerce, because it did not have adequate antimonopoly provisions, and for one or two other reasons, and Members of the House, including myself and including the gentleman from Maine [Mr. WHITE] and others, gave assurances in debate similar to those contained in the committee report. More than three years have passed. Three additional bills have been reported by the same committee; and, as I say, taken all in all, the antimonopoly provisions of the one before you now are not as strong as the one under consideration in the Sixty-seventh Congress, which the House passed, but which died at the other end of the Capitol, nor nearly as strong and effective as those in the bill unanimously reported in the Sixty-eighth Congress.

Twelve days after that bill passed the House in the Sixty-seventh Congress the gentleman from Maine introduced a resolution, which was referred to the Committee on the Merchant Marine and Fisheries, and which was unanimously reported to the House by that committee, and unanimously adopted by the House, directing the Federal Trade Commission to investigate and report to the House and to the committee the facts as they found them with respect to the alleged radio monopoly. It was stated in this House resolution and in the committee report upon it that the purpose of it was to aid the committee and the House to intelligently frame and enact further legislation. The Federal Trade Commission proceeded to conduct an exhaustive investigation. They made a report of some 347 printed pages, in which they set forth the facts showing conclusively that even according to the admitted contracts between certain companies they were not only in a monopoly but were clearly violating the Clayton antitrust law and the Sherman antitrust law.

The resolution adopted by the House did not request them to take any action other than to report the facts, but the Federal Trade Commission upon its own motion filed a complaint against the members of this monopoly. That was filed over two years ago. It is still pending——

Mr. MOORE of Virginia. And with only one member of the Federal Trade Commission dissenting, as noted.

Mr. DAVIS. Yes. That complaint is still pending, but that proceeding can not afford any relief to the public under the provisions of the bill we are considering, because they are not even authorized to refuse a license or to revoke a license of a member of the monopoly until it shall have been convicted thereof upon facts occurring after this bill becomes a law.

And yet this Sixty-seventh Congress bill directly and specifically authorized the Secretary of Commerce upon his own responsibility to refuse a radio license to any person or corporation, who in his opinion was directly or indirectly monopolizing or attempting to monopolize radio communication or any phase of the radio industry. That provision has been radically weakened. It has had the teeth pulled out of it as modified in the bill which you now have under consideration, because it provides that the license shall be refused in case of a monopoly only when a Federal court authorized to act shall have specifically determined hereafter, and upon facts occurring after the passage of the bill, that the applicant is violating those antitrust laws. How long does it take those cases to be finally adjudicated by the courts? Here the Federal Trade Commission complaint was filed against the radio monopoly over two years ago, and yet they have not gotten any further than overruling some motions of the respondents.

Mr. CELLER. If the gentleman will yield, is there not also considerably more delay because they not only have to be adjudicated in the courts but declared a monopoly by the district court, and they have to go through the appellate courts, the circuit court of appeals, until finally it reaches the Supreme Court of the land and probably will take some five or six years to determine?

Mr. DAVIS. That is undoubtedly true. It is a matter in the dim distant future so far as any of these provisions in this bill are effective or will be effective, if any salutary relief ever results therefrom.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. JOHNSON of Texas. Has there been any action taken relative to the findings of the Federal Trade Commission in the way of prosecution?

Mr. DAVIS. No; absolutely not. It has been absolutely ignored so far as the Department of Justice is concerned. I have not time to read extensively about the findings of the Federal Trade Commission, but at the time they filed this complaint they issued a statement in which they said, among other things:

Monopoly in radio apparatus and communication, both domestic and transoceanic, is charged in a complaint issued by the Federal Trade Commission to-day. Efforts to perpetuate the present control beyond the life of existing patents is likewise charged.

Radio Corporation of America, General Electric Co., American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse

Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., and Wireless Specialty Apparatus Co. are named as respondents and are alleged to have violated the law against unfair competition in trade to the prejudice of the public.

In the language of the complaint "the respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale in interstate commerce of radio devices and apparatus, and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting."

To attain the present control alleged, the complaint recites that the respondents (1) acquired collectively patents covering all devices used in all branches of the art of radio and pooled these rights to manufacture, use, and sell radio devices, and then allotted certain of the rights exclusively to certain respondents; (2) granted to the Radio Corporation of America the exclusive right to sell the devices controlled and required the Radio Corporation to restrict its purchases to certain respondents; (3) restricted the competition of certain respondents in the fields occupied by other respondents; (4) attempted to restrict the use of apparatus in the radio art manufactured and sold under patents controlled by the respondents; (5) acquired existing essential equipment for transoceanic communication and refused to supply to others necessary equipment for such communication; and also excluding others from the transoceanic field by preferential contracts.

From the series of contracts referred to in the complaint it appears that the Radio Corporation of America has the right to use and sell under patents of the various respondents which relate to the radio art. It has also given to various respondents the right to manufacture under these patents. Thus there has been combined in the hands of these corporations patents covering the vital improvements in the vacuum tube used in long-distance communications and other important patents or inventions in radio which supplement this central device. Approximately 2,000 patents are involved.

It is further stated that up until 1922 the Radio Corporation had an absolute monopoly in the manufacture of vacuum tubes and for the first nine months of 1923 sold 5,509,487 tubes. During the same period the only other concern having the right to make and sell tubes sold 94,100 tubes.

In the communication field, while the Radio Corporation has some competition in the ship-to-shore communication, it has a practical monopoly in transoceanic service. It controls all the high-power stations in this country except those owned by the United States Government. Agreements of an exclusive character have been entered into with the following countries, or with other concerns in control of the situation in those countries, namely: Norway, Germany, France, Poland, Sweden, Netherlands, South America, Japan, and China. Arrangements have also been made with the land telegraph companies in this country whereby messages will be received at the offices of the Western Union and Postal Telegraph Cos.

A summary of the contracts between the respondents as recited in the complaint is: First, the organization of the Radio Corporation of America in 1919 under the supervision of the General Electric Co., which company received large holdings in the stock of the Radio Corporation for capital supplied and for its service in connection with the acquisition of the American Marconi Co. An agreement entered into between these companies granted to the Radio Corporation an exclusive license to use and sell apparatus under patents of the General Electric Co. until 1945; and the Radio Corporation granted to the General Electric Co. the exclusive right to sell through the Radio Corporation of America only, the corporation agreeing to purchase from the General Electric Co. all radio devices which the General Electric Co. could supply. Subsequently this arrangement was extended to include the Westinghouse Electric & Manufacturing Co., the business of the Radio Corporation being apportioned between the General Electric Co. and the Westinghouse Co., 60 per cent to the General Electric and 40 per cent to the Westinghouse Co.

Then in detail they explain wherein they are monopolizing the entire radio industry. They also show the keystone company of the monopoly to be the Radio Corporation of America, and that the stock of that company is owned by the other members of the monopoly. These companies have all entered into written agreements in which they first pool their interests and then they divide up and allocate to each other the fields of manufacture, of sale, and of service, and agree to keep out of each other's fields, and to do what they can to prevent others from competing with the members of the monopoly in the respective fields which the monopoly has kindly allocated to them.

Mr. BLAND. And there is also a pooling of about 2,000 patents that belong to the various constitutent parts.

Mr. DAVIS. Yes, there is; and I want to say in that connection that the mere cross-licensing of patents such as is done sometimes by different concerns in the same industry such as the automobile industry, may be legal and all right.

Mr. WOODRUFF. And such as was done in the construction of airplanes for service during the war?

Mr. DAVIS. Cross-licensing in and of itself may be all right, it may be desirable, but the extent to which it has been carried in this case is not only unlawful, but absolutely a violation of different United States statutes, and it is in contravention of the rights of all the independent companies and of the public generally, and they are exploiting the public in all of these different fields.

EFFECT OF THE RADIO MONOPOLY

According to the complaint of the Federal Trade Commission, and, as clearly shown by the admitted written contracts between said various parties, copies of which may be found in the appendix to the Federal Trade Commission report, these parties have already firmly established monopolies in the field of manufacture, sale and use of apparatus for wire and wireless telephony, wire and wireless telegraphy, and wireless broadcasting. The more offensive provisions of the contracts are—

(a) Those for the pooling of all patents of all the parties for all wire and wireless telegraph devices, for all wire and wireless telephone devices, as well as for all radio devices of whatsoever kind and for whatsoever use, for a period fixed or arranged to terminate in 1945.

(b) Those giving to different members of the combination a monopoly in one or more of the fields and containing covenants of all the parties to the contract not to compete or aid others to compete in such fields and to prevent such competition by others.

(c) Those providing for a representation of all the members in the purchase of patents by any member; and for the requirement by all the members that employees should assign their inventions and patents to their employer.

The effect of this combination upon the public is in part disclosed by a reference to a few of the many monopolistic features:

The public service system of the Telephone Co. is protected from radio competition.

With relatively unimportant exceptions, the monopoly of manufacturing radio devices is secured to the General Electric and to the Westinghouse Cos.

With relatively unimportant exceptions, the Radio Corporation has no right to manufacture radio devices, and while it has the monopoly, with relatively unimportant exceptions, of using and selling radio devices, it is not allowed to use them in competition with the public service telephone business of the Telephone Co., and the public are thus cut off from the present and future advantages of like radio service. The Radio Corporation has an absolute monopoly in wireless communication between this country and foreign countries, except that radio service between this and a few Central American and West Indies points is reserved to the United Fruit Co., another member of the monopoly.

Even if a prospective broadcaster can procure a license from the Department of Commerce, it is necessary for him to purchase his broadcasting apparatus from the monopoly, and if the monopoly sees proper to sell to him at all he must buy the apparatus and operate same upon such terms and under such conditions as the monopoly dictates.

The inventor and scientist is in the grip of a monopoly which can exclude his inventions and patents from use or sale, excepting at a tremendous disadvantage to him, with corresponding benefit to the monopoly.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. MOORE of Virginia. The gentleman has shown how this bill is a feebler bill than one which was introduced by the committee in the Sixty-seventh Congress.

Mr. DAVIS. Yes.

Mr. MOORE of Virginia. Does not the same comment apply when you compare this bill with the bill which was reported out by the committee of the Senate with House amendments in the last Congress?

Mr. DAVIS. Yes, sir.

Mr. MOORE of Virginia. I notice that the bill reported out in the last Congress had this much-discussed fourth section in it which this committee says was not heard of in this committee until recently?

Mr. DAVIS. Yes. The bill reported out in the Sixty-eighth Congress was considerably stronger against monopoly than the pending bill.

Mr. WHITE of Maine. If the gentleman will yield, I do not think anyone on the committee ever said that section 4 was heard of only recently.

Mr. MOORE of Virginia. Here is the language of the report made by the majority of the committee, speaking of section 4, which is a very important section, which my friend once advocated:

This particular paragraph was offered and inserted in the bill after the public hearings had been completed. No one had an opportunity to appear before the committee in opposition thereto nor was there any discussion of this provision during the hearings. This paragraph was not a part of the original bill H. R. 5589, and H. R. 9108 represents H. R. 5589 with the committee amendments—

And so forth.

Mr. WHITE of Maine. That is true.

Mr. MOORE of Virginia. But what are the implications? It goes on here to say—

It is important to note that H. R. 9108 was reported to the House by this committee the day following its reference to this committee so that no opportunity was afforded the membership of the House to protest the Committee on the Merchant Marine and Fisheries considering this particular section in the bill which related to patent rights and interstate commerce, over which two subjects the Committee on the Merchant Marine and Fisheries has no jurisdiction.

Now, while this committee, as it is now made up, is not identical in its personnel with the committee in the last Congress, it is to a large extent so; and yet we have an implication here that section 4 is practically a new proposition.

Mr. WHITE of Maine. It is a plain statement of facts. It is true.

Mr. DAVIS. It is a statement of only a part of the facts, but, as suggested by the gentleman from Virginia [Mr. MOORE], the bill that was unanimously reported to this House in the Sixty-eighth Congress did have section 4 in it, and it remained on the calendar of this House for months without anybody making a question about it, and the bill that was reported first in the present Congress had section 4 in it, and immediately after it was reported, without any vote against that section in the committee, representatives of the Radio Corporation, the chief member of this monopoly, got busy. One of their representatives came to me, complaining of that provision, and I know he went to others; and the result was that within a few days after the bill was reported out with that provision in it a new bill was introduced without that section, and the next day after it was introduced and referred to the committee, the committee met, primarily upon another bill, and reported the last bill out without that provision.

And it is stated in the last committee report that nobody—presumably referring to the radio monopoly, because nobody could object to an antimonopoly provision except a member or a prospective member of a monopoly—was given an opportunity to appear before the committee and protest against the provision before it was put in there. No; that is true, so far as this particular provision at that particular time is concerned. But that provision, after it had been put in and reported to the House for the protection of the public against this monoply, was taken out, without the public having an opportunity to be heard against its deletion. Is a monopoly so sacred that no provisions can be adopted without calling in the monopoly and obtaining their consent to adopt amendments to protect the public interest.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. O'CONNELL of Rhode Island. And this is a fact, that even the representatives of the radio interests did not object to that part of section 4 which refers to price fixing, but only the restriction of the use of tubes and apparatus, and when the section was taken out the price-fixing section was taken out as well as the other portion of it?

Mr. DAVIS. That is true.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BANKHEAD. The gentleman has served notice that he proposes to offer several amendments to this bill. What amendment has he in mind to cure the defects of the proposed bill on this section?

Mr. DAVIS. I will say to the gentleman from Alabama that I have several. And I want to state this, that whatever amendments are not offered by me to-day I intend to insert in the RECORD in order that they may be read before the bill is reached for amendment to-morrow by those who are interested.

Now, Mr. Chairman, I just want to submit this: That if the interests opposed to antimonopoly provisions in this bill are strong enough now to prevent the insertion of provisions with teeth in them, provisions that will be effective, and provisions that will be effective within the next few years instead of in the dim and distant future or not at all, how much power will they have if we continue to defer squarely meeting the issue as a matter of expediency? Because that is the only argument that can be advanced, unless it is simply desired to permit the monopoly to continue to exploit the people. I do not think any member of the committee will deny that it is absolutely inevitable that we are going to have to regulate the radio public utilities just as we regulate other public utilities. We are going to have to regulate the rates and the service, and to force them to give equal service and equal treatment to all. As it stands now they are absolutely the arbiters of the air.

They can permit one candidate to be heard through their broadcasting stations and refuse to grant the same privilege to his opponent. They can permit the proponents of a measure to be heard and can refuse to grant the opposition a hearing. They can charge one man an exorbitant price and permit another man to broadcast free or at a nominal price. There is absolutely no restriction whatever upon the arbitrary methods that can be employed, and witnesses have appeared before our committee and already have given instances of arbitrary and tyrannical action in this respect, although the radio industry is now only in its infancy.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BLANTON. What time can there be better than now to write a proper radio bill? One candidate might be able to pay $1,000 for one night's service over the radio, and another candidate might not be able to put up anything, and the radio could shut that man out and let the other in.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. I yield myself five additional minutes.

The gentleman from Texas [Mr. BLANTON] is quite right. Now is the time to write and enact a proper radio bill that will protect the entire radio industry and the public generally.

Mr. CELLER. Will the gentleman yield?

Mr. DAVIS. For a brief question, yes.

Mr. CELLER. I wish to state to the gentleman that I was asked to pay by the American Telegraph & Telephone Co. $10 for every minute I desired to use the radio during the last election, and I refused to pay it. I have no knowledge that candidates of the opposing party were asked to pay the same amount for the same use.

Mr. DAVIS. I thank the gentleman for his contribution. Now, on the question of monopoly, if you will read the report of the Federal Trade Commission, or if you will do me the honor to read my minority views, in which I quote from it, you will find some of the contracts between those companies. You will see for yourselves that there is a powerful and effective monopoly.

In the last Congress, when we were considering the bill that was reported out in that Congress, the Secretary of Commerce, Herbert Hoover, appeared before the committee, and I want to read to you what he had to say about it and after discussing the importance of legislation:

It is urgent that we have an early and vigorous reorganization of the law in Federal regulation of radio. Not only are there questions of orderly conduct between the multitude of radio activities, in which more authority must be exerted in the interest of every user, whether sender or receiver, but the question of monopoly in radio communication must be squarely met.

All that I am asking you gentlemen to do is to do what your own Secretary of Commerce said ought to be done—meet the issue squarely. This is not a partisan question at all, and there is no reason why it should be. I am appealing to one side of this Chamber just as much as I am to the other, because it is a matter in which everyone of you and in which every American citizen is interested, and one in which we shall all be even more vitally interested in the future, because I want to tell you that the future potentialities of radio are absolutely inconceivable.

I wish I had the time to state the predictions which have been made by many. However, I quote Secretary Hoover further:

It is inconceivable that the American people will allow this newborn system of communication to fall exclusively into the power of any individual, group, or combination. Great as the development of radio distribution has been, we are probably only at the threshold of the development of one of the most important of human discoveries bearing on education, amusement, culture, and business communication. It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people.

* * * * * * *

We can not allow any single person or group to place themselves in position where they can censor the material which shall be broadcasted to the public. * * *

And I want to tell you that that is being done right now by the private and corporate radio broadcasters, and they admitted it at the hearings.

Mr. W. E. Harkness, assistant vice president of the American Telephone & Telegraph Co., while making a statement at the hearings with regard to the practice of their broadcasting stations operated for hire, stated in part as follows:

Mr. DAVIS of Tennessee. Now, do you assume the right to reject applications for service?

Mr. HARKNESS. We do.

Mr. DAVIS of Tennessee. And in actual experience, have you had occasion to reject a great many?

Mr. HARKNESS. Yes; I can say frankly, we have, because we take the same position that is taken by the editor of any publication. He has the right to accept or reject any material presented to him. You can not walk into a newspaper office to-day and get them to publish anything you care to present. We felt that was a privilege which the owners of the broadcasting stations also possessed.

Mr. LARSEN. How do you regulate that; do you require them to reduce it to writing?

Mr. HARKNESS. Yes.

Mr. LARSEN. And you censor that?

Mr. HARKNESS. We do just the same as an editor would do with any article presented to him for publication. We do not censor—we edit. We feel if the matter is unfair or contains matter which the public would not care to hear, we may reject it. * * *

A question was asked by the gentleman from New York [Mr. LAGUARDIA] about censorship, whether there was anything in this bill permitting Government censorship.

The answer was no; and I am not in favor of that, but I am even more opposed to private censorship over what American citizens may broadcast to other American citizens. [Applause.] That is what you have at present, and there is nothing in this bill which even pretends to prevent it or to protect the public against that.

Now, what else did Secretary Hoover say?

Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust, and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities.

That is all I am asking. I am asking that the radio interests that are engaging in the business for profit or hire be treated in this legislation as public utilities and regulated accordingly. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

PROPOSED AMENDMENTS TO THE PENDING RADIO BILL

Mr. DAVIS. Under leave granted to me to do so, I herewith insert the amendments which I intend to propose to H. R. 9971, the White radio bill, as follows:

Page 8, line 6, after the word "sale," insert the words "or use."

Page 8, line 8, after the word "means," strike out the period and insert in lieu thereof a semicolon and the following: "and no license shall thereafter be granted to such person, firm, company, or corporation thus found to have been so offending, unless and until in the opinion of the commission such person, firm, company, or corporation shall have fully desisted from such unlawful practices and conduct and such finding has been certified by the commission to the Secretary of Commerce."

Page 9, lines 1 to 3, strike out the words "The Secretary of Commerce may grant station licenses only upon written application therefor addressed to him, which application shall set forth such facts as he by" and insert in lieu thereof the following:

"No license shall be issued under the provisions of this act unless the applicant shall have first filed in duplicate with the Secretary of Commerce and with the commission a written application therefor, accompanied by a statement in writing under oath or affirmation containing copies of all traffic and other contracts in writing, and the substance of any and all other agreements or arrangements not in writing, between the applicant and any other person, firm, company, or corporation engaged in the business of transmitting for pay or profit by wire or wireless intelligence, signals, visual images, or other communications, or in the manufacture, use, purchase, sale, and/or operation of apparatus, patented or unpatented, for the transmission and/or reception by wire and/or wireless of intelligence, signals, visual images, or other communications, and/or for the acquisition, purchase, use, or sale of patents, patent rights, and licenses, and disclosing all shares of the capital stock or other share capital of or interest owned by the applicant, directly or indirectly, or held directly or indirectly for such applicant's benefit in any corporation, association, firm, or person engaged in the manufacture, use, or sale of apparatus or devices for wire or wireless transmission or communication, or in the business of transmitting by wire or wireless intelligence, signals, visual images, or other communications, and including such other facts as the Secretary of Commerce and/or the commission by."

Page 9, after line 20, insert a new subsection, as follows:

"On the information disclosed by the applicant in connection with his application as provided by subsection D, and upon such other proof as may appear, the commission shall determine whether or not the applicant is directly or indirectly in violation of the laws of the United States monopolizing or attempting to monopolize interstate or foreign commerce, or is engaged directly or indirectly in a violation or in an attempt to violate the laws of the United States against combinations, contracts, or agreements in restraint of trade; in the transmission by wireless for pay or profit intelligence, signals, visual images, or other communications; in the acquisition, sale or use of patents, patent rights, and/or licenses for wireless inventions and discoveries; in the purchase, manufacture, sale, use, and/or operation of apparatus, whether patented or unpatented, for the transmission and/or reception by wireless of intelligence, signals, visual images, or other communications. If said commission determines that as a matter of law or as a mixed question of law and fact said applicant is violating the laws of the United States in any of the above respects, it shall certify such finding to the Secretary of Commerce, and the latter shall refuse to grant the license applied for. A copy of the decision of the commission shall be served on the applicant, who shall thereupon have a right to a hearing before the commission and at which any party interested shall be entitled to be represented by counsel, and to submit such further evidence, oral or written, as may be material and competent. After said hearing the commission shall make its decision in writing, setting forth its findings of fact and rulings of law; and if it finds that the applicant is violating the laws of the United States in any of the above respects, it shall certify such finding to the Secretary of Commerce, and the latter shall refuse to grant said license. Any applicant for a license aggrieved by a decision of the commission shall have a right of appeal from the decision of the commission to the Court of Appeals of the District of Columbia, and the commission shall, upon notice of the entry of the appeal, certify under the signature and seal of the commission a copy of its decision stating its conclusions of fact and the rules of law applied in arriving at its decision, together with the evidence, if requested, upon which it based its decision. Upon all questions of fact the decision of the commission shall be final, but said court of appeals shall have the power of revision of the decision of the commission on all questions of law, and its decision thereon shall be final. During the pendency of any appeal to said court of appeals the commission shall have authority, in its discretion, if it deems the law to be doubtful and so declares in its opinion, to authorize the Secretary of Commerce to grant a license to the applicant upon such terms and conditions as it deems consistent with public interest, but upon a decision by the court of appeals that said applicant is guilty on the facts found by the commission of violating the laws of the United States in any of the above respects, said license shall forthwith be revoked."

Page 11, line 4, after the word "service," insert a comma and the following: "or has violated or failed to observe the laws of the United States relating to unlawful restraints and monopolies, or to combinations, contracts, or agreements in restraint of trade."

Page 11, line 21, after the word "revocation," insert the following:

"Any person, firm, company, or corporation who feels aggrieved because of the refusal of the Secretary of Commerce to grant a permit or license, or to assign a satisfactory wave length, or who feels aggrieved because the Secretary of Commerce has granted a particular permit or license or wave length, or who feels aggrieved because of the revocation of a permit or license or the change of a wave length, or because of any other action or decision under the provisions of this act, shall have the right to appeal from such action of the Secretary of Commerce by filing with said commission, within 20 days after the decision or action complained of is effective, notice in writing of said appeal and the reasons therefor.

"The Secretary of Commerce shall be notified of such appeal by service upon him prior to the filing thereof of a copy of said appeal and of the reasons therefor.

"The case shall be heard de novo by the commission under regulations adopted by the commission for the hearing of such appeals, and the Secretary of Commerce and all parties interested or aggrieved shall be permitted to present any competent evidence. An appeal by either party shall lie from the decision of the commission to the Court of Appeals of the District of Columbia in the same manner as appeals are granted, perfected, and heard upon other decisions rendered by the commission."

Page 12, line 12, after the word "communications," strike out the period and insert in lieu thereof a semicolon and the following language: "And no person, firm, company, or corporation violating any of

said laws shall be entitled to any license or permit provided for in this act."

Insert a new section, as follows:

"SEC. —. The Federal radio commission shall also have all the powers to investigate and regulate and all the duties of investigating and/or regulating persons, firms, companies, and corporations engaged in interstate or foreign commerce in the business of transmitting for pay or profit by wireless intelligence, signals, visual images, or other communications, in the acquisition and sale of patents, patent rights, and licenses for wireless inventions or discoveries, and/or in the use, purchase, sale, and/or operation of apparatus, patented or unpatented, for the transmission and/or reception by wireless of intelligence, signals, visual images, or other communications which the Interstate Commerce Commission has to investigate and regulate common carriers under 'An act to regulate commerce approved February 14, 1887,' and all acts amendatory thereof and supplementary thereto. Excepting as otherwise provided by this act, in all proceedings under this section the procedure, including service of process, returns, hearings, attendance of witnesses, depositions, orders, and enforcement thereof and other methods, shall or may be the same as that prescribed or otherwise in proceedings before the Interstate Commerce Commission, and the jurisdiction of the courts with respect to proceedings under this section shall be like their jurisdiction over proceedings before the Interstate Commerce Commission."

Page 13, after line 3, insert a new paragraph, as follows:

"SEC. —. That unfair methods of competition in interstate or foreign commerce in the acquisition and sales of patents, patent rights, and licenses for wireless inventions and discoveries and/or in the use, purchase, sale, and/or operation of apparatus, patented or unpatented, for the transmission and/or reception by wireless of intelligence, signals, visual images, or other communications are hereby declared unlawful, and in addition to the other powers and duties conferred upon the commission by this act, it is hereby empowered and directed to prevent persons, firms, companies, or corporations from using such unfair methods, and for that purpose is given the powers and jurisdiction with reference to the subject matter of this section like those given to the Federal Trade Commission by "An act creating a Federal Trade Commission approved September 26, 1914," and all acts amendatory thereof and supplemental thereto with reference to the subject matter of those acts. Excepting as otherwise provided by this act, in all proceedings under this section, the procedure, including service of process, returns, hearings, attendance of witnesses, depositions, orders and enforcement thereof, and other methods, shall or may be the same as the procedure prescribed or authorized in proceedings before the Federal Trade Commission. Any person, firm, company, or corporation interested in or aggrieved by any such order, finding, or decision of the commission shall have the right of appeal to the Court of Appeals of the District of Columbia, and the jurisdiction of such court with respect to proceedings under this section shall be like the jurisdiction of the court over proceedings before the Federal Trade Commission."

Page 16, after line 20, insert a new section, as follows:

"SEC. —. It shall be unlawful for any person, firm, company, or corporation, in any manner or by any means, (a) to send or carry, or to cause to be sent or carried, from one State, Territory, or possession of the United States or the District of Columbia to any other State, Territory, or possession of the United States; or (b) to bring, or to cause to be brought, into the United States or into any of its Territories or possessions from any foreign country, any radio vacuum tubes or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and/or effect of which is to fix the price at which the purchaser may resell the same, or to prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used."

Page 22, lines 9–10, after the word "Washington," strike out "at such time and place as the chairman of the commission may fix," and insert in lieu thereof the following: "As soon after their appointment and confirmation as possible at which time the members of the commission shall elect one of their number chairman and otherwise organize."

Page 22, line 10, after the word "fix," insert "thereafter the commission shall convene at such times and places as a majority of the commission may determine, or upon call of the chairman thereof."

Page 22, lines 19 and 20, after the period, strike out "any person interested in or aggrieved by any decision of the Secretary of Commerce," and insert in lieu thereof the following: "Any person, firm, company, corporation, or municipal corporation interested in, aggrieved, or in any way affected or inconvenienced by any decision of the Secretary of Commerce with respect to the granting or refusal of a permit or license or the revocation or refusal to revoke a license."

Page 22, line 25, after the word "it," insert "decisions of the commission, whether upon appeals or references, shall be binding upon the Secretary of Commerce and all other parties unless and until such decisions be reversed or modified by the court on appeal."

Page 23, line 17, after the word "Congress," insert "With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission."

Page 23, line 18, strike out lines 18 to 23, inclusive, as follows: "The members of the commission shall receive a compensation of $25 per day for each day's attendance at sessions of the commission and while traveling to and from such session, but not to exceed 120 days' pay in any calendar year, and also their necessary traveling expenses," and insert in lieu thereof the following: "Each member of the commission shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. No commissioner shall engage in any other business, vocation, or employment."

Page 27, lines 23 and 24, and page 28, lines 1 and 2, after the word "kind," strike out the comma and the words "Nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station."

Page 28, line 14, after the word "commerce," insert the following: "or the commission."

Page 28, lines 19 and 20, after the word "offense," strike out the comma and the following language: "which fine may be mitigated or remitted by the Secretary of Commerce," and insert in lieu thereof a period.

Page 30, line 10, after the word "passed," strike out "the period" and insert the following: "; *Provided, however*, That nothing contained in this section shall be construed as authorizing any person, firm, company, or corporation now using or operating any apparatus for the transmission of radio energy or radio communications or signals, to continue such use, except under and in accordance with this act and with a license in that behalf hereafter granted by the Secretary of Commerce and except as hereinbefore authorized."

Mr. LAZARO. Mr. Chairman, I would like to make an inquiry. I understand that the gentleman from Tennessee [Mr. DAVIS] is against the bill, while I am for the bill. Under the circumstances who controls the time on this side?

The CHAIRMAN. The Chair is not advised as to whether he should explain who should control the time. But, generally speaking, the chairman of the committee controls the time on one side and the ranking minority member of the committee controls the time on the other side unless there is some understanding to the contrary.

Mr. RAMSEYER. No, Mr. Chairman; under the rules governing Calendar Wednesday one-half of the time shall be controlled by those in favor of the bill and one-half by those opposed to it.

The CHAIRMAN. Then the Chair will recognize the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, there is no difference between the gentleman from Louisiana [Mr. LAZARO] and myself about the division of time.

The CHAIRMAN. The gentleman from Tennessee has used 35 minutes of his hour.

Mr. DAVIS. Whom does the Chair recognize to yield further time? It is immaterial to me.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee to control the time on his side.

Mr. DAVIS. Then, Mr. Chairman, I yield five minutes to the gentleman from Rhode Island [Mr. O'CONNELL]. [Applause.]

Mr. O'CONNELL of Rhode Island. Mr. Chairman and members of the committee, there is no doubt that there is imperative need for radio legislation at this session. The only difference of opinion the Members can have is as to just how far we may and should go at this time, and in the short time at my disposal I simply want to point out to the Members of this House the situation with regard to the bill before us.

H. R. 5589 was first presented by the gentleman from Maine [Mr. WHITE] on December 15, 1925. It was referred to the Committee on the Merchant Marine and Fisheries for consideration; then after consideration in the committee, H. R. 9108, referred to in the report on the present bill, H. R. 9971, was reported by the committee as the result of its deliberations on the previous bill, H. R. 5589, which was introduced, as I have stated, by the gentleman from Maine [Mr. WHITE]. In H. R. 9108, reported favorably by the chairman [Mr. SCOTT], section 4, of which you will hear a great deal in this discussion, was included, and every member of the Committee on the Merchant Marine and Fisheries voted in committee in favor of section 4. Section 4 provided, in substance, that it shall be unlawful to transmit within the United States or its possessions, or to bring or cause to be brought from any foreign

country, any radio vacuum tubes or other radio apparatus, or any of the parts of either, upon which there is any contract or agreement the purpose of which is to fix the price at which such articles may be resold or to restrict or prohibit the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used. Then after that bill was reported the radio interests got busy and they went around to see the different members of the committee. They themselves did not object to that provision in section 4 which provided that there should be no price fixing; they only objected to that provision as to the use of the tubes and apparatus, and even so far as that section was concerned they were perfectly willing that it should go in the bill, provided the word "unlawfully" might be used, so that there would be no change in the patent laws by reason of the enactment of this measure. To that extent I am willing to go, but not to the extent of eliminating the section altogether. Then the committee met again and the gentleman from Maine brought a new bill to the House, which is H. R. 9971, and which we are now considering. It is identical with H. R. 9108 except that there are some minor changes in phraseology to perfect the text, and that section 4 is left out. These are the only changes in the bill we have before us.

We suggested in committee that if the other Members did not want to have section 4 in the bill, which was the provision to safeguard the public against monopolistic practices, that they should offer a committee amendment to strike out section 4. That would have been the fair, the honorable, and the ethical way for the committee to have acted; but in my opinion they did not want this House to have an opportunity to consider section 4, and I believe it will become apparent as the consideration of this measure progresses, that when the gentleman from Tennessee offers section 4 as an amendment to the bill they will raise the point of order that it is not germane, and although every member of the committee voted in favor of that section and reported a bill to the House containing that section they are going to try to prevent you gentlemen, as Members of the House, from even considering section 4, by raising the point of order that it is not germane, although even in the first paragraph of the bill we declare that the ether within the limits of the United States is the inalienable possession of the people thereof, and that Congress under the Constitution has the right to regulate its use, and the whole bill is predicated upon the purpose to protect the rights of the public and to prevent the existence and growth of monopolies.

There are other provisions in this bill in regard to monopolies, and I say it would have been a fairer way for this committee to act if it had recommended as a committee amendment the striking out of that section, in which case the Members would have a chance to discuss it thoroughly, to vote upon it intelligently, instead of going about it in the way they have and trying to prevent us from even considering section 4 and kindred amendments.

Mr. BLANTON. If the gentleman will yield, we could make it germane if we could get enough votes.

Mr. O'CONNELL of Rhode Island. I think we can, and I hope we will get enough votes because this is one of the most important sections of the bill, and as the gentleman from Texas observed only a few minutes ago, now is the time to write a proper, a just, and a comprehensive radio bill. [Applause.]

Mr. DAVIS. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Chairman and gentlemen, I had not intended to make a speech on this bill at all, but probably I had better make a statement with reference to section 4.

So far as section 4 is concerned, I think it is a rather important provision, but I am for the bill regardless of whether section 4 be reinserted. I think there is sufficient matter in the bill that we ought to pass it regardless of whether section 4 be reinstated.

Section 4 was discussed to a very limited extent when the matter was under consideration before the committee. The bill before the committee did not contain section 4 at the time the hearings were being conducted. After the hearings had been completed, even after the bill had been referred to the subcommittee and the subcommittee had made a favorable report thereon, section 4 was put into the bill.

I voted for reporting of the bill when before the subcommittee without section 4 being in it, as did other gentlemen on both sides of the Chamber. When we went back into the full committee to consider the bill after the subcommittee had made its report there was a proposition to insert section 4. I then voted to include section 4 in the bill, and I shall vote to reinstate section 4 if it is offered as an amendment, but as before stated, whether it is reinserted in the bill or not I shall vote for the bill just the same.

There are many antimonopoly provisions still in the bill, and I think they are good ones and very well worth while.

The general antimonopoly law of the land applies to the provisions of this bill just like it applies to all other matters of the kind. It covers radio or business operations of any kind, and it will not be excepted from the provisions of this act. Where a monopoly exists not only does the general law apply but the bill further provides that the Secretary shall under certain conditions revoke licenses or that a court finding them guilty of monopoly may revoke license. As the bill provides that no one can operate without a license, if it once be determined that our antimonopoly laws are being violated, of course it means the business is wound up and dissolved.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. JOHNSON of Texas. As I understand it, the license is for five years?

Mr. LARSEN. The gentleman from Maine [Mr. WHITE] in stating that I think did not express himself fully on the point. The maximum time for which a license can be granted is five years, but it may be granted for a lesser period.

Mr. JOHNSON of Texas. The question I particularly had in mind was this: If the Secretary of Commerce has to wait until a court finds out whether a concern is a monopoly or not, would not the license expire before the fact was ascertained?

Mr. LARSEN. No; I think not. I see no reason why the courts should not act on a matter of that kind in less than five years.

Mr. JOHNSON of Texas. Is it not true that in the Federal court there would be required a judgment of the final court, the Supreme Court of the United States, which usually takes a great deal of time.

Mr. LARSEN. This might be true, but I have had a few cases myself, and I never had one yet that required five years.

Mr. JOHNSON of Texas. I have had some in the State courts that have taken longer than five years.

Mr. LARSEN. It seems to me it is not necessary for such cases to require so much time.

Mr. APPLEBY. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. APPLEBY. Is it not true that the Secretary of Commerce now grants temporary licenses and that they can be revoked at any time?

Mr. LARSEN. Yes; that is true. I think most of them are granted for a period of 90 days, and probably the maximum is for a period of one year.

The Secretary for sufficient cause shown to him can refuse or revoke a license; the courts upon finding a monopoly to exist can declare such monopoly and revoke the license; therefore, I think every necessary precaution is provided for in the bill. [Applause.]

Mr. DAVIS. I yield five minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman and gentlemen of the committee, in dealing with the subject of radio it is highly important, in my opinion, that we should be relieved in the presence of this Chamber as much as possible of the presence of static and of too much radio interference.

I am in accord with most of the provisions of this bill. I hope that the impression will not obtain that the bill which has been presented by the committee is a bad bill. In my opinion it is a decided improvement over the present situation. So far as I as a member of that committee am concerned, I shall welcome the most careful study of the bill by members on this committee, for we are dealing with a highly technical and complex subject, extremely complicated, and it is necessary that the best thought of all members of the committee should be directed to the subject under consideration.

There is one amendment that will be offered by the gentleman from Tennessee [Mr. DAVIS], which, in my opinion, is highly important and to which we will ultimately come if we do not write it at the present time into the bill. That is an amendment giving wider powers to a commission and establishing what we might term a permanent radio commission, which shall deal with, and perhaps solve, many of the problems which now perplex us. It is true that in this bill we have provided a commission, but, gentlemen, while I do not wish to say anything that would be derogatory to that commission, it is a commission which upon study will be found to represent and register the will of the Secretary of Commerce or somebody in the Department of the Secretary of Commerce. This commission will be drawn from the country at large and brought here with limited time at its disposal. It will be a commission that will give only part of its time to the study of radio, and dealing with a subject as important as this, a subject as far reaching as this, a subject relating to the transmission of intelligence, it

does seem to me that it is wise that we should consider the establishment of a permanent commission.

I am no more in favor of the establishment of commissions than the average Member on the floor and this power has been vested in an Interstate Commerce Commission, but it is a power that can not be exercised and will not be exercised by the Interstate Commerce Commission, because the time of that commission is exclusively taken with railroad legislation and will be so taken in the future as much as in the past. So I am going to ask the members of the committee to give most careful consideration to this amendment which will be proposed by the gentleman from Tennessee, and which, so far as I can see, will offer no considerable expense to the expense to be incurred under this bill. [Applause.]

Mr. DAVIS. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Tennessee has eight minutes remaining.

Mr. DAVIS. I yield four minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I think the gentleman in charge of the debate ought to be subject to considerable criticism for allowing but two hours for the consideration of this bill. I do not believe there is a more important bill to come before the House than this radio bill. There are 5,000,000 radio sets in this country, and in the hearings I am told that five to six persons use a set, so that this bill practically affects over 25,000,000 people. There are 15,111 amateur broadcasters, 1,901 ships with radio appliances, 553 land stations, and 536 broadcasting studios, making a total of 18,094 stations, and yet, despite that importance, we are only allowed two hours of general debate. It is a bill replete with intricate legal and scientific problems, and yet we are expected to digest and assimilate it in the short space of two hours. Consequently I think the bill as I read its hearings and scrutinize its provisions has been most illy considered. That is a broad but a proper assertion and is made with all due respect to the members of the Committee on the Merchant Marine and Fisheries.

No scientific testimony of any character was taken except from interested sources; the great public has not been represented, the public is not organized like the Radio Corporation of America or the American Telephone & Telegraph Co. The public is not really represented in these hearings. The voice of the people is not expressed in this bill, and for that reason I think the committee deserves another degree of censure for not calling disinterested witnesses to testify upon both the legal and scientific phases of radio.

Mr. SCOTT. Will the gentleman yield?

Mr. CELLER. I have only four minutes and can not yield.

Mr. SCOTT. I will give the gentleman another minute.

Mr. CELLER. Very well.

Mr. SCOTT. Is the gentleman an expert?

Mr. CELLER. I am not.

Mr. SCOTT. Does the gentleman know who the experts are?

Mr. CELLER. That is beside the point. I think the House is entitled to expert testimony from disinterested sources, and there was no expert, disinterested, who testified before this committee.

The committee might have communicated with the Bureau of Standards. It could have authorized it to make a complete study of radio. It has a wonderful radio bureau. Many scientists high in the calling of radio who are stationed at the bureau would have been pleased to have rendered help of a very scientific character. They would have prevented the committee from stumbling. They would have shed light where in the bill there is naught but darkness. Yesterday, for example, I communicated with Doctor Dellinger, chief of radio at the Bureau of Standards, and asked him to define for me the word "ether." Ether is used in the first section of the bill. Ether plays a very important part in the transmission of radio waves. I ask the gentleman from Michigan [Mr. SCOTT] to explain to me what he knows about ether. I ask him to give me a concrete, concise definition of ether.

Mr. SCOTT. The gentleman asks me to give it to him?

Mr. CELLER. Yes.

Mr. BLANTON. The gentleman can not do it.

Mr. CELLER. Yet the gentleman seeks to say in this bill that the ether throughout the length and breadth of this country, the ether which is all pervading, which is in the air around and above us, which is in your body and which is in mine, in this room and everywhere, in the densest of bodies, shall be the inalienable possession of the people of the United States. What is ether? You do not know, I do not know, and I defy any man in this room to tell me what ether is. No two scientists will agree as to what it is. If that is the case, then I say that the bill is ill-considered if we try to dispose of ether that way and if you seek to legislate on a matter you know nothing about and upon a matter about which there was no scientific testimony adduced before the committee.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCOTT. Does the gentleman want the one minute that I promised him?

Mr. CELLER. I do not suppose that I can do much in a minute, but I ask the gentleman to read carefully my extended remarks in the RECORD which will appear to-morrow morning.

Mr. SCOTT. I would be glad to give the gentleman the minute. He says he was asked to pay $10 for making a speech of a minute, and now he could make it for nothing.

Mr. CELLER. I did not realize my remarks were worth that. [Laughter.]

In due course I shall offer an amendment to section 1. Page 1, lines 3 to 8, inclusive, should read as follows:

That it is hereby declared and reaffirmed that the authority to regulate the transmission of radio energy or radio communications or signals within the limits of the United States, its Territories and possessions, in interstate and foreign commerce is conferred upon the Congress of the United States by the Federal Constitution.

It would do away with any declaration as to "ether" and will simply declare that the United States has authority to regulate radio communication and transmission of radio energy. We will then avoid legal as well as scientific controversy. You might as well talk about the fourth dimension as well as try to define, possess, or own or legislate about the "ether." Knowledge thereof is in the nebular state of theory.

Permit me at this point to tell a story of a radio fan who went to the man who sold him his radio set and said: "I am a thousand miles from Kansas City, but can not get it clearly. Should I move my set closer to my aerial?" The man answered, "No; move your set closer to Kansas City."

I suggest that the chairman of the committee get a little closer to the science underlying the transmigration of radio waves.

Permit me at this point to introduce into the RECORD a letter received from the Chicago Federation of Labor Radio Broadcasting Association:

CHICAGO, ILL., *March 10, 1926.*

Hon. EMANUEL CELLER,
Washington, D. C.

DEAR SIR: The White (radio) bill as written is a menace to the highest welfare of the people.

If it passes, the Department of Commerce will become more powerful than the Presidency. A monopoly of the air is already here. Is it wise to build up so colossal a political power?

The Department of Commerce, by its illegal and unfair handling of radio, has proved itself unworthy of exercising this power, and we urge that such power be lodged solely in a regional commission.

There are serious "jokers" in the bill. Ostensibly only radio communication is the subject of the bill, but it is so worded as to include all radio energy and can be used to cover the regulation of power transmission to run trains, etc., by radio. The total omission of such words as "radio energy" and "electrical energy" and the insertion of some exact definitions would cover this point.

Radio operators should not be fed to a centralized bureaucratic maw by requiring them to be licensed. Railroad trackwalkers, signal-light men, conductors, and locomotive engineers upon whose faithfulness and efficiency many lives and large property values depend are not licensed by the Department of Commerce. Why should a few poorly paid little radio operators be licensed?

Chain station broadcasting should be prohibited except on the same wave length, and no power greater than 500 watts should be permitted to be used in broadcasting. Interference to-day is caused by superpower stations, which only a favored few are permitted to have.

Provision should be made so that radio patents bought up and suppressed should become invalid after three years from their date of issue. This nefarious process has already begun.

We earnestly commend the above items to your wise and patriotic consideration.

Very cordially yours,

CHICAGO FEDERATION OF LABOR,
E. N. NOCKELS, *Secretary.*

Upon receipt of this communication I got in touch with the American Federation of Labor in Washington and was informed by Mr. Roberts, of its legislative committee, that it is squarely behind the objections to the bill set forth in the above letter.

I think the amendment concerning monopoly in radio which Judge DAVIS, of Tennessee, will offer will cure an important defect of this bill. I shall support his amendment. The errors in the bill pointed out by the American Federation of Labor

should likewise have the consideration of the members of this committee.

There are two other sections of the bill which should be amended, namely, section 6 and section 3. Section 6 reads as follows:

All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation.

And is aimed at disguised advertising.

The author of the section sought to follow the law of the District of Columbia against newspapers printing disguised advertising. That law, which was a rider to the Post Office appropriation bill, August, 1912, Sixty-second Congress, second session (vol. 37, Stat. L. 553–554), is as follows:

All editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked "advertisement." Any editor or publisher printing editorial or other reading matter for which compensation is paid, accepted, or promised without so marking the same, shall upon conviction in any court having jurisdiction be fined not less than $50 nor more than $500.

The amendment as now constituted is too weak to get at the evil of deceptive advertising. In the first place, it is made optional with the broadcaster to announce that the matter is paid for or furnished. The broadcaster will always say "furnished," since you give him a choice. He will never say "paid for." Listeners will not understand that the material is advertising if the matter is prefaced by the words "furnished." The situation will be as bad as ever, and it is very bad. Disguised advertising has gone to undue lengths. We must stop the abuse.

Permit me to burlesque the situation and give you some of the radio pabulum and disguised advertising given out for radio consumption:

"This is BLAA broadcasting station of the Giant Peanut Co., Newark, N. J. You will now have the pleasure of listening to the 'Walk-Up-One-Flight Clothing Co.'s orchestra.' Their first number will be, 'You Don't Wear Them Out If You Don't Sit Down.' Should any of our radio fans desire to communicate with the 'Walk-Up-One-Flight Clothing Co.'s orchestra' they can do so by communicating with BLAA station.

"This is SPOOF station, Chicago, Ill. You have just listened to Mr. B. Fuddled, of the Lone Star Ham Co., in his interesting talk on 'Tid-bits and why delicious Lone Star ham should be on every table.'

"Those of you who relish a good cigar will be delighted to hear that our next number will be a song, 'Rings of Smoke,' to be rendered by Mr. Jack A. Napes, general sales manager of the Amalgamated Cigar Stores Co. We ask our radio fans to remember the Amalgamated Cigar Stores Co., because it will have one of its employees perform for us every Monday night.

"You have just heard Mr. Jack A. Napes. SPOOF signs off for the night after announcing that at 3.45 to-morrow afternoon every housewife will welcome Mrs. Laura Net, of the Durable Pancake Co., who will give helpful lessons on 'How to make flapdoodles out of sawdust.'

"This is station MEOW, Mr. T. Cat speaking, and he is happy to announce that next Tuesday at 8 p. m. folks will hear Professor Bunion, well-known chiropodist. He has taken corns off all the crowned heads of Europe. We urge our invisible audience to write us what they think of Doctor Bunion.

"This is KOKO station. Doctor Bunkum's Sanitarium of Cripple Creek, Mich., Doctor Bunkum announcing. Folks will receive with interest the news that I shall lecture on 'My Pink Pills for Pale People.' I shall be pleased to see any nervous, anemic person and show how to build him up with 'Pink pills for pale people.'"

The annoyance to radio fans of such deceptive advertising is really worse than above would indicate. I would, therefore, insist upon the broadcaster announcing that the matter in the program is "advertising." Let us use the exact word to fit the exact situation—"advertising."

Furthermore, section 6 provides for no penalty. It is therefore as now drafted, worthless. There should be provided the same penalties as newspaper publishers now labor under if they violate the law. I therefore offer the following amendment, so that section 6 will read as follows:

All matter broadcast by any radio station for the publication or broadcasting of which service money or other valuable consideration is, directly or indirectly, paid or promised to or charged or accepted by the station so broadcasting, from any person, firm, company, or corporation, shall at the time the same is so broadcast be plainly announced as "advertising." The owner or operator of any such radio station publishing or broadcasting such matter without so designating or announcing the same as "advertising" shall, upon conviction in the United States district courts, be fined not less than $50 nor more than $500. Jurisdiction is hereby conferred on the United States district courts for the trial of prosecutions of such violations.

I now come to section 3, which permits the aggrieved applicant to appeal from the order of refusal of license or order of revocation of license by the Secretary of Commerce to the Court of Appeals, District of Columbia. Why should not the appeal run to the United States district courts throughout the country?

It was argued at the hearings that the Department of Commerce would be inconvenienced if it had to go to the far-flung regions of the country to defend its action. Government exists for the convenience of its citizens. The Treasury Department defends itself in tax cases in the United States Circuit Court of Appeals throughout the country. It does not complain. Furthermore, appeals from the Federal Trade Commission are not limited to the courts in Washington. They run, likewise, to the circuit court of appeals throughout the country. Appeals from the Interstate Commerce Commission run to the district courts as well as to the commerce court, which is composed of the circuit judges.

The case of Keller *v.* Potomac Electric Power Co. (261 U. S. 428) was cited as an argument for the necessity of having appeals run to the courts of the District of Columbia. That case was an appeal from a decision of the Public Utilities Commission of the District of Columbia by the Potomac Electric Power Co. The district court of the District dismissed the bill in the suit against the commission and remanded the case back to the commission. The court of appeals of the District reversed the district court. An appeal was sought to the Supreme Court. The Supreme Court said it had no jurisdiction. It seemed, however, that the public utilities law empowered the court to decide legal questions and questions of fact as incident thereto.

The court was also empowered to amend and enlarge valuations, rates, and regulations established by the commission. The Supreme Court held this to be legislative as distinguished from judicial power. It held that under the power "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia (Const., Art. I, sec. 8, cl. 17) Congress may vest this jurisdiction in the courts of the District.

The Supreme Court thus said it was all right for the District court and the court of appeals of the District to exercise this legislative power in the matter of amending or enlarging rates, but that the Supreme Court (and thus the United States district court) had no such power.

This case is not applicable to section 3 of this radio bill. The appeal from the action of the Secretary of Commerce involves only judicial and not legislative action. There is no question of amending or enlarging rates. There is language in section 3 which provides that either party can adduce additional evidence. I think this language should be stricken out, and then there will be no question of legislative power exercised in passing upon the proposition of revocation or refusal of license de novo.

Mr. DAVIS. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen of the committee, the gentleman from Michigan [Mr. SCOTT], the chairman of the committee, may not deem the gentleman from New York [Mr. CELLER] an expert, but he, himself, is an expert on bringing a bill before us for consideration which does not regulate monopolies.

The Radio Corporation of America has already drawn largely upon the resources of the American people. It has placed at its head a retired Army officer of the United States, who is now drawing a major general's salary for life as a retired officer, who, though retired, seems sufficiently in possession of mental and physical faculties, it is said, to draw $50,000 a year more salary from the Radio Corporation.

The gentleman from New York [Mr. CELLER] was charged $10 a minute to speak over the radio. That is $600 an hour.

Mr. LARSEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry that I can not yield; I have only four minutes. The gentleman was charged at the rate of $600 an hour, but his adversaries were not charged anything. That was improper discrimination.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry that I can not yield in four minutes. If the gentleman will get me some more time, I will gladly yield.

Mr. WHITE of Maine. He did not say his adversaries were not charged.

Mr. BLANTON. Yes; he said that very thing. What are you going to do about this question? The night before election some fellow who might be favored by the Radio Corporation could get up in a Congressman's district and, with favored access to the radio, ruin any man running for Congress. In my home State of Texas there is no such thing as an action for slander of a man. Verbal derogatory remarks against a woman are slander, and made an offense, and are actionable. But as to a man, derogatory remarks verbally made about another is no offense, either civilly for damages or criminally.

Thus, in Texas, you see, there is quite a difference between slander and libel, as a verbal statement about a man is no offense at all, but about a woman it is slander and a violation of law. But in Texas if you write something false about a man which is derogatory, or circulate it in writing or publish it, it is libel, for which he can hold you responsible in the criminal courts and civilly for damages.

I shall offer an amendment to this bill that any derogatory language used over the radio which, according to the laws of any State into which this language may be transmitted by radio would, first, become slander, or second, if in writing would become libel, shall constitute an offense, for which the injured party could hold the offender responsible in the civil courts for damages and in the criminal courts for punishment. That is the only protection that people may have from radio attacks.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I had only four minutes, and my time is about gone.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I am glad that we are going to have some chance under the five-minute rule.

Mr. SCOTT. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. FREE].

Mr. FREE. Mr. Chairman and gentlemen of the committee, before entering into a discussion of this subject, as I shall quite fully, I want to remind you gentlemen that all this talk about monopoly is because the gentleman from Tennessee [Mr. DAVIS] wants to make a special rule which applies only to the radio industry. The Interstate Commerce Commission has full authority and power to regulate rates in regard to radio.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FREE. I will not yield, I have not the time. The courts and the Federal Trade Commission have the right to control any monopoly that may exist in radio. I say further, in the light of some statements that have been made on this floor, that the radio interests, so far as they are concerned, are not asking for the elimination of section 4, but are simply asking that the word "unlawfully" be put in so that they can lawfully do what the courts permit them to do, and they are not asking this Congress to permit them to do anything that is unlawful.

Now in order that we may understand something about this subject and how it grew up I want to go back a little bit into the history of the radio situation. For 60 years different inventors were trying to work out a system of transmission without wire and through the air. In 1896 Marconi applied in England for a patent. He was the man who finally commercialized radio. Marconi probably had less to do with the scientific side of radio than any other man who had actually worked in the development of the art, but he was the one who saw the commercial side of the industry, and so in 1897 he organized a company for the purpose of combining the various patents that he could get control of in order to use this as a commercial thing.

He began communicating in different ways, and finally he erected a station which got a communication of 14½ miles in distance. He then worked further, and finally he communicated with ships at sea and built up stations to communicate with those ships at sea. He kept this thing up until nearly every navy in the world finally made it a law that their boats must carry some radio apparatus. He then dreamed of a transoceanic radio; and so, when he was finally ready to make the test, he came over to the United States and from a balloon in Newfoundland listened for radio signals across the Atlantic. His dream, his desire, was gratified. He heard the tap of the keys and he had finally succeeded in transmitting words across the ocean. When he had gained that he dreamed of a world-wide radio control. He saw the great country of the United States, and so he came over here and established stations and started communication with ships at sea. In the meantime he had gotten control of various patents; but there was one patent in this country that he did not get control of, and that was a very necessary patent to him in order to complete the work that he had started out to do. That patent, the Alexanderson alternator, was owned by the General Electric Co., an American corporation, and negotiations were taken up by Marconi and his British company to get the rights from the General Electric Co. of the best transmitting apparatus that was known in the art of radio. Just at that time the war broke out, and Mr. Marconi was called to the colors in Italy, and he left the General Electric Co. with the understanding that nothing would be done with regard to disposing of the patent until the war was over. After the war was over Marconi came back to the United States and renewed his endeavors to get control of that patent that was owned by the General Electric Co. The General Electric Co. is an organization that is engaged in the development of patents; it is a company that is engaged in the sale of those patents and manufactured apparatus for money, and so they were interested, as the Marconi Co. at that time was the only company in the world that had sufficient capital and sufficient money to take over and make use of this patent.

Just at that time Admiral W. H. G. Bullard, who was Director of Naval Communications, and Commander S. C. Hooper, of the Bureau of Steam Engineering, made an appeal to the patriotism of the General Electric Co. not to sell that radio device to a foreign company and, if you will, a foreign monopoly. He pointed out to them that nearly all the cables of the world were controlled by the British and that the United States was not able to send a message unless it paid the bill to a foreign country. He pointed out to them that in the sending of messages of our business concerns we were always held underfoot by the fact that foreign messages were given preference. The General Electric Co. listened to Admiral Bullard. They said, however, that this patent was worth a lot of money, that they had put a lot of money into the development of it, and that the only available company to buy the patent or the devices made under it was the British Marconi Co. He still insisted in his patriotic appeal, and just at that time another gentleman came into the picture, A. J. Hepburn, Chief of the Bureau of Steam Engineering, who pointed out the fact that radio tubes could not be developed unless several of these patents could be combined, and urged that they be gotten under one control. In the meantime, the General Electric Co., with the advice and consent of Secretary of the Navy Daniels, and with the advice and consent of the other members of the Navy, went about to consider the formation of a company to take over this and the other patents and thereby get for the United States control of the radio interests of the United States.

Mr. DAVIS. Mr. Chairman, will the gentleman yield there?

Mr. FREE. Not yet. I regret I can not yield now. I will yield at the conclusion of my remarks.

Now, there were three parts of these tubes that were needed; the filament, the plate, and the grid, and there was no patent existing at that time that had all three within it. To show you the situation, I will state that the De Forest patents were owned by the American Telephone & Telegraph Co.; the Fleming patents were owned by the American Marconi Co.; the Alexanderson patents were owned by the General Electric Co.; the Arnold patents were owned by the Western Electric Co.; the Langmuir patents by the General Electric Co.; and the Poulsen patents were owned by the Federal Telegraph Co. of California. The general result of these conferences was that cross-licensing agreements were entered into, and the Radio Corporation of America was formed.

By the way, you have heard about this so-called monopoly of the Radio Corporation. Let me say to you that the original stock was taken up by various interests, but to-day the stock is owned by the General Electric Co., which has 15.68 per cent; by the Westinghouse Electric & Manufacturing Co., which has 6.63 per cent; by individuals allied with Westinghouse interests, 9.69 per cent; and 68 per cent is owned by 33,000 other stockholders. The United Fruit Co. and the American Telephone & Telegraph Co. have their stock in the Radio Corporation.

Mr. DAVIS. Mr. Chairman, will the gentleman yield there?

Mr. FREE. I regret I can not. The gentleman did not yield to me; but if I have time I will gladly yield to him later. I think the gentleman's statement was infinitely unfair.

I will be very glad, gentlemen, if you have time, if you will read the report of the Federal Trade Commission on the radio industry. Every fact that I have stated is stated in there. Every statement that I have made to you is a fact. If you

will take the time to read that it will repay you for the trouble. I am holding no brief for the Radio Corporation.

Now, the result of all this was that the Radio Corporation was formed to conduct radio communication and to sell radio apparatus generally throughout the country. The Westinghouse Co. and the General Electric Co. were to manufacture this apparatus for sale to the Radio Corporation, each reserving the right to sell to the Government of the United States. The American Telephone & Telegraph Co. were to get the privilege of using those patents that applied to their interests. If you will analyze them you will find they were all on different lines, but each one was to get the use of those patents that pertained to their different lines of industry.

The result finally was that limited cross licenses in these patents were given in the respective fields and the greatest radio-communication system of the world was thereby developed. The United States to-day, through the efforts of the Radio Corporation, is occupying in world radio-communication service the dominant position that Great Britain occupies so far as the cables are concerned. Now, let us be fair. The result was that because of the development of the Radio Corporation the cable companies reduced their tolls from 25 to 33⅓ per cent, and now we have service from Broad Street in New York to Great Britain, Norway, Sweden, Germany, Poland, France, and Italy, and are building stations in the Argentine, Brazil, and Chile; have Pacific stations in Hawaii, Japan, and Java; and we have stations in contemplation that will be erected in the Philippine Islands and in China.

Let me repeat to you that the Federal Trade Commission and the courts have just as much jurisdiction over radio, as far as monopoly is concerned, as over any other industry in the United States.

In addition to that, gentlemen, remember this: That not only by the rules that were promulgated by the Interstate Commerce Commission itself but by an act of Congress passed in 1920 the Interstate Commerce Commission have charge of the fixing of rates for radio transmission. The question you gentlemen have got to consider is whether or not you are going to apply special rules to a new and baby industry that you do not apply to any other industry in the United States. You have no more reason, in my judgment, to pick out the radio industry than you have to pick out any other industry in the United States and say you will lay down special rules for them.

This famous section 4 that has been talked about lays down special patent law in regard to the radio industry. Why should you pick radio? If you are going to change your patent law, go ahead and change it, and make it fair and just to everyone concerned.

Now, the situation at the present time is this: There are 35 manufacturers of these tubes. Some of the patents have expired, so that now there is competition in the making of tubes. There are 350 manufacturers of sets and there are 1,600 manufacturers of parts. These are the figures given me by the Secretary of Commerce. The Radio Corporation is third in the sale of sets. The Crosley Co. is first and the Atwater-Kent Co. is second.

I want to read from this Federal Trade Commission report that Judge DAVIS read from.

Mr. DAVIS. Mr. Chairman, will the gentleman yield there?

Mr. FREE. No; I regret I can not. This is from the Federal Trade Commission report:

> Of these sets the Radio Corporation has sold only a small proportion. In addition to the Radio Corporation there are to-day over 200 concerns engaged in the manufacture and sale of complete sets, minus tubes, and about 5,000 concerns manufacturing devices and parts useful in radio.

As of January 1, 1926, we had a total of 536 broadcasting stations in the United States. Of those 536 broadcasting stations but 12 were operated by these cross-licensed monopolies, as they have been called. According to other figures outside of the Department of Commerce, I find there are at least 200 or 300 manufacturers who are now making and selling completely assembled radio-receiving sets, with a list of about 3,000 who manufacture parts. These are very substantial concerns. They are concerns like the Atwater-Kent Manufacturing Co., A. H. Grebe & Co., Splitdorf Manufacturing Co., Stromberg-Carlson Manufacturing Co., De Forest Radio Co., Charles Freshman Co., Crosley Radio Corporation, Andrea, Stewart-Warner, Bosch Magneto, and so on down the list, a very large number.

Mr. LARSEN. Will the gentleman yield?

Mr. FREE. Yes.

Mr. LARSEN. Will the gentleman state in that connection how the prices compare now with what they were three or four years ago?

Mr. FREE. I understand that originally the tubes sold at around $6, while to-day you can buy a Radio Corporation tube at retail for $2.50. That same corporation sells to other makers of radio sets, its competitors, those same tubes for $1.10.

Mr. LARSEN. And in a general way that applies to tubes, sets, and most everything, does it not?

Mr. FREE. Yes; there is general competition now in every line. The Radio Corporation is in this position: They sell tubes to their competitors, as well as selling tubes and apparatus themselves.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. FREE. Yes.

Mr. WHITE of Maine. There are other tubes, as I understand it, which sell for as low a price as 50 and 60 cents?

Mr. FREE. Yes; but the gentleman from Georgia [Mr. LARSEN] was asking particularly about the Radio Corporation's tubes. I think there are now 35 concerns that make tubes. The DeForest Co. makes over 8,000 tubes a day, so you can see that they are really a real competitor in the manufacture and sale of tubes.

In the year 1925 the Radio Corporation sold over 16,000,000 tubes, of which only 1,620,640 were to equip its own new sets, and 15,537,446, almost ten times as many, were for sets made by other manufacturers and for replacements.

In 1925 the Radio Corporation sold tubes direct to 40 different set manufacturers, the total number of tubes sold to them being 1,363,150, or nearly as many as those sold by the Radio Corporation itself in connection with its own sets.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SCOTT. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. FREE. Practically all the other manufacturers sold their sets without tubes, but equipped with standard sockets for the insertion of tubes by the purchasers. In the same year the Radio Corporation sold 9,537,152 tubes of the type 201–A, which are not used in any set manufactured by the Radio Corporation. All of these tubes must have been used in sets made by other companies, the total number of 201–A tubes alone being nearly six times the 1,620,640 tubes sold by the Radio Corporation in its own sets.

Now, what is the situation to-day? Any boy can take, as my boy did, a bolt, a little wire, and a crystal, which costs him a few cents, and make a radio set, and he can listen in on any program anywhere in the United States. If he wants a little bit better set, he can take a little bit more wire, a few more nuts and bolts, and get a tube, and he can make a tube set, paying $2.50 for the tube. If he wants to do more than that, he can go, as I have told you, to a great number of manufacturers and get a radio set according to his liking. In addition to that, he can listen in on any program being broadcast without charge. The Radio Corporation charges nothing for broadcasting any of its programs. The American Telephone & Telegraph Co. does sell its time. It gives you a fine program and it charges for some of the time, and that is the only way they can make any money out of it. If my friend from New York [Mr. CELLER] wants to get elected in New York, he has got to pay for it if he wants to use the American Telephone & Telegraph broadcast service. I do not know positively, but I am willing to bet the gentleman a new hat that everybody who made a personal campaign talk from the American Telephone & Telegraph station had to pay for that privilege. If their rates are not just, you can go to the Interstate Commerce Commission and can have them made right. If there is any monopoly in this industry, you can go to the courts or to the Federal Trade Commission. So, who is getting hurt in this game, and why should Congress say that this industry that has more undeveloped prospects in it than any other and is the least developed of any other large industry in the world—that we are going to put our foot down on its neck and crush it as a monopoly and let the other large industries in the United States be measured by a different rule? Why not put radio under identically the same rules and the same laws that you put other concerns under in order to avoid monopolies?

Let me say to you that we are the only country in the world that does not charge a license fee on receiving sets. England does it, Australia does it, and Canada does it. In addition to that, in England, the Government not only places a charge upon the broadcaster and a charge upon the receiver, but it also gets a part of the amount that is paid for the radio apparatus which the individual buys. We have the best programs

in the world; we can listen in on them at any time; we can have a $500 set or we can have a 50-cent set. So who is being hampered in the way suggested by the gentleman from Tennessee [Mr. DAVIS], who is yelling about the monopoly which he claims exists in this radio industry?

Mr. ROMJUE. Will the gentleman yield?

Mr. FREE. Gladly.

Mr. ROMJUE. Just a moment ago the gentleman made the remark that any boy with a crystal set could listen free, while a man who talked, like the gentleman from New York [Mr. CELLER], had to pay. Does not the gentleman think that if somebody has to pay, the world would be better off and we would be better off if the man who talks has to pay while the man who listens has that privilege free of charge?

Mr. FREE. That is my position. I think there is one monopoly in this thing and I think it is the individual listener. The minute he turns off his set and refuses to listen, just that minute the radio is gone so far as the sellers of sets are concerned. Because of that fact they must put on good programs; they must maintain the public interest because the public is their asset. When they sell time to an advertiser they have got to show that you and other people are listening, and if they can not show that they can not get money for broadcasting.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. SCOTT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. SCOTT. Mr. Chairman, I yield four additional minutes to the gentleman from California.

Mr. ARNOLD. The gentleman said the Interstate Commerce Commission had charge of this service——

Mr. FREE. The regulating of rates.

Mr. ARNOLD. Yes; are they required to file a schedule of their rates and fees with the Interstate Commerce Commission?

Mr. FREE. As I understand the situation, there has never been a complaint lodged with the commission in regard to the rates charged for radio transmission. There being no complaint, there never has been a case tried before the commission, so they have not actually gone to the point of laying down the matter of rules that would apply in a case that had actually come up.

Mr. ARNOLD. If they charge for their service and if that is not supervised by the Interstate Commerce Commission, is there anything to prevent them from going ahead in the future and hereafter——

Mr. FREE. Yes; if, for instance, the gentleman from New York [Mr. CELLER] thinks he paid too much for his speech, he can lodge a complaint with the Interstate Commerce Commission and can initiate a hearing, and the whole question of the rates of the American Telephone & Telegraph Co. will be heard.

Mr. ARNOLD. Would the Interstate Commerce Commission have the right to fix a schedule of rates and fees at the request of an individual?

Mr. FREE. Certainly; that is the way all the cases come up.

Mr. LARSEN and Mr. CELLER rose.

Mr. CELLER. Will the gentleman yield for a question?

Mr. FREE. I yield first to my colleague on the committee [Mr. LARSEN].

Mr. LARSEN. Something was said here about censorship. Does the gentleman remember the testimony of Mr. Harkness:

> We do not censor—we edit.

Mr. FREE. Yes.

Mr. LARSEN. And did not Mr. Harkness further say that all they did with any manuscript that came in was simply to edit it, and if it was such an article that could properly appear in a newspaper, they broadcast it, and if it was not an article that would be proper to put in a newspaper, they did not broadcast it.

Mr. FREE. Yes; as I understand it, they have a number of committees. For instance, the Protestant denominations have a committee of their own selection, and the Jewish have a committee of their own selection, and so forth.

Mr. LARSEN. And they sometimes have a committee consisting of all of them.

Mr. FREE. Yes; and then these matters are referred to them. The only thing they do, as I understand it, is to see to it that nothing that is slanderous or seditious is put out over the radio.

Mr. CELLER. Will the gentleman yield at that point?

Mr. FREE. Yes.

Mr. CELLER. Is it not a fact, however, that the testimony you are giving now, which is a repetition of what appears in the hearings, is limited to the American Telephone & Telegraph Co.?

Mr. FREE. Oh, no.

Mr. CELLER. I beg to differ with the gentleman. If the gentleman will read the hearings again, he will find the man who gave that testimony was the representative of the American Telephone & Telegraph Co., representing WCAP at Washington and WEAF at New York, and he stated they do edit manuscripts, and they have these denominational committees to see to it that nothing is spoken that might be derogatory of the religion in question; that they edit every paper that is read into the microphone; but that was only the testimony of the representative of WCAP and WEAF. All other radio broadcasters edit and censor, in any way they see fit, whatever goes into the microphone.

Mr. FREE. I understand the system is general among all the broadcasting concerns, and they simply want to edit the manuscript to see it is not slanderous or seditious. I understand they all follow generally the same principles in regard to what goes over the radio.

Remember this, Mr. CELLER, the ultimate person to be satisfied is the person who is listening on the receiving end, and just the minute these companies begin to put over the radio the sort of stuff that is disagreeable to the hearers the value of radio is gone from every standpoint.

Mr. CELLER. I do not deny that.

Mr. FREE. And they are just as anxious that the material that goes over the radio shall please the hearers and be pleasant to the hearers as the person who receives it is to have that sort of entertainment. [Applause.]

Mr. Speaker, if you were to drop a stone in a still pool of water, waves would spread out in all directions and would have energy enough as they progressed sufficient to move objects on the water. So it is with radio waves. A wave length is the distance from the highest part of one wave to the highest part of the next. Wave lengths are measured in meters. A definite number of these waves go past a given point each second and the numbers so passing a given point each second is called the "speed or frequency" of the waves.

The velocity (distance expressed in meters or feet that the waves go in one second) can be found by watching the number of waves that go by in one second and by multiplying this number by the length of one wave.

The velocity of radio waves is 186,000 miles or 300,000 meters per second. (A meter is a little longer than a yard.)

This velocity is the same for all radio waves, no matter how long or how short they may be.

Frequencies are measured in kilocycles which equals 1,000 cycles or waves.

Receiving sets have to be adjusted to receive the number of cycles sent out, which number sent out is determined by the rapidity of the transmitting sets. There is no limit to the number of frequencies or wave lengths, but there is a limitation on the number of cycles which the receiving sets can receive.

There are some 20,000 radio stations, most of which do not engage in general broadcasting. There are now about 535 broadcasting stations in the United States.

From 0 to 200 meters is allocated—

1. To amateurs, of which there are about 16,000 stations;
2. To transoceanic communication;
3. To general experimentation.

It has been difficult to develop a receiving set that can receive on so low a wave length. From 200 to 550 meters is the broadcasting band, and all broadcasting in the United States is done within this band.

Under an international convention 600 meters is used by ships for S O S and calling purposes between ships and between ships and shore. By general consent 706 meters is now the ship wave. From 600 to 1,000 meters is for marine use; 800 meters and 1,000 meters is used for fog signals and navy compass. From 1,000 to 20,000 meters is allocated to point to point or transoceanic transmission. Every station in the world has to be considered in this allocation. As a matter of fact, most of these are United States stations.

There must be a separation of 10 kilocycles between wave lengths to avoid interference. If the wave lengths are closer the receiving sets will not pick them up.

Thus there are only 95 wave lengths or channels or wave lengths for all broadcasting. There must be a separation of at least 50 kilocycles between stations in the same locality. Theoretically you could have 20 stations in one locality.

Under agreement 6 of the 95 wave lengths are used by Canada and the remaining 89 are allocated to American sta-

tions. To-day we have 535 stations operating on 89 wave lengths, and there are over 300 applications on file for wave lengths which it is physically impossible to grant. It is only possible to grant licenses to the 535 stations by reason of the facts that many of them are low power stations. The higher power the station, the less static interference and the better transmission in daylight, as there is more strength behind the wave. So the tendency is for stations to want licenses granting them the right to use more power for their stations. A 500-watt station can be heard from coast to coast.

Broadcasting has developed tremendously in a short time. KDKA, at Pittsburgh, was the first station to get a license. This license was secured in September, 1921.

Originally all broadcasting stations were put on 360 meters, but later, because of interference, this had to be changed. So stations of low power were put on 280 meters and below. These are known as class A stations. Stations of high power were allocated to wave lengths of 280 to 550 meters. These are classed as class B stations.

There is but little United States law on the subject of radio. On June 24, 1910, and July 23, 1912, the United States put into effect laws which provided that—

> From and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry or carrying 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

The laws also provided for the installation of auxiliary apparatus and contained regulations for the number and duties of the radio operators.

Radio communication in the United States is still operating under the wireless regulation act of 1912. This act, beside incorporating the provisions of the 1912 Radio Telegraph Convention of London, stipulated that—

> A person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication, except under and in accordance with a license revocable for cause, granted by the Secretary of Commerce upon application therefor.

This act gives the Secretary of Commerce no discretion as to the granting of licenses. His only discretion is in the assignment of a wave length. Under this power he has allocated wave lengths among the various uses heretofore stated.

The extent of the power of the Secretary was the issue in the case of Hoover against Intercity Radio Co. The Intercity Co. had been engaged in the business of wireless telegraphy between New York and other cities in the United States under licenses issued by the Secretary from time to time. When the last license on one of its stations expired in January, 1924, Mr. Hoover refused to grant a renewal on the ground that there was no wave length available for the company which would not interfere with private and Government stations. In other words, this was an attempt by the United States Government to prevent interference through a refusal to grant a license to a radio transmitting station.

The company argued that the Secretary had no such discretionary powers. It had in all respects complied with the requirements of the law; and so it petitioned in the Supreme Court of the District of Columbia for a writ of mandamus directing the Secretary to issue the license.

The Supreme Court of the District of Columbia granted the writ, and Mr. Hoover appealed to the circuit court of appeals, which affirmed the decision on the ground that Congress, and not Mr. Hoover, had the power to regulate the radio business. Congress had not delegated any discretion to the Secretary of Commerce, but had merely commanded him to grant the license when certain requirements had been met by the applicant. The issuance of the license was a ministerial act.

It must therefore be evident that unless some one is given power to limit the number of broadcasting stations and to distribute them over the United States that there will be so much interference and confusion that broadcasting will be of but little value to anyone.

A brief history of the development of radio, I believe, will be of some interest.

DEVELOPMENT OF RADIO

For 60 years prior to the time that Guglielmo Marconi came prominently before the people in the matter of wireless transmission various inventors were experimenting to solve the problem.

Maxwell, in 1867, saw the possibility of the existence of electrical waves. He did not, however, prove it except by mathematical deduction. It remained for Heinrich Hertz, professor of physics at Bonn University, to prove the physical being of such waves. Hertz experimented with a wire circuit which contained a spark gap. When a current was sent through this coil the pressure finally became so great that the air between the balls became highly conductive, producing a spark in the ether, which resulted in the radiation of a wave. These waves, Hertz concluded, are radiated through space in all directions by means of the ether.

The real contribution which Hertz made was the discovery of a means of detecting the presence of such radiation. He invented a simple device consisting of a turn of wire provided with a small spark gap between two metallic knobs. As this loop was held near an oscillator the waves struck it and set up impulses which revealed themselves by minute sparks at the gaps. This apparatus is called the resonator.

While Hertz did not make any practical use of his discovery, his experiments and disclosures aroused widespread interest. Other scientists took up the development of wireless. Sir Oliver Lodge was one of Hertz's disciples, and he, together with Edouard Branly, devised the coherer for the detection of electromagnetic waves. Sir William Crookes in 1892 predicted the commercial use of radio through the propagation and reception of electromagnetic waves, revealing a "new and astonishing world—which is almost within the grasp of daily life."

Thomas A. Edison developed a system of communication between railway stations and moving trains without the use of connecting wires. He took out a United States patent on this device in 1891.

MARCONI, THE COMMERCIALIZER OF RADIO

It was Marconi, however, who commercialized radio. He used or improved the oscillator of Hertz and the coherer of Lodge. He, however, inserted a Morse key in the sending apparatus, and thus cut the current into a definite system of dots and dashes. All these devices are at the present time out of date in wireless communication, but in addition Marconi contributed the grounded vertical antenna, attached to both the transmitting and the receiving apparatus, which his predecessors had not developed.

He did not discover the principles of radio. In his original application for a patent he claimed only to have made "improvements in transmitting electrical impulses and signals and apparatus therefor" by means of Hertzian waves. Marconi coordinated the principles of others, improving their operation by additional devices of his own invention, and thus made radio a commercial possibility.

In November, 1897, the first Marconi station was constructed on the Isle of Wight, off the south coast of England, from which experiments were conducted covering a range of 14½ miles. On December 6 of the same year signals were transmitted from shore to a ship at sea 18 miles distant.

The year 1897 saw the Marconi system adopted by the Italian Navy. In 1899 tests were made on a large scale by the British Admiralty, resulting in the subsequent installation of wireless on 32 warships and shore stations. On April 22, 1899, the first French gunboat was fitted with wireless telegraph apparatus; in 1899 tests were made by the United States Navy; and in the year 1900 Belgian and German shipping companies installed radio.

Likewise, radio stations were very early installed on lightships, and wireless was introduced for life-saving purposes. In 1899 the *East Goodwin* lightship was damaged by collision with a steamer, and the accident was reported by wireless. On January 19, 1901, the steamship *Princesse Clementine* ran ashore, and news of the accident was flashed through the ether to Ostend. The momentous aid given by wireless in saving passengers in the collision between the steamship *Republic* and steamship *Florida* impressed upon the governments of the world the necessity of having radio on ships as a life-saving device. In rapid succession several nations passed acts requiring radio equipment and operators on certain vessels carrying more than a specified number of people. At present radio is widely used for reporting distress signals, positions of icebergs, storm and time signals, direction finding, and many other things needful for the safeguarding of life and property.

On December 12, 1901, from a balloon at St. Johns, in Newfoundland, Marconi received clicks, signifying the letter "S," which had been transmitted from England. Thus at the age of 27 Marconi had succeeded in spanning 1,800 miles of the Atlantic with a wireless message.

While Marconi was making application for his patent in London another young enthusiast, Lee De Forest, of Iowa, was

graduating from Yale University. After receiving his Doctor of Philosophy degree at Yale in 1890, DeForest obtained employment with the Western Electric Co., in Chicago, testing and assembling at $8 a week. He had followed the work of Marconi and his predecessors, and now he set about improving their methods.

Marconi had used the coherer invented by Lodge and Branly. Instead of this device, De Forest attempted to use the gas flame as a rectifier of radio currents, but with little success. In the meantime an English scientist, Dr. J. Ambrose Fleming, had taken the Edison hot and cold electrode incandescent lamp and used it for the rectification of wireless waves. (Edison in his search for the principle of the electric light had, in the course of his "trial and error" experiments, devised a two-electrode lamp. Not knowing that he had constructed a rough vacuum tube, Edison abandoned this device.) This was the so-called two-electrode audion. A patent was granted Fleming on November 7, 1905. Some time in this interval De Forest began a series of experiments upon the same principle. He added another element, the grid—making three in all, the filament, the plate, and the grid—and from 1906 to 1908 was granted several patents based on this method of reception.

Important progress had been made by Armstrong, Fessenden, Branly, Hazeltine, and many others; but it remained for the American Telephone & Telegraph Co. to make radiotelephony a commercial possibility.

The work was in charge of John J. Carty, chief engineer of the Bell system, who associated with himself some of the foremost men in the field. After a number of successful short-distance tests Mr. Carty, in the latter part of 1915, conducted an experiment which showed that wireless telephony was no longer a dream, but an accomplished fact. The words of President Theodore Vail, spoken into the telephone of his New York office, were carried by wire to the Arlington naval station near Washington, D. C., whence they were broadcast by wireless. Mr. Carty, in Mare Island, Calif., carried on a free and easy conversation with his president. It is interesting to note that a few hours later words sent on the air at Arlington were heard not only at Mare Island, but were also intercepted in Hawaii and Panama. In the same year wireless telephonic communication was established between Arlington and Paris. In 1924 wireless telephone conservation on a short wave length was carried on between Australia and England.

The World War and the years following saw a rapid growth in both wireless telephony and telegraph. Very early in the war the cables to Germany were cut, and the United States communicated with the central powers by means of wireless. The year 1918 witnessed great progress toward continuous-wave communication. This development derived impetus from the steady evolution of the electron tube as an efficient receiver and generator of undamped oscillations. Aircraft were equipped with both telephonic and telegraphic apparatus. The United States Army and Navy maintained schools for instruction and research in the art. During the war the Government undertook the operation of practically all land and ship stations. Progress was made in direction finding and submarine detection.

The first successful American attempt at radio transmission from airplane to ground was made August 27, 1910, at Sheepshead Bay, Long Island. One year later, at an aviation meet on Long Island, a wireless message was transmitted from airplane to ground over a distance of 2 miles. In the summer of 1912 radio communication was established from an Army airplane over Laurel, Md., to Washington, D. C., a distance of 25 miles. In the fall of the same year at Fort Riley, Kans., this distance was increased to 50 miles.

The inventor De Forest broadcast a program by Caruso in the Metropolitan Opera House in the winter of 1908–9. It was in 1921, 13 years later, that the first broadcasting station was licensed in the United States. This was station KDKA at Pittsburgh.

The Wireless Telegraph & Signal Co. was incorporated in England on July 20, 1897. It acquired the title to all of Marconi's patents in every country in the world except Italy and its dependencies.

In March, 1900, the name of this corporation was changed to Marconi's Wireless Telegraph Co. (Ltd.). This has been and is to-day the chief Marconi company and is sometimes referred to as the British Marconi Co.

The American Marconi Co. was formed and took over the assets of the United Wireless Co. and thereby secured a practical monopoly of the supply of apparatus and operators for radio communication in the United States.

The United Fruit Co., which was organized in 1899, came rather early into the radio field in the United States. It owns fruit and sugar plantations in Central and South America, Cuba, and a number of near-by islands. For the transportation of these products to the northern markets the company operates the famous "white fleet." These vessels are equipped not only for the carrying of bananas, the principal product, but for general freight and mail and also contain comfortable first-class passenger cabins.

It is evident that in the fruit business a rapid and reliable method of transportation and communication is necessary. The plantation managers must be notified of movements of the steamers, so that the fruit can be ready for loading immediately, so that loss through spoiling of the fruit or waste of time can be avoided. Since the numerous swamps and rivers very often precluded the use of wire, it was but natural that this company should very early develop a system of wireless, establishing stations at Boston, New Orleans (Burwood), and points in Central America, near the plantation in the Tropics, as well as aboard its vessels.

But it was difficult for the same company to carry on both a fruit and wireless business. So, in 1913, the Tropical Radio Telegraph Co. was organized to carry on the radio communication field. To manufacture and sell apparatus the Wireless Specialty Apparatus Co. was formed. The parent company owns a controlling interest in both companies. The Tropical Radio Co. has developed a number of its own radio patents and also procured rights from the American Marconi Co. and later from the Radio Corporation of America.

THE FEDERAL TELEGRAPH CO.

The Federal Telegraph Co. was incorporated February, 1911, in California, under the original name of the Wireless Development Co. This company owned stations on the Pacific coast, having recently completed four new high-powered stations in San Francisco, Los Angeles, San Diego, and Portland, Oreg. The company owned the patents of the Danish inventors, Poulsen and Pederson, together with the free and exclusive right to make use of and sell all of such inventions. The Federal Co. manufactured and sold high-powered apparatus, and also conducted radio communication between ships at sea and between the United States and the Orient. This company has been taken over by the Federal Telegraph Co. of Delaware, the majority of the stock being held by the Radio Corporation.

THE DE FOREST RADIO TELEPHONE & TELEGRAPH CO.

This company was incorporated under the laws of Delaware in 1913, as a successor of the Radio Telegraph Co. of New Jersey. It owns several audion patents. Under these patents the De Forest Co. for a time manufactured tubes, but was restrained by a United States district court. Subsequently, the De Forest Co. assigned its patents to the American Telephone & Telegraph Co., retaining for itself a personal, nontransferable right to manufacture and sell. It confined its own business to the manufacture and sale of parts used by amateurs and experimenters in assembling sets. With the expiration of the Fleming patent in 1922, the De Forest Co. resumed the manufacture and sale of vacuum tubes.

Dr. E. F. W. Alexanderson, who was employed by the General Electric Co., produced what is known as the Alexanderson alternator. This was exactly the machine which the Marconi interests wanted. So in 1915 the British Marconi Co. sent two representatives, Mr. Marconi, the chairman of the board of directors, and Mr. Steadman, the company's lawyer, to the United States to attempt, if possible, to secure the exclusive rights in this machine. A tentative agreement was drawn up contemplating the purchase by the Marconi Co. of about $3,000,000 worth of these alternators annually. Before the agreement was put into final form, Marconi was compelled to report to the colors in Italy. Subsequently, these arrangements were canceled, but both sides agreed to keep the matter open.

During the war the General Electric Co. installed an Alexanderson generator at the New Brunswick station of the American Marconi Co. Later the United States Government assumed the operation of this station. The Navy Department found that the Alexanderson system was very successful, and requested the Marconi Co. to install a more powerful machine which the General Electric was then completing. The Marconi Co. refused, and then the General Electric installed the machine at its own expense. The United States Government made extensive use of this station during the war.

After the signing of the armistice the Marconi representatives again came to the United States to negotiate for the purchase of the rights in this machine. The negotiations were practically complete when the officers of the General Electric received a request from the United States Navy to postpone closing the contract until the naval representatives had had the

opportunity for an informal discussion with them concerning the matter. The officers agreed, and on April 5, 1919, a conference took place in New York between representatives of the United States Navy and the General Electric Co.

NAVAL INTERCESSION IN INTEREST OF SERVICE TO AMERICANS

The two naval officers were Admiral Bullard, director of communications, and Commander S. C. Hooper, of the Bureau of Engineering. They argued against the sale of the machine to Marconi on the following grounds:

1. The Alexanderson alternator, which proved itself to be the best in existence, was capable of rendering a reliable transoceanic service.

2. The United States had never played an important part in cable communication. Most of the cables running to and from the United States are foreign owned and controlled. There should be in wireless a policy similar to the Monroe doctrine, by which the control of radio on the American Continent would remain in American hands.

3. The Alexanderson alternator was such a strategic device that if the General Electric Co. were to sell it to any British interests the result would be a practical monopoly by the British in the field of world communication—wireless as well as cable.

In answer to the arguments of the Navy officials, the General Electric asked. If their company did not sell to the Marconi interests, to whom should it sell? The Marconi companies were the largest purchasers of radio apparatus in the world. The General Electric had spent a considerable sum of money developing this device, and if it did not sell to the Marconi interests the value of the investment would be jeopardized. These were practical arguments.

To whom should the General Electric sell? To the Marconi Co.? That, said the Navy men, would not be desirable. To a new company organized to engage in radio communication? This, again, would not be fair to the American Marconi Co., many of whose stockholders were American citizens. Or should the General Electric go into the wireless-communication business itself and make use of its own alternator? This would not be feasible, as the normal business of the company is the building and sale of electrical apparatus. Furthermore, in this way the General Electric would be entering into competition with one of its normal customers.

ORGANIZATION OF RADIO CORPORATION OF AMERICA

It was finally decided to form a new corporation, which—in order to prevent duplication of services and to protect the present investment—should attempt to have transferred to itself the assets of the American Marconi Co. In this manner the idea of the Radio Corporation of America was conceived.

The General Electric then began negotiations with the American Marconi Co. for the transfer of the Marconi assets to the Radio Corporation of America. On November 20, 1919, the main agreement between the Radio Corporation of America and the Marconi Co. of America was signed. According to this contract the Radio Corporation of America secured an unencumbered title to all the property of the American Marconi Co. except certain "reserved assets."

The compensation took the form of stock in the Radio Corporation of America. It was also stipulated that if the Radio Corporation of America is ever taken over by the Government, except in the case of war or national emergency, the title to the transferred assets shall revert to the Marconi Co.

The Radio Corporation of America was organized October 17, 1919, and stock was issued to the General Electric Co., the Westinghouse Electrical Manufacturing Co., the American Telephone & Telegraph Co., and the United Fruit Co. in consideration of the use and sale by the Radio Corporation of apparatus made under the various patents held by these companies and cross licensing agreements were entered into between these various companies. The American Telephone & Telegraph Co. and the United Fruit Co. have since disposed of their stock in the Radio Corporation.

This cross licensing was necessary owing to the diversity of ownership of various patents. The corporation had procured certain patents from the Marconi Co., but other companies controlled patent rights which were absolutely essential for successful operation in the radio communication field.

The vacuum tube offers a good illustration. Under its Fleming patent the Marconi Co. could have manufactured a two-element tube. This patent the Radio Corporation of America now controlled. The three-element tube had been patented by Lee De Forest, who had, through the corporation bearing his name, assigned it to the American Telephone & Telegraph Co. De Forest had, apparently, never entirely abandoned the heated gas theory. He had supposed that a certain amount of air was necessary in the tube. De Forest's theory was found to be incorrect, and now the question arose as to the proper method of creating a complete vacuum in the tube.

Two men worked almost simultaneously on this problem. Doctor Langmuir invented one device which was owned by the General Electric Co. A similar improvement was devised by Arnold, of the Western Electric Co. As a result of the interference proceedings, in which both these patents became involved, a finding was made in favor of the Langmuir application, from which an appeal was taken by the Western Electric. This situation can be illustrated thus—

De Forest (3 electrode): Assigned to American Telephone & Telegraph Co.

Fleming (2 electrode): Assigned to American Marconi Co. and Radio Corporation of America.

Langmuir (method of creating vacuum): Assigned to General Electric Co.

INTERFERENCE PROCEEDING

Arnold (method of creating vacuum): Assigned to Western Electric Co.

But that is not all. A number of "construction" or "detail" patents were owned by the American Telephone & Telegraph Co. and the General Electric Co. These were all considered necessary for the successful operation of the vacuum tube. Then, again, there were patents owned by different concerns covering the character of the filament used.

This cross licensing was done at the request of the Navy Department. On January 5, 1920, A. J. Hepburn, acting chief of the Bureau of Steam Engineering, addressed the following letter to the General Electric Co.:

GENTLEMEN: Referring to numerous recent conferences in connection with the radio-patent situation, and particularly that phase involving vacuum tubes, the bureau has constantly held the point of view that all interests will be best served through some agreement between the several holders of permanent patents, whereby the market can be freely supplied with tubes, and has endeavored to point out with concrete examples for practical consideration.

In this connection the bureau wishes to invite your attention to the recent tendency of the merchant marine to adopt continuous wave apparatus in their ship installations, the bureau itself having arranged for equipping many vessels of the Shipping Board with such sets. Such installations will create a demand for vacuum tubes in receivers, and this bureau believes it particularly desirable, especially from a point of view of safety at sea, that all ships be able to procure without difficulty vacuum tubes, these being the only satisfactory detectors for receiving continuous waves.

To-day ships are cruising on the high seas with only continuous wave-transmitting equipment, except for short ranges, when interrupted continuous waves are used. Due to the peculiar patent conditions which have prevented the marketing of tubes to the public, such vessels are not able to communicate with greatest efficiency except with the shore, and therefore in case of distress it inevitably follows that the lives of crews and passengers are imperiled beyond reasonable necessity.

In the past the reasons for desiring some arrangement have been largely because of monetary considerations. Now, the situation has become such that it is a public necessity that such arrangement be made without further delay, and this letter may be considered as an appeal, for the good of the public, for a remedy to the situation.

It is hoped this additional information will have its weight in bringing about a speedy understanding in the patent situation which the bureau considers so desirable.

A similar letter is being addressed to the American Telephone & Telegraph Co., New York City.

Under the cross-licensing agreements between the Radio Corporation and the General Electric Co., the Westinghouse Electrical & Manufacturing Co. and the American Telephone & Telegraph Co., the Radio Corporation secured an exclusive divisible right to sell and use the radio devices covered by the patents involved or by any patents which the other companies may acquire until January 1, 1945. It grants to the other companies the right to make devices under all its patents. The Radio Corporation is to purchase 60 per cent of the devices needed from the General Electric Co. and 40 per cent from the Westinghouse Electrical & Manufacturing Co.

As a result of this cross-licensing the United States is the dominant factor in radio communication just as England is the dominant factor in cable communication.

To-day from its office in New York the Radio Corporation, the stock of which is and must be owned by Americans, maintains a wireless service over nearly the whole world. It communicates in Europe with Great Britain, Norway, Sweden, Germany, Poland, France, and Italy. It communicates in South America with Argentina and has stations under construction in Chile and Brazil. In the Pacific it communicates with

stations in Hawaii, Japan, and Java and is arranging for the construction of stations in the Philippines and China.

As a result of this competition the cable companies reduced their rates from 25 to 33⅓ per cent to meet the rates of the Radio Corporation.

The stock of the Radio Corporation of America is owned to-day as follows:

	Per cent
By the General Electric Co	15.68
By the Westinghouse Electric & Manufacturing Co	6.63
By individuals allied with the Westinghouse interests	9.69
By various other stockholders, approximately 33,000 in number	68.00

The claim has been made that we have a radio monopoly to-day in the United States and that special governmental machinery should be created to control the monopoly.

In my judgment we already have sufficient governmental machinery to control the situation. The Federal Trade Commission and the courts can stop any monopoly under the laws already in existence, and the Interstate Commerce Commission has full jurisdiction in the matter of rates.

We have to-day some 35 manufacturers of tubes, 350 manufacturers of sets, and 1,600 manufacturers of radio parts.

In 1925 the Radio Corporation sold about one-tenth of the radio apparatus sold in the United States.

There are many very dependable radio sets on the market to-day in addition to those made by the Radio Corporation, such as the sets made by the Crosley Radio Corporation, the Atwater Kent Manufacturing Co., A. H. Grebe & Co. In fact, the Radio Corporation is third in the sale of sets.

In the year 1925 the Radio Corporation sold over 16,000,000 tubes, of which only 1,620,640 were to equip its own sets and 15,537,446 were for sets made by other manufacturers and for replacements.

In 1925 the Radio Corporation sold tubes direct to 40 different set manufacturers—the total number of tubes sold to them being 1,363,150—or nearly as many as those sold by the Radio Corporation itself in connection with its own sets. Practically all the other manufacturers sold their sets without tubes but equipped with standard sockets for the insertion of tubes by the purchasers.

The public in the United States to-day are in a very unique position so far as radio is concerned. Anyone can make his own set and listen in on any program without charge. This is not true of any other large country.

Great Britain licenses both sending and receiving sets and collects through the British Broadcasting Co. a certain per cent on the sale price of each piece of apparatus and limits the number of broadcasting stations.

Canada, under its minister of marine and fisheries, licenses both broadcasting and receiving sets.

Australia levies a tax on receiving sets.

The listener to-day is in reality the one who has a monopoly in the United States. The future of radio depends upon the listener. If he ceases to listen sales of radio apparatus stop and in addition the station that sells its time loses its value as an advertising medium as soon as the listeners refuse to listen. Therefore, stations are anxious to please their hearers.

The CHAIRMAN (Mr. KETCHAM). The time of the gentleman from California has again expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., (A) That it is hereby declared and reaffirmed that the ether within the limits of the United States, its Territories and possessions, is the inalienable possession of the people thereof, and that the authority to regulate its use in interstate and foreign commerce is conferred upon the Congress of the United States by the Federal Constitution. No person, firm, company, or corporation shall use or operate any apparatus for the transmission of radio energy or radio communications or signals (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel—

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Must we wait until the entire section is read, or the subdivision, before offering amendments?

The CHAIRMAN. My understanding is it is to be read by sections, and we should wait until the section is read before there is any opportunity for offering amendments.

Mr. DAVIS. If the Chair please, I think it has been customary to read by paragraphs. The Chair will notice there are several different lettered paragraphs under the same section, dealing with somewhat different questions. It certainly has been the practice, as I understand it, to offer amendments after the reading of the paragraph rather than the entire numbered section.

Mr. LARSEN. I would suggest to the Chair that in the consideration of the bill we consider it by paragraphs.

Mr. LEHLBACH. Mr. Chairman, there is no rule of the House; it is a matter of practice, and the practice has almost invariably been to read bills by section unless they are appropriation bills. Appropriation bills under the practice of the House are read by paragraphs. Unless some very compelling reason should be shown for changing the ordinary usual practice, this bill, like every other bill, should be read by sections.

Mr. DAVIS. Mr. Chairman, I wish to ask unanimous consent of the committee that amendments may be permitted to be offered at the end of each lettered paragraph, and in support of that I wish to say it was agreed in our committee, as already suggested here, that there should be liberal debate on this bill. The thought was unanimously expressed in our committee that we should have a day of general debate, and the chairman was instructed to ask for one day of general debate if he saw it was necessary to introduce a resolution asking for a rule. We were confined in general debate to an hour on the side, which was wholly inadequate for such an important and complex subject; but assurance was given that there would be liberality in the matter of offering amendments, and I think it is certainly nothing but fair under all the circumstances that amendments should be permitted to be offered at least at the end of each lettered subsection of the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the bill be read by the lettered paragraphs——

Mr. DAVIS. In other words, Mr. Chairman, that at line 20, on page 2, which is the end of subsection (A) of section 1, amendments may be in order.

Mr. SCOTT. Reserving the right to object, I shall adhere to the original suggestion I made to the House, but I do hope I may have the cooperation of the House in an effort to obtain an orderly and legitimate presentation of the subject. If I should acquiesce in the suggestion made by the gentleman from Tennessee, instead of having 24 sections subject to specific debate, we would have something like 75, and that would mean indefinite debate. I have no objection, when we reach the end of section 1, to a presentation of amendments in the order of the paragraphs, and if at the end of the time the gentleman feels there has not been sufficient opportunity for debate, I will stretch my liberality almost to the breaking point. I think we ought to take the bill up by sections rather than by paragraphs.

Mr. CELLER. Does not each section contain a number of phases of the subject of radio? Section 1 is not confined to any single phase.

Mr. SCOTT. I know the gentleman is interested in one particular amendment to the entire section 1, and that is the interpretation of the word "ether." The committee has never had any controversy over this section, and I do not imagine there is anything in the section that will cause much discussion. If there should be any amendments offered, I shall not attempt to curtail the discussion of such amendments, but I prophesy there will be very few amendments but a lot of unnecessary debate which will have no reference to this section.

Mr. CELLER. I think it is unfair to characterize the debate as unnecessary. There may be further amendments of which the gentleman from Michigan is unaware.

Mr. SCOTT. I was not alluding to the quality.

Mr. WINGO. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WINGO. I would like to suggest to the chairman that the gentleman from New Jersey is correct in stating that the practice of the House is to consider a bill of this kind by sections, but I think there has been one or two instances where a bill like this, instead of using numerals or small alphabetical letters to designate the paragraphs or sections, where you have plain divisions and subdivisions indicated by capital letters, that there has been a few cases where they were considered by paragraphs. Of course, it can not be considered by paragraphs except by unanimous consent. In this case, from a hurried examination of the bill, I see that you have used the letters (A), (B), (C) where ordinarily you would have numbers. I have no particular interest in it—I have not looked it up—but my recollection is that the practice is to permit an amendment

to each substantive division. In this case I understand you have some substantive provisions designated by letters instead of having sections. If that be true, I think the gentleman had better yield, and I do not think it will take any more time.

Personally I would like to get through as quick as would the gentleman from Michigan.

Mr. SCOTT. I have such a high regard for the gentleman's opinion that, if he had read the bill carefully, especially section 1, and then recommended that such a policy be followed, I would be very much impressed.

Mr. WINGO. I will be perfectly frank with the gentleman. I have not read the bill carefully.

Mr. SCOTT. Let me say this: I will not object to the first section being read by paragraphs. I do that for the purpose of allowing the House to see what will happen. But I want it understood that I will object now to that policy being adopted as to the entire bill. So if the gentleman from Tennessee will modify his request and have it apply to section 1, which will take us the balance of the afternoon, I will not object.

Mr. DAVIS. If the gentleman wants to do that he will assume the responsibility.

Mr. SCOTT. All right, Mr. Chairman; I object.

The Clerk, proceeding with the reading of the bill, read as follows:

or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel of the United States, or (f) upon any aircraft or other mobile stations within the United States, except under and in accordance with this act and with a license in that behalf granted by the Secretary of Commerce and except as hereinafter authorized.

(B) The Secretary of Commerce, from time to time, as public convenience, interest, or necessity requires, shall (a) classify licensed radio stations and the operators required therein; (b) prescribe the nature of the service to be rendered by each class and each station within any class; (c) assign bands of frequencies or wave lengths to the various classes of stations and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate; (d) determine the location of classes of stations or individual stations (with due consideration of the right of each State to have allocated to it, or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State, whenever application may be made therefor) and the kind of apparatus to be used, with respect to its external effects; (e) regulate the purity and sharpness of the emissions from each station and of the apparatus therein; (f) establish areas or zones to be served by any station; (g) from time to time inspect licensed stations and their apparatus; (h) make such regulations not inconsistent with law as he may deem necessary to prevent interference between stations and to carry out the provisions of this act: *Provided, however,* That changes in the call letters, wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station shall not be made without the consent of the station licensee unless in the judgment of the Secretary of Commerce such changes will promote the public interest, or the provisions of this act will be more fully complied with. The Secretary of Commerce shall have authority to exclude from the requirements of any regulations any radio station upon railroad rolling stock and the operators required thereon, or to modify such regulations in his discretion: *Provided,* That such stations shall not be used for sending communications or signal for hire.

(C) In time of war or of threat of war or of public peril or disaster or of national emergency or in order to preserve the neutrality of the United States, the President may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners, and every license issued shall be subject in terms to such right.

(D) Radio stations belonging to and operated by the United States shall not be subject to the provisions of paragraphs (A) and (B) of this section. All such Government stations shall use such frequencies or wave lengths as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Secretary of Commerce may prescribe: *Provided,* That upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Secretary of Commerce, and may deal with such stations as authorized by paragraph (C) hereof. All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea shall have special call letters designated by the Secretary of Commerce, and the Secretary is authorized to cause to be published such call letters and such other announcements and data as in his judgment may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this act. Radio stations on board vessels of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this act.

Mr. CELLER (interrupting the reading). Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty Members present, a quorum.

The Clerk resumed and concluded the reading of section 1.

Mr. DAVIS. Mr. Chairman, I move to strike out the section. I do that for the purpose of making a statement and shall later withdraw the motion. I wish to make reply to some of the very unfair and incorrect statements made by the gentleman from California [Mr. FREE], who declined to yield to me, although he was making very unfair statements with regard to what I have said. In the first place, the purport of what the gentleman said was that this monopoly was entered into at the request of the officials of the Government. I suppose that is the inference which he desires the Members to draw. It is true that officials of the Navy requested the General Electric Co., an American corporation, not to sell to the British Marconi Co. the exclusive right to the Alexanderson machine at a time when they were negotiating with the Marconi Co. for the sale of this machine. This machine had been demonstrated in the New Brunswick, N. J., station to possess all of the requisites of a great transmitting apparatus. It had successfully operated in transmitting radiograms across the Atlantic. It was sufficient in and of itself, and certain officials of this Government, naval officers, very properly appealed to the General Electric Co. not to sell the exclusive rights to such important apparatus and patents to a foreign company. However, they negotiated with the General Electric Co. in an informal way along the line of organizing a corporation that might engage in the transoceanic radio business, and they agreed on a tentative program which involved the performance of some functions by the United States Government. It was expressly explained that it was to be submitted to the Secretary of the Navy, Mr. Daniels, for his approval. The gentleman from California said that it was stated in this report of the Federal Trade Commission that all of them, including Secretary Daniels, approved it. The contrary is true. On page 16 of the Federal Trade Commission report appears the following:

A proposed contract was worked out by the Navy Department which never became effective. The proposed contract contained a stipulation providing that the new company should be so constituted that control thereof should always remain in the hands of American citizens. Secretary Daniels at the time of the negotiations was in Europe, and the execution of it was delayed until his return. On May 23, 1919, Secretary Daniels requested officers of the General Electric Co. to meet him in Washington and discuss the contract. The Secretary stated (1) that he was in favor of Government ownership of radio, (2) he doubted his power to execute such a contract because, at best, it would be an exercise of a war power to project a peace program which he did not desire to do except with the consent of Congress.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS. It is further stated that Congress did not pass any legislation authorizing it, so that nothing was done under that tentative program. It is further stated in the following paragraph of the report of the Federal Trade Commission that—

Certain officials of the War Department were not in accord with the officials of the Navy Department who desired to officially sanction such a company. Maj. Gen. George L. Squier is authority for the statement

that he did not believe the War Department would have taken the same stand in the matter. He also pointed out the uselessness of the Radio Corporation as a selling agent for radio apparatus when the General Electric and the Westinghouse Cos. already had efficient sales organizations.

In other words, the Secretary of the Navy refused to approve of the suggestions made, and I defy anybody to show any communication whatever from any Government officials even suggesting the creation of a monopoly or in any way monopolizing the traffic.

The gentleman from California referred to Mr. Hepburn, Acting Chief of the Bureau of Steam Engineering, and what his suggestion was as shown in the letter embraced in this report of the Federal Trade Commission.

Among other things, it was that the interests should make an arrangement for the general use of the patents "whereby the market can be freely supplied with tubes," and so forth; and on the contrary a monopoly had absolutely restricted the use of these tubes, as I would show, if I had time, and is shown in these reports. Hepburn's suggestion of a legal cross-licensing would have promoted competition and not monopoly.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BLAND. The gentleman is also aware of the statement on page 3 of the report that no such authority was granted, so that the contract never became effective, which appears in the letter of submission of the Federal Trade Commission report.

Mr. DAVIS. Yes; that is absolutely true, which is exactly contrary to what the gentleman from California said, and then the General Electric Co., together with the others, went along and created the Radio Corporation of America.

With regard to the stock of that corporation, the gentleman from California mentioned a large amount of stock that is owned by individuals generally. Yes; but the members of this monopoly own a large majority of all of the common stock, and the common stock is all that has the right to vote.

Mr. FREE. That is not true. All of the stock votes. There is another misstatement of the gentleman.

Mr. DAVIS. You are the only one not telling the truth. And if the Members of this House will read the report and the hearings, they will see who is telling the truth on these propositions.

Now, one thing further. I have to pass over these things hurriedly. Why, the gentleman from California [Mr. FREE] says that this report of the Federal Trade Commission said that the Radio Corporation of America was not in a monopoly, as I understood him. On the contrary, the Federal Trade Commission report not only says that they are in a monopoly, not only filed a complaint against them because they were in a monopoly, but truthfully said the Radio Corporation of America practically admitted that they were in a monopoly, and in fact they did admit it in the hearings.

During the hearings on the radio bill in the last Congress David Sarnoff, vice president and general manager of the Radio Corporation of America, appeared before the Committee on the Merchant Marine and Fisheries, and during the course of his testimony the following occurred:

Mr. DAVIS. You have given it as your opinion that the international radio service is a natural monopoly and should be?

Mr. SARNOFF. Yes.

* * * * * * *

Mr. DAVIS. Have you objection to the Government regulating international radio, so far as this country is concerned?

Mr. SARNOFF. None whatever.

Mr. DAVIS. Or fixing rates?

Mr. SARNOFF. None whatever.

Mr. FREE. Mr. Chairman, I rise to oppose the amendment. I suggest that every Member here get a copy of the report of the Federal Trade Commission and see how inaccurate the gentleman from Tennessee is in his statements. Let me read a letter from A. J. Hepburn, Acting Chief of the Bureau of Steam Engineering of the Navy, written to the General Electric Co. and to the American Telephone & Telegraph Co. on January 5, 1920, as a result of which letter these cross licenses came. The letter is as follows:

GENTLEMEN: Referring to numerous recent conferences in connection with the radio-patent situation and particularly that phase involving vacuum tubes, the bureau has constantly held the point of view that all interests will be best served through some agreement between the several holders of permanent patents whereby the market can be freely supplied with tubes, and has endeavored to point out with concrete examples for practical consideration.

In this connection the bureau wishes to invite your attention to the recent tendency of the merchant marine to adopt continuous-wave apparatus in their ship installations, the bureau itself having arranged for equipping many vessels of the Shipping Board with such sets. Such installations will create a demand for vacuum tubes in receivers, and this bureau believes it particularly desirable, especially from a point of view of safety at sea, that all ships be able to procure without difficulty vacuum tubes, these being the only satisfactory detectors for receiving continuous waves.

To-day ships are cruising on the high seas with only continuous-wave transmitting equipment except for short ranges, when interrupted continuous waves are used. Due to the peculiar patent conditions which have prevented the marketing of tubes to the public, such vessels are not able to communicate with greatest efficiency except with the shore, and therefore in case of distress it inevitably follows that the lives of crews and passengers are imperiled beyond reasonable necessity.

In the past the reasons for desiring some arrangement have been largely because of monetary considerations. Now the situation has become such that it is a public necessity that such arrangement be made without further delay, and this letter may be considered as an appeal, for the good of the public, for a remedy to the situation.

It is hoped this additional information will have its weight in bringing about a speedy understanding in the patent situation which the bureau considers so desirable.

A similar letter is being addressed to the American Telephone & Telegraph Co., New York City.

Now, there is an appeal from the Navy Department to these people to do what they did for the protection of our ships at sea.

Mr. APPLEBY. Mr. Chairman, gentlewomen, and gentlemen, the situation existing in the radio broadcasting field was brought to my attention by several letters of complaint. In fact, in Mr. Hoover's office there are 1,300 complaints against one station, WJZ, Boundbrook, N. J. It is due to a lack of radio jurisdiction by the Secretary of Commerce under existing law that this bill has been reported out and its passage necessary.

In order to discuss the matter thoroughly, I think it is best to have a definition of the much-discussed word "ether," so I will read from page 21 of the hearings before this committee as the best evidence of a prominent scientist. Secretary Hoover said that—

the ether was that which was left in a vacuum tube after everything has been pumped out.

Mr. CELLER. If the gentleman will yield, what does that mean?

Mr. APPLEBY. That means that this is the best definition of ether to-day by a man most qualified to know, Secretary Hoover.

Mr. CELLER. Like a bunghole without a barrel?

Mr. APPLEBY. Prohibition does not go with this speech. [Laughter.]

The State of New Jersey has several broadcasting stations in its limits and has been unable to regulate the conditions caused by this one station, station WJZ. It has been broadcasting, according to a hearing before Secretary Hoover, which I had the honor to conduct, with 40,000 watts, which is considerably in excess of most broadcasting strength.

Mr. ACKERMAN. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. ACKERMAN. Will not the gentleman state that that station is known as 2XAR, Boundbrook?

Mr. APPLEBY. And also WJZ. It is really not known who owns it, because the State of New Jersey sent to Congress a petition and mentioned the Radio Corporation or General Electric both as owners, and it is in dispute as to who actually owns the station at the present time.

Mr. ACKERMAN. It is known as 2XAR in New Jersey.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield?

Mr. APPLEBY. If I were yielded a little more time.

Mr. O'CONNELL of Rhode Island. I would be glad if I could.

Mr. APPLEBY. Another thing, the Secretary of Commerce can not regulate broadcasting in New Jersey or any other State at the present time, due to a lack of existing laws and under this proposed bill sufficient authority will be delegated to him. Station WEAF, situated in New York City, broadcasts with 5,000 watts and has a very good reception, and I can not see why this one station can take eight times the power to broadcast, where at the present time other stations are using one-eighth of the power.

You can easily see that radio is going to be an important subject in the next 10 years, and there are 64 good broadcasting wave lengths. Another thing is important, that the Secretary of Commerce is now proceeding against broadcasting stations which have usurped the wave length of another station. But he can not at the present time, due to existing

laws, prosecute that offending station. If this bill is passed—and I trust it will—it would grant him sufficient authority to deal with all radio subjects. One of my colleagues from New Jersey has an amendment which he will offer shortly, and I trust it will be accepted. I may state that inasmuch as the most powerful broadcasting station in America is in my district, and I have received a great many complaints against its excessive broadcasting strength, that the Secretary of Commerce will be able to modify its broadcasting when this bill becomes a law. [Applause.]

Mr. DAVIS. Mr. Chairman, I withdraw the motion that I made.

Mr. BLACK of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLACK of Texas. Mr. Chairman, it is often complained that the Government of the United States is a very complex affair with its numerous bureaus, commissions, boards, and departments; and truly it is. I am one who thinks that we already have too many bureaus and commissions, and that some could be profitably abolished, and I very reluctantly vote for the creation of any more. Yet I realize that we must deal with new conditions as new conditions arise. Only a very few years ago the radio was unknown, and now, as I gain from reading the minority views of our colleague, the gentleman from Tennessee [Mr. DAVIS], there are in the United States alone 436 broadcasting stations.

Mr. DAVIS. Five hundred and thirty-six.

Mr. BLACK of Texas. Yes; I am corrected. It is 536. And last year $450,000,000 was spent in the United States in the purchase of radio apparatus. Therefore we have evidently reached that point in the development of the industry where some regulation is needed in the public interest. I dare say that no other industry in all the annals of time has developed so rapidly as this radio industry. Each evening millions of people sit in their homes and listen to all sorts of programs, from jazz to grand opera, from humorous anecdotes to sacred truths told from the pulpit.

Now, sound regulation is designed not to operate the industry by the Government, but to point out the things it may not do in disregard of the public interest. So the inquiry, as we address ourselves to the different provisions of this bill, will be whether or not these different sections meet that test, and if any particular section does not measure up to it, then we ought either to amend it or strike it out.

Now, I am very much in accord with the suggestion of our colleague from Tennessee [Mr. DAVIS] that there ought to be set up a separate commission consisting of as many as five men as a permanent commission to regulate not only radiocommunication but to regulate telegraphs and telephones, in so far as interstate business is concerned, and have all these under one division.

Mr. LARSEN. Mr. Chairman, will the gentleman yield there?

Mr. BLACK of Texas. Yes.

Mr. LARSEN. Is the gentleman aware of the fact that the committee in considering this bill considered that very question and decided that it did not have jurisdiction to report such a bill?

Mr. BLACK of Texas. Yes; I so understood.

Mr. LARSEN. Is the gentleman in favor of singling out radio?

Mr. BLACK of Texas. I understand that the gentleman's committee does not have jurisdiction over telegraph and telephone lines. That jurisdiction is vested by law in the Interstate Commerce Commission. But I was making the observation that I think it will be a wise thing ultimately to do, if we can not do it at the present time, to put all electric communication, either by wire or wireless, under the jurisdiction of one commission and not have a divided responsibility, as we have now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLACK of Texas. Now, the reason why I make that suggestion is simply this: Every Member of this House knows that the Interstate Commerce Commission, if it deals properly with transportation, with the 250,000 miles of railroads that we have in the United States, has got all that it possibly can do if it adequately deals with that subject.

Mr. LARSEN. The question that I propounded to the gentleman and which I would like him to answer is, Would he be in favor of such a proposition as that at this time to handle the radio proposition, with all this machinery, organization, salaries, and all?

Mr. BLACK of Texas. I do not know what the salaries will be.

Mr. LARSEN. The gentleman said the project as proposed by the gentleman from Tennessee [Mr. DAVIS].

Mr. BLACK of Texas. In principle I favor the proposition. I think it is a logical thing to do. If an amendment is offered for that purpose, I am ready to support it.

Mr. LARSEN. The gentleman admitted that it would not be in order.

Mr. BLACK of Texas. I am arguing the proposition on its merits and not from the standpoint of parliamentary law.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. DAVIS. In that general connection attention ought to be called to the fact that if this bill passes the House it will go to the Senate committee, which has jurisdiction over radio and telegraphs and telephones, and that that committee would have jurisdiction extended so as to give it jurisdiction over wireless and telegraphs and telephones.

Mr. BLACK of Texas. Yes; that is true. I am sure that all of us believe that the subject of radio is just in its infancy, and that the development of it will be one of the marvelous developments of the future. If we are to enter upon the field of governmental regulation, let us do so early enough so as to avoid some of the mistakes made in regulating transportation by rail.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BLAND. Does not the gentleman believe that any extra expense would be entirely justified in order to have a real commission, rather than to have a buck-passing commission?

Mr. BLACK of Texas. I believe so, provided, of course, the expense is reasonable. I believe that an executive department of the Government already having various other matters to deal with, like the Department of Commerce, ought not to be vested with powers such as those which the Secretary of Commerce is vested with in this particular bill. I have high respect for Secretary Hoover, and my advocacy of a permanent commission to deal with this matter is through no lack of confidence in his executive ability.

Now, Mr. Chairman, in conclusion, let me say that there are those of us who sigh for the "good old days" when there was not so much Government regulation, but we will have to remember that we are living in the electrical age and this age calls for new methods.

In 1776 we were thirteen separate and distinct Colonies.

In 1926 we are 48 United States. In 1776 we were 3,000,000 people. In 1926 we are around 115,000,000 people, with a national wealth estimated as high as $350,000,000,000. In 1776 we traveled by coach and horseback over rough wilderness roads. In 1926 we have 250,000 miles of railroad lines and miles and miles of concrete public highways over which an endless procession of automobiles is traveling day and night. In 1776 we were a wilderness folk and our letters were sent by messengers on foot. In 1926 we have chained the continents together, making the seas vast whispering galleries, and have girdled our country with millions of miles of telegraph and telephone wires, and we have the happenings of the world over the radio.

It has been a marvelous record of progress, one never before equaled in the history of the world. It has been achieved by American initiative, energy, and ability. Let us not allow that initiative to be destroyed, either by too much Government regulation or the grasping selfishness of private monopoly. If we will keep the channels of competition open and free in American business, then the genius of our people for initiative and hard work will do the rest. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. I think that perhaps nearly everybody in the House recognizes the importance of legislating on this subject. But I think that everybody should recognize the importance of so legislating as not to vest undue authority in any body, or to locate undue authority anywhere and run the risk of perpetuating or creating monopoly.

A good deal has been said already about the checks that are provided because of the jurisdiction given to the Interstate Commerce Commission. I believe that in the very outset we ought to be fair with ourselves and recognize that the Interstate Commerce Commission has no effective jurisdiction now

and is not likely to have any in the future. The business of regulating communications by wireless is mentioned in the act to regulate commerce, but up to this time there has been no exercise of that jurisdiction and there is no prospect there will be. No one who is familiar with the situation in the commission will dissent from the statement that the commission is now so submerged with other business as to make it impossible for it to take hold of this intricate subject with which we are dealing. Even if that were not true, I find that this bill seems to do away in a rather sweeping manner with the authority of the Interstate Commerce Commission.

The commission, under the statute controlling it, can declare that a practice of a radio company is unreasonable, but what becomes of that declaration or order? Turning to page 10 we find that the order is certified to the Secretary of Commerce and he is not compelled thereby to revoke a license which has been granted, but the entire matter is put up to him for the purpose of review. If he decides that the Interstate Commerce Commission has acted unfairly or mistakenly, then he can decline to revoke the license of the offending party.

Let anyone read the language from subsection F, on page 10, through the proviso, on page 11, to see what is contemplated.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask for three minutes additional.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. So I ask such fair-minded men as my friend from Maine [Mr. WHITE] if it is not true that whatever the Interstate Commerce Commission may do in ascertaining that some rate or some practice is unreasonable, that after that matter is put up to the Secretary of Commerce the Secretary of Commerce can act as he pleases. Now, all through the bill it is found that just such great authority is conferred upon the Secretary, with more opportunity given by this bill, I think, than any bill I have heard considered here, to preserve or permit monopoly.

Mr. Chairman, I am not here for the purpose of criticizing the present Secretary of Commerce. I know how active he is in the public service, and I have great personal regard for him. But my thought is that in legislating we should lose sight of personalities and should enact only such legislation as may prove what is needed not only to-day and to-morrow but in the future, and that if the opposite course is taken harmful results are apt to follow.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, strike out lines 3 to 7, inclusive, and line 8 to the word "no," and insert the following:

"That it is hereby declared and reaffirmed that the authority to regulate the transmission of radio energy or radio communications or signals within the limits of the United States, its Territories, and possessions, in interstate and foreign commerce, is conferred upon the Congress of the United States by the Federal Constitution."

Mr. CELLER. In that amendment, Mr. Chairman, I seek to clearly define what shall be the jurisdiction of the United States over radio. I think the House should try to keep away from anything that might have a tendency to stultify us, because if you leave the bill as originally drafted you say to the world that the people of the United States shall have the inalienable possession of the "ether" of the United States. I asked a moment ago what "ether" was, and I repeat that I am sure no man within the hearing of my voice or beyond the hearing of my voice can tell me what ether really is. In physical science, I am told by the Standard Dictionary—and they only describe it and never define it—that it is:

A supposed medium filling all space through which, in the form of transverse wave motion, radiant energy of all kinds, including light waves, is propagated. This medium, whose existence most modern authorities consider to be established, is thought to be more elastic than any ordinary form of matter and to exist throughout all known space, even within the densest bodies. Electric and magnetic phenomena can be explained as due to strains and pulsations in the ether.

If that description is correct, ether is in everything, in this desk, in this room, in our own bodies, and in our own homes. Now, can we say, in all common sense, that the ether, which is so pervading, so transcendental, and so intangible, shall belong to the people of the United States?

I have here a book entitled "Principles Underlying Radio Communication," issued by the Signal Corps of the United States. If you go through the pages that speak of the propagation of electromagnetic waves in radio—and that chapter covers any number of pages—you will find that they very deliberately and carefully avoid the use of the word "ether."

I asked Doctor Dellinger, of the Bureau of Standards, why it was that the Signal Corps, that branch of the Army that had to do with radio, left out the word "ether" in its publication—they leave it out of the entire book of over 600 pages. He tells me they leave it out because it is so indefinable, because so little is known about it, and yet we foolishly rush in where angels fear to tread and we say that the "ether" shall be the property and possession of the United States. In my amendment I simply say this: Let us regulate the sending of radio messages or let us regulate everything that has to do with electromagnetic waves in radio, but do not say that we own that medium through which these waves travel, because we do not know what this medium, this ether, really is.

Mr. LARSEN. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. LARSEN. Does the gentleman find anything in the bill which says that we own it?

Mr. CELLER. It says it shall be in our possession; in the possession of the people.

I might give you this analogy: You have a stream in your district, a river; you might regulate the navigation on that stream, but you can not for one minute say the people own the bed of the river or that the people own the bed or riparian rights of the river. It may be in the possession of the sovereignty of the States or the title of that river, its bed, its sides, or its riparian rights may be in the abutting owners, but you can not say the people own that river or the bed of it, yet the people may regulate the use of the river.

Mr. McKEOWN. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. McKEOWN. Does the gentleman realize that under the common law the owner of the surface owns up to the sky?

Mr. CELLER. Yes; from the center of the earth to the dome of the sky; that is true. That is sound common law. It is the law of our land. Mr. Chairman, I seriously press my motion and ask its consideration by this committee.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOWLING and Mr. WHITE of Maine rose.

Mr. BOWLING. Mr. Chairman, I move to strike out the last word.

Mr. WHITE of Maine. Mr. Chairman, I desire recognition in opposition to the amendment.

Mr. BOWLING. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The gentleman is out of order for the present. There is an amendment pending upon which the gentleman from Maine, a member of the committee, has been recognized.

Mr. WHITE of Maine. Mr. Chairman and gentlemen of the committee, just a brief word about this language to which the gentleman from New York [Mr. CELLER] objects. The history of it is this: It was not in the bill of last year as originally introduced. It is language taken from a bill passed by the legislative body at the other end of the Capitol. It was adopted by the House Committee on the Merchant Marine and Fisheries, I think, in deference to the opinion expressed by that other body that it was sound in law and wise in principle.

Mr. CELLER. Will the gentleman yield?

Mr. WHITE of Maine. Just let me finish first.

Now, so far as a definition of ether is concerned, I think it is true that no court has undertaken to define ether. I think it is also true that if you went to the scientists and undertook to get a definition you would get a different one from every man you approached, but I think in practical, everyday affairs there is a common understanding. I think we all understand that it is the medium through which these electric waves pass. I can not define it any more closely than that, and I doubt if anyone else can do any better. I can see no possible harm in the language, and I think it is entirely proper it should remain in the bill.

Mr. CELLER. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. CELLER. The gentleman is aware, of course, that Major Mauborgne, of the Army, appeared before the committee and cautioned the committee in the following language:

And I just submit this at this time as a word of caution, and I think that considerable legal talent should be put upon this subject of how far we can say that we own the ether in the vicinity of the United States.

He further called attention to the fact that we might get into international complications if we put this language in the act.

The CHAIRMAN. The time of the gentleman from Maine has expired. The question is on the amendment of the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 8, noes 75.

So the amendment was rejected.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: On page 2, line 19, after the word "granted," insert the words "under this act."

Mr. LEHLBACH. Mr. Chairman, I introduce the amendment in behalf of my colleague from New Jersey [Mr. EATON], who at this point was unavoidably called from the Chamber. The purpose of the amendment is to make certain that the licenses which must be obtained under the terms of this act in order to engage in the business of radio communication must be the licenses provided for in this act and not licenses heretofore granted and held by people. The introducer of the bill, and as far as I know, the members of the committee reporting the same, have no objection to the amendment.

Mr. SCOTT. Just a moment, Mr. Chairman. I would like an opportunity to examine the amendment.

The CHAIRMAN. Does the gentleman from Michigan desire recognition?

Mr. SCOTT. Yes; I have not seen this amendment before.

Mr. WINGO. Mr. Chairman, while the gentleman is examining the amendment, I move to strike out the last word, which will give him an opportunity to look into it.

Mr. Chairman, I did not catch the reading of the amendment which the chairman of the committee is now examining. If it has not more substance in it than the declaration that is made in subdivision A of the first section of the bill, I do not think it will hurt the bill any to put it in.

I always admire my friend from Maine [Mr. WHITE]. When he takes the floor he is always very candid, he is always very courteous, and I was really interested in seeing how he was going to defend such palpable bunk as this first paragraph. I listened to him very closely. He would make a great diplomat. He spoke for five minutes and all on earth he said in a substantive way was that the language was the product of senatorial incubation, and then he sat down.

I hope the gentleman from New Jersey has proposed something more substantial than that. I would like to ask the gentleman from New Jersey just what his amendment does and where it comes in.

Mr. LEHLBACH. The gentleman from New Jersey will be glad to state that the language is that no person shall use or operate any apparatus for the transmission of radio energy or radio communications or signals, except under and in accordance with this act and with a license in that behalf granted by the Secretary of Commerce.

Now, there are licenses in existence that have been granted for the sending of radio communication, but this act provides in detail how licenses in the future are to be granted, and the terms upon which they are to be granted, and what restrictions and limitations with respect to such licenses are to be prescribed. This amendment merely makes certain that the licenses that are granted are the licenses referred to in this act and not some previously obtained licenses.

Mr. WINGO. Will the gentleman give me this information: As I understand it, licenses that have already been issued continue, regardless of what is done under this bill?

Mr. LEHLBACH. It is to make certain that each present holder of a license makes application and has his right to continue in the business examined de novo that this amendment is offered.

Mr. WINGO. In other words, you propose to revoke all outstanding licenses by this act?

Mr. LEHLBACH. We want to prevent a class of licenses outside of this act.

Mr. WINGO. I agree with the gentleman fundamentally, but do you mean by your amendment to revoke all licenses and require a new application?

Mr. LEHLBACH. It does not revoke licenses, because this act does not take effect until four months after its approval. During that time those who hold licenses can continue to use them; and if they will make application, they will be considered with the new applications that may come in, and when the act is in full effect they will become a part of the licenses issued.

Mr. WINGO. That is what I had in mind. The bill will undertake to cover the entire question of existing licenses that will be outstanding four months after the bill goes into effect.

Mr. LEHLBACH. The gentleman is absolutely correct.

Mr. NEWTON of Minnesota. I would like to ask the gentleman from New Jersey if this is a committee amendment?

Mr. LEHLBACH. It is not a committee amendment. It was prepared by my colleague from New Jersey [Mr. EATON]. I submitted it to the chairman of the committee and such Members as it was possible to reach, and they are all in accord with it.

Mr. NEWTON of Minnesota. What would be the situation in reference to a license held by some one who had invested a great deal of money in it, giving good service? It occurs to me that the proposed amendment would be an invitation for some one to try and get the same wave length and the same license and the whole thing, notwithstanding his investment.

Mr. LEHLBACH. The gentleman speaks as though the present holder of the license had a vested interest in it, and that is what we want to prevent.

Mr. NEWTON of Minnesota. He ought to have more interest than those who start out anew.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 5, line 24, after the word "act," strike out the period, insert a colon, and add the following additional proviso: *"And provided further*, That any person who, over any radio, shall, affecting the character and standing of another, use derogatory language, which, under the laws of any State into which such language is transmitted constitutes (a) slander or (b) libel were such language in writing, shall constitute (1) the offense of criminal slander, which may be prosecuted either in the State from which such language was broadcast, or in any State into which such language was transmitted, and upon conviction, said offender shall be punished by a fine of not less than $100 and not more than $1,000, or by confinement in jail for a term not less than 30 days and not more than one year, or by both such fine and imprisonment; and (2) civil slander, for which the person aggrieved may make the offender respond in appropriate damages, under the measure of damages prevailing in such State."

Mr. LEHLBACH. Mr. Chairman, I make a point of order against the amendment.

Mr. BLANTON. Will the gentleman withhold it?

Mr. LEHLBACH. I will reserve the point of order.

Mr. BLANTON. Mr. Chairman, I concede that at this juncture the amendment would be out of order, but I want to introduce it so that it can be printed in the RECORD, and I would like for my colleagues to consider the question between now and to-morrow noon, so that by the time we reach the paragraph at which point the amendment will be in order they will have arrived at some decision concerning it. There should be some such provision in this bill. The night before election in any district in the United States serious damage could be done to any candidate for Congress. That alone should appeal to you. Damage may be done to any citizen. Serious damage could be done to any candidate for President of the United States or to the governor of any State just before election. I listen almost nightly to programs in Cuba. I hear once in a while a program from the metropolitan city of Dallas, Tex., in my home State, nearly 2,000 miles away. Some one in St. Louis or Kansas City might absolutely cover my State with a radio message that could damage seriously individuals or candidates for office or business enterprises. How are the people of New Jersey going to hold responsible the people of New York, who may damage them in their personal standing and character and in their business in the transmission of radio messages, unless you have some kind of a controlling statute on this matter?

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Texas. I did not quite understand the language of the gentleman's amendment; there was so much confusion when it was read; but does the jurisdiction vest in the State courts or the Federal courts?

Mr. BLANTON. In the Federal courts, because this is a Federal question, for radio transmission is across State boundaries. The question of radio is a Federal question. When I can sit in my home in Washington and hear programs in Cuba or Dallas, Tex., or Florida, that makes it a Federal question. I listen to Florida frequently, and I hear the programs of other States, to which I listen while I am at work.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. Is not it now practically covered by the legislation of States as far as those States are concerned?

Mr. BLANTON. No; it is not. Let me ask this: Suppose I were in Dallas, Tex., and broadcast across the line of Texas into Oklahoma a speech that affected the gentleman from Oklahoma [Mr. McKEOWN], how is he going to reach me either in Dallas, Tex., or in Oklahoma?

Mr. McKEOWN. How do we reach a man who puts it in a newspaper in St. Louis that has circulation in Oklahoma?

Mr. BLANTON. Because that publication is libel, but a radio message through the air is not now libel, either in Texas or Oklahoma.

Mr. McKEOWN. The gentleman knows that there are cases pending now over this radio situation.

Mr. BLANTON. Where there is a publication in a newspaper or in writing the publication is a libel under the law of every State of the Union, but a broadcast message over the radio sent from one State across the line into another is not a libel and is not a slander for which one can hold a party responsible either criminally or in civil damages.

Mr. McKEOWN. That question is pending in the courts now. Would the gentleman not think an amendment ought to be made to this bill to require the filing with the commission here of all of these broadcasters, the people who own the broadcasting stations?

Mr. BLANTON. Yes; each station should furnish such identities. Let me say this in conclusion: I am putting this amendment in the RECORD to-night for the consideration of the committee. I hope the committee will give the subject careful study. They ought to have a proper amendment in this bill covering this subject. They are not doing their duty by the people of the United States if they do not do that and protect the people against improper attacks over the radio. I want each member of the committee to study carefully my amendment in the RECORD in the morning and help me to perfect it and to pass it. The committee in charge of the bill should accept it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SCOTT. Mr. Chairman, will the gentleman kindly obtain more time?

The CHAIRMAN. Does the gentleman from New Jersey insist upon his point of order?

Mr. BLANTON. Mr. Chairman, it is so seldom that a chairman of a committee desires me to have more time that I ask unanimous consent for three minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCOTT. The reason I wanted the gentleman to get additional time is to possibly further the purpose he seeks to accomplish. If the vote is taken now I imagine that the gentleman's amendment would be defeated, but the amendment does appeal to me.

Mr. BLANTON. Let me state this to the gentleman: If my amendment is not the proper amendment, I suggest to the gentleman that he and his committee assist in reframing one that will be proper. If he will put the proper amendment in the bill at the proper place, I believe that he will find there are enough Members interested in the matter to vote it in. I have talked to quite a number of Members about the subject.

Mr. SCOTT. The gentleman has anticipated me and prevented me from saying in substance what he has already said. I do not know that the gentleman has fully covered the subject. The suggestion the gentleman makes has sufficient merit to appeal to me and my fear is that if the gentleman presses his amendment at this time and it is subject to the point of order——

Mr. BLANTON. I concede that it is subject to the point of order, and I offered it to-night merely for information. It will have to be ruled out now on the point of order, but I will offer it again to-morrow.

Mr. SCOTT. And if it be ruled out now I am wondering whether or not that would estop its presentation at another point.

Mr. BLANTON. Oh, no; I will offer it at another point in the bill where it will be germane and in order.

Mr. LEHLBACH. Mr. Chairman, I insist upon the point of order.

Mr. BLANTON. I concede that it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

SEC. 2. (A) Paragraph (A) of section 1 of this act shall not apply to any person, firm, company, or corporation sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated by the Secretary of Commerce.

(B) The station license required hereby shall not be granted to, or after the granting thereof such license shall not be transferred in any manner, either voluntarily or involuntarily, to (a) any alien or the representative of any alien; (b) to any foreign government, or the representative thereof; (c) to any company, corporation, or association organized under the laws of any foreign government; (d) to any company, corporation, or association of which any officer or director is an alien, or of which more than one-fifth of the capital stock may be voted by aliens or their representatives or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country.

The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any other person, firm, company, or corporation without the consent in writing of the Secretary of Commerce.

(C) The Secretary of Commerce, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, may grant to any applicant therefor a station license provided for in sections 1 and 2 hereof.

In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the Secretary of Commerce shall make an equitable distribution of licenses, bands of frequency or wave lengths, and of power among the different zones established in section 9 of this act, and shall apply the same principle as between applicants from the different States and communities within each of said zones.

No license granted by the Secretary of Commerce shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license the Secretary of Commerce, upon application therefor, may grant from time to time renewals of such license for a term not to exceed five years.

The Secretary of Commerce is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been found guilty by any Federal court of unlawfully monopolizing or attempting to unlawfully monopolize after this act takes effect radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means. The granting of a license shall not estop the United States or any person aggrieved from prosecuting such person, firm, company, or corporation for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such firm, company, or corporation.

The Secretary of Commerce in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, the Canal Zone, or the Philippine Islands, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an act entitled "An act relating to the landing and the operation of submarine cables in the United States," approved May 24, 1921.

(D) The Secretary of Commerce may grant station licenses only upon written application therefor addressed to him, which application shall set forth such facts as he by regulations may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to receive a license and to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies or wave lengths and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as he may require. The Secretary of Commerce, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable him to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

(E) Such station licenses as the Secretary of Commerce may grant shall be in such general form as he may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (a) The ownership or management of the station or apparatus therein shall not be transferred in violation of this act; (b) there shall be no vested property right in the license issued for such station or in the frequencies or wave lengths authorized to be used therein; and (c) neither the license nor

the right granted thereunder shall be assigned or otherwise transferred in violation of this act.

(F) Any station license granted by the Secretary of Commerce shall be revocable by him for false statements either in the application or in the statement of fact which may be required by paragraph (D) hereof, or because of conditions revealed by such statement of fact which would warrant the Secretary of Commerce in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this act, or any regulation of the Secretary of Commerce authorized by this act or by the provisions of any international radio convention ratified or adhered to by the United States, or whenever the Interstate Commerce Commission, or any other Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the Secretary of Commerce that any licensee bound so to do has failed to provide reasonable facilities for the transmission of radio communications, or has made any unjust and unreasonable charge, or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service: *Provided*, That no such order of revocation shall take effect until 30 days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the parties known by the Secretary of Commerce to be interested in such license. Any person in interest aggrieved by said order may make written application to the Secretary of Commerce at any time within said 30 days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing herein directed. Notice in writing of said hearing shall be given by the Secretary of Commerce to all the parties known to him to be interested in such license 20 days prior to the time of said hearing. Said hearing shall be conducted under such rules and in such manner as the Secretary of Commerce may prescribe. Upon the conclusion hereof the Secretary of Commerce may affirm, modify, or revoke said orders of revocation.

Whenever the Interstate Commerce Commission or other Federal body under authority of law, shall find that any licensee bound so to do has failed to provide reasonable facilities for the transmission of radio communications or has made any unjust and unreasonable charge, or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service, it shall certify such finding to the Secretary of Commerce.

(G) All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however*, That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

Mr. DAVIS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 8, line 3, strike out the word "guilty" and the word "of" and insert after the word "court" the following: "or the commission to have been."

Mr. DAVIS. Mr. Chairman, if my amendment be adopted the language would then read:

which has been found by any Federal court to have been unlawfully monopolizing or attempting to unlawfully monopolize—

And so forth.

My reason for offering to strike out the word "guilty" is that that word undoubtedly carries with it the idea of a conviction in a criminal case, whereas there may be either a criminal prosecution or a civil action under the antimonopoly laws. I am sure it was not the intention of the committee to restrict it to a conviction under a criminal indictment, but that the action in refusing the license should be predicated upon a finding that the applicant was in fact monopolizing or attempting to monopolize the radio industry.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman please again state exactly what his amendment is?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

Mr. DAVIS. Mr. Chairman, there is another feature to it in addition to that to which I have called attention. I assume that there will be no objection to striking out the word "guilty" and making the change so as to cover an adjudication whether it be under a civil action to dissolve an alleged monopoly or under a criminal indictment; but on the subject of the commission, this bill, even in its present form, has established a commission and conferred upon it certain powers. It occurs to me that if this commission in the hearing before it should determine that a certain company was violating the antimonopoly laws in this particular, and should certify that fact to the Secretary of Commerce, that in itself should be sufficient reason why that applicant should be refused a license, at least until the applicant should purge itself of its unlawful affiliations and connections and conduct.

Mr. LARSEN. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. LARSEN. If you are going to say "commission," had you better not use the full name of the commission, "the Federal radio commission"?

Mr. DAVIS. I wish to state to my colleague the bill itself already says that the Federal radio commission is herein referred to as the "commission," and all through the bill it refers to it as the commission, and there can not be any question about it. Now I wish further to call the attention of the members of the Committee of the Whole to the fact that in the bill the committee unanimously reported in the Sixty-seventh Congress and which passed the House and died at the other end of the Capitol, and also in the bill which the committee unanimously reported in the Sixty-eighth Congress, was incorporated the following provision, which was carried as section 2 (c) in those two bills:

SEC. 2. (c) The Secretary of Commerce is hereby directed to refuse a station license to any person, company, or corporation, or any subsidiary thereof, which in his judgment is unlawfully monopolizing or seeking to unlawfully monopolize radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DAVIS. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS. I want to inform the committee in both instances, the House in one instance, were willing to leave that matter in the determination of the Secretary of Commerce alone, but the Secretary of Commerce appeared before the committee in the last Congress and objected to that authority being conferred upon him because he stated it was a quasi-judicial function that ought not to be conferred upon any administrative official, and consequently he objected to assuming that responsibility.

Now, out of deference to his request, I assume, when the bill was introduced in the present Congress, instead of providing that the Secretary of Commerce himself could refuse to grant a license under those circumstances, it amended that section by providing that the Secretary of Commerce is directed to refuse to grant a license only when and after a Federal court shall have found the applicant guilty of violating the laws against a monopoly, and so forth.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. McLAUGHLIN of Michigan. Suppose a person, firm, or corporation has been found guilty and the license is taken away. Can that person or corporation hereafter purge itself of contempt and remove the difficulties under which it was laboring and then later receive a license?

Mr. DAVIS. I wish to state to the gentleman that if this amendment I have proposed is adopted, I have another amendment which provides that the license shall not be issued to the applicants found guilty until the commission shall find that they have purged themselves and certified that fact to the Secretary of Commerce.

Mr. McLAUGHLIN of Michigan. The gentleman knows of a somewhat parallel case where the Prohibition Department of our Government revoked a license for the manufacture of near beer, or when they are purported not to be manufacturing in accordance with the law, and the director, or whatever his title is, assumes thereafter that the application of the company whose license is revoked never can be considered favorably.

Mr. DAVIS. Well, I wish to say this. If we are going to breath some life into this commission and give them a chance to determine the applicant who is violating the antimonopoly laws of the United States, I am in favor also of authorizing them to hear and determine whether an applicant has purged himself and certify that he is entitled to a license. But right now I am interested more in protecting the interests of the public than I am in protecting the interest of the law violator, and under the existing law——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, I think this is a very important matter. I ask for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS. Under the law as it exists, in the very nature of things if this bill passes in this present form the Secretary of Commerce will reissue licenses to members of a monopoly, and it will be an authority to them to continue to violate the laws of the United States. I say they should be required to come in with clean hands and at least purge themselves of unlawful actions before this Government issues a license to them and throws the mantle of its protection around them. I do not think that is asking too much, and if in two Congresses we were willing to leave it to one man to determine whether they were monopolizing the radio interests, and to refuse to issue to them a license, why not turn this over to a commission to be appointed by the President and confirmed by the Senate? I think that is an authority and responsibility that should be conferred upon them, and at the same time change that word "guilty" so that it will apply to civil cases as well.

Mr. WHITE of Maine. Mr. Chairman, I rise in opposition to the amendment. Before I express that opposition I want to ask the gentleman from Tennessee [Mr. DAVIS] a question. He said he would offer another amendment. Will he tell us at this time what that other amendment is? Is it to this particular paragraph?

Mr. DAVIS. Yes. It comes on page 8, line 8, after the word "means": Strike out the period and insert in lieu thereof a semicolon and the following:

That no license shall so be granted to such firm, company, or corporation found to be so offending, unless in the opinion of the commission such firm, company, or corporation shall have fully desisted from such unlawful practice and conduct, and such fact has been certified to the commission by the Secretary of Commerce.

That seems to be fair to me.

Mr. WHITE of Maine. The fear I have as to the amendment of the gentleman from Tennessee is that it will make this provision retroactive. I have no objection to imposing a penalty on anybody hereafter guilty of violating a statute of the United States, but I think it is unwise in legislation and unfair in practice to pass laws now reaching back into offenses that occurred in the past. I would change that provision in the act.

Mr. DAVIS. I do not change that provision in the act. If you will examine page 8, lines 4 and 5, you will see the language "after this act takes effect." In other words, if this amendment that I have proposed is adopted it will read as follows:

Which has been found by any Federal court or the commission to have been unlawfully monopolized or attempted unlawfully to monopolize after this act takes effect.

Mr. FREE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Does not that provide "if found guilty"? It is retroactive.

Mr. DAVIS. No; I do not change that feature at all. I knock out the word "guilty" and insert the word "commission."

Mr. WHITE of Maine. If the gentleman will change the words "to have been" to the words "to be," I will subside.

Mr. DAVIS. I want to ask the gentleman this: Suppose that a court should adjudicate the question; and if your language is to be taken literally, would it not be necessary to show that at the time of the commencement of the suit, at that particular time, they were violating the law? It occurs to me that it is entirely sufficient for it to have been any time after this act becomes a law and before action is instituted, and that the Government ought not to be confined to a particular moment in proving that that is true.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. WINGO. If the Government should bring an action charging a violation of the antitrust law against a corporation or group of corporations, would not the Government be bound to the allegation that it was a monopoly at the moment the suit was filed? If the Government conceded that they had abandoned the monopoly, what would be the status of the suit and where would the Government stand? It would go out of court, would it not?

Mr. DAVIS. I will state to the gentleman that I do not believe a suit would be instituted where a monopoly had existed and which monopoly had been abandoned.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. WINGO. Will the gentleman yield so that I may ask the gentleman from Tennessee a question?

Mr. SCOTT. Yes.

Mr. WINGO. I would like to ask the gentleman from Tennessee this question: As I understand, the gentleman has raised the question that if a concern has been a monopoly prior to the time the suit is brought, but not at the time the suit is brought, the Government can maintain an action?

Mr. DAVIS. No. For instance, I want to call the gentleman's attention to the fact that these monopolies have at different times in the past entered into written contracts, and it was upon that action that the complaint of the Federal Trade Commission was based—that is, a complaint of monopoly; there had been acts all along, and perhaps they were continuing. Now, I do not think that when it comes to the question of proof it should devolve upon the Government to prove that all of these unlawful acts have continued or existed right down to the moment of the filing of the suit.

Mr. WINGO. If the Government showed that at some time prior they were engaged in an unlawful continuing conspiracy, would not that then shift the burden of proof upon the defendants to show that they had abandoned the unlawful conspiracy and that it no longer existed?

Mr. DAVIS. I am not so sure about that. In order to accede to the suggestion of the gentleman from Maine [Mr. WHITE], how would this suit? Insert the words "to be after this act takes effect."

Mr. SCOTT. If the gentleman will pardon me, I think the question the gentleman raised a moment ago really strikes at the very heart of this proposition. In other words, there are at the present time a number of complaints pending before various commissions charging a violation of the monopoly laws. Now, there can not be any question, as a legal proposition, but what conviction on those charges subsequent to the adoption of this act would make those corporations liable under its provision. Now, there is one other thing I wish the gentleman would consider in connection with his amendment.

Mr. WINGO. Before the gentleman proceeds, he does not mean they would be liable under this act in the way of any criminal penalty? We could not change the penalty by this act?

Mr. SCOTT. Oh, no; that is true; but they would be liable to any obligations imposed by this act in connection with the reissuance of the license.

Mr. WINGO. In other words, if they are convicted of a charge that is now pending and convicted after this act becomes effective, then that conviction would have the effect of barring them the same as if the prosecution had commenced after the act had become effective?

Mr. SCOTT. That is the point exactly. The other thing which I think the gentleman should keep in mind in connection with his amendment—and I have doubted whether it would work in accord with his expectation—is the insertion of the words "or the commission."

I fear the gentleman is interpreting or is attempting to put into the bill language in regard to a commission that really is not the commission he intends to refer to in his amendment. I may be wrong about that.

Mr. DAVIS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. DAVIS. In the first place, I want to state I intend to offer an amendment to broaden the commission that is already established in the bill; but even if we do not do that, I think it is absolutely inevitable that this commission, if it amounts to anything at all, will perform some functions worth while, and this is one function I think it ought to perform. It is absolutely in accord with the suggestion of Secretary Hoover, who said:

I am in sympathy with the idea, but it ought not to be imposed upon an administrative officer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCOTT. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield so that I may ask a question of the gentleman from Tennessee [Mr. DAVIS]?

Mr. SCOTT. Yes.

Mr. O'CONNELL of Rhode Island. I would like to ask the gentleman whether his interpretation of his amendment is that taking it in connection with appeals that are provided from the commission in other sections, that there would be an appeal from the decision of the commission finding the parties guilty of monopoly, or whether it would be the same situation as exists when the Federal court has found them guilty of monopoly, namely, that no appeal would lie in that case.

Mr. DAVIS. The law grants an appeal from the Secretary of Commerce, as you say, to the commission, upon the granting or the refusal to grant a license or the revocation or refusal to revoke a license. Suppose that during the hearing of that application this commission should find to its satisfaction that this company should not be considered as entitled to a license because it was violating the laws of the United States against monopoly and should certify that fact to the Secretary of Commerce, I think that certainly ought to be sufficient to warrant refusal until they come in afterwards and satisfy the commission they have desisted from those practices.

Mr. O'CONNELL of Rhode Island. Then that is different from all other cases, because in all other cases it is provided in the act that from the decision of the radio commission there is an appeal to the Court of Appeals of the District of Columbia.

Mr. DAVIS. Oh, yes.

Mr. O'CONNELL of Rhode Island. But you do not intend there shall be any appeal in this case?

Mr. DAVIS. The bill already provides an appeal from any action or decision of the commission to the court of appeals on a question of law.

Mr. SCOTT. That is not the proposition you are applying here, and that is the regrettable thing about it.

Mr. O'CONNELL of Rhode Island. I want to find out from the gentleman from Tennessee whether he intends by his amendment that there shall be an appeal from the commission, as provided in all other cases, or that this shall be an exception and in this particular case and under this particular section there shall be no appeal, but that it shall be final, the same as a decision of the Federal court. That is what I am trying to find out.

Mr. LEHLBACH. If the gentleman will permit, I would like to call the attention of the gentleman from Tennessee to the fact that when an application for a license is made the Secretary, or the commission, if he refers it to the commission or if it goes to the commission on appeal, acts on that application, and other parts of the bill deal with this question as well as all other questions as to the fitness of the applicant to receive a license. But this is not that case and we are not legislating in this particular paragraph on that subject. We are legislating here that if there exists a previous adjudication from another body, a Federal court, that the persons have been guilty, then the Secretary exercises no discretion, but is forbidden to grant a license; but whether he or the commission should examine whether practices violative of monopoly laws exist or not is taken care of elsewhere. This is simply where there has been an adjudication and the persons have been found guilty.

Mr. SCOTT. Yes; that is already taken care of in another place in the bill and has no proper place here.

Mr. DAVIS. It is taken care of after conviction.

Mr. GARRETT of Tennessee. May we not have the vote on the amendment go over until to-morrow?

Mr. SCOTT. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, had come to no resolution thereon.

SERVICE COMPENSATION

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that I may be permitted to file a report on the bill making certain amendments to the adjusted service compensation act at any time before midnight to-night. I will say that I doubt very much whether I will be able to file it.

Mr. GARRETT of Tennessee. Will not the gentleman make that request in the morning? I notice that he doubts whether he can file it to-night.

Mr. GREEN of Iowa. I will explain why I make the request. I had a copy of the bill put in the box of all Members, and I think there was a memorandum put along with it that the reports could be obtained at the committee room to-morrow morning, and unless I can file it to-night they will not be able to obtain it. However, I am seriously afraid that I will not be able to file it to-night.

Mr. GARNER of Texas. The gentleman does not intend to take the bill up within three or four days, does he?

Mr. GREEN of Iowa. Yes; I hope to take it up Monday under suspension of the rules.

Mr. GARNER of Texas. Why is it necessary to pass it under suspension of the rules?

Mr. GREEN of Iowa. The gentleman will understand that I do not care to go into that matter now. My request is not very important, because I doubt whether I will be able to file it to-night.

Mr. GARRETT of Tennessee. I do not exactly understand why this consent should be given now. I do not wish to be put in the attitude of standing in the way of legislation.

Mr. GREEN of Iowa. I know the gentleman is always courteous and intends to be now. Mr. Speaker, I will withdraw my request.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Iowa a question? I would like to ask the gentleman whether or not in the proposition which he hopes to bring up under suspension the committee has adopted the splendid recommendation made by our chairman of the Committee on Appropriations when he testified on March 3?

Mr. GREEN of Iowa. I do not know what the gentleman alludes to.

Mr. BLANTON. I hope the gentleman will look it up before he brings in the measure.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, there are several bridge bills on the Speaker's table which I desire to call up and concur in the Senate amendments if the Chair will recognize me for that purpose.

Mr. BEGG. Are they all bridge bills?

Mr. DENISON. Yes; with Senate amendments. I may state that these bills are all unobjected to. The amendment was placed in the bills by the Senate and are all the same in each case and have been agreed upon between the committees of both Houses.

Mr. BEGG. Is it an amendment I see in the newspaper by Senator BINGHAM that before the War Department issues a permit it must have the approval of the State highway?

Mr. DENISON. Oh, no; the substance of the amendment is that when the War Department approves of the plans and specifications of the bridge in the interest of navigation it shall approve the plans and specifications as to the volume and weight of traffic that will pass over the bridge. That is in the interest of the safety of the public. I will ask unanimous consent that the amendments be approved of en bloc.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bridge bills, with Senate amendments, and concur in the Senate amendments, which the Clerk will report.

The Clerk read the titles, as follows:

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainsville-Aliceville road in Pickens County, Ala.

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson on the Jackson-Mobile road between Washington and Clarke Counties, Ala.

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala.

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala.

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala.

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Dalesville road between Dale and Houston Counties, Ala.

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala.

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala.

H. R. 9095. An act to extend the times for commencing and completing the construction of a bridge across the St. Frances River near Cody, Ark.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection, and the amendments were concurred in.

ADJUSTED SERVICE COMPENSATION

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD in connection with a discussion on the recommendations that the chairman of the Committee on Appropriations [Mr. MADDEN] made before the Committee on Ways and Means on this bill, which the chairman states he is to call up under suspension of the rules next Monday. I want to discuss the testimony of the chairman of the Committee on Appropriations.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, the distinguished gentleman from Iowa [Mr. GREEN], chairman of the Ways and Means Committee, has just given notice that on next Monday, under suspension of rules, he expects to pass the bill amending certain provisions of the World War adjusted compensation act.

There are two provisions in that bill that under no circumstances should be passed by Congress. And under no circumstances should such bill be called up for passage under suspension of rules, for in such case there would be no opportunity whatever to amend it in any particular. We would have to vote for it just as the bill reads or else vote against the entire measure. We could not change it in the slightest particular. We could not change the dotting of an "i" or the crossing of a "t." Four hundred Congressmen might be in favor of all of the bill except the two provisions I will name, and they might all be against these two provisions, yet they would either have to pass the bill embracing the two vicious provisions or else defeat the bill which carried all provisions except two favored by them. That is a most unfair position in which to place the House of Representatives. If this bill is called up at all, it ought to be called up under the general rules of the House, so that there will be an opportunity to properly amend it and to eliminate the two vicious provisions.

WARNING TO COLLEAGUES

I am now discussing this matter in the RECORD, so that all of my colleagues may know about it before Monday, when it is to be called up. If called up under suspension, there will be but 20 minutes' debate against the bill, and that will not be sufficient time to then acquaint our colleagues of its nature.

ABOLISHING THE COMPTROLLER GENERAL OF THE UNITED STATES

Those of us who have been on the watch know full well that for months, and even years, there has been a studied, organized attempt by certain officers in the United States Army and certain officers in the United States Navy to get their appropriations, embracing hundreds of millions of dollars, away from the audit and supervision of the Comptroller General of the United States, who will not permit them to pay out any sum, large or small, unlawfully. The Comptroller General of the United States makes the officers in the Army comply with the law. And the Comptroller General of the United States makes the officers of the Navy comply with the law. And they are mad. And in every way possible they have been trying to get rid of the Comptroller General. Bill after bill the Army officers have brought into the Sixty-seventh and Sixty-eighth Congresses to remove the ban which the Comptroller General had placed upon their unlawful payments, and to let them pay in spite of the Comptroller General. And when each such bill was passed, I protested against it. And bill after bill have the officers of the Navy brought into the Sixty-seventh and Sixty-eighth Congresses to get rid of the adverse ruling made by the Comptroller General, and to let them pay out money unlawfully in spite of the Comptroller General, and in each case when Congress passed same, I protested that Congress was gradually clipping the wings of the Comptroller General, until soon, if we continued it, his office would be of little value to the people.

COMPTROLLER GENERAL AS VALUABLE AS BUDGET BUREAU

The Bureau of the Budget maps out expenditures so that they may be kept within our revenues. It tells Congress just how much it can expend without increasing taxes. The Comptroller General then sees to it that all expenditures are made according to law and that no money is paid out unlawfully. Thus it may be readily seen that he is of just as much value to the taxpayers as is the Budget Bureau.

COMPTROLLER GENERAL RESPONSIBLE ONLY TO CONGRESS

When Congress created the office of Comptroller General of the United States it made him responsible to no power except to Congress. Because of this the Comptroller General is unafraid of big Army officers, and he is not abashed in the presence of big naval officers. When they try to pay out money unlawfully he tells them that they can not do it. It naturally makes them mad, and it naturally makes some few Congressmen mad who are good friends of these officers. It is a sympathetic madness.

COMPTROLLER GENERAL'S GOAT ABOUT TO BE GOTTEN

At last, it seems, these Army and Navy officers are about to get the goat of the Comptroller General, for in this bill which Chairman GREEN has given notice that he will call up Monday under suspension has in it a provision that, if passed, will no longer permit the Comptroller General to stop unlawful payments which the officers of the Army or the officers of the Navy or the officers in the Veterans' Bureau may want to pay out when they have no authority of law for it.

For such bill provides that final and conclusive authority is conferred on the Secretary of War and on the Secretary of the Navy and on the Director of the United States Veterans' Bureau in all matters arising under their respective jurisdictions.

This is just what the Army has been striving for during the past two years. This is just what the Navy has been striving for during the past two years. And to do this will cost the American taxpayers millions and millions of dollars each year, for any Member who has made a close study of the splendid work accomplished by the Comptroller General, J. R. McCarl, knows that he has saved millions for the Government and is saving huge sums of money each year.

JUST AS WELL ABOLISH THE OFFICE

If we pass this vicious provision in this bill, we had just as well abolish the office of the Comptroller General of the United States. The question is, is Congress willing to do that? Are we so unmindful of the interests of the taxpayers? Do we want to turn the Army and the Navy loose and let them spend their several hundred millions of lump-sum appropriations without any check up whatever?

MAHOGANY FURNITURE CASE

All of us will remember that ridiculous mahogany furniture case. Where officers in Virginia bought so many fine mahogany dressers at $200 each, and so many mahogany chiffoniers at $200 each, and so many fine mahogany chifforettes at $200

each, and so many fine mahogany other pieces of furniture at $200 each, and when the Comptroller General held that all of same was unlawful, and would not let the money be paid, they tried to pass a special bill through this Congress, but it was not passed. And I am afraid, that even yet, some of our Virginia colleagues who were friends of said Virginia officers have not yet forgiven the Comptroller General for stopping these payments.

MUST PRESERVE THE COMPTROLLER GENERAL

I appeal to our colleagues that we must preserve intact the office of the Comptroller General of the United States. We must not let this provision in this bill pass. We must not abolish this valuable office that saves so much money for the people. If this bill is called up under general rules, where we can amend it, let us amend it and strike out this vicious provision. If the bill is called up under suspension, when we can not amend it, then let us vote against the bill and stop its passage, and then force the committee to take this vicious provision out of it. Every brave ex-service man in the whole United States will commend us for thus protecting their Treasury.

SECOND VICIOUS PROVISION

The second vicious provision in the bill which we should eliminate, in accord with the splendid recommendation made by our chairman of the Committee on Appropriations [Mr. MADDEN], is the attempt in this bill to cancel lawful debts which are due the United States. Let me quote some of the testimony which Hon. MARTIN B. MADDEN gave before the Ways and Means Committee on the 3d day of March, 1926:

EXCERPTS FROM TESTIMONY OF MARTIN B. MADDEN

Mr. MADDEN (continuing). If I may, I would like to say that this intensive study by the Comptroller General and the Committee on Appropriations on the obligations due to the Government by various people for overpayments and for other reasons has been made, first, because the law imposes that duty on the Comptroller General; next, because the committee insists that everybody who owes shall pay.

Shipments have been made by various departments of the Government from time to time of large quantities of supplies over various railroads without reference to what the rates should be. The Comptroller General's office, in checking up and auditing the accounts of the payments later, has found that in many instances large overpayments had been made to the railroads. Does anybody deny that he is obligated to recover these overpayments, and should objection be made because of the efforts of the Comptroller General to collect the amounts due the Government?

Mr. BACHARACH. Have you any idea, Mr. MADDEN, how much——

Mr. MADDEN. Yes; it amounts to millions in the aggregate since the Budget has been in force. And we have that same thing going through all the departments of the Government. Of course, the Comptroller General is denounced because he is following out the law, which never had been followed out prior to his appointment.

AMOUNTS TO MILLIONS

Thus you will see that your chairman of the great Committee on Appropriations tells you that concerning overpayments to railroads alone the Comptroller General has recovered millions of dollars for the taxpayers and caused same put back into their Treasury. And Chairman MADDEN says that "Of course, the Comptroller General is denounced because he is following the law, which was never followed before."

FURTHER EXCERPTS FROM MARTIN B. MADDEN

Mr. MADDEN. I will be very glad to tell you what I know about the matter. A good many complaints, of course, have come to all the Members of Congress, I suppose, about deductions and about the activity of the Comptroller General in protecting the Treasury, and complaints have come to me about some things in connection with his action, charges made to the effect that he made deductions for losses of implements of war, say, and under the jurisdiction of soldiers on the other side; but there is not any truth in that statement, because the Comptroller General has been very anxious not to impose any unjust burden on the man who fought in the war; but he has made deductions for things that I consider quite proper, and that he must make if he is going to carry out the obligations that are imposed upon him by the law, whether they are charges against a veteran or anybody else; and there ought not to be any reason why a veteran should not pay the Government the just obligations it has against him any more than that you or I or anybody else should not pay our obligations.

So I called the Comptroller General up—well, before I say that I will just say that we try to keep—I do—in close touch with the Comptroller General on all this class of cases, whether it applies to veterans or to business men, bankers, or citizens generally, because we both conceive that we have the responsibility not to let the Treasury be raided by anybody, and the tendency is to try to raid it. I do not say this in an offensive sense, you know, but the tendency on the part of a great many people is not to think that an obligation to the Government is one that should be regarded sacredly.

So I called the Comptroller General up with respect to these claims, and I am going to read what he said in reply. This letter is dated February 27, 1926:

"In compliance with your telephone request of yesterday, as it was understood, I will endeavor to make clear the procedure that has been followed by this office in the matter of effecting collection of amounts determined to be due the United States from those entitled to the benefits of the World War adjusted compensation act of May 19, 1924, to indicate the nature of the indebtedness generally involved, and to suggest such language as an amendment to the basic law as would, if enacted, make possible a procedure whereby instead of making the deduction in connection with the issuance of the certificate the amount of the indebtedness would be indorsed on the certificate for adjustment when any payment is to be made under the certificate."

Now, I would like to explain that. The practice has been that if a veteran owes the Government $100, say, as the result of an overpayment, or as a result of a deduction from his pay for any just cause, that they would indorse this $100 on the certificate when issued and allow interest, say, on only $400 of a $500 certificate. Now, that would result in a 20-year period in making the aggregate of the certificate only $1,200, whereas if it was a $500 certificate it would be $1,500; and he has suggested a provision in the matter that you are considering of allowing the indorsement of $100 on the back of the certificate, or the face of the certificate, as the case may be, to be deducted at the end of the period without charging him any interest and allowing the total interest on the aggregate; that is, on the face of the certificate.

Mr. OLDFIELD. Making it $1,400 instead of $1,500?

Mr. MADDEN. No; make it $1,500, but out of which the $100 would be taken.

Mr. HAWLEY. You mean he puts a charge on the back of the certificate noting that that amount is due?

Mr. MADDEN. Yes. In other words, the Government is not going to charge, if his suggestion is adopted, interest on the indebtedness of the soldier, whereas it will be paying interest on the Government's indebtedness to the soldier.

Mr. COLLIER. Do I understand now, Mr. MADDEN, that the practice is that as we are giving the soldier compound interest on this amount that we have also been charging him compound interest?

Mr. MADDEN. That is the practice that was about to be instituted.

Mr. MILLS. It has been instituted.

Mr. MADDEN. Well, it may have been instituted.

Mr. MILLS. As to all of the certificates that have been issued.

Mr. MADDEN. I think that is right.

Now, then, he says:

"You are fully aware, of course, that this office is required by law to superintend collection of all balances found to be due the United States in the settlement and adjustment of public accounts, and that the duty of this office is clearly such as to require a withholding of any money otherwise payable to a debtor until the indebtedness has been adjusted."

Of course, there is not any escape from that. There ought not to be any escape from it, I will say.

"It being the duty and responsibility of this office to determine questions as to the availability of appropriated funds for any proposed use, it was determined in Fourth Comptroller General, 422, that funds appropriated for payments authorized by the act of May 19, 1924, were subject to application to indebtedness certified to be due the United States—no exemption from such indebtedness appearing in the basic law or otherwise, and thereafter the procedure followed was such that after an indebtedness had been definitely ascertained it was reported to the Director of the Veterans' Bureau for deduction from any amount found to be due the debtor, and in general deduction of the amount so certified was made, I am informed, from the amount of the service credit ascertained to be due to the veteran involved. It is realized that the effect of this procedure as to deducting the indebtedness from the service credits operates to save to the United States the same interest on the veteran's indebtedness as the law gives to the veteran on the amount otherwise due him under the terms of the enactment.

SUGGESTION AS TO LEGISLATION

Now, the following is what Mr. MADDEN and the director suggested as to legislation:

Mr. MADDEN. Now, this suggestion that he makes for the legislation was made in consultation with me, and I am going to present the language for you gentlemen to consider and to do what you please with it:

"To change this, in line with your suggestion, so that instead of making the deduction in connection with the issuance of the certificate, the amount of the indebtedness will be indorsed on the certificate and be for deduction from amounts hereafter to become due thereon, unless earlier adjusted by payment or otherwise, it would appear desirable if not necessary, to change the basic law, and I believe this

could best be accomplished by adding a provision to section 308 thereof, so that the section when amended, will read as follows:

"SEC. 308. No sum payable under this act to a veteran or his dependents, estate, or any beneficiary named under Title V, no adjusted-service certificate, and no proceeds of any loan made on such certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation."

That is the law as it stands.

"*Provided, however*, That any amount certified to be due from the veteran to the United States shall not be deducted in connection with the issuance of the certificate so as to reduce the face value thereof, but shall be indorsed on the veteran's adjusted-service certificate and be for adjustment when any payment is to be made thereunder, unless previously adjusted."

That seems to me to make it very clear, and it is just to the Government, and certainly just to the veteran, if he owes the money, and that is what I want to get at now, because charges of all kinds have been made as to the methods employed to embarrass veterans by compelling them to pay so-called "obligations" that should not be charged against them, whereas there has been no such practice. There is not a word of truth in those charges. Then he continues:

"To give you some idea of the nature of the indebtednesses developed by this office in the settlement and adjustment of public accounts, I am listing below a number of items just as they developed. There has been no effort to select or exclude items of any particular class. For that reason these items should furnish what I understand is desired by you—a fair sample of the indebtednesses involved.

"The following were found indebted by reason of failure to deduct for war-risk insurance premiums and allotments."

That is, for example, allotments, if a man was in the service and he made an allotment to his wife or to his mother or to any dependent at home, the Government also added an equal amount to that allotment, and the Government failed to deduct from his pay the allotment which he himself made, and that is the charge that is being made in this case that I am just calling your attention to.

Mr. COLLIER. Where the Government failed to deduct them and had paid it?

Mr. MILLS. Where he received the full pay without deduction.

Mr. MADDEN. That is it. Now, we have got the items here and the names of the men.

Mr. MILLS. Let us have them.

Mr. GREEN. They can be put into the record.

Mr. BACHARACH. This is what occurred. The American Legion people absolutely stated that these fellows had to pay for pistols and things of that kind. That was the charge.

Mr. OLDFIELD. That is what influenced us here, too.

Mr. MADDEN. Well, of course, that is not so.

OF COURSE THAT IS NOT SO

Now, it is Mr. MARTIN B. MADDEN, the chairman of the Committee on Appropriations of the House of Representatives, who says that "of course these charges we hear about the Comptroller General are not so." What are we going to do about it? Are we going to cancel millions of dollars of lawful debts due the United States?

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

S. 1343. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

PROHIBITION

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker and Members of the House, those of you who were here last Monday perhaps heard a colloquy between the gentleman from New York [Mr. CELLER] and myself. He appeared in behalf of a modification of the Volstead Act, and said he felt there was a growing sentiment in favor of a modification of the law. He referred to a referendum taken by the Denver Post on that subject, this referendum showing a vote of about 4 to 1 in favor of a modification of the act. I was called upon to give my views regarding the referendum and was glad to say that in my State the referendum did not express the sentiment of the people of Colorado. I based that statement upon the belief that I entertained that principally those who were interested in a modification of the act took part in the referendum, and that the churches and the element who are opposed to any modification did not engage therein.

I notice in this morning's Washington Herald a statement of the gentleman from New York [Mr. CELLER], in which he cites a telegram from Spencer Penrose, of Colorado Springs, who was one of the judges who passed on the referendum vote. That statement and telegram are as follows:

Statements by the executive committee of the Anti-Saloon League that friends of prohibition do not participate in unofficial newspaper polls were branded as false in the House by CELLER, of New York.

He exhibited a telegram from Spencer Penrose, judge in the poll conducted by the Denver Post. Penrose took TIMBERLAKE, of Colorado, to task for saying Colorado was dry in sentiment. The telegram said:

"TIMBERLAKE is wrong when he said in the House that Colorado is dry and the late poll means nothing. The poll was absolutely square, and the wets won 4½ to 1.

"There were six judges, three wet and three dry. I was one of the judges and know the situation. Both leading Denver papers are very dry and used all their influence to bring out the dry vote. Please tell TIMBERLAKE the people of Colorado are very happy and proud the State is strongly wet."

This morning I received the following telegrams:

MANITOU, COLO., *March 12, 1926.*

Hon. CHARLES B. TIMBERLAKE,

House of Representatives, Washington, D. C.:

You are absolutely right and to be commended in your stand on Colorado. Mr. Penrose is wrong and grossly mistaken, for the people of Colorado are not "proud" over the situation. Newspaper poll is not correct, because thousands of drys did not vote. Colorado in reality is still dry.

J. FRED THOMAS.

[Applause.]

DENVER, COLO., *March 11, 1926.*

Congressman CHARLES B. TIMBERLAKE,

Washington, D. C.:

Denver Post referendum as far as revealing true wet and dry sentiment in Colorado is a joke. The wets voted freely and often. The drys refused to vote. If our wet opponents get any comfort from this, let them enjoy it. Colorado is drier than ever. Fall election will reveal that fact. Colorado is proud of your fight in the House.

A. J. FINCH.

[Applause.]

Also I call attention to the following item from a Denver paper in which Judge Haverstick, of New Jersey, is quoted:

CHANGE IN DRY LAW IS UP TO VOTERS, VISITOR DECLARES—POST REFERENDUM SURPRISED EAST, SAYS JERSEY JUDGE

When a majority of the people want a change in the Volstead Act, to permit the sale of light wines and beer, they will elect Congressmen pledged to that principle, and will finally obtain an amendment to the present law, in the opinion of Judge Samuel Haverstick, of Trenton, N. J., judge of the surrogate court of Trenton County.

Judge Haverstick is in Denver on his return home from California. He addressed the weekly luncheon of the Denver Rotary Club at the Albany Hotel Thursday.

"At the present time a large proportion of our people seem to be dry in print and wet in practice," said Judge Haverstick. "The law is being violated in business offices, homes, clubs, and public places to an alarming extent. We in the East always supposed the Mountain States were absolutely dry in sentiment, but the result of the recent Denver Post referendum has opened our eyes.

I also received a letter this morning confirming the opinion which I expressed the other day, that the wets voted in this referendum and that the drys refrained from voting. That letter is as follows:

SALINA, BOULDER COUNTY, COLO., *March 7, 1926.*

Hon. CHARLES B. TIMBERLAKE,

Washington, D. C.

DEAR MR. TIMBERLAKE: No doubt you are besieged these days with many letters pertaining to the contents of the inclosed clipping, and herewith take the liberty to convey to you some information to the effect that while in a grocery store at Boulder last Saturday it was said a man made the statement in the store that same day that he had voted more than 40 times by clipping and mailing in the Denver Post vote coupon. What a wonderful vote this State could cast for a Representative under the same condition, and should I ever feel disposed to oppose you, I certainly will employ the Post service.

I wish you much happiness and good health.

I am, very sincerely yours,

GEO. D. PARKS.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Saturday, March 13, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 13, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To establish a women's bureau in the Metropolitan police department of the District of Columbia (H. R. 7848).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend section 1339 of the Compiled Laws of Alaska, 1913 (H. R. 5953).

To confer jurisdiction on the Court of Claims to certify certain findings of fact (H. R. 8321).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the disposition of lands no longer needed for naval purposes (H. R. 9881).

To authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care (H. R. 3994).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

393. A letter from the Secretary of War, transmitting, with a report from the Chief of Engineers on preliminary examination and survey of waterway from Duluth, Minn., to Buffalo, N. Y. (H. Doc. No. 270); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

394. A letter from the Secretary of the Navy, transmitting a suggested form of a bill "For the relief of Olga Pascalidis, of Constantinople, Turkey"; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 9875. A bill to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924; without amendment (Rept. No. 528). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 58. A joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Ancient Free and Accepted Masons, of Savannah, Ga., the minute book of the Savannah, Ga., Masonic lodge; with amendment (Rept. No. 529). Referred to the House Calendar.

Mr. KIESS: Committee on Printing. H. R. 9459. A bill fixing the salary of the Public Printer and the Deputy Public Printer; without amendment (Rept. No. 534). Referred to the Committee of the Whole House on the state of the Union.

Mr. BAILEY: Committee on Post Offices and Post Roads. H. R. 9511. A bill authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service; without amendment (Rept. No. 535). Referred to the Committee of the Whole House on the state of the Union.

REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 9984. A bill authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army; without amendment (Rept. No. 530). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 1718. A bill for the relief of Harold Holst; without amendment (Rept. No. 531). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 3952. A bill authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela; without amendment (Rept. No. 532). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 7217. A bill to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog"; without amendment (Rept. No. 533). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6421) granting an increase of pension to Edward P. Payne, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 10274) granting relief to certain veterans of the Regular Army, Navy, or Marine Corps of the United States; to the Committee on Pensions.

By Mr. MORIN: A bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. KIESS: A bill (H. R. 10276) to provide a permanent government for the Virgin Islands of the United States, and for other purposes; to the Committee on Insular Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 10277) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. LEA of California: A bill (H. R. 10278) to provide for the acquisition of additional lands for the Lassen Volcanic National Park; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10279) for the relief of James M. Long; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 10280) for the relief of James M. Long; to the Committee on Claims.

Also, a bill (H. R. 10281) granting a pension to Henry Clay Berryman; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 10282) granting an increase of pension to Isabella Caffey; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10283) granting an increase of pension to Mary James; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10284) granting an increase of pension to Martha J. Hazlewood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10285) granting an increase of pension to Inez Hazlewood; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 10286) granting an increase of pension to Susan Olivia Heard; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 10287) granting an increase of pension to Hulda Brubaker; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 10288) to correct the military record of A. G. Vincent; to the Committee on Military Affairs.

By Mr. KINCHELOE: A bill (H. R. 10289) for the relief of Mack Morgan Lynch; to the Committee on Military Affairs.

By Mr. LINEBERGER: A bill (H. R. 10290) for the relief of Kenneth M. Orr; to the Committee on Naval Affairs.

Also, a bill (H. R. 10291) granting a pension to William E. Sanders; to the Committee on Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10292) granting an increase of pension to Carolina Miller; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 10293) granting an increase of pension to Jennie W. McDanield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10294) granting an increase of pension to Paulina Dupler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10295) granting an increase of pension to Fletcher Duling; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 10296) granting an increase of pension to Fannie L. Lewis; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 10297) granting a pension to Ida L. Rogers; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10298) granting an increase of pension to Sarah J. Dougan; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 10299) granting a pension to Sarah L. Williams; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10300) granting a pension to Sidney O. Roughton; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 10301) granting a pension to Frances A. Bruce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10302) granting a pension to Ella Winegardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10303) for the relief of Mary R. Long; to the Committee on Claims.

Also, a bill (H. R. 10304) granting an increase of pension to Lucinda E. Sisson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10305) granting an increase of pension to William G. Strodtman; to the Committee on Pensions.

Also, a bill (H. R. 10306) granting an increase of pension to Lenia Frances Platt; to the Committee on Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 10307) for the relief of dependents of men who were killed in the explosion on the battleship *Mississippi;* to the Committee on Claims.

Also, a bill (H. R. 10308) for the relief of the heirs or legal representatives of Charles Johnson and his wife, Kate Johnson; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 10309) authorizing the sale of lot 2, in square 1113, in the District of Columbia, and deposit the net proceeds in the Treasury; to the Committee on the Public Lands.

By Mr. WOLVERTON: A bill (H. R. 10310) granting a pension to Anderson M. Jarrett, of the West Virginia Home Guards; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1187. By Mr. BLAND: Petition of Mr. R. F. Percifui, Sampsons Wharf, Va., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1188. By Mr. DAVEY: Petition of 138 citizens of Ohio, protesting against compulsory Sunday observance bills (H. R. 7179 and H. R. 7822); to the Committee on the District of Columbia.

1189. By Mr. GALLIVAN: Petition of Boston Central Labor Union, P. H. Jennings, secretary-business representative, 987 Washington Street, Boston, Mass., recommending early and favorable consideration of House bill 8653, to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; to the Committee on Labor.

1190. By Mr. GARBER: Letter by the secretary of the United States Maimed Soldiers' League, favoring House bill 3770; to the Committee on Pensions.

1191. Also, memorandum by the National Editorial Association, favoring the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

1192. Also, resolution adopted by the National Retail Dry Goods Association, in regard to House bill 3904, known as the "Merritt bill," and requesting certain changes therein; to the Committee on Interstate and Foreign Commerce.

1193. Also, resolution favoring the Gooding-Ketcham bill (S. 2465); to the Committee on Agriculture.

1194. Also, letter from Michigan Association Opposed to Capital Punishment; to the Committee on the Judiciary.

1195. By Mr. GIBSON: Petition of citizens of Orange County, Vt., against pending legislation providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1196. By Mr. KETCHAM: Petition of 54 residents of Gobles, Mich., protesting against House bills 7179 and 7822, the Sunday observance bills; to the Committee on the District of Columbia.

1197. By Mr. KINDRED: Petition of the Lions Club of Long Island City, N. Y., urging the United States Congress to enact such legislation as may be appropriate and necessary to vest in the President of the United States and/or other Federal officials the proper legal right and authority to protect the citizens of this country against a recurrence of the evils occasioned by the recent coal strike; to the Committee on Interstate and Foreign Commerce.

1198. By Mr. KNUTSON: Petition of O. Christensen, of Brainerd, Minn., and others, protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1199. By Mr. LAMPERT: Resolution adopted by the county board of supervisors of Calumet County, Wis., favoring modification of the national prohibition act; to the Committee on the Judiciary.

1200. By Mr. LEAVITT: Resolution of the Kiwanis Club of Kalispell, Mont., favoring continuance of the provisions of the Sheppard-Towner Maternity Act; to the Committee on Interstate and Foreign Commerce.

1201. By Mr. MacGREGOR: Resolutions of Chapter No. 9, Polish Welfare Council of America, in reference to the bill providing for the annual registration of aliens; to the Committee on Immigration and Naturalization.

1202. By Mr. MANLOVE: Petition of the Carterville Chamber of Commerce, of Carterville, Jasper County, Mo., protesting against pending radio legislation (H. R. 9108 and S. 1); to the Committee on the Merchant Marine and Fisheries.

1203. Also, petition of 36 citizens of Noesho, Newton County, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1204. By Mr. MEAD: Petition of Niagara Frontier Traffic League, supporting House bill 6383; to the Committee on Interstate and Foreign Commerce.

1205. Also, petition of Niagara Frontier Traffic League, supporting House bill 6359; to the Committee on Interstate and Foreign Commerce.

1206. Also, petition of Niagara Frontier Traffic League, indorsing House bill 6397; to the Committee on Interstate and Foreign Commerce.

1207. Also, petition of Niagara Frontier Industrial Traffic League, regarding House bill 6363; to the Committee on Interstate and Foreign Commerce.

1208. By Mr. O'CONNELL of New York: Petition of the U. Grant Border's Sons, shippers' agents, of New York City, favoring the passage of House bill 6400; to the Committee on Interstate and Foreign Commerce.

1209. Also, petition of the Women's Committee for the Extension of the Maternity and Infancy Act, of Washington, D. C., favoring the passage of House bill 7555; to the Committee on Interstate and Foreign Commerce.

1210. By Mr. PRALL: Petition of residents of Staten Island, N. Y., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1211. By Mr. REED of New York: Petition of Mrs. Wilson Price, favoring the two-year extension of the Sheppard-Towner Act now pending; to the Committee on Interstate and Foreign Commerce.

1212. By Mr. SINCLAIR: Petition of W. R. Rupert and 21 others, of Lark, N. Dak., protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1213. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of New Jersey, opposing House bills 7179 and 7822, compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1214. By Mr. TEMPLE: Petition of Pennsylvania State Grange, Harrisburg, Pa., protesting against the Curtis-Reed bill proposing the establishment of a department of education at Washington or to any similar bill that may be introduced; to the Committee on Education.

1215. By Mr. TILLMAN: Petition of G. E. Norwood, W. E. Cherry, and many others against the passage of any bills for compulsory Sunday observance, including House bills 7179 and 7822; to the Committee on the District of Columbia.

1216. By Mr. TILSON: Petition of Mrs. E. Sachtlein and others, of New Haven, Conn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1217. By Mr. VINCENT of Michigan: Petition signed by numerous residents of Gratiot County, Mich., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

1218. Also, petition signed by numerous residents of Montcalm County, protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

1219. By Mr. WAINWRIGHT: Petition of sundry adult residents of White Plains, N. Y., remonstrating against the passage of House bills 7179 and 7822, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1220. By Mr. YATES: Petition of Illinois Motor Transportation Association, composed of the authorized motor bus operators of the State of Illinois, urging passage of House bill 8266, introduced by Representative PARKER, to regulate interstate commerce by motor vehicles operating as common carriers on the public highways; to the Committee on Interstate and Foreign Commerce.

SENATE

SATURDAY, *March 13, 1926*

(Legislative day of Thursday, March 11, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	Fletcher	McLean	Shortridge
Borah	Frazier	McNary	Simmons
Bratton	George	Mayfield	Smoot
Brookhart	Goff	Means	Stanfield
Broussard	Gooding	Neely	Stephens
Bruce	Greene	Norris	Swanson
Butler	Harreld	Nye	Trammell
Cameron	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wadsworth
Caraway	Heflin	Phipps	Walsh
Copeland	Howell	Pine	Warren
Couzens	Johnson	Pittman	Watson
Cummins	Jones, N. Mex.	Ransdell	Wheeler
Dale	Jones, Wash.	Reed, Mo.	Williams
Deneen	Kendrick	Robinson, Ark.	Willis
Dill	King	Robinson, Ind.	
Edge	La Follette	Sackett	

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Samson, on the Opp-Samson road, in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Geneva, on the Geneva-Florida road, in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River, near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Pell City, on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.; and

H. R. 9095. An act to extend the times for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1343. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age;

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes;

H. R. 5043. An act granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; and

H. J. Res. 197. A joint resolution to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

LETTER CRITICIZING SENATOR BLEASE

Mr. BLEASE. Mr. President, I send to the desk an article which I would like to have read.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

ON WITH THE DANCE

To the EDITOR CHICAGO DEFENDER:

I am a northern white Yankee and I am married to a colored lady, am proud of her, and I intend keeping her. There are hundreds of colored men here in Michigan who have white wives and love them and are doing fine, and intend keeping them; but I can't see where a certain ingrate from South Carolina who has introduced a bill in Congress to prevent it—intermarriage—gets on.

I am a northern Yankee, my forefathers have been, and believe that the best way to curb the like of such sewer disposals as COLE BLEASE is to give them plenty of shot and cannon music. I am the employer of colored help for a company here, and must say matters would not be so hard for you colored people if you would sacrifice a few lives and give these rebels a taste of northern medicine. Too long have we tolerated the Ku-Klux and such, and we know that nothing good comes from the South. If I were to seek the devil's playground, Dixie would be the only place I would find it.

Yes; I am a northerner, and what we did in 1861 can be done again. We are slow in our action of redress, but it is time that those uncivilized beasts be curbed, and if the clan of men like COLE BLEASE still persists we shall take devious means to advertise the South to the four corners of the world. I am a white man, but Lord deliver me from a southern white rebel.

You colored people brace up. If necessary I'll advertise the scandals of the South to all the world, and I can do it. I don't believe in seeing men treated as you are. I have the money and can, if necessary, placard every news stand in Europe, Asia, and Africa with literature that will do the South more harm than it is able to right in a thousand years.

And, COLE BLEASE, the quicker the earth receives your old, vile, dirty, polluted, ill-generated body the quicker a thousand nations will smile; and we long to take a good laugh. A northern white Yankee.

W. S. PAYNE.

DETROIT, MICH.

Mr. BLEASE. I would like to have the addendum read.

The legislative clerk read as follows:

The above article was printed in the Chicago Defender, the largest negro paper in the United States, Saturday, February 13, 1926. (Used without permission.)

Additional copies may be secured free of charge from Davis Printing Co., printing, engraving, embossing, 216 North Twenty-second Street, telephone Main 6972, Birmingham, Ala.

Mr. BLEASE. I only desire at this time to have the article read. I have received several newspapers recently containing copies of the same article. I shall use it later as a basis for some remarks.

SENATOR BURTON K. WHEELER

Mr. WALSH. Mr. President, I give notice that on Monday, at the close of the routine morning business or at the most convenient time thereafter, I shall address the Senate upon the criminal proceedings instituted in the State of Montana and in the District of Columbia against my colleague, the junior Senator from Montana [Mr. WHEELER], and shall submit for the consideration of the Senate a resolution in relation thereto.

PETITIONS

Mr. WILLIS presented a resolution adopted by the Northeast Ohio Conference of the Methodist Episcopal Church, favoring a proposed amendment to the Constitution prohibiting the making of sectarian appropriations, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by W. T. Sherman Post, No. 113, Grand Army of the Republic, of Concordia, Kans., favoring the passage of legislation granting increased pensions to veterans of the Civil War, their widows and dependents, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Cloud County, Kans., praying for the passage of legislation granting increased pensions to veterans of the Civil War, their widows and dependents, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Wichita and Columbus, all in the State of Kansas, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, their widows and dependents, which were referred to the Committee on Pensions.

Mr. LA FOLLETTE presented petitions of members of the faculties of the University of Wisconsin and of Beloit College, Wisconsin, praying for amendment of the existing copyright law so as to include copies made by the mimeographic process as well as those made by the photoengraving process, which were referred to the Committtee of Patents.

He also presented petitions numerously signed by sundry citizens of the State of Wisconsin, praying for the passage of Senate bill 98, granting increased pensions to veterans of the Spanish War, their widows and dependents, which were referred to the Committee on Pensions.

Mr. WADSWORTH presented resolutions adopted by the New York Baptist Missionary Convention, the Genesee Annual Conference of the Methodist Episcopal Church, the Northern New York Conference of the Methodist Episcopal Church, and the New York Conference of the Methodist Episcopal Church, favoring a proposed amendment to the Constitution prohibiting the making of sectarian appropriations, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1786) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Const and Geodetic Survey, and Public Health Service (Rept. No. 364);

A bill (S. 2996) to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents (Rept. No. 365); and

A bill (S. 3037) to provide retirement for the Nurse Corps of the Army and Navy (Rept. No. 376).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, reported it without amendment and submitted a report (No. 366) thereon.

He also, from the Committee on Indian Affairs, to which was referred the bill (S. 720) to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," reported it with an amendment and submitted a report (No. 367) thereon.

Mr. SACKETT, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2646) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes, reported it without amendment and submitted a report (No. 368) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5961) granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes, reported it without amendment and submitted a report (No. 369) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2730) to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia," reported it without amendment and submitted a report (No. 370) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 587) for the relief of John O'Brien, reported it without amendment and submitted a report (No. 371) thereon.

Mr. JONES of Washington, from the Committee on Appropriations, to which was referred the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, reported it with amendments and submitted a report (No. 372) thereon.

Mr. SMOOT, from the Committee on Appropriations, to which was referred the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, reported it with amendments and submitted a report (No. 373) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 1895) to correct the military record of George Patterson, deceased, reported it with an amendment and submitted a report (No. 374) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 3538) authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma, reported it without amendment and submitted a report (No. 375) thereon.

Mr. BRUCE, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were indefinitely postponed:

A bill (S. 1574) for the relief and to correct the military record of Kathryn C. Hopkins; and

A bill (S. 2129) for the relief of Henry Mathews.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 3545) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. SWANSON:

A bill (S. 3546) providing for the conveyance to the Comte de Grasse Chapter, Daughters of the American Revolution, of site of old graveyard and church in Nelson district, county of York, State of Virginia; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 3547) to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; to the Committee on Banking and Currency.

By Mr. BRATTON:
A bill (S. 3548) for the relief of Joe S. Duran; to the Committee on Finance.
By Mr. GOFF:
A bill (S. 3549) for the relief of R. P. Biddle; to the Committee on Claims.
By Mr. HARRIS:
A bill (S. 3550) providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia; to the Committee on the Library.
By Mr. STANFIELD:
A bill (S. 3551) for the relief of William J. O'Brien; to the Committee on Claims.
A bill (S. 3552) granting an increase of pension to Theodore Hansen; to the Committee on Pensions.
By Mr. KENDRICK:
A bill (S. 3553) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Irrigation and Reclamation.
By Mr. HARRELD:
A bill (S. 3554) granting a pension to Emma M. Norton (with accompanying papers); to the Committee on Pensions.
By Mr. COPELAND:
A bill (S. 3555) for the relief of the Rochester Merchandise Co.; to the Committee on Claims.
A bill (S. 3556) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes; to the Committee on Education and Labor.
By Mr. DILL:
A bill (S. 3557) to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; to the Committee on Commerce.
By Mr. WADSWORTH:
A bill (S. 3558) authorizing appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

CHANGE OF REFERENCE

On motion of Mr. CAPPER, the Committee on Claims was discharged from the further consideration of the bill (S. 3363) authorizing and directing the Secretary of the Interior to examine a certain Senate report on Indian traders and to take certain action in respect thereto, and for other purposes, and it was referred to the Committee on Indian Affairs.

COASTAL LANDS IN ALABAMA, FLORIDA, AND MISSISSIPPI

Mr. TRAMMELL submitted an amendment intended to be proposed by him to the bill (S. 3224) for the disposition of certain coastal lands in Alabama, Florida, and Mississippi, and the adjustment of claims arising from erroneous surveys, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

MUSCLE SHOALS

Mr. FESS obtained the floor.
Mr. HEFLIN. Mr. President——
The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Alabama?
Mr. FESS. For what purpose?
Mr. HEFLIN. I wish the Senator would yield to me for a few moments. On yesterday, when House Concurrent Resolution No. 4, with reference to Muscle Shoals, came over from the House, my friend the Senator from Tennessee [Mr. MCKELLAR] asked that it go over in order that he might look into the two amendments of the House to Senate amendments. I consented to that procedure. I would like to call up the concurrent resolution at this time in order to move that the Senate concur in the House amendments.
Mr. SMOOT. If the Senator will ask unanimous consent, I shall have no objection, but I do not want a motion made that would displace the unfinished business. I do not think there will be any objection if the Senator asks unanimous consent.
Mr. HEFLIN. I ask unanimous consent for the present consideration of the two amendments of the House to amendments of the Senate to the Muscle Shoals resolution.
The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama?
Mr. FESS. Reserving the right to object to the unanimous-consent request, I recognize the importance of speedy action upon the resolution if we can have it, although I would not want to displace the unfinished business before the Senate unless it be satisfactory to the author of the bill, the Senator from Idaho [Mr. GOODING]. I wonder whether the Senator from Alabama has any idea about how much time the consideration of the Muscle Shoals matter will consume.
Mr. HEFLIN. I think it will take only a very short time. The Senator from Idaho [Mr. GOODING] gave me his consent to take up this resolution.
Mr. GOODING. I am quite willing to yield if it does not take too long to dispose of the Muscle Shoals resolution.
Mr. FESS. Then I shall have no objection.
The VICE PRESIDENT. Is there objection?
Mr. MCKELLAR. I have no objection to taking up the amendments of the House to the amendments of the Senate, but I want to ask the Senator from Alabama [Mr. HEFLIN] some questions in reference to those amendments.
Mr. SMOOT. The Senator from Tennessee does not think it will take very much time to dispose of the matter?
Mr. MCKELLAR. I do not think it will take a great while to dispose of it, but there are some matters in connection with the amendments which ought to be considered.
Mr. FESS. A parliamentary inquiry, Mr. President.
The VICE PRESIDENT. The Senator will state it.
Mr. FESS. If I shall now yield to the Senator from Alabama [Mr. HEFLIN], and the amendments of the House shall be taken up and considered, will I lose the floor?
The VICE PRESIDENT. If the Senator from Ohio now yields the floor, the Chair will recognize him when the debate on the question shall have been concluded.
Mr. HEFLIN. No objection was made, Mr. President, to my request for the consideration of the House amendments.
Mr. REED of Missouri. Mr. President, before the vote is taken I wish to say a word on the concurrent resolution.
The VICE PRESIDENT. Is there objection to the consideration of the amendments of the House to the amendments of the Senate to the concurrent resolution?
There being no objection, the Senate proceeded to consider the amendments of the House to the amendments of the Senate Nos. 1 and 4 to House Concurrent Resolution No. 4 providing for a joint committee to conduct negotiations for leasing Muscle Shoals.
The amendments of the House to the amendments of the Senate are as follows:

In lieu of the matter inserted by amendment No. 1 insert the following: "or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided.)"

In amendment No. 4, on page 1, line 20, strike out the period and insert the following: ": *And provided further*, That the committee in making its report shall file for the information of the Senate and House of Representatives a true copy of all proposals submitted to it in the conduct of such negotiations."

Mr. MCKELLAR. Mr. President, if I may, I desire to ask the Senator from Alabama [Mr. HEFLIN] a question. I notice on page 1, line 10, of the resolution the House of Representatives has proposed this amendment, which is embraced in parenthesis:

(but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided).

I should like to ask the Senator from Alabama what that language means and what is its purpose?
Mr. HEFLIN. The language which was inserted in the Senate amendment by the House of Representatives, Mr. President, is exactly the language contained in section 14 of the McKenzie bill, which embodied the Ford offer.
Mr. MCKELLAR. Mr. President, what seems to be embodied in this language is already provided for in lines 9 and 10, on page 2, of the concurrent resolution; and I am wondering why that particular language in the Ford offer—it was a very long instrument—was singled out and made the subject of an amendment by the House of Representatives when the House was so anxious just a few days ago to have the resolution passed without any amendment and without containing this language?
Mr. HEFLIN. House bill 518, Sixty-eighth Congress, first session, referred to in the concurrent resolution, provides that there shall be manufactured "nitrogen and other commercial fertilizer, mixed or unmixed."
The House thought that if somebody leased plant No. 1 or plant No. 2 and somebody else should lease the dam it might interfere with the original purpose to make at Muscle Shoals fertilizers for the farmers. So the House of Representatives, which has gone on record three times in favor of making fertilizers at Muscle Shoals, took this precautionary step to safeguard the interests of the farmer and to emphasize the necessity for making fertilizers for him.

Mr. McKELLAR. What I want to know is how that language safeguards the manufacture of fertilizers for the farmer. The amendment proposed by the House of Representatives reads:

The production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided.

I do not find any provision to that effect following the amendment. It would apparently look as if it were intended that whoever got the plant might manufacture certain chemicals there, and that the manufacture of those chemicals, which might or might not be used for fertilizer, would be a compliance with the lease provisions which are intended to be inserted.

Mr. HEFLIN. Oh, no, Mr. President. The gentlemen who put in this language have been for the farmer all the way through; they have tried to make sure the making of fertilizers at Muscle Shoals.

Mr. McKELLAR. I am wondering whether they are for the farmer, as the Senator from Alabama has been, or whether they are really for the farmer in this case. I am just wondering about that.

Mr. HEFLIN. I am right where I have been all the time. My friend from Tennessee can not say quite as much.

Mr. McKELLAR. I do not know. I think the Senator from Alabama is in a very different situation from what he previously was. My recollection is that he was declaiming mightily for the farmers; but the other day when I asked him what he would do if the Fertilizer Trust got hold of the plant and secured a lease, the Senator was strangely silent as to what his attitude would be. However, that is neither here nor there, Mr. President.

I wish to say in reference to this amendment that I am opposed to it. I am going to vote against it if I shall have the opportunity to vote against it, and I suppose I shall. However, I understand that those who were in charge of the resolution the other day when I was necessarily called away have no objection to the amendment. Therefore, I am not going to override their judgment in the matter.

I merely wish to repeat here that I think there is nothing in the amendment except possibly it makes it more involved. There may be a joker in it, but if there is I suppose it will be disclosed before the lease comes in. I wish to ask the Senator from Alabama, in this connection, when the lease shall come back, do I understand, and does the Senator understand, that the lease or leases are to be referred to the Committee on Agriculture and Forestry for appropriate action?

Mr. HEFLIN. I do not know, Mr. President. The lease or leases have got to be referred to the Senate and the House, and all the bids will be filed by the joint committee.

Mr. McKELLAR. I understand that; but what I want to know is, Are these bids to have the consideration of the appropriate committees in both the House and the Senate?

Mr. HEFLIN. I do not know.

Mr. McKELLAR. The Senator ought to know something about what is intended.

Mr. HEFLIN. The House and the Senate will determine that matter when the committee shall have rendered its report.

Mr. McKELLAR. I take it that it is beyond controversy that when the lease or leases shall be reported to the Senate they will be referred to the appropriate committee by the Senate.

Mr. HARRISON. Mr. President, may I ask the Senator from Tennessee why should the lease or leases go to a regular committee of the Senate? Here we are designating a joint committee of the two Houses to investigate the proposition and do the work of the regular committee of the Senate. That committee makes its recommendation, and then it will be for the Senate and House to consider the proposal. If we have got to wait for the joint committee to make its recommendations and then have them referred to the regular committee of the Senate and the regular committee of the House, we shall never get any action upon this proposition at all.

Mr. SWANSON. Mr. President, of course if the committee shall report any bill, as the resolution provides, the bill will come here under the rules of the Senate, subject to the will of the Senate.

Mr. McKELLAR. Will it not be referred to any committee?

Mr. SWANSON. It will not be necessary that it should be referred to a committee unless the Senate wishes to take that course. The Senate can proceed to consider measures that are reported here by a special joint committee.

Mr. McKELLAR. Mr. President, I take it that it is beyond controversy that any proposal which may be submitted should go to the appropriate committee. I am astonished to think that anyone would contend for a moment that a lease that is brought here under this resolution would be considered without being referred for consideration to the appropriate committee.

Mr. SWANSON. The proper time to make that contention or argument is when the bid comes here.

Mr. McKELLAR. I understand that, but I wanted to have some understanding about this matter beforehand, if it were possible to do so. I think we are voting for a cat in a bag, and I am opposed to voting for cats in bags. I should like to know what I am voting for.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him?

Mr. McKELLAR. Yes.

Mr. CARAWAY. If I were to say what I really think, the facts are probably I might be thought to be discourteous, but the action of the House in concurring accepts the amendments of the Senate absolutely as they are written. The action of the House does not change one single thing. For reasons that it is not worth while to go into, they wanted to concur with an amendment; that is all. I hope, therefore, that the Senate will concur in the suggested amendment of the House, because the resolution is exactly that which was adopted by the Senate by an overwhelming vote.

Mr. McKELLAR. Mr. President, may I ask the Senator from Arkansas if he is convinced that the particular amendment to which I have referred does not in any way alter the resolution as it was adopted by the Senate?

Mr. CARAWAY. It absolutely does not alter the resolution as it was adopted by the Senate.

Mr. REED of Missouri. Mr. President, I could not be present in the Senate at the time when the concurrent resolution was originally adopted by the Senate, and I have no desire to delay action upon it. I simply wish to put of record my position.

We were told when the Government was asked to take over Muscle Shoals and improve it that there was there a water power of incalculable value; that the construction of the works and the harnessing of the power would advantage directly a large section of the United States, and all of the United States would be indirectly benefited. If the statements of fact made at that time were accurate, then we are dealing with one of the very largest propositions of a domestic character that will come to our attention.

I am opposed on principle to Government ownership and operation of business concerns; but there is no rule that can be invariable in its application or, to state it differently, so invariable that it can be applied to every set of facts. My opinion is that we would never have had or would not for a great many years have had successful navigation on the Mississippi River if it had been left to private enterprise; that we would never have had successful improvement of our rivers and our great harbors if the work had been left to private enterprise, and likewise we would never have had the improvements which have taken place on the Great Lakes if the project had been left to private enterprise. While I understand perfectly that certain other principles intervene, still the difficulty of conducting private business can be said to exist with reference to such improvements and with reference to the particular business now being conducted on some of our great rivers.

While the illustrations I have given are not absolutely in point, I think they have a bearing upon the pending question. I think if we lease the works at Muscle Shoals the benefits which we were told will inure to the people of the United States will never come, except in a very modified way, and perhaps no special benefit whatever will accrue.

The Government has invested an enormous sum of money at Muscle Shoals. I think it ought to complete the works there; that it ought to employ the best engineering talent that can be obtained to manage them; and that the Government ought to conduct them until such time as private parties can come forward with a proposition which we know is sound.

Under this concurrent resolution, as I read it, leases can be entered into that have all of the defects that existed in the propositions which have been heretofore debated and substantially condemned. I am opposed to throwing away or frittering away this great investment of our Government, and I am also opposed to any proposition which demands that for 50 years this great investment shall be devoted to making fertilizer or nitrates or any other particular product, for the very simple reason that it may not be five years of time until some method of solution of the entire fertilizer problem will have been discovered; and, in my judgment, leases made for 50 years under these circumstances are unwise and improvident.

I simply desire to state my position. I believe this is a surrender of a large part of the value of this huge investment. I believe it to be unwise and unsound. I do not expect what I have said here to stop the passage of this measure for a moment. I simply want the RECORD to show my opposition to it.

Mr. HEFLIN. Mr. President, I move that the Senate concur in the House amendments.

Mr. HARRISON. Mr. President, there seems to be some question here as to what should be the procedure of the Senate when these proposals are returned. It seems to me that in considering and passing upon this concurrent resolution there should be no misgivings as to its terms.

The Senator from Tennessee [Mr. MCKELLAR] evidently has the impression that when this joint committee makes its report, on or before the 26th of April, with its recommendations and its appropriate bill, the bill then is to be referred to the Agricultural Committee, and that the Agricultural Committee then will take weeks, perhaps, to consider it, and then it will be brought back to the Senate for consideration.

Mr. MCKELLAR. Mr. President——

Mr. HARRISON. I do not interpret this concurrent resolution in any such way. I think the concurrent resolution is plain with respect to that matter. I think the two Houses of Congress in passing this resolution intend that a joint committee be appointed, clothed with the authority to make a full investigation of this subject, consider all the bids that may be proposed, come to a conclusion as to which is the best, and then to write their recommendation, with an appropriate bill for the consideration of both branches of the Congress. Certainly, if that is not the intention, we are doing an idle thing in the appointment of this joint committee. The appointment of the joint committee is intended to supersede and do the work of the appropriate standing committees of the two Houses. Any other construction means a veto of the action of the joint committee—a reconsideration by another committee of its action.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; in a moment.

Mr. HEFLIN. Mr. President, I hope this will not lead to any controversy. If it does, I shall have to withdraw this matter.

Mr. HARRISON. I do not care whether it leads to any controversy or not. This is a very important question, and there is no reason why we should have any doubt about its provisions now.

Mr. NORRIS. Mr. President, may I say, with the permission of the Senator, that I do not want the Senator from Alabama hereafter to say that those who were opposed to the original resolution, like myself, are taking the time of the Senate. I had no intention of saying a word. I do not care whether this motion is agreed to or whether it is not agreed to; and I am not finding fault with the Senator from Mississippi. I am not objecting to his debating it as long as he wants to; but I simply want to say to the Senator from Alabama that if this matter is debated along the lines that I think the Senator from Mississippi is taking, and that he has a perfect right to take if he wants to, I expect to participate in the debate, and I do not want it said hereafter that I am trying to kill time with it. I am ready to vote on the matter without any debate; but it can not be expected that one side of it shall be debated and the other side remain silent. I want to give notice of that now.

Mr. HEFLIN. I promised the Senator from Idaho [Mr. GOODING] that I would take only a moment or two; and the Senator from Ohio [Mr. FESS] had the floor, and he said that if the matter would not take more than a minute he would yield. That is the understanding with which we got it up, and I hope my friend from Mississippi will not take any time on the matter.

Mr. HARRISON. Mr. President, I do not care what the Senator from Ohio said about taking a minute. This is a question that deserves more than a minute's time for the consideration of the Senate; and it is much better for it to be withdrawn if we are going to restrict ourselves to a minute's discussion of a question that goes to the very vitals of the resolution. I am more interested in this question than I am in the long and short haul bill that is before the Senate, or the appropriation bill that is before the Senate, or any other pending question; and we had better understand what is in this concurrent resolution before it is passed, rather than wait and then fritter away weeks of time in a discussion of a parliamentary question, when the report of the joint committee is made.

Here is what the concurrent resolution says:

> Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution, for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI.

Clause 56 of Rule XI in the House gives certain committees a right to report at privileged times, that priority or preference, so to speak, may be given then in their status; and it seems to me that it was certainly the intention of the framers of this concurrent resolution that this joint committee was to be given full authority to consider these proposals, write its recommendations, draft a bill, report it to the House and Senate, and make it subject to consideration by the House and Senate, as if it had been reported by standing committees. If that is not the right construction, then we are only providing here for the naming of a joint committee to receive proposals, with no jurisdiction to report a bill that will be placed upon the calendar, so that the subject can be speedily dealt with and a conclusion expedited by the House and Senate. In other words, if that construction is incorrect, we have merely taken up weeks and months of the Senate's time considering a resolution that does nothing but delay the action of the Congress. The whole theory of the proponents of the resolution was to press for a consideration of the subject and a prompt solution of the question.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HARRISON. Of course I submit that that is a question, when it comes back here, for the Senate to pass on, that the Senate has full power to say that it shall go to a standing committee, but that will take a majority vote. A majority of the Senate can do most anything. But, sirs, when I voted for this resolution, I did it under the impression that this committee had authority to go out and study this question and make its recommendations, and that on the proposals submitted here the Senate would, after discussion, express itself. I had no idea that the proposition was to go back to another committee to be further debated and delayed.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. SWANSON. The question will come back on the bill reported under the rules of the Senate. The question will be debated then as to whether the rules of the Senate were modified by this concurrent resolution. If it is held that the rules of the Senate were modified, then the bill will be like a bill reported by a committee. If they were not modified, it will not be. That is a question to be determined when the bill comes up; but a motion can be made to refer it to any committee, which will be voted on; and it seems to me the proper time to discuss the interpretation of the rules as modified or not modified by this concurrent resolution is when the committee reports the bill.

Mr. HARRISON. Of course, a motion can be made to refer it to a committee, and the Senate by a majority vote can carry it there; but I am now basing my interpretation on what the intention of the proponents of this measure was, and I was under the impression all the time that it would not come back again to a committee.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. MCKELLAR. Can the Senator point to any rule of the Senate which provides that a bill reported by a joint committee of the two Houses shall be the same as a bill reported by a committee of the Senate?

Mr. HARRISON. No; except the general terms of this concurrent resolution and a fair interpretation of it.

Mr. MCKELLAR. That refers to the House, but does not refer to the Senate, leaving the Senate rules in full force and effect.

Mr. HARRISON. It shows that the intention of the framers was that in the House it should not have to go back to a committee, and that here it should not have to go back to a committee.

Mr. MCKELLAR. By a process of exclusion that would indicate that here it was to go to a committee.

Mr. HARRISON. But I do not care to take up the time of the Senate. I merely wanted to express my opinion of this proposition.

Before I close, let me say that I do not think the amendment that is placed by the House in this concurrent resolution changes the concurrent resolution substantially. I am in favor of incorporating this amendment in the measure and hope it will be concurred in. As we have reached this particular point in this discussion, I want to pay my tribute to the distinguished Senator from Alabama [Mr. HEFLIN].

Mr. President, he has borne the brunt of this fight. In the consideration of this question in the prior Congresses his distinguished colleague [Mr. UNDERWOOD] handled it splen-

didly. The great work he has done and the services rendered by him are reflected in the consideration of this resolution. The measure that bore his name should have become a law. But it did not. It was defeated. It was due, though, to no fault of the senior Senator from Alabama [Mr. UNDERWOOD]. In the discussion of this resolution the distinguished senior Senator from Alabama has been denied, because of illness, from taking part; but, sirs, the splendid qualities of his leadership has been fully supplied by his colleague, the distinguished junior Senator from Alabama [Mr. HEFLIN]. This measure could not have been handled better nor higher results obtained by any other. The junior Senator has displayed those high talents of leadership in defending and pressing this measure that insures success. For weeks he has met every attack and constantly pressed every opening. His adroitness, perseverance, knowledge, and eloquence are about to be rewarded in the final adoption of this House amendment.

The people of Alabama and of the South should be, and I am sure they are, proud of the junior Senator from Alabama. Some thoughtless allusions have been made in the heat of this debate to the effect that he was no friend of the farmers. Why, sirs, his long and honorable record, both in the House and in the Senate, refutes any such suggestion. For 15 years I have served with him either in one or the other branch of the Congress, and during that time I know that no other public servant has striven harder and with better results for the great agricultural interests of the country than he. His arm has grown strong and his voice more eloquent in their service.

I hope this is the beginning of a brighter day for the development of Muscle Shoals, and that from this action a proposal will be born that will give relief to agriculture and the highest and most useful service to the South and the whole country. It is to be hoped that such a proposal will come that we can unanimously accept it.

Mr. HEFLIN. Mr. President, I ask for a vote.

The VICE PRESIDENT. The question is on agreeing to the House amendment to Senate amendment numbered 1.

Mr. NORRIS. Mr. President, I take it that the matter is still debatable, notwithstanding the request of the Senator from Alabama, who has just been eulogized so warmly as to bring blushes to his face.

I desire to read, Mr. President, paragraph 56 of Rule XI of the House of Representatives:

56. The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills authorizing the improvement of rivers and harbors; the Committee on Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers; the Committee on the Territories, bills for the admission of new States; the Committee on Enrolled Bills, enrolled bills; the Committee on Invalid Pensions, general pension bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

It shall always be in order to call up for consideration a report from the Committee on Rules and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present, nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately it shall be referred to the calendar, and if not called up by the Member making the report within nine days thereafter, any Member designated by the committee may call it up for consideration.

That is paragraph 56 of Rule XI of the House of Representatives, the one referred to in this concurrent resolution. I would not say a word, and had not intended to say a word, if it had not been for the fact that the Senator from Mississippi [Mr. HARRISON] has given the Senate to understand that when this joint committee shall report back to the Senate, the bill they report will not have to go to a committee, but will come before the Senate under paragraph 56 of Rule XI, just read by me, which applies only to the House of Representatives—because in this resolution it is said that the bill or joint resolution in the House of Representatives shall be entitled to the privileges named in the rule which I have read.

The joint committee will have to report to the House and the Senate. It will report, undoubtedly, by a joint resolution or a bill, and the measure will be handled in the same way any other bill or joint resolution would be. It will come into this body and, of course, be subject to the rules of the Senate. As to what shall be done with it, whether it shall automatically, under the rules of the Senate, be referred to the appropriate committee or whether it shall be taken up without being considered by a committee, is something that will be determined then, and I regret that the question is raised now. But the Senator from Mississippi proceeds on the theory that when a bill or joint resolution shall be reported by this joint committee, it will not be referred to one of the standing committees of the Senate, and for fear that when the report comes in the statement of the Senator from Mississippi, undisputed and unanswered, will be taken as indicating the unanimous consent of the Senate, I have taken the floor now to call that proposition in question.

I admit that it will be within the power of the Senate to do whatever it pleases with the report of the committee, but under the rules of the Senate it should automatically be referred by the Presiding Officer to the appropriate committee. If the joint committee shall report a bill to the Senate, I do not believe anyone would contend for a moment that the bill should be taken up and passed, unless it were by unanimous consent, without being referred to a committee. It will receive the same treatment any other bill would receive. It will be the same as though the Senator from Mississippi, who is honoring me with his attention, introduced a bill on the same subject. It may be the bill he would introduce verbatim, word for word; but if he introduced it, it would have to be referred to a committee. It may be a bill entirely different in every respect from any bill on this subject that has ever been introduced, and the question as to what shall be done with it will be taken up when the bill is introduced. I simply wanted to call attention to the fact that it is not to be taken that the expression of the Senator from Mississippi as to what should be done with the bill when it comes back is acquiesced in as being in accordance with the rules of the Senate.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I merely wish to say that I indorse what the Senator from Nebraska has just said with reference to the course the bill reported by the joint committee will take, and I give notice, if any notice is necessary, that I do not admit that anything which takes place here to-day indicates my agreement with the theory of the Senator from Mississippi.

Mr. NORRIS. In closing, if I were able, I would add to the eulogy paid the junior Senator from Alabama [Mr. HEFLIN] by the Senator from Mississippi in the very eloquent speech he has just made.

I want to join the Senator from Mississippi, in the same spirit and in the same mood he has manifested, in paying my respects to the Senator from Alabama for the magnificent management and parliamentary legerdemain that he has shown in his control of the situation. He has shown a wonderful leadership. It did not commence with this session of Congress. At a prior session his colleague led the fight, and did not finally succeed, although there was quite a large percentage of the Senate, perhaps a majority, who favored the bill he was advocating.

The junior Senator from Alabama, now having the leadership in his hands, is bringing about a vastly different result. He has succeeded in getting the resolution through. He has succeeded because he is the leader not only on the other side but on this side. He has succeeded, Mr. President, because he was selected to be the general on this occasion by the general of all of us, the man in the White House. He has succeeded because the President of the United States, for whom he has been a personal representative not only on the floor of the Senate but in the committee, has been able, through him, to get his commands put into law by Senators on this side, as well as Senators on the other side.

Our leader, Mr. President, has had a vacation. He is not in the Senate. He has gone to Florida, because it is unnecessary for him to be here to handle this great Republican aggregation. The leadership has been placed in the hands of the Senator from Alabama. Unless we consider the case of his colleague in the prior Congress in managing this question, who was in a similar position, it is the first time in the history of the Senate when such a magnificent tribute has been paid to any man by the President of the United States, in selecting a leader to carry through the legislation he wants in favor of the Water Power Trust. It is a great honor that he should look into the bright, smiling countenances on the Republican side, and turn them all down in favor of the junior Senator from Alabama. [Laughter.]

The selection of the junior Senator from Alabama to lead this magnificent fight on to victory has enabled our great leader, the Senator from Kansas [Mr. CURTIS] to take a much-needed rest. We did not need him. He is recuperating, because I presume when the Senator from Alabama lays down the great burdens that are on his shoulders as a leader not only of the Democrats but of the Republicans, and as the mouthpiece of the administration, he will be weary and, this fight being over, will need a rest. By that time our great leader, the Senator from Kansas, will have returned, and he can take his old place again without any fear of being even humiliated by the change that has taken place.

Mr. FESS. He will be here to-day.

Mr. NORRIS. The Senator from Ohio says he will be here to-day, coming back just in time to take up the burdens as the Senator from Alabama lays them down. [Laughter.] So, Mr. President, there is a happy result in the wind-up of this affair. I did not know they were managing the thing by such close clockwork, but it seems they have been. We will not be without a leader, thank God. When the Senator from Alabama leaves to rest up from the burdens which have been on his shoulders we will again have the Senator from Kansas, with all the life and vigor that a recreation and a vacation of two or three weeks will give. He went away in the perfect assurance that nothing would be lost while he was gone. He knew that Senators on this side, faithful followers of his, would be glad and delighted, under the advice of President Coolidge, to follow even a greater man on to victory for the trusts and the monopolies, under the leadership of the Senator from Alabama.

Mr. GEORGE. Mr. President, I do not care to delay the vote, but since the question has arisen as to whether or not the report of this special committee will come back to the Senate for action without reference to a committee or whether it will be handled as all other matters of legislation are handled, by reference to a committee, and especially in view of the position taken by the Senator from Mississippi, I desire to make my position clear.

I shall insist, when that question arises in the Senate, that the report of the special committee go to the appropriate standing committee, and I wish to say that I shall base my contention then upon a fact which appears in the resolution itself.

When this concurrent resolution came over from the House and we were told it could not be amended at all, or changed in any respect, it provided for the appointment of a committee to negotiate a lease; but notwithstanding the advice given us repeatedly the Senate was inconsiderate enough to adopt an amendment, and the resolution now provides that the joint committee is authorized and directed to conduct negotiations for a lease *or leases*. Are we to assume that if the joint committee should receive a number of bids, or more than one, it would itself assume the authority and power to select the bid which had made the greatest appeal to it, the committee, and although we have especially instructed the committee to negotiate leases, we would be permitted to consider only the lease which the committee might elect to submit to the Senate for consideration? I take it that the amendment meant that whatever this joint committee did would be submitted to the Senate, and if it did negotiate more than one lease that the two or three or four leases would certainly go to the appropriate committee of the Senate for consideration by that committee.

There is another matter to which I desire to call attention. The Senator from Mississippi said that if this joint committee should report by or before the 26th day of April, 1926, we would then be in position to proceed at once with the consideration of its report. I hope there will be no indecent haste upon the part of this joint committee. I hope it will hold the bidding open until April 26, because I think that was the intent of the Senate in adopting that amendment. I hope the committee will not close the bidding immediately upon the receipt of one bid, or of even two bids, but that it will carry out the spirit and intent and purpose of that amendment which the Senate put into this resolution and hold the bidding open until the 26th of April, or at least until that date is in sight.

My position on the matter I have already made clear. I do not need to repeat what I have said, but I want to add to what the distinguished Senator from Nebraska [Mr. NORRIS] has said about the leadership under which the resolution was carried through. I desire to call attention to the fact that it was carried through largely by the votes of our friends on the other side of the aisle. I wish to emphasize the one thought that the great controlling purpose is to provide cheaper nitrates for the American farmer, and yet I can not refrain from directing attention to the fact that the only competitor of nitrate, which we now import from Chile, is ammonium sulphate, that that is the real competitive ammoniate used in the manufacture of commercial fertilizer, and that the vast majority of those who supported and followed the leadership of the distinguished Senator from Alabama had heretofore placed a duty of $5 per ton upon ammonium sulphate. Notwithstanding that fact, Chilean nitrate is coming into the country over the $5 per ton bar.

I beg leave to suggest even to the President and to his faithful adherents who have followed the leadership of the Senator from Alabama for the one purpose of providing cheaper nitrates for the American farmers that if they will take off the duty of $5 per ton upon the chief ammoniate, and the only competitor of Chilean nitrate, the President and his followers who have thus aided the distinguished Senator from Alabama, my personal friend, will do more to cheapen nitrates than will be accomplished by the pending concurrent resolution or any bid that will be submitted to the committee and finally ratified by the Congress. I just throw out that suggestion. I am sure the President did not think of it when he was mobilizing the forces here for an assault upon the high prices paid by the American farmers for Chilean nitrate, or nitrate of soda, as we call it.

Mr. President, I shall hope, when the bids are received by the joint committee, that the appropriate committee of the Senate will have the right to inspect the several leases before the Senate is called upon to ratify merely one particular lease that may be selected out of the number by the joint committee.

Mr. RANSDELL. Mr. President, I shall detain the Senate just a moment. I wish to say that I was unavoidably absent when the concurrent resolution was acted on, or I should have been glad to participate in the debate. I have listened with interest to what was said by the Senator from Georgia [Mr. GEORGE], and I wish to add that, in my judgment, we can do a great deal to get cheap nitrates and other fertilizers for the farmers of the country by utilizing the big plant at Muscle Shoals as a great chemical laboratory and learning how to make cheap fertilizer, emulating, if you please, the splendid example which has been set and obtaining the remarkable results which have been secured by the great chemists of Germany.

If I am correctly informed, when the World War broke out, Germany was importing over 700,000 tons of Chilean nitrates per annum. The war completely shut out the importation of nitrate into Germany, and yet she did not suffer, because her chemists ascertained how it could be manufactured at home. They are now manufacturing it very largely, and that, too, without the aid of hydroelectric power. Their power is obtained from low-grade coal. They make a very great quantity of nitrate, importing only a small portion of their needs from Chile. Why can not we do likewise? Why can not our chemists learn how as those of Germany have learned?

There is pending in the Senate a bill which I had the honor to introduce in reference to Muscle Shoals, which would create a great laboratory at the nitrate plant there. It would instruct the Department of Agriculture to investigate to the fullest degree what may be accomplished not only with nitrates but with phosphoric acid, with potash, and with everything else in the chemical line that might be aided by the great plant at that point.

It would not put our Government into the business of manufacturing fertilizer in competition with the 300 fertilizer establishments of the land, who are engaged in the legitimate business of making and placing on the market over $200,000,000 worth of fertilizers every year. These private fertilizer plants produce over 7,000,000 tons of fertilizer annually. My bill would not turn the colossal nitrate works at Muscle Shoals into a competitive Government machine against those manufacturers, but it would say to the scientists of America, "Go into the business of experimenting with atmospheric nitrogen and other fertilizer commodities and find out how to make them cheaper and better." It would not only instruct the Department of Agriculture to do that, but it would say to the scientists of this and of every other land, "Here we have a great chemical plant at

Muscle Shoals. Come in, gentlemen, and use it. It will not cost you a cent. We give you all of these facilities. We furnish free power. Find out all about nitrates and phosphates and potashes. What we desire is the know how, and we will assist you to find it."

It is well known that in this country there is plenty of insoluble potash. The trouble is to get it into soluble form so that plant life can make use of it. Many experiments were conducted during the war to get soluble potash out of our insoluble materials, but it was found to be more expensive than it was to bring it in from Germany. We have not scratched the surface of the great science of chemistry as yet. Why not use that plant and find out a great many things that may be done by chemistry.

I shall not attempt to go into the matter now, but wish to state that had I been here I would have opposed with all my might the passage of House Concurrent Resolution No. 4, because I think that the plant should be used as a laboratory first and foremost, and then the surplus power should be distributed generally by the Federal Water Power Commission in all the surrounding States. Perhaps that can be done under the amendments presented by the Senator from Arkansas [Mr. CARAWAY] embodied in the measure now before us.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I yield.

Mr. REED of Missouri. Does the Senator think that for the purposes of chemical experimentation the German scientists employed a plant like the one we propose to construct, or did they work the problem out in their small laboratories?

Mr. RANSDELL. I can not answer the question of the Senator from Missouri fully, but——

Mr. REED of Missouri. Does the Senator think we need——

Mr. RANSDELL. Please allow me to answer the question, since it has been asked. I can not state just how they did it, but they did it, and we have not done it. As this plant now exists, we should do our utmost to encourage chemical investigation there, retaining it for its initial purpose, which was the manufacture of munitions in time of war, instead of leasing it.

Mr. REED of Missouri. Does not the Senator think that a $160,000,000 power plant is rather a large adjunct to a chemist's laboratory?

Mr. RANSDELL. The Senator's premise is incorrect. He evidently does not know the facts. There is only one comparatively small portion of the $160,000,000 plant which is in the laboratory. A good deal of it is in the dam, the locks, and the big steam plant, which is more or less connected with the chemical plant. The greater portion of the plant, I will say to the Senator from Missouri, will be used to generate electric power. I do not think the chemical end of it will require very much of the plant.

Mr. REED of Missouri. Then we do not need to go there to conduct our experiments in chemistry.

Mr. RANSDELL. I believe it would be better to use it for experiments as long as we have it and to keep the plant in good condition in order to make munitions in time of war. We could use it far better for that purpose than any other.

Mr. SIMMONS. Mr. President, I think no one in the Senate opposed with more determination than I the passage of the bill presented to the Senate by the senior Senator from Alabama [Mr. UNDERWOOD] during the last Congress. I was intense in my opposition to it. I opposed the passage of the bill upon the opinion which I entertained that its passage would be adverse to one of the greatest interests of the country, that of agriculture. I did not see, when the present concurrent resolution came before the Senate, very much difference between the bill of the senior Senator from Alabama and the resolution which was in charge of the junior Senator from Alabama [Mr. HEFLIN], so far as the effect upon the interests of agriculture was concerned. There is nothing to-day that equals the importance to the farmer of cheap fertilizer. A great many suggestions have been made for the relief of distressed agriculture, but none of the measures, in my estimation, promises so much to the farmers as would a measure which would guarantee to him a substantial cheapening in plant food, upon which he has become almost absolutely dependent, if he is to continue to pursue his occupation with a reasonable guaranty of profit.

I did not oppose either one of these two propositions for any such reason as that I favor Government control. There is no man in this body who is more opposed to Government control in private industry than am I. I do not like to see the Government engaged in the shipping business, but one of the great needs of the United States to-day is a merchant marine. As a result of the World War the Government acquired large control over the shipping business. I am very anxious to see the Government get rid of that control; I am very anxious to see an American merchant marine operated by private capital and industry; but, Mr. President, I do not wish, in getting rid of our present control over the commerce of the seas, to do it in a way that will result, in my opinion, in the disappearance again of the American flag from the ocean. For that reason I have opposed any measure which contemplated the disposal of our Government-owned ships that did not provide adequately against a return to former intolerable conditions.

For the same reason I have felt that, because of peculiar circumstances, the Government has come into possession of this great property at Muscle Shoals, a property if wisely used capable of furnishing not only what the Government may need for the purpose of national defense but what the farmer may need for purposes of fertilizer. The Government having put itself in the position where it could protect itself in case of war, where it could protect its agriculture against excessive prices of an essential ingredient used by the farmer in the production of his crops, I felt that it ought not to part with that property unless it was guaranteed beyond peradventure that the Government's needs and the farmers' needs in this respect would be adequately met by whomsoever should come into possession of that great property.

Mr. President, I desired to say this much, because I did not wish to be put in the position of having taken my attitude with reference to this measure and with reference to our shipping on account of any favorable feeling toward Government ownership in any line of private industry in the United States.

However, while I am on my feet I wish to say one word with reference to the junior Senator from Alabama [Mr. HEFLIN]. I have been associated with him in this body for a long time; I was intimately acquainted with him and had knowledge of his activities in the other branch of Congress for many years. I know the sentiments of his heart; I know the motives that control his actions, and I speak with some degree of knowledge and with absolute confidence when I say that there is no man in public life to-day whose heart is more thoroughly in harmony with the interests of the great agricultural and consuming masses of this country than is the heart of the junior Senator from Alabama.

While I have the views which I have expressed with reference to this measure, I know that the Senator from Alabama, had he shared those views, had he looked at the matter from the standpoint from which I have looked at it, had he believed that what he was doing was in the slightest particular antagonstic to the interests of those whose interests he had so deeply at heart, never would have taken the position that he has taken with reference to this question. I know that he is sincere; I know that he believes that what he has done with respect to this resolution is not antagonistic to agriculture and is not antagonistic to the interests of the consuming masses of the United States. I quite disagree with him in that view, but I know that his action is prompted by an earnest belief that he is serving the interests of the farmer as well as the welfare of his country. In his entire service here the Senator from Alabama [Mr. HEFLIN] has been brave, loyal, and able and has always been absolutely fearless and faithful in his devotion to the farmers and the great body of the American people, according to his conception of their best and highest interests.

Mr. President, I think the resolution as it was adopted by the Senate was very bad legislation; I do not think it is yet a good piece of legislation; but I do believe that the slight amendments that the House of Representatives has put into the resolution improve it immensely. The resolution as it left the Senate did not guarantee to the farmers of the country that they would get cheap fertilizer; it did not guarantee to them that they would get fertilizer at all. The resolution as agreed to by the Senate left it with the lessees to say whether or not they would make fertilizer. It left with them to make it in any way and at a cost which would have been prohibitive and would have made their product utterly useless to the farmer. One of the amendments which have been incorporated in the resolution by the House of Representatives in a measure remedies that situation. It provides that the bill which may be finally prepared and presented to the Senate shall not follow a particular formula prescribed in the resolution, but that, while it must in general terms follow that formula, the bill, if it is to receive the sanction of the Senate and the House of Representatives, must be drafted with this idea—and these are powerful words; they carry immense import; they mean much in the improvement of the resolution—

but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients mixed or unmixed primarily as hereinafter provided.

Mr. COUZENS. Mr. President, will the Senator from North Carolina yield to me?

Mr. SIMMONS. I yield to the Senator.

Mr. COUZENS. Does the Senator not understand that the provision he has just read might include the manufacture of some chemical that it was possible to use in fertilizer and yet which might be sold on the market not as fertilizer?

Mr. SIMMONS. I do not deny that the committee might evade and might even resort to a device similar to that suggested by the Senator from Michigan, but I do not assume that they will do so. If they should do so, then the Senate and the House of Representatives would be relieved from any kind of moral obligation to accept the recommendations of the committee or the bill which they might present.

Mr. COUZENS. Mr. President, will the Senator from North Carolina yield further to me?

Mr. SIMMONS. Yes.

Mr. COUZENS. I can understand that this very language might be written into the bid that was accepted by the committee and be incorporated in a bill to be recommended to both Houses, and yet the lessee would be permitted to manufacture any chemical that might be used in fertilizers but in turn be sold commercially on the market not mixed with fertilizer.

Mr. SIMMONS. Mr. President, the language may mean in the mind of the Senator what it does not mean to the average mind and what it does not mean to the legislative mind. To the legislative mind it is a direction to the committee to report a bill which does safeguard the production of nitrates. If the committee should report the identical language, it would not be carrying out the instruction; the instruction is not to report the language but the instruction is to provide in a bill which may be presented ample and sufficient means to carry out the instruction contained in that language. The instruction is to do a particular thing, and that instruction would not be carried out by simply incorporating in any bill which might be presented the language of the amendment adopted by the House.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. SIMMONS. Yes.

Mr. COUZENS. The instruction is very indefinite in its provisions; it does not instruct the committee at all that this plant must manufacture chemicals for the exclusive use of fertilizers. It may permit the manufacture of chemicals for use for any other purpose so long as they may be adaptable for fertilizer. The language is not clear at all.

Mr. SIMMONS. The language is not as clear as I should like to have it, but the intent of the language is perfectly clear. The language is that the committee shall recommend "no lease or leases which do not guarantee and safeguard the production of nitrates." It does not stop there, although that is sufficient, I think, for the purposes of this argument——

Mr. COUZENS. Oh, no; I do not think it is.

Mr. SIMMONS. But it goes on to say—

nitrates and other fertilizer ingredients, mixed or unmixed primarily as hereinafter provided.

It refers specifically to the production of "nitrates and other ingredients of fertilizers." The clear import of that, Mr. President, is that the committee shall negotiate no lease which does not provide amply for the production of fertilizers, and which does not so provide without offering opportunity for evasion in the accomplishment of the specific purpose. It will be for the two Houses to determine when the committee reports to them whether it has brought us a bill which carries out the evident and clear purpose and intent of that amendment.

I am not entirely satisfied with the amendment, but I say it does materially improve the resolution. I am not sufficiently satisfied with it to swallow the resolution, Mr. President; but I do feel some gratification that, if the resolution shall be adopted and the committee shall bring us a proposal here that does not satisfactorily provide for what was the intent of Congress when it concurred in this House amendment, we may, without feeling trammeled by any moral obligation whatsoever, summarily reject the proposal.

I greatly feared, under the resolution as it came before the Senate and as it left the Senate, that if the committee presented a proposition to the Senate which technically followed the lines and the general principles laid down in the resolution, the Congress itself would feel morally bound to accept it, but with this language in it, Mr. President, it is perfectly clear to my mind that if the joint committee shall present a proposition which in effect, in the opinion and the judgment of the two Houses of Congress, does not carry out the legislative intent expressed in the amendment, then we may open the whole question and reject without embarrassment the proposal which may be presented.

Mr. President, I did not expect to take as much time as I have taken about this matter, and would not have done so if the Senator had not interrupted me. I rose simply for two purposes, Mr. President: First, to repudiate the idea that I, in opposing this concurrent resolution and the former bill looking to the same end, mean to be put in the position of favoring Government ownership; secondly, to add my tribute to the integrity, to the patriotism, to the ability, and to the fidelity and loyalty of the junior Senator from Alabama [Mr. HEFLIN] to the farmers of the United States.

The VICE PRESIDENT. The question is on agreeing to the House amendment to Senate amendment numbered 1.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the House amendment to Senate amendment numbered 4.

The amendment was agreed to.

The VICE PRESIDENT. The Chair, having had ample time for reflection during the progress of the debate, sees no occasion for delaying the announcement of the appointment of the committee. He appoints on this committee on the part of the Senate the Senator from Nebraska [Mr. NORRIS], the Senator from Alabama [Mr. HEFLIN], and the Senator from Kentucky [Mr. SACKETT].

Mr. NORRIS. Mr. President, I am sure I appreciate the honor which the Chair has conferred upon me in appointing me on this committee, and I desire to return to him my thanks for doing so. He has followed what is the custom, I think; but, Mr. President, everybody knows my position on Muscle Shoals, and knows that I am opposed to leasing this great power to anybody, and that no bid could be made by any private corporation that would meet with my approval. There has been no secret about that.

The Senate has decided to open the matter for lease. So has the House; and while under the precedents of the Senate the Chair ordinarily would appoint me a member of the committee because I happen to be chairman of the Committee on Agriculture and Forestry, at the same time I want to be as fair to my enemies on this matter as I am to my friends.

If this property is to be leased—and the Senate has decided that it will at least try to lease it—the Senate is entitled to have a committee that is favorable to the action it has taken. I am not favorable to it. I could not, without a violation of my conscientious convictions, act favorably upon any bids that might be made. I feel that it is my duty to be fair with those who do not agree with me on this subject, and who at this particular time appear to have won this fight, and I feel that it would not be fair to them for me to undertake to act in a capacity where I would be called upon to do something with which I have no sympathy, and to try to negotiate a lease when I know in advance that no lease can be negotiated that will receive my approval.

I realize also, Mr. President, that the committee appointed has no sympathy with my views, and I am not contending that it should have. I am willing, so far as I am concerned, since this concurrent resolution has passed and became a law as far as the two Houses can make it such, that they should—and I think in all honesty and honor they ought to—have a committee favorable to that action.

Under those circumstances, Mr. President, I do not believe that I can honorably accept a place on this committee. I say this without any feeling whatever against those who are to go on the committee. I do not feel in the least angered or piqued or anything of that kind. I do not want anybody to get that idea. I think I ought to remain off the committee simply because the action of the Senate is adverse to my belief, and I can not support the action of the Senate either in the committee or anywhere else, and when this matter comes back I shall probably oppose any lease or any bill that is drawn with the idea of making a lease.

To my mind, Mr. President, leasing this property after the taxpayers of America have put more than $160,000,000 in it, on the basis of a law which provided originally that the Government should operate it, is no more nor less than a governmental crime; and I say that with perfect respect to those who disagree with me. To my mind we have no honest or honorable right to deal with this property in any other way than as a governmental proposition until we change the law in the manner provided by law. Before we took one dollar of the taxpayers' money at Muscle Shoals we solemnly provided that the works developed there through the taxes of the people should be operated solely by the Government and should not be leased or sold to any private corporation or individual. That law has remained on the statute books ever since 1916; and starting with an appropriation of $20,000,000 we have continued, with

that law on the statute books, to appropriate the taxpayers' money until now we have used of their hard-earned money more than $160,000,000.

I consider that we have been trustees of the people in this matter. It is not fundamentally a question of governmental ownership. We have gone on and we still own all the property paid for from the Public Treasury. It is our property now. If we did not want to do it under these conditions and do it in this way, we ought to have been square enough and fair enough in the original appropriation to provide that when it was completed it should be leased or given away to a power trust or an electric company. We did not do that. We have been holding the purse strings of the Government ever since, reaching into the pocket of Uncle Sam and taking out his hard-earned dollars and building up this property on the theory that when it was built it should be retained by the people of the United States. Now we have passed a concurrent resolution which in my humble judgment violates the trust that we have held from the very beginning; and if it is the last thing I ever do, Mr. President, I will never lend my hand or my voice or my vote to what I believe to be a violation of the sacred trust that in part is in me, not only for the taxpayers who live now, but for unborn generations that shall follow.

Therefore, Mr. President, under all the circumstances I feel that I can not, in duty either to myself or to those who are in favor of this concurrent resolution, accept a place on this joint committee. I therefore most respectfully decline the appointment.

The VICE PRESIDENT. The Chair appreciates the high-mindedness of the Senator from Nebraska, and regrets that he feels he can not serve. The Chair appoints in his place the Senator from Illinois [Mr. DENEEN].

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. WILLIS. Mr. President, I know that a number of Senators are desirous of hearing my colleague [Mr. FESS] on the long and short haul bill. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Robinson, Ind.
Bingham	Fletcher	Lenroot	Sackett
Blease	Frazier	McKellar	Sheppard
Bratton	George	McLean	Shipstead
Brookhart	Goff	McNary	Shortridge
Broussard	Gooding	Means	Simmons
Bruce	Harreld	Norris	Smoot
Butler	Harris	Nye	Stephens
Cameron	Harrison	Oddie	Swanson
Capper	Heflin	Overman	Tyson
Caraway	Howell	Phipps	Walsh
Copeland	Johnson	Pine	Warren
Dale	Jones, N. Mex.	Pittman	Watson
Deneen	Jones, Wash.	Ransdell	Wheeler
Edge	Kendrick	Reed, Mo.	Williams
Ferris	King	Robinson, Ark.	Willis

The PRESIDING OFFICER (Mr. BLEASE in the chair). Sixty-four Senators having answered to their names, there is a quorum present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On March 11, 1926:

S. 2041. An act to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

On March 12, 1926:

S. 1129. An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.

THIRD WORLD'S POULTRY CONGRESS (S. DOC. NO. 82)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending legislation by Congress authorizing an appropriation of $20,000, or so much thereof as may be necessary, to enable the participating and installation of a suitable national exhibit at the Third World's Poultry Congress to be held at Ottawa, Canada, in July, 1927, in accordance with a request of the Secretary of Agriculture, a copy of whose letter is attached to the report of the Secretary of State.

I share in the view of the Secretary of Agriculture and the Secretary of State that participation by the United States in this World's Poultry Congress would be in the public interest, and I recommend that the appropriation be authorized and granted.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 13, 1926.*

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. FESS. Mr. President, when the Senate adjourned yesterday there was some controversy over the phrase "reasonably compensatory," a phrase used in the proviso of the fourth section of the transportation act. I asked the Senator from Iowa [Mr. CUMMINS], one of the coauthors of the bill, whether he considered "reasonably compensatory" identical with "fully compensatory." His reply was that he did. I can not accept that viewpoint, and while I do not doubt that the Senator himself had that in mind when the bill was here under discussion, for anything the Senator would say, of course, would be conclusive with me that he meant what he said, the commission has not taken that view of it, and I can not see how anyone can take that view of it, because if there is to be no difference between "fully compensatory," and "reasonably compensatory," then the proviso in the fourth section is entirely useless, because the fourth section provides that there shall not be a lower rate for a long haul than for a short haul. That is the general statement. Added to it is the proviso that in special cases, after an investigation, there may be allowed a lower rate for a long haul than for a short haul, and it makes the limitation that the rate thus made must be reasonably compensatory. If "reasonably compensatory" means "fully compensatory," the proviso is without any meaning whatever.

I have made a little investigation, going into the rulings of the Interstate Commerce Commission on this matter. In the transportation act of 1920 Congress gave the Interstate Commerce Commission a rule of guidance with respect to long-haul rates which was definitely and statedly designed to confirm and perpetuate the granting of relief from rigid application of the fourth section. Nothing could be clearer than this. If Congress had intended to make the section absolutely rigid, it would have stricken out the proviso altogether.

The Senator from Iowa, joint author of the transportation act of 1920, in explaining the amendment to section 4, said that if he had had his way the bill would have prohibited departures altogether, but that he did not have his way because the committee did not agree with him. Hence, he said, and I quote his language on this floor—

> We have not adopted the positive, rigid, long-haul provision. We still permit * * * some discretion on the part of the Interstate Commerce Commission.

When this legislation, with this amendment to section 4, reached the commission, what construction was that body to place upon it? The new section contained a proviso authorizing departures from the rigid long-and-short-haul clause in their discretion. It prescribed that the lower rate for the longer haul must be compensatory. Did that mean fully compensatory? Not at all; for the phrase in the statute reads "reasonably compensatory."

Taken together with the preservation of some discretion left with the commission to grant relief, what other construction could the commission place upon the phrase than authority to grant relief where the lower rate would be compensatory, but somewhat less than fully compensatory?

If this is not the discretion which Congress voted to continue in the commission, what was it? Under what conceivable circumstances would a railroad apply for the sanction of the commission to charge more for a shorter haul than for a longer haul if each individual rate had to be fully compensatory? There never could be any departures, and applications for them would be useless.

It is true that during the debate on the floor the Senator from Iowa undertook to define the words "fairly compensatory" as the phrase originally stood and he gave notice to all concerned that what was meant by those words was a rate which would earn a return on the investment. It is the duty and the practice of the Interstate Commerce Commission and of the courts, where statutory language is doubtful, to take under consideration, among other things, statements made by members of the legislative body, but here we have a phrase which for many

years has had a definite restricted and technical meaning in the regulation of rates.

The word "compensatory" has always been used interchangeably with the word "remunerative" and has always signified out of pocket costs, plus something more, but less than fully compensatory. In the same debate to which reference has been made, Senator Poindexter declared that he did not know what construction the commission or the courts would give to the words "reasonably compensatory." As an experienced lawyer he knew that the commission would be constrained to consider all the circumstances and conditions involved in the question and the commission really has no choice but to assume that it was expected to use its discretion in granting authority for departures and in doing this to be guided by the phrase "reasonably compensatory" and by its practical knowledge of the traffic conditions which have made it desirable to enact a proviso qualifying the otherwise absolute rigidity of the section.

Mr. President, I take it that "fully compensatory" is the limit above which we can not go, a limitation placed there by the carrier in the interest of the shipper, while "reasonably compensatory" is the limit below which we can not go in the interest of transportation generally.

In order that the lower rate may be in accordance with the expressed policy of the Nation to maintain both rail and water transportation, it must not be low enough to threaten the competitor, if it is a water competitor. It ought to be low enough to meet the competition, and it must not be so low as to put the burden on some other traffic or to jeopardize the provisions of the transportation act, which makes possible an adequate income upon the investment in the business.

Therefore there is a very deep concern that in the lowering of the rate it must be reasonably compensatory; it must not be confiscatory. Therefore a rate that is reasonably compensatory is one which brings in more than the mere out-of-pocket cost. It must not simply satisfy the cost of the traffic; it must provide some profit. Otherwise it is not compensatory at all. It might be compensatory in a sense, it is true, but not in the sense that it would be a profit. Therefore a rate that is fully compensatory is the maximum upward, one that is reasonably compensatory is the minimum downward, and the stretch between them represents the discretion the commission has. That is why the provision of the law is not rigid. That is why section 4 is flexible, and I can not understand how anyone would insist that "reasonably compensatory" is the same as "fully compensatory."

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FESS. I yield.

Mr. LENROOT. May I suggest to the Senator another view, that if the law requires the rate on a long haul to be fully compensatory, and at the same time permits a higher rate than that at the intermediate point, the law would authorize an unreasonably high rate at the intermediate point, beyond the power of Congress to authorize it.

Mr. FESS. I thank the Senator for that statement, which is true.

Mr. PITTMAN. Mr. President——

Mr. FESS. I yield to the Senator from Nevada.

Mr. PITTMAN. As the Senator from Iowa [Mr. CUMMINS] stated yesterday, a rate is either compensatory or confiscatory. He said that a rate that was simply based on what is called out-of-pocket cost, an expression which has grown up in the decisions of the Interstate Commerce Commission, which did not take care of its fair and reasonable share of the expenses of the service, was confiscatory. The Senator from Iowa, it will be remembered, said that the rate should be such as, taking into consideration all costs, overhead, depletion, repairs, and operation, would pay something more than cost. That is not the way the term "out-of-pocket cost" is used by the Interstate Commerce Commission. They hold that if a car is moving empty, if something is put into it, the cost to the company is reduced, and they could make something on the actual haulage by having the car there, but that the total gross receipts from it, compared with the total tonnage of the road, would result, if all freight had been transferred to the same basis, in a loss to the road, that it would be confiscatory, and he held that any court on earth would hold it to be confiscatory if any such rate were fixed along the whole line.

In other words, if the Interstate Commerce Commission had forced the 80-cent rate asked for in the application, not only at the terminal or competitive point but all along the line, it would have been a confiscatory rate, because, as Mr. Esch testified the other day, it would have caused a net loss of revenue of $67,000,000; and Mr. Shoup, of the Southern Pacific, wrote in his celebrated article to extend the rate that they ask at the terminal point to the intermediate points along the line would bankrupt his railroad. The question is, Can the Senator conceive of a rate for a longer distance which, if applied to the shorter distance, would benefit the railroad as a compensatory rate of any kind or character, or can he conceive that if the Interstate Commerce Commission forced that rate on a railroad the Supreme Court would not say it is a confiscatory rate and would bankrupt the railroad? It will be found that the commissioners themselves have discussed the matter, of course. We have Commissioner Hall's testimony here. Will the Senator let me read just a sentence from it?

Mr. FESS. I yield to the Senator, of course.

Mr. PITTMAN. I do not want to intrude upon the Senator, but I think this covers the whole point. Here is what he said:

> We have here a phrase that "a rate which may be more or less water compelled." Is that reasonably compensatory or not? How is that to be interpreted? The common-sense interpretation would seem to be—I am speaking simply for myself now—one that was reasonably compensatory under the circumstances, and one of those circumstances would be that the carrier could not get any more.

When he testified there he was testifying before the United States Senate committee during the last session of Congress on Senate bill 2327, the Gooding bill. That committee had invited a representative of the commission to come and testify before it, and they sent Commissioner Hall, who was the chairman of the commission.

Mr. FESS. Mr. President, I was attempting to differentiate between fully compensatory and reasonably compensatory, the two ideas being different, but in the mind of the Senator from Iowa [Mr. CUMMINS] being the same. As to what is to be included in the element of cost to determine whether it is reasonably compensatory or not, may be a question of dispute. Not everybody agrees on that question with the Senator who has just spoken. In fact, the Interstate Commerce Commission does not agree with the Senator. To illustrate: The railroad has a cost bill that requires the maintenance of the road. That cost bill will be paid whether the road is making money or not. The railroad has a cost bill in the shape of interest paid on its bonds. That cost item will be paid whether the road is making money or losing money. The railroad has an item of cost in taxes. That item is going to be paid whether transportation is successful or unsuccessful from a financial standpoint. The railroads must maintain their offices and headquarters all along the line. They might reduce the overhead along those lines in keeping with the loss of revenue, but there is a portion that must be paid whether the rail business is profitable or otherwise.

Two-thirds of the bulk of the expense of carrying on transportation is composed of fixed charges that will be paid whether the roads are running at a profit or at a loss. The amount of traffic would very little affect that two-thirds. The additional amount of one-third, made up of the quantity of business, is where the profit comes in. That is precisely the point in dispute. Therefore I hold, if a road is hauling empty cars from the East to the West in order to bring back the products of the West to the East, that if in the empty cars going there could be placed something that would more than pay the cost of hauling the empty cars, the profit thereon would help in a degree to pay the interest on the bonds, and it might be sufficient to help to pay the taxes, it might be sufficient to help to pay the maintenance, it might be sufficient to assist in relieving the fixed charges, though it might not assist very much in the real cost of operation that might be called the haulage, and yet in that degree it is a profit to the road; otherwise it is a loss.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. GOODING. I do not know whether the Senator was in the Chamber yesterday or not when I placed in the RECORD a table showing the empty-car movement in the United States and that the empty-car movement on the transcontinental railroads was less than in any other part of the country. Then, in answer to the Senator's question which he propounded about hauling freight for something less than the full cost, what we are complaining about is that the loss in order to get that freight shall not be made up at the expense of the interior.

Mr. FESS. That loss is not made up at the expense of the interior.

Mr. GOODING. Oh, yes, it is.

Mr. FESS. It is not made up on the interior. The interior pays the normal rate whether the coast pays normal or less than normal, which is not at the expense of the interior.

Mr. GOODING. Why, of course it is.

Mr. FESS. That is the difficulty with the Senator from Idaho. The one change of cost to the interior if the traffic to

the coast is lost to the lines is they will have to meet an additional cost in increased rates.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FESS. I yield.

Mr. SMOOT. If that statement were true, then if the same rate applied to intermediate territory as to coast territory the railroad companies would make more than the law would justify them in making. Their profits would be unreasonable and could not be sustained under any law we have enacted here. If we had a rate for one-third of the distance and the same rate applied clear through that applied to the short haul, the profits of the railroad companies would be out of all reason. No court would justify it. If the people in the East, on the coast, were treated the same as the intermountain States are treated there would be an uprising, and it would not be a month before the whole situation would be changed. We are perfectly willing to pay the cost of the short haul with a reasonable profit, and even more than a reasonable profit, but we do not want to stand forever paying two and three times the amount that others are paying who are carrying on business in competition with us.

I want to say to the Senator from Ohio that if we are to be forever penalized, if we are to be the hewers of wood and the carriers of water all our lives, we ought to know it. We have been in that condition ever since I have been in public life. As a citizen of one of the intermountain States, with all the penalties placed upon us, with three-quarters of our lands withdrawn from State control, with our States unable to get a single penny of taxation from those lands and yet trying to maintain our State government upon taxes from 25 per cent of the lands in the State, and then to be penalized on everything that we ship in and everything that we ship out, I want to say that it seems to me the time has about come when the conscience of the American people will be stirred to such a point that there will have to be some relief granted. That is all we are trying to obtain through this legislation.

Mr. FESS. Mr. President, the Senator from Utah reminds me of a comment made upon Mr. Gladstone in which it was said that he throws as much force in a nonimportant issue as in the most important issue and unfortunately becomes as enthusiastic on a matter that is without foundation as on one that is with foundation. I am reminded now of what the Senator said the other day, that shocked me, in a colloquy between himself and the Senator from Pennsylvania [Mr. REED]. He made the statement that he could ship from his section of the country to San Francisco and then back through his own State to the East cheaper than he could ship from his own State directly to the East. I have made an investigation——

Mr. SMOOT. Oh, no, Mr. President, I made no such statement as that.

Mr. FESS. We have the RECORD.

Mr. SMOOT. Let the Senator take the RECORD and find it. What I said was that there was a time during which we could ship from New York or the East to San Francisco and back to Salt Lake City at the same rate that we could ship from the East direct to Salt Lake City. That is what I said.

Mr. FESS. The truth about the matter is that the rates from Chicago west are higher than the rates from Utah east, as the blanket regulations will show.

Mr. SMOOT. Certainly; that is the whole principle. Over the same road, hauling the same article, if a shipment goes west we have to pay more than if it were shipped to the West from the East. That is what we are complaining of.

Mr. FESS. And yet the Senator would have us believe that they are doing thus and so under the long-and-short-haul clause of the interstate commerce act when there has been no relief in his particular section by the giving of this preferential rate. There has been an application for it and he anticipates that it is going to be granted, and gives as evidence that it must not be granted what has taken place when it has not been granted.

Mr. SMOOT. If the Senator can point to one single case where relief has been granted, I would like to have him do it. I would like to have the Senator state what the rates are from the East to Wyoming or Utah or any of the Intermountain States, and then state what the rates are over the same road from the East to California and the Pacific coast.

Mr. SMOOT and Mr. GOODING addressed the Chair.

Mr. FESS. One at a time, please.

Mr. GOODING. While the Senator from Ohio is giving the information to the Senator from Utah will he put in the mileage and service given, because the railroads sell their service?

Mr. FESS. I will give the Senator that information.

Mr. GOODING. Very well.

Mr. FESS. The western railroads in making rates to move the products of the intermountain region to the populous markets of the East find it necessary to make low rates that will permit such products to be sold as against the competition of similar commodities reaching those markets from other sources.

I now desire to present a list of illustrative rates of this kind from points in Idaho to eastern cities. There are shown in each instance the rates, distance, and the cents per car-mile which these rates yield the railroads. The average appears to be 19.23 cents per car-mile. Similarly are shown the rates which the transcontinental lines propose to make if granted relief under the long-and-short-haul clause case now pending before the Interstate Commerce Commission, from Chicago and St. Louis territory to ports on the Pacific coast to enable interior-producing territories to reach Pacific-coast markets in competition with similar products coming to the coast by way of the Panama Canal.

The statistics give the same information as to the rates, the distance, and the revenue which will be earned per car-mile, averaging on these commodities mentioned, 22.1 cents per car-mile against 19¼ cents.

I will give the data that the Senator from Idaho has been asking for. The data will show that the railroads are now making lower charges to enable Idaho and Utah to market their products in the East than they propose to make to enable Middle West products to be marketed on the Pacific coast. The comparison is 19¼ cents per car-mile from the intermountain section east as against 22.1 cents per car-mile from Chicago west.

Mr. SMOOT. Mr. President, will the Senator from Ohio state at that point what the figures would be if the freight stopped in the State of Utah instead of going on to the Pacific coast? He will find the rates are quite different. That is what I am complaining of. I am not saying anything about freight which is being shipped east.

Mr. FESS. I will now give the Senator the information for which he is asking as to the situation when freight stops in his section of the country. I will, however, first consider the rates from the intermountain section to the East. On canned goods from Ogden to Chicago, 60,000 pounds minimum, distance 1,478 miles, 33.7 cents; on sugar from Ogden to Chicago, 60,000 pounds minimum, 1,478 miles, 28 cents per car-mile.

Mr. GOODING. I should like to say to the Senator that the figure 33.7 cents on canned goods is the per car-mile earning, and not the rate. The Senator did not state that as to canned goods, and I merely wanted to correct his statement.

Mr. FESS. That is what I meant.

Mr. SMOOT. But that is not what the Senator said, and I was going to make the suggestion.

Mr. FESS. The rate per car-mile is what I am talking about.

Mr. SMOOT. That is quite a different thing from the rate per hundred.

Mr. FESS. I did not say per hundred. The rate is 83 cents per hundred.

Mr. SMOOT. Yes.

Mr. FESS. But the rate per car-mile is 33.7 cents. Gooding, a city in Idaho, distinguished by being named for a great representative in this body, shipping alfalfa meal to Kansas City, has a rate of 49½ cents per hundred; minimum car, 36,000 pounds; distance, 1,289 miles; 13.8 cents per car-mile.

Mr. GOODING. I should like to say to the Senator that the people of Idaho for many years have been trying to get a reasonable rate to the Pacific coast—to Portland, for instance, a haul of about 600 miles. If they had a reasonable rate to that point they would be able to lay their alfalfa meal down in the southern ports and eastern ports for $6 a ton cheaper than they are under the rail rate to the East—not to Kansas City. We are denied the right to ship our alfalfa meal or anything else westbound at all. We are forced over this long haul to the East through a schedule of freight rates which are anywhere from 50 to 100 per cent higher westbound than they are eastbound.

Mr. FESS. Mr. President, the denial comes in this way: The rates on the goods shipped from the interior, the Mississippi Valley, through the Senator's State on to the Pacific coast will be found to be on the same level to-day as the rates from his town; that is the blanket rate about which the Senator complains so much.

Mr. GOODING. Yes.

Mr. FESS. At the same time when the railroads, so that they may meet with a compensatory rate their competitors through the Panama Canal, ask the privilege of having rates to the Pacific coast ports that would be lower than the rates for goods going to Spokane or to the city in Idaho, then the

jobber in a city in the intermountain section of the country who wants to buy in the East and have his commodities unloaded in the intermountain cities so that they may be distributed on the Pacific coast wants a rate on a basis which will enable him to ship such commodities to the Pacific coast, although they could go directly to their port destination without stopping in the interior town as cheaply as they could be landed at that point. That is the rub.

It is the interest of the jobber, who thinks only about the distribution of that which comes from the East on to the West, to want freight stopped there in order that he, rather than the consumer, may become the beneficiary. I do not object to his contention, but I do not propose to allow those making this contention to pull the wool over my eyes to benefit 3,000,000 people at the expense of 70,000,000 people.

Mr. SMOOT. Mr. President, will the Senator yield for just a moment right there?

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. FESS. I yield first to the Senator from Utah.

Mr. SMOOT. The Senator says it is the dealer and the jobber who are interested. Let me call attention to the fact that the dealer and the jobber have nothing to do with it. I can cite instances here by the dozens to prove the accuracy of my statement. Can the Senator tell me why, if I wanted to build a hotel in Salt Lake City and I also wanted to build a hotel in San Francisco, the steel alone entering into the construction of the hotel built in Salt Lake City would cost $30,000 more than the same steel intended to be used in the construction of the hotel at San Francisco, although every ounce of it would have to pass through Salt Lake City in order to reach San Francisco?

Mr. GOODING. Involving a haul of many miles more.

Mr. SMOOT. Involving a haul 890 miles longer.

Mr. GOODING. And over a separate unit of railroad.

Mr. FESS. That is another statement that sounds very much like the one which was made the other day when the colloquy took place between the Senator from Utah and the Senator from Pennsylvania. I can understand why there should be a less charge to the Pacific coast than to interior points, provided it were permitted, but it is not permitted under the law now in operation except upon the approval of the rate-making authority, the Interstate Commerce Commission. Thus far this commission has not permitted anything of that sort.

Mr. SMOOT. I know that it has been permitted. I do not speak of conditions to-day, but I know that it has been permitted.

Mr. FESS. It is not the short-haul clause that permits it, because the short-haul clause specifically states that there shall not be a less amount charged for the longer than for the shorter haul unless the Interstate Commerce Commission shall permit it.

Mr. SMOOT. They permitted it; and not only that——

Mr. FESS. When did they permit it? They have not yet decided upon the petition now pending.

Mr. SMOOT. When we built the hotel to which I have referred it was permitted. I know what I am talking about.

Mr. McLEAN. When was that?

Mr. SMOOT. Ten years ago.

Mr. McLEAN. That was prior to 1917.

Mr. WHEELER. There is an application pending right now on behalf of the railroads asking that that be permitted.

Mr. FESS. There is an application pending, but the Interstate Commerce Commission has not as yet acted upon it. Senators are trying this matter before the Senate in order to prejudice, if possible, and bludgeon the commission to prevent their doing what many think they ought to do.

Mr. WHEELER. Not at all.

Mr. SMOOT. We think they ought to do justice to the intermountain country, while the other "we's" think that the intermountain country ought not to have it.

Mr. GOODING and Mr. McLEAN addressed the Chair.

Mr. FESS. I yield to the Senator from Connecticut.

Mr. McLEAN. Does the Senator from Ohio object to my calling to the stand the principal witness who appeared before the committee in favor of this bill on the proposition just presented by the Senator from Utah?

Mr. FESS. I would not object to anything the Senator might present.

Mr. McLEAN. I think it would be interesting at this point. Mr. James A. Ford, secretary of the Spokane Chamber of Commerce, appeared before the committee when this bill was being considered by the committee, and, I understand, was one of the principal witnesses upon whom the Senator from Idaho relied in favor of the bill.

Mr. GOODING. Yes, he was one of the principal witnesses in favor of the bill.

Mr. McLEAN. Let us see what he has to say about the situation referred to by the Senator from Utah [Mr. SMOOT]—

That condition existed until March 15, 1918. On that date by order of the Interstate Commerce Commission, the railroads ceased all violations westbound.

Mr. GOODING. Mr. President, I want to say to the Senate that there is no question about that statement; that is accepted.

Mr. McLEAN. But it does not seem to be accepted.

Mr. GOODING. It is accepted so far as the transcontinental rates are concerned.

Mr. McLEAN. I am glad if the Senator from Idaho is loyal to his witness.

Mr. WHEELER. We all accept that.

Mr. SMOOT. That statement relates to transcontinental business.

Mr. McLEAN. I think I will read the whole of this extract with the permission of the Senator from Ohio. Mr. Ford goes on to say:

The eastbound violations were yet to be dealt with. The westbound violations, however, were far greater and they came to an end on March 15, 1918, by a decision of the Interstate Commerce Commission finding that as there was no water transportation through the Panama Canal for two very good reasons—

I will stop the quotation there because I think it is important to interpolate that at the time that was due partly to the cessation of the water traffic through the canal.

Mr. SMOOT. It was during the war period.

Mr. McLEAN. Now, I will go on:

I am anxious to make that point very clear that for nearly eight years now we have had terminal rates. We are not trying to disrupt or change any conditions. We are seeking merely to maintain a condition that has existed for eight years.

Following the ironing out of the westbound violations we proceed by gradual degrees to get the eastbound violations ironed out, and the most important of these was wool—

The Senator from Utah will be interested in this—

The rate on baled wool from Boise, Idaho, to Boston, the wool market where the wool gravitates, was $2.14 per hundred pounds, while the rate on baled wool from Portland to Boston was $1.25 per hundred pounds. The Portland haul was 500 miles longer than the Boise haul. The railroads by their system of rates on wool in the West had forced the wool baling and scouring industry into Los Angeles and Portland. It is an actual fact that all during the war, when this Nation was crying for rolling stock and transportation of every facility, our western transcontinental railroads were actually hauling the Utah wool from Salt Lake City to Los Angeles, 800 miles and back over the same rails through Salt Lake City to the Boston market. They were hauling Idaho wool from Pocatello to Portland, 700 miles, and back over the same rails through Pocatello to the Boston market. The only way the Idaho wool grower could get to market was by way of Portland, while the Utah man had Los Angeles for his gateway.

That condition and the discrimination on hides and other commodities that move east has since been remedied. The eastbound wool rates were remedied by a decision of the commission about a year and a half or two years ago, which graded the rates with some regard to distance and opened the Boston market direct to the wool grower of the West.

So that to-day—

Says Mr. Ford, who was the principal witness of the Senator from Idaho before the committee—

we stand on a terminal rate basis, both east and west bound, and once again I want to emphasize that we are merely seeking to maintain this condition which now exists.

Mr. FESS. I am very much obliged to the Senator from Connecticut. He has included in the reading of the testimony some of the utterances that I——

Mr. GOODING. Mr. President——

Mr. FESS. I can not yield now, until at least I finish the sentence—some of the utterances that I had in the manuscript that I intended reading.

I ask unanimous consent to present a comparative table of the rates on goods going east in contrast to those going west, the matter that came up a moment ago.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Earnings per car per mile on various commodities originating at Idaho and Utah stations destined to various consuming centers

Commodity	Origin	Destination	Rates	Minimum	Distance	Rate per car per mile
Canned goods and canned milk	Ogden	Chicago	$0.83	60,000	1,478	$0.337
Sugar	do	do	.69	60,000	1,478	.28
	do	Kansas City	.68	60,000	1,107	.368
Bullion	do	New York	.625	40,000	2,387	.105
Alfalfa meal	Payette	Kansas City	.56	36,000	1,465	.1376
	Gooding	do	.495	36,000	1,289	.1382
Cement	Ogden	San Francisco	.475	60,000	780	.365
Salt	do	do	.425	50,000	780	.271
Grain:						
Wheat	Payette	Kansas City	.62	60,000	1,465	.254
	Gooding	do	.55	60,000	1,289	.266
Corn	Payette	do	.56	45,000	1,465	.172
	Gooding	do	.495	45,000	1,289	.1728
Flour	Payette	do	.62	80,000	1,465	.3386
	Gooding	do	.55	80,000	1,289	.3413
Livestock:						
Sheep	Payette	Chicago	1.10	23,000	1,846	.137
	Gooding	do	1.055	23,000	1,670	.145
Cattle	Payette	do	.975	26,000	1,846	.137
	Gooding	do	.95	26,000	1,670	.148
Hogs	Payette	do	1.42	17,000	1,846	.131
	Gooding	do	1.345	17,000	1,670	.137
Lumber	Payette	Chicago	.085	44,000	1,846	.163
Wool	do	Boston:				
		In sacks	2.58	24,000	2,857	.218
		In bales	2.19	32,000	2,857	.245
	Gooding	Boston:				
		In sacks	2.46	24,000	2,681	.220
		In bales	2.09	32,000	2,681	.249
Vegetables:						
Potatoes and onions	Payette	Chicago	.83	30,000	1,846	.1333
	Gooding	do	.80	30,000	1,670	.1437
Other vegetables	Payette	do	.95	24,000	1,846	.124
	do	do	.95	20,000	1,846	.1023
	Gooding	do	.93	24,000	1,760	.1336
	do	do	.93	20,000	1,670	.1114
Hay	Payette	Kansas City	.665	24,000	1,465	.1089
	Gooding	do	.593	24,000	1,289	.1059
Fruit	Payette	Chicago	1.28	30,000	1,846	.208
Apples	Gooding	do	1.28	30,000	1,670	.23
Fruits, deciduous	Payette	do	1.50	24,000	1,846	.195
	Gooding	do	1.50	24,000	1,670	.215
Coal	Castle Gate, Clear Creek, Utah.	San Francisco	[1] 6.00	40,000	935	.1280
Ore	Brigham	do	[1] 7.74	30,000	801	.1449
	Promontory, Utah	do	[1] 7.74	30,000	893	.1304
Average						.1923

That is, 19.23 cents per car-mile, a little less than 19¼ cents.

[1] Per ton.

Earnings per car per mile on 12 commodities covered by Fourth Section Application No. 26

Commodity	Origin	Destination	Rate	Minimum	Distance	Rate per car per mile
Ammunition	St. Louis	San Francisco	$1.10	40,000	2,187	$0.201
Cotton piece goods	Chicago	Portland	1.10	40,000	2,248	.196
Iron and steel:						
Bar, band	do	Seattle	.80	80,000	2,185	.293
Plate and sheet	do	Los Angeles	.80	80,000	2,231	.285
Soda alumina sulphate	Chicago	Portland	1.00	50,000	2,248	.223
Paint	St. Louis	San Francisco	1.00	50,000	2,187	.228
Paper	Chicago	Los Angeles	1.00	40,000	2,231	.193
Pipe, wrought iron	do	Portland	1.00	40,000	2,248	.178
Roofing material	do	Seattle	.90	50,000	2,185	.206
Soap	St. Louis	do	1.00	80,000	2,262	.266
Sodium, etc	Chicago	Los Angeles	.75	60,000	2,231	.202
Pressed-steel car sides; structural iron	do	San Francisco	1.00	40,000	2,261	.176
Average						.221

That is, 22⅛ cents per car-mile.

Mr. FESS. Mr. President, I have been a student of the long-and-short-haul problem for years. Long before I saw the Halls of Congress, as a teacher in a university, this matter had come up in the political economy classes. The first suggestion of the right to charge less for a long haul than a short haul seemed to be wholly inequitable, and it rather shocked the uninitiated who had not studied into it, and for that reason I had gone into the matter very carefully. Consequently when it came up as a matter of legislation it was not new with me; but I must state that it never has been my fate to deal with a subject regarding which there seems to be more current misinformation and misunderstanding than this question of the effect of the long-and-short-haul clause and its administration by the Interstate Commerce Commission.

I desire to refer to a colloquy that took place in this Chamber when I was present between the Senator from Pennsylvania [Mr. REED] and the Senator from Utah [Mr. SMOOT]. The Senator from Pennsylvania said:

I would like to ask the Senator from Utah if it is not a fact to-day that it is cheaper to ship sugar from Ogden, Utah, to San Francisco and back through Ogden, Utah, to Chicago, than it is to ship it direct to Chicago over the same route?

Mr. SMOOT. I can not say that the rate is lower, but it is not greater.

Mr. President, I have made an inquiry on this point, and the fact is that the rate on sugar, in carloads, minimum 60,000 pounds, from San Francisco to Chicago (Transcontinental Freight Bureau Tariff, 3-S, I. C. C. 1154) is 91 cents per 100 pounds, and that the rate on sugar from Ogden to Chicago, in carloads, minimum 60,000 pounds (Western Trunk Line Tariff 159-C, I. C. C. A-1448) is 69 cents per 100 pounds. In other words, the rate on sugar, carloads, minimum 60,000 pounds, from Ogden to Chicago is 22 cents per 100 pounds less than from San Francisco. Yet, I think Senators engaging in this debate would have us believe—at least, it appears that way to me—that sugar could be shipped from Ogden to San Francisco, and back through Ogden to Chicago, as cheaply as it could be shipped direct from Ogden to Chicago; for the Senator said:

While I do not say that the rate is lower, I do say it is not greater.

Mr. President, there are some additional facts as to loading different amounts in the car which change the rate somewhat, but that does not change the principle at all.

The Senator from Utah, in reply to the question of the Senator from Pennsylvania, made the following statement. I was present and heard this—

Some time ago I wanted to buy a few carloads of wool and I went to San Francisco to buy it. After purchasing three or four carloads of wool, I went to the railroad and asked them what the rate on wool was. They said it was 75 cents per 100 pounds. They asked "Where do you want to ship it—to Boston or to Philadelphia?" I said "No; I want to ship it to Provo, Utah." They answered, "Oh, well, then the rate is $2.25." Three times the rate to the East and one-third of the distance. That is a case I have had in my own experience.

Mr. SMOOT. Does the Senator deny it?

Mr. FESS. I have gone into that matter to find out how it is possible. If it is possible, it must have occurred years ago.

Mr. SMOOT. It occurred years ago, and I said so.

Mr. FESS. It did not appear in the RECORD that the Senator said that it was some time ago.

Mr. SMOOT. It was when I was buying wool, and I have not bought any wool for a great many years.

Mr. FESS. Let me ask the Senator from Utah if it is not true that no wool is shipped to-day from San Francisco overland to Boston? In other words, has not the Panama Canal route monopolized the entire traffic in wool?

Mr. SMOOT. I should think they would, although I do not know. I have not been in the wool business for years and years; and I want to say to the Senator that every word of that is true.

Mr. FESS. Mr. President, I consulted the Interstate Commerce Commission on the matter. Let me give you the information that they give me.

The present rates on wool——

Mr. SMOOT. I am not talking about the present rates. I am talking about the experience that I had, and I say that what I stated was an absolute fact.

Mr. FESS. We are talking about the situation to-day. That is the way legislation must be conducted.

Mr. SMOOT. I have not shipped any wool for a good many years.

Mr. FESS (reading):

The present rates on wool in grease, compressed in bales, are, from San Francisco to Provo $1.35 per 100 pounds, and to Boston and Philadelphia $2.30 per 100 pounds. We have made no examination of the rate from San Francisco to Provo and eastern points prior to January 1, 1917, but since that time the rates to Provo have been lower than the rates to eastern points.

The following is quoted also from Commissioner Esch's letter, which I have just read. The commissioner says:

May I add in conclusion that Senator REED'S understanding of the situation on the Pacific coast, as indicated by his inquiry of Senator SMOOT, is also erroneous. There is no adjustment of rates which would permit sugar or any other commodity to be shipped from Ogden, Utah, to San Francisco and thence back through Ogden to Chicago at a lower charge than would be produced under the rate from Ogden direct to Chicago. On the contrary, the rates from Ogden and other interior points are generally lower than from San Francisco and in no case are higher than the rates from that point to Chicago. For example, the rate on sugar in carloads, minimum weight 60,000 pounds, from Ogden to Chicago is 69 cents per 100 pounds, and from San Francisco 91 cents per 100 pounds.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. FESS. I yield to the Senator.

Mr. NORRIS. I should like to ask the Senator now whether he agrees with the principle underlying the rates that he has just enumerated. Are they right?

Mr. FESS. The question of rates, I will say to the Senator, is a matter for experts.

Mr. NORRIS. I understand; and let me explain my question.

Mr. FESS. The Senator may know enough about it to ask the question, but the Senator who has the floor is not a sufficient expert to say whether this particular rate is too high or too low; and it is for that reason that I do not want to bring the subject here to be handled by this group rather than leave it with the commission.

Mr. NORRIS. I did not make my question plain. I do not expect the Senator to give information as to whether this rate or that rate is right. I would not know, and I do not suppose he does.

Mr. FESS. No; I do not know. I thought that was what the Senator wanted.

Mr. NORRIS. No; that was not what I was trying to get at. The principle behind these rates, though, is that the charge for the short haul is not greater than for the long haul in the rates that the Senator has just read. Does he agree that that principle, as applied to these rates, is right?

Mr. FESS. I do not know as applied to these rates. As a general principle, I think that the principle of allowing a less rate for a longer haul than for a short haul to meet competition is sound, if that answers the question.

Mr. NORRIS. Yes; I understand that that is the Senator's position; but if that be his position now, then the commission made a mistake in changing the rates as they used to exist at the time the Senator from Utah had his experience.

Mr. FESS. The commission might have made a change and canceled the original rulings because conditions might have changed sufficiently to justify it.

Mr. NORRIS. I am led to ask my question because the Senator from Utah gave an illustration that happened some time ago where the rate for the short haul was a good deal higher than for the long haul. Now, the Senator is answering that statement of the Senator from Utah by saying that that rate does not exist now; so I take it that the Senator himself agrees with the Senator from Utah that that rate ought not to exist.

Mr. FESS. It does not exist between certain sections and the Pacific coast. It does exist in many interior places.

Mr. NORRIS. Let us take the sections to which these rates apply. The Senator says it does not apply now, and I assume that the Senator is correct. Then the thought at once arises in my mind that the Senator must have agreed with the Senator from Utah that those rates were wrong, because he answers his statement and says: "That is not the case now. The rate for the short haul is not higher than that for the longer haul now."

Mr. FESS. I appreciate fully the irony of the Senator from Nebraska.

Mr. NORRIS. No, no; I want to disabuse the Senator's mind. There is not any irony in it. I am seeking for information entirely. I am asking my question in the best of faith; but I could not help reaching that conclusion. That is the Senator's answer to the argument of the Senator from Utah; and I assume from that that the Senator himself goes on the theory that the condition narrated by the Senator from Utah is no reason for the enactment of this legislation, because it does not exist now.

Perhaps I can make my question plainer.

Mr. FESS. Mr. President, Edmund Burke once said that no lawyer ever became a great lawyer who dealt merely in technicalities. I think it is beneath the dignity of a discussion like this to endeavor to change the course of a discussion that is trying to deal with fundamentals by narrating some particular incident of which I may not have any information whatever, and which does not apply to the question at issue.

Mr. NORRIS. But the Senator is dealing with that kind of an incident. He is taking up the Senator's statements, and I am confining my question to them.

Mr. FESS. I am dealing with the general question of the commission's discretion under special cases to allow a less rate for a longer haul than for a short haul, which the pending proposal forbids.

Mr. NORRIS. Exactly; but the Senator himself has taken this incident to which the Senator from Utah referred. He reads from the RECORD the statement of the Senator, and he points out a certain state of facts, I take it as an answer to it; and I am not saying that it is not an answer. I am not criticizing the Senator's argument; but he points out that that state of affairs does not exist now. Are we to assume from that that the Senator thinks it was wrong? And does not the Gooding bill, which we have now before us, put into law something that would make it impossible to allow that kind of a rate to exist?

Mr. FESS. Mr. President, I do not yield any further on this matter. It is an amusing exercise of mental gymnastics to see the Senator from Nebraska going around in a circumlocution and ultimately saying that "the Senator now says that the position is wrong." The Senator who has the floor has said nothing of the kind. The Senator has stated the facts in contravention of the statement made by the Senator from Utah the other day, without any comment as to whether this particular thing is right or wrong. I am dealing with the proposal to transfer the rate-making power from a commission of experts to the floor of Congress.

Mr. McLEAN and Mr. GOODING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the Senator from Connecticut.

Mr. McLEAN. With the Senator's permission, I will call to the stand the Senator from Idaho [Mr. GOODING], who, I think, will answer the question propounded by the Senator from Nebraska: "Assuming that existing conditions are satisfactory, will the enactment of this law perpetuate those conditions?" I think that was, in substance, the question of the Senator from Nebraska.

On page 166 there is a colloquy between Mr. Farrar, who was a witness in opposition to the bill, and the Senator from Idaho:

Mr. FARRAR. May I make one suggestion in conclusion? I would like to address this particularly to Senator GOODING. The ills which we have, or which we think we do have, do not at the present time relate to any fourth-section departures. We have none on transcontinental business.

Senator GOODING. Are you speaking now of your industry?

Mr. FARRAR. I am speaking of my industry and the whole of our section of the country and surrounding it. There are no fourth-section departures on transcontinental roads at the present time. So if we are suffering we are suffering from something other than the long and short haul.

Senator GOODING. But we had a commissioner before this committee this morning who showed very conclusively that the majority of the commission was in favor of those violations. I am not going to argue the point, because I do not think we can develop in the interior as long as there is even danger of violations, because I do not think you can have capital to invest there.

Senator CUMMINS. Well, I suggested what I did not because I am not in favor of this bill, because I am.

Senator GOODING. I understand.

Senator CUMMINS. But because, in my judgment, we will not have solved the problem with the passage of this bill.

Senator GOODING. I agree with you there.

Mr. GOODING. Will the Senator yield?

Mr. FESS. I yield.

Mr. GOODING. Not all the problems of transportation. But it would solve them as far as the long and short haul is concerned.

Mr. McLEAN. The Senator did not say so.

Mr. GOODING. That is what I meant, of course, and there is no doubt that that is my position. Senators do not question it, and I do not think the Senator from Connecticut questions that that is my position, that this bill will solve the long-and-short-haul problem.

Mr. McLEAN. Well——

Mr. GOODING. Wait a minute. I want to thank the Senator for being kind enough to place in the RECORD the statement made by Mr. Ford, which shows conclusively what the interior territory of the West has been suffering from and what we have been fighting against, just exactly as was stated by the Senator from Utah. We have been fighting those things for years. There was a time when they actually hauled all the freight to the Pacific coast and brought it back again when they performed that service.

Mr. SMOOT. They did it many a time.

Mr. GOODING. It has been a battle for 40 years and we have been winning our fight right along, but all through the interior there are hundreds of violations. I want to thank the Senator, because I want to know his position, and I have it when he says:

You are trying to bludgeon the commission and drive them to do something, or not to do something, that we believed they ought not to do—

and at the same time these violations on 47 different commodities are under consideration. So I take it for granted that the Senator from Ohio believes that those violations ought to be granted the transcontinental railroads. Am I correct?

Mr. FESS. I am not on the witness stand, but I will satisfy the Senator nevertheless. Each of those 47 petitions now before the Interstate Commerce Commission is to be considered on its own bottom, and I believe that the ability of the commission, knowing the transportation problem better than any Member on the Senate floor, although they do not talk nearly so much about it, is such that they are better qualified to grant the relief or to deny it than any of us, and if they see fit to do it, I assume it will be justified, and I should not, with my limited data or information on the matter, resist the commission's findings. That is my answer to the Senator from Idaho.

I must not allow this to run along this way, Mr. President. I do not want to be in the slightest degree indelicate in the matter, or seem to be without courtesy to my colleagues, but we see where this thing will go if I do not take the bull by the horns. I think I had better make my speech now, and let other Senators make their in this own time.

Mr. McLEAN. Mr. President, will the Senator yield to me for just one quotation?

Mr. FESS. Yes.

Mr. McLEAN. I think this is very interesting. I would like to know what the proponents of this bill are after, and what they do want. The Senator from Idaho has explained the position which he took before the committee, to the effect that this bill would not accomplish the purpose which he seeks.

Mr. GOODING. Oh, now, Mr. President——

Mr. McLEAN. Or would accomplish it.

Mr. GOODING. I do not want to be misunderstood or misquoted.

Mr. FESS. I yield to the Senator from Idaho.

Mr. McLEAN. It would accomplish the purpose which he seeks.

Mr. GOODING. Yes. Let us have an understanding.

Mr. McLEAN. The Senator from Iowa I have already quoted, but I will requote him:

Senator CUMMINS. But because, in my judgment, we will not have solved the problem with the passage of this bill.

Now, I want to ask the Senator from Iowa a question. He stated yesterday that he was in favor of the bill and, if I understood him correctly, it was because the Interstate Commerce Commission had given to the term "reasonably compensatory" a construction which he did not believe was right, not the construction which he gives or which he believes the commission should give. I want to ask the Senator from Iowa, if the term were given the construction which he approves, would he be in favor of permitting a departure which would in any instance permit a lower charge for a long haul than for a short haul?

Mr. FESS. I beg the Senator's pardon. I do not want to enter into that colloquy at this time.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. CUMMINS. I would be quite willing to reply.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. If I yield, I will have to yield to the Senator from Iowa.

Mr. McLEAN. I would like to have the Senator from Ohio give the Senator from Iowa an opportunity to answer the question, because I think it is very important. The question is, if under any condition the Senator from Iowa would permit these departures.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. FESS. I yield to the Senator from Iowa.

Mr. CUMMINS. I will not trespass upon the Senator's time to fully answer the question propounded by the Senator from Connecticut, but it is perfectly obvious that the bill will not reach all the cases in which more is charged for a short haul than for a long haul. This applies only to the influence of water competition. There are thousands of instances in which the charge for the long haul is less, indeed, than the charge for the short haul, that will not be touched by this bill. It can not, in the very nature of things, touch them. That is the reason I said the question would not be settled by the passage of this bill.

Mr. McLEAN. The Senator has not answered my question. We are assuming that the competition is between the water carrier and the land carrier.

Mr. CUMMINS. But that is not true. Very much of the competition is between land carriers.

Mr. McLEAN. I know, but this bill covers that character of competition.

Mr. CUMMINS. Between water and land; yes.

Mr. McLEAN. The question I asked the Senator was this: If the Interstate Commerce Commission gave to the term which he put in the bill a proper construction, would he in any case permit a lower charge for a longer haul, where there is water competition?

Mr. CUMMINS. No; if I understand the question correctly.

Mr. McLEAN. I do not see any distinction in principle between the competition on land and on water.

Mr. FESS. I think the Senator from Iowa answered the question in accordance with his statement last night.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. Yes; for a question.

The PRESIDING OFFICER. The Senator yields for a question only.

Mr. WHEELER. The Senator said that he felt that it should be left to the Interstate Commerce Commission to deal with each particular case. We are about to vote upon the confirmation of a commissioner to go upon the Interstate Commerce Commission, a man who has been a director of two railroads and who is recommended for appointment by another man who is a director in a large number of railroads. He is going upon that commission, according to his own statement, with preconceived ideas with reference to this long-and-short-haul problem, because he is opposed to this bill and is in favor of giving fourth-section violations.

That is one of the reasons we are opposing him. So I submit, under those circumstances should we leave the question to a commission which already has its mind made up in advance with reference to these matters?

Mr. FESS. Mr. President, I have never considered ability and experience as disqualifications for appointment to office. The more a man knows and the more capable he is, no matter whether I agree with him in all of his findings or not, the better qualified I think he is for a position, and that fact is not sufficient ground for rejection, in my opinion, when any position of such honor and trust as the one referred to is tendered a man.

Mr. WHEELER. The Senator does not answer my question.

The PRESIDING OFFICER. Does the Senator further yield?

Mr. FESS. Now I think I must insist upon using some of my own time.

We might as well come directly to the real situation now at issue. I will refer to some incidents that will be concrete, which will give us a little more clarified view of the problem. There are connecting lines from the Twin Cities to Butte, Mont., representing the Milwaukee, and the Northern Pacific, and with a branch line, the Great Northern. Two of the roads cover about the same distance. The other one travels a much wider field, and therefore has a much longer haul. If we refuse to allow the Great Northern to make the same rate for traffic going out of the Twin Cities to Butte that is made by its two competitors, with the shorter haul, then the Great Northern must abandon that field entirely, to injury to itself and detriment to the public, because the railroads are about the same in efficiency and there is not a sufficient advantage to one in service above the other that would justify going over the longer haul and paying a higher rate. But in case the equal rate is allowed to Butte on condition that the Great Northern is required to place the same or a lower rate upon intermediary points that it places upon its destination, then the road can not operate profitably. The only basis, it would appear, on which the Great Northern could have any of the traffic going from and to these points, would be relief under the fourth section. If and when this relief is granted by allowing it to charge the competitor's rate to one destination, but a higher rate to a nearer point, I would like to know how it is an injury to the interior point which pays the same rate whether relief is granted or denied. I do not see the philosophy and I can not understand the logic of that conclusion.

I was looking over a case that came to our attention recently in the hearings. The town of Aberdeen, in Washington, is quite a little distance from Portland, Oreg. But Aberdeen is five times farther from San Francisco than it is from Portland. San Francisco and Aberdeen are connected by water route, and therefore water transportation between the two points is a competitor of rail connecting Aberdeen with Portland, although one-fifth of the distance. The rate over the water route is cheaper than the rate over the rail; and if the carrier out of Portland wishes to get any of the trade to Aberdeen, he must meet the competitive rates of the water route; but if the fourth-section relief is denied, then whatever be the rate to Aberdeen from Portland, it must be equal to or lower to Centralia, a shorter distance from Portland.

I would like to know where the injury comes to Centralia if the shipper is given from Portland to Aberdeen a lower rate to meet the San Francisco competitor but does not give the reduction to Centralia. How can lowering the rate to Aberdeen injure Centralia by leaving the rate as it has always been? I do not see the logic of it. I can multiply these cases by the hundred.

Let me illustrate with a different item which came out in the hearings recently.

In Wisconsin there is a great paper manufactory. This is a classic illustration that has often been quoted. The paper manufactory used to supply the market in New Orleans. New Orleans is an ocean port. The Norway paper mills can supply New Orleans. It was developed that the Norway manufactory could deliver print paper in the city of New Orleans cheaper than the Wisconsin manufacturer could lay it down there over the railroad. The Wisconsin manufacturer, feeling the keen competition of the foreign manufacturer, appealed to the Interstate Commerce Commission for fourth-section relief. The Interstate Commerce Commission, whether wisely or unwisely, refused it, and made the statement as final that if they made a rate to New Orleans the intermediate rate could not be higher. What is the consequence? The Norway shipper is supplying the New Orleans paper requirements at the expense of the Wisconsin shipper, who has been compelled to withdraw from the New Orleans market and to depend wholly upon the interior points, giving a foreign producer the monopoly as against an American industry. I want to know where the injury would have been to the interior points by continuing the normal rates as they were and are and making a lower rail rate to New Orleans to meet the water rate from the foreign manufacturer? What injury is there in giving New Orleans two channels, one of which passes through the interior points? I think there is no ground that is logical for such a denial, and yet the Interstate Commerce Commission denied it. That will be pleasing to the Senators from the intermountain country, although it seems to me that the privilege ought to have been granted.

From the State of Iowa there are shipped great quantities of canned goods. Canned goods are among the chief products of Iowa. Iowa is in competition with Maine in the same business. Maine ships through the canal to San Francisco, Seattle, and Portland. Maine ships at a lower rate by water than Iowa can ship over rail to any of those points. What is the outcome?

Without the fourth-section relief, which has not been granted to Iowa, the Iowa canneries are entirely out of the market on the Pacific seaboard and confine their sales to interior points. I hold that it would be no injury to any town or country through which the coast traffic passes to make a rate that would enable the Iowa canneries to find a market on the Pacific coast, but if would be an advantage to the interior points, as well as a distinct advantage to Iowa and the seaboard population.

These are only a few of the evidences that came to us through the hearings that had stretched over the years in the consideration of the question. I want to take up another item. Let us take the eastern section of the country. Virginia and West Virginia can ship coal to Hampton Roads by rail, load it on the boat and land it in Boston for about $4.25 per long ton. The Clearfield mines, in western Pennsylvania, about as rich as any mines in the country, are not on a water line. They must ship over an all-rail route, and if they get any of their coal from the Clearfield district to Boston they will have to meet the competition by the rail-water route from Virginia and West Virginia by way of Hampton Roads and the sea. The rates are about $4.85 per long ton from the Clearfield district. That immediately shuts off from the Boston market the Clearfield shipper, or the rail shipper, because he can not ship at such an additional cost when the Boston consumer can get his coal at so much less cost. Therefore he asked that he be given fourth-section relief in order that he could get a rate from the Clearfield mines to Boston equal to the rail-and-water rate through Hampton Roads. He said:

> If I have to reduce my rate to Springfield and other inland towns where there is no water transportation to make it equal to or less than the rate to Boston, it will be impossible for me to carry the business profitably and we will have to go out of the Boston market entirely.

Let me ask where is the injury to the interior point? There is a charge per long ton of $4.25 from the Clearfield mine to Boston and a greater charge from the Clearfield mine to Springfield, which would be 80 miles this side of Boston. How is Springfield injured? I do not understand such logic, and yet it is said that it is taken off of the consumer in Boston and put on the consumer in Springfield. Where is the logic in such a statement?

Mr. GOODING. Mr. President——

Mr. FESS. How would the Springfield consumer get his coal any cheaper unless he were on a competitive line with the ocean? He is not on the ocean. We can not move the ocean to him and we can not move the city of Springfield to the ocean. It is a question whether it would not be wise for the general public that we grant the fourth-section relief and allow Boston to buy from two sources rather than limiting it to one.

I now yield to the Senator from Idaho.

Mr. GOODING. The people of the interior make up the freight rate as between the long and the short haul.

Mr. FESS. O Mr. President, I have heard that until it is nauseating.

Mr. GOODING. Will the Senator yield a moment and allow me to answer his question?

Mr. FESS. Yes; I yield.

Mr. GOODING. I have a letter from a city in Connecticut in which it is said that they have saved $176,000 a year through violations of the fourth section. If they were saving $176,000 annually through such violations, somebody in the interior in the smaller towns that do not have water transportation paid more for the coal which they burned to keep them warm than the people in this city in Connecticut paid. Is that right?

Mr. FESS. That shows the peculiar attitude of reasoning of the Senator from Idaho. Because Boston is favored in location by being a port on the sea and can use two channels of competitive commerce and therefore get her coal for $4.25 freight, where Springfield pays $4.80, he says Boston steals from Springfield. Where does the Senator get any such idea as that?

Mr. GOODING. It is easy to understand.

Mr. WHEELER. Mr. President, I can give the Senator an illustration of that principle.

Mr. FESS. I yield to the Senator from Montana.

Mr. WHEELER. The railroads made application for a fourth-section violation with reference to steel. They were charging $1.20, and they wanted to charge the coast $1. They represented that they could not reduce the rate to the interior country to $1, the same as they were giving the coast. The Interstate Commerce Commission denied them fourth-section relief. After the denial of that relief under the fourth section they reduced the rate on steel from Chicago to all of the intermountain points and clear through to the coast. When they did that, the Seattle and Portland Chambers of Commerce came in and protested against their giving the same rate to the interior points that they were giving to the coast points. Does not that prove the point?

Mr. FESS. I have not examined that situation, and I do not know why they would protest.

Mr. WHEELER. They did protest. That is the fact of the matter.

Mr. FESS. The only thing I could see that might be the source of their protest would be that they would prefer to have two lines rather than only one.

Mr. WHEELER. But why should they protest against the interior getting as cheap rates? In Montana we are some 800 to 1,000 miles from the coast. They protested against Billings, which is over 1,000 miles from the Pacific Coast, getting as cheap a rate as they were getting. Why? It was because they wanted to protect their jobbers.

Mr. FESS. Let me go into the particular phase of the discussion with reference to the interior having to bear the burdens of those who live on the coast. That is the idea that has been bandied from one to another until a lot of people have evidently come to believe that it is true.

Mr. GOODING. Will the Senator yield? I wonder if I may make clear to the Senator's vision the position of the interior so that he will not be laboring under a misapprehension.

Mr. FESS. I think the Senator with four hours' speech yesterday had ample time to clarify all of his points.

Mr. GOODING. I am sure the Senator does not want to labor under a misunderstanding.

Mr. FESS. If I could not get it yesterday in four hours I could not get it now in five minutes.

Mr. GOODING. I can give it to the Senator in a minute, if he will listen.

Mr. FESS. Very well; I will listen.

Mr. GOODING. The point was well brought out by the Senator from Montana [Mr. WHEELER] that the Pacific coast objected to the interior having the same freight rates. What the interior is fighting for is that we simply want the rates to the interior to be such to serve our own people in order that we may maintain our jobbing houses there.

Mr. FESS. Oh, I understand that. The Senator discloses the source of the agitation, well understood by those who have studied the subject.

Mr. GOODING. We want to maintain our manufacturing institutions. If the Senator will look at it in that light, he will find that we are just as much American citizens as the people on the Pacific coast and entitled to the same rates, the same privileges, and the same opportunities. He can catch the vision very clearly when he knows that the people on the Pacific coast say to the people of the interior, "You shall not have the same freight rates that we have. You shall pay more for a lesser service than we have here on the coast." That is all there is to the whole subject. It is simple.

Mr. FESS. That is only repetition of what I have heard half a dozen times. There is nothing new in the Senator's statement.

Mr. GOODING. It is a simple proposition, but the Senator can not understand it even with all the repetition.

Mr. FESS. That may be true. I may be very stupid. I will admit that I am. If I am not, I may be stolid. Speaking of the great relief that is being sought for all the transcontinental freight from seaboard to seaboard in competition with the water rate, a few observations ought to be made.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio permit an interruption by the Senator from Montana?

Mr. FESS. I yield.

Mr. WALSH. The illustration the Senator gave concerning the situation in Boston with reference to sources of coal supply interests me, and particularly his statement about Boston being upon the ocean, that the ocean could not be moved over to Springfield or Hartford, that nature favors Boston in her location and she ought to have the benefit of that situation, and so she ought to have two sources of supply for coal. But does it not occur to the Senator that if a coal mine is located naturally in a place where it has an advantage over another coal mine that is located disadvantageously, the same reasoning ought to apply? Apparently the coal mines that can get their products out over the Rodgers route to Hampton Roads are fortunately located. Many other sources of supply are fortunately located. The Senator apparently wants to take away from those coal mines the advantage which nature gave them with respect to transportation and put them upon the same footing as some other coal mine that is not so fortunately situated.

Mr. FESS. Oh, no.

Mr. WALSH. But he wants to give Boston the advantage that nature gave it. Why does not the rule work both ways?

Mr. FESS. The Senator is misconstruing. I am not wanting to give advantage to one coal mine over another. I am simply wanting to give the two sections the same outlet at the same point. We do not take it away from one when we give it to the other.

Mr. WALSH. But the Senator wants to put the Pennsylvania coal mine, which is located disadvantageously with respect to transportation in exactly the same situation as the West Virginia coal mine that is located fortunately with reference to transportation. I do not object to that; I am not finding fault with that.

Mr. FESS. I take nothing from the West Virginia mine and give it to the Clearfield mine. I am simply proposing to open the same port to both of them.

Mr. WALSH. Exactly; and the Senator is giving to Boston what he says is a natural advantage by reason of location over Springfield, but he will not give to the West Virginia mine the natural advantage over the Pennsylvania mine that nature gave it.

Mr. FESS. I take nothing from the West Virginia mine. I am simply giving the privilege of an outlet to the Clearfield mine. I propose to benefit both mines. I take away nothing from any mine and I do not propose to injure the West Virginia mine.

Mr. WALSH. I am talking about taking away or giving.

Mr. FESS. We can not very well give without taking away.

Mr. WALSH. The Senator says that Boston is favorably located by nature, which of course is true. It is so situated that it can get its supplies either by rail or by water. So it is fortunately situated by nature as against Springfield, and that natural advantage ought to be preserved, the Senator says, and legislation ought not to take it away. So a West Virginia mine is naturally so located as to have an advantage over the Pennsylvania mine, but the Senator will not apply that rule to that mine.

Mr. FESS. The Senator from Montana falls into the same error that others have fallen into. We are taking nothing away from Springfield.

Mr. WHEELER. You are taking away their natural advantage of being nearer, are you not?

Mr. FESS. They have no natural advantage of seaport to be taken away.

Mr. WHEELER. You are taking away from Butte her natural advantage.

Mr. FESS. That is simply the use of words without meaning. We take nothing away from Springfield. Springfield would not get freight a cent cheaper if there was not any Boston. She would pay the same amount, and, I fear, she would pay more. So instead of taking it away from the inter-

mountain country we are making it possible for them to recoup. That is the point I want to discuss at this time.

Speaking of these transcontinental roads, it is stated by the experts that water transportation compared with land or rail transportation is about one to six in expense, or that freight can be carried on water 6 miles at the same expense that it would require to carry it 1 mile over rail. In other words, the cost of transporting freight by water from the Atlantic seaboard to the Pacific seaboard, 6,000 miles, would be similar to carrying overland a thousand miles. So that, so far as freight rates are concerned, San Francisco is as near New York by water as Chicago is near New York by rail; and yet there has been no desire to make a rate between the Atlantic seaboard and the Pacific seaboard at such a low figure as to injure the Panama Canal. On the other hand, people who are served by both rail and water are better off than if served by only one, and wherever it is possible to make the competition such that both channels of transportation may be utilized it is better for the public welfare that it should be done.

To-day I am told by the experts that 90 per cent of the seaboard traffic from the Atlantic coast to the Pacific coast is carried over water, and that only 10 per cent is carried over rails. Only that portion of it in which time is an element, where speed is desired in order to make quick delivery is transported by rail; all the remainder of the traffic goes by water. I am finding no fault with that. I am for building up and maintaining the water routes. I have always been for that. I am also for maintaining the integrity of American railway business, for we can not live very long without it. For that reason I want to maintain together with the water route also the rail route.

Mr. President, without entering into the sentiment that is involved, I desire to say that this country is a continental country. The people do not all live on the seaboard. The large mass of population lives inland. This being a continental country, it must be served by continental transportation lines. That is the very genius of American life. Transportation is our second greatest industry, agriculture being the first. I want to maintain an uninterrupted transcontinental system overland, if for no other reason than for national-defense purposes, in case we might again at some time have a difficulty with some foreign country. Therefore I am very much averse to making it possible for one system of competitive transportation to drive out of existence the other, and I am just as anxious for the maintenance of water transportation for its proper field as I am for the maintenance of land transportation for its service.

I want now to call the attention of those living in the intermountain section to the policy they are here indorsing. To say nothing about the millions who live outside of the intermountain region, I think that it is not for the best interest of the people who live in the intermountain country. What is it that the intermountain citizen wants? After he produces his products, after he raises his crops, he wants a market; and the present situation in the Northwest, suffering from a failure to rehabilitate agriculture, is emphasizing this very problem.

The margin between what a people consume and what they produce is the element of profit. Therefore, those living in the intermountain section are not half so much concerned about the freight on the inbound traffic as they are about the freight on the outbound traffic. Inbound traffic represents consumption, while outbound traffic represents production, and the difference between consumption production in a degree measures the prosperity of the community. If the intermountain section does not produce as much as it consumes it will die. If the intermountain section produces more than it consumes, to that degree it is prosperous. Therefore, the interest that those living in the intermountain section should have is, "How much can we produce and what is the best rate on the outbound traffic of our production"? They should not be concerned so greatly about "how much do we consume and how much do we have to pay on the inbound traffic"? With that in view let me give one or two examples.

Mr. WHEELER. Mr. President, will the Senator yield to a question?

Mr. FESS. I beg the Senator's pardon, but I have a thought which I wish to present to the Senate, so I do not want to be interrupted at this point.

Mr. WHEELER. Very well.

Mr. FESS. I wish to give the Senator one or two examples. The intermountain region is distinctively productive, more so than it is consuming. While it does not produce so much of what it consumes, it does produce an immense amount that other sections of the world consume. Therefore it is very much concerned about the freight situation and the traffic that goes out upon which it makes its profit.

In the Northwest there are great lumber interests. Listening to my friend from Idaho the other day and his reference to the lumber interest, I feared that he might have some prejudice in the matter; but nevertheless we had before our committee a representative of that industry, and he gave information that was not only rather voluminous but most illuminating. He said that the company in which he was interested had an investment of half a billion dollars; that it made at least $100,000,000 worth of lumber, which was shipped to other portions of the country every year; that its pay roll amounted to $30,000,000 plus; that its freight charges were $25,000,000 plus; that the amount paid by it for raw material shipped in from other sections to make its business a going concern amounted to another $30,000,000. That makes a very prominent, significant source of production in that great section.

Mr. GOODING. Mr. President, I wonder if the Senator will yield to me for just one remark which I wish to make? If so, I want to assure the Senator, my own people, and the world that I am not prejudiced against the great lumber industry of Idaho. In that State we have the greatest white pine forest in America. We are very proud of our lumber industry, and we encourage it in every way we can.

Mr. FESS. I am very much obliged to the Senator, and I think he ought entertain exactly those views.

Mr. WHEELER. Mr. President, may I interrupt the Senator to say that the lumber interests in my State are in favor of this bill?

Mr. FESS. I am surprised that the lumber interests of the Senator's State do not know what is to their interest.

Mr. WHEELER. If Senators would leave the interests of those living in the Northwest to be taken care of by the representatives from that section, we would get along fine.

Mr. GOODING. Mr. President, I should like to say that nearly half of the lumber interests in Idaho are for this bill. I want that to go with the statement in regard to the lumber interests of Montana.

Mr. WALSH. I wish to assure the Senator that the lumbermen in Montana are pretty sagacious gentlemen.

Mr. FESS. Mr. President, in the month of July, I think it was, of last year the testimony showed that there were seventeen thousand plus cars that went from the East to the West. Of the 17,000, six thousand plus were loaded. That means 11,000 of the cars in that month traveled from the East to the West empty. Why? In order that those who live in the West can find empty cars in which to ship back their products to the East. To carry empty cars across the continent is an enormously expensive operation; and yet here is nearly 75 per cent of the haulage of freight cars to serve the intermountain country and the other sections traveling at a hopeless expense, without a dollar of income.

What does that mean? The representative before the committee said:

> Our difficult problem is to get empty cars.

Why is that? Because it is expensive for the railroads to ship across the continent empty cars. If, on the other hand, the railroads were permitted to make a rate in Seattle, Portland, San Francisco, and other coast ports to meet the water competition, and thus carry some freight across the intermountain country to the coast, those empty cars would not be a dead loss, but they would be a source of profit. It would not hurt anybody, because they would have to be loaded at a rate that is reasonably compensatory, or they could not be loaded at all.

I insist that if the railroads of the country are compelled to carry three-fourths of their cars across the continent empty—that is not a general rule; that is only one month that was given us—then the loss of revenue to the railroads must be made up by the shipper; and if the people in the intermountain country, whose chief interest is in the export or outbound traffic, would agree to having these empty cars loaded, even though at a less rate than is paid at Spokane, the amount that the railroads now must make up would not be necessary, because the rate would be more than self-supporting. A denial of this privilege does not only prevent any rate reduction but is the basis of the demand for rate increase.

I hold here, as a student of this problem, that the representatives of the intermountain people are not representing the best interests of their own people by insisting upon taking away this flexible feature from the Interstate Commerce Commission. This, to me, is the determining factor of the whole situation.

I shall vote against any effort to break down the Interstate Commerce Commission. I certainly shall not give any sort of support to taking away from the Interstate Commerce Commission the power to deal with this technical question, and breaking up the rate structure about which Senators know so

little, and doing it ourselves here in this political whirlpool, rather than leaving the matter with a commission of experts whose whole life ought to qualify them for doing the just thing.

Mr. WALSH. Mr. President——

Mr. FESS. I yield to the Senator from Montana.

Mr. WALSH. I desire to inquire of the Senator if any representative from the intermountain country appeared before the committee in opposition to this measure?

Mr. FESS. Several, as I remember.

Mr. WALSH. Will the Senator tell us who they were?

Mr. McLEAN. The Colorado Fuel & Iron Co.

Mr. SMOOT. That is owned in the East.

Mr. WALSH. The Colorado Fuel & Iron Co.?

Mr. McLEAN. Yes.

Mr. WALSH. Why, that is a subsidiary of the Steel Trust.

Mr. McLEAN. Does it make any difference where they are owned?

Mr. WALSH. I should think so.

Mr. McLEAN. It may be that they are owned by the United States Steel Corporation. If so, this is the first time I have ever heard of it; but I think their interests are similar to those of the State of Idaho and of the State of Montana. They are certainly pretty far West, and they are very anxious to have this bill defeated.

Mr. WALSH. I never heard anybody from the intermountain country take that position, and we take credit out there for knowing what our own interest is.

Mr. FESS. I recall some one from Idaho—I think it was Mr. Sweeley—that appeared before the committee.

Mr. GOODING. Not before this committee; he appeared before the House committee a year ago.

Mr. President, I want to say to the Senator from Ohio that I am glad he has made clear the facts in regard to this great empty-car movement during this one month, because I think I have said to the Senator on different occasions that the records of the Interstate Commerce Commission show that the actual movement of empty cars westbound in the intermountain country is lighter than it is in any other part of the United States, considerably less; and it is an extravagant statement for the Senator to use this great empty-car movement in one month, because it would not serve the transcontinental railroads to any great extent if it were all in one month, anyhow. That empty-car movement, I anticipate, was composed of refrigerator cars westbound, going into the interior and never reaching the coast, and yet the Senator stands up here and says that 75 per cent in one month moved to the coast. I am sure the Senator is wrong in his statement.

Mr. FESS. The Senator does not mean to imply that there are no empty cars going west?

Mr. GOODING. Oh, no; I want to say that there is about 30 per cent, from 24 to 34 per cent, of empty-car movement on all railroads in the United States all the time; and there is less in the West than any other point, over the transcontinental railroads.

Mr. FESS. And the Senator admits that if the cars could load on the Pacific coast there would be less empty cars.

Mr. GOODING. So few that it would not amount to anything at all. If they had all the freight that they are asking for westbound, it would mean a revenue of only about $15,000,000 for five or six transcontinental railroads. Why, they would not be able to find it in their revenues.

This is true, too: While there has been an increase of only 35 per cent in transportation on the railroads of the United States as a whole since 1916, there has been an increase of 100 per cent on the transcontinental railroads; and then the Senator stands here and says that the Panama Canal is destroying or may destroy the transcontinental railroads, and he wants them held so that in case of war they will be intact, and the rails will not rust, with all the dividends that I showed that they were paying—higher dividends than any other railroads in the United States.

Mr. FESS. Mr. President, who has the floor?

Mr. GOODING. The Senator yielded, and I will yield to him.

Mr. FESS. I wish the Senator would yield now.

Mr. GOODING. I will yield.

Mr. FESS. Mr. President, I have the greatest admiration for the unlimited enthusiasm, that becomes even more than audible, of the author of this measure. His untiring interest and industry has been such that he has worked day and night publicly here in the Chamber, and in the committee room, and sitting down in his genial way talking to individual Members, which was the proper thing for him to do. It was only his fine personality that gave him such a remarkable vote last session over my protest; but I assure him that he will have no such vote this time. This measure certainly can not pass this body this year. Mr. President, I will not detain the Senate longer to-day. As the debate progresses I will have something more to say on the issue.

THE PROHIBITION LAW

Mr. McKELLAR. Mr. President, for more than 50 years prior to the actual coming of the national prohibition law, the sober-minded, God-fearing, Christian people of this Nation waged an unremitting fight to make this Nation a sober people. It was first a community fight, then became a county fight, then a State fight, and lastly a national fight.

Prior to 1914 only nine States had abolished the liquor traffic. Between 1914 and the time the prohibition amendment went into effect 24 States adopted prohibition. In 1918 the war-time prohibition act was enacted and it became effective June 30, 1919. The eighteenth amendment had been submitted to the States by the Sixty-fifth Congress on December 18, 1917. Between January 8, 1918, and February 25, 1919, the legislatures of 45 States had ratified it. The forty-sixth State, New Jersey, ratified it on March 9, 1922. In nearly all of these States the vote was decisive, and the majority overwhelming. Only Connecticut and Rhode Island failed to ratify it. It is a little curious, it may be remarked here, that the forty-sixth State, and the last State to ratify it, waited until March 9, 1922, and constituting the last expression of the people of that State, on that question, was the State of New Jersey, whose two Senators are now so violently opposed to the amendment and to the law enforcing it.

The Volstead Act, officially known as the national prohibition act, was passed in October, 1919, and President Wilson vetoed it, and a few days later it was passed over his veto. This law took effect at the same time the amendment took effect, January 17, 1920, so that for a little more than six years we have been operating under the national prohibition act, known as the Volstead Act. It will be remembered that the Willis-Campbell Act, strengthening the provisions of the Volstead Act, became the law on November 23, 1921.

MOVEMENT TO REPEAL

Mr. President, ever since the national prohibition act took effect there has been a great deal of discussion in the public prints and by the few advocates of liquor, on the floor of the House and Senate, about the repeal of the eighteenth amendment and the national prohibition act. The causes of this discussion are easily seen. In the first place, the temperance people, composed very largely of the church people of the Nation, both men and women, after the passage of these measures, felt that the temperance situation was secure; that it had been a hard battle, and they had won, and that they had won in a lasting way; that there was no danger of a possible repeal; and so since that time they have contented themselves with resting upon their oars and not saying much.

On the other hand, very naturally, those who had lost in the prohibition fight have been and are full of criticisms of the constitutional enactment and the law, and they have been quick to catch at any straws which would indicate a change of sentiment upon the part of the people. One day we find them engaging in a frantic appeal for light wines and beer; another day they show great concern for other sections of the Constitution. Then we have homilies on law enforcement as to all laws except the prohibition laws, which they seem to think it is all right to violate. Then we have discussions about the possibility of repealing the liquor laws, and then we have a great deal of loose talk about there being more drinking than ever before; that the prohibition laws are failures; that the people are dissatisfied with them; that they were passed not by the good Christian temperance people of the land, but by the bootleggers, in order that they might ply their trade; that the expense of enforcing the prohibition laws is ruining the Nation. They discuss the tyrannies and crimes of the prohibition-enforcement officers; they inveigh against the iniquities of the Anti-Saloon League; they look with horror upon the efforts of the Women's Christian Temperence Union, and many other such flimsy and unstable arguments, the most of which are without foundation. Indeed, Mr. President, if I did not have such great respect for the distinguished gentlemen on the floors of the two Houses who thus inveigh against the prohibition laws I would say that there was little but twaddle in their arguments. I think the great body of American people so consider them.

Again, prohibition affected the appetites of so many people that those who have contracted the habit of strong drink have made every effort to secure supplies from any available source. It must be borne in mind that any law that deprives any considerable body of people from gratifying their appetites will be decried against by those thus deprived. It is so in the narcotic law and it is so in reference to every other law of a

similar nature. It is perfectly natural that those who have discussed the question most have been those rather small elements of our social fabric.

Again, there is also some reaction against any law after it has been put into effect, however righteous that law may be; and this is especially so in the case of a law affecting the personal habits of so many people.

These things account largely for what we see in our newspapers and hear on our rostrums about the repeal or modification of the prohibition law.

NO REAL CHANGE OF OPINION

More than three and a half years ago the Manufacturers' Record of Baltimore published letters from several hundreds of the foremost business men, manufacturers, bankers, farmers, educators, and professional men in the country, giving their views about the moral and economic value of prohibition. It appears that 98½ per cent of the reports showed they were in favor of some sort of prohibition, while 85½ per cent were for strict prohibition. Only 7 per cent wanted wine and beer, while 2.75 per cent were undecided and 1½ per cent were opposed to prohibition. Last spring a correspondent of the Manufacturers' Record indicated that there had been a change of opinion and suggested that a survey be again made by the Manufacturers' Record to ascertain whether or not these men had, as a matter of fact, changed their views after several years under the prohibition law. In the Manufacturers' Record issued July 30, 1925, the reports of these gentlemen are inserted, and they show that all held to their former opinion. Manufacturers said the economic advantages of prohibition were tremendous. Leading doctors throughout the country said the death rate had been lowered and the sickness rate had been lowered; that savings accounts had been increased. Others claimed it has been a boon to women and children and a blessing to the entire country. One head of many large factory plants said that prohibition meant sober employees, better workmen, better husbands, better fathers, and better citizens, and I believe that all these things are true. In our hearts we all know they are true.

EVIL EFFECTS OF ALCOHOL

I need not dwell on the evil effects of alcohol as a beverage. Knowledge of its blighting effect on the human system—on the mind, body, and morals—is now known of all intelligent men and women.

It first excites and stimulates the mind and whets the appetite, and soon a permanent appetite is formed for alcohol in ever-increasing quantities. Later it stupefies and deadens the mind and beclouds the intellect. Its inroads are not as rapid as in the case of the use of habit-forming drugs, but in the end its harmful effect is just as certain. No one can long use it in excess without beclouding, benumbing, and completely ruining his or her intellect.

Its effect on the body is just as disastrous. It engenders disease in nearly all the organs of the body. It attacks the heart, causes the hardening of the arteries, taints the blood, attacks and in the end destroys the kidneys, injures the liver, burns out the stomach and intestines, destroys the efficiency and color of the skin, affects the bone, and finally weakens and breaks down and destroys the whole human system. And while alcohol is having this effect on the mind and body it in a similar disastrous degree operates on the moral system. It makes of one a moral coward. It leads him to falsify, to steal, to be dishonest, and oftentimes to the commission of all kinds of crimes.

Some of the brightest minds I have even known in professional, business, and even in public life, have been injured or even destroyed by its excessive use. Some of the most naturally honest men in the world have fallen by the wayside by reason of its insidious effect. Countless millions have passed on before their time into endless eternity because of this blighting and awful habit. I sometimes wonder how any grown man or woman can defend its use. Nearly all of our leading modern physicians, instead of prescribing it, now decry it, and many of them, like Dr. Harvey W. Wiley, Dr. Haven Emerson, Dr. Howard A. Kelly, Dr. John Harvey Kellogg, and many others, have become the most ardent advocates of prohibition.

HOW PROHIBITION AFFECTS VARIOUS CLASSES

Mr. President, I think it will be interesting to consider for a moment how the prohibition laws affect various classes of our people. The colored people, composing in our part of the country a very large segment of our population, are, in my judgment, tremendously benefited by this law. Their improvement since prohibition has been most marked. They are buying homes and farms. They are sending their children to school. They are better clothed and better fed. They are better men and women and are making better citizens. Prohibition has probably been a greater boon to them than to any other class.

Again, those white people who labor on farm or in factory, the clerks in our stores, the small merchants, all classes of people who work with their hands, men and women, have been greatly benefited. The farmers have been greatly benefited. All those employing labor have been greatly benefited. All these classes of people have been greatly benefited by the closing of the saloon and by the consequent rise in the price of illegal liquor. These liquors are so high that people of ordinary means can not afford to buy them, and thus the temptation has been greatly removed.

But, Mr. President, there is a class of our citizens that apparently prohibition is injuring. I say "apparently" because this injury does not come from the prohibition law itself, but it comes from a very determined and willful effort on the part of the people of this class to violate the law. They just seem determined to derive no benefit from prohibition. This class or element of our population are generally accorded to be the better class of people. Some call them the "moneyed aristocracy." I would not call them that. But it is certainly the wealthier class of our people. It is composed of those men and women who have the money to buy liquors at high prices. Men who have inherited wealth or have made large wealth and now have much leisure—men with leisure enough to frequent city clubs, social clubs, country clubs, golf clubs. Women whose lives are largely given over to entertaining and being entertained, many of whom have no real business in life except perhaps to succeed socially. Frequently we speak of these people as the better classes of our people, but they constitute those who are more than any other class apparently openly and proudly violating the prohibition law.

Mr. President, frequently the result of a law can not be forecast. Before the national prohibition law came, one would have supposed that this element of our population of which I am now speaking would have been foremost in upholding the law. Composed of men and women, largely of education, of good training, of property and substance, one would have thought that they would not be willing to take the risk of tearing down any law, but would be the first class to uphold and defend all laws; and yet we find this class, more than any other class, is violating the law and holding in contempt and even derision, for the most part, the Constitution and laws of our country.

Not only do we find men of this class violating the law but women also. They give parties. They invite friends, serve cocktails or highballs, or put a little flask of liquor by each plate, covered under a pretty paper. They buy the liquor from bootleggers. They know these men are violating the law when they purchase. They join in this violation. Mr. President, it is an awful thing to contemplate that these citizens constituting a very small proportion of the people of America, but at the same time a very influential and important part of the people of America, would thus be willing to openly and flagrantly violate the law.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield.

Mr. BRUCE. I would like to ask the Senator from Tennessee whether he thinks that these thousands and thousands of arrests for drunkenness throughout the United States are referable to that particular limited social class of which he speaks?

Mr. McKELLAR. Very few of them belong to it. The thousands who are arrested are from the poor people, who in some way get hold of liquor. But, as the Senator knows, and as I know, and as every other Senator knows, the class of which I am now speaking is the class violating the liquor laws more than any other class, because, in the first instance, they have the money to buy, and in the next place the influence to keep out of the clutches of the law. While we all probably are more familiar with that class of people than any other, we know that what I am stating about that is absolutely true, and there is not a man or woman within the sound of my voice who does not know that in the so-called better elements of our social fabric the people are violating the law more than they are in any other class.

Mr. BRUCE. It seems to me, if the Senator will permit me to say so, that he is simply trying to do what is a very common thing in public life, to stir up a spirit of social prejudice and disaffection.

Mr. McKELLAR. Quite the contrary. If the Senator will let me proceed for a moment, I shall urge with all the force of which I am capable this splendid class of our citizens, who I believe are doing themselves such great harm, with all the sincerity of purpose of which I am capable, to cease

violating the law. I do not like to see these people violate the law any more than to see any other class of our people violate the law, and not as much, as a matter of fact.

Mr. BRUCE. The Senator admits, anyhow, that this vast number of arrests for drunkenness does not emanate from that class?

Mr. McKELLAR. I will get to the matter of drunkenness in a little while; but I will say that a very small portion of those who are actually arrested belong to the class of people about whom I am now speaking.

Mr. BRUCE. Is it or not the observation of the Senator from Tennessee that that class seems to be able to drink without any particular amount of excess?

Mr. McKELLAR. So far as I can recall, my memory running back over the last two or three years, the only drunken people I have seen belong to the class to which I am now referring.

Mr. BRUCE. The Senator's observation is very different from mine. I have had a considerable scope of social experience, and I can truly say that in the last five years I have not seen a human being within the circle of my personal friends and acquaintances who was drunk.

Mr. McKELLAR. Then I want to congratulate the Senator on that admission. It shows that the Senator, in the class of people concerning whom we are now talking, has not seen one person under the influence of liquor in the last five years. I believe that was the statement. That is a wonderful record for prohibition.

Mr. BRUCE. I have never seen one man or woman in the city of Washington under the influence of liquor, in the circle of my social associations, and I have seen 5,000 drink.

Mr. BROUSSARD. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BRUCE. Of course, when I said 5,000, I was using exaggerated language.

Mr. McKELLAR. I was quite sure of that.

Mr. BRUCE. I have seen dozens and dozens drink, and I have yet to see one single drunken man or woman within the circle of my social connections in the city of Washington.

Mr. McKELLAR. Since prohibition?

Mr. BRUCE. Yes; since prohibition.

Mr. McKELLAR. I am glad to have that admission from the Senator. It means a great deal in this debate.

I now yield to my good friend the Senator from Louisiana.

Mr. BROUSSARD. At the time of the adoption of the eighteenth amendment and the enactment of the Volstead Act I claimed that it was class legislation. After hearing the latter part of the speech of the Senator from Tennessee, I am confirmed in that opinion, and agree with the Senator's argument that it is class legislation.

Mr. McKELLAR. The legislation is not class legislation. The enforcement of it is to some extent open to that criticism.

Mr. BROUSSARD. The enforcement is class enforcement. It is enforced among certain classes.

Mr. McKELLAR. That is lamentably true.

Mr. BROUSSARD. Despite the efforts made by the prohibition department. Do not the men charged with the execution of the law know that every man who before prohibition drank anything and has money now is still drinking? Why do they not arrest them?

Mr. McKELLAR. I do not know. I can not go into that; that is not my province. But I will say this to the Senator, that I believe the officers of the law are trying their best to do their duty.

Mr. BROUSSARD. And are arresting the poor devils.

Mr. McKELLAR. Mostly those; yes.

Mr. BROUSSARD. Will the Senator answer another question?

Mr. McKELLAR. I shall be glad to do so if I can.

Mr. BROUSSARD. The Senator has described the effect of alcohol on the human system. Can the Senator from Tennessee name a single individual in history who has a world-wide reputation who was a total abstainer?

Mr. McKELLAR. I do not think I can just at this moment.

Mr. BRUCE. If the Senator from Louisiana is really seeking such an example, he can find one in the Senator from Tennessee himself. [Laughter.]

Mr. McKELLAR. We will not discuss that.

Mr. President, continuing about this particular class of people for a moment, their own violation of the law is not the worst feature of this situation. The worst feature is that they are teaching their own sons and daughters to violate and hold in contempt this law and all other laws of our land. How sad it is to contemplate that when their sons and daughters become drunkards they themselves are showing them the way. When their sons and daughters become law violators of every kind, they themselves are showing them the way by precept and by example.

Mr. President, if this small but influential class of our people could be prevailed upon to obey the law, there would be no further talk, in my opinion, about law enforcement. Many of these people are church people. The most of them are our so-called best citizens, and perhaps about all other things except liquor-law violations are justly entitled to be called good citizens. They know better than to violate the law. They have had better training than most people. They must love their children. They must respect their Government. They must desire that our Constitution be upheld. They must desire that the rights of life, liberty, and property be upheld, and yet how can they expect these protections and safeguards if the law shall be thrown around them when they are openly, notoriously, and even proudly boasting of their own violation of one of the provisions of the Constitution. Under the laws of our land these classes of our people are constantly increasing their wealth and power. They are more interested in safe conditions, more interested in law enforcement, than any other people in our land, and yet to-day they are doing more than all others besides to undermine our social fabric and to break down orderly government.

Mr. President, I want to appeal to these classes of our people to obey the law. I want to appeal to them, not only in their own interests, but in the interests of their sons and daughters who are growing up around them. I want to appeal to them to let their better natures assert themselves to the end that orderly government may prevail in our land.

Mr. President, not long ago I was invited to a large dinner party given by some friends of mine. Liquor was served. I sat on the right of my good hostess. She did not drink herself. She was a member of the church. Her husband has been successful. He has recently become rich. She had sons and daughters. They all wanted to get along in the world and she confided in me that she thought it was wrong to serve liquor, but that unless she did she was not invited to the homes of the best people, and that unless she served wines at her house the best people would not come, that her children could not go with the children and the best people unless liquors were served. Ah, Mr. President, what a travesty, what a misguided view this is of real life, that in order to rise in the social scale one must become a law violator and a Constitution derider. What will become of a class of people, even though it may be called a moneyed aristocracy, which thus flagrantly teaches a violation of the law and inculcates into their children a disrespect for the established Constitution and laws of the land? I want to appeal to this element of our people to put themselves right and to uphold the Constitution and laws of our blessed country.

CHANCES OF REPEAL

Looking at the matter in a perfectly candid way, it would seem that the chances for repeal are practically negligible and the chances for modification are not a great deal better. The eighteenth amendment is as follows:

SECTION 1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

In order to change this constitutional provision it will be necessary for two-thirds of both Houses to pass a law nullifying the amendment. On an application of the legislatures of two-thirds of the several States a convention shall be called for nullifying the amendment, and even when this is done, it requires a ratification of such annulment by the legislatures of three-fourths of the several States or by convention of three-fourths of the several States. The Constitution has been in effect for 137 years. No amendment, once adopted, has ever been repealed, so that it would seem that at this time, with the overwhelming sentiment against drunkenness and the well-known injurious effect of the habitual use of intoxicating liquors, that there is hardly a chance in a thousand that this amendment will ever be repealed.

Mr. BROUSSARD. Mr. President——

Mr. McKELLAR. I will yield to the Senator in just a moment.

Even supposing a constitutional amendment qualifying the prohibition amendment was passed. It would take the legislatures or conventions in 36 States to ratify such an amendment. Now, 33 States already have state-wide prohibition, and 13 States are all that are necessary to veto the legislation. Is it possible that the wets can get 21 out of the 33 of these prohibition States? Our liquor friends are evidently not advised as to the prohibition sentiment in those States, if they think they can. So far as I can see, the sentiment in this country is be-

coming more favorable to prohibition, rather than to a return of liquor.

Mr. BROUSSARD. Will the Senator yield to me now?

Mr. McKELLAR. I gladly yield to my friend now.

Mr. BROUSSARD. I am glad the Senator continued before yielding, because that which he stated after my attempted interruption demonstrates exactly what I wanted to say. The Senator and I live in the South. The fourteenth and fifteenth amendments were not repealed.

Mr. McKELLAR. They are not repealed, and they are in very full force and effect in my own State of Tennessee.

Mr. BROUSSARD. They are not in my State.

Mr. McKELLAR. They are in Tennessee.

Mr. BROUSSARD. I will go further. I will say to the Senator that the enforcement in this country has abrogated almost all of the first 10 amendments of the Constitution. They have not been repealed.

Mr. McKELLAR. I do not agree with the Senator in that statement.

Mr. BROUSSARD. What has become of the guaranties to the citizens of the United States under the first 10 amendments of the Constitution, which were a part of the original Constitution? They are being disregarded to-day by the prohibitionist, who is merely looking to the eighteenth amendment.

Mr. McKELLAR. The Senator has asked a question and I want to answer it. I believe that the guaranties of the first 12 amendments of the Constitution are not only in just as full force and effect as ever, but they are more so. The only menace to those guaranties of personal liberty is the attempted violation of the eighteenth amendment and the laws enacted under it.

Mr. BROUSSARD. I disagree with the Senator about that entirely. Just to demonstrate, let me remind the Senator of what occurred on the floor of the Senate since I have been here. When the so-called beer bill was up for consideration, the Senator from Missouri [Mr. REED] offered the fourth and fifth amendments to the Constitution as an amendment to that bill without the change of a single word. When the amendment was offered, former Senator Sterling, of South Dakota, and the Senator from Ohio [Mr. WILLIS] objected, not recognizing them to be the fourth and fifth amendments to the United States Constitution.

The only exception that was made to the fourth and fifth amendments in the form of an amendment to be attached to the beer bill was the prohibition against search of the person, whereupon former Senator Stanley, of Kentucky, went to the then Senator Sterling and agreed to take out the inhibition against search of person. The amendment was then accepted and unanimously agreed to in this body. It went to conference and the conferees refused to accept it, and they brought back the provision that we have to-day, which permits search and seizure of papers and property and everything connected with it, which were supposed to be safeguarded under the fourth and fifth amendments to the Constitution. That has been made a part of the law.

Of course, the worst transgression of the fourth and fifth amendments is by the prohibition officers who are attempting to carry out the compromise in the way of a safeguard to the individual as contradistinguished from the fourth and fifth amendments to the Constitution of the United States.

Mr. McKELLAR. In answer to that statement I will say that I was present when the amendments were offered as described by the Senator from Louisiana. I rather thought they were offered in a facetious way. We all agree that the Ten Commandments are fairly worthy of being upheld and considered.

Mr. BROUSSARD. But we did not legislate those.

Mr. McKELLAR. And yet I have no doubt if somebody had offered the Ten Commandments in the form of an amendment to the bill then pending, the amendment would have been voted down, not because Senators were opposed to the Ten Commandments but because they had no proper place in the bill.

Likewise those amendments to the Constitution of which the Senator speaks were voted down. Why? Not because those who voted them down did not believe in them. They believed in them just as certainly as any others. They voted them down because they had no proper place in such legislation. The Supreme Court of the United States has upheld the law of which the Senator complains. It has been criticized just as the Senator has criticized it. Those criticisms have been brought to the attention of the court in a due and proper way. The cases have been carried to the Supreme Court of the United States, and every contention made by the Senator and other Senators who believe with him and who voted against the amendments at the time has been overruled by the highest courts in the land. The highest courts in the land have said that the law is in perfect keeping not only with the eighteenth amendment but with the first amendment, the second amendment, the third amendment, the fourth amendment, and every other part of the Constitution. How can it be criticized by claiming violation of the other provisions of the Constitution, when our Supreme Court has held that there was no violation? I know that the Senator, like myself and all other good citizens, must concede that when the Supreme Court renders its opinion upon the Constitution of the United States that opinion is final and binding until the National Legislature changes it.

Mr. BROUSSARD. Mr. President, will the Senator permit me to interrupt him, just to keep the record straight?

Mr. McKELLAR. Certainly.

Mr. BROUSSARD. The Senator did not vote against that amendment when it was before the Senate.

Mr. McKELLAR. I do not recall.

Mr. BROUSSARD. No one in the Senate voted against it.

Mr. McKELLAR. I should have done so if I did not.

Mr. BROUSSARD. The Senator said it was voted down. There was not a vote cast against it until the conferees emasculated the fourth and fifth amendments to the Constitution which had been offered as an amendment to the bill.

Mr. McKELLAR. Finally we voted against it, because they were not in the measure when it was passed. If we let it go by as the Senator has said, I think we made a mistake in letting it go by even that far.

SALOONS GONE FOREVER

As evidence of the almost unanimous sentiment against the indiscriminate use of intoxicating liquors by the people, there is practically no one now who would argue in favor of the reopening of the liquor saloon.

I digress here long enough to ask the question, is there a Senator on this floor who would vote to restore the saloon to the people? If so, I should like to hear from him. [A pause.] Well, that is one victory, anyway; that whatever views Senators may have about liquor the eighteenth amendment has abolished the saloon in this country and we all acquiesce in its abolition.

Yet, I remember the day when there were few men who would say that they were in favor of the abolition of the saloon.

Mr. President, I remember the day when the saloons were the seats of political power in this country and almost controlled it, and yet the abolition of the saloon is what the eighteenth amendment and the Volstead law have done in the interest of the people. They have abolished the saloon. Even the most violent opponents of the Volstead law and of the eighteenth amendment almost without exception are opposed to a reestablishment of the saloon. I do not believe any advocate of liquor in this body, however ardent, would advocate a return to the open saloon, and that has been shown by the question that I asked and the lack of an answer.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Louisiana?

Mr. McKELLAR. I yield.

Mr. BROUSSARD. Does the Senator from Tennessee contend that there are no saloons in the United States at this time?

Mr. McKELLAR. There may be saloons, but I do not know of any.

Mr. President, I remember when the liquor saloons were powerful enough to control the politics of practically all our cities and of the most of our States. The marvelous change in sentiment toward the saloon shows the underlying sentiment against their reestablishment and in favor of a sober Nation and a sober people.

But our liquor friends say they are not going to return to the open saloon, that they will have the breweries dispense beer by wholesale and deliver it at the consumers' houses and that wines and liquors may be dispensed by the Government, if necessary, or by the drug stores or other such agencies. Mr. President, I am no more in favor of a drug-store saloon than an old-fashioned saloon, and the American people are not going to permit drug stores to be turned into saloons. They are not going to permit the return of the saloon in any guise, form, shape, or under any name, alias, or subterfuge. When the saloons were here, they debauched the men, ruined the lives of women, and were a constant menace and source of destruction to the youth of the land. They debauched the politics of the Nation, they constituted one of the worst enemies of industry, they prevented saving and were a constant source of destruction to health, happiness, morality, decency, honesty, clean politics, good government, and of even life itself. The American people know what they were. They

know their hurt and injury, and they will never let them come back under any form or under any pretext.

In the great fight for their destruction the wine and beer interests lined up solidly with the liquor interests, and they went down with the liquor interests, and, in my judgment, they went down for all time. If you modify the law to open legally a beer-selling place, it will not be two weeks before the owner of the place will be selling liquor illegally. If you permit wine to be sold in like manner, it will only be a short time before liquor will be sold there illegally. In other words, when it comes to intoxicating drinks, when you modify the law, it is to destroy the law. If you allow light wines and beers to be sold, instantly liquor will be sold illegally.

THE CASE OF MEMPHIS

Mr. President, the beneficial workings of the prohibition laws can not be better illustrated, perhaps, than in the case of my own home city of Memphis.

After one of the greatest political fights that ever took place in Tennessee, a fight in which tragedy in high place was a part, Tennessee in February, 1909, passed over the veto of the then governor a state-wide prohibition law. Perhaps, unfortunately, this law had never been submitted to a state-wide vote, but the sentiment in favor of doing away with the saloon and of establishing state-wide prohibition was overwhelming, except in the large cities. In Memphis for the first several years after the passage of the law the statute was openly and flagrantly violated. In fact, no attention whatsoever was paid to it. Indeed, at one time during this period Memphis voted wet and in favor of the saloons by something like 7,500 majority; and then came a revulsion in sentiment and the state-wide laws were partially enforced. When the war-time prohibition act came they were better enforced, and when nation-wide prohibition came they were even better enforced; and, in my judgment, while their violation is still very considerable, they are being better and better enforced every year.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield.

Mr. BRUCE. Is the Senator from Tennessee aware of the fact that complaint has been more than once made in recent years that criminal conditions in the city of Memphis are so bad that it is difficult to obtain from the public authorities in that city statistics in relation to them.

Mr. McKELLAR. No, sir; I am not aware of that fact.

Mr. BRUCE. But it is a fact.

Mr. McKELLAR. I have lived in Memphis for 32 or 33 years, and I think conditions there are more favorable to law enforcement of all kinds than they ever were before in the history of the city.

I want to say another thing. I have here a statement from the chief of police of the city of Memphis which affords absolute proof of what I am saying, if it were necessary to prove it. I want to say that there is no more doubt of the splendid effect the prohibition laws have had in Memphis than there is about my standing on this floor and speaking on this subject to-day.

Mr. BRUCE. I am not asking the Senator from Tennessee for an asseveration. I am asking him for facts.

Mr. McKELLAR. And I will give them to the Senator if he will permit me.

Mr. BRUCE. The statement has been made to me that it is practically impossible to obtain from the public authorities of Memphis a statement in relation to the extent of criminal conditions in that city.

Mr. McKELLAR. I will give the Senator any information that he may want on that subject at any time, or I will see that it is furnished to him.

Mr. BRUCE. I will ask the Senator from Tennessee, has he before him any table going to show the extent to which arrests for drunkenness have increased in the city of Memphis since the year 1920?

Mr. McKELLAR. I have such a statement, and I will submit it as an exhibit to my remarks here this afternoon. I have those statistics right here, and I will give them to the Senator from Maryland.

Mr. BRUCE. I shall be glad to see them. All I have to say is that if they do not show a steady, progressive increase in the number of arrests for drunkenness, the city of Memphis enjoys the exceptional distinction of being the only large city in the Union in which such a steady, progressive increase has not taken place.

I do not want to be misunderstood. I have no disposition to cast any reflection upon the worthy people of the city of Memphis or upon any other city in the United States.

Mr. McKELLAR. I do not think there are any worthier people in any city than there are in Memphis.

Mr. BRUCE. We all know that allowance should be made for the peculiar composition of its population, which naturally tends much more readily than the population in some of the more northern cities to swell criminal statistics; but I will ask the Senator another question.

Mr. McKELLAR. Let me answer the Senator's last question first. It will take me just a moment. I will give the facts from information furnished by the chief of police of the city of Memphis. I wrote him under date of February 12, 1926, and asked him several questions. I give the Senate his replies just as they have come to me to show how faulty is the information of the Senator from Maryland about the city of Memphis.

Mr. BRUCE. I have asked the question for information.

Mr. McKELLAR. I will read the letter and the answers of the chief of police:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
Washington, D. C., February 12, 1926.

Hon. J. B. BURNEY,
Chief of Police, Memphis, Tenn.

MY DEAR CHIEF: I desire to get some facts about the prohibition laws and their enforcement, in so far as they affect your city.

How many arrests for drunkenness were there in Memphis in 1912 and how many for 1924?

Arrests, 1912	1,528
Arrests, 1924	1,530

In 1912 was there a local law authorizing the police to arrest for drunkenness alone? There was; but about 60 per cent were held to sober up and no record.

Was there such a law in 1924?

In your judgment, were more liquors drunk in Memphis in 1912 than in 1924?—Yes.

If drinking has increased, state the amount of increase, in your judgment.

He does not answer that question. [Laughter.]

Do not laugh quite so fast, because the next question answers that and explains it in a way to the great honor and credit of my home city. The next question is:

If drinking has decreased, state the amount of decrease, in your judgment.

And his answer is:

About 75 per cent.

Mr. BRUCE. I am not talking about generalities.

Mr. McKELLAR. Oh, no; the Senator did not expect these figures. The Senator laughed when I said the question was not answered, but when the facts are shown he tells me he does not want them.

Mr. BRUCE. I said I was not asking for generalities.

Mr. McKELLAR. I know the Senator is not.

Mr. BRUCE. The statement as to a 75 per cent decrease expresses nothing probably but the hasty judgment of a police authority who wishes to make a goodly showing for his city. The essential fact is, however, that the number of arrests for drunkenness, as I understand the paper which the Senator has just read, in 1912, before the adoption of the eighteenth amendment, and in 1924, after the adoption of it, is practically the same.

Mr. McKELLAR. Just a while ago the Senator said the number had enormously increased, but here is a man who knows his business as few other men do know it in this country——

Mr. BRUCE. If the Senator——

Mr. McKELLAR. Just one moment—and this man states, in answer to the question, that 60 per cent of those who were found drunk in the old days were allowed to sober up or they were sent home in carriages, where they were able to be sent home, and that few arrests at that time were made.

Mr. BRUCE. The Senator will do me the justice to say that I said that there had been a steady, progressive increase of drunkenness since 1920; that is to say, ever since the adoption of the Volstead Act. It would be a poor showing, indeed, if after all the stupendous machinery of Federal repression had been set into motion the number of arrests in 1924 were as great as it was in 1912.

Mr. McKELLAR. Let me finish reading from this letter. I think, after the assault the Senator has made upon the morality of my home city, and his reference to the criminality there prevailing, it is nothing but fair that the facts may be adduced, and I wish to read the remainder of the letter.

Mr. BROUSSARD. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Just a moment. I want to give the facts.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. McKELLAR. I will yield to the Senator in a moment. He does not know the facts, and the man who wrote to me does know them.

If drinking has decreased, state the amount of decrease, in your judgment.—About 75 per cent.

What was the number of men and women convicted of drunkenness in 1912 and what was the number in 1924?

Men arrested in 1912	1,270
Men arrested in 1924	1,482
Women arrested in 1912	258
Women arrested in 1924	98

In your judgment, were as many people seen drunk on the streets of Memphis in 1924 as in 1912?—No.

What was the total aggregate amount of fines imposed for drunkenness in Memphis in 1912 and what was the amount in 1924?

Fines, 1912	$10,368
Fines, 1924	12,025

In your judgment, was one-tenth as much liquor consumed in Memphis in 1924 as in 1912, when all the saloons were open and running all day and much of the night?

Were you able to preserve order in the city of Memphis better in 1924 than it was preserved in 1912, when all the saloons were open?—Yes.

If you will just sit down and write in your answers on this letter and return to me in the envelope which I inclose, I will greatly appreciate it.

Very sincerely yours,

KENNETH McKELLAR.

Then he adds this:

Population of Memphis in 1912	135,533
Population of Memphis in 1924	174,567

Population in the suburbs is probably ten times more in 1924 than 1912 on account of automobiles and good roads.

J. B. BURNEY,
Chief of Police, Memphis, Tenn.

Mr. BROUSSARD. Mr. President, now, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BRUCE. Will the Senator from Louisiana allow me a moment?

Mr. BROUSSARD. Yes.

Mr. BRUCE. I am sorry to make the statement; I do not know whether it is correct or not; but I have seen the statement made more than once that the crime rate in the city of Memphis, Tenn., is higher than in any other city in the United States.

Mr. McKELLAR. Mr. President, Memphis happens to be right in the corner of the three States of Arkansas, Mississippi, and Tennessee, and there are as I remember 14 trunk roads running into Memphis——

Mr. BRUCE. Does the Senator mean to say that Memphis has been corrupted by bad neighbors? [Laughter.]

Mr. McKELLAR. Not at all; but when men are hurt in Mississippi, when they are injured in Arkansas, when they need hospitalization from anywhere on those railroads, they are brought into Memphis, and the deaths that take place from violence are included in the figures of Memphis. That is why the figures that the Senator saw occur there. I will say, however, that violations of law in the city of Memphis are not half so numerous, not half so flagrant, as they are in the good city of Baltimore, which is represented in part by the Senator from Maryland. I have been in both cities time and again; I am somewhat familiar with the conditions in both cities; and I say to the Senator that if he will do me the credit to pay me a visit and come down into the city of Memphis on a visit for a few days, he will find a city that is as good a law-and-order city as there is in this country.

Mr. BRUCE. Will the Senator from Tennessee assure me that I will come back whole if I do?

Mr. McKELLAR. I will; and I do not know whether the Senator could give me that assurance in case I came over to Baltimore or not.

Mr. BRUCE. I will ask the Senator just one more question and then I will desist.

Mr. McKELLAR. All right.

Mr. BRUCE. Does the Senator know what the arrests for drunkenness in the city of Knoxville, Tenn., were in the year 1922?

Mr. McKELLAR. Yes, sir. I did not know until I heard the Senator discuss the matter here, and I found that the Senator was so very greatly mistaken as to his facts that just a little later I am going to give the facts as taken from the law officers of the city of Knoxville.

Mr. BRUCE. There was a great deal of reluctance, apparently, on the part of the public authorities in Tennessee about giving facts of that kind, and I could get the facts as respects Knoxville for only two years. I got them, however, from the public authorities. For the year 1922 the arrests for drunkenness in the city of Knoxville were 2,753, and for the year 1924, 4,456.

Mr. McKELLAR. Yes; and I will give the Senator the facts in a moment. As the Senator knows, my State is very dry, and I think most of the people down there regard the Senator as a "wet" Senator, and they are probably a little chary about giving out information to him; but I will say to him that if he will prefer any request through me, I will guarantee that he will get a prompt reply to any letter that he may write.

Mr. BRUCE. They would know down there that the "wets" have too scrupulous a regard for accuracy and facts——

Mr. McKELLAR. Oh, no; I think the Senator has been very careless about his facts, and especially about Memphis and Knoxville.

Mr. BROUSSARD. Mr. President——

Mr. McKELLAR. I now yield to the Senator from Louisiana.

Mr. BROUSSARD. I wanted to ask the Senator a question while he was referring to the chief of police of Memphis, but I was unable to secure his permission to interrupt.

Mr. McKELLAR. I shall be glad to yield. I did not mean any disrespect to the Senator because I did not yield at that time.

Mr. BROUSSARD. I understand. When the Senator was dealing with the equal number of arrests in 1912 and 1924——

Mr. McKELLAR. But in 1912, 60 per cent of them were sent home in carriages, or otherwise cared for without any arrests, according to the report.

Mr. BROUSSARD. Will the Senator permit me to complete my question?

Mr. McKELLAR. Indeed I will.

Mr. BROUSSARD. I am glad the statement has been made. That is just what I was going to bring out, that those fellows were not arrested in 1912.

Mr. McKELLAR. No, sir; they were not. I want to say to the Senator, in answer to that question, that I happened to be in Memphis in 1912 a large part of the time, or at any rate along in those years; and I said here on the floor of the Senate the other day that I do not believe there is one-tenth as much drinking of intoxicating liquors in the city of Memphis to-day as there was at that time. I doubt very much whether there is one-twenty-fifth as much to-day as there was then.

Mr. BROUSSARD. But I should like to complete my question.

Mr. McKELLAR. I beg the Senator's pardon.

Mr. BROUSSARD. I should like to ask a question and follow it up.

Mr. McKELLAR. Very well.

Mr. BROUSSARD. I think the burden of the Senator's speech up to now has been to denounce the people who can afford to buy liquor.

Mr. McKELLAR. Oh, no; I am pleading with them to quit doing so.

Mr. BROUSSARD. Then I misunderstood the Senator.

Mr. McKELLAR. I am not abusing them at all. I think they could spend their money to infinitely better account than in violating the Constitution and laws of their land.

Mr. BROUSSARD. I thought the Senator promised to permit me to propound a question.

Mr. McKELLAR. I am answering the questions as the Senator goes along. The Senator is saying a good deal.

Mr. BROUSSARD. I have not gotten through the question.

Mr. McKELLAR. I will yield to the Senator long enough to ask it.

Mr. BROUSSARD. Let me finish the question. I said that the burden of the Senator's speech has been to charge that the people who can afford to buy liquor, the wealthy people, those who can afford to buy at the high prices to-day, are violating the law with perfect immunity, and that the law is not being enforced.

Mr. McKELLAR. Oh, no; I did not say that.

Mr. BROUSSARD. Wait a minute.

Mr. McKELLAR. The Senator does not want to put me in a false attitude. I did not say either one of those things.

Mr. BROUSSARD. If the Senator does not want me to ask him a question——

Mr. McKELLAR. But the Senator is asserting something that I did not say. I am perfectly willing to answer any question.

Mr. BROUSSARD. Why does not the Senator permit the question to be asked before he corrects it? If he will do that, he can correct it afterwards, and I will take my seat.

Mr. McKELLAR. All right.

Mr. BROUSSARD. I am trying to state what I understood the Senator's speech to be.

Mr. McKELLAR. I will inform the Senator that I did not say that at all.

Mr. BROUSSARD. I will frame the question all over again, because I should like to have a complete question and a complete answer, and I can not have a responsive answer if I am to be answered in sections.

Mr. McKELLAR. All right.

Mr. BROUSSARD. I will ask this question, and I will put it all in one, and I will ask the Senator not to interrupt me until I have asked it.

Mr. McKELLAR. All right; go right ahead. I hope the Senator will not make the question too long.

Mr. BROUSSARD. I understood the Senator's records furnished by the chief of police to state that in 1912 a number of people who were picked up for drunkenness were not listed, but were taken home or permitted to sober up; and then when he answered the question as to 1924 I called his attention to the entire burden of his speech up to now, where he admitted that only a certain class of people were being arrested. Suppose, now, that you added those who had been granted immunity under the law, how many more would you have had arrested in 1924?

Mr. McKELLAR. In the first place, I did not make any such statement as the Senator attributes to me. In the next place, I will say that if all of the people who are now allowed to go free under the law had been arrested, it would have increased the number considerably—not a great deal, because the class of people to which I have referred is not relatively a very large class.

Mr. President, it may not be amiss here for me to state a personal and political experience that I had in this Tennessee situation. I had been elected to the House of Representatives in 1911. In 1913, about the time that Memphis had voted so overwhelmingly wet, I was called on as a Member of the House to vote for or against the nation-wide prohibition amendment. Coming from a wet city I had been commonly accounted a wet. However, I studied the question just as I had to study every question before I voted on it, and I came to the conclusion that the liquor traffic was wrong and that I ought to vote against it, much to the surprise, I take it, of many of my constituents. Before thus voting I received letters by the thousands and petitions with thousands of names on them urging me to vote against the amendment, and saying that the overwhelming sentiment in Memphis was opposed to it; that it would mean the destruction of the property invested in the liquor business; that it would destroy the value of the real estate that was used for saloon purposes; that it would throw thousands out of employment; that it would destroy property values throughout the city; that it would destroy the prosperity and hamper the growth of Memphis; that it would not reduce liquor drinking; that in a few years cotton would be planted or grass would be growing in the streets.

Mr. President, none of these direful predictions came true. Men were allowed to dispose of their stocks of liquors. The saloon property, instead of losing in value, is worth from 100 to 500 per cent more than it was worth previously. All property values have increased from 100 to 500 per cent. This city has very nearly doubled itself in population in that time. Its growth and development and progress have been phenomenal; and, while liquor is still drunk there, I do not believe there is 1 gallon drunk there now where 10 gallons were drunk before they had prohibition.

Indeed, Mr. President, while I know that the liquor laws are violated there—more, perhaps, than in any other city in my State, because Memphis is on the Mississippi River and in the corner of three States, with the result that it is easier to smuggle liquor in than in most other places—while this is so, during the recess last summer I was in Memphis nearly four and one-half months, in which time I saw all classes of people and mingled with them all on the streets every day; and it was not until those four and one-half months had elapsed that I saw a single man or woman drunk from the effects of liquor. During my stay in Memphis, I saw two, whereas in the old days in Memphis it was nothing unusual to see in a single hour in an afternoon scores of persons under the influence of liquor, and many of them reeling drunk. There has been a vast improvement in Memphis, not only in the enforcement of the liquor laws but in the matter of liquor drinking, and I am constrained to believe that the day will come when that city will enforce the liquor laws as well as all other laws are enforced.

After making the statement that I did not believe there was one-tenth as much liquor drunk in Tennessee as before, when my statement was questioned by the Senator from Maryland, I took occasion to write the chief of police in the city of Memphis for his views upon this subject. Chief J. B. Burney was a member of the police force in 1912, when saloons were open. Now he is chief of police, and a splendid and efficient chief he is; and I have already read the report he has given. It will be noted that he places the decrease in the drinking of liquor at 75 per cent. I think the decrease has been even greater than that. Naturally, he is in touch with that class of our citizens who violate the law, and the present state of violations appear large to him.

OTHER CITIES IN TENNESSEE

In the other large cities of Tennessee the situation is much like it is in Memphis. I did not get an answer to my letter from the chief of police at Chattanooga, but I did from Nashville, Knoxville, and Jackson, and they will be printed at the end of my remarks.

Mr. President, the Senator from Maryland [Mr. BRUCE] some days ago referred to the situation in Knoxville, and he referred to it again just a moment ago, in proof of his claim that there is more drunkenness now than there was before prohibition.

Mr. BRUCE. Mr. President, just let me correct the Senator for the third time.

Mr. McKELLAR. Very well.

Mr. BRUCE. My comparisons have always been between the years subsequent to the enactment of the Volstead Act.

Mr. McKELLAR. I modify my statement so as to make it since the year 1920 down to date. The report I have from the chief of police at Knoxville would appear to verify that conclusion of the Senator from Maryland, but only a day or two ago I received from the police judge of Knoxville, Judge Robert P. Williams, a statement on this subject which wholly contradicts the report. Judge Williams says:

> Starting early in life as a newsboy, and afterwards serving as reporter to daily papers and reporting news from the Supreme Court on down, being police reporter for 20 years and municipal judge for 7, has thrown me in a position to study the situation from its closest angle. Some of the clergy are taking the stand that a large number of arrests for drunkenness are due to prohibition, and are asking that the Volstead Act be repealed. The press in some cities is supporting the move. In my own city some are comparing arrests made in years gone by with those of the present day. The comparison is not fair. There were fewer arrests before the Volstead Act, but the reason is that in those days men who drank whisky were not arrested until they were drunk and down. Those who sold whisky provided places for their customers who took too much. Often a cab was called and the intoxicated man sent home or to a hotel.

And I stop here long enough to say that it is the common knowledge of every one of us that that is correct.

Mr. BRUCE. Mr. President, just one more interruption.

The PRESIDING OFFICER. Does the Senator from Tennessee further yield to the Senator from Maryland?

Mr. McKELLAR. I yield.

Mr. BRUCE. Of course, that idea is advanced very often, but it is totally disproved by the experience of such a city as Baltimore. The commissioner of police in Baltimore—a most efficient officer—told me just a month or so ago that the instructions he gives to policemen in Baltimore with relation to the arrest of persons for drunkenness are exactly the same instructions as those that were given to them before the adoption of the eighteenth amendment and the enactment of the Volstead Act. Those instructions were that if a man was seen drunk on the street by a policeman, and he was simply under the weather, or less than half-seas-over, and could get home without any loss of life or limb or without any positively disorderly conduct, then he was not to be arrested. Those were the instructions delivered to our policemen before the enactment of the Volstead Act, and those are the instructions in force to-day.

Baltimore City, like every other city in the Union, including Memphis and Knoxville, has witnessed a steady and a progressive increase in the number of arrests for drunkenness since the enactment of the Volstead Act.

Of course, nobody who knows our police in Baltimore city, how freely they share the free spirit of our people, how little they are prejudiced in favor of prohibition, would doubt for a moment that while they do their duty, and do it faithfully, they are not any quicker or more inclined to arrest a drunken man than they were before the enactment of the Volstead Act.

Yet in the city of Baltimore, too, where public sentiment is overwhelmingly against the eighteenth amendment and the Volstead Act, we have the same pathetic, lamentable, tragic increase in the number of arrests for drunkenness from year to year.

Mr. McKELLAR. In reply to that, I just want to read a communication. I sent this very list of questions to the chief of police of Baltimore, and he answers:

I beg to acknowledge receipt of your letter of the 13th instant, and in response thereto I am noting in numerical order replies to the several queries made by you apropos of the prohibition laws and their enforcement in this city.

First, in the year 1912 there were arrested 5,206 and in 1924, 6,029.

My second question was whether there was a local law authorizing the police to arrest for drunkenness. To that he answered, "Yes."

My third question was, "In your judgment, was more liquor drunk in Baltimore in 1912 than in 1924?"

To that he answered, "Yes."

The fourth question was whether drinking had increased, and the amount of increase, in his judgment. He did not answer that.

The next question he did not answer.

In answer to the seventh question he said that the arrests of men and women in 1912 were 1,555; in 1924 they were 3,017.

Mr. BRUCE. Mr. President, the Senator has certainly gotten his figures lamentably mixed up. I have before me a table furnished me by the police commissioner of Baltimore city.

Mr. McKELLAR. I am just reading this letter.

Mr. BRUCE. If the Senator will allow me——

Mr. McKELLAR. Oh, no. I know the Senator wants to be fair about this.

Mr. BRUCE. Absolutely. I can afford to be, my cause is so strong.

Mr. McKELLAR. I am glad the Senator feels that way about it. The next answer was:

Little difference, if any, noted in the matter of preserving order in the year 1924 and the year 1912.

Then he goes on to say:

For your information, I respectfully call your attention to the fact that the Legislature of the State of Maryland has not passed an enforcement law for violating the Volstead Act.

Mr. BRUCE. And never will.

Mr. McKELLAR. Well, I do not know about that. I think it will. I differ with the Senator about his own State. I do not believe that any State in this land will long continue violating the laws and the Constitution of the country. He continues:

Therefore, following an opinion rendered by the attorney general, this department does not attempt to enforce or make arrests for violation of the said Volstead Act.

There is a condition of lawlessness there.

However, if called upon by members of the Prohibition Enforcement Unit when making raids, and so forth, officers from this department are sent to accompany such members to prevent interference with the Federal officers, but they do not take any part in the raids.

Mr. BRUCE. Let me read some absolutely authentic figures——

Mr. McKELLAR. This is signed by George C. Henry, chief of inspectors. Is he a reputable man?

Mr. BRUCE. All the members of our police force are.

Mr. McKELLAR. Is he an honest man?

Mr. BRUCE. Yes.

Mr. McKELLAR. Does he tell the truth?

Mr. BRUCE. I have no reason to believe the contrary.

Mr. McKELLAR. Then, there is his letter, and I offer it.

Mr. BRUCE. I think he will compare favorably even with any Senator in that respect.

Mr. McKELLAR. I have no doubt of it. I ask that this letter and letters from other chiefs of police be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

[See Exhibit A to Mr. McKELLAR's remarks.]

Mr. BRUCE. The statistics given to me by the police chief of Baltimore city are as follows. Of course, my comparison is always between years subsequent to the enactment of the Volstead Act. There is no profit in going back to a period antedating the passage of that act.

Mr. McKELLAR. No; the figures would be disconcerting to the Senator if he did.

Mr. BRUCE. Not in the slightest. Surely the machinery of oppression which the Federal Government has put into force would be contemptible in the last degree if it had not worked some change in conditions.

Mr. McKELLAR. Does the Senator mean to contend that when a constitutional amendment has been adopted, and Congress has enacted a constitutional prohibition law to enforce that constitutional amendment, that is an act of oppression? The Senator has just said it was.

Mr. BRUCE. There is not a sterner stickler in the land for the enforcement of law than I am.

Mr. McKELLAR. The Senator does not talk like it on the floor.

Mr. BRUCE. In the city of Baltimore we have two Federal judges as upright and able as can be found in this country, and rigid and stern judges, too, and I honor them for the scrupulous fidelity with which they have enforced the prohibition law, as well as all other laws.

Now let me get back to the statistics, because I am not going to be led away from that trail if I can help it. The police commissioner for Baltimore city gave me these figures. In 1920 the number of arrests for drunkenness in Baltimore were 1,785. In 1921 they were 3,258. In 1922 they were 4,955. In 1923 they were 6,235. In 1924 they were 6,029, or more than in 1912, before the adoption of the eighteenth amendment.

Mr. McKELLAR. If the Senator will permit me, I will continue to read Judge Williams's letter, which refutes the same sort of statistics which were put in the RECORD not long ago as to the city of Knoxville, taking up the letter where I was interrupted. He said:

Since the war the police departments have adopted much of the red tape of the Army records, making the arrests appear much greater than formerly. The police make a report of every arrest, and this report is checked against the number of arrests made in order to see if they are doing their duty in making full reports. In my own county I have seen five warrants for one arrest, and perhaps the person was guilty of only one offense. Another reason why the number shows up large is that a bootlegger will not allow the party purchasing liquor from him to stay around his place. Officers now are more alert. If they smell liquor on his breath, some will arrest him to see if he has any in his pocket and thus get a possession or transporting case against him.

This letter was sent to me by Judge Williams, without request from me.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. McKELLAR. I will in a moment. In the city of Knoxville, a city certainly as well governed and as orderly a city as there is in the country, in my judgment, in a city where I have seen no drunkenness since the national prohibition law went into effect, is a judge who in his statement refutes absolutely figures that have been presented here before.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield only for a question, because I want to get through this afternoon. I hope the Senator will ask me a question and not make a speech in my time. I want to be very courteous to the Senator.

Mr. BRUCE. Here is a judge in Knoxville who gives this roseate picture of social conditions——

Mr. McKELLAR. He is telling the facts.

Mr. BRUCE. And here is this other public authority who writes to me that in 1924 in this city, where the Senator from Tennessee has never been able to discern a drunken man, 4,456 persons were arrested for drunkenness for the year 1924.

Mr. McKELLAR. I do not live in that city. I have no doubt there are violations in the city. But we have laws against murder. Would the Senator repeal the laws against murder because people are murdered in his city almost every day? Does he contend that we should not have a law where there is a violation of it?

The Senator can not possibly take a position like that. We have laws against stealing, against larceny. Would the Senator repeal such laws because there are thousands of people who steal every day. Would he repeal the laws against burglary because we have burglars who do their nefarious work, largely in the nighttime, in every city in the land?

Mr. BRUCE. No——

Mr. McKELLAR. Would he repeal all laws that are violated? If we should, we would not have any law. We will relapse to barbarism. I say that the prohibition law is being better enforced every day, and instead of people becoming dissatisfied with it, I believe that if it were submitted to a vote of the people in the land, the majority would be more enormous than ever before in favor of it.

Mr. BRUCE. In connection with the arrests for drunkenness, there is just another thing that I would like to bring to the attention of the Senator from Tennessee, who has been very considerate, indeed, in allowing me to interrupt him.

Mr. McKELLAR. I am very happy to do so.

Mr. BRUCE. Of course, under the old saloon conditions, a man was likely to get drunk at the corner saloon and then go staggering home and be arrested by the police on the way. Drunkenness was visible then, highly visible.

Mr. McKELLAR. Men drank more then, the Senator means to say.

Mr. BRUCE. No; I did not say that.

Mr. McKELLAR. One can not get drunk unless he drinks more, and it can not be visible unless people drink more.

Mr. BRUCE. Drunkenness had a much higher degree of visibility then. That is the point I want to make.

Mr. McKELLAR. It was more dignified and more honorable in the old days.

Mr. BRUCE. Now, a man buys his bootleg liquor and is likely to go home and get drunk under his own rooftree, where he is never visible to the police at all.

Mr. BROUSSARD. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I yield.

Mr. BROUSSARD. Was the letter the Senator read from a Federal judge?

Mr. McKELLAR. No; and I am glad the Senator reminded me of that. This letter is from a municipal judge, who attends to the police business in Knoxville. But I want to say right here now, since the Senator has suggested the matter of Federal judges, that I wrote a letter a short time ago to the Federal judges of the land; not all of them—I do not remember how many there are—but I think I wrote 26 letters to Federal judges throughout the land. It has been charged on this floor time and again in the last few months, charged in the public press, and charged in the House of Representatives, that the courts were cluttered up, were glutted, that they were all behind, that litigants in other matters could not get a fair show, that our courts were going to the demnition bow wows because the prohibition laws were taking up all the time of the judges.

I wrote 26 letters, and I have 18 replies from men who are as honorable as are to be found anywhere in the country. The Senator from New Jersey [Mr. EDWARDS] smiles. My recollection is that one of the replies was from a judge in his State. There was one from a Federal judge in Baltimore, and there is one from almost every section of the country. With two exceptions that I remember, they are practically all up with their dockets, and they all say they are capable of enforcing the law.

Mr. BRUCE rose.

Mr. McKELLAR. I want to say to the Senator from Maryland, before he interrupts, that the one complaint, as I recall, or the chief complaint, I will put it, that the Federal judge in Baltimore had to make was that they needed another judge there for the general business, and he said there was a bill now before the Congress, and he hoped that it would be passed, and I hope it will be passed.

Mr. BRUCE. I introduced a bill only two or three days ago for the appointment of another judge for Maryland.

Mr. McKELLAR. I will help the Senator pass it.

Mr. BRUCE. The need for that judgeship is occasioned by the swelling increase in the number of convictions under the Volstead Act.

Mr. McKELLAR. The judge in Baltimore does not so put it, and I call attention to his letter that will appear in the RECORD to-morrow.

At this point I ask unanimous consent that at the conclusion of my remarks, just after the letters from the chiefs of police and the replies thereto, I may insert the letter which I wrote to the several judges, and the 18 replies that I received from Federal judges throughout the country. As I remember, the one in Minnesota and the one in Buffalo were slightly behind with their dockets due to insufficient help or an insufficient number of judges to some extent, and to some extent in their opinion due to the prohibition law. As to all the rest or most of them, it will be seen that the judges are not complaining of the prohibition law, but are doing their duty and trying to enforce the law.

I digress here long enough to say that in my judgment the Federal judges upon whom has been devolved the duty of enforcing the prohibition law are doing their best, and if Congress would let them alone and give them a fair show, it would not be long before the prohibition laws would be enforced as well as the other laws.

The PRESIDING OFFICER. Without objection, the request of the Senator to insert the material at the point requested will be granted.

(See Exhibit B to Mr. McKELLAR's remarks.)

Mr. BRUCE, Mr. BROUSSARD, and Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield, and if so, to whom?

Mr. McKELLAR. I yield first to the Senator from Louisiana.

Mr. BROUSSARD. I wish to say to the Senator from Tennessee that about two weeks ago I inserted in the RECORD statistics furnished by Chief Director Jones stationed at Washington. He is the head of the bureau.

Mr. McKELLAR. The Senator knows what is said about statistics.

Mr. BROUSSARD. If the Senator does not want to permit me to ask a question——

Mr. McKELLAR. I beg the Senator's pardon.

Mr. BROUSSARD. I notice that the Senator does not want to allow me to ask a question. Does he want to get the facts in the RECORD?

Mr. McKELLAR. I shall be very glad.

Mr. BROUSSARD. The Senator certainly does not seem to indicate any such desire.

Mr. McKELLAR. I beg the Senator's pardon. I did not intend to cut him off in any way. I was just making a facetious remark or suggestion. If the Senator does not desire to proceed, I will yield now to the Senator from Maryland.

Mr. BRUCE. I have no fault to find whatever with the courtesy of the Senator from Tennessee.

Mr. McKELLAR. I am sure I did not mean to be in the slightest degree discourteous to the Senator from Maryland.

Mr. BRUCE. I simply want to say that as I remember at this moment—and if I am wrong I will correct the figures—in 1922 the number of convictions for violation of the Volstead Act in the Federal courts of Maryland was about 400. Last year they were about 1,100.

Mr. McKELLAR. That shows they are enforcing the law even in Maryland, and it is surprising in view of the fact that the State of Maryland does not have an enforcement law and will not enact an enforcement law, although I hope she may do so. I think it is very necessary that the State of Maryland should help the Federal Government to enforce the prohibition laws, as they do in all the other States except one or two.

Mr. BRUCE. I thank the Senator from Tennessee. I will pass that suggestion on to the officials of Maryland.

Mr. McKELLAR. Then I hope it may do some good.

Mr. EDWARDS. Mr. President, may I ask the Senator which are the one or two States to which he referred?

Mr. McKELLAR. I think one is Maryland and the other New York. How many more there are, I do not know.

Mr. EDWARDS. I do not know of any.

Mr. McKELLAR. I imagine that Connecticut and Rhode Island, which never ratified the eighteenth amendment at all, perhaps have no State enforcement laws.

Mr. EDWARDS. I think they have.

Mr. McKELLAR. That is to their very great credit. That means that even though they did not approve of the eighteenth amendment, yet after it is passed like good American citizens they were willing to obey the law and to help the Federal enforcement officers enforce the law.

Mr. EDWARDS. In other words, the Senator means that they were willing to try it and see if it would be effective, and they have decided that it is not effective.

Mr. McKELLAR. I have not seen that decision. There can be but one decision on the subject and that is by the Congress.

Mr. EDWARDS. Oh, no. That is a question before the people of the United States.

Mr. McKELLAR. I may be mistaken, but I think I am right.

Mr. BRUCE. I will say to the Senator from Tennessee that my attention was called a few days ago to a statement by one of the United States district attorneys in the State of New Jersey, where they have an enforcement law, that now 90 per cent of all the criminal cases that are tried in the State of New Jersey arise under the Volstead Act.

Mr. McKELLAR. If I were not afraid that my beloved friend from New Jersey would get angry with me——

Mr. EDWARDS. Oh, no; not at all.

Mr. McKELLAR. He is one of the finest men in the world and never touches a drop himself. He is as dry as the desert of Sahara and yet he votes wet. If I were not afraid he would get a little angry with me, I would say that it is because of his well-known view that he wants New Jersey to be as wet as the ocean.

Mr. EDWARDS. May I ask the Senator if it is not that wet?

Mr. McKELLAR. Not quite. I hope it never will be.

Mr. BROUSSARD rose.

Mr. McKELLAR. I will yield to the Senator from Louisiana if he wishes to interrupt me?

Mr. BROUSSARD. Provided the Senator does not interrupt me before I complete my question.

Mr. McKELLAR. I will try not to do so.

Mr. BROUSSARD. I was referring to the statistics. I have sent for them and intend to insert them in the RECORD. I obtained them from Chief Director Jones, showing not only that arrests for drunkenness have increased since 1920 but that the number of convictions has increased and the number of pending cases has increased throughout the United States. What I wanted to come back to when the Senator diverted me was to inquire whether the letter to which he referred was from a Federal or a municipal judge?

Mr. McKELLAR. It was from a municipal judge.

Mr. BROUSSARD. I understood the Senator to read the last words to the effect that at this time if a policeman or officer smells liquor on a man's breath he searches his person.

Mr. McKELLAR. No; I do not think he goes quite that far. He said:

> If they smell liquor on his breath, some will arrest him and see if he has any in his pocket, and then get a warrant for possession or transporting against him.

Mr. BROUSSARD. I wanted to call the Senator's attention to the statement he made a little while ago about the fourth and fifth amendments to the Constitution being observed.

Mr. McKELLAR. I do not agree with the Senator about that for the reason that if a policeman smells liquor on the breath of a man and arrests him and after arresting him searches him and finds that he has liquor on his person and had been transporting it, in my opinion that is not a violation of law on the part of the policeman. If it were a violation of the law, it would be the easiest thing in the world to determine. I am not passing on the question myself because I never have practiced criminal law and do not know very much about it, but I have some doubts about whether it would be a violation of the law.

Mr. President, still referring for just a moment more to my own State, in the country portions of the State the conditions as to prohibition, of course, are much better. There are moonshiners and illicit stills to be found there now, but they are inconsequential in comparison with those found in preprohibition days. I am familiar with every part of my State. I have gone into every county. I know the people. I know the conditions that exist in the great cities. I was familiar with conditions before prohibition, and I am familiar with the conditions since prohibition, and I have not the slightest doubt, as I stated once before on this floor, that there is not one-tenth as much liquor drunk in my State as there was before prohibition. I believe the proportion is much less than this figure. Nor is there the slightest doubt of a marvelous improvement in every condition and affair of life in our State since we have had prohibition. Our schools are infinitely better. Our schoolhouses enormously increased in numbers, in comfort, and in size; schools are better attended; our churches are better attended; our laws are better enforced; all classes of our people are more prosperous. The colored people in my State have been infinitely benefited by prohibition; the laboring people of my State have likewise been infinitely benefited by prohibition; the manufacturers of my State have been tremendously benefited; savings-bank deposits have been enormously increased; homes owned by small home owners have been enormously increased. There are countless thousands of laboring men in Tennessee who formerly had to tramp to and fro from their work and who now come and go in automobiles. Thousands of farmers who either walked or rode mules or in the most primitive wagons now go and come in automobiles. Public busses gather up the children in country districts and take them to school. Our lands are more valuable; our farms are better tilled; our mines are better worked; our factories are better conducted; and all classes of laboring people get more for their toil. The money that formerly went to the saloon is now going into homes, into schoolbooks for children, to the payment of church dues, for clothing for families, in automobiles, into the improvement of the inside of homes, for radio sets and Victrolas in homes, and countless numbers of necessities and luxuries which many of our people did not have in the old days of the saloon, for then their money went for liquors. Many people who formerly spent their evenings and nights in saloons now spend the evenings at home with their families or with them in picture shows where their education is widened and where they receive a quiet, amusing, and interesting and improving surcease from daily toil. Prohibition in Tennessee has been a great success, and we are enforcing the law better and better all the time.

DRINKING IN THE UNITED STATES

But it is said that the American people are drinking just as much as ever before. This statement is absolutely without foundation. There is not a word of truth in it. The facts and figures wholly disprove the statement. Besides this, there is not any fair-minded man who can truthfully say he believes there is as much drinking now as there was in the old days of the saloon. I served in the House in Washington from 1911 to 1917, during which time the saloons were open in the city of Washington. I was familiar then with the habits of Congressmen and Senators, and I dare say that there is not one-tenth—I do not believe one twenty-fifth—as much drinking among Congressmen and Senators now as there was then. I do not believe there is one-tenth as much drinking in the city of Washington now as there was then.

In the Washington Post of December 12, 1925, Mr. George Rothwell Brown, one of the ablest newspaper men in the city of Washington, a man who has lived long here and has had a wonderful experience—one of the most delightful and entertaining paragraphers I have ever read after; I read his column on the front page of the Post the first thing every morning—had this to say:

> The distinguished Senators who so earnestly contend that there is more drinking in Washington to-day than there used to be in the "good old days" before prohibition are doubtless newcomers, who don't remember when, back in Reed's time, there was a bar under the House of Representatives, when gentlemen drank their way up the Avenue every afternoon from Brock's to Shoemaker's, stopped in for a moment at the old Willard bar for Tom Ochiltree's latest story and a cocktail, dined with Sam Ward, topped off the evening at John Chamberlin's, and went home at 2 a. m. in open-faced hacks with both feet out of the windows. They don't remember "Rum Row" and "Sawdust Hall," the race-track crowd that flocked back from St. Asaph's for a little refreshment at Hancock's every evening, the foaming steins in the old Lawrence beer garden, the post-graduate course at the University of Gerstenberg, and the nightcap at the old Owen House. More drinking in Washington now! Shades of Count Perreard!

Mr. Brown, of course, is right. And his opinion is absolutely substantiated by the facts.

Mr. President, at this point I ask to have printed as a part of my remarks a letter from Major Hesse, superintendent of the Metropolitan police force of the District of Columbia, which further proves my contention.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., February 17, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: Inclosed herewith please find answers to your letter of the 13th instant.

With best wishes,

Very truly yours,

EDWIN B. HESSE,
Major and Superintendent.

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
February 13, 1926.

CHIEF OF POLICE, *Washington, D. C.*

MY DEAR CHIEF: I desire to get some facts about the prohibition laws and their enforcement, in so far as they affect your city.

How many arrests for drunkenness were there in Washington in 1912 and how many for 1924?—Answer. Arrests 1912, 8,623; 1924, 9,149.

In 1912 was there a local law authorizing the police to arrest for drunkenness alone?—Answer. No. The law providing penalty for intoxication became effective July 1, 1913. Persons in 1912, who were arrested on charge of intoxication, were released when able to care for themselves.

Was there such a law in 1924?—Answer. Yes.

In your judgment, were more liquors drunk in Washington in 1912 than in 1924?—Answer. Yes.

If drinking has increased, state the amount of increase, in your judgment.—Answer. See above.

If drinking has decreased, state the amount of decrease, in your judgment.—Answer. Any statement as to the amount would be a mere guess, but am convinced that decrease is considerable.

What was the number of men and women convicted of drunkenness in 1912 and what was the number in 1924?—Answer. No law in 1912. Information as to convictions in 1924 can only be obtained from the police court.

In your judgment, were as many people seen drunk on the streets of Washington in 1924 as in 1912?—Answer. No.

What was the total aggregate amount of fines imposed for drunkenness in Washington in 1912 and what was the amount in 1924?—Answer. Information can only be obtained by addressing clerk of police court.

In your judgment, was one-tenth as much liquor consumed in Washington in 1924 as in 1912, when all the saloons were open and running all day and much of the night? Answer. In my opinion, no; but it would be extremely difficult to determine.

Were you able to preserve order in the city of Washington better in 1924 than it was preserved in 1912, when all the saloons were open? Answer. While I do not think so, it is a question which, in my mind, should be more specific.

If you will just sit down and write in your answers on this letter and return to me in the envelope which I inclose, I will greatly appreciate it.

Very sincerely yours,

KENNETH MCKELLAR.

Mr. BRUCE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Maryland.

Mr. BRUCE. The Senator from Tennessee has again gone back to the anteprohibition period.

Mr. McKELLAR. That is what I intended to do.

Mr. BRUCE. I will bring him to earth again. The contrast upon which I insist is the contrast between the years which have elapsed since the enactment of the Volstead law.

Mr. McKELLAR. I am trying to bring the Senator back to water, not to earth.

Mr. BRUCE. Here are the statistics with reference to arrests for drunkenness in Washington. In 1920 there were 5,415; in 1921 there were 6,370——

Mr. McKELLAR. Just a moment.

Mr. BRUCE. Is not the Senator going to permit me to interrupt him? I thought he yielded to me.

Mr. McKELLAR. I did. I am putting my statistics in the RECORD as an exhibit to what I am saying. I am not reading them. I am doing that for the purpose of saving time. I want to ask the Senator if he will not put his statistics in the RECORD in the same way and at the same place in the RECORD to refute, if they do refute, what I have placed in the RECORD?

Mr. BRUCE. The Senator's statistics are voluminous.

Mr. McKELLAR. They are not as voluminous as those of the Senator from Maryland.

Mr. BRUCE. My statistics are luminous. [Laughter.]

Mr. McKELLAR. I will yield to the Senator to state what he wishes.

Mr. BRUCE. As I said, the number of arrests for drunkenness in Washington in 1920 were 5,315; in 1921, 6,375; in 1922, 8,368; in 1923, 8,128; in 1924, 10,354; and in 1925 upward of 11,000.

Mr. McKELLAR. Mr. President, all I can say about it is that I think any man, I do not care who he is, who has lived in Washington before prohibition days and since prohibition days knows that there is not one-tenth as much liquor drunk here now as then.

I wish to say further that, so far as arrests are concerned, it may be the officers are enforcing the law better. There have been violations of the prohibition law here in the city of Washington, but I hope that the law is being better enforced; I believe it is being better enforced. I want to congratulate the authorities on the better enforcement of the laws. Instead of discrediting the cause of prohibition, even the figures which the Senator from Maryland [Mr. BRUCE] has produced go to prove that we are better enforcing the law all the time.

STATISTICS SHOW LESS LIQUOR DRUNK

Statistics taken from Government reports show, beyond question, that there could not be as much drunk now as formerly. I herewith give these statistics as they have been furnished me.

Mr. President, I intended to ask that these statistics be merely put in the RECORD without reading, but inasmuch as the Senator from Maryland has put in the figures that he has in my speech I am going to read these figures. They are not very long. I do that for another reason. The Senator from Maryland has offered those same figures, I am quite sure, three times, whenever I have been on the floor and have discussed this subject; and I think we ought to have figures about which there can not be any doubt.

Before prohibition the national drink consumption was mounting yearly. In 1917, the last year of comparatively unrestricted sale under license, according to the United States Statistical Abstract, 1922, page 697, we consumed 42,723,376 gallons of wine, 1,885,071,304 gallons of malt liquors, and 167,740,325 gallons of distilled spirits. These wines contained over 6,500,000 gallons of pure alcohol, the dry wines ranging from 12 to 14 per cent and the port and sherry from 12 to 24 per cent alcohol. The distilled spirits contained 83,870,000 gallons of pure alcohol. The malt liquors contained 75,402,852 gallons of pure alcohol. This makes a total beverage consumption of pure alcohol in 1917 of 165,772,000 gallons. Those who maintain that the Nation is drinking as much as ever must show where such a quantity of alcohol is obtainable illicitly to-day. Probably the highest estimate of diverted alcohol claimed that 90,000,000 gallons of hard liquor or 55,000,000 gallons of pure alcohol was entering bootleg channels, and this estimate was based on a misconstruction of alcohol withdrawals.

Withdrawals of tax-free alcohol increased from 22,388,000 wine gallons in 1921 to 81,808,000 gallons in 1925. Of that total production of denatured alcohol 46,983,969 gallons were completely denatured. To redistill this alcohol would be impracticable, if not impossible. It was not a source of illicit beverage liquor. The consumption of this completely denatured alcohol can practically all be accounted for legitimately. As far back as 1917 and 1916 the annual use of completely denatured alcohol was over 10,000,000 gallons per year. Since then the winter use of the automobile and the motor truck has developed. Little alcohol was used in auto radiators seven or eight years ago. The increased consumption of completely denatured alcohol has kept pace with the increased registration of motor vehicles. In 1924 it is estimated that the average automobile used 2 quarts of antifreezing solution per month during the freezing periods in those States where the temperature falls below the freezing point. Under the Department of Agriculture figures on the months of freezing weather in each State the 17,591,981 autos registered in 1924 consumed 32,443,836 gallons of completely denatured alcohol. The auto registration in 1925 was over 20,000,000, requiring over 37,000,000 gallons of completely denatured alcohol. This, plus the 10,000,000 gallons used annually in 1917 or 1918 for other legitimate purposes, accounts for the entire production of completely denatured alcohol in the last fiscal year—46,983,969 gallons.

Such diversions as occur are in the specially denatured groups. Specially denatured-alcohol production in 1925 was 34,828,303 gallons. Scores of industrial uses which were nonexistent five years ago use most of this alcohol. Henry Ford draws 75,000 to 100,000 gallons each month for the manufacture of artificial leather. Artificial-silk makers consume large quantities. Over 24,000,000 gallons of this specially denatured alcohol is not redistillable. Only 11,000,000 can be made potable cheaply and practically. This is far less than the amount of potential supply for beverage use through diversions in 1922, when 12,000,000 gallons of potable alcohol was withdrawn. Such withdrawals were reduced in 1925 to 4,500,000 gallons, a decrease of 7,500,000 in that period. While it is possible that some of that alcohol was diverted, no one asserts that all or a considerable quantity was.

Mr. President, I ask that as a part of my remarks I may print the remainder of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Of the 11,000,000 gallons of redistillable denatured alcohol released in 1925 it is possible that half may have been diverted to the illicit trade. Doctor Doran, of the Prohibition Unit, so testified before a committee of Congress last year. If 6,000,000 gallons were diverted, this would have furnished 12,000,000 to 15,000,000 gallons of illicit liquor. Seizures by Federal officers account for 1,102,787 gallons of spirits and 560,921 gallons of wine. Seizures by State and local enforcement officers will account for at least as much, if not several times this total. The remainder, available to the bootlegger's customer, would not make a very large drop in the prohibition glass.

The moonshining output is grossly overestimated. Seizures of stills with a capacity of several hundred gallons are quoted sometimes as evidence of the magnitude of illicit distilling. These stills are few. Their output is small. Those who estimate illicit-liquor production in terms of millions of gallons do not realize that a million gallons of liquor would mean from 130 to 140 carloads. Ninety times that sum would mean a quantity which would create a troublesome transportation problem, even if it did not have to be moved clandestinely.

The activities of the Coast Guard have eliminated Rum Row as an important factor in the illicit liquor supply. From over 300 vessels that hovered off the coast the row has been reduced to an occasional vessel or two. Captures of small boats plying between the supply ship and the shore have aided in this reduction. Cooperation between Canadian and United States officials has checked the flow of liquor over this border. Few of the most ardent wets to-day claim that smuggling liquors play any prominent part in the enforcement problem.

The per capita consumption of liquors of all kinds before prohibition was estimated (by the United States Statistical Abstract) at 20.2 gallons per year. This estimate made no allowance for any teetotalers. It has been frequently claimed that there were 20,000,000 adult drinkers before prohibition. On that basis the per capita allowance of liquors was 108.7 gallons per year.

If the 20,000,000 former drinkers are still unreformed, the 15,000,000 gallons of possible liquor made from diverted alcohol, plus an unverified 10,000,000 gallons from smuggled supplies or moonshine sources, would give each of the old-time drinkers 5 quarts per year, in place of the former 108.7 gallons. If, on the other hand, there are remaining to-day only 2,500,000 drinkers, occasional as well as steady, there would be 10 gallons apiece for them each year, or a little over a pint and a half of liquor a week.

The decrease in consumption is probably greater than this. Besides the license liquor sold in 177,790 saloons, there were the illicit liquors distilled by moonshiners and the "split" by which liquors were adulterated to two or three times their original quantity. Charles D. Howard, chemist of the New Hampshire State Board of Health, some time ago declared that "probably as much as 90 per cent, if not more, of the whisky and gin as sold by the glass over the bar of the common saloon in preprohibition days was synthetic either wholly or mostly." No one knows exactly how much intoxicating liquor the Nation consumed before prohibition. It is certain, however, that it was much more than the total reported by the Internal Revenue Bureau figures.

Mr. McKELLAR. Mr. President, it seems that the British ambassador was called on in 1923 for a memorandum on the subject of the effects of prohibition in the United States. Ambassador Geddes furnished that report. He reported that the amount of intoxicating liquor now consumed on a 100 per cent basis of that consumed formerly was indicated by reports from three sources—the Anti-Saloon League, the Association Against the Prohibition Amendment, and the Federal Prohibition Unit of the Treasury. The Anti-Saloon League said that 20 per cent as much whisky was now consumed as before; the Federal Prohibition Unit said 20 per cent, the Association Against the Prohibition Amendment said 66 per cent. Ambassador Geddes then says:

Prohibition of intoxicating liquor has on the whole been effective in the rural districts and in the smaller towns throughout the country. It is less effective on the eastern seaboard and in the vicinity of the Great Lakes, where powerful organizations of liquor smugglers succeed in effecting a regular traffic in imported intoxicants.

Large quantities of homemade liquor are also brewed, but it has proved to be poisonous in many cases, and the practice is reported to be on the decrease. According to opinions given by the Association Against the Prohibition Amendment, the fact that the consumption of intoxicating liquor is illegal has in itself been sufficient to lead many Americans who formerly drank little or nothing to conform to a fashionable habit at social gatherings of carrying small pocket flasks of home-brewed or imported spirits.

Ambassador Geddes also showed two different opinions in reference to arrests for drunkenness, the Anti-Saloon League and the Federal Prohibition Unit claiming there was only 50 per cent as many arrested for drunkenness and the Association Against the Prohibition Amendment claiming there was just as many. As to deaths from alcoholism, these three institutions again varied, the Anti-Saloon League and the Prohibition Unit claiming only 20 per cent and the Association Against the Prohibition Amendment claiming there were five times as many. But the ambassador then gives the figures and shows that the death rate has been almost constantly decreasing. The ambassador thus concludes:

Since the adoption of prohibition a marked increase, which is computed at 40 per cent, has taken place in the amount of deposits in savings banks. The supporters of prohibition in the United States claim that the average wage earner now has considerably more money to spend on the education of his children, on the furnishing of his home, on dress, sports, and amusements. They also affirm that prohibition has caused increased production in the factories and that many employees who in former days absented themselves regularly on the Monday and even on the Tuesday of each week now work a full six-day week. So many other factors have contributed to restore economic conditions in the United States since the war that it is almost impossible to form any estimate of the extent to which prohibition has contributed to this recovery or otherwise.

I think these views of the ambassador are exceedingly important, as showing a foreign view, though, as Great Britain is not a prohibition country, it might not be a wholly disinterested view.

PROHIBITION IN THE WORKINGMAN'S HOME

Mr. President, recently the National Conference of Social Work sent a questionnaire to 2,700 members. This questionnaire yielded only a 10 per cent return, but the results of the questionnaire are interesting. I here quote them:

1. The effect of prohibition on the homes of working people

Furnishing of homes:	
Better	203
Worse	6
No change	24
Answers blank	35
Do wives and families get larger or smaller proportion of husband's income?	
Larger	203
Smaller	7
No change	21
Answers blank	37
Marital relation:	
Improved	165
Worse	17
No change	53
Answers blank	64
Sanitary and health conditions in homes:	
Better	182
Worse	5
No change	31
Answers blank	51
Mental health of the homes, as shown by better family cooperation, respect of children for parents and of parents for children, and by higher educational ideals:	
Better	152
Worse	25
No change	30
Answers blank	42

I call especial attention to the following. I hope that the fathers of the country may read this and that the mothers of the country also may read it:

2. The effect of prohibition on the community as regards industrial, social, and moral conditions

Children's delinquency:	
Increasing	63
Decreasing	81
No change	38
Answers blank	85
Drinking by young people as compared with preprohibition times:	
More	109
Less	93
No change	10
Answers blank	59
Cases of malnutrition among children under 15:	
Increased	25
Decreased	107
Remained unchanged	35
Answers blank	102
Attitude toward law enforcement and respect for laws in general:	
Better	66
Worse	139
Unchanged	24
Answers blank	40
Liquors for minors:	
More accessible	66
Less accessible	130
Unchanged as to accessibility	15
Answers blank	57

COST OF PROHIBITION

Mr. President, when the advocates of liquor run out of every other argument, they tell about the enormous cost of prohibition. This is a myth. As a matter of fact, the net cost of enforcing prohibition is very small. It is true we appropriated $11,000,000 for enforcing the prohibition and narcotic acts, $9,000,000 of which was spent on prohibition enforcement, but we received in fines, which were actually collected and put into the Treasury, $5,769,000, and this $5,000,000 collected in fines does not include the amount of fines collected in State courts where cases were brought by Federal agencies. In Ohio alone there were of these fines $2,000,000 collected, against which the State prohibition department spent $105,000 for enforcement. All States except New York and Maryland collect fines in State courts. So that it is seen that fines collected more than offset the cost of prohibition, and prohibition prosecutions pay their own way.

Mr. BROUSSARD. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. BROUSSARD. Did we not appropriate $25,000,000 this year in the attempt to enforce prohibition?

Mr. McKELLAR. No; we appropriated $11,000,000 to enforce the prohibition and narcotic acts. The Senator is on the Appropriations Committee and will recall the amount.

Mr. BROUSSARD. What about the cost of the activities of the Coast Guard and other agencies?

Mr. McKELLAR. There has been an increase for the Coast Guard. I can not give the Senator the figures.

Mr. BROUSSARD. We are building ships for the Coast Guard a hundred at a time and are spending over $25,000,000 a year in the effort to enforce the prohibition law.

Mr. McKELLAR. Oh, no; the amount is nothing like that much.

PROHIBITION AT A DISADVANTAGE

Mr. President, the truth is and the fact is that the prohibition amendment and laws have had a stormy career. A very

remarkable thing has happened. For 50 years the great forces of temperance in this country, the great forces of law and order and of sobriety in this country, have struggled to make this a dry Nation. In 1919 their hopes were realized. In 1920 the law went into effect and in 1921, just as it was being put into effect, by a strange streak of fortune—if it may be so called—the enforcement of those laws was put into the hands of a man more interested in liquors, more interested in beers, than perhaps any other man in this Republic. It was put in the hands of a man who was the half owner of one of the biggest distilleries in this land. It was put in the hands of a man whose many banks had money invested in or loans made to innumerable distilleries and breweries, and the enforcement laws have been in the hands of that man ever since. That man is the Secretary of the Treasury.

The law of the land prohibits the Secretary of the Treasury from being interested in liquors in any way. The fact that he is interested in liquors disqualifies him from holding that office; and in an attempt to avoid this disqualification Secretary Mellon upon being appointed Secretary, transferred his liquors to a trustee, but this did not change his situation in regard to liquor. He still owned the liquors. He was still the beneficiary of the trust and the trustee was one of his own banks that he controlled. So I say, Mr. President, that the liquor laws have had a difficult time. Is it not a marvelous thing that the temperance people of this country should work for 50 years to have prohibition laws passed, and, after winning their fight, that these laws should be turned over to one of the largest distillers in America, to one more interested in intoxicating liquors than perhaps any other man in the Republic?

I saw by the newspapers some time ago that Mr. Mellon had sold $18,000,000 worth of his liquors. I hope that constituted all. How he sold these liquors without violating the law himself I do not know, but at all events the papers said he sold them. I then expressed the hope, as I now express the hope, that having gotten rid of his liquors the Secretary of the Treasury would be in better position to enforce the liquor laws of the land which were intrusted to him. When he selected General Andrews I thought this was a good sign. I believe General Andrews is a man trying diligently to enforce the liquor laws; but I have observed recently that the Secretary has turned down the recommendations of General Andrews. I regret to see this. I was hoping for better things of the Secretary in his administration of the liquor laws. I hope he will yet change his mind and conclude to uphold General Andrews and law enforcement. I fear, however, Mr. President, it is but another exemplification of the old adage that it is difficult for a shoemaker to change his last. Mr. Mellon has been in the liquor business so long that it is difficult, even after he sells his liquor, to discard his friendly interest in the business.

LAW ENFORCEMENT

Mr. President, in conclusion I want to add a few words about law enforcement. One of the defects in American character, I regret to say, is a lack of respect for law—not only the liquor laws but of all laws. It is a great defect. It is a defect that we could easily cure. There should be some systematic effort to teach respect for law among all our people. It should be taught in our schools and colleges. It should be inculcated in the homes among the children. No effort should be spared to teach the youth of our land to stand by and uphold the laws of our country.

Mr. President, we have a wonderful country. We have a marvellously good Government. Our laws for the most part are good laws. We should uphold these laws. We can not uphold our Government unless we uphold the laws by which that Government is administered.

One more word, Mr. President, and I am through.

A poll is being taken as to the modification or repeal of the liquor law. In this poll it seems that more than half a million votes have been taken. Just what the rules and regulations are I do not know. The poll shows in favor of prohibition only 76,000, in round numbers; for repeal, 186,000; for modification, 263,000. That is a report from one two-hundredth part of the American people. Take my own State: The report is 22 for the prohibition laws, 1 for the repeal of the prohibition laws, 18 for modification. What does that indicate, Mr. President? Not a thing.

I have the utmost respect for all those who differ with me about this matter, for all those who believe in liquor rather than in sobriety. I have no charges of any kind to make; but I want to say to these people that statistics of that sort do not prove anything. There is but one way to prove what is the popular will, and that is the constitutional way. If there are so many people in favor of changing these laws, if the enormous majority that is here mentioned is in favor of modifying or repealing these laws, why is it not reflected in this body and the body at the other end of the Capitol?

Mr. President, Senators talk about the repeal of these laws. Fights about them were conducted in many States at the last election. What happened? Is this body any less dry than it was then? There are just as many Senators here to-day, and, I suspect, just as many House Members who would vote against any modification of the present dry laws as there were last year; and I want to say that in my humble judgment, notwithstanding the publication of these figures, at the end of this year, when another election is held, it will be found that the great body of the Members of the House will be dry, and it will be found that the Members of this body are just as dry as before.

You know, some few people when they talk a great deal make a lot of noise; but when it comes to voting, where the voting counts, we see the result, and that result is reflected in this body. I take it that no man here from a wet State does anything but reflect the views of his State. I take it that no man here from a dry State does anything but reflect the views of his State. We are the representatives of those States. No better judgment can be formed of the public sentiment of this land than from the representatives that they have in this body and the body at the other end of the Capitol.

So, Mr. President, I want to say in all kindness, with all respect to those gentlemen who have a different view of the subject, that in my humble judgment this talk about a repeal or modification of the liquor laws of this country is to a very large degree idle talk, and certainly it will not have fruition at any time in the future, so far as we can determine to-day.

EXHIBIT A

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
February 13, 1926.

CHIEF OF POLICE,
Jackson, Tenn.

MY DEAR CHIEF: I desire to get some facts about the prohibition laws and their enforcement in so far as they affect your city.

How many arrests for drunkenness were there in Jackson in 1906 and how many for 1924? Nineteen hundred and six, 506 drunks; 1924, 185 drunks.

In 1906 was there a local law authorizing the police to arrest for drunkenness alone? No.

Was there such a law in 1924? No.

In your judgment were more liquors drunk in Jackson in 1906 than in 1924? Yes.

If drinking has increased, state the amount of increase, in your judgment. Has not increased.

If drinking has decreased, state the amount of decrease, in your judgment. Decreased about 75 per cent.

What was the number of men and women convicted of drunkenness in 1906 and what was the number in 1924? Five hundred and six in 1906, 185 in 1924.

In your judgment were as many people seen drunk on the streets of Jackson in 1924 as in 1906? No.

What was the total aggregate amount of fines imposed for drunkenness in Jackson in 1906 and what was the amount in 1924? Nineteen hundred and six, $2,530; in 1924, $2,885.

In your judgment, was one-tenth as much liquor consumed in Jackson in 1924 as in 1906, when all the saloons were open and running all day and much of the night? Yes.

Were you able to preserve order in the city of Jackson better in 1924 than it was preserved in 1906, when all the saloons were open? Yes; in my judgment.

If you will just sit down and write in your answers on this letter and return to me in the envelope which I inclose, I will greatly appreciate it.

Very sincerely yours,

KENNETH MCKELLAR.

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
February 13, 1926.

CHIEF OF POLICE, *Knoxville, Tenn.*

MY DEAR CHIEF: I desire to get some facts about the prohibition laws and their enforcement in so far as they affect your city.

How many arrests for drunkenness were there in Knoxville in 1912 and how many for 1924? 1912, 2,072; 1924, 3,516.

In 1912 was there a local law authorizing the police to arrest for drunkenness alone? Yes.

Was there such a law in 1924? Yes.

In your judgment, were more liquors drunk in Knoxville in 1912 than in 1924? Yes; because there was more liquor here.

If drinking has increased, state the amount of increase, in your judgment.

If drinking has decreased, state the amount of decrease, in your judgment. Drinking has decreased, but I am unable to state the amount.

What was the number of men and women convicted of drunkenness in 1912 and what was the number in 1924? I can not give you the correct number. The report is not made for men and women for drunkenness.

In your judgment, were as many people seen drunk on the streets of Knoxville in 1924 as in 1912? I can not say.

What was the total aggregate amount of fines imposed for drunkenness in Knoxville in 1912 and what was the amount in 1924? The report for the police department shows the aggregate of all fines and drunkenness fines are not separate.

In your judgment, was one-tenth as much liquor consumed in Knoxville in 1924 as in 1912, when all the saloons were open and running all day and much of the night? I can not answer this.

Were you able to preserve order in the city of Knoxville better in 1924 than it was preserved in 1912, when all the saloons were open? According to population, we are now able to preserve order as well as in 1912 as far as drunkenness is concerned.

If you will just sit down and write in your answers on this letter and return to me in the envelope which I inclose, I will greatly appreciate it.

Very sincerely yours,

KENNETH MCKELLAR.

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
February 13, 1926.

CHIEF OF POLICE,
Nashville, Tenn.

MY DEAR CHIEF: I desire to get some facts about the prohibition laws and their enforcement in so far as they affect your city.

How many arrests for drunkenness were there in Nashville in 1912 and how many for 1924?—Answer. Unable to locate records for 1912. Furnishing records for 1913 instead. For 1913, a total of 2,855. For the year 1924, a total of 3,064.

In 1913 was there a local law authorizing the police to arrest for drunkenness alone?—Answer. There was.

Was there such a law in 1924?—Answer. There was.

In your judgment, were more liquors drunk in Nashville in 1913 than in 1924?—Answer. There was.

If drinking has increased, state the amount of increase, in your judgment.—Answer. I do not think it has increased.

If drinking has decreased, state the amount of decrease, in your judgment.—Answer. I think it has decreased about 80 per cent.

What was the number of men and women convicted of drunkenness in 1913 and what was the number in 1924?—Answer. About 75 per cent of each year. The remainder being released on promises and through sympathy of the court.

In your judgment, were as many people seen drunk on the streets of Nashville in 1924 as in 1913?—Answer. No.

What was the total aggregate amount of fines imposed for drunkenness in Nashville in 1912 and what was the amount in 1924?—Answer. Our records are such that we can not secure these figures.

In your judgment, was one-tenth as much liquor consumed in Nashville in 1924 as in 1912, when all the saloons were open and running all day and much of the night?—Answer. More than one-tenth.

Were you able to preserve order in the city of Nashville better in 1924 than it was preserved in 1913 when all the saloons were open?—Answer. Yes.

If you will just sit down and write in your answers on this letter and return to me in the envelope which I inclose, I will greatly appreciate it.

Very sincerely yours,

KENNETH MCKELLAR.

NASHVILLE, TENN., *February 15, 1926.*

DEAR SENATOR: With reference to these statements, would say that I am sorry the report for 1912 has been misplaced, and I am substituting the figures of report for 1913 instead, and you will note that the number of people arrested for drunkenness in 1924 is more than in 1913, which is attributed largely to the fact that during the time of 1913, when the saloons were allowed to run open and sell whisky, it was legal, and so long as a man was able to go and not molest anyone, he was not arrested, but since the enactment of the prohibition laws, and the State and city laws as well, every man that is found intoxicated on the streets and elsewhere, whether he is able to go or not, is arrested for intoxication, which as you can clearly see, increases the number of arrests for this charge. Comparing the same two conditions, if the people on the streets under the influence of intoxicants were allowed now to go on, as we did allow them to go in the past when open saloons sold whisky legally, the number of arrests would be decreased considerably. Hoping this is satisfactory, and if I can serve you further call upon me, I remain,

Yours truly,

J. W. SMITH, *Chief of Police.*

COUNCIL OF CITY OF KNOXVILLE,
Knoxville, Tenn., March 1, 1926.

Hon. KENNETH MCKELLAR,
Senate Chamber, Washington, D. C.

MY DEAR MCKELLAR: In reply to yours of February 26, where you ask me about the consumption of whisky in Knoxville before prohibition and since, will say that I believe that my position as city judge now and police reporter on the Knoxville Sentinel for 20 years enables me to make a statement that is based upon facts. I can truthfully say that one saloon of the 125 we had in Knoxville sold more liquor in one day than is consumed in the city of Knoxville in a month now.

It is true that they can cite you figures of large numbers of arrests made at the present day, and the small number made in antiprohibition days. As you and every other citizen knows, in the day of the open saloon a man was never arrested for drinking; he had to be drunk and down before being locked up. Knoxville had 125 saloons; they had back rooms and places for the men to stay in and sober up. And if a man's standing was better than some others, a cab was called and he was sent to his home or hotel. But to-day the police will arrest a man if they smell liquor on his breath, hoping they may get a possessing charge against him. In many cases the large number of arrests are based upon the number of warrants or charges made on the police docket against the same man. Only a few days ago I had a man in court charged with being drunk and driving a car. The officer, working under the directions of the director of public safety, swore out four additional warrants, and after hearing the evidence of the case I found the man only guilty of one offense and gave him $50 and bound him to court, which is the highest penalty I can give. But the report from the police department shows five arrests, when only one man was arrested. There are hundreds of similar cases on my docket.

If Senator BRUCE's dead brother was living to-day, he would tell his brother that there is not near the amount of liquor consumed to-day in the city of Knoxville as there was back in the days of the open saloon. As you know, and every other public man knows, there never was a public or private banquet given but what wine or liquor was upon the table.

The great salvation of prohibition is the saving of the working class. The working men of Knoxville divided more than half of their pay envelopes on Saturday afternoons with the saloon keeper. But to-day that money is carried home, and the good wife fills the market basket and clothes the children with it.

At any time I can serve you, command me.

Yours very truly,

[SEAL.] ROBERT P. WILLIAMS,
Municipal Judge.

POLICE DEPARTMENT,
OFFICE OF THE CHIEF INSPECTOR,
Baltimore, Md., February 15, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SIR: 1. I beg to acknowledge receipt of your letter of the 13th instant, and in response thereto I am noting below, in numerical order, replies to the several queries made by you apropos of the prohibition laws and their enforcement in this city:

1. Year 1912, 5,206; year 1924, 6,029.
2. Yes.
3. Yes.
4. Yes.
5.
6.
7. Year 1912, 1,555; year 1924, 3,017.
8. Yes.
9. Fines are not segregated.
10. Yes.
11. Little difference, if any, noted in the matter of preserving order in the year 1924 and the year 1912.

2. For your information, I respectfully call your attention to the fact that the Legislature of the State of Maryland has not passed an enforcement law for violating the Volstead Act; therefore, following an opinion rendered by our attorney general, this department does not attempt to enforce or make arrests for violation of the said Volstead Act. However, if called upon by members of the prohibition enforcement units when making raids, etc., officers from this department are sent to accompany such members to prevent interference with the Federal officers, but they do not take any part in the raid.

Respectfully yours,

GEORGE G. HENRY, *Chief Inspector.*

EXHIBIT B

Hon. WILLIAM I. GRUBB, FEBRUARY 27, 1926.
Birmingham, Ala.

MY DEAR JUDGE GRUBB: Will you kindly advise me how far behind your court is in the cases on its docket? A charge is being made that

the liquor cases prevent the due administration of justice in the Federal courts. Will you kindly advise me if this is true, in whole or in part? If you think it is true in part, will you kindly advise me the extent in which it is true? I will greatly appreciate it.

Very sincerely yours,

KENNETH MCKELLAR.

UNITED STATES DISTRICT COURT,
New York, March 11, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of February 27, evidently addressed to the various district judges, has been forwarded to me in New York, where I am now holding court.

While I have, of course, heard that the trial of liquor cases has prevented the courts from disposing of their civil dockets in many districts and has thus impeded the due administration of justice in the Federal courts, I am very glad to report that this situation does not seem to exist in the southern district of Ohio. This is primarily due to the fact that we have caught up with our dockets on both the civil and the criminal sides of the court, and we are able to dispose of all criminal cases at the term at which the indictments are returned. We try but few cases both because of the exercise of discretion by the district attorney in indicting only these who are manifestly guilty and because a plea of not guilty does not result in delay but the trial proceeds forthwith.

The enforcement of liquor laws in Ohio is also greatly assisted by a reasonably efficient enforcement of the State law and discouragement by the court of prosecutions for petty offenses (the hip-pocket variety) or mere duplication of prosecutions originally conducted in the State courts. With these two classes of cases excluded, we are able to cope with the greatly increased work.

In other districts in which I have served, notably the middle district of Tennessee, I have found that the congestion of the criminal dockets has been so great as to discourage the court and prevent attention to civil matters. In such districts the adoption of some plan whereby the United States commissioner, or other officer, could assess a fine in the nature of a penalty in all possession and transportation cases would greatly assist the court in bringing its trial docket up to date.

Trusting that this is the information that you desire, I am,

Yours very truly,

SMITH HICKENLOOPER,
United States District Judge, Southern District of Ohio.

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
Great Falls, Mont., March 6, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Answering your letter, at present writing I am not very much behind with cases on my docket, but at different times in the past the large number of liquor cases have unquestionably delayed consideration of other matters. I worked straight through the summer last year and am not much behind in civil cases submitted for decision, but otherwise would have been, as much time is required to dispose of heavy criminal calendars, consisting mostly of liquor cases. I have such a term on now, beginning with grand jury February 15 and continuing probably until April 15.

Very sincerely yours,

CHARLES N. PEAY.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF MISSOURI,
St. Louis, March 8, 1926.

Hon. KENNETH MCKELLAR,
Member United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Your letter of February 27 was found upon my return from a session of court away from home, hence the delay in this reply.

In this district, which includes the city of St. Louis, we have a great many liquor cases. Notwithstanding this fact, within the last year no case, civil or criminal, has been continued for want of time to try. Litigants in the Federal court are able to secure a trial of their case much sooner than they are in the trial courts of Missouri. So I would say that this court is not behind in the trial of its docket. This is the situation, notwithstanding the fact that the State courts in this city give us but little help in the enforcements of the liquor laws. The burden of this work has fallen very largely upon the Federal court in St. Louis. Outside of St. Louis this situation does not exist. In the northern division of the eastern district of Missouri the docket of liquor cases is insignificant. Usually it does not require more than 30 minutes of the court's time at any term. This is due to the fact that the State courts in the rural sections are enforcing the liquor statutes. It has been my duty to sit in other districts of this circuit. In Arkansas, Oklahoma, Iowa, and Utah my observation has been that outside of the congested centers of population the national prohibition law is not placing a tremendous burden on the Federal courts. It is also my view that the situation in this respect has greatly improved in the last year, and that outside of the large cities the State courts are more and more relieving the Federal courts of liquor cases.

If I can be of any further service in the matter, please call upon me.

Yours respectfully,

CHARLES B. DAVIS,
United States District Judge.

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, Calif, March 5, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am just in receipt of yours of February 27 inquiring whether or not it is a fact that liquor cases prevent the due administration of justice in the Federal courts. It is difficult to answer that question, so far as this district is concerned, with either an unqualified yes or no.

Of course, we have many hundreds of liquor cases every year, and to the extent that they take the time of the courts necessarily they interfere with other business. However, the judges of this district have not had a great deal of difficulty in finding the time to attend to the other business of the court. In civil cases at law, equity, bankruptcy, admiralty, and patents we are pretty well up to date, and the same is true of other criminal business, the bulk of which pertains to the traffic in narcotics.

The present prohibition director in this district has adopted the policy of having the smaller liquor cases attended to by the State judges and bringing only the larger matters, such as the conspiracy, importation, and still cases, into this court. Of course, that has relieved us of a very large number of the ordinary sale, possession, and nuisance cases.

To answer your question categorically, however, I do not consider that it is true that the due administration of justice is seriously interfered with. If you desire more detail, I shall be very glad to furnish it to you on request.

Yours very truly,

JOHN S. PARTRIDGE,
United States District Judge.

UNITED STATES DISTRICT COURT,
DISTRICT OF MINNESOTA,
St. Paul, Minn., March 6, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 27 relative to the condition of the cases on our docket.

I am inclosing you copy of a letter which we wrote to the United States district attorney some time ago with reference to our situation, which explains it about as well as I am able to explain it.

It is our opinion that if we have to try in this court all of the violators of the national prohibition act who are apprehended in the cities of Minneapolis, St. Paul, and Duluth, as well as in the country districts, we shall have to go out of business as a civil court altogether and devote ourselves entirely to that work. If, on the other hand, we are required to deal only with the major violations of the law and with violations in certain sections of the State where the State authorities themselves are not in a position to handle them, we feel reasonably sure that we can keep up with our work. My belief is that the prohibition administrator of this State feels very much the same way as we do with respect to the class of cases that should be taken into the Federal court, but that the pressure upon him is so great that it is doubtful if he can avoid bringing them in here unless the Department of Justice will consent to permit the district attorney to turn some of the cases into the State courts.

I want you to thoroughly understand that there is no disposition on the part of any of the judges of this court to shirk any of their duties with respect to the transaction of business or to the punishment of violations of any of the national laws; but there is, of course, a limit to human endurance and to the amount of work which can be handled. Furthermore, a police court can not be successfully run which has general terms six months apart. A police court ought to be in continual session. In this State there are six divisions. There is a jury in each division only twice a year and that for a short period. The result is that most liquor law violators are held until the court is in session in that division and that results, where the prohibition agents have been active in that division, in a very considerable congestion of business.

If there is any further information that we can give you with reference to the situation, have no hesitation in calling upon us.

Sincerely yours,

JOHN B. SANBORN.

UNITED STATES DISTRICT COURT, DISTRICT OF MINNESOTA,
St. Paul, Minn., January 27, 1926.

Hon. LAFAYETTE FRENCH, JR.,
United States District Attorney, St. Paul, Minn.

DEAR MR. FRENCH: The judges of this court have had under consideration the question of the disposition of cases involving violations of the national prohibition act. As you are aware, there has been a tremendous volume of these cases ever since the passage of that act, and during a part of the time, at least, for that reason, it has been impossible for this court to efficiently transact its other business. During the past year, with difficulty, we have been able not only to attend to the disposition of these cases but also to other cases which have been pending.

We realize that you are obliged to bring before the court all cases which are presented to you by those who have the enforcement of this act in charge, where the evidence indicates that violations have occurred, regardless of the seriousness or triviality of such violations. We have reached the conclusion that if this court is to dispose of all business which comes before it, it will be necessary to curtail somewhat the cases arising under the act.

This State has a prohibition law, the purpose of which is to make effective the provisions of the eighteenth amendment, and nearly every violation of the national prohibition act also constitutes a violation of the State prohibition law. It seems to us that minor violations, such as sales of liquor in small quantities in dwellings and apartment buildings, in tailor shops, grocery stores, confectionery stores, and soft-drink establishments, ought to be referred to the State authorities, particularly in communities such as the city of Minneapolis, the city of St. Paul, the city of Duluth, and the other cities of the State the courts in which are in practically continuous session from October until July, and all of which have officers whose duty it is to prosecute such offenses, and also have chiefs of police and peace officers. It will be possible for us, and, of course, it will be our duty, to dispose of all cases involving the more serious infractions of the law—such cases as arise from the transportation, the manufacture, and the importation and sale of liquor in substantial quantities—and to dispose also of cases which arise in communities where no adequate means are provided for their disposition otherwise.

If the work of the court could be limited to the trial and disposition of criminal cases alone, we think it might be possible for us to adequately handle all cases involving violations of the national prohibition act, but there is, as you know, much civil business of great importance before this court at all times, and it does not seem to us fair that the court should function as a criminal court alone, to the detriment of all civil business. Furthermore, we question the necessity and advisability of the Federal authorities, with their limited forces, attempting to police the large communities of this State, which have adequate police facilities, with respect to offenses which are just as much violations of the State law as they are of the national law.

We do not wish in any way to embarrass your office or the Federal Prohibition Department in respect to the work of punishing offenders against this law, but we think that in many respects the State machinery for handling the less serious offenses is better and less cumbersome than the Federal machinery, and we further feel that, in justice to other litigants, we must request that as many of these cases as can properly be handled in that way be brought before the State courts.

It is not necessary to call your attention to the fact that while the State courts in the cities of St. Paul, Minneapolis, and Duluth have petit juries for the trial of these cases, from October to July there are only two terms of Federal court in each city, which last from two to six weeks, which are available for the trial of criminal cases, and that during the rest of the time there are no juries. This is a situation which is taken advantage of by those who are brought before us, and the result is that at each term of court which we hold, we have the accumulations of six months to dispose of; and no way of remedying this situation can be devised, as our terms of court are fixed by Congress and we are not permitted to vary them.

We are not requesting you to violate your duty with respect to the filing of informations or the procuring of indictments for violations of the act in question, but it occurs to us that you might with propriety advise the Attorney General of the situation which exists here, and, possibly, with his assistance, might devise some method of reducing the number of cases brought in the Federal court. It has been our impression that his attitude was that the Federal courts should dispose of those cases which involve the more serious violations, and that the local authorities in those States which had enforcement acts should be required to assume the responsibility of policing their own communities.

Very truly yours,

WM. A. CANT.
JOSEPH W. MOLYNEAUX.
JOHN B. SANBORN.

UNITED STATES DISTRICT COURT,
DISTRICT OF WYOMING,
Cheyenne, Wyo., March 4, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the absence of Judge Kennedy, which will extend into the first week in April, I have received your letter of February 27 asking information relating to cases upon the docket of this court. Upon the return of the judge I will at once call the matter to his attention. I am,

Very truly yours,

R. H. REPATH, *Secretary.*

UNITED STATES COURT,
Pittsburgh, March 1, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Your letter of the 27th ultimo has just been received. It is rather difficult to give an exact and specific reply to your inquiry as to how far our court is behind in the cases on its docket. As to our civil cases, we have some 60 pending at the present time, but are as near up to date in the disposition of cases of this type as it is ever possible to be. We have also been able to keep reasonably abreast of the criminal cases up to the present time. By this I mean, not that we have disposed of all criminal cases, but have been able to take care of such as the United States Attorney has, thus far, been able to bring before us. It must be confessed, however, that we view the future with some alarm. We have kept up with our criminal work by means of extra terms devoted largely to national prohibition cases and by the adoption of a policy of fining, rather than imprisoning, first offenders in the absence of circumstances of special aggravation. This policy is not a desirable one from certain angles. For example, it leads those unacquainted with our system and our aims to the belief that violators of the prohibition act are being licensed by means of fines—certainly an undesirable situation from the standpoint of the judges, and the public as well. On the other hand, it has seemed the more desirable of the two horns of the dilema. It has induced numerous pleas and thus enabled us to keep abreast as well as we have. Prior to its adoption, defendants were nearly all demanding jury trials. This led to great congestion in the first place and consequent delay in trial and many acquittals, which would not have resulted had the case been promptly handled. As you know, the "turn over" among prohibition agents is exceedingly large, and if a case be delayed a year or two, very frequently all of the agents connected with it are out of the service. Often, such agents can not be found, or, when found, are hostile to the Government by reason of their dismissal.

More important is this policy, perhaps, as an enforcement measure, in that it creates a record against the defendant. You will recall that the prohibition act punishes subsequent offenses more heavily than the first. The former sentence pleaded in a subsequent indictment aids very materially in convictions and brings about heavier sentences, if violations of the act are continued.

At the present time the clerk's docket contains about 127 pending criminal cases, most of which disclose two or more defendants to the case. In addition to the defendants shown upon the docket, a large number of others have been held for trial by United States commissioners. These cases, numbering about 653, have not as yet reached the court. Some few of them will doubtless be dropped by the United States attorney. We have pending and ready for immediate hearing at the present time some 30 "padlock" injunction cases that are brought under section 22 of the prohibition act and have also a large number of similar cases on the docket. The recent increase in the number of such cases has given us some qualms, but we are not quite in despair as to our ability to work them off within a reasonable time.

From the foregoing it will be apparent to you that we have been able, up to the present time, to handle the business of our court with reasonable promptitude. The volume of prohibition cases has been great, and undoubtedly the existence of them has prevented the trial of other classes of cases as promptly as desired, in some instances. As yet, however, no very considerable complaint has been made by those affected.

I trust that the foregoing will give you the information desired. If you need anything further, I shall be glad to to furnish it, if within my power to do so.

With kind regards, I remain,

Sincerely yours,

R. W. GIBSON.

P. S.—Enclosed is copy of clerk's statement, prepared to enable me to answer your inquiry.

R. W. G.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA,
March 3, 1926.

Hon. ROBERT M. GIBSON, *Judge:*

The following is submitted as an approximate statement of business transacted, fines collected, and cases undisposed of in this court since November 10, 1925:

Fines assessed and paid since Nov. 10, 1925	$94,465.99
Criminal information and indictments left over since November term	154
Criminal information and indictments begun since Nov. 10, 1925	495
Total	649
Criminal information and indictments disposed since Nov. 10, 1925	522
Criminal information and indictments remaining to be tried	127
Transcripts from United States commissioners (liquor only) filed or ready for filing and not yet converted into criminal informations or indictments	653
Prospective criminal cases	780
Civil cases left over from November term, 1925	21
Civil cases begun since Nov. 10, 1925	166
Total	187
Civil cases disposed of since November, 1925	95
Civil cases remaining to be tried	92
Criminal cases remaining	780
Civil cases remaining	92
Total unfinished business	872

Very respectfully,

J. WOOD CLARK, *Clerk.*
By B. D. GAMBLE, *Chief Deputy.*

UNITED STATES DISTRICT COURT,
DISTRICT OF DELAWARE,
Wilmington, March 3, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: I have your letter of February 27. The work of this court is at the present moment practically up with its docket. The March term opens on Tuesday next. Upon the calendar there are, in addition to the civil causes, 58 criminal cases, of which 47 involve the violation of the Volstead Act. I am, of course, not now advised as to the probable pleas or other disposition of these entered in all of them or in the greater portion of them and a jury trial be required, it would, of course, require many days to clear the docket.

While in the past there have been some delays in this district in civil causes by reason of the number of cases involving the Volstead Act, yet such delays have not been serious. This has been due to the smallness of this district and to the fact that the State authorities have been very active in prosecutions for liquor violations.

I have, from time to time, been assigned to sit in the other districts in this circuit and my experience in those districts has led me to believe that the condition which prevails here does not exist there and that those districts are greatly hampered by criminal cases. I think I should also add that if the number of criminal cases cognizable in the district courts should increase, that it would probably turn out that those lawyers whose experience and ability are such as to enable them to cope properly with the civil causes over which the Federal courts have jurisdiction, would not be inclined to accept the office by reason of the amount of criminal work involved.

I shall be glad to give you frankly any other information or render to you any other service in connection with this matter that you may desire.

Yours very truly,

HUGH. M. MORRIS.

UNITED STATES COURT CHAMBER, SOUTHERN DISTRICT,
Charleston, W. Va., March 1, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Your letter relative to the business of the Federal court received.

This district has 24 counties in the southern part of West Virginia, and has a population of about 900,000. There is very great coal development therein, and some manufacturing. It borders on Ohio, Kentucky, and Virginia, and, of course, the northern district of West Virginia.

In the four years and a half that I have occupied this bench I have had before me about 8,000 persons charged with crime, of which about 80 per cent were for liquor violations. The cases now run from 1,500 to 2,000 per year. There is splendid cooperation between the district attorney's office, the marshal's office, and the prohibition officers, and most of the State and county officers. There is reasonable cooperation between the State judges and myself.

I have a rather close acquaintance with all the State judges in my district and with most of the prosecuting attorneys. To a certain extent I do some administrative work by conferring with them and discussing cases, and by a certain amount of correspondence with them relative to cases.

There is very little liquor made in this district. Detroit runs a good deal here, and some comes from Cincinnati, and quite a bit from the Blue Ridge Mountain section of Virginia, and considerable from the border counties in Kentucky.

It keeps a judge very busy looking after the business of his district. He has no time for anything else, and only by deliberately going away from my office do I snatch a short vacation. I am not like the splendid judge from the eastern district of Kentucky, Judge Cochran, who told me a short time ago that he had never taken a vacation in the 24 years that he had been upon the bench.

I have been able at each term of my court to try every criminal case that was for trial and every civil case that the parties wanted tried in my four and a half years. I have been able to keep up with the bankrupt business that comes to me, but I have fallen somewhat behind on some difficult chancery cases. One very difficult added branch to Federal jurisdiction of late years was the appeals from public service commissions and the Interstate Commerce Commission. A rate case, with a bushel or two of papers that have to be studied, is harder on the judge than all the criminal cases he hears in a year.

The Congress has undoubtedly added much jurisdiction by the narcotic cases, the automobile theft cases, and the interstate commerce theft cases, and the Mann Act. In the coal regions, among the foreign population in particular, there are always some counterfeiting cases, where the money is either made or more usually circulated. There is a continual run of post-office cases, divided into the following classes:

First. Thefts or embezzlements by postmasters or employees.
Second. Burglaries of post offices.
Third. And the most difficult, the using of the mails for purposes of defrauding.

This last list of cases is a growing one, and the post-office inspectors give a great deal of time to it, and it seems to be necessary for the protection of the public. There are so many fraudulent organizations for the purpose of selling stock or other securities that rob the poor public. I have had a great many difficult cases of this character, and there are more of them that ought to be investigated.

While the liquor cases show up the greatest in number, yet I have very few jury trials. In this fiscal year I will have probably 1,800 or 2,000 cases before me, and I doubt whether I will have more than 25 jury trials. I recently had 250 cases before me in Bluefield and had only 2 jury trials, 1 of which was for a liquor case, and 1 for the Mann Act.

The Congress saw fit last March to pass the probation act. To me this was the greatest advance that Congress has made in dealing with criminals. However, I find that General Lord only put into the Budget $75,000 for the whole United States to hire probation officers. This is simply nonsense, and deliberately throttles the execution of the act.

I have put on probation in this district since the act was passed at least 700 persons. Of these 50 per cent are going good. It costs the United States at least a dollar a day to keep a person in jail. Of these 700 at least 400 would be in jail but for this probation act. I feel that I am saving the Government $400 a day thereby. That is the money side of it.

The other side is that these 400 people are at least doing something to support themselves and their families. Otherwise in many instances these families would be charges on the counties for their support.

If this error has not already been rectified in the Department of Justice appropriation bill, I appeal to you as a Senator to do what you can to get a proper appropriation, so that I can have at least one probation officer to give full time to his duties. That is the great work that I now have on me trying to keep up with these probationers myself, with one secretary, and I can not do it, in justice to my other duties, under the law. I should have a probation officer, with at least $300 a month and something for expenses. Supervision of this under probation is absolutely necessary, which I personally, as you readily see, can not give it. Regeneration of fallen human beings is the greatest thing in the world, and I am willing to enter into it to the best of my ability, and do try to keep in touch with these people; but I need this officer, and I need him quickly. If a proper appropriation is not made and a proper amount allotted to my district to hire such an officer, I will simply be compelled to refuse to put any other persons on probation. I had hoped that the proper appropriation would be given for this in the deficiency bill, but it seems not to be there. I have taken this matter up with Senator WARREN and Representative MADDEN and my two good friends the Senators from West Virginia. If you feel any interest in this matter, I would be glad if you would talk with the West Virginia Senators as to what I say, and I refer you to them as to my reliability in making statements.

While I am writing this letter, I have just been interrupted to be informed that two persons in jail are sick. It takes my time, to a certain extent, to have these cases investigated by as reliable a person as I can get, and if they are really ill, then I take the responsibility of turning them out, and you can readily see that this takes time and attention. If I had a good probation officer, who would organize each county with a local probation officer, it would cost not

more per month than I am saving the Government per day, and it would be a great thing for me and my district and for my people.

I talked this matter over with the Attorney General in January, and he promised to see General Lord, but I do not know what has been done.

Knowing, as I do, how busy you are and of the great attention you give to your duties—because of reading the CONGRESSIONAL RECORD more or less—I am taking the opportunity of imposing upon you to give some attention to this, because no doubt it affects your State as much as it does West Virginia.

I am glad to make full and complete statements at any time in reference to my work, and I appreciate your interest in general with the subject matter.

With best wishes and kindest personal regards, I am,

Yours very truly,

GEO. W. MCCLINTIC,
District Judge.

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI,
Kansas City, March 8, 1926.

Hon. KENNETH MCKELLER,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Answering your letter of the 27th ultimo regarding the status of our docket, I beg to advise that this district has five divisions, namely, Kansas City, St. Joseph, Jefferson City, Joplin, and Springfield. In all of the divisions, except Kansas City, the dockets are cleared twice each year upon an average of about one week at each point. In Kansas City, however, both our civil and criminal dockets are so heavy that it requires the constant attention of both the judges. At the present time we have at issue many law and equity cases on the civil side and a considerable accumulation of criminal cases. Our civil docket has become much heavier within the last few years.

As to the liquor cases, these have necessarily increased since the enactment of the Volstead law. However, such cases consume comparatively little of the judges' time. It is rare that such cases are contested as practically all defendants in such cases plead guilty. Under such circumstances it requires but a short time to receive a statement of the facts and to impose appropriate penalties.

Violations of the postal and narcotic laws, the Dyer and Mann Acts, and thefts from interstate shipments have all increased within the last few years.

The reports as to the time consumed in disposing of liquor cases are greatly exaggerated. With two judges in this district, litigants experience little delay in the adjustment of their controversies.

I trust this may give you the information desired.

Very truly yours,

ALBERT L. REEVES, *District Judge.*

UNITED STATES DISTRICT JUDGE'S CHAMBERS,
EASTERN DISTRICT OF ARKANSAS,
Little Rock, Ark., March 1, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your letter I would state that the docket of the courts in my district is not behind in the least. Every case ready for trial is disposed of at the first term to which it is returnable.

By reference to the reports of the Attorney General, you will find that there were disposed of in my courts for the year ending June 30, 1924, 816 criminal cases and 115 civil cases; for the year ending June 30, 1925, 931 criminal cases and 176 civil cases. This is exclusive of bankruptcy cases.

I found sufficient time to sit half of two terms of the circuit court of appeals during 1924, and half of one term of the Circuit Court of Appeals, and two months in the district court in New York City in 1925.

It is true that in large cities there is a great deal more of violations of the prohibition law, and as many of those engaged in it are men of large means, they litigate their cases more strenuously than they do in districts such as mine. My experience is, that in many districts the district attorneys do not dispose of these criminal cases as expeditiously as they should, and when judges only sit four hours a day, they can not do as much work as if they would sit six hours, as I do.

I find that there is fully as much time of the court taken up in the prosecution of violations of the postal laws, especially using the mails to defraud, as in prohibition cases. Those engaged in these postal frauds do not seem to be well enough organized to advocate the repeal of those laws.

Sincerely yours,

JACOB TRIEBER,
United States District Judge.

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF NEW YORK,
Buffalo, March 1, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In answer to your letter of February 27, inquiring to what extent liquor cases prevent the due administration of justice in the Federal courts, I can only speak of the administration in this district. There are about 1,500 liquor cases pending, and from time to time defendants in large numbers come into court and enter a plea of guilty or not guilty. Besides this number, the district attorney informs me there are approximately 600 cases pending before the United States commissioners upon which information will soon be filed which will bring these cases into this court. In addition thereto there are quite a large number of other criminal cases—just how many I am unable to say—arising from other violations or including violations akin to the prohibition laws, such as smuggling ale or whisky from Canada, and sometimes cases charging bribery or attempts to bribe agents and policemen to prevent arrest and prosecution. Since the prohibition law has been enacted it has been necessary to devote at least three weeks, and sometimes four, at the beginning of each regular term of court to dispose of criminal cases which gives very little time to trials of civil cases.

In this district there are five terms of court in different localities, and it happens, not infrequently, that one term continues until another commences. The liquor cases certainly operate to delay trial of civil causes, for many more negligence cases are now brought in the Federal courts arising from the Federal employers' liability act than formerly, and lawyers for plaintiffs are keen to try their cases as soon as possible. Then there are patent and admiralty cases which must now be tried in open court. For example, I gave the greater part of the month of February to the trial of admiralty causes, and patent trials are heard at various times during the year and when it is possible to give the time.

It is not only the matter of arraignments in liquor cases that takes time, for often motions are made to quash search warrants for illegal searches and seizures, and motions for the return of cars or vehicles improperly seized. These matters, in the main, come up each week on regular motion day and are often continued to other days for one reason or another. This delays other trials and decisions.

To assist in relieving the congestion due to liquor violations and violations of the narcotic act, we have two or three special terms a year with jury, and judges from Vermont, New Hampshire, and once or twice from New York City have been good enough to hold the criminal part here at Buffalo, while I conducted trials at Buffalo or in other parts of the district.

The increase of the business due to the liquor and narcotic laws is such that another judge is needed to dispose of the civil business and criminal trials expeditiously. Such a bill is now pending in the House.

It is not only jury trials which concern us, but there must be time to decide the equity and admiralty case after the evidence is taken, for, as you know, these trials are without a jury, the record being usually large, and opinion being written by the court in rendering decisions.

I hope this will give you a fair insight into conditions here; and also the extent to which these delays exist.

With great respect, I am

Very truly yours,

JOHN R. HAZEL.

UNITED STATES COURT,
Pittsburgh, March 1, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: Your letter of the 27th ultimo duly received. Am having the clerk prepare some data for me and will reply to your inquiry as soon as I receive it; that is, within a day or two.

Very sincerely yours,

R. M. GIBSON.

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF VIRGINIA,
Lynchburg, Va., March 2, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SIR: Answer to your letter of the 27th ultimo has been delayed by my absence at court.

In so far as the trial of jury cases is concerned, it is hardly accurate to say that my court is behind its docket, and yet, my work is behind, and considerably so. The jury cases are given a preference, and the chamber work in consequence is delayed. I have now in chambers waiting for me about 25 cases, and before I can complete these, there will be about that many more waiting. Work as hard as

I may, and it is a fact that I do work most diligently, I can not keep abreast of the work.

So far as actual jury trials in criminal cases are concerned, there are not a great many more of the prohibition cases in this district than there were revenue cases before the prohibition law was enacted. However, in other directions the prohibition act has considerably increased the work of the court. It would be, however, utterly impossible for me to state, with any accuracy, how much the work of the court has been increased by the prohibition act.

Yours truly,

HENRY C. MCDOWELL.

UNITED STATES COURT CHAMBERS,
Memphis, Tenn., February 27, 1926.

Senator KENNETH MCKELLAR,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: I am in receipt of your letter of February 25.

The District Court for the Western District of Tennessee is not behind on its calendar at all. There are two more cases to be tried on the civil docket and these will be tried next week. This will clean up every case on our calendar until the next term. We got through the criminal docket in 10 days. It is true that there was a long list of criminal cases, mostly violations of the national prohibition act.

I know nothing, of course, about conditions in other districts, but I find I have no trouble in keeping the criminal cases from clogging the court by setting aside a certain time each week to accept submissions and pleas of guilty. This reduces the calendar when the regular term opens.

The essential weakness of the Volstead Act lies in the fact that a fine in the Federal court means practically nothing. Most of the violators of the prohibition act are very poor people. A substantial fine merely means that the accused goes to jail for 30 days. He can not be made to work, and the net result is that he gets a 30-day rest cure in the nice, clean, sanitary Shelby County jail. He gets better quarters, a better bed, more sanitary surroundings, and better food than he ever had before in his life, and nothing to do.

A fine in the State court is a serious affair, as it either has to be paid in money or else it is worked out on the roads at 40 cents a day. A fine in the Federal court, in 90 per cent of the cases, unless the fine is made very small, merely means a 30-day vacation at the cost of the United States Government.

I am not much in favor of making compulsory imprisonment in first-offense liquor cases, but I do believe if the system of fines in the United States courts could be approximated to the State practice—that is to say, if the prisoner could be made to work his fine out on some Government public work at, say, a dollar a day, the Volstead Act would have all the teeth it needs. Our law imposing fines up to $1,000 in liquor-law violation cases reads very well on paper, but, for the reasons stated above, amounts to practically nothing. If the fine could be worked out on the plan I suggested, a $150 fine would be a very severe punishment for the first offense under the national prohibition act.

Another bad feature of the imprisonment penalty, under the national prohibition act, is that the prisoner spends his sentence in absolute idleness. That is to say, if it is a first offense, and he receives a jail sentence, to put an active, able-bodied man in jail for six months with absolutely nothing to do makes a confirmed loafer out of him for life. The law should be made so as to make Federal prisoners serving jail sentences for misdemeanors do a reasonable amount of work for the benefit of the public.

I do not think these prisoners should be put in competition with honest laboring people, but I do think they should be put to work on the highways, especially now that the Federal Government is giving aid to the States in the construction of national highways. If some of our bootleggers had to get out and break rock for three or four months in building roads, it would be very good for them, very good for the public, and, I think, would deter them from going back into the liquor business. A few months' idleness in a well-conducted, sanitary jail has very little terror for a bootlegger who is making money in his nefarious profession.

Pray pardon me for getting away from the subject you wrote me about, but I feel very strongly on the matters concerning which I have written you.

Yours very sincerely,

H. B. ANDERSON.

UNITED STATES COURT CHAMBERS,
WESTERN DISTRICT OF MICHIGAN,
Grand Rapids, Mich., March 9, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of February 27, I am pleased to inform you that, although cases arising under the national prohibition act have been numerous and have entailed much additional work, the business of the District Court for the Western District of Michigan is and for many years last past has been up to date. Whatever the conditions may be elsewhere, there have been no delays in the administration of justice in this district.

Very sincerely yours,

C. W. SESSIONS, *District Judge.*

UNITED STATES DISTRICT COURT,
Knoxville, Tenn., March 5, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to yours of February 26, I was appointed in March, 1923, and have, of course, presided over the court in the eastern district of Tennessee since that time. On June 30, 1923, there were 542 criminal cases pending in this district. During the fiscal year from June 30, 1923, to June 30, 1924, there were commenced 716 criminal cases. During that same period there were terminated 725, leaving pending on June 30, 1924, 533. During the fiscal year from June 30, 1924, to June 30, 1925, there were commenced in this district 1,190 cases and terminated during the same period 1,392, leaving pending, June 30, 1925, 331. These figures are taken from the reports of the attorney general for these years, and indicate that while the number of criminal cases has steadily increased, yet we have steadily decreased the number of pending cases, to wit, from 542 on June 30, 1923, to 331 on June 30, 1925.

I am assuming that about 90 per cent of these cases are prohibition cases. I have been able so far to keep fairly well abreast with the law and equity side of the calendar. There has been no material delay in the hearing of equity and law cases, except in this matter, that is to say, that in the hearing of law cases, where they are heard without a jury, and in equity cases, I am compelled to take these under advisement, and the press of jury trials has somewhat delayed a determination of such cases. However, I have striven to determine these cases within the term at which they were tried. You, of course, have in mind that our terms run for six months. I have so far succeeded in this way in handling the cases, with one or two exceptions, where the records were large and the questions difficult.

To keep up with what I consider to be fairly well abreast of my calendar I am compelled, however, to hold court continuously, the court being in session practically all the time. I have heard no serious complaint of delay in this district. You will recall that I am also a judge in the middle district; but Judge Gore, as an additional judge for that district, is better acquainted with the situation there than I can be, and I have no doubt will be pleased to give you any information which you may desire.

Yours sincerely,

C. M. HICKS,
United States District Judge.

UNITED STATES DISTRICT JUDGE,
Baltimore, Md., March 4, 1926.

Senator KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: In answer to your recent inquiry, I beg to state that so far as I can estimate the United States court for Maryland is about a year and a half behind in the cases on the docket. The figures, which are made up to the fiscal year ending June 30 last, show that the court was then at least a year behind, and I am convinced that at least six months' additional arrears have accumulated in the meantime. For the four years from 1922 to 1925 the average number of cases terminated per year was 1,473, while the number of cases commenced in Maryland in the year ending June 30, 1925, was 2,846. The liquor cases are responsible for this condition to a considerable extent. The number of criminal prosecutions instituted in this court for the year ending June 30, 1925, was 1,742, of which classification the far greater number constitute liquor cases. (See p. 176 of the report of the Attorney General of 1925.) Of course, a very large number of the liquor cases result in pleas of guilty or take a comparatively short time to try. While I can not make the statement with complete accuracy, I am fairly certain that in the district of Maryland at least one-half the time of one judge could be continuously employed in the trial of liquor cases.

You will find on page 138 of the report of the Attorney General for 1925 a classification of the cases, civil and criminal, to which the United States was a party. This shows that a total of 8,039 civil cases were commenced in the year 1925, of which 7,271 were under the national prohibition act, and that in the same year, 58,128 criminal cases were begun, of which 50,473 were brought under the national prohibition act.

There is now pending in Congress before the Judiciary Committee of the House a bill to authorize the appointment of 10 additional district judges, 1 of which would be appointed for the district of Maryland. At present there is but 1 district judge in Maryland.

Very sincerely yours,

MORRIS A. SOPER,
United States District Judge.

UNITED STATES DISTRICT JUDGE'S CHAMBERS,
NORTHERN DISTRICT OF ALABAMA,
New Orleans, La., March 3, 1926.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your favor of February 27. There are seven places of holding court in the northern district of Alabama at each of which court is held twice a year. All criminal cases are reached for trial within six months after the arrest of the defendant and are tried within that time unless one of the parties has a legal ground for continuance. This is true of all the divisions in the district. I think it is a safe estimate that 90 per cent of all criminal cases are actually tried at the first trial term after the arrest of the defendant and within not more than six months of that time. This is also true of civil cases. There is no accumulation of either criminal or civil cases in my district.

Very sincerely,

W. I. GRUBB, *District Judge.*

CLAIMS OF ASSINIBOINE INDIANS

Mr. WILLIS. Mr. President, I have no intention of prolonging this discussion at this late hour and I am not going to do so. I desire to call up another matter. I observe, however, that the Senator from Montana [Mr. WHEELER] is on his feet.

Mr. WHEELER. I am not going to speak. I desire to call up a matter that will take just a second; that is all.

Mr. WILLIS. I yield for that purpose. I desire to call up a bill on the calendar.

Mr. WHEELER. That is exactly what I was going to do.

Mr. WILLIS. All right; let the Senator break the ice.

Mr. WHEELER. Mr. President, I ask unanimous consent to call up for consideration Order of Business 350 and Order of Business 351, being Senate bills 2141 and 2868, and I will ask for their separate consideration.

Mr. KING. Those are bills that passed the Senate at the last session. They are all right.

Mr. WHEELER. Similar bills passed the Senate last year and were killed in the House. They are jurisdictional bills for the Indians.

The PRESIDING OFFICER. The Secretary will state the title of the first bill referred to by the Senator from Montana.

The LEGISLATIVE CLERK. A bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

Mr. JONES of Washington. Mr. President, does the bill authorize the Court of Claims to enter judgment?

Mr. WHEELER. No. It does finally, if there is a final suit, the same as in any other case in the Court of Claims; that is all.

Mr. JONES of Washington. I know that we adopted the policy some years ago—I think in the last Congress—of referring these matters down to the Court of Claims to get the facts and report back to Congress; but in many cases I know we cut out the provision authorizing the court to enter judgment.

Mr. WHEELER. This is in the regular form. It provides that the Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy, and so forth.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. I will withhold objection for a moment, while the Senator examines the bill.

Mr. WILLIS. Mr. President, I ask that it be passed over temporarily, without prejudice, while the Senators are examining the matter.

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily, without prejudice.

OLDROYD COLLECTION OF LINCOLN RELICS

Mr. WILLIS. Mr. President, I ask unanimous consent to take up at this time Order of Business 235, being Senate bill 957. This bill is in the exact form in which it passed the Senate in the last Congress.

Mr. GEORGE. What is the character of the bill?

Mr. WILLIS. The purpose of the bill is to authorize the Secretary of State, the Secretary of War, and the Attorney General, as a commission, to negotiate for the procurement of what is known as the Oldroyd collection of Lincoln relics.

The Senator knows of the collection of relics in the old building across the street from the Ford Theater. It is a very wonderful collection, the greatest in the world; and, as I have said, the Senate passed the bill in the last session after rather full discussion. At that time the Senator from North Carolina [Mr. OVERMAN] suggested some amendments to the bill, and those amendments were incorporated, and the bill was passed.

I have conferred with the Senator—I regret that he is not in his seat at the moment—and he has told me that he has no objection to the bill. I have talked with a number of Senators, and I know of no objection to it in any quarter.

Mr. JONES of Washington. Is the report of the committee a unanimous one?

Mr. WILLIS. Yes, sir; so far as I know.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. WILLIS. I do.

Mr. KING. I do not object to the consideration of the bill; but I was about to ask, in view of the uncertainty as to the amount to be paid, if it will not be regarded as certain that $50,000 will be paid if we fix that as the maximum?

Mr. WILLIS. I do not think so; but does the Senator suggest an amendment?

Mr. KING. No; I was just wondering about that phase of the matter.

Mr. WILLIS. I will state the reason why that figure was suggested. It is a long story, and an interesting one, if the Senator would like to hear it.

Mr. KING. No; only briefly.

Mr. WILLIS. This old gentleman has spent his life since the time of the Civil War in making this collection. Mr. Ford, I am told, has made an offer of $50,000 for the collection of relics. Likewise, the State of Illinois, at the last session of its general assembly, made an appropriation and appointed a commission to negotiate for the purchase of the relics. Colonel Oldroyd has a patriotic pride in desiring that this collection shall be kept here in the Capital City, where it can be seen by the thousands of tourists who come here. I think he is quite right in that. This bill simply authorizes the Secretary of State and the Secretary of War and the Attorney General to negotiate for the purchase of the collection.

Mr. KING. May I ask the Senator where it is expected that these relics will be deposited after they are purchased by the Federal Government?

Mr. WILLIS. That is a very proper question, and I will state my own feeling about it, though, of course, we are going far afield now.

The building in which the relics now are is not a fireproof building. It is a building of wonderful historic interest and, of course, always ought to be preserved. I have talked with a number of persons who are interested in the matter, and it is their belief that the collection ought to be transferred to some other place, where it can be better protected. However, I am frank to say to the Senator that my feeling is that there is a great deal of argument in favor of keeping this collection, if it shall become the property of the United States, in that building. In that house is the room in which Abraham Lincoln died. I should dislike to see those relics taken away from that room and from that house.

Mr. KING. This means then, of course, that if we pass this bill, further appropriations will be required either to purchase the building——

Mr. WILLIS. That is already the property of the United States. The only question is as to whether it is the proper place in which to keep the relics. My own feeling is, if the Senator is interested in it, that I would rather run the risk of having this collection in a building that is not fireproof than to destroy the sentiment by moving the relics away. I think they ought to remain in that building.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of State, the Secretary of War, and the Attorney General are hereby designated as a commission with authority, in their discretion, to purchase the Oldroyd collection of Lincoln relics, and that the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to enable the commission to consummate such purchase.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PROHIBITION LAW

Mr. GEORGE. I ask unanimous consent to have printed in the RECORD an article by Rev. Sam W. Small, a newspaper correspondent in Washington, and a distinguished citizen of my State, which appeared in the Atlanta Constitution of recent date, entitled "Does the South violate the fourteenth and fifteenth amendments?"

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection to the request of the Senator from Georgia?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, February 21, 1926]

DOES THE SOUTH VIOLATE THE FOURTEENTH AND FIFTEENTH AMENDMENTS?

By Sam W. Small

WASHINGTON, February 20.—"Are the fourteenth and fifteenth amendments of the Constitution ignored, nullified, and commonly violated in the Southern States?"

The charge that they are so treated has been made for years by newspapers, public speakers, and Congressmen of the Eastern and Northern States and now is openly made by Governor Ritchie, of the border State of Maryland.

Having obtained so distinguished an indorser the charge should now receive more than the contemptuous treatment heretofore accorded it by the publicists and people of the South.

THE FOURTEENTH AMENDMENT

Those who charge that the fourteenth amendment is not observed and enforced in Southern States have particular reference only to these words contained in the amendment, to wit:

"But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male members of such State, being of 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

They claim that the negro citizens of the Southern States are generally denied the right to vote in the elections described in the amendment and the penalty prescribed should be applied to such States.

It will be noted that "the Congress shall have power to enforce by appropriate legislation the provisions of this article."

Professor Burdick in his The Law of the American Constitution says "the provision contained in this (second) section of the amendment for the reduction of representation in Congress has never been put into effect."

Why not?

Because the Supreme Court of the United States, in deciding in 1883 that the "civil rights" act (passed by Congress in the belief that it was authorized by the fourteenth amendment) was unconstitutional, pointed out that "It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject of the amendment." The court said the authority of Congress is "to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial" (109 U. S. 3, 11). Even earlier (100 U. S. 313, 318) the court had held that "Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial departments of the States."

THE FIFTEENTH AMENDMENT

The fifteenth amendment was adopted by the States to give constitutional guaranty to the newly made citizens that their right to suffrage should be the same as that belonging to their white fellow citizens—just that and no more. Their right was not to be "denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and the enforcement of the amendment was given to the Congress and remains with that body.

Professor Burdick, tracking the decisions of the Supreme Court of the United States, says of the amendment:

"It is directed only against the abridgment of that right on account of race, color, or previous condition of servitude. Therefore congressional legislation which makes it a crime for a State officer to refuse to allow persons to vote without clearly restricting the application of the statute to cases where the refusal is on account of race, color, or previous condition of servitude is unconstitutional." (United States v. Reese, 1875, 92 U. S. 214.)

"Again," he says, "the amendment is not directed against action by individuals, but against action by the States or the United States. So an attempt by Federal legislation to punish private persons who conspire to prevent negroes from voting is not within the power granted by the amendment." (James v. Bowman, 1903, 190 U. S. 127.)

ONLY STATES CAN VIOLATE

Thus it appears that since both the fourteenth and fifteenth amendments are made applicable to State actions, and not those of individuals, only a State can be chargeable with nullifying or violating either of them.

James G. Blaine, in his Twenty Years of Congress (vol. 2, p. 419), says of those amendments:

"The contentions which have arisen between political parties as to the rights of negro suffrage in the Southern States would scarcely be cognizable judicially under either the fourteenth or fifteenth amendment to the Constitution. Both of those amendments operate as inhibitions upon the power of the State, and do not have reference to those irregular acts of the people which find no authorization in the public statutes. The defect in both amendments, in so far as their main object of securing rights to the colored race is involved, lies in the fact that they do not operate directly upon the people, and therefore Congress is not endowed with the pertinent and applicable power to give redress."

GRANDFATHER CLAUSES

The Supreme Court has uniformly held that the amendments do not conflict with the right of a State to require, as a qualification for voting, a literacy test, or a religious test, or a property test, or indeed any test which is not a discrimination on account of race, color, or previous condition of servitude.

Many Northern as well as Southern States have such literacy, property, and poll tax requisitions. But in order not to disfranchise many illiterate white citizens some Southern States, either by constitution or statute, excepted from the literacy test any "person who was on January 1, 1866, or any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation," and "any lineal descendant of such person"—all which terms excluded persons of color—and these acts were commonly known as "grandfather clauses." Naturally they caused bitter complaints by the negroes and their special friends in the North.

Some peculiar justifications were urged for those enactments. It was shown that the constitution of Illinois (1870) specially enfranchised every person "who was an elector in this State on the 1st day of April, in the year of our Lord, one thousand eight hundred and forty-eight"—which was 22 years theretofore.

It was also pointed out that President Grant, in 1875, in his annual message to Congress, recommended that education should be made compulsory "so far as to deprive all persons who can not read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect."

But the whole subject became obsolete with the decisions of the Supreme Court in 1915 (238 U. S. 347, 368) that all such "grandfather clauses" are unconstitutional under the fifteenth amendment.

DOES THE SOUTH NULLIFY?

The renewed agitation accusing the South of nullifying the negro amendments has arisen from the discussion of the widespread violations of the eighteenth, or prohibition, amendment.

Referring to the fifteenth amendment one accuser, in the Washington Post, says: "I wonder why this amendment is so bad that it can not be enforced by the Government and several millions of dollars appropriated and a flock of agents and spies appointed to enforce this law?"

Another, in the New York World, says: "The southern democracy has opposed and nullified the fourteenth and fifteenth amendments for 50 years with impunity."

Yet another, in the New York Evening Sun, demands to know if the prohibitionists "would be willing to advocate a preliminary appropriation of $8,000,000 by Congress to send an army of worthy northern black Republicans down South to enforce the thirteenth, fourteenth, and fifteenth amendments to the Constitution and the bloody shirt laws?"

While a notable Washingtonian writes to The Nation periodical that "the flagrant disregard of the fourteenth and fifteenth amendments to the Constitution is a precedent for the lamentable disregard of the eighteenth amendment."

All of which statements recall the well-known aphorism of Josh Billings that "it is better not to know so many things than to know so many that ain't so!"

WHAT GOVERNORS SAY

In January, 1924, the writer of this article addressed a letter to the governor of each of the Southern States asking for official answers to the following questions, to wit:

1. Is there in the statutes of your State any law intended or that operates to violate either the fourteenth or fifteenth amendment?

2. Is there any discrimination in the constitution or laws of your State against negroes, as to suffrage, "on account of race, color, or previous condition of servitude?"

3. Are the nonvoting negroes in your State disfranchised by law, or are they self-disfranchised by failure to comply with the laws of the State?

Governor Brandon, of Alabama, replied in the negative to the first and second questions, and as to third, said:

"The nonvoting negroes in Alabama are disfranchised merely because they fail to qualify by registering or because they fail to comply with the laws of the State, which are applicable to the whites as well as to the negroes. The constitution as well as the statutes of this State prescribe the qualifications and disqualifications of the voter, but there is no discrimination on account of race, color, or previous condition of servitude. Both the constitution and the statutes provide reasonably adequate modes of testing the validity of any of the election laws in Alabama by review in all the State and Federal courts."

Governor McRae, of Arkansas, formerly a Member of the Congress, wrote as follows:

"I am not aware of the existence of any State statute here that would conflict with the fourteenth and fifteenth amendments to the Federal Constitution. There is no State law in Arkansas the wording of which would indicate discrimination against negroes as such. Negroes vote in our general elections, both State and national. It is true that not many of them assert the right, but they can do it."

Gov. John M. Parker, of Louisiana, answered "no" to the first and second queries, and as to the third said:

"They disfranchise themselves by failure of being able to comply with the laws pertaining to suffrage."

He urged the "exposing of the falsity of prevailing propaganda that the fourteenth and fifteenth amendments are openly violated in every Southern State."

Governor Whitfield, of Mississippi, emphatically negatived the first and second queries, and to the third replied:

"The nonvoting negroes in Mississippi are not disfranchised by law, but rather by failure to comply with the laws of the State, which require that those offering to vote must read and write and understand the constitutions, both State and Federal, and have lawful residence and qualifications."

Gov. Austin Peay, of Tennessee, wrote:

"In reply I will say that no statute of the character referred to exists in Tennessee. We have no restriction on suffrage, except payment of poll tax 60 days before election. No attempt is made in this State to prevent our negroes from voting, and they vote, I should say, in as high ratio of population as the whites."

Governor Fields, of Kentucky, a former Congressman for many terms, answered "no" to the first two questions and confirmed the fact that the only disfranchisement of negroes in Kentucky is self-imposed.

Governor Hardee, of Florida, answered the queries specifically to the same effect as the other executives above quoted.

Gov. Clifford Walker, of Georgia, denied that the State has any laws violating the mentioned amendments, or that discriminate against the negroes in the matter of suffrage. "If they will comply with the laws of the State the same as I have to do they can vote as readily and safely as I can," adds this chief magistrate of Georgia.

Governor Trinkle, of Virginia, Governor Morrison, of North Carolina, Governor McLeod, of South Carolina, and Gov. Pat Neff, of Texas, all answered in practically the same terms and all of them challenged the production of any valid evidence that the fourteenth and fifteenth amendments are nullified and nonobserved in their States.

ARE THEY LIES?

Unless those persons who are so loudly proclaiming that the southern people are "openly and flagrantly violating the fourteenth and fifteenth amendments" can produce proofs that will convict all these State governors as "forgers of lies" and unworthy of public credit, the fact becomes incontestable that the charge against the South is either ignorantly or maliciously false.

Since only a State by its officials can violate the amendments in question, and only the State can be penalized by reduction of its representation, no sanction can be found in the Southern States for violations and nullifications of a police amendment that applies to every individual as does the eighteenth amendment.

In conclusion, it would be well for those who are accusing the southern people of flouting the "war amendments" to read and consider the statement by the Supreme Court in the famous Slaughter House cases (16 Wall. 36) that:

"We doubt very much whether any action of a State, not directed by way of discrimination against the negroes, as a class, will ever be held to come within the purview of this provision"—the penal clause of the fourteenth amendment.

Then let them compare the suffrage restrictions in Maine, Vermont, Massachusetts, and New York with those in any Southern State for further illumination.

CLAIMS OF ASSINIBOINE INDIANS

Mr. WHEELER. I renew my request that the Senate proceed to consider Senate bill 2141, conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

Mr. JONES of Washington. The bill was reported unanimously by the committee?

Mr. WHEELER. It was. It was passed at the last session.

Mr. JONES of Washington. Passed in this form?

Mr. WHEELER. In this form.

Mr. JONES of Washington. Under those circumstances, I make no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indians Affairs with amendments, on page 2, line 16, after the word "against," to insert "the United States, it being the intent of this act to confer upon the"; in section 3, page 3, line 23, after the word "any," to insert "Executive order"; in line 25, after the word "Indians," to strike out "if legally chargeable against that claim" and insert "including gratuities"; in section 4, page 4, line 3, after the word "any," to insert "Executive order"; and, in section 8, on page 5, line 21, after the name "United States," to insert a colon and the following proviso: "*Provided*, That actual costs necessary to be incurred by the Assiniboine Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Assiniboine Tribe in the Treasury of the United States," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Assiniboine Indian Nation or Tribe may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants, and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States, it being the intent of this act to confer upon the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined and to render judgment thereon accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Assiniboine Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Assiniboines approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any Executive order, law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, including gratuities.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any Executive order, law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall

annul and cancel all claim, right, and title of the said Assiniboine Indians in and to such money or other property.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Assiniboine Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Assiniboine Tribe in the Treasury of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CROW INDIANS

Mr. WHEELER. I now ask that the Senate proceed to the consideration of Senate bill 2868, conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Crow Indians may have against the United States, and for other purposes.

Mr. JONES of Washington. A similar bill was passed before?

Mr. WHEELER. It was.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 3, after the word "nature," to insert "including what is known as the River Crow claim"; in line 5, after the word "tribe," to insert "or any branch thereof"; on page 2, line 5, after the word "Indians," to insert "or any Executive order"; on page 2, line 7, after the word "Indians," to insert "or any Executive order"; in line 16, after the word "Indians," to insert "or the River Crow Indians"; in line 17, after the word "against," to insert "the United States, it being the intent of this act to confer upon"; in section 2, on page 3, line 7, after the word "the," to strike out "Crows" and insert "Crow Tribe of Indians"; on the same page, in line 15, after the word "said," insert "Crow"; in section 4, on page 4, line 7, before the word "agreement," to strike out "or"; in the same line, after the word "agreement," to insert "or Executive order"; in line 9, after the word "Indians," to insert "or obtained lands from the Crow Indians for an inadequate consideration under mistake of fact"; and in section 8, on page 6, line 2, after the name "United States," to insert a colon and the following proviso: "*Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature including what is known as the River Crow claim, which the Crow Indian Nation or Tribe or any branch thereof may have against the United States which have not heretofore been determined by a court of competent jurisdiction may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians or any Executive order: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians or any Executive order be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians or the River Crow Indians may have against the United States, it being the intent of this act to confer upon said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder, so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined, and to render judgment thereon accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Crow Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Crow Tribe of Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Crow Indian Nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, agreement, or Executive order, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, or obtained lands from the Crow Indians for an inadequate consideration under mistake of fact, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per centum per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Crow Indians in and to such money or other property.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States, such costs shall be included in the amount of the judgment or decree and, if against said Indians, shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of

the United States: *Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes."

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I give notice that at the conclusion of the routine morning business on Monday next I shall make a brief reply to the Senator from Tennessee [Mr. MCKELLAR].

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. GOFF. Mr. President, I would like to take just a few minutes of the time of the Senate while the measure relating to the long-and-short-haul clause is pending. I desire to make a few observations concerning a matter that is vital to my State, and of deep interest to the people of the Northwest. I wish to clarify a situation, if possible, that has arisen as a result of misrepresentation and a conscious distortion of the facts.

In the Daily Metal Trade, published at Cleveland, Ohio, the issue of March 5, is an article which recites that—

> the soft-coal authorities of Cleveland are meeting to-day in Pittsburgh with operators from that district in planning their combined attack before the Interstate Commerce Commission.
>
> This will be the third attempt since 1920—

says the Daily Metal Trade—

> on the part of Ohio and Pennsylvania operators to bring about this greatly sought restoration of the old-time coal-rate parities.

I would refrain from consuming the time of the Senate with the presentation of the article were this an isolated instance of misrepresentation of existing conditions. But it is not. Ohio and Pennsylvania newspapers have frequently declared that a preferential rate has been given to southern West Virginia and eastern Kentucky in the shipment of coal to ports on the Great Lakes. So frequent has been this misrepresentation that there are many people in Ohio and Pennsylvania today who are convinced that the freight rate from southern West Virginia to the Great Lakes is lower than the rate from the Pittsburgh district.

This erroneous conclusion has gained currency as the result of a campaign of misleading propaganda initiated by the affected districts following the decision of the Interstate Commerce Commission, rendered July 26, 1925, in what has become known as the Lake Cargo case (I. C. C. Docket 15007). This campaign of misrepresentation has been continued uninterruptedly and reached its climax following the filing of a petition by the Pittsburgh Coal Operators' Association on December 30 last for reargument of the Lake Cargo case.

I have an abundant faith in the Interstate Commerce Commission as an agency of the Government. It is quasi-judicial in character and is a constitutionally created instrumentality for the adjudication of such problems as have arisen in the Lake Cargo case. Because of my faith in the capability and integrity of the commission I refrained, while the application for rehearing was pending, from a discussion of the Lake Cargo rates, even while misleading information was being circulated. The conditions involved became only recently a subject of discussion on the floor of the Senate. My profound respect and unlimited confidence and exalted admiration of the Supreme Court of the United States would preclude my discussion of a cause pending in that tribunal for decision, and the respect that I entertain for the Interstate Commerce Commission compels a similar observance of the proprieties.

The decision of the Interstate Commerce Commission in the Lake Cargo case was rendered last July after an extended hearing and a comprehensive investigation that had lasted for two years. The commission considered every angle, in fact, every phase of the controversy. It gave thorough and painstaking consideration to the legal principles involved and the evidence presented. It held that the rates on the shipments of coal from West Virginia and Kentucky were not unduly preferential, and it declined to grant the petition of the Northeastern Ohio and Pittsburgh district operators to increase the differential against West Virginia and Kentucky.

On March 3 last the Interstate Commerce Commission acted favorably on the petition of the Pittsburgh district to reopen the case and in an order then issued gave the litigants in interest 20 days in which to show cause whether additional evidence should be presented.

I take it that the commission desired to have for its consideration any new evidence that protestants or intervenors may have discovered. There is no inclination on my part to discuss this phase of the question. I only desire to express the wish that a final decision will be forthcoming at an early date for the reason that prolonged delay means a heavy burden of additional expense on an industry that is prostrate and will as a result of delayed orders materially affect the markets of the Northwest for this basic product. I have no doubt that the commission will consider the vital interests of the coal consumers in the great Northwest, as well as the interests of the producers in the competing districts. I feel that the commission in good time will render its decision in agreement with the law and the evidence and that it will not be swerved from the path of duty by political influence, threats, criticism in public place, or by the repetition of published misinformation.

In justice, however, to the coal industry of my State, upon which a large measure of our population is dependent, I must refute the recurring reports so frequently published that West Virginia and eastern Kentucky possess preferential rates on the shipment of coal to the lake ports and that such rates are responsible for the suspension of mines in Ohio and Pennsylvania.

"It is a campaign to restore the old-time differentials to rates which now operate to favor mines south of the Ohio River," says the Cleveland newspaper.

It is not, let me say, a campaign to restore the old-time differentials between the competing districts. It is a campaign to give additional advantages in freight rates to the Pittsburgh and Cambridge districts over West Virginia and eastern Kentucky.

Pittsburgh now has an advantage in freight rates ranging from 25 cents to 40 cents on every ton of coal shipped from southern West Virginia or eastern Kentucky to the lake ports. The petition of the Pittsburgh operators is to increase that advantage, to spread that differential from 25 to 40 cents to 68 and 83 cents.

That is precisely what the Pittsburgh district has asked and continues to ask the Interstate Commerce Commission to do. To comply with that request, of course, would have but one result. It would mean the exclusion of West Virginia coal, the exclusion of coal from Virginia, Tennessee, and Kentucky, from the markets of the Northwest. And it would leave the coal consumers of Michigan, Wisconsin, Minnesota, North and South Dakota at the mercy of the Pittsburgh and Cambridge producer. Competition would be destroyed, and consumers in that vast territory would be compelled to buy Pittsburgh coal at whatever prices Pittsburgh would care to exact. And in this connection I am informed that the consumers of the Northwest, including public service commissions representing three States, vigorously opposed in the former hearings any increase in existing differentials. The consumers in that great domain demand competition.

Let me reiterate that Pittsburgh now has an advantage of from 25 to 40 cents on every ton of coal shipped to the lake ports over southern West Virginia and eastern Kentucky. The records of the Interstate Commerce Commission will verify this assertion. This being true, I ask if it is reasonable to assume that the lower freight rates enjoyed by Pittsburgh and northeastern Ohio are responsible for closing the mines in these districts? That is precisely what was charged by the Senator from Pennsylvania on the floor of the Senate.

West Virginia has always been obliged to pay a freight rate in excess of Pittsburgh and northeastern Ohio on lake coal shipments. There has never been a time when Pittsburgh and northeastern Ohio did not have an advantage in coal rates over West Virginia to the lake ports.

In proof of this statement I ask leave to insert in the RECORD a statement which shows the freight rates from the southern West Virginia coal fields as compared with the Pittsburgh and northeastern Ohio coal fields to the Lakes since 1903.

The PRESIDING OFFICER. Without objection, permission is granted.

The statement is as follows:

Lake cargo rates per net ton with differentials in favor of Pittsburgh at different periods since 1902

Year	Pittsburgh district	No. 8 Ohio district	Kanawha-Thacker districts
1903-1907	$0.83	$0.80	$0.92
1907-1912	.88	.85	.97
1912-1917	.78	.75	.97
1917	.93	.90	1.18
1918-19	1.80	1.27	1.55
1920 (Aug. 26)	1.86	1.83	2.11
1921 (May 4)	1.58	1.55	1.83
1921 (Nov. 1)	1.86	1.83	2.11
1922 (July 1)	1.66	1.63	1.91
1923	1.66	1.63	1.91
Present	1.66	1.63	1.91

	Pocahontas-New River districts	Pittsburgh differential over Kanawha and Thacker	Pittsburgh differential over Pocahontas
1903-1907	$1.07	$0.09	$0.24
1907-1912	1.12	.09	.24
1912-1917	1.12	.19	.34
1917	1.33	.25	.40
1918-19	1.70	.28	.40
1920 (Aug. 26)	2.26	.28	.40
1921 (May 4)	1.98	.25	.40
1921 (Nov. 1)	2.26	.25	.40
1922 (July 1)	2.06	.25	.40
1923	2.06	.23	.40
Present	2.06	.25	.40

Mr. GOFF. The Pennsylvania and Ohio interests have by their propaganda attempted to create the impression that the recent proceedings before the Interstate Commerce Commission were designed to restore freight relationships that at one time existed.

The statement that I have filed clearly refutes this impression. The statement shows that prior to 1912 the southern West Virginia district had rates ranging from 9 to 24 cents per ton in excess of rates in the Pittsburgh district; that from 1912 to 1917 the southern West Virginia fields had rates from 19 to 34 cents over the Pittsburgh district; and that from 1917 to date the southern West Virginia districts have been obliged to pay from 25 to 40 cents over the Pittsburgh district on lake coal shipments.

On a highly competitive commodity like coal a difference of 25 and 40 cents per ton in favor of one coal district as against another is a substantial difference of great advantage in the sale of coal; in fact, the difference is greater than the profit that the operator can frequently obtain per ton on his coal.

The Pennsylvania fields complain that they have lost tonnage to the Lakes in recent years. Evidence in the Lake Cargo case shows that during the last year of record in that case, 1923, the Pittsburgh and northeastern Ohio districts shipped two-thirds of all the coal that went to the Lakes, and that the southern West Virginia and eastern Kentucky fields have shipped about one-third. The Pennsylvania interests claim that during the years 1924 and 1925 the coal shipments to the Lakes have substantially increased from West Virginia and have decreased from the Pennsylvania fields. I am informed that this is true; but I now assert that the increase of coal shipments from West Virginia to the Lakes in face of the disadvantage in freight rates under which it operates of from 25 to 40 cents on each ton has not been caused by freight rates.

It is a matter of common knowledge that the policies which have prevailed among the coal operators in Pennsylvania with respect to wage and other mining conditions have caused the decrease in the tonnage from those fields. In the Coal Trade Bulletin of July 6, 1925, there appears an article prepared by C. E. Lesher, assistant to the president of the Pittsburg Coal Co., which states that—

> The trouble is that the coal producers in the Pittsburgh district are handicapped by a wage scale so high that it shuts them off from near-by as well as distant markets.

In the same bulletin of June 1, 1925, there appear extracts from a speech by Mr. T. M. Dodson, vice president of the Pittsburg Coal Co., to the same effect. The coal-trade journals have been full of similar admissions by coal operators in the Pennsylvania fields. In short, the freight rates about which we have heard so much have not been the cause of the late deplorable strike or the closing of the mines or the decrease in the tonnage in the Pittsburgh district in 1924 and 1925.

It is apparent that the Pennsylvania and Ohio interests are seeking to persuade the Interstate Commerce Commission to exercise its great powers to equalize the different mining and other conditions that exist in the different competing coal districts by means of freight rates. The interstate commerce laws were never designed to be exercised in any such manner.

My sole purpose, Mr. President, in submitting these remarks has been to refute the misinformation that has been scattered to arouse protests against the decision of the Interstate Commerce Commission. I am content to present the facts, without criticism or defense. They speak too strongly to justify interpretation or permit construction. The country is entitled to know them, and the Senate, I feel, will welcome a statement that reflects conditions as they are and not as some would have them.

ADJOURNMENT

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.) adjourned until Monday, March 15, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 13, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, blessed be Thy holy name. Thou art infinite love, hence we do not fear nor tremble in Thy presence. While all about us are the tokens of Thy power, yet Thou hast overlaid them with divine gentility. O make us strong with the sense of Thy strength, make us wise with the sense of Thy wisdom, and make us better with the sense of Thy goodness. Bless all institutions which nurture and care for humanity. United may they be in faith, hope, and charity. Enable us always to be in sympathy with men, their duties, and their needs. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE ON FRIDAY, MARCH 19

Mr. SHALLENBERGER. Mr. Speaker, on the 19th of March is the anniversary of the birthday of a great American citizen. I want to ask unanimous consent that on next Friday, the 19th of this month, after the reading of the Journal, that one hour's time may be granted so that myself, the majority leader [Mr. TILSON], the minority leader [Mr. GARRETT], and other Members may be permitted to address the House in honor of the memory of William Jennings Bryan.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that on next Friday, after the reading of the Journal and disposition of matters on the Speaker's table, that one hour be granted to various Members of the House to deliver eulogies on the memory of William Jennings Bryan. Is there objection?

Mr. MADDEN. Mr. Speaker, will it interfere with the consideration of appropriations bills on the calendar at that time?

The SPEAKER. It will supersede anything except conference reports and——

Mr. MADDEN. I do not think I want to object, but I think we want to expedite the public business and not let anything intervene.

Mr. SHALLENBERGER. Mr. Speaker, if I may be permitted, I will say it is well known that Mr. Bryan was at one time a distinguished Member of this body; that on the 19th of the month a great movement will be inaugurated throughout the United States to raise funds for building a proper monument for him in this city, and it was in recognition of that movement that I have made this request.

Mr. MADDEN. Nobody has more respect for the genius of Mr. Bryan than I have, and I am not going to object, but I simply wanted to call attention to the possibility of its disturbing public business. If it is to be a nation-wide movement, it might as well start here as anywhere else.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS

Mr. GARNER of Texas. Mr. Speaker, will the gentleman from Connecticut, the majority leader, ask permission of the House for time in which to take us into his confidence and

tell us whether the arrangements for legislation made at the White House, as reported in the papers of yesterday, are correct or not? I think the gentleman ought to be as good to us as he is to the newspapers. I think the gentleman ought to take us into his confidence, because we have to help carry out the program. Will not the gentleman take us into his confidence and tell us all about it?

Mr. MADDEN. Will the gentleman yield for one question?

Mr. GARNER of Texas. I would rather yield to the man who knows all about it.

Mr. MADDEN. Of course the gentleman is going to tell the gentleman about it, but I wanted to ask a question. I was wondering whether the gentleman had gotten to the point where he could not see well enough to read the newspapers?

Mr. GARNER of Texas. I read the newspapers. I also see newspapers one day reporting the spokesman of the President as having said so-and-so, and the next day say he does not say so-and-so, and I want to find out if the newspaper report was true or not. Now I will ask the gentleman whether it is true or not?

Mr. MADDEN. I know the gentleman is very thorough in all his investigations, and he will ascertain, I am sure.

Mr. GARNER of Texas. I will if the gentleman from Illinois does not interrupt him too much. I am trying to get that information.

The SPEAKER. There is no request before the House.

Mr. GARNER of Texas. I ask unanimous consent that the gentleman from Connecticut have five minutes in which to enlighten the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Connecticut be permitted to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. It will not take more than a fifth of that time for me——

Mr. GARNER of Texas. I do not expect the gentleman has much information that might——

Mr. TILSON. The first question I should like to ask the gentleman is whether he is entirely willing to join in helping carry out any "program" or arrangements that have been made?

Mr. GARNER of Texas. Whatever is for the benefit of the country I am sure will have my hearty support.

Mr. TILSON. Nothing else will be proposed, I am sure.

Mr. GARNER of Texas. I wonder if this statement in the Star as to the five provisions outlined, as having been agreed upon as a program of legislation by the gentleman from Connecticut, the Senator from Ohio, and the President of the United States, is correct.

Mr. TILSON. I did not read it myself.

Mr. GARNER of Texas. I will read it to you.

Mr. TILSON. I shall give the gentleman a plain answer in regard to any part of it that concerns me.

Mr. GARNER of Texas. I will give it to you. First:

No. 1. The general public building bill, authorizing $165,000,000 to cover a period of five years. Of this amount $50,000,000 will be spent for the erection of governmental buildings in the District of Columbia at the rate of $10,000,000 a year for five years.

Is that correct?

Mr. TILSON. That bill has been passed by the House already.

Mr. GARNER of Texas. I ask the gentleman if that is part of the program that he intends to finish up before adjournment? The gentleman must remember that it has not yet become a law.

Mr. TILSON. We have done all that we can do for the present in regard to it.

Mr. GARNER of Texas. Does the gentleman and his associates propose to stay here until they have passed that bill?

Mr. TILSON. We can not pass upon that question until we see what happens to the bill elsewhere.

Mr. GARNER of Texas (reading)—

No. 2. The Watson-Parker railroad bill, which abolishes the Railroad Labor Board.

Does the gentleman expect to pass that?

Mr. TILSON. I hope so.

Mr. GARNER of Texas (reading)—

No. 3. The approval of the terms for the settlement of the Italian war debt and others pending—

and—

No. 4. Coal legislation that will embody the President's recommendation for a commission.

Mr. TILSON. The foreign-debt settlements should be approved. As to coal legislation, that is a matter that is being considered by the Committee on Interstate and Foreign Commerce.

Mr. GARNER of Texas. Was that considered by the gentleman and the President and the Senator from Ohio?

Mr. TILSON. It was not mentioned in my presence.

Mr. GARNER of Texas (reading)—

Muscle Shoals, some agreement for the disposal of this property.

Was that considered by the gentleman and the President and the Senator from Ohio? Was that referred to?

Mr. TILSON. Only incidentally, if at all, in my presence. Perhaps reference was made to the fact that it was passed.

Mr. GARNER of Texas. Just what was agreed upon?

Mr. TILSON. There was no agreement or arrangement whatsoever, except as to one thing. I submitted to the President on yesterday a suggestion that I thought was in behalf of an early adjournment. I felt that our common desire in that direction might be facilitated by the consideration of the impeachment case—if there is to be an impeachment case—at a special session of the Senate instead of both House and Senate being kept in session during the trial of the case before the Senate. The President was in accord with the suggestion.

Mr. GARNER of Texas. Then the only thing that the gentleman and the President and the Senator from Ohio agreed upon—with which I am in hearty accord—was an early adjournment? I will promise the gentleman that we will cooperate in every possible way to bring about that event.

Mr. TILSON. Then the gentleman is in entire accord with the "program" agreed upon yesterday?

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HOWARD. I notice that the tentative agreement does not contain anything about agriculture.

Mr. TILSON. Has the gentleman something of his own to propose?

Mr. HOWARD. Oh, yes; indeed.

Mr. TILSON. What the gentleman has to propose will always have the respectful consideration of the House.

Mr. HOWARD. I know; but I am going to get some one who can get a larger hearing than I, and I am going to follow him.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. KETCHAM. Will the gentleman from Nebraska tell us what bill he has introduced in behalf of farmer legislation?

Mr. HOWARD. Oh, certainly; I have not introduced any bill. I have a friend from Iowa whose name is DICKINSON, who has introduced the best thing that I know. I do not like it all the way through, but it is the best thing that I know, and I am one unheard Democrat who is going to support it at every turn in the road.

Mr. KETCHAM. The gentleman will be interested in knowing that hearings are going forward very rapidly on that very subject.

Mr. HOWARD. I know that hearings are going on.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. KINCHELOE. I want to say to the gentleman—perhaps it will be consoling to him—that so far as the Dickinson bill is concerned the President of the United States and the Secretary of Agriculture are against it. It calls for an appropriation of $250,000,000, which has not the consent of the Budget, and the gentleman will be here a long time before the Dickinson bill is considered under the circumstances.

Mr. HOWARD. Does the gentleman speak from authority, or do I understand that he speaks outside of authority?

Mr. KINCHELOE. It developed in the hearings that Mr. Jardine was against the bill; and unless the President has changed his mind from the opinion he expressed in his message, he is also opposed to it.

Mr. TILSON. Mr. Speaker, has not my time expired? [Laughter.]

The SPEAKER. The time of the gentleman from Connecticut has expired.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adja-

cent to the Lummi Indian Reservation, in the State of Washington, and for other purposes;

H. R. 5043. An act granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; and

H. J. Res. 197. Joint resolution to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia."

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HARRY I. THAYER, late a Representative from the State of Massachusetts.

Resolved, That a committee of six Senators be appointed by the President of the Senate to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 12 o'clock, noon, to-morrow.

Pursuant to the provisions of the foregoing resolutions, the Vice President had appointed Mr. BUTLER, Mr. GILLETT, Mr. MOSES, Mr. HARRISON, Mr. ASHURST, and Mr. BROUSSARD as the committee on the part of the Senate to attend the funeral of the deceased.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 1 and 4 to the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The message also announced that, pursuant to the provisions of House Concurrent Resolution No. 4 providing for the appointment of a joint committee to conduct negotiations for leasing Muscle Shoals, the Vice President had appointed Mr. DENEEN, Mr. SACKETT, and Mr. HEFLIN members of said committee on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On March 10, 1926:

H. R. 6733. An act granting the consent of Congress to the construction of a bridge across the Rio Grande.

On March 11, 1926:

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes; and

H. R. 9109. An act to extend the time for the construction of a bridge across the White River.

On March 12, 1926:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio.

INVESTIGATION OF LAND GRANTS OF THE NORTHERN PACIFIC RAILWAY CO.

The SPEAKER. Pursuant to the act of June 5, 1924, the Chair appoints Mr. WINTER, of Wyoming, and Mr. HILL, of Washington, as members of the joint congressional committee created to investigate the land grants of the Northern Pacific Railway Co., in place of Mr. WILLIAMS, of Michigan, and Mr. RAKER, of California, deceased.

CORRECTION OF THE RECORD

Mr. CELLER. Mr. Speaker, I desire to correct the RECORD. The RECORD of March 12, 1926, reports me as stating—

I wish to state to the gentleman that I was charged by the American Telegraph & Telephone Co. $10 for every minute I would desire to use the radio during the last election, and I know of no charge that was made to any one of my opponents in my district for the same use of the radio.

What I did say was the following:

I wish to state to the gentleman that I was asked to pay by the American Telegraph & Telephone Co. $10 for every minute I desired to use the radio during the last election, and I refused to pay it. I have no knowledge that candidates of the opposing party were asked to pay the same amount for the same use.

Mr. FREE. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. FREE. Is it not a fact that you had the free use of the radio on January 14, 1924, from the American Telegraph & Telephone Co. on the subject of selective immigration, and is it not also true that on October 15, 1925, you again had the free use of the radio in discussing the subject of the functions of Congress, and then you tried to make political speeches and they referred you to the Democratic Congressional Committee. As a matter of fact, you never paid a cent to the American Telegraph & Telephone Co. for the privilege of broadcasting.

Mr. CELLER. I have had the use of broadcasting from the WEAF and the WJZ. I was accorded the free use of the radio just before last election, but only after I threatened the American Telegraph & Telephone Co. to make public what they had proposed to charge me for the use of the radio facilities, at the rate of $10 per minute.

Mr. FREE. Is it not a fact that the gentleman made that speech on January 19, 1924, and did not make his threat until July 22, 1924?

Mr. CELLER. I am referring to the speech I made over the radio just prior to the election. The threat had reference to the request I made just prior to election.

Mr. McKEOWN. Mr. Speaker, I make a point of order. What has this to do with the correction of the RECORD?

The SPEAKER. This is proceeding by unanimous consent.

Mr. FREE. The gentleman did speak, then, on January 19, 1924, for nothing; afterwards the gentleman made another request and then made a threat to them in a letter?

Mr. CELLER. At present I do not recall a letter. There may have been a letter. On one of those occasions I was invited to speak without a request made by myself to any of the radio broadcasting stations.

Mr. FREE. And the gentleman has never been charged anything?

Mr. CELLER. I state now, and I want the remarks I made yesterday corrected to that extent, that I never paid one cent to any radio broadcasting station, because I refused to do so. Further, I had no knowledge that any one of the opposing party was asked to pay what I was asked to pay. The right to charge is unquestioned. The possibility of that right being abused is inherently dangerous. The right must be properly regulated.

The SPEAKER. Without objection, the RECORD will be corrected as suggested by the gentleman from New York.

RADIO COMMUNICATION

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 9971, a bill for the regulation of radio communications, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 9971, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of H. R. 9971, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. There is an amendment pending, and the Clerk will report the pending amendment for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 8, line 3, strike out the words "guilty" and "of" and insert after the word "court," the following: "or the commission to have been."

The question was taken, and the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. There is no question but what some radio legislation is necessary. The great trouble with this bill is that the opponents on one side belong to one school and the proponents on the other side belong to another school. I think the idea is prevalent in the United States, viewed from the standpoint of the men engaged in great commercial enterprises, that business of all kinds ought to be free, loose, and untrammeled by legislation. There are two schools of thought. One school is that all commercial industry ought to be permitted to expand without any unnecessary restrictions. There are men who belong to that school of thought who are conscientious and who believe in that doctrine. On the other hand, there is a school of thought that there ought not to be great combinations of capital in business to the extent that it will crowd out the small and individual citizens in the United States. To this latter school I belong.

We ought not to destroy a good bill because we differ on some subjects and such a matter ought to come before the House so that the House can express its opinion on it. But, gentlemen, here is what is the matter, and we may as well get the Senegambian out of the woodpile to start with. This bill was reported out in a former Congress and passed by a former Congress with provisions curtailing the right to monopolize any radio legislation.

Mr. LEHLBACH. Will the gentleman yield for a correction?

Mr. McKEOWN. Yes.

Mr. LEHLBACH. No radio bill has ever passed the House.

Mr. McKEOWN. Well, it was reported out and it passed the House.

Mr. LEHLBACH. The last Congress, I mean.

Mr. McKEOWN. I said it passed the House. Now, here is the situation and here is all there is to this controversy: The gentlemen who voted out this latter bill got themselves in a hole, because they had just as much intelligence at the time they voted it out with that provision in it as they have now. When they found out that as the bill came out it put too much of a clamp on certain concerns that control certain things that are sold to the radio users of this country there was a great deal of complaint. Let us talk the facts about it. When that bill came out they found they had been hooked. Then certain gentlemen affected came around blowing hot and blowing cold. They came around to some members of the committee and said, "You are trying to destroy our industry, and if you will only put in the word 'unlawful,'" as stated by the gentleman from California [Mr. FREE] yesterday, "we will be satisfied." But some more ingenious mind conceived the idea that if you leave section 4 out and then attempt to put it in on the floor it will be subject to a point of order. Now, here is the trouble. They come to some of us and say they will be satisfied if we put in the word "unlawful" and then they find they can get the whole thing out and they agree to do that.

I do not want to destroy any great business because it is a great business. Any lawful industry of this country ought to have the good will of the legislative department of the Government, but I want to say to you now that I do not want any combination or trust to destroy me or the American people. I am not going to be destroyed by a vote on this proposition simply because some fellow has gotten himself into a hole.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. McKEOWN. Now, gentlemen, here is the situation. Why should we not have an opportunity to vote upon this trust proposition in this bill, upon a motion to strike it out? Why should not the membership of this House have an opportunity to vote upon the question involved in paragraph 4 of this bill? This is the way I feel about it, in view of the facts. They come down here in one instance and they want to write the word "unlawful" in the paragraph, and state they will be satisfied. Then they come again and get the whole thing stricken out. I am in favor of putting in section 4.

I never was wild about section 4. I never was crazy about the proposition, but I want to show you gentlemen on this committee what kind of attitude you are put in before the American people You have voted at one time for section 4 and have reported it out, knowing at the same time that it trespassed, as you now say, upon the Committee on Interstate and Foreign Commerce. Now you are in the attitude of back tracking, and what good excuse can you give the American people on that proposition?

Mr. KING. Will the gentleman yield?

Mr. McKEOWN. I yield.

Mr. KING. I would like to have a little bit of information. I want to know, when this bill is passed and becomes the law, will it be possible for the Secretary of Commerce and his associates or other concerns in the country to control the character of the information that goes over the radio?

Mr. McKEOWN. Well, I think the bill practically puts ample power in the Secretary of Commerce to control, in a measure, the kind and character of information that goes over the radio.

Mr. KING. It is simply an addition to the Propaganda University, is it not?

Mr. McKEOWN. Well, of course, the radio business is here, and we want to correct it as far as possible, and we ought to do it while we are legislating. I agree with the gentleman about that.

But here is the proposition involved in this matter. If you pass this bill and put in section 4, you are not going to hurt these fellows. They have always been able to take care of themselves. They have in the past and they will always be able in the future to do it. If we ever expect to curb or change monopoly in this country, if that is our viewpoint as a majority of the people, we will have to change our method of legislating.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WILLIAMSON. After all, does it make so very much difference with reference to this proposed section 4? Is it not up to the Secretary of Commerce to say who shall be licensed and who shall not be licensed, no matter what the law may be?

Mr. McKEOWN. Oh, if you put section 4 in the bill, he would be restricted. Section 4 has to do with the sale of tubes and other things that are used by the buyers throughout the country, and we say they shall not monopolize this business and control it. The gentleman knows that under our present antitrust laws there are many ways it is evaded. It is evaded by having breakfasts, conferences, pink teas, and by a nod of the head, or by the holding up of hands, whereby prices may be fixed and regulated.

The question is going to come before us some day as representatives of the American people, and we will have to decide how to deal with business without ruining and destroying business, at the same time protecting the consumers of the country from the tendency to take more than is right and just from them. We inherited the tendency to monopolize from our forefathers. Way back in the days when Elizabeth was Queen of England, many monopolies were originated affecting not only land but necessaries.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The pro forma amendment was withdrawn.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 8, line 6, after the word "sale," insert the words "or use."

Mr. DAVIS. Mr. Chairman and members of the committee, the purpose of this amendment is very evident. I think all will agree that an adjudication that applies to monopolizing the use should have equal force in refusing a license as either the manufacture or the sale. However, I do not care to discuss this at length, but I do want to call attention to the fact which I stated yesterday, that this bill is weaker than the first bill which the committee reported out during this session of Congress. It is weaker considerably than the bill the committee reported out in the last Congress, as well as in the previous Congress, so far as embracing any effective antimonopoly provisions therein is concerned. The very section to which I have offered this amendment has been practically destroyed. In the bill reported and passed through the House in the Sixty-seventh Congress and in the bill reported in the last Congress, each time unanimously reported by the committee, this section then authorized and directed the Secretary of Commerce to refuse a broadcasting license to any applicant provided the Secretary of Commerce himself was of the opinion the applicant was monopolizing or attempting to monopolize any field of the radio business. It has now been so changed that he is not authorized to do that until after the applicant shall have been convicted; or as the language reads, shall have "been found

guilty" of a violation of the antitrust laws. Why, you even refuse to strike out the word "guilty" so as to permit him to refuse a license upon an adjudication of such facts in a civil proceeding.

And as this bill was first introduced in the present Congress, it did not have the words "after this act takes effect," but the committee amended the bill by inserting those words. Why? Because there is now pending a complaint of the Federal Trade Commission charging that certain companies are in a monopoly and are violating the antitrust laws of the United States. That matter is now pending. This language is changed, so that if they adjudge that those companies are already in such a monopoly and violating the laws, even then they are still entitled to come in and receive their licenses to continue to broadcast and to continue to violate the laws of the United States. There is another suit pending, a civil action, brought by Doctor Fessenden, a noted inventor, and, of course, even if a similar adjudication is had in that case, it would have no effect under the provisions of this bill. So that all that this means or can mean, in spite of talk to the contrary, is that if the Department of Justice should perchance hereafter institute a criminal proceeding against a certain member or members of the radio monopoly, and it should finally get through all of the courts, and they be found guilty, then a license would be refused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAVIS) there were—ayes 44, noes 52.

So the amendment was rejected.

Mr. DAVIS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 9, lines 1 to 8, strike out the words "The Secretary of Commerce may grant station licenses only upon written application therefor addressed to him, which application shall set forth such facts as he by," and insert in lieu thereof the following:

"No license shall be issued under the provisions of this act unless the applicant shall have first filed in duplicate with the Secretary of Commerce and with the commission a written application therefor, accompanied by a statement in writing under oath or affirmation, containing copies of all traffic and other contracts in writing, and the substance of any and all other agreements or arrangements not in writing, between the applicant and any other person, firm, company, or corporation engaged in the business of transmitting for pay or profit by wire or wireless intelligence, signals, visual images, or other communications, or in the manufacture, use, purchase, sale, and/or operation of apparatus, patented or unpatented, for the transmission and/or reception by wire and/or wireless of intelligence, signals, visual images, or other communications, and/or for the acquisition, purchase, use, or sale of patents, patent rights, and licenses, and disclosing all shares of the capital stock or other share capital of/or interest owned by the applicant, directly or indirectly, or held, directly or indirectly, for such applicant's benefit in any corporation, association, firm, or person engaged in the manufacture, use, or sale of apparatus or devices for wire or wireless transmission or communication, or in the business of transmitting by wire or wireless intelligence, signals, visual images, or other communications, and including such other facts as the Secretary of Commerce and/or the commission by."

Mr. DAVIS. Mr. Chairman, it will be noted that in subsection (D), on page 9, it is provided that the Secretary of Commerce may only grant a license upon a written application therefor, which shall furnish certain information that is already recited in the section. This amendment simply amends the section so as to require the applicant to answer certain additional questions and to file copies of any written contracts or the statements of the substance of any oral contract involving agreements between the applicant and any other radio or wire utility. That is not requiring a thing more than is required by the Interstate Commerce Commission of every railroad. The fact of the matter is that a railroad common carrier can not enter into a contract of any consequence with another common carrier without first submitting the contract to the Interstate Commerce Commission and obtaining their approval. Why should we treat these people differently? It has already been stated, and I have stated it in my minority views that the Interstate Commerce Commission has been given certain jurisdiction over wireless utilities, as well as wire utilities, but they have never exercised it.

They are so submerged, as the gentleman from Virginia put it yesterday, with railroad work that they are behind all the time in that work, and their work is increasing all of the time, so that it is going to be absolutely impossible for them to perform the duties and functions imposed upon them with regard to communication utilities. We have already invaded their province in certain particulars, and we have already provided for a commission, and if this amendment be adopted I shall offer another amendment which will authorize the radio commission to consider these applications, and if it appears to their satisfaction that the applicant himself shows in his application and the contracts attached thereto that he is violating the laws of the United States the commission shall decline to grant to him a license. Then he may come in and have a full, open hearing, in which both sides may be permitted to introduce all competent evidence and arguments, and if the applicant is violating the antitrust laws it shall certify such finding to the Secretary of Commerce, who shall continue to refuse the license. Then the applicant shall have the right of appeal to the courts.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS. And then permit the commission to either grant a temporary license or not, according to the showing made, during the pendency of the appeal. That is all entirely fair. It is not as strong a requirement as is the case even with common carriers, and I want to tell you, gentlemen, that you are up against a powerful monopoly. You are dealing with what is going to be the most powerful political instrument of the future. We are dealing with something that enters and can enter into every home in this country, in respect to matter along political, social, religious, educational, or any other line, and the people are spending hundreds of millions of dollars for radio apparatus and other people are wanting to use the apparatus and service, and they ought not to have to invariably go to the monopoly. Even if the Secretary of Commerce is willing to license them, they ought not to be compelled to go to a monopoly to find out whether they can broadcast or not, and in what manner and upon what terms, which is the situation now.

I have no interest whatever in this except as a citizen and as a Member of this House, and my desire is to do what I am convinced is to the best interest of all of the people, not only of the listeners but the vast number of independents who are already engaged or wanting to engage in the radio industry and are being crowded out. [Applause.]

Mr. LEHLBACH. Mr. Chairman, the amendment offered by the gentleman from Tennessee does not add one jot or tittle to the section as it is written. The section provides now that the Secretary of Commerce may grant station licenses only upon written application therefor, which application shall set forth such facts as he by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant, the ownership and location of the proposed stations, and so forth, and such other information as he may require. Under that the Secretary of Commerce in proper cases may elicit, and unquestionably will elicit, exactly the information set forth in detail in the amendment; but the amendment is so drawn that every applicant must furnish the information set forth in the amendment. You would have a situation where a university could not ask for a broadcasting license unless it should file its contract with the telephone company for service.

Mr. JOHNSON of Texas. Mr. Chairman, this bill is of vital interest to the millions of radio fans in America, but its importance can not be measured by the present number of radio listeners in the United States. It involves far more than the right of those who now enjoy this modern and most phenomenal invention of the age. It is estimated that there are now more than 5,000,000 radio-receiving sets in the United States. Placing the average number of listeners to each set at four would make 20,000,000 of our citizens who now daily, and especially nightly, "listen in" to voices and sounds carried by electric waves without wire or other conveying device for thousands of miles. This army of listeners will doubtless increase, and it should not be long until a majority of our population will, through this means, receive both entertainment and information. Aye, more than that, Mr. Chairman, if this newest of industries is not stifled or monopolized and other inventions in connection therewith are encouraged and not retarded, it should, in course of time, afford, not only for public broadcasting but for sending private messages as well, the cheapest, quickest, and more satisfactory means of communication the world has ever known.

A. M. Low, an English scientist, in a book called "Wireless Possibilities," published in 1924, predicts that in a few years we shall be able to chat with our friends who are in an airplane or on the streets with the help of a pocket wireless set,

and do practically everything by the aid of radio that we now do with our voice. He further states that broadcasting at present has become so universal only on account of the exceedingly public nature of wireless, and predicts that by the means of other inventions we will be able to obtain accuracy of tuning and direction, whereby we can then carry on a conversation which can be conducted with a reasonable degree of secrecy.

John V. L. Hogan, an American consulting engineer, in a recent volume—1925—entitled "The outline of radio," in treating the subject of "Overland radio," tells us that a pair of intercommunicating radio stations, say, 500 miles apart, can now be erected for a comparatively modest sum, and without worry as to right of way for lines, and so forth, and that other radio stations in connection therewith can be established, saving cost of wire, line maintenance, and so forth, and that these could serve as radio links between important cities which could compete with the wire lines in public-telegraph service.

He furthermore informs us that the use of radio for such intercity telegraphy is already being used on the west coast of the United States, in England, and in Germany, and that the German stations are rendering a very satisfactory service with Spain, Italy, and Rumania. He suggests that if the wireless waves could be—

practically focused into a single beam traveling in a single direction, the results would be much better.

It would seem to me, therefore, that when an invention of this character is perfected, overland radio should supplant, in a large measure, the present system of wire telegraphy and afford a much cheaper means of communication.

I mention these probabilities of the future use of radio to emphasize the thought that in legislating upon this important subject we should regard not alone the present but the future as well, and should therefore exercise care in seeing that telegraph and telephone companies and other agencies now serving the public, who doubtless would object to this new and cheaper form of competition if it should be perfected, shall not now or hereafter have conferred upon them by law the right or given the opportunity to preempt or monopolize this important field of invention.

Marvelous has been the growth and development of radio within the past few years. The principle upon which it is based was discovered by Guglielmo Marconi when he invented what is known as radio telegraphy in 1896, when he telegraphed, without the use of wire, a distance of 2 miles. This wireless system has been perfected and improved by other inventions of Marconi and several others, and messages can now be sent across the Atlantic Ocean and for thousands of miles overland.

American inventors, including Prof. R. A. Fessenden, of the University of Pittsburgh, and others, developed by their experiments and discovery radio telephony whereby the human voice is transmitted. The development of this new method was rather slow, and it was not until 1920 that a radio telephone station in Pittsburgh, Pa., began to broadcast concerts, speeches, news bulletins, and church services. Since that time broadcasting stations have been established in great numbers. There are now 536 broadcasting stations in the United States, comprising two-thirds of those in the entire world, and, as I have already stated, there are estimated to be 5,000,000 receiving sets in this country.

Last fall, while visiting the various counties in the congressional district which I represent, I was impressed with the large number of radio receiving sets in that section of Texas. In every city, town, and village aerials were to be seen, and frequently on the roofs of isolated farm houses, indicating that they had availed themselves of this new invention and were in constant touch with the great outside world. Market reports, speeches—political and otherwise—sermons, concerts, baseball results—the world series was being played at the time—and a variety of information and entertainment was being daily and nightly enjoyed by the occupants of these homes. This is one invention that tends to keep people at home, and let us hope that it will aid in keeping and restoring the family circle so essential in the preservation of the American home.

There is no agency so fraught with possibilities for service of good or evil to the American people as the radio. As a means of entertainment, education, information, and communication it has limitless possibilities. The power of the press will not be comparable to that of broadcasting stations when the industry is fully developed. If the development continues as rapidly in the future as in the past, it will only be a few years before these broadcasting stations, if operated by chain stations, will simultaneously reach an audience of over half of our entire citizenship, and bring messages to the fireside of nearly every home in America. They can mold and crystallize sentiment as no agency in the past has been able to do. If the strong arm of the law does not prevent monopoly ownership and make discrimination by such stations illegal, American thought and American politics will be largely at the mercy of those who operate these stations. For publicity is the most powerful weapon that can be wielded in a Republic, and when such a weapon is placed in the hands of one, or a single selfish group is permitted to either tacitly or otherwise acquire ownership and dominate these broadcasting stations throughout the country, then woe be to those who dare to differ with them. It will be impossible to compete with them in reaching the ears of the American people.

Subsidy of radio broadcasting would be far more effective and dangerous than subsidy of the press. For if every newspaper in the United States could be purchased by some trust or combination, independent and competing newspapers could be established. But if the broadcasting stations, which are necessarily limited in number, can be acquired, or even a majority of the high-powered stations owned and controlled by a trust, then the public will be helpless to establish others, unless the Government protects them in this right. Freedom of the air will be impossible if the Government either licenses or permits monopoly ownership of radio sending stations. There was evidence in the hearings on this bill that some of those now broadcasting had violated the antitrust law of the United States.

The people of Texas are interested in legislation on this subject. I have received several letters from my district concerning it. I want to quote from one which I received, last December, from a farmer who lives in an inland rural community in my home county. Among other things the writer says:

Please use your influence in keeping corporations from getting control of the air by a series of chain stations, high-power stations, purchase of wave lengths, or any other monopoly that would create further disturbances which will interfere with our listening in on other closer-in stations. The combination of the eight large stations in the northeastern part of the United States of America are very annoying to people in Texas at times when we wish to "listen in" on Chicago, Kansas City, St. Louis, etc. A few more high-power stations scattered on across to the Pacific coast and chained in with them will practically put near-by stations out of business with the hum and whiz and buzz that will be in the air.

There has been no general radio legislation by the Federal Government since 1912. At that time wireless telegraphy alone had been invented, and its use was limited almost exclusively to ocean-going vessels. I realize that its growth and development require additional legislation—the prevention of interference by sending stations would of itself justify regulation and control. There must be some orderly assignment and regulation with reference to wave lengths; otherwise there would be such a conflict in the use of ether that the public would hear nothing but a confusion of sounds.

The Secretary of Commerce under existing law has directed the industry, issued license permits, has made regulations, some of which are of doubtful legality because of the inadequacy of the law. So legislation is necessary, but I want to be sure that the new law will safeguard the rights of the public in two respects at least.

First. That license permits will be so issued, and after issued so controlled, by the Government that the broadcasting stations in America can not be owned and dominated by a single group. In other words, that a trust will not be permitted in the ownership of the license or in the operation of broadcasting stations.

Second. That the broadcasting stations shall be required by a mandatory provision of law to serve the public like other public-service concerns, and in so doing shall not be permitted to discriminate against anyone, either as to service or as to rates.

While the bill has several commendable features it does not meet the requirements in the particulars that I have pointed out, and unless it is so amended I shall have to vote against its passage.

At the proper time I shall offer an amendment, reading as follows:

On page 11, line 1, after the word "charge," following the comma, insert "or has been guilty of any discrimination either as to charge or as to service"; and on page 12, line 1, after the word "charge," following the comma, insert "or has been guilty of any discrimination either as to charge or as to service."

The object of this amendment is to prevent discrimination by any of the licensees of radio broadcasting stations, either as to charge or as to service, and if adopted it would authorize the Secretary of Commerce to revoke any license theretofore granted, provided the Interstate Commerce Commission, or any other Federal body, had certified to the Secretary of Commerce that such licensee had been guilty of such discrimination.

There is no such provision in the bill, and in my judgment it should be incorporated therein.

I fear, however, that it would be exceedingly difficult to revoke a license, since the Interstate Commerce Commission is so busily engaged with affairs concerning the railroads that it would not have the time to hear complaints with reference to discrimination or other acts of omission or commission by these licensees. Whether this amendment is adopted or not, I shall therefore propose another amendment, reading as follows:

On page 10, line 7, after the word "act," strike out the period, insert a colon, and add the following: "*Provided further*, That equal facilities and rates, without discrimination, shall be accorded to all political parties and all candidates for office, and to both the proponents and opponents of all political questions or issues."

This amendment I regard as even more important than the previous one, since it would be incorporated as a part of subparagraph (E), and the licensee would accept the license subject to this express limitation. In other words, the Government would grant the license to the broadcasting station on the express agreement and understanding that it should not discriminate against political parties, or candidates for office, or political issues. We have such a law governing telegraph companies. Section 10081 of the United States Compiled Statutes, relative to telegraph companies, provides that they must—

provide equal facilities to all without discrimination in favor of or against any person, company, or corporation whatsoever, either as to rates or as to service.

These amendments I shall discuss more in detail when I formally offer them to the House. I arose at this time to support the pending amendment, offered by the gentleman from Tennessee [Mr. DAVIS]. I had prepared an amendment very similar, which I had expected to offer, but since this amendment is substantially the same as mine, I shall not offer it, but hope that the amendment now pending may be adopted.

The purpose of this amendment, as was so well stated by the gentleman from Tennessee [Mr. DAVIS], is to prevent the issuance of licenses to those who are violating the antitrust laws or who are engaged in furthering a monopoly of any character. It requires the applicant for license to accompany his application with such papers and contracts as may disclose the relation of the applicant to other companies and corporations, and to make proof that such applicant is not now violating the law. So that the Secretary of Commerce may be informed of the relation of the applicant to other concerns, and the application would thereby disclose whether or not applicant is violating any law of the United States in restraint of monopolies.

If we are to prevent the ownership of broadcasting stations throughout the United States from falling into the hands of a trust or a trust-controlled group, the law should, by all means, provide that those to whom licenses are issued are not then violating the antitrust law. Lawbreakers should not be licensed by the Government. Other restrictions should be placed in the bill, which would require cancellation of license for violations in this regard after issuance thereof. But the pending amendment would require the applicant to show that he was observing the law at the time he sought for license for broadcasting.

I would like to have the attention of the gentleman from New Jersey [Mr. LEHLBACH] who has just spoken in opposition to this amendment. I understood him to say that under the present law the Interstate Commerce Commission has the right to elicit this information, as provided in the amendment, in so far as same relates to telegraph companies.

Mr. LEHLBACH. I said nothing of the sort——

Mr. JOHNSON of Texas. But that is the law, nevertheless.

Mr. LEHLBACH. What bears upon the Interstate Commerce Commission has no applicability in this particular. It is information to be filed with an application for a license.

Mr. JOHNSON of Texas. I understand the terms of the amendment. I started to say the law provides—I have it before me, and I speak advisedly.

Mr. DAVIS. If the gentleman will permit, the gentleman from New Jersey is correct that under the bill, as it is now written, the Secretary of Commerce could call for that very information. The difference is that my amendment requires that that information shall be furnished. That is the difference between "may" and "shall."

Mr. LEHLBACH. Why fill the archives of the Secretary of Commerce with irrelevant and useless information?

Mr. DAVIS. It is not irrelevant to state the reasons.

Mr. JOHNSON of Texas. What I started to say when I was interrupted by the colloquy between the gentleman from New Jersey [Mr. LEHLBACH] and the gentleman from Tennessee [Mr. DAVIS] was this: That there is a Federal statute now which provides that telegraph companies shall furnish to the Interstate Commerce Commission substantially the same information that radio applicants would be required to furnish to the Secretary of Commerce by the amendment of the gentleman from Tennessee. I want to read, as I started to do a moment ago when interrupted, section 10085 of the United States Compiled Statutes, which is from the twenty-fifth statute, 384, which provides as follows:

It shall be the duty of each and every one of the aforesaid railroad and telegraph companies, within 60 days from and after the passage of this act, to file with the Interstate Commerce Commission copies of all contracts and agreements of every description existing between it and every other person or corporation whatsoever in reference to the ownership, possession, maintenance, control, use, or operation of any telegraph lines or property over or upon its rights of way, and also a report describing with sufficient certainty the telegraph lines and property belonging to it, and the manner in which the same are being then used and operated by it, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of such claim and the manner in which the same are being then used and operated; and it shall be the duty of each and every one of said railroad and telegraph companies annually hereafter to report to the Interstate Commerce Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said commission shall prescribe; and if any of said railroad or telegraph companies shall refuse or fail to make such reports, or any report as may be called for by said commission, or refuse to submit its books and records for inspection, such neglect or refusal shall operate as a forfeiture in each case of such neglect or refusal of a sum not less than $1,000 nor more than $5,000, to be recovered by the Attorney General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRIGGS. I ask unanimous consent that the gentleman may proceed for an additional five minutes.

The CHAIRMAN. The time on this amendment is exhausted.

Mr. JOHNSON of Texas. Part of my time was consumed by other gentlemen. May I have two additional minutes?

Mr. BRIGGS. Mr. Chairman, I am asking unanimous consent of the committee that the gentleman's time be extended for five minutes.

The CHAIRMAN. The Chair is putting the request.

Mr. SCOTT. I shall object to that; I am sorry, as the gentleman himself only wanted two minutes——

Mr. JOHNSON of Texas. I would prefer to have five minutes.

Mr. SCOTT. Certainly. There are a lot of fellows here on the floor would like a half hour.

Mr. JOHNSON of Texas. I have not taken any time on the bill heretofore, and I am deeply interested in this legislation.

The CHAIRMAN. Is there objection to the gentleman having an additional five minutes? [After a pause.] The Chair hears none.

Mr. JOHNSON of Texas. This provision of law which I have just read was adopted in 1888, nearly 40 years ago, and it makes the same provision with reference to telegraph companies that is sought now to be done by this amendment with reference to radio broadcasting stations. Its purpose was to disclose the relation between telegraph companies so that the Government could ascertain whether or not violation of the antitrust law was being engaged in by telegraph companies, and if it has been considered a wise provision—and I judge that it has, since it has been the law for 40 years—to require telegraph companies to impart this information, why would it not be equally wise to require radio broadcasting stations to furnish such information at the time that broadcasting license is issued by the Government?

I think the amendment is a wise one and safeguards the rights of the public, and these institutions which will enjoy this great privilege granted them by the Government should be required to show that they are not then violating the antitrust laws and should thereafter—as does the law with reference to telegraph companies—make annual report to show that they are still refraining from so doing. A monopoly control by telegraph companies would not be nearly as harmful as a monopoly ownership and control by radio broadcasting stations. Will not

this Congress be as careful in safeguarding the rights of the public with reference to radio as we were with reference to the use of the telegraph, nearly 40 years ago?

Mr. WHITE of Maine. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. WHITE of Maine. Will the gentleman indicate again what section of the Interstate Commerce Commission act he referred?

Mr. JOHNSON of Texas. From Twenty-fifth Statutes, section 384.

Mr. WHITE of Maine. It does not make it mandatory, in the first place, to file the notice called for by the commission?

Mr. JOHNSON of Texas. No; the gentleman is in error. The law provides:

It shall be the duty of each and every one of said telegraph companies within 60 days from and after the passage of the act to file.

And so forth.

It is mandatory; it is not optional. It further requires that each year thereafter they shall file a report showing whether there have been any changes in this regard. If the House desires to prevent monopoly ownership of radio, it will adopt this amendment. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EVANS. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Montana asks for a division.

The committee divided; and there were—ayes 64, noes 6.

Mr. DAVIS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Tellers were ordered; and the Chairman appointed Mr. SCOTT and Mr. DAVIS to act as tellers.

The committee again divided; and the tellers reported—ayes 92, noes 105.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: On page 8, in line 8, after the word "means," strike out the period and add to the sentence the following: "or have been using unfair methods of competition." On line 9 substitute for the word "prosecuting" the words "proceeding against," and in line 10, after the word "for," insert the words "using unfair methods of competition or for."

Mr. MOORE of Virginia. Mr. Chairman, I would like to have the attention of the gentleman of the committee. The only change that the amendment would make, should it be adopted, is to provide that when a court finds that there have been unfair methods of competition used—and the decree of the court would rest on the finding of the Federal Trade Commission—then the license would be revoked, just as when a court finds that the antitrust laws have been violated.

That is the first proposition. The other proposition is to omit the word "prosecuting" in line 9. The amendment suggests instead of using the word "prosecuting" use instead the words "proceeding against."

The word "prosecuting" implies a criminal prosecution, and it ought to be "proceeding against," so as to broaden out the meaning.

Mr. SCOTT. I would be inclined to agree to that last suggestion. I think the gentleman's point is well taken.

Mr. MOORE of Virginia. The third proposition connects with the first point I made. That is to say, the granting of a license shall not estop the Government or a person from proceeding under the Federal trade act as well as under the antitrust act. I will ask the Clerk to read the amendment again for information.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

On page 8, line 8, after the word "means," strike out the period and add to the sentence the following: "or have been using unfair methods of competition." In line 9 substitute for the word "prosecuting" the words "proceeding against," and in line 10, after the word "for," insert "using unfair methods of competition or for."

Mr. MOORE of Virginia. Now the committee will see that the amendment, after all, does only two things. It recognizes that where the Federal Trade Commission has found the use of unfair methods of competition and the courts have approved the findings of the commission, then the status shall be exactly as when it has been found by a court that there has been a violation of the antitrust laws; and the other point, about which there seems to be no disagreement, is that we ought to get rid of the idea of confining litigation to criminal proceedings by eliminating the word "prosecuting."

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. I would like to say that I advanced a view yesterday afternoon, and because at that time I spoke of my friend from Maine [Mr. WHITE], a little later on I will explain the inaccuracy of the view I then expressed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: On page 11, line 1, after the word "charge," following the comma insert "or has been guilty of any discrimination either as to charge or as to service"; and on page 12, line 1, after the word "charge," following the comma insert "or has been guilty of any discrimination either as to charge or as to service."

Mr. JOHNSON of Texas. Mr. Chairman and gentlemen of the committee, this amendment is designed to prevent discrimination by any of the licensees of radio broadcasting stations either as to charge or as to service. There is no provision of the bill that expressly prohibits discrimination, and in my judgment it is highly important that this amendment should be adopted.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. I do.

Mr. SCOTT. If the gentleman is satisfied with what he has said of the amendment, I will accept it.

Mr. JOHNSON of Texas. I thank the chairman of the committee for accepting my amendment, which, of course, means that it will be adopted, and I will not detain the House longer.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JOHNSON].

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: On page 10, line 7, after the word "act," strike out the period, insert a colon, and add the following: "*Provided further*, That equal facilities and rates, without discrimination, shall be accorded to all political parties and all candidates for office, and to both the proponents and opponents of all political questions or issues."

Mr. WHITE of Maine. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. JOHNSON of Texas. Will the gentleman reserve his point of order for a moment?

Mr. WHITE of Maine. The amendment is not pertinent to this section, and it has no germaneness to this particular section. This particular section provides the matter which shall be included in the form of a license while this is a substantive provision of law which the gentleman proposes to insert.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. JOHNSON of Texas. Yes; Mr. Chairman, I regard the amendment as very important and would like to be heard on the point of order.

This amendment provides that at the end of paragraph (E) there shall be added another subparagraph (d) thereto which will be as follows:

(d) *Provided further*, That equal facilities and rates, without discrimination, shall be accorded to all political parties and all candidates for office, and to both the proponents and opponents of all political questions or issues.

Paragraph (E) enumerates in (a), (b), and (c) certain conditions on which the Secretary of Commerce shall issue license to broadcasting stations, and the license is accepted by

the licensee subject to the limitations contained in (a), (b), and (c), the preliminary portion of paragraph (E) reading as follows:

Such station licenses as the Secretary of Commerce may grant shall be in such general form as he may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which license shall be subject.

Then follows the limitations contained in (a), (b), and (c), (a) providing:

The ownership or management of the station or apparatus therein shall not be transferred in violation of this act.

(b) provides:

There shall be no vested property right in the license issued for such station, or in the frequencies or wave lengths authorized to be used therein.

And (c) provides:

Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this act.

It will be observed that all of these provisions relate to the future use, ownership, and control of the license so granted, and are in effect limitations upon the right of the licensee in the use thereof. This amendment is germane, because it relates to the manner and use of the license by the licensee regarding his operation thereof, and this is the subject with which the paragraph deals. If this amendment is adopted, it will simply impose one other limitation, and that is, that the licensee in the use of his license shall not discriminate, but shall afford equal facilities to all political parties and all candidates for office, and to the proponents and opponents of all political issues or questions, and it occurs to me, therefore, that the amendment is germane, and that the point of order should be overruled.

Mr. LEHLBACH rose.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I want to be heard for a moment. This is a serious matter.

The CHAIRMAN. The Chair will recognize the gentleman from New Jersey before he recognizes the gentleman from Texas.

Mr. LEHLBACH. Mr. Chairman, this paragraph simply prescribes the form of license that the Secretary is to issue. It provides that neither the station to be operated by the licensee may be assigned or transferred nor the license itself be transferred or assigned, and it also provides that there shall accrue no vested property right in the license. It has nothing whatever to do with the transmission of radio communications pursuant to the license.

Mr. BLANTON. Mr. Chairman, this is a bill to regulate radio transmissions, and we are reading this bill by sections. And to determine whether this amendment is germane or not, we must consider all of the provisions of section 2 of this bill.

The CHAIRMAN. What does the gentleman say as to the relationship between the amendment and the section wherein the amendment seeks to fix rates, while the section says nothing about rates?

Mr. BLANTON. Under paragraph (c) the Secretary of Commerce "shall make an equitable distribution of licenses, bands of frequency or wave lengths, and of power," and so forth. There are several paragraphs in section 2 that relate to monopolies and to any monopolistic tendency on the part of radio companies in the conduct of the radio business. It is to regulate that and to prevent it. What greater monopoly could there be than for a radio corporation or a radio company engaged in the public business of broadcasting radio messages to grant one rate to one political party and charge an entirely discriminatory and different rate to another political party? What greater monopoly could exist than where a radio company would give the free use of its line to one candidate for office or one contender for some economic theory, and then deny such use to those who are on the other side of the question?

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the gentleman is discussing the merits of the amendment and is not discussing the point of order.

Mr. BLANTON. I am discussing what section 2 provides. It seeks to prevent a monopoly. This amendment of my colleague [Mr. JOHNSON of Texas] seeks also to prevent a monopoly, and in my judgment it is germane.

The CHAIRMAN. The gentleman will please confine himself to the point of order.

Mr. BLANTON. The point of order is that the amendment is not germane to section 2, which section would prevent monopolies, and the amendment also would prevent monopolies, hence it should be germane.

The CHAIRMAN. The Chair is ready to rule. The Chair is glad to have heard from the gentleman from Texas. The Chair sustains the point of order, as the Chair does not believe that the section to which the amendment is offered has anything to do with the making of rates, and that the amendment primarily undertakes to fix rates. Hence the Chair rules that the amendment is not germane to the section to which it is offered.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: On page 9, after line 20, insert a new subsection, as follows:

"On the information disclosed by the applicant in connection with his application as provided by subsection D, and upon such other proof as may appear, the commission shall determine whether or not the applicant is directly or indirectly in violation of the laws of the United States monopolizing or attempting to monopolize interstate or foreign commerce, or is engaged, directly or indirectly, in a violation or in an attempt to violate the laws of the United States against combinations, contracts, or agreements in restraint of trade; in the transmission by wireless for pay or profit intelligence, signals, visual images, or other communications; in the acquisition, sale, or use of patents, patent rights, and/or licenses for wireless inventions and discoveries; in the purchase, manufacture, sale, use, and/or operation of apparatus, whether patented or unpatented, for the transmission and/or reception by wireless of intelligence, signals, visual images, or other communications. If said commission determines that as a matter of law or as a mixed question of law and fact said applicant is violating the laws of the United States in any of the above respects, it shall certify such finding to the Secretary of Commerce, and the latter shall refuse to grant the license applied for. A copy of the decision of the commission shall be served on the applicant, who shall thereupon have a right to a hearing before the commission and at which any party interested shall be entitled to be represented by counsel, and to submit such further evidence, oral or written, as may be material and competent. After said hearing the commission shall make its decision in writing, setting forth its findings of fact and rulings of law; and if it finds that the applicant is violating the laws of the United States in any of the above respects, it shall certify such finding to the Secretary of Commerce, and the latter shall refuse to grant said license. Any applicant for a license aggrieved by a decision of the commission shall have a right of appeal from the decision of the commission to the Court of Appeals of the District of Columbia, and the commission shall, upon notice of the entry of the appeal, certify under the signature and seal of the commission a copy of its decision stating its conclusions of fact and the rules of law applied in arriving at its decision, together with the evidence, if requested, upon which it based its decision. Upon all questions of fact the decision of the commission shall be final, but said court of appeals shall have the power of revision of the decision of the commission on all questions of law, and its decision thereon shall be final. During the pendency of any appeal to said court of appeals the commission shall have authority, in its discretion, if it deems the law to be doubtful and so declares in its opinion, to authorize the Secretary of Commerce to grant a license to the applicant upon such terms and conditions as it deems consistent with public interest, but upon a decision by the court of appeals that said applicant is guilty on the facts found by the commission of violating the laws of the United States in any of the above respects, said license shall forthwith be revoked."

Mr. DAVIS. Mr. Chairman and members of the committee, when I offered the previous amendment directing the application to contain certain questions calling for certain agreements and information, the gentleman from New Jersey stated that it did not add one iota to the bill, because the bill already provides for calling for certain information and authorizes the Secretary to call for any additional information he desires.

This proposed amendment simply authorizes the commission to refuse to grant a license to an applicant if it appears to the satisfaction of that commission upon the application and upon other facts appearing that that applicant is violating the law, and first, to direct the Secretary of Commerce to refuse to grant a license. Thereupon, the applicant, if he feels aggrieved, can ask for a hearing before the commission and have a full hearing upon the facts and the law. Then, if the commission upon this hearing holds that the applicant is violating the laws of the United States, the Secretary shall continue to refuse to grant the license.

Thereupon the applicant, if dissatisfied, can appeal to the Court of Appeals of the District of Columbia, and it is discretionary with the commission pending the appeal to authorize the Secretary of Commerce to issue a temporary license, or if they are fully convinced the applicant is violating the laws the commission shall decline to agree for a license to issue until

after the final adjudication. In other words, it puts the onus upon the law violator and not upon the people. That is the difference. The way it is now they will receive a license, no matter how often or how much they are violating the laws, and there is no authority or direction to refuse them a license until they shall have been finally convicted in a court; and during the years the case will be pending in the various courts they will be enjoying the license just the same as any other law-abiding company or citizen.

It is just a question of whether you want to protect the rights of the people and of the law-abiding citizens who are wanting licenses or whether you want to preserve and protect the rights of monopolies and of those who are violating the laws. [Applause.]

Gentlemen, to-day there are 425 applications on file with the Secretary of Commerce for broadcasting licenses, which he is refusing to issue on the pretext that all of the wave lengths have been taken up. Is it right to continue refusing these licenses to all of these citizens in order to continue issuing them to those who are most flagrantly violating the laws of the land without at least saying to the law violators, "You have got to come into this office with clean hands; you have got to purge yourself of your illegal practices and conduct before you are entitled to a license."

That is the proposition. [Applause.]

Mr. CROWTHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from Tennessee did not make the statement advisedly that the Secretary of Commerce is refusing these licenses, on the pretext, as the gentleman declared, that there is not opportunity with the present number of wave lengths to grant licenses to the concerns that at present have their applications pending.

I think if the gentleman will look into the question carefully, he will find that under the present conditions, in the allocation of wave lengths, say, from 300 meters down to 200, which are the lowest wave lengths that are used for broadcasting purposes—by that I mean concerts and entertainments—the amateurs are all 200 meters and below; and a great deal of experimentation is going on for the development of broadcasting by instruments that will send and receive from as low as 40 meters up to 150 meters.

The present status of radio or the present development of radio invention precludes the possibility of there being any greater distribution of wave length than has now been given by the Department of Commerce. Those of you who have experimented at all or have even been in possession of an instrument will find that below 300 meters or between 30 on your dial and zero, it is almost impossible to tune in a station clearly even 200 or 300 miles away because of the great number of them and the overlapping tendency of the wave bands to creep one upon the other and develop a heterodyne whistle, which is extremely annoying and makes it impossible to have good, clear reception.

I do not think the refusal is based on a pretext. The conditions that exist are really a matter of fact and there are no more wave lengths than can be distributed without crowding the air and destroying good reception.

The gentleman from Tennessee said yesterday, if I remember correctly, and I made a memorandum of it at the time, he thought the present law was all sufficient. I think the gentleman said that in quoting from the other law.

Mr. DAVIS. Will the gentleman yield?

Mr. CROWTHER. I may be mistaken about that. I yield.

Mr. DAVIS. The gentleman misunderstood me.

Mr. CROWTHER. Then I withdraw the statement.

Mr. DAVIS. I stated in my speech that supplemental legislation was imperative, but I was in favor of the right kind of legislation.

Mr. CROWTHER. I am glad I understand the gentleman's attitude.

Now, Mr. Chairman, overnight almost, an invention may upset this whole condition of control that exists now. There has been a great deal of attention and a good deal of discussion about the monopolistic tendency that may develop under this legislation. I want to say that so far as the manufacture of the products is concerned, I do not think there is anything in the United States that is as free from danger of monopolistic control as radio apparatus, parts, and complete sets.

The fact of the matter is, gentlemen, in one of the most expensive instruments made to-day, costing from $200 to $300, there is not a thing used in the construction of that instrument that can not be constructed by the average bright, intelligent American young man from 15 to 18 years of age. He can make everything that is in that set. He can buy the materials, he can buy individual parts, and he can construct a set for probably $50 to $75 that commercially sells as high as $300. You may think the latter price is high, but they have combined furniture with radio building and customers are now largely buying furniture in the shape of fancy cabinets, consoles, and so on, which appeal to the artistic ideals of our American women.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, may I have five minutes longer? I do not very often talk about anything but the tariff and do not take up very much time of the House. [Laughter and applause.]

The CHAIRMAN. Unless there is objection, the gentleman's time will be extended five minutes.

There was no objection.

Mr. CROWTHER. Mr. Chairman, I do not like the tendency to load the bill down with legislation that looks forward to prosecuting everybody that is in the business. Of course, that may be the legal side of it. It seems to me lawyers are always desirous of incorporating such provisions in legislation. They seem to have the viewpoint of the prosecutor. They are determined there shall be provisions in the legislation that will enable them to go after somebody, hound them, persecute them, and drag them into court.

I do not know why that is so, probably they have all been prosecutors, all been judges—they are all honorable men, of course, but it seems that their tendency is to vision all corporations as likely offenders against the law. I think we have sufficient monopoly legislation. I believe as far as the rates are concerned the Interstate Commission will realize its responsibility and perform its duty when this measure becomes a law.

Mr. BLANTON. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BLANTON. I want to ask the distinguished gentleman from New York whether this is not the case: Every time a Member seeks to put teeth into a measure somebody rises up and tries to extract the teeth?

Mr. CROWTHER. Well, I do not think that is so.

Mr. CONNALLY of Texas. That was the profession of the gentleman from New York.

Mr. CROWTHER. As the gentleman from Texas says, that at one time was my profession; but I only extracted such teeth as were bad and useless, and that is why I am against the amendment.

Mr. BLANTON. When the gentleman spoke about the lawyers I wanted to call attention to the fact that there are other professional men.

Mr. CROWTHER. I do not think it is necessary to load the bill down with such things. It seems to me that we have law enough to take care of the monopolistic part of the question and that that can be attended to without further legislation. Radio and radio transmission will not be exempt any more than any other corporations under the existing law. This radio is a wonderful thing, and I think we should hasten the passage of this bill. There are some things in it I do not like. I am not particularly strong for the commission. You are talking about economy all the time and every once in a while new legislation trips along and they demand the naming of new commissioners, clerks, bureau heads, and it is so in this measure. I believe this work can be done as at present in the Department of Commerce where it is being ably done, probably with a little additional help. I think one man, a former Member of this House, could attend to this work with one or two assistants and transact it very satisfactorily and to the great benefit of the general community.

Here is a great invention, the greatest invention of the age. It brings more entertainment, more happiness, and more information to the people of the United States than anything that was ever considered on the floor of this House. It is a godsend to the blind; it is a godsend to the shut-ins and those poor people lying in the hospitals, and gives them a contact with the outside world they otherwise could never enjoy. Members of Congress have been discussing over the radio issues of the day and matters before Congress. There have been some sharp things said, some things caustically critical, by men on both sides of the House, but no offense has been taken and I believe Members have tried to be eminently fair in the presentation of their subject matter. The tax bill, prohibition, appropriation bills, economy have been discussed to the betterment of general understanding and resulting in the dissemination of some real valuable information to the people of the country. I believe that in a few years inventions improving radio apparatus are so rapidly progressing that some genius will so perfect radio appliances that they will absolutely prevent railroad disasters, where even a slight

divergence in the position of a rail will give a signal in the engineer's cab and stop the train automatically before it reaches the place of danger. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEHLBACH. Mr. Chairman, I think the committee ought to understand that the commission created in the amendment and the commission mentioned in the bill are totally different. The amendment of the gentleman from Tennessee and the amendments which he proposes to offer propose a commission that is not created and is not contemplated in the bill. The commission provided for in the bill is simply an advisory commission to assist the Secretary of Commerce in determining questions of fact and of policy and to whom the Secretary of Commerce may refer matters and to hear appeals which it may be desirable to take. An appeal from it lies to the courts. What the gentleman from Tennessee seeks to create, and in the meaning of this amendment, is a commission with powers with respect to radio communications that are enjoyed with respect to other means of communication by the Interstate Commerce Commission and superimposed upon the powers of the Federal Trade Commission. It may be advisable some time to adopt a policy to create a commission with powers over communication by telegraph, telephone, and cable. If such a commission is created, it should be created after careful consideration by an appropriate committee and a bill reported here which has been thoroughly digested and on which those who are interested have been heard in the committee. To attempt to create this kind of a commission for radio alone by means of a series of amendments on a bill that does not contemplate such a system is a method of legislating which can only result in confusion and failure. These amendments change the entire character and purport of the bill before us.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. DAVIS. Is it not a fact that section 8 of this bill already provides for the creation and establishment of a Federal radio commission which shall be appointed by the President, with the advice and consent of the Senate, for a term of several years?

Mr. LEHLBACH. Yes.

Mr. DAVIS. This amendment that I have offered simply adds another duty to the duties already imposed upon that commission, and that is that in considering an application they shall refuse the license if they find that the applicant has violated the law.

Mr. LEHLBACH. Is it not the gentleman's purpose and desire to create a commission for radio that has the power and strength of the Interstate Commerce Commission?

Mr. DAVIS. Yes; that is true, but I am in favor of conferring this power upon the commission.

Mr. LEHLBACH. But this is a nonpay advisory commission.

Mr. DAVIS. Oh, no; they get $25 a day and all expenses.

Mr. LEHLBACH. Yes; for 120 days.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAVIS) there were—ayes 50, noes 81.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I find that in the mere matter of language there is an error in the amendment I offered as it was adopted a moment ago. I have made a correction and have shown that correction to the gentleman from Michigan [Mr. SCOTT] and the gentleman from Maine [Mr. WHITE]. I ask unanimous consent that the former action of the committee be rescinded.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the former action of the committee in adopting the amendment referred to be rescinded. The Clerk will report the amendment as it was adopted.

The Clerk read as follows:

Page 8, line 8, after the word "means," strike out the period and add to the sentence the following: "or to have been using unfair methods of competition."

In line 9, substitute for the word "prosecuting" the words "proceeding against."

In line 10, after the words "for a," insert "for using unfair methods of competition or for."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that the former action of the committee in adopting the amendment which has just been reported be rescinded?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment now offered as modified.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: On page 8, in line 8, after the word "means," strike out the period and add to the sentence the following: "or to have been using unfair methods of competition."

In line 9, substitute for the word "prosecuting" the words "proceeding against."

In line 10, after the word "corporation," insert "for violating the law against unfair methods of competition or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 8, line 4, transpose the word "to," so that it will appear after the word "unlawfully."

Mr. BANKHEAD. Mr. Chairman, that is merely to correct the grammatical construction and to avoid a split infinitive.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DAVIS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 11, line 4, after the word "service," insert a comma and the following: "or has violated or failed to observe the laws of the United States relating to unlawful restraints and monopolies or to combinations, contracts, or agreements in restraint of trade."

Mr. DAVIS. Mr. Chairman, a previous subsection directed the Secretary of Commerce to refuse to grant a license to an applicant who had been found guilty in a Federal court of violating the antitrust laws. This section 2, subsection (F), provides that any station license granted by the Secretary of Commerce shall be revocable by him for false statements either in the application or in the statement of facts which may be required, and also for various other offenses which are recited in the section, provided the Interstate Commerce Commission or any other Federal body in the exercise of the authority conferred upon it by law shall find and certify the same to the Secretary of Commerce. Why is not the principle exactly the same? Why should not that provision be inserted here, and pray tell me why any member of the committee or anyone else has any objection to that?

Mr. SCOTT. Either the gentleman is greatly in error or I am. I think that the amendment offered by the gentleman from Virginia [Mr. MOORE] covers the gentleman's proposition, in line 1, page 11, after the word "charge," adding the words "or has been guilty of any discrimination as to charge or service."

Mr. DAVIS. He may be guilty of discrimination as to charge or service, but still in no sense guilty of a violation of the antitrust laws or vice versa.

My amendment simply embraces one of the very provisions that you have in the preceding subsection authorizing a refusal to grant a license, and a more important one than any already in the section. If you are going to revoke a man's license because he makes a misstatement, are you not also willing to do it when he violates the laws of the land?

Mr. BLANTON. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. BLANTON. I was thinking the committee has been most liberal indeed because they did accept the amendment offered by the gentleman from Alabama [Mr. BANKHEAD] a moment ago to prevent a split infinitive, and I thought the committee should be commended for accepting such an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. DAVIS) there were—ayes 60, noes 63.

So the amendment was rejected.

Mr. DAVIS. Mr. Chairman, I have still another amendment. Mr. Chairman, there seems to have been some misunderstanding here about the announcement of the vote.

The CHAIRMAN. The Chair announced that the ayes were 60 and the noes were 63, and the amendment was lost.

Mr. DAVIS. I thought the Chair announced that the ayes had it.

The CHAIRMAN. The Chair gave plenty of opportunity to demand anything the gentleman wanted.

Mr. DAVIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 12, after the word "communications," strike out the period and insert a semicolon and the following language: "but no person, firm, company, or corporation violating any of said laws shall be entitled to any license or permit provided for in this act."

Mr. DAVIS. Mr. Chairman, of course that amendment speaks for itself. It is another effort to dissolve this monopoly and protect the rights of the people. But I wish to make some comment upon certain statements made by the gentleman from New York [Mr. CROWTHER]. He referred to the statement that 425 applications for broadcasting licenses had been refused upon the pretext that there were no more available wave lengths. I did not mean that in any offensive sense, as the gentleman apparently took it. As a matter of fact, the present law requires the Secretary of Commerce to issue licenses to anybody who applies for same, provided they are American citizens and come within certain other requirements.

Mr. CROWTHER. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. CROWTHER. How can you grant it if it is not practical to use it?

Mr. DAVIS. That, of course, is another matter. That does not alter the law.

Mr. CROWTHER. That is the question that is involved regarding the gentleman's other statement.

Mr. DAVIS. I am not criticizing the Secretary in that respect, but the law is mandatory, and the courts have so held. It is true that under the present development of the art there are only a certain number of available wave lengths, but the gentleman overlooks the fact that licenses upon the same wave length have been repeatedly issued. Why, on one wave length 27 licenses have been issued, on others 23, 24, and 25, and all along. On 275 meters, 27 have been issued. I have a map here showing the situation, and I hope all you gentlemen can see it. Nearly all the licenses are crowded in here. Here are 25, 20, 15, and 10 licenses on single wave lengths. Over here you see they have been grouped, the vast majority of licenses have been crowded into these wave lengths.

Over here are a large number of wave lengths, and a much smaller number of licensees. There are 14 that have 5,000 watts, whereas a majority of those in the other group have a very small amount of power.

Mr. CROWTHER. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. CROWTHER. The gentleman has just stated that one of the reasons why a great number of stations have been allocated with wave lengths is because they are low-power stations and the extent of their reach in radio reception is very limited as to mileage and there is no great harm done by interfering with one another, and in order to broadcast a wave length sufficient to get a reception from great distances is involved power at the broadcasting station to carry it over the distance required.

Mr. DAVIS. Yes; but who has the desirable wave lengths, the exclusive wave lengths? Who is it that have wave lengths that are worth something?

Mr. CROWTHER. What does the gentleman mean by "wave lengths that are worth something"?

Mr. DAVIS. Wave lengths that are really useful. The exclusiveness of the wave length, the band of frequency, the power that you are permitted to broadcast with, all these things enter into the value of a license. A license to broadcast may not be worth a farthing.

Mr. CROWTHER. If the gentleman will yield, he knows that not many of the stations are engaged commercially in the broadcasting of entertainments. Most of the entertainments are furnished free to the people of the United States, and they are a source of great enjoyment to everybody, and not only a source of great enjoyment but of instruction.

Who could listen to the capable addresses of Members of this House, for example, devoting themselves to the various important services of the Government without realizing the tremendous benefit they are to the people of the United States in an educational way—Members on this side of the House and Members on both sides of the House?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, in view of the time that has been taken up in these colloquies I will ask for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. SCOTT. Reserving the right to object, Mr. Chairman, I ask, not in an unkindly spirit, how many amendments the gentleman from Tennessee has in mind to offer?

Mr. DAVIS. I will state that I have several. But I believe that the gentleman from Michigan will concede that these amendments are being offered in good faith.

Mr. SCOTT. I hope that they are offered in good faith; but I will say this to the gentleman, that he will get plenty of time.

Mr. DAVIS. The gentleman has no right to say that he "hopes," when he knows what my position has been. He knows that I have never filibustered in the committee or in this House on any bill, and, furthermore, the last amendment that I offered was defeated in this committee by a vote of only 63 to 60.

Mr. SCOTT. I realize that fact. I aim to be perfectly fair with the gentleman. The gentleman has been on the subcommittee considering this bill for four years, and the only difference between the present bill that we are now considering and the bill that the gentleman recommended to the House in accord with other Democratic Members is the elimination of section 4.

Mr. DAVIS. No. I differ with the gentleman. I have already called attention to the very radical difference in section 2, as to the refusal of licenses, and other differences besides the elimination of section 4. I have been studying this subject for six or seven years, and that is the reason I am offering these amendments. It is because I think I know a little about the subject. The time will come when I will be fully vindicated as to my position with respect to this legislation.

The CHAIRMAN. Does the gentleman from Michigan object?

Mr. SCOTT. No; I do not object to his taking five more minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. DAVIS. Now, as to the question of wave lengths and power, take our State, for example. The power that the broadcasting stations in my State are authorized to use is an aggregate of 2,910 watts, and yet there are 14 stations that are each authorized to use 5,000 watts, and there is one that is authorized to use 40,000 or 50,000 watts. Furthermore the 10 stations in my State are required to broadcast upon wave lengths upon which 125 stations are permitted to broadcast.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield there?

Mr. DAVIS. Yes.

Mr. WHITE of Maine. Is it not true as a matter of fact that a large majority of these stations operate on these low wave lengths, and 90 per cent of them are so permitted because they themselves asked to go there, because they can operate on low power and at least expense?

Mr. DAVIS. I will say that that is true in some instances, but it is not true of all of them. One thing further: The gentleman from New York [Mr. CROWTHER] spoke of anybody being able to make a receiving set. Yes; there is competition in the manufacture of receiving sets. I believe the Federal Trade Commission said there were 17 companies making receiving sets. But the report also shows that there were 18 suits pending, brought by the radio monopoly against those that manufacture these sets, their charge being that they were infringing on their patents or using tubes which they had undertaken to sell qualified by conditions.

Now, the gentleman knows that there is a monopoly in broadcasting apparatus, and in the hearings Mr. Wilson, I believe it was, of the American Telegraph & Telephone Co., stated that he did not think they ever had sold broadcasting apparatus with the privilege on the part of the purchaser of operating it and charging for the service.

They were not permitted to come in competition with the American Telephone & Telegraph Co. and its associates. All that the independent broadcasters can get is what the monopoly are willing for them to have, and upon such terms and conditions as they prescribe, as the gentleman, of course, knows.

The gentleman from New York [Mr. CROWTHER] wanted to know why we wanted to bother the radio monopoly. Was it a salutary thing that when a great number of our American metropolitan newspapers in this country wanted to establish an international radio service of their own, they found that the field had been preempted by the Radio Corporation and were compelled to go to Nova Scotia to establish their station, through which they could transmit and receive press radio dispatches to and from foreign countries?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DAVIS. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands a division.

The committee divided; and there were—ayes 46, noes 58.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last line of the section.

The CHAIRMAN (Mr. Begg). The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Moore of Virginia: Strike out the last line of the section on page 13, line 3.

Mr. MOORE of Virginia. Mr. Chairman, I wish to make a statement that may not be of any importance to anyone but myself. It is in the nature of a personal statement. Yesterday I was commenting upon the relation of the Interstate Commerce Commission to the subject we are dealing with, and directing attention particularly to subsection (F), which gives a discretion to the Secretary in the matter of revoking licenses. I said, inaccurately, that the Secretary ought to be compelled to revoke a license when the Interstate Commerce Commission has found that there has been a violation by a radio company of its duty in that it has established unreasonable rates or unreasonable practices. I think that is an incorrect view. I think that subsection (F), so far as the matter I am alluding to is concerned, is very properly drafted, giving the Secretary of Commerce a discretion in the matter and not compelling him to issue an order of revocation.

Take the case of a railroad company. The Interstate Commerce Commission may find that the company is charging a rate that is too high or indulging in some practice that ought not to be continued. Nevertheless that does not work a destruction of the franchise of the railroad company or a cessation of its operations. So I say it may be that the Interstate Commerce Commission might find similarly with respect to the operations of a radio company and yet it might be most harsh and unwarranted to forthwith upon that ground revoke the license of the radio company. I say all of this mainly because the gentleman from Maine [Mr. White] was involved in my remarks. He did not reply to a question that I put to him, and now my statement makes the reply unnecessary.

Mr. WHITE of Maine. I am very much obliged to the gentleman.

The pro forma amendment was withdrawn.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Davis: Page 13, after line 3, insert a new section as follows:

"Sec. —. The Federal radio commission shall also have all the powers to investigate and regulate and all the duties of investigating and/or regulating persons, firms, companies, and corporations engaged in interstate or foreign commerce in the business of transmitting for pay or profit by wireless intelligence, signals, visual images, or other communications, in the acquisition and sale of patents, patent rights, and licenses, for wireless inventions or discoveries, and/or in the use, purchase, sale, and/or operation of apparatus, patented or unpatented, for the transmission and/or reception by wireless of intelligence, signals, visual images, or other communications which the Interstate Commerce Commission has to investigate and regulate common carriers under 'An act to regulate commerce approved February 14, 1887,' and all acts amendatory thereof and supplementary thereto. Excepting as otherwise provided by this act, in all proceedings under this section the procedure, including service of process, returns, hearings, attendance of witnesses, depositions, orders, and enforcement thereof and other methods, shall or may be the same as that prescribed or otherwise in proceedings before the Interstate Commerce Commission, and the jurisdiction of the courts with respect to proceedings under this section shall be like their jurisdiction over proceedings before the Interstate Commerce Commission."

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment that it is not germane. This gives to the Federal radio commission, a commission that we must assume is created in the act and constituted as it is constituted in the act, jurisdiction over the acquisition and sale of patents, patent rights, and licenses for wireless inventions or discoveries, and in the use, purchase, sale, and operation of apparatus, patented or unpatented, for the transmission and reception by wireless of intelligence, signals, and so on. Now, that is entirely without the scope of this bill. This bill deals with the sending of radio communications, the licensing of those who desire to send such communications, and the regulation of the sending of such communications by the licensees, and prescribing penalties for the violation of the restrictions, limitations, and regulations to be followed by the licensees in sending radio communications. The bill has nothing to do with the manufacture or sale of devices for the reception of wireless communications and has nothing to do with the traffic in patents or anything of that sort.

Mr. DAVIS. Mr. Chairman, of course the proposed amendment authorizes the commission to regulate the things therein specified. I call the chairman's attention to the fact that this is a bill for the regulation of radio communications, and for other purposes, as stated in the title. That is what it undertakes to do all through the bill, and it creates this commission. If the chairman will refer to section 8, on page 21, he will see where the commission is established, and then on the next page he will see that the Secretary of Commerce refers to the commission any applications for licenses or for the use of wave lengths or for power in connection therewith, or any other matter, the determination of which is vested in him under the terms of this act. Then it goes on and provides for appeals.

The CHAIRMAN. Will the gentleman from Tennessee permit the Chair to ask him a question?

Mr. DAVIS. I will be glad to have the Chair do so.

The CHAIRMAN. Is there anything in the bill—and will the gentleman point it out if there is—that regulates or undertakes to regulate anything other than who shall have licenses to operate and what shall be sent under the licenses?

Mr. DAVIS. Oh, yes.

The CHAIRMAN. The Chair would like to have the gentleman point that out to him.

Mr. DAVIS. I think there is a great deal in the bill as to that.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. COOPER of Wisconsin. Does not the bill, in line 11, on page 3, provide that the Secretary shall determine the kind of apparatus to be used?

Mr. WHITE of Maine. Only with respect to external effects.

Mr. DAVIS. I refer the Chair to page 10, subsection (f), where he is authorized to revoke a license in various and different instances and, among others, where the licensee has failed to provide reasonable facilities for the transmission of radio communication or has made any unjust and unreasonable charge. That is right directly in line with the amendment I have offered. It provides, as the Chair will note, that there shall be no unjust and no unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service. The gentleman from Virginia [Mr. Moore] offered another amendment which was accepted, and how is it to be determined? This simply authorizes the commission to do the very things that are recognized in the bill as being grounds for the revocation of a license. I think this whole bill is a regulation bill. Then another thing with respect to this commission. I call the Chair's attention to page 23, lines 10 to 17, which show conclusively that it is expected that this commission will act and perform some real functions, because they are authorized to set up an organization of experts and others for the purpose of doing so.

Mr. LEHLBACH. Mr. Chairman, I wish to say in reply that every instance of the exercise of power over the licensees, which the gentleman has cited, deals with the transmission of messages and other communications by radio. It does not have anything to do with the buying and selling of patented rights or the manufacture and sale of materials and devices.

The CHAIRMAN. Unless some other gentleman has something of import bearing on the point of order, the Chair is ready to rule. The Chair will try to be very brief in his ruling. This amendment, as the Chair understands it, after careful reading, seeks to regulate concerns engaged in this particular kind of business, namely, the manufacture of radio apparatus, even to the extent of investigating the business and the business methods used in the conduct of the said business; even to the extent of going into the question of buying and controlling and the sale and ownership of patents.

The Chair is unable to find anything in the bill that seeks to do anything other than investigate what? The ability of the applicant to meet the requirements of law before being issued a license. With this addition, the bill gives the commission the right to investigate the conduct of the business of the licensee after having been granted the license, and it gives the commission the added power to revoke the license for certain violations.

The question raised by the gentleman from Wisconsin [Mr. COOPER] with reference to the language on page 3 is not a question at all of regulating the business, but is a question of investigation as to the licensee's ability to furnish the power to send the wave length for which he has asked a license.

Hence the Chair, by all the reasoning at his command, is compelled to sustain the point of order.

The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 3. Any applicant for a permit or license whose application is refused by the Secretary of Commerce, and any holder of a license revoked by the Secretary of Commerce, shall have the right to appeal from such refusal or revocation to the Court of Appeals of the District of Columbia by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and of the reasons therefor.

The Secretary of Commerce shall be notified of said appeal by service upon him, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within 20 days after the filing of said appeal the Secretary of Commerce shall file with the court the originals or certified copies of all papers and evidence presented to him upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of his decision thereon and a full statement in writing of the facts and the grounds for his decision as found and given by him. Within 20 days after the filing of said statement by the Secretary of Commerce either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a sworn petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.

At the earliest convenient time the court shall hear, review, and determine the appeal upon said record and evidence, and may alter or revise the decision appealed from and enter such judgment as to it may seem just. The revision by the court shall be confined to the points set forth in the reasons of appeal.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. MADDEN). The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 13, lines 8 and 9, after the word "the" in line 8, strike out the words "Court of Appeals of the District of Columbia" and insert "United States district courts"; strike out all of line 22, page 13, after the words "given by him," and also lines 23, 24, 25, on page 13, and also strike out lines 1, 2, 3, 4 on page 14.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, briefly the object of the amendment is to make appeals running from the decisions of revocation or refusal by the Secretary of Commerce to the district courts of the United States rather than limit the appeals to the Court of Appeals of the District of Columbia.

There is no reason why any party who feels aggrieved should be compelled to come to the District of Columbia to have its appeal considered by the Court of Appeals of the District of Columbia. Government exists for the convenience of the citizens and there is no good reason why these appeals by citizens should not be made as convenient as possible for them. I am aware of a decision which was cited in the hearing——

Mr. RAMSEYER. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. RAMSEYER. Why does the gentleman strike out the language beginning in line 22 with respect to the right to adduce additional evidence?

Mr. CELLER. I say to the gentleman from Iowa I will come to that later. It is necessary in view of the decision I shall cite.

Mr. RAMSEYER. Let me ask this further question: Instead of striking out the court of appeals, why does not the gentleman leave that and include the circuit courts of appeal of the United States?

Mr. CELLER. I am willing that this be done, but I do not think we can include the circuit courts of appeal unless we strike out lines 22 to the end of the section. If the gentleman will bear with me one moment, I will tell him the reason why. In the hearings there was cited the case of Keller against The Potomac Electric Co. found in two hundred and sixty-one United States Reports, page 428. If my memory serves me correctly that decision was cited by Judge Davis, of the Department of Commerce, and he cited that case as an argument against taking the consideration of these appeals from the Circuit Court of Appeals of the District of Columbia or from the Supreme Court of the District of Columbia, because as the section is now worded you would place legislative power (not the judicial power necessary but the power to legislate) in the control of the circuit court of appeals. This decision, which Judge Davis of the Department of Commerce cited as an argument for his contention, is one where the Potomac Electric Light Co., of the city of Washington, appealed from a decision of the Public Utilities Commission of the District as to a rate which was fixed by that utilities commission. Under the act which allowed the appeal the Supreme Court of the District was empowered not merely to decide legal questions and questions of fact incident thereto but also to amend and if need be enlarge valuations, rates, and regulations established by the commission, which the court found upon the record and the evidence to be inadequate and the court could make such order as in its judgment the commission might have made. In other words, the Supreme Court of the District would have the right to hear all the testimony, if necessary de novo, and to increase a rate or to reduce a rate made by the Public Utilities Commission.

Now, by virtue of the Constitution, Article I, section 8, the Congress has the power to exercise exclusive legislation in all cases whatsoever over the District of Columbia. Congress thus has the right to vest that legislative power to enlarge or reduce a rate in the courts of the District; that is, the Supreme Court or the Court of Appeals of the District. But Congress can not vest such power in any other court. When, as in this case, an appeal was taken from the decision of the Court of Appeals of the District to the Supreme Court of the United States, the Supreme Court of the United States, in a decision of Mr. Justice Taft, rightly held there could be no such appeal running to the Supreme Court of the United States, for his court could not have vested in it, nor could any United States district court, the power to increase or decrease a rate since that would amount to legislation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CELLER. The Supreme Court rightly held that the United States Supreme Court or any of the United States district courts would not have the right in the consideration of an appeal to either widen the rate or to reduce the rate.

Now, Judge DAVIS seems to hold——

Mr. RAMSEYER. Will the gentleman yield there?

Mr. CELLER. Yes.

Mr. RAMSEYER. Does the gentleman think the last part of the language here which he seeks to strike out involves the issue of that case at all?

Mr. CELLER. I think so, because it provides that—

Within 20 days after the filing of said statement by the Secretary of Commerce either party may give notice to the court of his desire to adduce additional evidence.

Mr. RAMSEYER. Additional evidence on the question of revocation.

Mr. CELLER. But even so, if they can produce additional evidence, the court then would probably have the right to legislate for future guidance of the Electric Light Co.

In other words, we must beware of the distinction pointed out not only in Keller *v.* Potomac Electric Co. (supra) but also in the case of Prentis *v.* Atlantic Coast Line Co. (211 U. S. 210). If the power conferred is judicial, then the United States district courts, the United States Circuit Court of Appeals, and the United States Supreme Court may all have jurisdiction, but if the power conferred be legislative, then these courts can not accept jurisdiction conferred upon them or any of them by Congress. That is not the case though as to courts of the District of Columbia. Congress may endow them, vest them even with legislative powers.

I thus strike out the last part of the section to avoid granting any semblance of legislation to the United States district courts. For example, to widen a wave length or to reduce a wave length might be deemed legislation. Jurisdiction of the district courts throughout the whole country can not be used to exercise that power. In any event, I would say that it would be for the interest of safety to strike out the last part of the section if you want to get jurisdiction into the district courts. That would limit the United States district courts to a determination as to whether the action of the Secretary of Commerce was just or unjust, legal or illegal, whether he acted in abuse of discretion or within his lawful discretion with further jurisdiction to affirm the Secretary's decision or to reject his decision and to remand the case for rehearing.

I am sure it would be a grievous wrong and an unjust burden to put upon the broadcaster to make him come to Washington. He should have the right, as we accord the right to persons aggrieved in tax matters, to go to the different courts throughout the country and not bring him to Washington, just as we do in cases involving the Federal Trade Commission and the Interstate Commerce Commission. In those cases we do not require appeals to Washington courts.

Mr. WHITE of Maine. Mr. Chairman, I want to say for myself and the members of the committee that we stand on the principle of law laid down in the case cited. We believe it is unconstitutional to attempt to impose on the Federal courts of the United States the administrative and legislative functions which are involved in this amendment. Then there are some practical objections. This paragraph was considered and comes before this House with the unanimous approval of the Committee on the Merchant Marine and Fisheries, except as to the question whether the appeal should be to the court of appeals or the Supreme Court of the District.

Mr. RAMSEYER. Why limit the appeal to one court?

Mr. WHITE of Maine. The practical difficulty about this is that if you are going to drag the Secretary of Commerce from one end of the United States to the other, with all of his technical assistants, to meet these cases, you are not going to have any Department of Commerce or Secretary of Commerce in Washington.

Mr. RAMSEYER. Is that any worse than to drag all of these other people to Washington?

Mr. WHITE of Maine. There is ample precedent for this; in appeals from the Commissioner of Patents, they go to the Court of Appeals in the District of Columbia. As I say, this provision has the unanimous approval of the Committee on the Merchant Marine and Fisheries, except that there was a controversy as to whether the appeal should be to the Court of Appeals or to the Supreme Court of the District. It would be unwise and impracticable to give jurisdiction to the courts all over the United States, even if we might constitutionally do so.

Mr. JONES. Mr. Chairman, I desire to support this amendment. In fact, I was going to offer one along similar lines if this had not been offered. It seems to me very important that this amendment should be adopted. For instance, in my home city there is a broadcasting station, and there are many towns throughout the Nation in a similar situation. If the Secretary of Commerce were to revoke the license of such a station, it would have little chance of a successful appeal if it had to come to Washington to have it adjusted, because the expense in many instances would make it prohibitive.

In practically all other matters where the rights of any man are involved he may go into the district courts of the United States of the district in which he resides and have the matter adjusted. The gentleman says it would be impracticable to take the Secretary of Commerce all over the country.

As a matter of fact the United States Government has a district attorney in every one of these districts, also a marshal, and all the facilities for adjusting disputed questions. The Secretary of Commerce could send a certified record to the district attorney and it would be his business to see that the Government's rights were protected. The local man owning the station could appear and present his rights and they could be adjusted just like tax matters and many other affairs are adjusted. When a man is charged with a violation of the prohibition law the issues are not settled in Washington.

Mr. LEHLBACH. Will the gentleman yield?

Mr. JONES. Yes.

Mr. LEHLBACH. The gentleman would not advocate a change in the law so that when the Patent Office rejected a patent the applicant could go to any district court in the United States?

Mr. JONES. That is a different matter, because patent matters are all presented in a routine way. It is a question whether there is something new involved in the application for a patent. Such an application raises the question as to whether it is wise to confer some exclusive rights, whether the Government is going to confer a monopoly.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, I ask for three minutes more; I have not said much on this question.

Mr. SCOTT. I know the gentleman has not and I have not said much, either, and he has said more than I have on the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. The question of a patent is a question of whether the United States Government will grant a special right, a privilege by the granting of which the Government automatically excludes all other people. That question properly comes to Washington. On the other hand, the question involved here is whether you are going to deprive a man of some right, whether you are going to deprive a man of his natural right, a right that he had before any Government was organized—a right to conduct his own affairs if he does not interfere with other people. We are authorizing the Secretary of Commerce to take that right away from him, and that is an entirely different matter than the issuance of a patent. The one refers to a right, the other to a privilege.

In tax matters and other matters that come home to the citizens of this country each citizen is given the right to go into the district court of the United States of the district in which he resides. But we in effect deny a man his right to his day in court when we put this into effect. This is one of the proudest and most highly prized rights of the Anglo-Saxon race. I say that you should not take away from any citizen of the United States these or any other rights without giving him his day in court, and for all practical purposes you deny him that right when you say that from some far-away point in this land the Secretary of Commerce or some clerk in his office may on a matter that they think is important, but which the circumstances may entirely vary if properly heard, deny, revoke, and destroy his rights. You then destroy his right to a day in court, because you take it away as a practical matter. He can not in many instances afford to come to Washington.

Mr. SCHAFER. Could he not employ some of these lame-duck politicians to represent him here and protect his rights in court?

Mr. JONES. He probably could if he had the money, but that might leave his cause as lame as the duck. But, seriously, in a great many cases the cost would be prohibitive. At any rate, the Government of the United States and the United States officers in all these districts could amply and fully take care of the rights of the Secretary of Commerce.

I may add that I believe that regulation is necessary. I would like to support this measure, and shall do so if it is properly amended. But if the monopolistic privileges remain in the measure and if it is not so amended as to preserve the rights of the people in the far-away and outlying sections, I can not support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 38, noes 58.

So the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 13, line 5, after the word "Commerce," strike out the words "and any holder of a license revoked by a Secretary of Commerce"; and in line 11, after the word "therefor," insert "but where the license is revoked by the Secretary of Commerce the holder of such license shall have the right to appeal to the district court where the station is located."

Mr. GRIFFIN. Mr. Chairman, the reason for presenting this amendment, which is somewhat of an alternative to the amendment suggested by my colleague from New York [Mr. CELLER], is that two classes of cases seem to be contained in this section as subjects of appeal. First, the case of the refusal of a license, and second, the revocation of a license. Where a license is refused, I agree with the gentleman from Michigan [Mr. SCOTT] that it would be wholly unjustifiable to bring the United States Department of Commerce out, say, to Oregon or California, to try the question as to whether the owner of a station ought to have a license. He is making an application ab initio and the burden is on him in the same way as when he makes application for a patent. Let him carry his case to Washington. But where a license is revoked by the Secretary of Commerce, then we have the other end of the dilemma. Take a case where a station, duly organized and licensed, with all of its witnesses in San Francisco or Seattle, is charged with some violation and a threat is made to revoke its license. Would it not be unjust under those circumstances to drag the employees of that station and all of the witnesses from the Pacific coast to Washington to be heard upon the question of revocation? To avoid that hardship is the purpose of my amendment, and I hope the committee will accept it.

Mr. BEGG. As I understand the gentleman's amendment, it gives the holder of the license in case of a revocation an option as to whether he will go into the local Federal district court or into the district court of appeals.

Mr. GRIFFIN. Yes; an opportunity to be heard where the violation is alleged to have been committed and where his wit-

nesses are within reach. I submit it would be a great hardship to require a radio broadcasting station to pay the carfare and expenses of numerous employees and witnesses from the Pacific coast to Washington to meet charges which perhaps when heard would be dismissed.

Mr. WHITE of Maine. Mr. Chairman, I rise in opposition to the amendment. I think the same practical objection applies to this amendment as to the other—that of Mr. CELLER. In the matter of granting a license or refusing one, or in the matter of the revocation of a license, technical questions are involved.

There is involved the question as to the length, the location of the station, the area to be served, the power to be utilized, and those things are technical in the extreme, and if you are to give to every court in the United States authority to pass upon the question of reaching a decision you are going to have confusion of decisions, confusion of results that will be absolutely intolerable.

Mr. GRIFFIN. If the gentleman will yield just there, the gentleman knows that the Department of Commerce has its agencies all over the United States. The questions that would come up in reference to the revocation of licenses would be mostly the nonobservance of the wave length and interference with other stations. In those cases, of course, the people in the immediate vicinity would be the best witnesses. Is not that the case?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I think the gentleman from Maine is in error when he says this is the same proposition. Now let us see what is proposed. The amendment, as I understand, proposes where a man has a license and is already operating that station under a license, and the department here at Washington sees fit to revoke his license, that that citizen shall have the right to go into his own local Federal district court to litigate the question as to whether or not the revocation was in compliance with law and justified. Now, there is a clear distinction between permitting an appeal to a district court from a decision in the first instance where a man applies for a license de novo. Now, the gentleman from Maine called attention to the fact that one reason why, he says, he wants to try it in the District of Columbia is that it involves a good many technical questions, such as distribution, the area, and all of those other things. Now, this is one additional reason, and a fundamental reason, why a citizen should have his rights tried in his own local court. I think it is not fair to say that the courts of the District of Columbia are the only ones capable of comprehending a technical discussion involving the revocation of a permit. On the other hand, it will be a burden on every citizen of the United States to bring him to the city of Washington, say, from the Pacific coast, and the witnesses upon whom he would have to rely to prove the very things the gentleman from Maine discusses, as the area, interference, the country that is served, the service, and all of these other things. It is certainly infinitely better for the Department of Commerce, which all recognize will have to use fewer witnesses, than the citizen upon whom the burden might devolve to establish his case. It certainly would be easier. There would be no way by which a citizen could bring from the Pacific coast those witnesses unless they come voluntarily, and he would have to provide for their expenses, which would be practically denying him his day in court, because the burden of expense would be intolerable.

Mr. GRIFFIN. If the gentleman will yield, might not the main burden fall on the Government in certain cases in taking its witnesses from the Pacific coast to Washington?

Mr. WINGO. It certainly would. There is another reason for it which is fundamental. It is a twofold reason. It is part of the basic philosophy of our system of government that wherever it is possible that the rights of every citizen beneath the flag shall be adjudicated in his own court, and there is to-day a tendency to bring a citizen from his own vicinity, where it is not only easier for him to produce his witnesses, but also where the community can understand and know something about the facts which are testified to and the character and demeanor of the witnesses upon the witness stand, to bring him here to the Capital City of the Nation, where all agree there is an artificial atmosphere and that has a tendency, to say the least, to browbeat a citizen and put him at the mercy of a bureaucrat who feels he is lord of all he surveys, and that there is a lack of good citizenship on the part of any man who dares to question either his good judgment or his wisdom in a matter. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GRIFFIN) there were—ayes 34, noes 52.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. No person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated, or affiliated person, firm, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire radio communications or signals (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share of any interest in the physical property and/or other assets of any such cable, wire telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated or affiliated person, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

Mr. DAVIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, after line 20, insert a new section, as follows:

"SEC. —. It shall be unlawful for any person, firm, company, or corporation, in any manner or by any means, (a) to send or carry, or to cause to be sent or carried, from one State, Territory, or possession of the United States or the District of Columbia to any other State, Territory, or possession of the United States; or (b) to bring, or to cause to be brought, into the United States or into any of its Territories or possessions from any foreign country, any radio vacuum tubes or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and/or effect of which is to fix the price at which the purchaser may resell the same, or to prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used."

Mr. LEHLBACH. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane.

This bill licenses persons who may transmit radio communications, and regulates the method and manner of sending such communications, and the subject matters, to a certain extent, of such communications. This amendment regulates interstate commerce in commodities such as vacuum tubes and other devices or materials or parts of radio apparatus, and is entirely without the scope of the bill.

Mr. BANKHEAD. Mr. Chairman, in that connection, will my friend allow an interruption?

Mr. LEHLBACH. I certainly will.

Mr. BANKHEAD. I would like him to state whether the amendment does not come within the broad general principles of section 4?

Mr. LEHLBACH. That is to prevent, in the sending of radio communications, which is the subject matter of this bill, a monopoly in foreign communications, and is right in line with the purpose of the bill, to wit, the regulation of radio communication.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WINGO. I understand the gentleman's point of order is that the bill covers only licenses and regulation of communication. It does not affect the parts of apparatus?

Mr. LEHLBACH. Certainly.

Mr. WINGO. Can the gentleman explain what this means—section 4 of the bill, the antimonopoly feature? And on page 15, where you enumerate the different things you seek to control and inhibit, and where you use the words "an apparatus therein"; and on page 16 you talk about the shares or interest in the property, or other assets, apparatus, or system. It includes the communication and apparatus and all the physical property.

Mr. LEHLBACH. All the effect of the language used in section 4 is to prevent the stifling of competition in sending communications to foreign stations. Now vacuum tubes and apparatus have nothing to do with communications sent by radio. Furthermore, the effect of the amendment offered by the gentleman from Tennessee [Mr. DAVIS] would be to amend the patent laws of the country and would restrict the manufacturers of vacuum tubes and other parts of radio apparatus from exercising such control as the patent laws give them over patented articles that they now enjoy, and it would take from the manufacturers of radio apparatus the protection and privileges extended by the general patent laws to all patentees. This amendment involves exactly the same principle as that involved in another amendment of the gentleman, to which a point of order was made, which was discussed and sustained by the then occupant of the chair, the gentleman from Ohio [Mr. BEGG].

Mr. DAVIS rose.

Mr. LEHLBACH. I might also add, Mr. Chairman, if the gentleman from Tennessee will bear with me for a moment, that this introduces an element dealing with price fixing as to parts of radio apparatus, vacuum tubes, and so forth. That is not within the purview of a bill to regulate communication by radio.

Mr. DAVIS. Mr. Chairman, in the first place, I contend that the gentleman from New Jersey [Mr. LEHLBACH] is incorrect in his assumption that this bill is wholly for the regulation of radio communication. The title of the bill reads, "For the regulation of radio communications, and for other purposes," and there are various other purposes included. The gentleman from New Jersey and every other member of the committee thought that this amendment was in line with the purposes of the bill when they reported it out unanimously in the last Congress, and so far as this section is concerned, it was reported out unanimously at this session of Congress.

Mr. LEHLBACH. Does the gentleman say that the committee unanimously supported section 4 in the previous bill?

Mr. DAVIS. Yes.

Mr. LEHLBACH. I never supported it in my life.

Mr. DAVIS. I remember that it was unanimously reported out by the committee, and supported by every member present; and the bill had this identical provision in it, and such bill remained in the House Calendar for months, and until the last Congress expired.

Mr. LEHLBACH. It was not reported unanimously by every member of the committee. I do not think I was present at the time.

Mr. DAVIS. I say it was a unanimous report. I do not remember whether the gentleman from New Jersey [Mr. LEHLBACH] was present or not when this provision was adopted or the bill reported. The gentleman's absence did not alter the situation. I contend that the committee thought that it was in line with the purposes of the bill.

Then I call attention to page 3, from line 11 on. This is a section in which the Secretary of Commerce is required from time to time to classify stations, and so forth. Beginning on page 3, line 11 "and the kind of apparatus to be used, with respect to its external effects; (a) regulate the purity and sharpness of the emissions from each station and of the apparatus therein," and so forth. And then on page 16, section 4, as the gentleman from Arkansas has suggested, reference is again made to the "apparatus" and "the physical property and assets," and it has similar references in other places in the bill. It is germane not only in this specific instance, but with respect to the general purposes of the bill, because this bill purports to be a comprehensive radio bill. It specifically repeals all existing radio legislation and supplants everything hitherto enacted on the subject.

Mr. BANKHEAD. Mr. Chairman, I would like to be heard briefly on the point of order, because it seems to me it is a rather important decision that the Chair is called upon to make.

The Chair will recall that the point of order is made to the amendment offered by the gentleman from Tennessee [Mr. DAVIS] on the ground that the amendment is not germane to the bill. The Chair will note that the amendment is not offered to a present existing section of the bill, but as a new section of the bill.

I am sure the Chair is familiar with the general principle involved in the question of germaneness, but I beg to call to the attention of the Chair two or three brief excerpts from the very luminous opinion on the subject of germaneness rendered by Chairman Fitzgerald, when Chairman of the Committee of the Whole, found on page 485 of the House Manual.

I will quote this language:

> When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment.

By a parity of reasoning, of course, if the Chair does hold that it relates, in a general way, to the same subject, then it would be the duty of the Chair to overrule the objection. Then this language is found on page 486, in next to the last paragraph at the bottom of the page:

> Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

I do not know of any decision, Mr. Chairman, which more clearly sets out the logic and philosophy of a proper construction as to whether or not an amendment is germane, than the decision I have just read. It applies tests which, I think, are correct, and which, I think, the Chair will agree with me are correct in construing the rule of germaneness.

Let us see what is proposed by the amendment. As has been pointed out by others in the debate, the general purpose of this whole bill is the regulation of radio communications, and for other purposes. I call the Chair's attention to one regulation in the first section of the bill, at the bottom of the first page, which provides:

> No person, firm, company, or corporation shall use or operate any apparatus for the transmission of radio energy or radio communications or signals (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District.

Then, after setting out the regulations affecting the transmission of communications in a general way, the section which has just been read, section 4, in substance attempts to prevent monopoly and restraint of trade.

Mr. LEHLBACH. Will the gentleman yield at that point?

Mr. BANKHEAD. Yes.

Mr. LEHLBACH. The gentleman should state that it restrains monopoly in foreign communications only.

Mr. BANKHEAD. Well, regardless of the attitude of the gentleman from New Jersey, if the Chair will carefully peruse the provisions of the bill itself he will see it is provided, for instance, on page 15, after setting out that no person, firm, company, or corporation now or hereafter engaged directly or

indirectly through any subsidiary, and so on, then skipping to the next page, page 16, that—

If in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

Now, Mr. Chairman, what does the amendment offered by the gentleman from Tennessee relate to? It relates to the same general subject matter as contained in section 4, that is, with reference to monopoly and restraint of trade as to certain things. Now, what are those things? It certainly relates to the apparatus necessary to conduct radio communication and it certainly relates to the same articles of commerce which are specifically mentioned in the preceding paragraph, because it provides that these vacuum tubes, and so forth, which are certainly apparatus and which are certainly articles of commerce—

or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and effect of which is to fix the price at which the purchaser may resell the same, or to prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used.

Well, now, how can it be said that where a bill, in every section of it, sets out the general purpose to regulate radio communications and in parts of which it specifically deals with restrictions affecting the apparatus and other articles of commerce in conjunction with such regulation—how can it be said that a separate section is not germane, when it relates to the same subject matter and to the same set of apparatus or articles of commerce, to wit, tubes, and so forth, and the purpose of which is to prevent monopoly and the restraint of trade—how can it be said by any parity of reasoning or logic or by any construction of the rules of the House, as laid down by the precedent which I have suggested, that such a proposed amendment would not also be germane to the general purpose of the bill?

It seems to me, Mr. Chairman, that it is a case where there is but one construction under the philosophy of the rules and of the precedent which I have just read, and that same philosophy obtains with reference to the amendment now under discussion.

Here is a great bill that is brought in for the purpose of amending all other regulations of law in conflict with it. It undertakes, in a general way, to regulate this great industry. It stands upon its own feet with reference to all phases of regulation. The bill restricts monopoly and imposes terms upon which apparatus may be regulated and delivered. That being so, Mr. Chairman, I respectfully and earnestly submit that an identical amendment, in substance and in purpose, should be held germane to the general purposes of the bill.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from Tennessee [Mr. DAVIS] reads as follows:

It shall be unlawful for any person, firm, company, or corporation, in any manner or by any means, (a) to send or carry, or to cause to be sent or carried, from one State, Territory, or possession of the United States or the District of Columbia to any other State, Territory, or possession of the United States; or (b) to bring, or to cause to be brought, into the United States or into any of its Territories or possessions from any foreign country, any radio vacuum tubes or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and/or effect of which is to fix the price at which the purchaser may resell the same, or to prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used.

The Chair believes that this is an effort to restrict the transportation of manufactured commodities in interstate commerce, to prevent the fixing of prices, or to regulate prices, whereas the subject matter under consideration in the pending bill is that of radio communication. The bill seeks to regulate the transmission of radio messages, whereas the amendment seeks to regulate the transportation of manufactured articles in interstate commerce into any State or Territory of the United States or between any State or Territory of the United States or from any foreign country, whereas the bill we have under consideration deals with radio communication.

The question of manufacture and sale and marketing of radio apparatus and devices, if the Chair understands the question clearly, is not under consideration and is not a part of the bill. The amendment proposes to regulate resale. It attempts to regulate the fixing of prices of radio apparatus entering into interstate and foreign commerce. It deals with the marketing of radio apparatus and not with the transmission of messages, whereas the bill deals with the transmission of messages and not with the marketing of apparatus.

It is true that on page 12 of the pending bill, in paragraph (g), all antitrust acts are made applicable to the manufacture and sale of radio apparatus in commerce. They are now subject to such laws without respect to whether that is carried in this bill or not, according to the judgment of the Chair; but this provision in no wise amends the various antitrust acts and is only used for the purpose of authorizing the revocation, if the Chair understands it correctly, of the license of the licensee convicted under such antitrust acts.

The Chair was given to understand this question would arise, and the Chair took time to look up the references. It is obvious that a mere reference to an act in a bill does not bring the act or any amendment thereof under consideration for amendment. To hold otherwise would permit any amendment of the Sherman or the Clayton Acts to be permitted in the consideration of this bill. The fact that the amendment was included in a prior bill, or substantially the same amendment, in former section 4 reported by the committee, does not affect the question here, since the committee may report a bill which has been referred to it in due course embracing different subjects, but this does not permit the offering of a new subject by way of amendment.

While the question enters only indirectly into the determination of the point of order, the fact that the general subject of the amendment admittedly belongs within the jurisdiction of the Committee on the Judiciary indicates the matter is foreign to the bill now under consideration. The subject matter of the amendment was referred to the Committee on the Merchant Marine and Fisheries only incidentally since a bill may not be divided for reference and the major portion related to radio, it was therefore referred to that committee.

While it is not necessary for the Chair to pass upon the question, there is considerable doubt as to whether the proposed amendment would even be germane to the antitrust act which relates to agreements in restraint of trade. The present amendment relates to resale, price agreements, without reference to the question of whether restraint of trade is involved or not, and therefore goes beyond the ordinary application of the antitrust acts.

The bill relates to radio communication. It gives the Secretary of Commerce the power to license radio stations, to fix wave lengths, to revoke licenses granted, and to regulate and to control, within the scope of the act if it does become an act, the transmission of messages by radio. It does not give the Secretary of Commerce any power whatever over the regulation or sale of manufactured articles transported in interstate commerce. The amendment relates to the manufacture and sale of radio equipment in the markets of the United States, and the Chair contends that the Secretary of Commerce has no jurisdiction over that subject, and most certainly they involve different subject matter from that contained in the bill.

The Chair therefore sustains the point of order.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Rhode Island offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of Rhode Island: On page 16, at the end of section 4, add the following paragraph:

"SEC. 4. It shall be unlawful for any person, firm, company, or corporation, in any manner or by any means, (a) to send or carry, or to cause to be sent or carried, from one State, Territory, or possession of the United States or the District of Columbia to any other State, Territory, or possession of the United States; or (b) to bring, or to cause to be brought, into the United States or into any of its Territories or possessions from any foreign country, any radio vacuum tubes or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and/or effect of which is to fix the price at which the purchaser may resell the same, or to unlawfully prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used."

Mr. LEHLBACH. Mr. Chairman, I make the same point of order that I made to the previous amendment.

Mr. O'CONNELL of Rhode Island. Will the gentleman reserve his point of order?

Mr. LEHLBACH. It is now 25 minutes after 3, and we want to complete this bill this afternoon.

The CHAIRMAN. The Chair will say to the gentleman from Rhode Island that this is exactly the same amendment as that which was offered by the gentleman from Tennessee and ruled on, except the insertion of the word "unlawful," on line 24, page 14.

Mr. LEHLBACH. We want to pass this bill this afternoon, because our right to Calendar Wednesday expires to-day.

Mr. O'CONNELL of Rhode Island. I am as anxious to pass the bill as is the gentleman. I think it is imperative that we should conclude it to-day.

Mr. LEHLBACH. I will say to the gentleman that I shall insist on the point of order, no matter what is said or what has been agreed to by anybody.

Mr. O'CONNELL of Rhode Island. Nothing has been agreed to by anyone, so far as I know.

Mr. LEHLBACH. Mr. Chairman, I will reserve the point of order for three minutes.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I have inserted the word "unlawfully," because the gentleman from New Jersey [Mr. LEHLBACH] made a point of order to the previous amendment offered by Judge DAVIS on the ground that it changed the patent law. I agree with him that it does change the patent law in some particulars. I am not willing that the patent law should be changed by any special act. I think if we are going to change it we should change it directly and not enact legislation which will discriminate against the radio industry as distinguished from any other. When I put the word "unlawfully" in there I take away the effect of the amendment of Judge DAVIS whereby the patent laws of the United States will be changed, and I call the Chair's attention to the fact that the committee approved this section previously, and the radio people, who are opposed to this section now, have said that they are perfectly satisfied with the amendment as I offer it. In the brief that they have submitted to every member of the committee, on page 12, they say:

> Under all the foregoing circumstances we request the committee to reconsider the advisability of including section 4.

Then they point out how it can be changed so as not to change the patent laws, and they say this can be done by inserting at the end of line 21 "except as may be lawful under the patent laws of the United States," or by inserting in line 24, page 14, next preceding the word "prohibit" the word "unlawfully."

Now, I have used the word which they use, which will not affect the patent laws, which was the chief ground on which the radio industry have objected to this bill, and one of the grounds suggested on the point of order to the last amendment. So far as the provision in regard to retail prices is concerned, they say here in this brief that they have absolutely no objection to that, because by a decision of the Supreme Court of the United States it has already been decided that there can be no price fixing of these articles.

Mr. LEHLBACH. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WINGO. Mr. Chairman, I offer an amendment. On page 16, line 13, strike out the period and insert this language, "contrary to all laws of the United States relating to unlawful restraint and monopolies and combinations, contracts, or agreements in restraint of trade." That is the same language which is found on page 12, lines 6, 7, and 8.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment by Mr. WINGO: On page 16, line 13, after the word "commerce," strike out the period and insert: "contrary to all laws of the United States relating to unlawful restraint and monopolies and to combinations, contracts, or agreements in restraint of trade."

Mr. WINGO. Mr. Chairman, I am moved to offer that amendment by the conclusion that the Chair reached in sustaining the point of order, which the Chair had to reach in order to sustain the point of order made to the amendment of the gentleman from Tennessee. The Chair held that while it is true that on page 12 it was stated that "all laws of the United States relating to unlawful restraint and monopolies and combinations, contracts or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus"—he said that was only mentioned in order to guide the Secretary of Commerce in deciding on applications. In other words, if that is accepted by the committee, you are attempting to do in this act what you did in the packers act. You lawyers will remember that when the packers act was up I asked the committee whether the bill took them out of the control of the antitrust law and penalized them only when they violated an order of the Secretary of Agriculture.

Some members of the committee contended that the antitrust laws would still apply. Others on the committee contended that they could only be indicted criminally after they had been warned by the Secretary of Agriculture to abstain from some practice that was in restraint of trade. Unless my recollection serves me badly, one district court adopted the latter conclusion. If the Chair is correct in its ruling, and the committee has acquiesced in it, then it will mean that the only restraint there is in the control of radio apparatus upon these men who are engaged in transmitting radio messages through the air and in selling the instruments, the physical properties necessary to contact with the ether and do that thing, is the Secretary of Commerce, a bureaucrat; and you are going to substitute the control of a bureaucrat for that of the criminal laws and the orderly processes of the courts.

The bill does cover radio transmissions primarily, but how are you going to transmit radio messages? Two things are necessary. One is ether, about which in the first section you made a stump speech which is said to have originated in the Senate in which you declare that the ether is the sole property of the common people of the United States, and the other is the physical property. The only way, I say, to handle the transmission of messages is to control and regulate these two things, the ether and the physical properties, the tubes, the apparatus, and so forth. You say here in this section that you want to prevent a certain monopoly. My friend from New Jersey [Mr. LEHLBACH], who is generally very alert and knows what is in the bill, says that only applies to that which covers messages from foreign territory. The gentleman has overlooked the provisions of the bill in section 4.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, if the gentleman will examine it carefully, he will find that section 4 covers both domestic transmission and foreign transmission, interstate and interforeign. On page 14, section 4, in line 16, it provides that no persons, firm, and so forth, now or hereafter engaged in the business of transmitting or receiving for hire radio messages or signals—

> (a) between any place in any State, Territory, or possession of the United States, or in the District of Columbia—

And that is domestic, or—

> (b) between any place in any State, Territory, or possession of the United States, or in the District of Columbia and any place in any foreign country.

Mr. LEHLBACH. But they are not prohibited anything. That is a description of the persons—persons (a) and (b). They are prohibited from acquiring property which will allow them to stifle competition in foreign radio communication.

Mr. WINGO. Oh, no; it covers both; but if I take the gentleman's own contention, he admits himself out of court and dissents from the decision that the Chair just made on the point of order. I prefer, however, to take the correct conclusion that it covers both; but let us assume it covers that. Does the gentleman contend for a moment that foreign transmission of messages with our outlying possessions and the control of the physical properties referred to are not going to be so intimately interwoven with the domestic transmission of messages that they are one and the same kindred subject?

Whichever interpretation you take, that of the gentleman from New Jersey or mine, do you intend to restrain monopolies in restraint of trade and make the antitrust laws applicable to this proposition? The Chair has ruled that the antitrust laws of the United States do not apply, and they are not applicable to this; that it is out of order to make it unlawful to engage in a monopoly of physical properties covered in this bill; that the object of this bill is not to regulate monopolies, because they say that an amendment that will prescribe penalties and declare it unlawful under the antitrust laws is out of order. How are you going to stop it? They will answer you and say, "We are going to do it by the control of a bureaucrat."

Gentlemen, I care very little about radio, I do not care to use it, but I am against the continual tendency of the Congress of the United States and of some people to eliminate the orderly processes of legislation by the Congress of the United States and substituting for it the regulation, the sweet changing whim of changing personalities that occupy some bureaucratic posi-

tion. The people have a right to know what the law of the land is, and they can not know it when that law lodges in the brain and the conception of an autocratic bureaucrat, who may be here to-day and gone to-morrow, who may be replaced to-morrow by one with a different philosophy of Government, one who belongs to a different party, one who comes from a different section and has different prejudices that may affect his judgment and becloud his vision, and, perchance, sometimes corrupt his actions. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 39, noes 63.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation.

Mr. BLANTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 16, line 20, after the word "corporation," strike out the period and insert a colon and add the following: "*Provided*, That any person who, over any radio, shall, affecting the character and standing of another, use derogatory language, which, under the laws of any State into which such language is transmitted constitutes (a) slander or (b) libel were such language in writing, shall constitute (1) the offense of criminal slander, which may be prosecuted either in the State from which such language was broadcast, or in any State into which such language was transmitted, and upon conviction, said offender shall be punished by a fine of not less than $100 and not more than $1,000, or by confinement in jail for a term not less than 30 days and not more than one year, or by both such fine and imprisonment; and (2) civil slander, for which the person aggrieved may make the offender respond in appropriate damages, under the measure of damages prevailing in such State."

Mr. BLANTON. Mr. Chairman——

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. BLANTON. I will.

Mr. LEHLBACH. Will the gentleman so modify his amendment as to make the law of the place where the utterance takes place applicable instead of where the voice may be heard?

Mr. BLANTON. It is my opinion that either should apply. The gentleman will remember when I made my first argument on this question yesterday I then had the amendment drawn in the way the gentleman from New Jersey suggests, but when I began to talk to some of my colleagues here several of them called attention to the fact that they would prefer for it to be deemed an offense whenever anyone broadcasting should transmit the unauthorized language into any State when, if published there, would in that State constitute either actionable slander or libel. And it was at the suggestion of several of my colleagues that I reframed the amendment and offered it as it appears printed in yesterday's RECORD, which is in identical form as I have now offered it. It is better to have it in specific form, constituting a specific Federal offense, with a specific punishment, than to have it uncertain.

Mr. LEHLBACH. Does the gentleman want to bring about this: If I, in the State of New Jersey, say words in New Jersey which the laws of New Jersey say I may say, can the State of Indiana make laws to punish me for what I say in New Jersey?

Mr. BLANTON. No; the State of Indiana can not do it. But the Federal Government of the United States can, and it should do it. Anyone in New Jersey who for the purpose of injuring the good reputation and standing of some one living in Indiana should not be permitted to hide himself behind the State line in New Jersey, and by the use of a powerful radio transmit into and throughout the State of Indiana false, slanderous, and libelous statements which unjustly and wantonly ruin the good name and standing of a citizen of Indiana, and then escape punishment simply because the laws of New Jersey might permit it. The laws of Indiana may not permit such slander, yet without a Federal statute there would be no way on earth for the Indiana citizen to hold the offender in New Jersey responsible.

In my home State of Texas it is not against the law for anyone verbally by word of mouth to make false and slanderous charges about a man. If made about a woman they constitute slander and are actionable both civilly and criminally. But if they are made about a man it is no offense. To constitute an offense when used about a man, they must be published in print or in writing. Now, suppose that it is an offense in New Jersey for one verbally by word of mouth to make false and slanderous statements about the character and standing of another. Would it be right for me to hide behind my State line and behind my own State law, and by use of a powerful radio maliciously, falsely, and slanderously transmit into and throughout the State of New Jersey unjust statements that would ruin the standing of some New Jersey citizen? Certainly not. Yet without a Federal prohibition, such as this amendment, I could from Texas thus ruin people generally with impunity.

Mr. LEHLBACH. As a matter of fact, a person would have to know not only the statutes of his own home State but the statutes of all of the 48 States.

Mr. BLANTON. It would not be a bad idea for every person to assume that it is against the law and that he has no right to broadcast into other States slanderous and false statements about citizens of other States that ruin good reputation and standing.

Mr. LOZIER. Is it not fundamental that a libel sent by mail is punishable at the place where the letter is directed and not where it is mailed?

Mr. BLANTON. It is fundamental that such a libel is punishable either where it is mailed or the place to which it is sent. It is the circulation, after all, which is the main ingredient of the offense.

Mr. LOZIER. Is it not true that a person can stand on one side of a State line and speak over the State line and commit a slander, and ought to be punished in the jurisdiction to which he sends the defamatory message?

Mr. BLANTON. Yes. It is certainly true that one who deliberately, for the malicious purpose of injuring another, transmits by radio false and slanderous language affecting the good standing of another across State lines and into and throughout other States by Federal statute ought to be punished, either in the place where it was uttered or the place to which it is sent—in either of the places, whichever one takes jurisdiction of the man first.

Mr. NEWTON of Minnesota. It is wherever the matter is published, whether libel or slander.

Mr. BLANTON. Yes; and where published means where circulated. I speak in Texas and it goes to Minnesota, and my language is heard distinctly in Minnesota and my libel should be punished in that State or in Texas. I desire to say that I submitted this amendment to the chairman and to his committee, and I understand they are not objecting to this amendment.

Mr. FREE. We are objecting to it in its present form.

Mr. BLANTON. How does the gentleman want it?

Mr. FREE. So it applies to the law of the State where the speech is made.

Mr. BLANTON. That is not the way many other Members want it.

Mr. FREE. The gentleman has the punishment applying to every State.

Mr. BLANTON. I think that it should be made a Federal offense and made punishable in any State into which the slanderous language is maliciously transmitted. That is where the injury is done. For it is where the injured party's good reputation is ruined.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I shall be glad to change it in any reasonable manner, in order to get it passed, so long as it is made an offense for one to transmit into another State false and slanderous language. How does the gentleman want it changed?

Mr. FREE. Say it is a violation of the law of the State in which the statement is made.

Mr. BLANTON. That would destroy the value of the amendment, but I think that I can change it some to advantage. I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment. Is there objection?

Mr. WINGO. I object. I am opposed to the whole principle.

Mr. BLANTON. I will then ask for a vote on this amendment in its present form without change in a few moments.

Surely, Mr. Chairman, it is not the contention of any Member on this floor that because it happens in some States not to be a violation of law for one to verbally use false and malicious language about a man, slandering his good name

and reputation, that one in that State may use nationally the modern powerful radio, and transmit into other States where it is against the law, language that is false, language that is malicious, language that is wanton, language that per se is ruinous, and language that unjustly destroys the good name, reputation, and standing of a citizen in the other State, and then escape all punishment, and escape all pecuniary responsibility, simply because that particular State in which the slander is broadcast from has no law against it? Surely that is not the contention of any Member?

This modern radio broadcasting is not a State matter. It is a national matter. For it goes into every State. It is bigger than any one State. That is one function of the Federal Government—to protect the citizens of one State against impositions unlawfully made upon them by citizens in other States, and to provide a Federal tribunal where such interstate controversies may be heard.

Now, suppose you do not pass this amendment; what protection have the people in any State from slanderous attacks which people in some other State may desire to make upon them? If one citizen of St. Louis wanted to slander another citizen in St. Louis he could go to Dallas, Tex., hire the radio, and send his poisonous language reeking with malice and falsehood into St. Louis, and then be guilty of no offense whatever.

I want to say this, gentlemen: This is one of the most important questions that can affect the whole people of this Government. It affects the seat in this House of every Congressman here. We are all to go home soon to our primaries. We are all to be elected in November in the general election. The night before the primary in your State some of your enemies could induce somebody in some other State, say 50 miles or 100 miles from where you live, to make derogatory statements about you in such a way that it might absolutely ruin you in the next day's primary or election, and they would be absolutely impervious to punishment, because now there is no law exactly covering the offense.

Do you want to take chances on that? Of course, they could not hurt you more than temporarily, but you would be defeated for office, and there would be no way to prevent the defeat. It would have already been done the night before your primary. When somebody the night before election puts a false statement out about you that injures your standing in the community, it is too late to remedy it when the primary is over, because your opponent has received the votes necessary to cut you out of the election. You could thus ruin a gubernatorial candidate; you thus could ruin a presidential candidate, or you could ruin a candidate for any elective office.

Mr. FREE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FREE. Is the gentleman willing to make this amendment subject to the law of the State in which the offense is committed?

Mr. BLANTON. I am willing to reframe it in any way that does not destroy the value of it and the primary purpose of it. How could you offer a better one? I take it for granted that some amendment such as mine should go into this bill to protect the people.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. The gentleman is talking about a public man being ruined by what somebody might say about him. Does the gentleman contend that the State laws are powerless and can not be enforced against slander?

Mr. BLANTON. In Texarkana a street is the State line between Arkansas and Texas. A man could stand near the State line dividing one of these States from the other, as, for instance, 20 miles from Texas over in the gentleman's State, and from the State of Arkansas he could radio over into Texas a message about some Texas man running for office, running for governor, or for Congress, or for any other office in Texas, and he could charge him with this or that or anything that he pleased that would excite public sentiment against that man in the election, and so he could defeat and ruin him; and one from Texas could ruin and defeat a candidate over in Arkansas, for in my State you can not be convicted in court for what you say verbally about any man. It has been decided that it is not libel and not actionable; and for these slanders there could be no punishment by State law for want of jurisdiction of the offender.

Mr. CELLER. Could you not charge a man with crime if he has committed a crime?

Mr. BLANTON. No; because it would not be a crime. The only way to make such contemptible action a crime is to do it by Federal statute, by such an amendment as I am now proposing. And I sincerely hope that my colleagues will adopt it. Is it not our intention to protect the citizens of every State against slander and libel which may come from others in other States into their own State about them? This is a national question, and can be settled only by a Federal law.

Mr. WINGO. The gentleman should come into my State.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 42, noes 27.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. (A) The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Secretary of Commerce.

(B) The Secretary of Commerce, in his discretion, may grant special temporary operator's licenses to operators of radio apparatus under such regulations, in such form and under such conditions as he may prescribe whenever an emergency arises requiring prompt employment of such an operator. He may also, in his discretion, grant such temporary licenses to students and to persons engaged as instructors and in conducting experiments for the development of the science of radio communication.

(C) An operator's license shall be issued by the Secretary of Commerce only in response to a written application therefor addressed to him, which shall set forth (a) the name, age, and address of the applicant; (b) the date and place of birth; (c) the country of which he is a citizen and, if a naturalized citizen of the United States, the date and place of naturalization; (d) the previous experience of the applicant in operating radio apparatus; and (e) such other facts or information as may be required by the Secretary of Commerce. Every application shall be signed by the applicant under oath or affirmation.

(D) An operator's license shall be issued only to a person who in the judgment of the Secretary of Commerce is proficient in the use and operation of radio apparatus.

Mr. CELLER. Mr. Chairman, in the confusion and noise that prevailed I was unable to hear at what point the Clerk was reading. I wanted to offer an amendment to section 5 on page 16 of the bill.

The CHAIRMAN. The Clerk is now reading from section 6.

Mr. CELLER. I ask unanimous consent, Mr. Chairman, to go back.

The CHAIRMAN. The gentleman can not do that at this stage. The Clerk will proceed.

The Clerk continued the reading of the section, as follows:

(E) An operator's license shall be in such form as the Secretary of Commerce shall prescribe and may be suspended by him for a period not exceeding two years upon proof sufficient to satisfy him that the licensee (a) has violated any provision of any act or treaty binding on the United States which the Secretary of Commerce is authorized by this act to administer or by any regulation made by the Secretary of Commerce under any such act or treaty; or (b) has failed to compel compliance therewith by any person under his supervision; or (c) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (d) has willfully damaged or permitted radio apparatus to be damaged; or (e) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (f) has willfully or maliciously interfered with any other radio communications or signals.

(F) An operator's license may be revoked by the Secretary of Commerce upon proof sufficient to satisfy him that the licensee was at the date his license was granted to him, or is at the time of revocation, ineligible or unfit for a license.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the entire section.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to return to section 5, to permit me to offer an amendment. I shall be brief.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 16, section 5, to enable him to offer an amendment. Is there objection?

Mr. SCOTT. I am sorry; this is the first time I have interposed any objection. It is now 5 minutes to 4 o'clock. It is Saturday afternoon, and this committee is given only two days in which to finish this bill. I presume that the Members are wide-awake.

Mr. CELLER. Well, I serve notice that I shall demand the engrossed copy of the bill.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the entire section, consisting of the matter extending from line 21, on page 16, down through page 17, and page 18 to and including line 22.

The CHAIRMAN. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 16, beginning with line 21, strike out all of section 6.

Mr. GRIFFIN. Mr. Chairman, that includes the entire section. I move to strike it all out for this reason: We are engaged in creating the machinery for the regulation of one of the most important and most promising industries. It has a great future. In creating that machinery it occurs to me that we ought to build simply. We ought to develop the machinery for the regulation of this great industry by a process of evolution. We ought not to attempt to cover the whole field and fill up this bill with a lot of rubbish in the way of regulations requiring a big bureau and intricate filing systems.

I ask my colleagues to look at what this section does. It provides that all operators of broadcasting stations must have licenses.

Why should such an operator be required to procure a license? We have locomotive engineers running great trains all over the country; trackwalkers, signalmen, and other employees engaged in great undertakings, where human life is at stake and where there is great responsibility, who are not required to submit to this license nuisance. I ask the gentleman proposing this bill: What is the earthly reason for requiring the licensing of an operator at a broadcasting station? Do you not suppose that the employer of that operator knows whether he is efficient or not? Is it not his duty and his obligation to look after the character of the men he employs and whether or not they are efficient? Why should the United States Government assume this responsibility and undertake to establish a bureau, with numerous clerks, filing cases, and an elaborate mechanism, in order to provide help for the operating stations all over the United States? The next logical thing in order, with this precedent established, will be to require Federal licenses for telephone and telegraph operators. It would surely be just as reasonable.

This whole section and all of these paragraphs ought to be eliminated from the bill. Let the people who control the stations select their own operators and use their own judgment.

Mr. EDWARDS. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. EDWARDS. The owners have to register in order to get a license, do they not?

Mr. GRIFFIN. Yes; and that should be sufficient.

Mr. EDWARDS. And we could keep track of it in that way?

Mr. GRIFFIN. Yes; by requiring the registration of the station owners, and that is enough. Why go into their business and into their private arrangements with the men who run the broadcasting machines? I think the thing is an absurdity.

Mr. BLANTON. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BLANTON. Does not every operator of a moving-picture machine have to get a license?

Mr. GRIFFIN. Locally, yes; but he does not get a license from the United States Government. This is no business for the Federal Government to be engaged in.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE of Maine. Mr. Chairman, I rise in opposition to the amendment. This section is an enlargement of the provisions of existing law. Since 1912 all radio operators have been required to be licensed. It is not only the law here but, so far as I know, it is the law in every country where there is radio. This provision comes before the House with the unanimous approval of every witness, so far as I recall, who appeared before our committee. It comes here with the unanimous sanction of the committee, and I hope it will stay in the bill.

The question was taken, and the amendment was rejected.

Mr. CELLER. Mr. Chairman, I make the same request I made a few moments ago to return to section 5 in order to offer an amendment. I will not argue it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to section 5 in order to offer an amendment. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, is the sole purpose of going back just for the purpose of offering this one amendment and for no other purpose?

The CHAIRMAN. The Chair does not know what the purpose is.

Mr. BLANTON. If it is for any other purpose, I shall object.

Mr. CELLER. It is for no other purpose. It is for the sole purpose of going back to section 5 and offering this amendment to section 5, the whole of section 5, and there will be no argument on my part.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 16, strike out all of section 5, which section 5 shall read as follows:

"All matter broadcast by any radio station for the publication or broadcasting of which service money or other valuable consideration is, directly or indirectly, paid or promised to or charged or accepted by the station so broadcasting, from any person, firm, company, or corporation, shall at the time the same is so broadened be plainly announced as 'advertising.' The owner or operator of any such radio station publishing or broadcasting such matter without so designating or announcing the same as 'advertising' shall, upon conviction in the United States district courts, be fined not less than $50 or more than $500. Jurisdiction is hereby conferred on the United States district courts for the trial of prosecutions of such violations."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. For the purposes of this act the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska.

That a commission is hereby created and established to be known as the Federal radio commission, hereinafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The membership of the commission shall consist of resident citizens at the time of appointment of each of the five respective zones. No member of the commission shall be financially interested in the manufacture or sale of radio apparatus or in the transmission or operation of radio telegraphy, radio telephony, or radio broadcasting. Not more than three commissioners shall be members of the same political party. The first commissioners shall be appointed for the terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed.

The first meeting of the commission shall be held in the city of Washington at such time and place as the chairman of the commission may fix. Whenever the Secretary desires to refer to the commission for its decision any matter authorized to be submitted, he may call subsequent meetings thereof at such places in the United States and at such times as he may deem proper.

The Secretary of Commerce may refer to the commission any applications for licenses or for the use of wave lengths or for power in connection therewith, or any other matter the determination of which is vested in him under the terms of this act. Any person interested in or aggrieved by any decision of the Secretary of Commerce may appeal therefrom to the commission. The commission shall hear appeals or references by the Secretary of Commerce de novo, and is authorized to adopt general rules and regulations fixing the time and form of appeals and governing the proceedings before it. Any person interested in or aggrieved by any decision of the commission with respect to the granting or refusal of a permit or license or the revocation of a license may appeal therefrom to the Court of Appeals of the District of Columbia. Notice of said appeal shall be given by service upon the secretary of said commission, prior to the filing thereof, of a certified copy of said appeal and the reasons therefor. Procedure upon said appeal shall be the same as in cases of appeal from decisions of the Secretary of Commerce.

The commission shall appoint a secretary, who shall receive reasonable compensation in accordance with the provisions of the classifica-

tion act of 1923. It shall have authority to employ and fix the compensation of such clerks, experts, examiners, and other employees as it may from time to time find necessary for the proper performance of its duties and as from time to time may be appropriated for by Congress.

The members of the commission shall receive a compensation of $25 per day for each day's attendance at sessions of the commission and while traveling to and from such session, but not to exceed 120 days' pay in any calendar year, and also their necessary traveling expenses.

Mr. LARSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LARSEN: Page 21, line 16, after the word "commissioners," strike out "who shall be." Also at the end of line 17 strike out the period, insert a comma, and the following: "And one of whom the President shall designate as chairman."

Mr. LARSEN. Mr. Chairman and gentlemen of the committee, this amendment is offered purely and simply to clarify and make this section completely workable. The bill as originally drafted provided that the President should designate one of the commissioners as chairman.

Mr. SCOTT. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. SCOTT. I think the gentleman's amendment is very appropriate. I have previously discussed with the gentleman from Tennessee [Mr. DAVIS] the very subject that the gentleman is now discussing. If the gentleman's amendment should prevail, it would make unnecessary the amendment which was discussed with me by the gentleman from Tennessee [Mr. DAVIS] a few moments ago. I should be glad to have the gentleman in his five minutes consider the suggestion which has been offered by the gentleman from Tennessee in order to see which would accomplish the best results in connection with the language of the bill.

Mr. LARSEN. I shall be very glad to do that, although this is the first I have heard of the amendment proposed by the gentleman from Tennessee [Mr. DAVIS].

The original bill, however, provided that the President should designate one of the members as chairman, and the language on page 22 of the bill provides that the first meeting of the commission shall be held at such time as the chairman may designate. Now, if we have nobody designated chairman, of course, there would be nobody to call a meeting. Therefore, I think it is necessary to have one of the persons appointed by the President designated as chairman.

The purpose in striking out the three words in the preceding line is simply to improve the phraseology and, as I understand it, the grammatical construction of the section.

I do not know the provisions of the amendment to be offered by the gentleman from Tennessee.

Mr. DAVIS. I will state to the gentleman that the amendment which I had prepared and had submitted to the members of the committee on the other side—and which, as I understood, they had agreed to—provides for striking out, at page 22, lines 9 and 10, after the word "Washington," the words "at such time and place as the chairman of the commission may fix" and inserting in lieu thereof the following language:

As soon after their appointment and confirmation as possible, at which time the members of the commission shall elect one of their number chairman and otherwise organize.

Then that would be followed by an amendment, which would follow the amendment just read, if adopted, to insert:

Thereafter the commission shall convene at such times and places as a majority of the commission may determine, or upon call of the chairman thereof or the Secretary of Commerce.

Mr. LARSEN. Mr. Chairman, this is the first time I have heard of that amendment. The only objection I see to the amendment is that this commission is composed of five men who are to be taken from the respective districts embraced in the United States. Necessarily, some of them will come from a region far west of the Mississippi River, others will come from the North, and some from the South. The first meeting which would be called would probably be simply for the purpose of electing a chairman, according to the amendment offered by the gentleman from Tennessee. I think that would be an unnecessary expense. It would be an unnecessary meeting. The President, under the amendment which I have offered, would simply designate the chairman, and when the chairman is designated he may not be needed for three or even for six months.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LARSEN. Mr. Chairman, I ask for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Will the gentleman yield to me?

Mr. LARSEN. Yes.

Mr. MOORE of Virginia. Might not the gentleman's proposition involve this difficulty? Let us suppose his amendment is approved and the President appoints as the chairman a member of this commission who is to serve for a term of three years. When his term expires, what provision would there be for the appointment of a chairman, unless such appointment is left to the commission itself?

Mr. LARSEN. I do not know that that is really material; as I understand the section, I think probably after the first meeting they would have the right to organize and elect their own chairman, but it seems to me, whether that is true or not, it is nothing but fair that the President should designate the first chairman of the commission. For that reason I prefer the amendment which I have offered to the amendment to be offered by the gentleman from Tennessee; otherwise, I would be glad to accept his amendment. I think the amendment of the gentleman from Tennessee incurs an unnecessary expense and would necessitate an unnecessary meeting. As stated, they may not be called together for six months, and they ought to be in position where they can be called together at any time needed.

Mr. Chairman, I would like to offer an amendment to my own amendment and I therefore ask unanimous consent to modify my amendment by adding:

Provided, That chairmen thereafter selected shall be chosen by the commission itself.

The CHAIRMAN. Is there objection to the amendment offered by the gentleman from Georgia to his own amendment?

There was no objection.

Mr. LARSEN. Now may the amendment be read as amended?

The CHAIRMAN. The Clerk will read the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. LARSEN of Georgia: Page 21, line 16, after the word "Commissioners" strike out the words "who shall be"; also at the end of line 17, strike out the period, insert a comma, and add the following: "one of whom the President shall designate as chairman: *Provided*, That chairmen thereafter elected shall be chosen by the commission."

Mr. DAVIS. Mr. Chairman, I wish to be heard in opposition to the amendment.

This involves a rather curious situation, different from anything we have ever had, that the President shall appoint the first chairman of the commission who, under the provisions of the bill, may be appointed for anywhere from three to seven years, but thereafter the commission to elect its own chairman. I think the commission should elect one of its members as chairman from the beginning, just as is done in the case of the Interstate Commerce Commission and the Federal Trade Commission. For instance, in the Interstate Commerce Commission they have adopted the custom of electing one of their number chairman to serve for a year, and then rotating the chairmanship among the members.

Mr. SCOTT. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. SCOTT. I am inclined to agree with the gentleman's suggestion, and I believe the gentleman from Georgia [Mr. LARSEN] would not object to the gentleman offering an amendment which would correct that situation, and prevent the President from selecting a member of the board who would occupy the position of chairman for the period suggested.

Mr. LARSEN. I would not object to an amendment providing that the President shall name the chairman who shall serve for a term of two years.

Mr. SCOTT. And may I say further to the gentleman, I think if the amendment of the gentleman from Georgia [Mr. LARSEN], is accepted, the second amendment which the gentleman from Tennessee [Mr. DAVIS] suggested to me a few moments ago, would still be in order and ought to be inserted, which would allow the Secretary of Commerce or the chairman to call the meeting.

Mr. DAVIS. Yes.

Mr. SCOTT. Otherwise, you might have an arbitrary chairman who refused to call a meeting.

Mr. DAVIS. Yes; as suggested by the gentleman from Michigan the amendment under consideration still does not alter the situation covered by my second amendment.

Mr. SCOTT. No.

Mr. DAVIS. But let me see if I understand the gentleman's suggestion with regard to the amendment of the gentleman from Georgia [Mr. LARSEN]. Do I understand that the gentleman agrees with me that the chairman should be elected by the commission?

Mr. SCOTT. Yes; I do not think the chairman ought to be selected by the President and authority conferred upon the President to select a chairman who would hold that position possibly for a period of seven years. I do not believe that ought to be done.

Mr. DAVIS. I agree with the gentleman. Here is another thing: The reason urged by the gentleman from Georgia was that under my proposed amendment it would be necessary for this commission to convene and organize. That is important, if they are to perform any duty. All appeals would come to that commission and references from the Secretary. They are certainly going to have some record. When at home, scattered throughout the different sections of this country, there would be nobody to receive communications, official or otherwise, so that it would be imperative that they should elect a secretary who could perform these functions and notify them.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS. It would be important that that secretary should be elected; and consequently I do not think there is anything in the gentleman's point that it would be more economical to adopt his amendment.

Mr. LARSEN. The gentleman will remember that this is a bipartisan commission. There will be three members who are Republicans, and they will elect anybody they want for chairman. Let the President appoint the chairman and be done with it.

Mr. DAVIS. It would naturally result that the party in power would elect the chairman, for the reason that the majority of the commission would be members of that party in power. But I was not looking at it at all from a political standpoint. It is a question of following the practice that has obtained in respect to other commissions. It is a matter of principle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. EATON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EATON: Page 22, line 19, after the word "person," insert the words "firm, company, or corporation."

Mr. SCOTT. Mr. Chairman, I do not think there will be any objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 23, line 10, strike out the word "shall" and insert the word "may"; also strike out in line 10 the words "who shall"; also strike out lines 11, 12, and 13 down to the word "such" and insert in lieu thereof the word "and."

Mr. SCOTT. Mr. Chairman, may I say to the committee that this amendment is suggested by a gentleman whose judgment is respected by this House, the present chairman of the committee, and there are other good reasons why the amendment should be adopted.

The CHAIRMAN. The Chair suggested this amendment because under the language of the section it is mandatory to appoint a secretary. This amendment is simply to clarify the financial side of the transaction.

Mr. BLACK of Texas. Does the gentleman from Michigan think the language as amended will be sufficient to insure that the employees will be appointed under the civil service? I will say to the gentleman that generally in acts of this kind in creating a commission it is usual to specifically state that they shall be appointed under the civil-service rules.

For example, in the act creating the Federal Trade Commission it said with the exception of the secretary and clerk to each commissioner, the attorneys, and such special experts and examiners as the commission from time to time found necessary, all the employees of the commission should be under the classified civil service.

I will say that what I want to make certain is that they shall be under the civil service. It is the custom ordinarily to use affirmative language in these bills putting them under the civil service.

Mr. LEHLBACH. I think the language employed in the Federal Trade Commission act was to except those people specifically rather than put the rest of them in.

Mr. BLACK of Texas. The gentleman may be correct in that understanding of the language; and if the committee is certain that the altering of the language as suggested by the amendment will insure what we have in mind, that is all that is necessary.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to ask the gentleman from Michigan [Mr. SCOTT] if that will leave it so that the commission may be without a secretary?

Mr. SCOTT. No; it does not. Under the language as it was originally in the bill the commission would be obliged to appoint some person to act as secretary.

Mr. COOPER of Wisconsin. But I can not conceive of a commission exercising public functions of this kind that ought not to have a secretary to keep a record of its proceedings.

Mr. SCOTT. The record of the proceedings will be down there in the Department of Commerce.

Mr. LEHLBACH. The language as amended will read:

The commission may appoint a secretary and such clerks, experts, examiners, etc., as may from time to time be necessary.

Mr. COOPER of Wisconsin. Does the gentleman think that a commission to exercise functions as important as those devolving upon this commission should go without a secretary and not have a record of its proceedings?

Mr. LEHLBACH. Does the gentleman from Wisconsin think it conceivable that any commission in this Government that may appoint a secretary will not appoint one?

Mr. COOPER of Wisconsin. I can not conceive of any reason for changing this mandatory provision requiring them to have a secretary and leaving it to their discretion, unless the gentleman thinks that sometimes they will not have a secretary. If they ought to have one, and, as the gentleman says, they will appoint one as a matter of course, why change it from "shall" to "may." I think it ought to be "shall."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. EATON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EATON: Page 22, line 25, after the word "person" insert the words "firm, company, or corporation."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. EATON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EATON: Page 23, line 3, after the word "of" insert the words "or the refusal to revoke."

Mr. SCOTT. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DAVIS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DAVIS: Page 22, line 10, following the word "fix," insert: "The commission shall convene at such times and places as a majority of the commission may determine, or upon call of the chairman thereof, or the Secretary of Commerce."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 23, line 4, after the word "Columbia," strike out the period, insert a comma, and add the following: "or in the case of a revocation of a license, the person, firm, company, or corporation interested or aggrieved may, in the alternative, appeal to the district court of the United States for the district in which such interested aggrieved person, firm, company, or corporation resides or has its principal place of business."

Mr. WHITE of Maine. Mr. Chairman, I reserve the point of order on the amendment.

Mr. JONES. This applies only to the revocation of a license.

Mr. WHITE of Maine. Has not this amendment been voted on already?

Mr. JONES. No; the other amendment applied to both the granting and the revocation of a license. This applies simply to the revocation of a license, and in addition to that it is to a different proposition altogether. The other paragraph to which a similar amendment was offered was on page 13, and the amendment to it involved also the striking out of additional language.

Mr. WHITE of Maine. I think the amendment has already been voted on, and I reserve the point of order.

Mr. JONES. Mr. Chairman, I think this amendment should be adopted. Of course, upon the question of granting licenses it may be well to give an appeal to the commission in Washington, but on the revocation of licenses, where a man in an outlying section has installed machinery and has gone to the expense of equipment for broadcasting, it seems to me he should be privileged to go into the district court of his residence.

Now, I want to say that would not involve much trouble, because I am informed there has been only one revocation of license since the existing law has been operating under a provision of this kind.

Mr. LEHLBACH. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from New York [Mr. GRIFFIN] was an amendment which only went to an appeal from the revocation of the license. This amendment is out of order in that it has already been disposed of by the committee——

Mr. JONES. I desire to be heard on the point of order. On page 13, the chairman will remember, the Chair will notice that it says:

> An applicant for a permit or license whose application is refused by the Secretary of Commerce, and any holder of a license revoked by the Secretary of Commerce.

It not only covered the refusal of a license and the revocation of a license, but also the paragraph in section 3; the previous amendment, if adopted, would have stricken out the language—

> within 20 days after the filing of said statement by the Secretary of Commerce either party may give notice to the court of his desire to adduce additional evidence.

Mr. LEHLBACH. Mr. Chairman, I desire to say on the point of order that subsequent to that amendment the gentleman from New York [Mr. GRIFFIN] offered an amendment which was in substance the amendment now offered.

Mr. BEGG. Will the gentleman yield?

Mr. JONES. But if the same amendment is offered it is an entirely different paragraph which provides for a different kind of an appeal. The former provides for an appeal taken from the Secretary of Commerce. The latter paragraph applies to appeals to the commission and from the commission and involves an entirely different proposition.

Mr. WINGO. Do I understand that it is contended that because the same amendment is offered to another section of the bill——

Mr. JONES. But it is not the same amendment.

Mr. WINGO. But even if it were it would not be subject to the point of order.

Mr. JONES. This is different.

Mr. WINGO. It is an unheard of proposition to say because it is offered to another section of the bill it is out of order, even if that were true.

Mr. JONES. If that were true a point of order would lie to this paragraph because it is all covered in another section of the bill. But this is an entirely different proposition. Mr. Chairman, section 3, page 13, applies not only to an application and refusal of a license and to a revocation of a license, but it applied to appeals from the Secretary of Commerce. The one which the Chair has before him applies to appeals from the Secretary of Commerce to the commission, and also covers not only the application for a license, and the revoking of licenses, but also to any other matter, the determination of which is vested in the Secretary of Commerce under the terms of this Act.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order.

Mr. JONES. Mr. Chairman, I would like to be heard on the merits of the proposition just for a moment. I will not even take the five minutes. Mr. Chairman, I understand it is very seldom the Secretary of Commerce has found it necessary to revoke a license. I understand while there are 250 applications for the issuance of licenses which he has not been able to grant because of the numerous applications, he has only found it necessary to revoke a license in one instance, so it is probable he will very seldom find it necessary to apply his power to revoke a license. In such a case if it is in some far-away section where there are small stations it is going to be impossible in some cases for the aggrieved person to come to Washington and present his case, whereas the Government has the district attorney and all the machinery of the courts by which the Government may present its case. I believe, therefore, my amendment will protect the rights of the Government in cases of that kind, and at the same time enable all parties to have a fair hearing. Since I have limited this amendment simply to the revocation of a license, the committee should agree to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS: Page 22, line 25, after the word "it," insert "Decisions of the commission, whether upon appeals or references, shall be binding upon the Secretary of Commerce and the other parties unless such decisions be reversed or modified by the court on appeal."

Mr. SCOTT. We have not reached that point yet.

Mr. DAVIS. Yes. It is on page 22, line 25.

The CHAIRMAN. The Chair informs the committee that the amendment is in order at this point for consideration as an amendment to that section to which it is offered.

Mr. DAVIS. Mr. Chairman, I wish to particularly address the chairman of the Committee on Merchant Marine and Fisheries. As I recall, the previous bill contained a provision to the effect that the decisions of the commission would be binding on the Secretary, and it was suggested in the committee that they should likewise be binding on the other parties, and I understood it would go into the bill in that way.

What is the need of having a commission to review the decisions of the Secretary of Commerce, whether it be upon reference or upon appeal, if it is not going to be binding? I think the gentleman from Maine [Mr. WHITE] will verify the fact that the provisions relative to the original commission provided only for references, but it was followed by the statement that the decisions of the commission should be binding upon the Secretary. Now, this amendment simply covers the present situation and makes it binding, as it should be, upon the Secretary and the other parties to the case unless it is modified or reversed by the court upon appeal. I assume that there surely can be no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DAVIS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 24, noes 44.

So the amendment was rejected.

Mr. DAVIS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers another amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS: Page 23, line 17, after the word "Congress," insert "with the exception of the Secretary, a clerk to each commissioner, the attorneys and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. DAVIS. Now, Mr. Chairman, I wish to offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers another amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS: Page 23, line 18, strike out lines 18 to 23, inclusive, as follows:
>
> "The members of the commission shall receive a compensation of $25 per day for each day's attendance at sessions of the commission and while traveling to and from such session, but not to exceed 120 days' pay in any calendar year, and also their necessary traveling expenses," and insert in lieu thereof "each member of the commis-

sion shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. No commissioner shall engage in any other business, vocation, or employment."

Mr. DAVIS. So far as the question of cost is concerned I submit that there can not be much difference between a commission of five to serve permanently, and devoting all of its time and attention to this work, and a commission which is authorized to convene and serve as often as it sees proper, not exceeding 120 days in the year, and at $25 each per day. However, there is this additional provision—that all of their expenses to and from their respective places of residence to the meetings, no matter how often they may be held, shall likewise be paid by the Government, and this will naturally amount to a considerable sum which would not be paid in the case of the permanent commission.

So far as the importance of the two is concerned, there is no comparison. This is a very complex and technical subject. No official or tribunal can intelligently and efficiently pass upon these questions without a study of the problem and a study of it in its broader aspects. There is just as much reason for this commission to devote all of its time to becoming informed upon the matters in the various radio fields as there is in the case of the Interstate Commerce Commission.

If anything it is a more complex subject. As I have heretofore stated, I think it should be enlarged into a communications commission, so as to give them jurisdiction over all of the communication services. That amendment could be made in the Senate by the committee to which it will be referred and which has jurisdiction over both wire and wireless communications. I believe anybody who is at all familiar with this subject will concede such a commission with real authority is absolutely inevitable. The establishment of the Interstate Commerce Commission was fought by the railroads and others for perhaps 40 years, just like this is being fought. As Secretary Hoover himself says, and as everybody who knows anything about it must admit, these are public utilities, and the time has arrived when we should have someone in authority and with the time, the opportunity and the knowledge to deal with these matters.

Not only that, but there is another important feature in having a permanent commission on the ground all the time and that is to speedily hear and determine appeals that may be taken from decisions of the Secretary of Commerce. As it is now provided they may convene in six months or they may convene in nine months and they may have consumed all of their 120 days, in which event they could not convene any more during that calendar year. Yet there may be any number of important appeals—which the parties in interest have a right to have speedily determined—resting in the archives of that commission and yet it be unable to convene.

It is an important subject and it is entitled to consideration such as is suggested by this amendment.

Mr. LARSEN. Mr. Chairman, I rise in opposition to the amendment. Gentlemen of the committee, I am rather sparing with compliments at all times, but I think this is one instance when gentlemen on the other side of the Chamber are entitled to our congratulations rather than censure.

As the bill was originally drawn it provided for nine commissioners, to be appointed by the President, without the advice or consent of anyone. The bill did not specifically provide that the President should appoint the members of the commission from the respective districts, and, so far as its terms were concerned, they might all be members of one political party. For one, I thought the commission was too large, in that it had nine members.

I felt that a commission of three was amply large, and I still think so; but the committee after consideration of the proposition decided that it would be best to have at least five. So then a commission of that kind is provided in the bill. But the members are only paid $25 per day, and they can not be in session more than four months of the year. The jurisdiction of the committee is limited. It will be confined largely to appeals on the granting of licenses, the allocation of wave lengths, and so forth. Most of the work will be done by the Secretary of Commerce, and the commission will or can cost but little. The committee so amended the bill that the commission has been made both regional and bipartisan. Not only this, but their appointment is subject to the ratification of the Senate.

The tendency of the times is toward the creation of large commissions. A great many members of the House are here, I assume—I am sure this applies to Members on the Democratic side—under a distinct promise to their constituents that they will do everything in their power to reduce taxes. A considerable majority of our people are opposed to large bureaus and commissions. Speaking for myself, I know I voice the sentiments of a great many people not only in my district but in various parts of the country when I say Government commissions are entirely too large and too numerous.

We should not forget that radio activities so far as rates are concerned are already under a commission. They are under the Interstate Commerce Commission, as are the telephone and telegraph companies. We have no jurisdiction under the pending bill to deal with the telephone and telegraph companies, so why do you want to take such jurisdiction as relates to rate matters for radio communication from under the Interstate Commerce Commission and put it under another commission, a large one, whose members are to be paid a salary of $10,000 per year each.

The amendment proposed by the gentleman from Tennessee, to me seems unnecessary at this time and the present legislative situation. The gentleman says in one breath he thinks the commission ought to be broad enough to sweep into its activities all wire and wireless communications, such as have to do with radio, the telephone, the telegraph, and the cable. But the gentleman admits you can not sweep them in because the committee does not have jurisdiction.

Mr. DAVIS. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. DAVIS. Does that parliamentary situation alter the principle?

Mr. LARSEN. I think it does. I also think it is a very bad principle and a principle we should not countenance in the enactment of this legislation.

I am opposed to undertaking to create large commissions to give an excuse for gentlemen at the other end of the Capitol to lug in legislation when they may not otherwise do it. If they are going to do that, let them have hearings on the matter and proceed in an orderly and systematic way.

We heard nothing when we were conducting hearings upon this bill with reference to the telegraph, the telephone, or to the cable situation in this country except from a gentleman who came here from Boston saying that he preferred they should all be swept into one heap and that the bill should be so drawn as to give jurisdiction over all of them. When we looked into the situation that could not be done, as the committee did not have jurisdiction of any matters except radio.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LARSEN. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LARSEN. After looking into the situation we decided we could not exercise jurisdiction over telephone and telegraph matters, and therefore decided we would create a radio commission, without jurisdiction as to rates for service, but authorized to aid the Secretary of Commerce and to also guard the public interest where needed, and that is what I am in favor of doing. I am not favorable to the creation of a large or expensive commission.

Consider some of the appropriations made for the various commissions already in existence and we may get an idea of where the matter will probably end should we create another, such as the amendment proposes.

If there is anything that ought to be efficient, it is the Bureau of Efficiency, yet it cost us over $150,000 last year, and the bill for this year carries $210,350. For the Civil Service Commission we appropriated last year $1,008,092; there was appropriated for travel alone $18,000 and for rent $24,592. This year's appropriations for Employees' Compensation Commission is $2,742,040, of which $138,000 is for salaries. The appropriation for the Federal Board for Vocational Education is $843,620; Federal Power Commission is $28,400; Federal Trade Commission for last year was $1,008,000; for this year it is $997,000. The Housing Corporation appropriation was for last year $743,915, while for this year it is $674,398.

Mr. BLANTON. And if the gentleman will yield, the Housing Corporation was a war corporation, that was supposed to go out of business shortly after the war.

Mr. LARSEN. Yes. The point I make is that when you once creat a commission you can not put it out of business. You have an annual expense from year to year whether it is necessary or unnecessary.

Then there is the Interstate Commerce Commission, consisting of nine members, that you say will not do this work. The appropriation for that commission was for last year $6,853,962, while for this year the House has voted $6,153,157.

I do not favor the maintenance of big commissions. What is more important than the postal transactions of this country? What business is larger or more intricate? Yet one Post-

master General is in charge of all the work, and giving more general satisfaction than the entire Interstate Commerce Commission with its nine members, and you know it. If the Interstate Commerce Commission would divide up the work so as to permit each member of the commission to perform a different service, say, letting one man look after radio, another telephone and telegraph, while another looks after railroads, and so forth, and then sit en banc when necessary and dispose of the business of the commission, they might, and I believe would, accomplish much more. For one I am not in favor of creating any more large commissions.

The little commission we have created here performs simple duties with reference to licenses and matters of that kind. They will be here but four months in the year, and they can not spend much money, although I am afraid it is but a nucleus for building up a large commission. God knows, for one, I want to postpone the evil day as long as possible.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. COOPER of Wisconsin. The gentleman says this little commission he speaks of will be here only four months in the year. Who will attend to complaints and transact other business during the other eight months?

Mr. SCOTT. There will not be any business to transact.

Mr. COOPER of Wisconsin. Why do you have any commission at all?

Mr. LARSEN. Because there may be a little work to do pertaining to granting of licenses, wave lengths, and so forth.

Mr. COOPER of Wisconsin. The gentleman says there may be a little work to do. How much, 4 months or 12 months?

Mr. LARSEN. The Secretary of Commerce says it probably will not be more than 30 days. They can not work over four months per year. So far as I am personally concerned, I trust they have nothing to do. Under the terms of the bill as now written, if they do no work, they will be paid nothing. No one should want to pay an idle "swivel-chair brigade." Our national commission octopus is already too large; his legs are too long. I am in favor of lopping them off instead of trying to grow more.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment to strike out the last line of the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MOORE of Virginia moves to amend the amendment offered by Mr. DAVIS by striking out the following language: "no commissioner shall engage in any other business, vocation, or employment."

Mr. SCOTT. Mr. Chairman, with the permission of the gentleman from Virginia, I want to ask unanimous consent that at the end of five minutes all debate on the section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. COOPER of Wisconsin. I object.

Mr. SCOTT. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in five minutes.

The question was taken and the motion was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I would be the last one to minimize the earnest work that has been done by this committee, and a great many features of the bill have my thorough approval. But I think the bill is greatly lacking in the feature dealt with in the amendment offered by the gentleman from Tennessee. I believe that when we start to legislate broadly on a great subject like the one involved in this bill we should start right and make the legislation as comprehensive as most of us admit that it should be.

Now, we all agree that complete jurisdiction should not be left entirely with the Secretary of Commerce, however able, strong, and patriotic may be the man now occupying the office. During the consideration of this matter in the last Congress and in the present Congress everybody has admitted this necessity, because everybody has favored a committee or a commission acting in conjunction with the Secretary. In the last Congress a committee of 15 was proposed by the bill brought here by the committee that brings in this bill.

In the present Congress the bill that was offered contemplated a permanent commission of nine. Now we have a proposal for a commission which, from the point of view of many, can not be justified. My friend from Georgia [Mr. LARSEN] suggests that the reason we ought to be content with it and not do something more effective is that we have too many commissions. We may have too many commissions, but that is not an answer to the proposition that there ought to be a very strong and effective commission, if any is to be created—not large, but strong and effective, permanent in its character, and possessing well-defined powers.

Mr. LARSEN. Will the gentleman yield?

Mr. MOORE of Virginia. I can not, as I have only five minutes. The gentleman makes another suggestion and says that the Interstate Commerce Commission has jurisdiction already. I do not know anyone familiar with the business of that commission who does not realize that it can not take charge of the radio business. It now has more duties than it can well perform in connection with the regulation of the railroad companies and the varied and complex work incident thereto.

Mr. LARSEN. Will the gentleman yield?

Mr. MOORE of Virginia. I suppose I must yield.

Mr. LARSEN. Will the gentleman from Virginia tell the House why the Interstate Commerce Commission should neglect one branch of the work in preference to another if they have jurisdiction over this?

Mr. MOORE of Virginia. The law has charged it with the great duty of regulating railway transportation, and Congress is almost constantly increasing its labors along that line. Whoever understands the present conditions can hardly think that it can or will do much in regulating wire or wireless communication. The reason why I shall reluctantly vote against the bill is that I am hopeful it will be recast in the Senate, and in that process there will be a commission created either within or without the Department of Commerce which will be charged with jurisdiction and responsibilities not only with respect to the radio but the telegraph, the telephone, and the cables. That, in my judgment, would be a proper step to take and give an assurance for the future which this bill with this curiously unusual and extraordinary commission will not afford.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to the amendment of the gentleman from Tennessee.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 9. The Secretary of Commerce is authorized to designate from time to time radio stations, the communications or signals of which, in his opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator, of a class to be determined by the Secretary of Commerce, listening in on the wave length designated for radio communications or signals of distress during the entire period the transmitter of such station is in operation.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. As the gentleman from Virginia [Mr. MOORE] rose to express his sentiments respecting this bill and the reluctance with which he will vote against it, I rise to express mine. The subject involved in the bill is one of the most important that will come before the Sixty-ninth Congress. It is a measure of vast importance and proposes, I think, with all due respect to Secretary Hoover, to give to the Secretary of Commerce more power over radio than any man ought to have. There have been department Secretaries to whom no Member of the House would vote to give this power. We might as well be plain about it. Is there a gentleman on this floor who would give this power over radio to former Secretary Fall? That is a legitimate question. Secretary Hoover is a man of very high reputation and of exceptional ability, but that has nothing to do with the question. He is a political appointee. Should a political appointee have control over an invention which may be used with such tremendous power in politics? This is not a party question; this is a question which concerns the welfare of all of the people of the United States, because the politics of the United States directly concern all of the people of the country. No political appointee of any party should be given control of the radio system of the United States. With due deference to the committee which thought differently, it is my judgment that the commission should be permanent, because it will have to do with a business that is of exceeding importance now and that will be of greatly increased—transcendant—importance in the not distant future.

Everyone will remember reading about the conversation which went on for two hours by radio on Sunday last between New York and London, and who can forget that after the conversation an expert connected with one of the companies said that the time, he thought, was not far distant when a person in this country will be able to call a friend in Continental Europe and converse with him by radio. Now, should any political appointee of any party have control of a

business of that magnitude and of such tremendous potentialities? No, Mr. Chairman; there should be a commission, and it should be permanent.

The gentleman from Georgia [Mr. LARSEN] used an argument here which I heard when I introduced in 1903 a bill proposing to give to the Interstate Commerce Commission the powers which it now has, namely, among other things, upon its own initiative to inquire into abuses in railroad traffic and to protect shippers not able to protect themselves.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. There should be a permanent commission in charge of our great radio system. The gentleman from Georgia [Mr. LARSEN] a moment ago said that the commission proposed in the pending bill will not be here more than four months. Now, what particular four months will that be, and who will control this matter during the other eight months?

Mr. LARSEN. The gentleman realizes they are already under a commission of nine and the Secretary of Commerce.

Mr. COOPER of Wisconsin. The gentleman from Wisconsin also realizes that the gentleman from Virginia [Mr. MOORE] punctured the previous similar statement of the gentleman from Georgia and showed that there is really nothing in it in the way of argument by directing attention to the fact that the Interstate Commerce Commission now, as the gentleman from Georgia himself well knows, has more business than it can keep up to date.

Mr. LARSEN. I would say to the gentleman that I do not know anything of the kind. I think they have a great deal more than they are attending to, but I think they are getting along with it very well. I know of no reason why they should neglect this other business.

Mr. COOPER of Wisconsin. I do not think they would neglect it. They simply would not be able to do an impossible thing. The gentleman looks like an intelligent man——

Mr. LARSEN. Oh, equally so with the gentleman on the other side of the Chamber, and I think that my argument illustrates that fact. Certainly in the community where I am known, I know I rank as high in intelligence as does the gentleman.

Mr. COOPER of Wisconsin. The gentleman is unusually belligerent—much more so, I think, than a man who has a righteous cause ought to be.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask to have the minute which the gentleman from Georgia took away from me.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Wisconsin. The Interstate Commerce Comsion, Mr. Chairman, you know, as well as anyone, and the gentleman from Georgia will if he takes occasion to investigate—the Interstate Commerce Commission can not to-day attend properly, efficiently, and promptly and keep up to date the business devolving upon them by the statutes that the Congress has enacted. It can not do it. It complains constantly of the great amount of business it is called upon to transact. It can not keep up to date, I repeat, and to give them to-day the control of this radio is to devolve upon them a duty they can not perform. To show that the commission in this bill amounts to nothing, they put out of the bill——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I withdraw the pro forma amendment.

Mr. LARSEN. Mr. Chairman, I ask for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LARSEN. Mr. Chairman, I wish to say to the gentleman from Wisconsin that I have a very high regard for his intelligence and would not say anything to wound his feelings. I do not think the gentleman would try to reflect upon me, besides he says he withdraws his statement. I realize he is a man of very high intelligence and a man for whom I have the very highest regard. At the same time I think there are a great many things neither of us knows about the Interstate Commerce Commission and its duties. I imagine its duties are so numerous and so intricate that members on the commission hardly know themselves. I think the Interstate Commerce Commission will not neglect any pressing work, but will continue to look after any matter pertaining to railroads which comes before them to the best of their ability. [Applause.]

The Clerk read as follows:

SEC. 17. Any person, firm, company, or corporation failing or refusing to observe or violating any rule, regulation, restriction, or condition made or imposed by the Secretary of Commerce under the authority of this act or of any international radio convention or treaty ratified or adhered to by the United States, in addition to any other penalties provided by law, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $500 for each and every such offense, which fine may be mitigated or remitted by the Secretary of Commerce.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 28, lines 19 and 20, after the word "offense," strike out the comma and the following language: "which fine may be mitigated or remitted by the Secretary of Commerce" and in lieu thereof add a comma.

Mr. DAVIS. Mr. Chairman, the words which I propose to strike out confer upon the Secretary of Commerce the right to remit or mitigate fines imposed by a court after conviction and as ridiculous as it is it is not more ridiculous than many other features of the bill. It is preposterous, it is in violation of the Constitution of the United States, in my opinion. It is undertaking to confer upon the Secretary of Commerce a power that under the Constitution is conferred alone on the President of the United States. [Applause.] Section 2 of the Federal Constitution provides—

That the President shall (omitting certain provisions) have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

In other words, the President himself is restricted in the particular indicated and, of course, that authority is exclusive. It confers such authority upon him and upon him alone, and it was a power that had to be conferred by the people in constitutional convention assembled. I do not think it needs any further comment. [Applause.]

Mr. GARRETT of Tennessee. The gentleman from Maine [Mr. WHITE] surely is going to accept that amendment, is he not?

Mr. WHITE of Maine. I surely am not going to accept it, so far as I am concerned, and I want to be heard briefly on it.

Mr. BLANTON. The court would knock it out if the gentleman does not accept it.

Mr. WHITE of Maine. Mr. Chairman, in the first place, this provision gives the Secretary of Commerce authority to remit or mitigate only penalties imposed for violations of rules or regulations or conditions made or imposed by himself under the authority of this act or under any international agreement; authority to remit or impose penalties for violation of the regulations he himself has made. Since we have had navigation laws on the statute books a similar provision has been contained in those laws, giving the Secretary of Commerce the power to remit or mitigate the penalties carried therein.

Mr. GARRETT of Tennessee. Does the gentleman from Maine mean to say after the decision of the court?

Mr. WHITE of Maine. Yes. I will read you some authorities. I read from an opinion of the Attorney General of the United States:

The Attorney General (29 Op. Atty. Gen., p. 149) considered a case in which judgment by default was entered into in the District Court of the Southern District of New York. The defendant was not able to pay the amount of the judgment, to which had been added interest and costs, and the department inquired of the Attorney General if it could mitigate the total amount to a sum less than the interest and costs which attached.

The Attorney General held that this could be done, citing the case of the United States v. Morris (10 Wheat. p. 246) and the *Laura* (114 U. S. 411, 415). The syllabus of the opinion of the Attorney General is as follows:

"The Secretary of Commerce and Labor has authority, under section 5294 of the Revised Statutes, to remit or mitigate a penalty after entry of final judgment incurred for violating a provision of law relating to vessels and seamen and discontinue the prosecution."

You will note this authority is held to exist as to a violation of a provision of law; not a regulation imposed by himself but the violation of a provision of law relative to vessels and seamen. I read further:

The costs which are not as a general rule charged against the defendant when proceedings are discontinued by the plaintiff may also be remitted or mitigated by the Secretary in accordance with the provisions of section 5294, Revised Statutes.

That is the opinion of the Attorney General.

Mr. GARRETT of Tennessee. Is that after the court has passed upon it?

Mr. WHITE of Maine. Absolutely.

Mr. WINGO. Is that the imposition of a penalty, not fine or imprisonment?

Mr. WHITE of Maine. Yes; and costs. This particular section here creates no crime. It provides only for a penalty of $500.

The next paragraph in the bill provides for penalties or punishments in the case of crime, and in that respect the Secretary is given no authority to remit or mitigate. Now let me read further:

In United States v. Morris (10 Wheat. 246) the Secretary of the Treasury under authority of a statute remitted a penalty after a judgment of forfeiture of ship and goods had been entered in the court. One of the questions was "that the Secretary of the Treasury had no power to remit after condemnation." The court said, "It can not be maintained that Congress has not the power to vest in this officer authority to remit after condemnation."

The Morris case was approved in the confiscation cases (7 Wall. 454, 461), and the same doctrine was cited in Brown v. Walker (161 U. S. 598, 601). In Peacock v. United States (125 U. S. 583) it was held that the Secretary of the Treasury had the same power to remit the penalty after as before judgment thereon, and this was approved in United States v. 150$\frac{1}{2}$ Dozen Long Gloves (168 U. S. 1010).

This doctrine has been followed in a long line of decisions. I think it is perfectly clear that the courts have held that this is an authority that may be conferred upon any of the secretaries. That is quite apart, I agree, from the question whether it is wise for us to confer it. But certainly the courts have held over and over again that it may be done.

Let me emphasize it again. This authority to remit or mitigate is given here only in the case of the violation of a regulation which the Secretary himself has promulgated. I do not suggest that where there is a violation of the law the Secretary should have the power to mitigate or remit. There is a sharp distinction, as the gentleman will note, between this provision and the following provision in the bill.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Chairman, I should like to ask the gentleman why they provide that they go into court at all, if it is simply a matter of violating a regulation which the Secretary makes.

Mr. WHITE of Maine. I am perfectly willing to accept that suggestion and omit that part of it, because it may very well happen that the court would find no offense committed, and there might not be any penalty imposed by the court. However, in those cases where there is a penalty imposed by the court, whether it is wise or not, the practice for 100 years has been to permit the Secretary to remit or mitigate, and I venture the assertion that in these minor matters it has worked out well.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not know, but I have always had the idea that the pardoning power was vested in the Executive. If it goes into a court and the court imposes a penalty, that then only the supreme executive power could alter a decision of the court.

Mr. WHITE of Maine. Well, I think the distinction is in the fact that the offense arises out of the action of the Secretary in promulgating the rules and regulations.

Mr. GARRETT of Tennessee. Then, why do you provide for it to go to court?

Mr. WHITE of Maine. I am perfectly willing to omit that.

Mr. GARRETT of Tennessee. Then, why does not the gentleman from Maine prepare an amendment along that line?

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HILL of Maryland. If the gentleman omits that clause, who would say how much of the $500 was to be assessed as a fine?

Mr. GARRETT of Tennessee. The gentleman from Maine will have to work that out.

Mr. WHITE of Maine. I am entirely satisfied with the section as it is, yet I do not care if you want to strike out those words. I think the provision ought to be there, because I think there ought to be a submission to the court of the question as to whether there has been a violation of the rules and regulations promulgated by the Secretary.

Mr. HILL of Maryland. Will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HILL of Maryland. If you strike out the provision providing that the court shall assess the fine, who will then assess the fine, because the fine may be anything up to $500? You have got to have somebody to say how much the fine is.

Mr. BLACK of New York. Will the gentleman yield to me?

Mr. GARRETT of Tennessee. Yes.

Mr. BLACK of New York. If you strike out the court section, how is it to get into the hands of the marshal to collect?

Mr. GARRETT of Tennessee. I do not know, but I do know this: It seems to me this is a violation of every sort of thing in State or Nation. I did not know that we had ever clothed a subordinate official with the absolute pardoning power, and yet that is what this is.

Mr. McKEOWN. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. McKEOWN. The gentleman from Maine used the word "fine," as I understood him.

Mr. GARRETT of Tennessee. Well, if they provided for a jail sentence, it would be the same thing, and there would be no difference.

Mr. McKEOWN. The word "fine" ought to come out, because there is a distinction between fine and penalty. The Secretary will have the right to remit any penalty at any time, but if it is a fine the Secretary has no power to remit the fine; neither has the trial judge, and it has been so decided.

Mr. GARRETT of Tennessee. But he would have that right under this language.

Mr. WHITE of Maine. I think the decisions which I have referred to amply sustain the authority of Congress to pass a statute of this sort, and statutes of this character have been on the books for 100 years.

Mr. GARRETT of Tennessee. Was it required that a court should pass upon them?

Mr. WHITE of Maine. Yes; absolutely, and there is no question about it. There has always been the right to remit and mitigate penalties imposed by the courts.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. McKEOWN. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. McKEOWN. The decisions from which the gentleman read is where a court enforced a penalty and not a fine, and the gentleman will find, if he will refer to these decisions, that they use the word "penalty." The word "penalty" and the word "fine" have two separate and distinct meanings in the law, and the Supreme Court of the United States has so held, and has also held that a judge has no power to remit a fine.

Mr. GARRETT of Tennessee. Now, Mr. Chairman, let me say this: If this passes in this form and if the President of the United States has not lost respect for the executive authority, not only his authority but the authority that is to come hereafter, he will veto this bill. You can not delegate or should not delegate to a subordinate official the exercise of the supreme power to pardon, and that is what this is. [Applause.] I do not know whether the Executive will be under such influence of the present Secretary of Commerce as that he will concur in it. It is not a matter of the individual who is now Secretary of Commerce.

It is not a matter of the individual who is now President of the United States, it is a matter of the exercise of the pardoning authority under the Constitution and under the law. Surely, you do not want to put that power in the hands of a subordinate official.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

Mr. HILL of Maryland. Mr. Chairman, may the amendment be again reported?

The Clerk again reported the amendment offered by Mr. DAVIS.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Maine [Mr. WHITE] a question. Let me ask the gentleman from Maine, in examining the decisions that the gentleman read, is it not true they only apply to civil penalties that were

inflicted or not inflicted by the Secretary for violations of his regulations?

Mr. WHITE of Maine. I do not think so.

Mr. CONNALLY of Texas. And is it not true they do not refer to a criminal penalty, either a fine or imprisonment?

Mr. WHITE of Maine. I do not know that it makes any difference in principle, but I do not think they do apply to civil cases.

Mr. CONNALLY of Texas. Certainly there is a line of distinction between a civil penalty, which could only be recovered by judgment and execution upon the judgment and that sort of thing, and a criminal penalty, which would carry with it imprisonment for failure to pay.

Mr. WHITE of Maine. I do not think that is so.

Mr. CONNALLY of Texas. If the gentleman will examine the opinions, I believe the gentleman will find that is the case.

Mr. O'CONNELL of Rhode Island. Will the gentleman from Texas yield, that I may ask the gentleman from Maine whether he considers it important enough to insist that the Secretary shall have this power, and by his insistence imperil the passage of this legislation? Why can we not agree that that may be stricken out and go ahead with the bill?

Mr. WHITE of Maine. It is perfectly apparent that if a majority of the committee are against this provision they will adopt the amendment which has been offered, and that will obviate the difficulty which the gentleman from Rhode Island suggests. So far as I am personally concerned, I am against the amendment which is suggested, because I believe this is a salutary provision. I believe similar provisions have worked well during the 100 years during which similar provisions have been on the statute books, and I believe this provision ought to be in the bill.

Mr. BLACK of New York and Mr. GARRETT of Tennessee rose.

Mr. CONNALLY of Texas. Before I yield, let me say this to the gentleman from Maine. The gentleman does not provide in his bill that the Secretary has the power to fine anybody or imprison anybody, does he?

Mr. WHITE of Maine. No.

Mr. CONNALLY of Texas. Then, of course, a violation of the regulations, just as I suggested to the gentleman, would not be a criminal penalty, and it could only apply to a civil penalty recoverable in the courts of law by judgment and execution thereon, and therefore the decisions if they follow that line at all are not in point.

Mr. WHITE of Maine. Of course, there is nothing new about this. A similar provision is in the present radio law, giving to the Secretary power to remit and mitigate, and it is almost common practice in our statutes.

Mr. CONNALLY of Texas. The gentleman has just admitted that the Secretary has no power to fine people and imprison them, and therefore a ruling that the Secretary could mitigate a penalty would not mean he could mitigate a fine or imprisonment.

Mr. WHITE of Maine. I do not claim that.

Mr. BLACK of New York. If the gentleman will yield——

Mr. CONNALLY of Texas. Yes.

Mr. BLACK of New York. The gentleman realizes that although the Secretary may be given this power, he can not affect the judgment of the court, and this language will simply allow him to go into court and have the order of the court amended.

Mr. CONNALLY of Texas. I think the language ought to be stricken out.

Mr. BLACK of New York. Then he could not go into court and apply for a change in the original judgment.

Mr. GARRETT of Tennessee. If the gentleman from Texas will permit, let me say to the gentleman from New York [Mr. BLACK] this puts the pardoning power in the hands of a subordinate of the Executive—complete pardoning power.

Mr. BLACK of New York. My position is it keeps it in the court where it must finally go. The court orders the judgment, and the court is the only one that can alter that judgment.

Mr. GARRETT of Tennessee. That is not what it says.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman from Maine this question: Is the use of the word "fine" correct—accurate? A fine is imposed by a court after conviction for a misdemeanor, a violation of a criminal law, but would there be here a violation of anything in the nature of a criminal statute?

Mr. WHITE of Maine. I do not think so. I accept the gentleman's suggestion. It would be happier language if that was "penalty" instead of "fine."

Mr. COOPER of Wisconsin. It should be changed, because this fine of $500 would presuppose the commission of a misdemeanor.

Mr. WHITE of Maine. I think the gentleman is right. I think it would have been happier language if I had used the word "penalty" rather than "fine."

Mr. HILL of Maryland. Will the gentleman yield?

Mr. COOPER of Wisconsin. I yield.

Mr. HILL of Maryland. Section 17 creates a new misdemeanor. Anything punished by the court with a fine is a misdemeanor.

Mr. COOPER of Wisconsin. And it being a fine imposed by a court for a misdemeanor you should not attempt to delegate the pardoning power to the Secretary of Commerce.

Mr. GARRETT of Tennessee. This does not create a misdemeanor, but it delegates to the Secretary of Commerce the authority to say what shall be a misdemeanor; that is bad enough. And then it provides that the court may sustain if it choose that ruling by the Secretary, and then he can set the court decision aside.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

this act, upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not more than $5,000 and/or by imprisonment for a term of not more than five years for each and every such offense.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. What does the language in lines 2 and 3, page 29, mean, "a fine of not more than $5,000 and/or by imprisonment for a term of not more than 5 years?"

Mr. SCOTT. The language means both.

Mr. HILL of Maryland. In other words, it means a fine of not more than $5,000 and a term of imprisonment of not more than 5 years, or a fine alone, or imprisonment alone. It does not have to be both.

Mr. SCOTT. No.

Mr. HILL of Maryland. Why do you not adopt the ordinary phraseology in criminal codes and say a fine of not more than $5,000 or by imprisonment for a term of not more than 5 years, or both? That is the usual language.

Mr. BLANTON. Can the gentleman tell us just where this new and archaic phraseology that we find lately in our bills came from?

Mr. HILL of Maryland. I do not know. I do not think it proper. This section creates a new Federal crime—not a misdemeanor but a felony—and it should be specific and absolutely clear in its meaning.

Mr. BLANTON. Within the last year this language has just popped up.

Mr. HILL of Maryland. In all penal statutes of the United States the penalty is imprisonment or a fine or both. As the gentleman from Texas [Mr. BLANTON] says this sort of language has only appeared recently. The gentleman from Texas never saw this sort of language when he was a judge on the bench and I never saw it in Federal criminal statutes when I appeared before the bench as a Federal district attorney.

Mr. BLANTON. Some committee found this in some old archaic statute and now puts it in every bill that comes here.

Mr. WHITE of Maine. As a further explanation of the source from which it comes I refer the gentleman to his own side of the House.

Mr. HILL of Maryland. Wherever it came from, it is bad. Mr. Chairman, I move to amend on page 29, line 3, by striking out the word "and" and the down stroke "/," and in line 4, after the word "years" insert the words "or both."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland. Page 29, line 3, strike out, after the figures "$5,000," the word "and" and the down stroke "/"; and in line 4, after the word "years," insert the words "or both."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HILL of Maryland. I am glad the committee agreed to this amendment. We can not be too careful when we add new offenses to the Penal Code and extend the criminal jurisdiction of the Federal Government. The section, as just amended, reads:

SEC. 18. Any person, firm, company, or corporation who shall violate any provision of this act, or shall knowingly make any false oath or affirmation in any affidavit required or authorized by this act, or shall knowingly swear falsely to a material matter in any hearing

authorized by this act, upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not more than $5,000 or by imprisonment for a term of not more than five years, or both, for each and every such offense.

This is a pretty stiff provision. If anybody violates any provision of this act he may, if the judge desired, after conviction be sent to a Federal penitentiary for five years and also fined as much as $5,000. There are all sorts of "provisions of this act," some a violation of which would be serious, while others are trivial.

For example, section 10, in part, provides—

All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies or wave lengths which will interfere with hearing a radio communication or signal of distress and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress so far as possible by complying with its instructions.

A violation of this provision would be serious, but in most cases not properly punishable by five years' confinement and $5,000 fine.

On the other hand, section 1, paragraph C, provides:

(C) In time of war or of threat of war or of public peril or disaster or of national emergency or in order to preserve the neutrality of the United States, the President may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners, and every license issued shall be subject in terms to such right.

Section 1, paragraph D, also provides—

That upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Secretary of Commerce, and may deal with such stations as authorized by paragraph (C) hereof.

Violations of these provisions might be of a very serious nature.

Section 17 would probably be the one ordinarily used for infractions of regulations made under this act. We just struck out the last 12 words of that section, so that it now reads as follows:

SEC. 17. Any person, firm, company, or corporation failing or refusing to observe or violating any rule, regulation, restriction, or condition made or imposed by the Secretary of Commerce under the authority of this act or of any international radio convention or treaty ratified or adhered to by the United States, in addition to any other penalties provided by law, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $500 for each and every such offense.

We can not be too careful about the extension of the criminal jurisdiction of the Federal Government, but in the matters covered by this bill, we seem to have a clear zone of proper Federal activity.

This bill was carefully considered by a very able committee which reported the bill with but one Member expressing minority views, yet in the last two days of consideration a number of amendments have been made by this Committee of the Whole.

Very often we hear the question asked by our own or another Member's constituent, "What have you done in Congress?" or "What has Representative X accomplished in Congress?" "Why should you be reelected?" or "Why should we send Congressman X back to the House?"

The general public often does not know of the laborious grind of the "Committee of the Whole House on the state of the Union," and we ourselves very often forget the part that various Members have played in the shaping and passage of important legislation.

The only thing that we can do is to go back to the indexes of the various sessions of various Congresses and see what part Members have taken in the work of the House. If you do that, gentlemen, you will often be surprised to find the number of important measures to whose final form you made definite contribution. Look at the indexes to the CONGRESSIONAL RECORD, and then perhaps you will feel somewhat comforted for the days you have sat here and watched bills like this slowly move forward to final passage.

This bill is a very important one; note section 1, paragraph A, which is as follows:

(A) That it is hereby declared and reaffirmed that the ether within the limits of the United States, its Territories and possessions is the inalienable possession of the people thereof, and that the authority to regulate its use in interstate and foreign commerce is conferred upon the Congress of the United States by the Federal Constitution. No person, firm, company, or corporation shall use or operate any apparatus for the transmission of radio energy or radio communications or signals (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel of the United States, or (f) upon any aircraft or other mobile stations within the United States, except under and in accordance with this act and with a license in that behalf granted by the Secretary of Commerce and except as hereinafter authorized.

Any bill that deals with the new and vast subject of ether control is of extreme importance. The bill creates a new commission. There are too many Federal commissions already. Apparently this commission is intended to act as a check on the great power given the Secretary of Commerce.

When Mr. Hoover appeared before the Committee on the Merchant Marine and Fisheries he said:

I have always taken the position that unlimited authority to control the granting of radio privileges was too great a power to be placed in the hands of any one administrative officer, and I am glad to see the checks and reviews which are placed upon that power in this bill.

* * * * * * *

The judgment of the board (commission) is made final and binding, subject only to an appeal to the courts, and I consider this a highly important provision. As some of the members of the committee know, I have felt that that provision for a board of reference should be somewhat tightened up over the present construction of the bill; in other words, that any question of dispute as to who shall enjoy the radio privilege may be referred to that body, not through the volition of the Secretary of Commerce but by either applicant or disputant in the question.

The proposed commission therefore seems to stand on a somewhat different basis than most of the new Federal commissions. The question of the regulation of radio communication is one of extreme importance, and the whole question of the regulation of the use of "the ether within the limits of the United States" is probably one of the most important matters for present consideration. When we consider radio control of aerial torpedoes that are said to be able to demolish cities, when we consider radio control of battleships and all the possibilities of "the ether," we can not be too careful in the consideration of the pending bill. [Applause.]

The Clerk read as follows:

SEC. 20. This act shall not apply to the Philippine Islands or to the Canal Zone. In international matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

Mr. HOCH. Mr. Chairman, I move to amend, on page 29, line 12, after the word "international," insert the word "radio."

The Clerk read as follows:

Amendment by Mr. HOCH: Page 29, line 12, after the word "international," insert the word "radio."

Mr. SCOTT. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 22. The act to regulate radio communication, approved August 13, 1912, and all other acts or parts of acts in conflict with this act, are hereby repealed. Such repeal, however, shall not affect any act done or any right accrued or any suit or proceeding had or commenced

in any civil cause prior to said repeal, but all liabilities under said laws shall continue and may be enforced in the same manner as if committed, and all penalties, forfeitures, or liabilities incurred prior to taking effect hereof, under any law embraced in, changed, modified, or repealed by this act, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

Mr. EATON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EATON: On page 30, line 8, after the word "accrued," insert "except as herein specifically provided."

Mr. GARRETT of Tennessee. Mr. Chairman, just what does that amendment mean?

Mr. EATON. Mr. Chairman, the intent of this bill, as I understand it, is to make an entirely new deal in regulating and handling the radio business. It would be quite possible for certain firms, corporations, and persons to claim that they have accrued rights under previous licenses. What I want to see is to have the language very explicit that those accrued rights are abrogated, if any ever existed, by this bill, and that a new deal is begun.

Mr. DAVIS. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. DAVIS in the nature of a substitute for the amendment offered by the gentleman from New Jersey, Mr. EATON: Page 30, line 10, after the word "passed," strike out the period and insert the following: ": *Provided, however,* That nothing contained in this section shall be construed as authorizing any person, firm, company, or corporation now using or operating any apparatus for the transmission of radio energy or radio communications, or signals, to continue such use except under and in accordance with this act and with a license in that behalf hereafter granted by the Secretary of Commerce, and except as hereinbefore authorized."

Mr. DAVIS. Mr. Chairman, the purpose of the amendment I offer is the same, I presume, as the purpose of the amendment offered by the gentleman from New Jersey [Mr. EATON], but it occurs to me that there is very grave doubt as to whether his amendment would meet the situation. There is no question but that my amendment makes it clear. The necessity for any such amendment along that line arises from the fact that, beginning on line 1 of page 30, it is provided that such repeal, however, shall not affect any act done or "any right accrued," and so forth. It might be claimed that those who had been given licenses had acquired a right that would continue, and that is not the purpose of the committee; in other words, we do not propose to have any rights to broadcasting licenses continue. It is not only stated in the bill, but it is the spirit of the bill, that there shall be no vested rights in these licenses or in the wave lengths that are assigned to licensees from time to time. It occurs to me that the amendment which I offer is the only amendment that clearly meets the situation.

The CHAIRMAN. The question first will be taken upon the amendment to the amendment in the nature of a substitute offered by the gentleman from Tennessee. The question is on agreeing to the substitute.

The question was taken; and on a division (demanded by Mr. DAVIS) there were—ayes 45, noes 23.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from New Jersey, as amended by the substitute of the gentleman from Tennessee.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9971, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. BLANTON. Mr. Speaker, now that the previous question has been ordered, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. BLANTON. Certainly.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to speak for a moment in order to notify the House that I intend to ask a separate vote upon the Blanton amendment, and I request the membership of the House to look at it in the RECORD and give it careful consideration.

LEAVE TO PRINT

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that Members of the House be allowed five legislative days in which to extend their remarks in the RECORD upon the radio bill.

Mr. MADDEN. Just those who have spoken?

Mr. SCOTT. No. A number of gentlemen asked me for time and I dissuaded them on the suggestion that either three or five days would be given in which to extend their remarks. Some of those men have gone home.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members have five legislative days within which to extend their remarks on the radio bill.

Mr. BLACK of Texas. Let it be understood that they must be the Member's own remarks, and that magazine articles and editorials be not inserted.

Mr. SCOTT. Mr. Speaker, I accept that suggestion.

The SPEAKER. Is there objection?

There was no objection.

RADIO COMMUNICATION

Mr. RAINEY. Mr. Speaker, I congratulate the committee. The bill we are considering has been most carefully worked out. But the necessity for this legislation, in my judgment, is not yet apparent; as this great new industry develops legislation will be necessary. The industry is as yet in its infancy. Its possibilities are limitless. Thirty-one years ago Marconi discovered the principle upon which radio communication is based. The development of his discovery in its applications was for a period of years exceedingly slow.

As late as the year 1912 the principal use of radio was for communication between ships on the sea, and between shore stations and ships. In that year there were approximately about 600 ships upon the seas equipped for radio communication, and only 60 shore stations. To-day 12,000 ships are equipped with radio apparatus and are warned from shore stations of approaching storms. Danger calls are heard by stations and by ships a thousand miles away, and when a signal of distress is sent out from a sinking ship the signal is heard and responded to by ships sailing in that particular area, and the sea is robbed of many of its terrors. To-day in the United States alone there are over 15,000 amateur stations. There are nearly 2,000 ship stations. There are 553 land stations and almost as many broadcasting stations. The congestion in the broadcasting field may soon make constructive legislation necessary.

WONDERS OF RADIO

To-day forces but little understood are sending across the seas a continuous stream of electric energy. Written matter and pictures are to-day transferred, and one great company—the Radio Corporation of America—we are told is to-day developing a radio adjustment which will soon make it possible for the farmer on a lonely farm to attach a little instrument to his radio set and go about his work on the farm, and when he comes back he will find recorded on a tape the markets, and the messages which have come during his absence. Possibilities of development are limitless.

INDUSTRY HIGHLY COMPETITIVE BUT CAPITAL MUST MOVE IN LARGE BLOCS

This great industry in this country is highly competitive. There are over 1,200 manufacturers manufacturing at the present time complete radio sets, as is shown by the reports of the Federal Trade Commission. The same reports show that there are now 1,000 manufacturers of tubes alone, and that there are 5,000 manufacturers of various radio parts. The Forest Co. alone at the present time is turning out 8,000 tubes every day. The total sales last year of radio equipment in the United States amounted to over $450,000,000. This great business is constantly increasing.

THE RADIO CORPORATION OF AMERICA

The Radio Corporation of America is sometimes referred to as the Radio Trust. This corporation is probably to-day the largest of the manufacturing and distributing corporations. Its sales last year amounted to $45,000,000, only one-tenth of the total sales of radio equipment in that year. There is there-

fore as yet no Radio Trust, and there is not likely to be a Radio Trust. The condition of the industry is too highly competitive to expect anything of that character.

The mere fact that a large amount of capital has been assembled by one organization does not furnish a reason for launching attacks at that particular organization. It was the Radio Corporation of America which was able on account of the powerful equipment it has installed, to make possible the conversations across the Atlantic Ocean between New York and London several days ago by wireless, which continued for four hours of time. Conversation across the Atlantic Ocean through the large sending and receiving stations of this company was as easily conducted as if the participants had been only a few miles apart. We must expect in a development of this wonder industry, the accumulation of capital in large blocks. Only in this way can its development proceed as quickly as the nations of the world are demanding that it shall proceed.

THE OMITTED SECTION 4

The bill which was first reported out on this subject from the committee, at this session (H. R. 9108), contained a section which was numbered four, and which was omitted from the bill we are now considering. A point of order was made against an attempt to insert it in the present bill. The point of order was sustained, I think, properly. The section clearly was not germane. For information, I herewith reproduce the section in question.

SEC. 4. It shall be unlawful for any person, firm, company, or corporation, in any manner or by any means, (a) to send or carry, or to cause to be sent or carried, from one State, Territory, or possession of the United States or the District of Columbia to any other State, Territory, or possession of the United States; or (b) to bring, or to cause to be brought, into the United States or into any of its Territories or possessions from any foreign country, any radio vacuum tubes or other radio apparatus or any of the parts of either, whether patented or unpatented, accompanied or then or at any time affected or impressed by or with any condition, agreement, instruction, obligation, or limitation, the purpose and/or effect of which is to fix the price at which the purchaser may resell the same, or to prohibit or restrict the parties by whom or the purposes for which said tubes and apparatus or the parts thereof may be used.

Attempts will probably be made in the future to secure legislation along the lines suggested in this amendment. The amendment, it will be noted, principally attempts to prevent a fixing of prices at which the purchasers may resell any radio apparatus. It does not appear to me that in the present highly competitive condition of this industry legislation of this kind is necessary. The greatest industry we have is the automobile industry. It has developed in a comparatively few years until to-day we manufacture over 90 per cent of all the automobiles manufactured in all the world, and we consume even a larger percentage of the world's manufacture of automobiles than we produce.

The automobile industry of the United States is the greatest industry the world has ever seen in all the centuries. It has been highly competitive at every stage of its development and is still highly competitive, and there never has been any legislation attempted to prevent price fixing. Every automobile manufacturing company has a fixed selling price at its factory, and the purchaser pays that price plus transfer charges to place of delivery, or he may call himself at the manufacturing plant and drive away his car; and many thousand purchasers do that every day. The radio industry of the United States in the next decade may even rival in its development our automobile industry. It ought to have the same opportunities for development that we have given our automobile industry, and the same absence of price-fixing legislation. Our automobiles are cheap enough. Consumers can get cars to suit almost any income.

THE PRINCIPAL OBJECTION TO THE SECTION

The principal objection, however, from my viewpoint, to section 4 is contained in the last three or four lines of the section. The attempt here is to prevent the transportation in interstate commerce, and so forth, of any radio apparatus impressed with any agreement, and so forth, by which the purchasers reselling the same may restrict the use of the tubes or apparatus or the parts thereof. If such legislation as this is passed it will put out of business some of the largest radio manufacturers. There are many patents used in the manufacture of radio tubes and parts. I do not know how many patents, but in order to manufacture the best radio sets it has become necessary for some of the manufacturers to assemble and to use more than one patent.

The Radio Corporation of America, I am advised, uses in the sets it manufactures and sends out four basic patents which it does not own. If it owned these four basic patents, there might be some basis for the charge that this great corporation is either a trust or might soon become a trust. It, however, does not own them. It merely leases them, and the conditions of the leases into which it has entered require the Radio Corporation of America to sell its sets "impressed" with the condition that the sets shall not be used for certain purposes, the collection of tolls, and so forth, on messages sent out. There are probably other radio-manufacturing corporations which have leased patents which probably go out impressed also with conditions. No radio corporation or combination has become big enough and important enough to control all these basic patents. Legislation of this character would put out of business the Radio Corporation of America and perhaps other great manufacturing corporations and would deprive thousands of people of the pleasure and enjoyment they now get out of their receiving sets. It might accomplish this until a real radio trust were formed which might combine, if it is possible to do so, all of these basic patents.

The character of the legislation contemplated in the above section 4, it seems to me, is indeed most dangerous to the rapidly developing radio industry of the United States.

Mr. HALL of Indiana. Mr. Speaker, I have for a long time been interested in the subject of radio and its possibilities. I have read the hearings before the committee and have listened attentively to the debates before the committee upon House bill 5589. I am convinced that this is an important piece of legislation and the beginning of the regulation and direction of a great industry. I have the greatest of confidence in the wisdom and honesty of the present Secretary of Commerce, in whose hands is lodged the carrying out of the provisions of this bill. The importance of this legislation can only be characterized in terms of future development.

It is hard for us to conceive the immense growth of this new means of communication. In a period of 31 years it has grown from an invention to an industry affecting a large proportion of our population. Imagination does not allow us to consider just what developments will take place in radio during the next 30-year period, but we can learn what is taking place now and meet the situation of the present with legislation that will enable the new developments to become a reality.

It was in 1912 that our present law became effective in the regulation of the radio. There were then but 20 broadcasting stations operated by the Marconi Co. of America to send and receive ship signals for some 200 ships at sea. To-day we have over 500 commercial broadcasting stations other than those engaged in maritime operations and over 15,000 stations for broadcasting operated by amateurs. With this tremendous growth the efficiency and the good that can be accomplished by this new communication has broken down and the beneficial results are hampered.

In order to get a clear understanding of the rapid developments of radio, allow me to call your attention to the history of radio development. It has taken the different inventors 60 years to perfect a system of transmission of sound without wire and through the air. Marconi applied in England for a patent in 1896. He was the first to commercialize radio. The first company organized for the purpose of combining the various patents in order to use this as a commercial basis was in 1897.

Marconi began communicating in different ways, and finally he erected a station which was successful in securing communications for a distance of 14½ miles. Further developments made it possible for him to get in touch with ships at sea. This was continued until nearly every navy in the world is compelled by law to carry a radio apparatus. Marconi then decided that transoceanic communication was possible, and so when he was finally ready to make the test he came to the United States and from a balloon in Newfoundland listened for radio signals across the Atlantic. His test was successful.

With dreams for a world-wide control of the radio, Marconi was buying up all patents on this device that he could find. However, the General Electric Co. of the United States had in their hands a very important patent which they refused to sell to Marconi for purely patriotic reasons. As the interest and the possibilities of radio increased, the General Electric Co. formed a company with three other corporations who owned important patents. This firm, known as the Radio Corporation, places the United States foremost in this field with the greatest radio communication system in the world.

This legislation in question is not to create a monopoly. It is not legislation to stifle competition, but is a piece of legislation for the good of the 5,000,000 or more people who have

invested in radio sets to receive the benefit and good the opportunity afforded by this invention gives them.

It seems to me that Secretary Hoover has summed up this situation wisely in his appearance before the committee at the hearings on this bill. I quote from him this statement:

> Now the primary condition that makes legislation necessary is the congestion in broadcasting. That situation has been existent for some time. I have hoped that natural laws, working with scientific and mechanical advance, would themselves solve the problem without legislative intervention, but such has not been the case and we are confronted with some sort of conclusion in the matter.
>
> The desire to broadcast seems to become daily more widespread, the demand for licenses has steadily increased, and we have to-day more powerful stations in operation and more applications that can not be granted than ever before. The law has imposed the duty of providing for every applicant, so far as possible, with the result that we now have too much crowding together, unscientific geographical distribution, overlapping, and confusion. The interference between stations has become so great as to very greatly minimize the whole value of the service.
>
> The radio stations in the country to-day fall into three classes. There are 15,111 amateurs, there are 1,901 ships, there are 553 land stations, and there are 536 broadcasting stations. That makes a total of 18,096 stations. But as most of these stations use wave lengths outside of what is known as the broadcast band the principal administrative difficulty and the principal problem of legislation lies in the broadcasting class.
>
> The 536 broadcasting stations must operate, so far as we know the art now, on a total of 89 wave lengths. There are no more wave lengths in that band. It is simply a physical fact, and many of these wave lengths are below effective use in this number of 89, or below practicable use. No two stations can operate at the same time in the same vicinity on the same wave length, and there must be a separation between them. Our problem has been to try to divide these 89 wave lengths amongst these 536 stations, which means an average of over 6 stations for each wave length. Now, a satisfactory division has been a mathematical impossibility, and it has only been a time division, by power limitation, and by geographical separation, and other expedients that we have been able to preserve any order at all in the ether. And there are now 250 applications for new stations in the department. If they are allowed and the number thereby increased nearly 50 per cent, the whole broadcasting service of the United States will be effectively destroyed. From the viewpoint of public service, we need fewer stations rather than more, and the present bill permits the correction of this.

Under present conditions, the Secretary is powerless to remedy this situation. He now has the power to license any station, but he does not have the power to refuse the license. As we have been informed, it was the decision of the Court of Appeals of the District of Columbia that the Secretary of Commerce must issue the license. There is for these reasons no means other than this additional legislation whereby the present abuses can be corrected and the present stage of usage maintained.

As time goes on this present legislation may not be necessary or adequate. With new improvements being made each day, new legislation might be necessary most any time. But if we desire to consider things constructively, and if we desire to benefit those who are users of this new service, we must impose some restrictions to eliminate the nonessential for the benefit of the majority.

Seldom do we find a proposed bill in Congress meeting with more unanimous approval than we do this particular one by the gentleman from Maine. It is already in the RECORD that it has the indorsement of the radio manufacturers, the organization of private individuals who operate their own receiving stations, the governmental departments using radio officially, and even the broadcasting stations themselves. If this passes, we will have a foundation laid for the greatest good that can be derived from this invention at the present time, thereby creating a means for future developments to logically come about. It is my intention to support such a measure for these beneficial reasons.

CRUDE RUBBER

Mr. NEWTON of Minnesota. Mr. Speaker, I desire to submit a report on the crude rubber investigation from the Committee on Interstate and Foreign Commerce.

Mr. GARRETT of Tennessee. Does the report call for action of any sort?

Mr. NEWTON of Minnesota. I do not know that it can be said that it calls for any specific action. There are a number of recommendations and conclusions in the report. The original resolution called for a report from the committee either in whole or in part at any time.

Mr. GARRETT of Tennessee. I think the usual practice is to transmit it through the basket; however, I have no objection.

Mr. NEWTON of Minnesota. In view of the fact there is considerable interest in the report, I took occasion to submit it from the floor.

The SPEAKER. Referred to the calendar and ordered printed with illustrations.

MUSCLE SHOALS

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution No. 4, the Chair appoints Messrs. MORIN, JAMES, and QUIN as members of the joint committee to conduct negotiations for leasing Muscle Shoals.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for three minutes. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, to-day?

Mr. UPSHAW. I think it will only take a minute and a half.

Mr. McLAUGHLIN of Michigan. I object.

The SPEAKER. Objection is heard.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UPSHAW. May I ask the gentleman to withdraw his objection for an explanation?

Mr. McLAUGHLIN of Michigan. I withdraw the objection. Is it on the subject——

Mr. BEGG. Mr. Speaker, it is after 6 o'clock, and we have been here since 12 o'clock this morning and I think it is time to go home, so I am forced to object.

The SPEAKER. Objection is heard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DOYLE, for four days, on account of important business.

To Mr. SPROUL of Illinois (on request of Mr. MADDEN), for 15 days, on account of urgent business.

REFERENCE OF A BILL

The SPEAKER. The Chair desires to state that the bill (H. R. 9965) to authorize the construction of a memorial building at or near the battle field of New Orleans was referred to the Committee on the Library. The Chair is informed that both chairmen agree that it be referred to the Committee on Military Affairs. Without objection, the change will be made.

There was no objection.

EXTENSION OF REMARKS

Mr. UPSHAW. After a conference I ask unanimous consent to extend my remarks in the RECORD by printing six brief replies from Atlanta protesting against the letter read by the gentleman from Massachusetts [Mr. TINKHAM] about conditions prevailing in Atlanta.

The SPEAKER. Is there objection?

Mr. BLACK of New York. Mr. Speaker, in the absence of the gentleman from Massachusetts I feel constrained to object.

Mr. UPSHAW. He and I have an understanding——

Mr. BLACK of New York. I object on my own account.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam; and

S. 1430. An act to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until Monday, March 15, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 15, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act of 1920 and the shipping act of 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROY G. FITZGERALD: Committee on World War Veterans' Legislation. H. R. 4548. A bill making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War; without amendment (Rept. No. 536). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. S. 1170. An act to provide for the appointment of a commissioner of reclamation, and for other purposes; without amendment (Rept. No. 549). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 431. A bill providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States; with amendment (Rept. No. 553). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10277. A bill to amend the World War adjusted compensation act; without amendment (Rept. No. 554). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. Report on crude rubber, coffee, etc., under H. Res. 59; without amendment (Rept. No. 555). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SABATH: Committee on Claims. H. R. 9938. A bill for the relief of Frank A. Bartling; without amendment (Rept. No. 547). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8602. A bill for the relief of Hewson L. Peeke; with amendment (Rept. No. 548). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 5085. A bill to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck; without amendment (Rept. No. 537). Referred to the Committee of the Whole House.

Mr. DARROW: Committee on Naval Affairs. H. R. 10238. A bill for the relief of Josiah Ogden Hoffman; without amendment (Rept. No. 538). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.; with amendment (Rept. No. 539). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 547. An act for the relief of James W. Laxson, without amendment (Rept. No. 540). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1131. An act for the relief of James Doherty; without amendment (Rept. No. 541). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2993. An act to allow credits in the accounts of certain disbursing officers of the Department of the Interior; without amendment (Rept. No. 542). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Claims. H. R. 912. A bill to authorize the Secretary of the Treasury to reimburse Capt. George G. Seibels, United States Navy, the sum of $170, money stolen belonging to the United States from the said Capt. George G. Seibels while in the discharge of his duties and paid into the Treasury of the United States by him; with amendment (Rept. No. 543). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 1538. A bill for the relief of John Milton Pew; with amendment (Rept. No. 544). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. H. R. 4077. A bill for the relief of the Carroll Motor Co.; without amendment (Rept. No. 545). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 8345. A bill for the relief of Crane Co.; without amendment (Rept. No. 546). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. R. 10314. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 550). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4258. A bill to credit the accounts of James Hawkins, special disbursing agent, Department of Labor; without amendment (Rept. No. 551). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10160. A bill for the relief of John Rooks; without amendment (Rept. No. 552). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 10311) to secure Sunday as a day of rest in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes; to the Committee on Naval Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 10313) to authorize a change in postage on books in circulation to or from certain public libraries; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: A bill (H. R. 10314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. JACOBSTEIN: A bill (H. R. 10315) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 10316) to provide for the purchase of a site and the erection of a public building thereon at Marysville, in the State of Kansas; to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 10317) authorizing the Secretary of the Navy to proceed with the establishment of and the construction of certain public works at the naval air station, Sand Point, Wash.; to the Committee on Naval Affairs.

By Mr. BACON: A bill (H. R. 10318) to establish a fish-hatching and fish-cultural station at Babylon or on Great South Bay, N. Y.; to the Committee on the Merchant Marine and Fisheries.

By Mr. SUMMERS of Washington: A bill (H. R. 10319) to authorize the erection of an addition to the United States Veterans' Bureau Hospital No. 85, at Walla Walla, Wash., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. McKEOWN: Joint resolution (H. J. Res. 200) to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and for other purposes; to the Committee on the Public Lands.

By Mr. McFADDEN: Resolution (H. Res. 171) providing for the consideration of the bill (H. R. 9958) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. PATTERSON: Memorial of the Legislature of the State of New Jersey, favoring appropriation of sufficient funds to actively carry out provisions of the national defense act of 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIXLER: A bill (H. R. 10320) granting an increase of pension to Juliana A. Stanton; to the Committee on Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 10321) granting a pension to Clyde R. Ayers; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10322) granting a pension to Mary Emmer Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10323) granting an increase of pension to Arabella Dalie; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10324) granting a pension to Robert D. McCoy; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 10325) granting an increase of pension to Sarah V. Adriance; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10326) granting a pension to Nancy E. Dietz; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 10327) granting a pension to Catalina Smith; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 10328) granting a pension to Lula Knotts; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 10329) granting a pension to S. Florence Briggs; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 10330) granting six months' pay to Beatrice A. Gildart; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 10331) to reimburse Andrew O'Connor for expenses in connection with the placing of sculpture in the peace palace at The Hague; to the Committee on Appropriations.

By Mr. KINDRED: A bill (H. R. 10332) for the relief of Alonzo Campbell; to the Committee on World War Veterans' Legislation.

By Mr. LOZIER: A bill (H. R. 10333) granting an increase of pension to Susan F. Pardonner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10334) granting an increase of pension to Mary E. Shores; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10335) granting an increase of pension to Sarah E. Rice; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 10336) granting a pension to Thomas L. Hockensmith; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 10337) granting an increase of pension to Margaret N. McAllister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10338) granting an increase of pension to Mary A. Gardner; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 10339) for the relief of the United States Maritime Corporation; to the Committee on Claims.

By Mr. NELSON of Missouri: A bill (H. R. 10340) granting an increase of pension to Parelee Moore; to the Committee on Pensions.

By Mr. PATTERSON: A bill (H. R. 10341) for the relief of Harry C. Saxton; to the Committee on Claims.

Also, a bill (H. R. 10342) to complete the military record of Jacob W. Starr; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 10343) granting an increase of pension to Anna Mattoon; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10344) granting an increase of pension to Christina Harbert; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 10345) to credit Daniel Shay, of the crew of the U. S. S. *Yale*, with services performed; to the Committee on Pensions.

Also, a bill (H. R. 10346) to credit John Thomas Burns, of the crew of U. S. S. *Harvard*, with services performed; to the Committee on Pensions.

By Mr. SEGER: A bill (H. R. 10347) granting an increase of pension to Amelia Tucker Smith; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 10348) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10349) granting an increase of pension to William Elbert Clark; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1221. By Mr. ACKERMAN: Petition of sundry citizens of New Jersey, supporting Senate bill 2841 and amendment No. 6741; to the Committee on Education.

1222. By Mr. BULWINKLE: Petition of F. E. Hankins, Rev. W. H. Armstrong, Rev. R. L. Carson, Rev. R. I. Klete, and other citizens of Mecklenburg and Burke Counties, N. C., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1223. By Mr. CARTER of California: Petition of the district legislative branch of the California Federation of Woman's Clubs, affirming belief in the Volstead Act; to the Committee on the Judiciary.

1224. Also, petition of the Board of Fish and Game Commissioners of the State of California, protesting against the passage of House bill 17 and Senate bill 2584; to the Committee on the Merchant Marine and Fisheries.

1225. Also, petition of Masters, Mates, and Pilots of the Pacific, opposing the abolishing or limiting of the powers of the United States Steamboat Inspection Service; to the Committee on the Merchant Marine and Fisheries.

1226. Also, petition of the San Francisco section of the American Society of Civil Engineers, indorsing House bill 6358, providing for an inventory of the water resources of the United States; to the Committee on Interstate and Foreign Commerce.

1227. Also, petition of Oakland Chapter No. 7, Disabled American Veterans of the World War, protesting against the use of the term "apparently cured" for arrested cases of tuberculosis; to the Committee on World War Veterans' Legislation.

1228. By Mr. ESLICK: Petition of Judge B. M. Grimes and others of Lewis County, Tenn., for early action and passage of House bill 8132, granting an increase of pension to Spanish-American War veterans, their widows, and minor children; to the Committee on Pensions.

1229. By Mr. FULLER: Petition of the National Council of Business Mail Users, asking certain changes in the present postal rates; to the Committee on the Post Office and Post Roads.

1230. Also, petition of the National Association of Credit Men, urging an increase in pay for Federal judges; to the Committee on the Judiciary.

1231. Also, petition of the New York Patent Law Association, urging support of House bill 7907; to the Committee on the Judiciary.

1232. Also, petition of the Disabled American Veterans of the World War, urging the passage of legislation for the relief of World War veterans in certain cases; to the Committee on World War Veterans' Legislation.

1233. Also, petition of the Chicago Shippers Conference Association with reference to a navigable channel from Chicago to New Orleans; to the Committee on Interstate and Foreign Commerce.

1234. Also, petition of various organizations urging support of House bill 7555; to the Committee on Interstate and Foreign Commerce.

1235. By Mr. GALLIVAN: Petition of Thomas Hunt, of Gaston, Snow, Saltonstall & Hunt, Shawmut Bank Building, Boston, Mass., recommending early and favorable consideration of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

1236. By Mr. GARBER: Petition by residents of the State of Oklahoma, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1237. By Mr. HOOPER: Resolutions of the Missionary Society of the First Baptist Church of Hillsdale, Mich., protesting against any modification of the Volstead law; to the Committee on the Judiciary.

1238. By Mrs. KAHN: Petition of the San Francisco section, American Society of Civil Engineers, in regard to House bill 6358, and requesting certain changes therein; to the Committee on Interstate and Foreign Commerce.

1239. Also, petition of United Veterans' Council, of San Francisco, Calif., urging an immediate investigation of persons who have obtained citizenship in the United States in a fraudulent manner; to the Committee on Immigration and Naturalization.

1240. By Mr. LAMPERT: Petition of citizens of Neenah, Wis., protesting against the passage of the so-called compulsory Sunday observance law; to the Committee on the District of Columbia.

1241. By Mr. LEAVITT: Resolution of the Woman's Club of Big Timber, Mont., favoring continuance of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1242. By Mr. MAGEE of New York: Petition of citizens of Onondaga County, N. Y., in favor of the Cramton bill; to the Committee on the Judiciary.

1243. By Mr. MAJOR: Petition of a number of citizens of Cole Camp, Mo., protesting against the passage of House bills 7179 and 7822, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1244. By Mr. MANLOVE: Petition of 36 residents of Joplin, Jasper County, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1245. By Mr. MICHENER: Petition of residents of the city of Adrian, Lenawee County, Mich., against compulsory Sunday observance, etc.; to the Committee on the District of Columbia.

1246. By Mr. O'CONNELL of New York: Petition of the Associated Musicians of Greater New York, Local 802, A. F. of M., favoring legislation which will change or amend the Volstead Act, so that the use of light wines and beer shall be permitted; to the Committee on the Judiciary.

1247. Also, petition of the Captain Malcolm A. Rafferty Camp, United Spanish War Veterans, of Long Island City, N. Y., favoring the passage of House bill 8132, Knutson Spanish War pension bill; to the Committee on Pensions.

1248. Also, petition of the National Association of Credit Men of New York City, favoring the passage of the increase salary bill for Federal judges; to the Committee on the Judiciary.

1249. Also, petition of the Bar Association of Baltimore City, favoring the passage of House bill 8383, for an additional Federal judge for the district of Maryland; to the Committee on the Judiciary.

1250. Also, petition of the Brooklyn Bureau of Charities of Brooklyn, N. Y., favoring the passage of the Cummins-Graham compensation bill (S. 3170, H. R. 9498); to the Committee on the Judiciary.

1251. By Mr. PATTERSON: Resolution of the National Guard Association of New Jersey, favoring adequate appropriations for the organization, uniforming, equipping, training, and payment of additional number of officers and enlisted men; to the Committee on Military Affairs.

1252. By Mr. PEAVEY: Petition of residents of Montreal, Hurley, Spooner, Danbury, and Superior, Wis., protesting against the enactment of House bills 7179 and 7822; also, telegrams and letters protesting against the enactment of House bills 7179 and 7822; to the Committee on the District of Columbia.

1253. By Mr. REECE: Petition of citizens of Greene County, Tenn., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1254. By Mr. TILSON: Petition of William A. Kennedy and others, New Haven, Conn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1255. By Mr. YATES: Petition of Steele-Wedeles Co., wholesale grocers, of Chicago, by T. P. Hinchman, superintendent of coffee department, protesting against Senate bill 3052, proposing certain regulations in the labeling of foreign products packed in the United States; to the Committee on Agriculture.

1256. Also, petition of the National Cooperative Milk Producers' Federation, of Washington, D. C., protesting against any provision in the independent offices appropriation bill for the United States Tariff Commission, and urging that said commission be abolished; to the Committee on Appropriations.

SENATE

MONDAY, *March 15, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, Thou hast made us for Thyself and we can not rest except we rest in Thee. Enable us to appreciate that truth and apply it to our daily conduct, that as we think and as we do we may honor Thee, having Thee supreme in our endeavors to glorify Thy name; and that in every national as well as every personal responsibility we shall find access constantly to the guidance of Thy grace. Hear us, for Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1430. An act to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; and

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam.

CALL OF THE ROLL

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Reed, Mo.
Bayard	Fernald	Keyes	Reed, Pa.
Bingham	Ferris	King	Robinson, Ark.
Blease	Fess	La Follette	Robinson, Ind.
Borah	Fletcher	Lenroot	Sackett
Bratton	Frazier	McKellar	Sheppard
Brookhart	George	McLean	Shipstead
Broussard	Gerry	McNary	Simmons
Bruce	Gillett	Mayfield	Smoot
Butler	Glass	Means	Stanfield
Cameron	Goff	Metcalf	Stephens
Capper	Gooding	Neely	Swanson
Caraway	Greene	Norbeck	Trammell
Copeland	Hale	Norris	Tyson
Couzens	Harreld	Nye	Wadsworth
Cummins	Harris	Oddie	Walsh
Dale	Harrison	Overman	Warren
Deneen	Heflin	Phipps	Watson
Dill	Howell	Pine	Wheeler
Edge	Johnson	Pittman	Williams
Edwards	Jones, Wash.	Ransdell	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of the League of Women Voters of the Territory of Hawaii, praying for the reapportionment of members of the Senate and House of Representatives of the Territory of Hawaii, which was referred to the Committee on Territories and Insular Possessions.

Mr. FERRIS presented a petition of sundry citizens of Oakland County, Mich., praying for the speedy completion of the Coolidge Dam on the Gila River, in Arizona, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Grand Rapids, Mich., remonstrating against the passage of the bill (H. R. 102) to provide for the registration of aliens, and for other purposes, which were referred to the Committee on Immigration.

Mr. SIMMONS presented telegrams in the nature of memorials from W. L. Thornton, jr., of Wilson; Fred N. Tate, of High Point; the Chadwick Hoskins Co., of Charlotte; and the traffic bureau, Chamber of Commerce, of High Point, in the State of North Carolina, protesting against the passage of the so-called Gooding long and short haul bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Vance County, N. C., remonstrating against acceptance by the Senate of the terms of the Italian debt settlement, which was ordered to lie on the table.

Mr. TRAMMELL. Mr. President, I send to the desk and ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry resolutions adopted by the Chamber of Commerce of the city of St. Augustine, Fla., protesting against the proposed change in the plan of designation of national highways. It seems that there is in contemplation a change of plan to that of indicating the highways by numbers instead of maintaining names as at present. The resolutions are in protest against any change of that character.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas recent recommendations of the joint board of interstate highways at Washington request the elimination of names of all present national highways, substituting therefor numbers; and

Whereas in certain cases this system will not provide a given mark the entire route of the highway, but allow several different sections to be instituted, which will without doubt prove confusing to the travel; and

Whereas a great number of motorists are now familiar with the names of the highways and look for these names at all times: Therefore be it

Resolved by the board of directors of the St. Augustine Chamber of Commerce, That the Florida Senators and Representatives in Congress

be urged to use their influence toward having the names of these national highways retained upon any markers used by the National Government; be it further

Resolved, That copy of this resolution be sent to the Florida delegation at Washington and to others interested.

CHAS. E. HARRIS, *Secretary*.

Passed in regular session of board of directors Wednesday, March 10, 1926.

RESIGNATION OF COMMISSIONER HANEY FROM SHIPPING BOARD

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD the letter of resignation of Mr. Bert E. Haney, former commissioner of the Shipping Board, together with resolutions adopted by the board in relation thereto.

There being no objection, the letter and resolutions were ordered to be printed in the RECORD as follows:

FEBRUARY 28, 1926.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: On August 27 of last year you requested my resignation as a commissioner of the United States Shipping Board, stating that my action in trying to remove the president of the Fleet Corporation was contrary to an understanding I had with you at the time of my reappointment. In my letter to you of August 28 I answered your request, setting forth at length that no such understanding had ever existed, and frankly pointed out that I could not at any time have agreed to take any action which I believed might be prejudicial to the Government shipping interests or in conflict with my obligation under the law as I interpreted it. Accordingly, I declined to resign, as my resignation might have been construed to be an admission that I had entered into the understanding you mentioned.

Under the then inefficient administration of the Fleet Corporation the Government fleet continued to lose ground rapidly to foreign shipping interests, and I felt it my duty to take every action possible to correct this condition.

The Shipping Board, on October 1, reasserted its power with respect to the duties imposed upon it by law and made such changes in personnel and administrative policy as to reestablish the regional control of the Government-owned merchant marine, in accordance with the provisions of the law creating the Shipping Board. These changes have brought increased revenues, lessened the cost of operation, reduced the personnel of the Fleet Corporation, and greatly increased the number of Government ships in operation, with the result that American shippers to-day are being furnished a substantially better service, and foreign shipping is no longer gaining ground at the expense of the Government-owned fleet.

These necessary reforms in the administration of the Fleet Corporation were made prior to December 7 last, the date the Sixty-ninth Congress convened. At that time you announced that it was your intention not to reappoint me and informed Senator MCNARY of your desire to nominate an Oregonian to succeed me as a commissioner of the United States Shipping Board. Since then I have expected daily to be relieved from service by your action. It has been my desire to allow you ample time within which to reach a decision as to my successor, but after a lapse of almost three months, in the absence of any action by you, and in view of the fact that my commission expires at the close of the present session of the Senate, I now feel that I may properly end my service.

For these reasons, I hereby tender my resignation as a commissioner of the United States Shipping Board, to take effect March 1, 1926.

Respectfully,

B. E. HANEY.

Resolution adopted by the United States Shipping Board on March 9, 1926

Whereas Hon. Bert E. Haney, of Oregon, since July 1, 1923, a commissioner of the United States Shipping Board, has severed his official relations with the board; and

Whereas by his legal abilities, his unfailing industry and active participation in working upon the problems of this board, and his aggressive championship of an adequate merchant marine under the American flag, he has endeared himself to the members of this board with whom he has severed: Now therefore be it

Resolved, That this board take this method of expressing to Mr. Haney its appreciation of his services as a commissioner of the board and its regret at the severance of the most pleasant personal and official relations which its members have enjoyed with him as a colleague; and be it further

Resolved, That this resolution be spread upon the minutes of the United States Shipping Board and that an engrossed and autographed copy thereof be sent to Mr. Haney.

REPORTS OF COMMITTEES

Mr. PINE. From the Committee on Military Affairs I report back adversely the bill (S. 1024) for the appointment of William Joseph Martin as captain in the Judge Advocate General's Department, United States Army.

Mr. WADSWORTH. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. SACKETT, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2852) to provide for the grading and maintenance of the Virginia State highway through the District of Columbia workhouse and reformatory reservation at Occoquan, Va. (Rept. No. 377); and

A bill (S. 2982) to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW., and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes (Rept. No. 378).

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., reported it with amendments and submitted a report (No. 379) thereon.

Mr. REED of Missouri. From the Committee on the Judiciary, to which was referred the bill (S. 2858) to fix the salaries of certain judges of the United States, I report it with an amendment.

I reserve the right to file a formal report. I am reporting this bill, Senate bill 2858, in the form of a substitute by the committee for the bill I introduced and which was before the committee.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, leave is granted, and the report will be placed on the calendar.

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills, reported them severally without amendment:

A bill (S. 2763) to amend section 103 of the Judicial Code, as amended;

A bill (H. R. 120) fixing the fees and subsistence allowance of jurors and witnesses in the United States courts; and

A bill (H. R. 290) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248).

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 1430) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

INVESTIGATION BY THE PUBLIC LANDS COMMITTEE

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment the resolution (S. Res. 159) continuing in force until the end of the Sixty-ninth Congress Senate Resolution 347, agreed to last March.

Mr. CAMERON. I ask unanimous consent for the immediate consideration of the resolution.

The resolution (S. Res. 159), submitted by Mr. CAMERON on February 24, 1926, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolution No. 347, agreed to March 4, 1925, authorizing the Committee on Public Lands and Surveys, or any subcommittee thereof, to investigate all matters relating to national forests, forest reserves, and other lands withdrawn from entry, hereby is continued in full force and effect until the end of the Sixty-ninth Congress, the expenses to be incurred under authority of this continuing resolution to be paid from the contingent fund of the Senate, but not to exceed the sum of $5,000.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. COUZENS. I ask unanimous consent to have placed in the RECORD at this point an article which appeared in the Dearborn Independent concerning the work of the special committee that investigated the Internal Revenue Bureau.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT LOSES TAX MILLIONS—SOME OF THE FACTS DISCLOSED BY THE SELECT COMMITTEE'S REPORT TO CONGRESS

By Charles B. Brewer

An astounding report has been returned to Congress by the select committee which was authorized in March, 1924, to investigate the Bureau of Internal Revenue. The work was threefold, comprising (1) the administration of the prohibition laws, (2) a statistical inves-

tigation to ascertain the cause of the marked year-to-year variation in taxable income, and (3) the administration of the income and estates tax. The committee declares:

"There has been *gross discrimination* in arbitrarily allowing amortization for reduced postwar cost of replacement in some cases and in denying it in others similarly situated. * * *

"Mr. Greenidge (head of the engineering division of the Income Tax Unit) appears to be *ill-informed* as to the work under his jurisdiction, *incompetent*, and *generally unfit* for any position in the Government service requiring the exercise of engineering ability and sound discretion.

"There appears to be a growing tendency by authorities superior to the appraisal section chiefs to make a production record, *regardless of principle*, and to give *persistent and influential taxpayers* anything required to reach a settlement. * * *

"All amortization allowances exceeding $500,000 have been reviewed by the committee's staff *and improper allowances in this class alone appear to amount to $210,665,360.40. The tax on about two-thirds of this amount can be saved to the Government by prompt action of Congress.*" (The above italics are ours.)

Most of the abuses which occur in tax matters are made possible by the deep secrecy which covers all tax actions. Whose purpose does secrecy serve?

The Senate committee investigating tax matters showed that *secrecy as to names and amounts was inconsequential* as compared with *other forms which secrecy has taken*. The report of this committee showed:

(a) That five-sixths of the 20,311 rulings applicable to income taxes are kept secret (pp. 7 and 237).[1]

(b) That rulings settling cases were unavailable as precedents even to those who should apply them;

(c) That gross discrimination in applying principles differently to similar cases was prevalent (pp. 7 and 144);

(d) That failure of taxpayers to claim what was rightfully their exemptions followed (p. 7);

(e) That taxpayers were thus forced to engage former employees of the department to get what the law intended should naturally be every citizen's right (p. 237);

(f) That the effect was to place a premium on the services of ex-employees, who artificially profited thereby (p. 7);

IMPORTANCE OF ACCURACY IN TAX DATA

(g) That the filing of claims, which grew between March, 1924, to March, 1925, from over 93,000 to over 254,000, was another of the inevitable results (p. 239).

If precise information ever was necessary to people or firms whose financial interests are vitally affected, it is on income-tax requirements. There is scarcely a subject, however, upon which there is a greater diversity of opinion. In what is probably as intricate a piece of legislation as was ever enacted, and as to which there was a crying need from the public for advice, it is found that dissimilarity of interpretation seems to have been the rule. Forming, as it does, an important part of the greatest financial undertaking in the history of the world, a slight difference in interpretation of a single item in a single account often means millions of dollars. Who passes on such questions? The report says: "Discretionary power vested in the commissioner is actually exercised by division heads * * * governed by no adequate rules or instructions" (p. 6) with "almost unlimited discretion to be secretly exercised (p. 8).

What happens may be seen by following a single subject—amortization, which means, briefly, plant and equipment added for war purposes after April 6, 1917, the usefulness of which ended or was diminished when the war ended, and for which the law permitted a decrease in tax. Actual cases of interpretations at different times show:

One account:	
Originally claimed	$659,000.00
Finally claimed	10,924,025.52
Finally allowed	8,912,879.00
Another account:	
Originally claimed in 1919	6,852,697.36
Claimed after November, 1921	18,268,435.82
Finally allowed	15,589,614.39

The totals of all accounts listed (which includes those above a half million dollars only) show these are not exceptions.

The total originally claimed was $331,527,046.18.

The total finally allowed was $425,921,945.92 (pp. 176–179).

DEDUCTIONS ALLOWED FOR AMORTIZATION

Yet the Senate committee reported that $117,000,000 of this *was outlawed* (p. 183), and "improper allowances in this class alone appear to amount to $210,665,360.40" (p. 4), and also that "There has been *gross discrimination* in arbitrarily allowing amortization for reduced postwar cost of replacement *in some cases and denying it in others similarly situated*" (italics are ours) (p. 5). That is the charge—*different* rulings on the *same* things.

Though the law provides for a "reasonable" deduction to be allowed for amortization and the Treasury has to decide what *is* reasonable, yet such was the passion for secrecy that on this subject the report states:

"*The solicitors' ruling in this case, published on October 26, 1925, * * * constitutes the first official statement of the principles which are to govern the determination of amortization allowances ever promulgated by the Bureau of Internal Revenue*" (p. 150). (Italics per report.)

And, more to the point, the committee stated that this date of October 26, 1925, was:

"*A year and eight months after the close of the period within which amortization allowances could be redetermined*" (p. 150). (Italics per report.)

This secrecy does not concern income tax *returns*.

It concerns the *rules* by which returns must be judged.

WHY ARE RULES WITHHELD FROM TAXPAYERS?

This is not a matter of divulging private affairs. It is natural that even those with nothing to conceal should shrink from indiscriminate publication of their private affairs such as the law is written to protect. But it is impossible to conceive what legitimate reason should exist for so withholding from those persons and firms *the rules which will determine how deeply they must dig into their pockets*. The people pay this tax. It is their sovereign right to know how much they must pay and that all shall be treated alike.

Here are instances of dissimilar treatment of similar cases. On pages 185–189 of the Senate report it is stated:

For one firm, $9,913,841.86 tax and *penalty for fraud* was compromised for $2,631,381.81 (p. 185).

For another firm, $1,546,341.03, *another penalty for fraud*, was compromised for $310,000 (p. 189).

For another, $1,888,828.29, *another penalty for fraud*, was compromised for $100,000 (p. 192).

Information as to the first reached the Treasury through an anonymous communication, and led to the discovery (p. 185) by checking of accounts. As to this matter the committee further states:

NINETY PER CENT OF PENALTIES ARE COMPROMISED

"Notwithstanding the fact that this tax was assessed upon *fraudulently concealed* income, it was compromised upon the taxpayer's *unverified* statement as to his ability to pay" (p. 187) (italics are ours), and further shows whether or not the "unverified statement" was correct by adding:

"The stockholders were left with a property which had a market value of $4,113,730.50 at the time the compromise was effected, and which now has a market value of $16,303,544.23" (p. 190). * * *

"Deliberately compromising taxes for less than can be collected is an abuse of discretion. * * * This, the Attorney General has said, the commissioner is not authorized to do" (p. 190), yet "*90 per cent of the fraud penalties are compromised*," says the report (p. 192).

In addition to the "refunds" of $151,000,000 *allowed* in 1925 and recently published, the total refunds (says the report, p. 193) amounted to $459,090,825.49 from beginning of fiscal year 1921 to April 30, 1925, and there are many other "*credits*," "*abatements*," and "*allowances*" *for amortization* and *for invested capital, etc.*, where discretion must be applied which do not enter into these figures because of settlement before such amounts are arrived at.

REFUNDING OF TAXES ILLEGALLY COLLECTED

A taxpayer, therefore, when told by the Senate committee that the huge sum of $459,090,825.49 has been "refunded" has an idea of the amount of discretion which may be applied in such matters, though it is a small measure of such discretion when the full report is studied. It is many times the size, however, of such measure as would be guessed at from a perusal of the annual report of the Secretary of the Treasury. In this refunds are referred to as follows:

"In the foregoing statement of receipts no deductions have been made on account of refunds, which for the fiscal year 1923 were as follows:

Refunded taxes illegally collected, claims prior to July 1, 1920	$71,980,947.24
Refunded taxes illegally collected, 1921	34,502,757.76
Refunded taxes illegally collected, 1922	14,784,563.07
Refunded taxes illegally collected, 1923	2,724,552.87
Total refunds	123,992,820.94

(*Secretary of Treasury's report for 1923, p. 431.*)

It is to be hoped that any taxpayer who derived satisfaction in December, 1923, from being told that so many old debts for "1923, 1922, 1921" and "claims prior to July 1, 1920," had been paid off did not see the next year's report of the Secretary, for there he would have seen:

[1] The minority report states 4,500 rulings were published. This would mean only three-fourths were secret. It adds:

"The bulletins in which rulings are published have contained for the last two years a statement on their covers, as follows:

"'No unpublished ruling or decision will be cited or relied upon by any officer or employee of the Bureau of Internal Revenue as a precedent in the disposition of other cases.'

"Surely everything possible has been done by the bureau to insure the publication of rulings and *to prohibit the settlement of cases in accordance with any ruling not published.*" (*Minority report, p. 20,* CONGRESSIONAL RECORD, *2–6–26, p. 3122.*)

Just what this means except to emphasize how secrecy and not discrimination was encouraged is not clear.

"In the foregoing statement of receipts no deductions have been made on account of refunds, which for the fiscal year 1924 were as follows:

Refunding taxes illegally collected, 1920 and prior years	$29, 244, 233. 15
Refunding taxes illegally collected, 1921	11, 854, 300. 19
Refunding taxes illegally collected, 1922	7, 772, 246. 91
Refunding taxes illegally collected, 1923	4, 476, 790. 98
Refunding taxes illegally collected, 1924 and prior years	83, 658, 654. 42
Total refunds	137, 006, 225. 65

(*Secretary of Treasury's report for 1924, p. 287.*)

Information is lacking as to difference in meaning of years *prior* to 1924 as *tabulated* and "1924 and *prior years*," and as to the necessity for refunds in "1920 and *prior years*," and also refunds in "1924 and *prior years*," since all *prior* years are given. If, however, the taxpayer saw the two reports and had his satisfaction changed to disappointment, his disappointment was doubtless changed to concern last December, when another report was as follows:

"In the foregoing statement of receipts no deductions have been made on account of refunds, which during the fiscal year 1925 were made from the following appropriations:

Refunding taxes illegally collected, claims accrued prior to July 1, 1920	$452, 934. 42
Refunding taxes illegally collected, 1924 and prior years	[3] 49, 209, 535. 60
Refunding taxes illegally collected, 1925 and prior years	11, 945, 475. 98
Refunding taxes illegally collected, 1926 and prior years	90, 301, 391. 33
Total	151, 909, 337. 33

(*Secretary of Treasury's report for 1925, pp. 375, 376.*)

PUBLICITY WOULD HAVE ARMED THE FARMER

The Senate committee must be correct in the statement that from March, 1924, to March, 1925, progress in a backward direction was shown by an increase in "Returns five years old or older" from 29,576 in 1924 to 31,669 in 1925, and in "Returns three years old" from 93,955 to 254,352 in the same year (p. 239). The same Senate committee also stated, "The unsatisfactory conditions developed by this investigation are the inevitable result of delegation of almost *unlimited discretion to be secretly exercised*" (p. 238). (The italics are ours.) The committee also expressed the opinion that but few of the "unsound settlements" would have been made "*if it were not for the belief that they would never become public.*" (Again our italics.)

Publicity would have armed the farmer and others with valuable information seemingly unknown even to the solicitor.

It has been remarked above that "amortization" formed an allowance for plant and equipment acquired for war purposes. "Whether *land* is a proper subject for amortization under this act may be a debatable subject," said the committee (p. 145). The committee report stated, however (p. 144), "When asked if amortization *could be* applied to land, Mr. Gregg, solicitor for the bureau, answered as follows:

"'No, sir; we have ruled specifically that it does not apply to land (p. 3185).'" The report then gives the names of five firms where it was "*admitted* before the committee *that it had been applied to land* and gives the names of 16 large corporations *where it had also been applied*, and these were named as a limited class where such allowance was over $500,000 in each case (p. 144).

THERE WAS NO REBATE TO THE FARMER

The question *was* ruled on, as remarked by the solicitor, but it was *not consistently ruled on*, as he stated it was, for the committee report states "numerous cases are noted where amortization on land is *denied*," notably in the case of a large concern where it was denied, although the *appraisal showed evidence of a loss* (p. 145).

The report referred to this inconsistency of ruling as "the worst kind of discrimination," and added:

"Millions of dollars have been lost by farmers who purchased lands at inflated war values, but, with the exception of two large sugar companies, no allowances upon farm land have come to the attention of the committee's staff" (p. 145).

There was no rebate to the farmer.

The importance of such allowances is shown by a tabulation aggregating a value of $425,921,945.92 of such as were examined by the committee's staff (p. 146). Over $65,000,000 of *one* class, says the report, were "'purely tentative' and inaccurate" (p. 148); and though the basis of every large allowance theretofore made was condemned by the first authoritative ruling on *another* class, no redetermination was ever attempted—not even for the case ruled on. In fact, the period for redetermination was allowed to expire before the ruling was published (p. 149).

In one of these cases the committee's staff took exception to items which involved a difference in the tax in a single corporation of $21,438,513.69 (p. 149). Representatives of the Bureau of Internal Revenue "conceded" that these "were *made upon a basis condemned* by what was then the only published ruling on the subject," but about which "*an agreement had been made* by the engineers of the Income Tax Unit with this taxpayer whereby it was agreed *that this allowance was a permanently closed matter which would not be reconsidered.*" Yet, immediately after the Senate committee had fully discussed the case, *its reconsideration was ordered* by the commissioner and sent to the solicitor "on 16 questions involving the fundamental principles involved in every amortization allowance" on which the report states "approximately $600,000,000 is allowed before there is any authoritative definition of the principles which are to be applied to its determination (p. 150).

In this connection the committee also drew attention to the fact that "only the most casual examination of these subjects" could be made for the reason that there was a "*time limitation upon the right of this committee to have access to records of the bureau*" (p. 195).

FRAUDS, ABUSES, AND LOSSES IN OTHER DIVISIONS

These words should shame every American who reads them. A committee of the Senate of the United States, reporting the finding of gross discrimination, beaureaucratic control, and violations of the law on the inside of one of the Federal departments, is limited in the time the department will permit it to examine department records. This action was taken against a senatorial committee six months after exactly the same thing happened to a congressional committee which had similarly reported frauds, abuses, and losses in other divisions of the same department handling the Liberty bonds these income taxes are now assessed to pay! (CONGRESSIONAL RECORD, March 6 and March 10, 1925, speeches of Congressmen KING and STEAGALL.)

The charges by the Senate tax committee are specific. They relate to a variety of abuses. They concern many officials. *And they would not exist but for secrecy.* Many of them have been recited but these should not be overlooked:

(a) "The invested capital of this corporation was *illegally inflated* to the extent of at least $45,000,000 for 1917, which *resulted in a loss of tax* to the Government for that year of $1,969,998.62" (p. 199).

(b) "This same $45,000,000 of inflated value was included in the invested capital of *1918 after it was known to the commissioner to be unsubstantiated and excessive, after it had been deducted from 1919 invested capital as excessive, and over the protest of" two section chiefs and "resulted in a loss of tax for 1918* of $2,506,648.56" (p. 199). (Italics are ours.)

(c) "The property (referred to in last two paragraphs) was included in invested capital * * * of $90,000,000 in direct violation of the 1917 act" (p. 200).

(d) "The valuation of this property at $90,000,000 was excessive by at least $45,000,000" and "was allowed to stand for 1918 by the express order of the Secretary of the Treasury (3372) of March 6, 1924" (p. 200).

THEIR POLICY TO DISCOURAGE SUCH PROTESTS

(e) "The committee on appeals and review allowed a value of (in 1922 in another case) $2,256,930.48 in excess of the maximum fixed by the 1917 act." This action, states the report, by "the committee of appeals and review, in an unpublished ruling and without giving notice or opportunity to be heard to the engineers who were familiar with the case and who had placed a much lower value on same" (pp. 200, 201). (The value fixes the allowance. The greater the allowance, the less the tax.)

(f) "Thus," reads the report in concluding remarks in another case, "in the month of June, 1922, the Commissioner of Internal Revenue, against the advice of the solicitor, grants a refund of $3,035,771.55 * * * and in the same month publishes a cumulative bulletin proclaiming that such a thing can not be done under the circumstances in this case. From the solicitor's memorandum (addressed to the commissioner) it also appears that the tax on $11,500,000 of profit is also waived 'as a matter of policy' although the legality of the tax is not questioned" (p. 205).

MORE SECRECY. WHAT HAPPENS IF EMPLOYEES TELL THE TRUTH

(g) "It has been and now is the policy of the Commissioner of Internal Revenue to discourage such protests and to make examples of subordinates who make them" (p. 225).

WHAT THE DIVISION HEAD DID

"Such protests" referred to several cases where integrity was crushed. Employees who would not be parties to shady transactions resigned or were discharged and other employees, who discovered fraud in the tax of the favored and sought to remedy it, saw their protests intercepted in a division chief's office and diverted until, at a secret meeting with the fraudulent taxpayer, a reduction from $571,492 to *$482.16* was arranged and accepted and afterwards set up as a bar to prevent the collection of the fraudulently concealed tax (pp. 225 to 229 and 2146). About one of such cases, the report pertinently remarks:

"The division head took the case away from the auditor and closed it * * *. There is no way for this case to come to the attention of any higher authority unless the auditor had protested over the head

[3] Includes $17,777,642.45 refunded as a 25 per cent reduction under provision of section 1200, revenue act of 1924."

of his division chief. The efficiency rating of this auditor, his chances of promotion, and liability to discharge were all under the absolute control of this division head, and if this auditor had any desire to hold his position, to say nothing of being promoted, it was necessary for him to keep quiet" (p. 225).

And in *another* employee's case with *another* division head the Senate committee adds:

"Mr. Briggs filed a protest against the determination of the committee on appeals and review in the X case and against the action of the conferee in the Y case * * *. After the X case and the Y case were presented to this committee, they were ordered reconsidered by the commissioner and upon reconsideration, Mr. Briggs was sustained * * *. Mr. Briggs's protests in these cases saved the Government an immense amount of tax. *He was summarily dismissed* on April 23, 1925, *in the interest of economy*" (p. 226).

The Senate committee adds, further:

"This investigation disclosed the fact that the chiefs of the *metals, coal,* and *timber* valuation sections of the engineering division were exceptionally capable men who have consistently tried to protect the Government from the unsound bargaining policy in the Income Tax Unit. Since the conclusion of our hearings, every one of these men has been removed from the executive position he held" (p. 226).

Still another employee, Mr. Daniel F. Hickey, attorney, in affidavits introduced by Senator NORRIS (CONGRESSIONAL RECORD, February 8, 1925, pp. 3202–3208) gave examples of fraud, favoritism, and collusion of which a superior admitted knowledge but plead compulsion from "higher-ups." The following sentences are in one of the affidavits:

"Even though I reported about a dozen cases of fraud to the commissioner, even though the intelligence unit agreed with my representations, even though in several cases the solicitor agreed with me, the *men who perpetrated the frauds were kept in their high positions* and I was transferred. They did try to get me out of the way, but they did not dare to fire me. I resigned." (CONGRESSIONAL RECORD, February 8, p. 3204.)

Senator NORRIS exhibited these sentences in his plea to permit proper examination of income tax reports. The apparent purpose was to make distasteful anything which might interfere with secrecy.

But the "master's voice" had spoken. Deaf to the record of fraud, favoritism, and corruption, the Senate voted to intrench secrecy.

And this committee might also have added, had they known the facts, stated on the floor of Congress to have come from a present Assistant Attorney General, that the tentacles of the greatest Secretary of the Treasury since Hamilton have reached into the department which has control of the administration of justice to have appointment made of those supposed to prosecute liquor cases in his Pittsburgh district and to have discharge meted out to another in this same Department of Justice because he dared to examine fraudulent Liberty bond matters though ordered so to do by two Presidents of the United States—and this, after a select committee of the Congress of the United States, solely on Treasury records and testimony of Treasury officials and employees, made a vigorous protest (H. Rept. No. 1635, 68th Cong., 2d sess).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3559) to incorporate Strayer College; to the Committee on the District of Columbia.

By Mr. COUZENS:

A bill (S. 3560) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; to the Committee on Civil Service.

By Mr. OVERMAN:

A bill (S. 3561) granting an increase of pension to Bessie B. H. Cotten; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 3562) to amend section 6 of the act of May 29, 1884, entitled "An act for the establishment of a Bureau of Animal Industry, etc."; to the Committee on Agriculture and Forestry.

By Mr. FLETCHER:

A bill (S. 3563) to repeal the clause at the end of section 6 of the act of Congress, 1884 (23 Stat. 31); to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3564) for the relief of the trustees of the Presbyterian Church at Keyser, formerly New Creek, W. Va.; to the Committee on Claims.

A bill (S. 3565) granting an increase of pension to William L. Faucett; and

A bill (S. 3566) granting an increase of pension to Georgiana Harden; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3567) further to assure title to lands designated in or selected under grants to the States, to limit the period for the institution of proceedings, to establish an exception of lands from such grants because of their known mineral character, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BUTLER:

A bill (S. 3568) for the relief of James M. Thomas; to the Committee on Naval Affairs.

A bill (S. 3569) for the relief of Chester W. Nichols; to the Committee on Claims.

By Mr. CARAWAY:

A bill (S. 3570) for the relief of O. H. Chrisp; to the Committee on Claims.

A bill (S. 3571) for the relief of Ada Brown-Hopkins; to the Committee on Public Lands and Surveys.

By Mr. MAYFIELD:

A bill (S. 3572) granting an increase of pension to Charles W. Anderson; to the Committee on Pensions.

A bill (S. 3573) to amend the Judicial Code, as amended, in respect to venue for conspiracy cases; to the Committee on the Judiciary.

By Mr. KING (by request):

A bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes; to the Committee on Immigration.

By Mr. FESS:

A joint resolution (S. J. Res. 72) declining a bequest to the United States by the late Wesley Jordan, of Fairfield County, Ohio; to the Committee on the Judiciary.

DEPENDENT CHILDREN IN THE DISTRICT

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (S. 1929) to provide home care for dependent children in the District of Columbia, which was ordered to lie on the table and to be printed.

DESIGNATION OF STATE HIGHWAYS

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. TRAMMELL. I submit a Senate resolution, which I send to the desk. I ask that the resolution may be read and lie over under the rule.

The resolution (S. Res. 169) was read and ordered to lie over under the rule, as follows:

Resolved, That the Bureau of Public Roads, Department of Agriculture, be, and is hereby, requested to make no change in the marking and designating of interstate public highways which would bring about a discontinuance of the designation and marking of said highways by names as heretofore adopted.

CLAIMS OF NEUTRALS AGAINST GREAT BRITAIN AND FRANCE

Mr. BORAH submitted the following resolution (S. Res. 170), which was referred to the Committee on Foreign Relations:

Whereas the claims of American citizens against Great Britain and France arising out of violations of the rights of neutrals between August 1, 1914, and April 6, 1917, have not yet been brought to settlement: Therefore be it

Resolved, That the Secretary of State be requested, if not incompatible with the public interests, to inform the Senate what steps he is taking to negotiate claims conventions with Great Britain and France for the arbitration and settlement of the claims above mentioned.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," disagreed to by the Senate, agreed to the conference requested by the Senate, and that Mr. ZIHLMAN, Mr. KELLER, and Mr. BLANTON were appointed managers on the part of the House at the conference.

The message also announced that pursuant to the provision of House Concurrent Resolution No. 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals, the Speaker had appointed Mr. MORIN, Mr. JAMES, and Mr. QUIN as members of said committee on the part of the House.

SPEECH OF SENATOR BORAH ON EDUCATION CONTROL

Mr. COUZENS. I ask unanimous consent to have published in the RECORD a speech by the senior Senator from Idaho [Mr. BORAH] on the question of education control, which he made at Lynchburg, Va., on the 12th instant.

There being no objection, the speech was ordered to be inserted in the RECORD, as follows:

BORAH ASSAILS UNITED STATES EDUCATION CONTROL—SENATOR FROM IDAHO ADDRESSES RANDOLPH-MACON WOMAN'S COLLEGE, LYNCHBURG—OPPOSES BUREAU PLAN—DECLARES QUESTION BELONGS TO STATES AND NOT TO FEDERAL GOVERNMENT

LYNCHBURG, VA., March 12 (Special).—United States Senator WILLIAM E. BORAH, of Idaho, delivered an address at Randolph-Macon Woman's College to-night, speaking on the proposed Federal department of education, which he opposed.

He said, in part:

"Once you establish a Federal department of education and in a startlingly brief time it will come to dominate completely and in detail your States in matters of education. That is the unbroken history of Federal bureaus. They may tell you such is not the purpose, and in that they may be perfectly sincere when they so declare. But they are uninformed as to the philosophy of centralization, its inevitable tendencies, its imperious qualities. They have not familiarized themselves sufficiently with the history of these Federal agencies.

MEANS GREAT FEDERAL POWER

"The principle once admitted, the agency once established, the Federal power will ultimately direct, guide, dictate, and control the whole educational system from the mother's knee to the final departure from the campus. Indeed, that was the original conception of the Federal plan. The original plan and arguments contemplated exactly that, to wit, that the National Government should be omnipotent in educational affairs.

"We were to have uniformity, the dead level of uniformity. We were to have Washington as the source of systems, the one leader in matters of education. We were to have a national system originating in Washington and nothing in all the Union was to be found out of harmony with it. It was to be imposed upon every community in the broad land. It was aroused public opinion which modified the scheme.

WARNS AGAINST BEING MISLED

"But once established it will soon correspond in full with the original idea. Let no one be misled. A Federal department of education means Federal control of educational affairs. Those who do not want that should not be beguiled into the belief that that is not to be the ultimate achievement. It does not matter how modestly is your beginning, nor how profuse the promises, every State and every institution of learning will feel the compelling force of bureaucratic power.

"The growth of bureaucracy in this country must be a matter of deep concern to everyone who still believes in free institutions, who would like to retain some of the principles with which, as a Government, we started. There is scarcely an activity of body or mind but is either already, or proposed to be, brought under the surveillance of the Government through some bureau.

BUREAUCRATIC CONTROL BAD

"I have seen a list of measures now pending before Congress in which it is proposed in some way to establish further bureaucratic control. Anyone who will examine these bills will find that the restless legislative mind does not propose to leave any activity, any business, free of governmental direction and surveillance. Bureaucratic control is bad at best. But it is peculiarly vicious when it takes over and places under national control those things which ought to remain with the State, and that is its inevitable tendency.

"If departments and bureaus established at Washington would be content to deal with purely national problems, the situation might be endured. But the first move of these bureaus is to reach for those things which are distinctly personal and distinctly local. They feel an uncontrollable desire to look after individual interests and to direct personal affairs. They draw to the National Government and place under national control matters which should be dealt with by the State and which can only be successfully dealt with by the State.

CROWDS PAY ROLLS

"These bureaus therefore become the great agencies of centralization. They crowd into Congress and into the Capitol at Washington every conceivable matter of public and private concern. Instead of imbuing the citizen with a sense of responsibility and arousing within him interest in public matters, they would undermine and destroy both. Bureaucracy crowds the pay rolls. It would put the citizen in a straitjacket. Its natural tendency is to destroy initiative, self-reliance, and individual courage, the great qualities of American citizenship. It is wasteful, extravagant, and demoralizing. It is the creeping paralysis of democracy. Good citizenship, self-helping citizenship, and representative government demand that we place a limit to this tendency, that we stay its progress and establish some point beyond which it can not be permitted to go.

"Above all things, it should not be permitted to dominate our educational system. In the training of the mind and the building of character, in training men and women for citizenship, we want the community atmosphere, we want the local coloring, we want initiative, tolerance, variety, individuality. We want mind and soul and not mere mechanical direction. We want liberty of thought, freedom of opinion. We want that contrariety of view and that individuality which gives strength and health to our national life and intellectual force to our people.

HOPES STATES WILL KEEP CONTROL

"I hope, therefore, we will leave our educational system under the control of the States and as nearly as may be in touch with the home. Leave it where the people will be found in close contact and where there will be every tendency to keep alive a keen interest and a deep sense of responsibility upon the part of the whole people. In matters of education there should be neither governmental monopoly nor the deadening uniformity of bureaucracy.

"This Government depends at last upon the intelligence and character of the average citizen. His constant, vigilant interest in public matters is indispensable to the success of this great experiment. The idea that the Government should be a universal provider and guarantor against all risks and wants of human existence is at war with our whole theory of government. The theory that there is a wisdom at Washington with reference to purely personal and local concerns superior to the wisdom found at home and in the communities or the States is not the theory upon which our Government was organized."

ORDER OF BUSINESS

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. WALSH obtained the floor.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH. I yield.

Mr. WILLIS. It is with great diffidence that I submit the suggestion I am about to make to the Senator from Montana. I recall that he gave notice of the address which he desires to deliver this morning, but I am wondering if the Senator would not permit us to work on the calendar for a while. We have a long calendar of rather important measures, and the only time we can get them up is at this hour, as the Senator knows. So I wonder if the Senator would not consider postponing the delivery of his address until after we have worked on the calendar for a time?

Mr. WALSH. Mr. President, it is now a quarter after 12 o'clock, and I feel sure that I shall conclude my remarks at least by 1 o'clock; so there will still be an hour to work on the calendar. I should prefer to go on at this time.

Mr. WILLIS. Of course, I recognize that the Senator can proceed; no one wishes to object; only I am very anxious to secure consideration of some of the measures on the calendar.

Mr. WALSH. I am sure that there will be an hour remaining for the calendar after I shall have concluded my address.

Mr. PITTMAN. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WALSH. I yield.

Mr. PITTMAN. Mr. President, I had desired to discuss the long and short haul bill, which is now the unfinished business, this morning, but the Senator from Montana had given notice of his intention to discuss another subject. There are some other matters which I believe Senators have expressed a desire to discuss to-day; so, with the permission of the Senate, I shall discuss the unfinished business upon convening to-morrow morning or as soon thereafter as possible when it may be convenient to the Senate for me to do so.

SENATOR BURTON K. WHEELER

Mr. WALSH. Mr. President, on the 22d day of January, 1926, the time expired within which the Government might take an appeal from the ruling of Judge Bailey of the Supreme Court of the District of Columbia sustaining the demurrer to the indictment returned in that court a year ago against my colleague, Senator WHEELER. Thus there is brought to an inglorious end the effort of the Department of Justice to punish a Member of this body for daring to assail it in the discharge of his official duties and in retribution for his exposure of such misdeeds and associations on the part of the head thereof the Attorney General of the United States which forced his retirement from public office.

Whatever may be said in criticism of the method that was pursued or the character of the witnesses of which he made use, few, if any, will venture to deny that Senator WHEELER rendered an invaluable public service in forcing and conducting the investigation which occasioned the prosecution against him.

The President of the United States admitted as much when he called for the resignation of Harry M. Daugherty, impelled

by the revelations of the depravity of his associates, and every doubt has been dispelled since that gentleman declined to testify before a grand jury concerning his official acts on the ground that his evidence might incriminate him.

The circumstances under which the criminal proceedings against Senator WHEELER were instituted and the issue thereof, must convince the most skeptical that they were inspired by personal and partisan malice, that they constituted a plain case of political reprisal, having for their immediate purpose to arrest the investigation in which he was then engaged and to bring into disrepute it and other like inquiries being conducted by the Senate, and remotely to serve as a warning to any Member of this body who might be moved to expose corruption or malversation in the public service. It is as a breach of privilege of the Senate of the United States that I present the subject to-day. How many among us will care to incur the displeasure of the Department of Justice if it may with impunity employ perjured testimony to wreak its vengeance on those who thus dare? I propose to demonstrate that that is just what it did in the case of my colleague, Senator WHEELER.

It will be recalled that while he was acting as "prosecutor," so called, of the special committee to investigate the Department of Justice and had developed a state of venality in that branch of the Government at which the country stood aghast, an indictment charging acts alleged to have been committed more than a year before was returned against him on the 8th day of April, 1924, in the District Court for the District of Montana, the judge of which had recently been appointed upon the recommendation of the then Attorney General, by a grand jury the foreman of which had attained some distinction through the virulence of his political antagonism to Senator WHEELER, the case having been submitted by a United States attorney, likewise an appointee indorsed by the Attorney General and an assistant to him deputed by the department; that Senator WHEELER demanded an immediate trial which was refused upon the ground that the department was still investigating the case and that meanwhile the Senate having, through a committee, examined every witness produced by the department, or who, so far as could be learned, had any knowledge of the facts, completely exonerated him.

After a review of the evidence adduced at the hearing by the chairman of the committee, the senior Senator from Idaho, who declared that there was none that would justify an inference of guilt, the report of the majority, for which he spoke, was adopted, there being but four dissenting votes. Among them was one cast by the senior Senator from South Dakota, who submitted a minority report, but who would go no further in debate than to assert that, in his opinion, there was evidence before the grand jury affording reasonable cause to believe the Senator guilty. He expressed no opinion as to whether the evidence pointing to guilt had not been satisfactorily explained and every inference of guilt dissipated before the committee.

Having been denied a prompt trial, his case was set down for September 1, 1924, the very day on which, according to an advertised schedule, he was to open his campaign as a candidate for Vice President by an address in the city of Boston. Having taken counsel, the representative of the Government concluded it would be wiser not to force the trial at that time. The setting was canceled and the case eventually came to trial before a jury which, on the 24th day of April, 1925, promptly acquitted the Senator. The indictment against him charged that he had received and agreed to receive a fee from one Gordon Campbell for representing him in certain matters relating to oil permits before the Department of the Interior. The facts were that he had been employed by Campbell to represent him and did actually represent him in certain litigation before the courts of the State of Montana, Campbell at the same time having other counsel who appeared for him before the department. WHEELER never did, and established to the satisfaction of the jury, as he had before the Senate committee and the Senate, that he had never agreed to do so, either with or without compensation.

Prior thereto the Department of Justice, apparently apprehensive that a Montana jury would not convict, procured an indictment to be returned on the 28th day of March, 1925, against Senator WHEELER and the same Gordon Campbell, with one Edwin S. Booth, Solicitor of the Department of the Interior, in the District of Columbia, charging conspiracy to defraud the United States by attempting to secure for Campbell through dummy entrymen a greater acreage of oil permits than the law entitled him to hold.

It may be recalled that the grand jury for the District, having been engaged for some time in taking evidence of witnesses concerning the transaction made the basis of the indictment last referred to, being the witnesses almost without exception or addition who were called before the Senate committee, and after Senator WHEELER, on the invitation of the Attorney General, had appeared before and told his story to them, adjourned and reassembled after about 30 days, when, as I am informed, George B. Hayes, hereafter mentioned, was produced and testified in substance, as he afterwards did on the trial of the indictment in Montana, as hereinafter related, no opportunity having been afforded Senator WHEELER to know either of his appearance or of the nature of his testimony before the grand jury.

It was afterwards admitted in that proceeding that the transaction giving rise to it was identical with that upon which the Montana indictment was based; the overt acts charged consisted largely of the sending and receipt of telegrams and letters introduced in evidence by the Government in the Montana trial; all of which it was the plan of the Government to offer on the trial in the District, with a purpose to show, as it attempted to show in Montana, that Senator WHEELER had agreed for a consideration to assist Campbell before the department and, a circumstance not necessary to be shown under the Montana indictment, that he knew the applications to be fraudulent. In other words, it was proposed to try him twice for the same offense, the same offense in fact, however it may be under the technicalities of the law of former jeopardy.

It was conceded by the Attorney General that the indictment might with equal propriety be brought in Montana, the Federal court in which had jurisdiction concurrent with that of the District of Columbia, for though the conspiracy was alleged to have been entered into in Montana some of the overt acts were laid in the District. The jurisdiction of the courts of the District in such cases had long been contested. The fundamental injustice and oppression of bringing a man from a distant State to the District of Columbia to try him in a community in which the influence of the administration penetrates every walk of life and everyone breathes an atmosphere of adulation of the powers that be has been repeatedly inveighed against. The Supreme Court, however, eventually affirmed the right of those courts to take jurisdiction in such cases, but it said in that connection, (I read from Hyde *v.* Shine, 199 U. S. 75):

> But we do not wish to be understood as approving the practice of indicting citizens of distant States in the courts of this District where an indictment will lie in the State of the domicile of such person unless in exceptional cases where the circumstances seem to demand that this course shall be taken. To require a citizen to undertake a long journey across the continent to face his accusers and to incur the expense of taking his witnesses and of employing counsel in a distant city involves a serious hardship to which he ought not to be subjected if the case can be tried in a court in his own jurisdiction.

It will puzzle anyone to spell out the extraordinary circumstances which made resort to the courts of the District in this instance either imperative or justifiable.

A demurrer to that indictment disposed of it, the court holding that even if all the facts charged were true no crime had been committed by any of the defendants. An appeal would lie from the ruling of the court but none has been taken, the department evidently reaching the conclusion that in its eagerness to "stick" Senator WHEELER it had arrived at a too hasty conclusion on the law to which it appealed.

To return to the Montana trial. In his opening statement to the jury the district attorney told them a witness would be produced who would testify to a conversation with Senator WHEELER in which he offered to divide with the witness, a lawyer, a very large fee which he, WHEELER, was to receive from Campbell for representing him in the matter of oil permits before the Department of the Interior, if the witness would appear for him, WHEELER, who explained, as it was stated, that being a Senator he could not himself do so. No such testimony was adduced, no such witness appeared before the Senate committee. Counsel for the defendant had never heard such a charge made. Correspondents for the metropolitan newspapers present at the trial in considerable numbers, who were conversant with the affairs since its inception, were entirely ignorant of it or of the witness referred to. Speculation aided by lists of prospective witnesses found in newspaper reports and prepared from subpœnas issued from the office of the clerk of the court afforded but a single clue, which, being followed, disclosed that the witness to whom it led would not so testify. One of the counsel for Senator WHEELER waited upon the district attorney and requested to be informed as to the identity of the witness promised. No information was vouchsafed. The newspaper reporters were unable to elicit any, try as they might. The trial proceeded for some days, the evidence submitted being substantially like that adduced before the Senate committee. Not all the wit-

nesses heard before the committee appeared, but the facts of the transaction were detailed in substantially the same language. A few witnesses who told of minor details of no great consequence were heard. Otherwise the same story was told. A request for a directed verdict had been prepared, counsel being mindful of the view expressed by Senator BORAH when in reviewing the evidence taken by the Senate committee he said:

> Mr. President, there is not even a conflict of testimony here, and I have left out entirely the statement of Senator WHEELER. His statement adds conclusiveness, but, leaving that aside, I submit the evidence seems conclusive.
>
> I repeat, that upon the testimony of disinterested witnesses, Mr. WHEELER is perfectly clean of any condemnation under the statute.

The conclusion was indulged that the district attorney had been imposed upon by some romancer and had found himself unable to produce the mysterious witness, when lo! a stranger was called to the stand. He gave his name as George B. Hayes, a lawyer, residing and practicing in the city of New York. He proceeded to tell that on or about the middle of March, 1923, between the hours of 4 and 7 p. m., he met with Senator WHEELER in the lobby of the Waldorf-Astoria Hotel in that city, having been advised theretofore by one Edwin S. Booth, before referred to, over the telephone that WHEELER was to be there on that day, having arranged to sail for Europe on the day following; that there ensued a conversation quite like that which the district attorney asserted in his opening statement he expected to prove, as heretofore detailed, the witness adding that WHEELER assured him, the witness, that "there are millions in it." On cross-examination the witness stated that he had not been subpœnaed, having arranged with the department in Washington to attend when called; that he had never met Senator WHEELER prior to the occasion of which he spoke and was unaware that the gentleman he was to meet was a United States Senator; that he, the witness, had no familiarity with the public land laws in general or with the oil leasing law in particular or with the practice before the Department of the Interior, and had no experience before that department except that he had been interested in one application pending there under the war minerals relief act.

In substantiation of the accuracy of my review of the testimony of Hayes and of that part of the statement of the district attorney in relation to the same, I send to the desk the stenographic report of both and ask that it be printed in the RECORD as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix.)

Mr. WALSH. Senator WHEELER denied point-blank that he had met Hayes on the occasion mentioned, or had ever had any talk with him or seen him or heard of him, except that some 12 months after the eve of his departure for Europe, while conducting the investigation of the Department of Justice, Hayes being called as a witness was introduced to him by his assistant, one A. B. Melzner, whose duty it was to interrogate the witnesses and brief their evidence for use at the hearing, Hayes afterwards testifying concerning a bootlegging transaction under inquiry by the committee. Fortunately it so chanced that Melzner, a highly reputable lawyer of Butte, Mont., to whose character and trustworthiness I am myself able to attest from an acquaintance of many years, a close friend of WHEELER, being on his way from New York to the coast, stopped off at Great Falls to attend the trial. Being called to the stand he told that on Hayes's appearing in obedience to a subpœna issued by the Senate committee he (Melzner) questioned him concerning the transaction in relation to which it was expected he could testify and having secured his story asked him if he had ever met Senator WHEELER, to which he replied that he had not, whereupon Melzner offered to accompany him to the committee room and introduce him to WHEELER, which he did. The press having carried information of Hayes's testimony, another aid to Senator WHEELER as "prosecutor" for the Senate committee, Henry Stern, of Buffalo, N. Y., wired promptly to the Senator from that city that he had read such press reports and that he recalled distinctly Melzner's asking Hayes whether he had ever met WHEELER and Hayes's reply that he had not. Booth denied that he had conversed over the telephone with Hayes touching a meeting between him and WHEELER.

While the evidence for the defense was being submitted, inquiries by wire of friends in the city of New York brought the information that witnesses were on the way to Great Falls, including one of the assistants to the district attorney, qualified to testify to the reputation of Hayes for truth, veracity, and integrity, and that it was bad. The testimony for the defense, save for that of such witnesses, however, being concluded, it was determined that the case might safely be submitted without theirs, and it was. The jury on retiring went to dinner and within a few minutes after their return reported an agreement and returned a verdict of not guilty, without discussion, it was reported, and arrived at on the first ballot.

Senator WHEELER told on the stand that having suddenly determined to sail for Europe, he wired his wife at Butte, asking her to join him. She left immediately for New York, where she arrived Friday morning, and as they were sailing next day, and she in need of clothes appropriate to the trip, they were out shopping all day, and that returning to the hotel they went directly to their room to dress for an early dinner to which they were invited and from which their host took them to a theater. Unfortunately, Mrs. Wheeler was ill in Washington at the time of the trial, so her testimony was not available, but she confirms Senator WHEELER's statement that he did not see and could not have seen Hayes in the lobby of the Waldorf, as testified to by him, as shown by the following affidavit:

> DISTRICT OF COLUMBIA, *ss:*
>
> I, Lulu M. Wheeler, being first duly sworn, upon oath depose and say that on the morning of the 16th day of March, 1923, I arrived in New York from Chicago over the Broadway Limited train of the Pennsylvania Railroad and went directly to the Waldorf-Astoria Hotel, where I met Mr. WHEELER and where he had engaged a room for us. We remained at the hotel but a short time, and later in the morning left together to go shopping. We visited many stores, the last one being B. Altman Co., where Mr. WHEELER purchased some shoes. I recall distinctly that we remained in this store until after the doors were closed, which I believe was about 5.30 p. m. We went from Altman's store direct to our room in the Waldorf-Astoria Hotel in order to dress for dinner. Mr. WHEELER never left our room from the time we returned to the hotel until a short time before 7 o'clock, when he and I left together to attend a dinner at the home of Mrs. Griswold. The other guests present at the dinner were Colonel and Mrs. E. M. House, Mrs. J. Borden Harriman, and Colonel Stone, of the United States Army. After dinner we went with the entire dinner party to the Metropolitan Opera House, and did not return to the hotel until nearly midnight. The next morning, March 17, we embarked on the *Roosevelt* for a trip to Europe. From the time I reached the Waldorf-Astoria Hotel on the morning of March 16 until we embarked on our boat for Europe Mr. WHEELER and I were continually together.
>
> Mr. WHEELER could not have met George B. Hayes during that time without my knowledge as we were together continually, and I know he did not meet him while we were in New York in March, 1923, at the Waldorf-Astoria Hotel or at any other place.
>
> LULU M. WHEELER.
>
> Subscribed and sworn to before me this 6th day of January, 1926.
>
> GERTRUDE ELLIS,
> *Notary Public, District of Columbia.*

I have here quite a sheaf of affidavits from persons competent to speak, who assert therein that Hayes's reputation is of the most unsavory character and that his oath is valueless. They are all at the command of the Department of Justice. I shall read but one, from a former employee. It is as follows:

> STATEMENT BY A. FURMAN GREENE, 1457 BROADWAY, NEW YORK CITY
>
> I reside at 823 West End Avenue, New York City; my office is at 1457 Broadway, New York City.
>
> I am an attorney at law; was admitted to the bar of the State of Pennsylvania (Philadelphia County), in 1905. In 1918, I moved to New York City where I became associated with several corporations. In 1921 I was admitted to the New York bar.
>
> Early in 1923 I decided to begin the practice of law in New York. In casting about for a connection with a law office, some one mentioned to me the name of G. B. H. I wrote H. in February of that year and received his reply dated February 11, 1923, asking me to call at his office to see him.
>
> It was afterward explained that "G. B. H." means "George B. Hayes," and "H." means "Hayes."
>
> I called on him the following Monday, in February, 1923, and had an interview with him. At that time he told me that he would consider my application, but could come to no decision until later on. He said he was leaving for Habana, Cuba, in a day or two and would be back on February 21. I called to see him again on February 22. He then said he had just returned; that he was busy preparing for an important trial; and that I would have to see him again. I finally became associated with him on March 26, 1923.
>
> Before that I had called at his office four or five times and found him out during the day, his office informing me that he was trying "the important case." I had to make it a point to be at his office after 5.30 in the afternoon to see him. On one of these occasions H. told me that he was one of the attorneys for the defense in the Hart case, in which former Prohibition Director Hart (of New York City

district) and a number of other defendants were being tried for conspiracy to violate the prohibition laws, that the trial was then in progress, and that he was engaged in court daily and that after court adjourned he conferred with the other attorneys for the defense daily and did not get back to his office until about 5.30 in the afternoon. This trial began about February 25, 1923, and ended about March 24, 1923.

At several interviews before my association with him, H. told me that his practice was principally between various governmental departments in Washington. He pointed to autographed photographs hanging on the walls of his private office of President Harding, Secretary of the Treasury Mellon, Comptroller of the Currency Crissinger, and also the President of Cuba. He said he had very large Cuban matters in hand and that he would have occasion to go to Cuba frequently. His Cuban matters, he said, came to him by reason of his great political influence in Washington which enabled him to exert pressure upon the Cuban officials. He emphasized that he was a very close friend of Secretary Mellon and particularly of Attorney General Daugherty.

When I arrived at his office on March 26 the office manager, Harry Friedman—who, I have since learned, resigned from the bar of New York after charges had been preferred against him and H. by a client of their office—assigned me the task of familiarizing myself with the sugar situation in the United States. H. was in Washington and came back in a day or two. Upon his return he told me that he had conferred with Attorney General Daugherty and other prominent members of the Federal administration and expected to be appointed special counsel to investigate the conditions leading up to the then chaotic conditions of the sugar market in the United States. He stated that his special qualifications, due to his familiarity with Cuban economic matters, together with his influence with Washington officials, would get him the appointment. He wanted me to familiarize myself with the sugar situation so as to become his assistant in the contemplated investigation. He did not get the appointment, as the Government made its investigations through its own officials.

During my association with H. I handled matters principally involving practice before Federal departments—i. e., Federal income tax, customs, prohibition, national banks, and citizenship, also Cuban matters.

We had several appeals from assessments and claims for abatement on behalf of clients, involving large sums of money, pending before the Federal income tax bureaus in Washington. On one occasion I had to go to Washington to argue one of these appeals. H. told me to call on Arthur Sixsmith in Washington, whom he described as Secretary Mellon's chief confidential secretary and as a close friend of H.'s. He said that Sixsmith would give me introductions which would insure favorable consideration of that particular tax matter. He suggested, however, that I exercise caution in urging Sixsmith too strongly to use his influence, as H. was then having troubles with Federal income-tax matters of his own, and that he would need Sixsmith's influence on his own behalf. I called on Sixsmith, but had no courtesies extended by him. Sixsmith seemed to be principally concerned with finding out "where H. was" and "why H. did not call to see him."

I think it was in the fall of 1923 that H. gave me a check on account of money owing to me, which was returned by his bank marked "account attached." H. explained that the internal revenue collector at New York had levied a distraint upon his bank account and other property for Federal income taxes claimed from H. by the Government. He stated that he had not filed income-tax returns for several years, claiming that his "disbursements" had equaled his receipts, and that he, therefore, owed the Government nothing. Several years before he had settled a large claim against the Cuban Government, he said, and had received a fee of several hundred thousand dollars, but that he had had to divide this fee with influential persons in Washington and Habana, leaving little for himself. Nevertheless, the Government assessed him to the extent of between three and four hundred thousand dollars. He had never submitted his books or statements of account in support of any appeal for reduction or abatement of the Government claims, but was depending upon his influence in Washington to remove the pressure of the tax office. What bothered him mostly, he stated, was that the Department of Justice was annoying him with threats of prosecution on the ground that his failure to make tax returns was with the intention of defrauding the Government, in violation of a certain provision of the Federal income tax laws. He urged me to study his case and be prepared to fight it in the event that his influence in Washington failed him. I had no occasion to take any steps in regard to this matter, as it appeared to lie dormant up to the time I left H. in April, 1924. In this connection H. frequently spoke of a quarrel he had had with Internal Revenue Commissioner Blair, whom he blamed for his income-tax troubles. H. stated that his "friend," Attorney General Daugherty, would undoubtedly protect him.

H. always spoke of his influence in Washington. He spoke of it to impress prospective clients and spoke of it to his clients in connection with cases he was handling for them. He often mentioned his political influence to me. He made frequent trips to Washington, and often told me to send papers in certain cases on which I was working to him at his Washington office in the Albee Building, so that he might take up these matters direct with high Government officials. At one time while I was associated with him H. told me he was contemplating giving up his general practice and reducing his office force in New York so as to concentrate upon his work in Washington.

He boasted of intimacy even with President Harding. Mr. Crissinger was then Comptroller of the Currency. H. was often in his company, frequently bringing him into the office. He claimed that Mr. Crissinger, who was a very close friend of the President's, had brought him into close contact with the White House. When President Harding died, H. went to Marion, Ohio, to attend the funeral, and upon his return employed a news-clipping bureau to gather editorial comments on the President, which were collected and placed in book form. He said he did this at the request of the late President's closest friends, thus reflecting his entrée to official circles in Washington.

In March, I believe, of 1924, H. had appeared as a witness before a Senate committee in Washington which was investigating the conduct of Attorney General Daugherty. A former client of H.'s had also testified before that committee and had made disparaging remarks concerning H. One of the things that this man had said—John Gorini—was that H. would sacrifice his mother for a nickel, or words to that effect. When H. returned from Washington I remarked to him that Gorini had shown great bitterness. H. said that the whole responsibility for the Daugherty investigation rested upon Senator WHEELER, and that WHEELER, in his opinion, was seeking to crucify Daugherty in order to exalt his own political position. He spoke of Senator WHEELER in most uncouth terms, and added: "Just wait and see what happens to WHEELER; we'll fix him so that he won't remain in the Senate very long."

It was about a month after this that I left H.'s office, in April, 1924.

Former Judge Hal S. Corbett was associated with H. while I was in that office, and they are still associated. Judge Corbett makes frequent trips to Washington and claims to have many friends there in the Government service. Corbett and H. are very friendly.

On May —, 1925, Judge Corbett called at my office on a business matter. We discussed the recent Wheeler trial and H.'s testimony. Corbett told me that he remembered that he accompanied H. to the Hotel Waldorf-Astoria on the afternoon of March 16, 1924, and that they parted in the lobby of the hotel. Before they separated H. said to Corbett, "I am going to see a man here whom you may know, Senator WHEELER, of Montana, your former home State." Corbett replied, "I don't know the Senator; never saw or met him." But Corbett states he did not see H. again that day.

N. B.—The initials "G. B. H." and "H.," where the same appear in the above statement, refer to George B. Hayes, an attorney at law, of New York City, N. Y.

A. FURMAN GREENE.

Subscribed and sworn to before me on January 28, 1926.

JOSEPH BLUMENFELD,
Notary Public, No. 785, New York County.

(Term expires March 30, 1927.)

Proceedings for disbarment are pending against Hayes before the courts of the State of New York as well as before the Treasury Department, or, at least, complaints looking to his disbarment are on file and were so pending or on file at the time Hayes was sprung as a surprise witness at the Wheeler trial and at the time he was called to the Department of Justice to arrange for his appearance against Senator WHEELER, coming from Cuba, where he told on the witness stand he had been sojourning for some months prior to that time. I have it from perfectly reliable sources, though I am not at liberty to disclose them, that owing to the reputation which preceded him and the associations he cultivated while there he was under surveillance constantly by the authorities. It is established by the records of the office of the clerk of the United States District Court for the Southern District of New York that he has been guilty of falsifying his income-tax returns, four judgments having been entered against him in that court on July 17, 1923, for the aggregate sum of $302,644.72, all of which were unsatisfied when the department so arranged to have him, without advice to the defendant, appear at the trial of Senator WHEELER as the Government was about to close its case.

It was in consequence of disclosures in connection with the inquiry instituted by the Bureau of Internal Revenue, resulting in the judgments mentioned, that that branch of the Government began proceedings to disbar Hayes from practicing before the Treasury Department. Though he was on the 22d day of April, 1925, suspended from so practicing, his name for some unknown reason does not appear either in the list of attorneys against whom orders of suspension have been entered, published in the weekly Internal Revenue Bulletin, or in the list appearing in the last Cumulative Bulletin, in which are published the opinions and rulings of the bureau for January to June, 1925, inclusive.

I presume most Senators are familiar with the weekly bulletins gotten out by the Bureau of Internal Revenue, publishing

the decisions and rulings of the bureau. At the back of each of these weekly bulletins is a list of attorneys disbarred from practicing before the department, or attorneys who have been suspended from practicing while their cases are under investigation, this, of course, for the information of the general public, so that they may not fall into the meshes of these men of established or doubtful reputation. At the end of each six months those names are gathered together and printed in more permanent form, and at the back of these semiyearly bulletins will be found the same list of disbarred and suspended attorneys. While Mr. Hayes was suspended on the 22d day of April last, his name has never appeared in these published lists of suspensions.

Mr. REED of Missouri. Who publishes the lists?

Mr. WALSH. The Internal Revenue Bureau publishes them. That he was suspended I have from the Secretary of the Treasury himself. I am in possession of copies of other records of the courts of the city of New York in which charges are made involving the integrity of George B. Hayes, though I forbear, for the sake of brevity, making them public.

Aside from the abundant evidence of his utter untrustworthiness, his statement concerning his meeting with Senator WHEELER on Friday, March 16, 1923, in the corridor of the Waldorf-Astoria Hotel, is denied by Senator WHEELER and by Mrs. Wheeler, and inferentially by two disinterested witnesses, Meizner and Stern, who say that 12 months afterwards Hayes told them he had never met WHEELER, while Booth denies his assertion that his alleged meeting with WHEELER was prearranged.

But regardless of these denials the story is its own refutation. It is inherently unbelievable. According to it WHEELER, admitting he was engaged in a criminal transaction, proposed to Hayes, whom he had never before met, that he, Hayes, join him in it and representing or acting for him, WHEELER, appear in behalf of Campbell in proceedings before the Interior Department touching claims under the oil leasing law, with which he was entirely unfamiliar, as he was with the public land laws generally, as well as with the practice before the Interior Department.

The jury regarded the tale as incredible. If it imposed upon the assistant to the Attorney General in charge he has not sagacity enough to fill the place he occupies. If the Bureau of Investigation did not apprise him that Hayes was totally unworthy of belief, it ought to undergo a radical reorganization. But if the charitable view be taken that an imposition was practiced upon the responsible officers of the Department of Justice with respect to the character of Hayes or of the testimony he was to give, what excuse, what palliation, can be offered for the studious course of concealment that was pursued with reference to his production as a witness? What conception of justice have those who conceived or carried out such a plan to surprise a defendant charged with a criminal offense, to catch him unawares by springing a witness on him from a remote section of the country just as the evidence against him was about to close and he was required to proceed with his defense? This practice, so much more honored in the breach than in the observance, rare, I venture to believe, in this country, has been roundly denounced by one who from his high official position is entitled to speak for the bar of America. In a public address delivered before the American Bar Association at its annual meeting in September last he said:

> The impression the laity have of us in this regard is, I am sure, much worse than we really deserve; but still is it not true that we often try to get the other side "in a hole"; to produce a witness or a piece of evidence of some kind which is a complete surprise to him, and which in the exigency of the trial he can not meet or explain although there may be some explanation in existence?
>
> A victory won under such circumstances is pretty sure to be set at naught later, and the number of petitions for new trials on the ground of newly discovered evidence is an index of the number of such victories.
>
> It is every lawyer's duty to do his best to win his client's cause; yes, but it is of greater importance that justice be done than that client shall prevail, and I deem it a greater honor to lose a case which, on all the facts in existence bearing on it, ought to be lost, than to win it on part of such facts being shown, with no opportunity for the other side to produce the rest.
>
> In the first place, the last place, and all the places between, it is our duty to the court, and to the cause of truth and justice, to give all the light we can on the merits of the cause.
>
> Again, an opponent who is stripped of the opportunity to say, or appear to say, that he can not meet the evidence against him because it comes as a complete surprise, is at once put in the position of being unable to meet it because it is true and there is no answer to it.
>
> The longer I have practiced law, the more cases I have tried, the more I have become convinced of the advisability of showing all the facts I know of bearing on the issue on trial, whether for me or against me, and, further, of advising my opponents in advance of the substance of what the evidence against them will be.
>
> I know well the answer rising on the lips of many: "You would give an opportunity to manufacture evidence to meet your every proposition."
>
> No; there is very little to be feared from manufactured evidence; its character is almost certain to be revealed, and is deadly poison to the party who uses it.

Who is he who thus voiced these just and high-minded sentiments, you ask? Why, none other than John Garibaldi Sargent, Attorney General of the United States. Some recent developments have led to the conclusion that he is entirely oblivious of much of what is going on and more of what is not going on in his department. If he was ignorant of the accusation by his predecessor made immediately before his accession to the effect that a corporation generally believed, whatever the fact may be, to be controlled by a fellow member of the Cabinet was guilty of contempt of court in a matter of the greatest importance, information of which was carried and abundantly commented on in the press, it may well be that he was equally ignorant of the incident attending the trial of a United States Senator, now being discussed, information of which was given to the general reader in like manner. Were it otherwise, Satan rebuking Sin would be an edifying spectacle compared with the unblushing hypocrisy of his speech.

The story of this prosecution against Senator WHEELER makes a black chapter in the history of American jurisprudence. Happily it has few parallels. My reading has revealed none. We are led to believe that in other countries men in public life who have made themselves obnoxious to the powers that be, run the risk of like treatment before subservient courts. Our liberties have not until now been so imperiled. I look for no division in this body in reprobation of this assault upon its independence, recalling the days of the Stuarts and the Tudors. The offense against the Senate is too flagrant to permit the thought that even partisanship should offer any obstacle to the vindication of its dignity and the demands of justice. I am confident that the President of the United States, being apprised of this effort to pollute the adminstration of justice will, jealous, as he must be, for the honor of his administration, hasten to inquire into the identity of those responsible for it and to act accordingly.

EXHIBIT A

TESTIMONY OF GEORGE B. HAYES

Direct examination by Mr. SLATTERY:

Q. You may state your name to the jury, Mr. Hayes.—A. George B. Hayes.

Q. Where do you reside?—A. New York City.

Q. How long have you lived there, Mr. Hayes?—A. 1897.

Q. Since 1897. And what business or profession are you in?—A. Law.

Q. And how long have you been practicing law in your city?—A. Twenty-five years.

Q. And during that period state whether or not your practice has called you to other points in which you engaged in practice.—A. It has.

Q. And during that period state whether or not you have practiced your profession in the District of Columbia.—A. Not in the courts there, except the United States Supreme Court. I have practiced before some of the departments.

Q. Are you a man of family, Mr. Hayes?—A. Yes, sir.

Q. How many children?—A. Three.

Q. Do you know the defendant, Senator WHEELER?—A. Yes, sir.

Q. When did you meet him?—A. Why, the first time I think was about the middle of March, 1923.

Q. And where did you meet him?—A. The Waldorf-Astoria.

Q. That is, the Waldorf-Astoria Hotel in New York City?—A. In New York—Thirty-fourth Street and Fifth Avenue.

Q. State whether or not your meeting with him was by appointment or otherwise.—A. It was by appointment; yes.

Q. And who made the appointment or arrangement?—A. Mr. E. S. Booth, who was——

Q. Do you know whether or not at that time he was the Solicitor of the Department of the Interior?—A. He was at that time; yes, sir.

Q. How did Booth make this arrangement with you to meet the defendant?—A. The arrangement was made on the phone.

Q. Oh, on the telephone?—A. Uh-huh.

Q. Where were you?—A. I was in New York.

Q. And how long, about, was this arrangement made before you met Senator WHEELER?—A. Why, I was to be in Washington that day, and I telegraphed Booth that I could not be there. Booth had telegraphed me, I think two or three days before, and I replied saying, I would be in Washington on that day. I could not get there; I think I was engaged in a trial of some case or in some court proceeding in New York; and I telegraphed Booth that morning and some time during the day

Booth called me up and asked me if I could meet Senator WHEELER at a certain hour. I can not think what the hour was. It was apparently during the court hours. I replied, no that I would not be at leisure until after 4, and I suggested between 4 and 7. Now, it was some time between that hour. I can not tell you what hour exactly.

Q. I see. Now, how did you come in contact with Senator WHEELER in the Waldorf-Astoria Hotel that day?—A. Well, I had either one or two telegrams that I had received from Booth that week, and I went up to the Waldorf and had him paged.

Q. Had Senator WHEELER paged?—A. Yes.

Q. That is, to have a boy call him?—A. One of the bell boys.

Q. Yes; and did you finally succeed in seeing him?—A. In a few minutes; yes, sir.

Q. Whereabouts in the hotel?—A. Well, I would not be sure. I suppose it was right near the main desk there, because that is where the bell boys congregate.

Q. Now, what conversation, if any, did you have there with Senator WHEELER, the substance of it?

Senator WALSH. Just a moment, if the court please, some statement was made by the district attorney in his opening statement, addressed to the jury, concerning proof that would be submitted, and I suppose probably, I assume, that this testimony is to come from this witness. In my estimation the testimony is inadmissible under the indictment, and I should like to address the court on that matter for a short while, if the jury might be excused.

The COURT. Well, the jury may retire.

JURY OUT

Senator WALSH. The statement to which I refer is as follows: Page 135 [reading from transcript], "Now, the testimony will show you further, gentlemen of the jury, that the arrangement which Mr. Booth attempted to make with this witness"—no; it is the preceding paragraph.

"The evidence will show you, gentlemen, that before Senator WHEELER went to Europe he arranged—he had a meeting with another witness by arrangement with Mr. Booth, and that at this meeting Senator WHEELER told the witness, who was a lawyer, that he would like him to appear in the place instead of Senator WHEELER before the Department of the Interior and the General Land Office regarding Campbell's land difficulties there pending, and told him that there were several matters, several pressing matters before the Department of the Interior with respect to Campbell's acreage, or words to that effect, which needed prompt attention, and he also told this witness that any arrangement which he—which Solicitor Booth, Edwin S. Booth, might make with the witness was satisfactory to him, Senator WHEELER.

"Now, the testimony will show you further, gentlemen of the jury, that the arrangement which Mr. Booth attempted to make with this witness, sought to make with him, was this, that this witness was to appear before the Department of the Interior with respect to rendering services in regard to these permits mentioned in the indictment and before the department in the place and instead of Senator WHEELER, who did not want to appear because he was United States Senator, and that if he would appear in his place and stead he, the witness, would receive 50 per cent of the share which Senator WHEELER was to receive of the proceeds of the lands saved for Campbell or procured for him, and it was represented to the witness by Mr. Booth that his share—that the share of the witness for thus appearing would run into the millions of dollars, and there will be other evidence substantiating that feature of the case, and it is the—the evidence will further show you, gentlemen of the jury, that the completed agreement then between Senator WHEELER and Gordon Campbell was, 'you might say,' of two elements; first, the retainer of $10,000 a year to appear for him in all matters, and, second, that he was to obtain a special share of the proceeds of the value of the lands which he saved for Gordon Campbell and his associates."

That is to say, it is proposed to prove by this witness that Senator WHEELER made an agreement with Gordon Campbell and others for services for which he was to receive $10,000, and in addition to that a share of the properties involved in the controversy. That, if the court please, will be a contract essentially different from the contract charged in the indictment. The indictment charges in the first count that Senator WHEELER entered into the agreement by which he was to receive from the said Gordon Campbell and said divers other persons to the grand jurors unknown, compensation, to wit, a large sum of money. That is the contract, "The exact amount of which is to the grand jurors unknown, for services to be rendered, and so on."

Then, in the second count, the charge is that Senator WHEELER did receive $2,000 in compensation for services to be performed by him, and in the third count it is charged that he received $2,000 for services to be rendered. The second count is that he agreed to receive and the third is that he received $2,000 for services. Accordingly, if the court please, this testimony would tend to prove a contract essentially different from that charged in the indictment, and accordingly would be inadmissible. Of course, that part of the indictment, if your honor please, is vital and essential. We can not be called upon to answer here concerning a contract where one character of service and be confronted with testimony concerning a contract of an essentially different character. The charge is specific. The first count charges the agreement. Now, it is not proposed, as I understand, to prove by the witness the receipt of anything at all, so that the evidence is referrable only to the first count of the indictment, which charges the receipt of a sum of money and the contract that is sought to be proved. The evidence, therefore, would be in proof of an entirely different contract.

The COURT. Objection overruled.

Senator WALSH. Note an exception, please.

JURY IN

The COURT. Read the question, Mr. Reporter.

The REPORTER. Mr. Hawkins, the other reporter, has it, your honor.

The COURT. Well, to save time, Mr. District Attorney, can you restate your question?

Mr. SLATTERY. Yes; I think so.

By Mr. SLATTERY:

Q. Will you state the substance of the conversation which you had with Senator WHEELER in the Waldorf-Astoria Hotel in New York City on or about the middle of March, 1923?—A. It was about some leases, oil leases, I think owned or claimed by one Gordon Campbell, who, as I understand it, resided in Montana. At that time I did not have a list of these leases. I received it subsequently to that. We talked over the matter, and I explained to Senator WHEELER that I knew nothing about oil leases, land contracts, out in this part of the country, and he told me that WHEELER would—not WHEELER but Booth—would render me assistance; as I have already indicated, he had done that; and he asked me if I received a copy of the practice and compilation of statutes with reference to these matters, which Booth had sent to me, and I think I said I had. I told him I thought it would be foolish to retain me; that it would be better to get some one who knew something about the nature of the business, the nature of the practice. He urged on me one matter; said he was leaving, I think, for Europe, the next day, whatever day that was, and there was one matter that was of unusual importance, and he wanted to know if I would consent to handle that matter until I discussed the matter further with Booth. I said I did not know much about it. He asked me if Booth had spoken to me about it, and I said yes, but I did not understand much about it and hadn't given it much attention. I think it was characterized something about a Lincoln well or something like that—a Lincoln oil well or property or something of that kind. I don't know; my impression is that I said that I did not even care to take that up, because I was not familiar with it, and in some way or other he said he could be of a great deal of assistance when he came back. He said he was a Senator, and I understood that he meant a State senator from some local State which he came from, and he said he was United States Senator, and then I said I did not think I wanted to go into the matter at all. I was rather decided about the matter, but he asked me to see Booth again and said any arrangement Booth would make with me or had made with me would have his sanction or approval, and to see Mr. Booth again.

Q. Now, were you acquainted with Mr. Booth at that time? I take it you were, from your testimony.—A. Yes; I had met Mr. Booth, I think, in August, 1922.

Q. State whether or not Mr. Booth ever discussed with you the affairs of Gordon Campbell or the Campbell oil companies or syndicates, whatever you call them.

Senator WALSH. We object to that as immaterial.

Mr. SLATTERY. We have established the agency, your honor.

The COURT. Overruled. He may answer the question.

The WITNESS. Yes; I had.

By Mr. SLATTERY:

Q. And do you recall when, Mr. Hayes?—A. It must have been in the early part of March, 1923.

Q. What conversations did you have with Mr. Booth respecting these matters of Campbell's before the department?—A. Why, I met Mr. Booth one day there in the department. I think I met him on the street in the early part of March; and he asked me to come over and see him that afternoon, and I went over to his office in the office of the attorney for the Department of the Interior—quite a large room—and I remember he had a large desk.

Senator WALSH. Well, one moment; I object to this. It appears it was prior to the time he had a conversation with Senator WHEELER.

Mr. SLATTERY. Well, if your honor pleases, as I understand, you have already overruled his objection on that ground; the agency has been established already.

Senator WALSH. This is something that transpired before the alleged agency was established.

Mr. SLATTERY. He said whatever arrangements he has made with him or will make with him.

The COURT. I understood the testimony was to refer to something that was to follow.

Mr. SLATTERY. He said whatever arrangements he has with you or will make with you.

Senator WALSH. I object to that.

The COURT. Objection is sustained.

Mr. SLATTERY. Well, do I understand that the court rules out all antecedent arrangements made by Mr. Booth?

The COURT. Unless you bring it home to the defendant, unless you connect the defendant up with it.

Mr. SLATTERY. Well, in this respect, if the court please, the testimony is, he said any arrangements that he has made with you or will make with you has my sanction.

The COURT. Yes; but Mr. District Attorney, suppose Booth had arranged with this gentleman to commit burglary.

Mr. SLATTERY. Well, of course, if your honor please, that would be unreasonable. This is with respect to these matters with which they were discussing the Campbell matters. That was the object of the discussion in the Waldorf Hotel there.

The COURT. Objection sustained.

By Mr. SLATTERY:

Q. What arrangement, if any, was made with you by Mr. Booth respecting a division of fees?

Senator WALSH. We object to that as immaterial and irrelevant.

The COURT. Sustained.

By Mr. SLATTERY:

Q. Did you see Mr. Booth after that, Mr. Hayes, after your talk with Senator WHEELER?—A. Yes; I saw Mr. Booth off and on until he left the Department of the Interior. I think he went from there to the Department of Justice; I don't think I ever saw him in the Department of Justice.

Q. What conversations, if any, did you have with him respecting these matters of Campbell's before the department?—A. I did not hear the question. Repeat the question.

The REPORTER. What conversations, if any, did you have with him respecting these matters of Campbell's before the department?

A. I do not understand your question.

By Mr. SLATTERY:

Q. After you had talked with Senator WHEELER, just before he was leaving for Europe, I understand that you testified that you did have further conversations with the solicitor, Mr. Booth?—A. Quite frequently, up until the time he left the Department of the Interior.

Q. Now, what conversations did you have with him respecting any arrangements which were referred to in this conversation that you had with Senator WHEELER?—A. Well, Mr. Booth practically reiterated two or three occasions——

Senator WALSH. One moment, I object to what he particularly reiterated. You were asked to give the conversation.

By Mr. SLATTERY:

Q. Just tell also what he said about the agreement?—A. I told him the result of my conversation with Senator WHEELER, and he urged upon me to go on with the matter; said I was very foolish; that there was very little work to do and there was very substantial compensation for the work to be done. I do not remember what compensation he said Senator WHEELER was to get.

Q. What is your best recollection?—A. That I was to get half of it.

Q. You were to get half of it?—A. Half of what Senator WHEELER was to get.

Q. Was there any estimate made by Mr. Booth of the amount of it?

Senator WALSH. We object to that also, if the court please, upon the ground that it is irrelevant and immaterial.

The COURT. Sustained.

By Mr. SLATTERY:

Q. Was there any statement of the amount made? This, of course, was after the conversation with Senator WHEELER.

Senator WALSH. The witness has already answered; he said he did not know what compensation Senator WHEELER was to get.

The COURT. Sustained.

By Mr. SLATTERY:

Q. Well, what, if anything else, was said as to anything that Mr. Booth was to do?

Senator WALSH. We object to that as immaterial and irrelevant.

Mr. SLATTERY. It is a part of the arrangement.

The COURT. The objection is sustained.

By Mr. SLATTERY:

Q. Was there anything else in that conversation that you have been relating to us, Mr. Hayes?—A. Why, he showed me——

Senator WALSH. Excuse me, what conversation do you refer to?

Mr. SLATTERY. The one he has been testifying about.

Senator WALSH. He has been testifying about several.

The WITNESS. The conversation, as I understand, is the one after I talked with Senator WHEELER; is that the one?

Mr. SLATTERY. Yes.

The WITNESS. He showed me a physical map of this section of the country. He had two, as I recall it, and they were marked with little pins or something of varied colors, which indicated something to him, I suppose. I think he told me that certain colored pins, geologists—the Government geologists—had recommended as good oil lands, and others where oil had been found and others that were not good, and that he also had another, showing the claims which he said were the Gordon Campbell claims.

By Mr. SLATTERY:

Q. Was this map in the office of the commissioner of the Department of the Interior?—A. Yes, sir.

Q. What, if anything, did he say with regard to that map?—A. With respect to what?

Q. With respect to the presence of oil?—A. Well, he said that——

Senator WALSH. Just one moment; that is entirely immaterial, if your honor please.

Mr. SLATTERY. There is an arrangement here, if your honor please.

The COURT. I hardly see how it would be any part of the arrangement.

Mr. SLATTERY. Well, it is in connection with this, by way of inducement. He had stated that he knew nothing concerning these matters, and he was being advised about them by the witness Booth, who was delegated, as I understood, to make the arrangement with him.

The COURT. Well, assuming that to be true, I think the testimony would have to be very carefully limited as to an arrangement, not what representations were made as to the character of the land, assuming that part. The objection is sustained.

Q. Was anything said by Mr. Booth to you as to what you were to do for this 50 per cent of the fee what you were to get?—A. Well, I have to be more or less of a figurehead. The lands he showed me, which he said would——

Senator WALSH. I move to strike out the statement of the witness that he was to be more or less of a figurehead. He was asked to state what Mr. Booth said to him with respect to what he was to do.

The COURT. The motion is denied.

Senator WALSH. Please note an exception.

The WITNESS: Mr. Booth said I would have very little to do; that he would keep me advised of the practice and of the decisions and of the statutes, and I would merely represent Senator WHEELER on these different hearings.

By Mr. SLATTERY:

Q. Before what?—A. Before the Department of the Interior.

Q. With respect to what?—A. With respect to these Gordon Campbell claims and some claim that I did not know anything about, called the Lincoln claim, I think.

Q. The Lincoln claim?—A. It was close at hand; that was, I think to come up during the absence of the Senator; that is the way I understood it.

Mr. SLATTERY. You may cross-examine.

Cross-examination by Senator WALSH:

Q. You say your home is in New York, Mr. Hayes?—A. Yes, sir.

Q. When did you come to Great Falls?—A. I arrived here this morning at 7.30.

Q. In obedience to a subpœna?—A. In obedience to a promise I made to the department of the 16th of last March. They said they would subpœna me, and I said it was not necessary; that as long as they were going to bring me here, I would come without a subpœna.

Q. With whom did you have this arrangement?—A. With Mr. Donovan, the Assistant to the Attorney General; Mr. Slattery; and Mr. Stewart, I think.

Q. Where was this arrangement made?—A. In the office of the Attorney General at Washington.

Q. How did you happen to be there?—A. They sent for me. I was in Habana, Cuba, and they sent for me.

Q. When did you first learn about this indictment against Senator WHEELER?—A. Why, I do not know that I can answer that. I don't know that I ever knew of the indictment against him. They sent for me to Habana, Cuba, where I have been for seven months prior to the 16th of March. They sent for me on several occasions. I was busy and could not get off. I came up; I arrived in Washington.

Q. I simply asked you when you learned first about this indictment.—A. I think that was the first time I learned that there was an actual indictment. I saw the articles in the papers from time to time, but I did not know much about what was going on; I was in Cuba last August.

Q. The question is, Mr. Hayes, when did you first learn about this indictment against Mr. WHEELER?—A. I say on the 16th of March, last.

Q. That is a year ago?—A. That is this year; last month.

Q. Last month? Yes. Did you say that you had or that you had not read anything about it in the papers prior to that time?—A. Well, I read a great deal in the paper about the oil leases and so on, but I did not pay very much attention to it; I was not very much interested in the matter.

Q. I know; but the question I have addressed to you, Mr. Hayes, is whether you read in the papers anything about Senator WHEELER having been indicted.—A. I answered that by saying no.

Q. Where were you in the month of April, last year?—A. That is, 1924?

Q. 1924?—A. I was between New York and Washington, I guess.

Q. Between New York and Washington?—A. Yes.

Q. Reading the daily papers?—A. I suppose so; yes.

Q. You never read anything about Senator WHEELER having been indicted?—A. If I did, it escaped my mind; I did not know anything about it.

Q. Of course, it might have. What have you to say now, then, as to whether you have learned about the indictment of Senator WHEELER prior to March last?—A. No, sir; except what I just told you.

Q. That is, if you did learn of it prior to that time, it had passed out of your mind?—A. Exactly.

Q. And when did you first talk with anybody about this conversation that you have spoken of with Senator WHEELER in the Waldorf-Astoria Hotel?—A. March 6—March 16 last. I have spoken of it in my office.

Q. In your office?—A. Oh, I have spoken of it in my office; certainly.

Q. To whom?—A. To my associates.

Q. When?—A. About the time it happened, the same day or the day after; probably the day after. I did not return to my office until that night.

Q. Well, you did not associate yourself with the business at all?—A. In this business?

Q. Yes; in the Gordon Campbell business?—A. No, sir.

Q. You spoke to your associates at the time you had this talk with Senator WHEELER?—A. Yes.

Q. Who are these associates of yours?—A. Charles E. MacMahon.

Q. What is your firm?—A. George B. Hayes.

Q. Mr. MacMahon is in your office?—A. He and six others; yes.

Q. Now, you had had some conversation, as I understand you, with Mr. Booth prior to the time that you met Senator WHEELER?—A. I had; yes, sir.

Q. Was that the first time you had ever met Senator WHEELER?—A. Yes, sir.

Q. And when did you next thereafter meet him?—A. At the Brookhart committee hearings.

Q. That is, the committee investigating the Department of Justice?—A. Yes, sir.

Q. Of which Senator WHEELER was a member?—A. He was a member of that committee.

Q. Yes; and spoken of generally as the prosecutor for the committee?

Mr. SLATTERY. I object to that as immaterial, what he is spoken of.

The COURT. Sustained.

By Senator WALSH:

Q. Well, were you a witness before that committee?—A. Yes, sir.

Q. Testifying about what matter?—A. About why I did not put a defense in an action that I brought in New York in the Federal courts.

Q. What was that action?

Mr. STEWART. That is objected to as improper cross-examination.

The COURT. Overruled.

The WITNESS. An action brought by the United States against Hart, who was prohibition director, and, I think, 16 or 17 others, for violation of the prohibition act.

Q. Did Senator WHEELER interrogate you on that occasion?—A. He did; yes, sir.

Q. Now, how long prior to the time that you had this conversation with Senator WHEELER in the Waldorf-Astoria Hotel was it that you met Mr. Booth in Washington?—A. Within a week; that is the best answer I could give you. I was there every week in Washington.

Q. About what time was this you were in Washington?—A. I was there every week; I could fix the date.

Q. Yes; but I mean about when was it? What month was it?—A. The month of March.

Q. The month of March, 1923?—A. No—yes; March, 1923, is right.

Q. What time in the month?—A. The week beginning the 19th, I suppose.

Q. The 19th of March; it was that week. And it was about within a week after that time that you met Senator WHEELER in New York at the Waldorf-Astoria?—A. No; I met WHEELER before that time. My recollection is I met him on the 16th of March; the week beginning the 19th of March I was in Washington; I do not remember the date.

Q. Mr. Hayes, I was directing your attention to your presence in Washington on the occasion when you met Mr. Booth prior to the time that you——A. Oh, I met Mr. Booth prior to that; well, almost, well, three or four days in the preceding week, because this was the subject of the conversation on three or four occasions in the preceding week, and prior to that I met him off and on between the middle of August, 1922, and that time.

Q. Well, you met Mr. Booth then in Washington sometime during the week prior?—A. The preceding week.

Q. During the week prior to March 16, 1923?—A. The week that was prior in which March 16 appeared.

Q. Yes. So that it was 10 days then, say?—A. Yes, sir.

Q. To the 16th?—A. Yes.

Q. Where do you stop in Washington?—A. At the Shoreham, or sometimes I had an apartment.

Q. Where was your apartment?—A. In the Albee Building.

Q. In the Albee Building?—A. Yes.

Q. A living apartment?—A. Yes, sir.

Q. How long had you occupied that apartment?—A. Oh, a year.

Q. Had you been practicing before the Department of the Interior?—A. I had one matter pending there; yes.

Q. What was the nature of that?—A. Why, that was under the war mineral relief act, before a committee of the whole or a board of the whole.

Q. How do you fix this date that you met Senator WHEELER as being March 16?—A. From a telegram I received from Mr. Booth.

Q. Have you got that telegram?—A. I think I have that telegram, or it is there [indicating] I think.

Q. How long did this conversation you had with Senator WHEELER at the Waldorf-Astoria last?—A. Well, I should say about half an hour, to the best recollection I have.

Q. Where did it take place?—A. In the hotel lobby there.

Q. That is rather a crowded place, isn't it, usually?—A. Why, you are familiar with it, I assume. Peacock Alley is not private, but the other end, in front of where the café used to be, is quite private; yes.

Q. And this was sometime between the hours of 4 and 7?—A. Some time between the hours of 4 and 7.

Q. In the evening?—A. In the afternoon; yes.

Q. That is a particularly busy time of day there, isn't it?—A. It used to be when the café was there, but not any longer.

Q. They congregate there for tea about that time?—A. At the end of the café, at the Peacock Alley end.

Q. To what place did you retire to have this conversation?—A. In the rear, toward the Sixth Avenue end of the hotel.

Q. In the corridor?—A. In the corridor, the Thirty-first Street side, the Sixth Avenue end.

Q. Are there any couches or lounges there?—A. A continuous line of them.

Q. Well, the Peacock Alley is to the south, isn't it?—A. No; Peacock Alley is to the east of the southeast corner.

Q. And you went to the west end?—A. To the west end.

Q. From the office?—A. From the office.

Q. Did you sit down?—A. Yes, sir.

Q. Now, you had never met Senator WHEELER before that time, as I understand you?—A. Never; I did not know he was United States Senator until that conversation.

Q. Did you talk about anything else except this matter of which you have told the jury?—A. Oh, he said he was going to Europe the following day; I think he said he was going to Russia, as I remember. And finally he said there was somebody waiting for him—I don't know whether it was his wife, a friend, or who it was——

Q. Did you see his friend there?—A. I saw no one.

Q. Was there anyone else with you?—A. With me?

Q. Yes.—A. No; no one. Wait a minute, I think—yes; I think Judge Corbett came up, but I know he did not meet Senator WHEELER; he waited for me.

Q. Who is Judge Corbett?—A. He is an associate of mine in the office; he used to be in Montana here—Hal S. Corbett.

Q. Did Mr. Corbett overhear this conversation you had?—A. He was not present; no. He merely accompanied me to the hotel and then went uptown with me afterwards.

Q. What official position does he sustain to you in your office?—A. He is engaged by me.

Q. An employee?—A. Yes.

Q. Or has he an interest in the business?—A. He has none; no one has any interest in my business except myself. Everyone there is engaged by me.

Q. Employed by you?—A. Employed by me; yes.

Q. Mr. Corbett was out here practicing law in the State of Montana for a number of years?—A. I understand he was; I did not know him at that time.

Q. It is reasonable to suppose that he knew something about the disposition of public lands?

Mr. SLATTERY. Just a moment; we object to that as argumentative.

The COURT. Sustained.

By Senator WALSH:

Q. Well, you did not call Mr. Corbett into this conversation you had with Senator Wheeler?

Mr. SLATTERY. That is objected to as repetition; he said he did not; he said he did not hear it at all.

The COURT. Sustained.

By Senator WALSH:

Q. Now, we have the time of the meeting up in New York fixed by these telegrams; how do you fix the time that you saw Mr. Booth in Washington prior to that occasion?—A. It was just prior to the receipt of these telegrams; the conversation had with Mr. Booth prior to that time was about the Senator WHEELER matter. That is, during the preceding week; two or three or four conversations about the Gordon Campbell claims.

Q. But you knew more or less about it, as I understand you, now, before you met Senator WHEELER?—A. That is what I have already repeated; yes, sir.

Q. Can you fix any more definitely the time that you were in Washington when you talked with Mr. Booth than during the week preceding?—A. No; I could not.

Q. Do you recall what day of the week was the 16th?—A. I looked it up.

Q. When did you look it up?—A. I think I looked it up right after I conferred with Mr. Donovan and Mr. Slattery and Mr. Stewart in Washington.

Q. And what day did you find it to be?—A. I found it to be Friday.

Q. Now, did Senator WHEELER give you any reason why he sought to get your services in this matter, you knowing nothing at all about this branch of the law?—A. Except that he said Mr. Booth had taken the matter up with me and he wanted me, if I would go, because of what Mr. Booth had said; said he was going to Europe, and said that he was United States Senator and should not practice before the department.

Q. Had you prior to that time had anything whatever to do with the oil leasing law?—A. Never.

Q. Had you prior to that time anything to do with any part of the disposition of public lands?—A. Never.

Q. Do you know any reason why Mr. Booth took this matter up with you, seeing that you did not know anything at all about the practice?—A. Mr. Booth could answer that better than I.

Q. You don't know, yourself, any reason?—A. No, sir.

Q. You never advertised yourself as a public-land lawyer?—A. I never advertised, Senator.

Mr. STEWART. That is objected to as improper cross-examination.

The COURT. Overruled. He has answered the question.

By Senator WALSH:

Q. And can you now conceive of any reason why you, a lawyer entirely unfamiliar with the public land laws and the practice before the department, should have been sought out for this work?—A. I think he said at one time that they wanted a lawyer from the East if they could get one.

Q. You spoke about "they"; to whom do you refer?—A. I meant to say he. I meant to say Mr. Booth.

Q. You meant to say Mr. Booth?—A. Yes.

Q. Senator WHEELER did not say anything to that effect?—A. No. The talk with Senator Wheeler was very quick. I mean he had an engagement, and I think I had an engagement, and he wanted me to go along in the matter if the arrangements with Booth were satisfactory, which he said he would confirm.

Q. As I understand you, Mr. Booth did not propose anything in the way of compensation to you?—A. Well, we both talked upon the assumption that we——

Q. Never mind the assumption. Read the question to the witness, Mr. Reporter.—A. I will answer your question. He said Mr. Booth may suggest a 50-50 basis on my fee. I said, "Yes." He said, "Is that satisfactory?" I said it would be if I went into the matter.

Q. But he did not tell you what his fee was?—A. He did not.

Q. No?—A. Well, I think he did, but I have no independent recollection of that now.

Q. And the proposition Senator WHEELER put up to you was, as I understand you, to go 50-50 upon his fee, without even stating what the fee was?—A. I say I think he stated the fee, but I have no independent recollection of what it was now. He did say it would run into very substantial figures. I think he mentioned millions, the same that Mr. Booth had mentioned.

Redirect examination by Mr. SLATTERY:

Q. You said that you received some telegrams, you had some telegraphic correspondence with Mr. Booth. Mr. Hayes, I show you a telegram marked "Plaintiff's Exhibit 40," and I will ask you to state if you recall sending that telegram.—A. Yes, sir.

Mr. SLATTERY. We offer in evidence plaintiff's Exhibit No. 40. I understand there is no objection.

It is on the form used by the Postal Telegraph Co. "Post office, New York, March 16, 1923. Edwin S. Booth, Solicitor, Department of the Interior, Washington, D. C.: Will be in Washington Friday morning. George B. Hayes."

I also offer in evidence Exhibit 41, which has been shown counsel:

"Post office, New York, March 16, 1923. Hon. Edwin E. S. Booth, Solicitor, Department of the Interior, Washington, D. C.: Court engagement prevents my arrival in Washington until to-morrow morning. George B. Hayes."

Q. I show you a paper marked "Plaintiff's Exhibit No. 42," Mr. Hayes, and I will ask you to state if you have any independent recollection of receiving the original, of which that purports to be a copy.—A. I do not believe I do.

Mr. SLATTERY. We offer in evidence plaintiff's Exhibit No. 42, copy of a telegram on the Western Union Telegraph blank:

WASHINGTON, D. C., *March 13, 1923.*

GEORGE B. HAYES,
48 Broadway, New York City:

Anxious to get in touch with you. Advise me when will be here.

EDWIN S. BOOTH.

Q. Do you recall whether you were in Washington between the 13th of March and the 16th of March, when you saw Senator WHEELER?—A. My recollection is that I was in the trial of a case during that week.

Q. In New York City?—A. Yes, sir.

Mr. SLATTERY. That is all, Mr. Hayes.

Recross-examination by Senator WALSH:

Q. What case was that, Mr. Hayes, you were trying?—A. I could not say; I could not tell you at this time, Senator. I try a good many during the session, during the winter.

Q. Yes, I suppose; but you stated that your recollection was that you were trying a case.—A. Well, my recollection is rather refreshed by the telegram there stating that owing to the court engagement I could not be there. That is what makes me state that.

Q. That is what refreshes your recollection?—A. That is what refreshes my recollection.

Q. Yes; you did not answer the question directly addressed to you by the district attorney as to whether you were in Washington between the 13th and the 16th?—A. I think I said my best recollection is that I was not.

Q. If the 16th was Friday, and I assume it was, the 13th would be——A. Tuesday.

Q. Tuesday. So you are not quite sure that it was prior to the preceding Sunday when you had first talked with Mr. Booth about the Campbell matters?—A. Yes; I am—the first talks, I am absolutely certain.

Q. You said "my recollection is during the preceding week."—A. That is the week preceding the week in which the 16th occurred.

Q. Exactly. That is, preceding the Sunday.—A. Exactly.

Q. Before the 16th?—A. Exactly.

Q. You can not fix it any more definitely than that, Mr. Hayes?—A. My recollection is that I saw him two or three or four times that week. I saw him frequently that week.

Q. Are we to understand that you talked with him two or three or four times about this matter?—A. Yes, sir; that was the only matter that I talked to Mr. Booth about on business. I had no other talks with him.

Q. And where did those talks take place——A. Mr. Booth's office.

Senator WALSH. That is all.

Mr. SLATTERY. That is all, Mr. Hayes.

EXTRACT FROM OPENING STATEMENT OF UNITED STATES DISTRICT ATTORNEY

Now, the evidence will also show you, gentlemen, that before Senator WHEELER went to Europe he arranged—he had a meeting with another witness by arrangement through Mr. Booth, and that at this meeting Senator WHEELER told the witness, who was a lawyer, that he would like him to appear in the place instead of Senator WHEELER before the Department of the Interior and the General Land Office regarding Campbell's land difficulties there pending, and told him that there were several matters, several pressing matters, before the Department of the Interior with respect to Campbell's acreage, or words to that effect, which needed prompt attention, and he also told this witness that any arrangement which he—which Solicitor Booth, Edwin S. Booth, might make with the witness was satisfactory to him, Senator WHEELER.

Now, the testimony will show you, further, gentlemen of the jury, that the arrangement which Mr. Booth attempted to make with this witness, sought to make with him, was this, that this witness was to appear before the Department of the Interior with respect to rendering services in regard to these permits mentioned in the indictment and before the department in the place and instead of Senator WHEELER, who did not want to appear because he was United States Senator, and that if he would appear in his place and stead, he, the witness, would receive 50 per cent of the share which Senator WHEELER was to receive of the proceeds of the lands saved for Campbell or procured for him, and it was represented to the witness by Mr. Booth that his share—that the share of the witness for thus appearing—would run into the millions of dollars, and there will be other evidence substantiating that feature of the case.

Mr. WALSH. Mr. President, a few weeks ago the venerable chairman of the Committee on Appropriations had inserted in the RECORD a compilation showing the considerable cost of investigations conducted by the Senate. Though actuated only by a commendable desire to promote the economical use of the contingent funds of the Senate—a perfectly laudable admonition—his table has been seized upon as a text offering a base from which to launch diatribes against the investigations carried on within the last three years, the purpose being, as the facts developed became more or less obscure from the lapse of time and failing memories, to develop an atmosphere in which those whose misdeeds were exposed may go unwhipped of justice. To the same end a late issue of the New York Commercial, in an editorial entitled "Gone up in smoke," gloating over the defeat by the narrow margin of 3 votes of the report of the Judiciary Committee on the manner in which the Department of Justice prosecuted the inquiry into the alleged contempt of the

Aluminum Co. of America, after paying its respects to me in connection with the oil leases scandal, tells a listening world that—

It is now common knowledge that there was no "scandal"; that the leases and contracts were to carry out in part a carefully conceived plan of preparedness unanimously approved by the Naval War Board; that there was a grave situation at that time, and that it was because of this the contracts were hastened. What was called "secrecy" in the letting of the same was in keeping with public good. It is further now common knowledge that the Pacific Fleet, even with the grave situation past, is without the necessary fuel storage tanks at strategic points because of the action taken by the Senate in forcing the President to bring suits.

The public had been on a previous occasion advised as to how expensive was the investigation into the leasing of the naval oil reserves and that instituted pursuant to the resolution of Senator WHEELER as a result of which Harry M. Daugherty was relegated to private life. It is not less important that information should be at hand as to how much the retaliatory measures taken against the Senator cost the people of the United States, which I shall attempt to elicit by an appropriate resolution. That, however, is of no great consequence, but it is of transcendent importance that the attempt through perjured testimony to silence a Member of this body and overwhelm him in ignominy should not pass unnoticed. I accordingly submit for the consideration of the Senate the resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read as requested.

The legislative clerk read the resolution (S. Res. 171), as follows:

Resolved, That the Attorney General be, and he hereby is, directed to transmit to the Senate an itemized statement of all expenditures made or obligations incurred in connection with investigations conducted by or under the authority of the Department of Justice touching alleged or supposed offenses by Senator BURTON K. WHEELER, or with the finding or disposition of indictments against him; and be it further

Resolved, That the Attorney General be, and he hereby is, directed to advise the Senate whether it is the purpose of the Department of Justice to present to a grand jury the testimony of George B. Hayes given in the trial of the case of the United States against BURTON K. WHEELER in the District Court of the United States for the District of Montana, with the facts and circumstances attending the same, with a view to an indictment for perjury in the giving of such testimony.

Mr. WALSH. I ask unanimous consent for the present consideration of the resolution.

Mr. CUMMINS. I ask that the resolution may go over under the rule.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. BRUCE. Mr. President, I do not see how any two minds could differ in regard to the propriety of adopting the resolution just submitted by the Senator from Montana [Mr. WALSH]. I quite agree with him in thinking that the prosecution of Senator WHEELER is one of the most extraordinary episodes in the history of tyrannical criminal procedure. To find a parallel to it we must go back to the Titus Oates conspiracy in English history. I am glad to say that from the very beginning I have always believed Senator WHEELER to be absolutely innocent of the charges that were made against him. He did me the honor, before he was ever tried and acquitted, in a conversation with me to assure me that he was an absolutely guiltless man. I expect to vote for the resolution.

Now I understand why it was that the senior Senator from Montana [Mr. WALSH] should have asked me on Saturday to be one of his auditors. I had supposed he intended to honor me. It seems that his purpose was something different. It seems to me that the unanswerable case which he has made out, the admirable vindication that he has offered, would have been even stronger if he had not made the narrow-minded, acrid reference that he did to the aluminum matter. The Judiciary Committee by a majority vote recommended an investigation of that matter. Why was that recommendation not followed up? That is the question that I ask him and that I ask everybody connected with it. If it was suggested in good faith, if it was proposed in absolute sincerity, why did the Senator not go on with it? He came here and asked that the recommendation be eliminated, and it was eliminated. Then what was left? Nothing but an attack on the Attorney General of the United States because, forsooth, there was delay to the extent of some three months in the prosecution and investigation of a matter that it was desired that he should prosecute, and because, forsooth, he was not quite as familiar as he might have been with the details of one of the thousands or tens of thousands of cases pending in his department.

In that state of things I did what I shall always do so long as I am a Member of this body. I relied upon my conscience. I relied upon my own intellect, such as it is, and I exercised my individual judgment as best I could. I voted against the censure suggested by the Senator from Montana, and I am grateful to the Senator from South Carolina [Mr. BLEASE] for voting with me, because whatever else may be said of the Senator from South Carolina no one denies that he is endowed with unshaken courage. I happen to know that there were a good many others who desired to vote with me, more than one, who did not vote with me because there are times when the fetish of machine fidelity, of party subserviency, seems to take hold of the human mind with an irresistible and to me almost inexplicable force. Though after hearing expressed not a little sentiment unfavorable in the highest degree to the justice and policy of censure under the circumstances, I found myself on this side of the Chamber alone, and all by reason of the fact that I would not declare by my vote that the Attorney General of the United States, a Cabinet officer, because he is supposed to have procrastinated somewhat in the prosecution of the aluminum inquiry, because he is deemed to have been somewhat dilatory in putting the machinery of his office into action, was deserving of condemnation. I have practiced law too long and have seen it practiced by others too long not to take a charitable view of such a measure of dilatoriness or procrastination on the part of a fellow member of my profession.

And say to me that the Attorney General is not familiar with all the details of a matter pending in his office? For some years I was honored with the position of head of the law department of the city of Baltimore. Of course compared with the number of cases pending in the Department of Justice at Washington the number of cases that I had to handle, large as they were, was but as the grains of sand in an hourglass compared with the grains of sand along the illimitable strand of the sea. Speaking from my own experience, I would say that I was utterly unfit to discharge the duties of the office to which I allude if I had been familiar with all the details of all the cases pending in it.

The duties of the Attorney General of the United States have become mere administrative duties. It is not his business to try cases in court; it is not his business to follow closely upon the heels of every case in his department; it is not his business to familiarize himself with the details of every such case. If he did so, I say without hesitation that there would then be real reason for asserting that he was unequal to the high requirements and responsibilities of his office.

Now, I care not what may be the feelings of any other Senator in this body, but in my eyes human character is too precious a jewel, whether it be the character of the Attorney General of the United States or the character of any Member of this body, including my own, to be lightly stained or besmirched.

I say without a moment's hesitation that the mistake of my confreres upon this side of the Chamber has not been in instituting investigations. That is almost the highest function of a legislative body. I personally voted for every investigation that was suggested in the Senate during the last Congress. The mistake, however, that they have made, and the mistake that the majority of my friends on the other side of the Chamber would have made under the same circumstances, has been in not prosecuting those investigations in the fair, impartial, and dispassionate spirit that the American people demand. The Daugherty inquiry would have been followed by a different result, in my opinion, if it had been prosecuted in a different spirit, and the suspicious, if not damning circumstances, developed by the Teapot Dome investigation would have had a different effect upon the American people if that investigation also had been prosecuted in a different spirit, though, owing to the trained professional experience of the Senator from Montana, it was prosecuted in substantially a different spirit and in accordance with different methods from the Daugherty investigation.

I say I resent—I will not say with scorn, but with indignation——

Mr. WALSH. Mr. President, will the Senator from Maryland suffer an interruption?

Mr. BRUCE. Yes; I yield.

Mr. WALSH. Mr. President, I can not find words to express the sorrow I feel that the Senator from Maryland should have thought or felt that there was anything whatever in aught I said that could be deemed offensive to him. I beg to assure the Senator that I asked him yesterday if he could not be present to-day, with the most kindly feeling and without a breath of suspicion that there was anything that I was going to say that would be in the slightest degree offensive to

him. There is absolutely nothing in what I said that could be tortured into such construction.

Mr. BRUCE. Does not the Senator see that his sneering reference to the Commercial Advertiser and what it had to say about my vote with regard to the aluminum inquiry was calculated to wound my susceptibilities as a Senator and a gentleman?

Mr. WALSH. I made no sneering reference to it at all. The only reference I made to the Attorney General was that he had testified, as it will be recalled, that seven months after he had been in office he had never heard of the aluminum inquiry.

Mr. BRUCE. I am not going to be interrupted if the Senator is going into facts connected with the inquiry. That is over.

Mr. WALSH. Very well; but, at the same time, I merely desire to say that in my judgment there is nothing in what I said that gave occasion for these remarks of the Senator from Maryland.

Mr. BRUCE. I am very glad to receive that assurance. Certainly that was not the impression left upon my mind. I do not know what was the impression left upon the mind of my fellow Senators; but I am, indeed, glad to receive that assurance. The Senator from Montana knows that I have always entertained a high respect for his abilities and for his public character. At the same time there has been a disposition to hold me to a certain degree of responsibility for the utterances on this floor which I have made in the discharge of what I conceive to be my duty. If I have misconceived the intentions of the Senator from Montana, if I have misinterpreted his words, I am sincereful regretful. But for the impression that I did not misconceive his intention and did not misinterpret his words I should certainly not have said what I did and jeoparded the pleasant and agreeable relations that have always existed between him and me. He himself knows—nobody knows better—that when the Teapot Dome investigation had been concluded I certified before the Senate in the strongest terms that words could employ to the ability and the truly professional skill with which he had prosecuted that investigation.

So far as the Senator is concerned, I am sorry, I repeat, that I have misunderstood him; but I am not sorry, aside from that fact, that I have had this opportunity to explain the motives by which I was actuated in casting a vote in relation to which in some quarters there has been a strong disposition, apparently, to impute to me considerations by which I was never influenced in point of fact.

Mr. WILLIS. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The calendar under Rule VIII is in order.

Mr. BORAH. Mr. President——

Mr. FESS. Mr. President, does the Senator from Idaho desire the floor.

Mr. BORAH. Only for a moment.

Mr. WILLIS. Mr. President, I withdraw my request.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, I was chairman of the committee which had the task of investigating the facts concerning the charge against Senator WHEELER. I quite agree with the Senator from Montana [Mr. WALSH] that the story of the prosecution of Senator WHEELER thereafter is a sad and sorry story, and I assume that the Department of Justice will go so far as it can in remedying the wrongs of that prosecution. I assume when these matters as they have been presented this morning by the Senator from Montana come to the notice of the Attorney General and of the President of the United States that the department will undertake to purge that record of perjury if it is possible to do so by prosecuting those who were, in my opinion, guilty of perjury.

After the facts were submitted to the committee of which I had the honor to be chairman it was difficult for me to see why the Government desired to continue a criminal prosecution. The committee called before it all who had knowledge of the making of this contract, and all who were familiar in any way with the original transaction which was supposed to be the initiation of a conspiracy. All the witnesses who were familiar with the contract and who knew of the inception of it, were clear in their statements, and thoroughly, as it seemed to us, exonerated Senator WHEELER. The prosecution always appeared to me thereafter to be actuated by some other desire than that of securing justice. I do not attribute that, Mr. President, to the present administration—that is to say, to the present Attorney General and his administration; it was an inheritance which came to him. I do not intimate that the present Attorney General was actuated through wrong motives.

However, what I rise to discuss only for a moment is this: There has grown out of this prosecution, Mr. President, a general principle which is of very great importance, it seems to me, and ought to have our consideration. If it becomes a practice for the Government to bring men two or three thousand miles away from their homes for the purpose of putting them on trial in the District of Columbia because some incident occurs here, because of the filing of a paper in one of the departments, or because of some unimportant act in connection with the departments, that raises one of the most important questions which we could have before us for consideration; and it is peculiarly accentuated by the WHEELER trial.

In that case practically all the important witnesses lived in Montana—that is, all the witnesses who knew of the original transaction; the property was in Montana; the conferences which gave rise to the conspiracy which was charged were held in Montana; the scene of the alleged offense was in Montana; and yet, notwithstanding these facts, by reason of some unimportant matters connected with the department here, Senator WHEELER was brought to the District of Columbia for trial.

As a practical proposition it was not so unfortunate for Senator WHEELER as it would be for an ordinary citizen. He was here and had a better opportunity to meet the situation. Mr. President, when I first came to the Senate 79 per cent of my State was under the control and dominance of the National Government; some 70 per cent is yet under the control of the National Government; and if every citizen of my State or of any of the other Western States who is brought in contact with the National Government through the administration of its land laws is to be brought to Washington for the purpose of trial, simply because there is a paper filed in a department here or because some incident of that kind has arisen, it presents a question which is most serious for our consideration. While it is true that the Supreme Court of the United States has said that technically that may be done, they did what the Supreme Court very rarely does, they went outside, if I may use that term, not in an offensive way, of the record to condemn the practice. The one proposition in this history now which concerns me most is to know whether it is to be used as a precedent for other prosecutions in the District of Columbia under the same circumstances and conditions which made up the history of this prosecution. That is of permanent general importance.

The other matter is of importance in this particular case and ought to be dealt with by the Department of Justice with efficiency and drastically, but this matter is one which is of concern to the whole country but of peculiar concern to the Western States. I want to enter my protest against the practice as unwise, unjust, oppressive, and against the whole theory of Anglo-Saxon jurisprudence.

CONSIDERATION OF THE CALENDAR

Mr. FESS. Mr. President, there are 30 minutes left of the morning hour which might be used in considering bills on the calendar. I therefore ask unanimous consent that the Senate proceed with the consideration of the measures on the calendar, beginning where we left off when the calendar was last under consideration.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, may I inquire what is the number where it is proposed to begin the consideration of the calendar?

Mr. FESS. It is Order of Business No. 204.

Mr. MEANS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FESS. I yield.

Mr. MEANS. I desire in my own right to object unless the Senator will include the bill which was put over at the request of the junior Senator from Utah [Mr. KING], which has been reported out by the Committee on Claims and which I have purposely left upon the calendar after discussion for some length of time. I should like to have it disposed of this morning. It is the first bill on the calendar following the debt settlement bills. It has been put over three or four times at the request of the Senator from Utah.

If the Senator will allow that bill to come up at the present time, I have no objection; but that bill should be disposed of. This is the first calendar day we have had for some time; the bill has been discussed now each calendar day, and I should like to have it disposed of.

Mr. FESS. Then I will change the request and ask that we commence with the calendar at the beginning.

Mr. WILLIS. Mr. President, will not my colleague embody in his request also a further request that we continue until 3 o'clock, so as to give us some time to work on the calendar?

Mr. GOODING. I hope the Senator will do that. There are some very important bills on the calendar which should be disposed of.

Mr. FESS. Mr. President, in view of the suggestion of the Senator from Idaho, who has charge of the long-and-short-haul measure, which is the unfinished business, I incorporate in my request the suggestion as to continuing until 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, let us proceed until 2 o'clock, and then the request may be renewed if desired.

The PRESIDING OFFICER. Does the Senator object?

Mr. KING. I object for the moment.

The PRESIDING OFFICER. Objection is made. The calendar under Rule VIII is in order.

The first business on the calendar was the bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America.

Mr. WILLIS. Mr. President, I suggest that Orders of Business 3, 4, 5, 6, 7, and 8, being Senate bills 1134, 1135, 1136, 1137, 1138, and 1139, go over. I understand that it is not desired that they be taken up to-day.

The PRESIDING OFFICER. The bills will be passed over.

CLAIMS AGAINST THE UNITED STATES

The bill (S. 1912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case was considered as in Committee of the Whole.

Mr. MEANS. I ask that the bill be read for action on the committee amendments, there being three very small ones.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, on page 2, line 1, after the words "April 6," to strike out "1917" and insert "1920"; in line 7, after the words "as a," to strike out "legal" and insert "just"; and on page 3, line 6, after the words "as a," to strike out "legal" and insert "just," so as to make the bill read:

Be it enacted, etc., That when used in this act the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps.

SEC. 2. That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1920, on account of damages to or loss of privately owned property where the amount of the claim does not exceed $5,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim, except that any such claim accrued after April 6, 1920, or prior to the passage of this act, may be presented within one year after the approval of this act.

SEC. 3. That authority is hereby conferred upon the United States Employees' Compensation Commission to consider, ascertain, adjust, and determine any claim accruing after April 6, 1920, on account of personal injury or death when caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or if attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials, and such defect or insufficiency is due to the negligence or wrongful act or omission of an officer or employee of the Government, where the amount of such claim does not exceed $5,000. The amount thus ascertained to be just and equitable by the United States Employees' Compensation Commission shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the United States Employees' Compensation Commission unless presented to it within one year from the date of the injury or death complained of, except that any such claim accrued after April 6, 1920, or prior to the approval of this act, may be presented within one year after the approval of this act.

SEC. 4. That acceptance by any claimant of the amount determined under the provisions of this act shall be deemed to be in full settlement of such claim against the Government of the United States.

SEC. 5. That any and all acts in conflict with the provisions of this act are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. KING. I ask that the bill be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill as amended.

The legislative clerk read the bill as amended.

Mr. KING. Mr. President, will the Senator from Colorado advise us whether he has received a communication from the Attorney General in regard to this bill?

Mr. MEANS. Yes; I have had communications from all of the departments. I can not recall the one from the Attorney General; but there was no objection by anyone to the first portion of the bill. That is exactly the same verbiage as the present law, merely increasing the limit to $5,000 instead of $1,000, with the exception of the date which we have just amended.

As to the second provision, the only objection of any department is that some of the departments claim that they are better equipped to handle these matters, particularly the Post Office Department; that they themselves should pass on these tort claims, because they have the inspectors and could pass on them. They all say, however—even the letter of the Postmaster General, which I have included in the report, and which was the only one opposing it—that the measure is a good one and should pass; but the Postmaster General thinks his department ought to be able to handle it instead of the compensation commission. Even in that letter, however, he recommends the passage of the bill, although he objects to that one feature.

Mr. KING. Will the Senator explain the present functions of the United States Employees' Compensation Commission?

Mr. MEANS. The commission consists of three members, and their duty is to pass upon all claims arising by reason of injury—tort claims, as we call them—sustained by employees of the Government. They pass upon them in accordance with certain procedure and scales and rates laid down by the law. That agency has been selected because its members are familiar with the questions of contributory negligence, the question of the doctors, the extent of the injury, and so forth.

Some one must pass upon those questions. We can not do it in the Committee on Claims. We sit there and report out bills, and as it is impossible for us to determine the extent of the injury, we just have to guess at it. Sometimes we say: "What shall we allow this man? Well, we will allow him $3,000." The next time we pass upon a claim we say: "We will allow him $5,000," and sometimes more. There is no way of determining the extent of the injury.

This constituted body, which is accustomed to passing upon these things, can tell whether the injury is permanent or whether it is only temporary, whether the claimant should receive $1,000 or whether he is permanently injured and should be given a larger amount. We limit the award to $5,000, however, and then require the commission to make a full report to the Congress as to why they arrived at a certain amount.

Mr. KING. I understand that the Employees' Compensation Commission has authority now to grant compensation to employees of the Government.

Mr. MEANS. Yes.

Mr. KING. As I understand, the effect of this bill is to permit suit to be brought, or at least an examination to be made, by the Employees' Compensation Commission, and the Employees' Compensation Commission is permitted to render judgment.

Mr. MEANS. No.

Mr. KING. Well, that is the effect of it. It is permitted to certify to Congress the fact as to whether a claim is a just claim or not, and certify to Congress, up to $5,000, claims which may be submitted by persons who are not employees of the Government.

Mr. MEANS. That portion of the Senator's statement is correct; but it is not a judgment, any more than we now have presented to the Congress many, many claims of those who have been injured, either by defective machinery or because of carelessness of an agent of the Government in the performance of his duty. Instead of the Claims Committees of Congress passing upon the justness of claims, we have an agency that is duly equipped, that knows this kind of business, and that will pass upon the matter and then report back

to Congress. Congress has not lost its authority or control. It is not an opening of the door to permit suit to be brought or judgment to be entered. There will be no more claims in the future, I apprehend, than we have now, that Senators and Representatives present. Only recently we passed one, I notice, introduced by the Senator from Texas, where a boy was killed by an airplane. We had to guess at the amount that we should allow, and we allowed it, and it was a justifiable claim.

We had no evidence to show the extent of the pecuniary injury, and the sole purpose of this bill is to enlarge the scope of the small claims bill previously passed, which has been found to work admirably, and relieve the Claims Committee of that duty.

Mr. KING. Mr. President, I can appreciate the motives which prompted the Senator from Colorado and the other members of the Claims Committee to recommend this legislation. I confess, however, that it strikes me as being unwise and injudicious, if not unsafe, so far as the Government is concerned. I was very anxious that the joint committee, consisting of members from the Claims Committee and members from the Judiciary Committee—and the joint committee has been appointed, as I am advised—should meet for the purpose of considering the entire question as to whether the Government of the United States would put itself in the position of being sued for the torts of its agents and employees. I regret that this bill has come before us before the whole subject has been fully investigated by the joint committee. I confess that I look with a good deal of apprehension upon the precedent which we are establishing, in part following a bad precedent, in my judgment, which heretofore has been established, which, as the Senator from Colorado has said, gave jurisdiction to certain departmental agencies to make findings up to $1,000 and to pay them also, as I recall.

I have grown up with the traditions of the common law. The Government may not be sued without its consent. Suit was not brought under the common law against a sovereign. Suit was not brought under the common law against the shires, the counties of Great Britain, or against the municipalities. We have incorporated that feature of the common law into our municipal jurisprudence; and States are not sued, as I recall. I looked into the matter a number of years ago when I was in the legislature of my own State, and there was not a single State in the Union that permitted itself to be sued at the will of any person who alleged that a tort had been committed by an agent or employee of the Government.

At the time to which I referred very few, if any, of the States had provided that counties might be sued for the alleged wrongful conduct or negligence of the officers, agents, or employees of the various counties. Municipalities have modified the rule and permitted suits where the work of the employees of the municipality was proprietary in contradistinction to governmental. My recollection now is that there are few, if any, of the cities of the United States in which the city may be sued for what might be called the governmental activities or for the negligence of employees who were discharging governmental activities in contradistinction to proprietary ones. I do not recall that there is a single city in the United States which may be sued for the tort of a policeman in seeking to execute the law. They may be sued, in view of statutes, where they have taken over, for instance, the construction of bridges. In such a case they may be sued if they construct an imperfect bridge, and as the result of negligence in the maintenance of the bridge an injury is received. But that is only because of a statute which authorizes it. It is a departure from the common law.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. KING. I yield.

Mr. BAYARD. Is the Senator quite sure he is up to date in that last suggestion?

Mr. KING. About cities being sued?

Mr. BAYARD. Yes.

Mr. KING. I stated that it was my recollection that at the time I made an investigation, as a member of the legislature, with respect to the alleged torts of policemen in arresting people, where they were performing purely governmental functions, the city was not amenable, and I think that is the law now; but that where it was in the performance of a proprietary duty the city could be sued, and that by virtue of a statute. It is possible some of the legislatures, since the investigation which I made, have provided that an aggrieved party may sue a city for the tort of a policeman in effecting an arrest, but I do not believe that is the case.

Mr. BAYARD. Does not the Senator think that the trend of modern law in this country is toward allowing suits to be brought for tort where an officer or agent officer has acted without the line of his duty?

Mr. KING. If the Senator says that it is, I will accept his word; but I do not think it is the law. Whether it is the trend, I am not able to state. I am merely stating what the common law was. That common law was adopted by the States of the Union and, so far as I know, there is not a State in the Union now that can be sued for the alleged torts or neglect of its officers.

Mr. BAYARD. I am not talking about the States; I am talking about the municipalities. From 1917 to 1919 I was city solicitor of my own city, and by reason of the fact that many suits were brought, I had to look into the law and study its history and bring it down to date. I found that the writers upon municipal law very generally held to the view that a city may be sued unless the charter given to the State exempted it from suit.

Mr. OVERMAN. Do they not differentiate a county in a State from a municipality?

Mr. BAYARD. The charter is given to a city by the State legislature, and in their charters are generally found the expression that they may sue and be sued at law or in equity. They do not limit the character of suits which may be brought. It is just a general, broad authority.

Mr. SWANSON. Under the Virginia law, carrying out the constitutional provision of Virginia, a county is a part of the sovereignty, a part of the State government. The municipalities get certain privileges, like any other corporation, except where they exercise a governmental function. If a man is hurt on the streets of a city, and it has not discharged its duty, he may recover damages. A county is a subdivision of the State government.

Mr. KING. I stated, and if the Senator had been here, he would have followed me, that the authorities differentiate between cities when the authorities are exercising what might be denominated public functions, and when they are performing what might de denominated proprietary or private functions.

Mr. SWANSON. Is Senate bill 1912 under discussion?

Mr. KING. Yes.

Mr. SWANSON. Senate bill 1912 simply does this——

Mr. KING. I know what it does.

Mr. SWANSON. It allows damages to be assessed, as I understand it, and provides that they must be reported to Congress for payment. I think that in this case the amount is too large for this authority to be given to the department. In the Naval Affairs Committee we limit the amount to a thousand dollars. During the war it might have been a little larger, but I have an idea that if we allow the departments to get such sums as this through, it will be found that it is too large. I think more cases of damage arise in connection with the Navy and the Army from airplanes, ships colliding, and so forth, than arise under any other department. If the Senator would reduce the amount to what is carried now in bills in connection with the Army and the Navy, I think the measure ought to be passed.

We already have a bill providing for a thousand dollars.

Mr. MEANS. That is in the exact language of the present law, and our deliberate purpose was to increase the amount to $5,000.

Mr. SWANSON. I do not object to this being increased to $2,000 or $2,500, but if we make it $5,000, five times what it is now, I am afraid the departments will be more lenient in a great many of these matters.

Mr. WILLIS. Mr. President, I submit a parliamentary inquiry. Are we not proceeding under Rule VIII, and if so, are not the addresses of Senators limited to five minutes?

The PRESIDING OFFICER. The Chair will so rule. The time of the Senator from Utah has more than expired.

Mr. WILLIS. I did not desire to take the Senator off the floor——

Mr. KING. I would not have consented that the bill be taken up under the five-minute rule, because it is a measure too important to be passed without discussion, and without being amended. I do not want to object to the Senate considering it.

Mr. WILLIS. Of course, the Senator has a right to object.

Mr. KING. I do not like to object. I would like to have the Senate consider it.

Mr. FESS. A parliamentary inquiry. I do not understand that we are limited to the consideration of unobjected bills. The Senator has a right to move to take it up notwithstanding the rule.

Mr. WILLIS. The bill is already before the Senate. The Senator from Utah has the right to object at any time, as I understand it. He can object now to the consideration of the bill.

Mr. KING. I do not like to object, because the Senator from Colorado has stated that I have objected upon a number of occasions. On the last two occasions I objected for the reason that a joint committee has been appointed by the Judiciary Committee and the Committee on Claims, as I understood, for the consideration of the entire subject matter, as to whether the Government of the United States ought to be sued, or establish agencies for the purpose of furnishing evidence by which it might be sued. I think it is a very serious question, particularly in view of the fact that measures have been pending here to increase the jurisdictional amount to $10,000. I think it is a very serious matter, and I do not think the Senate ought to pass so important a measure as this without due consideration, without knowing what the consequences and the effects would be. But if I am estopped under the five-minute rule, I can not debate it. I hope the Senate will not pass the bill until it is further considered.

Mr. FLETCHER. I move that the figures "$5,000" be changed to "$2,000."

Mr. MEANS. There would be no use in passing the bill if we should so amend it. It would be of absolutely no value, and be a useless thing.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. FLETCHER. I am willing to make it $2,500.

Mr. MEANS. The Senator from Virginia [Mr. SWANSON] just asked me to move to make the amount $3,000. I am perfectly willing to make it $3,000, if it is thought that $5,000 is too much. I am willing to accept an amendment making it $3,000, and we will try it at that rate.

Mr. FLETCHER. Then I move to make the amount $3,000.

Mr. MEANS. I accept that amendment, if I may be permitted to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida, on page 2, line 4, to strike out "$5,000" and to insert in lieu thereof "$3,000."

The amendment was agreed to.

Mr. FLETCHER. The same amendment should be made on page 3, line 4, to strike out "$5,000" and to insert in lieu thereof "$3,000." I move that amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. KING. If the Senator from Colorado will permit me, I understood that the Attorney General had written a letter in which, if he did not express direct opposition, at least he did not assent to this legislation.

Mr. MEANS. I have not seen any such a letter at all or any objection to the bill at all on the part of the Attorney General. I have not seen such a letter.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

CONSIDERATION OF THE CALENDAR

Mr. GOODING. Mr. President, I ask unanimous consent that the consideration of the calendar be continued until 3 o'clock.

Mr. JONES of Washington. Does the Senator mean the consideration of unobjected bills on the calendar? If the Senator will apply his request to unobjected bills on the calendar, I shall have no objection.

Mr. SMOOT. That would be the only form in which I would consent to the request.

Mr. GOODING. Then I ask unanimous consent that we proceed with the calendar until 3 o'clock for the consideration of unobjected bills only.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. FERNALD. Mr. President, I realize that it would be quite impossible to consider this bill in the limited time now. It is a very important measure, and most of the Senators desire to be present when the matter is taken up, so I shall ask that it go over. I want to say, however, that I hope to call the bill up in the very near future. It has been on the calendar for more than two months, and when the long and short haul bill shall have been disposed of I hope that we may take this bill up. I ask that it may go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN DISBURSING OFFICERS

The bill (S. 2158) for the relief of certain disbursing officers of the Superintendent State, War, and Navy Department Buildings was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of Frank W. Hoover and Edward F. Batchelor, disbursing officers, office of the Superintendent State, War, and Navy Department Buildings, in the sum of $24,000, disallowed upon vouchers Nos. 350, 224, 182, and 331 during the fiscal year ended June 30, 1923, and vouchers Nos. 41, 312, 313, and 487 during the fiscal year ended June 30, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. BAYARD. At the request of the senior Senator from Texas [Mr. SHEPPARD] I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. THOMAS J. RYAN, UNITED STATES NAVY

The bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,221.65 to reimburse Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, for the loss of uniforms, equipment, clothing, and personal effects of himself as a result of the earthquake and fire disaster in Japan on September 1, 1923.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WALL

The bill (S. 2083) for the relief of Charles Wall was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, at the end of the bill, to insert a colon and a proviso, as follows: "*Provided*, That no back pay, allowances, or emoluments shall become due because of the passage of this act," so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint Charles Wall a lieutenant commander in the United States Naval Reserve Force, class 3 (in which grade and force he served honorably during the World War), and to retire him and place him upon the retired list of the Navy with the retired pay and emoluments of that grade: *Provided*, That no back pay, allowances, or emoluments shall become due because of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CRONIN

The bill (S. 2085) to correct the naval record of John Cronin was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, to add at the end of the bill a colon and the following proviso: "*Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That John Cronin, formerly seaman, United States Navy, be, and he is hereby, relieved of all disabilities attendant upon the dishonorable discharge received by him pursuant to sentence of general court-martial, March 18, 1899, and the Secretary of the Navy is hereby authorized and directed to review the naval record of the said John Cronin and grant him an honorable discharge: *Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. C. ERICSSON

The bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the United States Court of Claims be, and it is hereby, authorized and directed to hear and determine the claim of H. C. Ericsson for compensation for the adoption and use by the Government of the United States of a certain invention relating to an antiexplosive and noninflammable gasoline tank, for which letters patent of the United States, No. 1381175, was issued to him June 14, 1921. Said claim shall not be considered as barred because of the use of the patented device by the Government for more than two years, or by any existing statute of limitations, nor because of the fact that the claimant was in the military service of the United States at the time the patented article was invented.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TAXES

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. JONES of Washington. May we have a brief explanation of that bill?

Mr. MEANS. Neither the Senator from Missouri [Mr. WILLIAMS], who introduced the bill, nor the Senator from Mississippi [Mr. STEPHENS], who reported it, is present.

Mr. WILLIS. I suggest that it be temporarily passed over without prejudice.

The PRESIDING OFFICER. Without prejudice, the bill will be passed over.

BILL PASSED OVER

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

Mr. McLEAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF AGRICULTURAL CREDITS ACT OF 1923

The bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923, was announced as next in order.

Mr. McLEAN. I move that that bill be recommitted to the Committee on Banking and Currency.

The motion was agreed to.

JAMES C. MINON

The bill (S. 1885) for the relief of James C. Minon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on line 5, after the word "James," to insert the letter "C" and a period; on line 8 to add a proviso at the end of the bill, as follows: "*Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged men of the United States Navy, James C. Minon, formerly a landsman in the United States Navy, shall hereafter be held and considered to have been honorably discharged on the 20th day of November, 1898: *Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill for the relief of James C. Minon."

BILLS PASSED OVER

The bill (H. R. 7348) for the relief of Joseph F. Becker was announced as next in order.

Mr. SMOOT. I would like to know what the bill is before it is considered.

Mr. McLEAN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. JONES of Washington. Let the bill be read.

Mr. HARRIS. I ask that it may go over. The Senator from Utah [Mr. KING] objected to the consideration of the bill the last time the calendar was called. I ask at this time that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. MEANS. I ask that the bill may be passed over.

Mr. WADSWORTH. I give notice that I propose to offer an amendment when it is taken up for consideration. I send to the desk a copy of my amendment and ask that it may be printed and lie on the table to be considered at the time the bill is taken up.

The PRESIDING OFFICER. The amendment will be printed and lie on the table. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. MEANS and Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3031) for the relief of George Barrett was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 51) providing for the completion of the tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. I have an amendment that I desire to offer to the bill. May it be passed over temporarily?

The PRESIDING OFFICER. Without objection and without prejudice the bill will be passed over temporarily.

BILLS OF INTERPLEADER BY INSURANCE COMPANIES

The bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of $500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

SEC. 2. In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate, the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides. Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy

or certificate of membership until the further order of the court; which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found.

SEC. 3. Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same.

SEC. 4. Public Act No. 346, Sixty-fourth Congress, entitled "An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, and Public Act No. 465, Sixty-eighth Congress, entitled "An act to amend an act entitled 'An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader,' approved February 22, 1917," approved February 25, 1925, be, and the same are hereby, repealed. Said repeal shall not affect any act done or any right, accruing or accrued in any suit or proceeding had or commenced under said acts hereby repealed, prior to the passage of this act, but all such acts or rights, suits or proceedings shall continue and be valid and may be prosecuted and enforced in the same manner as if said acts had not been repealed hereby.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 6536) to amend section 129 of the Judicial Code, relating to appeals in admiralty cases, was announced as next in order.

Mr. McNARY. Let the bill go over.

Mr. BAYARD. I am under the impression that the Senate passed a measure on the same subject a short time since and that it has gone to the House. There is some difference between the measures as passed by the House and by the Senate. I will ask that the bill may go over until the Senator from Iowa [Mr. CUMMINS] is here.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 2) for the relief of George Horton was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WADSWORTH. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2111) for the relief of Levin P. Kelly was announced as next in order.

Mr. WADSWORTH. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act as amended was announced as next in order.

Mr. WADSWORTH. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

LIGHTER "EASTMAN NO. 14"

The bill (S. 99) for the relief of the owner of the lighter *Eastman No. 14* was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim of Franklin P. Eastman, owner of the lighter *Eastman No. 14*, against the United States of America for damages alleged to have been caused by a collision on November 26, 1918, between the said lighter *Eastman No. 14* and the United States steamship *Wakulla* at the Thirty-first Street Pier, Brooklyn, N. Y., while the said steamship *Wakulla* was owned by the United States of America and was being operated in its naval transport service, may be sued for by the said Franklin P. Eastman in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Franklin P. Eastman, or against Franklin P. Eastman in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF CERTAIN FIRE INSURANCE COMPANIES

The bill (S. 3019) to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Delaware [Mr. BAYARD], who reported the bill, if these are the same insurance companies that were included in a bill which passed the Senate some years ago?

Mr. BAYARD. May I state the facts of the case to the Senator and possibly answer his question in that way? There were a number of buildings in Hawaii, which were destroyed by order of the authorities by reason of the bubonic plague. They were destroyed in toto with their contents. On them insurance had been effected. That insurance was all paid to the people who had effected the insurance. The bill is to reimburse the insurance companies who had paid dollar for dollar the amount required under the insurance policies. The accounts have been gone into with great exactness, and the whole thing is fully approved of by the proper department.

Mr. SMOOT. My question was this: I remember a bill of this character passing the Senate on two previous occasions. I want to know whether the insurance companies covered by the present bill were included in a bill that has already passed for this very purpose, or whether the passage of the bill through the Senate ended the matter, and it did not pass in the House, thus requiring the passage of another bill through the Senate. I am fully aware of the circumstances referred to by the Senator. I know what took place. I know that the buildings were destroyed. I know, too, that a bill of this character has passed the Senate before, and I want to know whether these are additional insurance companies or whether they are the ones provided for in the Senate bill that failed in the House.

Mr. BAYARD. I have looked into the case with the greatest care and verified the names of the insurance companies and the amounts. I went over the list as set forth in the report and checked the whole matter. I am quite sure, no matter what happened in the other House of Congress, that so far as the Senate is concerned this is an original bill. I believe a similar bill has passed before, but this is original action on the part of the Senate.

Mr. HARRELD. Mr. President, I think I can enlighten the Senator from Utah. I introduced the bill last year and it passed, but it failed to go through the House. The report shows that a similar bill has been passed two or three times, but failed of passage in the House.

Mr. SMOOT. I know that the legislation passed this body at least twice and possibly three times.

Mr. HARRELD. This is an identical bill. There are no new companies involved.

Mr. SMOOT. The House has always failed to pass the bill. These are the same companies that were provided for in the bills previously passed by the Senate?

Mr. HARRELD. Yes; it is exactly the same as the bill I introduced last year.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85,975, to pay to the Royal Insurance Co., $25,100; the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Liverpool & London & Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co. of Hartford, Conn., $4,150; Caledonian Insurance Co., of Edinburgh, Scotland, $750; North British Mercantile Insurance Co., $3,000, the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF ASSINIBOINE AND CROW INDIANS

Mr. JONES of Washington. Mr. President, on Saturday two bills, Nos. 350 and 351 on the calendar, were called up and considered by unanimous consent and passed. Since that was done some phases of the situation have been brought to my attention and I think the measures should be recalled for reconsideration. I desire at this time to enter a motion to reconsider the votes by which the two bills were ordered to a third reading and passed, being the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; and the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Crow Indians may have against the United States, and for other purposes. If the measures have gone to the House I ask unanimous consent that a request may be submitted to the House to have them returned to the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The motion to reconsider will be entered, and the House will be requested to return the bills.

REGULATION OF IMPORTATION OF GRAIN AND SEEDS

The bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce, prohibiting the admission into the United States of certain adulterated grain and seed unfit for seeding purposes," of date August 24, 1912, as amended, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

Mr. GOODING. Mr. President, I hope the Senator will withhold his objection for a few minutes while I explain the bill. This is a very important measure, not only to the eastern farmers but to the western farmers. The bill was prepared by the Department of Agriculture. For many years this country has been made the dumping ground for worthless seed, seed that is not adaptable in many States. This bill provides that hearings shall be held by the Department of Agriculture, and when it is found that seed from any country is not adaptable for use in this country the bill provides that 10 per cent of all such seed shall be stained a red color. All foreign seeds are to be stained, but where it is found adaptable, the staining is to be very light, not more than 1 per cent. As far as possible the staining will be of such a color as to show the country of origin, so the farmers in buying seed anywhere in the United States will know whether they are buying foreign or domestic seed; and I am told, Mr. President, that practically every agricultural college in this country is asking for the passage of this measure.

The PRESIDING OFFICER. Objection has been made. Is it withdrawn?

Mr. BAYARD. The calendar shows that no report has been filed. Was a report made?

Mr. GOODING. No report was made. The report of the committee has been made, but no formal report accompanies the bill.

Mr. BAYARD. Will the passage of the bill accomplish a thing which we had up the other day—not before this body, but before the country and certainly before the Department of Agriculture—whereby the Department of Agriculture, in establishing a quarantine against certain bulbs also, through its agents, directly or indirectly, admitted that they were putting up the theory of protection; that is to say, they intended to place the quarantine upon certain bulbs where they were able to grow the bulbs in this country, to get away from the importation of foreign-grown bulbs. Would this act in any way tend to that effect?

Mr. GOODING. Not at all. This only applies to grass seeds.

Mr. WILLIS. Mr. President, if I may interrupt the Senator, not only does it only apply to grass seed, but it is not supposed to exclude the importation of grass seeds at all. It only requires that they shall be colored so the purchaser may know whence the seed comes.

Mr. GOODING. That is all; in order that the farmer who buys seeds may know whether he is buying a seed adaptable for use in this country.

Mr. FLETCHER. Mr. President, may I ask the Senator if there is a recommendation by the Department of Agriculture?

Mr. GOODING. Yes. The bill was prepared by the Department of Agriculture, approved by the Secretary of Agriculture, and a representative of the department appeared before the committee in behalf of the bill and made a statement. The matter has been under consideration by the Department of Agriculture for a number of years. No one opposes the bill with the exception of a few importers.

Mr. MEANS. Why is there no report with the bill?

Mr. GOODING. No report was made, I am sorry to say, but I think I can explain the bill, however, to the satisfaction of any Senator.

The PRESIDING OFFICER. Is there objection to the consideration of the bill withdrawn?

Mr. WADSWORTH. I would like to make an observation or two about it and perhaps ask some questions after the Senator from Idaho has concluded.

Mr. GOODING. I shall be glad to answer any question. There was a statement made by the agronomist of the Agricultural College of North Carolina in the hearings on this bill in which he said:

> I want to call your attention to that most recent piece of work of Professor Hughes, of the Iowa Experiment Station, where he secured through the State seed laboratory 120 samples of red clover as it was being sold in the State of Iowa. He found when he planted those 120 samples side by side that 12 per cent of them were straight imported seeds and that from 30 to 40 per cent of that lot of 120 samples were either straights or blends of imported and domestic seed.

I want to say to Senators, so far as those from the Eastern States are concerned, that millions of acres of land have been abandoned in the eastern part of the United States because the farmers could not get a catch of alfalfa or clover seed, more especially the latter. Italian clover seed coming into this country is not adaptable at all, and if planted would grow but would not stand the first winter.

Mr. President, alfalfa and clover seed are the greatest fertilizers the world knows. Alfalfa and clover are planted largely as a rotation crop for the improvement of the soil. It is through the roots of clover and alfalfa that nitrogen is carried into the soil, and quite often the farmers plow under a crop of clover or alfalfa and in this way put back into the soil vegetable mold, or humus, generally called green manure. This, Mr. President, is the cheapest and easiest method for the farmer to keep up the fertility of the soil, but a few failures to get the catch of clover often means the soil becomes exhausted and is in many cases abandoned.

It would seem to me, with farmers all over the country asking for this bill, with practically every agricultural college in the country, together with the National Grange, the national dairy organizations, and the farm bureaus, being in favor of the enactment of the measure, there should be no opposition to it. It provides merely an opportunity for the farmers to know, when they buy seed, from what country it has come and whether it is domestic seed or foreign seed, and whether it can be planted with safety.

If the Senator from New York will withdraw his objection so that the bill may be discussed, there are several Senators interested who desire to discuss it. It is of vital importance to the farmers of the East, more so than it is to the farmers of the West. There are about 9,000,000 pounds of seed imported annually. I do not think it is going to injure seeds that are adaptable to this country, because the farmers will know by the color what country the seed comes from. It is a matter of education, and surely no one should object to passing a bill that will permit the Secretary of Agriculture, if he finds after a hearing that the seed is not adaptable in some State of the Union, to protect the farmers from importers who bring the seeds here and mix them with American seed. The foreign seed is brought here for less than the importer would have to pay for American seed, so it is not strange it is found an advantage to mix the foreign with the domestic seed.

The PRESIDING OFFICER. Under the five-minute rule the Senator's time has expired.

Mr. WADSWORTH. Mr. President, I take as deep an interest in the matter of purity of seeds as, I think, any Senator in the Chamber. Without meaning to inject a personal element into the debate, I might be deemed to fall in the category mentioned by the Senator from Idaho of an eastern farmer. As a matter of fact, I have had to purchase a good deal of seed and to use it. I call the attention of Senators present to the first sentence in the proviso of the bill, commencing on line 5, page 2, which reads:

> *Provided further*, That hereafter before entry into the United States seed of alfalfa or red clover or any mixtures of seeds containing 10 per cent or more of either or both of these seeds shall be colored or marked in such manner as the Secretary of Agriculture may prescribe, and such colors or marks shall, where practicable, indicate the country or region of origin.

Mr. President, of course I think everyone conversant with farming will admit that upon occasion seeds are developed in foreign countries which may be peculiarly adaptable to the needs of certain portions of agricultural United States, just as we in this country upon occasion develop seeds which may be

useful in other countries or in certain other portions of the world. This bill provides that whenever any alfalfa or red clover seed grown abroad is shipped into this country it must be stained some false color. That means—and I am sure Senators will all realize it—that it will not be purchased in the market in this country. Farmers will not buy seeds which are stained green or dark brown. The mere fact that seeds are stained some artificial color puts the stamp of suspicion on them. To my mind this bill, in effect, threatens an embargo on the importation of valuable seeds into the United States, because according to its terms those seeds must be stained. It is just as if we should pass an act providing that all butter made abroad shall be stained green when it is imported into the United States. It would not be purchased on our markets.

Mr. WATSON. I should like to ask the Senator a question for information.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WADSWORTH. I yield.

Mr. WATSON. I am not familiar with the subject, and should like to inquire if the staining of such seeds would interfere with their germination?

Mr. WADSWORTH. I assume that the staining matter would be so devised as not to interfere with the germination of the seed. The Senator must know, of course, that if samples of seed are displayed at a seed or feed store in an agricultural community on Main Street and they bear peculiar and unusual color, the farmer, who is the ordinary customer for such seed, simply will not buy them, but will buy seed of the natural color, which may be in some instances inferior for the purpose which he has in view.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. SMOOT. I desire to call the attention of the Senator from New York to the fact that the seeds referred to in this instance are those of alfalfa and red clover.

Mr. WADSWORTH. Yes.

Mr. SMOOT. I desire to ask, does the Senator know of any special class of red clover or alfalfa seed, such as he referred to in his opening statement?

Mr. WADSWORTH. Yes; there have been in the past some very valuable alfalfa seeds brought from Northern Africa and Asia Minor. There are also certain alfalfa seeds that have come from other countries; there are some very valuable seeds which have been produced in Canada.

Mr. SMOOT. I know. They come from other countries; but I was wondering whether there were any really special alfalfa or clover seeds from foreign countries that would increase the crop or produce a better quality than is produced by seeds grown in the United States.

Mr. WADSWORTH. Yes; upon occasion foreign countries develop a new seed, a new type, perhaps, of an old class of plant, but a new type of seed. If they do so, even though it be conceded that for certain purposes in certain portions of the country such seeds are better than those we have as yet developed, if this bill shall become a law, such seeds must be stained some queer, strange color before they can be admitted into the United States. That, in my judgment, would mean that such seeds could not find a market here.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. FESS. Mr. President, it appears to me that the objection offered by the Senator from New York is not tenable, because the language of the bill does not mean that the entire importation is to be stained; it simply means that a sample of the seed is to be stained, a quantity of it, 10 per cent, for example.

Mr. WADSWORTH. No; the whole quantity must be stained.

Mr. LENROOT. No; 10 per cent.

Mr. WADSWORTH. It must be put on the market stained.

Mr. SMOOT. Only 10 per cent of the mixture is required to be stained.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield, and if so, to whom?

Mr. FESS. Mr. President, I understand that the object of this legislation is to identify the place whence the seed comes. I have not understood at any time that all the seed which was to be imported was to be stained; that the entire quantity was to be stained a certain color.

Mr. GOODING. The bill provides that if, after an investigation and a hearing by the Secretary of Agriculture, the particular kind of seed is found to be unadaptable for use in some of the States of the Union, where if planted it would be a very serious matter to the farmer, 10 per cent of such seed shall be stained.

Mr. WADSWORTH. The language does not read in that way; it does not depend upon whether it is suitable or not.

Mr. GOODING. Yes.

Mr. FESS. I am in sympathy with the friends of the legislation.

Mr. GOODING. Where the seed is found to be adaptable there is only a certain quantity to be stained, and the matter is left entirely to the Secretary of Agriculture; it is all in his discretion.

Mr. WADSWORTH. No; the language is mandatory.

Mr. FERRIS. Mr. President, I can not understand the force of the objection offered by the Senator from New York. It seems to me that the agricultural colleges of this country ought to know pretty well what would be useful in this line. For my own guidance, I rely greatly upon the State Agricultural College of Michigan, also upon the farm organizations of that State. I find that other agricultural colleges have given their assent to this plan and that the farmers generally demand it.

Of course, it is a matter of education, but I can not understand why, if the farmers want to protect themselves, they should not investigate and understand why this coloration is indulged in. So, Mr. President, I feel that the objection offered by the Senator from New York is really a reflection upon the intelligence of the farmers of America and that the plan proposed is so simple and so important that it must work out for their benefit. I sincerely hope that this bill may be passed immediately, because it is wanted now and not several years later.

Mr. WADSWORTH. Mr. President, I know that perhaps I am transgressing the rule in regard to the limitation of speeches, but I ask unanimous consent to make a brief statement.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from New York will proceed.

Mr. WADSWORTH. Mr. President, I hope I have not reflected upon the intelligence of the farmers of America, especially when I am making a suggestion that the ultimate effect of legislation of this kind will be to increase the cost of seed to the farmers.

Under the five-minute rule it is quite impossible to discuss a measure of this kind, and I can not withdraw my objection.

The PRESIDING OFFICER. The objection is insisted upon.

Mr. GOODING. Mr. President, I move that the bill be taken up notwithstanding the objection.

Mr. SMOOT. Under the unanimous-consent agreement that can not be done.

Mr. GOODING. Very well.

The PRESIDING OFFICER. The next bill on the calendar will be stated.

AMERICAN BARGE "TEXACO NO. 153"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 113) for the relief of the owner of the American barge *Texaco No. 153*, which was read as follows:

Be it enacted, etc., That the claim of the Texas Co., owner of the American barge *Texaco No. 153*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Coast Guard steam tug *No. 84*, on or about the 4th day of November, 1919, at or near the dock of the Texas Co., at Bayonne, N. J., may be sued for by the said Texas Co. in the District Court of the United States for the District of New Jersey, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Texaco No. 153*, or against the owner of the said American barge *Texaco No. 153* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. M. GRAY, JR., CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 646) for the relief of F. M. Gray, jr., Co., which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. M. Gray, jr., Co., of Milwaukee, Wis., the sum of $2,500, being the amount of damages incurred between the 12th day of December, 1921, and the 31st day of March, 1922, by reason of the action of the Engineering Department of the Government shutting off the water and steam at well being drilled at the Edward Hines, Jr., Hospital, Chicago, Ill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1803) for the relief of Walter W. Price was announced as next in order.

Mr. SMOOT. I ask that that bill be passed over.

Mr. McKELLAR. I hope the Senator will not object to that bill. I think it was passed by the Senate during the last Congress.

Mr. SMOOT. I should like to have the bill go over now.

Mr. McKELLAR. Very well.

Tht PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2098) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN H. GATTIS

The bill (S. 3074) for the relief of John H. Gattis, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Gattis the sum of $200 in full payment for permanent injury caused by a fall from a ladder while working at the Government Printing Office, in the year 1914, and the said sum of $200 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANVASSING BOARD FOR ALASKA

The bill (S. 2529) to amend an act approved May 7, 1906, entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," was announced as next in order.

Mr. WILLIS. Mr. President, I desire to ask unanimous consent that instead of considering the bill, the title of which has just been read, the Senate consider Order of Business No. 262, being House bill 7820, which is identical with the Senate bill. The House bill has also been considered by the Committee on Territories and Insular Possessions and has been reported with the same amendment which the committee recommended to Senate bill 2529. I ask that Order of Business No. 262, being House bill 7820, may be now considered, and, if that shall be done, I will move the indefinite postponement of the Senate bill.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire whether the House bill has been reported with the same amendment as the one proposed by the committee and incorporated by the committee in the Senate bill?

Mr. WILLIS. Precisely the same amendment which was recommended by the committee in the case of the Senate bill has been reported to the House bill.

The PRESIDING OFFICER. Is there objection to the House bill being substituted for the Senate bill and being considered at this time?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7820) to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, which had been reported from the Committee on Territories and Insular Possessions with an amendment, on page 1, line 9, after the word "the," to strike out "collector of customs for Alaska," and insert "national committeeman for Alaska representing the chief political party in opposition to that party of which the Governor of Alaska is a member," so as to make the bill read:

Be it enacted, etc., That the first paragraph of section 12 of the act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, is hereby amended to read as follows:

"SEC. 12. That the governor, the secretary for the Territory, and the national committeeman for Alaska representing the chief political party in opposition to that party of which the Governor of Alaska is a member shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Ohio as to the reason for this most extraordinary legislation?

Mr. WILLIS. Very well. Mr. President, I shall be glad to explain the measure, if I may be permitted to do so.

Mr. KING. It seems rather remarkable that we should provide that the representative of a political party shall be a part of the canvassing machinery of the Territory of Alaska.

Mr. WILLIS. Mr. President, here is precisely the reason: The old law provided that the canvassing board should consist of the governor, the secretary of the Territory, and the surveyor general. By legislation we abolished the office of surveyor general, consequently there was no canvassing board, and is now no canvassing board at all. It was suggested by the department that we ought to remedy that in some fashion, and the department made a suggestion that the board should consist of the governor, the secretary of the Territory, and the collector of customs. The able Senator from Arkansas [Mr. ROBINSON] very properly, in my judgment, suggested in committee that as a result of that legislation it would inevitably happen that all the members of the canvassing board would belong to the same political party; and he suggested—and I quite agreed with him, and the members of the committee did also—that it ought to be arranged so that a canvassing board should be bipartisan. So this amendment was adopted by the committee at the suggestion of the senior Senator from Arkansas, and I think it is a very proper amendment.

Mr. ROBINSON of Arkansas rose.

Mr. WILLIS. I notice the Senator from Arkansas is on his feet, and I wish that he would make a statement about the matter.

Mr. ROBINSON of Arkansas. Mr. President, in addition to what has just been stated by the Senator from Ohio I will say that the bill as originally drafted would create a canvassing board to canvass the election returns in the Territory of Alaska composed entirely of appointees of the President, representatives of the political party in power. I felt, and the committee agreed with me unanimously, that it was both desirable and fair that the board should have on it at least one representative of the chief party in opposition to the political party in power, in order to insure fairness in the action of the canvassing board. I can not conceive of any theory upon which it can be objected to.

I think I ought to say that there was a question in the minds of the members of the committee as to how best to accomplish the end desired, namely, to make the board bipartisan. After some considerable discussion of the subject the amendment that was reported by the committee was agreed to, making the national committeeman of the chief party in opposition to the party represented by the governor the third member of the board.

Mr. WILLIS. Mr. President, the statement of the Senator is absolutely accurate, and I suggest further, to explain the matter, that the report of the committee, which is very brief, be printed in the RECORD at this point for information.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report (No. 260) submitted by Mr. WILLIS on the calendar day of March 4, 1926, is as follows:

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following report to accompany H. R. 7820:

The Committee on Territories and Insular Possessions, to whom was referred the bill (H. R. 7820) to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, having considered the same, report it to the Senate with the recommendation that the bill do pass with the following amendment:

On page 1, line 9, strike out the words "collector of customs for Alaska" and in lieu thereof insert the following: "national committeeman for Alaska representing the chief political party in opposition to that party of which the Governor of Alaska is a member."

This amendment is suggested in order that the board may be bipartisan.

The Secretary of the Interior submitted the following communication in regard to the necessity for an amendment of this act:

THE SECRETARY OF THE INTERIOR,
Washington, January 21, 1926.

Hon. FRANK B. WILLIS,
Chairman of the Committee on Territories and Insular Possessions, United States Senate.

MY DEAR SENATOR WILLIS: Your letter of January 16, 1926, has been received inclosing with request for report thereon Senate bill 2529,

entitled "A bill to amend an act approved May 7, 1906, entitled 'An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.'"

In response thereto I have to state that the surveyor general of the Territory of Alaska, under the provisions of the act of June 6, 1900 (31 Stat. 321), was made ex officio secretary of the Territory at a compensation of $4,000 per annum, and required, in case of the death, removal, resignation, or absence of the governor, to perform all the duties devolving upon the governor. By the act of March 3, 1925 (43 Stat. 1144), the office of surveyor general of the Territory of Alaska was abolished, effective July 1, 1925.

The question of providing a secretary for the Territory after that date, under the provisions of section 1843 of the Revised Statutes United States, was submitted to the Attorney General, who held, May 27, 1925, that section 3 of the act of June 6, 1900, had been repealed, that section 1843 of the Revised Statutes United States, applied to the Territory of Alaska, and that the President might, in pursuance of his constitutional power and the provisions of the aforesaid act, appoint a secretary of the Territory. Accordingly, on June 11, 1925, Mr. Karl Theile, surveyor general of Alaska, was duly commissioned secretary of the Territory of Alaska, effective July 1, 1925, entered upon duty, and is now acting governor of the Territory in the absence of the governor.

Under section 12 of the act of May 7, 1906 (34 Stat. 173), the surveyor general acted as a member of the election canvassing board of the Territory. In order that this board may function it will be necessary to amend the act so as to substitute for the surveyor general the secretary of the Territory. Elections for Territorial legislature and Delegate will be held this year, and certificates can not be issued by a canvassing board unless this bill is enacted.

I have to recommend early and favorable consideration of the bill.

Very truly yours,

HUBERT WORK.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WILLIS. Now, Mr. President, I move that Order of Business 219, being Senate bill 2529, be indefinitely postponed.

The motion to postpone indefinitely was agreed to.

DISPOSITION OF MONEYS OF INSANE OF ALASKA

The bill (S. 3213) to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions with amendments, on page 1, line 7, after the word "institution," to insert "or under the care of such person, firm, or corporation"; on page 2, line 3, after the word "institution," to insert "or the care of such person, firm, or corporation"; in line 6, after the word "institution," to insert "or the care of such person, firm, or corporation"; in line 8, after the word "shall," to insert "at the end of five years from the passage of this act"; and in line 18, after the word "institution," to insert "person, firm, or corporation," so as to make the bill read:

Be it enacted, etc., That hereafter all moneys belonging to persons legally adjudged insane in the Territory of Alaska and deposited by them with the person, firm, corporation, or institution under contract with the Department of the Interior for the care of the Alaskan insane who have died in such institution, or under the care of such person, firm, or corporation, been discharged therefrom, or who have eloped and whose whereabouts is unknown, shall, if unclaimed by said person or their legal heirs within the period of five years from the time of death of the person or the date of the leaving of the institution, or the care of such person, firm, or corporation, be covered into the Treasury by the Secretary of the Interior: *Provided, however,* That the unclaimed moneys belonging to those who have heretofore died or left the institution, or the care of such person, firm, or corporation, prior to the date of this act shall, at the end of five years from the passage of this act, also be deposited in the Treasury, subject, however, to reclamation by such persons or their legal heirs within five years from the date of this act.

SEC. 2. The Secretary of the Interior is authorized and directed under such regulations as he may prescribe, to make, or cause diligent inquiry to be made, in every instance after the death, discharge, or elopement of any legally adjudged insane person of Alaska, to ascertain his whereabouts, or that of his or her legal heirs, and thereafter turn over to the proper party any moneys in the hands of the institution, person, firm, or corporation, etc., to the credit of such person. Claims may be presented to the Secretary of the Interior hereunder at any time, and when established by competent proof in any case more than five years after the death, discharge, or elopement of such legally adjudged insane person of Alaska, shall be certified to Congress for consideration.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. Mr. President, this is a very important measure, and the Senator from Delaware [Mr. BAYARD] made a very able and illuminating brief report on it. I suggest that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? Without objection, the report will be printed in the RECORD.

The report (No. 215) submitted by Mr. BAYARD on February 24, 1926, is as follows:

Mr. BAYARD, from the Committee on Territories and Insular Possessions, submitted the following report, to accompany S. 3213:

The Committee on Territories and Insular Possessions, to whom was referred (S. 3213) a bill to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior, having considered same, report it to the Senate with the recommendation that the bill do pass with the following amendments:

On page 1, line 7, after the comma insert the words "or under the care of such person, firm, or corporation."

On page 2, line 1, after the comma insert the words "or the care of such person, firm, or corporation."

On page 2, line 4, after the word "institution" insert a comma and the words "or the care of such person, firm, or corporation."

On page 2, line 4, after the word "shall" insert the words "at the end of five years from the passage of this act."

On page 2, line 14, after the comma insert the words "person, firm, or corporation."

This bill is recommended by the Secretary of the Interior in the following communication:

THE SECRETARY OF THE INTERIOR,
Washington, February 18, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and
Insular Possessions, United States Senate.

MY DEAR SENATOR WILLIS: Section 7 of the act entitled "An act relating to affairs in the Territories," approved February 6, 1909 (35 Stat. 601), states:

"That the Secretary of the Interior shall hereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the District of Alaska, and in behalf of the United States shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium, west of the main range of the Rocky Mountains, submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in the said District of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid from appropriations to be made for such service upon estimates to be submitted to Congress annually."

Under this authority contract was entered into on January 25, 1919, with the Sanitarium Co., of Portland, Oreg., for the care of the legally adjudged insane of Alaska for a period of five years from and including January 16, 1920, and on December 14, 1923, a new contract was entered into with the Sanitarium Co. for the care of the Alaskan insane for a period of five years from and including January 16, 1925.

There has been accumulated in the hands of the contractor for the care of the Alaskan insane approximately $11,300, the property of patients, for the safeguarding of which a special bond is given by the contractor; a considerable portion of this money, approximately $3,995, belongs to the estates of deceased patients, patients who have been discharged, or who have eloped, and whose present whereabouts is unknown.

It is desirable that some provision be made by Congress for the disposition of such moneys so that the contractor and the department may be relieved of responsibility therefor.

A tentative bill has been framed and a copy is herewith inclosed, providing for the disposition of moneys of legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior. This bill has been drawn along the lines of existing law, the act of June 30, 1906 (34 Stat. 730), relating to St. Elizabeths Hospital, which, in the administration of the affairs of that hospital, has been found to be very effective. I commend the same to your favorable consideration.

Very truly yours,

HUBERT WORK.

SAMUEL T. HUBBARD, JR.

The bill (H. R. 2987) for the relief of Samuel T. Hubbard, jr., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Samuel T. Hubbard, jr., Signal Corps, Officers' Reserve Corps, shall hereafter be held and considered to have been commissioned as

a captain in the American Expeditionary Forces on May 27, 1917: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, will the Senator from New York explain that bill?

Mr. WADSWORTH. Mr. President, this bill involves no expense to the Government and has no effect upon any existing situation in the Army.

This gentleman, Mr. Samuel T. Hubbard, jr., was encouraged at the outbreak of the war to apply for a commission. His services were needed in the Signal Corps—services of a very special character. He made the application, met all the requirements upon the examination, executed a letter of acceptance and an oath of office, all on May 24, 1917, and the papers were mailed to the Chief Signal Officer of the Army here at Washington. A sudden order was issued to him to accompany General Pershing's advance party to France; and Mr. Hubbard, obeying that order, regarding himself, as he was regarded by others, in effect an officer of the Army, accompanied General Pershing's party overseas at the very outset of the war. The issuance of the actual commission here at Washington, however, was greatly delayed on account of the jam that was existent at that time in the War Department, so the commission itself did not reach him until June 18, 1917.

This bill is merely for the purpose of changing the date of Mr. Hubbard's commission as an emergency officer in the Army. He is no longer in the Army. He merely wants it known on his record that he was in effect a commissioned officer of the United States Army when he accompanied General Pershing abroad. The bill does not provide for any back pay or pension or allowance, nor does it make him eligible for pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. SIMPSON

The bill (S. 2215) for the relief of James E. Simpson was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of James E. Simpson, late postmaster at Collinsville, Ill., in the sum of $13,190.09 due the United States on account of the loss of postal funds resulting from burglary December 18, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. GRAY

The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. KING. Let that be explained.

Mr. JONES of Washington. Mr. President, if the Senator will withhold his objection a moment until I can read a little from the report, I am sure it will demonstrate to him that this bill should pass.

The report says, quoting a letter from the Secretary of the Treasury:

Mr. Gray resigned his commission as a lieutenant commander in the United States Coast Guard under honorable conditions on March 23, 1925. He is a graduate of the Coast Guard Academy and was commissioned as an ensign on May 24, 1909, serving continuously in the service up to the time of his resignation with fidelity, ability, and honor.

The bill proposes his reinstatement as a lieutenant commander on the active list of the Coast Guard to take rank next after Lieut. Commander Warner K. Thompson, and that he be an additional number in that grade and in any grade to which he may hereafter be promoted. If the bill be enacted and Mr. Gray be reappointed a lieutenant commander, his order of precedence in that grade will be the same as it was at the time of his resignation, and in view of being an additional number his reinstatement would not prejudice the standing or rights of officers junior to him.

At the present time the Coast Guard is in need of officers possessing the high qualifications and service experience of Mr. Gray, and as he has been separated from the service less than a year his services could be immediately utilized in responsible and important assignments. The department, therefore, recommends the enactment of the proposed legislation.

Mr. KING. Let me ask the Senator if he thinks it is a wise precedent after men resign from the Army or the Coast Guard to reinstate them?

Mr. JONES of Washington. I think under the circumstances this was a wise course to take. The personnel of the Coast Guard is being enlarged very greatly, and I think we should welcome an opportunity to get men of experience and training.

Mr. SMOOT. What happened to change this man's opinion?

Mr. JONES of Washington. I do not know what happened to change his opinion.

Mr. KING. I object, and ask to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

BILLS PASSED OVER

The bill (S. 1747) for the relief of the estate of Henry T. Wilcox was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HANNAH PARKER

The bill (H. R. 3624) for the relief of Hannah Parker was announced as next in order.

Mr. KING. Let that go over.

Mr. PHIPPS. Mr. President, will the Senator kindly withhold the objection for a moment? I think this is a very meritorious bill. It does not involve very much.

Mr. KING. Is this a case of desertion?

Mr. PHIPPS. It was a case of alleged desertion. It is explained in the report, however, and the bill has had the approval of the committee.

Mr. SMOOT. Can the Senator explain why the soldier deserted, or whether he did desert?

Mr. PHIPPS. I will request that the Secretary read the report.

The PRESIDING OFFICER. Does the Senator withdraw the objection?

Mr. KING. I notice on page 2 the following language:

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied by this department, and now stands denied, on the ground that he did not serve until May 1, 1865—

And so forth. It would seem as though there was a desertion, and the department has denied the application for a return of this man's name to the rolls. I think the Senator had better let the bill go over.

Mr. PHIPPS. I will consent to its going over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

COLORADO RIVER BRIDGE NEAR LEE FERRY, ARIZ.

The bill (S. 3282) to amend the act of February 26, 1925 (ch. 343, Stat. 68th Cong.), authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., was announced as next in order.

Mr. KING. Let us have an explanation of this bill by the Senator from Arizona.

Mr. ASHURST. Mr. President, Senators will not forget that when the deficiency bill was before the Senate there was in the bill an appropriation, theretofore authorized, in the sum of $100,000 to pay one-half the cost of a bridge across the Colorado River 2 miles below Lee Ferry, and it was to be reimbursable from the funds of the Navajo Indians. So many Senators objected to the item, and so many Senators, including the esteemed junior Senator from Utah [Mr. KING], urged me to introduce a bill repealing the reimbursable feature and making it a gratuity out of the Treasury, that I really felt that I was carrying out the view of the Senate. In fact, no less than a dozen Senators on the floor of the Senate urged the introduction of such a bill. I feel that the bill was introduced by me at the special instance and request of Senators who said they had no objection to a gratuity appropriation, but they did object to an appropriation from the funds of the Navajo Indians.

The deficiency bill has passed and is now a law. The $100,000 is chargeable to the funds of the Navajo Indians. This is a proposal to repeal the reimbursable feature, so that if this bill becomes a law the $100,000 will be a gratuity out of the Treasury and will not be reimbursable from the funds of the Indians.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator a question. In section 2 the bill reads:

No part of the sum authorized to be appropriated under this act, or which may have been appropriated under *the said act* which is hereby amended, shall in any way become a charge reimbursable to the United States from the funds of the Navajo Indians or from any other tribe of Indians.

I can not find any reference to any other act in the bill. I think I understand what was intended, but the bill does not express it. There is no reference to any other act.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the bill has gone over.

The PRESIDING OFFICER. The bill has gone over.

Mr. JONES of Washington. I simply wanted to call the Senator's attention to that fact.

Mr. ASHURST. Yes; I thank the Senator.

ARTILLERY RANGE AT FORT ETHAN ALLEN, VT.

The bill (S. 2752) for the purchase of land as an artillery range at Fort Ethan Allen, Vt., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, after the word "donation," to insert "a tract of," and in line 5, after the word "land," to insert "containing approximately 6,007 acres," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to acquire, by purchase, condemnation, or donation, a tract of land containing approximately 6,007 acres in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt., and there is hereby authorized to be appropriated for such purpose a sum not to exceed $200,000 out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAN JUAN RIVER BRIDGE NEAR BLOOMFIELD, N. MEX.

The bill (S. 3296) to amend an act approved January 30, 1925 (ch. 117, Stat. 68th Cong.), authorizing the payment of one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the act approved January 30, 1925 (chapter 117 of the Statutes of the Sixty-eighth Congress), entitled "An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.," be, and it hereby is, amended to read as follows:

"SECTION 1. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,620, or so much thereof as may be necessary, to defray one-half the cost of a bridge across the San Juan River near Bloomfield, N. Mex., under rules and regulations to be prescribed by the Secretary of the Interior, who shall also approve the plans and specifications for said bridge: *Provided*, That the State of New Mexico or the county of San Juan shall contribute the remainder of the cost of said bridge, the obligation of the Government hereunder to be limited to the above sum but in no event to exceed one-half the cost of the bridge.

"SEC. 2. No part of the sum authorized to be appropriated under this act, or which may have been appropriated under the said act which is hereby amended, shall in any way become a charge reimbursable to the United States from the funds of the Navajo Indians or from any other tribe of Indians."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8184) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation and authorizing an appropriation of funds therefor was announced as next in order.

Mr. KING. Mr. President, will the chairman of the committee explain the necessity for that? Usually the western States are complaining about the invasion of the Federal Government, and its assertion of jurisdiction over lands which ought to belong to the States. Here we are seeking to obtain them from one of the States.

Mr. HARRELD. Mr. President,——

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CAMP GROUND FOR INDIAN SCHOOL, PHOENIX, ARIZ.

The bill (H. R. 8652) to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 186) authorizing the payment of tuition of Crow Indian children attending Montana State public schools was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator whether that money is to be paid out of the tribal funds, or is it a direct appropriation out of the Treasury?

Mr. HARRELD. I shall have to look at the report and see.

Mr. McLEAN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN NEVADA

The bill (H. R. 8590) granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage, and other like purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF NATIONAL BANK ACT TO VIRGIN ISLANDS

The bill (S. 2769) to extend the provisions of the national bank act to the Virgin Islands of the United States was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think there ought to be an explanation of this bill.

Mr. McLEAN. Mr. President, I assumed that of course every Senator had read the full report on this bill——

Mr. ROBINSON of Arkansas. That is a very violent assumption.

Mr. McLEAN. But I shall be very glad to explain it to the Senators.

The sole purpose of the bill is to permit the only bank in the Virgin Islands to reorganize, and become a national bank. The Senator will see that several sections of the Federal statutes are referred to.

Mr. SMOOT. These banks are owned by——

Mr. McLEAN. There is only one bank in the islands.

Mr. SMOOT. That is owned by four Danish banks.

Mr. McLEAN. That is true, and under our law the directors of Federal national banks must be citizens of the United States. Consequently, we have to qualify these Danes in order that they may act in the reorganization of the bank, if that be desired, or they may transfer the bank to other parties who may reorganize it as a national bank.

Mr. ROBINSON of Arkansas. I observe that there are some amendments, apparently one very important amendment.

Mr. McLEAN. I will explain them if the Senator will permit me. I will proceed seriatim with the amendments, and it will take but a moment.

Sections 19 and 20 of the law are referred to. They are the sections under which note issues of banks other than national banks are taxed, and as this bank has authority to issue its own notes, we had to provide in this bill that that privilege might continue until the bank becomes a national bank, when the privilege will cease.

Section 5243 of the Revised Statutes, which is referred to in line 6, prohibits the use of the word "national" by other than national banks. There is a proviso, the Senator will observe, which protects the bank in any treaty right which it may now have under our treaty as to the islands.

The last proviso, which is rather long—but I think the Senator will see that it is an appropriate provision—brings the islands within the jurisdiction of the Federal district court in the island of Porto Rico. I will say to the Senator that this bill has been approved by the Federal Reserve Board, by the Secretary of the Treasury, and by the Department of Justice.

Mr. SMOOT. Let me ask one question. I notice the report states that—

This bank is owned by four Danish banks and was organized under the concession granted by the minister of finances of the Government of Denmark June 20, 1904, and under this concession this bank was

granted the exclusive rights to issue bank notes, exchangeable with gold, for a period of 30 years. It is the purpose of this bill to enable the owners and directors of this bank to reorganize it as a national bank or convey it to others who will reorganize it and maintain it as a national bank.

Are we to understand that this bank is to be sold by the owners of the four Danish banks to some American citizen who is to run the bank as a national bank?

Mr. McLEAN. I can not answer that question certainly. It is the hope that the bank will be transferred to parties who will reorganize it as a national bank, but if that is not done, we want to extend to the present ownership that right.

Mr. SMOOT. I think the transfer ought to be mandatory, not permissive.

Mr. WILLIS. How could it be mandatory, under the treaty?

Mr. SMOOT. It should be mandatory, or we should not recognize it as a part of our national banking system.

Mr. WILLIS. The rights this bank has are rights which it enjoys under the treaty.

Mr. SMOOT. I do not want to interfere at all with the present rights.

Mr. McLEAN. The condition there is very annoying at present. The bank has the right to issue Danish franc notes. Only about one-fifth of the currency in the islands is American currency at present, and the inhabitants are very anxious to have American currency used entirely, which will soon result if this bank is reorganized and becomes a national bank. They will stop issuing these Danish franc notes, and will then have the privilege of issuing their notes under our Federal reserve system. The Secretary of the Treasury and the Federal Reserve Board are anxious that this privilege should exist there. The islands belong to the United States, and there is no reason why the situation should not be cleared up just as soon as it possibly can be.

Mr. SMOOT. I am in full sympathy with the legislation, but I doubt the wisdom of having the owners of four Danish banks organize a bank in the Virgin Islands, or anywhere else, and have it issuing American money.

Mr. McLEAN. The islands belong to the United States.

Mr. SMOOT. I am perfectly aware of that.

Mr. McLEAN. These men are under the jurisdiction of the United States.

Mr. SMOOT. Yes; but Danish citizens are not citizens of the United States.

Mr. McLEAN. They can be if they so choose, under the treaty, and they probably will be, if we grant them this privilege.

Mr. SMOOT. I hope so.

Mr. ROBINSON of Arkansas. It is observed that one of the amendments safeguards the rights of the National Bank of the Danish West Indies guaranteed by the treaty with Denmark signed on August 4, 1916. What rights were guaranteed to the bank?

Mr. McLEAN. I assume that the principal guaranty is the privilege of continuing the issuance of these Danish bank notes. They had a 30-year privilege, which has not expired as yet. I assume that is the principal object. The chairman of the Committee on Insular Possessions may know more about it than I do, but in a long letter which I had from the Secretary of the Treasury that is stated as the principal reason.

Mr. ROBINSON of Arkansas. Is it proposed to create a national bank of the United States, with authority to issue the notes of a foreign country?

Mr. McLEAN. If they reorganize and become a national bank, they will, of course, stop that and issue our Federal reserve notes.

Mr. ROBINSON of Arkansas. But it is expressly provided in this bill that the rights guaranteed to the Danish West Indies Bank shall not be impaired by the bill; that is to say, if the bank is given the right to issue Danish notes this act will in no way impair that right.

Mr. McLEAN. A representative from the Secretary of State was anxious that that proviso should be inserted, because there might be some other rights, he felt, which would make it wise to do so, so that there need not be any question about our violating any of the provisions of the treaty. The committee thought no harm could result from inserting the proviso in the bill.

Mr. ROBINSON of Arkansas. What I would like to know is this: If this bill shall pass and the bank shall be chartered as a national bank, can it and will it continue to issue the notes of a foreign country?

Mr. McLEAN. Of course, when they come under the jurisdiction of the United States they will have to surrender that right.

Mr. ROBINSON of Arkansas. It is expressly provided in this bill, if the Senator pleases, that not only shall they not be required to surrender that right but that the right shall be preserved to them.

Mr. McLEAN. I think there is no practical force to the Senator's objection.

Mr. ROBINSON of Arkansas. I have not made any objection; I have asked for information. Here is an amendment proposed which plainly guarantees, according to the explanation which the Senator has given, the right to this bank to continue to issue Danish notes, and I merely want to know if it is the object of the bill to charter a national bank of the United States with authority to issue the notes of a foreign country.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments.

Mr. WILLIS. Mr. President, if I may just supplement what the Senator from Connecticut has said, the purpose of the legislation is exactly the reverse of that which the Senator from Arkansas has stated.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. ROBINSON of Arkansas. What is the object of inserting an amendment in the bill providing as follows:

Provided further, That no rights of the National Bank of the Danish West Indies guaranteed by the treaty with Denmark signed August 4, 1916, shall be in anywise impaired?

Let me say in explanation of my question that the Senator from Connecticut has explained that the principal right referred to there is a right which the bank now enjoys, to issue certain Danish notes. What is the object of inserting this amendment in the bill, if the intention is to terminate the practice of the bank to issue such notes?

Mr. McLEAN. There might be notes outstanding at the time this bill is passed, and there might be some requirements as to their liquidation, as a result of which the provisions of the treaty, if they want to maintain them, should be extended temporarily. But I suggest to the Senator that they will be very certain to retire them as fast as they can.

Mr. WILLIS. It is the purpose to simplify the system and get rid of this Danish money. The charter of this bank expires, anyway, at a very early date. I want to say to the Senator that the experts of the department went into the matter very carefully. The State Department felt that there ought to be some such amendment as this, so as to alleviate the fears of these Danish owners and give them assurance that their rights were not to be infringed upon. I am certain no evil will flow from the amendment.

The PRESIDING OFFICER. The clerk will state the amendments.

The CHIEF CLERK. On page 2, line 4, to strike out the word "section" and insert in lieu thereof the word "sections"; on line 4, after the numerals "19," to insert the words "and 20"; on line 7, after the word "Indies," to insert the words "nor to its notes"; on line 22, after the word "thousand," to insert a colon and the words "*Provided further*, That no rights of the National Bank of the Danish West Indies guaranteed by the treaty with Denmark signed August 4, 1916, shall be in any wise impaired"; and to add at the end of the bill a new section reading as follows:

SEC. 2. Jurisdiction is hereby conferred on the District Court of the United States for Porto Rico of all cases, civil and criminal, arising in the Virgin Islands of the United States under the national bank act, as amended, and all other acts of Congress relating to national banks, to the same extent as jurisdiction of matters arising under said laws is conferred upon district courts of the United States. The circuit court of appeals for the first circuit shall have appellate jurisdiction of cases arising in the Virgin Islands of the United States under this act and "the national bank act," as amended, and all other acts of Congress relating to national banks prosecuted in the District Court of the United States for Porto Rico, in conformity with the provisions of section 128 of the Judicial Code relating to the review of cases tried by the United States District Court for Porto Rico, as amended.

So as to make the bill read:

Be it enacted, etc., That the national bank act, as amended, and all other acts of Congress relating to national banks, shall in so far as not locally inapplicable hereafter apply to the Virgin Islands of the United States: *Provided*, That such inhabitants of the Virgin Islands of the United States as resided therein and were Danish citizens on January 17, 1917, and who have not since that date elected

to preserve their Danish citizenship in the manner provided for in article 6 of the convention between the United States and Denmark, signed August 4, 1916, shall be regarded as citizens of the United States within the meaning of section 5146 of the Revised Statutes, as amended: *Provided further*, That sections 19 and 20 of the act of February 8, 1875 (18 Stat. L. p. 311), and section 5243 of the Revised Statutes, shall not apply to the National Bank of the Danish West Indies nor to its notes: *Provided further*, That any bank which shall organize under the authority of this act shall not have the right to issue bank notes until after the expiration of the concession granted to the National Bank of the Danish West Indies, or the relinquishment of such concession by said bank: *Provided further*, That any bank which shall organize under the authority of this act may with the approval of the Comptroller of the Currency establish or acquire and keep in operation not more than two branches in the Virgin Islands of the United States: *Provided further*, That said bank and its branches shall have the right to act as broker or agent for others as granted by the act of September 7, 1916 (39 Stat. L. p. 752), notwithstanding that the population of the place in which it is located may exceed 5,000: *Provided further*, That no rights of the National Bank of the Danish West Indies guaranteed by the treaty with Denmark, signed August 4, 1916, shall be in any wise impaired.

SEC. 2. Jurisdiction is hereby conferred on the District Court of the United States for Porto Rico of all cases, civil and criminal, arising in the Virgin Islands of the United States under the national bank act, as amended, and all other acts of Congress relating to national banks, to the same extent as jurisdiction of matters arising under said laws is conferred upon district courts of the United States. The circuit court of appeals for the first circuit shall have appellate jurisdiction of cases arising in the Virgin Islands of the United States under this act and "the national bank act," as amended, and all other acts of Congress relating to national banks prosecuted in the District Court of the United States for Porto Rico, in conformity with the provisions of section 128 of the Judicial Code relating to the review of cases tried by the United States District Court for Porto Rico, as amended.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of the national bank act to the Virgin Islands of the United States, and for other purposes."

FEDERAL RESERVE BANK BUILDING AT BUFFALO, N. Y.

The joint resolution (S. J. Res. 44) authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y., was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Federal Reserve Bank of New York is hereby authorized to invest in the purchase of land improved by a bank building, already fully constructed, for its branch office at Buffalo, N. Y., a sum not to exceed $600,000, out of its paid-in capital stock and surplus.

Mr. COUZENS. I would like to ask the chairman of the committee if the amendment provided in the joint resolution authorizing the building of a bank at Detroit should not be in this joint resolution? There is no such amendment in it.

Mr. GLASS. There is a separate bill on the calendar for the building at Detroit.

Mr. COUZENS. Yes; but I was referring to the fact that when that bill was reported it was reported with an amendment providing that the bank should pass upon the plans and the expenditures for equipment, and that amendment, which was requested by the Federal Reserve Board here, does not seem to have been required in the case of this bill.

Mr. McLEAN. I will say to the Senator from Michigan that both of these bills were submitted to the Federal Reserve Board, and the board made a careful examination of the Buffalo situation—such a careful examination that they thought the amendment which was suggested in connection with the bill for Detroit was unnecessary in this case. I do not know that there is any special objection to that amendment being attached to this bill, but it does not seem to me to be necessary.

Mr. COUZENS. I do not understand why they segregated Detroit for that particular amendment and did not provide for it in the Buffalo case.

Mr. McLEAN. The New York Federal Reserve Bank has an option on a building in Buffalo which meets their requirements. They consider it an excellent bargain.

Mr. GLASS. It is already equipped.

Mr. McLEAN. I think they have already been offered a handsome premium on their option. The building is already equipped, and for that reason it was not thought that this amendment was necessary.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL RESERVE BANK BUILDING AT DETROIT, MICH.

Mr. COUZENS. Mr. President, while we are on this subject, for the purpose of expediting the erection of these bank buildings I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 61, authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., so that the erection of the building may be expedited at this season of the year.

The PRESIDING OFFICER. The Chair will state that the hour of 3 o'clock having arrived the unanimous-consent agreement goes into effect.

Mr. COUZENS. I ask unanimous consent for the present consideration of Senate Joint Resolution 61, Order of Business No. 280.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., which had been reported from the Committee on Banking and Currency, with an amendment on page 2, line 9, after the numerals "$600,000," to insert a colon and the following proviso:

Provided, however, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

So as to make the joint resolution read:

Whereas the building in the city of Detroit now occupied under lease by the Detroit branch of the Federal Reserve Bank of Chicago is inadequate for the business of that institution, which is being conducted in three separate locations, so that the larger portion of its moneys and valuables must be kept in vaults other than its own, and this entails the serious hazard in transferring large sums of moneys through the streets, inconvenience to member banks, and large increases in overhead; and

Whereas the Federal Reserve Bank of Chicago had purchased before the 8d day of June, 1922, and now owns a lot situated at the northeast corner of Fort and Shelby Streets in the city of Detroit, Mich., suitable for the erection of a banking office adequate for the needs of said Detroit branch but had not begun the erection of a building thereon; and

Whereas the cost of construction of a suitable building as estimated from plans, caused to be prepared by the directors of the Federal Reserve Bank of Chicago, will not exceed $600,000: Therefore be it

Resolved, etc., That the Federal Reserve Bank of Chicago be, and it is hereby, authorized to enter into contracts for the erection of a building for its Detroit branch on the site now owned, provided the total amount expended in the erection of said building, exclusive of the costs of the vaults, permanent equipment, furnishings, and fixtures, shall not exceed the sum of $600,000: *Provided, however*, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. FESS. Mr. President, I hold in my hand the report of the Interstate Commerce Commission on its findings upon the application of the railroads for authority to establish reduced rates on certain commodities from eastern defined territories, Groups D to J, inclusive, to Pacific coast terminals, without

observing the long-and-short-haul provision of section 4 of the interstate commerce act.

The application was denied. I ask unanimous consent to insert this report in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION

(Fourth Section Application No. 12436)

REDUCED RATES ON COMMODITIES FROM ORIGINATING TERRITORY WEST OF INDIANA STATE LINE TO PACIFIC COAST TERMINALS

(Submitted October 16, 1924. Decided March 1, 1926)

Application for authority to establish reduced rates on certain commodities from eastern defined territories, Groups D to J, inclusive, to Pacific coast terminals, without observing the long-and-short-haul provision of section 4 of the interstate commerce act, denied.

H. A. Scandrett, F. H. Wood, J. N. Davis, R. J. Hagman, James L. Coleman, J. S. Moore, jr., B. W. Scandrett, E. W. Camp, and J. E. Lyons, for applicants.

W. S. McCarthy for Intermediate Rate Association; H. W. Prickett for Intermediate Rate Association and Chamber of Commerce and Commercial Club of Salt Lake City; C. O. Bergan for Intermediate Rate Association, Spokane Merchants Association, and Spokane Chamber of Commerce; J. P. Haynes and Robert Hula for Chicago Association of Commerce and various organizations and companies; A. F. Vandergrift for Louisville Board of Trade; L. G. Macomber for Ohio State Industrial Traffic League and Toledo Chamber of Commerce; C. F. Rowe for Duluth Chamber of Commerce and Marshall Wells Co.; Lewis B. Boswell for Quincy Freight Bureau; Lee Kuempel and L. A. Knudsen for Minneapolis Traffic Association and B. F. Nelson Manufacturing Co.; Herman Mueller for St. Paul Association of Public & Business Affairs; Fred P. Zimmerman for Western Cartridge Co.; L. W. Moore for Maytag Co. and Illinois Electric Porcelain Co.; and J. E. Bryan for Wisconsin Traffic Association.

Harry Dickenson for Denver Transportation Bureau; O. C. Garlington for Missoula Mercantile Co.: Kalispell Mercantile Co., and Missoula Chamber of Commerce; O. A. Johannsen for Idaho Freight Rate Reduction Association; Sherman M. Coffin for Traffic Bureau, Boise Chamber of Commerce, and Northrop Hardware Co.; George B. Graff for Boise Chamber of Commerce and Intermediate Rate Association; J. A. Taylor for Chamber of Commerce of Idaho Falls; George W. Padgham for Gooding Chamber of Commerce; A. W. McNeil for committee of Nampa Kiwanis Club; Joseph N. Teal and William C. McCulloch for West Coast Lumbermen's Association, Portland Traffic & Transportation Association, and Portland Chamber of Commerce; H. L. Pelan for Potlatch Lumber Co., Craig Mountain Lumber Co., and Shevlin-Hixon Lumber Co.

E. W. Walker for Reno Chamber of Commerce; Frank M. Hill for Fresno Traffic Association and Bakersfield Civic Commercial Association; Homer C. Katze for Bakersfield Civic Commercial Association; Lewis H. Smith for Exchange Club of Fresno; B. B. Price for Kings County Chamber of Commerce; A. R. Linn for Hanford Board of Trade; H. K. Morgan for Reedley Chamber of Commerce; R. J. Schelme for Kingsbury Chamber of Commerce; J. S. Boynton for Clovis Chamber of Commerce; C. O. Griffin for Lindsay Chamber of Commerce; George T. McCabe for Modesto Chamber of Commerce and San Joaquin Valley Commercial Secretaries Association; Roland Johnston for Traffic Bureau, Phoenix Chamber of Commerce; Jones, Blaine & Jones for Graham & Gila Counties Traffic Association, Apache Powder Co., Benson Improvement Club, Arizona Cattle Growers Association, and Arizona Packing Co.; F. C. Tockle for El Paso Freight Bureau; D. B. Wiley for Salt River Valley Water Users' Association.

C. E. Lombardi and Baker, Botts, Parker & Garwood for Longview, Portland & Northern Railway Co.; S. J. Wettrick and L. S. McIntyre for Seattle Chamber of Commerce; Jay W. McCune for Traffic Bureau, Tacoma Chamber of Commerce; Walter E. Meacham for Baker County Chamber of Commerce; Earl C. Reynolds for Union County Chamber of Commerce; C. C. Fydell for Brooks-Scanlon Lumber Co.; George P. Anderson for Swift & Co. and Frye & Co.; A. W. Stone for Apple Growers' Association of Hood River, Oreg.; W. J. Urquhart for Yakima Valley Traffic & Credit Association; John S. Kloeber for Yakima Valley Growers' Association; Ralph L. Sheperd for Oregon City Chamber of Commerce and Hawley Pulp & Paper Co.; Edward M. Cousin for Associated Industries of Oregon; R. D. Lytle for North Pacific Millers' Association; L. B. Stoddard for Oregon Lumber Co.; Seth Mann for San Francisco Chamber of Commerce; E. W. Hollingsworth, R. T. Boyd, and Bishop & Bahler for Oakland Chamber of Commerce; G. J. Bradley for Sacramento Merchants & Manufacturers Association; J. C. Sommers and H. B. Threyfall for Stockton Chamber of Commerce; H. M. Remington for California Growers & Shippers Protective League; John J. Seid for Crown Willamette Paper Co.; Fred Farrar for Colorado Fuel & Iron Co.; A. R. Moylan for Paraffine Cos. (Inc.).

Charles McVeagh and Charles S. Beisterling for Illinois Steel Co., American Steel & Wire Co., American Bridge Co., Tennessee Coal & Iron Co., National Tube Co., Carnegie Steel Co., Loraine Steele Co., and American Steel & Tin Plate Co.; J. D. Hefferman for Scoville Manufacturing Co.; Arthur N. Payne for Associated Industries of Massachusetts; F. A. Parker for Columbia Mills (Inc.); William H. Chandler for Boston Chamber of Commerce and New England Traffic League; C. L. Whittemore for New England Paper & Pulp Association; Carl Giessow and Edgar Moulton for New Orleans Joint Traffic Bureau; Jesse F. Atwater for American Hardware Corporation and Manufacturers Association of Connecicut; H. N. Holdren for American Institute of Steel Construction and Wyckoff Drawn Steel Co.; W. J. Hammond for Inland Steel Co.; F. J. Monaghan for Remington Arms Co. (Inc.); F. W. Burton for Rochester Chamber of Commerce; J. G. Page for Kansas City Structural Steel Co.; George F. Hichborn and Charles A. Skeen for United States Rubber Co.; J. H. Tedrow for Chamber of Commerce of Kansas City, Mo.; W. W. Meyer, G. M. Wood, J. R. MacAnanny, and J. D. Brady for New York, New Haven & Hartford Railroad Co. and Boston & Maine Railroad; C. J. Fagg for Chamber of Commerce of Newark; Emil A. Gallman for Paterson Chamber of Commerce; George C. Lucas for National Publishers Association; M. S. Cummings for New Jersey Industrial Traffic League; Louis Isakson for Winchester Repeating Arms Co.; W. H. Pease for Bridgeport Brass Co.; Frank E. Williamson for Buffalo Chamber of Commerce and Larkin Co.; J. D. Greene for Stevens & Thompson Paper Co.; William E. Connell for Merchants Association of New York; Frank S. Grace for Brooklyn Chamber of Commerce; W. F. Price for J. B. Williams Co.

J. E. Shaughnessy for Public Service Commission of Nevada; Claude L. Draper for Public Service Commission of Wyoming; Thomas A. McKay for Public Utilities Commission of Utah; E. G. Toomey and Lee Dennis for Board of Railroad Commissioners of Montana; J. M. Thompson and Samuel L. Newton for Public Utilities Commission of Idaho; Raymond W. Clifford for Department of Public Works, State of Washington; Amos A. Betts and E. W. McFarland for Arizona Corporation Commission; William P. Ellis for Public Service Commission of Oregon; Frank M. Watson for Minnesota Railroad and Warehouse Commission; Hugh H. Williams for New Mexico State Corporation Commission; John E. Benton for Arizona Corporation Commission, Public Utilities Comimssion of Idaho, Board of Railroad Commissioners of Montana, Public Service Commission of Nevada, New Mexico State Corporation Commission, Public Utilities Commission of Utah, and Public Service Commission of Wyoming.

Frank Lyon for Luckenbach Steamship Co., United American Lines, Williams Steamship Co., Argonaut Steamship Co., North Atlantic & Western Steamship Co., and Dollar Steamship Co.; Horace M. Gray for United States Shipping Board.

REPORT OF THE COMMISSION

BY THE COMMISSION:

This is an application under the fourth section of the interstate commerce act filed by western transcontinental carriers for authority to establish reduced rates on certain commodities from points in eastern defined territories, Groups D to J, inclusive, to Pacific coast terminals lower than are observed at intermediate destinations. The principal commodities are iron and steel articles, paper and paper articles, ammunition, cotton piece goods, lard substitutes, paint, roofing, rosin, soap, and soda. The origin territory extends from Chicago, Ill., on the east, to Denver, Colo., on the west, and includes also some Group C points east of Chicago on the Chicago, Milwaukee & St. Paul. Group D, embracing Chicago territory, is the most important origin group. The destinations are ports served by steamship lines operating between the Atlantic and Pacific coasts through the Panama Canal. It is proposed to reduce the rates to the Pacific coast ports in order to place the manufacturers of the Middle West more nearly upon a rate equality with their eastern competitors, who by reason of their location on or near the Atlantic seaboard enjoy the advantage of cheaper water transportation. The applicants hope that by stimulating traffic through the proposed reductions they may be able to increase their net revenues, but they do not propose to apply the reduced rates to intermediate destinations, since to do so would more than offset the gain from increased traffic to the ports.

Hearings were held at Chicago, Ill.; Sale Lake City, Utah; Butte, Mont.; Boise, Idaho; Spokane, Wash.; Portland, Oreg.; Reno, Nev.; San Francisco and Fresno, Calif.; Phoenix, Ariz.; and New York, N. Y. Exceptions were filed by applicants and various other parties to the report proposed by the examiner and the case was orally argued before us. Unless otherwise specified, rates are stated in amounts per 100 pounds or tons of 2,000 pounds. The present and proposed rates from Group D, which are generally blanketed from all points in the origin territory, and the port-to-port rates of the water lines are set out in the appendix to this report.

The application differs from that of 1921 which was considered and denied in Transcontiuental cases of 1922 (74 I. C. C. 48), in that the commodities are not as numerous and the territory of origin is confined to points directly served by the western carriers. The eastern carriers joined in the former application, but do not join in this. It is claimed that the reductions proposed are necessary if the western rail carriers are to transport to the Pacific coast

in any volume articles produced or manufactured in the Middle West which are also produced on or near the Atlantic seaboard and move therefrom through the Panama Canal at rates substantially lower than the present all-rail rates from the origin territory covered by this application.

The history of the transcontinental rate adjustment with relation to the fourth section of the act was reviewed briefly in the report in Transcontinental cases of 1922, supra, referred to herein as the former report. Generally speaking, prior to March 15, 1918, rates to the Pacific coast terminals were lower than to intermediate points. On that date the rates in effect to intermediate territory on the commodities embraced in this application were extended to the terminals, in conformity with the decisions in Reopening Fourth Section Applications (40 I. C. C. 35) and Transcontinental Rates (46 I. C. C. 236) denying fourth-section relief. These rates were increased under the general increases of 1918 and 1920 and were decreased under the reduction of 1922. Thereafter, when the application filed in 1921 was denied, the lower rates then proposed on most of the items here under consideration were published by the western carriers to the terminals from the origin territory covered by the present application and were observed as maxima at intermediate points. On certain of the articles rates slightly higher than the proposed terminal rates were published and blanketed back into the interior. As the result of these adjustments the maximum rates to intermediate territory, except on dry goods and cotton piece goods, are now lower than they would have been if held to the two general increases and one general reduction.

Transcontinental Rates, supra, was decided in June, 1917, when water competition through the Panama Canal was of minor importance, due to the withdrawal of vessels for use in the trans-Atlantic service. When the application of 1921 was heard, service by water through the canal had been resumed. At the time of the hearing in the present case the intercoastal movement was greater than at any previous time in the history of the canal. This has created such a change in conditions that the western carriers feel justified in renewing their application and in proposing rates that are lower than those formerly proposed.

Certain of the items included in the application of 1921 have now been withdrawn, as investigation has indicated a relatively light movement by water. These are phosphate of ammonia boiler-cleaning compounds, pole-line construction material, sulphate of magnesium, lard, rice and rice products, and tinware. As a rule the rates now proposed on iron and steel articles are from 5 to 10 cents higher than those originally proposed in this proceeding.

While the natural growth of population in the West has been reflected in an increase in the total traffic of the western transcontinental lines, the all-rail movement to the Pacific coast of many important commodities which they handle has declined. This is illustrated by the relative movement of iron and steel articles. During the months of June, July, and August, 1920, 42,004 tons of the iron and steel articles listed in the application moved from Group D to the terminals and to Los Angeles. During the same months of 1923 only 14,496 tons moved. The movement of these articles by rail from all groups, A to J, inclusive, to the terminals, Los Angeles, and interior California, Oregon, and Washington for the months of June, July, and August, 1921, 1922, and 1923, shows no upward trend, whereas the movement of similar articles through the canal during the same periods increased in a marked degree. From exhibits introduced by the applicants it appears that in 1921 they hauled 83,473 tons westbound and the water lines 91,197 tons. In 1922 the movement by rail was 63,790 and by water 260,949 tons, and in the following year 82,563 and 446,810 tons, respectively. The figures given for the water movement are approximate only, as the classification of vessel cargoes is not as accurately kept as is the case with traffic moving by rail. The United States Shipping Board reports a movement through the canal of iron and steel articles during June, July, and August, 1923, of 386,689 long tons, equivalent to 433,092 net tons.

Increase in water-borne tonnage is further indicated both by the increase in the number of vessels engaged in the trade and by the total tonnage carried. At the time of the former report there were 13 steamship lines operating 77 steamships between the Atlantic or Gulf and Pacific coasts. At the present time there are 16 lines operating 146 steamships. In 1921 the total westbound tonnage of intercoastal traffic amounted, according to the Panama Canal record, to 893,396 long tons. The movement in 1923, as reported by the division of statistics, bureau of research, United States Shipping Board, was 2,764,029 long tons, an increase over 1921 of 1,870,633, or 209 per cent.

The rail carriers recognize that transportation by water is so much cheaper than by rail that they can not hope to divert to their lines much, if any, traffic which may originate at the Atlantic or Gulf ports or close thereto.

Most of the production, however, is inland, and they anticipate that by reducing their rates from Chicago and related territory so as more nearly to equal the combination of the rail-and-water rates from the principal eastern originating points, more tonnage will move over their lines, thus increasing their net revenues. The bulk of the westbound movement through the canal consists of iron and steel articles, and the principal points of production are in the Pittsburgh district. Most of the iron and steel articles listed in the application move from Pittsburgh to Baltimore, the nearest port, at a rate of 31 cents. The rate on these articles from Baltimore to the Pacific coast ports by water is 40 cents, producing a combination rate from Pittsburgh of 71 cents. To this sum must be added the incidental charges for water service which are not incurred when the movement is all rail. These incidental charges cover wharfage, handling, and insurance, and aggregate about 5.5 or 6.5 cents additional, varying slightly at the different ports. The rail carriers have, therefore, a total charge of about 76.5 or 77.5 cents to meet to place their rates from Chicago on an equality with the rail-and-water rates available to the manufacturer at Pittsburgh. Iron and steel articles will not move freely by rail at rates which exceed the rail-and-water rates by more than 2 or 3 cents, and consequently on such articles as may move from Pittsburgh at charges of from 76.5 to 77.5 cents the rail lines are proposing a rate of 80 cents from Group D. On some iron and steel articles the port-to-port rates are 45 and 55 cents, and on these articles the all-rail rates proposed are correspondingly higher than the basic 80-cent rate. With respect to those commodities which move at a rate of 40 cents from the ports, the view seems to be that an all-rail rate of 80 cents from Chicago would not attract much, if any, additional traffic. The United States Steel Corporation, with its mills in the Chicago district and in the East, including one at Baltimore, Md., would continue to supply the Pacific coast from the eastern mills. Some increase in traffic might be expected from the independent mills in the Chicago district.

The views of the various parties interested in the transcontinental rates are substantially the same now as they were in 1921 when the former application was filed. The Middle West interest, with the exception of the iron and steel industries affiliated with the United States Steel Corporation, generally support the application. Their competition with eastern manufacturers has been growing more and more acute and business which they formerly enjoyed on the Pacific coast now moves largely from the East through the canal. They see no prospect of regaining what they have lost or of expanding their western trade unless the rail rates are reduced to a point where the rail charges will approximate the charges through the canal from other sources of supply. They have now some lower rail-and-water rates in connection with the Mississippi-Warrior service to New Orleans and thence through the canal, but they prefer the rail movement, as it is quicker and more convenient.

The interests on the Pacific coast are divided in their views. Generally speaking, the manufacturers there, other than of lumber, are opposed to the granting of the application, since to do so would open a new competitive field. Certain manufacturers, particularly of paper articles, express the opinion that the movement by water of many of the items listed in the application is not in sufficient volume to justify the rate reductions proposed. Jobbers and distributors at the coast ports would benefit by having the large producing districts of the Middle West made available to them as additional sources of supply at lower rates than they now enjoy. They therefore favor the application. Considerable testimony was offered by shippers interested in the movement of fruit, lumber, and flour-mill products eastbound. They generally favor the application, on the ground that any increase in the westbound traffic of the carriers would result in a better car supply for their products and might lead to reductions in their rates or, at least, prevent increases.

The intermountain country, other than certain of the lumber, fruit, mining, and flour-milling interests, remains almost a unit in opposition to an adjustment of rates under which traffic would move through to the Pacific coast for a less charge for transportation than would be available to the territory intermediate thereto. It is claimed, among other things, that the proposed rates would impose an undue burden upon the same character of traffic destined to intermediate territory; that they would be unduly preferential of both the origin and destination territories and prejudicial to the intermountain territory; that they would create numerous fourth-section departures not covered by the application; and that if, as contended by the applicants, they would be reasonably compensatory for the haul to the Pacific coast, they would be fully compensatory if applied at intermediate points. Manufacturers, jobbers, and distributors located at Salt Lake City, Butte, Boise, Spokane, interior California points, Phoenix, Reno, and elsewhere in the intermountain territory, insist that the reductions proposed in the all-rail rates would seriously curtail their territory of distribution and result in substantial losses. Their fear of loss of distributing territory is grounded to some extent upon their understanding that the jobbers on the Pacific coast predicate their selling prices upon the all-rail rates and not the water rates. This is denied by the coast dealers, who state that their general practice is to base all selling prices on articles which move by water on water rates.

Eastern manufacturers and shippers also generally oppose the application. They contend that the relief sought is based on market competition rather than water competition and that such competition is

not sufficient ground for fourth-section relief. They can see no justification for a basis of rates which will extend their natural advantage of proximity to economical water transportation to territory far inland and which will perhaps so seriously impair the earnings of the water lines as to result in the curtailment of service. Other eastern manufacturers are more particularly concerned with the disruption of the existing rate relationships which would be caused by the establishment of the proposed rates. It goes without saying that the water lines oppose the application. To the extent that the rail carriers would gain traffic, they would lose it. If, rather than see their business taken from them, they should reduce their port-to-port rates, the result would be a loss of revenue both to the water and to the all-rail lines. Neither would gain but both would lose. As above stated, carriers operating east of Chicago have not joined in the application although urged to do so by the western lines. The Boston & Maine and New York, New Haven & Hartford Railroads, New England carriers, actively oppose it.

That many of the commodities embraced in the application move in considerable volume through the canal is evident from the record. This is particularly true as to iron and steel. The efforts of the rail carriers to ascertain the exact tonnages of the different commodities have not been entirely successful because of the differences between the water and rail classifications, but from examination of the records of the port authorities of the various ports they estimate that the movement by water of the particular items enumerated in their application during the six months from June to November, inclusive, 1923, aggregated 861,907 tons, as compared with 195,471 tons all rail from all eastern defined districts to the ports, Los Angeles, and so-called back-haul territory in interior California, Oregon, and Washington. Their estimate of the tonnage of each commodity is shown below:

Estimate of tonnage

Commodity	By rail	Through canal
	Tons	*Tons*
Ammunition	245	367
Cotton piece goods	3,271	10,925
Soda alumina sulphate	25	
Lard and lard substitutes	4,003	4,118
Paint	6,597	8,104
Roofing material	5,845	4,541
Rosin		6,311
Soap	3,227	13,154
Soda	1,255	9,824
Iron and steel	156,085	779,369
Paper	14,918	25,194
Total	195,471	861,907

The applicants assert that all they are asking for here is permission to make such rates as will afford them an opportunity to enjoy a fair share of the transcontinental traffic. They argue that no harm can come to the interior territory if a larger proportion of the traffic is diverted to the rail lines, since the Pacific coast can now obtain the same commodities at transportation costs lower than under the rates they are proposing, but that, on the contrary, the benefits which they may be able to realize will place them in position to afford all their patrons better service. They insist that it is not only their right but their duty, and that efficient management would require them to employ all lawful means to secure a larger share of this traffic, if thereby they are able to increase their net revenues without burdening other traffic. They urge particularly that the relief sought will afford tonnage for empty cars moving westbound, of which there are apparently sufficient to transport all the traffic now carried by the water lines.

Elaborate statistical data were introduced by the carriers to prove that the proposed rates would more than cover the extra expense of handling the additional traffic which they expect to obtain. Taking the total operating expenses of all Class I roads in the western district for the first nine months of the calendar year 1923, excluding switching and terminal companies, they estimate the expense chargeable to all freight traffic on the basis of the apportionment between freight and passenger services used in Express Rates, 1922 (83 I. C. C. 606). This produced a freight proportion of 71.76 per cent, or an operating cost per gross-ton mile of 3.52 mills. In determining the cost of handling added traffic the carriers first assign 33⅓ per cent of maintenance-of-way expenses and 80 per cent of maintenance-of-equipment expenses to the movement of traffic, the remainder of these expenses being charged to the action of the elements, and then proceed to estimate the transportation costs on two bases. Basis I is on the theory that the added traffic could all be carried in trains now operating, and therefore would not require additional train-miles, while Basis II assumes a pro rata of added train-miles. Under Basis I, 18.56 per cent of the present transportation expense per unit is charged to this added traffic, and under Basis II 64.88 per cent. These percentages, combined with one-third of the similar maintenance-of-way expense and 80 per cent of the maintenance-of-equipment expense, result in ratios to total operating expense per unit of 38.65 per cent and 60.34 per cent, respectively, or an average of 49.5 per cent. A more complete explanation of these two methods of estimating the cost of handling the traffic appears in the former report. Appendix II thereto shows in detail the items and proportions assigned by the carriers on the two bases.

From statistics of car-miles and ton-miles, as reported by the western lines to this commission, the carriers compute the cost per gross ton-mile under the average of cost Bases I and II and separately under Basis II. Assuming no added train-miles the cost per gross-ton mile is shown to be 1.7435 mills, and under the assumption of pro rata added train-miles, the cost becomes 2.1256 mills. These costs are applied to the gross tons per car under the proposed minimum weights of 40,000, 50,000, 60,000, and 80,000 pounds, using as the average distance from Group D to the Pacific coast 2,400 miles, and from Group J 1,650 miles, and assuming both 25 per cent empty haul and no empty haul. The final results of these computations, showing the costs per car and per 100 pounds under the different minima, are given below, as a statement of estimated costs of handling added traffic from Groups D and J to Pacific coast terminals:

	Costs assuming 25 per cent empty haul		Costs assuming no empty haul	
	Per car	Per 100 pounds	Per car	Per 100 pounds
For carload of 40,000 pounds:				
Basis I—		*Cents*		*Cents*
Group D	$207.86	51.96	$186.10	46.53
Group J	142.90	35.73	127.94	31.99
Basis II—				
Group D	253.42	63.36	226.89	56.72
Group J	174.23	43.56	155.99	39.00
For carload of 50,000 pounds:				
Basis I—				
Group D	228.78	45.76	207.02	41.40
Group J	157.29	31.46	142.33	28.47
Basis II—				
Group D	278.93	55.79	252.39	50.48
Group J	191.77	38.35	173.53	34.71
For carload of 60,000 pounds:				
Basis I—				
Group D	249.71	41.62	227.94	37.99
Group J	171.67	28.61	156.71	26.12
Basis II—				
Group D	304.44	50.74	277.91	46.32
Group J	209.30	34.88	191.06	31.84
For carload of 80,000 pounds:				
Basis I—				
Group D	291.55	36.44	269.79	33.72
Group J	200.44	25.06	185.48	23.19
Basis II—				
Group D	355.45	44.43	328.92	41.12
Group J	244.37	30.55	226.13	28.27

It will be observed that for a 40,000-pound carload the maximum out-of-pocket cost shown is 63.36 cents per 100 pounds, for a 50,000-pound carload 55.79 cents, for a 60,000-pound carload 50.74 cents, and for an 80,000-pound carload 44.43 cents. As against these out-of-pocket costs the lowest rates the carriers are proposing are for a 40,000-pound carload $1, for a 50,000-pound carload 90 cents, for a 60,000-pound carload 75 cents, and for an 80,000-pound carload $16 per long ton, equivalent to 71.43 cents per 100 pounds. In each case, therefore, the proposed rates materially exceed the out-of-pocket cost as computed by the carriers.

The computation of these costs has necessarily required numerous assumptions not susceptible of accurate determination. For illustration, it has been assumed that two-thirds of the cost of maintaining the fixed property is due to the action of the elements and but one-third to the movement of traffic, and similarly, that one-fifth of the cost of maintaining equipment arises from weather conditions and four-fifths from traffic. Other assumptions have been made in determining the extent to which the various transportation accounts would be affected by added traffic. It can not be said with confidence that figures computed in this manner approximate the cost of the service. The same method as applied in the former case gave quite different results. These figures, however, are not seriously disputed by other parties to the record and may be accepted as indicating that the rates proposed would pay something over and above the out-of-pocket cost. This is further indicated by comparison with certain export rates now in effect from Chicago to Pacific coast terminals. Among other rates which might be cited are rates of 40 cents, minimum 80,000 pounds, on iron and steel articles; 63 cents, minimum 60,000 pounds, on cast-iron pipe; 76 cents, minimum 50,000 pounds, on castings; and 80 cents, minimum 40,000 pounds, on paint.

If the applicants are to benefit through the establishment of the rates here sought to be made effective they must necessarily first offset the losses which would result on the traffic now moving all rail. They estimate that if the proposed rates had been in effect during the months of May, June, July, and August, 1923, the loss of revenue on iron and

steel articles would have been $207,531, on articles of paper $38,285, and on all other commodities listed in the application $41,335, a total loss of revenue in four months of $287,151, or, assuming the same relative volume of tonnage, $861,453 during the year. It would have required about 69,500 additional tons of iron and steel, 12,000 tons of paper, and 11,500 tons of all other commodities to equalize this loss.

If the hopes of the western lines should be realized, a substantial volume of traffic would be diverted from interior eastern points of origin to Chicago territory. The eastern lines would then be deprived of the revenue which they now derive from the movement of such traffic to the Atlantic ports. No estimate of this loss appears in the record. With an all-rail movement from Chicago of 300,000 tons of iron and steel per year and a gain of 50 per cent because of the reduction in the rail rates the eastern lines would lose the revenue on 150,000 tons. If this tonnage should be lost to the Pittsburgh district the eastern lines would lose in the neighborhood of $1,000,000. At 40 cents per 100 pounds, the loss to the water lines would exceed $1,000,000.

The gain to the western lines would about offset the loss to the eastern carriers and water lines. However, not only would the eastern carriers suffer a loss of revenue through a reduction in the water-borne traffic but the increase in the spread between the all-rail rates from Chicago and from the East would tend to deprive them of a considerable proportion of such traffic as now originates in the East and moves all rail. Wrought-iron pipe, for example, originates in the Pittsburgh district and in the Chicago district. The present all-rail rate from Pittsburgh to San Francisco is $1.40 and from Chicago $1.25, a difference of 15 cents. If the application is granted, the rate from Pittsburgh, under the aggregate-of-intermediates provision of the fourth section, could not exceed $1.34, or 34 cents higher than the rate of $1 proposed from Chicago. It is also to be observed that the rate from Pittsburgh would become 6 cents lower to the terminals than to intermediate territory, a departure from the provisions of the fourth section which the lines serving Pittsburgh are not asking.

The western lines claim that their investigation of the charges available from eastern manufacturing points by way of the canal demonstrates that the rates they are proposing are not lower than necessary to meet the existing water competition, but are as high as they can be made and still attract the traffic. The water lines contend, however, and in this they are supported by many of the eastern and Pacific coast shippers, that when consideration is given to the incidental charges which must be paid on shipments moving by water, the disadvantages connected with water service, and the interest on the investment in the property being carried for the time required for the movement by water in excess of that required for rail transportation, the rates which the rail carriers are proposing are unjustifiably low.

As already stated, the incidental charges for the transportation by water consists in the main of wharfage, handling, and marine insurance. The record shows that the combined charge for wharfage and handling at San Pedro is about 70 cents per ton, or 3.5 cents per 100 pounds; at San Francisco, 67 cents per ton, or 3.35 cents per 100 pounds, including a State toll tax of 15 cents per ton; and at Portland, Tacoma, and Seattle, $1.05 per ton, or 5.25 cents per 100 pounds. If material delivered at the wharves is switched to the point where it is to be used, the charge at San Francisco is 34 cents per ton plus $3.50 per car, or about 2.25 cents per 100 pounds, and at Portland, Tacoma, and Seattle from $8.55 to $14 per car, averaging about 1.5 cents per 100 pounds. As the material is usually switched or drayed to points not on the water front, it is proper to consider these switching charges in determining the cost of transportation by way of the canal.

Insurance is based on value and therefore varies with the different commodities, and their values vary. An exhibit introduced by the water lines shows average insurance costs ranging from 1 cent per 100 pounds on structural iron and steel to 50 cents on cotton piece goods.

Next to iron and steel articles the most important commodity named in the application from the standpoint of tonnage is paper. Paper is produced in large quantities in the Pacific coast States, in Wisconsin and Michigan, and in New York and New England. The production on the Pacific coast is principally newsprint, wrapping paper, paper bags, and tissue paper. Newsprint paper, not included in the amended application, constitutes the major portion. The finer grades of paper consumed on the Pacific coast are manufactured in the Middle West and in the Eastern States. Manufacturers in Wisconsin and Michigan claim that there has been a marked decline in their western tonnage which they attribute to the difference between the all-rail rates from their mills and the rates from the eastern mills through the canal. The Pacific coast manufacturers do not, as a whole, oppose the granting of fourth-section relief on paper originating in Wisconsin and Michigan; but contend that the rate of $1 proposed is unnecessarily low, and in so far as many of the paper articles are concerned, is not warranted by the volume moving by water. They refer to a water movement to Los Angeles, San Francisco, and Portland in 1923 of only 210 tons of blotting paper, 69 tons of gummed paper, 36 tons of oil paper, 59 tons of shelf paper, and similar amounts of other classes, as indicating that as to such classes no real need is shown for a reduction in the all-rail rates. There is a substantial movement of various other classes of paper through the Atlantic ports, however, some of which originates as far west as the Wisconsin mills.

The rates from the eastern mills to the nearest Atlantic ports vary from 11.5 to 28.5 cents and over. The rate on wall paper from Chelsea, Mass., to Boston, for example, is 11.5 cents, and from Hudson Falls, N. Y., to New York City, 28.5 cents. The water rate is 70 cents. With insurance and incidental charges the manufacturer at Chelsea would pay approximately 90 cents to San Francisco, while the manufacturer at Hudson Falls would pay about $1.05. Printing paper, wrapping paper, and paper bags move to the Atlantic ports from typical eastern mills at rates from 14 to 25 cents. The water rate on these commodities is 65 cents. With insurance at 3.5 cents per 100 pounds and incidental charges added, the through charges from the mills range from 85 to 96 cents. The cost of preparing shipments of paper for ocean transportation adds something to the expense of the water movement—in one case, at least, as much as 6 cents per 100 pounds. The proposed rate of $1 from Group D includes but a slight margin for the superiority of rail service.

The purpose of reducing the rate on ammunition, the first item embraced in the amended application, is to assist a manufacturer at East Alton, Ill., in meeting the competition of eastern manufacturers and thus to induce a larger movement by rail. The eastern manufacturers particularly referred to are located at Bridgeport, Conn., New Haven, Conn., and Kings Mills, Ohio. The cost of transportation from Bridgeport to the nearest Atlantic port, New York City, is 27.25 cents, the water rate is 65 cents, and incidental charges at San Francisco, a representative port, amount to 3.25 cents. The insurance paid by the Bridgeport manufacturer is 8 cents per 100 pounds on shotgun shells and 23 cents on rifle shells. Shotgun shells comprise about three-fourths of the shipments, and consequently the average insurance paid would approximate from 12 to 15 cents. Taking 15 cents as the average, the through charges from Bridgeport would be about $1.105. On a shipment from New Haven delivered at the shipper's warehouse in San Francisco the various charges, including drayage, aggregate $1.115. The manufacturer at Kings Mills would pay 40 cents to Baltimore and slightly over 78 cents from Baltimore to San Francisco, producing a charge of approximately $1.18. To meet these charges, the carriers propose to publish a rate of $1.10 from East Alton. A combination rate of $1.10, inclusive of incidental charges, is available from East Alton to San Francisco on bullets and shot by way of the Mississippi-Warrior Service to New Orleans, thence through the canal.

Cotton piece goods are included in the application. These articles are not manufactured in Chicago, but are brought in from various points of production for distribution throughout the West. The retailer, as a rule, buys from a distributor rather than from a mill, and the purpose of the reduction proposed in the all-rail rate is to put the Chicago distributor on a more nearly equal basis with the distributor in New York. The water rate on cotton piece goods from New York to San Francisco is 75 cents. Handling charges are 3.35 cents, and insurance averages from 30 to 50 cents, making the aggregate charge from about $1.08 to $1.28. If the retailer on the coast purchased these articles at the mill at Fall River, Mass., the charge for the through movement would be 35.5 cents more; if at Providence, R. I., 34 cents more; and if at Greensboro, N. C., 45 cents more. The present rate from Chicago is $1.58, which it is proposed to reduce to $1.10. This is as low as or lower than the port-to-port rate with incidental charges added. Apparently the lowest rate available on cotton piece goods from Chicago in connection with the Mississippi-Warrior Service is $1.28.

It is unnecessary to proceed through the entire list of commodities enumerated in the application. Considered as a whole, it can not be said that the proposed terminal rates, with the exception of the rate on ammunition, are lower than would be necessary to permit the Middle West manufacturers to compete on relatively equal terms with manufacturers located at some distance from the seaboard who ship their products through the Atlantic ports. But before the relief from the operation of the fourth section which is here sought may be granted we must be satisfied that there would not thereby be created infractions of other provisions of the act, particularly those of section 3 prohibiting undue or unreasonable preference or advantage of or prejudice or disadvantage to persons or localities. We should likewise be convinced that the adjustment proposed will result in the substantial benefits which its proponents anticipate.

The relief sought is based primarily on market competition. Because Pittsburgh enjoys certain rail-and-water rates on iron and steel to the Pacific coast, the western carriers are proposing all-rail rates, not from Pittsburgh but from Chicago, approximately the same as the rail-and water rates from Pittsburgh, and are blanketing those rates as to origin territory as far as the Colorado common-point line, departing from the blanket adjustment only at Minnequa, Colo., because of the order entered in Colorado Fuel & Iron Co. *v.* Director General (57

I. C. C. 253) prescribing rates from Minnequa not in excess of 77 per cent of the rates from Chicago. Thus the natural advantage of location near the Atlantic seaboard which Pittsburgh enjoys is to be neutralized by extending it to points from 500 to 1,500 miles farther away. Manufacturers of other commodities in the Middle West would likewise be accorded a basis of rates to which they are not legitimately entitled by any natural advantage which they possess, whereas the manufacturers of the same commodities on the seaboard would have their advantage taken from them or diminished. While the manufacturers in the Middle West in effect would thus have accorded to them the advantage of proximity to water transportation, and would be placed more nearly on an equality with the eastern manufacturers with respect to shipments of the latter moving to the Pacific coast ports through the canal, they would not only continue to enjoy the advantage of their more westerly location on traffic moving all rail from the East, but this advantage would be increased.

Reference has already been made to the increase from 15 to 34 cents in the spread between the all-rail rates on wrought-iron pipe from Pittsburgh and Chicago. Rates on other commodities from other eastern points would be similarly affected. Paint, for example, is manufactured in Cleveland, Ohio, and in Chicago. The all-rail rate from Cleveland to the Pacific coast is now $1.40, or 15 cents higher than from Chicago. The proposed rate from Chicago is $1. Under the aggregate-of-intermediates provision the Celveland rate would be reduced to $1.30 to the terminals, 30 cents higher than from Chicago, but to intermediate points it would remain $1.40. (See the discussion of these same points at pages 81–83 of the report in Transcontinental cases of 1922, supra.)

It is important to note also the effect the proposed reductions would have on the dealers and consumers on the Pacific coast and in the intermountain States. At the present time they are on an equality in purchasing in the Central West. If the reductions sought in the terminal rates are granted, this equality will no longer obtain. The Pacific coast dealers will retain their present ability to purchase more cheaply in the eastern markets and in addition will have the advantage of being able to purchase in the markets of the Middle West upon more favorable terms. The differences in freight costs per minimum carload would range from $90 on some commodities to $192 on others, not inconsiderable amounts. As explained in the former report, it is not always possible to purchase a desired commodity on favorable terms at every point, nor is it always possible to find a supply available at every point. Dealers in the intermountain country and on the Pacific coast purchase in the same markets and compete for sales in the same territory. With the eastern markets now closed to the intermountain dealers except on payment of higher freight rates, and the Middle West available on equal terms with the Pacific coast dealers, to accord to the latter the markets of the Middle West also on more favorable terms than can be obtained by the intermountain country must necessarily be prejudicial in effect. (See the discussion of these same points at pages 81–83 of the report in Transcontinental cases of 1922, supra.)

The record is far from convincing that the establishment of the proposed rates will result in the benefits which the applicants anticipate. It appears that when the reduction of 85 cents was made in the rates on iron and steel articles from Chicago to the Pacific coast terminals in April, 1923, no real benefit accrued to the Chicago mills, nor was the situation materially helped when the water lines increased their rate from 30 to 40 cents some months later. The traffic continued to move from the eastern mills, many of which are nearer the seaboard than is Pittsburgh. It is said that to meet the competition of the mills east of Pittsburgh it would be necessary to establish a rate from Chicago as low as 60 cents.

The proposed rates on iron and steel articles, from which the applicants hope to obtain their greatest increase in net revenue, might be expected to divert some of the traffic which now originates in the Pittsburgh district if the rail-and-water rates from Pittsburgh remain the same. There is no assurance, however, that the eastern rail carriers and particularly the water lines would permit any substantial diversion of their traffic without making an effort to retain it. They would be urged to take this action by eastern manufacturers whose business would suffer through loss of their Pacific coast trade, and the record shows that in one instance a committee has already been appointed to appeal to them for offsetting rate reductions in the event the proposed rates are permitted to become effective. A slight reduction in the water rate would suffice to retain the advantage to the rail-and-water route, and this would call for further reductions in the rates of the western carriers to bring about the near equalization of the Middle West and eastern markets. On the other hand, if the western carriers were not inclined to meet reductions in the water or rail-and-water rates the competitive situation would remain as it is at present, the revenues of the applicants and the water lines would be unnecessarily reduced, and the Pacific coast shippers would receive the only advantage.

The opportunity for shrinkage in the rail-and-water rates from interior eastern points will be clear when it is borne in mind that the eastern carriers now charge full local rates to the seaboard, and that it is more profitable for the water lines to accept westbound traffic at very low rates rather than that their ships shall sail under ballast.

There is another phase of this matter which must not be overlooked. Section 500 of the transportation act, 1920, declares the policy of Congress to be "to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation." The field of operations of the water lines is restricted to a comparatively narrow area along the Atlantic seaboard and to a much narrower area along the Pacific coast. Since but little traffic originates at the ports, the water lines must reach out for it into the interior. The inherent disadvantages of shipping by water prohibit them from competing with the rail lines at points where the combined rail and water charges equal the all-rail charges, and consequently the territory from which they may draw traffic is confined to an area from which the rail rates plus the water charges are substantially lower than the all-rail rates.

Their destination territory is confined almost exclusively to the Pacific coast cities. Unlike the rail carriers they have no intermediate territory from which to draw or to which to deliver traffic. It is strongly urged, therefore, that to permit the western carriers to publish the proposed rates from Chicago for the avowed purpose of depriving the water lines of a substantial portion of such traffic as they are now able to obtain would be to disregard wholly the policy of Congress to promote, encourage, and develop water transportation. To be of material benefit to the rail carriers a substantial portion of this tonnage must be diverted to their lines. The declared policy of Congress is to foster and preserve in full vigor both rail and water transportation.

If the hopes of the applicants should be realized the benefits which they as a whole might obtain from the granting of the application would be greatly disproportionate to the loss which the water lines would suffer. The record shows that the total tonnage, both eastbound and westbound, of all the water lines is but a very small fraction of that of the transcontinental carriers operating west of Chicago. It is evident, therefore, that the diversion of any substantial tonnage from the water lines would have but an inappreciable effect on the net revenues of the rail carriers. On the other hand, it might very seriously impair the ability of the water lines to maintain their present standard of service.

Upon full consideration of the record we find that the application for authority to depart from the long-and-short-haul provision of the fourth section of the act should be denied.

An appropriate order will be entered.

Eastman, chairman, concurring:

Relief from the fourth section is sought in this case chiefly because of what is called market competition. Broadly speaking, there is no carrier competition between the origin territory in question and the Pacific coast which makes it necessary to depress the rates, but relief is sought because competing territories of production in the East are so located that by use of the ships operating through the canal they can reach the Pacific coast more cheaply. In a separate expression of opinion in "Paper and paper articles to New Orleans" (88 I. C. C. 345, 351–353), I gave my views as to market competition as a basis for fourth-section relief. Without repeating all that was there said, I indicated that while we may lawfully grant relief because of such competition, we have discretion to grant or deny, and I expressed the opinion that we ought in all cases to deny relief where market competition is offered as the justification. Among other things I said that "the theory of market competition, if followed consistently, will inevitably lead to all manner of cross-hauling and wasteful competition for which the country must in the end pay."

This thought may be illustrated by the present case. One of the most important commodities involved is paper. It is produced at Wisconsin and Minnesota mills, and the carriers seek fourth-section relief so that they can reduce the rates from these mills to the Pacific coast below the rates to intermediate points in order to meet the competition of eastern mills shipping to the coast through the canal. It happens that the eastern mills are so located that they now have an advantage in the Pacific coast trade. But there is much important consuming territory in which the Wisconsin and the Minnesota mills have a like advantage. Take St. Louis as an illustration. The northwestern mills there have a substantial rate advantage over the eastern mills. If the western carriers are entitled to fourth-section relief so that they may meet the competition of the eastern mills at the Pacific coast, why are not the eastern carriers entitled to relief so that they may meet the competition of the western mills at such points as St. Louis? Bear in mind that there is a westbound movement of empty cars in official territory comparable to that which exists in western territory. The notion that there is anything unique about the movement of empty cars in the latter territory is quite without foundation. The above is only one illustration out of many that might be given. It supports the conclusion that the theory of market competition, if followed by the carriers consistently and fairly, as of

course it must be, will inevitably lead to all manner of cross-hauling and wasteful transportation without real advantage to anyone and with detriment to the country as a whole.

One further comment: The statement is made in the dissenting opinion that the water lines can not afford to reduce their rates. Doubtless that may be true, but it does not support the conclusion that they would not reduce their rates if the fourth-section relief sought in this case should be granted. The water lines can less afford to lose a substantial volume of traffic. The opportunities for rate shrinkage in the case of the traffic which moves from interior eastern points to the Atlantic coast and thence by canal to the Pacific coast are pointed out in the majority report. This is the traffic, rather than that from the eastern ports, which the western carriers hope to make inroads upon. The charges now applicable to it can be reduced by the eastern rail lines alone, by establishing proportional rates to the ports lower than the present local rates, or by the water lines alone, by establishing similar proportional rates from the ports, or by both sets of lines in conjunction. Moreover reductions can be made in any one of these three ways without corresponding reductions in the local rates applicable to and from the ports. In most cases only a slight reduction would be necessary to tip the balance again in favor of the canal route. The suggestion in the dissenting opinion that a heavy reduction would be necessary in the case of iron and steel from Pittsburgh is manifestly in error.

Lewis, commissioner, concurring:

This case emphasizes the necessity of placing the intercoastal water lines under the same regulation as that to which the transcontinental rail lines are subjected. They are here shown in direct competition in and for interstate traffic. The declaration of Congress is that both be maintained in full vigor. The rail lines are placed at a very unfair disadvantage. They are held to rigid restrictive requirements. Their competitors, some of which have most affluent affiliations, may war to the hilt with cut rates without hindrance. There is ample reason afforded by the record before us to forecast that if the railroads were granted fourth-section relief herein prayed, competitive water carriers, if not themselves moved to protect their tonnage, would bend to the demand of industry or sections served. The result would be that the cut made by the land carriers would be met and the flow of traffic would be maintained as at present. The western carriers would be hauling traffic to the ports for a million dollars less than at present, the eastern carriers would be worse off, and the water carriers would also be weaker—all quite contrary to the mandate that both land and water transport be maintained in full vigor. If the water lines should later find it desirable to withdraw their cut rates, they would be quite free to do so. The rail lines, however, would be trapped. Their rates would be held to that low level to which they had been reduced to meet water competition, until the carriers were able to justify increases on the grounds of "changed conditions other than the elimination of water competition"; and experience has demonstrated upward revision is most difficult to obtain.

I fail to see the justice of subjecting one interstate carrier to regulation and leaving the other to sail the seas free to scuttle both itself and its land competitor, or how there can ever be brought about an understanding and solution of this contest until both carriers are placed under one agency of regulation. Such would be a natural corollary of the mandate of Congress that both forms of transportation be maintained in full vigor. The construction of the Panama Canal has created new and grave transportation problems, which are becoming acute now that ships that were withdrawn from water service during the war are returning to it and large industries are putting ships into service for the transport of their own wares. Justice to both systems of transport and, more particularly, to shippers and sections of country affected require that proper relationships be established, to the end that both systems of transportation may properly develop and that there may be equitable opportunity in the production and distribution of commodities.

Woodlock, commissioner, concurring:

I concur in the result reached by the majority, but I do so mainly for reasons other than those given in the report. The main consideration which influences me is the present unsettled status of the canal as regards vessel rates on coast-to-coast business.

The canal was built with public money for the combined security and benefit of all the people of the United States. It is a new piece of transportation machinery, which should be coordinated with and adjusted to the existing railroad system of the country, so that the best results may be obtained from both. The public is entitled to the fullest possible exploitation of the legitimate capacity of the canal for economical transport of freight by ships between the two coasts. Whatever may be that capacity, it should be recognized, appraised, and expressed in the rates on water-borne traffic through the canal. These rates should be stable and public, and should be subject to the same regulatory authority as that which controls the rail rates; otherwise no coordination of rail and water will be possible. Only after prescription of a reasonable minimum rate tariff on water-borne traffic between the coasts will it be possible to measure the permanent effect of the canal upon the railroad structure, and to deal with the railroad rate structure intelligently. To attempt to do so at present, with canal rates neither stable nor public, would be but to incur serious risk of wide disturbance in both rail and water rates with consequent unnecessary and uneconomic loss of revenue to all concerned. The first and most necessary step to a proper settlement of the matter is to place the canal rates under the regulative jurisdiction of this commission with a view to prescription of minimum coast-to-coast rates. In my judgment, the Congress should legislate to this effect at as early a date as possible.

Whether or not, this having been done, fourth-section relief should then be granted to the transcontinental lines will be a question to be settled in the light of the facts as they may then appear. It may be that the facts will warrant such relief, and it may be that they will not. No one can at this time say with certainty. Certain broad principles exist, however, which must be applied to all fourth-section cases, and they will have to be applied to this case when it is ripe for their application.

Section 4 adds nothing essential to the act. It is merely a special expression of something which is already contained in preceding sections. The first three sections of the act deal with the fundamentals of rates. A rate which is reasonable, i. e., not too high, but properly compensatory, under section 1, and which is neither unduly preferential nor prejudicial, under section 3, is a just, fair, and equitable rate, whether or not it be lower for the longer distance than for the shorter distance. No rate can properly be permitted under fourth-section relief which does not fulfill the conditions imposed by sections 1 and 3. From this is readily apparent the fundamental unsoundness of legislation looking to absolute exclusion of such relief. It is also apparent that to prohibit fourth-section relief in the case of "water competition" or "market competition" is equally unsound. What good reason can exist for prohibiting the making of rates which are in themselves just and lawful under sections 1 and 3? To do so would be to prefer one kind of transportation or one district as against another, and thus prevent the full and free play of that kind of competition of which the act, both in letter and spirit, enjoins the preservation.

The underlying theory on which fourth-section relief is granted in a given case must be that it offers the most economical possible use for the facilities employed in the traffic which moves under the rate. The public interest is best served when all existing facilities are economically employed. From this is apparent the fallacy in the argument, frequently advanced in opposition to the grant of fourth-section relief in the instant case, that if the terminal rates under this relief from western trunk-line territory are compensatory they must ipso facto be more than reasonable maximum rates to intermediate points. But if the cars can only be filled to terminal points and if the rate at which they can be so filled, while fully compensatory under the circumstances of the movement would not be compensatory if applied to all the business moving to intermediate points, how can the terminal rate be a maximum reasonable rate to intermediate points? Yet fourth-section relief can only be properly granted to terminal points on the hypothesis above described. It is also argued that even if canal rates are brought under our regulation and a minimum tariff prescribed the ships plying in coast-to-coast trade should have the same privilege as the railroads of filling the empty space in their holds at rates which will attract the freight, seeing that almost any rate would be compensatory on such freight. There is a twofold fallacy in this argument. In the first place there is no intermediate traffic to be considered; it is all coast-to-coast business. In the second place whatever minimum tariff may be established will be established upon the basis of some general average percentage of load, having regard to the expense of operation and return on investment. It would not be compatible with the public interest that such minimum rate should be reduced occasionally and irregularly when a vessel happened to have empty space available. Such a proceeding would make it quite impossible effectively to stabilize canal rates. Stabilization of those rates is the keystone of the arch, so far as the matter of westbound rates by rail and water to the Pacific coast and intermediate territory are concerned.

In my opinion the situation as it stands to-day is not ripe for action such as is requested by the carriers. Whether it ever will be is an open question. The answer to it can be determined only when the canal has been definitely adjusted to the transportation system of the country, as above suggested.

Esch, commissioner, dissenting:

I do not agree with the conclusion of the majority that this application should be denied, nor am I satisfied with the statement of facts in the majority report, and in view of the importance of the case I am setting forth at some length my views upon the facts shown of record.

Applicants propose the reduced rates to the Pacific ports because of the diversion in increasing quantities of traffic from their lines to the water lines. To some extent this diversion is from the all-rail lines to routes from the origin territory in the Middle West via

Atlantic or Gulf ports and the Panama Canal, but to a much greater extent it is from the all-rail lines serving the origin territory to the water or rail-and-water routes from points on or nearer the Atlantic seaboard. They expect the proposed rates to regain sufficient traffic to more than offset the reductions and increase their net revenues. But they do not propose to apply such rates at intermediate points on the ground that the reductions to such points over a large territory not much affected by water competition would more than offset the gain on traffic to the ports and seriously affect their revenues.

HISTORY OF TRANSCONTINENTAL ADJUSTMENT

The history of the transcontinental rate adjustment appears to have been given little, if any, consideration by the majority, judging from the brief reference to it in the report. The history of a rate adjustment is always entitled to consideration in any case, and I think it is especially important in this case.

Almost from the beginning of rail operations to the Pacific coast in 1869 the rail lines maintained rates from the East to the Pacific ports which were lower than their rates to intermediate points in order to meet the competition of the water lines. Prior to 1914 the traffic moving by water had to be transferred by rail across the Isthmus of Panama or the Isthmus of Tehuantepec unless it moved by the long route around Cape Horn or through the Straits of Magellan. To permit the rail lines to meet this competition, we authorized them to depart from the long-and-short-haul rule with respect to commodities that might move by water. Railroad Commission of Nevada *v.* N. P. Ry. Co. (21 I. C. C. 329); City of Spokane *v.* N. P. Ry. Co. (21 I. C. C. 400). These decisions which were rendered in 1911 were sustained by the Supreme Court in Intermountain Rate Cases (234 U. S. 476).

The construction of the Panama Canal, which was opened in 1914, lowered the costs and improved the service of the water lines so that the rail lines found it more difficult to compete with them. Upon an application for further fourth-section relief, it was suggested that the construction of the canal by the Government was indicative of a policy to secure all of the coast-to-coast business for the water lines, and that no adjustment of rail rates should be permitted which would take from the ships traffic which normally might be carried by them. In rejecting this suggestion we pointed out that the Government had also aided the construction of some of the transcontinental rail lines and expressed the view that "the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier of the coast-to-coast business." Additional relief was granted January 29, 1915. Commodity Rates to Pacific Coast Terminals (32 I. C. C. 611).

Commencing in 1916, the steamship lines largely withdrew from the coast-to-coast service and placed their ships in foreign trade, which was then more lucrative. On June 30, 1917, in Transcontinental Rates (46 I. C. C. 236), we found that the water service then existing did not warrant the rail carriers in maintaining lower rates to the Pacific coast than were normal or less than to intermediate points. We therefore required them to revise their rates in accordance with the fourth section, but it was recognized that the water competition would return in force sometime and that the rail lines might then be entitled to relief. After referring to the inability of the rail carriers to compete with the water carriers under ordinary circumstances without fourth-section relief, we expressed the opinion that the best interests of the public, of the transcontinental carriers, and of the intermountain cities in particular would be served by permitting the transcontinental carriers to share with the water lines in the traffic to and from the Pacific coast ports. As in some of our previous reports, it was pointed out that to the extent this traffic increased the net revenues of the carriers the burden on other traffic and localities would be lightened. We further said at page 276:

"When the water competition again becomes sufficiently controlling in the judgment of the carriers to necessitate the reduction of the rates to the coast cities to a lower level than can reasonably be applied at intermediate points, the carriers may bring the matter to our attention for such relief as the circumstances may justify."

Pursuant to our decision in the last-cited case, the carriers removed the fourth-section departures, generally by increasing their rates to the terminals to the level of the rates to intermediate points. This adjustment was approved in Transcontinental Commodity Rates (48 I. C. C. 79) and took effect March 15, 1918.

In 1919 the Intermediate Rate Association filed a complaint seeking lower rates to intermountain territory than to the coast. A comprehensive record was made which dealt largely with the question of whether the rates should be graded according to distance. In our report decided March 29, 1921, we pointed out that coast-to-coast water competition had again manifested itself to some extent and stated that there was ample indication that it would further develop and increase to warrant the belief that within a comparatively short time it would reach a point where it would be felt in a serious loss of tonnage by the rail lines unless they had available appropriate measures to meet the situation. We found that the rates assailed had not been shown to be unreasonable or unduly prejudicial, and the complaint was dismissed. Intermediate Rate Asso. *v.* Director General (61 I. C. C. 226).

In August, 1921, the railroads filed an application for fourth-section relief, which was considered in Transcontinental Cases of 1922 (74 I. C. C. 48). We found that the water competition was then keener and the service more efficient than at any time before the war. The provision of the fourth section as amended by the transportation act, 1920, that no charge should be authorized to or from the farther distant point that is not reasonably compensatory, in connection with other provisions of the law, was interpreted as follows:

"In the light of these and similar considerations, we are of the opinion and find that in the administration of the fourth section the words 'reasonably compensatory' imply that a rate properly so described must (1) cover and more than cover the extra or additional expenses incurred in handling the traffic to which it applies; (2) be no lower than necessary to meet existing competition; (3) not be so low as to threaten the extinction of legitimate competition by water carriers; and (4) not impose an undue burden on other traffic or jeopardize the appropriate return on the value of carrier property generally, as contemplated in section 15a of the act."

We were satisfied that the proposed rates generally and easily covered the extra out-of-pocket expenses involved in handling the additional traffic that might move thereon, and they did not appear to be any lower than necessary to meet the water competition. But we found that the carriers had failed to make an affirmative showing as to the collateral losses of revenue that might result from the proposed rates. The majority opinion also criticized the proposal to apply the same rates from Chicago and other interior points as from points on or nearer the Atlantic coast, and it referred to the handicap the intermountain country would be under in competing with the Pacific coast under such an adjustment. The application was denied.

Thereafter the carriers reduced their rates to the ports to meet the water competition as far as possible and not having fourth-section relief applied the same rates to intermediate points in the interior. The rates so established from Group D or Chicago territory were about the same as those proposed to the ports in the fourth-section application, and the rates from the other groups were based on the usual differentials over or under that group. It will thus be seen that although the 1921 application was denied largely because of the failure of the carriers to show that their gain on additional traffic would exceed their loss on existing traffic, the carriers saw fit to establish reduced rates to the ports substantially as proposed in the application and applied the same rates to intermediate points, which of course resulted in a greater reduction of their revenues on existing traffic.

There was nothing in our report in Transcontinental Cases of 1922, however, to indicate that the carriers might not file another application, in accordance with our suggestion in Transcontinental Rates, especially if the water competition should continue to increase.

INCREASE IN WATER COMPETITION

The majority report refers to some of the facts indicating the increase in water competition since the hearings on the last application in 1921. The figures given in the report as to iron and steel articles moving from all the groups, A to J, inclusive, to the Pacific Coast States show that the rail tonnage was nearly equal to the water tonnage in 1921, while in 1922 the water tonnage was more than four times that by rail, and in 1923 the water tonnage was about five and one-half times the rail tonnage. The figures given in the report as to all of the commodities covered by the application show that the rail tonnage from all points to the terminals and so-called back-haul territory was approximately 18 per cent and the water tonnage 82 per cent of the total movement in 1923. In our report on the 1921 application we said that it appeared that somewhere near half of the traffic covered by the application was moving by the rail lines. It is said that before the war the water lines handled about 10 per cent of the Pacific coast traffic.

The inroads which the water lines are making on the traffic of the rail carriers are felt by the Chicago & North Western, Chicago, Rock Island & Pacific, and other lines serving the Middle West, as well as the transcontinental lines which reach the coast. The through transcontinental traffic is particularly important to the Western Pacific because of the smaller proportion of productive territory along its line. Its westbound transcontinental traffic declined from 166,209 tons during the six months ending March 31, 1917, to 96,383 tons during the corresponding period ending March 31, 1923. The Chicago, Milwaukee & St. Paul increased its revenue tons 4.3 per cent in 1922 over 1919, but due to loss of transcontinental traffic the tons handled 1 mile in 1922 were only 92 per cent of those in 1919. The transcontinental lines in the Northwest are said to be in the most critical period of their existence. Several of the principal lines engaged in handling this traffic at the time of the hearings were apparently falling far short of earning the fair return contemplated by law. The earnings of the Class I carriers in the western district as a whole averaged only 3.75 per cent on an annual basis during the nine months ended September 30, 1923, based on the property investment claimed by them, and but 4.35 per cent on the tentative valuation used by us in authorizing the general increases of 1920 plus subsequent additions.

The effect of the tremendous increase in the water competition has not been confined to the rail lines. Industries in the Middle West, which had built up a substantial business on the Pacific coast, have found this business rapidly declining because of the lower rates under which their competitors on or nearer the Atlantic coast may ship by water or rail and water. Some of these industries have been forced to establish or use factories farther east to supply their Pacific coast trade. Others have retained some of their trade on the coast by sacrificing profits. Only a few examples of the losses suffered by the Middle West need be given here. All-rail shipments of iron and steel articles from Group D to the Pacific coast terminals during the months of June, July, and August declined from 34,200 tons in 1920 to 11,496 tons in 1921 and 5,030 tons in 1923. A structural-steel company at Kansas City, Mo., which shipped 7,900 tons to Pacific coast points in 1914, 1915, and 1916, shipped approximately 1,400 tons in 1921, 1922, and 1923.

The canal competition has been felt and business on the coast lost by a manufacturer of iron and steel as far west as Minnequa, Colo. A Wisconsin paper company which shipped 1,531 tons to the Pacific coast in 1920 shipped only 242 tons in 1922 and 174 tons in 1923. A paint manufacturer at Duluth, Minn., has been forced to buy from an eastern factory to supply its Pacific coast branches. A manufacturer of roofing at Minneapolis, Minn., had a good business on the coast several years ago, but was compelled to abandon the territory on account of the canal competition. Other industries in the Middle West have lost a great deal of their Pacific coast trade to eastern competitors.

Much of the traffic which still moves from Chicago and other points in the Middle West to the Pacific coast is now routed east to Atlantic ports or south to Gulf ports and thence by water. For example, 89.3 per cent of the total of 27,206 tons of iron and steel articles shipped by seven concerns in Group D to the Pacific coast in 1922 moved by water, mainly by barge to New Orleans, La. In 1920 no paper was shipped from the Wisconsin mills to the Atlantic ports for transshipment to the Pacific coast by boat; in 1921 there was one small shipment of about 6 tons; in 1922 they shipped about 420 tons that way; and in 1923 such shipments amounted to 1,812 tons. A large manufacturer of pipe and pipe fittings at Chicago, which also had a factory to supply the eastern part of the country at Bridgeport, Conn., shipped all of its Pacific coast tonnage by rail from Chicago in 1920; in 1921 it shipped 81 per cent of such tonnage by rail from Chicago and 19 per cent by water from Bridgeport; in 1922 it shipped 60 per cent from Chicago and 40 per cent from Bridgeport; but 88 per cent of the tonnage from Chicago, as well as all of that from Bridgeport, moved by water; and during the first eight months of 1923 it shipped 48 per cent from Chicago and 52 per cent from Bridgeport, but only 6.3 per cent of the total tonnage from both plants moved all rail from Chicago and 93.7 per cent moved via the canal.

BALANCE OF TRAFFIC—EMPTY CARS

The majority report barely mentions the westbound empty-car movement, which is one of the important features of the case. The eastbound traffic of the transcontinental lines is very much heavier than their westbound traffic, and there is a large movement of empty cars westbound. From July, 1921, to October, 1923, inclusive, the Chicago, Milwaukee & St. Paul hauled past Avery, Idaho, 112,529 loaded cars, weighing 5,037,676 gross tons, eastbound, as compared with 42,432 loaded cars, weighing 1,755,779 gross tons, westbound. During the same period it hauled 78,054 empty cars westbound through Avery, or 184 per cent of the westbound loaded cars, and the eastbound empty movement was 7,063 cars, or 6.28 per cent of the eastbound loads. More than three-fourths of the empties moving westbound were box cars. The percentage of empty to loaded cars on the entire system in both directions averaged 25.5 per cent in 1917, 28.75 per cent in 1918, 33.25 per cent in 1922, and 35.25 per cent during the first eight months of 1923.

From January 1, 1922, to October 31, 1923, the Great Northern hauled past Troy, Mont., 122,094 loaded cars eastbound, as compared with 50,152 westbound. During the same period it hauled 80,704 empty cars westbound through Troy and 5,088 eastbound. The percentage of empties to loaded cars moving westbound was 122.3 per cent in 1922 and 203.5 per cent during the first 10 months of 1923. The corresponding percentages eastbound were 5.1 and 3.4, respectively. A similar showing was made as to cars passing Williston, N. Dak., and Leavenworth, Wash. During the first 10 months of 1923 the Northern Pacific delivered from one division to another at Mandan, N. Dak., 85,372 loaded cars eastbound, as compared with 40,864 westbound. The empty cars numbered 52,974 westbound and 2,662 eastbound. A similar showing was made as to the other division points on this line. During the period last mentioned the Chicago, Burlington & Quincy received from the Great Northern and Northern Pacific at St. Paul, Minn., and Billings, Mont., 86,874 loaded cars, and delivered to them 68,793 such cars. The empty cars delivered by it at those gateways numbered 77,321 and those received 87,786, but most of the latter appear to have been coal cars. The bulk of the empties moving westbound over these three lines were box cars.

On the Union Pacific system the eastbound traffic was also much in excess of that westbound during the first 10 months of 1923, except on its line between Los Angeles and Salt Lake City. During that period the Union Pacific delivered to the Oregon Short Line at Granger, Wyo., an average of 50 empty box cars per day, and the Oregon Short Line delivered to the Oregon-Washington at Huntington, Oreg., an average of 69 empty box cars per day. From October 1, 1916, to March 31, 1917, the Western Pacific forwarded 199,957 tons of transcontinental traffic eastbound and received 166,209 tons of such traffic westbound. During the same months in 1922–23 it handled 164,768 tons eastbound and but 96,383 tons westbound.

The Atchison, Topeka & Santa Fe's eastbound traffic greatly exceeded its westbound traffic during the first 10 months of 1923. Its westbound empty movement consisted mainly of refrigerator cars, in which some commodities may not be loaded, but it was testified that more than two-thirds of the items in the application could be loaded in them.

From July, 1921, to October, 1923, inclusive, 90,983 empty cars moved westbound through Belen, N. Mex., and 85,200 through Seligman, Ariz., which were 74.5 and 81.3 per cent of the loaded cars moving westbound through those points, respectively. In the other direction the empty cars were 23.3 per cent of the loaded cars moving eastbound through Seligman and 16.2 per cent through Belen. In order to handle its eastbound tonnage this line is obliged to "deadhead" engines and crews westbound. During the first 10 months of 1923, 436 engines were so handled on the division immediately west of Belen, 487 engines on the next division, and 210 engines on the next division. Between Chicago and Wellington, Kans., an average of a little less than one crew per day was deadheaded westbound.

During the first 10 months of 1923 the Southern Pacific handled between Sparks, Nev., and Ogden, Utah, 1,142,859,093 net tons per mile eastbound and 462,897,341 westbound, the latter being 41 per cent of the former. Between El Paso, Tex., and Yuma, Ariz., the corresponding figures were 894,998,581 net-ton miles eastbound and 475,489,955 westbound, or 53 per cent of the eastbound tonnage. During the same period 88,303 empty cars passed Ogden and Yuma westbound, which was 96.6 per cent of the westbound loaded cars passing those points. As on the Atchison, Topeka & Santa Fe, the bulk of these empties were refrigerator cars. The potential hauling capacity of the locomotives on both of the above-mentioned lines of the Southern Pacific is greater westbound than eastbound. The engine efficiency attained between Ogden and Sparks westbound was 20 per cent of potential capacity on the net-ton mile basis and 72 per cent on the gross-ton mile basis compared with 41 and 91 per cent, respectively, eastbound. Between El Paso and Yuma the corresponding percentages were 22 and 87 westbound compared with 42 and 96 eastbound.

On some lines the westbound tonnage preponderates at certain seasons of the year, but the average throughout the year is generally very much in favor of the eastbound traffic. The average westbound empty haul of all the Class I carriers in the western district increased from 36.9 per cent of the total westbound movement during the first 10 months of 1920 to 44.8 per cent during the same months of 1923. The corresponding averages in the case of eastbound traffic were 23.2 per cent in the first-mentioned period and 22.9 per cent in the latter period.

As reported by the United States Shipping Board in long tons and converted into tons of 2,000 pounds, the eastbound intercoastal traffic carried through the Panama Canal during the year 1923 amounted to 2,431,559 tons of general cargo, exclusive of oil in tank ships, and 3,095,712 tons westbound, or an excess of 664,153 tons westbound over eastbound.

ATTITUDE OF THE VARIOUS PARTIES

The majority report refers to the attitude of the various parties to some extent, but it does not show their views sufficiently, especially those supporting the application.

The applicant carriers take the position that in view of the great amount of traffic which has been taken from them by the water lines, the large number of empty cars moving westbound which could be hauled under load at but little additional expense, and the need for increased revenues by some if not all of the carriers, it is not only their right but their duty to seek to regain some of this traffic by making rates that will enable the Middle West to compete with eastern manufacturers on the Pacific coast. Applicants urge that it would be unfair to tie their hands by denying relief so they can not meet the competition of the water lines, and that unless relief is granted the water lines will obtain a practical monopoly of all the traffic which they are capable of handling to the Pacific coast.

The application is supported by numerous chambers of commerce, shippers' organizations, and individual shippers throughout the Middle West, who urge that it is a waste of transportation to have to ship their products 800 or 900 miles east or south in order that they may move west to the Pacific coast, and they take the position that the proposed rates are essential in order to permit them to continue their business on the Pacific coast in competition with eastern manufacturers shipping through the canal.

The Pacific coast ports of San Francisco and Oakland, Calif., Portland, Oreg., Seattle and Tacoma, Wash., through their chambers of

commerce and numerous witnesses, favor the granting of fourth-section relief to the rail carrier in order that the latter may meet the water competition at the ports. They take the position that as they already have the benefit of the low-water rates from the East, upon which the bulk of their traffic is now moving, the proposed rates would merely increase their choice of markets and allow them to ship by either rail or water at rates that are approximately equal after allowing for the difference in service and all other elements that should be considered.

The application is also supported by the lumber industry of the Pacific coast, including the Inland Empire and other parts of intermountain territory; the apple and fruit growers of the Yakima Valley in Washington and the Hood River district in Oregon; the North Pacific Millers' Association, representing 66 flour mills in Washington, Oregon, and Idaho; the largest copper interests with mines and smelters in Montana, Utah, Nevada, California, Arizona, and New Mexico; and other industries which ship their products from the far West to the East. They favor the granting of relief to the carriers because the heavy westbound empty-car movement is a burden on their eastbound traffic; they must have low rates on their products in order that they may move to eastern markets in competition with nearer sources of supply in many cases; and they hope that the increased revenue of the carriers will make possible some needed reductions in their rates or at least prevent an increase in such rates. They also believe that to the extent the westbound loaded movement is increased it will help their eastbound car supply, particularly in periods of car shortage. Some of these industries located in intermountain districts introduced evidence to show that their prosperity is more important to the community than that of the jobbers.

As in the case of all the previous applications referred to herein, the jobbing and some of the manufacturing interests of the intermountain territory vigorously object to the proposed reductions to the Pacific coast ports unless they are also applied to intermediate points. In this they are supported by the State commissions of the intermountain territory and numerous commercial organizations in that territory. Also joined with them in this proceeding are similar interests in the San Joaquin Valley of California.

The other opponents of the application appear to be interested in preventing any reduction in the rail rates from the Middle West to the Pacific coast, and they do not care particularly whether higher rates are maintained at intermediate points; in fact, it would be to their advantage if the proposed rates were confined to the ports rather than extended to the intermediate territory.

WATER COMPETITION OR MARKET COMPETITION

The majority report refers to the contention of the eastern manufacturers that the relief sought is based on market competition rather than water competition and that such competition is not sufficient ground for fourth-section relief. Later the report states that the relief sought is based primarily on market competition, but it does not definitely pass upon the question of whether such competition is sufficient ground for fourth-section relief, although an inference might be drawn from the denial of relief.

Applicants say that the proposed rates are for the purpose of meeting water competition, since it is the competition of the water lines which is the controlling element in the making of such rates; but they think it is immaterial whether it is described as water competition or market competition, since the form of competition under consideration has been held to be a proper ground for relief from the fourth section.

In one of the early cases under the fourth section the question arose whether the rates on hay from Memphis, Tenn., to Charleston, S. C., might be lower than to an intermediate point, because of competition with water or rail-and-water routes from Chicago to Charleston. We held that "Water competition, to justify lower long-haul rates, must exist between the point of shipment and the longer distance point of destination." H. W. Behlmer *v.* M. & C. R. Co. (6 I. C. C. 257, 264). The case was carried to the Supreme Court, which, after reviewing the decisions of the lower courts in that case and its own decisions in other cases, overruled our conclusion. Louisville, etc., Railroad Co. *v.* Behlmer (175 U. S. 648). The court said, at page 669:

"It is then settled that the construction given in this cause by the Interstate Commerce Commission and the circuit court of appeals to the fourth section of the act to regulate commerce was erroneous, and hence that both the Interstate Commerce Commission and the circuit court of appeals mistakingly considered, as a matter of law, that competition, however material, arising from carriers who were subject to the act to regulate commerce could not be taken into consideration, and likewise that all competition, however substantial, not originating at the initial point of the traffic was equally, as a matter of law, excluded from view."

The above case was decided prior to the amendment of the fourth section in 1910, which amendment, however, stated no new rule or principle, but simply shifted the power of deciding whether the circumstances and conditions justified an exception to the fourth section from the carriers and vested it in the commission as a primary instead of a reviewing function. Intermountain Rate Cases, supra, page 485. Since the Supreme Court's decision in the Behlmer case we have never held that competition with carriers operating from other markets may not be considered as a ground for relief from the fourth section, and we have granted relief on that ground in a number of cases decided since the 1910 amendment.

In City of Spokane *v.* N. P. Ry. Co., supra, complainants contended that even though the water competition justified lower rates from New York to Seattle than to Spokane, there was no such competition and the relief should not apply from Chicago and other points in the interior. In overruling that contention and ruling that market competition should be taken into consideration we said, at pages 414, 423:

"Strictly speaking, there is no such thing as market competition which is distinct from competition between the lines of transportation serving the market. A market can only compete through the agency which transports for it. The carrier makes a rate from a given market, not out of favor to that locality, but because it desires to obtain traffic which will not otherwise come to it. There would seem, therefore, to be little distinction between the competition of markets and the competition of rival railroads. The whole situation must be considered by us in passing upon these applications.

* * * * * * *

"Considering this question broadly and in all its aspects we can not say that the legitimate effect of water competition upon the Atlantic seaboard may not be to reduce the rail rate from interior points."

In sustaining our decision in the case last referred to, granting fourth-section relief with respect to rates from points east of the Missouri River to the Pacific coast, the Supreme Court said in Intermountain Rate Cases, supra, at page 483:

"We observe, moreover, that in addition it came to be settled that where competitive conditions authorized carriers to lower their rates to a particular place, the right to meet the competition by lowering rates to such place was not confined to shipments made from the point of origin of the competition, but empowered all carriers in the interest of freedom of commerce and to afford enlarged opportunity to shippers to accept, if they chose to do so, shipments to such competitive points at lower rates than their general tariff rates; a right which came aptly to be described as "market competition" because the practice served to enlarge markets and develop the freedom of traffic and intercourse."

In Fourth Section Violations in the Southeast (30 I. C. C. 153), we distinguished the competition of carriers serving different origin markets of supply from the competition of destination markets of distribution, which later was held to be no justification for departing from the fourth section, and said at page 279:

"The competition of carriers serving other markets of supply does constitute in our opinion a justification in some instances for making lower rates to more distant than to intermediate points, when it is found—

"First, that the route from one market is under a material disadvantage as against that from another,

"Second, that the line seeking relief is meeting consistently at all points the competition against which relief is sought."

In corporation Commission of New Mexico *v.* Ry. Co. (34 I. C. C. 292, 301), we authorized the carriers to maintain rates from Kansas City, St. Louis, Mo., and Chicago to El Paso, Tex., lower than their rates to intermediate points, in order to meet the rates available from New York and other points on the Atlantic seaboard by water and rail via Galveston, Tex. In Grand Rapids Plaster Co. *v.* Director General (41 I. C. C. 1) we said that it is well established that we may consider market competition in passing upon applications under the fourth section, and relief was granted upon that ground.

On April 7, 1924, we authorized the establishment of rates from Portland, Seattle, and Tacoma to certain points on Grays Harbor and Willapa Bay in Washington, lower than the rates to intermediate points, in order to meet the competition of boats operating from San Francisco. Rates to Grays Harbor and Willapa Bay Points (88 I. C. C. 512). That market competition may be ground for relief from the long-and-short-haul rule was also recognized in Fourth Section order No. 8900 (88 I. C. C. 765), entered March 4, 1924.

ARE PROPOSED RATES REASONABLY COMPENSATORY

The report proposed by the attorney examiner, who recommended that the application be denied, found that the proposed rates generally complied with each of the essentials of a reasonably compensatory rate as defined in Transcontinental Case of 1922, supra, but the final report merely finds that the proposed rates are not any lower than necessary to meet the competition, except on ammunition, and no finding is made as to whether they comply with the other three essentials.

Operating officials of the transcontinental lines testified that, as a practical matter, a large amout of additional traffic could be handled westbound in the cars now moving empty, without increasing the train-miles, and that the additional expense of handling such traffic would be relatively small. For example, it was estimated that during the first 10 months of 1923 an average of 1,427 additional tons per day could have been handled westbound on the Great Northern without requiring any additional train-miles or train crews; and

that the Northern Pacific could have handled a total of 500,000 more tons during that period without using more than 88 per cent of its westbound power. Likewise, it was estimated that during the same period the Atchison, Topeka & Santa Fe could have handled 300,000 more tons westbound in its empty refrigerator cars without appreciable increase in expense, and that the Southern Pacific could have handled an average of 3,500 additional tons per day westbound without increasing car-miles or trains-miles. It was suggested by some of the parties that trains are held until tonnage is available to fill them up, but these operating officials testified that such is not the practice in the case of westbound traffic, since the power has to be brought back to move the eastbound tonnage whether or not there is anything for it to haul westbound.

Applicants' cost data indicate that the proposed rates exceed the out-of-pocket cost by at least 24 to 36 cents per 100 pounds. Although the computation of these costs necessarily required various assumptions not susceptible of accurate determination, the carriers' figures are not seriously disputed by any of the other parties of record. The Intermediate Rate Association agrees with applicants that the evidence shows that the proposed rates "cover and more than cover the extra or additional expenses incurred in handling the traffic to which they apply."

Applicants undertook to supply the information as to collateral losses of revenue which was found lacking in the last proceeding. They first showed that during May, June, July, and August, 1923, the traffic moving by rail from the origin territory to the Pacific ports and points to which the port combinations would reduce the present rates amounted to 85,753 tons of iron and steel articles, 11,711 tons of paper and articles of paper, and 10,011 tons of the other commodities in the application. They next figured that the reduction in revenue on this traffic under the proposed rates would amount to $207,530.94 on the iron and steel articles, $38,285.60 on the paper articles, and $41,334.50 on the other commodities. Using the cost ratio of 49.5 per cent, referred to in the majority report, and a 25 per cent empty haul, they then estimate that it would require 23,143 additional tons of iron and steel, 4,034 tons of paper, and 3,862 tons of the other commodities to offset the loss on the traffic that moved during the period mentioned. Converting these figures to a yearly basis, the additional traffic necessary to equalize the reductions on traffic that might move anyhow would be about 69,000 tons of iron and steel, 12,000 tons of paper, and 11,500 tons of the other commodities. The total amount is approximately 5 per cent of the tonnage of these commodities that moved westbound through the canal in 1923.

Traffic officials of the transcontinental lines testified that, after investigating the matter, it is their judgment that the proposed rates would attract additional tonnage sufficient to more than offset the reductions on traffic that might move anyhow; otherwise, they would not have proposed these rates. This testimony was corroborated by witnesses for many shippers in the Middle West, including the independent iron and steel industry in the Chicago district and the paper industry of Wisconsin, who testified that they believed the shippers would be able to materially increase their shipments under the proposed rates. The only exception was the United States Steel Corporation, which operates its own ships through the canal and moves the bulk of its Pacific coast tonnage by rail and water from the Pittsburgh (Pa.) district. One independent steel company with plants at Indiana Harbor, Ind., Chicago Heights, Ill., and Milwaukee, Wis., which had not been able to ship to the Pacific coast for two years prior to the hearing, stated that it should be able to ship 50,000 to 75,000 tons per year to the coast. There are several other independent iron and steel companies in the Chicago district, and a large one in Colorado stated that the proposed rates would enable it to regain some of the traffic it has lost on the Pacific coast. Wisconsin paper manufacturers testified that they would be able to increase their shipments by more than the amount necessary to equalize the reduction on existing traffic. Other industries in the Middle West expect to regain at least part of the business they have lost to eastern manufacturers. The intercoastal lines agree with applicants that the proposed rates would attract a substantial portion of the traffic now moving by water.

The witnesses referred to are the persons who are in a position to know most about the amount of additional traffic that may be expected to move under the proposed rates, and their judgment is confirmed by the fact that the rail lines carried a much greater proportion of the Pacific coast traffic when they had fourth-section relief. It is as certain, therefore, as the fact ever can be in a case of this kind that the proposed rates would attract additional traffic sufficient to more than offset the loss on existing traffic and increase the net revenue of the western lines. It necessarily follows that they would not impose an undue burden on other traffic, but would instead lessen the burden now borne by other traffic, and they would aid rather than jeopardize the appropriate return on the value of the property of the western lines.

The effect of the proposed rates on the eastern lines is not considered of controlling importance by applicants, who point out that they are much more vitally interested than the former in this problem of water competition. But viewing the matter from the standpoint of all the railroads, they urge that the proposed rates would increase the net revenues of all the lines considered as a whole. For example, it is pointed out that the margin of profit under the proposed rate of 80 cents on iron and steel articles, minimum 80,000 pounds, which is shown to range from 35.57 to 46.28 cents per 100 pounds, is greater than the local rate of 31 cents from Pittsburgh to Baltimore, Md., and of course the latter rate is not all clear profit. In the case of paper and most of the other commodities the local rates to the eastern ports are generally lower than on iron and steel from Pittsburgh. The diversion of Pacific coast traffic from the all-rail routes to rail-and-water routes via eastern ports has apparently increased the preponderance of traffic, eastbound over westbound, on the eastern lines as well as the western lines. The record indicates that the eastern lines are generally in a more prosperous condition than the western lines.

If the proposed rates were applied to intermediate territory as well as to the Pacific coast, the reduction of the carriers' revenues on existing traffic would be very much greater than if they were confined to the ports. This is shown by the fact that the traffic which would be affected by the proposed rates during the months of May, June, July, and August, 1923, amounted to about 40,000 tons to the terminals as compared with about 190,000 tons to the terminals and part of the intermediate territory. The port combinations would reduce the rates on a large tonnage to some intermediate points, but of course the application of the terminal rates to such points would effect a much greater reduction. It is not expected that the loss which would result on traffic to the intermediate territory not affected by the port combinations could be offset by an increase in the tonnage to that territory.

The intercoastal lines express apprehension that the proposed rates might destroy the steamship lines, but they also point out that the commodities in the application only include about one-half of the westbound tonnage of the steamships, they intimate that the railroads can not hope to take any of the traffic originating at the Atlantic ports, and they say that the rail lines can hardly expect to get more than one-half of the westbound tonnage of the commodities in the application.

It is unnecessary to repeat here the figures already quoted regarding the remarkable increase in the tonnage of iron and steel articles moving by the water lines, the corresponding decline in shipments by the rail lines to the Pacific ports, and the relationship of the rail tonnage to the water tonnage during various periods. It is sufficient to say that they indicate that the rail lines could increase their tonnage of these articles by more than 200 per cent of the tonnage handled by them to the Pacific coast and back-haul territory in 1923, or over twice the amount necessary to offset their loss on existing traffic, without taking more than one-half of the total tonnage by both the rail and water routes, and the water lines would still have about three times as much tonnage as they had in 1921, when the hearings were held on the last application.

The paper items in the application do not include all of the paper articles that move westbound through the canal. Some of the paper articles covered by the application do not appear to move in large volume either by rail or water, but they are generally grouped with or take the same rates as other articles which do move in considerable volume. The amount of additional tonnage necessary to equalize the proposed reductions on the existing paper traffic of the rail lines appears to be less than the increase in the canal tonnage in one year from 1922 to 1923, and apparently the rail lines could regain considerably more than that amount without taking over one-half of the total tonnage by both rail and water.

The canal tonnage of the other commodities covered by the application generally exceeded and in some cases was several times as much as the rail tonnage to the Pacific coast and back-haul territory during the six months from June to November, 1923. The estimated amount of additional tonnage of the other commodities necessary to equalize the proposed reductions on the existing traffic of the rail lines is about one-ninth of the total tonnage of those commodities handled by the canal lines in 1923.

The rail lines could regain over 600,000 tons of the commodities in the application without taking more than the excess of the westbound tonnage over the eastbound tonnage of general cargo passing through the canal in 1923, or more than one-half of the total tonnage of these commodities moving by both rail and water to the Pacific coast, and the water lines would still have a great deal more tonnage than they had when the hearings were held on the 1921 application.

There does not appear to be any reason to fear that the ship lines would be destroyed.

REASONABLENESS OF RATES TO INTERMEDIATE POINTS

The majority report refers to the contention of the intermountain interests that if the proposed rates would be reasonably compensatory for the haul to the Pacific coast, they would be fully compensatory if applied at intermediate points, but it does not decide the question. Neither does the report find whether the present

rates to the intermediate territory are reasonable or unreasonable, which has always been considered one of the fundamental questions in cases of this kind.

Applicants show that the present rates to the intermediate territory are as low or lower than the rates prescribed from Chicago to Utah common points in Commodity Rates to Salt Lake City, Utah (32 I. C. C. 551), as modified by the general increases of 1918 and 1920 and reduction of 1922; also as low or lower than the rates established to the Pacific coast and intermediate territory on March 15, 1918, under the authority granted in Transcontinental Commodity Rates, supra, as modified by the general increases and reduction; and as low or lower than the rates found not unreasonable in Intermediate Rate Asso. v. Director General, supra, as modified by the general reduction of 1922. The present rates are lower than those authorized and found not unreasonable in the last two of the above cases, as modified by the subsequent general changes, on every commodity covered by the application, except dry goods, and on that item the rates are the same as under those cases. The differences in favor of the present rates on the other commodities range all the way from 1 to 88 cents. This is apparently the result of reductions made in the rates to the Pacific ports, because of the canal competition, which had to be extended to intermediate points in the absence of fourth-section relief.

Upon this record we would not be justified in overruling our previous decisions approving rates that would now be as high and in most cases considerably higher than the present rates to intermediate points.

WOULD PROPOSED ADJUSTMENT CREATE UNDUE PREJUDICE?

The majority report states that before relief may be granted we must be satisfied that the same will not violate other sections of the act, particularly section 3 prohibiting undue or unreasonable preference or advantage and undue or unreasonable prejudice or disadvantage. But while the report states that the proposed rates would afford the Middle West certain advantages and be prejudicial to the intermountain territory, it does not find that such advantages and prejudice would be undue or unreasonable, which is necessary in order to constitute a violation of section 3. Interstate Com. Commis. v. B. & O. Railroad (145 U. S. 263, 276).

The report states that the proposed rates from the Middle West would neutralize the natural advantage of location possessed by Pittsburgh and other points nearer the Atlantic seaboard and accord the Middle West an advantage to which it is not legitimately entitled. In other words, the thought seems to be that it is improper for the western carriers to make all-rail rates from the Middle West on a competitive basis with those available by water, or rail and water, from the East. This means in effect that the eastern manufacturers and the water lines are entitled to a virtual monopoly of the Pacific coast trade in these important commodities.

Points on or near the Atlantic seaboard can not be deprived of the benefit of their location with respect to water transportation so long as that form of transportation exists, but I do not concede that their location gives them any exclusive right to the Pacific coast trade. An adjustment which will permit of competition between the manufacturers of the Middle West and the East on the Pacific coast would encourage a wholesome distribution of industry, alleviate congestion of traffic at New York and other eastern ports, and be otherwise in the general public interest. Although we do not ordinarily require the carriers to make rates to meet such competitive conditions, it is well settled that they may do so voluntarily if the rates are reasonably compensatory and create no undue prejudice or preference. See Reduced Commodity Rates to Pacific Coast (89 I. C. C. 512).

How can there be any undue prejudice or preference in the relationship of the proposed all-rail rates from the Middle West and the water or rail-and-water rates from the East, which are maintained by entirely different sets of carriers, even if such relationship was shown to be improper and we had jurisdiction over it under section 3?

It is said that the proposed rates would also increase the advantage of the Middle West in respect of traffic moving all rail from the East. Inasmuch as the bulk of the traffic in these commodities from Pittsburgh and east is shown to be moving by the water or rail-and-water routes, the relationship of the all-rail rates is not of such great importance. The present differentials in the all-rail rates from Groups A, B, and C over Group D are very low. For example, the differential of 27.5 cents on dry goods from New York over Chicago is less than 15 per cent of the rate of $1.875 from New York to the Pacific coast, whereas the eastern lines receive 27.5 per cent of that rate, or 51.5 cents, for the haul from New York to Chicago. In other words, the eastern lines' division in the joint rate is almost double the differential from New York over Chicago. In Intermediate Rate Asso. v. Director General (61 I. C. C. 226, 242) we said that traffic and transportation conditions would furnish justification for increasing these differentials.

But the relief sought could be granted upon condition that the all-rail rates from the groups east of Group D shall be reduced to the same extent as those from that group, or if the eastern lines should be unwilling to join in such rates, upon condition that the western lines establish proportional rates from the gateways with the eastern lines, applicable on traffic from points on those lines, which shall be lower than the western lines' present proportions of the joint through rates by the amount of the reduction in the local rates from the gateways. For example, upon iron and steel articles now taking a rate of $1 from Group D, which it is proposed to reduce to 80 cents, the western lines would be required to establish proportional rates 20 cents lower than their present divisions of the joint rates, which would amount to 74.5 cents, 76 cents, and 74 cents on traffic from points in Groups A, B, and C, respectively.

Such proportional rates would in all cases materially exceed the out-of-pocket costs of handling additional traffic, as shown by the record, and there would be very little more loss on existing traffic, which is now moving mainly by water or rail and water from Pittsburgh and east. While the present spreads between Groups D and C would be increased slightly, such rates would place Group C industries shipping by rail on a nearer equality with those in Groups A and B shipping by water or rail and water. For example, while the spread on iron and steel articles now taking a rate of $1 from Group D and $1.08 from Group C would be increased 4.5 cents, the rate from Group C would be reduced 15.5 cents, which would materially assist the industries of that group in competing with their principal competitors in the Pittsburgh district.

The statement that the proposed rates would be prejudicial to the intermountain territory is based mainly on the testimony of the intermountain jobbers, who contend that such rates would circumscribe their distributing territory, because they would enable the coast dealers to reduce their prices in the competitive territory. If that should be the result, it would seem that the proposed rates would be an advantage rather than a disadvantage to the consumers in that territory.

But it is not certain that the proposed rates would enable the coast dealers to sell any more cheaply than at present. As the bulk of their traffic in the commodities covered by the application appears to be moving by water, it would seem that the coast dealers are at least in a position to base their prices on the water or rail-and-water rates, which are generally as low as or lower than the proposed rates. This is probably true even as to traffic now moving from the origin territory to the Pacific coast by rail, as the record indicates that the manufacturers of the Middle West must meet the competition of the eastern manufacturers shipping by water in order to do any business on the coast. In other words, the manufacturer of the Middle West must make a price to the coast dealer which, plus the all-rail rate, will not exceed the price at which similar goods can be purchased in the East plus the water or rail-and-water rate. This is particularly true as to iron and steel articles upon which the Pittsburgh prices are the controlling factor in other markets.

The proposed rates would afford the Pacific coast ports the privilege of shipping by rail or water and a wider choice of origin markets at rates approximately equal, after allowing for all incidental charges and difference in service. These are undoubtedly advantages, but it does not necessarily follow that the intermountain cities would be subjected to undue prejudice. It is not every discrimination which is unjust or undue, and in deciding questions of this kind it is proper to consider the interests of the applicant carriers, that section of the country embraced in the origin territory, and last but not least, the producers of the Pacific coast and intermountain territory who testified in support of the application, as well as those of the jobbers and others. See Texas & Pacific Railway v. Interstate Commerce Commission (162 U. S. 197, 218).

In view of the low water or rail-and-water rates already available from the East to the Pacific coast ports and the influence they necessarily have on the prices which the Middle West shippers must make to the coast dealers, any disadvantage which might be suffered by the intermountain jobbers from the proposed rates seems slight compared with the benefits which would accrue to the other parties mentioned. The record indicates that the proposed rates would afford the western carriers a much-needed increase in their westbound tonnage and net revenues, enable the Middle West to prosper in competition with the East on approximately equal rates to the Pacific coast, and relieve the burden on other traffic, particularly that produced in the far West and shipped East. We could not find undue prejudice to the intermountain cities without overruling our previous decisions granting relief from the fourth section. In East Tenn., etc., R. Co. v. Interstate Com. Comm. (161 U. S. 1), the Supreme Court said, at page 18:

"In a supposed case when * * * it is conceded or established that the rates charged to the shorter distance point are just and reasonable in and of themselves, and it is also shown that the lesser rate charged for the longer haul is not wholly unremunerative and has been forced upon the carriers by competition at the longer distance point, it must result that a discrimination springing alone from a disparity in rates can not be held, in legal effect, to be the voluntary act of the defendant carriers, and as a consequence the provisions of

the third section of the act forbidding the making or giving of an undue or unreasonable preference or advantage will not apply."

RAILROADS VERSUS SHIPS

The majority report refers to the fact that the additional traffic which might be gained by the rail lines would be taken from the ships. The record indicates, however, that it would be largely traffic which has been diverted from the rail lines to the ships during the last few years. If the railroads are not permitted to make rates which will enable them to compete with the water lines, the latter will make still further inroads on the traffic of the rail lines until the ships obtain a virtual monopoly of all the traffic which they are in a position to handle. Section 500 of the transportation act, 1920, declares the policy of Congress "to foster and preserve in full vigor both rail and water transportation," and I do not believe it was intended that either the rail or water lines should be given a monopoly of traffic which both may handle. If such had been the intention of Congress, it would not have continued our authority to grant relief from the fourth section because of water competition.

The transcontinental railroads represent a very large investment in property which can not be removed and used elsewhere, if traffic diminishes, as in the case of the steamships. They are required by law to publish their rates and can not charge less as do the water lines. We are charged with a duty respecting the revenues of the railroads by section 15a but do not have any such responsibility regarding the ships. The railroads should not be authorized to charge rates which will threaten the extinction of legitimate water competition, but the record in this proceeding does not show that the proposed rates would be apt to have such an effect.

On the contrary, it indicates that the proposed rates would not attract much, if any, traffic now originating at the ports. But the western lines could haul more than double the tonnage of these commodities handled by them to the Pacific coast and back-haul territory in 1923, an increase more than four times the estimated amount of additional tonnage necessary to equalize their loss on existing traffic, without taking over one-half of the total tonnage of these commodities by both rail and water, and without reducing the westbound tonnage of the water lines by more than the excess of their westbound tonnage over the eastbound tonnage of general cargo in 1923.

It is suggested that the granting of the application might cause corresponding reductions in the water or rail-and-water rates, but the witness for the water lines testified that they could not afford to reduce their existing rates in view of operating costs, and it is improbable that the rail lines would reduce their rates to the eastern ports, as they would lose more than they would gain. For example, the rate of 81 cents on iron and steel articles from Pittsburgh to Baltimore would have to be reduced to about one-third of that amount to equalize the reductions in the transcontinental rates. And this or any other reduced rate to the ports would apply on the heavy tonnage now moving through Baltimore and other eastern ports, a large proportion of which would no doubt continue to move through such ports without any reduction. The water lines also would stand to lose more than they would gain by reducing their rates, because such reductions would apply on the large volume of traffic now handled by them, and most of this traffic would probably continue to move by water anyhow. In this respect the eastern lines and the water lines are differently situated from the western lines, which are now handling a relatively small proportion of the iron and steel articles and the total tonnage of all the commodities in the application to the Pacific coast. Moreover, the granting of fourth-section relief does not appear to have caused reductions in the water or rail-and-water rates in the past.

It may be that the rail and water lines should be subject to the jurisdiction of the same regulatory body, as suggested by Commissioners Lewis and Woodlock, but the rail lines would still need fourth-section relief to meet any rates which would be reasonable for the water lines, and the granting of relief to the rail lines should not be postponed pending such legislation.

FOURTH-SECTION DEPARTURES FROM POINTS EAST OF CHICAGO

The majority report refers to the contention of the intermountain interests that the proposed rates would create fourth-section departures not covered by the application, and later it mentions certain joint through rates from points east of Chicago, which would be reduced by the Chicago combination to the Pacific coast to a lower level than the through rates to intermediate points. The report states that these departures are not asked by the eastern lines, but it does not decide whether they are covered by the application.

The application asks authority to establish rates from Chicago to the Pacific coast lower than the rates to intermediate points, and authority to establish the proposed rates would cover their use as factors of combination rates as well as local rates. There are numerous situations of this kind throughout the country, as in the case of rates made by combination on the Ohio River, and where the departures are due to the factors south of the river it has never been considered necessary for the lines north of the river to join in the application. In Rates to Gulf Ports for Export (44 I. C. C. 543) we denied a petition by the northern lines to rescind a fourth-section order issued upon the application of the southern lines, which authorized factors south of the Ohio River resulting in combination rates lower to farther distant than to intermediate points. Moreover, we have often granted fourth-section relief after investigation, even though the carriers may not have applied for such relief, when it is apparent that the same will be necessary in connection with a rate adjustment prescribed by us. In this connection see United States v. Merchants, etc., Asso. (242 U. S. 178).

SUMMARY

The facts which stand out in greatest prominence in this case are as follows:

1. We granted fourth-section relief to the rail lines when the water competition was much less severe than at present, and in discontinuing the relief because of the temporary withdrawal of the ships from the intercoastal trade, we recognized the necessity for relief under normal conditions and invited the carriers to file an application when the water competition returned.

2. The tremendous increase in the water competition since the hearings on the 1921 application, and its effect upon the industries of the Middle West as well as the western railroads.

3. The extensive westbound movement of empty cars, which could be handled under load at but little additional expense.

4. The only parties who are really opposed to the maintenance of higher rates to intermediate points than to the ports and whose interest is not merely to prevent any reduction in the rates from the Middle West are the so-called intermountain interests, and some of the most important industries in the intermountain territory supported the application.

5. Whether the competition under consideration be called water competition or market competition, it is a proper ground for fourth-section relief as shown by the cases cited in this dissent.

6. The proposed rates with one exception comply with all of the essentials of a reasonably compensatory rate as defined in Transcontinental cases of 1922.

7. The rates to intermediate points are as low as or lower than the rates prescribed or approved in previous decisions, and we could not find them unreasonable upon this record.

8. The majority report does not, and could not, find that the proposed rates would create undue prejudice against either the intermountain jobbers or the eastern manufacturers, particularly if the relief were granted upon condition that proportional rates be established for application on traffic from points east of Group D upon the basis herein described.

9. Denial of the application will give the water lines a virtual monopoly of all the traffic which they are in a position to handle, which does not appear to be in harmony with section 500 of the transportation act.

10. The granting of the application would afford the western lines a much-needed increase in their westbound traffic and net revenues, enable the Middle West to prosper in competition with the East on approximately equal rates to the Pacific coast, and relieve the burden on other traffic, particularly that produced in the far West and shipped east.

It might reasonably be assumed that the rail carriers should regain one-half of the total Pacific coast tonnage of the commodities covered by the application, which they apparently had when the last application was decided, but if they should only increase their tonnage to the extent of the excess of the westbound tonnage of general cargo over the corresponding eastbound tonnage of the canal lines, such increase would have amounted to approximately 664,000 tons in 1923. The proposed rate of 80 cents on iron and steel articles, minimum 80,000 pounds, is about the lowest of the rates proposed from Group D; at least, it may safely be assumed that it is not in excess of the weighted average on all of the traffic covered by the application. The 664,000 additional tons at 80 cents per 100 pounds would increase the gross revenue of the western carriers more than $10,000,000 per year. Taking into consideration the out-of-pocket costs of handling such traffic, which are shown as from 33.72 to 44.43 cents per 100 pounds for an 80,000-pound carload from Group D, the increase in the net revenues of the western carriers would be from about $4,700,000 to $6,100,000 per year. After deducting for the loss on existing all-rail traffic, the net increase in revenues over and above the extra expense of handling the traffic would still be somewhere around $4,000,000 or $5,000,000 per year.

Such increased revenue would to that extent have relieved the burden resting upon the shipping public, which is now confronted by an application of the western lines for a general increase in their rates in order to enable them to earn the fair return contemplated by law.

The denial of the application by the majority under these circumstances savors of an arbitrary exercise of authority which we do not have under the statute as interpreted by the Supreme Court in the Intermountain Rate cases.

I am authorized to say that Commissioners Meyer and Aitchison join in this dissent.

Commissioner Hall did not participate in the disposition of this proceeding.

APPENDIX

Present and proposed all-rail rates on commodities included in fourth-section application, as amended, from Group D to San Francisco, Calif., and port-to-port rates on the same commodities

Item of application	Commodity	Present rail rates	Proposed rail rates	Port-to-port rates
2	Ammunition, etc	$1.40	$1.10	$0.65
4	Dry goods	1.58	1.10	.75
6	Iron and steel articles—bar, band, hoop, etc	1.00	.80	.40
7	Iron and steel articles—bands (pipe), rods (pipe), etc	1.20	.85	.45
8	Iron and steel articles—bands, shingle, ties, etc	1.00	.85	.45
9	Iron and steel articles—billets, blooms, etc	1.00	.80	.40
10	Iron and steel articles—bolts, nuts, etc	1.00	.80	.40
11	Iron and steel articles—horseshoes, etc	1.00	.80	.40
12	Iron and steel articles—castings and forgings, rough, etc	1.20	.90	.50
13	Iron and steel articles—plate and sheet iron, etc	1.00	.80	.40
14	Iron and steel articles—plate and sheet iron, etc	1.15	.90	.50
15	Iron and steel articles—pipe, wrought iron or steel (other than coils), etc	1.25	1.00	.45
16	Iron and steel articles—pipe, wrought iron or steel (other than coils), etc	1.00	.85	.45
17	Iron and steel articles—nails, spikes, fencing, etc	1.30	1.05	.55
18	Iron and steel articles—nails, spikes, etc	1.00	.80	.40
19	Iron and steel articles—pipe, cast iron, and connections for same	1.00	.85	.40
20	Iron and steel articles—pipe fittings and connections, wrought iron, etc	1.00	.85	.45
21	Iron and steel articles—structural iron and steel	1.25	1.00	.55
22	Soda alumina sulphate	1.30	1.00	.60
24	Packing-house products, lard and lard substitutes, etc	1.60	1.20	.50
25	Paint	1.25	1.00	.65
26	Paper and articles of paper—bags, wrapping, etc	1.25	1.00	.65
27	Paper and articles of paper—books, blank, writing paper, etc	1.25	1.00	.70
28	Paper and articles of paper—boxes	1.25	1.00	.60
29	Paper and articles of paper—labels, etc	1.35	1.00	.65
30	Paper and articles of paper—wall paper, etc	1.35	1.00	.70
31	Paper and articles of paper—lining, carpet, etc	1.25	1.00	.60
32	Paper and articles of paper—book, etc	1.25	1.00	.70
33	Paper and articles of paper—writing, etc	1.25	1.00	.70
34	Paper and articles of paper—printing, other than newsprint, poster, etc	1.25	1.00	.65
35	Paper and articles of paper—wrapping, etc	1.25	1.00	.65
36	Rails and fastenings—rails and ties	20.00	16.00	[1] 12.32
37	Rails and fastenings—rail fastenings	1.00	.80	.40
38	Railway supplies, axle-wheels and forgings	1.00	.85	.45
40	Roofing, roofing material—roofing, etc	1.10	.90	.60
41	Rosin	1.20	.75	.50
42	Soap, etc	1.25	1.00	.50
43	Sodium (soda), etc	1.00	.75	.40
45	Pressed-steel car sides, etc	1.25	1.00	.70
46	Wire and wire goods—cable, rope, strands, etc	1.20	.90	.45
47	Wire and wire goods—rods, wire	1.00	.80	.40

[1] Rate per long ton.

(Fourth Section Order No. 9280)

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of March, A. D. 1926.

COMMODITIES TO PACIFIC COAST TERMINALS

By application No. 12436 R. H. Countiss, agent, for and on behalf of various carriers parties to his tariffs I. C. C. Nos. 1114 and 1118, asks for authority to establish reduced rates for the transportation of iron and steel articles and other commodities listed in Exhibit A attached to said application No. 12436, in carloads, from Chicago, Ill., and other points in eastern defined territories Group D and west, as described in said tariffs I. C. C. Nos. 1114 and 1118, including points in Group C on the Chicago, Milwaukee & St. Paul Railway, Westport, Ind., and west thereof, to Pacific coast terminals, as described in said tariffs, and to continue their present higher rates on said commodities to intermediate points, without observing the long-and-short-haul provision of the fourth section of the act to regulate commerce. A hearing having been held upon the said application, and full investigation of the matters and things involved therein having been had, and the commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That the said application No. 12436 be, and the same is hereby, denied.

By the commission.

[SEAL.] GEORGE B. MCGINTY, *Secretary.*

Mr. GOODING. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Mr. GOODING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Robinson, Ind.
Bayard	Fletcher	La Follette	Sackett
Bingham	Frazier	Lenroot	Sheppard
Blease	George	McKellar	Shortridge
Borah	Gerry	McLean	Smoot
Bratton	Gillett	McNary	Stanfield
Brookhart	Glass	Mayfield	Stephens
Broussard	Goff	Means	Swanson
Bruce	Gooding	Metcalf	Trammell
Butler	Hale	Neely	Tyson
Cameron	Harreld	Norris	Walsh
Capper	Harris	Nye	Warren
Copeland	Heflin	Oddie	Watson
Couzens	Howell	Overman	Wheeler
Cummins	Johnson	Phipps	Williams
Deneen	Jones, N. Mex.	Pine	Willis
Edwards	Jones, Wash.	Pittman	
Fernald	Kendrick	Ransdell	
Ferris	Keyes	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The question before the Senate is on the motion of the Senator from Wyoming [Mr. WARREN] to proceed to the consideration of the independent offices appropriation bill.

The motion was agreed to.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. GOODING. Mr. President, I send to the desk a proposed unanimous-consent agreement and ask that it may be read.

The PRESIDING OFFICER. The clerk will read as requested.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Tuesday, March 23, 1926, at not later than 3 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 575) to amend section 4 of the interstate commerce act, through the regular parliamentary stages to its final disposition.

Mr. GOODING. The reason why the time has been fixed as March 23 is that we find several Senators are leaving the city over the 17th and will not be back, so we could not very well take a vote this week. It was thought best to give everyone plenty of time so that Senators may be here if they care to vote. I shall be on hand all the time and willing to lay the unfinished business aside temporarily in order that the business of the Senate may not be curbed in any way. It is understood that on Monday we will ask the Senate to take a recess so that the three hours on Tuesday may be given over to the discussion of the bill and that the time will be divided. The Senator from Ohio [Mr. FESS] for those opposed to the bill and the Senator from Nevada [Mr. PITTMAN] for those who favor the bill will get together and divide the time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. LENROOT. Is the last statement of the Senator to be incorporated as a part of the agreement?

Mr. GOODING. No.

Mr. LENROOT. Otherwise some Senator might get recognition and could not be prevented from occupying the time. I have no objection if that is made a part of the agreement.

Mr. GOODING. It is not a part of the agreement, but I will ask that it may be incorporated as a part of it.

Mr. ROBINSON of Arkansas. Mr. President, if the agreement is entered into, may I ask what it is proposed the Senate shall proceed to do between now and the time the vote is to be taken?

Mr. SMOOT. If the agreement is entered into and the unfinished business is laid aside at any time, I shall ask that the Italian debt settlement bill be taken up for consideration.

Mr. PITTMAN. Mr. President, taking into consideration the number of Senators I have heard express a desire to speak on the unfinished business, I am satisfied it will take two or three days for discussion any way. With the permission of the Senate, when we convene to-morrow morning I intend to discuss the subject. I hope that a recess may be taken so we can proceed immediately with the unfinished business. I hope to discuss it completely to-morrow. There are other Senators who intend to speak, but there are a number of them who have to

be absent because of previous engagements to make addresses on St. Patrick's day. For their accommodation I think there should be some time certain fixed. That is about all there is that is involved. That is all I care anything about. As to the division of time I will have finished to-morrow what I have to say, unless something new comes up and I would ask then merely an opportunity to reply briefly.

Mr. LENROOT. I understand the division of time applies only to Tuesday.

Mr. GOODING. Yes; to Tuesday.

Mr. ROBINSON of Arkansas. I do not desire to make any objection to any request that is satisfactory to the Senator from Nevada [Mr. PITTMAN] in connection with the business that is now before the Senate. I know he has given a great deal of study to the bill and is profoundly interested in it, as is its author, the Senator from Idaho [Mr. GOODING]. But I am compelled to be absent for at least two days, and I would not want the Italian debt settlement bill taken up prior to the time of my return. I would not want to enter into an agreement which would contemplate that procedure.

Mr. SMOOT. If the Italian debt settlement bill is taken up Wednesday and the Senator will be back Thursday, that will not interfere, because more than likely I would occupy all of the time on Wednesday in explanation of it.

Mr. ROBINSON of Arkansas. But I would like to hear what the Senator will have to say about the Italian debt settlement. I do not want to be in the attitude of objecting to proceeding with the consideration of that matter, but it is not helpful to me to know that the Senator from Utah is making a statement about the subject when I am absent. I shall ask the Senator from Utah to agree now not to call up the Italian debt settlement bill prior to Thursday.

Mr. GOODING. I hope the Senator from Utah will agree to that proposition.

Mr. ROBINSON of Arkansas. I am sure there are appropriation bills and other matters pending which will probably consume much time, and I doubt whether the so-called Italian debt settlement can be proceeded with this week.

Mr. SMOOT. I am anxious to comply with any request of the Senator from Arkansas if it is possible for me to do so.

Mr. McKELLAR. I can not possibly be here on Wednesday.

Mr. SMOOT. I will gladly agree to the suggestion of the Senator.

Mr. FESS. May I say I understood it was the purpose to take up the public buildings bill if there was any lapse of business before the Italian debt settlement is proceeded with.

Mr. ROBINSON of Arkansas. Since I engaged in the colloquy with Senators touching the time to take up the Italian debt settlement, it has been suggested by Senators on both sides of the Chamber that an arrangement was tentatively entered into, at least an announcement was made by the steering committee on the majority side of the Chamber, that the Italian debt settlement bill would follow the so-called long and short haul bill. There are a number of Senators who would like to be here when the debt settlement is being considered, and I think that arrangement ought to be adhered to.

Mr. SMOOT. Of course I do not want it put over until next week. I am perfectly willing to say that I will not bring it up until Thursday when the Senator from Arkansas is here.

Mr. ROBINSON of Arkansas. So far as I am concerned I am satisfied with that arrangement.

Mr. SMOOT. I will assure the Senator that I shall not bring it up before Thursday any way.

The PRESIDING OFFICER. Before the unanimous consent agreement can be entered into, the Clerk will call the roll to ascertain the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Keyes	Ransdell
Bayard	Fess	King	Robinson, Ark.
Bingham	Fletcher	La Follette	Robinson, Ind.
Blease	Frazier	Lenroot	Sackett
Borah	George	McKellar	Sheppard
Bratton	Gerry	McLean	Shortridge
Brookhart	Gillett	McNary	Simmons
Broussard	Glass	Mayfield	Smoot
Bruce	Goff	Means	Stanfield
Butler	Gooding	Metcalf	Stephens
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norris	Tyson
Copeland	Heflin	Nye	Walsh
Couzens	Howell	Oddie	Warren
Cummins	Johnson	Overman	Watson
Deneen	Jones, N. Mex.	Phipps	Wheeler
Edwards	Jones, Wash.	Pine	Williams
Fernald	Kendrick	Pittman	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The Secretary will read the request for a unanimous-consent agreement which has been made by the Senator from Idaho [Mr. GOODING].

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Tuesday, March 23, 1926, at not later than 3 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 575) to amend section 4 of the interstate commerce act, through the regular parliamentary stages to its final disposition; that a recess be taken on Monday until 12 o'clock m. Tuesday, and the time between 12 o'clock and 3 o'clock p. m. on said day to be equally divided between the proponents and opponents of the bill, the time of the former to be controlled by Senator PITTMAN and of the latter by Senator FESS.

Mr. BRUCE. Mr. President, I object.

The PRESIDING OFFICER. Objection is made.

Mr. PHIPPS. Mr. President, I desire to give notice that following the speech of the senior Senator from Nevada [Mr. PITTMAN] on the long and short haul bill on to-morrow I desire to have the floor for a short statement.

Mr. BRUCE. I did not catch what the Senator from Colorado said.

The PRESIDING OFFICER. The Senator from Colorado announced his desire to make a short statement following the speech to be delivered to-morrow by the senior Senator from Nevada [Mr. PITTMAN].

Mr. BRUCE. Mr. President, I am glad to hear the statement. I have never been approached to give my assent in any shape or form to any arrangement by which the debate is to be conducted on the subject. That sheds some additional light on the situation.

Mr. PHIPPS. I did not catch the Senator's remark.

The PRESIDING OFFICER. The Chair will say that merely a formal notice was given by the Senator from Colorado of his intention to secure the floor at the time named by him.

Mr. BRUCE. Very well.

INDEPENDENT OFFICES APPROPRIATIONS

The PRESIDING OFFICER. In accordance with the motion of the Senator from Wyoming [Mr. WARREN], which was agreed to, the Chair lays before the Senate House bill 9341.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I make the usual request that the formal reading of the bill be dispensed with, that the bill may be read for amendment, committee amendments to be first considered, and other amendments to be considered later.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, in view of the fact that the bill is not long and is very important, I ask that it be read textually, so that we may be advised of its contents.

The PRESIDING OFFICER. The bill will be so read. The Chair did not understand the Senator from Utah [Mr. KING] to object to the request to dispense with the formal reading of the bill, but that he merely desired that it might be fully read for amendment. Without objection, the request of the Senator from Wyoming is agreed to.

Mr. KING. My suggestion was that when the Secretary reads the bill for amendments it be read textually, so that we may be advised of its contents.

The PRESIDING OFFICER. The Chair so understands.

The Chief Clerk proceeded to read the bill, and read to the end of line 10 on page 4, the last clause read being as follows:

INDEPENDENT ESTABLISHMENTS

ALIEN PROPERTY CUSTODIAN

For expenses of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including personal and other services and rental of quarters in the District of Columbia and elsewhere, per diem allowances in lieu of subsistence not exceeding $4, traveling expenses, law books, books of reference and periodicals, supplies and equipment, and maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, $130,000, of which amount not to exceed $122,900 may be expended for personal services in the District of Columbia: *Provided,* That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Pacific Buildings Commission.

Mr. KING. Mr. President, I should like to ask the Senator from Wyoming if in the consideration of this item, dealing with the Alien Property Custodian, the committee took any testimony relative to the activities of that officer?

Mr. WARREN. We had before us the very extensive hearings which were taken before the House committee, and they were considered by the subcommittee of the Committee on Appropriations very fully. I presume the Senator may not have had time to read those hearings.

Mr. KING. No; I have not been able to do so.

Mr. WARREN. But they are quite full, and if the Senator would like to see them I have a copy here and will hand it to him.

Mr. KING. I had in mind, Mr. President, if the Senator will pardon me, the fact that a resolution has been pending before the Judiciary Committee to investigate the operations of the Alien Property Custodian's office. We have deferred taking the matter up in the Judiciary Committee because of some information to the effect that Mr. McCarl, the Comptroller General, has delegated—I do not know what authority he has—a number of employees under his jurisdiction to go over the accounts of the Alien Property Custodian. I was wondering whether that matter had come to the attention of the committee when they were considering the appropriation for a continuance of this organization.

Mr. WARREN. The Senator has probably noticed that there is a reduction from $188,000 to $130,000 in the appropriation for the Alien Property Custodian's office.

Mr. KING. Evidently the question of the investigation and the authority by which it is being carried on and its effects were not considered by the committee.

Mr. WARREN. That matter was not before us.

Mr. KING. And, therefore, it will be unnecessary for me to continue the inquiry.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "American Battle Monuments Commission," on page 5, line 3, after the word "commission," to strike out the comma and "as authorized by law," and at the beginning of line 12, to strike out "$2,500" and insert "$5,000," so as to read:

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the act entitled "An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said act without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes; employment of personal services in the District of Columbia and elsewhere; the transportation of, mileage of, reimbursement of actual travel expenses or per diem in lieu thereof to the personnel engaged upon the work of the commission; the reimbursement of actual travel expenses (not exceeding $8 per day) or per diem in lieu thereof (not exceeding $7 per day) to, and the transportation of the members of the commission while engaged upon the work of the commission; the establishment of offices and the rent of office space in foreign countries; the purchase of motor-propelled passenger-carrying vehicles for the official use of the commission and its personnel in foreign countries, at a total cost of not to exceed $5,000; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, which may be furnished to the commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting; the purchase of maps, textbooks, newspapers, and periodicals, $800,000.

The amendment was agreed to.

The next amendment was, on page 6, line 2, after the word "that," to strike out "without reference to the requirements of existing laws or regulations, the commission may employ, by contract or otherwise, professional and technical personnel, and may make contracts for work in Europe," and insert "notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the commission may in its discretion deem necessary and proper, the commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel," so as to make the further proviso read:

Provided further, That notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the commission may in its discretion deem necessary and proper, the commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel.

The amendment was agreed to.

The next amendment was, under the heading "Board of Tax Appeals," on page 7, line 17, after the word "supplies," to strike out "$428,616" and insert "of which $13,888.64 shall be immediately available, $594,224.64"; and in line 19, after the word "exceed," to strike out "$256,640" and insert "$422,248.64," so as to read:

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under Title IX, section 900, of the revenue act of 1924, approved June 2, 1924, including personal services and contract stenographic reporting services, rent at the seat of government and elsewhere, traveling expenses, necessary expenses for subsistence or per diem in lieu of subsistence, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, of which $13,888.64 shall be immediately available, $594,224.64, of which amount not to exceed $422,248.64 may be expended for personal services in the District of Columbia.

The PRESIDING OFFICER. The Chair will suggest that apparently there is a clerical error on page 7, line 17.

Mr. SMOOT. Mr. President, I was going to call attention to the fact that there is apparently a clerical error at the point indicated, and I ask unanimous consent that that error may be corrected at the desk.

The PRESIDING OFFICER. The Clerk will read the amendment with the clerical error corrected.

The Chief Clerk proceeded to read as follows:

Of which $13,888.64 shall be immediately available.

Mr. WARREN. I call the attention of the Senator from Utah to the fact that I think he is in error. I will ask that the reading be suspended for a moment.

Mr. SMOOT. Mr. President, the object of the amendment I know was to make $13,888.64 immediately available. I thought perhaps, it would be better to have it read "$594,224.64, of which $13,888.64 shall be immediately available," but it is mixed up with the other item there. I think the only way to carry out the idea intended, inasmuch as there are two items there, is to allow it to remain as it is now in the bill in lines 17 and 18, so as to read, "of which $13,888.64 shall be immediately available." I rather think that it is proper in the way in which it appears.

The PRESIDING OFFICER. It will be read as in the text.

Mr. FLETCHER. Mr. President, there is still $100,000 more than is needed.

Mr. SMOOT. That comes about by the increase of the salaries of members of the Board of Tax Appeals as provided in the last revenue bill. The House did not take into consideration the increase of the salaries of members of the board from $7,500 to $10,000 for 16 members instead of seven.

Mr. WARREN. That matter was carefully considered, and time was taken to go over it, and I am sure it is right.

Mr. KING. Mr. President, I do not see how the increase of the salary of members of the Board of Tax Appeals from $7,500 to $100,000 each would change the figures "$256,640" to "$422,248."

Mr. WARREN. The Senator will remember that we also increased the number of employees under the law.

Mr. KING. No; there was no increase in the number.

Mr. WARREN. Then perhaps the Senator can tell me how many there are?

Mr. KING. There are 16 members of the Board of Tax Appeals, and the salary of each was increased from $7,500 to $10,000 by the last revenue bill.

Mr. WARREN. I send to the desk a document dealing with this subject, which I ask to have read.

Mr. KING. I will not ask for an explanation of the matter; I will listen to the document, and see what it says.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Chief Clerk read as follows:

BUREAU OF THE BUDGET,
Washington, February 27, 1926.

SIR: I have the honor to submit herewith for your consideration, and upon your approval, for transmission to Congress, a supplemental estimate of appropriation for the Board of Tax Appeals for the fiscal year ending June 30, 1927, amounting to $165,608.64, as follows:

Salaries and expenses, Board of Tax Appeals: For salaries, Board of Tax Appeals, $165,608.64, of which not to exceed $13,888.64 shall be immediately available	$165,608.64

The revenue act of 1926, approved February 26, 1926, increases the salaries of the members of the Board of Tax Appeals from $7,500 to $10,000 per annum and provides for a membership of 16 instead of 7 members during the fiscal year 1927. The Budget for the fiscal year ending June 30, 1927, carries an estimate for seven members only at

$7,500 each per annum. To meet the salaries of the 16 members for the fiscal year 1927 an additional appropriation is required of $107,500.

In addition to this amount the estimate submitted herewith provides for additional personnel to meet the new duties and responsibilities devolving upon the Tax Appeals Board under the revenue act of 1926, including one secretary for each of the nine additional members of the board, as follows:

	Number	Salary
Clerical, administrative, and fiscal:		
Grade 10, $3,300 to $3,900; average, $3,600—Administrative officer	1	$3,600
Grade 6, $2,100 to $2,700; average, $2,400—Principal clerk	1	2,400
Grade 5, $1,860 to $2,400; average, $2,100—		
Senior accounting and auditing assistant	1	2,100
Secretaries	9	18,900
Grade 4, $1,680 to $2,040; average, $1,860—Stenographers	3	5,040
Grade 3, $1,500 to $1,860; average, $1,680—Assistant clerk	1	1,680
Grade 2, $1,320 to $1,680; average, $1,500—		
Typists	5	7,500
Junior clerks	2	3,000
Total	23	44,220

Further provision is made in the estimate for $13,888.64, to be immediately available, to cover the difference in pay between $7,500 and $10,000 of the 16 members of the Tax Appeals Board from February 26 to June 30, 1926.

This estimate of appropriation is required to meet a contingency resulting from legislation enacted since the submission of the Budgets for the fiscal years 1926 and 1927, and its approval is recommended.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

Mr. WARREN. Mr. President, I will say to the Senator from Utah that the number of the judges themselves is not increased, but we are paying some shortages as well as for the current needs. In the first place, we must appropriate for the next year; then we must also appropriate for the increase in salary for the balance of the present year; and taking it all together the amount figures up correctly, I think, and the statement shows the figures we have to be correct.

Mr. SMOOT. The Senator is correct in saying that there was an increase, from this fact: The act of 1924 provided that after June 30, 1926, there should be only seven members on that board; but the act of 1926, just passed, provided that there should be 16 members. The Budget sent up the estimate for only the seven members, and the House passed it; so we had to provide for the difference between 7 members, at $7,500, and 16 members, at $10,000.

Mr. WARREN. Did not the new revenue bill provide for leaving the door open for the increased number?

Mr. SMOOT. No; the old law up until this year provided for 16, when they were to be decreased to 7, but the Treasury Department never appointed less than 16.

Mr. WARREN. Of course, the Senator from Utah knows there is that difference to cover.

Mr. SMOOT. Yes.

Mr. KING. Mr. President, in my judgment, this appropriation is entirely too much, as are many of the appropriations which are carried in these bills which come before us for consideration.

We started out with the Board of Tax Appeals with the understanding that at the end of the year, as stated by my colleague, the number was to be seven and no more. Seven, or at the most 12, for two years, would have been all that were necessary; but the rule is, when you get anybody into office, that you never can legislate him out. The President of the United States had named 16, and 16 became a mystic, a sacred number; and therefore we must perpetuate 16 officials in office, though the greater part of them had been unimportant employees in the bureau and were lifted up bodily from clerkships, where they were getting $3,000, or perhaps $4,000, a year—a few of them $5,000—to judges now with salaries of $10,000 each.

That is the way the Government does its business. It creates a little nucleus, and that nucleus, like the cancer, spreads until it is a national malady, and we must have more offices; and when we create one man who is a judge or a head of a bureau he must have an assistant and secretaries and clerks and typists and stenographers, all down the line.

There are judges of many of the supreme courts of the Union, where they have litigation of the highest importance, who are satisfied if they can have a stenographer or a typist to aid them in the discharge of their duties. I heard hastily read the statement about the typists and the clerks and the secretaries. I will venture the assertion that this bill carries provision for a personnel of at least 50 as attendants and appendages to these 16 judges. We lift up out of the department 16 young men—a few we gathered from the outside, but most of them had been in the department—and we label them judges of the Board of Tax Appeals, with salaries of $10,000 each. Then, of course, when they wear the ermine, when they reach the high dignity of a judge, they must have secretaries and clerks and typists and all of the paraphernalia that belonged to a great court in an imperialistic country.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. The Senator forgets that that is in entire accord with the Budget economy of this administration.

Mr. KING. Yes; Mr. President. The Budget economy at the end of the fiscal year 1927, for which we are appropriating, after the deficits are met, is going to impose upon the people of the United States an appropriation of approximately $5,000,000,000. I shall not, however, enter into a discussion of that, because heretofore I have called attention to the specific items which I thought would make up that stupendous sum; but I do protest against this creation of new offices, and then giving to those officials, some of whom may be necessary, such a cloud of attendants, so many assistants and aids and clerks and so on. I think it is indefensible.

We have created, as stated, 16 judicial positions on the Board of Tax Appeals. The salaries of these judges are $10,000. That is $160,000 a year. For those officials to function we have appropriated $594,224.64. I think it is indefensible; and if General Lord and the Budget approved of this appropriation, I think they failed in the discharge of their duties. The complaint I have made, Mr. President—and I have made it to General Lord and to his assistant, as I have made it upon the floor of the Senate—is that the Budget Bureau is too prodigal, too generous, too extravagant, too wasteful in the funds which it certifies may come within the presidential conception of economical administration.

If I thought it would do any good—but I know it would not—I should move to reduce this amount to not more than $300,000, and I think that is all that ought to be appropriated for this new organization. Next year it will be more, and the following year still more, just like all of these organizations. We get one barnacle fastened upon the Federal Government and it multiplies, just as mosquitos breed upon stagnant pools; and the Government is becoming a stagnant pool to breed mosquitos, which in turn breed others to suck the blood out of the taxpayers of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the hearing "Bureau of Efficiency," on page 8, line 9, after the word "exceed," to strike out "$146,460" and insert "$205,540," so as to read:

For chief of bureau and other personal services in the District of Columbia in accordance with the classification act of 1923; contingent expenses, including traveling expenses; per diem in lieu of subsistence; supplies; stationery; purchase and exchange of equipment; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $150 for street-car fare; in all $210,000, of which amount not to exceed $205,540 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, we have heard a great deal of talk about the economy that is being practiced by the present administration. We are told, and the newspapers carry the story almost daily, that the President has accomplished something wonderful in compelling Congress to reduce appropriations. This is alleged to be the one outstanding triumph of the Coolidge administration.

I note that the appropriations for 1927 carried in this bill, the independent offices appropriation bill, exceed the appropriations for the same purposes for 1926 by $60,296,917.64, and I would like to have the chairman of the committee explain how this enormous increase in one small general appropriation bill, an increase of more than $60,000,000, as I have stated, supports the contention that the administration is practicing commendable economy.

Mr. WARREN. Mr. President, I think perhaps when we have finished the consideration of the bill, after seeing where these various items of expenditure occur, we can tell better why the total of the bill is greater than it was last year. There are several items in the bill, like the one debated to some extent a while ago—that is, the appropriation for the Board of Tax Appeals, in which I think we are all interested, except some who did not have incomes large enough to make them pay any tax. But I do not believe that was a partisan matter at all. It was the will of Congress that we should establish this Board of Tax Appeals, that we should provide them with the necessary help, and that we should pay the members of the board $10,000 instead of $7,500. Legislation of that kind presents to us the alternative of obeying the law and making the appropriations, or not providing the appropriation.

Mr. ROBINSON of Arkansas. I hope the Senator from Wyoming does not construe my remarks to be a criticism of him or of the Appropriations Committee.

Mr. WARREN. No; I do not.

Mr. ROBINSON of Arkansas. I pointed out the fact that the administration boasts that it is giving the country a wonderfully economical service. It is about the only thing that even the supporters of the administration ever say in justification of it.

Mr. WARREN. The Senator does not object to economical administration?

Mr. ROBINSON of Arkansas. No, but I am pointing out the fact that the pretense of those in authority that they are giving the country an economical administration is apparent when it is disclosed that in one single appropriation bill—the independent offices appropriation bill—the amount carried for the year 1927 exceeds the amount appropriated for the same purpose in 1926 by more than $60,000,000.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the fact that including the deficiency appropriations already made, General Lord's statement as to the amount of appropriations to be made for the current fiscal year was in error by something like $500,000,000.

Mr. ROBINSON of Arkansas. Was that all?

Mr. McKELLAR. It is something like $500,000,000.

Mr. ROBINSON of Arkansas. A mere matter of $60,000,000 or $500,000,000 amounts to nothing when it comes to estimates and to economy practiced by this administration.

Mr. McKELLAR. These are actual figures. They show that General Lord is mistaken about the amounts appropriated to the extent of something like $500,000,000. I see the Senator from Utah looking at me. I am quite sure he will confirm the statement that as to the actual appropriations, including the deficiencies, for the present fiscal year, not counting those to be made hereafter—because we will have other deficiencies—the statement made by General Lord, Chief of the Budget, this Budget, which makes so for economy, according to the reports of our friends on the other side, is wrong by $500,000,000.

Mr. SMOOT. Every year there are deficiencies. In fact, I never knew a year, since I have been in the Senate, when there was not a deficiency appropriation bill as soon as we met, and in nearly every case there have been three of them during the session of Congress.

Mr. McKELLAR. If I may interrupt the Senator, not often do we find them in the immense proportions of those of this year. My recollection is that the deficiencies amount to something like $400,000,000 this year.

Mr. SMOOT. We often find that, and I want to say to the Senator that if General Lord had sent to the Congress estimates for what had been asked for originally, and Congress had complied, we not only would have appropriated what we did in the deficiency appropriation bills but it would have been twice that amount.

Mr. McKELLAR. The Senator will recall the fact that the last Congress appropriated $161,000,000 less than the estimates of General Lord, approved by the President and sent to Congress. In other words, the Senator will recall, from the statements that were made both by the majority of the Committee on Appropriations of the Senate and the majority of the Committee on Appropriations of the House, that the appropriations actually made by the wicked and extravagant Congress were $161,000,000 less than was recommended by the President and the Chief of the Budget. Yet it is broadcast to the country that the President and the Chief of the Budget are tremendously interested in securing economies for the American people, while the wicked Congress is putting everything in their way. The facts do not justify such statements.

Mr. SMOOT. General Lord, the Director of the Budget, as well as President Coolidge, are doing everything in their power to reduce the expenses of maintaining the Government; and if Congress had appropriated the $161,000,000 spoken of, we would not have had to appropriate $400,000,000 here in deficiency appropriation bills at the opening of the next Congress.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. COUZENS. The Senator's last statement is an answer to the question I was just about to ask. It is absolutely futile for the Congress to reduce the Budget, because, as he has stated, it comes back with a deficiency bill which we must pass. I think it is all folly to spend any time on appropriation bills, when whatever we cut out must be later taken care of in a deficiency bill.

Mr. McKELLAR. If the Senator will just yield to me for a moment; $150,000,000, the Senator will recall, was contained in an item of appropriation for public buildings, and it did not go through. Yet that item is not in the deficiency appropriation bill. That is yet to come.

Mr. SMOOT. That was not included in the appropriations of last year.

Mr. McKELLAR. Yes; it was. We had a special communication from the President and the Chief of the Budget recommending it.

Mr. SMOOT. Then I misunderstood what the Senator said. There was no appropriation made for the buildings program last year at all.

I know the situation pretty thoroughly. I know that the expenses of the Government have been cut to the bone. I can not see, as I have said a number of times, where the expenses of the Government can possibly be cut in the future. With the amount of demands that are made upon the Government, the appropriations will not be less, until in some way or other we can reduce the interest paid upon our obligations, or can reduce the four hundred and some odd million dollars appropriated for the Veteran's Bureau; and in my opinion that will never be.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a statement?

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. We can not reduce appropriations until we diminish the army that is constantly advancing on Washington with measured tread and deadening battle cry, demanding appropriations for every purpose on this earth. The Senator from Utah is skilled in matters of national finance. I sometimes think he is a magician when it comes to making figures reflect facts to suit his own will. I would like to have him explain how the increase of more than $60,000,000 in this one comparatively small appropriation bill is consistent with the boast we daily hear, that the administration has rendered the country a great service by practicing economy in all the departments of the Government.

The truth of the matter is that the expenses of the Government are constantly growing, not only for the reasons stated by the Senator from Utah a moment ago, but for the further and far more important reason that demands for appropriations are constantly increasing. They are coming from every source, and one of the greatest dangers to this country is the practice of associating an appropriation with legislation which has the effect of changing long-established and well-recognized policies of government. It is possible to get a measure passed to accomplish almost any end, if we provide an appropriation out of the Federal Treasury to accomplish it. But the point of the whole matter is that it is a waste of words, it is an act of insincerity, for anyone to claim that the Government is being administered in an economical way, to whomsoever the fault for extravagance may be due.

Mr. SMOOT. I want to say to the Senator from Arkansas that there is a good deal of truth in what he has said, and I agree with him thoroughly. As to the increase in this appropriation bill—it is not $60,000,000, however; it is $60,561——

Mr. ROBINSON of Arkansas. Oh, no. I said a while ago that the Senator from Utah was a magician when it comes to making figures reflect his will.

Mr. SMOOT. I thought the Senator said the estimate——

Mr. ROBINSON of Arkansas. No; I do not see how the Senator could have misunderstood me. What I have said—and I have said it so many times that it is incomprehensible to me how anybody, even the Senator from Utah, could have misunderstood me—was that the report accompanying this bill showed that the appropriations under the independent offices appropriation bill for the fiscal year 1927 exceed by $60,000,000 and more the appropriations for the same purposes in 1926, and that that was not consistent with the claim generally advanced by supporters of the administration that the Government is being economically administered.

Mr. NORRIS. If the Senator will yield, he prefaced his remarks by a very great compliment to the Senator from Utah, among other things calling him a magician. Now he should

not complain if, right after heaping those beautiful compliments on the Senator, the Senator from Utah should misunderstand what he said.

Mr. ROBINSON of Arkansas. I do not complain.

Mr. SMOOT. I will say to the Senator from Nebraska that there is such a thing as misunderstanding a man's statement.

Mr. NORRIS. But the Senator from Arkansas was complaining that he could not have misunderstood. I agree with the Senator from Utah that he did misunderstand.

Mr. SMOOT. The $60,000,000 is very easily explained, and I know that the Senator from Arkansas would not vote against it if his attention were called to it.

Mr. ROBINSON of Arkansas. I am not complaining about the appropriation. I am just pointing out the fact that you are not doing what you said you were doing.

Mr. OVERMAN. It appears on every appropriation bill.

Mr. ROBINSON of Arkansas. It appears in connection with every appropriation bill. I have said that there are reasons for it. The Senator from Utah stated some of them, and I think I have stated some myself. But the truth of the matter is that the Government of the United States is growing more and more expensive to the people of this country every day during the administration of Calvin Coolidge, President of the United States.

Mr. SMOOT. The chairman of the committee wants to explain it, and I will let him do so.

Mr. WARREN. The Senator from Arkansas will find that the report shows that the actual increase in the bill is only $50,106,000. That is the amount the Senator stated, less the amounts that are subtracted. These large amounts are made up in this way, and I will refer to just a few of them. There is the United States Veterans' Bureau item, which is $57,265,000 more this year than last year because of some laws that were enacted during the war about insurance, and so forth, and the expenditure has increased to that sum.

Mr. ROBINSON of Arkansas. I have not complained about it. I have merely pointed out the fact that the pretext or the claim that the Government is being economically administered is not substantiated by the facts.

Mr. WARREN. I think the Senator will admit that the appropriations are proper, whether they are more or less.

Mr. ROBINSON of Arkansas. I have not questioned that fact. I have not the slightest doubt that next year the independent offices appropriation bill will carry a much larger sum than it carries this year, and that will be justified upon the same principle that we justify the increase this year over the amount carried last year. I do not seem to be able to make clear my proposition. The point of it is that when the Senator says he is cutting down expenditures, he is doing nothing of the kind. He is yielding to the apparently irresistible pressure to constantly increase Federal expenditures.

Mr. WARREN. There is also $60,000,000 of adjusted compensation. I assume from what the Senator said that he does not wish me to proceed with the information. The items are all accounted for in similar manner.

Mr. ROBINSON of Arkansas. I did not say anything about the Senator not proceeding. I am perfectly willing that he shall make all the explanation he desires.

Mr. OVERMAN. There is one item I would like to mention.

Mr. ROBINSON of Arkansas. My point is that the bill is largely in excess of the amount carried last year. The same is true of all the general appropriation bills. Instead of cutting down Government expenses, the Senator is constantly yielding to pressure to augment them.

Mr. OVERMAN. There is an item for the Board of Tax Appeals which is increased $165,608,000. That is an enormous increase.

Mr. SMOOT. Then why did the Senate and House enact the law requiring the expenditure?

Mr. OVERMAN. Because the Finance Committee recommended it.

Mr. SMOOT. Of course we did. The President had nothing whatever to do with it. He did not recommend it at all.

Mr. OVERMAN. That is an example of the Senator's economy.

Mr. SMOOT. No, it is not altogether mine. It is the economy of Congress.

Mr. FLETCHER. What I can not understand is why we have increased the members of the board at all.

Mr. SMOOT. The Senator was not here when we explained the matter before. Under the act providing for the fiscal year 1924, and this is the fiscal year 1927 for which we are appropriating, the number of judges on the board of appeals was reduced to seven, and the Budget estimated for seven only; but when the Congress passed the revenue law the number was increased to 15. Not only was the number increased to 15, but we increased the salaries from $7,500 for seven judges to $10,000 each for 15 judges. Congress enacted that law. The Senator knows very well there were only seven judges previously. Previously there was not the number of clerks, there was not the furniture, nor were there the expenses generally.

Mr. OVERMAN. And now the number has been increased and the board is greatly increased.

Mr. SMOOT. We have done just what Congress said and nothing more. If Congress keeps on enacting laws, sending them to the President of the United States, and in that way making them effective, we must appropriate under those laws, no matter how hard it may be or how burdensome the increase may fall upon the taxpayer.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Employees' Compensation Commission," on page 11, line 22, to strike out "$129,040" and insert "$132,540," so as to make the paragraph read:

Salaries: For three commissioners and other personal services in the District of Columbia in accordance with the classification act of 1923, including not to exceed $1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding $8 per day, $132,540.

The amendment was agreed to.

The next amendment was, under the heading "Federal Board for Vocational Education," on page 14, line 1, after the word "periodicals," to insert "payment in advance for subscriptions to newspapers not to exceed $50 per annum," so as to make the paragraph read:

For the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by the act of June 2, 1920, as amended by the act of June 5, 1924, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, payment in advance for subscriptions to newspapers not to exceed $50 per annum, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, $73,620, of which amount not to exceed $56,680 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to insert:

FEDERAL OIL CONSERVATION BOARD

The appropriation of $50,000 made in the first deficiency act, approved January 20, 1925, for the "Federal Oil Conservation Board, 1925 and 1926," shall remain available until June 30, 1927.

Mr. McKELLAR. Mr. President, may I ask the chairman of the committee if the Federal Oil Conservation Board is a board established by any law?

Mr. WARREN. Oh, yes. The only difference is that they did not use very much money last year, and we are reappropriating for them what they failed to use last year.

Mr. McKELLAR. I do not recall any act establishing the Federal Oil Conservation Board. I was wondering whether it was an executive bureau established by the Executive alone or whether it was established by Congress. Is it not true that it was established by the Executive himself?

Mr. WARREN. It was established by Congress all right, but behind it are some of the heads of the departments. They are members of the commission in a way. I will give the Senator the information a little later.

Mr. FLETCHER. I would like to inquire of the chairman of the Committee on Appropriations as to the number of independent offices, bureaus, boards, and commissions. Have the committee in their possession a list of the various offices? I would like to know how many there are of the commissions, boards, bureaus, and independent offices.

Mr. WARREN. This bill is very much like the old sundry civil bill, the omnium gatherum of different things that have no relation to each other. They are the different bureaus and commissions not included in the regular annual bills for the 7 or 8 or 10 departments. This bill takes in something from nearly all of the departments.

Mr. FLETCHER. I understand the purpose of the bill and what it covers, but I would like to know how many commis-

sions and bureaus and boards we have independent of the departments.

Mr. SMOOT. Independent establishments?

Mr. FLETCHER. Yes.

Mr. SMOOT. I think there are about 16 or 17 of them.

Mr. FLETCHER. Does that include commissions as well as bureaus?

Mr. SMOOT. I mean commissions, bureaus, and independent establishments, as they are called. There are 16 or 17 of them. In the reorganization of the departments, which, of course, failed—and I doubt very much whether it will succeed in the future—there were shown at least this number. There are at least that many.

Mr. FLETCHER. I thought perhaps there were more.

Mr. SMOOT. If anything, there are more.

Mr. FLETCHER. Each one of them has to have an appropriation for offices and clerks and stenographers and help and all that sort of thing.

Mr. SMOOT. That is true; but they have all been created by the Congress.

Mr. FLETCHER. We seem to be able to create these bureaus, but never to get rid of them. We ought eventually to get rid of those that we do not absolutely need.

Mr. SMOOT. That is a suggestion worthy of consideration. However, the Congress creates them, of course.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Utah a question. The Senator said these bureaus are all created by Congress. As I recall it, the Federal oil conservation board was not created by Congress.

Mr. SMOOT. The Senator from Florida was speaking of the independent establishments.

Mr. McKELLAR. That is an independent establishment covered in an item in this bill.

Mr. SMOOT. But it is not an independent establishment.

Mr. McKELLAR. It is so treated in this bill.

Mr. SMOOT. Of course, there is an appropriation for it.

Mr. McKELLAR. What I want to know, if the Senator can tell us, is when the law was enacted that authorized the creation of the Federal Oil Conservation Board. My recollection is that the President appointed the board and then asked for a deficiency appropriation to pay the members of it, and that it has never been constituted by Congress. I doubt very much whether it ought to be included in this bill at all. I doubt very much whether we have the right to appropriate unless Congress has enacted a law creating the board.

Mr. SMOOT. I do not recall just when it was and how it was, but I can find it for the Senator in a little while.

Mr. McKELLAR. I have sent for the act, but it has not yet reached my desk. I will ask that the amendment may be passed over for a moment until I get the information. My recollection is that it was first mentioned in a deficiency appropriation bill of last year in an item of $50,000, and this is a reappropriation of that sum.

Mr. SMOOT. Let the amendment go over until the Senator gets the information.

The PRESIDING OFFICER. The amendment will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Smithsonian Institution," on page 26, line 12, after the word "expenses," to strike out "$45,760" and insert "$46,260," and in line 13, after the word "exceed," to strike out "$23,500" and insert "$23,833," so as to make the paragraph read:

International exchanges: For the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including necessary employees, purchase of books and periodicals, and traveling expenses, $46,260, of which amount not to exceed $23,833 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert:

For the construction of a steel gallery over the west end of the main hall of the Smithsonian building, for the Division of Plants, $12,500.

The amendment was agreed to.

Mr. McKELLAR. I now have the act to which I referred a moment ago with reference to the Federal Oil Conservation Board. It is just as I expected. In the urgent deficiency act approved January 20, 1925, under the head of "Federal Oil Conservation Board," it was enacted as follows:

For expenses of the Federal Oil Conservation Board, convened by the President on December 18, 1924, and for each purpose connected therewith, to be expended at the discretion of the chairman of the board and to remain available until June 30, 1926, $50,000.

The Senator was in error when he said that we were merely making appropriations under acts authorized by the Congress.

Mr. SMOOT. I think yet there was an authoriaztion before the President ever appointed the members of the board.

Mr. McKELLAR. No; that was the board created under Executive order, and I think the Senator is mistaken.

Mr. SMOOT. That is not what the Senator said at all.

Mr. McKELLAR. Oh, yes.

Mr. SMOOT. No; the Senator from Florida asked the Senator from Utah how many independent establishments there were.

Mr. McKELLAR. I am not talking about that.

Mr. SMOOT. That is what I was talking about. I said the appropriations were made because of the fact that every independent establishment was created by act of Congress. This board is not an establishment.

Mr. McKELLAR. This particular one was not, but I want to ask the Senator in reference to it. He is well versed in these matters and I am sure he can tell me who are the members of the Federal Oil Conservation Board and how much of this appropriation they have spent.

Mr. FLETCHER. Is it a permanent board?

Mr. McKELLAR. No; it is a board convened by the President.

Mr. WARREN. I have here the Budget report if the Senator desires to see it.

Mr. McKELLAR. Let us have the clerk read it and see what it says.

The VICE PRESIDENT. The clerk will read as requested.

The legislative clerk read as follows:

BUREAU OF THE BUDGET,
Washington, February 26, 1926.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, a draft of proposed legislation affecting the existing appropriation of $50,000 for expenses of the Federal Oil Conservation Board made by the first deficiency act of January 20, 1925 (43 Stat. 754).

"FEDERAL OIL CONSERVATION BOARD, 1925–26

"The appropriation of $50,000 made by the first deficiency act of January 20, 1925 (43 Stat. 754), for the expenses of the Federal Oil Conservation Board, fiscal years 1925 and 1926, shall remain available until June 30, 1927."

Up to the present time, by utilizing means available in the executive departments, it has been practicable to avoid expending any portion of this appropriation, and it is believed that only a nominal amount will be disbursed prior to June 30, 1926. As it is your desire that the board continue to function during the ensuing fiscal year, it will be necessary to obtain legislation extending the availability of the appropriation. The estimate herewith is for that purpose and its approval is recommended.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

Mr. McKELLAR. It does not say who they are. I wonder if anyone knows who they are, what they are doing, and why we should reappropriate $50,000 if none was used last year. In accordance with the report furnished by the chief of the Budget Bureau, apparently, it is merely reappropriated without any specific use.

Mr. WARREN. Mr. President, the expectation is that it will be necessary. It is one of those situations—and that is why it is very acceptable for us to consider it—where, although there could have been men employed spending the money for the sake of spending it last year, there seemed to be no necessity for spending it, and none was used; but the desirability of the appropriation is evidently recognized, because it is budgeted here by General Lord in the usual way.

Mr. McKELLAR. I do not think we ought to appropriate this money when the sum appropriated last year was not used, when there is apparently no use for it now, and when nobody knows what the board is or what service it has performed. However, I shall not pursue the matter further. Our Republican friends have control of the Government, and if they want to appropriate the people's money in this way it is their matter.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Emergency shipping fund," on page 32, at the end of line 5, to strike out "$18,691,000" and insert "$13,900,000," so as to make the paragraph read:

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1927, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1926, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1926, and then unpaid; (b) $13,900,000; (c) the amount received during the fiscal year ending June 30, 1927, from the operation of ships.

Mr. FLETCHER. Mr. President, I think it would be a mistake to reduce the amount of the appropriation as specified in the bill as it came from the other House, which carried an appropriation for the purpose of operating ships, under the head of "Emergency shipping fund," as follows:

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1927, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1926, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1926, and then unpaid; (b) $18,691,000.

The amendment proposes to reduce the appropriation from $18,691,000 to $13,900,000. Then a little later on—and I think the reason for that is manifest—beginning on line 17 and going to line 23, inclusive, there is a provision for a contingent fund of $10,000,000. However, I regard it as more important that there should be ample provision made under the head to which I am referring than that there should be a $10,000,000 contingent fund. I approve of that provision; I think it is all right to have that provision in the bill. I had rather, if necessary, reduce that appropriation to $5,000,000 and restore the $5,000,000 to the other fund, as carried in the bill as it came from the House. I had rather not reduce the amount of $18,691,000 to $13,900,000. I would rather do away with the other provision, beginning in line 17, providing the contingent fund of $10,000,000, than to reduce the amount under this paragraph to $13,900,000, and for these reasons:

Mr. President, in the first place, we ought to keep in mind the importance of maintaining an American merchant marine. That has been a fixed policy of the Government. It is emphasized in the shipping act originally, and in the merchant marine act of 1920 it is further emphasized. In the act of 1920, section 7 provides:

That the board is authorized and directed to investigate and determine as promptly as possible after the enactment of this act and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, district, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service.

That is what we specified in the legislation giving authority and making it the duty of the Shipping Board and the Emergency Fleet Corporation to establish lines and routes that will meet our commercial needs in foreign trade and maintain those services.

To do that there having come a slump not only in the United States but the world over in shipping since 1920, which has continued more or less down to to-day, we must bear some losses in the operation of our ships. We have not hesitated to say that we were sustaining losses; in fact, for some years back we have boasted of it, apparently. It has been shrieked from the housetops that we were losing money in operating the ships. The purpose of doing that was to discredit Government operation, I am quite sure, and to accomplish some ulterior object; but, nevertheless, we have been telling the world for some years past that we were sustaining losses in the operation of these ships and in keeping up our merchant marine.

Congress has accepted that condition and has every time come forward with the necessary appropriation. Congress has, in fact, said to the Shipping Board and to the world, "We intend to meet these losses cheerfully and fully, because we intend to create, establish, build up, and maintain an adequate merchant marine for the United States. That is what we have said over and over again. We have never hesitated to make the necessary appropriations to keep up these ships and maintain these services.

Congress realized the importance of having an adequate merchant marine under our flag. The people throughout the country, the agricultural interests, the manufacturing interests, shipping interests, business everywhere, realize that we must have under our flag in the foreign trade ships to take care of our commercial needs and enable us to meet competition by carrying our goods to foreign countries and bringing back to us the goods that we need from other countries without being wholly dependent upon competitors in foreign trade for the delivery of our goods. In pursuance of that policy, for the fiscal year 1924 we appropriated $50,000,000; for the fiscal year 1925 we appropriated $30,000,000 under this very head, under the very paragraph with which we are now dealing; and for the fiscal year 1926 we appropriated $24,000,000.

It is true some of the ships have been withdrawn. At one time we had 1,525 ships owned by the United States Government engaged in the foreign trade and operated by the Emergency Fleet Corporation. Now we have only 268. There has been a 50 per cent reduction during the last 18 months. The whole tendency seems to be to reduce the number of ships in operation, and, of course, the ultimate effect is going to be the abandonment of certain routes and services that are now being provided. That can not be escaped if we keep on reducing the number of ships, taking them out of the service and tieing them up. It is eventually going to reach the point where we will not be able to supply the service that is needed and required by our shippers. I hope that policy is going to be discontinued.

Mr. RANSDELL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Louisiana?

Mr. FLETCHER. I yield.

Mr. RANSDELL. Will the Senator kindly explain, if he can, why this reduction is being made far below the amount appropriated last year and the previous year and the year preceding that? The Senator has given the amount of the previous appropriations. Who recommended this great reduction and why is it being made?

Mr. FLETCHER. My understanding is that Admiral Palmer, when he was president of the fleet corporation, before he retired, recommended for this year an appropriation of $18,000,000, in round numbers. I understand, however, that the Budget Director reduced that to some $13,000,000.

Mr. RANSDELL. Does the Senator mean the admiral recommended an appropriation of $18,691,000?

Mr. FLETCHER. That is my understanding.

Mr. RANSDELL. And the House adopted his recommendation?

Mr. FLETCHER. The House adopted that figure, but I think the Shipping Board was not satisfied with that; they thought they ought to have $24,000,000, but the Budget Director cut it down to $13,000,000.

Mr. RANSDELL. I understand the amount appropriated last year was $34,000,000.

Mr. FLETCHER. No; it was $24,000,000.

Mr. RANSDELL. I understood the Senator to say $34,000,000.

Mr. FLETCHER. No; the appropriation was $30,000,000 in 1925 and $24,000,000 in 1926.

Mr. RANSDELL. I misunderstood the Senator.

Mr. FLETCHER. And the Shipping Board, according to my recollection, although I will not be positive as to their exact recommendation, recommended more than Admiral Palmer suggested.

Mr. WARREN. Oh, no.

Mr. FLETCHER. He did not?

Mr. WARREN. I do not wish to disturb the Senator now, but when he has finished I will make a brief statement.

Mr. FLETCHER. If I am wrong in that I should like to be corrected.

Mr. WARREN. I do not believe Admiral Palmer appeared at all before the Budget or before the committee.

Mr. FLETCHER. I did not say he did. I think his recommendation was made to the Shipping Board. I do not think he made any official recommendation to the Budget or to the committee.

Mr. WARREN. If the Senator would like, I will read a brief extract from the House hearings showing the agreement between Chairman O'Connor and the Director of the Budget:

I have been advised by Chairman O'Connor that the Shipping Board and the Budget Bureau—

This is Captain Crowley, the president of the Fleet Corporation who is speaking:

I have been advised by Chairman O'Connor that the Shipping Board and the Budget Bureau have reached an agreement about the amount of $13,900,000, which is included in the proposed appropriation for the fiscal year 1927, to cover operations of the Fleet

Corporation. I concur in the opinion of the Shipping Board that this amount would not be sufficient to cover the losses of our present services, but we are prepared to proceed with this amount since the Bureau of the Budget has agreed to give consideration to a request for a supplemental appropriation should it become evident during the next fiscal year that such will be necessary.

Then he goes on:

To maintain our present services throughout the fiscal year 1927, it appears at present, would require approximately $18,691,000, but it is, of course, possible that additional lines will be sold and economies effected, which will materially reduce this amount.

The proceeds of the vessels sold, of course, are at the disposal of the Emergency Fleet Corporation or the Shipping Board. Furthermore, I think the Senator knows that I have always joined him in the effort to build up our merchant marine, and have always been liberal in my attitude toward appropriations for that purpose. The $10,000,000 of which the Senator speaks is, however, in my opinion, a very much larger factor than the difference in the appropriation for the other purpose, because it is the insurance, we may say, for the business that may be taken by ships that are purchased from the United States that happen to come back under the mortgages, as some of them do. They will go on and carry on the business under that appropriation. I do not believe we should raise this amount. I think we should carry it as we have it. We took all the evidence we could find; but it was the thought of a Representative, just at the moment the bill was about to pass on the other side, to offer that amendment; and without any further debate than his explanation, part of which I have read, it was adopted and came to us.

Mr. RANSDELL. Mr. President, will the Senator from Florida permit me to ask a question about the $10,000,000?

Mr. FLETCHER. Yes; I yield.

Mr. RANSDELL. Will the Senator from Wyoming kindly tell us why the proviso to this $10,000,000 appropriation was made:

Provided, That no expenditure shall be made from this sum without the prior approval of the President of the United States.

Is that a customary provision in an appropriation bill?

Mr. WARREN. It has been made a great many times in the past. In the present condition of uneasiness, so to speak, between the Emergency Fleet Corporation and the Shipping Board, and so forth, upon whom would the Senator place that responsibility, if not upon the President?

Mr. RANSDELL. I would place it where the law of 1920 places it—on the Shipping Board. I think it belongs to the Shipping Board. I do not see how the President is going to operate in a matter of that kind. He certainly must operate through somebody.

Mr. WARREN. There is quite a little agitation—and I presume the Senator may be conscious of it—in favor of doing away with the Shipping Board. I do not say that the President has any desire of that kind; but there has been a great deal said about it, and it has been proposed to have but one body, the Emergency Fleet Corporation. I take no part in that; but it seems that they are not entirely in harmony.

Mr. RANSDELL. Can the Senator tell me of any other case where a proviso of this kind is inserted in a bill, making an appropriation to a large independent body like the Shipping Board, and then saying that they must spend their money only with the approval of the President?

Mr. WARREN. It may not be in this particular bill, but I do not know what the Senator can have against it.

Mr. RANSDELL. I do not recall any such case. There may be precedents for it, but I do not recall them. When we give money to a department or to an independent organization, we allow them to expend it; but here we say that the President must approve it.

Mr. FLETCHER. Mr. President, what the Senator from Wyoming has read does not conflict at all with the statements I have made with reference to the origin of this appropriation.

My information is—and I state it on information and belief—that Admiral Palmer, when president of the Fleet Corporation, and just before retiring, reported to the Shipping Board recommending $18,000,000 under the head that we are discussing now; that the Shipping Board reported to the Budget Director recommending an appropriation in excess of that amount—at least $20,000,000; perhaps $24,000,000, but at least $20,000,000. I am not quite sure about the amount. The Budget Director reduced that to some $13,000,000.

The statement is made by Chairman O'Connor that perhaps he can get along with this $18,000,000 or $13,000,000, whatever he was dealing with there, with the understanding, however, that there is to be a subsequent recommendation and a subsequent appropriation in case he needs the money. In other words, he is looking ahead; and he has some assurance that if this does not take care of the needs of the Fleet Corporation, he will get further help through a deficiency appropriation later on.

Mr. WARREN. That was the language of the Representative who was offered that addition of $4,000,000. He in turn quoted Mr. O'Connor.

Mr. FLETCHER. I think he quotes from the other people; but, as I say, beginning with the fiscal year 1924 we appropriated $50,000,000; and in 1925, $30,000,000; and in 1926, $24,000,000. We have been gradually reducing this sum; but we ought not to reduce it down to $13,900,000 in this bill. We ought at least to hold what the House gave—$18,691,000. Therefore I am opposed to the amendment changing the $18,691,000 to $13,900,000.

Mr. WARREN. The Senator as he goes along perhaps overlooks the fact that they have all of the income from ships sold that they are constantly offering for sale.

Mr. FLETCHER. I know that. We have always taken that into consideration in the past. I see no reason why we should not provide them with ample funds to maintain these routes and these services, although trade is building, commerce is increasing, shipping is doing better; my understanding is that they are doing fairly well now, and some of these services are actually making a profit. Conditions are improving, and they may not need and probably will not need as much as they had last year, which was $24,000,000; but I am quite sure they are going to need this $18,691,000, and I do not want to cripple them by leaving them in need of funds to maintain these services, which it will be necessary to maintain if we are going to meet the needs of our foreign commerce.

When it comes to the other provision, beginning at line 17—

To enable the United States Shipping Board Emergency Fleet Corporation to operate ships or lines of ships which have been or may be taken back from the purchasers by reason of competition or other methods employed by foreign shipowners or operators, $10,000,000.

I think that is an admirable idea. I think it is well enough for us to serve notice on the world that we propose to maintain this merchant marine; that we propose to operate these ships, let it cost what it will; that if the people to whom we sell, by reason of competition or conferences or agreements or combinations or the operation of "fighting ships" or any other reason are forced out of business and obliged to return the ships to the Shipping Board, the Shipping Board will take them up and will continue that service, no matter what it costs.

It is well to do that. I am in favor of taking that stand firmly; and I am furthermore in favor of saying to the world that so far as Government ownership and operation of these ships is concerned, we propose to exercise our right and our privilege and our power in that regard just as long as we see fit, and we fix no time whatever when the Government is to retire from the operation of ships. Let the world know that. This is an indefinite thing.

When the time comes, eventually, when private owners are willing to come forward and are in position to keep the business in operation, and make our merchant marine safe under our flag on all the seas and through all the ports, well and good; we shall be ready to deal with them; but we are not advertising to the world that the United States is going out of the shipping business and is going to sacrifice or give up its ships.

On the contrary we want to tell them that we propose in every case where we sell ships that if the operators are forced out of business by foreign competitors or tricks or trades or what not, the Government will take those ships and maintain those services at any cost.

That is all right. That provision is fine. It belongs in the bill, but I think it would be wiser for us to make that fund $5,000,000 and not reduce the fund provided for under paragraph (b), which I have just been discussing; keep $18,691,000 for the Fleet Corporation to cover its expenses and its operations, and provide a fund of $5,000,000 to be used in case we have to take back ships after we have sold them.

I do not quite agree with the idea that that proviso is a wise one. I do not know any department or any bureau or any branch of the Government, when we make an appropriation, where we provide that the money shall be spent only with the approval of the President. The President can not run ships. This is the biggest merchant marine of any country in the world except that of England. It has a bigger business than any other four nations of the earth are conducting

to-day, excepting England. This is a tremendous business. The President has too much to do in looking after the things to which it is absolutely necessary for him to attend to give his attention to the operation of ships. Why, he has to have a spokesman for the White House. He is too busy even to give interviews to the newspapers. He has a substitute there. Certainly, when it comes to operating the ships, it is a sin and a shame to put that obligation and that duty on the President and require that none of this money shall be used by the agency created by Congress to conduct this business except with his approval. How is he going to know about it? Why bother the President with that detail? I do not think it belongs in the bill. I think that proviso ought to be stricken out.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

Mr. FLETCHER. I yield to the Senator.

Mr. WARREN. The President is the head of the Budget Bureau, is he not? He is the bureau, in fact.

Mr. McKELLAR. Mr. President——

Mr. FLETCHER. The President is the Commander in Chief of the Army and Navy; but he does not have supervision of all the expenditures of the Army or the Navy.

Mr. WARREN. There are a great many things that have to go to him for final indorsement.

Mr. McKELLAR. Mr. President, the President is not the head of this bureau.

Mr. WARREN. It is a little painful to find, when we undertake to cut down at all our great outgo and our expenses, that almost the first time we attempt to cut down we are met with arguments that, more or less, we shall attack the President and the powers we have given him along other lines.

Mr. FLETCHER. I am not attacking the President. I say we ought not to put on the President this detail, this work. He ought not to be expected to do it. The country does not expect it.

We have created a Shipping Board, charged with this responsibility, and the Shipping Board has been directed by law to form a Fleet Corporation. It acts as a sort of board of directors of this corporation, known as the Fleet Corporation. There is the agency created by Congress. We let them spend $13,900,000 right above here. Why can they not spend $10,000,000, if it is necessary, in addition to that? Why require that the President shall supervise the expenditure of that $10,000,000, any more than that he shall supervise the expenditure of the $13,900,000? There is not a bit more reason for it.

I think, in the first place, we ought not to agree to the committee amendment; and then I think we ought to strike out the proviso with reference to the $10,000,000, and I should be willing to reduce that to $5,000,000 if necessary.

Mr. RANSDELL. Mr. President, will the Senator permit a suggestion?

Mr. FLETCHER. I yield.

Mr. RANSDELL. I understood the Senator from Wyoming to say that he did not like to make an attack on the President. I am sure none of us would like to make an attack on the President; but, in all fairness, can it be said that this proviso is not an attack on the Shipping Board?

Mr. FLETCHER. Certainly it is.

Mr. RANSDELL. The Shipping Board was created by law to handle the funds and run these ships. It was not to be done by the Fleet Corporation. The Shipping Board is the responsible organization created by Congress for that purpose; and here we take out of the hands of the Shipping Board an agency for which it was created and turn it over to the President of the United States. That is an attack on the Shipping Board, but surely it is no attack on the President.

Mr. FLETCHER. I do not mean to say for a minute that the President could not run these ships; but that is not the proposition. The idea is that the President has other things to do, and that he ought not to be expected to attend to details like that. This money ought to go where the other money goes that is appropriated under this bill and put in the charge of the agency that the Congress has created. They are the ones that are responsible for it. As the Senator from Louisiana has said, it is a positive, outright reflection on the Shipping Board to suggest that we have not enough confidence in them to allow them to spend this money if it needs to be spent.

Mr. JONES of Washington. Mr. President, with reference to the last suggestion I want to say to the Senator that the Shipping Board prepared a bill and sent it up for introduction, approved by the chairman of the Shipping Board and other members of the Shipping Board, to create a $15,000,000 fund for the purposes herein specified, and they had in that bill this proviso.

I think the Senator from Florida and I are very much in accord in general with reference to the merchant marine. We are both intensely interested in establishing and maintaining an American merchant marine. I think we will both go the same length to secure a permanent American merchant marine. I think I can join in the statement of the Senator from Florida that we want to advise the world that we propose to maintain ourselves on the sea. I have come to the point where I will vote for any measure, I do not care what it is, that will give us a reasonable assurance that we will have and maintain an American merchant marine. I think that is vital to our prosperity and to our security, and I would not do anything that would give to the world any impression that we propose to give up the sea. Sometimes I become very much discouraged at the situation, at the inactivity of our people, and at their apparent indifference to the merchant-marine problem.

I want to throw out this suggestion that in my judgment the time is nearly at hand when we must take some affirmative step toward insuring a permanent American merchant marine. The ships we are running are wearing out, and they are wearing out rapidly. They are getting old. The important problem now, in my opinion, is the replacement of those ships. I think that within the next year it will be imperative upon this Government to take affirmative steps looking to their replacement.

If it can not be done by offering inducements to private parties which will lead them to invest in the building of ships to run on the existing routes, then it will be necessary for the Government to provide money to build ships to take the places of those ships as they are worn out. Unless we do that in the very near future, in my judgment we will find ourselves back to where we were when the World War broke out, and possibly in an even worse condition.

With reference to the situation which confronts us here, I am satisfied that we ought to maintain the routes we have in operation now. We are selling some of these routes. Several ships and some routes have been sold during the last year. That, of course, will diminish the drain upon the Federal Treasury, as long as those ships are maintained by those who have purchased them. Personally, I am not in full accord with the plan that has been followed in the sale of the ships, but it seems to be an adopted policy, and I do not complain. Most of our sales have been made with a guaranty that the service shall be maintained for five years. I myself do not think that is sufficient. I would rather see the ships sold at a much smaller price, with a satisfactory guaranty that as they wear out they will be replaced by ships equally as good, if not better, and the service maintained, than to get a larger sum of money out of the ships, but with no assurance that they will be maintained and that the service will be kept up for a period longer than five years. But that is the policy that is being followed, and I hope that where these sales are made the lines will be so prosperous that those who have purchased the ships will be warranted in building ships to replace them as they wear out, and thus keep the service going.

I do not want any of the services that are now being maintained to be done away with. I want them kept up, and I believe the Shipping Board is determined to keep them up. I believe that the administration will keep them up; and if the $13,900,000 is not enough to insure that, I am satisfied that Congress will appropriate whatever is necessary to do it. I am satisfied that the estimate will be sent to Congress to keep the ships going. For that reason I am in favor of the provision carrying out the estimate of the Budget.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. McKELLAR. What does the Senator think of the proposal made by the Senator from Florida that $5,000,000 be added to the item on line 5, in addition to the $13,000,000, making the appropriation the same as it was, and striking out the proviso?

Mr. JONES of Washington. I am not in favor of that.

Mr. McKELLAR. Why not?

Mr. JONES of Washington. I will refer to that in a moment. The Budget estimate for the coming year is $13,900,000. I am not in favor of going above that estimate unless there is an imperative need to do so, unless it is clear that it ought to be done. I do not consider Budget estimates as sacred, by any means, but I do not want to exceed them unless there is some strong necessity for it. I do not believe such necessity exists in this case; that is, I feel that if there is a necessity for more money to maintain the routes we now have, to keep the ships running which we have running now, to perform the services we are performing now, the Budget will send an estimate to Congress so that we can accomplish that purpose.

Mr. HEFLIN. Mr. President, just there, if the Senator will permit me, the Senator from Florida pointed out that last year this appropriation was $24,000,000. This year it is provided that they shall receive only $13,000,000, taking off $11,000,000 in one year. Does the Senator think that is fair to this service, and that the money provided is sufficient to keep the ships going until more money can be appropriated?

Mr. JONES of Washington. Yes; this is ample to keep the ships going until Congress meets again, and we can receive an estimate from the Budget, if it is necessary. This $13,900,000 will certainly be enough to run us up to December, beginning with the 1st of July. But we have the assurance here of the Shipping Board people that they have taken this matter up with the Budget, and that the Budget has assured them that if it is necessary to get more money, they will get it. This is what Mr. O'Connor, the present chairman of the Shipping Board, said, as appears on page 457 of the hearings before the House committee:

> The President of the United States, in his 1927 Budget, has recommended the sum of $13,900,000 for the expenses of the Fleet Corporation and the operation of the Government-owned fleet.
>
> In discussing this amount with the Director of the Bureau of the Budget, he has agreed with Commissioner Walsh and myself that if the operating results of the first six months of the fiscal year 1927 show this amount to be inadequate, a supplemental appropriation will be requested. The Shipping Board will do everything in its power to reduce the expenses and operating losses to a minimum.

There is a positive assurance from the Director of the Budget that if the first six months of the fiscal year show the need of more money, he will submit to Congress an estimate for it; and, in my judgment, if such an estimate is submitted, there is no question in the world but that Congress will make the appropriation. So far as my little influence goes, everything I can do to secure such an appropriation will be done, because, as I said, I am just as heartily in favor of maintaining this service as is the Senator from Florida.

Mr. FLETCHER. Mr. President, does the Senator feel that if that condition arises by December we will then be able to get a deficiency appropriation bill through?

Mr. JONES of Washington. Undoubtedly. Here, again, merely confirmatory of what I have already read, is a statement from Captain Crowley, who is at the head of the Fleet Corporation. He said:

> I have been advised by Chairman O'Connor that the Shipping Board and the Budget Bureau have reached an agreement about the amount of $13,900,000, which is included in the proposed appropriation for the fiscal year 1927, to cover operations of the Fleet Corporation. I concur in the opinion of the Shipping Board that this amount would not be sufficient to cover the losses of our present services, but we are prepared to proceed with this amount since the Bureau of the Budget has agreed to give consideration to a request for a supplemental appropriation should it become evident during the next fiscal year that such will be necessary.

I have no doubt in the world that, if it is shown during the first six months of the next fiscal year that we need more money, the estimate will come to Congress for it, and that Congress will promptly give it.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. JONES of Washington. I yield.

Mr. FLETCHER. What I want to feel sure about is that the Shipping Board will not be in position to say, "We must cut this ship out, we must eliminate this route, we must stop this service, because we have not the money to stand the loss."

Mr. JONES of Washington. I do not want to see that, either.

Mr. FLETCHER. I do not want them to be put in a position of or have an excuse for abandoning any of the services that are needed now and are in operation.

Mr. JONES of Washington. I do not, either, and with the assurance that they have from the Director of the Budget, and with the assurance I think they can certainly assume Congress gives them, they will be derelict in their duty if they do it. They state positively that they have been assured by the Director of the Budget that if during the first six months of the next fiscal year—and there can not be any question that this $13,900,000 will last for six months, and possibly longer—they see that they are running short, and they go in ample time to the Director of the Budget, he will send us an estimate; and I am certain they will get the money. If I had any doubt, I would take the position taken by the Senator from Florida, but I do not think there is any question about it.

With reference to this $10,000,000 fund, I am not in favor of cutting that down. I think that is a vital matter. The Shipping Board deemed it so important that they had prepared a bill to provide what we might call a "fighting fund" of $15,000,000. The chairman brought the bill up to me, and I introduced it in the Senate. It was also introduced in the House. But it developed in the debate on that bill in the House that there was no chance for its passage through the House, and because of that fact, very largely, the House voted for the increase in this fund.

The Shipping Board thought $15,000,000 should be provided in this fund. They deem it of vital importanct that they have it. As the Senator from Florida has said, if by intensive competition, no matter by what method, our people who have bought these ships are forced into bankruptcy, so that they will have to turn the ships back to the Government, it is a notice to the world that those who have brought that about will not stop the service by such action, but that the Government will maintain the service, and instead of competing with private parties, they will have to compete with all the power and wealth of the Government.

I think that is of vital importance. I believe that without some such notice of this kind, at least at the end of the five-year period for which we are selling these ships, foreign competition would then force our people into bankruptcy. I consider it of supreme importance that we should create this fund. I think $10,000,000 is not too much; I think $5,000,000 would be too little. We may not have to use a dollar of it, and I hope we will not. I doubt if we will. The mere fact that we have it will be notice to the nations of the world and the shippers of the world that it is to be used for the purpose of defending our own ships from unfair competition, competition designed for the specific purpose of driving them off the sea. If they understand that, they will not resort to any such methods.

It is suggested that this should not be left to the approval of the President. This is a different fund from the operating fund. It is a fund for a specific purpose, aside from the actual care of the ships and their operation.

As I said, it is a fighting fund, it is a defense fund, and I am satisfied that whenever the Shipping Board advised the President that a service which it has established is threatened with destruction because of the competitive methods of foreign shipping and that by reason of the competition ships that have been sold to private parties have come back to the Government and that it is necessary to use a part of the fund to maintain the service, the President would sign the order for it to be so used. I rather think it is a wise thing to put a fund of that character in the control of the President. I think we may depend upon the President to use such a fund in the interest of American commerce and in the interest of an American merchant marine. I am satisfied the President of the United States is just as earnestly in favor of a merchant marine as I am, and that if we place this fund under his control it will be used for the purpose intended, and it will be used effectively and wisely.

For these reasons I believe it is wise for us to adopt the amendment proposed by the committee. If the showing is that we will need more money, I am satisfied that we will get it. By this fund we give notice to our competitors, who can not be criticized for trying to drive our mechant marine off the sea. I do not criticize them for doing it. I admire our competitors for the earnestness with which they maintain their merchant marine. I wish we could get some of their spirit, some of their earnestness, and use their methods to build up and maintain our merchant marine. I am afraid that until we do get something of the kind, until we get what might be termed the shipping spirit, we are not going to get very far in our contest with them; but we notify them by this method that if they use any unfair methods to drive our private people out of the shipping business, they will still have the ships running on a service and backed by the wealth of the United States.

Mr. RANSDELL. Mr. President, I have listened with a great deal of interest to the debate on the pending items. In general, I wish to say that I am in hearty accord with the views expressed by the Senator from Florida [Mr. FLETCHER]. I think that it is quite a concession in the way of economy to reduce the expenditures from $24,000,000 last year, $30,000,000 the previous year, and $50,000,000 the year before that, in attempting to put an American merchant marine on the sea, to $18,691,000 for next year as was done by the House in considering this item. That was a very great reduction. We ought not to proceed more rapidly than that.

I grant that there is a good deal of force in what the chairman of the Appropriations Committee [Mr. WARREN], and the able Senator from Washington [Mr. JONES], have said in arguing that if we need more money we will get it. But, Senators, is not the fact that we reduced this item to $13,900,000 an indication to the Shipping Board that we desire only that sum spent? That is what we appropriate for the next fiscal year,

and when Congress makes a specific appropriation like that, does it not indicate to the Shipping Board, our agency, that that is the sum we desire them to expend, and no more? Of course, Senators, they can not get any other idea from our appropriation. We tell them, "We let you have $24,000,000 last year, but we are cutting you down this year to $13,900,000." That is a formal expression of the Congress that is infinitely more influential, let me say, that an understanding with the Budget officer that if we need more money he will approve our application for more money. Probably he will approve it, but when we say to the Shipping Board, "This is what we give you and no more," it means that we expect them to spend only that sum and it means that they are obliged to cut down their expenditures enormously. It means that they are obliged, if they obey our plain mandate, to cut down on some of the service they have been conducting. No one can get any other idea out of our action in this particular. For that reason I am decidedly in favor of adopting the House provision.

I can not agree with my friend, the able Senator from Florida [Mr. FLETCHER] in his suggestion that we reduce the $10,000,000 item to $5,000,000. I think the Senator from Washington is absolutely right in that particular. It would please me much better if we had followed the suggestion of the Shipping Board and had made that item $15,000,000 for a fighting fund instead of $10,000,000.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I yield.

Mr. FLETCHER. I am afraid the Senator misapprehends my position.

Mr. RANSDELL. Possibly so.

Mr. FLETCHER. I am in favor of keeping the fund as it is, but if it is necessary to give up $5,000,000 of that fund in order to get the House provision retained at $18,000,000, I would prefer that course.

Mr. RANSDELL. I agree with the Senator in that idea. I would much rather have the $18,000,000 above than the $10,000,000 below, but I think we should have both. I think the other item should be made $18,600,000, and the fighting fund should be $10,000,000. I do not think it is too much. I think one of the most important things before the American people is to maintain and build up the American merchant marine, and we ought not to be niggardly. We ought to be generous in order to accomplish that purpose.

Mr. HEFLIN. Mr. President——

Mr. RANSDELL. I yield to the Senator from Alabama.

Mr. HEFLIN. I quite agree with what the Senator is saying. We provided $24,000,000 for this fund last year and instead of dropping off $6,000,000 they have cut off $11,000,000.

Mr. RANSDELL. Yes; practically that.

Mr. HEFLIN. I hope that we can change it back, as the Senator from Florida and the Senator from Louisiana suggest, to $18,000,000.

Mr. JONES of Washington. Mr. President——

Mr. RANSDELL. I yield to the Senator from Washington.

Mr. JONES of Washington. I want to suggest to the Senator that in my judgment if we retain the $18,000,000 we will lose the fighting fund entirely. I do not want to see that happen. I think the fighting fund is a very important thing. I think with the assurance from the Director of the Budget that if the Shipping Board needs more money to maintain this service, an estimate will come down, that we can well afford to rely upon that assurance and get the fighting fund established rather than to get the $18,000,000 with no fighting fund. We will get the $18,000,000 if it is necessary and we will have the fighting fund, too. That, in my judgment, is really the situation.

Mr. WARREN. I may say to the Senator from Louisiana that that is absolutely my information as the Senator has expressed it. I am fully advised that we will have all that is sufficient, $13,000,000 and more, and we will also have the $10,000,000 of insurance, and we are almost sure to lose that if the other item goes through.

Mr. RANSDELL. May I ask the Senator why we are almost sure to lose it? The Senator seems to think we will hold the fighting fund if we leave the other item at $13,900,000. Why does he say we will lose the fighting fund if we restore the item to the amount the House allowed? I can not understand it.

Mr. WARREN. Has the Senator ever served in a conference on an appropriation bill?

Mr. RANSDELL. Oh, yes; I have.

Mr. WARREN. He knows that sometimes matters come up in which we have to surrender.

Mr. RANSDELL. It seems to me we will have the $10,000,000 item if we keep both the $10,000,000 and restore the other to $18,000,000. We would have them in the bill, and if the worst came it seems to me we could adopt the suggestion of the Senator from Florida and cut it down one-half. Certainly we would have the opportunity to compromise. We would have them both in the bill, and it would be a very much better way to go before the country and the world for us to announce here that we are not proposing to reduce and reduce and reduce to what seems to me to be ridiculously small sums the appropriations for American merchant marine. We are going down too fast. I can not give my approval to any such rapid reduction.

Now, with reference to the proviso about the President, I doubt if there is a man in either party who holds the high office of President of the United States in any higher esteem than myself. I regard it as the most important official position of any on earth. I think at the present time it is occupied by a very fine man. But I believe there is a limitation to what a man can do. The office has tremendous duties and responsibilities. I do not think it possible for the President of the United States, with the extremely onerous duties of every kind and sort imposed upon him by the Constitution and the laws of the land, to become a shipping expert, but that is what we have asked of him.

We created a Shipping Board for the purpose of operating the American merchant marine owned by the Nation. We gave it great power. We selected seven fine men as members of the Shipping Board. Why should anyone wish to slap them in the face—because that is what it is—by saying, "Oh, yes, you sold those ships, Mr. Shipping Board, you placed them in the hands of private people, and when the private people can not operate them and you are obliged to take them back, then we will give you a fighting fund of $10,000,000, but you who sold the ships and have taken them back can not use that fighting fund. We will turn that over to the President of the United States." If that is not a slap in the face of the Shipping Board, then I do not understand the plain words of the English language when they are written and printed. That might not be intended, Mr. President and Senators, but it is a fact that that is what it is. For that reason I am opposed to the proviso. I am in favor of the $10,000,000 item. I am in favor of the $18,000,000 item, and I wish it were more. I wish it were every dollar that the Shipping Board said was necessary.

Mr. GLASS. Mr. President, on this side of the Chamber we spent nearly, if not quite, an hour earlier in the day in deriding our adversaries on the other side of the Chamber for presenting an appropriation bill here that carried $60,000,000 greater appropriations than the similar bill carried last year. Now, we have spent a little more than an hour on this side of the Chamber trying to induce our adversaries on the other side to make the appropriation $65,000,000 instead of $60,000,000.

Mr. McKELLAR. Mr. President, if the Senator from Virginia will yield to me, I desire to say that I do not think that is the purpose of anyone. We desire, as I understood the Senator from Florida [Mr. FLETCHER]—certainly that was my understanding—to take $5,000,000 from the appropriation carried in line 21, on page 32, of the bill, and transfer it back to the appropriation in line 5, on the same page, not changing the aggregate amount of the appropriation at all.

Mr. GLASS. Oh, no; it was proposed to increase the appropriation $5,000,000.

Mr. McKELLAR. Oh, no.

Mr. FLETCHER. No. The appropriation is already carried in the House bill. It is proposed by the Senate committee to reduce the appropriation in line 5, on page 32, $5,000,000.

Mr. GLASS. I know it is proposed to reduce it $5,000,000, and under that reduction we have appropriations here in the independent offices bill, which involve an expenditure of $60,000,000 more than the similar bill carried last year. We spent an hour here in deriding our friends on the other side of the Chamber for their extravagance, and now we have spent more than an hour inviting them to assist us in increasing the bill $5,000,000 more. Not only that, but one of my colleagues here has lamented that it is not very much more than that. So it does not seem to me that that is a very consistent attitude for Senators on this side of the Chamber to occupy.

With respect to the proviso, the Senator from Louisiana [Mr. RANSDELL] insists that it is a slap in the face of the Shipping Board. As a matter of fact, the Shipping Board itself prepared that provision of the bill, and if it is a slap it has slapped itself. That is just about the amount of that.

As to the fighting fund, I approved it in committee; at least, I voted for it, and I have been very much impressed by the argument in favor of it, particularly the argument made here

to-day by the Senator from Florida [Mr. FLETCHER], and made with even greater emphasis by the Senator from the State of Washington [Mr. JONES]. Yet there are two sides to that proposition.

While it is notice, perhaps, to foreign governments that this Government is not disposed quietly to see the American merchant marine driven from the seas by sharp competition—I would not say unfair competition, for open competition is fair—it is also notice to those who may buy our ships that they are engaging in the business not at their own risk but at the risk of the Government, and that when they adventure upon this enterprise they may be assured that the Government will take the ships back whenever they say so.

Mr. SMOOT. They would lose their initial payment, however.

Mr. GLASS. Oh, yes; but they will not make as consummate an effort to be successful in the business if the Government is taking the risk as they would make if they were compelled to take the risk. Nevertheless, I am so anxious to have an American merchant marine established that I approved that proposition in the committee, but I can not get my consent to increase the appropriation $5,000,000 when the committee had the assurance that $13,000,000 might be all that would be required, and that should it prove inadequate the Shipping Board would come to Congress and request a supplement to the fund. Why should we suggest, if not insure, an extravagant use of Government funds by appropriating more than the Shipping Board have stated it actually needs? It may be that is the reason that appropriations continue to rise and rise and rise.

I do not understand that the distinguished Senator from Arkansas [Mr. ROBINSON] was criticizing the administration for a lack of economy. He was simply commenting on its unwarranted boast of reducing public expenditures, and to that extent and in the moderate way in which he did it I approve. It is the Congress that frequently raises these appropriations. We are trying to do it right now. We are trying to expend $5,000,000, which the Shipping Board itself has stated it may not require. For one, I shall not vote to do it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. FLETCHER. Mr. President, just one moment. Of course, the Shipping Board would not spend this money if they did not need it; they are not obliged to spend it even if it shall be appropriated for them. However, I wish to put into the RECORD a statement which appeared in a recent publication—I do not recall the name of the publication now, but it is of the issue of March 26—by the chairman of the board of the Manchester Liners (Ltd.), a shipping corporation operating ships out of Manchester, England, showing the division of the day's earnings all through the year.

Out of 365 days, 5 days' freight earnings were absorbed "for overhead expenses, etc., management, taxation, and interest on capital." The freight earnings for the other 360 days go for other necessary expenses. The statement shows that they are carrying freight now 3,000 miles, from the United States to England, for 10 cents a bushel. Just imagine what the charges would be if we were dependent upon foreign ships to move that freight. At one time it will be recalled the freight went to 50 cents a bushel in 1914 on wheat. That only emphasizes the importance of maintaining our merchant marine.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from Florida will be inserted in the RECORD.

The matter referred to is as follows:

OCEAN TRANSPORTATION MARCH, 1925

We have published several times statements given out by railroad companies showing the distribution of gross earnings by percentages to the several chief items of their expenditures, including dividends, and the remainder, if any, carried to surplus. They all show that the capital charges are a relatively small factor in rail transportation. Below is given a similar showing of the distribution of the earnings of a steamship company.

The Manchester Liners (Ltd.) is a shipping corporation operating ships out of Manchester, England. The report of the chairman of the board, submitted at the annual meeting or shareholders recently, contained the following analysis and also an interesting statement of the charge for carrying wheat across the Atlantic:

"As a matter of interest, I have had taken out some statistics showing exactly how the gross earnings of the steamers engaged in the Canadian and United States trades have been absorbed, and it may serve a useful purpose to quote these statistics:

	Days
Freight earnings absorbed by port charges	36
Freight earnings absorbed by cost of stevedoring	115
Freight earnings absorbed by wages, etc	41
Freight earnings absorbed by provisions and stores	19
Freight earnings absorbed by insurance and claims	30
Freight earnings absorbed by repairs, maintenance, commissions, brokerage, and advertising	35
Freight earnings absorbed by fuel	58
Freight earnings absorbed by depreciation at 5 per cent on written-down value of vessels	26
	360
Freight earnings for overhead expenses, etc., management, taxation, and interest on capital	5
	365

"It can not be too strongly emphasized that the freight on our imports and exports represents a very small fraction of the c. i. f. value. Although I have mentioned it before, and am therefore incurring the charge of repetition, I would again remark that we are carrying our principal import of wheat from the United States and Canada, a distance of about 3,000 miles, to this country to-day at a figure of about one-third of 1 farthing per pound (one-sixth of a cent per pound, or 10 cents per bushel)."

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on page 32, line 5, to strike out "$18,691,000" and insert "$13,900,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 32, after line 16, to insert:

To enable the United States Shipping Board Emergency Fleet Corporation to operate ships or lines of ships which have been or may be taken back from the purchasers by reason of competition or other methods employed by foreign shipowners or operators, $10,000,000: *Provided*, That no expenditure shall be made from this sum without the prior approval of the President of the United States.

The amendment was agreed to.

The next amendment was, on page 39, line 24, after the word "grade," to insert "except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate," so as to read:

SEC. 2. In expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. The Chair is informed that the amendment on page 14, beginning in line 9, was stated but not agreed to.

Mr. WARREN. Mr. President, that amendment will be taken up and considered to-morrow morning. I present now the amendment which I send to the desk, and after that shall have been acted on I will let the bill go over until to-morrow morning.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 7, line 6, after the word "expended," it is proposed to insert the following:

: *Provided*, That the act approved February 24, 1925, shall be construed as authorizing the expenditure, by authority of the Arlington Memorial Bridge Commission, of such portion as said commission shall determine, of this or any other appropriation heretofore or hereafter made to carry out said project, for the employment, at such compensation and allowances, and on such tems as said commission shall decide, of expert consultants, engineers, architects, sculptors or artists, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon this project, in accordance with the usual customs of their several professions, without regard to the restrictions of law governing the employment, salaries, or traveling expenses of regular employees of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

CONSIDERATION OF BRIDGE BILLS

Mr. JONES of Washington obtained the floor.

Mr. BINGHAM. Mr. President, will the Senator yield to me for a moment?

Mr. JONES of Washington. I yield to the Senator from Connecticut.

Mr. BINGHAM. I ask unanimous consent at this time, out of order, to report favorably from the Committee on Commerce, each with an amendment, sundry bills authorizing the construction of bridges in Tennessee, and I submit a report on each bill. I desire also to ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bills will be received.

The bills reported by Mr. BINGHAM from the Committee on Commerce are as follows:

A bill (S. 3193) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn. (Rept. No. 380);

A bill (S. 3194) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn. (Rept. No. 381);

A bill (S. 3195) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in Loudon County, Tenn. (Rept. No. 382);

A bill (S. 3196) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Savannah-Selmer road in Hardin County, Tenn. (Rept. No. 383); and

A bill (S. 3197) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Decatur County, Tenn. (Rept. No. 384).

Mr. BINGHAM. I now ask unanimous consent for the immediate consideration of the bills. I will say for the benefit of Senators that the bills all relate to bridges in the State of Tennessee in which the Senators from that State are interested. They grant to the highway department of the State of Tennessee the right to construct the bridges.

Mr. McKELLAR. Mr. President, I ask whether they are the five bills that were introduced by my colleague, the junior Senator from Tennessee [Mr. TYSON], and myself authorizing the State highway department to construct certain bridges?

Mr. BINGHAM. I will say to the Senator that those are the bills which I have just reported.

Mr. McKELLAR. Very well.

Mr. BINGHAM. Each bill has a formal amendment which has been adopted as to all similar bills, providing that the Secretary of War and the Chief of Engineers shall pass on the ability of the bridge to carry the weight and volume of traffic which may pass over it.

Mr. McKELLAR. I thank the Senator for reporting them.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut for the present consideration of the bills referred to by him? The Chair hears none.

TENNESSEE RIVER BRIDGE ON WAVERLY-CAMDEN ROAD, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3193) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn., which had been reported from the Committee on Commerce with an amendment on page 1, line 11, after the numerals "1906," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Waverly-Camden road in Humphreys and Benton Counties in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, JACKSON COUNTY, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3194) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road, in Jackson County, Tenn., which had been reported from the Committee on Commerce with an amendment, on page 2, line 2, after the numerals "1906" to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation on the Gainesboro-Red Boiling Springs road, in Jackson County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, LOUDON COUNTY, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3195) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in Loudon County, Tenn., which had been reported from the Committee on Commerce with an amendment, on page 2, line 2, after the numerals "1906," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Lenoir City-Sweetwater road in Loudon County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, HARDIN COUNTY, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3196) granting the consent of Congress to the highway department of the State of Tennessee to con-

truct a bridge across the Tennessee River on the Savannah-Selmer road in Hardin County, Tenn., which had been reported from the committee with an amendment, on page 2, line 2, after the numerals "1906," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Savannah-Selmer road in Hardin County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE IN DECATUR COUNTY, TENN.

The Senate, as Committee of the Whole, proceeded to consider the bill (S. 3197) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Decatur County, Tenn., which had been reported from the Committee on Commerce with an amendment on page 2, line 2, after the numerals "1906," to insert a colon and the following proviso: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation on the Linden-Lexington road in Decatur County in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also satisfactory from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day, it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Tuesday, March 16, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 15, 1926

COMMISSIONER OF IMMIGRATION

Benjamin M. Day, of New York, commissioner of immigration at the port of New York.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

CAVALRY

Second Lieut. John Laing De Pew, Air Service, with rank from June 12, 1925.

Second Lieut. Theodore Anderson Baldwin, 3d, Air Service, with rank from June 12, 1925.

FIELD ARTILLERY

Second Lieut. Wiley Thomas Moore, Air Service, with rank from June 12, 1925.

Second Lieut. Raymond Cecil Conder, Air Service, with rank from June 12, 1925.

Second Lieut. Russell Thomas Finn, Air Service, with rank from June 12, 1925.

PROMOTION IN THE REGULAR ARMY

TO BE CAPTAIN

First Lieut. John Calvin Sandlin, Infantry, from March 6, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 1926

POSTMASTERS

OREGON

Henry N. Tohl, Nehalem.

TENNESSEE

Roberta J. Tatum, Alamo.
Harreitt L. Lappin, Monteagle.
Laura W. Malone, Alexandria.
William D. Howser, Clarksville.
Joe R. Taylor, Etowah.
George B. Beaver, McMinnville.

TEXAS

Clarence Walters, Alice.
Dibrel G. Melton, Allen.
Fred P. Ingerson, Barstow.
Napoleon B. Warner, Bells.
Benno B. Volkening, Bellville.
Oscar Hunt, Canyon.
Dave C. Dodge, Claude.
Benjamin F. Robey, Coleman.
Oria V. Sieber, Crosbyton.
Annie B. Causey, Doucette.
Okey B. Cline, Emory.
Simon J. Enochs, Georgetown.
Charles L. Long, Graham.
William E. Shields, Grand Saline.
Joe C. Hailey, Hughes Springs.
Elroy L. McCord, Katy.
Herman H. Duncan, Kaufman.
Maggie R. Hopkins, Lone Oak.
Ora R. Porterfield, Lott.
Isidore Newman, Mexia.
William H. Everitt, North Pleasanton.
Horace H. Watson, Orange.
John W. Neese, Pflugerville.
Hermon R. Ivie, Point.
Charles L. Wiebusch, Riesel.
Warner W. McNaron, Rotan.
Ora L. Griggs, Sanatorium.
Maggie Exum, Shamrock.
Homer B. Young, Shiro.
Layfitte T. Perateaux, Spring.
Mamie Dyer, Tolar.
Walter M. Hudson, Weatherford.
Emanuel T. Teller, Westhoff.
Peter J. Sherman, Whitney.
Leeander M. Gilbreath, Winnsboro.
Tom Hargrove, Woodsboro.
William B. Lee, Wortham.

VIRGINIA

W. Frank Bowman, Altavista.
Harry Fulwiler, Buchanan.
Walter C. Stout, Cumberland.
Robert B. Rouzie, Tappahannock.
Bruce L. Showalter, Weyers Cave.

HOUSE OF REPRESENTATIVES

MONDAY, *March 15, 1926*

The House met at 12 o'clock, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, worthy of all adoration, before whom the angelic hosts lift their voices in eternal praise, we pause. Blessing, honor, and glory belongeth unto Thee by infinite right. We lay our supplications at Thy feet. Again, in the hollow of Thy hand we have found our refuge. We therefore praise Thee. Fulfill in us the purpose of Thy will and enable us to stand fast in the glorious liberty of those who fear nothing, save to offend Thee and to wrong their own souls. Thy laws are holy; Thy ways are just. May we accept them through the ministry of Thy spirit and may we allow nothing to dim the truth. Give discernment, that we may know that the lovers of righteousness are destined to conquer the forces of evil. In Thy solemn presence may we rededicate ourselves to righteous duty, righteous authority, and above all to a righteous God, and Thine shall be the glory forever. Amen.

The Journal of the proceedings of Saturday, March 13, 1926, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House of Representatives was requested.

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics;

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States and for other purposes; and

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in claims which the Crow Tribe of Indians may have against the United States and for other purposes.

PRESIDENT'S MESSAGE—WORLD'S POULTRY CONGRESS AT OTTAWA

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending legislation by Congress authorizing an appropriation of $20,000, or so much thereof as may be necessary, to enable the participating and installation of a suitable national exhibit at the Third World's Poultry Congress, to be held at Ottawa, Canada, in July, 1927, in accordance with a request by the Secretary of Agriculture, a copy of whose letter is attached to the report of the Secretary of State.

I share in the view of the Secretary of Agriculture and the Secretary of State that participation by the United States in this World's Poultry Congress would be in the public interest, and I recommend that the appropriation be authorized and granted.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 13, 1926.*

FREE PUBLIC LIBRARY, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," insist on the House amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill S. 2673, insist on the House amendments, and agree to the conference asked for by the Senate.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I understand there are only two matters in conference. One is as to the disposal of funds, to turn them immediately into the Treasury, instead of having them in the hands of the board for expenditure. As to that I do not think there is any great difficulty.

The other has to do with the free use of books by citizens of Maryland and Virginia. The House has indicated quite a firm attitude on those matters. Can the gentleman from Maryland give to the House any idea of the attitude of the conferees? His own personal attitude, naturally, would be in sympathy with his constituents. But that is not the attitude of the House. Before we send the matter to conference we ought to have some assurance that the attitude of the House shall be represented rather than the personal inclination of the gentleman himself or his constituents.

Mr. ZIHLMAN. There are really four amendments to the bill. I offered three of them myself. Of course, I am in favor of those.

Mr. CRAMTON. This exception it is that I am speaking about.

Mr. ZIHLMAN. Of course, as a conferee I would be bound by the decision of the House. I have not discussed the matter with other members of the House conference committee or with the members of the Senate conference committee.

Mr. CRAMTON. I recognize the responsibility of the conferees, and would not seek to bind their expression further than to the extent that the gentleman has already gone.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Maryland if he would agree that no important amendments of the House shall be turned down in conference before he would agree to it, and that he will bring the report back to the House for consideration?

Mr. ZIHLMAN. As a conferee, I would support the House amendments.

Mr. CRAMTON. It will take a majority of the conferees of the House to agree to an amendment.

Mr. BLANTON. Suppose there should be only two conferees serving on the part of the House, as is frequently the case?

Mr. CRAMTON. It would take two of them, a majority of the House conferees voting, to secure an agreement.

Mr. TILSON. Mr. Speaker, I hope the gentleman will not insist on an arrangement of that sort. It would be tying the hands of the conferees.

Mr. BLANTON. It should be understood that the two principal amendments should not be voted out without an understanding.

Mr. ZIHLMAN. Any agreement that might be reached would have necessarily to be reported back to the House for its approval.

Mr. BLANTON. I shall not insist.

The SPEAKER. Is there objection?

There was no objection; and the Chair appointed as conferees on the part of the House Mr. ZIHLMAN, Mr. KELLER, and Mr. BLANTON.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5043. An act granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia;

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes;

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam; and

H. J. Res. 197. House joint resolution to regulate the expenditure of the appropriation for Government participation in the National Sesquicentennial Exposition.

RADIO COMMUNICATION

The SPEAKER. When the House adjourned on Saturday the previous question had been ordered on the bill (H. R. 9971) for the regulation of radio communications, and for other purposes, and all amendments to final passage. Is a separate vote demanded on any amendment?

Mr. LEHLBACH. Mr. Speaker, I ask for a separate vote on the so-called Blanton amendment, the amendment dealing with slander.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WINGO. Mr. Speaker, as I understand it, that is the amendment which creates 48 different Federal offenses on the slander proposition.

Mr. LEHLBACH. That is the amendment; yes.

The SPEAKER. If a separate vote is not demanded on any other amendment, the Chair will put the other amendments en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. BLANTON. Mr. Speaker, by reason of the interpolation the amendment might be misunderstood. May we have it again reported so that the membership will understand it?

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 16, line 20, after the word "corporation," strike out the period and insert a colon and add the following: "*Provided*, That any person who, over any radio, shall, affecting the character and standing of another, use derogatory language, which, under the laws of any State into which such language is transmitted constitutes (a) slander or (b) libel were such language in writing, shall constitute (1) the offense of criminal slander, which may be prosecuted either in the State from which such language was broadcast, or in any State into which such language was transmitted, and upon conviction, said offender shall be punished by a fine of not less than $100 and not more than $1,000 or by confinement in jail for a term not less than 30 days and not more than one year, or by both such fine and imprisonment; and (2) civil slander, for which the person aggrieved may make the offender respond in appropriate damages, under the measure of damages prevailing in such State."

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 46, noes 102.

Mr. BLANTON. Mr. Speaker, I object to the vote, and make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-five Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 57, nays 287, not voting 87, as follows:

[Roll No. 48]

YEAS—57

Allgood	Frear	Lankford	Sinclair
Blanton	Funk	Lazaro	Smithwick
Briggs	Gardner, Ind.	McClintic	Spearing
Browning	Gasque	McSweeney	Steagall
Carter, Okla.	Gilbert	Major	Taylor, W. Va.
Clague	Green, Fla.	Mansfield	Thomas
Collier	Greenwood	Martin, La.	Vinson, Ky.
Collins	Hare	Moore, Ky.	Weaver
Cooper, Wis.	Hastings	Oldfield	Wefald
Crisp	Hudspeth	Rankin	Whittington
Davis	James	Rouse	Williams, Tex.
Dominick	Johnson, Ky.	Rubey	Wilson, La.
Eslick	Kerr	Sanders, Tex.	
Evans	Ketcham	Sandlin	
Fletcher	Kirk	Shallenberger	

NAYS—287

Ackerman	Chalmers	Garrett, Tenn.	Knutson
Adkins	Chindblom	Garrett, Tex.	Kopp
Allen	Christopherson	Gibson	Kunz
Almon	Cole	Gifford	Kurtz
Andresen	Colton	Glynn	LaGuardia
Andrew	Connally, Tex.	Golder	Lampert
Appleby	Connolly, Pa.	Goldsborough	Lanham
Arentz	Cooper, Ohio	Goodwin	Larsen
Arnold	Cox	Gorman	Lea, Calif.
Aswell	Coyle	Green, Iowa	Leatherwood
Ayres	Cramton	Griest	Leavitt
Bachmann	Crosser	Griffin	Lehlbach
Bacon	Crowther	Hadley	Letts
Bailey	Crumpacker	Hale	Lindsay
Bankhead	Curry	Hall, Ind.	Lineberger
Barbour	Darrow	Hall, N. Dak.	Linthicum
Beedy	Davenport	Hammer	Little
Beers	Davey	Hardy	Lozier
Begg	Deal	Hawley	Luce
Bell	Denison	Hayden	Lyon
Berger	Dickinson, Iowa	Hersey	McDuffie
Bixler	Dickinson, Mo.	Hickey	McFadden
Black, N. Y.	Doughton	Hill, Ala.	McKeown
Black, Tex.	Dowell	Hill, Md.	McLaughlin, Mich.
Bland	Drane	Hill, Wash.	McLaughlin, Nebr.
Bloom	Driver	Hoch	McMillan
Boies	Dyer	Hogg	McReynolds
Bowles	Eaton	Holaday	McSwain
Bowling	Edwards	Hooper	MacGregor
Bowman	Elliott	Houston	Madden
Box	Ellis	Howard	Magee, N. Y.
Boylan	Fairchild	Huddleston	Magrady
Brand, Ga.	Faust	Hull, Tenn.	Manlove
Brand, Ohio	Fenn	Irwin	Mapes
Brigham	Fish	Jacobstein	Martin, Mass.
Browne	Fisher	Jeffers	Menges
Brumm	Fitzgerald, Roy G.	Johnson, Ill.	Michaelson
Buchanan	Fitzgerald, W. T.	Johnson, Ind.	Michener
Bulwinkle	Fort	Johnson, Tex.	Miller
Burdick	Free	Johnson, Wash.	Milligan
Burtness	Freeman	Jones	Montague
Burton	French	Kahn	Montgomery
Busby	Frothingham	Kearns	Mooney
Butler	Fuller	Keller	Moore, Ohio
Byrns	Fulmer	Kelly	Moore, Va.
Campbell	Furlow	Kemp	Morehead
Cannon	Gambrill	Kendall	Morgan
Carss	Garber	Kincheloe	Morrow
Carter, Calif.	Garner, Tex.	King	Nelson, Me.
Nelson, Mo.	Robsion, Ky.	Strong, Kans.	Vinson, Ga.
Nelson, Wis.	Rogers	Summers, Wash.	Voigt
Newton, Mo.	Romjue	Swank	Wainwright
O'Connell, N. Y.	Rowbottom	Sweet	Walters
O'Connell, R. I.	Rutherford	Swing	Warren
Oliver, Ala.	Sabath	Taber	Watres
Patterson	Sanders, N. Y.	Taylor, Colo.	Watson
Peery	Schafer	Taylor, N. J.	Welsh
Perkins	Schneider	Temple	Wheeler
Porter	Scott	Thatcher	White, Me.
Pou	Sears, Nebr.	Thompson	Whitehead
Prall	Seger	Thurston	Williams, Ill.
Pratt	Shreve	Tillman	Williamson
Purnell	Simmons	Tilson	Wilson, Miss.
Quayle	Sinnott	Timberlake	Wingo
Quin	Smith	Tolley	Winter
Ragon	Somers, N. Y.	Treadway	Wolverton
Rainey	Speaks	Underhill	Woodruff
Ramseyer	Sproul, Kans.	Underwood	Wright
Ransley	Stalker	Updike	Wurzbach
Rayburn	Stedman	Vaile	Wyant
Reed, Ark.	Stephens	Vestal	Zihlman
Reed, N. Y.	Stobbs	Vincent, Mich.	

NOT VOTING—87

Abernethy	Esterly	Mead	Sproul, Ill.
Aldrich	Flaherty	Merritt	Stevenson
Anthony	Foss	Mills	Strong, Pa.
Auf der Heide	Fredericks	Morin	Strother
Bacharach	Gallivan	Murphy	Sullivan
Barkley	Graham	Newton, Minn.	Sumners, Tex.
Beck	Harrison	Norton	Swartz
Britten	Haugen	O'Connor, La.	Swoope
Canfield	Hawes	O'Connor, N. Y.	Taylor, Tenn.
Carew	Hudson	Oliver, N. Y.	Tincher
Carpenter	Hull, Morton D.	Parker	Tinkham
Celler	Hull, William E.	Parks	Tucker
Chapman	Jenkins	Peavey	Tydings
Cleary	Johnson, S. Dak.	Perlman	Upshaw
Connery	Kiefner	Phillips	Vare
Corning	Kiess	Rathbone	Wason
Cullen	Kindred	Reece	Weller
Dempsey	Kvale	Reid, Ill.	White, Kans.
Dickstein	Lee, Ga.	Robinson, Iowa	Wood
Douglass	Lowrey	Sears, Fla.	Woodrum
Doyle	McLeod	Snell	Yates
Drewry	Magee, Pa.	Sosnowski	

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Reid of Illinois with Mr. Stevenson.
Mr. Graham with Mr. Gallivan.
Mr. Kiefner with Mr. Mead.
Mr. Vare with Mr. Woodrum.
Mr. Mills with Mr. Sullivan.
Mr. Snell with Mr. Barkley.
Mr. Rathbone with Mr. Carew.
Mr. Carpenter with Mr. Parks.
Mr. Bacharach with Mr. Connery.
Mr. Wood with Mr. Douglass.
Mr. Esterly with Mr. Kindred.
Mr. Aldrich with Mrs. Norton.
Mr. Strong of Pennsylvania with Mr. O'Connor of Louisiana.
Mr. Johnson of South Dakota with Mr. Tydings.
Mr. Sosnowski with Mr. Chapman.
Mr. Sproul of Illinois with Mr. Tucker.
Mr. Kiess with Mr. Sumners of Texas.
Mr. Perlman with Mr. Abernethy.
Mr. Parker with Mr. Upshaw.
Mr. Swoope with Mr. Celler.
Mr. Wason with Mr. Cullen.
Mr. Yates with Mr. Kvale.
Mr. Merritt with Mr. Oliver of New York.
Mr. Jenkins with Mr. Sears of Florida.
Mr. Hudson with Mr. Weller.
Mr. Flaherty with Mr. Corning.
Mr. Britten with Mr. Dickstein.
Mr. Dempsey with Mr. Cleary.
Mr. Fredericks with Mr. Lowrey.
Mr. McLeod with Mr. Beck.
Mr. Morin with Mr. Auf der Heide.
Mr. Magee of Pennsylvania with Mr. Doyle.
Mr. Taylor of Tennessee with Mr. Peavey.
Mr. Swartz with Mr. Canfield.
Mr. Phillips with Mr. Drewry.
Mr. Reece with Mr. Harrison.
Mr. Foss with Mr. Lee of Georgia.
Mr. Robinson of Iowa with Mr. O'Connor of New York.

The doors were opened.

The result of the vote was announced as above recorded.

Mr. LEHLBACH. Mr. Speaker, I have been requested to announce on behalf of my colleague, the gentleman from New Jersey, Mr. BACHARACH, that he is unavoidably absent by reason of the serious illness of his mother, and that if he were present he would vote "no" on this amendment and "yea" on the passage of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCOTT. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 218, nays 123, answered "present" 1, not voting 89, as follows:

[Roll No. 49]

YEAS—218

Ackerman	Edwards	Knutson	Sandlin
Adkins	Elliott	Kunz	Scott
Andresen	Ellis	Kurtz	Sears, Nebr.
Andrew	Fairchild	Larsen	Seger
Appleby	Faust	Lazaro	Shreve
Arentz	Fenn	Lea, Calif.	Simmons
Bachmann	Fish	Leatherwood	Sinnott
Bacon	Fitzgerald, Roy G.	Leavitt	Smith
Bailey	Fitzgerald, W. T.	Lehlbach	Smithwick
Barbour	Frear	Letts	Somers, N. Y.
Beedy	Free	Lindsay	Speaks
Beers	Freeman	Lineberger	Spearing
Begg	French	Luce	Sproul, Kans.
Bell	Frothingham	McDuffie	Stalker
Bixler	Fuller	McKeown	Stedman
Black, N. Y.	Funk	McLaughlin, Mich.	Stephens
Black, Tex.	Furlow	McLaughlin, Nebr.	Stobbs
Bland	Gambrill	MacGregor	Summers, Wash.
Bloom	Garber	Madden	Sweet
Boies	Gibson	Magee, N. Y.	Swing
Bowles	Gifford	Magrady	Taber
Bowman	Glynn	Mapes	Temple
Brand, Ga.	Golder	Martin, La.	Thatcher
Brand, Ohio	Goldsborough	Martin, Mass.	Thurston
Briggs	Goodwin	Menges	Tilson
Brigham	Gorman	Michaelson	Timberlake
Brumm	Green, Iowa	Michener	Tolley
Burdick	Griest	Miller	Treadway
Burtness	Hadley	Montague	Underhill
Burton	Hale	Montgomery	Updike
Butler	Hall, Ind.	Mooney	Valle
Campbell	Hall, N. Dak.	Moore, Ohio	Vestal
Carter, Calif.	Hardy	Nelson, Me.	Vincent, Mich.
Chalmers	Hawley	Newton, Minn.	Vinson, Ga.
Chindblom	Hayden	Newton, Mo.	Wainwright
Christopherson	Hersey	O'Connell, N. Y.	Walters
Clague	Hickey	O'Connell, R. I.	Warren
Cole	Hill, Md.	Patterson	Watres
Colton	Hoch	Peery	Watson
Connolly, Pa.	Hogg	Perkins	Weaver
Cooper, Ohio	Holaday	Porter	Wheeler
Cramton	Hooper	Pou	White, Me.
Crisp	Irwin	Prall	Whitehead
Crowther	James	Pratt	Williams, Ill.
Crumpacker	Johnson, Ill.	Purnell	Williamson
Curry	Johnson, Ind.	Quayle	Wilson, La.
Darrow	Johnson, Wash.	Ragon	Winter
Davenport	Kahn	Ramseyer	Wolverton
Denison	Kearns	Ransley	Wood
Dickinson, Iowa	Kelly	Reed, N. Y.	Wright
Doughton	Kemp	Robinson, Iowa	Wurzbach
Dowell	Kendall	Robsion, Ky.	Wyant
Drane	Kerr	Rogers	Zihlman
Dyer	Ketcham	Rowbottom	
Eaton	Kirk	Sanders, N. Y.	

NAYS—123

Allen	Dominick	Kincheloe	Rainey
Allgood	Driver	King	Rankin
Almon	Eslick	Kopp	Rayburn
Arnold	Evans	LaGuardia	Reed, Ark.
Aswell	Fisher	Lampert	Romjue
Ayres	Fletcher	Lanham	Rouse
Bankhead	Fulmer	Lankford	Rubey
Berger	Gardner, Ind.	Linthicum	Rutherford
Blanton	Garner, Tex.	Little	Sabath
Bowling	Garrett, Tenn.	Lozier	Sanders, Tex.
Box	Garrett, Tex.	Lyon	Schafer
Boylan	Gasque	McClintic	Schneider
Browne	Gilbert	McFadden	Shallenberger
Browning	Green, Fla.	McMillan	Sinclair
Buchanan	Greenwood	McReynolds	Steagall
Bulwinkle	Griffin	McSwain	Strong, Kans.
Busby	Hammer	McSweeney	Swank
Byrns	Hare	Major	Taylor, W. Va.
Cannon	Harrison	Manlove	Thomas
Carss	Hastings	Mansfield	Thompson
Carter, Okla.	Hill, Ala.	Milligan	Tillman
Collier	Hill, Wash.	Moore, Ky.	Underwood
Collins	Howard	Moore, Va.	Vinson, Ky.
Connally, Tex.	Huddleston	Morehead	Voigt
Cooper, Wis.	Hudspeth	Morgan	Wefald
Cox	Hull, Tenn.	Morrow	Whittington
Crosser	Jeffers	Nelson, Mo.	Williams, Tex.
Davey	Johnson, Ky.	Nelson, Wis.	Wilson, Miss.
Davis	Johnson, Tex.	Oldfield	Wingo
Deal	Jones	Oliver, Ala.	Woodruff
Dickinson, Mo.	Keller	Quin	

ANSWERED "PRESENT"—1

Fort

NOT VOTING—89

Abernethy	Dickstein	Kiefner	Peavey
Aldrich	Douglass	Kiess	Perlman
Anthony	Doyle	Kindred	Phillips
Auf der Heide	Drewry	Kvale	Rathbone
Bacharach	Esterly	Lee, Ga.	Reece
Barkley	Flaherty	Lowrey	Reid, Ill.
Beck	Foss	McLeod	Sears, Fla.
Britten	Fredericks	Magee, Pa.	Snell
Canfield	Gallivan	Mead	Sosnowski
Carew	Graham	Merritt	Sproul, Ill.
Carpenter	Haugen	Mills	Stevenson
Celler	Hawes	Morin	Strong, Pa.
Chapman	Houston	Murphy	Strother
Cleary	Hudson	Norton	Sullivan
Connery	Hull, Morton D.	O'Connor, La.	Sumners, Tex.
Corning	Hull, William E.	O'Connor, N. Y.	Swartz
Coyle	Jacobstein	Oliver, N. Y.	Swoope
Cullen	Jenkins	Parker	Taylor, Colo.
Dempsey	Johnson, S. Dak.	Parks	Taylor, N. J.
Taylor, Tenn.	Tydings	Weller	Yates
Tincher	Upshaw	Welsh	
Tinkham	Vare	White, Kans.	
Tucker	Wason	Woodrum	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Vare (for) with Mr. Lowrey (against).
Mr. Carpenter (for) with Mr. Woodrum (against).
Mr. Fort (for) with Mr. Doyle (against).
Mr. Drewry (for) with Mr. Upshaw (against).

Until further notice:

Mr. Taylor of New Jersey with Mr. Hawes.
Mr. Magee of Pennsylvania with Mr. Chapman.
Mr. McLeod with Mr. Taylor of Colorado.
Mr. Phillips with Mr. Douglass.
Mr. Anthony with Mr. O'Connor of New York.
Mr. Reid of Illinois with Mr. Stevenson.
Mr. Sosnowski with Mr. Jacobstein.
Mr. Reece with Mr. Parks.
Mr. Welsh with Mr. Beck.

Mr. FORT. Mr. Speaker, I voted, although paired with Mr. DOYLE. I find Mr. DOYLE is not present. I therefore wish to withdraw my vote of "yea" and answer "present."

Mr. SOSNOWSKI. Mr. Speaker, I was absent when my name was called. If I had been present, I would have voted yea.

Mr. McLEOD. Mr. Speaker, I was also out of the room when my name was called. If I had been present, I would have voted yea.

Mr. WELSH. Mr. Speaker, I was out in the hall when my name was called. If I had been present, I would have voted yea.

The result of the vote was announced as above recorded.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed the following orders:

Ordered, That the House of Representatives be requested to return to the Senate the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

Ordered, That the House of Representatives be requested to return to the Senate the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics; to the Committee on the Library.

RUBBER AND COFFEE PRICES

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the rubber investigation by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman's own remarks?

Mr. SHALLENBERGER. Yes; I am a member of that committee.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker, I subscribed to the statement of Mr. RAYBURN, of Texas, and others, but desire to add some observations of my own dealing more directly with rubber and coffee prices.

The Secretary of Commerce, Mr. Hoover, in his opening statement to the committee dealt only with the rubber question. He left the explanation of the so-called controls of other important raw materials to Doctor Klein and various departmental experts. Rubber was very evidently the major subject.

Briefly stated, the Secretary charged the rubber producers in British dominions with restricting production and sale of crude rubber to such an extent that an unfair price for crude rubber was being paid by our manufacturers. The British rubber combinations had already recognized this condition and authorized the release of 100 per cent of their standard production beginning February 1, 1926.

The Secretary states this on page 12 of the hearings, so the investigation by our committee had no effect on the British

release order or the resulting price decline. The Secretary stated the average price of crude rubber for the previous three months was $1.01 with $1.21 as the peak price.

Since the release of 100 per cent of production beginning February 1, the price of crude rubber on the New York market has decreased almost 50 per cent from that quoted by Secretary Hoover.

The price of crude rubber quoted on the rubber exchange at New York for the date of March 13 last, was 59 cents per pound.

The American manufacturers made the so-called British control an excuse for boosting prices of auto tires and other manufactured products in some cases 100 per cent. Their crude rubber did not cost them anything like the price widely advertised as their excuse for unfair price fixing.

In a reply to a letter from Secretary Hoover, I pointed out that the high rubber prices advertised were not paid by rubber manufacturers, that their price holdup was not warranted, and that apparently the Secretary of Commerce did not read carefully the official publications of his own department. Since that letter was written, the Department of Commerce has issued a special document dealing with the rubber investigation. On page 15 of this report appears the statement of Secretary Hoover in which occurs this language:

> You will realize that during 1925 we have imported about $860,000,000 worth of rubber.

Page 50 of the report of the Bureau of Foreign and Domestic Commerce for December, 1925, shows that the number of pounds of rubber imported was 888,000,000 pounds and that it cost the American importers not $860,000,000 but $429,000,000. If it was worth $860,000,000 the importers still owe the British rubber producers a lot of money.

What the Secretary perhaps meant to state was it was worth $860,000,000 to the rubber manufacturers of America because they charged the American consumers a gross price advance of $500,000,000 behind the smoke screen of foreign price controls.

That this was done is evident from facts developed at the hearings. Tires that sold to the public at $27 were advanced to $54. Mr. Firestone's sales in 1925 were $125,000,000, United States Rubber, $206,000,000, Goodyear and Goodrich as much more. Here is a half billion and the other makers of rubber tires easily raise the aggregate amount sold to the public in 1925 to more than a billion dollars.

It is very easy to see that at the tremendous advance in price charged the public, under excuse of high cost of crude rubber, the $430,000,000 worth of rubber that they imported was "worth $860,000,000" to the rubber manufacturers.

The rubber-tire manufacturers did not complain of 36 cents as a fair price to the producers. The evidence showed they agreed to it. The report of the Department of Commerce already referred to shows that the average cost of rubber to importers during 1925 was only 48 cents per pound, and big tire companies did not pay the average price. It is thus clearly shown that rubber did not cost them in excess of 10 cents above the agreed fair price for crude rubber in the Far East.

Ten cents a pound advance over the agreed fair price of 36 cents for crude rubber for the 888,000,000 pounds of rubber imported by American rubber manufacturers in 1925 amounts to an increase of only $88,000,000 in cost. But the manufacturers boosted the cost of their wares to the public $500,000,000. Firestone, Seiberling, and United States Rubber admitted an advance of 50 per cent on a billion dollar sale volume. Robber, robber, where is the rubber robber? Possibly we are trying how not to find him. There's the rub.

Crude rubber is a product from the milk of the rubber tree. The annual statements of the rubber manufacturers clearly reveal who got the milk in the rubber price manipulation in 1925. Net incomes for the year were as follows:

United States Rubber	$17,000,000
Goodrich	15,000,000
Goodyear	14,000,000
Firestone	13,000,000
Fisk	9,000,000

and so on down the list, all showing plainly why 888,000,000 pounds of rubber that only cost them $429,000,000 was "worth $860,000,000" to the rubber manufacturers.

The committee hearings show that the order of the foreign rubber producers releasing 100 per cent of the standard rubber production apparently saved American consumers from a further 20 or 25 per cent gouge by tire manufacturers.

The India Rubber Review, of Akron, Ohio, for December, commenting on the February release, said:

> Many American newspaper correspondents and editors accepted the announcement from London as presaging immediate relief from the rubber famine and lower tire prices. Such published information hurt the American tire industry seriously, for it came at a time when tire manufacturers were contemplating another advance of tire prices and closely followed manufacturers' notices to automobile makers of increases ranging between 20 and 25 per cent on tires for original equipment, effective January 1.

So the stage was all set for another slaughter of the American tire users, but the heartless foreigner stepped in and stopped the killing just before it could be completed.

Note that the "rubber famine" referred to in the above statement was relieved to the extent that rubber prices have already fallen something like 50 per cent.

Satisfactory profits in rubber production in the Philippines or other tropical or subtropical countries by American companies is wholly a question of labor cost. At present the pay of labor on the rubber plantations in Liberia is a shilling a day. Nothing short of coolies or practically peon labor can be had for that dog's price.

The Philippines are still under the American flag. The Filipinos object to the importation of Chinese or Indian coolie labor. Dare those who would force it on the Filipinos, in order that millionaires can make more millions, advocate that such labor be imported for use elsewhere in the Republic?

Australia, New Zealand, Canada, the Philippines, and every country where white men must live by labor strictly exclude coolie labor. The rubber industry will be developed in the Philippines, but it should be by the Filipino farmer himself, as has been done on the thousands of small plantations in the British dominions. They supply the world with rubber. Instead of a few slave-driving plantation-owning absentee millionaires, thousands of small plantations operated by families of home owners will produce American rubber in the Philippines. The committee was informed that the Department of Commerce for commercial reasons had not approved certain loans to citizens of foreign countries.

Refusing credit as a means to compel other countries to abandon trade combinations formed for their own advantage can have only one result. Other nations will furnish the loans and secure the business which always follows such favors. Brazil and Great Britain do not have to beg for credit. They may control the price of rubber and coffee. The world's production of these two commodities is limited. But credit is world-wide. We do not control it. We are rich, but we do not yet own all the money in the world. Nations, like people, trade where their credit is good. Men do not deposit money with the bank that refuses them loans, nor do they trade with the merchant who denies them credit, and nations are simply masses of men, and are therefore moved by the same rules of business.

Instead of playing the part of an international Shylock, we should make new friends and extend our markets by loaning our idle funds to other nationals who are prospective customers and can give good security for the loan. Friendly trade relations can weave a bond of mutual interests between nations so strong that the ambitions of statesmen and warriors will not be able to break it. In denying loans to other nations, we simply lose both business and friends.

And lastly, as the coffee—the Brazilians are charged with extorting an unfair price out of us for coffee. Brazilian coffee is quoted on the New York market to-day at 17 cents per pound. A pound package of coffee in the Washington market this morning was priced to me at 60 cents.

The Brazilian coffee grower labors six months to grow, pick, dry, hull, sack, load, and transport his coffee 2,500 miles, and finally receives 17 cents for his pound of coffee in the New York market. The domestic coffee merchant takes this same coffee, roasts it, grinds it, and puts it in a paper package, and sends it to Washington, and the American housewife is charged 60 cents for the same pound of coffee.

The Brazilian producer labors six months for his 17 cents. The domestic dealer adds 43 cents in six days. Who is roasting the American coffee consumer? Page the coffee price investigators in the Department of Commerce.

Having learned something about rubber and coffee price fixing, if we shall keep on investigating further, we may yet discover what is the matter with the financial condition of the American farmer who buys so freely from American manufacturers.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

MEMORIAL TO THE UNKNOWN SOLDIER

The first business on the Consent Calendar was the resolution (H. J. Res. 83) to authorize the completion of the Memorial to the Unknown Soldier.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Reserving the right to object, Mr. Speaker——

Mr. FISH. Mr. Speaker, I reserve the right to object.

Mr. BLANTON. I would like to state to the gentleman from Massachusetts [Mr. LUCE] I have heard a good deal of comment on the present memorial, and the one thing about it more than anything else that appeals to the people of the United States is its simplicity. I have heard of people showing disrespect there. I have been out there many times. I have carried many of my constituents there at various times, and I have never yet seen anyone approach that memorial who did not do so uncovered.

Everyone who goes out there shows proper respect by uncovering his head when approaching this monument. I do not believe if you were to spend $500,000,000 you could build a monument more appropriate to our unknown dead than the one that now exists there. And those who would show disrespect would do so whatever sum of money you might spend there. What is the use of spending $50,000 more? It is complete now. Will we add anything to the luster of the service of our dead in France, in whose memory this simple monument is now a fitting memorial? I think not. I think that just as it stands now it does honor to our unknown dead. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. In a moment. I hope there will not be any attempt to overdo the thing. I think it is proper not to have any inscription on a memorial to the unknown dead. Every person in the United States who comes to Washington knows immediately when he enters Arlington Cemetery and draws toward the magnificent marble amphitheater that he is approaching the shrine of America's unknown dead. Everyone knows where that shrine is. What is the need of having some expensive shaft erected there? Believing as I do, I object, Mr. Speaker.

Mr. FISH. Will the gentleman withhold his objection?

Mr. BLANTON. I reserve the right to object, if some one wants to discuss the matter.

Mr. MADDEN. Mr. Speaker, I reserve the right to object and would like to address the House for two or three minutes.

Mr. RANKIN. Mr. Speaker, may we have the resolution reported, so we will understand what is before the House?

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON and Mr. FISH reserved the right to object.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater be, and is hereby, authorized and directed to complete the Memorial to the Unknown Soldier at the Arlington Memorial Amphitheater, not to exceed in cost $50,000.

SEC. 2. The design and plans for the memorial shall be subject to the approval of the Joint Committee on the Library, acting with the advice of the Commission of Fine Arts.

Mr. MADDEN. Mr. Speaker, when the unknown soldier was buried in Arlington provision was made for the erection of a monument. This came before the Committee on Appropriations. The Appropriations Committee decided then it would be more dignified to leave the grave of the unknown soldier in the position it now occupies. [Applause.] The expenditure of $50,000, we thought, would add nothing to the glory of the life of the man who lies there representing the unknown buried dead who fought in the great World War. When I went over to England, in walking through Westminster Abbey, what did I find? I found the English unknown soldier buried under the floor of Westminster Abbey with a simple slab over his burial place. What do you find in France? You find the unknown soldier buried there at the foot of the Arc de Triomphe without any other monument than the Arc de Triomphe. What greater monument could be erected to the dead of the great World War than the mere fact that he died for the preservation of his country? [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. And on one side is the magnificent $800,000 marble Arlington Amphitheater and just on the other side is the magnificent Capitol of the Nation.

Mr. MADDEN. Yes. Over in Belgium the unknown soldier who died in the World War on behalf of Belgium lies at the foot of the monument on the bank of the river.

There is no monument erected to him other than the announcement of his death, and no more glory could be done to any man anywhere than to have the privilege of dying in defense of his flag. [Applause.]

Mr. HILL of Maryland. If the gentleman will yield, I want to add that in Rome the unknown soldier is buried at the foot of the steps of the Victor Emanuel Monument that has been there for years.

Mr. BLANTON. Mr. Speaker, I object.

Mr. LUCE. Will the gentleman withhold his objection until I make an explanation?

Mr. BLANTON. In deference to the gentleman from Massachusetts I withhold it, but I intend to make it finally.

Mr. LUCE. I appreciate the great courtesy of the House in allowing this measure to retain its place on the calendar so long. The House will add still further to my gratitude if it will allow me to get the subject off my mind at this time. When the matter came before the House some two months ago the committee had assumed, unwisely, that it was a more or less perfunctory measure, merely authorizing the executive department at its request to finish work evidently uncompleted, and I was not ready then to lay the full information before the House, as I confess I should have been. Since that time I have acquired all the information that is at command, and if I might be permitted to lay this information before the House I think the matter could be disposed of without long debate. If the gentleman from Texas, under the somewhat exceptional circumstances, would permit me to explain, I think the business of the House would be thereby expedited, and I hope the gentleman from Texas will withdraw his objection.

Mr. BLANTON. The gentleman from Massachusetts has an opportunity to unburden his mind under the present circumstances.

Mr. LUCE. If it is the pleasure of the House that I should at once lay the facts before it, I will gladly so do.

When the Memorial Amphitheater was designed, the possibility of occasion for interring there the unknown soldier had not entered the imagination, and therefore no architectural provision was made for such interment. When the occasion came necessarily there had to be quick action, which precluded the possibility of full artistic consideration of the whole matter, and the tomb was left unfinished. The surface evidently was designed to be the base of some sort of structure. That surface at any rate should be replaced, for it is rough, crude, and unsuited to the solemnity of the tomb itself.

When the matter was taken up by the commission in charge, composed of the Secretary of War and the Secretary of the Navy, the architect of the amphitheater was asked to make a suggestion as to how the work on the tomb ought to be completed. He submitted a design wherein he embodied his conception of what would be appropriate to the structure behind. This design met with a reception from the Secretary of War and the Secretary of the Navy which was in complete harmony with the views that have been expressed in the House, to the effect that the simplest of treatment is desirable. That left the question still hanging in the air.

Something should be done, but what should be done is a most difficult matter to determine. After the question first came before the House I went to Arlington and gave it such study as I could. I do not profess to be a connoisseur in matters artistic, but it has been my fortune to see a large number of triumphs of art throughout the world, and perhaps unconsciously I have framed for myself some standards that I could hardly either define or defend, but that shape my own conclusions. These standards lead me to concur absolutely with the gentlemen who have demanded that the treatment should be of the simplest.

I found as I approached the tomb from the amphitheater that I looked down upon a marble construction immediately behind which is a balustrade of a pinkish granite. The amphitheater, the seats, and everything else about it, are of Vermont marble. Why anybody ever conceived the idea of putting a pinkish granite balustrade in front I can not understand. The lack of harmony between the material of the amphitheater and the material of the balustrade must strike unfavorably anybody who goes there with a critical eye.

Then I went down in front of the tomb. You will recall that there is a parapet possibly 15 or 20 feet high. Immediately under the parapet and for some distance in front it is impossible to tell what is behind the balustrade. Go 50 or 100 feet away and you begin to see that something white is there, but you must go 200 feet or so away, to the edge of the plateau, before the top of the tomb becomes visible. Then you see the upper part of this marble tomb with the pinkish granite in front, and the marble amphitheater behind.

The time will come when the approach to this amphitheater will be from the river side. With the completion of the Ar-

lington bridge all of the great processions and most of the visiting public will approach from that side and what is now used at the approach on the southwestern side will become the minor method of access.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Let me first finish my statement. If one stands on the plateau and looks at that parapet, which I think may be of granite, and looks at the balustrade above and then at the whole façade of the amphitheater, he can not fail to have a feeling of disappointment and to understand that the treatment is not harmonious enough, is not dignified enough. I am confident the time will come when this parapet and balustrade will be replaced.

As I say, I make no profession to being a connoisseur in art, have had no training in architecture or in landscape engineering, and it was with very much diffidence that I even suggested a possible treatment of the subject.

I do not know that it will prove acceptable, but I have reason to think that the suggestion is receiving study. Those who are expert in these things are at odds among themselves as to what should be done. It is an exceedingly difficult situation from an architectural point of view; but something ought to be done. Manifestly that something can not best be done by deliberations in a body of this size. The beginning always has to be made in these things by somebody with an artistic conception. Your Committee on the Library hopes it made ample safeguard by proposing that whatever is done shall be subject to three distinct approvals. It must be approved by the Secretary of War and the Secretary of the Navy, who, as we all know, do not proceed in such things without still higher approval; but officially their approval will come first. Secondly, in the bill that we have reported we provide for the approval of the Joint Committee on the Library. It is, of course, not to be expected that men who have devoted themselves to legislative work should contain among their number many who have had the training necessary to adjudicate problems of art; but there happen to be on this committee at least two or three men with some qualifications for passing judgment, and I am quite sure that the dozen men from the Senate and the House who compose the joint committee would respond to the evident temper of the two branches and refuse to permit anything there ornate or flamboyant, out of harmony either with the structure itself or with the purpose of the tomb.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LUCE. May I just finish my statement. Thirdly, there is necessary the approval of the Commission on Fine Arts. I am well aware that the Commission on Fine Arts arouses criticism from time to time, as is inevitable in all things artistic, because there is no other field of human endeavor in which judgments so widely differ and in which at the same time they are so confident, so positive, so dogmatic as in that of art.

It would be out of the question for anybody to submit a design that could meet with unanimous approval, but if you will only examine the membership of the Commission on Fine Arts I think you will find among them some of the men most successful, most eminent, and most distinguished in architecture and those other things that are here involved, men competent as a body to join in judgment. I can not conceive how you can more thoroughly insure that your wishes in this matter shall be carried out than under these three different safeguards—the commission itself, expressing the views of the executive department; the Committee on the Library, which you have created for this purpose; and the Commission on Fine Arts, with which you have supplement the Committee on the Library.

In view of these things, in view of the fact that something should be done, I urge action.

In passing I may also say that, in my judgment, $50,000 is an inaccurate estimate, because no one can tell whether the design that is to be approved will cost $5,000 or a good deal more than $50,000. The limit of appropriation is therefore purely arbitrary and should carry no implication of what will finally be determined upon as necessary.

At present we are at an impasse, we are getting nowhere, and the unfinished condition of the tomb arouses public criticism. The gentleman from Texas [Mr. BLANTON] says that he himself has seen no desecration of the tomb. I am told that only two or three weeks ago, when there was here a convention of men of the greater part of whom we would expect greater consideration and from nearly all of whom we would get greater consideration than this incident would indicate, nevertheless one among their number stood his little daughter on the tomb and tried to take a photograph of her standing there.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Let me finish my statement, please. I am told by those who are at hand there all the time that repeatedly there are attempts to do the same thing; that is, take photographs of visitors standing or sitting on the tomb. I am also told that it is no infrequent thing for thoughtless young people, who have not yet learned the conventions of life, who do not understand their dignity and solemnity in such matters as this, to seat themselves irreverently on the tomb.

Mr. BLANTON. Does the gentleman know that that is true?

Mr. LUCE. I am told so by those who are stationed there.

Mr. BLANTON. Why do they not stop it?

Mr. HILL of Maryland. Why do they not attend to their business and stop it?

Mr. BLANTON. If they are stationed there they surely could not be attending to their business if they do not stop such things.

Mr. LUCE. I am told that there has been much diminution of the desecration since a guard was placed there, but if the gentleman will put himself in the position of one man with a company of 40 or 50 or 60 tourists coming down in a body from the amphitheater, he will understand the difficulty of keeping his eyes upon all of them and securing from every person present due reverence.

Mr. BEGG. Will the gentleman yield to me——

Mr. LUCE. May I just——

Mr. BEGG. I would like to ask the gentleman if he had ascertained from the gentleman from Texas whether or not he is going to object? We have spent 20 minutes on this one bill and have all this calendar to go through.

Mr. HILL of Maryland. If the gentleman does not object, I shall.

Mr. BLANTON. I object.

Mr. BEGG. I wanted the gentleman from Massachusetts to have ample time to finish his statement.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

The next business on the Consent Calendar was the bill (H. R. 3794) granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WYANT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

APPROPRIATION FOR ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a bill I have discussed somewhat with the gentleman from Washington. As I understand, the amendment we have been discussing will be agreeable to him, and with that amendment the bill will be agreeable to me.

Mr. HADLEY. On the understanding that it is a condition precedent I will accept it.

Mr. CRAMTON. It is an amendment with a reimbursable feature.

Mr. HADLEY. That will be satisfactory.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, I want to ask a question. Is this road to be built wholly out of the funds of the United States or part out of State funds and part out of Federal funds? The gentleman appreciates this is an unusual proposition.

Mr. CRAMTON. Because of this let me state, Mr. Speaker, the bill as it stands is unprecedented in building this road from Federal funds. On our last consent day we passed a bill providing for Federal funds for the construction of dikes, or something of that kind, to reclaim the land on this reservation—about 3,600 acres of Indian land—which after they are reclaimed will be worth from $200 to $400 an acre.

Mr. BEGG. What gives it that value, if the gentleman may know?

Mr. CRAMTON. Because it will be land of a high productive character when it is protected from the flood waters.

Mr. BEGG. I never saw any agricultural land worth $400 an acre unless it was in the vicinity of some town, used for garden purposes.

Mr. CRAMTON. The gentleman has possibly not traveled extensively in the State of Washington. I would be glad to answer the question. By reason of this fact this land will become highly valuable, and the road in question is to serve the land, and it is entirely without precedent to build this out of Treasury funds. I have suggested an amendment permitting the use of the money from the Treasury, but providing it to be reimbursed—

in proportion to the benefits received, under such rules and regulations the Secretary of the Interior shall prescribe, and such charges shall be a lien upon the land benefited until paid, which lien shall be recited in any Indian patent issued therefor and prior to the reimbursement of the total amount chargeable against such Indians.

Mr. BEGG. I am for the bill, then.

Mr. FREAR. Mr. Speaker, reserving the right to object, and my objection is based upon an entirely different reason, the other day $100,000 was charged against the Navajo Indians for a bridge, and it was left to the Secretary of the Interior to determine what interest the Navajo Indians had in it. It then went over to the other side of the Capitol and there met decided objections because not over 10 Indians a year, it was said by Senators, would cross this $100,000 bridge. I was perfectly willing the bill should go through in the original form without the reimbursable feature, but I do object to this form. Now, I will withhold the objection——

Mr. CRAMTON. Let me suggest to the gentleman from Wisconsin I have traveled through the Navajo country and I have some personal knowledge of the situation. I do not agree at all with him that the expenditure of the Navajo funds for the Lees Ferry bridge will not be productive of benefit to the Navajos. There is something more to be said on that bill, too, but that bill is not before the House. The bill before the House is to take money out of the United States Treasury for the benefit of the Indians, which the United States is to contribute but which I hold should be repaid by the Indians and other owners of lands which will be worth from $200 to $400 an acre. If these owners can not then afford to pay for the road that will open up their own land I know of no obligation on the Treasury of the United States to pay it.

Mr. FREAR. Still reserving the right to object, Mr. Speaker, let me say that the gentleman from Michigan, who has just been speaking [Mr. CRAMTON], was not before the Indian Committee and never appeared before the committee on this bill. This is the first I have ever heard he had information in regard to it. When it was first considered by the committee, it was understood that the Government should pay for the work. It was not solely for the benefit of the Indians nor is that suggested by his amendment. It is for the Secretary of the Interior to determine what proportion shall be paid by the Indians.

Mr. CRAMTON. I did not intend it that way. I intended to provide that the expense shall be entirely reimbursed to the Treasury by the Indians and others who will be benefited. It consists almost entirely of Indian lands.

Mr. HADLEY. Mr. Speaker, I will ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

LEASING OF LAND RESERVED FOR INDIAN AGENCY AND SCHOOL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 7752) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman a question. It is shown by the report of the Secretary on this bill that for some of these lands there was once an offer of $86 an acre for lease during the year 1925. That is conclusive proof of the fact that there are valuable minerals under these lands. I do not think the bill protects the Government or the Indians. I think there should be some restriction placed in this bill so as to protect the rights of the Indians.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. I would like to ask the gentleman a question. If he can answer it, I would like to find out what the author of the bill, the chairman of the committee, has to say about it. Supposing that nobody makes an acceptable bid, is the Secretary of the Interior compelled to make a lease?

Mr. BLANTON. Yes. The bill ought not to pass unless properly amended. We know how public auctions are conducted sometimes.

Mr. BEGG. I agree with the gentleman.

Mr. BLANTON. They are conducted sometimes even in bureaus, so that the particular favorite, whom the bureau wants to see get the land, shall get it. Now, this $86 an acre lease land is of sufficient value to warrant us in protecting it on the floor.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HASTINGS. Let me say, in my judgment, Mr. Speaker, that this amply protects the Indians.

Mr. BLANTON. How much royalty are they to get?

Mr. HASTINGS. In answer to the gentleman's question, and also in answer to that of the gentleman from Ohio [Mr. BEGG] I will say that a provision of a similar kind has been in force in Oklahoma, where leases are let at public auction, and in no case does the Secretary of the Interior have to accept it. He may reject any bid.

Mr. BLANTON. I know that the gentleman from Oklahoma is one of the safest men in this House to follow on Indian affairs. Does he not believe that there ought to be a provision in this bill that will require the Secretary to put into that lease a provision to the effect that no less than one-eighth royalty shall be reserved to the Indians? There should be a royalty of at least one-eighth. That is a fair royalty that all oil companies pay in the United States at this time.

Mr. HASTINGS. I have no objection to that if it is inserted, and I have no doubt that the Secretary of the Interior will require it. There are a few pieces of land used for school sites and agency buildings which are restricted to small plats, and unless some legislation of this kind is enacted at this session of Congress the oil can be drained from under these small tracts by people owning the adjacent tracts, so that it is important to the Indians that legislation such as this be enacted at the present session of Congress in order to protect the Indians in their rights as to these small tracts.

I have in mind the very tract of land that the gentleman is inquiring about. It is not in my district. It has on it a school building, and unless such a provision as this is passed at this time that land could be drained.

Mr. BLANTON. This is a general bill that permits the leasing of all Indian lands of the kind mentioned. Will the gentleman agree to an amendment that will provide that in all leases it shall be required by the Secretary that at least one-eighth royalty shall be paid?

Mr. LEAVITT. That is done now in the department.

Mr. BLANTON. The gentleman from Wisconsin [Mr. FREAR] called attention the other day to a policy of the department where that was done.

Mr. CARTER of Oklahoma. Does the gentleman mean to say where leases have been made for less than one-eighth?

Mr. FREAR. I called the attention of the committee to a case where 5 per cent is reserved. That is the reservation.

Mr. CARTER of Oklahoma. That was not the statement of the gentleman from Texas.

Mr. BLANTON. That bill came here with the O. K. of the department. That shows what is in the Secretary's mind, that he thinks 5 per cent is sufficient royalty to reserve to the Indians, when, as a matter of fact, they should receive at least one-eighth royalty.

Mr. FREAR. That was to be based on the general oil-leasing right, and in that case 5 per cent was the reservation. There are 22 or 23 permittees contained in that bill, although as it is drawn to-day it may run up to 400. The bill is still in committee. It has not yet been reported out.

Mr. CARTER of Oklahoma. The gentleman said this applied to all Indian lands. It applies only to lands on Indian agencies reserved for agency or school purposes.

That is where an Indian agency has been abandoned, or, perhaps, the agency is still in existence, but some of the lands which are not being used for agency purposes may be drilled for oil. The bill applies only to small tracts of land.

Mr. BLANTON. The gentleman says there ought to be a provision calling for the payment of a one-eighth royalty. Why not put it in the bill?

Mr. CARTER of Oklahoma. I do not object to that.

Mr. BLANTON. Will the gentleman from Montana [Mr. LEAVITT] agree to an amendment of that kind?

Mr. CARTER of Oklahoma. The only objection I would have to a provision calling for the payment of a one-eighth royalty would be that that would fix the royalty, while there might be an opportunity to get more.

Mr. HASTINGS. The Osages get a royalty of one-fifth as to part, and one-sixth as to part, owing to the production.

Mr. BLANTON. But this is the minimum; I propose that as much as one-eighth must be reserved.

Mr. SINNOTT. If the gentleman will yield, the 5 per cent royalty provision contained in the oil leasing act merely relates to wildcat territory—where some one goes into wildcat territory and develops oil.

Mr. BLANTON. In all of the wildcat territory in my State one-eighth is given.

Mr. HASTINGS. Let me call the gentleman's attention to the fact that this must be done at public auction.

Mr. BLANTON. Will the gentleman from Montana agree to that amendment?

Mr. LEAVITT. Before doing that, I would like to make a statement as to what the facts are. I think a statement should be made, because there is evidently a misunderstanding of the situation. It has been suggested that this applies only to lands in Montana.

The situation in Montana is that on the Fort Peck Reservation and on the Blackfeet Reservation there has already been a law in existence since September, I think, of 1922, providing for exactly this same thing. This act applies to no lands whatever except school and agency lands, and only puts them in the same position with regard to these oil leases as the remaining lands on the reservation. At the present time, and since 1891, tribal lands have been leased under this sort of a provision, and the regulations of the Department of the Interior at the present time are that there shall be a royalty of at least 12½ per cent paid to the Indians. The department has acted in good faith on this for a great many years. In 1909 the allotted lands of the Osages were brought in under this same provision, and in 1908 the allotted lands of the Five Civilized Tribes were brought in under this provision.

Mr. BLANTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BLANTON. This bill applies to certain rights in the lands of Indians in every State where they exist, does it not?

Mr. LEAVITT. Yes. It simply extends to the agency and school lands existing provisions, and it is exactly the same provision that now applies to all the other Indian lands.

Mr. BLANTON. And it relates to all States?

Mr. LEAVITT. Yes; all States.

Mr. CARTER of Oklahoma. If the gentleman from Montana will yield, perhaps the gentleman from Montana did not understand the statement made by the gentleman from Texas. The present law authorizes the leasing of all other lands in about this language "except that on agency reservations." Now, this simply carries it to those little fractional parts of the reservations on which the agencies and schools are located.

Mr. LEAVITT. That is the fact.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. The tribes owning this land are still in existence?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Why could not the Indians operate this land? Apparently it is valuable property.

Mr. LEAVITT. There are instances in which it is very valuable property, because the lands surrounding it have been developed.

Mr. LAGUARDIA. Then why could not the Indians exploit this land instead of selling it at auction?

Mr. LEAVITT. This only puts this land in the same position as the surrounding Indian lands, so that the Indians will not lose the oil under it by having it drained of the oil.

Mr. LAGUARDIA. But the ownership of this land is in the tribes?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. They are entitled to exploit the land and get the oil and minerals out of the land?

Mr. LEAVITT. Yes; to get the benefit of it.

Mr. LAGUARDIA. Then why should they not be able to do it and be permitted to do it instead of selling their land at public auction?

Mr. CARTER of Oklahoma. They are not selling the land, but they are leasing it for development purposes.

Mr. LAGUARDIA. Why should they not exploit their own land?

Mr. CARTER of Oklahoma. I will say to my friend from New York that that is the way the leasing business is conducted all over the United States. That applies to the public lands and their own lands. It is all conducted under the leasing system.

Mr. LAGUARDIA. I do not want my people in New York to go out there and deprive these Indians of their own property.

Mr. FREAR. Will the gentleman yield?

Mr. LAGUARDIA. I have not the floor.

Mr. FREAR. I understand; but in answer to the gentleman's question, let me say that the Indians have no right to make these leases; they are all made by the department.

Mr. LAGUARDIA. But they have the right to exploit their own lands.

Mr. FREAR. No; they have not.

The SPEAKER pro tempore [Mr. TILSON]. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker, unless we can have an understanding. I think we can reach an understanding in a moment.

Mr. BEGG. Mr. Speaker, we have been 40 minutes passing two bills, and I think we should either object or let the bill be considered.

Mr. BLANTON. Will the gentleman reserve his objection a moment? I want to ask the gentleman a question.

Mr. BEGG. I will reserve it a moment.

Mr. BLANTON. I am going to offer this amendment: At the end of line 4, on page 2, add the following proviso:

Provided, That a royalty of at least one-eighth shall be reserved in all leases.

Would the gentleman object to that amendment?

Mr. LEAVITT. I do not see any objection to that.

Mr. HASTINGS. I see no objection to it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, under such rules and regulations as he may prescribe, authorized to lease for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies.

With the following committee amendment:

Page 1, line 5, after the word "lease" insert "at public auction upon not less than 30 days' public notice."

The amendment was agreed to.

With the following committee amendment:

Page 1, line 7, after the word "purposes" insert the words "in accordance with existing law applicable to such reservation."

Mr. HASTINGS. Mr. Speaker, I offer an amendment to the committee amendment, clarifying it.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS to the committee amendment: On page 1, line 8, after the word "to" in the amendment, insert "other lands in."

Mr. HASTINGS. This is simply a clarifying amendment and does not at all change the sense of it.

Mr. FREAR. Mr. Speaker, may we have the committee amendment read with the proposed amendment included?

The Clerk again reported the committee amendment as proposed to be modified by the amendment of the gentleman from Oklahoma.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I offer an amendment to strike out the word "authorized" at the beginning of line 5 and insert it before the word "under" at the beginning of line 4; then strike out the comma at the end of line 3, after the word "hereby." So that it will read:

He is hereby authorized, under such rules and regulations as he may prescribe, to lease.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 1, line 5, strike out the word "authorized"; and in line 4, before the word "under" insert the word "authorized"; at the end of line 3 strike out the comma and insert a comma after the word "authorized."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 2, line 4, after the word "agencies," strike out the period, insert a colon, and add the following proviso: "*Provided*, That a royalty of at least one-eighth shall be reserved in all leases."

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to inquire of the gentlemen who are now urging this bill whether there is any provision of law now which would reserve any definite amount as a royalty?

Mr. LEAVITT. No.

Mr. BLANTON. There is not.

Mr. COOPER of Wisconsin. Mr. Speaker, in my judgment there should not be passed any law leaving it optional with any executive official to dispose of land in his possession or under his control.

Mr. HASTINGS. May I say to the gentleman from Wisconsin I think the gentleman from Texas is mistaken, and I invite the gentleman's attention to the language in line 8, "in accordance with existing law applicable to such reservation." So if there is any existing law applicable to the reservation that would apply to the agency within the reservation.

Mr. COOPER of Wisconsin. Yes; but the gentleman will observe that in his statement there is a large "if." It ought to be certain now before we vote that there is existing law. There should be no "if" in this matter.

Mr. MONTGOMERY. Mr. Speaker, I may say to the gentleman from Texas, knowing his interest in protecting the Indians and helping the Indians receive what money they can from the development of their lands, the royalty interest is fixed in different localities according to the value of the oil in the ground, undiscovered, undeveloped, and unexplored.

Mr. BLANTON. Will the gentleman yield?

Mr. MONTGOMERY. I yield.

Mr. BLANTON. I have several constituents in my district who have become rich in the gentleman's Tulsa fields, and the gentleman has several constituents in his Tulsa fields who have become rich leasing land in my district, and both in his Tulsa field and in the oil fields in my district they reserve one-eighth royalty to all landowners.

Mr. MONTGOMERY. I will say for the gentleman's information that one-eighth is the usual and customary royalty in Oklahoma, because that is the value fixed for the oil in the ground undiscovered, but on behalf of the department I want to say that original leases made by Indians were on the basis of 10 per cent royalty, and when the department had the chance to renew or revise them they made it 12½ per cent, and in the case of the Osage Nation, where the same proviso exists as is in this particular bill, the department demands a royalty interest of one-sixth. So in every instance——

Mr. BLANTON. This amendment merely requires them to reserve at least one-eighth. They can require as much more as they want.

Mr. MONTGOMERY. It might be that one-eighth would be a greater royalty than they were entitled to, and in that event no one would develop the land, and it in reality might be an injury to the Indians and their interest.

Mr. BLANTON. The wildcat lands in the gentleman's district are developed on such terms, and in Texas one-eighth royalty, together with the bonus they pay for the land.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FLOOD CONTROL OF THE SACREMENTO RIVER

The next business on the Consent Calendar was the bill (H. R. 5965) to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes."

The SPEAKER pro tempore. Is there objection?

Mr. BANKHEAD. I object.

SALE OF CERTAIN LANDS ON KAW RESERVATION IN OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing conveyance of certain lands on the Kaw Reservation in Oklahoma.

The SPEAKER pro tempore. Is there objection?

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REGULATING GRANTING OF PASSES ON THE ALASKA RAILROAD

The next business on the Consent Calendar was the bill (H. R. 6117) to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, would the gentleman object to an amendment striking out the words in line 5 "traveling secretaries of Young Men's Christian Associations"?

Mr. CURRY. I would object to that and I will tell the gentleman why.

Mr. BEGG. Before the gentleman answers that let me make a suggestion. I have had the same thought that the gentleman from New York has about it, but if you put in the word "railroad" before the word "secretaries" it would apply only to the railroad Young Men's Christian Association. In the United States the secretaries travel the same as the officials of the road.

Mr. LAGUARDIA. All of these Young Men's Christian Associations are self-supporting and the boys pay for everything they get.

Mr. CURRY. There is no Young Men's Christian Association in the United States that is self-supporting. A while ago I was chairman of a committee to collect $250,000 in Sacramento, Calif., for the Young Men's Christian Association. All these secretaries in Alaska are missionaries and the only Young Men's Christian Association in that part of the Territory.

Mr. LAGUARDIA. Will the gentleman consent to inserting the word "railroad" before the word "secretaries"?

Mr. CURRY. I do not see any necessity for inserting anything. They are missionaries, they come from the Seward Peninsula and they work for almost nothing. They can not pay 6 cents a mile for travel. I do not think the gentleman ought to object to that.

Mr. BEGG. Will the gentleman from California object to putting the word "railroad" before the word "secretaries"?

Mr. CURRY. The proposition to put the word "railroads" in there does not mean a thing; it is the only Young Men's Christian Association there; but if the gentleman from New York wants it in, I will not object.

Mr. LAGUARDIA. I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Alaskan Railroad act, approved March 12, 1914, is hereby amended so as to permit the issuance of passes to ministers of religion, traveling secretaries of Young Men's Christian Associations, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to newsboys on trains, persons injured in wrecks and physicians and nurses attending such persons; the interchange of passes for the officers, agents, and employees of common carriers, and their families; and the carrying of passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

With the following committee amendments:

On page 1, beginning on line 6, strike out the words "inmates of hospitals and charitable and eleemosynary institutions" and strike out the comma after the word "institutions," and insert these words and comma after the words "homeless persons," on line 9 of page 1.

On page 1, line 8, after the word "work," insert the words "when engaged in their work in Alaska."

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment:

Page 1, line 5, after the word "of," insert the word "railroad."

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 1, line 5, after the word "of" where it occurs the second time insert the word "railroad."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WHARF AND MARINE RAILWAY, FINNEYS CREEK, VA.

The next business on the Consent Calendar was the bill (H. R. 2830) to legalize a wharf and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, Accomac County, Va.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, I want to say that on last unanimous-consent day I objected and insisted on taking the provision as to the future out of it, but I have carefully gone into it, and I do not think those words make any difference.

Mr. LAGUARDIA. Why was not the permit originally obtained when the wall was constructed?

Mr. BLAND. There are so many of these small structures erected that in the construction in the first place they did not know that it was necessary.

Under the law as it exists, unless he gets his permit before the structure is erected, he can not get it afterwards, although the engineer's office would permit identically the same structure to be put there afterwards.

Mr. LAGUARDIA. This is a small wharf?

Mr. BLAND. It is a small wharf where they are repairing some small boats.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the wharf and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, in the county of Accomac, Va., be, and the same are hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permits required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said wharf and marine railway: *Provided*, That any changes in said wharf and marine railway, which the Secretary of War may deem necessary and order in the interest of navigation, shall be promptly made by the owner thereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PRINTING OF SUPREME COURT REPORTS

The next business on the Consent Calendar was the bill (H. R. 8657) to amend sections 226, 227, and 228 of the Judicial Code, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

COLUMBIA BASIN IRRIGATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 8129) authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I think I shall have to do so, and I hope thereby to at least attract the attention of the House to this matter. At the present time, under our reclamation fund, we have pending before a committee of this House a proposition to charge off some $30,000,000 of the cost of the various projects. At the same time we have pending, the Secretary of the Interior says, some $60,000,000 involved in new projects that are pressing at present on the Congress to be approved outside of the work referred to in this bill, which amounts to several hundred million dollars in cost. There has just been approved by another body a proposition to appropriate $200,000 for the purpose of extending credit to settlers, to induce them to enter upon two irrigation projects. After we build the works with money out of the Treasury and give the settlers 40 or 50 years in which to repay the money without interest, then in these days, when Congress is debating whether it can do anything for agriculture generally, it is proposed to appropriate a half million dollars which may be loaned to these settlers to induce them to go onto the projects. Gentlemen here know that if this policy is approved by the Congress the nose of the camel is under the tent and it means that millions are to be taken out of the reclamation fund to be loaned to settlers on these projects. I feel that with all of these conditions present we ought to proceed with some care in advancing a project that we all know can never be built out of the reclamation fund because the reclamation fund never has more than ten or fifteen million dollars in it at a time and there are many other projects to take that amount of money; but here is a project that is going to cost several hundred million dollars, a project for which there is no need at the present time. No doubt the time will come when it will be feasible, and when it will be built, but there is no need for it now. An investigation has been under way in respect to the Columbia River Basin project for several years, and that is being paid for out of the General Treasury, and the extension here proposed is to be paid out of the general funds, this showing the purpose to resort to the General Treasury instead of the reclamation fund for the building of the Columbia Basin project. I think we should be very slow in approving the project. This bill, while it extends the time for that investigation, seems to me to go much further. Section 3 proposes to extend the act of March 4, 1925, and if I may have permission to extend my remarks in the RECORD I shall include that act, which is as follows:

[Public—No. 609—68th Congress]

An act (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes

Whereas the Columbia River and its tributaries are interstate streams having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the States of Montana, Idaho, Washington, and the Columbia River forming the boundary between the States of Washington and Oregon; and

Whereas the above-named States are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic and navigation uses; and

Whereas the Secretary of the Interior, in a letter to the President dated December 11, 1924, has pointed out that plans for future reclamation development must take into consideration the needs of the States and the water-right problems of interstate streams, and stated that efforts to reach an agreement for the economic apportionment of water of interstate streams by the States concerned "have the cordial approval and support of this department"; and

Whereas it is desirable that a compact for the economic apportionment of the water of the Columbia River and its tributaries for irrigation, power, domestic, and navigation purposes entered into by and between the said States of Montana, Idaho, Oregon, and Washington, and that the interests of the United States be considered in the drawing of said compact by authorized representatives of each of said States and of the United States: Now, therefore,

Be it enacted, etc., That consent of Congress is hereby given to the States of Washington, Idaho, Oregon, and Montana to negotiate and enter into a compact or agreement not later than January 1, 1927, providing for an equitable division and apportionment among said States of the water supply of the Columbia River and of the streams tributary thereto, upon condition that two suitable persons, who shall be appointed by the President of the United States, one from the Department of the Interior, and one from the War Department, shall participate in said negotiations as the representatives of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

SEC. 2. The right to alter, amend, or repeal this act is herewith expressly reserved.

Approved, March 4, 1925.

I say now that the act of March 4, 1925, just referred to, does not commit the United States at all to the building of this project, but simply authorizes the various States to get together in agreement respecting the disposition and the apportionment of the waters of the Columbia River and its tributaries. If those States need more time to get together, I have no objection to their having it. I have no objection to section 3 of this bill that gives that permission to them, but the bill goes much farther than that. The bill as drawn practically commits this Government to that project, treats it as a project that we are going to build, because we find in the bill the following language—

in order to assure an adequate water supply for the Columbia Basin irrigation project in the State of Washington.

That is the purpose—to assure an adequate water supply on a project that has never been approved by the Federal Government—

the formation of a proper district organization under the laws of the said State and the completion of any further investigation that in the opinion of the Secretary of the Interior may be necessary.

Then, further—

the Secretary is authorized and directed * * *.

To advise and assist in the formation of the proper district organization under the laws of the State of Washington, and to complete any further economic or other investigations including power possibilities that the Secretary may deem necessary to authorize construction of the necessary works for the reclamation of the lands embraced in said Columbia Basin irrigation project.

You do not need much more than that to put the stamp of approval of this Government upon that project. Furthermore, we find the following:

SEC. 2. That the Secretary of the Interior is authorized and directed to ascertain and report to Congress on or before December 1, 1927, * * *; what action the property owners within the area embraced in the Columbia Basin irrigation project have taken to organize a district, under the laws of the State of Washington, for the reclamation of the lands of said district and the authority of such district to contract to repay moneys expended in development, construction, settlement, operation, and maintenance of said project, and what action such district has taken to insure the execution of such a contract or contracts; and data compiled or available from any investigations which the Secretary may have required under this act.

The bill all through is drawn upon the theory that that project has been approved. For that reason I feel that at least the bill should not pass as presented and I hope my objection may serve the purpose of directing the attention of the House to this matter.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman withhold his objection?

Mr. CRAMTON. Yes.

Mr. SUMMERS of Washington. Mr. Speaker, I would like to be heard in respect to the investigation of what has commonly come to be known as the Columbia Basin irrigation project, but which we all know is not an irrigation project at this time, although we hope it may be at some time in the future.

The investigation has been under way by the State of Washington since 1917, when the legislature appropriated $100,000 for that purpose. Later on the State of Washington appropriated $50,000 more for the same purpose, and during the last session they appropriated $22,500, showing the good faith on the part of the State. They secured data from railroad surveys and from various other sources that would have cost about $500,000. That data was almost immediately available and was made use of. Congress, after considering this matter about three years ago, made an appropriation of $100,000 for a further survey and to join in with the State, and this work has progressed very nearly to the point of completion. A year ago there was an act passed by the Congress looking to the allocation of the waters of the Columbia River. The Columbia River is an international stream. It is an interstate stream; it is a navigable stream; it is a stream with about as much potential water power as the Niagara; hence the allocation of its waters became a very far-reaching and important matter.

These negotiations are still under way. State legislatures have to concur and it has taken a considerable time, and the date for the report is January 1, 1927. The work can not be completed by that time. The allocation of the waters, regardless of what use is made of them, should be completed. There are about eight other investigations and surveys that are enumerated by the Secretary of the Interior in his favorable report on this bill that are all to be completed under this legislation. Now, as to the action of Congress after these are completed, that is an entirely different matter. If the Speaker will bear with me for just one further statement.

Mr. BEGG. Mr. Speaker, is there going to be objection to this bill?

Mr. SUMMERS of Washington. I will make my statement, I do not think there ought to be objection.

Mr. BEGG. We have spent 10 or 12 minutes on this bill, and there should either be objection or go on with the bill.

Mr. SUMMERS of Washington. I will make my statement very brief, I will conclude in one sentence, that the Federal Power Commission, speaking in regard to the waters of the Columbia River, has said that reclamation should have preference, and they will not grant power permits until the rights and demands of reclamation are determined. So when you prevent the conclusion of these surveys that have been in progress for seven years and are almost concluded, you not only stop these investigations but you tie up the power possibilities of one of the greatest power streams in the United States.

Mr. CRAMTON. Will the gentleman yield?

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object further, let me ask the gentleman if we retain sections 3 and 4—that would extend the time for the operation of the act of March 4, 1925, and section 4 authorizes the needed appropriation—now that would carry out the needs that the gentleman has stressed, and if he will do that, I have no objection to that part of it. I would not object to section 4 if the gentleman would insert the words "not more than," because I do not believe $25,000 will be needed for the restrictive purposes. If the gentleman could accept an amendment striking out sections 1 and 2 and amending section 4 in that instance, I should not object. Otherwise I shall be compelled to do so.

Mr. SUMMERS of Washington. I will accept that.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I think we had better let this matter go over until the next consent day.

Mr. BLANTON. If the gentleman will yield, I am not a gambling man, but when this fight began I bet my colleagues here 150 to 50 it was a straw fight.

Mr. CRAMTON. Mr. Speaker, the gentleman from Washington has agreed to accept an amendment striking out everything except the extension of the pending investigation, and it is not in any way a straw fight. The gentleman from Texas——

Mr. SUMMERS of Washington. I hope the gentleman will not object.

Mr. BLACK of Texas. The gentleman from Texas thinks——

Mr. HOWARD. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HOWARD. For the purpose of reserving the right to object.

Mr. BEGG. I ask for the regular order.

Mr. BLACK of Texas. Then I shall have to object.

Mr. HOWARD. Mr. Speaker, I reserve the right to object to ask a question.

Mr. BLACK of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears none.

SENECA INDIAN SCHOOL AT WYANDOTTE, OKLA.

The next business on the Consent Calendar was the bill (H. R. 7086) providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the funds of the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of repairing and improving present buildings and equipment and the erection of new buildings and the purchase of new equipment at the Seneca Indian School at Wyandotte, Okla.; that said repairs, improvements, and new buildings shall be for the purpose of increasing the capacity of the school from 170 students to 270 students.

SEC. 2. That the Secretary of the Treasury is authorized to provide for the repairs, improvements, and new buildings, by contract or otherwise, as he deems most advantageous to the United States and to expend the amount herein authorized, or so much thereof as may be necessary, for the purpose: *Provided*, That the Secretary of the Treasury and the Secretary of the Interior shall act jointly in determining what repairs and improvements shall be made, and in determining the dimensions of the buildings and in providing same with equipment.

With a committee amendment, as follows:

On page 2, beginning on line 3, strike out all of section 2.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

PUNISHMENT FOR ASSAULTS UPON LETTER OR MAIL CARRIERS

The next business on the Consent Calendar was the bill (H. R. 4458) providing for punishment of assaults upon letter or mail carriers.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA. I reserve the right to object, Mr. Speaker.

Mr. McKEOWN. I object.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. DYER. Mr. Speaker, will the gentleman from Oklahoma withdraw his objection?

Mr. McKEOWN. Yes; I will withhold it.

Mr. DYER. The object of this bill is to make it possible to punish those who maliciously attack mail carriers and letter carriers.

Mr. McKEOWN. Mr. Speaker, I do not propose to have a Federal law enacted to help men push us out of the road and out of our places simply under the pretense of protecting the United States mails.

Mr. DYER. Mr. Speaker, in the absence of Mr. GRAHAM, the author of the bill, I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

INTERPRETATION OF RULE XIII, CLAUSE 3

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Under the rule, when a bill is objected to once the rule provides that on the calendar's next call there must be three objections. That would indicate that the bill automatically would go back on the calendar. Does it not automatically go back on the calendar on the first objection?

The SPEAKER pro tempore. The Clerk informs me that it is necessary to put another request that it go back on the calendar.

Mr. BLANTON. I think it is of enough importance for the Chair to rule.

The SPEAKER pro tempore. The ruling is made already. The Chair does not need to rule. If the gentleman will read clause 3 of Rule XIII, he will see there the language—

> Should objection be made to the consideration of any bill so called, it shall immediately be stricken from such calendar, but such bill may be restored to the calendar at the instance of the Member; and, if again objected to by three or more Members it shall be immediately stricken from such calendar, and it shall not thereafter be placed thereon: *Provided*, That the same bill shall not be called twice on the same legislative day.

Mr. BLANTON. What I wanted to get the Chair to rule on was that unless the Member whose bill it is, after it is stricken from the calendar on one objection, makes a formal request for that bill to go back on the calendar it simply kills the bill.

The SPEAKER pro tempore. It goes off the calendar, unless the Member who introduced it requests that it remain on the calendar.

Mr. CARTER of Oklahoma. It is not killed until it goes off the calendar, and it may be restored by the request of the Member?

The SPEAKER pro tempore. Yes.

Mr. BEGG. Take this last bill that was objected to, for example. The gentleman from Missouri [Mr. DYER] asked unanimous consent that it remain on the calendar without prejudice. Does the Speaker hold that the next time it requires three objectors or one?

The SPEAKER pro tempore. If it is without prejudice, it remains on the calendar.

Mr. BEGG. Does that remove the prejudice?

The SPEAKER pro tempore. Then the words "without prejudice" would mean nothing.

Mr. BEGG. We are operating under the rules of the House. The rule is that one objection takes it off the calendar. Now, when the interested Member requests by unanimous consent that it shall go back on the calendar without prejudice or remain on the calendar without prejudice can they with that one word undo the rule?

The SPEAKER pro tempore. They can by unanimous consent, which is equivalent to the original objector withdrawing his objection.

Mr. BEGG. Is the only remedy, then, to object to the unanimous-consent request?

The SPEAKER pro tempore. It seems to the Chair that if the words "without prejudice" mean anything at all they mean that the objection has been withdrawn and that the bill remains on the calendar without prejudice.

Mr. CARTER of Oklahoma. Is not the request usually a unanimous-consent request that the bill remain on the calendar without prejudice? Is not that the usual form?

The SPEAKER pro tempore. The Chair does not so understand it.

Mr. LAGUARDIA. The practice of this House has been that after a bill is read and objection is made and the Member asks that the bill remain on the calendar without prejudice, and the Speaker submits that request, there is no prejudice against it, and it remains on the calendar.

The SPEAKER pro tempore. That is the practice.

Mr. BEGG. Many Members have had a good deal to do in reference to this Unanimous Consent Calendar. Hereafter when a unanimous-consent request is made that a bill remain on the calendar, if the words "without prejudice" are used, I shall object. If the request is simply that it shall remain on the calendar, I shall not object.

Mr. WINGO. Mr. Speaker, one further point, and I would like to have the attention of the gentleman from Ohio [Mr. BEGG]. I am not sure that I am clear as to the ruling of the Chair. We will take the bill at the top of the page, 140. It is marked as "passed without prejudice March 1, 1926." That bill was not called a while ago, but assuming that it should be reached and be called, would it take one objection or three objections?

The SPEAKER pro tempore. It would take one objection.

Mr. WINGO. Then, as a matter of fact, under the ruling of the Chair, the friends of a bill handicap the bill by asking that it be retained on the calendar "without prejudice," because under the ruling of the Chair—and I think the Chair is right—if you do not ask that it be passed without prejudice you could then go to the desk, have it put back on the calendar, and the next time it is reached it would show it had been objected to one time and it would require three objections, whereas if you ask to have it passed without prejudice that means it is passed the same as if no action had taken place. So if you want to protect your bill do not have it passed without prejudice.

Mr. FAIRCHILD. But it does receive this benefit. The bill can then come up again on two future occasions instead of only one. When it comes up on the first occasion one objection takes it off the calendar, and then the next time it would require three objections.

Mr. WINGO. There may be something in that. What does the Chair think about that?

The SPEAKER pro tempore. The Chair thinks the gentleman from New York has stated the matter correctly.

Mr. WINGO. But the delay results and opponents of a bill have two more instead of one chance to kill it.

JONESBORO DIVISION OF THE EASTERN JUDICIAL DISTRICT OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Fulton County, of the Jonesboro division of the eastern district of the State of Arkansas, be, and the same is hereby, detached from the Jonesboro division and attached to and made a part of the Batesville division of the eastern district of said State.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BARNEGAT LIGHT STATION

The next business on the Consent Calendar was the bill (S. 1746) to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

WATER SUPPLY AT TAHOLAH, QUINAIELT RESERVATION

The next business on the Consent Calendar was the bill (H. R. 96) authorizing an appropriation of $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I understand that an agreement has been made that this appropriation shall be reduced to $3,000. Is that not correct?

Mr. LEAVITT. That is correct.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will not the gentleman make that "not more than $3,000," so that at the time the appropriation is made the question can be gone into and if it appears that $3,000 is more than is needed the amount can be reduced?

Mr. LEAVITT. I do not object to that.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of $25,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah, on said reservation, under such rules and regulations as may be prescribed by the Secretary of the Interior.

With the following committee amendment:

Page 1, line 3, after the word "authorized," strike out the words "an appropriation of $25,000" and insert the words "to be expended the sum of $3,000."

Mr. CRAMTON. Mr. Speaker, I offer an amendment. In line 4 of the committee amendment, after the words "sum of," insert the words "not more than."

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMPTON: On page 1, line 4, after the word "of" where it occurs the first time, insert the words "not more than."

The amendment to the committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, as I understand there are two separate committee amendments.

The SPEAKER. There are two separate amendments.

Mr. CRAMTON. I want to offer an amendment to the second committee amendment.

Mr. BLANTON. Mr. Speaker, for the purpose of having a ruling by the Chair, I make the point of order that the way the bill now stands, as amended, it is an appropriation and out of order, because it authorizes the commissioner of this department to expend not more than $3,000. In other words, it authorizes $3,000 to be spent out of the Treasury without any action on the part of the Appropriations Committee at all, and it is therefore out of order.

Mr. LEAVITT. It is not an appropriation from the Treasury, but it is an appropriation from the funds of the Indians.

Mr. BLANTON. Well, from the funds of the Indians, then. Either way it is an appropriation. In other words, with the bill passed as amended $3,000 could be spent without any action on the part of the Committee on Appropriations at all, because the bill authorizes $3,000 to be spent.

The SPEAKER. The Chair is inclined to think the gentleman from Texas is correct. If so, an amendment should be offered to remedy it.

Mr. CRAMTON. Mr. Speaker, if it is in order, I move to amend line 4 by striking out the word "expended" and inserting the word "appropriated."

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: In line 4, after the word "be" strike out the word "expended" and insert the word "appropriated."

The SPEAKER. The question is on the amendment of the gentleman from Michigan to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk reported the second committee amendment as follows:

Line 8, after the word "Interior" insert: "and to be available until expended: *Provided*, That Italian labor shall be employed as far as practicable."

Mr. CRAMTON. Mr. Speaker, in lines 8 and 9 of the committee amendment I move to strike out the words "and to be available until expended." That is a matter that can be taken care of by the Congress at the time the appropriation is made.

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: In line 8, after the word "Interior," strike out the words "and to be available until expended."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, I call attention to the fact that the title of the bill does not conform to the text.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following message from the Senate:

Ordered, That the House of Representatives be requested to return to the Senate the bill (S. 2868) entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes."

Ordered, That the House of Representatives be requested to return to the Senate the bill (S. 2141) entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes."

The SPEAKER. Without objection, the requests will be complied with.

There was no objection.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I desire to submit a unanimous-consent request. There are a number of bridge bills on the calendar. They have not yet been reached, and as some of the Members do not want to remain, I ask unanimous consent to call them up now and pass them. They will be unobjected to, as I understand it, and we can group them and pass them at one time.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all House bills upon the Consent Calendar pertaining to bridges be considered as having been ordered to be engrossed, read a third time, and passed. Is there objection?

Mr. CARTER of Oklahoma. Mr. Speaker, reserving the right to object, the gentleman only applies that to bridge bills, as I understood it?

Mr. DENISON. Yes.

Mr. CARTER of Oklahoma. Bills authorizing the construction of bridges and not dams?

Mr. DENISON. Yes; it is confined to bridges.

Mr. MOORE of Virginia. I would like to ask the gentleman from Illinois a question, if the gentleman will permit. I notice the Senate has agreed on a standard or uniform bridge bill. I had some conversation about that matter this morning relative to a bill which the gentleman from Illinois is familiar with, which has already passed the House and which he and I thought had been put in the form which ought to be used in connection with all of a certain class of bridge bills. Do the bills that the gentleman is now calling up conform to the standard which the Senate has fixed?

Mr. DENISON. They do, as far as we understand what the gentleman means by the word "standard." The House committee has been working for some time trying to work out forms for the various kinds of bridge bills. The proposals of the House were accepted in the main by the Senate committee, but since then some Members of the Senate have changed their views somewhat, and I do not know just what are their latest views.

Mr. MOORE of Virginia. I was only wondering whether if we pass these bills now in the summary way suggested, it will be necessary to consider them again after the Senate has acted. Of course, I have no objection to the gentleman's request.

Mr. DENISON. We are trying to get together as fast as we can.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. COOPER of Wisconsin. Is there any bridge bill on the consent calendar which does not contain the provision relating to the act of 1906?

Mr. DENISON. No; and none will go on the calendar.

Mr. ALMON. Will the gentleman yield a moment? Mr. Speaker, I am the author of several of these bridge bills. They were referred to the War Department, and no objection was made. They passed the House and went to the Senate, and the Senate committee recommended some amendments.

Mr. DENISON. Those bills have already been passed in the House and in the Senate.

Mr. WINGO. If the gentleman will yield, there is nothing in these bills about Muscle Shoals?

Mr. DENISON. No.

Mr. ALMON. Some of the bridges are not very far from Muscle Shoals.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. I do not want to engage in any argument, Mr. Speaker, because I am asking to take up these bills out of order.

Mr. BRIGGS. Reserving the right to object, I would like to ask a question. Are all these bills with respect to bridges, without any tolls?

Mr. DENISON. No.

Mr. BRIGGS. They are not toll bills?

Mr. DENISON. No; some of them are bills providing for toll bridges.

Mr. BRIGGS. Do they carry provisions similar to those in some of the other bills for acquisition by the State or Federal Government——

Mr. DENISON. They all do—every one of them.

Mr. BRIGGS. Within a five-year period?

Mr. DENISON. No; varying periods, depending on the cost of the bridge.

Mr. BRIGGS. Over what period do they range?

Mr. DENISON. Well, the Senate's view is it ought to range from 5 years to 25 years, according to the cost of the bridge.

Mr. BRIGGS. And what is the period in the House bills, ordinarily?

Mr. DENISON. The same.

Mr. BRIGGS. From 5 years to 25 years.

Mr. DENISON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the titles to these bills.

The Clerk read as follows:

H. R. 8918. A bill authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.

H. R. 9392. A bill granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River, between Havre de Grace, in Harford County, and Perryville, in Cecil County.

H. R. 9393. A bill authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin.

H. R. 9596. A bill granting the consent of Congress to the Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River.

H. R. 9599. A bill granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city.

H. R. 9634. A bill granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.

H. R. 9688. A bill granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio.

The SPEAKER. Without objection, these bills will be considered, the committee amendments agreed to, the bills ordered to be engrossed and read the third time and passed and a motion to reconsider and to lay that motion on the table.

There was no objection.

Mr. DENISON. Now, Mr. Speaker, there are two more bills that have not been amended.

The SPEAKER. The Clerk will report the titles.

The Clerk read the titles as follows:

H. R. 9346. A bill granting the consent of Congress to the construction of a bridge across the Rio Grande.

H. R. 9460. A bill granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.

The bills were ordered to be engrossed and read a third time, were read the third time, and passed.

A motion to reconsider the vote whereby the bills were passed was laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill H. R. 5012, a bill to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del., may be considered, ordered to be engrossed, read a third time, and passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MARINE HOSPITAL RESERVATION, DETROIT

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that the bill H. R. 9875, a bill to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924, may be considered at this time.

The SPEAKER. The Chair will say to the gentleman that he has given assurance that bills will not be called up to-day out of order.

Mr. McLEOD. The reason I ask to take this up is that it is an emergency measure.

The SPEAKER. The Chair has assured gentlemen that he will not call up bills out of order.

SUITS INVOLVING INDIAN TITLES

The next business on the Consent Calendar was the bill (H. R. 4761) to amend section 9 of the act of May 27, 1908 (35 Stat. L. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill may be passed over and hold its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

DAMS IN THE MINNESOTA NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 292) to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. KNUTSON. I trust the gentleman will not object.

Mr. LaGUARDIA. I am anxious to see the Government take over all of the water power that we can get, but certainly not something that has been a failure under private operation.

Mr. KNUTSON. The gentleman is laboring under a misapprehension. Some years ago the J. Neils Lumber Co. constructed a dam at the outlet of Cass Lake, which is situated wholly within the boundaries of the Minnesota National Forest. Two years ago this company ceased operations and moved its mill out to Montana, the timber having been largely removed, and in order to maintain the water levels on this lake the Government asked the lumber company to transfer its title to the dam over to it; that is, to the Forestry Bureau. This was done, but a solicitor in the Agricultural Department ruled that the Secretary of Agriculture could not accept title to this dam without authority from Congress. A bill was introduced in the last Congress to that effect, as the gentleman recalls. The purpose of this dam is to maintain the water levels, because Cass Lake is visited by sixty or seventy thousand tourists every summer and there are hundreds of cottages in the forest reserve. The water levels are so low now that we can not use launches.

Mr. LaGUARDIA. And the Government is not spending any money now?

Mr. KNUTSON. This money, I will say to the gentleman, was appropriated in the Interior appropriation bill a year ago,

but it has not been spent, because there is no authorization for it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That within the Minnesota National Forest the Secretary of Agriculture is hereby authorized to acquire by purchase or condemnation proceedings, under the laws of Minnesota, any lands the submergence or occupancy of which by dams or other structures or improvements thereon is necessary to maintain in Cass Lake or any other body of water the minimum water levels required to permit the transportation of national forest timber to mills or to permit the access to national forest lands by launches or other water craft; and the sum of $5,000 is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, for the purpose of acquiring such lands or maintaining and improving any dam, structure, or improvement thereon.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, title to a dam and appurtenances thereto constructed and hitherto maintained under authority of law by the J. Neils Lumber Co. at the outlet of Cass Lake, in the State of Minnesota, together with the right of way for the abutment of said dam on lot 2, section 1, township 146 north, range 30 west, fifth principal meridian, and the flowage rights thereon, and to thereafter maintain or construct said dam in good and serviceable condition: *Provided*, That when Lake Winibigoshish is at such a level as to hold Cass Lake at a level of 2.5 feet or more on the Cass Lake gauge enough of the dam shall be removed or kept open to permit the passage of boats and logs.

"SEC. 2. That if the maintenance of the dam by the United States as provided in section 1 hereof shall cause any lands in private ownership to be submerged and damaged the Secretary of Agriculture may, in his discretion, acquire title to said lands so submerged by purchase under the provisions of sections 7 and 8 of the act of March 1, 1911 (36 Stat. L. p. 961), or in lieu of such purchase may compensate the owners of said submerged lands for all damages sustained by reason of said submergence upon proper showing of proof that said damages are due exclusively to the maintenance of the dam as authorized herein.

"SEC. 3. That to carry out the purposes of this act there is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated for expenditure during the fiscal year ending June 30, 1927, the sum of $5,000, and annual appropriations of like sums to carry out the purposes of this act during ensuing years are hereby authorized."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GARABED FREE-ENERGY GENERATOR

The next business on the Consent Calendar was the joint resolution (H. J. Res. 29) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, and so forth," approved February 8, 1918.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object, and ask the gentleman from Michigan whether the United States Patent Office has gone out of business?

Mr. McLEOD. No; it has not.

Mr. LAGUARDIA. Mr. Speaker, in addition to that I call the attention of the House to what a former distinguished Representative from Illinois, Mr. James R. Mann, said in the House in respect to this bill on July 31, 1917:

Mr. Speaker, I have spent 20 years in the House and have seen a great many bad bills, but I measure my words when I say that this is the worst and most vicious proposition I have heard of in the House of Representatives.

Mr. BLANTON. And it is buncombe yet, pure and simple.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. McLEOD. Does the gentleman realize that there is already a statute on the books which this seeks to amend?

Mr. LAGUARDIA. Yes; I do.

Mr. BLANTON. Mr. Speaker, I object.

GRANTING CERTAIN LANDS TO SAN JUAN COUNTY, WASH.

The next business on the Consent Calendar was the bill H. R. 8646, providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why is it necessary for the United States to grant this land at $1.25 an acre?

Mr. HADLEY. Mr. Speaker, this land, amounting to 63 acres and a fraction, is a part of an abandoned military reservation, which the Government held for a great many years for military purposes. Finding no use for it, it was turned back by the War Department under Executive order to the Interior Department for disposition under the act of 1884, at an appraised minimum value of $1.25 per acre. They appraised this land and proceeded to sell a lot of the land. They sold a part at the appraised value. These lots did not sell at the appraised value. They were appraised, part of them at $15 an acre and part of them at $20 an acre. There is no assurance that the land will sell at any price.

Mr. BLANTON. What does the gentleman deem them worth now in the market?

Mr. HADLEY. I have no accurate knowledge of that.

Mr. BLANTON. They are worth more than $1.25 an acre?

Mr. HADLEY. I doubt that very much, but the gentleman should bear in mind that these lots are on an island where there are a few people, perhaps 1,000, and that they want these for public recreational purposes, and inasmuch as it is a transfer from one public use to another the committee has recommended a charge of $1.25 an acre.

Mr. BLANTON. My sympathies are with the West, and I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the title and fee to lots 3 and 4 of section 2 in township 35 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situate within an abandoned military reservation on Lopez Island in said county, said lots containing 63.35 acres, be, and the same are hereby, granted, subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes: *Provided*, That if said lands shall not be used for the purposes hereinabove mentioned, the same or such part thereof not used shall revert to the United States.

With the following committee amendments:

Page 1, line 9, after the word "granted," insert the words "on the payment to the United States of $1.25 per acre."

Page 2, at the end of line 5, strike out the period, add the colon and the following: "*And provided further*, That lot 3 shall be subject to the right of way for county roads granted to the county authorities of San Juan County, State of Washington, by the act of Congress of February 21, 1925 (43 Stat. p. 957): *And provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VALIDATING CERTAIN APPLICATIONS FOR ENTRIES OF PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 9037) validating certain applications for entries of public lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, in the days of my apprenticeship under the gentleman from Oregon [Mr. SINNOTT] in the Committee on Public Lands the policy was adopted to put a number of bills of this kind in an omnibus bill. Under the policy we did not permit any bill to be included in the omnibus bill where any fraud or fault on the part of the applicant for relief was evidenced.

Mr. LEAVITT. That is the same policy now.

Mr. CRAMTON. Is that the policy under which this bill was drawn?

Mr. LEAVITT. I will say that is the policy of the committee at this time.

Mr. CRAMTON. So there is nothing in here for the relief of any person whose difficulty existed by reason of fraud or fault on his part?

Mr. LEAVITT. There is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk began the reading of the bill.

Mr. SINNOTT. Mr. Speaker, this is a long bill, and I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I think we ought to read these bills, and I object.

The SPEAKER. Objection is heard.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed upon the payment of all moneys due thereon:

Additional homestead entry, La Grande, Oreg., No. 016165, made by William W. McDuffee on November 11, 1918, for the southeast quarter of the southeast quarter, section 24, and east half of the northeast quarter and southwest quarter of the northeast quarter, section 25, township 7 south, range 30 east, Willamette meridian.

Homestead entry, Elko, Nev., No. 03434, made by Robert Fitzhugh on June 1, 1918, under the act of June 11, 1906 (34 Stat. L. p. 233), for a tract of land described as homestead entry survey No. 111.

Homestead entry, Santa Fe, N. Mex., No. 039126, made by Joseph James Pugens on July 22, 1920, for the south half of the southeast quarter and southeast quarter of the southwest quarter, section 7, lots 1, 2, east half of the northwest quarter and northwest quarter of the northeast quarter, section 18, township 5 north, range 22 east, New Mexico principal meridian.

Additional homestead entry, Glenwood Springs, Colo., No. 017680, made by John W. Smoot on December 22, 1919, for lots 15, 16, 17, and 18, section 30, township 6 north, range 90 west, sixth principal meridian.

Additional homestead entry, Cheyenne, Wyo., No. 025735, made by Jennie Ireland, widow of Joseph W. Ireland, deceased, on April 23, 1920, for the north half of section 33, township 19 north, range 66 west, sixth principal meridian.

Homestead entry, Douglas, Wyo., No. 025896, made by Mark W. Iddings on October 14, 1920, for the southwest quarter, section 28, and the south half, section 29, township 29 north, range 77 west, sixth principal meridian.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to allow the following applications to make entry:

Homestead application, Durango, Colo., No. 09864, filed by Syrus M. Austin, November 25, 1921, for the southeast quarter of the southeast quarter, section 4, southwest quarter of the southwest quarter, section 3, east half of the northeast quarter and southeast quarter, section 9, west half of the southwest quarter and west half of the northwest quarter, section 10, township 41 north, range 18 west, New Mexico principal meridian, subject to the provisions of the act of December 29, 1916 (39 Stat. L. p. 862).

Additional homestead application, Glasgow, Mont., No. 061215, filed by John J. Wall, December 10, 1924, for the east half of the southeast quarter, section 18, township 31 north, range 45 east, Montana principal meridian.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to sell the lands described as the south half of the south half of section 9, township 15 north, range 1 east, Choctaw meridian, Mississippi, to the legal heirs of W. H. McCarty and Sallie McGee McCarty upon the payment of $1.25 an acre therefor.

SEC. 4. That homestead entry, Santa Fe, N. Mex., No. 044079, made by Hubert L. Patterson on February 20, 1922, for the southwest quarter, southwest quarter of the southeast quarter, section 29, and the northwest quarter, west half of the northeast quarter, southeast quarter of the northeast quarter and the northwest quarter of the southwest quarter, section 32, township 4 north, range 6 east, New Mexico principal meridian, be, and the same is hereby, validated, and that the State of New Mexico, through its proper officers, be, and it is hereby, authorized to select an equal area of surveyed, nonmineral, unappropriated, and unreserved public land in lieu of that part of the above-described tract situate in said section 32.

SEC. 5. That patented homestead entry, Santa Fe, N. Mex., No. 034925, made by Harry Owen on February 18, 1920, for the southeast quarter, east half of the southwest quarter and the southwest quarter of the southwest quarter, section 32, township 4 north, range 6 east, New Mexico principal meridian, be, and the same is hereby validated, and that the State of New Mexico, through its proper officers be, and it is hereby, authorized to select an equal area of surveyed, nonmineral, unappropriated, and unreserved public land in lieu of the above-described tract.

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to issue patent to the Farmers State Bank, of Brady, Mont., for lots 1, 2, 3, and 4, and the east half of the northwest quarter and east half of the southwest quarter of section 31, township 27 north, range 2 east, Montana meridian, upon payment therefor by said bank at the rate of $1.25 per acre.

SEC. 7. That the Secretary of the Interior be, and he is hereby, authorized to allow the amendment of homestead entry, Phoenix, Ariz., No. 054443, made by Clarence T. Bach on October 17, 1922, for the southwest quarter of section 9, township 8 south, range 20 west, Gila and Salt River meridian, and also the final certificate which was issued December 15, 1923, on final proof duly submitted to embrace in lieu of the above-described tract, the northeast quarter of said section 9 and to issue patent thereon.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to allow the application filed by Arthur Glenn to change the character of his additional stock-raising homestead entry, Helena, Mont., No. 023857, made on April 12, 1924, for the southwest quarter and the southwest quarter of the southeast quarter, section 20, township 6 north, range 9 east, Montana principal meridian, to one under the provisions of section 3 of the enlarged homestead act of February 19, 1909 (35 Stat. L. p. 639), as amended by the act of March 3, 1915 (38 Stat. L. p. 956).

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to the city of Harrison, Mich., for an island in Bud Lake surveyed as lot 11 of section 21, township 19 north, range 4 west, Michigan meridian, containing 1.04 acres, upon payment therefor at the rate of $1.25 per acre: *Provided*, That if the Secretary of the Interior shall find that the said island is not being used for park purposes the title thereto shall revert to the United States.

SEC. 10. That upon surrender of the patent issued on June 20, 1923, to John H. Haggett on his mineral entry Portland 06369, embracing the east half of the northwest quarter of the southwest quarter, section 21, township 12 south, range 3 east, Willamette meridian, and the reconveyance thereof by the entryman to the United States, the Secretary of the Interior be, and he is hereby, authorized to issue a new patent thereon to said John H. Haggett, subject to the provisions, reservations, conditions, and limitations of section 24, Federal water power act, approved June 10, 1920 (41 Stat. L. p. 1063).

SEC. 11. That section 10 of the act of Congress approved February 7, 1925 (43 Stat. L. p. 809), be, and the same is hereby, amended to allow Richard Walsh to retain the land embraced in farm unit A, or lots 3 and 5, and the southeast quarter of the northeast quarter, section 22, township 41 south, range 12 east, Willamette meridian, Oregon, containing 67.45 acres, upon payment therefor at the rate of $1.25 per acre.

SEC. 12. That the stock-raising homestead entry, Roswell, N. Mex., No. 047458, made by Andrew C. Woolf, on May 20, 1920, for the southeast quarter of section 7, and lots 1, 2, and the east half of the northwest quarter, northeast quarter, and the northwest quarter of the southeast quarter, section 18, township 19 south, range 16 east, New Mexico principal meridian, on which patent issued February 25, 1924, be, and the same is hereby, validated.

SEC. 13. That the provisions of section 2455 of the Revised Statutes of the United States be, and the same are hereby, extended to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming, which were restored to entry under the homestead laws only by the provisions of the act of July 10, 1890 (26 Stat. L. p. 227), and the act of December 22, 1892 (27 Stat. L. p. 408): *Provided*, That sales of land in said abandoned military reservation heretofore made in good faith under assumed authority of section 2455 of the Revised Statutes be, and are hereby, confirmed.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO TRADING WITH THE ENEMY ACT

The next business on the Consent Calendar was the bill (S. 1226) to amend the trading with the enemy act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOUSTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who introduced the bill, whether the bill as prepared gives a preference to certain German nationals.

Mr. LEA of California. Yes. It provides for a return to certain German citizens resident in this country.

Mr. HOUSTON. Under existing law a naturalized American citizen formerly a German national who was in Germany during the war and whose property was seized must prove his loyalty before he can recover his property. Now, under this law any man who was a German citizen and in this country when the war broke out, and went to Germany and served in the German Army, can come back and secure a return of his property in a year if he applies for American citizenship.

Mr. LEA of California. As I understand the law, if he claims American citizenship it is not necessary to show his loyalty. As to the return to resident Germans it never has been necessary to show a German citizen was loyal to the American Government in order to receive a return of his property. We assume a citizen of Germany is loyal to his country

and an American citizen is loyal to his country. We have a right to require that of an American citizen.

Mr. HOUSTON. The gentleman will find the law at present provides that the naturalized American citizen who was a German and who was in Germany during the war and has since returned to this country, before he can secure a return of his property must prove his loyalty. Now, there is another objection. The report of the committee states this only applies to about six cases, totaling only a million dollars. Personally I know of one case which exceeds in value over $5,000,000. It has been the subject matter of litigation in two States and the District of Columbia and is still in litigation. Under the provisions of this bill he could secure the return of his property. He claims to be an American citizen, although he served in the German Army.

Mr. LEA of California. We have not denied the return of the property because the resident claimant was a citizen of Germany. If the claimants are bona fide residents of the United States, their property has been returned even if they were interned during the war. So the claim of American citizens is one thing and this bill relates to another class, namely, bona fide resident German citizens.

Mr. HOUSTON. I have taken this subject up with the Alien Property Custodian because, when I was connected with the office as chief of bureau of law, at the last Congress this same bill was introduced, and I objected to it and the Alien Property Custodian refused to support it. I called this bill to the attention of the office and they deemed my objections good, and they said they would try to amend the bill because it was not intended in this bill to include that class of enemies to which I refer whose property is held.

Mr. LEA of California. I will state to the gentleman that I have given consideration to the objection he makes. If there is any strength to that objection, so far as German citizens are concerned, to which this bill relates, it can be straightened out in conference. I have looked into the matter, and I think you will find that the Alien Property Custodian will take a different view from that of the gentleman. We have not and can not insist that German citizens be loyal to America.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. LaGUARDIA. Why do we not close up the department and clean this matter up? It is about time the property is restored, in keeping with the traditions and customs of this country.

Mr. LEA of California. I agree with the gentleman, that should be done. The difficulty has been in the settlement of the American claims. The delay in the return has been caused by the inability to provide a scheme for the payment of the American claims.

Mr. LaGUARDIA. It seems to me that the claims are being settled by the American commission. I think we should bring the work to a close and get rid of these claims.

Mr. LEA of California. I think that should be done.

Mr. HOUSTON. I think if the gentleman will take this matter up with the Alien Property Custodian's office he will find that my objection is sound with respect to the estate to which I refer. I am not averse to naming it. It is the Von Sedwitz estate which is in litigation in the States of New York and Kentucky, and in the District of Columbia. This bill would take that estate out of court and permit the return of that property to that young man who served in the German Army.

Mr. LEA of California. I am not familiar with that particular case. I am simply giving to you the information which came to me from the Alien Property Custodian's office and the Senate investigation.

Mr. HOUSTON. I think I shall have to object.

Mr. LEA of California. I hope the gentleman will withhold his objection.

Mr. HUDDLESTON. I think it will cut this colloquy short if the gentleman would object.

The SPEAKER. Is there objection?

Mr. HOUSTON. I object.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

Mr. HUDDLESTON. That is just a wasting of time.

If the gentleman wants to object, it should be done now. I object.

The SPEAKER. Objection is made. The Clerk will report the next one.

PURCHASE OF BRANCH OFFICE BUILDING AT BUFFALO FOR FEDERAL RESERVE BANK OF NEW YORK

The next business on the Consent Calendar was the resolution (H. J. Res. 131) authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That the Federal Reserve Bank of New York is hereby authorized to invest in the purchase of land improved by a bank building, already fully constructed, for its branch office at Buffalo, N. Y., a sum not to exceed $600,000 out of its paid-in capital stock and surplus.

Mr. WINGO. Mr. Speaker, I think the RECORD ought to show what the facts are. I have grave doubt whether any action of Congress will apply in this case. This building and the ground will not cost actually any more than the present law permits without coming to Congress. In any event, that reserve bank will expend $200,000 on this property.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

GRADES IN THE MARINE CORPS

The next business on the Consent Calendar was the bill (H. R. 8725) to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COYLE. Mr. Speaker, I ask unanimous consent that the bill be passed over and retain its place on the calendar.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be passed over and retain its place on the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

REIMBURSEMENT OF PHILIPPINE ISLANDS FOR MAINTAINING ALIEN CREWS

The next business on the Consent Calendar was the bill (H. R. 7081) to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917.

The title of the bill was read.

The SPEAKER. Is there objection to the present consderation of this bill?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $11,400.81 for reimbursement to the government of the Philippine Islands for expenses incurred by it for maintaining alien crews prior to April 6, 1917.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

REMOVAL OF GATES IN WEST EXECUTIVE AVENUE

The next business on the Consent Calendar was the bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WINGO. I object. It would be a waste of time to consider it further.

The SPEAKER. Objection is made. The Clerk will report the next one.

CONVEYANCE TO THE CITY OF BALTIMORE OF CERTAIN GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 6260) to convey to the city of Baltimore, Md., certain Government property.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BLANTON. I reserve the right to object, to give the gentleman from Ohio [Mr. BEGG] a chance to object.

Mr. BEGG. What does the gentleman want?

Mr. BLANTON. I thought maybe you wanted to protect the Government in connection with this bill.

Mr. BEGG. What has happened?

Mr. BLANTON. Does the gentleman want this property to be conveyed to the city of Baltimore, or has the distinguished white-charger rider from Baltimore prevailed on the gentleman? [Laughter.]

Mr. BEGG. It will give the white-charger rider something to ride on.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey, by the usual quitclaim deed, to the city of Baltimore, Md., for street purposes and no other, that portion of the present post-office site in said city, 20 feet in width and which extends along the north side of Fayette Street a distance of 120 feet west from the corner of North Street, said 20-foot strip being the same portion of said site now being used by the city of Baltimore for street purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN ABANDONED TRACTS OF LAND AND BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 7178) authorizing the sale of certain abandoned tracts of land and buildings.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINGO. Mr. Speaker, reserving the right to object, just what is this bill and what does it propose to do?

Mr. ELLIOTT. This is a bill authorizing the sale of some Government property, and I think the letter of the Secretary of the Treasury, which was sent to the House, explains the matter. That letter states as follows:

TREASURY DEPARTMENT,
Washington, December 14, 1925.

THE SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: The United States owns several parcels of land acquired for Federal building sites, etc., some with buildings thereon and some without, which are no longer needed for the purposes of the Government. I have the honor, therefore, to recommend appropriate legislation for the sale of such properties, after due advertisement, for the highest price obtainable, in such manner, at such times, and on such terms as the Secretary of the Treasury may deem to the best interests of the Government.

A list of these abandoned buildings and grounds which could be disposed of without detriment to the public service will be found in the inclosed draft of the desired legislation.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

Mr. WINGO. I have read that but it does not give us any information. What is the value of this property and where is it located with reference to other private property?

Mr. ELLIOTT. It says in the bill where it is located.

Mr. WINGO. Take that part in Sitka, Alaska. How is that property located with reference to other valuable property?

Mr. ELLIOTT. I can not say about that. It is a bunch of lots that were taken over from the Russian Government. Then there is a customhouse at Wrangell, Alaska, abandoned boarding stations for the customs service at Pass a L'Outre, Southwest Pass, and The Jump, La., and the old customhouse lot at Astoria, Oreg.

Mr. WINGO. That is what I read in the bill, but I am asking how is it located with reference to other valuable private property, what are we offered for it, and what are these things worth?

Mr. ELLIOTT. I do not know that I can advise the gentleman. The lots in Alaska probably do not lie close to anything that is very valuable.

Mr. WINGO. Take the old customhouse in Oregon. What is it proposed to do with it?

Mr. ELLIOTT. They will sell that land and turn the money into the Treasury.

Mr. WINGO. That is what the bill proposes, but I want to know the reason for doing it.

Mr. ELLIOTT. The reason is that there is no longer any need of this property for Government purposes.

Mr. WINGO. What is the necessity for selling it, without restrictions, at private sale?

Mr. ELLIOTT. They will sell it under the terms of this bill.

Mr. WINGO. Why not require competitive bids?

Mr. ELLIOTT. If the gentleman has an amendment of that kind to offer, I have no objection to it.

Mr. WINGO. But I am not a member of the committee.

Mr. ELLIOTT. There was no objection to this bill that came up in the committee.

Mr. WINGO. It does seem to me that the gentleman should require, in cases of this kind, that there should be some competitive bidding.

Mr. ELLIOTT. I do not think there will be any trouble about the interest of the Government being taken care of. If the gentleman has an amendment of that kind which he wants to put in I have no objection to it.

Mr. DENISON. May I ask whether that is not required where any Government property is sold?

Mr. ELLIOTT. I think so.

Mr. WINGO. But this takes it out from under the general law.

Mr. DENISON. I do not think so.

Mr. WINGO. This bill provides that the Secretary of the Treasury, in his discretion, is authorized to sell, as a whole or in parcels, at such time, in such manner, and upon such terms as he may deem to the best interests of the United States, and I think that gives unlimited authority.

Mr. TILSON. Will not that be construed, though, as being a sale under the general law?

Mr. WINGO. I think not.

Mr. TILSON. He could not be authorized to change existing law.

Mr. WINGO. I think we passed a similar bill to this in the Sixty-third Congress, I think it was, and it was held by the department that took it out from under the general law and gave it the right to do as it pleased. I do not particularly care, but I think it best to have all property sold, where it can be done, by competitive bids. We are apt to get more. Of course, the Secretary can not and will not give the matter personal attention.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Does not the gentleman think, since he and his committee have placed such power in the Secretary of the Treasury as to permit him to locate $165,000,000 worth of public buildings wherever he chooses, that we should trust him to sell a little land in Alaska, Oregon, and Louisiana?

Mr. ELLIOTT. I think so.

Mr. BLANTON. And that we should do away with the Committee on Public Buildings and Grounds and with Congress and turn all power over to the Secretary of the Treasury? That is the logical sequence to such legislation, is it not?

Mr. ELLIOTT. That might help some.

Mr. BLANTON. If the gentleman will permit, Mr. Speaker, the title to some Government property has been vested in the War Department, the title to some in the Navy Department, the title to some in the Secretary of the Treasury, and the title to some property has been vested in the Secretary of the Interior, and some in other Secretaries.

We have just recently disposed of much of the property that has been vested in the War Department and the Navy Department. You provided in the bill the other day that any property which they cared to deem surplus they might declare was surplus and sell it, and instead of putting the money into the general fund of the Treasury, upon which the people might draw for public expenditures, it is put into a private fund to be spent alone by the War Department and the Navy Department.

Now, all the committee wants to know is that the Secretary of the Treasury wants to sell certain property and they give him carte blanche authority to do it. The chairman has disclosed the fact that he does not know anything about this property and he has made no inquiry concerning it. All he wants to know is that the Secretary sends him a little letter——

Mr. ELLIOTT. He did not send it to me but he send it to Congress.

Mr. BLANTON. But the letter comes from the gentleman's committee—a little letter stating that he wants to sell property on private terms and just as he pleases, taking it out from under the law and selling it as he pleases, and here comes the bill to authorize it. The chairman did not even go into the matter of finding out what property it is, what it is worth, the necessity for selling it, or anything else about it. I think Congress ought to know something about it.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. The gentleman will note that in the letter from the Secretary of the Treasury——

Mr. BLANTON. I have read it half a dozen times.

Mr. TILSON. He asks that it be sold after due advertisement, for the highest price obtainable, in such manner and at such time and on such terms as the Secretary of the Treasury may deem to the best interests of the Government.

Mr. BLANTON. But upon such terms and in such manner as he may desire. He asks that it be taken out from under the general law.

Mr. TILSON. On such terms as the Secretary of the Treasury may deem to be to the best interests of the Government.

Mr. BLANTON. And in the manner which he desires.

That takes it out from under the provisions of the general law respecting the sale of Government real property. Why shouldn't he sell it according to the present law respecting such sales? Why should he be given special authority as provided for in this bill?

Mr. WINGO. Will the gentleman from Texas yield?

Mr. BLANTON. Certainly.

Mr. WINGO. Let me make a suggestion to the gentleman on the other side. Why not put in a proviso or add as an amendment, "subject to the provisions of existing law governing the sale of public property"?

Mr. TILSON. I think that would not change it in the slightest degree, but if it will set at rest the gentleman's mind, I have no objection.

Mr. WINGO. I think it will relieve the mind of the gentleman from Texas.

Mr. BLANTON. I had in mind exactly the amendment which the gentleman has suggested.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell, as a whole or in parcels, at such times, in such manner, and upon such terms as he may deem to the best interests of the United States, each of the following abandoned tracts of land and buildings: Various lots at Sitka, Alaska, taken over from the Russian Government; old customhouse, Wrangell, Alaska; abandoned boarding stations for the customs service at Pass a L'Outre, Southwest Pass, and The Jump, La.; an old customhouse lot, Astoria, Oreg.; to convey such property to the purchasers thereof by the usual quitclaim deeds; and to deposit the proceeds of such sales in the Treasury of the United States as miscellaneous receipts.

Mr. WINGO. Mr. Speaker, I offer the following amendment:

Page 1, line 4, after the word "sell," insert the phrase: "Subject to provisions of existing law governing sales of public property."

The SPEAKER. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 1, line 4, after the word "sell," insert the words "subject to provisions of existing law governing sales of public property."

Mr. BLANTON. Mr. Speaker, I offer an amendment to the amendment.

Mr. LAGUARDIA. Should you not strike out the words "in such manner"?

Mr. BLANTON. No. I offer an amendment to the amendment, preceding the word "property" in the amendment of the gentleman from Arkansas insert the word "real."

The SPEAKER. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

Mr. LAGUARDIA. Mr. Speaker, may I call the attention of the introducer of the amendment to the fact that if he puts in "subject to existing law," then he ought to strike out the words "in such manner," because that gives him the option in selling it.

Mr. WINGO. He can then sell it under the terms of existing law as he thinks best. I think that is a sufficient restriction.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment of Mr. WINGO: After the word "public" and before the word "property" insert the word "real."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REMOVAL OF GATES IN WEST EXECUTIVE AVENUE

Mr. WINGO. Mr. Speaker, the gentleman from Indiana [Mr. ELLIOTT] has prevailed on me to withdraw my objection to the consideration of the bill (H. R. 54) to tear down the White House gates. I will withdraw my objection.

Mr. BEGG. We have passed that.

Mr. BLANTON. Mr. Speaker, those are valuable gates and ought not to be torn down. I object.

DEDICATION OF LAND TO BARDSTOWN, KY.

The next business on the Consent Calendar was the bill (H. R. 9455) to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereby there is dedicted to permanent use as a public thoroughfare so much of the lot or parcel of ground owned by the United States at the northwest corner of Public Square, in the city of Bardstown, in the State of Kentucky, as now is covered by a cement sidewalk, running east and west on the north side of said lot; and, also, the narrow strip of ground, approximately 3 or 4 feet wide, which lies on the outside and to the north of said cement sidewalk.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROHIBITION ENFORCEMENT PERSONNEL

The next business on the Consent Calendar was the bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEHLBACH. Mr. Speaker, I ask that the bill be passed over, retaining its place on the calendar.

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER. Objection is heard. The Clerk will report the next bill——

Mr. BLANTON. Mr. Speaker, I object to the gentleman's request that it be passed over, so the gentleman will be required to object to it now if he does not want it to come up. The bill is called up for consideration. The gentleman does not object to the bill, but asks that it go over without prejudice.

The SPEAKER. The gentleman from Texas objects to the request of the gentleman from New Jersey. Is there objection to the present consideration of the bill?

Mr. HILL of Maryland. Reserving the right to object——

Mr. LAGUARDIA. I hope the gentleman——

Mr. LEHLBACH. Mr. Speaker, reserving the right to object, the gentleman reporting the bill from the committee, our colleague from Michigan [Mr. HUDSON] is unavoidably absent from the city, and in his absence I think it would be better that the bill be not considered. For that reason solely I asked that it retain its place on the calendar. If the gentleman wants the bill to be considered in the absence of the person having the bill in charge, I think that is an unheard-of proceeding and extremely discourteous to his colleague, the gentleman from Michigan.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEHLBACH. But if that is his attitude, I shall have to assume the responsibility of objecting at the present time to the consideration of the bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEHLBACH. I have objected, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. BLANTON. And the gentleman has kept the bill from passing, which it would do if the gentleman would not object.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I simply desire to say I had an understanding with my colleague, the gentleman from Michigan [Mr. HUDSON] that the bill should be called to-day and that I would do what I could to protect its interests, and I know it would have been entirely satisfactory to my colleague from Michigan [Mr. HUDSON] for the bill to have been brought up to-day.

Mr. LEHLBACH and Mr. HILL of Maryland rose.

Mr. LEHLBACH. Mr. Speaker, in view of the explanation and the statement of the gentleman concerning his understanding, which was not brought to my attention as chairman of the committee having the legislation in charge, I, of course, withdraw my objection to the present consideration of the bill.

Mr. HILL of Maryland. Reserving the right to object, I would like to ask the gentleman from Michigan if the Cramton bill (H. R. 3821) is not in the essential part identical with H. R. 3978, introduced by the gentleman from Massachusetts [Mr. TINKHAM], who has stood for this legislation a good many years. In other words, what is the difference between the Cramton bill and the Tinkham bill?

Mr. CRAMTON. I am advised, although I can only speak from information and belief of the Tinkham bill—I can speak of a certainty as to my own bill, but I understand that although the language of the two bills is different, both result in placing under the civil service law all the employees engaged in Federal prohibition enforcement.

Mr. HILL of Maryland. I hold the two bills in my hand and they are in the essential part identical. I am not against it, I have always been for it, but in the absence of the gentleman from Massachusetts——

Mr. BLANTON. Will the gentleman yield? If what the gentleman from Maryland says is true, that the gentleman from Massachusetts [Mr. TINKHAM] is in favor of it, the gentleman from Maryland is in favor of it, and the gentleman from Michigan [Mr. CRAMTON], is in favor of it I have become suspicious of the bill.

Mr. HILL of Maryland. Mr. Speaker, if I may have unanimous consent to put the Tinkham bill in at this place by the side of this bill I will withdraw my objection.

Mr. BEGG. Mr. Speaker, I want to know what this is all about and what is before the House.

Mr. HILL of Maryland. This has nothing to do with prohibition. It is entirely a matter of orderly enforcement of a Federal law.

The SPEAKER. Is there objection to the consideration of the bill H. R. 2831?

Mr. WINGO. A parliamentary inquiry, Mr. Speaker. If I understood the gentleman from Maryland, this is a question whether or not the bill will be considered.

The SPEAKER. Objection has been made to the present consideration and afterwards it was withdrawn by the gentleman from New Jersey. The question is, Is there objection to the present consideration of the bill?

Mr. WINGO. What became of the request of the gentleman from Maryland?

Mr. HILL of Maryland. Reserving the right to object, and I shall not object to the consideration if I may at this point extend my remarks and put in the Tinkham bill with this proposed Cramton bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks by printing the Tinkham bill. Is there objection?

There was no objection.

The two bills are as follows:

The Tinkham bill

Be it enacted, etc., That the executive officers authorized to be appointed by the Commissioner of Internal Revenue to have immediate direction of the enforcement of the provisions of the national prohibition act of October 28, 1919, and persons authorized to issue permits, and agents and inspectors in the field service of the prohibition enforcement force of the Internal Revenue Bureau shall be appointed in accordance with the provisions of the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States."

SEC. 2. After six months from the passage of this act the incumbents of positions hereby made subject to the competitive requirements of the civil service act may only be retained in their respective positions as the result of their names being reached for certification under the competitive requirements of the civil service rules, unless they have been already appointed in the manner prescribed in said rules.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The Cramton bill

Be it enacted, etc., That the personnel of the Treasury Department authorized by section 38 of the national prohibition act shall be appointed under the rules and regulations prescribed by the civil service act: *Provided*, That after six months from the passage of this act the incumbents of positions hereby made subject to the competitive requirements of the civil service act may only be retained in their respective positions as the result of their names being reached for certification under the competitive requirements of the civil-service rules unless they have been already appointed in the manner prescribed by the civil-service rules.

Mr. HILL of Maryland. The gentleman from Massachusetts on December 12, 1923, introduced a bill for placing of Government employees engaged in the enforcement of national prohibition under the civil service. The gentleman from Massachusetts [Mr. TINKHAM], as I recollect it, had also introduced a similar bill in the Sixty-seventh Congress. The bill he introduced on December 13, 1923, is as follows:

Be it enacted, etc., That the executive officers authorized to be appointed by the Commissioner of Internal Revenue and the Attorney General of the United States to have immediate direction of the enforcement of the provisions of the national prohibition act of October 28, 1919, and persons authorized to issue permits, and agents and inspectors in the field service of the prohibition enforcement force of the Internal Revenue Bureau, and other special employees of the Attorney General, appointed pursuant to said national prohibition act, shall be appointed in accordance with the provisions of the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States." Within three months from the passage of this act the incumbents of positions hereby made subject to the competitive requirements of said civil service act shall be subjected to and must successfully pass open competitive examinations in order to retain their respective positions unless already appointed in the manner prescribed in the civil service act.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Placing prohibition agents under civil service has nothing to do with the merits of prohibition, but it may be helpful in eradicating some of the scandals in the prohibition service. I have, therefore, no objection to the consideration of the Tinkham bill as embodied in the pending measure.

The SPEAKER. Is there objection?

Mr. DYER. Reserving the right to object, is this similar to a bill that came up for consideration in the last Congress?

Mr. CRAMTON. The gentleman remembers in the last Congress the bill for reorganizing the Prohibition Unit that was introduced by me, reported by the Judiciary Committee, and passed by the House, and it carried this same provision.

Mr. DYER. And there is no additional increase in pay of anybody?

Mr. CRAMTON. No; it simply places them under the civil service.

Mr. DYER. I have no objection.

Mr. BLANTON. Reserving the right to object, did the gentleman from Missouri vote for this bill?

Mr. CRAMTON. I do not know.

Mr. BLANTON. The gentleman from Missouri says he has no objection; the gentleman from Michigan says he has no objection; and the gentleman from Maryland does not object, and so I am forced to object to it. [Laughter.]

DAM IN THE DES MOINES RIVER

The next business on the Consent Calendar was the bill (S. 122) granting the consent of Congress for the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. DYER. Reserving the right to object, I want to say with reference to the bill that was just objected to by the gentleman from Texas, that I was on the committee at the last session and voted in favor of reporting it out and putting these employees under the civil service.

The SPEAKER. Is there objection to the consideration of bill S. 122?

Mr. LAGUARDIA. Reserving the right to object, I see in the report of the Federal Power Commission that they say they do not know anything about it. What is the purpose of it?

Mr. DENISON. The purpose is to build a dam for the purpose of securing water for the waterworks.

Mr. LAGUARDIA. The Federal Power Commission say they know nothing about it and can give no information in regard to it.

Mr. DENISON. This has a provision in it with reference to the Federal Power Commission. The bill has been amended so as to preserve all rights.

Mr. LAGUARDIA. I hold in my hand a letter from the Federal Power Commission dated in January, and they say they know nothing about the project.

Mr. DENISON. Yes; but the bill is amended since then to meet their objection.

Mr. COLE. This is not intended to generate power at all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River, at a point suitable to the interests of navigation at or near Des Moines, Iowa: *Provided*, That the work shall not be commenced until the plans therefor shall be submitted to and approved by the Chief of Engineers of the United States Army and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said Iowa Power & Light Co., its successors or assigns, that desirable water power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States, proposing to develop a power project at or near said dam, shall have authority to remove, submerge, or utilize said dam, under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DISPOSITION OF ASPHALT, GILSONITE, ELATERITE, ETC., ON PUBLIC DOMAIN

The next business on the Consent Calendar was the bill (H. R. 5385) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, this is a matter involving large and valuable Government property. I do not think it ought to be considered without a full opportunity to discuss it and go into the facts. Therefore I object to its being considered on the Consent Calendar.

Mr. COLTON. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. DYER. Yes.

Mr. COLTON. Mr. Speaker, I understand the gentleman wants to make further investigation. Would he object to the bill's retaining its place on the calendar?

Mr. DYER. As I understand, if it stays on the calendar, as requested by the gentleman from Utah, it will require only one objection in two weeks or upon the next calling of the calendar?

Mr. COLTON. Oh, no. I understand the Chair a few moments ago, when the gentleman from Connecticut [Mr. TILSON] was occupying the Chair, to rule otherwise, that if an objection be made, the bill goes off, but that a Member may ask that it retain its place on the calendar, and, of course, it would be with the objection recorded.

The SPEAKER. The Chair so understands.

Mr. DYER. And on the next call of the calendar, then, it would require three objections? The gentleman can put it back under the rules.

Mr. COLTON. Yes; but as I understand it this is just the matter of its retaining its place on the calendar.

Mr. DYER. I have no objection to that.

Mr. COLTON. I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER. The gentleman from Utah asks unanimous consent that the bill may retain its place on the calendar. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, it is my understanding of the ruling earlier in the afternoon by the temporary occupant of the chair, that under such a request the bill would require only one objection to put it off the next time it is called.

Mr. TILSON. Oh, the gentleman is mistaken about that.

The SPEAKER. As the present occupant of the chair understands the ruling, it is that where unanimous consent is obtained to pass the bill over without prejudice, it would have two more chances, but where it retains its place on the calendar, merely, the next time it is called, it requires three objections.

Mr. TILSON. That is a correct statement.

Mr. WINGO. In other words, where it is passed over without prejudice, it is just the same as if it had not been considered.

The SPEAKER. That is true.

Mr. COLTON. But, Mr. Speaker, I do not request that it be passed over without prejudice.

The SPEAKER. The Chair so understands it, and as the Chair understands it the next time this bill is considered it will require three objections to take it off the calendar.

Mr. WINGO. Oh, no.

Mr. BLACK of Texas. Mr. Speaker, let us get this thing right. Why would there be any necessity for his asking that the bill retain its place on the calendar?

The SPEAKER. That simply does not require the gentleman to refile his bill.

Mr. BLACK of Texas. But under the rules of the House it would retain its place on the calendar.

Mr. TILSON. Oh, the gentleman is mistaken about that. Under the rules of the House it would be stricken from the calendar.

The SPEAKER. And the gentleman may restore it to the calendar; but if he does so, it will require three objections.

Mr. BLACK of Texas. I stand corrected.

Mr. WINGO. Why have the rule at all? Why not provide that those objected to shall automatically go back on the calendar without request?

Mr. COLTON. As I understand the ruling, a Member may make request that the bill be put back on the calendar, but it must go to the foot of the calendar, and by this unanimous-consent request it retains its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Utah that the bill retain its place upon the calendar?

There was no objection.

PROHIBITION ENFORCEMENT PERSONNEL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent, under this understanding of the rules, that the bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act may retain its place on the calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill H. R. 3821 may retain its place on the calendar. Is there objection?

There was no objection.

BRIDGE ACROSS SUSQUEHANNA RIVER AT HAVRE DE GRACE

Mr. TILSON. Mr. Speaker, in the passage of the bridge bills a short time ago, the bill (H. R. 9392) granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River, between Havre de Grace, in Harford County, and Perryville, in Cecil County, was passed. It is now found that an identical bill to this has passed the Senate and is now on the Speaker's table. In order to facilitate the matter, about which there is considerable rush, it is desired to pass the Senate bill instead of the House bill. Therefore, I ask unanimous consent that the proceedings had in passing the bill H. R. 9392 be vacated.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the proceedings in reference to the bill H. R. 9392 be vacated. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. And substitute the bill S. 3173 on the Speaker's desk and on the calendar.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the bill S. 3173. Is there objection?

Mr. TILSON. Which is identical in language.

The SPEAKER. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3173) granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace in Harford County and Perryville in Cecil County

Be it enacted, etc., That the consent of Congress is hereby granted to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, and its successors and assigns, to reconstruct, maintain, and operate the present highway bridge across the Susquehanna River, between Havre de Grace in Harford County and Perryville in Cecil County, in accordance with the provisions of the Act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I think I ought to call attention to this. It is all right to do this, but the motion by which the House bill was passed was to reconsider and lay on the table. How are we going to do it?

Mr. WINGO. The gentleman's request was to vacate all proceedings in reference to this bill.

Mr. BEGG. But you are vacating all the other bills?

Mr. TILSON. No; only the proceedings by which this bill was passed.

Mr. WINGO. That is the only way by which it can be done.

Mr. BEGG. I do not think anybody cares anyhow.

The bill was ordered to be read the third time; was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

AGRICULTURAL LANDS WITHIN THE TONGUE RIVER, ETC., RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River in Northern Cheyenne Indian Reservation in Montana, and for other purposes.

The Clerk read the title of the bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and retain its place on the calendar. I do this at the request of John Stands In Timber, representing the Tongue Reservation Indians.

The SPEAKER. Without prejudice the bill will retain its place on the calendar.

Mr. WINGO. But if you pass it without prejudice——

The SPEAKER. Then it requires one objection. Is there objection? [After a pause.] The Chair hears none.

INCREASING LIMIT OF COST OF PUBLIC BUILDINGS AT DECATUR, ALA.

The next business on the Consent Calendar was the bill (H. R. 3797), to increase the limit of cost of public building at Decatur, Ala.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object I am not going to object to this at this time. I merely make the reservation to make a statement that so far as I am concerned I shall not permit this to be a precedent. If this becomes an established precedent of Congress any city in the United States can chip in and furnish money to build any size building they want to and under this precedent can come in and have Congress to pay them back. I think it is wrong in principle. This sum is $5,000 or $6,000, and consequently I will not object.

Mr. MADDEN. Does this involve a payment on the part of the Government of the United States?

Mr. BEGG. Here is the proposition: They had $75,000 to build a two-story building. Prices went up so they could not build a two-story building for $75,000, and the citizens contributed $5,000 additional—I am using round numbers—and then they come back and want Congress to pay them the $5,000.

Mr. MADDEN. It is a claim?

Mr. BEGG. There is no legal obligation. This has never been done before at any place that I can find and ought not to be done now.

Mr. MADDEN. Then I object.

Mr. ALMON. Will the gentleman withhold his objection for a minute?

Mr. MADDEN. I will.

Mr. ALMON. Mr. Speaker, the citizens paid about $3,000 in order to enable the Government to secure a proper site. They do not ask that this be refunded; but when the Government asked for bids to carry out the plans and specifications for a two-story building the lowest bid was about $5,600 more than the amount available, and this was advanced by certain citizens of Decatur, which enabled the Government to construct the building, which is now fully occupied by employees in the Government service. This bill is to reimburse the citizens the amount advanced, without interest. If this had not been advanced and the building had not been constructed, it would be taken care of now out of the $15,000,000 authorized in the public building bill which passed the House recently.

Mr. MADDEN. That bill has not passed yet.

Mr. ALMON. But no doubt will be.

The SPEAKER. Is there objection?

Mr. MADDEN. I object.

Mr. ALMON. I ask unanimous consent that the bill retain its place on the calendar——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ALMON. Until my friend from Illinois will reconsider his objection.

Mr. CRAMTON. Mr. Speaker, I have been led to believe from assurances by the gentleman from Texas [Mr. BLANTON] that he will withdraw his objection to the bill H. R. 3821, Calendar No. 174, and I ask unanimous consent that we may return to that bill.

Mr. BLANTON. Is that the Cramton-Hill-Dyer-Lehlbach bill? If it is, I withdraw my objection.

Mr. CRAMTON. That is pretty well described.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to return to the consideration of the bill H. R. 3821. Is there objection?

Mr. STEPHENS. I object, Mr. Speaker. I do not oppose the bill, but I oppose the fact of the gentleman from Texas and the gentleman from Michigan playing fast and loose with the House. The gentleman from Texas objected because these other gentlemen favored it.

The SPEAKER. Objection is made. The Clerk will report the next bill.

FEDERAL BUILDING IN RUTLAND, VT.

The next business on the Consent Calendar was the bill (H. R. 6244) to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city, to acquire such additional land as may be necessary, and to construct a suitable building thereon for the use and accommodation of the post office, United States courts, and other governmental offices.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to exchange and convey to the city of Rutland, Vt., by the usual quitclaim deed, the present Federal building and site situate at the northeast corner of Court and Center Streets, Rutland, Vt., for the so-called memorial building and site, situate on the north side of West Street in said city.

SEC. 2. And the Secretary of the Treasury be, and he is hereby, further authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the so-called memorial building to be acquired in exchange as above provided, and to cause to be constructed upon said enlarged site a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, approaches, etc., for the use and accommodation of the post office, United States courts, and other governmental offices, at a limit of cost, including additional land above provided for, of not exceeding $280,000.

With committee amendments, as follows:

Page 1, line 4, strike out the words "and directed." On page 2, line 4, strike out all of section 2, and amend the title, so as to read: "A bill to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the bill H. R. 3821 shall retain its place on the calendar.

The SPEAKER. It has already retained its place on the calendar.

NO QUORUM—CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WINGO. Mr. Speaker, may I ask if the committee amendment to that public building bill was adopted?

The SPEAKER. It was adopted.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] It is evident that there is no quorum present.

Mr. TILSON. Mr. Chairman, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 50]

Abernethy	Fenn	McMillan	Sproul, Ill.
Aldrich	Flaherty	Magee, Pa.	Stedman
Anthony	Foss	Mead	Stevenson
Auf der Heide	Frear	Merritt	Stobbs
Bacharach	Fredericks	Michaelson	Strong, Pa.
Barkley	Freeman	Mills	Strother
Beck	Frothingham	Montague	Sullivan
Bixler	Fuller	Murphy	Sumners, Tex.
Brand, Ohio	Gallivan	Nelson, Me.	Swartz
Britten	Graham	Nelson, Wis.	Swoope
Canfield	Haugen	Norton	Taylor, Tenn.
Carew	Hersey	O'Connor, N. Y.	Temple
Carpenter	Holaday	Oliver, N. Y.	Thompson
Carter, Calif.	Hudson	Parker	Tincher
Celler	Hudspeth	Parks	Tinkham
Chapman	Hull, Tenn.	Peavey	Tucker
Clague	Hull, Morton D.	Perlman	Updike
Cleary	Hull, William E.	Phillips	Upshaw
Connery	Johnson, Ind.	Pou	Vare
Cooper, Ohio	Johnson, S. Dak.	Rainey	Voigt
Corning	Keller	Rathbone	Wason
Cullen	Kerr	Rayburn	Wefald
Davenport	Kindred	Reece	Weller
Dickstein	Kunz	Sabath	White, Me.
Douglass	Lea, Calif.	Sanders, N. Y.	Woodrum
Doyle	Lee, Ga.	Scott	Wyant
Drane	McFadden	Smith	
Drewry	McLeod	Snell	

The SPEAKER. Three hundred and twenty-one Members are present. A quorum is present.

Mr. TILSON. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

FOREIGN SERVICE BUILDING BILL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 10200, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations authorized by this act, in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings, for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating, to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government.

SEC. 2. (a) There is hereby established a joint commission, to be known as the foreign service buildings commission, and to be composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives. A member of the commission may continue to serve as a member thereof until his successor has qualified.

(b) It shall be the duty of the commission to consider, formulate, and approve plans and proposals for the acquisition and utilization of the sites and buildings authorized by section 1, and of sites and buildings heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, including the initial furnishings of such buildings and the initial alteration and repair of purchased buildings and grounds. The commission established by the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922," approved March 2, 1921, is hereby abolished.

(c) The commission shall prescribe rules and regulations for carrying into effect the provisions of this act, and shall make an annual report to the Congress.

SEC. 3. Buildings and grounds acquired under this act or heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may, subject to the direction of the commission, be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this act are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, in the judgment of the commission, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States.

SEC. 4. For the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service building fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this act the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this act. In the case of the buildings and grounds authorized by this act, after the initial alterations, repairs, and furnishings have been completed, subsequent expenditures for such purposes shall not be made out of the appropriations authorized by this act.

SEC. 5. The Secretary of State is empowered, subject to the direction of the commission, to collect information and to formulate plans for the use of the commission and to supervise and preserve the diplomatic and consular properties of the United States in foreign countries and the properties acquired under this act. In the collection of such information and in the formulation of such plans he may, subject to the direction of the commission, obtain such special architectural or other expert technical services as may be necessary and pay therefor, within the scale of compensation usually paid for like services, from such appropriations as Congress may make under this act, without regard to civil service laws or regulations and the provisions of the classification act of 1923.

SEC. 6. The authority granted to acquire sites and buildings by purchase shall, in cases where it is impossible to acquire title, be construed as authority to acquire the property by lease for a term sufficiently long, in the judgment of the commission, to be practically equivalent to the acquisition of title.

SEC. 7. The act entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad," approved February 17, 1911, is repealed, but such repeal shall not invalidate appropriations already made under the authority of such act.

SEC. 8. This act may be cited as the "Foreign Service buildings act, 1926."

Mr. BLANTON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas demands a second.

Mr. LINTHICUM rose.

Mr. BLANTON. I want to ascertain if the gentleman from Maryland [Mr. LINTHICUM] is against the bill. I am against the bill.

Mr. LINTHICUM. I am in favor of the bill.

Mr. BLANTON. One-half of the time should be controlled by those against the bill.

Mr. LINTHICUM. The gentleman will have time yielded to him.

Mr. BLANTON. Is the gentleman himself against the bill or for the bill?

Mr. LINTHICUM. I am for it.

Mr. BLANTON. I am against it.

Mr. LINTHICUM. I ask unanimous consent, Mr. Speaker, that I be given 20 minutes extra to favor those who support the bill on this side of the House.

The SPEAKER. The gentleman from Maryland asks unanimous consent that he may control 20 minutes in addition to the 40 minutes allowed for debate.

Mr. BEGG. Mr. Speaker, it is now half-past 4. I think gentlemen will have an opportunity to extend their remarks.

There are a lot of us on the Republican side who will not get an opportunity to speak under the allotment of 20 minutes to a side. I think the arguments for and against the bill ought to be limited to 20 minutes. I do not agree to the extension of time.

Mr. PORTER. Mr. Speaker, I have no objection to the extension of time.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. LINTHICUM]?

Mr. BLANTON. Mr. Speaker, provided the gentleman from Maryland will yield half of that time to those who are against the bill, I shall not object.

Mr. LINTHICUM. There are four or five gentlemen who want to make remarks, and I hope the gentleman from Texas will not object.

Mr. BLANTON. I will not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] demands a second.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. PORTER] has 20 minutes, the gentleman from Maryland [Mr. LINTHICUM] has 20 minutes, and the gentleman from Texas [Mr. BLANTON] has 20 minutes. The gentleman from Pennsylvania is recognized.

Mr. PORTER. Mr. Speaker, the bill before the House, which was ordered favorably reported by the unanimous vote of your committee, makes provision for the purchase or construction of buildings in foreign countries in which to house appropriately American diplomatic, consular, and other establishments there in accordance with the following principles:

(1) Consolidation, in the interest of economy and efficiency in one or more buildings to the extent deemed desirable,, of all the agencies of the United States in a given foreign capital or city.

(2) Where consolidation is not practicable separate buildings for offices and residences for diplomatic representatives and offices for other representatives in capitals, and for offices and residences for consular and other representatives in certain other cities.

(3) Creation of a commission to be known as the foreign service buildings commission, composed of seven members—two from each of the Houses of Congress and three from the Cabinet, to consider, formulate, and approve plans for the acquisition and utilization of property in foreign countries and to carry into effect the provisions of the act. In this manner it is hoped to meet the well-grounded objection ordinarily made to lump-sum appropriations and to apply to the purchase of Government, embassy, legation, and consular buildings practical business principles, and to put the United States Government in a position to make purchases when advantageous opportunities are presented and not be compelled as at present to report publicly each intended purchase to Congress, thus enabling the foreign seller, if he so desires, to advance his price to the amount which Congress is asked to appropriate. Experience in the past has shown conclusively that had this bill been a law the United States would have saved hundreds of thousands of dollars on purchases which it has already made or will make at some time in the future.

(4) Authorization of appropriations of not more than $2,000,000 a year and a total of $10,000,000, to be expended under the direction of the commission.

(5) An annual report to be made to Congress by the commission showing the results of its work.

The passage of the bill was urged at the hearings by the Hon. Frank B. Kellogg, Secretary of State; Hon. Herbert Hoover, Secretary of Commerce; Hon. John W. Davis, formerly ambassador to Great Britain; and many other witnesses who gave convincing reasons for its enactment into law. It is indorsed by the United States Chamber of Commerce, the Merchants' Association of New York, the American Manufacturers' Export Association, the Associated American Chamber of Commerce of China, and a large number of chambers of commerce of the cities of the United States.

Since the beginning of the Republic our Government has pursued a policy of neglect in regard to the appropriate housing of those engaged in our foreign service. As early as June 17, 1785, Thomas Jefferson, then on a diplomatic mission to Paris, wrote to Colonel Monroe as follows:

> I find that by a rigid economy, bordering, however, on meanness, I can save, perhaps, 500 livres a month, at least in the summer. The residue goes for expenses, so much of course and of necessity, that I can not avoid them without abandoning all respect for my public character. Yet I will pray you to touch this string, which I know to be a tender one, with Congress with the utmost delicacy. I had rather be ruined in my fortune than in their esteem. If they allow me half a year's salary as an outfit, I can get through my debts in time. If they raise the salary to what it was (£2,500), or even pay our house rent and taxes, I can live with more decency.

The acquisition of buildings or the purchase or construction of buildings for Foreign Service officers has been recommended by many Presidents, including President Arthur, in his message of December 1, 1884; President Cleveland, on December 8, 1885; President Harrison, on January 13, 1890; and President Cleveland again on December 2, 1895, when he said:

> The usefulness of a nation's representatives undeniably depends upon the appropriateness of his surroundings; and a country like ours, while avoiding unnecessary glitter and show, should be certain that it does not suffer in its relations with foreign nations through parsimony and cheapness in its diplomatic outfit. These considerations and the other advantages of having fixed and somewhat permanent locations for our embassies would abundantly justify the moderate expenditure necessary to carry out this suggestion.

Hon. Walter H. Page, while ambassador to Great Britain, wrote President Wilson, June 5, 1914, "to see if some way can not be found for you to have at least one representative in the great capital who need not be a rich man."

On May 23, 1906, the Speaker of this House, Mr. LONGWORTH, said:

> This Republic, the greatest, the most democratic Republic which has ever existed, has to-day an office-holding aristocracy, an aristocracy more repugnant to our ideals of free institutions than any aristocracy in Russia—an aristocracy purely and solely of the dollar. * * * I care not how able a man may be, how learned in international law, how experienced in diplomacy, how celebrated in statesmanship, if with all these qualifications he does not possess the one absolutely necessary qualification of great wealth, he is not eligible for appointment to any great diplomatic post.

Attached to the report of your committee is a letter from the Director of the Budget certifying that the proposed authorization for the appropriation of $10,000,000 is not in conflict with the financial program of President Coolidge.

The Hon. Herbert Hoover, Secretary of Commerce, said:

> * * * this bill is a very necessary thing from every point of view. * * * the Government would serve with much more efficiency, * * * and with far greater economy, and certainly with a good deal more dignity, if we could have some systematic plan for the acquisition of buildings under American control abroad.

The Hon. John W. Davis said:

> I can not think that any private business could possibly manage the housing of its representatives in the way in which the United States of America does from the standpoint of economy and efficiency and the not inconsiderable matter of national prestige. * * * It is quite true that in foreign countries the mere fact of prestige and experience is a thing which counts large in the scale. But if that were all, I should say that the bill would lack a great deal of its appeal, but on the point of economy and efficiency, the way in which our representation is scattered abroad in all the capitals with which I have been in familiarity is the greatest drawback to the public service. I think it is highly important that we should concentrate, as far as it is possible to do so, in all these capitals the different activities of the Government.

The bill is designed to place upon an orderly basis, with due regard to economy, the whole matter of the proper housing of United States Government agencies abroad, including the housing of diplomatic officers and consular officers in certain parts of the world. The bill is different from all bills that have preceded it. It proposes to emulate the practice of private business corporations and wherever practicable to concentrate in a single building the offices of all agencies of the United States in a particular city. No private business would pursue the course followed by the United States in maintaining separate offices, sometimes widely separated, for its several agencies in foreign cities.

In Paris, for example, there are some 14 American agencies, maintaining 8 offices there, and most of them are distant from one another, resulting in lack of teamwork among American officials, unnecessarily heavy overhead expense, and much inconvenience to both Americans and foreigners having business with them. The acquisition of a central building in Paris

would at once result in a considerable saving in rental besides producing economies in other directions.

In London the situation is similar. There are eight American agencies there, many of them occupying quarters separate from the rest. In many other capitals similar conditions exist.

In Shanghai, China, where are maintained a consulate general, one of the largest in the service, a United States court, a number of agents of the Department of Commerce and of the Treasury Department, the United States acquired a number of years ago a plot of ground admirably located, on which were situated a number of then fairly good houses built some 40 years ago. The price was less than $300,000. The houses, in which are located the several agencies mentioned, have been condemned as unsafe and should be replaced by modern buildings. The land, however, has appreciated in value, until it is now estimated to be worth nearly $1,000,000, showing that the Government has already made nearly enough on the investment to defray the expense of erecting a new building.

But quite apart from the standpoint of national prestige in acquiring Government-owned residences and offices for the representatives of the United States abroad other aspects of the housing question have now become very important. The United States has acquired a new position in the world since the Great War. Our investments in the securities of foreign governments and foreign industries in 1914 amounted to $2,250,000,000. In 1925 they reached the astounding figures of $10,500,000,000, and this is exclusive of the $11,000,000,000 owed our Government by the allied powers.

TABLE D.—*American investments abroad*

[Exclusive of United States Government loans]

	Billions of dollars		Per cent increase
	1914	1925	
Latin America	1.25	4.30	244
Canada and Newfoundland	.50	2.80	460
Europe	.25	2.60	940
Asia and Oceania	.25	.80	220
Total	2.25	10.50	367

The foreign commerce of the United States shows an increase almost as great. In 1914 the total value of our exports in dollars was $2,165,800,000, while in 1925 they amounted to $4,909,400,000. Its imports in 1914 amounted to $1,688,900,000 and in 1925, $4,228,000,000. From the 1925 statistics should be deducted 30 per cent, according to the report of the Department of Commerce, by reason of higher prices in 1925 than in 1914:

TABLE B.—*Foreign trade by commercial regions*

[Values in millions and tenths of millions of dollars, i. e., 00,000 omitted]

Trade region	Exports				Imports			
	1910-1914, average	1924	1925	Per cent increase 1925 over 1910-1914	1910-1914, average	1924	1925	Per cent increase 1925 over 1910-1914
Europe	1,350.3	2,445.3	2,602.5	93	836.5	1,096.1	1,237.8	48
Northern North America	319.9	633.9	660.6	107	118.5	402.0	459.3	288
Latin America	302.2	770.4	882.3	192	435.5	1,059.2	1,041.1	139
Far East	166.2	665.6	667.8	302	262.2	957.3	1,368.6	422
All other	27.2	75.8	96.1	253	36.2	95.3	121.1	235
Total	2,165.8	4,591.0	4,909.4	127	1,688.9	3,610.0	4,228.0	150

In 1925 the State Department issued 172,209 passports, an enormous increase over the pre-war period.

The United States is maintaining in foreign countries a total of 584 governmental agencies, employing 4,386 persons. It has diplomatic establishments in 51 capitals of the world, and in only 14 of those capitals are the establishments owned by the Government. In the remainder ambassadors and ministers must rent at their own expense suitable houses in which to live to extend appropriate hospitality as representatives of our Government. In the great commercial ports of the Far East our trade is increasing more rapidly than in any other section of the world, and where our chief competitors in trade have housed their consular and other representatives in comfortable and dignified buildings the United States owns but three consular establishments.

Our rentals in China have increased 148 per cent over those in 1914, in Japan over 78 per cent, in Turkey over 125 per cent, and in all the other nations there have been substantial increases to such an extent that we paid out last year rentals aggregating the sum of $559,000, which is equivalent to 4 per cent interest upon nearly $14,000,000, an amount much more than sufficient to provide all the Government-owned buildings now needed. This rental of $559,000 does not include rentals of residences paid by our ambassadors and ministers out of their private funds, the exact amount of which is unobtainable, but careful estimates place the sum between $225,000 and $250,000 per year. If this amount be added to the $559,000 the total would be equivalent to 4 per cent upon approximately $20,000,000. This bill proposes to make a total capital investment of only $10,000,000 spreading over a period of years.

In this connection it should be noted that our State Department and Foreign Service are approximately 80 per cent self-sustaining by reason of receipts from fees and passports, and so forth. The figures are as follows for 1926:

Total appropriations for operating expenses	$10,038,289.74
Receipts from fees, passports, etc. (estimated)	8,115,833.00
Net cost to taxpayers for 1926 (estimated)	1,922,556.74

It is also very important to recall to your minds that under an unbroken custom of nations these properties which we propose to purchase, with two or three minor exceptions, will be exempt from taxation, and therefore there will be no additional expenditures except the initial investment and the cost of upkeep. While on the other hand, we will have the full advantage of the rapid increase in values of real estate now taking place in practically all of the large cities of the world. This exemption from taxation is a courtesy which our Government extends to all other governments and which will be extended to us in the future as it has been in the past. In these circumstances the possibility of loss is negligible.

The annual interest of $400,000 on our expenditures for buildings proposed in this bill, together with the net cost of operating the State Department and Foreign Service of approximately $2,000,000, makes an annual expenditure of $2,500,000 a year for the maintenance of a service charged with duties of vital importance both diplomatically and commercially to every citizen of the United States.

These new conditions, which have worked such a radical change in our foreign relations, beget new duties of the same magnitude, and if we expect to maintain and perhaps enlarge the mighty position which our Republic holds in the affairs of the world we must provide for a businesslike administration of our Foreign Service.

Surely no one can reasonably argue that the modest expenditure of $2,500,000 a year by the richest Nation in the world for the protection of its colossal interests abroad, which are growing in magnitude and importance, is other than a wise economy.

In a word the passage of this bill will provide a permanent method for the acquisition of appropriate buildings for the proper housing of our Foreign Service. It is a broad, comprehensive policy and in full harmony with the common sense of present-day conditions. [Applause.]

Mr. LINTHICUM. Mr. Speaker——

The SPEAKER. The Chair thinks the gentleman from Texas, who opposes the bill, is entitled to recognition at this time.

Mr. BLANTON. Mr. Speaker, we would like to hear what the gentleman from Maryland and others in favor of the bill have to say. There are 40 minutes for the bill as against 20 minutes in opposition to the bill.

The SPEAKER. The Chair will recognize the gentleman from Maryland.

Mr. LINTHICUM. Mr. Speaker, I yield myself four minutes. [Applause.]

Mr. Speaker, I am heartily in favor of the passage of House bill 10200, a bill for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States. This bill authorizes the appropriation of $10,000,000, of which only $2,000,000 can be appropriated in any one year, so that the bill would extend over a period of five years. It is intended to construct embassy and consular buildings in the capitals of the world where we now have none. We now have embassies in 17 capitals, leaving 34 more to be provided for under this bill. It was estimated that this could be done for a sum around $8,000,000. It was also ascertained through the hearings that other cities of more commercial importance perhaps than many of the capitals should have consular buildings and offices for the better accommodation of those officials and the American business and visiting public, which could be done for about $2,000,000 in addition, making the total sum of $10,000,000.

This the committee feels will give to the United States a comprehensive system much to the advantage of the Foreign Service composed of the Diplomatic and Consular Service and the Department of Commerce and Agricultural Department, as both of the latter departments have attachés in many of the cities of the world, who can be housed with the diplomatic and consular offices. It will be noted also that a commission is created by this bill to be known as the Foreign Service Building Commission, composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and ranking minority member of the Committee on Foreign Affairs of the House.

This committee you will notice is under the control of Congress by having four votes to the department's three. It is the duty of the commission to consider, formulate, and approve plans, and after the buildings have been completed, the space therein as allotted by the Secretary of State under the direction of the commission, so that it is a continuing commission controlled by Congress, and not only approving and directing the construction of these buildings and the expenditure of this money, but also having the approval of the allocation of space allotted by the Secretary of State between the Foreign Service, the Department of Commerce, and the Department of Agriculture.

It is another step in the cooperation of the Diplomatic and Consular Service composing the Foreign Service in that these services are intended to be housed in one building or group of buildings wherever that can be accomplished, that is to say, office buildings either in connection with the legation or where necessary separate, but always in the business section of the city for the use of all these services of the Government. The American citizen desiring to do business with the officials of the United States, and also other people desiring to do business with them, will find the entire United States Government officials housed in one office building, or group of buildings as I have said, making it more accessible not alone for outsiders doing business with them, but for the different services themselves, when they are compelled to exchange conferences, or discuss affairs appertaining to the United States and its citizens.

The legation, wherever it can be done, will be a part of the same group of buildings. In some very large cities, however, it may be necessary to have the residence of the ambassador, minister, or consul in a residential section, while the offices will be constructed in the business section.

The committee feels that the Rogers bill, which created the Foreign Service by the consolidation of the Diplomatic and Consular Services and making the officials thereof interchangeable, was a long step toward cooperation, efficiency, and the destruction of all barriers between these services, which has brought about a wonderful improvement in our Foreign Service. The committee now feels that this bill will go further by consolidating all of the offices of the Government, which will not alone bring about efficiency, better accommodations, but will go even further toward the cooperative feature between the various branches of our Government officials abroad.

There may be some Members who upon first blush will disapprove of this bill because it extends its cooperations over a period of years instead of submitting each individual proposition to Congress and receive its approval and appropriation. To those I would say that the operation of these matters in foreign countries is distinctly different from the operations in the selection and purchase of sites and construction of buildings in our own country. In the first place, we must remember that if the Government desires a suitable location in any American city for a public building and is unable to purchase it at a fair price, it has the power of condemnation. This power of condemnation is deprived of us when we desire to secure a suitable site in a foreign city. The only way we can, therefore, procure proper site in a foreign city is to acquiesce in the wishes and price of the owner, and if the price be too high we must either pay it or lose the location. Then, again, if the money is available, the commission created under the bill can take advantage of a low-price piece of property, either because the owner desires to sell quickly or because of some depression in the real-estate market.

You can readily observe that if a man in some foreign capital or other city had a piece of property which the American Government, always known to be immensely rich, desires to purchase, and he becomes acquainted with the fact that our Government desires the property, the price by the time Congress considers and appropriates naturally has become too great for purchase. Many opportunities have been offered our Government where hundreds of thousands of dollars could have been saved had we been in position to close the deals, notably in Berlin, where a million-dollar piece of property could have been purchased for less than $200,000, but by the time we were in position to purchase others had seen its advantages and acquired the property.

In conclusion I want to say that I believe this appropriation is hedged about with every possible precaution against possible extravagances. The commission controlling all of its affairs is likewise controlled by Members of Congress; and even then no appropriation can be made without being brought before Congress with the possibility of every scrutiny, criticism, and examination. I have long advocated the breaking down of the barriers between the Diplomatic and Consular Service, and I believe this has been largely accomplished by the enactment of the Rogers bill consolidating them into the Foreign Service. I believe this bill will complete that coordination and redound not only to the convenience but to the benefit of the public under the large business interests of our country. [Applause.]

The SPEAKER. Does the gentleman from Texas desire to be recognized now?

Mr. BLANTON. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. HOWARD]. [Applause.]

Mr. HOWARD. Mr. Speaker and gentlemen, I have been here for some little time. I have been hearing tearful appeals from the agricultural elements in my State and in other States. I have been hearing plaintive appeals from those who want the extension of rural mail routes. I have been hearing, oh, the most tearful appeals from the boys who want post offices in their towns, where they are so badly needed, but ever and always comes the cry, "Oh, yes, you ought to have them, but our policy of economy will not permit at the present time." But now here we come offering a prize of $10,000,000 for the acquirement of embassies over the seas. I dare say that those embassies may be needed, that is, the embassy buildings, of course, I mean, but in two minutes I do not have the time to make it clear. I apprehend they are needed all the way along, but, gentlemen of the House, will you not stop and consider just for a moment our attitude? Here we are denying, on the plea of economy, every one of these things that we know are so much needed, and particularly in our agricultural zones. You know, we want to improve the Missouri River so that it might be able to carry down to the southern seas every bushel of surplus corn at a saving of 9 cents a bushel to the farmer, but we can not get one dollar for that wonderful improvement. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. Mr. Speaker, the committee would have us believe that embassies could not be obtained and built but for this legislation. I want to remind you that the act of March 2, 1921, provided for the creation of just such a commission to secure embassies and embassy sites as is provided in this bill. What has become of that commission? What is the matter with that commission? That commission is composed of the Secretary of the Treasury, of the Secretary of State, of the chairman and ranking minority member on the Foreign Relations Committee in the Senate and of the chairman and ranking minority member of the Foreign Affairs Committee in the House, the very same identical six men whom we are to appoint on this new commission. What is the matter with the old commission? Oh, its powers were not as great as the powers we are giving this new commission. This existing commission has no junketing privileges. But when reorganized by this bill into a new commission we are giving these men permanent junketing privileges to travel all over the world at Government expense.

Now, if I thought that our chairman [Mr. PORTER] had not yet visited all of the foreign places of the world, if I thought there was even one place he had not yet visited, I would be in favor of granting this power, because God knows he ought to go there. [Laughter and applause.] The last time he went abroad, on his big European trip last year, we provided him with $40,000 for that trip. That is what his last trip cost this Government. And that bill was passed for him in the closing hours of Congress. I tried to get you to cut it down to $10,000, and then to $20,000, and then even to $30,000, but you all outvoted me and you would not do it. He insisted on the full $40,000 and you gave it to him. And so he has taken many trips abroad.

Oh, there is junket in this bill, more than has ever been heard of before. We are establishing by this bill the first permanent junketing committee that we have ever established. They will be traveling all over the world every year from now on, inspecting and locating sites and embassies, and we then can not stop them.

Mr. LINTHICUM. Will the gentleman yield for just one question?

Mr. BLANTON. Yes; although the gentleman has 40 minutes' debate for this bill, and we who are against it have only 20 minutes.

Mr. LINTHICUM. I have been on that commission since 1921, and there has been no junket yet, and I do not believe I am going to get any out of this bill.

Mr. BLANTON. That is exactly why the gentleman wants this commission granted further powers. He has not yet had any junket. [Laughter and applause.]

Mr. LINTHICUM. Will the gentleman yield further?

Mr. BLANTON. I regret that I can not yield further, Mr. Speaker. When we have been so gracious and generous in this debate as to accord the committee and the gentleman 40 minutes to our 20 minutes, allowing them double our time, he ought not to interrupt us. Remember that this committee was not willing to call up this bill under the general rules of the House, so that there could be proper debate and so that it could be properly amended; but they called it up under suspension of rules, when it can not be amended, and when only 20 minutes' debate to the side is allowed. And then the gentleman from Maryland [Mr. LINTHICUM] insisted that he should be given an extra 20 minutes, and because of his likable personality none of us could refuse him; hence, concerning the debate on this bill, there are 40 minutes for the proponents of this bill and only 20 minutes for those against it.

Do you not see that the gentleman from Maryland [Mr. LINTHICUM] has proven my case? I charged that the present commission has no authority to junket, hence we are called upon to pass this bill reorganizing these same men into a new commission, with a new name, so that they will have authority to junket at will.

Did not you notice that the gentleman from Maryland [Mr. LINTHICUM] said:

> I have been on that commission since 1921 and there has been no junket yet.

That is what he said. And that is true. His chairman [Mr. PORTER] has been getting junkets annually, because he has been getting special bills passed like the one of $40,000 for last year's trip abroad, but the gentleman from Maryland has not been so fortunate.

Now our present commission to secure embassies appointed under the act of 1921 has as its congressional members the chairman and ranking minority member of the Senate Foreign Relations Committee, and Chairman Porter and our friend from Maryland [Mr. LINTHICUM] as the chairman of the House Foreign Affairs Committee. But as the gentleman says, they now have no junketing authority.

But by this bill presto change, we transform these four friends of ours into a brand new commission, with brand new powers, among which is the long coveted one of passing upon and selecting embassies, and with that goes the incidental duty to travel all over the world at will each year or several times each year, so that these friends will not have to come back to Congress any more for legislative authority. All they will have to do is to get the Committee on Appropriations to allow them the money.

Now we do not need a new commission, reorganized or otherwise, to secure embassies. We are already securing them with our present commission, under the act of March 2, 1921. We have one in Paris. And we have one in London, which was generously given us recently by a very rich man. There may be other rich men whose foreign sons-in-law have not yet spent all their money abroad, who may yet be able to give us another one somewhere else. We are now spending $1,250,000 for one in Japan. Why, we are acquiring embassies right along and we are doing pretty well.

Oh, this $10,000,000 authorization is not all there is to this bill. It is but the beginning. It is the camel nose now getting under the tent. Before we get it out, it may cost many millions. Do you know what this commission could do? If they wanted to, they could spend this $2,000,000 cash authorized and they could contract for the entire other $8,000,000 payable over a period of five years, for a plant in Paris alone, and it would be all gone, and we would be little better off than we are now. For I understand that the chairman of our Foreign Affairs Committee of the House has a plan to concentrate all of our various offices in Paris in one building and under one roof. And when he gets to spending public money abroad he is rather liberal with it, and his ideas are rather high-hatted. For one, I am not willing to risk him, for by this bill he is authorized to contract at one time for one embassy this $10,000,000, as there are no restrictions whatever. I would not mind letting the chairman of the Committee on Appropriations have this power. I would risk him. Because he is not a master spender. This bill authorizes entirely too much waste and extravagance, and as we have no power to amend it, we ought to defeat it.

The SPEAKER. The gentleman has consumed five minutes.

Mr. BLANTON. Mr. Speaker, I must take three minutes more, and I yield myself three minutes additional. Why not let well enough alone? We have this splendid commission operating now, this commission appointed under the act of March 2, 1921. The gentleman from Maryland admitted he is doing pretty well, except he does not go abroad like the chairman does. Why, he ought to get one of these special bills passed, like Chairman PORTER's last $40,000 measure. He does not have to have this reorganization measure passed to get a junket this summer. There are several weeks between now and adjournment, and the time for bringing in these junketing measures is in the closing hours of Congress, when everybody is thinking of home and they are liberal in their ideas.

Mr. Speaker, we ought not to pass this bill. The gentleman from Nebraska [Mr. HOWARD] has spoken about the needs and necessities of the United States, here in our own country. Let us first do needed building here in the United States. Let us obtain these embassies in foreign countries later on in the ordinary and logical way. Do you know what we have already authorized our present commission to do under the act of March 2, 1921, under which they are now operating?

They are authorized now to spend as much as $150,000 for a site for an embassy anywhere in any foreign country they desire. They now have authority to buy a site in any country in the world so long as they do not agree to pay more than $150,000 for it. But they now have no authority to travel abroad to select same. They must leave that to some of the employees of our executive departments. They must now let our representatives abroad of our executive departments of Government send in their reports and recommendations, and they must do their selecting here in this country. Is not $150,000 a fairly good price for a site? They have not complained to Congress that it is insufficient. They have not asked for more than $150,000.

Is not that a sufficient authorization? If it is not, let them come back to Congress and say that "the $150,000 is not enough, we want $300,000 or we want $500,000 or we want $1,000,000." Have they not confidence in Congress? And then we could pass on the matter.

Mr. STEAGALL. Will the gentleman yield?

Mr. BLANTON. Certainly, because I know that the judgment of the gentleman from Alabama is good, and that he has sound ideas on such subjects.

Mr. STEAGALL. How does the gentleman think this bill will be received in the various towns throughout the country that were denied relief in the matter of post-office buildings under the bill recently passed through this House?

Mr. BLANTON. The gentleman from Alabama is not going to get any post offices down South. And few other southern or western Congressmen will get them. There has been $165,000,000 authorized that is going to be turned over to a bureaucratic secretary here in Washington for him to determine where the buildings shall be placed, and you watch where that money is spent. I protested vigorously against the passage of that bill. I know where it is going to be spent. I know that the South and West will get very little of it.

Mr. STEAGALL. Will it not be satisfactory to the people in those towns to explain that we have bought these embassies abroad instead of post offices?

Mr. BLANTON. It will not be satisfactory to my constituents or to those of the gentleman's in Alabama. It is going to be satisfactory to the Grand Old Party, because it will use these $165,000,000 buildings to win districts with, but I know some other people it is not going to be very satisfactory to, and I predict that we are going to hear from them later on. I am going to voice my feeble protest against this bill although it is no pleasure to do it. I am sick right now and ought to be at home in bed, for I spent the entire Sabbath yesterday in bed with grippe, but I am going to do it although I know I can not stop its passage. I know the bill is going to pass because under suspension we can not stop it, but I am going to protest and fight against all measures like this. I know the waste and extravagance of such commissions and what they cost the Government. This is a permanent junketing commission that can travel all over the world every year at Government expense, and you can not stop it after you pass this bill. [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Speaker, I reserve the remainder of my time and yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker and gentlemen, in all good conscience this bill should not be passed. There is not a Member of

this House that represents an agricultural district that can afford to vote for this bill. There is not a Member of this House that represents any other district, except, possibly, a great commercial and financial district, that can vote for this bill and go before his constituents and submit his claims for reelection solely upon the ground that he voted for this bill, and hope to come back to Congress.

I want the men who represent the great agricultural districts of this Nation to hesitate before they cast their votes for this bill. This Congress has gone on record, on the ground of economy, and denied the 200 or 300 growing cities of the great Middle West the poor privilege of having public buildings in which to transact the business of the Nation?

Why, gentlemen, you talk about economy. What is economy? Is it economy to spend $10,000,000 to build marble palaces abroad? The Director of the Budget says this appropriation will not interfere with the President's program of economy. It seems that no measure, no expenditure which the President favors, interferes with his program of economy.

Mr. FAIRCHILD. Will the gentleman yield right there?

Mr. LOZIER. No, sir; not in the time I have allotted to me. But against every bill the President opposes he invokes the doctrine of economy, as though economy were a coat to be taken off and put on at pleasure; and to paraphrase the language of an illustrious person, "Oh, economy, how many crimes are committed in thy name!"

You are denying the people of the United States post-office buildings in cities where such projects have been approved by the Postmaster General and the Secretary of the Treasury. You are saying that the financial resources of this Nation will not permit them, and yet by a suspension of the rules, and with practically no debate, you are voting $10,000,000 to build embassies and consulates in the capitals of the world.

And now, my friends, who are to occupy these embassies? There is in Europe a practice of educating men from childhood for the diplomatic service, but we have no such system in America. The men who are appointed by the United States as ministers and ambassadors to foreign nations are men who have their millions.

Our envoys and ministers are made up almost invariably of millionaires, who are chosen, not because of their ability, not because of their knowledge of the science of statecraft, not because of their skill and shrewdness in diplomacy; but they are selected because they have immense fortunes which they can lavishly expand in entertainment. Now you propose to build palaces in which these millionaire ministers may entertain the elite of foreign lands.

This Congress is denying the American people the privilege of having public buildings in cities where such projects have been approved by the administration, and is going to spend this $10,000,000 in building marble palaces abroad in which our millionaire envoys may entertain the social butterflies of foreign capitals abroad. Look at our foreign financial policy. We have invested or loaned more than $10,000,000,000 abroad. Much of our money is invested in slow-maturing or frozen securities that will not be repaid in the next generation; and as was said recently in the British Parliament, Great Britain is very glad indeed to have the United States finance all the nations of the world, because it gives Great Britain an opportunity to concentrate her liquid capital so that she will have the cash to go out and regain the markets of the world, many of which we now control. We have recklessly invested immense sums abroad, and we will be mightily handicapped in our fight to hold these markets because our resources will largely be in frozen, slow-maturing, long-time securities; but Great Britain, having conserved her resources, will be able to go out and recapture the markets of the world which we won from her during the recent war. I hope conditions may some day permit the United States to own her embassies and consulates abroad, but present economic conditions do not justify this $10,000,000 expenditure. [Applause.]

Mr. LINTHICUM. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. O'CONNELL].

Mr. O'CONNELL of New York. Mr. Speaker, I always listen with interest and respect to any remarks that are made on this floor by my distinguished friend and colleague from Texas [Mr. BLANTON]. His industry and energy is the admiration of all of us. He is always fighting the battle of the people, and we find him opposing this measure because he believes it does not take care of the farmers of America. I have the great honor to be a member of the committee which is unanimously reporting this bill, and I am in disagreement with my friend [Mr. BLANTON] and those who indorse his views. Now, what are the facts as developed by the hearings in respect to only one of many items in which the State Department cooperates with the Department of Commerce? Let me quote for you from the testimony of Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce. He said:

One of our very important functions is that of trying to educate American firms that ought to walk by themselves, so to speak, in foreign trade. We will take an American firm or a group of firms and show them how foreign business should be carried on; take them for a year or two, as we have done in many industries. As an example, a certain group of manufacturers of corn products came to us a few years ago and said that they were getting greater and greater quantities of corn products to be marketed abroad. They knew absolutely nothing about the marketing of their product in foreign countries. We detailed a man selected from the industry itself, and he went with a commission to Europe and studied with our officers and the consuls. The change in the diets of people incident to the war was noted—a shift from rice and other products of similar content—and consequently after two or three years we were able to develop an export program for that group, and they are now able to operate largely for themselves, with only incidental help from the bureau.

And further he added:

You must bear in mind the fact that foreign trade, to the United States, is a comparatively new development. England, Germany, and France have had experience in it for a thousand years, and there are whole families of merchants over there, who have traditions and accumulated experience behind them, while the average American exporter in this country has been in the export trade for hardly more than four or five years. Hence the vastly greater need for expert information and trade promotive service by our Government. Since the war there has been a great expansion in our foreign trade, and much of it is due to the efforts of small exporters, merchants, and manufacturers. Years ago we exported only a few staples and very highly patented specialties of a few large companies—such as typewriters and sewing machines and things of that type. That was our foreign trade. In neither case was much service required in the way of Government trade promotion. I am told that 15 large companies contributed about 90 per cent of our total fabricated exports before the war.

Reference has been made to economy in respect to this bill. I do not know any man who would not sooner own his house than rent it, and that is precisely the logic of this situation. Furthermore, our representatives abroad are supposed to take care of the interests of American citizens and American nationals when they are over there on business. Mr. Wilbur J. Carr, upon his appearance before our committee (and in whom the State Department and the country has a most efficient, reliable, and painstaking public official) gave us the following very illuminating data with respect to our foreign service and our foreign trade:

Mr. CARR. For more than 20 years the efforts of Congress to improve the Foreign Service have been continuous and consistent. They have been inspired to a certain extent by a commendable pride in having the Government appropriately represented abroad, but in the main these efforts have been due to the insistent demands of business men who have felt the need of effective aid and protection in their attempts to market their products abroad, and to the general recognition of the fact that the interests of this country in foreign countries have become so great as to call for a stronger and more efficient Foreign Service than the country has had in the past. When this committee began to give serious attention to the improvement of the consular branch of the Foreign Service in 1905 the foreign trade of the United States aggregated what was then regarded as the large amount of $2,800,000,000. Now, 20 years later, it has reached the enormous total of over $9,250,000,000. Last year, 1925, we sent abroad American products valued at $4,909,000,000, and we purchased and imported from foreign countries goods valued at over $4,227,000,000.

It is estimated that exclusive of interallied debts, which amount to approximately $12,000,000,000, we have capital invested in foreign countries aggregating in 1925 the large total of over $10,000,000,000. Some 26,575 American vessels, with a total tonnage of 11,770,000, were operating under the American flag in 1924. During the year 1925 nearly 170,000 passports were issued to American citizens visiting foreign countries, an increase of 30,000 over the year before. During the same year the letters received and sent by American consuls increased from 2,140,263 to 2,987,387, a total increase of 847,124. The number of services performed by American consular officers increased 779,995 during that year.

If the membership of the House had attended the hearings and heard the evidence that was presented to the committee, where it was found that there are representatives of this Government housed over automobile places and where the visitor, as an American, is humiliated to find such conditions prevailing on the other side of the water, we would have no opposition to this bill. We had before the committee the former ambassador to Great Britain, Hon. John W. Davis. He said:

I can not think that any private business could possibly manage the housing of its representatives in the way in which the United States of America does from the standpoint of economy and efficiency and the not inconsiderable matter of national prestige. * * * It is quite true that in foreign countries the mere fact of prestige and experience is a thing which counts large in the scale. But if that were all I should say that the bill would lack a great deal of its appeal; but on the point of economy and efficiency, the way in which our representation is scattered abroad in all the capitals with which I have been in familiarity is the great drawback to the public service. I think it is highly important that we should concentrate, as far as it is possible to do so, in all these capitals the different activities of the Government.

If my memory of the facts brought out at the hearings serves me correctly, we have in foreign countries some 57 embassy buildings in various capitals, and of this number we own 14, as follows:

Rio de Janeiro (Brazil), Santiago (Chile), Peking (China), San Jose (Costa Rica), Habana (Cuba), Prague (Czechoslovakia), Paris (France), London (England), Tangiers (Morocco), Oslo (Norway), Panama, San Salvador, Bangkok (Siam), and Constantinople (Turkey).

Then we have a building almost completed in London and another embassy building in Tokyo, for which we have provided, and the plans for which are now being prepared by the architects.

This legislation has the unqualified indorsement of practically all the chambers of commerce of the United States; the New York Merchants' Association; the New York Exporters and Importers Association; the Chicago Association of Commerce, the leading associations of commerce in Boston; Wilmington, Del.; Baltimore; New Orleans; Kansas City; Salt Lake City; Portland; Seattle; San Francisco; just to mention a few of the larger business organizations from whom indorsements have emanated. Gentlemen, we are on solid ground in getting behind this bill; it is progressive, constructive, and forward looking, and is a long step outward toward a bigger, a better, and a greater foreign commerce. Then, too, it will add immensurably to our prestige among the nations of the earth and permit the American who visits abroad, whether on business or pleasure, to go there with a higher heart and better feeling when he can point to a suitable building and say that represents America and it is the property of my country. I say to you that this is the essence of economy and the bill should pass unanimously. [Applause.]

Mr. LINTHICUM. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I can not hope to say a great deal in the four minutes' time allotted to me. I am for this legislation because it is in the interest of economy. Mr. Secretary Kellogg said before our committee that "the fact that the expenditures of this department alone for rent for this foreign service aggregates $440,000 annually, which is equivalent to 4 per cent interest upon $11,000,000, and that even this outlay makes no provision for official residences of our diplomatic representatives indicates that the subject is one worthy of the most careful attention." This is for the State Department service alone and shows the amount of rentals we are paying, which we had better save.

We have a great country, my friends, and in many quarters of the earth our foreign representatives are niggardly provided for. Why? Not because we do not love our country, not because we do not want to do the best and wise thing, but it is too often the case that gentlemen who are supposed to represent the whole country come here and look at things in a narrow and fault-finding way. We take a restricted view of our responsibilities, measuring the benefit by what we get for our own district. Too frequently men who are supposed to be courageous enough to vote for things that are for the general benefit of the whole country come up here and shake in their boots for fear of what the people at home will say. This is not the right attitude. We ought to be courageous enough on matters of this kind to legislate in a broad and practical way and to view it from a broad angle, considering only what is good for the whole country, instead of being selfish and narrow.

We are at the point now, Mr. Speaker, where we must not only hold our commerce but increase it. We annually export more than five billion dollars of American commerce. In many of the great countries of the world we are seeking to extend our influence and making efforts to get new markets for our crops and agricultural products. Every new market makes a greater demand for our products. We find our representatives frequently living in undesirable quarters and in a way that hinders our influence. They make an unfavorable impression on the people with whom we want closer and more friendly relations. We are not using good salesmanship. The present system, method, and equipment reflect no credit upon America.

It is a matter in which the people of the whole country are interested, in which the whole country is to be benefited. We should not quibble about what somebody else will think. We can not legislate properly that way. We must do our duty as we see it. All of us realize we should extend our influence diplomatically and commercially. Aside from the pressing need of this program for the welfare of the State Department, the Government has many other agencies abroad, as you will observe by reading the report of the committee, which, by the way, is a unanimous one. Aside from the fact that it will add to the efficiency and prestige of the State Department representatives in the great cities of foreign powers, but it will add to the efficiency of every agency of our Government, and will materially tend to increase our foreign trade. I want post offices in my district, where they can be had in the interest of economy and efficiency, and there is no reason why we should not get them along from time to time. We ought to keep after them until we do get them. The Government should own its own buildings. We are paying rent in Washington now for housing some of our governmental departments, when we ought to own our buildings here as we ought to own our buildings abroad. [Applause.]

The fact that we have thus far failed to get a post-office building for our district should not be a justification for not providing something else that is badly needed. Two wrongs do not make a right. It never has and it never will.

I am for internal improvements that will build our great country. I am for rivers and harbors and for highways and for every other facility that will make our country greater and better. It has been stated that the expenditures of the Government on the harbor at Savannah benefits more than 20,000,000 people. Savannah is a city of only about 125,000 population, yet the benefits to all classes of people reach out through vast areas, stretching even as far west as Chicago, and are felt by approximately 20,000,000 people, effecting several States. So you gather from this that expenditures of this character are not local in their benefit; they are general. Every dollar spent on a worthy river or harbor benefits the whole commerce of the country, and if there is any one thing needed to give the farmers of this country relief it is reduction in freight rates. So it is with anything that tends to improve our commerce; it benefits all.

What good are our Government buildings and our rivers and harbors going to do us in this country, unless we have foreign trade, unless we have foreign markets? No man liveth to himself. No nation liveth to itself, either. We had a period of living to ourselves, when there was no trade with the rest of the world to amount to anything. We know what isolation is. We went through with a siege of it, and we lost millions upon millions and no one felt it more than did our farmers, for there was no market for our cotton, wheat, and other farm products. As markets open up, demands increase for our products. Demands for our products give us markets and give us better prices for what we have to sell. We can not shut ourselves in and be prosperous. We have got to have friendly relations with the nations of the earth. We must do our part in that way. At present in nearly all the important foreign cities our ministers and other representatives are handicapped in their service. Not only that, our country is to a great degree discredited in that the offices and quarters occupied by our American representatives are not in keeping with America and we are too frequently being judged by that kind of a thing. The result is that while we have splendid people representing us, our national influence is suffering, and we are not accomplishing as much as we should be accomplishing abroad. It is true we have a large foreign commerce, but we should not stop with that.

This is a nonpartisan and nonpolitical measure. It is one in the common good of all the people of our country, and our whole country will benefit by its passage and being put into effect.

Our Government is paying out entirely too much money in rents every year. It is a great waste. It is in the interest of real economy for the Government to own its own buildings and instead of paying large annual rentals each year we should save those rents. The principle applies at home and abroad. It is the same thing. We have to have buildings abroad and unless we own them we will certainly have to rent them, so why not own them and save that money to the taxpayers of the country? It will serve not only this good purpose but will give us buildings we will own for all time and add to the efficiency of the service and thus greatly benefit our country. In this measure we build for the future in a permanent and constructive manner. We act in the interest of real economy and efficiency.

We can not hope to get the trade of nations unless we know their people, their customs, and ways. We can not hope to get trade from people with whom we are not friendly and known. We are progressing too slowly. We want to open up new fields and new markets. Other countries are doing it, and unless we seek new trade territory and new markets we are not helping our people. We have been handicapped all our national life, when if we had done several years ago what this bill proposes we would have been much better off than we are. All the best thinkers of the country agree on this. In making this bill and in considering it we had before us the following:

Hon Robert P. Skinner, American consul general, Paris, France.
Hon. Wilbur J. Carr, Assistant Secretary, Department of State.
Hon. Nelson T. Johnson, Chief of Division of Far Eastern Affairs, Department of State.
Hon. J. Butler Wright, Assistant Secretary, Department of State.
Hon. Alexander P. Moore, Pittsburgh, Pa.
Hon. William Dawson, American consul general, and chief instructor foreign service school, Department of State.
Hon. Frederick R. Dolbeare, foreign service officer, Department of State.
Mr. Frank C. Page, Chamber of Commerce of the United States of America, Washington, D. C.
Mr. Clement M. Biddle, Merchants' Association of New York City.
Hon. Julius Klein, Director Bureau of Foreign and Domestic Commerce, Washington, D. C.
Hon. Herbert Hoover, Secretary Department of Commerce.
Hon. L. S. Rowe, director general Pan American Union, Washington, D. C.
Hon. Henry White, New York City.
Hon. Frank B. Kellogg, Secretary of State.
Hon. John W. Davis, New York City.

Without a single exception, they all spoke in hearty accord in favor of this legislation. These are some of the witnesses who testified that we need this legislation.

I beg to quote from the report:

The lack of appropriate buildings in which to house American diplomatic and consular representatives, particularly in foreign capitals, is too well known to require extended discussion here. The principle of Government ownership of diplomatic and consular buildings in foreign countries was adopted many years ago by the principal foreign governments whose respresentatives in foreign capitals and in ports of the East are housed comfortably and in a dignified manner. The acquisition of buildings for American diplomatic and consular officers has been recommended by many Presidents, including President Arthur in his message of December 1, 1884, President Cleveland on December 8, 1885, President Harrison on January 13, 1890, and President Cleveland again on December 2, 1895, when he said:

"The usefulness of a nation's diplomatic representatives undeniably depends upon the appropriateness of his surroundings; and a country like ours, while avoiding unnecessary glitter and show, should be certain that it does not suffer in its relations with foreign nations through parsimony and cheapness in its diplomatic outfit. These considerations and the other advantages of having fixed and somewhat permanent locations for our embassies would abundantly justify the moderate expenditure necessary to carry out this suggestion."

Practically every President since has advocated the acquisition of Government buildings abroad. It appears to be the general sentiment that it is not democratic or even self-respecting to permit an American representative to live in an unsuitable manner when his foreign colleagues are provided with commodious and dignified residences, nor, on the other hand, to permit him to live in a lavish manner at his own expense and thus embarrass his successor less fortunate in the possession of private means or make it necessary that a successor shall be chosen from the standpoint primarily of his wealth rather than of his ability.

Do not be deceived by the argument that it will not benefit our people in this country. They are the ones it will benefit. It is hard to legislate markets and prices, but if we can establish proper footings and friendships with the nations of the earth, we will build up trade and every new friend and every new customer means a new opening and a new market for something that our people produce and it means to keep up better commercial relations. The people at home will know who it benefits. We can learn much from Great Britain. The sun never sets on her commerce and we should see to it that we become great and strong in our commerce. It means prosperity at home. Our markets are not sufficient to consume our cotton and our wheat and other agricultural products. We would truly stagnate if we had to depend upon our own markets. We must reach out and expand, and in doing it, we must at least be respectable in the manner in which we do it.

I read from what Mr. Secretary Kellogg said, now I want to quote from two more of America's greatest men:

The Hon. Herbert Hoover, Secretary of Commerce, stated:

* * * "this bill is a very necessary thing from every point of view. * * * the Government would serve with much more efficiency, * * * and with far greater economy, and certainly with a good deal more dignity, if we could have some systematic plan for the acquisition of buildings under American control abroad."

The Hon. John W. Davis, formerly a Member of this House and later ambassador to Great Britain, said:

"I can not think that any private business could possibly manage the housing of its representatives in the way in which the United States of America does from the standpoint of economy and efficiency and the not inconsiderable matter of national prestige. * * * It is quite true that in foreign countries the mere fact of prestige and experience is a thing which counts large in the scale. But if that were all I should say that the bill would lack a great deal of its appeal, but on the point of economy and efficiency, the way in which our representation is scattered abroad in all the capitals with which I have been in familiarity, is the great drawback to the public service. I think it is highly important that we should concentrate, as far as it is possible to do so, in all these capitals the different activities of the Government."

If I felt that this program was merely in the interest of pomp and show, I would not support it. We are way behind other great nations of the world in providing for our foreign representatives. We, the greatest and most powerful power of all the world; we, the richest and most highly civilized Nation of all the nations, realize we are hampered in this regard and that we are not getting the results we should be getting. Can it be that this is the lame place in our commercial prosperity? Can it be that this is one of the contributing factors to the depression in which our agricultural industry finds itself? Does it not follow that if we establish and maintain friendly relations with other nations they will become our customers in the things we have to sell; and does it not follow that if the demand for our cotton, wheat, and other products is increased we will have better markets and more competition for our products? Does it not follow that we will get better prices for our agricultural products and for all we have to sell?

Let us not be narrow in this matter. Conditions have wonderfully changed since the war. We are living amid new conditions that are rapidly adjusting. Let us consider what is the right, great, and wise thing for our country and let us courageously do it. There is a general feeling all over the country, in every part of it, that we have been half doing the thing abroad in making friends, in opening new markets, and in building American commerce. Let us give our great country the chance that we should give it among the powers of the world, and let us do nothing that will longer shame the name of our Republic. We have an opportunity in the passage of this legislation that will advance our foreign relations and our foreign commerce. Let us make good in this opportunity that will result in great benefit to all the people of the entire country. It is true I come from a city that has a large and growing foreign commerce. It is a commerce that benefits not only the merchants, not the shipping people alone, but it benefits the farmers of my section and the laboring people and the people of all classes.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. COLE].

Mr. COLE. Mr. Speaker and gentlemen, I am sorry that under the rules there is not more time for fuller presentation of the subject with which this bill deals. I say this not because any extended arguments are needed for the passage of this measure, which, I am sure, will receive almost the unanimous support of this House, so obvious are its merits. But our recent achievements in the foreign service are so many and so important that it is worth while to dwell on them at more length than is possible in this limited debate.

There was a time when our foreign service was held in some contempt and that rightly so. It was based on partisan politics and it was honeycombed with inadequacies if not incompetencies. Men were appointed to important foreign posts without preparation for such service and often with only limited conceptions of its duties and responsibilities. The American consuls of that period were often the butts of international ridicule.

A few years ago we entered on the serious work of reorganization. In this, I am glad to say, all parties cooperated. What we know as the Rogers bill was the first step in this reorganization. The man who labored so long and so well on that legislation, unfortunately, did not live to see the benefits of it, nor is he with us to complete in this bill what he so well began.

The Rogers bill created what we now call our Foreign Service, a unified, classified, intelligent, and comprehensive

service. Young men who desire to enter such service must prepare themselves for it. In many of the leading universities special courses of instruction are now provided. They must then pass rigid examinations, examinations that deal not only with their scholastic attainments, but that take into considerations personality, that subtle something in a man that fits him for meeting and influencing men in international affairs.

A man who is admitted by way of these examinations is secure in the service. He can not be removed except through his own failure to meet its requirements. As his experience increases and his abilities are developed he is in line for promotion from the lowest classification to the highest. His work becomes highly specialized. He belongs to a distinct profession, and he makes his work his career. The pay in this service, while it is not lucrative, is believed to be sufficient, and at the end he is entitled to retirement upon a pension. Thus freed from the usual financial cares and worries, he can devote all his time to his work.

The bill we are now considering makes further provisions for this Foreign Service. It completes what we began in the Rogers bill.

We have in the past not only had indifferent representation but we have had inadequate housing of our Foreign Service. Consuls and even ministers and ambassadors have been compelled to provide their own quarters. It has meant that often these quarters have been inadequate and almost disgraceful. Every American who has traveled abroad has been made aware of this situation. Last summer while I was abroad I felt almost ashamed of my country when I found consular quarters in byways and in dingy rooms.

In this bill we provide for a change. Under it, by a gradual process which will make no great drain on the Treasury, we are going to provide American buildings not only in the capitals of the nations of the world but in the important trade cities. So far as possible in these buildings, which ought to be monuments to America, we will center all the activities and all the agencies of the Government, not only diplomatic and consular, but all the others, from attachés of various kinds to special representatives. In other words, we will provide American office buildings. Those who then have business abroad will not be compelled to hunt all over a foreign city to find the representatives of their Government with whom they have business to transact.

Such office buildings will not only concentrate our agencies and activities in foreign cities but they will make for greater economies as well as greater efficiency. Under the present system of scattered offices there are necessarily many duplications. Under this legislation we will get rid of all of these. The rentals that are now paid for inadequate and scattered quarters are larger than the interest will be on the moneys that we invest in permanent and unified quarters. Thus both economy and efficiency will be promoted, and, what is best of all, our Foreign Service will take a higher rank and command a greater respect abroad and also at home.

I am glad to say that in this session of Congress we have made so far a record of wise and constructive legislation, and this bill, if passed, as I believe it will be passed by both Houses of Congress, and that on its merits alone, we will add one more chapter to this record, and it will not be the least of the chapters. On the contrary, I am almost prepared to say that nothing that we shall do in this Congress will add more of honor and of glory even to our Nation than this bill. [Applause.]

Mr. PORTER. Mr. Speaker, I yield now to the gentleman from Missouri [Mr. ELLIS].

Mr. ELLIS. Mr. Speaker, I rise to record at this point some of my reasons for supporting this bill.

The part I have had in bringing it out from the Committee on Foreign Affairs to this floor has kindled my enthusiasm and afforded me great satisfaction. If this proposal shall be enacted into the law, we shall have started a big, a worthwhile endeavor and shall have started it in the right way. Here is a big conception born of a broad, comprehensive vision of present needs and a forward look to future requirements.

I have been stirred with pride as I have learned in the course of these hearings how large our foreign affairs now bulk and how rapidly they are expanding. Whatever doubt or uncertainty exists as to the beckoning of any new place or part in politics abroad, certain it is that the traditionally free, cordial contacts of this Government with the governments of the world, through diplomatic and consular offices, are enlarging in scope and importance day by day. It is equally certain that, at the same time, agencies to promote business relations of the American people with other peoples of the earth are multiplying in number and increasing in profitableness under the fostering care of many departments of the Government.

If time would permit it, it would be a pleasure to review these hearings and to point out the rapid strides that are being made in removing obstacles, improving conditions, and opening opportunities to the American people for foreign trade. I commend the reading of these hearings to the Members of this House.

We are starting right if we start as this bill proposes; realizing that we are undertaking something big, we are going at it in a big way. We are insuring the success of this venture by providing ample funds and a definite program. To adequately and appropriately house our official personnel abroad now numbering roundly 2,000—1,983, if I recall the exact figures in the hearings—it has been estimated that it will require $10,000,000. Ten millions of dollars are by this bill set apart for that purpose, to be made available $2,000,000 a year for five years.

That spells accomplishment; that is approaching the national business enterprise in an American businesslike way. I speak of this now and here in contrast with the system against which I have been inveighing on this floor—the unbusinesslike, utterly foolish, and wasteful way we are dealing with the development of American harbors and American waterways. I would point a moral even if I do not adorn a tale.

Mr. PORTER. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, this bill promises to put into effect a policy that the Government actually adopted many years ago, though the law under which embassies and legations may now be built limits the expenditure in any one year and at any one place to a sum now utterly inadequate. If we are to have diplomatic representatives abroad, we must house them, if they are to have places where they may live and where they may do business. It is less expensive to provide residences and office buildings in the way proposed by this bill than to have to pay the rents that we are paying now. The present rental bills would be sufficient to pay interest on more than enough to provide for 296 consulates and 51 embassies and legations abroad now occupied by the United States Government. Of the 296 consulates general and consulates we own 4. Of the 51 embassies and legations the United States Government owns 14. We have adopted a policy. The question is whether we are going to see it through in a way that is at least decently creditable to the American Government and the American people and to the diplomatic representatives who now themselves out of their own pockets are compelled to pay a good share of the expense.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. GARRETT of Tennessee. I think we should own our embassies abroad, but it seems to me there is a very objectionable feature in this bill. I refer to section 2a, in respect to the creation of a commission.

Mr. TEMPLE. I have only three minutes.

Mr. GARRETT of Tennessee. I am very sorry to interrupt, but it seems to me that that section mingles legislative duties with executive duties.

Mr. TEMPLE. I doubt very much that it does, although I think that if we as a legislative body could get rid of a good many details, turn them over to the executive branch of the Government after we have established the legislative policy, we would have more time to consider important policies and would fritter away less time on details. [Applause.]

Mr. LINTHICUM. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, it might be assumed from what has been said by two or three gentlemen that this bill has been very hastily and carelessly considered. But since I have had the honor of being a member of the Committee on Foreign Affairs, it is a fact that no bill has been more laboriously considered for a greater length of time or with reference to all of the general aspects and details which should be taken into account. We bring it here to you as the best possible expression of the conclusions and the views of the committee, and it is for you to say whether or not the committee has worked in vain in trying to do something that it believes it not only desirable but necessary.

Mr. LOWREY. Mr. Speaker, will the gentleman yield for a question for information?

Mr. MOORE of Virginia. Yes.

Mr. LOWREY. Will the gentleman explain to us as he goes along the difference between the proposition in this bill and the present status. The same officials are to be in charge of it. I ask that for information.

Mr. MOORE of Virginia. The commission created by this bill, to which my distinguished friend from Tennessee [Mr. GARRETT] has referred, is a commission made up a little differently from the commission in the act of 1921, and aside from that, the statute of 1921 is wholly inadequate. The difference between the commission provided by that act and the commission in the present bill simply lies in the circumstance that a third Cabinet officer is added to the commission set up by the present bill.

Referring again for just a moment to what the gentleman from Tennessee [Mr. GARRETT] said, there may be something in his theory, but practically it does not seem that there can be the slightest objection to charging Members of Congress with duties and responsibilities which they are to perform in connection with executive officials of the Government charged with similar duties and responsibilities. The truth is, that the bill in that respect proposes a most desirable method of enabling Congress to be related to the activities of the commission.

Getting away from that matter for a minute, after the World War we found that our business with the other nations had tremendously widened out and multiplied. And so in the last Congress what had we done? Under the leadership of our late, lamented colleague, Mr. Rogers, of Massachusetts, we recognized that the strengthening of our foreign service was essential.

A law was enacted with the design of strengthening that service. There was some criticism of it, but since the statute became effective the criticism has been silenced, because it has been found that it was a step wisely taken. Having done that, we now proceed further and by this bill provide for the proper housing of our representatives abroad; and I will say to the gentleman from Missouri [Mr. LOZIER] and to others who have had some observations to make here about agriculture that included in the number of those who serve the Government abroad are those who are engaged in the work of the Department of Agriculture and the promotion of our agricultural interests.

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Virginia. I regret very much I have not time to go a little further into this matter and say something of the mass of data which the committee has gathered and presented to the House, with its report, in this document. [Applause.]

Mr. BLANTON. I yield to the gentleman from Tennessee [Mr. GARRETT] one minute.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the Government of the United States should own its embassies abroad as rapidly as they can be acquired. I have no objection to that in the world. I do think that section 2a mingles legislative with executive power in a way that it should not be mingled. I therefore intend to vote against the motion to suspend the rules and pass the bill, not in the hope of defeating the bill, not with the desire to defeat the fundamental purposes of the bill, but in the hope it will be brought in in a way and considered in a way that we can amend the bill so as to take out that which I regard as an objectionable feature. [Applause.]

Mr. BLANTON. Mr. Speaker, how much time is remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. BLANTON. And the other two gentlemen?

The SPEAKER. Each of the other gentlemen have four minutes also.

Mr. BLANTON. Will the gentleman from Maryland use his four minutes? [Laughter.] Mr. Speaker, I am between the devil and the deep blue sea. I think the gentleman should use his time first. There should be but one closing speech.

Mr. LINTHICUM. Mr. Speaker, I would be very glad to do so, but I have a very distinguished speaker.

Mr. BLANTON. There should be but one closing speech, I submit to the Chair in all fairness.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order there is nothing before the House.

Mr. LINTHICUM. I yield four minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I am in favor of this bill because I am in favor of the principle of home ownership. A good many gentlemen seem to be disturbed about post offices. Now, every Member who thinks by voting against this bill he is going to get a post-office building for his district I hope he will vote that way. [Laughter.] We have heard a whole lot about farm relief. I am in favor of any sound farm relief, and if I thought we were going to get farm relief by voting against this bill I would be awfully tempted to do so, and anybody who believes they are going to get something for the farmer by voting against this bill, vote against it. Stand up for your convictions. [Laughter.] Now, gentlemen, a word about post offices. If it is sound for the Government of the United States to buy a post-office building in a town of 5,000 people, why is it not sound for the Government to buy an embassy or a consulate in a capital in Europe where we expect to have a consulate and embassy as long as this country survives? [Applause.] I say, if it is sound. Of course if it is not sound to own an embassy or consulate abroad, it is not sound to own a post office—put it in the back end of some grocery store and not have a public building.

Now, what are we spending under this bill? We are spending $10,000,000 over a period of five years. We are simply spending one-fourth of what it would cost to build one battleship—$10,000,000 to establish permanent homes to house American embassies and legations and consulates to represent the United States and the American people abroad and to stimulate foreign demand for American products and to build up foreign markets for American cotton and wheat and other products of the farm and factory and to foster international good will and to radiate from these centers American influence and American ideals, American influence for democracy and American ideals for peace. One-fourth of the amount necessary to build one battleship, and then talk about economy! [Applause.]

Now, gentlemen forget that the Foreign Service is one service that almost pays for its entire upkeep by the fees and emoluments that come to that service. It practically pays its own way.

The gentleman from Tennessee [Mr. GARRETT] objected to section 2a. The committee put that in deliberately. The chief objection to the $165,000,000 public building bill was that it turned over to the Secretary of the Treasury the power to purchase sites and erect buildings when that power had always heretofore been exercised by Congress. We did not want that objection to be justly urged to this bill. This committee wanted to have four Representatives of Congress and three representatives of the executive departments appointed on the commission. Why? Because Congress is to make whatever appropriations that may be made to carry this bill into execution and is not going to turn over to the executive department the entire handling of the matter. The commission is required to make an annual report to the Congress. Here rests the authority. We propose to hold the bridle rein on the Secretary of State, and when he proposes to buy a foreign building or a foreign site we shall not let him have it unless he has a good contract and unless the Government gets good value received and unless the building or the site is suitable for the purpose.

We have at present embassies and consulates abroad, and we are going to keep them there. We have either to own our own buildings or pay rent. I think it is more necessary to own a building in a foreign country, where we are subject to foreign conditions, than it is to own a building at home, where the Government has the power of condemnation and the power of passing laws for the regulation of those buildings. We ought to be independent abroad as well as independent at home. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. MCSWAIN].

The SPEAKER. The gentleman from South Carolina is recognized for three minutes.

Mr. MCSWAIN. Mr. Speaker and gentlemen of the House, aside from the policy of owning our own embassies and consulates in foreign capitals and cities, the question here presented is this: Is the American Congress once more going to depart from and tread under foot the rules that have been built up through the centuries of legislation by voting here to-day without the rank and file of the membership of this House knowing one particle of the details of the provisions in this bill? I propose every time I get a chance to take the floor and protest against a suspension of the rules and the passage of unconsidered legislation, and in the time that I may have at my disposal I propose to tell the membership and our constituents that two-thirds of the Members of this House have abrogated the principles of consideration, deliberation, and consultation in this Chamber, and before the motion is ever made to suspend the rules they have agreed somewhere, somehow, but not here in open session, that they will vote to suspend the rules and vote for the legislation blindfolded. I propose that the country shall know it.

Here is the gentleman from Tennesse [Mr. GARRETT] saying that he is in favor of the proposition and yet raising a question as to a detail in regard to the legislation in which the gentleman from Virginia [Mr. MOORE] says, "There may be something in it, but let us get away from it for a moment." I want this matter and all matters to be considered by the

House line by line and paragraph by paragraph. In that event I am confident that even members of this very Committee on Foreign Affairs would rise on the floor and offer amendments, and other amendments would come from every section of the House.

I am in principle in favor of the purpose of this measure, but let me answer my good friend from Texas [Mr. CONNALLY] on that point, because there is no man that I love more—if it is possible for one man to love another—than I love that gentleman from Texas. He says that without these buildings poor men are barred from diplomatic service—that rich men only can pay the rent. But let me tell you if you follow this line of argument to the effect that under present conditions it is impossible for any poor man ever to be a minister, or a consul, or something of that kind, or if some poor Member of Congress hopes and believes that in the future he may get a diplomatic or consular appointment, verily, verily, I say unto you—

"Be ye also undeceived" [applause], because the palaces they will build under this bill will be more than a poor man can afford to keep going. [Applause.]

These diplomatic posts will continue to be the prizes awarded rich men who furnish most of the campaign funds for the presidential campaigns, either preconvention or postconvention campaigns. If Gen. Leonard Wood had been nominated and elected, we could tell almost to a certainty who would have gotten these nice honorary appointments.

Of course, anybody can fill these places. Men are appointed who can scarcely read and write English correctly, much less know a word of the language of the country to which delegated. But they succeed. Of course, there is nothing else but success for a rich man in such a place in the "piping times of peace." There with subsidized press agents and a favoring press the world sings the praises of Mr. So-and-so and of his achievements in the field of international diplomacy, when in fact this "diplomatic prodigy" never read a line of international law, knows little, if any, history, and does nothing but dazzle the wondering gaze of impoverished, pauperized foreigners by the wasteful spending of American gold.

Mr. Speaker, there is a lot of vanity and false pride about our ambassadors making a social show in foreign cities. America has the reputation of being fabulously rich. I expect the commission created by this bill will have to pay two or three times the real value for any property bought or any buildings constructed or any repairs made. This will furnish another indirect method of paying off debts due us.

It seems so easy for our people to forget the fundamental conception of America, which is that simple democracy, that philosophy that "A man's a man for a' that," that sentiment that "Kind hearts are more than coronets and simple faith than Norman blood," that elemental social teaching of the meek and lowly Nazarene, that character, simple, sincere character is the only virtue worth while.

Mr. Speaker, there is a growing sentiment among some Americans to prize the bauble of rank, title, and orders conferred by the decaying dynasties of the Old World. It received a great impetus from the decorations conferred on many of our soldiers and sailors during the World War. To see some of our officers decorated at a full-dress affair would make you think they are a lot of dukes, marquises, viscounts, and barons. These things smack of royalty and nobility. I wonder what old Benjamin Franklin would think and say. This stalwart American, in his homespun clothes, and with no money to entertain at luxurious dinners, commanded the attention of the British Court where he pleaded for American rights, and when he finally went to France he was the favorite of King, courtier, and the ladies of the Bourbon Court. What would Thomas Jefferson say or think? And yet no man ever represented America in any European Court that commanded respect and confidence as did Thomas Jefferson in France during those terrible days pregnant with revolution. But protest is useless. Not only is the die cast, but the vote is also cast and counted, and we have met here merely to "rubber stamp" it. This way of legislating, when there is no emergency, must cease or the House will lose the confidence of the country. It is not deliberation; it is following blindfolded a few leaders, eminent and patriotic, but not all-wise nor infallible.

Mr. BLANTON. Mr. Speaker, I will use the time remaining in closing the argument against this bill. The gentleman from Texas [Mr. CONNALLY] gives as his excuse for sponsoring this bill that he "is in favor of home ownership." Then he ought to begin the ownership at home before he transports the policy across the seas to foreign lands. Why does he not first provide a measure to acquire a Government-owned building here in Washington for our great Department of Justice of the United States Government? It is now housed in a rented building. We are now paying enormous rent to the millionaire, Mr. Harry Wardman, for his building in which the Attorney General of the United States and his Department of Justice is housed.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. I would gladly had I the time; but we who are against this bill have had only 20 minutes, while the gentleman and those with him who favor this measure have had just double that time, or 40 minutes.

It has been stated as a reason for passing this bill that our embassies and legations abroad are now costing us $440,000 rent annually, but they do not tell you how much we are now paying out right here in Washington each year for rented buildings. Why, just a few years ago when I checked up rentals, I showed you then that the Shipping Board and Emergency Fleet Corporation were themselves paying out here and in Philadelphia $556,000 per annum for rented buildings, and I then showed you that in one corner of the new Navy Building there was enough vacant space to house this entire bureau, and right in that space to-day you will find it housed, with the rental stopped.

If the gentleman from Texas [Mr. CONNALLY] is so exercised about "home ownership," he ought to check up and find out just how many buildings our Government is still renting right here in Washington, and he would be surprised. And he ought to find out the enormous sum of money we are each year paying out for rented buildings here in Washington, and it would surprise him. Charity begins at home. And "home ownership" ought to begin at home. If he wants to embark on that splendid policy, he ought first to get rid of all the rented buildings in Washington.

And the gentleman from Texas [Mr. CONNALLY] ought to check up the number of buildings our Government is now renting in his district, and in my district, and in Mr. WURZBACH'S district, and in the other 15 districts in Texas, and he ought to find out the enormous sum of money that our Government is paying out each year for all of these buildings rented in Texas. And then when he embarks upon his "home-ownership" policy, he ought to make some effort to get rid of these rented buildings in Texas and build Government-owned buildings there before he starts to building them throughout all foreign lands.

And not one member of this committee is against the bill. They are all for it. And they will be able to keep us from getting a record vote on the bill. And thus it will be passed without a record vote. And as said before, we can not amend it in any particular.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members have the privilege of extending their remarks in the RECORD on this bill for five legislative days.

Mr. GARRETT of Tennessee. Is there a general demand for that?

Mr. PORTER. Yes; I have had a number of requests.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that all Members may be permitted to extend their remarks in the RECORD on this bill for five legislative days. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, in view of the fact that this legislation is considered under suspension of the rules of the House of Representatives but with limited time for debate and that already being necessarily taken by the chairman and other members of the Committee on Foreign Affairs, which had this bill under consideration, I am taking advantage of the permission granted to extend my remarks. I want to call your attention to the situation in the city of Shanghai, China. Shanghai is to the Far East what New York is to the West. Shanghai is now a great port and it will become greater and greater as commerce and trade develop in and between China and the United States and other countries. I have been privileged to visit China on two occasions in the last few years and therefore am in a position to know something about the deplorable conditions existing in that country so far as accommodations are furnished to our diplomatic and consular and other officials of the United States Government. At this time I only refer to Shanghai, and in that connection I include the following:

IN THE HOUSE OF REPRESENTATIVES,
January 5, 1926.

Mr. DYER introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed:

A bill (H. R. 6753) to authorize the construction of a building on the consular site at Shanghai, China.

Be it enacted, etc., That the Secretary of State is authorized to contract for the construction on the consular site owned by the United

States at Shanghai, China, of a suitable building, containing offices and residences, for the use of the consular and other representatives of the United States at Shanghai, and to contract for the removal, or demolition and removal, of the buildings now occupying such site, and the money, if any, realized from the disposal of such buildings shall be deposited in the Treasury as miscellaneous receipts. There is hereby authorized to be appropriated the sum of $2,000,000, or so much thereof as may be necessary, to carry out the provisions of this act.

DEPARTMENT OF STATE,
Washington, December 9, 1925.

The Hon. L. C. DYER,
House of Representatives.

SIR: I take pleasure in inclosing a letter to you, dated August 19, 1925, forwarded to you through this department by Consul General Edwin S. Cunningham, Shanghai, China. Mr. Cunningham states that you have shown an interest in American activities in China and therefore believes you would also care to see a copy of a recent dispatch from him to this department on the general subject matter of his letter.

I have the honor to be, sir,
Your obedient servant,

FRANK B. KELLOGG.

(Inclosures: Letter from Shanghai, China, dated August 19, 1925; copy of dispatch from Shanghai, China, dated July 30, 1925.)

AMERICAN CONSULAR SERVICE,
AMERICAN CONSULATE GENERAL,
Shanghai, China, August 19, 1925.

Hon. L. C. DYER, M. C.,
House of Representatives, Washington.

MY DEAR CONGRESSMAN: Your letter of June 13, 1925, has remained unanswered because I was delaying so that definite information could be transmitted to you. You kindly requested information as to the kind of building we should have in Shanghai and also the cost of the same. Your interest is greatly appreciated by the local community.

It may be helpful if I should tell you that during the last three years the question of a new building has been more or less to the front, and during the last 18 months it has been prominently so. It was discovered that buildings 18 and 19 were in a bad state of repair—the two buildings generally known as the offices—and it was necessary to bind them together with iron girders to make them at all habitable. Architects and municipal building authorities insisted that the heavy safes should be removed to the ground floor. This illustrates what is meant when I stated that the buildings are unsuitable and unsafe for office work. This was presented to the department about a year ago and the department directed that an investigation be made as to the practicability and cost of repairing the present buildings and, second, the cost of erecting new buildings which would be adequate for the housing of all Government activities in Shanghai.

On the 30th of July a report was made to the department and sketches, with estimates, prepared by four different architects were transmitted. It is not known whether the department is prepared to recommend an appropriation for Government buildings in Shanghai or not, but it is hoped that it will. In any event, the particulars have been transmitted to the department in regard to the proposed new building.

I expect to be in the United States during November and I would be very glad to give you any additional information which I may have at that time.

The following estimate has been made by the architects as to the cost of the building adequate to take care of all Government activities and the American employees in each department:

Architects and estimated cost	Taels
Black, Wilson & Co	2,270,000
R. A. Curry	1,530,000
Elliott Hazzard	1,860,755 to 2,232,906
F. H. Kales	2,000,000

There is inclosed a statement as to the number of Americans and Chinese employed in the various departments of the Government represented in Shanghai, which will indicate the magnitude and importance of our undertakings here.

The property on which the consular buildings are now erected was purchased in 1916 for 425,000 taels, and the assessed value of the land was 251,160 taels, while to-day the assessed value of the land is 876,740 taels, which is far below the market value of the property, but indicates increase in value since 1916.

With kind personal regards, I am,
Sincerely yours,

EDWIN S. CUNNINGHAM.

(In triplicate through the Department of State.)

In order that the demands of a building suitable for the accommodation of all of the Government activities may be fully appreciated, the following table furnishes a statement of those employed in each department of Government activities in Shanghai:

Number of persons employed

	Americans	Chinese	Total
Department of State:			
Consulate general	24	36	60
United States Court for China	13	7	20
Treasury Department:			
Customs attaché	3	3	6
Public health officer	2	4	6
Navy Department, Navy purchasing office	4	4	8
Department of Commerce:			
Trade commissioner	5	7	12
Registrar China trade act	3	0	3
Shipping Board, office of agent	4	4	8

AMERICAN CONSULAR SERVICE,
AMERICAN CONSULATE GENERAL,
Shanghai, China, July 30, 1925.

Subject: Proposed Government building at Shanghai.

The honorable the SECRETARY OF STATE,
Washington.

SIR:

* * * * * * *

In regard to the reasons for the urgent need of a new building there may be mentioned:

1. The unsafe condition of buildings 11 to 19, especially 18 and 19.

2. The inadequacy and inadaptability of the entire group to accommodate all of the Government activities in Shanghai.

In regard to the unsafe condition of the buildings, there are inclosed a copy of a letter dated September 19, 1924, from Mr. Elliott Hazzard; copy of a letter dated September 27, 1924, from Mr. R. A. Curry; copy of a letter dated April 16, 1924, from Mr. R. A. Curry; and copy of a report of the building surveyor of the Shanghai Municipal Council, dated May 19, 1924. These inclosures contain a technical report on the condition of the buildings which is not as exhaustive as it might be, but clearly indicates that buildings 18 and 19 are unsafe for office purposes. Upon the receipt of this recommendation, all of the safes were removed from the first to the ground floor, this being recommended not only by these three gentlemen but by others who were capable of giving advice on a subject of this character.

It is perfectly true that the present buildings are very presentable and that some of the offices above the ground floor have the appearance of being even more satisfactorily arranged than most consular offices throughout the service, but they are unsafe and thoroughly inadaptable and inadequate for consular purposes. Buildings 11 and 12 were constructed in the nineties and the others in the eighties, for residential purposes. The remodeling of the older buildings was an architectural mistake which has weakened the buildings very much, and that, added to their age, has rendered them unsafe for office purposes.

In order that the demands of a building suitable for the accommodation of all of the Government activities may be fully appreciated, the following table furnishes a statement of those employed in each department of Government activities in Shanghai:

Number of persons employed

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Public health officer	2	4	6
Navy Department, Navy purchasing office	4	4	8
Department of Commerce:			
Trade commissioner	5	7	12
Registrar China trade act	3	0	3
Shipping Board, office of agent	4	4	8

The following table indicates the amount paid for rent, light, and heat for office purposes only, by the departments not provided for in the present buildings:

	Rent	Light	Heat
United States Shipping Board	[1] Ts. 2,151.96		
Registrar China trade act	[1] 2,400.00		
United States trade commissioner	[1] 4,800.00		
United States Navy purchasing office	840.00	Ts. 120.00	Ts. 50.00
United States Public Health officer	4,200.00	420.00	600.00
	14,391.96	540.00	650.00
At $0.758	$10,964.11	$409.00	$492.70

[1] Including light and heat.

The following table indicates the amount paid for light and heat by departments occupying Government property:

	Light	Heat
American consulate general	Ts. 600.83	Ts. 1,300.00
United States Court for China	393.61	1,404.00
	1,003.44	2,704.00
At $0.758	$760.61	$2,049.63

If residential quarters are included, the amounts will be much more than those stated in the foregoing.

Shanghai: Shanghai is not only the most important port in China but is the most important city in the Far East, and it behooves the United States to be appropriately represented in this rapidly growing port. The present population of Shanghai and its environs is approximately 2,000,000 people, of whom something over 1,000,000 reside in the foreign settlements.

Shanghai is the premier port of foreign trade for China. The following table indicates the percentage of the total foreign trade of China for 1923 and 1924 which passed through the port of Shanghai:

Share of Shanghai in foreign trade

	1923	1924
	Per cent	*Per cent*
In the gross value of the foreign trade of China	63.99	64.61
In the net value of the foreign trade of China	42.48	43.39
In the reexport of foreign goods from China to Hongkong and other foreign countries	40.38	60.90
In the gross import of foreign goods into China	44.58	46.97
In the net imports of foreign goods into China	26.41	29.58
In the export of Chinese products from China to foreign countries	36.76	35.82

It is doubtful whether the intercourse with the outside world of any other important nation of the world is so concentrated in one port as to represent 43 per cent of the trade of the entire country.

The inclosed table furnishes a statement in United States currency of the gross and net foreign trade of China in 1923 and 1924.

Shipping: Of 186,382 vessels with a tonnage of 141,432,827, which entered and cleared all of the Chinese ports during the year 1924, 20,495 vessels with their aggregate tonnage of 32,305,419 entered and cleared the port of Shanghai. In other words, almost 23 per cent of the total shipping of China, of all nationalities, enters and clears the port of Shanghai. There is inclosed a table, with percentages according to nationalities, showing the number and tonnage of foreign vessels which entered and cleared the Chinese ports in 1913, 1920, 1923, and 1924; also a table showing the percentage of the principal nations in the total tonnage of Shanghai. The port of Shanghai during the last four years has increased its arrivals and departures by more than 2,000,000 tons per year, which indicates not only the present importance of the port but also its potential importance.

Foreign population and firms: There is inclosed a table showing the foreign firms and foreign residents in Shanghai at the end of 1924. The American community in Shanghai numbers approximately 4,000 people. It is probably the largest civil American community outside of the United States, excepting only London and Paris. This American community is exceedingly progressive, as is indicated by the amount of money invested by it in semipublic institutions. During recent years the community investments and improvements have included an American school, which was established and whose property was paid for by public subscription amounting to $350,000 gold; an American club located in the business district, which would be a credit to any city in the United States, valued at $600,000 gold; an American country club, which is in the course of construction, costing $250,000 gold; and an American church which cost approximately $45,000 gold.

American Government activities are very important in Shanghai, and the community has recognized the importance of having the semipublic institutions well provided. It is hoped and urged that the Government will follow—it is impossible now to precede—the excellent example set by the community. The importance of assembling in close proximity all of the United States Government activities is exceedingly desirable, particularly at this time when there is being pursued a policy of decentralization of the activities of the port. The assembling in one building of these functions would simplify the method of contact for Americans and to a very much greater degree for foreigners.

A new building at the port which carries 43 per cent of the foreign trade of China can not but be recognized by all as important. Shanghai is the first approach of the foreigner to China. It contributes more to the creation of public opinion than does any other city in this country, and a representative building would contribute much to the impression that Americans create in China. It would give us, in the minds of the Chinese, a permanency and a fixed purpose which would do much to increase our prestige. The location of the American property is absolutely the best in Shanghai. Let us have an adequate building, adaptable to our needs, and in keeping with the prestige we should maintain in China. The needs at other ports in China are great and should be met, but in Shanghai let us present a permanent, substantial appearance, as it is very much more important here than at other places.

During recent months the port has been visited by a number of Members of Congress, most of whom have expressed an interest in the fact that America owns its consular property here, and all assistance possible was given them to ascertain what our requirements are. It is probable that these will be able to give the department more information than is practicable to give in a dispatch of this character.

Among those who have recently visited Shanghai are United States Senator PITTMAN, Congressmen JAMES BEGG, MAURICE THATCHER, WALTER LINEBERGER, CHARLES CRISP, S. D. MCREYNOLDS, J. F. O'CONNELL of Rhode Island, and a few others, but these are mentioned as having investigated to a certain extent the conditions existing here. It is regretted that Congressman BEGG did not find time to personally go over the property with me, but Judge Purdy of the United States Court for China has given him many valuable particulars in regard to it. Other Members of Congress who have visited the port during the last few years and who may have collected data from other sources are Messrs. DAVID KINCHELOE, LUTHER JOHNSON, OTIS WINGO, MARVEL JONES, and RALPH GILBERT. Mr. Redmond D. Stephens, of the Budget Commission, was also good enough to take an interest in the proposal.

In 1920, on the occasion of the visit of the Hon. STEPHEN G. PORTER, of Pennsylvania, to this port, he manifested a great interest in the general policy of erecting consular buildings. In addition to expressing an opinion as to the importance of owning Government buildings throughout the world, he is represented in the China Press (America) of August 8, 1920, as expressing the following views:

"On the subject of a new consulate building for Shanghai Congressman PORTER said no fault could be found with the site of the consulate, but he felt that the building was not at all adequate. He said he shared the feelings of all those Americans who have experienced dismay and regret over the kind of quarters and establishments abroad in which the United States in the past commonly has housed American representatives."

Congressman PORTER is quoted in the same article as stating:

"What I could wish for here in Shanghai would be a new commanding structure on the present consular site, and I believe it should be modeled after the White House at Washington and be white in color so that it would be a dominant feature of the shore line along the Bund."

At its third annual meeting the Associated American Chambers of Commerce of China, comprising the American chambers at Shanghai, Hankow, Peking, Tientsin, and Harbin, held in Shanghai on January 27 and 28, 1925, in resolutions No. 5 and 21, expressed themselves strongly in favor of American-owned consular buildings and particularly recommended that:

"Congress appropriate funds and make provision for the erection of a Government building at Shanghai for the accommodation of all Government activities and officers at this port."

The president of the American Chamber of Commerce at Shanghai, in his annual address on April 6, 1925, stated that:

"Although new consular premises are sorely needed at every station in China, there is no place where a new building is more greatly needed than in Shanghai. The building now being used here was never intended as an office building. It is overcrowded, unsafe, and militates against the efficient conduct of business. I am sure that all will agree that a new building is needed here and that this matter should continue to receive a major portion of our attention."

The American association has repeatedly indorsed the idea of a new building, though possibly this has not been put into the form of a resolution.

The representatives of the Seattle Chamber of Commerce, during their visit in the early part of this year, investigated particularly the question of Government-owned buildings here and elsewhere. It is believed that this chamber will be able to furnish the department with information of importance in regard to the needs of a Government building of the kind proposed in Shanghai.

I desire to urge with all my ability the early and favorable consideration of the estimates transmitted herewith and that the department will recommend to Congress the erection of a building adequate to meet the requirements of all Government functions in Shanghai. It is believed that the earlier this undertaking is accomplished the better will be America's position in China, which country is to-day in a transition period and will appreciate this recognition of the importance of Shanghai as a great center.

The department's approval is requested for the delivery to the local American organizations of the main features of this dispatch, for the purpose of presenting them and other facts to their correspondents in the United States. It is certain that this is a question in which every

American resident and every American firm is deeply interested, and each desires to convey all possible information to correspondent or head office in the United States.

In the preparation of the data which was furnished to the architects, and also in the preparation of this report, I desire to acknowledge my indebtedness to the heads of the various Government activities in Shanghai, and particularly do I desire to express appreciation for valuable assistance in compiling the data for the architects to Mr. Frank Rhea, formerly registrar of the China trade act, and at all times to the Hon. Milton D. Purdy, judge of the United States Court for China.

I have the honor to be, sir,

Your obedient servant,

EDWIN S. CUNNINGHAM,
American Consul General.

[Inclosure No. 12 to dispatch No. — of Edwin S. Cunningham, American consul general, at Shanghai, China, dated July 31, 1925, on the subject "Proposed Government building at Shanghai"]

SHANGHAI, *September 19, 1924.*

Your reference: Your letter of September 16, 1924.
Subject: United States consulate building, Shanghai.

Hon. E. S. CUNNINGHAM,
American Consul General, Shanghai, China.

DEAR SIR: I beg to acknowledge receipt of above reference inclosing plot plan of American consular property in Shanghai.

Concerning recent conversation with you as to the feasibility of repairing and remodeling present buildings, would say that after carefully inspecting your present premises I consider it a most short-sighted policy to spend further money other than immediate necessity may demand on these old buildings.

These buildings were built about 30 years ago as a terrace of private residences, and are in no way architecturally suitable in plan or arrangement for their present usage. At the period they were built Shanghai was without architects or structural engineers and the Chinese contractor knew nothing of foreign building methods and used only the inferior building materials at hand. For instance, the walls of your buildings are of Chinese sun-baked mud brick laid in very weak lime mortar, which are good for only about 25 per cent of the loads now required for masonry walls.

The floor beams are no doubt of Foochow pine, and I am inclined to conclude from the vibration in walking over the floors that many of the beams are in unsound condition. The roof, as you know, is covered with Chinese tiles and is in constant need of repair.

It is impossible to give you even an intelligent guess as to the cost of a new building which would meet the Government's requirements without knowing in detail what these requirements are, but a suitable modern fireproof building could be constructed for 50 to 55 taels per cubic foot.

I will be pleased to go into this matter with you further at your convenience, but would suggest as a first step a careful study as to the probable area which will be required by each of the various departments which will be housed in the new building, if it is decided to erect one.

Yours truly,

ELLIOTT HAZZARD, *Architect.*

[Inclosure No. 13 to dispatch No. — of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 31, 1925, on the subject "Proposed Government building at Shanghai"]

SHANGHAI, *September 27, 1924.*

Hon. E. S. CUNNINGHAM,
Consul General for United States, Shanghai, China.

SIR: In reply to your letter of September 8, in which you asked me to submit a comprehensive report (1) as to the practicability and cost of suitably repairing the present buildings, (2) the cost of constructing suitable new buildings, I beg to advise as follows:

(1) PRACTICABILITY AND COST OF SUITABLY REPAIRING PRESENT BUILDINGS

I beg to refer you to my letter under date of April 16, 1924, a copy of which I inclose herewith, and also a copy of the report of the Shanghai municipal council public works department, under date of May 19, in which both the public works department and this office have practically condemned the buildings as unsuitable for United States consular buildings.

I may further confirm the statement of the public works department that these buildings were altered from terrace or private residences erected over 30 years ago. As to the cost of repairing the present buildings, I may say that this is an item I can not answer, inasmuch as the amount of money necessary for annual repairs will be an amount which I am unable to calculate as the economical life of the Chinese tiles and the Chinese hand-made brick is limited, and, as I have pointed out before, these materials have run their course and it will be difficult to maintain a water-tight condition, especially with the roof, without entire renewal of construction and materials. Therefore, I believe that the spending of any more money on the repairing of these buildings is a waste and, in my opinion, there is only one way to do, namely, to tear down the old buildings and rebuild.

(2) COST OF CONSTRUCTING NEW BUILDINGS

In considering the erection of new buildings, I must first be advised as to the ground area, height of buildings contemplated, and style of architecture and the materials of construction.

I beg to advise that this office will offer its services to you in preparing preliminary studies under your direction as to the area of the buildings and the style of architecture you might wish to adopt. I should be pleased to go into the matter with any representative of your department at any time and cooperate in every possible way in assisting you in determining the cost of a building, in answer to the second question in your letter.

Trusting that I may have the opportunity of serving you, I am, dear sir,

Yours very truly,

R. A. CURRY, *Architect.*

[Inclosure No. 14 to dispatch No. — of Edwin S. Cunningham, American consul general, at Shanghai, China, dated July 31, 1925, on the subject "Proposed Government building at Shanghai"]

SHANGHAI, *April 16, 1924.*

Consul General EDWIN S. CUNNINGHAM,
American Consulate, Shanghai.

DEAR SIR: On April 14 Mr. R. C. Young, building surveyor of the Shanghai Municipal Council, and the writer inspected the present United States consulate building. Mr. Young has advised me that he will make a report as to his opinion on the condition and safety of these buildings in due course.

The writer, on January 6, 1922, inspected the consulate buildings and found that the condition of these buildings was of such a nature as to make it imperative to take immediate steps to protect the welfare of the public entering the land office and passport office. Immediate action was taken by this office to tie the walls together and protect the buildings against collapse.

Over a year has elapsed since we did this work, and upon my inspection on the 14th, I find that while the work done has been satisfactory from a temporary measure point of view, yet I do not consider it safe or sound, and the Government should not allow it to be used as a public building.

From the best of my knowledge these buildings were built about 35 or 40 years ago. Undoubtedly they were built without the advice of an architect or engineer and were not designed to carry the loads which you to-day are placing on the floors. They were originally built as residential buildings. A mistake was made to remodel these old buildings, the construction and soundness of which were questionable at the time. Defects are covered with plaster, the large cracks only going to show the places which are in a collapsible condition.

The installation of a heating plant in these old buildings has done considerable damage to the constructive members, inasmuch as it appears that timbers have become dry rotted so that it is questionable whether the joists supporting the floors have proper bearing on the brick walls. In January, 1922, I discovered that in the land office and passport office the joists were bearing only about 1½ inches on the brick walls, which were cracked and bulging out at the time. We held them together by pulling the walls in by means of tie-rods with turnbuckles and drawing the walls into place, but as I pointed out to you at the time, this was only a temporary measure to prevent the building from collapse.

The materials, such as native handmade brick, Chinese-tile roof, the cheapest kind of plaster in the interior, have run their course in the last 35 years.

As to fire protection, I consider the entire building a death trap for your staff, as well as the public. Stair wells and light wells in all of the buildings act as nothing more than chimney flues, and in case of fire no provision has been made for the rapid egress of the public, such as fire escapes. No modern city with building laws would consider the present plans as anything more than a fire trap.

As to the load on the foundations, I have observed that you are continuously loading the building with files, safes, records, correspondence, supplies, etc., and day by day are straining every muscle of this old building. The foundations were never designed to carry the loads you are placing on them to-day.

From a professional point of view of the study I have made of these buildings, my personal opinion is that they are unsound and unsafe for the purpose for which they are being used, and they are in a collapsible condition.

I am, dear sir,

Yours very truly,

R. A. CURRY, *Architect.*

[Inclosure No. 15 to dispatch No. — of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 31, 1925, on the subject "Proposed Government building at Shanghai"]

SHANGHAI MUNICIPAL COUNCIL,
PUBLIC WORKS DEPARTMENT,
May 19, 1924.

The COMMISSIONER OF PUBLIC WORKS,
United States Consular Buildings,
Nos. 13 to 19 Whangpoo Road:

I visited the United States consular buildings Nos. 13 to 19 Whangpoo Road, on April 14, in company with Mr. R. A. Curry, architect.

This building comprises what was originally a terrace of private residences, erected, as far as I can ascertain, rather more than 30 years ago. Considerable alterations have subsequently been made in order to adapt the block for use as consular offices and post office, with residences over.

From a fire point of view the building is unsatisfactory. In order to effect means of communication fire walls have necessarily been cut through, and in case of fire the means of egress, especially in the public portion of the building, is obscure and deficient.

In the adaptation of the buildings as offices, and more particularly in connection with the former post office, considerable portions of the ground-floor walls have been cut away, and it is probable that undue loading is placed on the remaining brickwork. At this, the east end of the building, the north and south external walls have been tied together with iron tie-rods through the building, and a portion of the first floor has been provided with additional independent support on the east, due, I am informed, to the bulging of the east wall, and consequent dangerous diminution of the amount of bearing on the wall afforded to the first-floor joists.

The floors, which are of ordinary wooden construction, are obviously too weak for use as office floors, for which they were of course not designed. The joists are in many cases of excessively long span, and considerable vibration occurs with only ordinary traffic. The precaution has been taken of removing practically all the safes to the ground floor, and it is questionable whether any of the upper floors should be used as public offices in which numbers of persons are likely to congregate.

I noticed various large cracks in the wall plaster at different portions of the building. Some of these are doubtless due to shrinkage of lath and plaster partition walls, which do not form an essential portion of the structure, but other cracks, especially at the east end, probably indicate unequal settlement of walls.

The roofs are of Chinese tile and leak badly. I am informed that a considerable amount of money is spent annually in repairs to the roofs; but the economical life of Chinese tile is limited, and after a certain length of time a roof covering of this material is difficult to maintain in a water-tight condition without entire renewal.

R. C. YOUNG, *Building Surveyor.*

[Inclosure No. 16 to dispatch No. — of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 30, 1925, on the subject "Proposed Government building at Shanghai"]

Foreign trade of China, 1923-24 (in United States currency), showing gross and net foreign import trade, reexports, exports of Chinese products, and gross and net value of the China trade with foreign countries

Group	1923			1924		
	Gross imports	Reexports	Net imports	Gross imports	Reexports	Net imports
Opium	$388,878		$388,878	$270,310		$270,310
Cotton goods	145,729,883	$2,905,480	142,824,403	154,926,935	$2,297,677	152,629,258
Wool and cotton unions	7,577,096	574,222	7,002,874	9,326,580	224,574	9,102,006
Woolen goods	15,941,407	267,597	15,673,810	14,567,815	242,085	14,325,730
Miscellaneous piece goods	6,311,606	75,967	6,235,639	7,485,019	132,728	7,352,291
Metals and minerals	37,864,716	808,197	36,988,519	55,161,267	287,789	54,873,477
Sundries	567,016,993	16,078,240	550,938,753	599,623,090	13,730,978	585,892,112
Total	780,820,579	20,767,663	760,052,916	841,361,016	16,915,831	824,445,185

	1923	1924		1923	1924
Gross foreign imports	$780,820,579	$841,361,016	Net foreign imports	$760,052,916	$824,445,185
Chinese exports	619,726,325	624,913,884	Chinese exports	619,726,325	624,913,884
Reexports of foreign goods	20,767,663	16,915,831			
Gross value of foreign trade of China	1,421,314,567	1,483,190,731	Net value of foreign trade of China	1,379,779,241	1,449,359,069

[Inclosure No. 17 to dispatch No. — of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 30, 1925, on the subject "Proposed Government building at Shanghai"]

Nationality, number, and tonnage of foreign vessels entered and cleared at Chinese ports

Nationality	1913		1920		1923		1924	
	Number	Tonnage	Number	Tonnage	Number	Tonnage	Number	Tonnage
American	2,458	808,730	5,547	4,718,251	4,994	5,968,261	6,435	6,359,589
British	32,186	38,120,300	39,543	40,315,707	44,055	51,965,230	48,886	55,715,925
Danish	86	122,722	78	184,164	175	459,065	246	616,026
Dutch	293	401,077	499	568,820	525	1,644,279	547	1,799,828
French	1,020	1,232,763	603	852,979	1,948	1,939,731	2,380	2,185,806
German	5,382	6,320,466			364	1,369,016	539	2,085,968
Italian			316	195,900	396	200,172	1,021	590,513
Japanese	22,716	20,422,487	25,152	28,191,592	25,053	33,288,617	26,294	34,759,984
Norwegian	637	739,328	471	418,511	588	848,136	1,544	2,079,533
Portuguese	816	128,330	556	98,864	1,512	581,507	2,912	1,046,046
Russian	3,265	1,687,796	2,466	933,556	368	255,138	183	176,197
Swedish	27	71,065	22	70,418	34	114,406	122	238,172
Other countries	84	285,802	69	74,624	455	337,147	522	481,977
Total	68,970	73,430,886	75,232	76,613,386	80,477	98,870,709	91,631	108,144,464
Chinese:								
Foreign type	36,136	14,744,325	50,791	23,632,198	45,830	29,022,086	44,906	29,418,575
Junks	85,632	5,159,619	84,586	4,021,111	56,415	3,411,761	49,945	3,869,788
Total	121,768	19,903,944	135,377	27,653,309	102,245	32,433,847	94,751	33,288,363
Grand total	190,738	93,334,830	210,609	104,266,695	182,722	131,304,556	186,382	141,432,827

Shanghai's share of the above total tonnage was:

Total 1913:
Number 20,909
Tonnage 19,580,151
Total 1920:
Number 18,924
Tonnage 22,406,112
Total 1923:
Number 22,876
Tonnage 30,018,240
Total 1924:
Number 20,495
Tonnage 32,305,419

[Inclosure No. 18 to dispatch No. — of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 30, 1925, on the subject "Proposed Government building at Shanghai"]

Percentage of principal nations in the foreign and total tonnage of China

	1913		1920		1923		1924	
	Foreign tonnage	Total tonnage	Foreign tonnage	Total tonnage	Foreign tonnage	Total tonnage	Foreign tonnage	Total tonnage
British	51.10	40.84	52.62	38.46	52.56	39.58	51.51	39.39
Japanese	31.09	25.09	36.79	27.03	33.67	25.35	32.14	24.58
Chinese		21.32		26.52		24.70		23.54
United States	1.20	.085	6.15	4.42	6.30	4.55	5.88	4.50

Percentage of principal nations in total tonnage of Shanghai

	1913	1920	1923	1924
	Per cent	*Per cent*	*Per cent*	*Per cent*
American	1.93	11.50	10.63	10.52
British	39.65	37.00	35.65	36.36
Japanese	25.63	27.35	24.34	23.51
Chinese	16.33	18.39	19.18	17.58

[Inclosure No. 19 to dispatch No. —, of Edwin S. Cunningham, American consul general at Shanghai, China, dated July 30, 1925, on the subject "Proposed Government building at Shanghai"]

Shanghai, 1924, foreign firms and also residents

Nationality	Firms	Residents
American	217	4,032
Austrian	6	60
Belgian	12	75
Brazilian [1]		
British [2]	228	7,500
Czecho-Slovak	4	140
Danish	16	384
Dutch	20	225
Finnish		28
French	40	1,000
German	71	930
Greek [1]		
Italian	19	306
Japanese	1,210	18,902
Mexican		8
Norwegian	14	230
Polish [3]		
Portuguese	37	3,112
Russian	45	8,000
Spanish	14	235
Swedish	7	90
Swiss	23	217
Total	1,983	45,474

[1] No reply from consulate.
[2] Obtained from British Chamber of Commerce.
[3] No consulate in Shanghai.
All the above are obtained from the Chinese Maritime Customs.

Mr. PORTER. Mr. Speaker, I yield one-quarter of a minute to the gentleman from Wisconsin [Mr. BERGER]. [Applause.]

Mr. BERGER. Mr. Speaker, everything I intended to say has been said so much better than I could say it that I yield back the part of my quarter of a minute still remaining. [Laughter.]

Mr. PORTER. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BURTON]. [Applause.]

The SPEAKER. The gentleman from Ohio is recognized for three and three-quarters minutes.

Mr. BURTON. Mr. Speaker, the arguments for this bill are unanswerable. I have listened with interest to the very earnest statements of my good friends who have opposed it, but their statements neither deserve the gratitude of the House nor bring conviction to those who rely on facts in reaching their conclusions. [Laughter.]

In the first place, it is said that this is contrary to economy. Why, the gentleman from Georgia answered that. We pay $440,000 per year for the rental of quarters for the State Department; in addition to that there is $119,000 for other departments of the Government abroad, and some $200,000 paid by private individuals, aggregating the sum of $700,000 or $800,000, which, capitalized on the basis of 4 per cent, would mean $17,500,000.

The gentleman from Nebraska [Mr. HOWARD] says we ought to do something for the Missouri River. We have already appropriated more than $10,000,000, the amount authorized in this bill, for the Missouri River, and there is not as much traffic on it as there was 70 years ago. [Laughter.] There is only a little bit of sand hauled from one place to another.

Mr. HOWARD. Will the gentleman yield?

Mr. BURTON. No.

Mr. HOWARD. I will give the gentleman my time.

Mr. BURTON. The gentleman has no time to yield. The gentleman from Tennessee seems somewhat disturbed by the fact that this is a mixed commission, partly congressional or legislative and partly executive. Why, gentlemen, is it not better for us to have representation on that commission rather than to leave the selections to the Executive department? We have the final word to say. No wasteful appropriation can be made and the addition of Members of Congress increases our power and our supervision.

We now have a debt commission. Has any Member of this House complained because there are three Members of the House of Representatives and the Senate on that commission with three members of the Cabinet? Congress deliberately created that commission with a membership partly executive and partly legislative and the results have been of the best. The closer the touch between the executive and legislative departments of this Government the better it will be for all of us, and yet there are some here who say that the details are left to this commission, which should be attended to by the Congress. Why, bless you, do you wish to have left to this Congress, with its manifold duties, the duty of passing on every house that is purchased abroad for something over two hundred and fifty different locations? We are staggering already under the weight of details which we can not properly consider, and the more we relieve ourselves of those details the better it is for us.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. We are increasing our foreign relations to an enormous extent. Our commerce is expanding more than that of any nation of Europe. Nothing is better for agriculture on an expansion of our markets than the enlargement of our activities abroad and the providing of quarters which in dignity and in convenience are worthy of the American name. We are becoming the creditor Nation of the world with more than $20,000,000,000 owed to private citizens or to the United States Government. We are assuming a position of leadership. Let us be worthy of that leadership and not house our diplomats in the upper stories of apartment houses or over garages. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is, shall the rules be suspended and the bill passed?

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 198, noes 45.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-four gentlemen have risen; not a sufficient number, and the yeas and nays are refused.

So two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. HUDSON (at the request of Mr. MICHENER) for the balance of the week, on account of important business.

Mr. MURPHY, on account of death in his family.

Mr. TAYLOR of Tennessee (at the request of Mr. MCREYNOLDS), for 10 days, on account of official business.

Mr. STROTHER (at the request of Mr. PERRY), indefinitely, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly en-

rolled bills of the following titles, when the Speaker signed the same:

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainsville-Aliceville road in Pickens County, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road between Dale and Houston Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on the Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road between Washington and Clarke Counties, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva, on the Geneva-Florida road, in Geneva County, Ala.; and

H. R. 9095. An act to extend the times for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 16, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings for March 16, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch (H. J. Res. 191).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Bills to amend the interstate commerce act.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act of 1920, and the shipping act of 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the admission to naval hospitals of dependents of officers and enlisted men of the naval service in need of hospital care (H. R. 3994).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

An act for the enlargement of the Capitol grounds (S. 2005).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

General bill on rivers and harbors projects.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10 a. m.)

To secure Sunday as a day of rest in the District of Columbia (H. R. 7179).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BAILEY: Committee on the Post Office and Post Roads. H. R. 8192. A bill authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power-boat and star routes in Alaska; without amendment (Rept. No. 556). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 816. A bill for the relief of W. F. Morgareidge; without amendment (Rept. No. 557). Referred to the Committee of the Whole House.

Mr. LINEBERGER: Committee on Naval Affairs. S. 2086. An act for the relief of A. T. Marix; without amendment (Rept. No. 558). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9701) granting an increase of pension to Ellen M. Willey, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 10350), to provide that funds appropriated for the care and relief of Indians of Wisconsin under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. QUIN: A bill (H. R. 10351) granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate a bridge across the Mississippi River at or near the city of

Natchez, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWBOTTOM: A bill (H. R. 10352) to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 10353) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, by adding subsection (f); to the Committee on Patents.

By Mr. BRAND of Georgia: A bill (H. R. 10354) to extend the time for converting term insurance under the World War veterans' act, 1924, as amended; to the Committee on Ways and Means.

By Mr. STRONG of Kansas: A bill (H. R. 10355) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

By Mr. WINTER: A bill (H. R. 10356) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. DAVENPORT: A bill (H. R. 10357) incorporating the National Institute of Social Sciences; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 10358) to authorize the erection of additional buildings to the St. Cloud Veterans' Bureau Hospital No. 101, St. Cloud, Minn., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. WARREN: A bill (H. R. 10359) to change the time of holding terms of court at Elizabeth City and at Wilson, N. C.; to the Committee on the Judiciary.

By Mr. COLTON: A bill (H. R. 10360) further to assure title to lands designated in or selected under grants to the States, to limit the period for the institution of proceedings to establish an exception of lands from such grants because of their known mineral character, and for other purposes; to the Committee on the Public Lands.

By Mr. BOWLING: A bill (H. R. 10361) to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.; to the Committee on World War Veterans' Legislation.

By Mr. STEPHENS: A bill (H. R. 10362) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. DOWELL: Resolution (H. Res. 174) providing for the consideration of H. R. 9504, "To amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads,' and for other purposes"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CRISP: Memorial of the House of Representatives of the State of Georgia, urging the Congress of the United States to erect a national soldiers and sailors' home in or near the city of Atlanta, Ga.; to the Committee on Military Affairs.

By Mr. KINDRED: Memorial of the Legislature of the State of New York, urging the Congress of the United States to give due thought and consideration to the feasibility of the project for a ship canal from Lake Erie to the sea via the Lake Champlain route; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 10363) to reinstate William R. Bleakney in the West Point Military Academy; to the Committee on Military Affairs.

By Mr. BROWNE: A bill (H. R. 10364) for the relief of Myron J. Conway, Frank W. Halsey, and others; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 10365) for the relief of the estate of William G. Norwood, deceased; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 10366) granting an increase of pension to Louise Hendershott; to the Committee on Pensions.

Also, a bill (H. R. 10367) providing for survey of the Altamaha and other rivers in Georgia with a view of preventing devastating overflows and to reclaim vast areas of fertile lands; to the Committee on Flood Control.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10368) granting a pension to Henry Galloup; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10369) granting a pension to Huldah Elliott; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10370) granting a pension to Ida E. Durkee; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10371) granting an increase of pension to Victor F. Marshall; to the Committee on Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 10372) granting an increase of pension to Caroline Stuckenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10373) for the relief of Ray Wilson; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 10374) granting an increase of pension to Nora Erney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10375) granting a pension to Harry G. Ross; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 10376) granting an increase of pension to Roy H. Toren; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10377) granting an increase of pension to Anna Murray; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 10378) granting an increase of pension to Robert Williams; to the Committee on Pensions.

Also, a bill (H. R. 10379) for the relief of George N. Gray; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 10380) to remove the charge of desertion against Israel Brown and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. WELSH: A bill (H. R. 10381) granting an increase of pension to Lewis M. Kensil; to the Committee on Pensions.

Also, a bill (H. R. 10382) granting an increase of pension to Anna M. Valentine; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 10383) granting an increase of pension to Harriet B. Slater; to the Committee on Invalid Pensions.

By Mr. TILSON: Resolution (H. Res. 172) providing additional compensation for the clerk to the Speaker's table; to the Committee on Accounts.

By Mr. PERKINS: Resolution (H. Res. 173) providing additional compensation for the clerk of the Committee on Accounts; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1257. Petition of the president of the League of Women Voters of the Territory of Hawaii, Honolulu, Hawaii, favoring reapportionment of members of the senate and house of representatives of the Territory of Hawaii; to the Committee on the Territories.

1258. By Mr. BULWINKLE: Petition of R. J. Beach and other citizens of Burke and Catawba Counties, N. C., protesting against the passage of House bills 7179 and 7822, the Sunday observance bills; to the Committee on the District of Columbia.

1259. By Mr. CRAMTON: Petition of W. J. Webber and four other residents of Reese, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1260. By Mr. ESLICK: Petition of Jake Fite, recorder, and other officials of Hohenwald, Lewis County, Tenn., petitioning Congress to enact House bill 8132, known as the Spanish-American War pension bill; to the Committee on Pensions.

1261. By Mr. GALLIVAN: Petition of Edward E. Blodgett, First National Bank Building, 1 Federal Street, Boston, Mass., recommending early and favorable consideration of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

1262. By Mrs. KAHN: Petition of the California Federation of Women's Clubs, indorsing House bill 8821; to the Committee on Indian Affairs.

1263. By Mr. LEAVITT: Resolution of the Woman's Christian Temperance Union of Helena, Mont., favoring passage of House bill 3821, providing for placing prohibition agents under the civil service; to the Committee on the Civil Service.

1264. Also, resolution of the Woman's Christian Temperance Union of Helena, Mont., favoring continuance of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1265. By Mr. MACGREGOR: Resolutions of the Czechoslovak Workers' Educational Club, of Buffalo, N. Y., protesting against

the enactment of the bill providing for the registration of aliens; to the Committee on Immigration and Naturalization.

1266. By Mr. MANLOVE: Petition of sundry citizens of Nevada, Mo., against compulsory Sunday observance: to the Committee on the District of Columbia.

1267. By Mr. O'CONNELL of New York: Petition of the Moran Towing & Transportation Co., of New York, for favoring the passage of House bill 5709; to the Committee on Naval Affairs.

1268. Also, petition of the Chamber of Commerce of the United States of America, Washington, favoring the passage of House bill 10200, for the acquisition and construction of American Government buildings in foreign cities; to the Committee on Foreign Affairs.

1269. Also, petition of the United States Customs Guards Association of the Port of San Francisco, Calif., appealing to Congress for a living wage scale; to the Committee on the Merchant Marine and Fisheries.

1270. Also, petition of the Teachers' Union of New York, against all proposed amendments to the District appropriation bill in its present form that tend to cast suspicion on loyal and law-abiding teachers; to the Committee on Appropriations.

1271. Also, petition of the National Association of Manufacturers of New York, favoring the passage of the Graham bill (H. R. 7907) to increase the salaries of Federal judges; to the Committee on the Judiciary.

1272. Also, petition of the Associated American Chamber of Commerce of China and Seattle Chamber of Commerce, favoring the passage of House bill 10200, the consular buildings bill; to the Committee on Foreign Affairs.

1273. By Mr. PERKINS: Petition placing the Real Estate Board of Rutherford, N. J., on record in favor of House bill 4798, introduced by MARTIN L. DAVEY, of Ohio; to the Committee on Rules.

1274. By Mr. TILSON: Petition of G. B. MacDonald and others, of West Haven, Conn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1275. Also, petition of Mrs. Mabel E. Ladd and others, Los Angeles, Calif., urging the passage of House bill 98; to the Committee on Pensions.

1276. By Mr. WELSH: Petition of the Rotary Club of Philadelphia, by its secretary, Mr. Frank Honicker, protesting against the passage of the bill known as the compulsory Sunday observance bill for the District of Columbia; also telegrams protesting against compulsory Sunday observance bill, signed by Rev. W. A. Nelson, Frank Honicker, C. V. Leach, and Newton H. Graw; to the Committee on the District of Columbia.

1277. Also, petition of New Jersey branch of the Women's International League for Peace and Freedom, favoring the passage of House bill 8538 to prohibit "any course of military training from being made compulsory as to any student in any educational institution other than a military school"; to the Committee on Military Affairs.

1278. Also, petition signed by residents of Philadelphia, Pa., protesting against the passage of compulsory Sunday observance bills (H. R. 7179 or 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

SENATE

TUESDAY, *March 16, 1926*

(Legislative day of Monday, March 15, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Harreld	Metcalf
Bayard	Deneen	Harris	Moses
Bingham	Edwards	Harrison	Neely
Blease	Ernst	Heflin	Norris
Borah	Fernald	Howell	Nye
Bratton	Fess	Johnson	Oddie
Brookhart	Fletcher	Jones, Wash.	Overman
Broussard	Frazier	Kendrick	Phipps
Bruce	George	Keyes	Pine
Butler	Gerry	King	Pittman
Cameron	Gillett	La Follette	Ransdell
Capper	Glass	McKellar	Reed, Pa.
Caraway	Goff	McLean	Robinson, Ind.
Copeland	Gooding	McNary	Sackett
Couzens	Greene	Mayfield	Sheppard
Cummins	Hale	Means	Simmons
Smoot	Trammell	Warren	Willis
Stanfield	Tyson	Watson	
Stephens	Wadsworth	Wheeler	
Swanson	Walsh	Williams	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that, pursuant to the act of June 5, 1924, the Speaker had appointed Mr. WINTER and Mr. HILL of Washington as members of the joint congressional committee created to investigate the land grants of the Northern Pacific Railway Co. in place of Mr. WILLIAMS and Mr. RAKER, deceased.

The message returned to the Senate, in compliance with its request, the following bills:

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; and

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in claims which the Crow Indians may have against the United States, and for other purposes.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 122. An act granting the consent of Congress to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River; and

S. 3173. An act granting the consent of Congress to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace, in Harford County, and Perryville, in Cecil County.

The message further announced that the House had passed the following bills and a joint resolution in which it requested the concurrence of the Senate:

H. R. 96. An act authorizing an appropriation of not more than $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 2830. An act to legalize a wharf and marine railway owned by George Peppler, in Finneys Creek, at Wachapreague, Accomac County, Va.;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.;

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914;

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city, to acquire such additional land as may be necessary, and to construct a suitable building thereon for the use and accommodation of the post office, United States courts, and other governmental offices;

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property;

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State;

H. R. 7081. An act to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917;

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 8918. An act authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 9393. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act granting the consent of Congress to the board of county commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9599. An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city;

H. R. 9634. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio;

H. R. 9971. An act for the regulation of radio communications, and for other purposes;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; and

H. J. Res. 131. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainsville-Aliceville road in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on the Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.;

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.;

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson on the Opp-Samson road in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.; and

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, supplementary schedules and lists of papers and documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value, and asking for action looking to their disposition, which was referred to a joint select committee on the disposition of useless papers in the executive departments. The Vice President appointed Mr. SMOOT and Mr. SIMMONS members of the committee on the part of Senate.

PETITIONS AND MEMORIALS

Mr. WARREN presented a petition of the Societa Italina Di M. S., A. Diaz, of Cheyenne, Wyo., praying for the acceptance by the Senate of the terms of the Italian debt settlement, which was ordered to lie on the table.

Mr. BINGHAM presented the petition of the League of Women Voters of the Territory of Hawaii, praying for the reapportionment of Members of the Senate and House of Representatives of the Territory of Hawaii, which was referred to the Committee on Territories and Insular Possessions.

Mr. WILLIS presented a letter, in the nature of a petition, from Greer Maréchal, president of the Dayton (Ohio) Patent Law Association, protesting on behalf of the association against the passage of the bill (S. 2547) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, which was referred to the Committee on Patents.

He also presented papers in the nature of memorials of the Board of Commerce of Lima, and the Chamber of Commerce of Mansfield, both in the State of Ohio, protesting against the passage of the so-called Gooding long and short haul bill, which were ordered to lie on the table.

He also presented a resolution adopted by the Akron (Ohio) Chamber of Commerce protesting against the passage of the so-called Gooding long and short haul bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

AKRON CHAMBER OF COMMERCE,
Akron, Ohio, March 6, 1926.

Senator FRANK B. WILLIS,
Washington, D. C.

MY DEAR SENATOR WILLIS: The board of directors of the Akron Chamber of Commerce, upon the recommendation of the chamber's transportation committee, unanimously adopted the following resolution:

"Whereas bill S. 575, introduced by Senator GOODING December 8, 1925, is now before Congress for consideration; and

"Whereas the bill in effect will require a rigid application of the fourth section of the interstate commerce act when freight rates are made in competition with rates via water routes either actual or potential, direct or indirect; and

"Whereas such bill would remove the discretion now vested in the Interstate Commerce Commission to authorize departures from the act; and

"Whereas it would result in economic loss to established industry designed to serve markets under rate structures that have built up the country along practical lines; and

"Whereas we believe that authority to depart from rigid application of fourth section of the act should remain with the commission, in whom we have confidence: Be it

"*Resolved*, That the Akron Chamber of Commerce is opposed to the passage of the Gooding bill, S. 575, and that copies of this resolution be sent to our representative in Congress."

Respectfully submitted in behalf of the directors.

VINCENT S. STEVENS,
Secretary.

Mr. McLEAN presented petitions of the retail board of the chamber of commerce, the Association of Insurance Agents, Business and Professional Women's Club (Inc.), American Society of Mechanical Engineers, Associated General Contractors of America, Association of Credit Men, the Traffic Association, the Rotary Club, and the Kiwanis Club, all of Bridgeport, Conn., praying the granting of an appropriation for the construction of a new post-office building in the city of Bridgeport, Conn., which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the retirement committee of the National Association of Postal Supervisors, of New Haven, Conn., praying for the passage of the so-called civil service employees' retirement bill, which was referred to the Committee on Civil Service.

He also presented a memorial of Charity Chapter, No. 61, Order of the Eastern Star, of Mystic, Conn., remonstrating against the passage of the so-called Kendall bill (H. R. 4478) to prevent the United States Government from printing stamped envelopes with return card on corner, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Walter L. Bevin's Auxiliary to Charles B. Bowen Camp, United Spanish War Veterans, of Meriden, Conn., praying for the passage of legislation granting increased pensions to Spanish-American War veterans, their widows, and dependents, which was referred to the Committee on Pensions.

He also presented a petition of New Haven Council, No. 293, United Commercial Travelers of America, of New Haven Conn., praying for the passage of House bill 4497, providing for the repeal of the so-called Pullman surcharge on railroad tickets, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of St. Monica's Guild, of Pomfret Center, Conn., remonstrating against the passage of the so-called Curtis-Reed bill, creating a Federal department of education, as being an interference with the rights of the States, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Manufacturers' Association of Hartford County, Conn., remonstrating against the passage of House bill 10, providing for compulsory use of the metric system, which was referred to the Committee on Manufactures.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 4505) to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district, reported it without amendment and submitted a report (No. 385) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (H. R. 9007) granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill., reported it with amendments and submitted a report (No. 386) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 3575) granting an increase of pension to Virginia Tysoe (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3576) authorizing interstate compacts between the States of Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, Louisiana, Mississippi, or between any of them, or between any of the States of the Union; for the purpose of control of floods and the conservation of flood waters, and the application of such waters to beneficial uses; and for the diminution of injury and damage by floods; for the security of intrastate and interstate commerce, and the transportation of the United States mails, and military; and for the purpose of agreeing upon control of conservation districts created under such compact, and promoting agreement on the apportionment of benefits and costs thereof, and assumption of benefits and cost thereof; for division of revenue, if any therefrom, and for other purposes, and providing for the participation of the United States of America therein, and making appropriation therefor; to the Committee on Interstate Commerce.

By Mr. FESS:

A bill (S. 3577) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 3578) for the relief of William C. Harllee; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3579) extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation; to the Committee on Indian Affairs.

By Mr. COPELAND:

(By request.) A bill (S. 3580) to retard the extermination of migratory game and legitimate sport by the reduction of bag limits and open seasons; to the Committee on Agriculture and Forestry.

A bill (S. 3581) granting a pension to Thomas Armstrong; and

A bill (S. 3582) granting a pension to Michael H. Daly; to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 3583) to provide for the appointment of postmasters, officers, and employees of the customs and internal-revenue services and other branches of the Government service;

A bill (S. 3584) to amend section 6 of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, approved August 24, 1912;

A bill (S. 3585) to amend the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended; to the Committee on Civil Service; and

A bill (S. 3586) granting an increase of pension to Susan Van Gilder; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3587) for the relief of O. M. Enyart (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3588) granting an increase of pension to Emma A. Bass (with accompanying papers); and

A bill (S. 3589) granting an increase of pension to Michael Mohan (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD (by request):

A joint resolution (S. J. Res. 73) authorizing and directing the Secretary of the Interior to extend preference rights to certain applicants under the Red River relief act, and for other purposes; to the Committee on Public Lands and Surveys.

CONSOLIDATION OF NATIONAL BANKING ASSOCIATIONS

Mr. BAYARD submitted an amendment intended to be proposed by him to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, which was referred to the Committee on Banking and Currency and ordered to be printed.

EXPENSES OF JOINT COMMITTEE ON MUSCLE SHOALS

Mr. SACKETT. Mr. President, I ask leave on behalf of the Senator from Illinois [Mr. DENEEN] to submit a concurrent resolution for the purpose of paying the expenses of the Muscle Shoals committee recently appointed. I ask that the resolution may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Con. Res. 4) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the Senate (the House of Representatives concurring), That the joint committee on Muscle Shoals, created by House Concurrent Resolution 4 of the Sixty-ninth Congress, is authorized to sit during the sessions and recesses of the Sixty-ninth Congress, to call before it the foremost engineers and such other experts as will command the confidence of the Congress to testify under oath; to employ

a civil engineer, who shall be the technical adviser to the committee, and such other experts and clerical assistants as may be deemed necessary; to employ a stenographer to report its proceedings, the cost of such stenographic service not to exceed 25 cents per hundred words; and to incur such other expenses as it deems advisable in making its report and conducting the negotiations. The expenses so incurred shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by title and referred as indicated below:

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber; to the Committee on Agriculture and Forestry.

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914; to the Committee on Territories and Insular Possessions.

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State; to the Committee on the Judiciary.

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; to the Committee on Foreign Relations.

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; and

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 96. An act authorizing an appropriation of $3,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.; and

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes; to the Committee on Indian Affairs.

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city, to acquire such additional land as may be necessary, and to construct a suitable building thereon for the use and accommodation of the post office, United States courts, and other governmental offices; and

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property; to the Committee on Public Buildings and Grounds.

H. R. 7081. An act to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917; to the Committee on Claims.

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings; and

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.; to the Committee on Public Buildings and Grounds.

H. R. 2830. An act to legalize a wharf and marine railway owned by George Pepler in Finneys Creek, at Wachapreague, Accomac County, Va.;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.;

H. R. 8918. An act authorizing the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 9393. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act granting the consent of Congress to the board of county commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9599. An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city;

H. R. 9634. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; and

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio; to the Committee on Commerce.

H. J. Res. 131. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.; to the Committee on Banking and Currency.

REGULATION OF RADIO COMMUNICATIONS

H. R. 9971. An act for the regulation of radio communications, and for other purposes, was read twice by its title.

Mr. JONES of Washington. Mr. President, I desire to make a brief statement in regard to the radio bill (H. R. 9971) which passed the House and has just been laid before the Senate. I think the Commerce Committee really has jurisdiction of such measures. My colleague [Mr. DILL], who is very much interested in radio matters and who is a member of the Committee on Interstate Commerce, conferred with me at the beginning of the session, and, because of his membership on that committee, he expressed a desire that a measure relating to radio, which he had introduced, go to the Committee on Interstate Commerce. Something like that occurred at the last session of Congress, and I stated that I had no opposition to the measure going to the Committee on Interstate Commerce. Under those circumstances, without conceding that the Committee on Commerce has no jurisdiction over such matters, for as a matter of fact I think it has, I am perfectly willing that this measure may go to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Interstate Commerce.

CLAIMS AGAINST THE UNITED STATES

Mr. KING. Mr. President, yesterday, when we had under consideration Senate bill 1912, which gave jurisdiction to the heads of departments and to executive agencies to pass upon claims against the Government for torts up to $5,000, and which also gave to the Employees' Compensation Commission authority to pass upon certain claims up to $5,000, I asked the Senator from Colorado [Mr. MEANS] if he had not received a letter from the Attorney General of the United States which disapproved of that legislation. The chairman of the committee stated that he did not recollect having had such a communication. I had been advised that such a communication had been sent to the chairman of the Committee on Claims. One of the assistants to the Attorney General has furnished me a copy of a letter which he tells me was addressed to the Senator from Colorado, the chairman of the Committee on Claims, on February 26, 1926, which I will now read, in which the Attorney General states as follows:

MY DEAR SENATOR: In response to your request for the benefit of my views concerning S. 1912, a bill "To provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case," I beg to submit the following:

This bill proposes to give to the heads of departments and independent establishments of the Government the authority to consider, adjust, and determine claims for property damage, and to the Employees' Compensation Commission the authority to consider, adjust, and determine claims for personal injury or death where such claims do not exceed $5,000 and arise on account of the alleged negligence of officers or employees of the Government within the scope of their employment.

Until recently the Government has never accepted any liability on account of torts. This principle is fundamental in the system of any government or sovereignty, and the only recent exceptions are where certain executive officers have been given power to adjust the claims of persons injured by Government agents, such as injury from mail wagons, etc., and liability for torts in admiralty cases.

This department has heretofore taken the view that any acknowledgment by the Government of liability for torts is a dangerous precedent and a radical departure from the long-established principles of our law and Government. In February, 1925, a bill somewhat similar to S. 1912 was pending in the House of Representatives, and by a letter dated February 26, 1925 (a copy of which is inclosed herewith), this department indicated its attitude as above set out. Heretofore such claims have been considered only by Congress and allowed by Congress as an act of grace rather than as an acknowledgment of any legal liability.

Respectfully,

JOHN G. SARGENT,
Attorney General.

Accompanying the letter signed by the Attorney General is a copy of a letter which was signed by the Acting Attorney General, addressed to Hon. George W. Edmonds, chairman of the Committee on Claims of the House of Representatives, dated February 26, 1925, which takes the same position as that taken by the Attorney General in the letter which I have just read. I shall not ask that this letter be placed in the RECORD; but in view of what I conceive to be the importance of the legislation and its dangerous character, I think the attention of the House of Representatives ought to be challenged to the bill, because it has passed this body; and I take this opportunity of inviting the attention of the House committee to the bill when it reaches the committee to which it may be assigned. I can only repeat that in my judgment the proposed legislation, as stated by the Attorney General, is dangerous, and I regret exceedingly that the bill passed the Senate.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee, on page 14, to insert lines 9 to 13.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the appropriation bill be laid aside temporarily and that Senate bill 575 be proceeded with. I gave notice that I would discuss Senate bill 575 this morning, and I think this course is agreeable to the chairman of the Committee on Appropriations [Mr. WARREN].

Mr. WARREN. I have no objection.

The VICE PRESIDENT. Without objection the pending appropriation bill will be temporarily laid aside and Senate bill 575 will be proceeded with.

LONG-AND-SHORT-HAUL CLAUSE OF THE INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. PITTMAN. Mr. President, I may give undue importance to this subject because I have studied it intensely for a great many years.

Mr. GOODING. Mr. President, may we not have order in the Chamber? There is a great deal of interest among people all over the country in the pending measure. The Senator from Nevada has been fighting for a long and short haul law for many years, long before I came to the Senate. I think he is entitled to very close attention on the part of Senators because I am sure he is able to discuss the question with a great deal of intelligence on account of his information and study of the matter for so many years.

The VICE PRESIDENT. The Senate will be in order. [After a pause.] The Senator from Nevada will proceed.

Mr. PITTMAN. Mr. President, I realize that we are taught by certain interests to understand that this is purely a local question. In the opinion that has just been handed down by the Interstate Commerce Commission we find that by a vote of 7 to 3 the commission denied the application of the seven western railroads to reduce the freight rates on through freight to coast points sufficiently low that in their opinion they would get half of the trade of the Panama Canal, without at the same time reducing the rates at intermediate points.

In the decision there was a dissent by three of the commissioners. One of the dissentants was former Congressman Esch, now Commissioner Esch. He again states what he has said before, that the only persons who are opposing the discrimination in favor of the competitive points are the people of the intermountain country. Chambers of commerce all over the country have been led to believe exactly the same thing. I do not believe there is one per cent of the membership of the chambers of commerce of the country which have passed resolutions on the subject who have the slightest idea what it involves. They believe that it is a fight and solely a fight of the intermountain country against discrimination. In order that Senators may know as a matter of fact that some of their own constituents are interested in the matter, let me read from the opinion of the commission with reference to those who opposed the discrimination which the applicants sought and which they may again seek to-morrow and which may be granted to them to-morrow. I shall now read from the opinion of the Interstate Commerce Commission rendered upon Saturday last wherein they denied the application for departure from the fourth section of the interstate commerce act, thus denying the privilege of putting into effect lower rates to the Pacific coast points than at intermediate points. Here is what they said:

Eastern manufacturers and shippers also generally oppose the application. They contend that the relief sought is based on market competition rather than water competition and that such competition is not sufficient ground for fourth-section relief. They can see no justification for a basis of rates which will extend their natural advantage of proximity to economical water transportation to territory far inland and which will perhaps so seriously impair the earnings of the water lines as to result in the curtailment of service. Other eastern manufacturers are more particularly concerned with the disruption of the existing rate relationships which would be caused by the establishment of the proposed rates. It goes without saying that the water lines oppose the application. To the extent that the rail carriers would gain traffic, they would lose it. If, rather than see their business taken from them, they should reduce their port-to-port rates, the result would be a loss of revenue both to the water and to the all-rail lines. Neither would gain but both would lose. As above stated, carriers operating east of Chicago have not joined in the application, although urged to do so by the western lines.

Now listen to this:

The Boston & Maine and New York, New Haven & Hartford Railroads, New England carriers, actively oppose it.

Let me read just a little more now to show exactly who is interested in the matter and who is not. I am reading now from near the end of the decision. I am not going to read all of the decision, of course, but I want to read enough to show that this is not a local fight. I want to show that it affects every industry in every locality in the country.

Now let us see just exactly what the effect would be, in the opinion of the Interstate Commerce Commission, if the applications were granted for a departure from the fourth section allowing lower rates to the Pacific coast points than to intermediate points, rates so low as to divert a portion of the water transportation to the railroads. Here is the opinion of seven of the interstate commerce commissioners.

Mr. FESS. Will the Senator give us the page of the decision from which he is about to quote?

Mr. PITTMAN. I am going to read from page 438 of the decisions of the Interstate Commerce Commission, as follows:

There is another phase of this matter which must not be overlooked. Section 500 of the transportation act, 1920, declares the policy of Congress to be "to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation." The field of operations of the water lines is restricted to a comparatively narrow area along the Atlantic seaboard and to a much narrower area along the Pacific coast. Since but little traffic originates at the ports, the water lines much reach out for it into the interior. The inherent disadvantages of shipping by water prohibit them from competing with the rail lines at points where the combined rail and water charges equal the all-rail charges, and consequently the territory from which they may draw traffic is confined to an area from which the rail rates plus the water charges are substantially lower than the all-rail rates.

Their destination territory is confined almost exclusively to the Pacific coast cities. Unlike the rail carriers, they have no intermediate territory from which to draw or to which to deliver traffic. It is strongly urged, therefore, that to permit the western carriers to publish the proposed rates from Chicago for the avowed purpose of depriving the water lines of a substantial portion of such traffic as they are now able to obtain would be to disregard wholly the policy of Congress to promote, encourage, and develop water transportation. To be of material benefit to the rail carriers a substantial portion of this tonnage must be diverted to their lines. The declared policy of Congress is to foster and preserve in full vigor both rail and water transportation.

If the hopes of the applicants should be realized, the benefits which they as a whole might obtain from the granting of the application would be greatly disproportionate to the loss which the water lines would suffer. The record shows that the total tonnage, both eastbound and westbound, of all the water lines is but a very small fraction of that of the transcontinental carriers operating west of Chicago. It is evident, therefore, that the diversion of any substantial tonnage from the water lines would have but an inappreciable effect on the net revenues of the rail carriers. On the other hand, it might very seriously impair the ability of the water lines to maintain their present standard of service.

Upon full consideration of the record we find that the application for authority to depart from the long-and-short-haul provision of the fourth section of the act should be denied.

The Interstate Commerce Commission in this opinion state that this is not alone a fight by the railroads for a part of the transportation through the Panama Canal; that this is a fight by the city of Chicago to take a part of the freight away from points east of Chicago.

At the present time steel and steel implements and parts are moving from Pittsburgh by rail to the city of Baltimore. From Baltimore they are carried to the Pacific coast through the Panama Canal by boat. The joint rates by which they are carried both by rail and water range from about 40 to 60 cents a ton; in one case, I believe, it was a little higher, being about 76 cents a ton. What is the result? Chicago wants that market. Chicago went before the Interstate Commerce Commission and said, "Here, we are meeting an unfair market condition; the water transportation through the Panama Canal is delivering all kinds of steel products from a few hundred miles east of us to 2,500 miles west of us, and we demand relief from that condition." That is all true enough; but what was the effect? Chicago was trying to change a natural condition by an artificial law; it was trying to take away from the Atlantic seaboard its natural position.

I have heard those on the other side of this question arguing all the time that we were trying to take away the advantages of some natural location. They have said:

> The Middle West is not on the water and, of course, it has got to suffer.

But Chicago, the great city of the Middle West, goes before the Interstate Commerce Commission and says:

> Pennsylvania and all of the Atlantic coast are taking away from us our natural territory to the west of us.

That is Chicago's idea of it, but the Interstate Commerce Commission says:

> What right have we to take away the natural trade of Pittsburgh, the New England States, and the Atlantic seaboard and give it to Chicago?

Mr. Eastman comes out in his concurring but separate opinion and says never was it intended that there should be a departure from the fourth section on the ground of market competition. He says:

> If you ever attempt to arrange markets through a departure from the fourth section as to the long-and-short-haul clause, you will have a criss-cross of rates in this country that will be totally incomprehensible.

Take, for instance, the Minnesota paper mills. They are located in the neighborhood from which Mr. Esch comes. Mr. Esch is interested in seeing the paper mills of Minnesota supply the Pacific coast with paper. It is now being supplied by the mills of Maine and the other New England States; they are supplying paper to the coast, but Minnesota says, "We are entitled to be put on a competitive basis with the New England paper mills, and to do that we have got to get a rate from the railroads that will make it cheaper to haul by rail 2,500 miles to the Pacific coast than it is to haul by water through the Panama Canal from the New England States." That is what they ask for; but when Minnesota is asking for a departure from the long-and-short-haul clause to the Pacific coast to defeat the mills of New England, why can not the mills of New England ask for a departure from the long-and-short-haul clause to St. Louis, which is now within the zone of operations of the Minnesota mills? New England can not furnish any paper in the middle zone; Minnesota has control of all that territory; but give the New England States a rate so low to St. Louis and intermediate points that it can compete with the rates from Minnesota, and the conditions will be equalized. In other words, Mr. Eastman is right, for whenever we start in to utilize the railroads of this country for the purpose of building up one place at the expense of another place we get back to the old rebate system, which was the cause of the fourth section. That is one ground.

Now in what are other railroads interested? The railroads are not interested in market conditions; Chicago is interested in them. Recollect that the applications filed with the Interstate Commerce Commission are applications from a zone north and south through Chicago to the Pacific coast. The State of the distinguished Senator from Ohio [Mr. FESS] is not included in the applications. His State would have been left high and dry if the applications had been granted. The territory just west of his State would have had preferential rates to the coast, but Ohio would not, and the traffic moving from Pittsburgh and that section of the country to the Atlantic coast would have been run out of business by a departure from the long-and-short-haul clause on traffic from Chicago to the Pacific coast.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PITTMAN. Yes.

Mr. FESS. The applications applied only to that section west of Indiana. Ohio does not need it because we can ship from Ohio east and get the advantage of the rail-water route from our section to the Atlantic coast and then around through the Panama Canal.

Mr. PITTMAN. Yes; that can be done so long as that traffic through the canal pays. It is being done now successfully. The condition is perfectly satisfactory to Ohio now; it is perfectly satisfactory to Pennsylvania now because the traffic exists, because the ships can run; but what is the very object of that for which the Senator was fighting? It was to destroy the very transportation for which Ohio is now asking.

Mr. FESS. Oh, no.

Mr. PITTMAN. The Senator says no.

Mr. FESS. Will the Senator yield further?

Mr. PITTMAN. Certainly.

Mr. FESS. The purpose is not to destroy water transportation. That is in violation of the policy of which the Senator read a moment ago and which I read in my opening address. The purpose is to keep the water transportation so that, with the inevitable increase of transportation, which doubles about every 13 years we will have both facilities instead of only one.

I should think that all the fears of the Senator would be removed by the decision of the Interstate Commerce Commission. I do not know the merits of the applications under the petitions which were filed, but I assume the Interstate Commerce Commission does know the merits, and the commission has decided in favor of the Senator's contention that they should not be granted, and my contention is that the commission is the body to do that and not the Congress of the United States.

Mr. PITTMAN. The Senator says that the object of it is not to destroy competition. It is not the object of the Interstate Commerce Commission to destroy competition. It is not the object of Congress to destroy it. I am speaking now, having gotten through with Chicago, of what the object of the railroads is. The Interstate Commerce Commission in this decision says that the railroads demand their share of the water traffic. Does that mean anything? The railroads were represented by Colonel Thom, who has represented all the railroad executives for years before the committee. He was perfectly frank when we asked him, "What is the object of these applications for the lower rate?" He said, "So that we can get our share of the traffic going through the Panama Canal." There is no doubt about that. We asked him, "What is your share?" He said, "Well, I do not know what our share is." "A half?" "Yes; probably a half will be our share."

Let me again show you what the president of the Northern Pacific has to say about it. He is one of the men whose views we have. Here is what he says. Just listen to this. Mr. Donnelly wrote a letter to Mr. BURTNESS, of the House committee, in which he said:

> It has never been suggested that the railroads, with the proposed higher rates, could take from the ships more than 50 per cent * * *. If it is to be the policy of the Interstate Commerce Commission that the railroads shall be permitted to handle any and all traffic which will show some profit above the out-of-pocket cost, then the railroads can handle all the business that is now transported by steamships both east and west through the Panama Canal.

That is not only a frank statement, but it is a logical statement. Moving from Pittsburgh via Baltimore is 90 per cent of the whole traffic of that canal at the present time in steel and steel products. How on earth can you give a rate that will take half of that steel away from the Panama Canal without taking it all? Can you conceive how you are going to stop it? If you give me a rail rate that is more satisfactory than the water rate, so as to induce me to ship half of my product, am I not going to ship all of my product?

But you say it does not destroy water transportation. Do you think for one moment that there is any other intention in the minds of the railroad companies than to destroy it? Do you for one moment believe that they are looking for revenue in it? Can you think that? When you stop to think that the total tonnage of the western roads is over 500,000,000 tons, and the total tonnage through the Panama Canal is 5,000,000 tons, and, if they got half of that, it would be 2,500,000 tons, do you think it would amount to anything to those western roads?

Take the seven western roads that made this application: Those seven western roads have a tonnage of 270,000,000 tons. Do you think they are interested in getting 2,500,000 tons more? Is it a highly profitable 2,500,000 tons? Why, they ask to take it at out-of-pocket cost. Mr. Esch testified before our committee that they could not put the same rate in clear across the country, because if they did they would lose $67,000,000 in putting it in from Chicago to the Pacific coast. He said they would even lose $6,000,000 in revenue by simply putting in the out-of-pocket cost rate at the coast points. Do you think for one moment the railroads of this country are looking for that traffic? The railroads are not looking for the traffic, as Mr.

Thom indicated plainly when he said: "But it may grow larger." That is the proposition of the railroads in the matter; it may grow larger.

What would be the gross value of that tonnage to the western roads? The gross value of that tonnage—the gross, mind you—would not be $15,000,000, as compared to $860,000,000. Do you think they are fighting for that money? Is it not perfectly evident that it is exactly the same old fight that has been going on in this country since the very beginning of railroading? Do men's minds have to go back so far that they do not remember what happened?

Why, all of us remember when the Ohio River and the Mississippi River, and the Missouri River were loaded down with steamboats. Where did they go? What happened to them? There started in a system of driving them off. How did they drive them off?

There were no restrictions on railroads at that time. Boats can not pick up local freight right along. There are certain points that they must meet and get it. At those competitive points the railroads made a murderous rate. They could carry the freight at any kind of a loss at that particular point, because they could make it up back behind that point. They did not have to do it long, did they? When a great railroad system that has land to go across, where the boats can not compete, can go after a boat where it can not get away from it, it takes it only a few months to put a steamboat out of business. They did put the boats out of business. They put them all out of business; and with all the improvements of our rivers that have been going on since my earliest recollection, where they have dredged away the sand bars and put in piles and have tried to make the water deeper on the Mississippi River, the boats have not come back.

Now, let me answer the Senator from Ohio. He says:

> Why should you be afraid now? The Interstate Commerce Commission have decided with you. Why should you be afraid? They can be trusted.

I will tell you why we are afraid—because next year we might have seven men on that commission like the three who joined in this dissenting opinion. Look at the dissenting opinion of Commissioner Esch—as brutal and selfish a decision as a man ever wrote. He says, "We are appointed to look after the railroads, not after the boats." That is what he says. "We are to look after the railroads. We are looking after their welfare." It never occurred to him that he had the interests of the people of this country to look after.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PITTMAN. Yes, sir.

Mr. FESS. The commissioner in that reference reminded the country that the Interstate Commerce Commission has no control over the Panama Canal, and has recommended that legislation be enacted to place it under its regulation, just the same as the railroads. Is the Senator in favor of that?

Mr. PITTMAN. I doubt very seriously if I am in favor of it.

Mr. FESS. I think it is a wise suggestion.

Mr. PITTMAN. I do not doubt it.

Now, we will go into what Mr. Esch did say.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. PITTMAN. I will.

Mr. SMOOT. If there is no objection to this decision that was rendered last Saturday, and if that is right, what objection is there now to having Congress say that that shall be the future policy, and not leave it for some other commission to say that that decision shall be reversed? Is not the business of this country of sufficient moment to let Congress say now that the policy shall be as the Interstate Commerce Commission has decided, and decided, as the Senator from Nevada says, by a vote of 7 to 3?

Mr. BRUCE. Mr. President, I remind the Senator from Utah that of course this decision was rendered simply with reference to the special circumstances of that particular case, which might be wholly different from the circumstances of another case presented to the commission.

Mr. SMOOT. The principle is the same.

Mr. BRUCE. Not at all. The commission said there, dealing with the particular circumstances before it, that those particular special circumstances were not such as to justify them in allowing lower coastal rates to the transcontinental lines. The commission was not undertaking to lay down any principle of general application for future cases.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PITTMAN. I will after I get through answering one question at a time. The opinion of the commission does show that you have to get down to a principle in this matter.

As I was criticizing Mr. Esch I will read what he says:

> We are charged with a duty respecting the revenues of the railroads by section 15a, but do not have any such responsibility regarding the shippers.

It has been the attitude of some members of the commission that they were put there for the purpose of being general managers of the railroads, to get business for them anyway, to make them pay. That has been the attitude. Now, just reverting for one moment to what was discussed by the Senator from Utah [Mr. SMOOT] and the Senator from Maryland [Mr. BRUCE] as to whether you have to get down to a principle, if you will read this decision you will find out that the rates that they asked at the coast points in competition with the boats were as high as they could have them and get any of the trade; and yet, on the other hand, they had to be so low and were so low that the Interstate Commerce Commission said that they lost more than they made. So, when you come down to it, while this is a particular case, it carries all of the elements of every case of that kind, or every case involving a departure from the fourth section on account of water competition.

What is it? The evidence in this case, the ruling in this case, the findings of the commission in this case, show that it is impossible to compete fairly with certain kinds of bulky, heavy traffic carried by water, and that if you give them a rate under the guise of competing, that is a rate that will lose for the railroads and destroy the water haul. That is what this whole decision shows, from the very beginning to the end of this decision.

Mr. FESS. Mr. President, will the Senator yield now?

Mr. PITTMAN. Just a second.

You ask, why should we be afraid of this long-and-short-haul principle? The commission has decided with us. I say to you that seven of the commissioners did decide with us; that three of them, without regard to whether it would pay the railroads or not, were undoubtedly determined to take half of that transportation away from the boats, were determined to give Chicago the market advantage that she demanded; and that change may take place at any time.

There is still another thing. Suppose they come again before the commission and it raises the rate a few cents. Is there anything to indicate that some of the seven who would not stand for this rate would not stand for a few cents higher? I want to read again from General Ashburn's testimony, and I wish all Senators had time to read what he said. He was put in charge of the Government barge line to experiment with it, to ascertain whether or not water transportation could be made to pay in this country. He has given the history of the decision that he made, and what does he say? That it was totally impossible to sell that barge line to a private individual; that it was totally impossible to induce a private person to go into the business, because no one is going to make an investment of ten or fifteen million dollars in boats when it is within the power of the Interstate Commerce Commission to place rates upon competitive points that will take half of the boats off the river. He could not afford to stand it.

In connection with this very proposition take the proposed Chicago ship canal to the Gulf. We asked their representative:

> Why do you want a ship canal from Chicago to the Gulf?
>
> So we can get on water and compete with the Atlantic seaboard on water.
>
> Do you think water transportation is cheaper?
>
> Of course, water transportation is cheaper. That is what we want. We want to take the freight down to New Orleans and around through the Panama Canal.

Then those representatives were asked by Senator SACKETT, of Kentucky:

> What do you think would happen to the railroads if this went into effect? Would they lose some business?
>
> Yes; they would lose some business.
>
> Then what do you think the railroads would do?

Colonel Thom, representing the executives, said:

> We would ask for the long-and-short haul from Chicago to New Orleans, so as to get our share of that business running from Chicago to New Orleans.

What does that mean? We say to the Interstate Commerce Commission, "We meant this as one of the special cases; we meant that it was your duty, under that pressure, to see that the railroads got half of the boat business." They want a ship canal from Minneapolis to Chicago. Yet the very moment a trade is built up there we know that an application will be made for a competitive rate.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. PITTMAN. I yield.

Mr. FESS. The Senator from Utah suggested that there ought to be a principle stated. The principle of the Government was read by the Senator from Nevada at the outset of his remarks. It is section 500 of the transportation act, which is to promote and foster both water and rail transportation, and the Senator now is discussing the merits of this petition covering 47 articles. That does not at all involve the merits of the bill now pending. It does not mean that seven of the Members who voted to deny the petition of the railroads would vote to take away from the commission the right to recognize the principle that at times, in certain cases, a lower rate for a long haul would be justifiable over a rate for a short haul. That is the point we are now discussing, whether this particular act of the commission should go to the extent of denying wholly the exercise of that principle. Nobody contends that. My contention is that this very decision is a proof that the commission is not under the pressure, but acts independently, in the light of the facts that are presented, and while I had supposed, without having gone into it, that there was justification for the granting of this petition, the facts as stated here are somewhat conclusive, and yet I recognize the strength of Mr. Esch's statement, that in certain cases the petition should have been granted. The Senator from Utah urges that there be a principle recognized, and my contention is that we have that principle, and it is a matter of law. The particular case being tried on the Senate floor, involving these 47 items of the petition, does not go at all to the essence of the pending bill, which we are now discussing.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SMOOT. I would like to submit a question to the Senator from Ohio. If he and his associates desired to begin business in some section of the country tributary to the ocean, without water transportation, would he like to make an investment and build up an industry, or an industrial center, knowing that at some time the question might arise as to whether his business was to be destroyed by a rate fixed by the Interstate Commerce Commission?

Mr. FESS. No; and I know that it would not be destroyed, as long as we have a Government agency the policy of which is not to destroy.

Mr. SMOOT. I say to the Senator now that if the applications that have been made and will be made were supported by the Interstate Commerce Commission, as they have been in the past, the Senator's industrial center would be destroyed.

Mr. FESS. We are developing water transportation right along, and will develop it in the next 20 years vastly more than we have in the last 20 years.

Mr. SMOOT. I can not see any harm whatever in having Congress declare a principle, the principle being that there shall be no greater charge for a shorter haul than for a longer haul.

Mr. FESS. That would be against public policy, it seems to me.

Mr. SMOOT. That is what the Senator said the other day. All we are asking for is to have Congress say that that shall be the principle of our shipping industries in the future. If it is not done, no man will be safe in trying to start an industry in a territory that has no water competition, because he will not know how soon rates will be made against him which will put him out of business, and the Government of the United States never ought to sanction any such principle.

Mr. FESS. As long as the business is not here to satisfy the requirements of the operation by both rail and water, we can not artificially build it up. It must depend upon having the business here, and the Senator knows, because there is no man on the floor who has a broader comprehension than he, that with the growth of business within the last 20 years, increased as it will be in the next 20 years, we will develop water transportation, and we must not develop it at the expense of rail transportation. We must maintain both of them. The Government can not grow except by maintaining both of them.

Mr. SMOOT. The statement I made, which the Senator undertook to refute, had reference to what my own experience has shown in the past, and I can not see why under a decision of the Interstate Commerce Commission those conditions may not exist again. I say to the Senator that when I went into business, I know it was only a short time, with the rates against me on material coming in and going out, when I could not have met the competition, and the only reason why we were ever successful was because of the fact that we made a class of goods that no other concern in the United States made. What I want to see accomplished is this: I want the power taken from the Interstate Commerce Commission, or any other agency of the Government, to say, "I will build up this section of the country, I will destroy this section, by making rates that will do it." That is very easily done.

Mr. FESS. If the Senator from Nevada will permit me to say so to the Senator from Utah, if this pending measure becomes a law, in my judgment the Senator from Utah will be one of the most disappointed of men 10 years from now, and will regret that he ever gave his support to such a proposal as this.

Mr. SMOOT. I will freely acknowledge it if such is the case; but I am just as positive as the Senator from Ohio can possibly be that the result will be otherwise.

Mr. FESS. It is interesting to me to note how the Senators from the intermountain country, where they do not see a river, could be much more interested in water transportation than those of us who live on rivers.

Mr. SMOOT. We have suffered.

Mr. PITTMAN. I have a very happy feeling when I find the Senator from Ohio so deeply interested in the intermountain country.

Mr. GOODING. Mr. President, will the Senator yield just a moment?

Mr. PITTMAN. I yield.

Mr. GOODING. I merely want to inform the Senator from Ohio that he evidently knows as much about the West as he does about the bill we are discussing, because the Columbia, with its tributaries, is the second largest river in the United States. We have rivers out there.

Mr. FESS. And the people who live on the Columbia are against this bill.

Mr. GOODING. The Senator is mistaken.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I yield.

Mr. WHEELER. The other day when one of the Senators was speaking somebody said he desired to call a witness. I desire to call the attention of the Senator from Ohio to a witness who appeared at one of the hearings. This was the Hon. O. P. Gothlin, formerly chairman of the Public Service Commission of Ohio, and formerly president of the National Association of Railway Commissioners, and at the time he was testifying he was the chief of the tariff bureau of the Public Service Commission of the State of Indiana. He stated as follows:

> Many years ago, when the great State of Ohio embraced within its borders but a fraction of its present population, it exhibited a most remarkable spirit of enterprise by constructing a magnificent system of canals. When railroad transportation came into the field farseeing statesmen enacted a long-and-short-haul law for the very purpose of protecting the waterways, constructed at so great an expense. But the law was never enforced and canal transportation was killed. Had the Ohio long-and-short haul been properly observed, Ohio would now have an effective transportation system independent of and supplemental to the rail service, that has not been able to keep up with the demands of commerce. As a result of the failure to enforce the law the once magnificent system of canals has decayed into a condition of innocuous desuetude.

Mr. FESS. It is an interesting bit of information that the canal system of Ohio, which was built before the railroads were built, has been discontinued because of the long-and-short-haul idea. That is a new one.

Mr. PITTMAN. Mr. President, I want to get back again to the proposition of the principle involved in this matter. The Senator from Ohio does not think there is enough traffic for both rail and water. Yet it will be found that the Government barge line, according to the testimony of General Ashburn, has been increasing its business in conjunction with the railroads. Let me read this to the Senate:

> Senator WHEELER. If you could operate up there it would mean that there would be a tremendous lot of grain from the Northwest that would be shipped down the Mississippi River, would it not?
>
> Brigadier General ASHBURN. Why, yes. If you will pardon this digression—I think perhaps you have gotten interested in it—the reason we put in this 2 mills per ton-mile rate on grain from St. Louis and Cairo down was this: There wasn't any grain flowing through St. Louis; all this grain was going through Montreal. It did not make any difference where it came from, no American port was profiting by it at all. So we figured out what the rate was, the joint rail-water rate, the joint rail-and-lake rate, and we finally came to the conclusion that if we put in a rate of 2 mills a ton-mile we could get it to flow our way, and it did and it is still flowing our way. That is the only reason we put it in. It was doubtful at the time whether it would be a reasonable rate or not.
>
> Senator WHEELER. But it is a reasonable rate.
>
> Senator COUZENS. And you make a profit at that rate?

Brigadier General ASHBURN. Yes; it is one of the best paying things we handle.

Now let us go further over in the hearings to see what they are doing in conjunction with the railroads:

Brigadier General ASHBURN. Yes, we can operate on a 4½-foot channel quite feasibly and make money.

Now the tonnage carried. I am going to just roughly give you these figures in round numbers to show you how the tonnage has increased.

In 1918 it was 33,000 tons; in 1919, 235,000 tons; in 1920, 360,000 tons; in 1921, 672,000 tons; in 1922, 860,000 tons; in 1923, 979,000 tons; in 1924, 1,071,000 tons; and in the first 10 months of 1925 it was approximately 1,000,000 tons.

Now, that has increased in seven years from 33,000 tons to over 1,200,000 tons a year.

Now, here is another thing that will astonish you. When we started, the proportion between the all-water tonnage, carried all by water, and that carried joint water-rail was as follows:

The all-water the first year was 25,000 tons; the joint rail-water was 8,728 tons.

The next year, 1919, it was 175,000 tons all-water and 60,000 tons joint rail-water.

The next year, 1920, it was 192,000 tons all-water and 168,000 tons rail-water.

The next year, 1921, it was 348,000 tons all-water and 323,000 tons joint water-rail.

Until to-day in the 10 months of 1925, 315,000 tons is all-water and 678,725 tons is joint rail-water.

In other words, the astonishing thing has arisen that by working with these railroads the all-water had dropped to a certain extent, but the water-rail has increased tremendously.

Senator WHEELER. In other words, it has been a benefit to the railroads?

Brigadier General Ashburn. Yes; it has been a benefit to the railroads.

Now, another astonishing thing about it. There was scarcely any upstream traffic at all when we started, scarcely any. To-day the upstream traffic on both the Warrior River and on the Mississippi River is greater than the downstream traffic on either one of them. In other words, our imports by means of these rivers are greater.

Now, what happens there? Take this tonnage of joint water-rail. That jumped from 8,728 tons to 678,000 tons. That came in there, and it never came in that way before. It came in because of this cheap water rate. And where did we distribute it? We put it at Vicksburg, Cairo, St. Louis, but it goes to 39 States, and everything we bring in that way helps the railroads.

General Ashburn testified that there was no competition between water and rail; that is, that there was no logical competition between water and rail; that water and rail of necessity had to cooperate. They have to reach out with their feeders, which are the rails, to bring the water to them. This immense quantity of grain was moving through Montreal and he reached out with a joint rate with the railroads and brought it down to St. Louis and on down the Mississippi River. He now is willing to reach up to Chicago and join with the railroads that come in there with their products and take it down the water route.

It seems to be lacking in vision to say that the cheapest transportation on earth is not ready for use. There is no one who for one moment could doubt that water transportation is the cheapest in the world. We have seen it too long. Here in our country, where we have the greatest natural arteries of transportation in all the world, we are practically the only people who do not utilize them. We do not utilize them because we have some very fictitious theories about the matter. Some seem to have the idea that it is the duty of the Interstate Commerce Commission to the railroads to take the Pacific coast market away from Pittsburgh and give it to Chicago. They say, "We are closer to the Pacific coast than Pittsburgh. Why should you let Pittsburgh ship all its steel products to Baltimore and through the canal, and cut us out of that territory in Chicago?" The Interstate Commerce Commission said, "How can we help you? They have the natural advantage of water." "Ah, but," they say, "you must remember that provision of the fourth section that in special cases—remember, in special cases—you can make the rate lower at the more distant point than at the intermediate point."

Mr. NORRIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. PINE in the chair). Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I yield.

Mr. NORRIS. I would be interested if the Senator would give a little more in detail a description of the case that he has been discussing. To what articles and to what territory did it apply particularly? While I am asking if the Senator will not do that, let me ask, too, if the application by these seven railroads had been sustained, would it have been possible then under such a ruling for the railroads running out of Chicago to have charged a higher rate to the Pacific coast on any given article of commerce than they would have charged from Chicago to some intermediate point like Denver, Omaha, or a place of that kind?

Mr. PITTMAN. To have charged a higher rate?

Mr. NORRIS. A higher rate for the shorter haul, it being a part of the long haul. Would that have been the result?

Mr. PITTMAN. I will give exactly what would be the result so the Senator may understand it. Here is what would have been the result. In the appendix is a list of the 47 articles with reference to which they ask for relief from the fourth section. I shall not read them all, but I will call attention to one or two to give the difference to show what would happen. The rate, for instance, on ammunition to the middle part of the Senator's State of Nebraska would be $1.40 per hundred pounds. The rate to San Francisco would have been $1.10 per hundred pounds.

Mr. NORRIS. Suppose the Senator applies it to steel products?

Mr. PITTMAN. All right, we will take steel products. On iron and steel articles the rate to the Senator's State would be $1.58 a hundred and to San Francisco would be $1.10 a hundred, and so on down the list. That is the situation. In other words, the first figures are the existing flat rates across the country. They do not disturb that flat rate. They leave the rate the same.

Mr. NORRIS. For the intermediate point?

Mr. PITTMAN. Except at the competitive points on the Pacific coast. There they reduce the rate. It has been admitted that if they reduced it, we will say, on steel products $1.10 a hundred clear across the country, it would be called confiscatory because it would bankrupt the railroad. Here is the idea about it. The rail carriers can afford to take any loss on those 47 articles at the point of contest just for the purpose of putting the boats out of business. It would be worth it to them. Suppose it does cost a few million dollars?

Mr. NORRIS. Let me ask the Senator another question just at that point. Was it admitted in that case that the rates from Chicago to the Pacific coast would have been carried into effect at a loss to the railroads?

Mr. PITTMAN. It was. I read that from the opinion.

Mr. NORRIS. If the railroads made money, then, they had to make it up on the intermediate points.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. FESS. The Senator made an error. He said the rate was $1.58 on steel. That applied to dry goods instead of steel.

Mr. NORRIS. I would be just as well satisfied to have it on dry goods, but let us have it now on steel.

Mr. PITTMAN. On steel it is $1 to the Senator's State of Nebraska and 80 cents to the coast. In other words, it is about the same proportion and on some articles a little more.

Mr. REED of Pennsylvania. Was it admitted that the cost of carrying the steel to California was more than 80 cents?

Mr. PITTMAN. Does the Senator mean by rail?

Mr. REED of Pennsylvania. Yes.

Mr. PITTMAN. It was admitted.

Mr. REED of Pennsylvania. That admission was made in the case?

Mr. PITTMAN. I have it right here. In the opinion they made this statement:

> The computation of these costs has necessarily required numerous assumptions not susceptible of accurate determination. For illustration, it has been assumed that two-thirds of the cost of maintaining the fixed property is due to the action of the elements and but one-third to the movement of traffic, and similarly that one-fifth of the cost of maintaining equipment arises from weather conditions and four-fifths from traffic. Other assumptions have been made in determining the extent to which the various transportation accounts would be affected by added traffic. It can not be said with confidence that figures computed in this manner approximate the cost of the service. The same method as applied in the former case gave quite different results. These figures, however, are not seriously disputed by other parties to the record and may be accepted as indicating that the rates proposed would pay something over and above the out-of-pocket cost. This is further indicated by comparison with certain export rates now in effect from Chicago to Pacific coast terminals. Among other rates which might be cited are rates of 40 cents, minimum 80,000 pounds, on iron and steel articles; 63 cents, minimum 60,000 pounds, on cast-iron pipe; 76 cents, minimum 50,000 pounds, on castings; and 80 cents, minimum 40,000 pounds, on paint.

If the applicants are to benefit through the establishment of the rates here sought to be made effective they must necessarily first offset the losses which would result on the traffic now moving all rail. They estimate that if the proposed rates had been in effect during the months of May, June, July, and August, 1923, the loss of revenue on iron and steel articles would have been $207,531, on articles of paper $38,285, and on all other commodities listed in the application $41,335, a total loss of revenue in four months of $287,151, or, assuming the same relative volume of tonnage, $861,453 during the year. It would have required about 69,500 additional tons of iron and steel, 12,000 tons of paper, and 11,500 tons of all other commodities to equalize this loss.

If the hopes of the western lines should be realized, a substantial volume of traffic would be diverted from interior eastern points of origin to Chicago territory. The eastern lines would then be deprived of the revenue which they now derive from the movement of such traffic to the Atlantic ports. No estimate of this loss appears in the record. With an all-rail movement from Chicago of 300,000 tons of iron and steel per year and a gain of 50 per cent because of the reduction in the rail rates the eastern lines would lose the revenue on 150,000 tons. If this tonnage should be lost to the Pittsburgh district, the eastern lines would lose in the neighborhood of $1,000,000. At 40 cents per 100 pounds, the loss to the water lines would exceed $1,000,000.

Mr. REED of Pennsylvania. I understand that by "loss" they referred to a reduction in revenue, but that it does not mean that the cost of the service exceeds the rate charged. Can the Senator tell me what the proposed rate was per 100 pounds on steel from Chicago to San Francisco?

Mr. PITTMAN. It was 80 cents per hundred, and the port-to-port rate is 40 cents from Pittsburgh.

Mr. FESS. Mr. President, will the Senator yield to me again?

Mr. PITTMAN. Certainly.

Mr. FESS. I am of the opinion that the answer given by the Senator from Nevada is not in accordance with the question propounded by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I did not understand that he gave any information on the point about which I inquired.

Mr. FESS. The Senator from Pennsylvania wanted to know whether the 80-cent rate would be at an actual loss?

Mr. REED of Pennsylvania. Yes.

Mr. FESS. It would not.

Mr. REED of Pennsylvania. That is what I was curious to know.

Mr. COUZENS. But the Senator does not know that.

Mr. REED of Pennsylvania. Does the Senator know that the operating cost for carrying 100 pounds of steel from Chicago to San Francisco is less than the 80-cent rate charged by the railway?

Mr. FESS. I have no definite information. It is not given in the report that we have.

Mr. REED of Pennsylvania. If 80 cents does not cover the cost of carriage from Chicago to San Francisco, then manifestly, from the standpoint of cost of service, is not the intermediate rate much too high?

Mr. FESS. It might be. The issue here is that they will not permit a rate from Chicago to San Francisco which merely covers the out-of-pocket cost. It has to be competitive.

Mr. REED of Pennsylvania. Very well, then; that is, the intermediate haul must be far more than compensatory, must it not?

Mr. FESS. No, it must be reasonably compensatory; it is not fully compensatory. There may be a normal rate to the intermediate point, but the coast rate, would be a point just above the actual cost so that there would be some compensation, and a part of the profit would go to pay the expenses. There is a difference between fully compensatory, which is the intermediate cost, and reasonably compensatory, which is the coast cost.

Mr. REED of Pennsylvania. Then, you apply two wholly different standards to the different regions?

Mr. KING. Three different standards.

Mr. REED of Pennsylvania. The coast standard, with the cheaper water rate, is the competitive standard.

I am not impressed with the efforts to keep alive uneconomic means of carriage. It seems to me that the proposition which we are asked here to approve in voting against this bill would be the same as if we were asked to authorize a trolley to charge a fare at bare operating cost in order to compete with a bus line and then make it up in some other direction where there was not a bus line competing.

Mr. PITTMAN. That is the exact theory, of course.

Mr. KING. Exactly.

Mr. FESS. Mr. President——

Mr. PITTMAN. Wait a moment, please. Here is the proposition: It was testified that if the railroads charged the same rates to intermediate points in crossing the country from Chicago to the Pacific coast that they ask to be permitted to charge to the coast, it would bankrupt the railroads.

Mr. REED of Pennsylvania. That obviously, then, is an answer to the question whether the rate to coast points pays for the cost of the service.

Mr. PITTMAN. There is not any doubt that it does not pay. What the railroads have been trying to figure out is a rate that will give them half the business of the Panama Canal. Now, we start with that proposition. That is what the railroads want.

Mr. REED of Pennsylvania. I fail to see why they should have it if it is not economically sound.

Mr. PITTMAN. In the first place, it would not be economy for them to take half of the Panama Canal business even if they could get half of it, for this reason: It would only amount to about 1 per cent of their total traffic; and if they should get half it, which would be one-half of 1 per cent of their total traffic, at what they call "out-of-pocket" cost—that is something which they try to estimate—they do not lose anything by handling, so to speak——

Mr. REED of Pennsylvania. I realize the difficulty of making an estimate, of course.

Mr. PITTMAN. They can not get at it, and the Interstate Commerce Commission have never said that they could get at it. As far as they go with regard to the 80-cent rate, as I read their opinion, is that in their computations the railroads have not shown to the Interstate Commerce Commission that they will make more than they lose by the transaction. That is the first point. Then they go a little further and say that they are certain of one thing, that if the railroads do get the traffic—that is, half of the Panama Canal traffic through that rate—it certainly will not benefit them much. It is so negligible that they will not see it, but it will injure tremendously the shipping through the Panama Canal by taking half of it. They argue in that way.

The other phase of the case is the market competition. The zone where the railroads are to get these departures runs west of Indiana, taking in Chicago. It does not extend east of Chicago. It is in that zone that they ask for the departure. So if the railroads get half of the business of the Panama Canal they have got to take it away from the East.

Ninety per cent of the freight going through the Panama Canal now is composed of steel products. If the railroads are successful in securing this low rate, then half of that steel traffic and half of the tonnage has got to be diverted from the canal. What do they make by it? Mr. Eastman, in concurring in the opinion, expressly states that in his opinion it never was the intention of that proviso wherein it is stated that in certain special cases the commission might grant a departure from the fourth section to deal with market competition.

He gives illustrations of what would happen if that should be done. If they should try to give a special rate to Chicago to take the traffic from Pittsburgh, and then give Pittsburgh a special rate to St. Louis to take it away from Chicago, the country would be criss-crossed with special rates and we would be back to the old days before 1887 when we had so much trouble over rebates. As a matter of fact, if you take the history of the transportation act of 1887, what do you find? You find that in 1887 boats were practically run off the rivers. That is the history of the fourth section. Up until that time the rivers were crowded with boats. The railroads ran them off in many ways. They put on opposition boats and put the rates down so low in certain cases that those who ran the boats had to quit. Then the railroads paralleled the boat lines. After the railroads had run the boats off, then at competitive points like St. Louis and Vicksburg and New Orleans and other cities they put in a murderous rate. It did not make anything for them, but they had much other territory on which to live in the meantime where they could raise the rates, and they did raise them. They made the back country support the fight which they were making on water transportation.

What happened? Senators know well enough that the debates in Congress show that people came before Congress and said that there must be some control over railroads in this country; that the people were interested in cheap transportation and were not interested in railroads or in boat lines, either one.

Wherever a commodity by its very nature is heavy and bulky and where time is not material, where six months does not make any difference, everyone knows that it can be carried by water for one-third of the cost for which it can be carried

by rail; but the very minute that the railroads had killed off that cheap transportation the rates went up again, of course.

Take the conditions as affecting San Francisco prior to 1918. The railroads were allowed departures from the long-and-short-haul clause on nearly everything to San Francisco in 1918. When the World War came on and shipping all went to the Atlantic, what happened then? The railroads made an application for a change of rates; the commission canceled the long-and-short-haul order, and the railroads raised the rates to San Francisco as they are now, but they put the rates down when the Panama Canal opened, and the very minute the ships went off the Panama Canal they put the rates up again. That is the history of it. Now, take the fourth section, if you please.

Mr. REED of Pennsylvania. Mr. President, may I interject a remark at that point?

Mr. PITTMAN. Yes, sir.

Mr. REED of Pennsylvania. I should like the Senator to give me his views on this proposition. I have not heard much of this debate, but it seems to me that not only in this case but in most of the other functioning of the Interstate Commission they have been struggling against geography.

Mr. PITTMAN. Exactly.

Mr. REED of Pennsylvania. There are certain regions of this country that have an advantage because of their geographic location. The moment the Interstate Commerce Commission, or any other regulatory body, tries to overcome natural advantages by giving artificial advantages, it seems to me, they are building up a false structure, which is bound to work injustice.

Mr. PITTMAN. I think there is a limit——

Mr. REED of Pennsylvania. I am very much interested, of course, in the steel from Pittsburgh, but I do not believe that we ought to deal with questions of this kind on local lines. That would lead to a process of logrolling that would not work out a just result. We have got to look at it from the standpoint of the whole United States. I confess I can not see why because a certain point has a geographic advantage the Interstate Commerce Commission should so distort the rate structure as to give a similar artificial advantage to some other more distant point. Is not that part of the same philosophy that underlies these unnatural rates to the Pacific coast?

Mr. PITTMAN. It is the same philosophy. Whether you put it on the ground of market competition between two different points such as Chicago and Pittsburgh, or whether you put it on the ground that the railroads say they are entitled to their share of the water business, or whether you put it on the old ground of rebate is immaterial; the proposition is that instead of using our transportation facilities for the purpose of moving our products to market in the cheapest possible way, we are constantly disturbing ourselves to see whether this town or that town is getting the best of it or the worst of it or whether the railroads are getting the worst of it or water transportation is getting the worst of it.

It is admitted that, so far as efficiency is concerned, water transportation is inferior to rail transportation; it is admitted that there are only a comparatively few things that do move by water. They have got to be low-priced, bulky articles, concerning the movement of which time is not an element; otherwise the rails will carry them. Not only that, but here is the idea: There is not anything on earth that we carry through the Panama Canal to the Pacific coast, some part of which is not in turn distributed by the railroads to the back country.

Mr. REED of Pennsylvania. In other words, the water haul is a feeder to the railroads?

Mr. PITTMAN. It is bound to be a feeder to the railroads. The very minute that a cargo of steel or farm implements is unloaded at San Francisco it starts to move out to the farmer; whether it moves 10 miles or a hundred miles or 300 miles, it does not stay in San Francisco very long. The rails are bound to do that hauling. The steel that was sent through the Panama Canal assisted in building the great city of Los Angeles, which has doubled in population, probably, in the last three or four years. The rail lines carried hundreds and hundreds and thousands of people out to that section; the boat lines carried probably three articles out there, the main one being steel, and the railroads carried practically everything else that went into the building of that great city.

Mr. REED of Pennsylvania. Mr. President, to take an extravagant illustration, the Senator might look at the water commerce of the Great Lakes. The cheapest transportation in the world, I suppose, is the movement of ore from Lake Superior ports down to the lower lake ports. The rate of the water haul is just one-ninth what it would be if that ore were moved by rail from Minnesota to Pennsylvania. Yet, if the opponents of this bill have shown me their thought correctly, they would favor allowing the railroads to reduce their rates to one-ninth of their present level and undertake the uneconomic process of bringing ore from Minnesota to Pennsylvania by rail. I think that would be unmixed misfortune for the railroads, for the water carriers, and for the public generally. I think that is an exaggerated illustration of the point that is at issue here, but it is an illustration.

Mr. PITTMAN. It is somewhat exaggerated, perhaps, but it is a good illustration.

Mr. GOODING. Mr. President, I want to say to the Senator from Pennsylvania that in the East there have been no material violations of the fourth section. The East is so strong politically that there never have been any violations there to amount to anything. That is all we are fighting for in the West, namely, just what the Government is giving to the people east of Chicago where water transportation has been permitted to develop. The great State of Pennsylvania has protected the Monongahela River, and everyone ought to be proud of the transportation on and the use made of the Monongahela River. Twenty-six million tons of freight are carried upon it. It has been a great blessing to the Pennsylvania Railroad itself; it has not injured that road at all; it has developed and brought into existence the great steel industry at Pittsburgh, by which all the people of America have been benefited. We in the West are asking for the same privilege; that is all; nothing more. We do not want any special advantages; we merely want the same consideration that the Government has been giving to the people east of Chicago, where violations of the fourth section of the interstate commerce act to destroy water transportation have never in the history of the country been permitted at any time.

Mr. PITTMAN. Just listen to this interesting proposition on the Warrior River. I have already read from Brigadier General Ashburn's statement that he has increased the tonnage from 7,000 tons of joint traffic with railroads to six hundred and some odd thousand tons of joint traffic; that he has reached out and taken this grain from the Northwest that used to go through Montreal; but, just to call to your minds what can be done by water transportation with certain kinds of articles, let me read this statement of General Ashburn's:

> Bulky materials on the Mississippi and Warrior are usually carried by fleets pushed by a towboat. On the Mississippi River one large twinscrew tunnel-type towboat, 2,000 horsepower, will carry 16,000 tons downstream from St. Louis to New Orleans, 1,200 miles, at about 150 miles a day. The channel available is 300 feet wide by 9 feet deep, most of the way. Upstream the same type of towboat carries 9,000 tons at 75 miles per day.
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> Picture that to yourself a moment. Sixteen thousand tons in one tow. That is 640 carloads of 25 tons each, which is the average. Or 8 trainloads of 80 cars each, all going down at one time. That cargo—suppose it were all grain—that cargo of 16,000 tons can be delivered from St. Louis to New Orleans quicker than it can be delivered by train.

Mr. REED of Pennsylvania. Mr. President, the Senator has spoken quite a little about the use of the Mississippi and the barge line. I think it is only correct to call attention to the fact that with the completion of the improvement of the Ohio, which will happen, I hope, within the next three or four years, traffic on the Mississippi River will be increased many times over what it is to-day—many times. The traffic is just awaiting completion of the last links in the 50-lock ladder that runs down the Ohio River. When that is finished, the traffic, both down river and upriver, will surprise, I am sure, most of the people who learn of it.

Mr. PITTMAN. Mr. President, there will be two kinds of boats that will move on that route. There will be the Government boat, like the present barge line, and there will be the company boat that hauls its own products.

Mr. REED of Pennsylvania. There will be many privately operated carriers, too.

Mr. PITTMAN. There will not be for this reason: As General Ashburn testifies, to-day he could not sell this line. He can not get any private individuals to go into the business to-day, although this big barge line is paying. Why? Because, as was testified the other day by Mr. Thom, the attorney for the railroad executives, who represents them before the committee, of course, when the ship barge line went in from Chicago to the Gulf they would demand their part of the traffic that was established. They would ask for a special rate to St. Louis and New Orleans and Vicksburg, and they would expect it to be granted, and we always are expecting it to be granted; but whether we expect it or not, we fear it is so, and no one could afford to put $10,000,000 in a great barge line for general traffic and then have a rate put in by competing lines

under this proviso that would take away even half of your business.

The railroads say they do not want to destroy the traffic through the Panama Canal; that they just want half of it; and that will not hurt it much. Somebody is going to be destroyed, however. I do not know who it will be, but somebody's ship goes down and out when you take half the traffic off of the canal. What we are fighting for here is the fundamental principle that has already been touched upon, that we must recognize that nature is some factor in transportation. We must understand that water transportation is the cheapest transportation in the world for those things that are adapted for water transportation, and that rail transportation can not possibly be injured by water transportation beyond the points to which that water transportation can carry it. There is no fear of destruction or injury hanging over a railroad for two reasons: It runs in territories where boats can not go, and it can carry thousands of different kinds of freight that nobody would ship by a boat because it is too slow and too uncertain. Railroads can pick up their freight anywhere. Boats can only pick it up at certain landings. There is nothing wrong with the railroads.

Going back to the proposition involved here, the fourth section was passed in 1887, and it was made the direct law that a railroad should not charge more for a short haul than for a longer haul going in the same direction over the same system. Why was it? It was to stop the discriminations that had been going on in all kinds of transportation in this country. There is a leeway left there, is there not? There is a limit. It is not a hard-and-fast rule. Why? Because the Interstate Commerce Commission is permitted to authorize a railroad to charge just as much to haul from Chicago to Ogden as from Chicago to San Francisco. Is not that quite a leeway? They will let them charge Ogden twice as much for the same service; in other words, they will give twice the service to San Francisco that they will give to the intermediate point at Ogden for the same price. Is not that a leeway? That is all the leeway on earth that ever should be needed by anybody.

Mind you, as the Senator brought up a while ago, if a dollar is what they say is a reasonable rate to Denver, Colo., half way to the coast, then a dollar is itself getting to be a pretty low rate when you get twice the distance from the coast. If that is not true, then the dollar at Denver is too high to earn its proportion of the 5¾ per cent we intend the railroads to earn. We intend that the railroads of this country shall earn 5¾ per cent; and if the dollar at Denver will earn the railroads 5¾ per cent, and that is all it will earn them, then the rate of a dollar down there at San Francisco is below cost, and everyone knows it is below cost.

Mr. FESS. Mr. President, if the Senator will yield, I should like to correct a statement made by the Senator from Idaho [Mr. GOODING] when he said that we did not apply the long-and-short-haul principle to the East, but it is limited to the West.

Mr. PITTMAN. Oh, he did not say in any case.

Mr. FESS. Yes; he did.

Mr. GOODING. Yes; I said there were very few violations in the East. I made that statement.

Mr. REED of Pennsylvania. Mr. President, we do not desire to take the time of the Senate, but we could give you a catalogue of a thousand discriminations in the East. Let me tell the Senator one.

Mr. GOODING. Wait a minute, until you understand me. There are violations, of course, on some circuitous roads, but I said to meet water transportation. You have hundreds and thousands of them on circuitous roads. You have a few on coal. That is all you have.

Mr. REED of Pennsylvania. Will not the Senator let me answer that statement? Just take this illustration:

A ton of tin is worth about $1,200. A ton of steel is worth about $40. You can send a ton of tin from New York to Pittsburgh cheaper than you can send a ton of steel over the same rails from Pittsburgh to New York. How do you justify such a thing as that?

Mr. GOODING. I do not justify it, but that is not a violation of the fourth section. That is not charging more for a shorter haul than for a long haul on the same class of freight moving over the same road in the same direction.

Mr. REED of Pennsylvania. It is a violation of common fairness that the fourth section was intended to express.

Mr. GOODING. The whole administration of the railroads is full of it all the time. As the Senator knows, they are fighting all the time for preferential rates.

Mr. FESS. Mr. President, if the Senator from Nevada will permit me, I should like to ask the Senator from Pennsylvania a question in the form of a statement.

Mr. PITTMAN. Certainly.

Mr. FESS. Coal can be shipped from Virginia and West Virginia through Hampton Roads over a rail route reaching Hampton Roads and then on by water route to Boston at $4.22 a long ton. Coal shipped from Clearfield, not on the water, clear to Boston over a rail route, would cost $4.85 normally. In order to get some traffic out of the Clearfield mines into Boston over that route they would have to lower the rate. They have lowered it to $4.22 to meet this competition, but they have not lowered it on points 80 miles inland. They kept that at $4.75. My question is, What injury is there to anybody to allow the Clearfield mines to compete over the rail route to Boston; and what benefit would it be to anyone to deny that?

Mr. REED of Pennsylvania. The Senator knows that within a few months the rates between those coal fields and Boston have been revised, to the great disadvantage of Clearfield, and that at the present time Clearfield is unable to ship any coal east of Springfield, Mass. They have been utterly run out of the Boston market by the discriminatory action of the Interstate Commerce Commission.

Mr. FESS. East of Springfield?

Mr. REED of Pennsylvania. East of Springfield they are barred from the market. The only place they can ship is west of Springfield.

Mr. FESS. Does that mean that the rate is too low?

Mr. REED of Pennsylvania. It means that the rate is too high. The rates have been reduced on all-rail coal from lower West Virginia to Boston, so that without shipping by way of water at all they have run the Pennsylvania mines out of business.

Let me give you an illustration of just what I meant. You are talking about shipments over the same rails. The greatest coking region in the world is the Connellsville region of Pennsylvania. It makes the most perfect metallurgical coke that could be asked. A competitive field has sprung up in West Virginia. It is 20 miles farther from that West Virginia field to Philadelphia than it is from Connellsville, and yet such is the wisdom of the Interstate Commerce Commission that the West Virginia mines and coke ovens can ship their coke 20 miles farther at 20 cents per ton less.

In Pennsylvania we pay a union scale. They do not pay so much in West Virginia. Not only do they ship their coke farther for less money than we do, but they have the initial advantage of labor less well paid. What chance have we? And the Interstate Commerce Commission ask us to perpetuate the discretion that they abuse as shockingly as that!

Mr. BRUCE. Mr. President——

Mr. REED of Pennsylvania. I could go on and give you 50 illustrations of the same purport.

Mr. FESS. But what I am concerned about is that that is violating the very thing we are trying to do here, namely, make competitive rates. The Senator says that they ship a longer distance in a competitive market at a lower rate, and thus make it impossible for the other people to ship. Our point is that we ought to permit the lower rate for the longer haul where it is in a competitive market where a less rate through the entire transportation line is being charged.

Mr. REED of Pennsylvania. I say that a railroad has no business carrying bulk freight from the eastern part of the United States to San Francisco, because it is an uneconomic thing for it to do. The trouble with this proposition that the Senator from Ohio is advancing extends farther than the fourth section. That relates merely to discrimination between shippers on the same line of rails.

I say that is only part of the problem, and just as much injustice may be caused by unfairness between two shippers on two different lines of rail going to the same point. Take that same Clearfield district the Senator spoke of. The rate is $2.38 a ton on this coal going to Lake Erie. The haul is 304 miles. It is hard to carry these figures in mind, but this is a vivid illustration. From Tennessee coal can be sent 156 miles farther at a rate of 37 cents a ton lower. Justify that for me if you can.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BRUCE. As I understand it, the Interstate Commerce Commission has ordered a departure on the New England coast for the very purpose of enabling the coal fields of Pennsylvania to meet the competition of which the Senator from Pennsylvania speaks.

Mr. REED of Pennsylvania. Quite the contrary. The departure was ordered in order to enable the West Virginia fields to ship right through Pennsylvania into Boston, and they are doing it.

Mr. BRUCE. My information is to the contrary.

Mr. REED of Pennsylvania. I have the figures.

Mr. BRUCE. The Senator is doubtless right, if he says he has the figures.

Mr. NORRIS. Mr. President, will the Senator from Nevada yield to me to ask a question of the Senator from Pennsylvania?

Mr. PITTMAN. I yield.

Mr. NORRIS. I am interested to know what justification is given by the Interstate Commerce Commission for making those rates.

Mr. REED of Pennsylvania. The case was tried out about July, 1925. The opinion of the commission was six to five, five commissioners dissenting. The majority, the six, decided that while there might be evidence that Pennsylvania's tonnage had fallen off amazingly, yet it was not proven that the fact that their freight rates were high was because of that.

Mr. GLASS. Why, may I ask the Senator, did the tonnage from the Pennsylvania mines fall off amazingly?

Mr. REED of Pennsylvania. I was just trying to tell the Senator. If he will let me finish my statement, I will come to that. The commission then held that to grant the relief that was asked would upset established business, and they would not do that; therefore, they denied the relief, although it was forcibly urged to them that every rate case is intended to upset established business. One would not bring a rate case if he were not trying to upset established business, and they ought to upset established business, where it is based on an injustice.

Mr. GLASS. The Senator has not answered the question I propounded to him. The inference to be gained from the Senator's statement was that the differential in the freight rate had caused this immense falling off of tonnage from the Pennsylvania mines, whereas is it not a fact that the Pennsylvania mines were closed down and were not operating, and that the owners of those very lines were coming down into Virginia and West Virginia and purchasing the coal at the mines there because they were having labor troubles at home?

Mr. REED of Pennsylvania. It was not labor trouble.

Mr. GLASS. It is my information that it was labor trouble, that the Pennsylvania operators had practically locked out their employees, and were coming down to West Virginia and Virginia and purchasing coal from those mines there, and shipping it to Chicago.

Mr. REED of Pennsylvania. If that were correct, it would be a forcible point, but the fact is that the Pennsylvania mines which are not having any labor trouble are shut down to-day because these discriminatory rates make it impossible for them to operate. Let me give some illustrations.

Mr. GLASS. My information is totally in contravention of that presented by the Senator.

Mr. REED of Pennsylvania. Then let me add to the Senator's information, if he pleases. The city in which we are standing draws what soft coal it gets largely from the Pocahontas fields and the New River fields, which lie along the borders of the Senator's State. The rate from those fields to the city of Washington is $2.84, and the haul is 412 miles. Just the same kind of coal comes from up in Meyersdale, Pa., which is 207 miles away, against 412 for the West Virginia fields, just half the haul. The rate is $2.84 from Meyersdale. So the mines in the Pocahontas field and the New River field have a monopoly of the Washington trade, because they are sending their coal for just half as much per ton-mile as the rate for which our coal can be brought, and the labor costs are much less.

Mr. GLASS. The information that came before the District of Columbia Committee on that point was that the Virginia and West Virginia coal, from the Pocahontas field, was coming to Washington because it was so vastly superior to the Pennsylvania coal.

Mr. REED of Pennsylvania. I believe that some of the representatives of the West Virginia operators testified to that; yes.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nevada yield to the Senator from Maryland?

Mr. PITTMAN. I yield.

Mr. BRUCE. To return to the question I put to the Senator from Pennsylvania, I think he is mistaken in the reply he made to me. I think he is laboring under an entire misapprehension. Mr. ESCH, of the Interstate Commerce Commission, testified, when this bill was pending before the Committee on Interstate Commerce, to this effect:

> Another example of competition of this character may be found in the existing adjustment of rates on bituminous coal from mines in Pennsylvania and Maryland to points located on navigable waters in New England. There is a considerable movement of coal to this section from mines in Virginia by rail to Hampton Roads and thence by vessel. Coal producers in Pennsylvania must compete with this coal at such points as Boston, Fall River, Providence, New Bedford, and other water points. To meet this competition the rail lines forming routes from Pennsylvania have reduced rates to these water-competitive points.

That is just another illustration of how practically and beneficently a proper exercise of discretion under section 4 of the interstate commerce act operates, in my judgment.

Mr. REED of Pennsylvania. What I was referring to was the order made about three months ago by the Interstate Commerce Commission reducing the all-rail rates from these Virginia mines to Boston and other points in New England. I thought I had the figures here, but they are in my office, and I will get them for the Senator.

Mr. BRUCE. Perhaps the Senator's information on the subject, in which the Senator from Virginia is interested, is not more ample than it was on the subject in regard to which I questioned him.

Mr. REED of Pennsylvania. The Senator questioned me about the rail and water competitive rates. I had been speaking about the all-rail rate from West Virginia to Boston and other New England points. My answer, I think, was correct. I still insist that I believe it to be correct.

Mr. BRUCE. I do not see how it can be at all correct if the testimony of Mr. Esch was accurate.

Mr. REED of Pennsylvania. Mr. Esch was talking about a totally different thing. I will get the Senator the figures in a few minutes.

Mr. GLASS. I am talking about precisely the same thing the Senator from Pennsylvania is talking about, and my information is so totally different from his that I scarcely know how to proceed without seeming to contradict the Senator.

Mr. REED of Pennsylvania. If the Senator will indulge me for about 10 minutes, I can get the figures and give him the rates per ton from these various fields.

Mr. GLASS. My information is that there is a differential rate ranging from 34 cents to 43 cents in favor of the Pittsburgh operators as against the West Virginia and Kentucky and Virginia operators, and that the complaint of the Pittsburgh operators is that the spread is not greater than it is, notwithstanding the fact that the railroads do not want to make it greater. The Senator from West Virginia [Mr. GOFF], I see, has come upon the floor, and very likely he has the figures and can state them more exactly than I.

Mr. PITTMAN. Mr. President, I will go on with my address, if Senators will pardon me, while they are getting their figures. I do not think we are getting anywhere at all in this discussion about the figures.

Mr. GOODING. If the Senator will pardon me just a moment, I think it should be clearly stated that in the controversy between Virginia and Pennsylvania there is no long-and-short-haul question involved at all.

Mr. GLASS. For myself, I am opposed to any controversy on the floor of the Senate about those matters, anyhow. I do not think they ought to be determined here. I think they ought to be determined before the Interstate Commerce Commission.

Mr. REED of Pennsylvania. The fundamental question we have to determine is whether the Interstate Commerce Commission has used its discretion in common fairness.

Mr. GLASS. The Senator thinks it has not and I think it has, so we are unable to determine that.

Mr. PITTMAN. Mr. President, I will have to discontinue this colloquy so that I may finish.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. COPELAND. I know the Senator has been diverted and, I hope, rested by the colloquy. Before he concludes I hope he will make some reference to what effect the law would have upon shippers in the State of New York.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from West Virginia?

Mr. PITTMAN. I yield.

Mr. NEELY. The observation made a moment ago by the Senator from Virginia [Mr. GLASS] is absolutely correct. For more than a quarter of a century Pennsylvania and Ohio have, at the expense of West Virginia and Kentucky, enjoyed a highly preferential freight rate on coal shipped to the Great Lakes. That preferential rate still prevails.

From 1906 to 1911 the coal industry of northern West Virginia was handicapped by a freight rate to the Lakes which was 8¾ cents a ton higher than that paid on coal shipped from the Pittsburgh district.

From the year 1912 to the year 1923 the coal producers of West Virginia and eastern Kentucky were the victims of a discriminatory freight rate in favor of the Ohio and Pennsylvania coal operators, which ranged from 8¾ cents to 28 cents a ton.

At the present time the freight rate on coal to Lake Erie ports from the Pittsburgh district is $1.66 a ton; from northern West Virginia, $1.81 a ton; while from southern West Virginia and eastern Kentucky the rate is $1.91 a ton.

The decision rendered by the Interstate Commerce Commission in the Lake Cargo Coal Rate case on the 16th day of last July, which has occasioned a number of brain storms in Pennsylvania and Ohio and provoked some unwarranted criticism in the Senate, involves a principle which has been before the commission in various forms and on numerous occasions since the commission was, in 1906, vested with the power to make rates. Excepting this most recent decision, every judgment the commission has ever rendered touching the principle in question has been favorable to Pennsylvania and Ohio and unfavorable to West Virginia, Virginia, Kentucky, and Tennessee.

But no Senator from any of these States that were injuriously affected by the discriminatory freight rates on their coal ever whined in this body about the commission's decisions which established the unfavorable rates; nor did any Senator from West Virginia, Virginia, Kentucky, or Tennessee ever defame the Interstate Commerce Commission for having handed down such decisions.

It is only when the commission refuses to render a judgment that will destroy the coal industry in West Virginia, Virginia, Kentucky, and Tennessee, and at the same time afford Ohio and Pennsylvania a monopoly of the soft-coal business in the Northwest, that the Interstate Commerce Commission is belittled and abused in the Senate.

There should be unanimous concurrence in the opinion expressed by the Senator from Virginia to the effect that the question of freight rates on coal, now pending before the Interstate Commerce Commission on a rehearing, ought not to be made the subject of debate in this Chamber. The commission is the duly constituted freight-rate-making body of the Nation. No attempt should be made to intimidate its members or to coerce them to decide a case before them in a particular way.

While the commission's decisions have not always been as favorable to the industries of my State as I have believed they should be, I am nevertheless convinced that the members of the commission have always acted in the very best of faith and that their findings have been, without exception, the result of most intelligent, painstaking, and conscientious consideration.

Let no one be deceived by the clamor which spokesmen for the Pennsylvania and Ohio coal operators have raised against the Interstate Commerce Commission because of its failure to increase the prevailing handicap in freight rates on West Virginia and Kentucky coal. If the purpose of the authors of this clamor is accomplished, a prohibitive freight rate to lake ports will be esatblished on all coal from West Virginia, Virginia, Kentucky, and Tennessee; Pennsyvania will monopolize the soft-coal market of the Northwest, just as she has monopolized the anthracite markets of the rest of the country, and the coal consumers of Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota will be at the mercy of the coal barons of the Pittsburgh and Ohio districts.

Once for all I vigorously protest against the very recently established and, to my mind, most reprehensible custom of criticizing the commission in the Senate every time it renders a decision that fails to meet with universal approbation.

If the commission has become useless or vicious, it should be abolished. But let us not indulge further in the unsportsmanlike performance of publicly impugning the motives of honorable members of an honest tribunal who are prohibited from speaking here in their own defense.

Mr. PITTMAN. Mr. President, this all illustrates that Commissioner Eastman, in concurring in a separate opinion, was right. Here are these gentlemen who have all been discriminated against, one of them discriminated against in one commodity, another discriminated against in another commodity; one part of the State is discriminated against, and the other part is favored. There never was any authority granted to the Interstate Commerce Commission to regulate railroads for making discriminations. You can not find a line in the act that ever was intended to give them the power of utilizing any regulating authority to restrict transportation in the interest of any community or against any community. That proposition has grown up through their legislative absorption of power. There is no question about that.

The fourth section never was intended in the first place to become the rule. Away back in 1887, when they passed the rule that less should not be charged for the long haul than for the short haul, they said in special cases and under similar circumstances they might do something. They meant special cases, did they not? They did not mean that in every case where a railroad applied for a special rate it would be granted. They did not mean that any time a railroad could get more business that they would give it to them, did they? They did not mean that every time a community needed a special rate so as to be able to compete with another community that it was the duty of the Interstate Commerce Commission to give them that exception. Yet the Interstate Commerce Commission construed the exception as the rule until 1910, and Congress once again tried to impress upon the Interstate Commerce Commission that they meant that the fourth section should be the law, and that it should be in force at all times, except in very extraordinary cases.

What did they do? Congress struck out "similar circumstances and conditions," but the Interstate Commerce Commission went right on construing it as they always had; that is, they construed the exception as the law and the law as the exception until we came down to 1920. What happened in 1920? In 1920 Congress enacted a new provision that the more distant rate should be reasonably compensatory. Why did they do that? They did it because the Interstate Commerce Commission was using the proviso of the act for the sole purpose of putting water transportation out of business. They were not considering what the rate was; they were not considering whether the rate paid the railroad anything or not.

They were simply considering whether it was low enough to put water competition out of business. Therefore in the 1920 act Congress put in a provision that the rate to the more distant points should be reasonably compensatory.

The Senator from Iowa [Mr. CUMMINS], the chairman of the Interstate Commerce Committee of the Senate at that time when he reported the bill, stood on the floor of the Senate and interpreted the meaning of the words "reasonably compensatory." He said to the Senate that they had discussed that meaning in committee and agreed on it. He has stated before the committee and stated on the floor of the Senate that there was not a Senator there who understood it differently from the way in which he stated it. They discussed the meaning of it. On the floor of the Senate he said that it meant a rate that would not only return its part of the cost of the service but would return something for interest on the indebtedness and for dividends. But the provision has never been construed in that light by the Interstate Commerce Commission.

In the case under consideration we have three of the Interstate Commerce Commissioners, who make no effort whatsoever in their dissenting opinion, in which they state a desire to grant the application, to show that the rates were compensatory. I ask Senators to examine the opinion and see if they can find any such explanation. Commissioner Esch does not attempt to show anything of the sort. What he said is that "We are employed to look after the railroads. We have no responsibility toward the people." I hope the Senator from West Virginia [Mr. NEELY] will not think I am criticizing any of the commissioners. I dislike very much to criticize any of those gentlemen.

The limitation that Congress intended to put on the flexibility of rate making was this. Congress said to the railroads, "You do not have to charge twice as much for twice the distance. You do not have to charge a quarter more for twice the distance. You can charge exactly the same amount for twice the distance, but no less than that. That is the limitation." Is not that quite a margin when they will allow a railroad company to charge just as much to ship a certain article half the distance as they charge to ship the same article to another point twice the distance?

Senators may ask what remedy have the railroad companies? If it is an article which by any right at all they should carry, they can put the flat rate straight through. Chicago, for instance, asked to meet the competition of New York City and Pennsylvania and Pittsburgh in the matter of dry goods. How? By having a rate so low that it would pay to ship dry goods from Chicago by rail instead of from New York City around by water. Does it pay? If it pays why do they not give the same rate to Omaha or Denver or Reno or any place that is only half the distance? It certainly does not cost as much to go half the distance as it does to go the whole distance. They have what they call flat rates across the country. I mean by "flat rate" the same rate for the short distance as for the long distance.

Mr. EASTMAN said in this matter that it is not a local fight. I am not interested in the petty fight as to whether this coal mine is getting the best of that coal mine, or whether Virginia is getting the best of West Virginia or West Virginia is getting the best of Pennsylvania, or vice versa. Whenever they win it is a fine commission, and whenever they lose it is a damnable body. But why can we not look at the transportation problem as a national problem? Why can we not get away from these little selfish petty interests in the problem? Is there anyone here who has so little vision that he can not realize that water transportation for those articles that can be shipped by water is one-half or one-third cheaper than any other means of transportation?

Do not Senators know that wherever articles require quick transportation the boats can not carry them at all. Do they not understand that for every mile that we have water upon which we can travel there are 100 miles that must be traveled by rail to distribute the traffic? What we are trying to do is to fix a policy, a principle, not to interfere with the Interstate Commerce Commission. The Interstate Commerce Commission was constituted for the purpose of rate making and regulating the railroads. It was not appointed for the purpose of deciding whether West Virginia, or Virginia, or Pennsylvania should have the Boston market. It was not constituted for the purpose of saying whether Chicago should have the steel market on the Pacific coast or Pittsburgh should have the steel market on the Pacific coast. The commissioners have assumed that authority. They never had it given to them by law. There is not a word in the act that ever gave it to them. There is nothing in the act to that effect except that in special cases they may grant a less rate for the longer haul than for the shorter. What was meant by that? Does anyone think that the Congress had water transportation in mind at that time? No; they meant that there might be a circuitous rail route here and there might be a direct route there, and that it might be a good idea to have railroad competition at the particular point involved. The railroads have their own territory. We have left that clear, but when we look back into the history of the situation, when we see the actual result, when we see the rivers denuded of their boats, when we see the hundreds and hundreds of millions of dollars that we have spent in dredging channels and removing sand bars and straightening out banks of rivers to coax boats to come to the waters, and when they do not come then we ought to ask ourselves why it is?

There is some reason for it. We know why it is. We have been told why it is. We appointed General Ashburn to take charge of the Government barges for the purpose of ascertaining whether or not we could run boats on our rivers. He told us before the committee of the fight he had had against the railroads in every move he made. They fought him every inch of the way.

There is a joint rate from Birmingham to New Orleans. Twenty-six miles of that route is a rail haul down to the barge line; and the rest of it, some three or four hundred miles, is by water. The rail line gets nearly twice as much out of the haul as the barge line does. Why can they not cooperate together? Let General Ashburn tell why we have not any boats on the river. Let him tell why we never will have any regular boat traffic on the river. I will read it:

> I am convinced that no agency other than the Government of the United States would have withstood such vicious assaults made upon our demonstration, such misrepresentations of facts, such combined attacks to belittle the demonstration, and to prevent the success, as the Government has, in the reestablishment of the great common carrier operated on the Mississippi-Warrior River by the Inland Waterways Corporation.
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> Private capital will undoubtedly invest in private and contract carriers and do all it can to justify the creation of navigable streams, but to fully distribute the benefits of such cheap transportaiton requires a demonstration by the present fully empowered governmental corporation of the economic possibility of such common carriage until such time as the conditions precedent to success are established and private capital will invest in an operation no longer a hazardous venture. The sine qua non of successful common carriage is cooperation with the railroads. So long as it remains in the power of the railroads to destroy water transportation, not governmentally operated, so long will private capital refuse to contract on such a venture.

That is the situation. Now let me tell about some of the things to which we particularly object in the Middle West. We want the Panama Canal to exist because it furnishes a cheap means of transportation. We ship our products to the Pacific coast, and they are put on the boats and brought east through the Panama Canal at rates cheaper than we could ship them from Nevada across the country by rail. If we close down the Panama Canal we would lose. Possibly we do not lose so much as some of the selfish gentlemen do on the Atlantic coast who want both water and rail for nothing. Nevertheless we lose.

There is another thing we may have the right to object to, and I think that any person has the right to object to it. We are guaranteeing to the railroads of the country, through the Interstate Commerce Commission, rates that will earn them a certain return on their investment. Does anyone think we should take part in building the Panama Canal and then take part in destroying the canal and allow the railroads to utilize rates to the destructive point, rates in which there is no profit to the railroads, when we have to make up the profit at the interior point? How can it be helped?

Let us consider the seven railroads that made the application which we have been discussing. Those seven railroads were entitled to a certain gross earning to enable them to earn what they are legally entitled to earn. When they put their rates down 25 or 30 per cent on articles to the coast points they lose revenue. They have to make up that revenue by higher rates at some other point. Those seven railroads, at exactly the same time they were asking to reduce the rate 25 or 30 per cent to San Francisco, Los Angeles, and other coast points, were asking the Interstate Commerce Commission to increase the rates to interior points by 5 per cent. That is illustrative of the lack of justice in the whole situation.

I have noticed statements in the press that the President of the United States is back of a great movement in the interest of the water routes of the country. An effort is going to be made to develop them. All of the great waterways should be developed. There is no man but knows we can not get private capital to put boats on the rivers any more than we can get them to put boats on the Mississippi River to-day, no matter how much money they put in or how they build them. As long as we held over the heads of private capital the threat that any day there may be applied a competitive rate at competitive points that will take half the boats off the water, private capital will not undertake to invest in boats.

The application here discussed has been read into the RECORD. The State of Nebraska pays on dry goods that move from Chicago $1.58, while San Francisco pays on the same articles $1.10. That is the situation. That is the way it moves. I suppose the Senators from Nebraska would like to support that kind of discrimination and that kind of a theory.

When we built the Panama Canal and had in mind making it one of the great commercial arteries of our country, we were so jealous in our desire to protect it against destruction that we placed in the Panama Canal act itself a direct and positive provision that no railroad company should own or control any boat line moving through that canal; and yet, to-day they can take half and probably all of the traffic going through that canal without going to the expense of building a boat. How? By getting the Interstate Commerce Commission to give them a terminal rate at Los Angeles and San Francisco at what they call "out-of-pocket cost" and then letting them hold up the rates to the intermediate points so as to keep up their earnings. They can circumvent the very intention of the builders of the Panama Canal by a simple little petition to the Interstate Commerce Commission. Does it not appear inconsistent when we are trying to defend the Panama Canal and make it an independent highway for boats, that now we would construe the language "in special cases" in section 4 to mean that the commission shall have power to give half of the Panama Canal traffic to the railroads? That is what it means. It means that and nothing else on earth.

My personal interest in this proposition as a resident of Nevada is only suffering in one direction. We are taxed to help pay to build the Panama Canal and then again we are taxed to maintain the discriminatory rates for the purpose of destroying the Panama Canal. That is our position.

But I would have even another feeling in the matter if I lived on one of these great rivers of the country. If I lived in the city of Memphis, where lives my friend, the Senator from Tennessee [Mr. MCKELLAR], whom I see sitting now before me, on the greatest river in the world, a river that can take all of the traffic of the country between the great mountains and carry it down on to the broad ocean and carry it to every port of the world—if I lived there I would look for the time to come when there would be great docks all along the water front of the city of Memphis. I would look for the time to come that from all over the country, distant hundreds and hundreds of miles, there would come roads dumping their products into the great ships at those docks. I would look for the time to come when, instead of having skiffs land on the mud flats in front of Memphis, as to-day, we should have running down the Mississippi the old-time fleets, and far bigger ones, even, than were in existence then.

Mr. McKELLAR. Mr. President, if the Senator from Nevada will yield, I will say that since the establishment of the barge line we have on the Mississippi River at Memphis probably the most approved and up-to-date docks in the world of the kind, and I am rather inclined to think that the amount of freight being hauled down that stream now to and from Memphis and by Memphis is larger than it ever was before in its history.

Mr. PITTMAN. I am glad the Senator has made that statement. We discussed that a little while ago while he was out of the Chamber. It is perfectly feasible and the demonstration has proved its success.

Mr. McKELLAR. It has.

Mr. PITTMAN. I was told that the barges there can carry down the river 116 carloads at once. But what else is there along that line? We put in charge there one of the ablest river men that we could employ, a great engineer, a great executive, to give this a tryout, and he has tried it out since 1920. His report, which is here, is that the barge line is a success, but he states that no individual could have made a success of it in the face of the competition of the railroads. It is his opinion also, sir, that no individual will ever invest money in those boats or in any other boats for general traffic on the Mississippi River so long as the power is left in the Interstate Commerce Commission to allow a competitive rate at "out-of-pocket cost" to competitive points.

There is now quite a leeway. For instance, if they want to charge a rate of a dollar a hundred from Chicago to New Orleans they can do it. The only restriction is that they can not charge any more than a dollar from Chicago to Memphis. Is not that quite a leeway? If a dollar from Chicago to Memphis is a reasonable rate, then a dollar to New Orleans is much lower than a reasonable rate. Do Senators think that the limitation should be that the railroads should not charge any more for half the distance than for the whole way?

Mr. McKELLAR. Of course, as the Senator from Nevada knows, the 20 per cent differential in favor of the water transportation is fixed by law. There is an absolute guaranty there really of the success of the barge line: so long as that law is in effect the barge line is sure to make money and prosper.

Mr. PITTMAN. What does the Senator mean by 20 per cent differential?

Mr. McKELLAR. The law provides that the rates charged shall be 20 per cent lower than the rail rate.

Mr. PITTMAN. That is true enough; but even a rate 20 per cent lower than the rail rate does not necessarily protect the boats, because if the railroads can secure from the Interstate Commerce Commission permission to reduce their rates, the boats may have to reduce their rates 20 per cent below cost. Then they will go out of business. That is the trouble about the situation. I am not inveighing against what is happening now, I will say to the Senator from Tennessee, but against the unsound principle which we allow to exist when we say that the railroads may charge less for the longer distance than for the shorter distance, with the result of eliminating water transportation. Just think of the absurdity of the proposition! This whole country to-day is striving to secure a great inland water system, because it is the cheapest form of transportation in the world and our country is blessed with it beyond all countries on earth. At this very time transportation difficulties are doing more to bring poverty to the farmers of this country than anything on earth; the farmers of the country are calling to Congress to relieve them from the burdens that are bearing down on them; but we shut our ears and we shut our eyes to the very best opportunity we have. We go before the Interstate Commerce Commission and ask them to reduce the cost of transportation on farm products, but we are told the railroads can not make the revenue guaranteed to them if the rates shall be reduced any lower. I know that there is a great ship canal on the Mississippi River running on down and from the Ohio River and other rivers and that by that route export products could be shipped for about one-third what is being paid to the railroads to-day.

There is not any question about that. We talk about doing it. We say, "Oh, yes; we are going to build great inland waterways." We have been talking about that for a long time. We wonder why there are no boats on the rivers. We know why boats are not there; we know that the same power that drove them off in 1887 and kept them off is here now, and that no intelligent man would undertake the business as long as that threat hangs over him. Yet we say to ourselves, "Oh, no; we can not interfere with the discretion reposed in the Interstate Commerce Commission; we have got to lodge discretion somewhere." All of us get busy with excuses at certain times. The truth about the proposition is that the only discretion that it ever was intended to give to the Interstate Commerce Commission was the discretion to regulate railroad rates. It was never contemplated that the commission should have the power to take into consideration market conditions and discriminations; or should have the power to say that one coal mine shall ship its product to this market and another coal mine to another market; that the iron mines shall ship to some other market; that one city shall be great and that another city shall not be great; or that we will move the Atlantic coast out to Chicago and we will move Chicago down to the Gulf. That power of discrimination should be taken away from the Interstate Commerce Commission. It is not a sound discretion to lodge in anyone.

All that we have asked in the matter is to recognize the inevitable law that water transportation for a heavy bulky product that can move by water is the cheapest transportation on earth, and that is the only kind of traffic that will be carried by water. All other kinds of commodities will move by rail. Let us build up the water transportation and let us build up also rail transportation and let the two be coordinated; but we say that the fourth section of the interstate commerce act, adopted in 1887 and readopted in 1910 and readopted again in 1920, should provide that the only latitude the Interstate Commerce Commission shall have will be to say to the railroads that they shall charge the same rate for the long haul as for the short haul, but no more.

That is latitude enough, and that was the intention of the act. When the clause "except in special cases" was put in, Congress never had in mind that it would work for the destruction of water transportation.

But the railroads say, "We do not want to destroy water transportation; we only want half of it." Mr. President, what God-given right have the railroads to an artificial rate that makes them no profit, but is designed for the purpose of destroying half of the Panama Canal traffic? When we passed the Panama Canal act why did we not instead of putting in that act that the railroads should not operate boats through the canal provide that they should not operate over a half of them? If we intended that they should have half of the traffic which would otherwise go through the Panama Canal those are the words we should have used. However, the railroads are accomplishing exactly the same thing at the present time as they were accomplishing then. There is no question about that at all.

The Senators have got to face the proposition as to whether or not they are going to encourage water transportation in this country. If they are not going to do it, do not tell the people of this country that they are getting ready to do it; do not tell the people of this country that they are going to spend hundreds of millions of the Government's money to give them ship canals, because Senators know that even if such ship canals shall be provided, not a boat will be run on them. They realize that. I think it is a crime, I think it is an outrage to tax the people hundreds of millions of dollars to build waterways when at the same time it is provided that the railroads may have all the traffic. If that is going to be the policy, if it is simply going to be a question of spending so much of the people's money by pork-barrel methods on different harbors and rivers in this country, then, to say the least, I think it is not a very high purpose to accomplish.

There has not been anyone here who could deny the proposition that it was the intention of the railroads to take half of the traffic through the Panama Canal. There is not one here to deny that there was an effort on the part of the Interstate Commerce Commission to give them half of the traffic through the Panama Canal, and the only reason they did not get it was because they had involved in their application market conditions rather than competitive conditions. Seven of the commissioners against three rendered a decision denying the application. One commissioner was sick or the vote would have been seven to four. Although seven of them denied the application, which was for the benefit of Chicago——

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I will conclude in a moment. Although seven of them rendered that decision, if the rate were raised 15 cents to-morrow it might still have its destructive force and yet be granted; there is no question about that; or the commission might change its mind or the members of the commission might change. It is a constant threat, and until that discretion is denied the Interstate Commerce Commission we can not, as General Ashburn says, expect to have private carriers on the rivers of this country.

Mr. GOODING. I call the Senator's attention also to the fact that it was the last two members appointed on the com-

mission that changed the commission's opinion; that is, as it stands now, as far as the violations are concerned. Had the case been decided a year ago, there is good reason to believe that it would have been decided in favor of the violations; so it is the uncertainties that always kill.

Mr. PHIPPS. Mr. President, I do not propose to discuss the pending long and short haul bill at great length to-day; but I do desire to make a concise statement, and in order to preserve its continuity I prefer not to be interrupted during that statement. I shall be glad to answer any questions that I can after the conclusion of my remarks.

Being sincerely anxious to secure needed assistance for Colorado, and other Western States in the matter of freight rates, I have given the pending bill serious thought and study. If it were in the interest of western shippers or the consuming public, and would have a beneficial effect upon agricultural or industrial conditions, I would be among the first to support the plan. My conclusion, however, is that this measure does not afford any substantial relief at all, but may actually prove harmful to western interests.

The first proposition—that the Gooding bill gives no additional aid to western farmers or business men—is proved by the fact that, if enacted, it will not change transcontinental freight rates or those to Colorado and similar points. Briefly, this bill provides that the railroads may not make lower rates for a long haul to meet water competition than for a shorter intermediate haul, except for export trade. With the exception of certain coastwise traffic, it is my understanding that this theory, which is contended for so strenuously, is now in effect. At present there are no railroad rates from the Atlantic coast to Denver, for example, that are higher than those to the Pacific coast. What, then, does this bill do for Colorado and other States similarly situated? It simply preserves conditions as they are, and makes it impossible for the Interstate Commerce Commission to consider requests which would permit, in certain specific cases, the carrying of transcontinental freight at lower rates than shipments to intermediate territory. How, then, can it possibly aid conditions in the West?

Instead of enacting this proposed legislation, such requests now before the Interstate Commerce Commission should be seriously considered in the interest of Rocky Mountain and midwestern citizens themselves. In order to meet Panama Canal competition, the railroads are willing to reduce rates to the coast, provided they are not required to reduce existing rates to intermediate points, which they can not afford to do at the same time. The only reason they can make the desired rates to Pacific coast points is because they are getting very few of such shipments at present; and it is better business to carry freight at lower charges than to move empties, which must go West in any event in order to transport shipments from California and other States. Such permission, if granted by the Interstate Commerce Commission, will permit the railroads to take away from vessels going through the Panama Canal part of their freight, and carry it by rail instead; that is all.

Colorado will be benefited directly by such fourth-section relief in the case of products which it ships to the coast, manufactured and otherwise. A case in point is that of the Colorado Fuel & Iron Co., which formerly had an active market in California, Oregon, and Washington, but which has lost practically all of such business to eastern competitors, such as the United States Steel Corporation, which can now ship by way of the Panama Canal. If anyone doubts this statement, let him study the hearings held before the Interstate Commerce Committee of the Senate last January, and let him read the illuminating testimony of a responsible Denver attorney, Mr. Fred Farrar, who is the general counsel for the Colorado Fuel & Iron Co., a stalwart institution of which the entire West is justly proud. Mr. Farrar testified that his company—

> as a manufacturing institution is being crushed by this competition through the canal.

Again he said:

> The very life of the company—I think I can say without speaking extravagantly—is at stake because of the situation.

Of course, as long as the Interstate Commerce Commission permits rates to remain as they are, eastern manufacturers will have a monopoly of the Pacific coast markets, and it is futile to attempt to build up industries in the interior or to construct factories in Denver in order to sell products in Pacific coast or eastern markets. On the other hand, if lower rates by rail are put into effect for the long westbound hauls across the continent, the intermountain district would reap, as heretofore, the benefit of a proportionate reduction in freight rates.

Colorado and Mid-Western States will benefit indirectly by the defeat of this bill, for increased railroad business as a substitute for the thousands of empties now moving westward will mean larger returns for the railroads, and will very shortly lead to lower rates all along the line. Conversely, the passage of the present bill, by preventing fourth-section relief in all cases excepting on export business, will tend to reduce railroad revenues; and, as expressed by Commissioner Esch, who appeared for all but two of the members of the Interstate Commerce Commission—

> if these revenues in turn become insufficient to meet the cost of operation, upkeep, and maintenance, return on investment, taxes, and other necessary expenses, increased rates on other traffic, which must largely be borne by the intermediate points or impairment of service, or both, are eventualities which sooner or later must be considered.

Interior States, such as Colorado, will also benefit indirectly by the defeat of this bill, because the program now advocated by the commission, which it is admitted will mean much larger transcontinental shipments by rail—it can have no other purpose or effect—will aid local business, local pay rolls, and local purchases; whereas freight moving through the Panama Canal means nothing to such States.

Mr. President, all that western producers ask is a square deal. All that they ask is a chance to compete in those markets which by geographical location are rightfully theirs. We are willing to put Colorado products to the rigid test of comparison with any others grown or manufactured in the United States or foreign countries; and we are willing to meet such prices, too, provided we do not have the overwhelming handicap of higher freight rates.

On principle there is nothing unfair in the proposal that for the benefit of the Middle West and of the entire country the railroads be permitted to meet water competition. There is no danger that water transportation will be put out of business, because of the economic reason that rail transportation usually costs much more than water. Furthermore, inland waterways are adequately protected by our present laws, and the same is true of coastwise trade; for the Interstate Commerce Commission is required to foster and preserve in full vigor both rail and water transportation.

There is no danger, in event of the failure of this bill to pass, that the roads will straightway indulge in an orgy of transcontinental rate reductions, because, as matters stand at present and as I hope they will remain, the Interstate Commerce Commission must be consulted on each rate application, and the desired permission can not be granted unless such lower rates are reasonably compensatory for the service performed.

I wish to quote from a decision of the commission which sets forth clearly the principles by which it is governed in granting fourth-section relief in so far as the measure of the rates for the longer haul is concerned. The decision reads as follows:

> In the light of these and similar considerations we are of opinion and find that in the administration of the fourth section the words "reasonably compensatory" imply that a rate properly so described must (1) cover and more than cover the extra or additional expenses incurred in handling the traffic to which it applies; (2) be no lower than necessary to meet existing competition; (3) not be so low as to threaten the extinction of legitimate competition by water carriers; and (4) not impose an undue burden on other traffic or jeopardize the appropriate return on the value of carrier property generally, as contemplated in section 15a of the act.

In my opinion fourth-section relief should appeal to us on patriotic grounds, because of the rapid growth of foreign competition. If this power is taken from the commission, its hands will be tied, and other countries, simply because of advantageous shipping conditions on the seaboard, will have an unfair advantage over domestic producers and manufacturers who are far inland and must find their markets on either coast.

Again, Mr. President, this bill if passed would only be a successful attempt to take from the Interstate Commerce Commission its discretionary power and to substitute for that highly technical and scientific function rate making by act of Congress. Without holding any brief for the commission, I firmly believe that the creation of such a body was a very wise step; that its work has been fundamentally sound; and that the theory of gathering all facts and hearing all sides so as to lay an economic foundation for rate making is the one on which we should proceed.

I am convinced that we attack the problem from the wrong angle when we attempt to solve it by stripping the commission of part of its power. A more logical remedy, it seems to me, would be to proceed in the other direction and to give that bureau more authority by permitting it, for example, under proper restrictions, to regulate traffic going through the Pan-

ama Canal, so that no injustice may be done to shippers in the interior of the United States. I hold that where the railroads can be given additional business without increase in rates, as in the case of the requested relief from the long-and-short-haul clause, such action should be taken; that this will partially remedy existing conditions; and that a still larger measure of relief will be afforded when still more business is routed over the railroads through proper control of competitive rates through the Panama Canal. In the end that will be the solution, for it strikes at the very heart of the existing basis for complaint and furnishes an adequate remedy. We should lay our plans accordingly, reposing confidence in the Interstate Commerce Commission, which we have created, and giving it sufficient authority to make certain that equitable freight rates shall exist throughout the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a list of Colorado organizations that have filed protests against this bill, and a telegram on the subject signed by officers of 18 commercial and manufacturing concerns.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, that order will be made.

The matter referred to is as follows:

The following is a list of Colorado organizations that have filed protests against the Gooding long and short haul bill:

Denver Chamber of Commerce, Denver; Northern Colorado Traffic Association, Fort Collins, Greeley, Loveland, Longmont, Windsor, Eaton, Brighton, and Ault; Fort Collins Chamber of Commerce, Fort Collins; Salida Scenic Line Service Club; Traffic Club of Denver, Denver; Rocky Mountain Coal Mining Institute, Denver; Benevolent Protective Order of Elks, No. 808, Salida; Trinidad-Las Animas County Chamber of Commerce, Trinidad; Employees Representatives, Colorado Fuel & Iron Co., Pueblo, Colo.; Denver Commercial Traffic Club, Denver; Florence Chamber of Commerce, Florence; Minnequa Works Foremen's Club, Pueblo; Grand Junction Scenic Line Service Club, Grand Junction; Trinidad Scenic Line Service Club, Trinidad.

The following is a list of Colorado organizations who recommend the passage of the bill:

Allied Council of Improvement Associations, Denver; West Thirty-second Avenue Improvement Association, Denver; Trades and Labor Assembly, Denver; Colorado Potato Growers Exchange, Denver; Montrose County Chamber of Commerce, Montrose; Federated Trades Council, Colorado Springs; Western Colorado Chamber of Commerce, Delta; Del Norte Potato Growers Association, Del Norte.

MARCH 9, 1926.

Hons. LAWRENCE C. PHIPPS and RICE W. MEANS,
United States Senate, Washington, D. C.:

We understand Senate bill 575, by Mr. GOODING, of Idaho, will come up for vote very soon. Passage of this proposed legislation can not possibly benefit Colorado, but may work serious injury to Colorado commercial and manufacturing interests. Fourth section interstate commerce act should remain in its present flexible condition, and departures should be permitted as occasion requires. Chambers of Commerce of Denver, Colorado Springs, Pueblo, Florence, Walsenburg, Fort Collins, and Trinidad, the Denver Commercial Traffic Club, Traffic Club of Denver, Northern Colorado Traffic Association, and many others have indicated their opposition to this legislation. We most earnestly urge that you oppose to the utmost the passage of this bill.

Hallack & Howard Lumber Co., by B. Coldren, president; United States Portland Cement Co., by J. E. Zahn, secretary; Carter, Rice & Carpenter Paper Co., by J. H. Custance, treasurer; R. Hardesty Manufacturing Co., by J. W. Day, traffic manager; Colorado Fuel & Iron Co., by J. F. Welborn, president; W. A. Hover & Co., by W. A. Hover, president; Denver Dry Goods Co., by H. L. MacWhirter, president; Tritch Hardware Co., by O. E. Bare, vice president; McPhee & McGinnity Co., by J. Elmer McPhee, secretary; Perkins-Epeneter Pickle Co., by E. E. Perkins, secretary; Bayly-Underhill Manufacturing Co., by W. F. Yetter, secretary; Mid-West Steel & Iron Co., by A. G. Fish, president; Denver Rock Drill Manufacturing Co., by A. H. Skaer, vice president; Stearns-Roger Manufacturing Co., by Thomas E. Stearns, president; W. C. Nevin Candy Co., by L. C. Blunt, president; Eaton Metal Products Co., by J. R. Travis, president; Joslin Dry Goods Co., by E. H. Collins, vice president; A. T. Lewis & Son Dry Goods Co., by C. S. Haughwout, treasurer.

Mr. BRUCE obtained the floor.

Mr. GOODING. If the Senator from Maryland will yield for the purpose, I wish to submit a unanimous-consent request.

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Senator from Idaho submits a unanimous-consent request, which the clerk will read.

The reading clerk read as follows:

Ordered, by unanimous consent, that on the calendar day of Wednesday, March 24, 1926, at not later than 3 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 575) to amend section 4 of the interstate commerce act, through the regular parliamentary stages to its final disposition; that a recess be taken on Tuesday until 12 o'clock m. Wednesday, and the time between 12 o'clock and 3 o'clock p. m. on said day to be equally divided between the proponents and opponents of the bill, the time of the former to be controlled by Senator PITTMAN and of the latter by Senator FESS.

The PRESIDING OFFICER. Under the provisions of the third paragraph of Rule XII, the Chair directs the clerk to call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Bayard	Frazier	McLean	Shortridge
Bingham	Gillett	McNary	Simmons
Blease	Glass	Mayfield	Smoot
Borah	Goff	Means	Stephens
Brookhart	Gooding	Metcalf	Swanson
Broussard	Hale	Moses	Tyson
Bruce	Harreld	Neely	Wadsworth
Butler	Harris	Norris	Walsh
Cameron	Harrison	Nye	Warren
Capper	Heflin	Overman	Watson
Caraway	Johnson	Phipps	Weller
Copeland	Jones, Wash.	Pine	Wheeler
Couzens	Kendrick	Ransdell	Williams
Deneen	Keyes	Reed, Pa.	Willis
Edwards	King	Robinson, Ind.	
Fess	La Follette	Sackett	

Mr. SHORTRIDGE. I was requested to announce that the Senator from Nevada [Mr. PITTMAN] is detained in committee.

Mr. KING. I desire to announce that the Senator from Georgia [Mr. GEORGE] is detained in the Committee on Privileges and Elections.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present. The Senator from Idaho submits a request for unanimous consent. Is it desired to have it again read?

Mr. FLETCHER. May I ask what the request is?

The VICE PRESIDENT. That on the calendar day of Wednesday, March 24, 1926, at not later than 3 o'clock p. m.——

Mr. WATSON. If the Chair will pardon me, I will say to the Senator from Florida that the debate on the long and short haul bill is well-nigh concluded, though there may be some other Senators who want to debate it. The idea is to wait until all absent Senators have returned who want to vote on the bill. It is a request for unanimous consent to fix the time of voting for next Wednesday, a week from to-morrow.

Mr. FLETCHER. On the pending bill?

Mr. WATSON. Yes.

Mr. FLETCHER. I thought the time had already been set.

Mr. WATSON. No; it has not been. The idea is to permit any appropriation bills which may be ready to be brought before us in the meantime, but any Senator who wants to discuss the long and short haul bill may do so.

The VICE PRESIDENT. Is there objection to the unanimous-consent request? The Chair hears none, and the order will be entered.

Mr. BRUCE. Mr. President, I assume that the Members of the Senate are more or less familiar with the provisions of section 4 of the interstate commerce act. That section declares that it shall be unlawful for a railroad carrier to receive a larger compensation for the transportation of passengers or property for a shorter than for a longer distance over the same route or line, the shorter distance being included in the longer. That is the general rule prescribed by section 4. The section further declares, however, that the Interstate Commerce Commission may, in special cases, depart from that rule.

At first blush it would seem to be a highly arbitrary and unjust thing that a railway carrier should receive a larger compensation for a shorter than for a longer distance; but when typical circumstances under which the rule may well be departed from are considered it will be seen that the right of the Interstate Commerce Commission to order such a departure, under special conditions, may produce the most profitable and beneficent results. I am justified in saying that, in the long run, there is more to be gained for the public welfare from an elastic than from a rigid application of the fourth section of the interstate commerce act.

The Interstate Commerce Commission has frequently ordered departures from the general rule of the fourth section, and it is instructive to ask under just what circumstances it has done so, because reference to those circumstances will enable us to form an intelligent and satisfactory conception of how the rule, with its qualification, actually works in practice.

One very common case in which a departure is allowed by the Interstate Commerce Commission to a railway carrier is when a straight railroad line and a circuitous railroad line meet at a common competitive point. Such a case was that of the Illinois Central Railroad, a straight-line railroad, and the Chicago, Rock Island & Pacific, and Charles City & Western Railways Co., both of which operated their roads between Charles City, in the State of Iowa, and Omaha, in the State of Nebraska.

To enable the latter road to compete with the Illinois Central the Interstate Commerce Commission allowed it to charge less at points at which it came into competition with the former road than at intermediate points. The results are altogether beneficial. The two lines compete with each other, and the general public has the right to use the one or the other as best suits its convenience. In other words, instead of having only one agency of transportation the public has two. So much for one typical case in which the Interstate Commerce Commission has allowed a departure. It is, of course, a case of very great interest to the Senators from Nebraska and Iowa.

Another case in which the Interstate Commerce Commission allows a departure is where there is a weak road unable to stand alone without its aid and yet of great value to the region through which it passes, that meets a stronger road at some point of competition. In order to enable such a road to face the competition of a stronger the commission gives it the benefit of a departure. A case of this kind was that of the Tennessee Central, a railroad which passes through a sterile, mountainous country from Emory Gap, in Tennessee, via Nashville, Tenn., to Hopkinsville, Ky. At Nashville it meets the competition of the Louisville & Nashville Railroad, one of the great railroads of the country. To qualify the Tennessee Central to meet this competition the Interstate Commerce Commission allows it to charge lower rates to Nashville than to intermediate points. But for the license thus given, the Tennessee Central would probably not be able to operate at all, and the advantages that it confers upon the territory which it traverses would be wholly lost to that territory.

Again, a departure is sometimes allowed by the Interstate Commerce Commission in order to equalize two important seaports. At one time, for instance, there was a large inflow of green coffee into the United States through the port of New Orleans. Then a tendency on the part of such coffee to drift into the United States through the port of Galveston became manifest.

The distance from Galveston to the points of destination interested in the importation of green coffee was greater than that from New Orleans to the same points. So the Interstate Commerce Commission allowed the railroad lines leading out of Galveston to those points to charge less to them than to intermediate points. Nobody was injured; everybody was benefited. Each of the ports got a part of the profit of the importations. The coffee shipped from Galveston competed with the coffee shipped from New Orleans, and by virtue of the lower prices produced by the competition the consumer was just that much better off.

Again, a departure is sometimes allowed by the Interstate Commerce Commission for the purpose of setting up market competition. An illustration of that kind of departure is found in an order of the Interstate Commerce Commission allowing a departure in the transportation from the West of beet sugar which comes into competition with imports of Cuban sugar through the port of New Orleans. The results are an opportunity on the part of our own domestic sugar producers to compete on terms of equality with the producers of Cuban sugar, and cheaper sugar to the consumer.

Another case in which a departure is allowed by the Interstate Commerce Commission is where a particular agency of transportation is in an extraordinary state of congestion. Some years ago railroad traffic between the South and New England was so excessive that the cotton mills of New England could not obtain an adequate supply of raw cotton. So the Interstate Commerce Commission allowed the railroads leading down to the South Atlantic seaboard to charge a lower rate on cotton to the ports on that seaboard than to intermediate points, so that the pressing wants of New England might be supplied.

Again a departure is sometimes allowed by the Interstate Commerce Commission when conditions of famine or scarcity resulting from drought call for a departure. Some years ago, when such a drought was prevailing in the State of New Mexico, the Interstate Commerce Commission allowed cattle feed to be taken into that State at lower rates to points of destination in that State than to intermediate points, and also allowed cattle to be shipped out of that State in accordance with the same principle of departure. The case was one to which the term that is so often used in connection with such departures—that is to say, the term "relief"—was peculiarly applicable.

Again a departure is sometimes allowed by the Interstate Commerce Commission when a joint railroad line finds itself in competition with a single railroad line, because a joint railroad line is hampered by the cost of transshipment, and to that extent can not compete on equal terms with a single-rate line. The expediency of allowing a departure under those circumstances is too manifest, I am sure, to require observation.

When the Gooding bill, as the pending bill is known, was introduced into the Senate during the Sixty-eighth Congress, it proposed to place absolutely under the ban of condemnation all such departures as I have enumerated, except departures that might arise in the case of competition between a straight railroad line and a circuitous railroad line.

Mr. GOODING. Mr. President, I am sure the Senator from Maryland wants to be correct in regard to that. What he states is true of the bill as originally introduced, but the bill as amended permitted violations so far as circuitous lines were concerned. I am sure the Senator desires to be correct in that particular.

Mr. BRUCE. Of course; but I do not regard that as very material.

Mr. GOODING. As originally introduced the Senator is correct, but the bill was amended.

Mr. BRUCE. I am speaking of the bill as it was considered by the Senate in its amended form after its original introduction.

That bill, however, did also allow a departure where relief was to be given to a famine-stricken section. Every one of the kinds of departures that I have specified are permitted by the Gooding bill of the present session; that is to say, the present Gooding bill ignores all those rail departures exactly as if they had never been of any concern to the author of that bill.

The pending bill simply provides that no departure from the rigor of the fourth section of the interstate commerce act shall be allowed for the purpose of meeting water competition. If departures are such unjust, unreasonable, and oppressive things, why should that not be true of all other rail departures as well as of rail departures prompted by water competition? In other words, the structure of the original Gooding bill has been profoundly modified, indeed, except as respects the sole matter of water transportation, has been abandoned, despite the contention which has been made in and out of season for years by the intermountain territory that departures, other than those permitted in connection with water competition, were just as indefensible as the latter. My hope now is that the next time that this bill is brought forward, should it be defeated at this session of Congress, it will be brought forward on a scale so reduced as to approximate the vanishing point.

Other departures should not be measured by one rule and departures inspired by water competition by another rule. There is no reason, there is no justice, there is no logic, there is no consistency in that. Under the circumstances I think that I am entirely warranted in saying that if the author of the pending bill has not abandoned the ground that he has merely because he deemed it untenable, it must have been for the sake of some sort of strategic retreat.

As was suggested by the Senator from Ohio [Mr. FESS] the fatal infirmity in the pending bill is that it violates one of the fundamental principles of the transportation act of 1920—a provision as truly organic as any contained in that act.

Section 500 of the transportation act says that it must be so administered as to foster and preserve in full vigor both water and rail transportation—not simply water transportation, not simply rail transportation, but each agency as fully as the other. The Senator from Idaho [Mr. GOODING] and the Senator from Nevada [Mr. PITTMAN] talk about water and rail transportation exactly as if they were two entirely disconnected—indeed, even mutually repugnant—things. On the contrary, they are as closely related to each other as the right leg and the left leg of the human body are as respects the process of locomotion. "Male and female created He them," and not more closely associated in intimacy are man and woman than water and rail transportation.

Of what avail is your barge line on the Mississippi River, of what value is your Panama Canal intercoastal fleet if, when they have unloaded their cargoes, there are no railroads to receive them and to bear them away and to distribute them over the face of our vast continent? And of how limited significance would those agencies be if there were no great railway lines to bring cargoes to them, whether along our inland waterways or our Atlantic seaboard or our Pacific seaboard?

Rail transportation is the indispensable supplement of water transportation, as water transportation is the indispensable supplement of railroad transportation. They are as closely related as cylinder and piston or the two blades of a pair of scissors, or, to change my figure, as the Siamese twins. If you inflict a wound on one, you inflict a wound on the other. The prosperity of both can be secured only by preserving with the proper degree of discretion the nexus between them. That is what the framers of the transportation act realized when they conceived and drafted that act, and that is what the Interstate Commerce Commission forever bears in mind when it comes to deal with competition between railway lines and water lines.

If water lines have usually slid back when brought into competition with railway lines, that is not the fault of the transportation act or of the Interstate Commerce Commission. As respects cheapness, water transportation unquestionably enjoys a very great advantage over rail transportation. The transcontinental railroads of this country will always experience difficulty in competing with the intercoastal lines that ply through the Panama Canal. Maritime agencies of transportation are free from many elements of cost from which railway agencies of transportation are not exempt. Maritime lines of transportation involve no cost in the beginning but the initial cost of constructing the vehicles of commerce themselves. Their roadbeds are not made with pick or shovel; they are made by the generous rains that descend from the heavens and swell the volume of our rivers and find their way to the sea. Nor have they any ties or steel rails to lay. But so far water transportation upon our inland waterways has been unable successfully to compete with our railway lines because of their intrinsic inferiority in some respects as means of transportation.

The American people are so constituted that they will always willingly pay more for a superior service than for an inferior service, whether the service is a transportation service or an agricultural service or any other kind of service. There is a celerity, a certainty, an efficiency about railway transportation that does not mark inland water transportation. Consequently the American people, other things being equal, are ready to pay somewhat more—the differential is as much as 7 per cent—for railway transportation than for water transportation.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; certainly.

Mr. GOODING. I quite agree with the Senator in what he said about the superiority of railroad service. It is more desirable in every way. I want to ask the Senator, with all the advantages possessed by the railroads, about which there is no question, why should they be given violations of the fourth section, then, to meet water transportation? I will agree with the Senator that the people want to use railroads, and do use them wherever they can. Then why would the Senator permit the railroads to indulge in violations of the fourth section to destroy water transportation?

Mr. BRUCE. I will come to that in a moment.

Railroad trains do not have to be piloted over river shoals or river obstructions of any kind. They do not have any upstream journey to retard their progress.

Aside from that, as we all know, so highly organized and systematized have railroads in this country become, with such consummate sagacity and foresight are they managed, that their movements can, by no very bold figure of speech, be compared with the rhythmical movements of the planetary bodies in the skies. The most efficient mechanical instrument that was ever devised by the wit of man is the American railroad. It pays higher prices for everything that it buys than any other railroad in the world; it pays higher wages to its employees than any other railroad in the world; and yet it contrives to carry passengers and freight at the lowest rates in the world.

The American railroad is the very archetype—certainly when let alone by predatory financiers—of economy, of efficiency, of administrative wisdom. The difficulty that inland water lines experience in competing with it is due to the same sort of superiority on the part of our railroad system that we find in the Standard Oil Co. in relation to its rivals. The Standard Oil Co. does not receive any tariff favors of any kind or any general legislative privileges of any sort; and yet, because of the economies that it practices and the extraordinary ability with which its operations are conducted, independent concern after independent concern has found it impossible to compete with it.

As I look at it, every time that the Government attempts to put inland water transportation in this country on a footing of parity with railroad transportation it is simply engaging in the vain business of growing orchids. Was it not only yesterday that all of us read in the press that last year the receipts of the Erie Canal in the State of New York were but a song in comparison with the enormous indebtedness of $13,000,000 incurred by it? It looks as if that great work of internal improvement, upon which so much constructive genius was lavished and such vast sums of money expended, will have to go to the scrap heap unless it can be turned to some new use.

Mr. GOODING. Mr. President, will the Senator yield again?

Mr. BRUCE. Certainly.

Mr. GOODING. If the Senator is familiar with the railroad rates that are competing with the New York State Barge Canal, he will find that they are so very low that that is the reason. There are no violations of the fourth section there, but that is the reason why the great State of New York is now asking the Government to take over those canals for operation.

Mr. BRUCE. It is always something. Whenever an inland-water enterprise is under way there is always some excuse or other given for its total want of success.

Mr. GOODING. Oh, well, I am sure the Senator knows how easy it is to put a river out of commission where a railroad parallels it or comes to it at any place with a low freight rate. I will say to the Senator that he is no more anxious to see the railroads in America prosperous than I am. At the same time I say to the Senator that unless water transportation can be permitted to develop this country will very quickly reach a crisis for the lack of transportation. There has been an increase of 440 per cent in freight in this country in the last 30 years, and there has been an increase of only 106 per cent in railroad mileage, so it seems to me that we ought to permit water transportation to develop and not destroy it. That is all I am contending for.

Mr. BRUCE. I want water transportation to develop; but I want it to develop hand in hand with rail transportation, under the supervising authority of the Interstate Commerce Commission.

Nor do I pay any serious attention to all those boastful utterances of General Ashburn in his testimony before the Interstate Commerce Committee with respect to the success of the Federal barge line on the Mississippi River. In point of fact, he admitted himself that the most that he could claim was that at the end of the year it had broken even, and this notwithstanding the fact that the power and the purse of the Federal Government has been behind it since it was established and every artificial prop that could possibly be applied to it for the purpose of supporting its uncertain fortunes has been applied to it.

The very fact that the Government had to originate such a barge line and to take over its operation is a confession of the inherent weakness of inland water transportation as a rival of rail transportation. As for the other river waterways of the country, they really, so far as common carriers are concerned, subserve public purposes of such a limited character that it is hardly worth while for me to linger over them.

Properly adjusted to railroad adminstration and supervised by the Interstate Commerce Commission, all water transportation, whether inland or intercoastal, could perhaps be made to contribute effectively to the welfare of the American people; but the idea that transportation on our inland waterways has languished or been extinguished simply because of grossly greedy and unconscionable practices of the railway carriers is too flimsy to stand serious examination. Something more than an enactment forbidding rail departures on account of such transportation, assuming dishonesty or error on the part of the Interstate Commerce Commission in granting such departures would be necessary to put inland water transportation on a footing of parity with rail transportation.

As I see it, the quarrel of the Senator from Idaho and the Senator from Nevada is not with the transportation act or the Interstate Commerce Commission; it is with God and nature. They are indignant because Providence chose to give, not the Pacific Ocean but Salt Lake to Utah; not the Pacific Ocean but Snake River to Idaho; and to Reno not "wandering fields of foam" but surrounding fields of sagebrush.

San Francisco is a great city because it sits enthroned upon the strand of the seven seas, with its Golden Gate swung in such a way upon its hinges as to let out the productions of a vast continent, and to let in the commerce of the entire world.

It is a great city for the same reason that Boston is a great city, that New York is a great city, that Philadelphia is a great city, that Baltimore is a great city. In the Pacific it has such a bride as medieval Venice in the height of her commercial prestige had in the Adriatic. It is perhaps but natural that the Senators that I have mentioned should chafe a little because their inland cities do not make the same rapid industrial

progress as San Francisco and Seattle do, but there is nothing, in my opinion, that can be done for them, so far as the alleged grievances which they are now agitating go.

The intermountain country, as compared with the Pacific seaboard, is geographically and physically of such a nature that it can never reasonably hope to have such cities as those which stud our Atlantic and Pacific seaboards or the shores of our Great Lakes or those situated along great rivers that are but mouths of the sea. The most that they can expect is to be considerable inland cities, not great metropolises, mighty emporiums of trade and commerce.

So far from complaining because the Interstate Commerce Commission has the power under the fourth section of the interstate commerce act to fix lower rates to the Pacific coast than to intermediate points, the people of the Intermountain States should realize that circumstances are readily imaginable under which, if our transcontinental railway lines were not allowed such departures, they might be compelled to ask the commission for higher rates at intermediate points.

As time goes on competition between our intercoastal steamship service and our transcontinental railway service might become so acute on the Pacific coast that our transcontinental railway lines might have no choice except to go out of business or to raise their rates at such intermediate points. Our intercoastal commerce through the Panama Canal is steadily increasing, is a very different thing from the handicapped commerce on our inland waterways, and might in time become a menacing rival, indeed, to our transcontinental railway transportation. As I said, the pending bill, if enacted, might prejudice the general welfare of the people of the United States in the highest degree without conferring any real good upon the people of the intermountain country itself.

In point of fact the people of the intermountain country are by no means united in believing that the enactment of the Gooding bill would be beneficial to that region. On the other hand, on the whole, the great business interests on the Pacific coast are opposed to it; and so, on the whole, are the great business interests in the Middle West and in the East and the South. I really was astonished at the tenderness exhibited by the Senator from Nevada for the feelings and interests of our eastern people, when he expressed the solicitude that he did as to what might befall them if this bill did not become a law. They are not in the least concerned about it, except to the extent that they are influenced by the fear that the violation of one of the most salutary principles of the transportation act of 1920 might result in injury to every part of the United States.

Why did not prominent citizens of Boston, of New York, of Philadelphia, of Baltimore, and of interior cities in the United States in the East troop to the committee room of the Interstate Commerce Committee and plead for the passage of the pending bill. With due respect to the Senator from Nevada, so far as I know, there is no substantial sentiment anywhere in the eastern part of the United States in favor of its passage. It is a mere sectional, regional, local bill. It is a mere intermountain-territory bill. Nobody practically is interested in it except the intermountain-territory people.

I will not say that its origin is purely selfish. I have no right to say that; but I do say that its existence is almost, if not entirely, referable to the persistent activity of that people.

When I come to think of it, I am afraid that I ought really to feel a little self-reproach, because I have discussed this bill at such length. Under the circumstances that have developed within the last few hours it seems to me that it ought to be regarded as a matter of purely academic interest.

The power of allowing a departure under the existing Federal laws is, of course, lodged in the hands of the Interstate Commerce Commission, and that commission has just published a decision in which it rejected the applications of our transcontinental railway lines for departures as to all the 47 different commodities covered by those applications. So there is nothing any longer even for the proponents of this bill to fear. The case in which they are interested has been determined by the commission empowered to determine it, and it has been determined in their favor.

Nor is that all. Since 1918 previous applications of the same nature have been made by our transcontinental railroad lines, and in every instance the decision of the Interstate Commerce Commission was adverse to the applicants. Yet, notwithstanding those facts, here are the proponents of this bill asking that the Interstate Commerce Commission be placed in a rigid straitjacket, so far as its ability to grant departures in the case of water competition is concerned. Is there any reason for such a request?

The Interstate Commerce Commission was created in 1887, 39 years ago. I have seen it stated that since that time it has dealt with no less than 25,000 departure cases. The lowest estimate that I have ever seen was 12,000, and it can be safely affirmed that it has exercised the discretion involved in those cases with the same degree of success as in cases arising under other sections of the interstate commerce act than section 4.

I must say that because of the hasty criticism that I have heard in this body of this commission, I find it difficult to repress a feeling of at least passing impatience. I speak deliberately when I say that next to the Supreme Court of the United States, no political agency which forms a part of the Federal Government is held in a higher degree of confidence and respect than the Interstate Commerce Commission. There are names connected with its membership which can truly be declared to be illustrious names. There are men who have participated in its orders who would have graced, adorned, or honored the bench of the Supreme Court of the United States itself. Among them was no less a person than Judge Thomas M. Cooley, one of the most famous jurists ever known to American jurisprudence. Among the other members of the commission have been Mr. William R. Morrison, of Illinois, Mr. Knapp, Mr. Prouty, and Mr. Harlan, all men who achieved an uncommon degree of celebrity by the manner in which they discharged their duties as members of the commission.

Are we to cripple the jurisdiction of such a commission in a most important and vital particular? Are we to deprive it of a discretion which it has not only always honestly exercised, but has exercised in a manner calculated to impart the highest degree of satisfaction even to the breasts of the proponents of the pending bill? Is that bill to be but the beginning of an effort first by one legislative enactment and then by another to nibble away the authority of the Interstate Commerce Commission?

What reason, I ask, is there for believing that its members will not in the future as in the past exercise such discretion or authority as may be vested in them in a just and dispassionate spirit and with the full measure of ability and sagacity their office requires?

While I am referring to Judge Cooley, I do not know any better thing that I could do than to turn to the luminous words in which he expounded the high public need for a flexible fourth section in the interstate commerce act. He said:

> It was fairly shown before us that instances exist, and may be found, along the route of petitioner's lines in the States of Kentucky, Tennessee, Georgia, Alabama, Mississippi, and Louisiana, where the competition of waterways forces down the railroad rates below what it is possible to make them at noncompetitive points and still maintain the roads with success or efficiency. The reason is that the carriers by water can perform the service at very much less cost than the carriers by land. The general fact is that railroad rates for the transportation of property must approximate closely those which are made between the same points by steamer, and the steamer rates are generally, if not invariably, much below what the railroad can afford to accept upon all their business.
>
> In such cases, if competition is maintained, more must be charged at interior points than can be obtained at the points of competition; and if the competitive rates are such as are productive of some gain, however slight, the noncompetitive points are likely to receive indirect advantage therefrom, while the competitive points have the larger and more direct benefit, and are afforded a choice of agencies in transportation whose rivalry may fairly be expected to keep the cost down to a minimum. The interior points may have no ground for complaint in such a case, provided the rates they are charged are in themselves just and reasonable, even though the fact be that in some cases more is charged for the short than for the long haul over the same line in the same direction. This general fact is recognized the world over; and of English railways it has been often remarked that some of them would be deprived of much of their value if they were not allowed to meet water competition by such concessions at the points of contact as the competition would compel.

In another place Judge Cooley said:

> Every railroad company ought, when it is practicable, to so arrange its tariffs that the burden upon freights shall be proportional on all portions of its line and with a view to revenue sufficient to meet all the items of current expense, including the cost of keeping up the road, buildings, and equipment, and of returning a fair profit to owners. But it is obvious that, in some cases, when there is water competition at leading points, it may be impossible to make some portion of the traffic pay its equal proportion of the whole cost. If it can then be made to pay anything toward the cost, above what the taking of it would add to the expense, the railroad ought not, in general, to be forced to reject it, since the surplus, under such circumstances, would be profit. As has been tersely said by M. de la Gournerie, formerly inspector general of bridges and railways in France, a railroad "ought not to neglect any traffic of a kind that will increase its receipts more than its expenses";

and long-haul traffic which can only be had on these terms may sometimes be taken without wronging anyone, when to carry all traffic, or even the major part of it, at the like rates would be simply ruinous.

Could it be possible in the same number of words to present with more nervous precision and consummate clearness the reasons which led the framers of the interstate commerce act to make the fourth section of that act not an absolutely rigid and inflexible but a flexible and elastic provision?

Now, in conclusion, Mr. President, let me call attention to the fact that the exercise of the discretion of the Interstate Commerce Commission under the fourth section of the interstate commerce act is most carefully safeguarded by certain muniments of security to which I feel I should call attention.

In the first place, the existing law declares that if a railway company because of water competition is allowed to charge a lower rate for a longer distance than for a shorter, and afterwards applies for the privilege of increasing the rate, it must suggest some other consideration in support of its application than the mere elimination of the water competition. That is one safeguard.

Then, the existing law further provides that a departure shall not be granted to a railway company to meet merely potential water competition. That is another safeguard.

Then, the existing law provides that the lower rate authorized by the departure must be a compensatory rate; that is to say, not a mere "out-of-pocket" rate, but an "out-of-pocket-plus" rate; in other words, there must be an "out-of-pocket" rate with a considerable addition of a compensatory character.

Need I point out the fact that this provision has a direct relation to what I have already said when I declared that circumstances are imaginable under which, if our transcontinental railway lines were not allowed to charge a lower rate to the Pacific coast than to intermediate points, they might be compelled to increase their rate to the intermediate points? The ability of a railroad to run its road and comply with all its obligations is to be measured, of course, by the entire amount of its revenue from every source; and if it can gain some additional profit by virtue of a departure that it would otherwise not gain at all, who is hurt by its being permitted to make the departure?

Following up the safeguarding provisions of the existing law, the Interstate Commerce Commission has precisely laid down the principles by which it will be governed when it is asked to grant a departure to a railroad company for the purpose of meeting water competition. The rate must be a compensatory rate, a rate substantially additional to a mere "out-of-pocket" rate. It must be of such a nature as not to be oppressive to legitimate water transportation, it must be of such a nature as not to impose a burden upon any other kind of traffic, and it must be of such a nature as to enable the railroad company to earn the return upon its capital value that it is allowed to earn under the provisions of the transportation act. Moreover, under the provisions of the interstate commerce act the rate must not be unreasonable or discriminatory or of a character to give an advantage or preference to one person, or one locality, or one kind of traffic over another.

So, Mr. President, you will see that the discretion which is vested in the Interstate Commerce Commission in the matter of departures is not a mere arbitrary, unrestrained discretion; it is a bitted and curbed discretion. It is surrounded by statutory restrictions which are admirably qualified to secure a prudent and wise exercise of official discretion. Under those circumstances I ask how can this bill possibly be enacted? Only because the subject of departures is a more or less arid and abstruse subject; and the members of this body have not been willing during the last day or so to keep their seats and to be enlightened with reference to the true meaning and significance of the fourth section of the interstate commerce act. Instead of the Representatives of this great land outside of the intermountain country giving the closest and most sedulous consideration to the pending bill—that is to say, the Representatives of the communities that contain the great mass of the business and prosperity of our country—they have allowed the Representatives of the intermountain country to indulge in a scope of discussion which has extended all the way from an utterly false conception of the relations of the bill to the interests of their own people as well as to the interests of the remainder of the people of the United States to what I deem a totally unjustifiable attack upon the character and the competency of the members of the Interstate Commerce Commission.

Mr. GOODING. I ask now that the unfinished business, being Senate bill 575, be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. I ask that the Senate may now resume the consideration of the independent offices appropriation bill, which was under consideration yesterday.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

Mr. WARREN. Mr. President, before proceeding with the bill I wish to say that there was some confusion yesterday, and while I asked that there be allowed to go over until to-day the item commencing at the foot of page 14, the clerk at the desk understood that the reference was to the item contained in lines 9 and 10 on that page, and justly so, because the Senator from Tennessee had questioned that item and had finally, although I think it escaped the attention of the clerk, consented to it. Inasmuch, however, as that mistake was made on the record, I ask that the matter which I send to the desk may be read to show the origin of the oil commission, what it has done, what our obligations are, and in support generally of the proposed continuance of the appropriation.

The VICE PRESIDENT. Without objection, the paper will be read.

The Chief Clerk read as follows:

FEDERAL OIL CONSERVATION BOARD

No money has been expended to date.

No specific authority of law other than contained in the $50,000 appropriation.

Board is composed of Secretaries of Interior, Commerce, War, and Navy.

Has been functioning for over a year.

A complete survey has been made of oil supply, and a great amount of detail secured.

Public hearings have been granted oil concerns, users of oil, etc.

This work will result in three reports on—

Domestic concerns (will be made before Congress adjourns, in all probability);

Foreign conditions;

Substitutes for gasoline and petroleum.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 14, lines 9 to 13.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. COPELAND. Mr. President, I send to the desk an amendment to the bill, and I hope the Senator in charge of the bill will not raise the point of order until I can say a few words about it.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 32, line 16, after the word "claims," it is proposed to add the following:

Provided further, That no part of the moneys appropriated or made available in this act for the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor, that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning can be constructed, purchased, repaired, or reconditioned when time and facilities permit in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, purchased, acquired, repaired, or reconditioned otherwise.

Mr. WARREN. Mr. President, that is legislation of the most pernicious character; and I make the point of order that it is legislation.

Mr. COPELAND. I ask the Senator to withhold raising the point of order for just a moment.

The VICE PRESIDENT. Does the Senator withhold his point of order?

Mr. WARREN. Points of order are to be decided without debate; but if the Senator wishes to explain his amendment——

Mr. COPELAND. I hoped the Senator would withhold raising the point of order.

Mr. WARREN. I am waiting for the Senator. Proceed.

Mr. NORRIS. Mr. President, will the Senator from New York permit me to interrupt at that point?

Mr. COPELAND. I yield to the Senator.

Mr. NORRIS. Before the Chair rules on the point of order I should like to be heard on it. I recognize that it is a matter on which the Chair can rule without listening to argument; but in my judgment this amendment of the Senator from New

York is not subject to a point of order. I have not the remotest idea that it is. It seems to me there is not any question about it.

Mr. GLASS. Mr. President, the point of order has been made against this amendment now for three successive years, and each time the Chair has decided that it is subject to a point of order. I have to leave the Chamber. I can not participate in any discussion as to whether or not the point of order lies. It is the same old thing over and over again.

Mr. NORRIS. It is in the Navy bill.

Mr. GLASS. No; it is not in the Navy bill.

Mr. WARREN. The Navy bill is an entirely different bill from this. It is entirely too ridiculous to think of as to this particular bill.

Mr. NORRIS. Yes; but the facts are that the ships of the Navy go across the ocean the same as these do; but it makes no difference. Even though it were ridiculous, the parliamentary situation is not affected by it. It is a straight limitation on an appropriation, and that is always in order.

Mr. WARREN. Have I the right to make the point of order?

Mr. NORRIS. Oh, I certainly do not question the Senator's right to make the point of order.

The VICE PRESIDENT. Does the Senator make the point of order?

Mr. WARREN. I do.

The VICE PRESIDENT. The Chair holds the point of order well taken.

Mr. NORRIS. Now, Mr. President, I desire to make a point of order against the bill. The very provision to which this proviso was offered as an amendment, if this is subject to a point of order, is likewise subject to a point of order. I make the point of order on the proviso on page 32, commencing on line 7 and ending on line 16.

Mr. WARREN. Those are matters that have already been agreed to.

The VICE PRESIDENT. The Chair will rule that a part of the House text of the bill can not be attacked by a point of order.

Mr. NORRIS. Then, Mr. President, I make the point of order against the Senate committee amendment on page 14, commencing on line 10 and ending on line 13. It was admitted here in the debate yesterday——

The VICE PRESIDENT. That has already been agreed to.

Mr. GLASS. Mr. President, do not those points of order come too late?

The VICE PRESIDENT. Yes; the amendment has been agreed to.

Mr. COPELAND. Mr. President, a parliamentary inquiry. We are now in Committee of the Whole. When the bill gets into the Senate, can these points be raised?

The VICE PRESIDENT. The points can be raised in the Senate.

Mr. COPELAND. There are several of them.

Mr. NORRIS. Why, this bill is full of them. On almost every page of it there are provisions exactly similar to this one that the Senator from New York has offered as an amendment. It is full of the same kind of provisos. They are limitations on appropriations, every one of them, as this is.

Mr. WARREN. There are no such provisos in this bill and no such provisos in any other bill.

Mr. GLASS. This proviso is not in the Navy bill, if I may say so. Some part of it, in a very inoffensive way, is in the Navy bill.

Mr. COPELAND. Mr. President, it seems to me very clear that in the amendment on page 32, offered by the committee, lines 22 and 23 are plainly open to a point of order:

> *Provided*, That no expenditure shall be made from this sum without the prior approval of the President of the United States.

That is not the law now. That is new legislation.

The VICE PRESIDENT. The Chair suggests that the point of order be made in the Senate. This amendment has been agreed to. Are there any additional amendments?

Mr. COPELAND. Mr. President, I reserve the right to offer in the Senate the amendment to which I have referred.

The VICE PRESIDENT. The Senator has that right without reservation.

Mr. KING. Mr. President, I have pending before the Committee on Finance, of which I am a member, a bill for the repeal of the law providing for the Tariff Commission. I regret that the Finance Committee have not considered that bill, and of course my regret is accentuated because they have not reported favorably upon it.

The Tariff Commission was designed to serve a useful, indeed a necessary, purpose. Those who have had anything to do with drafting revenue laws, particularly tariff measures, can appreciate some of the problems involved in connection with that important task.

I think it may be said that the competitive system, if I may apply that term to tariff legislation, or a competitive tariff, is the one which a major portion of the Senate and the House will approve. Many of our Republican friends, of course, demand practically a prohibitive tariff. They want an embargo upon everything that will come in competition with domestic production, though so doing gives to the domestic producer a monopoly and gives him the power to exploit the people.

Recently we have had before us the aluminum case. The evidence discloses that there is a tariff on aluminum; that there is a monopoly in the manufacture of aluminum and in the production of the fabricated articles which are made from aluminum. The Tariff Commission was created while the Democrats were in power, as I recall, but it was not a partisan measure. It was advocated by Mr. Roosevelt, by progressive Republicans, by students of our economic and our industrial problems. They appreciated the fact that in drafting tariff legislation it was important that the Committee on Ways and Means of the House and the Finance Committee of the Senate should know something of the cost of production at home and the cost of production abroad so that tariff duties might have some relationship to the cost of production, and so, as I have indicated, the Tariff Commission might serve a highly useful purpose.

For the past two or three years, however, the Tariff Commission has ceased to function as a useful or a necessary agency of the Government. The only duty which it is now discharging, or substantially the only duty which it is discharging, is in connection with the flexible provision of the tariff act. It is using the powers which were conferred upon it under the last tariff law for the purpose of raising the already high duties to a higher level than those laid in the Fordney-McCumber tariff law. In nearly every case where a finding has been promulgated the rate has been raised. No one can say that the Fordney-McCumber tariff law was not the highest tariff act that was ever passed in the United States. It was prohibitory in many instances. It was a practical embargo with respect to many dyes, pharmaceuticals, and chemicals. Notwithstanding the enormous duties provided in that bill, we attached the flexible-tariff provision, by which the President of the United States might increase the duties to a maximum of 50 per cent.

I think that provision is unconstitutional. It was, of course, an abdication of the duties, responsibilities, and powers of Congress to executive agencies and to the President of the United States. I think it was a very bad, a very dangerous precedent. The Tariff Commission, Mr. President, by reason of its recent conduct or misconduct, whichever term may be employed, has ceased to function as a necessary agency of the Government.

I regret that a motion will not carry to strike out the entire appropriation. If I thought it would, I should very quickly offer an amendment to strike out the entire appropriation.

There are, as I understand, two members of the Tariff Commission now serving without the advice and consent of the Senate. Indeed, as I understand, their names have not been transmitted to the Senate, though they have been serving upon the commission for some time.

I can not understand the view of the President of the United States—and I speak with all due respect. Recess appointments have been made, but when Congress has met he has not transmitted the names of his appointees to the Senate for confirmation. Certainly it was never contemplated by those who framed the Constitution of the United States that appointees of the President might serve without confirmation, except where a vacancy occurred by death, resignation, or otherwise, when Congress was not in session. It is manifestly the duty of the President of the United States to transmit to Congress as soon as Congress meets where a vacancy has occurred during the recess the name of any person who has been appointed by him to a position where confirmation by the Senate is required by law.

I am told, although I have not had time to look up the facts, that there have been a few, and a very few, instances where appointments have been made by the President during the adjournment of Congress, and when Congress met the names were either sent in and rejected, and then after Congress adjourned they were appointed again, or they have not been sent in at all, and when Congress adjourned a recess appointment was given. Obviously in either case that is a violation of the spirit if not the letter of the Constitution of the United States. Where the President names an individual ad interim for a position where confirmation is required by the Senate the Sen-

ate meets, and the name is not transmitted to the Senate, and when the Senate adjourns that person receives a recess appointment to serve again until Congress meets, I think the President has gone beyond his authority. If that were legal, it is obvious that at least during the four years or the eight years of a President's tenure of office he might continue a person in office without that person ever having been confirmed. That, I say, is illegal. It may not be defended in law, nor can it be defended in morals.

I say that it is equally against the spirit if not the letter of the Constitution of the United States for the President, where he has made an appointment ad interim and the Senate has met and failed to confirm, to give another recess appointment after the adjournment of Congress. That, I repeat, may not be defended.

I ask that the clerk may read the amendment which I offer.

The VICE PRESIDENT. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 30, in line 12, strike out the period and add the following additional proviso:

And provided further, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who is presently holding his office under a commission which was granted during the recess of the Senate and which will expire at the end of the present session of the Senate, unless said member in the meantime shall have been appointed a member of the commission by and with the advice and consent of the Senate.

Mr. KING. Mr. President, this amendment provides that any member of the Tariff Commission now holding his office under a commission issued during the recess of the Senate and which will expire when the present session ends shall not receive any part of the appropriation unless, before adjournment, he shall have been confirmed by the Senate.

I have briefly referred to the fact that the Chief Executive has sometimes violated what I conceive to be the spirit, if not the letter, of the Constitution by reappointing persons who had failed of confirmation by the Senate or whose names had not been sent to the Senate after a recess appointment, and who upon the adjournment of Congress were again named for the same position.

The amendment just offered relates to members of the Tariff Commission who were appointed during the recess of the Senate and whose names have not been transmitted to the Senate for confirmation and who in all probability the Senate will have no opportunity to consider prior to the adjournment of Congress. It seems to me that this amendment should receive the unanimous approval of the Senate.

The power of the President to appoint officers is not absolute. He may nominate, but the nominee may not be—

appointed—

Except—

by and with the advice and consent of the Senate.

The Constitution clearly places a limitation upon the power of the President to fill official positions. There is no limitation upon his power to nominate, but, as stated—

Ambassadors * * * and all other officers of the United States—

Must receive the Senate's approval. However, if a vacancy happens—

during the recess of the Senate—

The President shall have power to fill the same—

by granting commissions which shall expire at the end of their next session.

It was not intended by the framers of the Constitution that officers of the United States should serve indefinitely without favorable action upon their nomination by the Senate. If a person shall have been granted a commission during a recess, it is the duty of the President, in my opinion, to transmit the name of such person to the Senate when it convenes or to nominate some other person for the same position and ask the advice and consent of the Senate to the appointment. There can be no doubt as to the effect of the failure of the President to transmit to the Senate the name of a recess appointee at the expiration of the next session of the Senate following the recess appointment. The person holding the commission is automatically deprived of all authority, and the office becomes vacant. If the President transmits to the Senate the name of a person holding a recess commission, and the Senate refuses to confirm the appointment, then the office becomes vacant. It would seem that the President lacks authority to nominate for the same position the same person who had been rejected by the Senate. However, there are instances where that has been done, and the Senate during the same session has again acted upon the nomination. Quite recently Mr. Charles Beecher Warren was nominated as Attorney General of the United States. The Senate refused to advise and consent to the appointment. Within a few days thereafter the President again nominated Mr. Warren and the Senate promptly rejected him. The right of the President to make the second nomination was not openly challenged, although there was some doubt as to the right of the President to make the second nomination, and the view was taken by some that the course of the President was injudicious if not improper.

A proper interpretation of the Constitution, it seems to me, can not uphold the right of the President to give a recess appointment to a person who has been rejected by the Senate. If the Senate rejects a recess appointment, and the President, after adjournment of the Senate, again appoints the same person to the same position, it would seem to be a palpable evasion of the spirit as well as the letter of the Constitution. To hold otherwise would mean that the rejected appointee might serve indefinitely. The second recess appointment would carry him over until the adjournment of the next session of the Senate, and another appointment then made by the President would be operative until the termination of the next session of the Senate. If this position is sound, then a person could serve for many years without ever being confirmed. There would be an imperceptible space of time between the termination of the recess appointment following the adjournment of the Senate and the reappointment which might be made a few seconds later by the President.

Manifestly, the constitutional provision that the appointment of public officers must be with the advice and consent of the Senate can not be frittered away by subtle or devious devices. The Constitution contemplates that the stamp of approval shall be placed upon all public officers referred to in section 2 of Article II of the Constitution.

A treaty which has been rejected by the Senate can not be vitalized and made operative by any subsequent act of the President. He may negotiate as many treaties as he desires, but to be valid, or to become the "supreme law of the land," they must be ratified by two-thirds of the Senate present and concurring when action is taken by it. The power to grant commissions during the recess of the Senate was deemed necessary in the interests of public business, but it was never contemplated that this power to fill vacancies happening during the recess of the Senate constituted a grant of power to the President to authorize persons to hold public positions for indefinite periods without the advice and consent of the Senate.

To hold a contrary view would be to nullify the Constitution and pervert it to an improper purpose. Congress has been in session since December. Two vacancies occurred in the United States Tariff Commission during the summer of 1925. These vacancies were filled by the President, who had the authority to grant commissions to his nominees, which would be valid until the end of this session of the Senate if no other appointment were made in the meantime. I submit that it was the President's duty, as I have heretofore stated, as soon as Congress met in December to place before the Senate for their action the names of those who were given recess appointments or to nominate other persons for the same positions. That has not been done, and the two members of the Tariff Commission are still serving without having been confirmed by the Senate.

No one, in my opinion, can justify this procedure. It was not the intention of those who drafted the Constitution that officials should serve who could not be confirmed by the Senate. It was not intended that the President should act capriciously or arbitrarily, or with absolute power in the matter of appointments. The power to nominate is not the power to completely invest an individual with all the insignia and authority of office. There must be a concurrence of action by the President and the Senate to invest certain public officers with authority to act, the exception being only where a vacancy occurs during the recess of the Senate.

The long delay in transmitting to the Senate the names of the persons receiving recess commissions for such action as the Senate in its judgment might determine to be right and proper would seem to indicate that the Senate may adjourn without having an opportunity to confirm or reject, for the positions named, the persons to whom reference is made. Suppose that the President declines or neglects to send the names of these individuals to the Senate for its action during this session, and upon adjournment of Congress the President, assuming that the authority of these persons is terminated, and that vacancies exist in the Tariff Commission, again gives them recess appointments and commissions to "expire at the end of" the next session of the Senate; will any Senator contend that under such circumstances such appointments would

be valid and that the persons named could legally hold the positions for which they were named?

As I have heretofore stated, if such appointments were legal, then the appointees named could serve until the end of the next session of the Senate and again be reappointed, and thus continue in office as long as they lived, provided the succeeding Presidents continued to reappoint them. Such procedure would be farcical and would nullify the provisions of the Constitution which requires the approval of the Senate. The amendment which I have offered seeks to prevent such an eventuality. It provides that the commissioners now holding recess appointments may not receive any salary after the adjournment of the present session of the Senate if prior to that time they have not been appointed to their respective positions as members of the Tariff Commission "by and with the advice and consent of the Senate."

Mr. MOSES. Mr. President, I ask the Senator if it is not provided by statute now that pending confirmation, an officer may not draw salary, and that if he is not confirmed, he can not draw salary except by special act of Congress?

Mr. WARREN. I understand that is true. We have several times been called upon to make appropriations to cover the time some appointee has served when he had been appointed, but was not confirmed by the Senate.

Mr. MOSES. May I call the attention of the Senator from Utah to the Rublee case, which was more or less of a cause célèbre here, in which case I think a special appropriation had to be made to provide the salary of Mr. Rublee, who had served some months and then was denied confirmation?

Mr. KING. The amendment which I have offered deals with a different situation than that typified by the Rublee case. I am repeating when I say that the amendment before us seeks to prevent salaries being paid to persons now serving under recess appointments, as members of the Tariff Commission, if their names are not submitted to the Senate before its adjournment and they should attempt thereafter to serve upon the same commission under the present or a new appointment at the hands of the President.

Senators will recall that in 1920 Mr. Ford and Mr. Duncan were nominated as members of the Interstate Commerce Commission, and during the same session Mr. Potter and Mr. McCall were named for positions upon the Tariff Commission. No action was taken by the Senate prior to adjourning. Recess appointments were given the persons named by the President, but my recollection is that they were not paid their salaries until they were confirmed.

Reference has been made by the Senators from New Hampshire and Wyoming to the existing law, which, if I understand them, they regard as being as broad as the amendment which I have offered. I do not agree with them. During the reconstruction period, and while the controversy with President Johnson was raging, the Republicans enacted a number of measures seeking to curb the power of the President.

Section 1671 of the present Revised Statutes of the United States contains one of the provisions of the statute enacted at the time to which I have just referred. It reads as follows:

> No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

In the same act, as I recall, there was another section which reads as follows:

> The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of the death or resignation or expiration of term of office by granting commissions which shall expire at the end of their next session thereafter. And if no appointment by and with the advice and consent of the Senate is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

The section last referred to was repealed in 1887.

Applying the proper rules of statutory construction to laws in pari materia, I am inclined to think the first section is to have a narrower interpretation than if it had been enacted separately. It will be observed that under the repealed section the President may make recess appointments, but the position so filled is regarded as being temporarily filled only until and during the next session of the Senate, and if the appointment is not confirmed by the Senate, then—

> The office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate.

If that statute were now in force, then the amendment which I have offered would be supererogatory. Under this statute, upon the adjournment of this session of the Senate the two members of the Interstate Commerce Commission now serving under recess appointments would be shorn of all power unless before adjournment they were confirmed by the Senate; and the two positions or offices which they are now filling would—

> remain in abeyance, without any salary, fees, or emoluments—

until the next session of the Senate, and the appointment of their successors by and with the advice and consent of the Senate.

It would seem, under all rules of statutory construction, that the provisions of this section, which, as stated, has been repealed, are not to cover cases or meet situations designed to be reached by section 1761, to which I have just called attention.

It can not be said that section 1761 is free from ambiguity, and particularly if it be conceded that it was not intended to meet conditions such as those designed to be covered by the repealed section. It will be noted that under the terms of section 1761—

> no salary shall be paid to any person appointed during the recess of the Senate to fill a vacancy if the vacancy existed while the Senate was in session.

The question arises whether a "vacancy" in the Tariff Commission has existed while the present Senate has been in session. The vacancies happened during the recess of the Senate and the President filled them "by granting commissions," which will not expire until the end of this session of the Senate.

If the commissions granted by the President to the two commissioners operated to fill the vacancies, then there were no vacancies in the Tariff Commission when Congress convened in December, unless the meeting of the Senate ipso facto nullified the commissions and created vacancies. In my opinion such was not the case. The commissioners holding appointments under commission issued by the President did not cease to be both de facto and de jure officials when Congress convened, nor has anything occurred since then to deprive them of their offices or of the authority pertaining to the same.

It may be contended that within the meaning of the statute there are now two vacancies in the Tariff Commission; that they have existed and still exist while the Senate was and is in session, and that the law requires these positions to be filled by and with the consent of the Senate and if they are not confirmed, they can not be paid any salaries after the end of the present session of the Senate.

Assuredly the section is not sufficiently certain as to justify the defeat of the amendment which I have offered, based upon the ground that section 1761 will prevent salaries being paid to the two appointees of the President who have not yet been confirmed if Congress should adjourn without their confirmation. Congress has the right to limit appropriations made, and it has the authority to say that no part of the appropriation carried in the pending measure for the Tariff Commission shall be used to pay the salaries of commissioners not confirmed by the President, and whose names have not been and will not be sent to the Senate, and who are holding office under recess appointment.

Mr. NORRIS. In the Rublee case the name was actually sent to the Senate and rejected by the Senate. This amendment would not be applied to that case, as I understand. The object to be accomplished by the amendment offered by the Senator from Utah is to prevent the President from making a recess appointment, and then when Congress convenes never sending the name to the Senate at all, the appointment will expire under the law when Congress adjourns, and then he immediately makes another recess appointment of the same man, and may keep on doing so ad libitum.

Mr. MOSES. How many instances of that character have occurred?

Mr. NORRIS. I do not know. That is the object of this amendment, as I understand it.

Mr. MOSES. Is the Senator from Utah reaching at a real evil or at an evil which he thinks may arise?

Mr. KING. My amendment is not permanent legislation and would not be regarded as substantive law. If it was, it

might be subject to a point of order as not being proper upon an appropriation bill. The amendment, however, does limit the appropriation carried in the bill for the Tariff Commission and prevents the application of any part of it to the payment of the salaries of persons under the conditions which I have discussed. The amendment will not reach any cases or any evils except those to which I have called attention, and it relates only to two commissioners now holding recess appointments.

I have shown that these persons were named by the President months ago to fill vacancies upon the Tariff Commission; that Congress has been in session since December and their names have not been sent to the Senate; that the Senate will soon adjourn and there is nothing to indicate that the President intends to send their names to the Senate in order that it may exercise its constitutional power in determining whether it will advise and consent to their appointment or reject the same. I think the situation has already developed, and, to use the Senator's word, the "evil" has already arisen.

Mr. MOSES. Personally, I prefer to cross bridges when we reach them.

Mr. KING. I think the bridge has been reached, and I believe that the Senate should now exercise its undoubted authority and declare that no salary shall be paid to these appointees of the President who, in my opinion, would be unauthorized to occupy the positions which they now hold one second after the end of the present session of the Senate.

Mr. WILLIS. I was about to suggest to the Senator, though I am not able to cite the case at the moment, a case during the administration of President Cleveland, where an appointment was made which, under the constitutional provision, would expire at the end of the next session of the Senate, and then after Congress adjourned the same person was appointed again. I think it ran on to the third or fourth degree. I can not cite the case, but I know there was such a case.

Mr. KING. I do not recall the case referred to by the Senator, but I do remember a number of cases which I think are similar to the one just referred to.

In President Johnson's time a number of postmasters were given recess appointments, and upon the convening of the Senate their names were submitted, but the Senate rejected a number of them. The Attorney General, Evarts, held that the President could again give a recess appointment to these rejected appointees. My recollection is that when Hayes was President a vacancy was created in the office of paymaster of the Army. The same day the Senate adjourned. The following day the Senate was convened in extra session, and adjourned without acting upon the nomination sent to the Senate to fill the vacancy.

There are a number of cases where vacancies occurred during sessions of the Senate and where nominations to fill such vacancies were made by the President and sent to the Senate during the same sessions and where without taking action upon such nominations recess appointments were made by the President after the adjournment of the Senate.

My recollection is that there have been instances where recess appointments have been made by the President, and upon the convening of the Senate it has been asked to advise and consent to the recess appointments. Upon rejecting the nominations the same persons were given recess appointments again upon the adjournment of the Senate. I have indicated that, in my opinion, this course was improper and violated the spirit if not the letter of the Constitution. I feel that it is an evasion of the Constitution and is a denial of the right and power of the Senate to participate in the selection of Federal officials.

The framers of the Constitution knew the evils of unlimited Executive power to fill important official positions. They knew the influences which had been brought to bear to secure important positions and places of power in government; they were familiar with the corrupt methods employed to secure appointments at the hands of kings and rulers. They, therefore, determined to place a check and curb upon the President, and to limit his authority to nominate officials, or, in the language of the Constitution, to appoint ambassadors and other officers by and with the advice and consent of the Senate.

The Senator states that a Democratic President, after an appointee had been rejected by the Senate, again appointed him upon the adjournment of the Senate.

Mr. President, I have stated that there are a number of precedents for this course, but in my opinion this course is wrong no matter what President pursues it.

Mr. NORRIS. I think the Senator from Ohio will find that names were sent to the Senate and rejected and that that went on for some time.

Mr. MOSES. In that event the nominees were rejected and could not draw any salary.

Mr. NORRIS. No. They could not draw any salary.

Mr. KING. Mr. President, I am inclined to think that under section 1761 that if a vacancy occurs while the Senate is in session and the President nominates a person to fill the vacancy and the Senate refuses to confirm the nomination, then the person holding a recess appointment is not entitled to the salary provided by law. But because section 1761 is susceptible of different constructions, and the practical certainty that the recess appointees now serving upon the Tariff Commission will not have their names submitted to the Senate before adjournment, and will receive another recess appointment, I think it is the duty of Congress to prevent the execution of a plan which nullifies the provisions of the Constitution and deprives the Senate of the authority which it should exercise, and which it is necessary that it should exercise, for the public welfare.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from South Carolina?

Mr. KING. I yield.

Mr. BLEASE. If the Senator from Ohio who cited the instance in Mr. Cleveland's administration will look a little further he will find such an instance in Mr. Roosevelt's administration, where he kept a colored collector of customs at the port of Charleston after he had been several times rejected by the Senate. I refer to Doctor Crum.

Mr. WILLIS. I think that is true.

Mr. MOSES. He never was permitted to draw a salary at all, was he?

Mr. BLEASE. I do not know about him getting a salary, but he held the job, very much to the distaste of the people of South Carolina.

Mr. MOSES. He occupied the office in the customhouse, but he drew no pay.

Mr. KING. Mr. President, there are doubtless numerous precedents which could be cited and which doubtless would prove interesting and instructive, but the discussion has already occupied more time than I anticipated, and I shall hastily conclude.

The activities of some of the members of the Tariff Commission are not, in my opinion, satisfactory to the American people. That organization has ceased to properly function or to render genuine and valuable service to the American people. A majority of the commission seem to be unaware of the purpose for which it was created or the duties which its members were expected to perform. Controversy and confusion in the commission prevent intelligent and useful service. There appears to be factional strife and no sincere and earnest purpose to obtain data and information helpful to Congress when tariff legislation shall be under consideration. Some of the Members seem to regard the flexible provision of the Fordney-McCumber bill as the most important feature in the law, and apparently they are seeking in a political and partisan way to find pretexts to increase tariff rates upon a large number of commodities.

I have offered a bill which is pending before the Finance Committee to abolish the Tariff Commission. Of course, the majority party in Congress will not support this measure, though, from time to time, reactionary Republicans and the beneficiaries of high-protective tariff duties have condemned the Tariff Commission and declared in favor of its decapitation. The Tariff Commission was the result of a widespread feeling in the United States that certain industries were framing tariff legislation, coercing Congress into adopting schedules for the destruction of foreign competition in order that the domestic manufacturer might have absolute control of the domestic market. It was believed that an independent, courageous, and fair-minded commission could render an important public service in investigating the cost of production of commodities at home and abroad and in accumulating data and information relating to all factors connected with production and distribution. It was believed that this data would be helpful to Congress and enable it to more intelligently deal with tariff and revenue measures. Early appointees upon the Tariff Commission were men of high standing, of broad and liberal education, and of superior qualifications. Their work proved of value to Congress and to the country, but it is to be regretted that the work of the present Tariff Commission is not of the same high character. I desire, however, to pay tribute to the ability and fidelity to duty of Commissioner Costigan. He has rendered conspicuous service and proven that he has sought to make of the Tariff Commission a useful organization.

There is a feeling among many people that selfish interests in the United States have sought under the last two adminis-

trations to control various boards and commissions and to procure the appointment of persons whose views were in harmony with the philosophy that governs "big business" and those who are controlling the great financial interests of our country.

Mr. Roosevelt spoke of predatory wealth and its sinister and destructive influence. There are predatory interests in the United States to-day. There are business interests which are selfish and which seek to use the Government to advance and promote dangerous and unworthy schemes and policies. If the Interstate Commerce Commission, the Federal Trade Commission, the Tariff Commission, and the Department of Justice, which is charged with the duty of enforcing the laws against trusts and monopolies and combinations in restraint of trade, can be influenced or directed by unfaithful and selfish interests, then the security of our country is impaired and the safety of our institutions jeopardized.

Too much power, in my opinion, is being conferred upon the Federal Government and Federal agencies; but when it is conferred, then the agencies created and invested with power and all who wear the symbol of Federal authority, particularly in executive and administrative departments, must act with honor and fidelity and, above all, in a spirit of justice. The Government, which is the agent of the people, must be their servant and not their master. It must keep within the limits of conferred authority. It must serve all the people and not a special interest or class.

Mr. President, if the amendment which I have offered is adopted I believe the results will be good. It will further challenge attention to the unsatisfactory condition of the Tariff Commission and prove helpful, if the commission is not to be abolished, in securing its reformation, so that it may be put upon the pathway of duty and disinterested public service.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. KING. Mr. President, I will inquire of the Senator from Wyoming if there are any other amendments to be proposed to the bill.

Mr. WARREN. I do not know of any. The committee amendments have all been passed upon and the subject to which the Senator from Utah is now addressing himself has to do merely with the provisions of the bill as it came from the House. No amendment has been proposed to that provision.

Mr. NORRIS. Mr. President, did the Senator from Utah inquire whether other amendments would be offered?

Mr. KING. Yes.

Mr. NORRIS. I have an amendment that I desire to offer.

Mr. KING. The reason I made the inquiry is—and I want to be entirely frank with my colleagues here—that I am going to discuss the Hunt case and the maladministration of the Federal Trade Commission under the present régime. It will take me from one to two hours, and I do not want to keep Senators here so late if there is no other matter before the Senate. I can resume the discussion to-morrow morning, but if we are to remain here indefinitely I will proceed.

Mr. WARREN. Does the Senator think that is an exactly fair statement? I wasted two days of my time here waiting for the Senator to make the speech he is now making.

Mr. KING. We have been discussing to-day the long and short haul bill, which had precedence.

Mr. WARREN. That is true, but——

Mr. KING. Yes; and I have been here, I will say to the Senator, all day.

Mr. WARREN. But I had to sit here to call up the appropriation bill whenever speeches on the unfinished business were concluded and an opportunity was afforded me to have the appropriation bill taken up.

Mr. KING. I do not think Senators have wasted the time of the Senate, because the unfinished business is a more important measure than the appropriation bill.

Mr. WARREN. I am ready to stay here until midnight; I do not care.

Mr. KING. I want to accommodate the Senator. I will not quarrel with him.

Mr. WARREN. I am not quarreling with the Senator.

Mr. KING. I should like to ask the Senator from Nebraska how long it will take to consider the matter which he desires to present?

Mr. NORRIS. I do not know how long the amendment will take. I am going to address the Senate on the question of the Federal Trade Commission, and the amendment which I have to offer pertains to the provisions of the bill regarding the Federal Trade Commission. I do not feel like apologizing. Nobody has tried to delay this bill, and I am very sorry the Senator from Wyoming feels aggrieved.

Mr. WARREN. Does not the Senator know that I have some other engagements not on the floor but in the Committee on Appropriations?

Mr. NORRIS. The Senator is not the only one in that category; but he says, "I want this bill passed now."

Mr. WARREN. For how long have I been trying to secure the passage of the bill?

Mr. NORRIS. I do not know how long the Senator has been trying to do that.

Mr. WARREN. For four or five days.

Mr. NORRIS. But the Senator can not certainly complain of the discussion that has been taking place upon the bill. I am very sorry if he feels that way about it, but that will not deter me from offering the amendment.

Mr. WARREN. Of course, the intent is perfectly plain to make me in some way suffer a long delay.

Mr. NORRIS. There is not anything in that. The Senator certainly can not be serious about that.

Mr. WARREN. I am merely serious in sitting here and waiting for Senators to proceed.

Mr. NORRIS. The Senator must not feel, because some other Senator wishes to offer an amendment, that it is done to make him suffer.

Mr. WARREN. I expect, of course, that amendments will be offered.

Mr. NORRIS. The Senator ought to expect amendments to be offered, and he ought not to get angry because some Senator is going to offer one.

Mr. WARREN. I am not angry; I am merely sorry that the Senator from Nebraska is angry!

Mr. NORRIS. It is not done for the purpose of giving the Senator any trouble. I am free to say that when I was thinking of my amendment and of what I intended to say I did not have the Senator from Wyoming in mind. If I had thought it would aggrieve him, of course I would perhaps have changed my mind and concluded not to say anything, because I certainly do not want to cause the Senator from Wyoming any anxiety.

Mr. KING. Mr. President, it is apparent that my good offices have failed. I want to say to the Senator from Wyoming—and I say it in all kindness—that appropriation bills, while they are important, are not the only important bills, and, while the Senator from Wyoming has much to do as chairman of the Appropriations Committee, some of the rest of us also have something to do. Many of us are members of committees which hold sessions that occupy us from two to six hours every day, and, to use the expression of the Senator, we have to waste our time while some appropriation bills and other bills are before the Senate.

Mr. President, we must consider these questions in a gracious spirit. The Senator can not rush through the appropriation bills in a minute. Here is a bill carrying more than $500,000,000. If we did our duty, we would spend hours in analyzing this bill.

Mr. NORRIS. Will the Senator yield for an interruption?

Mr. KING. I yield.

Mr. NORRIS. Right on that point I should like to suggest to the Senator from Utah that it has been true as to appropriation bills that Senators have so many other things to do that many of them are not present when they are being considered. I speak of that without any censure whatever, because I know the work that all Senators have to do in various committees and otherwise. But what the Senator from Utah says is true, that we are passing appropriation bills without a great deal of scrutiny. The pending bill carries something over $500,000,000, and we have only had a few hours' debate on it; yet we get into trouble with our superiors, our leaders, when we propose to offer amendments or speak upon it. I think we ought to have considered seriously the provision which the Senator from Utah is discussing, and perhaps eliminate entirely from this bill the appropriation for the Federal Trade Commission. So far as I am concerned, I would vote for it. When amendments are offered with only a few Senators present, and the Chair sustains points of order against them, we know that an appeal would mean that those not here and who have not heard the debate would come in and, as a matter of form, vote to sustain the committee and sustain the Chair.

So I do not see that we owe any apology because we want to discuss some of the provisions that are in this measure, and I do not think that it comes with good grace for any Senator to say, "We want to get this $500,000,000 appropriation bill through here in an hour and a half or an hour and 15 minutes."

Mr. WARREN. Mr. President, the Senator is in a kindly mood. This bill carries an appropriation of something over $500,000,000, and has been before the Senate about four days.

Mr. NORRIS. Yes; but we have been considering other measures. For instance, nearly all of to-day there has been another bill under consideration.

Mr. WARREN. That is very true.

Mr. NORRIS. That is not the Senator's fault, nor is it mine.

Mr. WARREN. No; but I ask the Senator, will there ever be a time when there will not be Senators in a committee or engaged in other work while we are considering appropriation bills?

Mr. NORRIS. Probably not; but there are more Senators here during the consideration of other bills than there are during the consideration of appropriation bills. I suppose that is because the Senators have great faith and confidence in the chairman of the Committee on Appropriations and they think that whatever he says ought to go.

Mr. WARREN. I was going to say, so far as putting the bill aside until to-morrow is concerned, that I am perfectly willing that that be done, but I do not like to have the Senator from Utah take the attitude of threatening that we will have to stay up all night unless he is accommodated.

Mr. KING. Mr. President, that is the Senator's own attitude. I said I was perfectly willing, if there were no other amendments to be offered, to pretermit discussion to-night and speak to-morrow, so that the bill might pass to-night, but the Senator said we would be here all night. He was the one, not I, who made the statement.

Mr. WARREN. If the Senator from Nebraska desires me to ask that the bill go over, I shall be delighted to have that done.

Mr. NORRIS. It is almost immaterial to me, but I think the Senator from Wyoming ought to allow it to go over until to-morrow.

Mr. WARREN. The Senator from Nebraska wishes that the bill may now be laid aside until to-morrow morning; and I therefore ask that the bill be laid aside.

Mr. KING. I want to say to the Senator that he and I are good friends, and I do not want him to misunderstand me. I digressed in the midst of my speech and asked if there were any further amendments to be offered, and said that I would be perfectly willing, if we could get through with those amendments, to postpone my speech until to-morrow and pass the bill to-night. I did not ask the Senator to sit here; I wanted to get away.

Mr. WARREN. If the Senator will allow me, I can not be here to-morrow, and, of course, the bill will have to be laid aside over to-morrow.

Mr. KING. I had no objection to action being taken on it to-night. I now yield the floor for the day.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. GLASS. Mr. President, what has been decided about the continuation of the consideration of the appropriation bill?

Mr. JONES of Washington. Its consideration will be continued to-morrow.

The VICE PRESIDENT. The appropriation bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. It will come up the first thing to-morrow, as I understand.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, March 17, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16 (legislative day of March 15), 1926

UNITED STATES ATTORNEYS

Thomas P. Revelle to be United States attorney, western district of Washington.

Roy C. Fox to be United States attorney, eastern district of Washington.

E. B. Benn to be United States marsal, western district of Washington.

REGISTER OF THE LAND OFFICE

David Leland Spaulding to be register of the land office at Seattle, Wash.

PROMOTIONS BY TRANSFER IN THE ARMY

Floyd Thomas Gillespie to be first lieutenant, Signal Corps.

Wilfred Hill Steward to be first lieutenant, Coast Artillery Corps.

Richard Gernant Herbine to be second lieutenant, Infantry.

PROMOTIONS IN THE ARMY

George Oremaudle Hubbard to be colonel, Coast Artillery Corps.

Thomas Burt to be lieutenant colonel, Infantry.

Harrison Willard Smith to be major, Quartermaster Corps.

Horace Grant Rice to be major, Finance Department.

Henry Christopher Harrison, jr., to be captain, Field Artillery.

Hanford Nichols Lockwood, jr., to be captain, Field Artillery.

John Markham Ferguson to be captain, Infantry.

Joseph Saunders Johnson, jr., to be captain, Infantry.

John Kenneth Sells to be first lieutenant, Cavalry.

Douglas Cameron to be first lieutenant, Cavalry.

Arthur Jennings Grimes to be first lieutenant, Infantry.

Walter Duval Webb, jr., to be first lieutenant, Field Artillery.

Ernest Starkey Moon to be first lieutenant, Air Service.

Harry Craven Dayton to be first lieutenant, Field Artillery.

Edward Charles Engelhardt to be first lieutenant, Field Artillery.

Chester Arthur Carlsten to be first lieutenant, Infantry.

Joseph Myles Williams to be first lieutenant, Cavalry.

Harold Arthur Doherty to be first lieutenant, Field Artillery.

Eleuterio Susi Yanga to be first lieutenant, Philippine Scouts.

GENERAL OFFICER

Richard Coke Marshall, jr., to be brigadier general, Reserve Corps.

POSTMASTERS

ALABAMA

Joseph D. Pruett, Boaz.
Charles W. Chambers, Cherokee.
Meige C. Bronson, Dadeville.
Tommie P. Lewis, Seale.
Pallie M. Ellis, Valley Head.
Henry E. Hart, Waverly.
George M. Baker, Wilsonville.

ARIZONA

James L. T. Watters, Duncan.

IDAHO

Laura S. Enberg, Fruitland.
Hattie Hibbs, Lapwai.
Ross J. Pettijohn, Melba.
Ira W. Moore, St. Anthony.
Charles H. Hoag, Worley.

INDIANA

John R. Kelley, National Military Home.

IOWA

Cleon F. Wigton, Britt.
Armanis F. Patton, Gowrie.
Lynn McCracken, Manilla.
Keith L. McClurkin, Morning Sun.
Ida G. Schloeman, Norway.
Danel O. Clark, Ogden.
Otto Anderson, Ossian.
Leo E. Perry, Rhodes.
Ralph S. Van Hooser, Terril.
Charles P. Worrell, Whiting.

KANSAS

Harry T. Hill, Colony.
Samuel N. Nunemaker, Hesston.
Eva M. Baird, Spearville.

MAINE

Charles E. Davis, Eastport.
Theresa M. Tozier, Patten.

MARYLAND

Mary W. Stewart, Oxford.

MASSACHUSETTS

Benjamin Derby, Concord Junction.
Jennie L. Holbrook, East Douglas.
L. Warren King, East Taunton.
Effie M. Ellis, East Wareham.
Frederick M. Hickey, Grafton.
Donald A. MacDonald, Mittineague.
Doris B. Daniels, Shrewsbury.
L. Edward St. Onge, Ware.
Lester M. Blair, Whitinsville.

MICHIGAN

Helen G. Smith, Mohawk.

MISSOURI

Omar M. Drysdale, Amoret.
William H. Lerbs, Berger.
Colmore Gray, Billings.
Elias K. Horine, Cassville.
Alfred G. Neville, Eldon.
Ralph E. Carr, Eminence.
Edwin H. Vemmer, Gerald.
Leonard Ancell, Higbee.
James A. Pidcock, Lockwood.
Charles B. Genz, Louisiana.
John A. Jones, Marshall.
Frank J. Black, Meadville.
James H. Somerville, Mercer.
Glenn S. Elliston, Montrose.
John E. Swearingen, New Bloomfield.
James D. A. Hood, jr., Republic.
Harland F. Kleppinger, Rockville.
John S. Dickey, Sugar Creek.
Benjamin F. Northcott, Sumner.
May Venard, Tina.
Leland T. Moore, Warsaw.

MONTANA

Henry O. Woare, Chester.
Sidney Bennett, Scobey.

NEW JERSEY

Alfred P. Jolin, High Bridge.
Michael A. Eganey, Lincoln.
Fannie H. Clayton, Seaside Park.
Harry J. Manning, South Plainfield.

NEW YORK

Melvin A. Marble, Clayton.
Harry J. Goodfellow, Fayetteville.
Harold E. Sargent, Liverpool.
Lewis O. Wilson, Long Beach.
William H. Evans, Morrisville.
David R. Dunn, Scarsdale.

NORTH CAROLINA

Robert O. Smith, Creedmoor.
Gideon T. Matthews, Rocky Mount.
Judson D. Albright, Charlotte.

OHIO

Egbert H. Phelps, Andover.
William S. Burcher, Beallsville.
Frank M. McCoy, Bloomingburg.
George F. Ruggles, Jefferson.
Cortelle B. Hamilton, Kinsman.
Adda B. Henkle, Larue.
William F. Lafferre, Lewisville.
Leonard L. Harding, Milford.
Harry H. Davis, New Holland.
Theodore S. Hephinger, New Philadelphia.
William T. Sprankel, New Straitsville.
Mathias Tolson, Salineville.
James W. Rush, Sardis.
Fred Mills, Sebring.
Ward B. Petty, Sycamore.
John F. McQueen, Wellsville.

OKLAHOMA

John K. Miller, Apache.
Alpha Rutherford, Bennington.
Grace L. Taylor, Blair.
William N. Williams, Broken Arrow.
Jasper A. Bartley, Choteau.
George A. Smith, Devol.
James W. Hinson, Fletcher.
Thomas E. Miller, Francis.
John M. Tyler, Idabel.
Frances Townsend, McLoud.
Ulysses S. Curry, Newkirk.
John D. Morrison, Red Oak.
Sanford I. Pennington, Ringling.
Charles White, Washington.

OREGON

Minta D. Cathers, Wheeler.

PENNSYLVANIA

Dolph T. Lindley, Canton.
Fred F. Duke, Clifton Heights.
Samuel W. Hodgson, Cochranville.
William Rosemergy, Mayfield.

SOUTH DAKOTA

William J. Ryan, Bridgewater.
Amlin A. Isakson, Canton.
Chris Wittmayer, Eureka.

TEXAS

Marshall Callaway, Howe.
Collins M. Click, Lovelady.
Silas T. Compton, Mount Enterprise.
Rufus L. Hybarger, Pineland.
Joseph E. Willis, Rochelle.
Mary E. Holtzclaw, Tatum.

UTAH

Eugene Chatlin, Helper.

VIRGINIA

Bascom N. Mustard, Bland.
Alexander L. Martin, Catawba Sanatorium.
James W. Milton, Eagle Rock.
Norman V. Fitzwater, Elkton.
Ernest A. de Bordenave, Franklin.
William W. Hurt, Max Meadows.
Daisy D. Slaven, Monterey.
Byrd E. Carper, Newcastle.
James E. Johnson, New Church.
Robert E. Fugate, Nickelsville.
Floyd E. Ellis, Roanoke.
George N. Kirk, St. Charles.
Frank M. Phillips, Shenandoah.
Lee S. Wolfe, South Boston.
John W. Layman, Troutville.
Frank J. Garland, Warsaw.
Henry C. Calloway, jr., West Graham.

WASHINGTON

Jesse Simmons, Carnation.
Harry L. Bras, Centralia.
William H. Padley, Reardan.
Henry R. James, Rochester.
Orie G. Scott, Tekoa.

WEST VIRGINIA

Hattie Brown, Bramwell.
Fanny Murray, Sandyville.

WISCONSIN

John W. Crandall, Deerbrook.
Michael C. Keasling, Exeland.
George B. Aschenbrener, Fifield.
Chester A. Minshall, Viroqua.
Carl R. Anderson, Weyerhauser.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 16, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our heavenly Father, Judge of all men, and unto whom all hearts are open, do Thou make Thy presence evident in the labor of this day. There is a guidance for each of us, and by reflection and lowly listening we shall know the way. May all considerations be lifted to the high level of unfailing devotion to the country that has called us. In the strain of toil, and it will come; in the fret of care, and it will disturb; in the maze of exactions, and they will entangle, be with us. May courage be strong, vision clear, and all hearts kept pure. Bless us this day with large conceptions of duty and a deep and abiding sense of our responsibilities. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business for this week be dispensed with.

It is necessary, in my judgment, that we use the next four days after to-day for the completion of the appropriation bills that we would like to send to the Senate before Saturday night.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, there is one thing that I forgot to ask the gentleman in the conference we had a few moments ago. When is it likely that we will have a Private Calendar day?

Mr. TILSON. In my judgment, there should be a Private Calendar day soon after we complete the consideration of the appropriation bills. We have not had an opportunity to consider some bills on the Private Calendar, and my intention is to see that a fair consideration is given for bills on the Private Calendar as soon as we have disposed of the appropriation bills.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut to dispense with Calendar Wednesday business to-morrow?

There was no objection.

THE DIGEST AND MANUAL

Mr. BEERS. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 165

Resolved, That 500 additional copies of House Document No. 661, Sixty-eighth Congress, second session, being the Digest and Manual of the House of Representatives, be printed and bound for the use of the House of Representatives.

The resolution was agreed to.

THE REVENUE ACT OF 1926

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, on March 4 and 5 I addressed letters to the Secretary of the Treasury requesting the conclusions of the Treasury as to the result of the revenue act recently enacted on the receipt of revenue by the Government. I stated in my letters that I wished the information for public use. I asked that the information be furnished in detail, giving items of revenue for 1924 and 1925 to show the amounts actually collected, and for 1926 and 1927 on the estimates of the Treasury as to the amount that would be received during the fiscal years of 1926 and 1927. I asked for 1928, but they were unable to forecast the probable receipts for that length of time. These they have furnished me on the computations of Mr. McCoy in considerable detail, and, Mr. Speaker, I ask unanimous consent to extend my remarks by publishing those tables.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The tables are as follows:

THE UNDERSECRETARY OF THE TREASURY,
Washington, March 10, 1926.

Hon. WILLIS C. HAWLEY,
House of Representatives.

DEAR MR. CONGRESSMAN: I have your letters of March 4 and 5 to Secretary Mellon with reference to the results of the revenue act of 1926 on Government revenues. Mr. McCoy, the Government actuary, figures that the act will reduce actual receipts over receipts estimated under the 1924 act for the fiscal year 1926 by $131,500,000, and for the fiscal year 1927 by $319,000,000. I inclose the details of Mr. McCoy's estimates for these two years. There has been no estimate for the fiscal year 1928, since we have no estimated expenditures for this year.

I also inclose a list of sources of internal revenue of the Government from taxes for the two years 1924 and 1925, and as estimated for 1926 and 1927.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Actual revenue fiscal years 1924 and 1925

	1924	1925
Income tax:		
Corporation	$1,841,759,316.80	$916,232,697.02
Individual		845,426,352.49
Total	1,841,759,316.80	1,761,659,049.51
Miscellaneous internal revenue taxes	954,419,940.26	822,481,218.73
Total internal revenue taxes	2,796,179,257.06	2,584,140,268.24

Actual revenue fiscal years 1924 and 1925—Continued

	1924	1925
Details of miscellaneous internal revenue taxes:		
Estates	$102,966,761.68	$101,421,766.20
Gifts		7,518,129.32
Capital stock tax	87,471,691.52	90,002,594.56
Spirits	27,585,708.37	25,904,774.72
Tobacco	325,638,931.14	345,247,210.98
Deeds and conveyances	38,550,260.04	32,933,355.81
Other stamp taxes	23,707,293.92	16,318,428.37
Telegraph, telephone, radio messages	33,238,874.70	
Leased wires	1,423,554.20	
Automobiles, parts, tires, etc	158,014,709.40	124,686,745.30
Photo supplies	1,606,875.95	1,530,279.78
Candy	11,803,703.78	
Firearms, knives, hunting garments	3,567,700.97	3,664,124.89
Cigar holders, pipes, etc	319,163.77	65,243.52
Automatic slot machines	183,430.27	390,549.42
Liveries, livery boots	145,465.43	
Yachts, motor boats (excise)	268,998.34	
Yachts, pleasure boats (special)	262,572.08	301,455.83
Mah-jongg sets		20,220.14
Works of art	755,566.17	821,519.08
Carpets, rugs, trunks, etc	1,582,341.39	
Jewelry	22,634,406.26	9,673,415.59
Beverages, soft drinks	10,418,866.08	
Opium, cocoa, etc	1,057,066.33	1,090,932.73
Brokers, stock, etc	1,574,030.05	1,326,657.07
Theaters, museums, etc	1,623,361.57	
Bowling alleys	2,312,814.01	2,289,831.18
Shooting galleries, riding academies	27,797.21	28,538.54
Automobiles for hire	2,013,839.00	1,865,075.43
Admissions and dues	85,722,386.09	39,598,397.44
Miscellaneous	7,951,771.54	15,781,972.86
Total miscellaneous	964,419,940.26	822,481,218.73

Estimated revenue under 1926 revenue act, fiscal years 1926 and 1927

	1926	1927
Income tax:		
Corporation	$987,200,000	$1,150,000,000
Individual	603,800,000	456,000,000
Back taxes	180,000,000	180,000,000
Total	1,771,000,000	1,786,000,000
Miscellaneous internal revenue taxes	841,500,000	649,000,000
Total, internal revenue taxes	2,612,500,000	2,435,000,000
Details of miscellaneous internal revenue taxes:		
Estate tax	108,000,000	92,000,000
Gift tax	500,000	
Capital-stock tax	100,000,000	
Spirits	24,000,000	19,000,000
Tobacco—		
Cigars	39,000,000	26,000,000
All other	330,000,000	340,000,000
Automobiles, parts, etc	132,000,000	90,000,000
Cameras, lenses, films, etc	1,120,000	
Firearms and ammunition	2,850,000	
Smokers' articles	35,000	
Automatic slot machines	485,000	
Mah-jongg sets	3,000	
Works of art	350,000	
Jewelry	7,000,000	
Brokers	1,000,000	
Bowling alleys, pool and billiard tables	1,700,000	
Shooting galleries and riding academies	23,000	
Automobiles for hire	1,600,000	
Tobacco manufacturers	1,200,000	
Yachts, use of	210,000	
Opium dispensers	240,000	
Deeds and conveyances	3,000,000	
Other stamp taxes	47,000,000	48,000,000
Admissions and dues	30,000,000	24,000,000
Miscellaneous	10,184,000	10,000,000
Total, miscellaneous	841,500,000	649,000,000
Estimated revenue, Treasury report 1925	2,744,000,000	2,754,000,000
Estimated as above	2,612,500,000	2,435,000,000
Total, reduction from Treasury estimate	131,500,000	319,000,000

Estimated revenue

Ordinary receipts*	Fiscal year 1926		Fiscal year 1927	
Customs		$556,750,000		$551,750,000
Internal revenue:				
Income tax	$1,771,000,000		$1,786,000,000	
Miscellaneous	841,500,000		649,000,000	
		2,612,500,000		2,435,000,000
Miscellaneous receipts (see p. 141, Treasury report for 1924)		579,966,942		518,780,203
Total ordinary receipts		3,749,216,942		3,505,530,203

YOSEMITE VALLEY RAILROAD RIGHT OF WAY

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7979) granting to the Yosemite Valley Railroad Co. the right of way through certain public lands for the relocation of part of its existing railroad.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a bill of which the Clerk will read the title.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, is this land to be donated to the railroad or purchased?

Mr. BARBOUR. No; it is not to be purchased. It grants a right of way similar to one now in existence. The land is not forest land, it is reserved as for power site purposes. The grant is for railroad purposes only, and the bill provides that if not used for railroad purposes the land reverts to the Government. It is to take the place of the present right of way which the railroad now has under the act of 1875.

Mr. BEGG. I understood the gentleman in the conversation I had with him to say that it was for the purposes of irrigation. Wherein does the railroad right of way help irrigation?

Mr. BARBOUR. I will explain that for the benefit of the gentleman and other Members of the House. The Merced irrigation district is an organization of farmers and the district comprises 190,000 acres. It has a permit from the Federal Power Commission to build a reservoir on the Merced River and erect a dam 326 feet high. The railroad runs alongside the Merced River. When the reservoir site is flooded the railroad tracks for 17 miles will be submerged. The Merced irrigation district is asking for this right of way in order that it may move the 17 miles of railroad track higher up so that it will be above the water. The reason for the request for early action on the bill is this: The dam is almost completed.

Mr. BEGG. Mr. Speaker, so far as I am concerned, I do not think the gentleman need to take any more time.

Mr. CHINDBLOM. I think we should have the statement.

Mr. BARBOUR. The dam is almost completed.

Mr. MADDEN. I went over that when I was out there looking over things, and I can assure the gentlemen that it is necessary to lift the railroad tracks to a higher level if you are going to have the dam and the reservoir.

Mr. CHINDBLOM. I do think it is better to have it in the RECORD rather than in the private minds of gentlemen who have talked with the gentleman from California.

Mr. TILSON. I think the gentleman should state the matter briefly so that it may appear that it is an emergency matter, because it is out of the ordinary to call up a bill for unanimous consent on a day that is not unanimous-consent day.

Mr. BARBOUR. I shall be very glad to do that. The dam is 326 feet high. It is almost completed. At the present time the railroad is running through an arch in the dam 200 feet below the top. The irrigation district wishes to get the benefit of this year's run-off of water, and in order to do that will have to close the dam by April 1 or as soon thereafter as possible. With the consent of the Federal Power Commission the irrigation district has already built the new line of railroad on this proposed right of way, but the railroad company will not accept the tracks and will not move from its present location unless this bill is passed. With the enactment of this bill the irrigation district can close the dam and begin storing water in the reservoir and the flooding of the tracks will not interfere in any way with the conduct of the railroad, but it will help the farmers because they will get the benefit of this year's run-off of water.

Mr. CHINDBLOM. Mr. Speaker, I wanted the gentleman to show that this is an emergency matter.

Mr. BARBOUR. I appreciate that, and I am very glad to make the statement.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RAMSEYER. Does this involve any expense to the Treasury of the United States?

Mr. BARBOUR. Absolutely not. This irrigation district is organized by the farmers themselves. They are paying all of the bills and have bonded themselves for fifteen and a quarter million dollars.

Mr. RAMSEYER. And the farmers have prepared the new right of way?

Mr. BARBOUR. Yes.

Mr. RAMSEYER. And all the railroad has to do is to move the tracks up?

Mr. BARBOUR. The tracks are already completed. The old track will be turned over to the irrigation district for salvage. While on the face of it this is a bill in the interest of the railroad company, it is really a bill for the benefit of the irrigation district.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and there hereby is, granted to the Yosemite Valley Railroad Co., a corporation organized under the laws of the State of California, the right of way through certain public lands of the United States in the county of Mariposa, said State of California, hereinafter described by reference to a map, for the relocation of a portion of the existing railroad of said corporation, the relocated railroad now under construction by Merced irrigation district in pursuance of an agreement between said corporation and said district dated July 10, 1923, whereby to enable said district to use a portion of said railroad company's existing right of way as part of a certain reservoir to be created by the construction, now under way, across the Merced River, of a dam known as the Exchequer Dam, under a license granted to said district June 10, 1924, by the Federal Power Commission for a project for irrigation and the development of electrical power designated as "Project No. 88, California," which said right of way granted by this act is and shall be 100 feet in width on each side of the central line of the relocated railroad of said corporation through any public land of the United States situated in any of the following subdivisions: Sections 3, 2, and 1, township 5 south, range 15 east; sections 35, 26, 23, 14, 11, 12, and 1, township 4 south, range 15 east; sections 36, 35, 26, 23, and 24, township 3 south, range 15 east; and sections 19, 20, and 17, township 3 south, range 16 east, all with reference to Mount Diablo base and meridian, as said relocated railroad may be constructed in accordance with the alignment thereof as delineated on a certain map now on file in the office of the Commissioner of the General Land Office of the United States and entitled "Amended map of relocation of the Yosemite Valley Railroad from station 1296+16.2 P. O. T., to station 2374+82.3 P. O. T., Merced and Mariposa Counties, Calif., January 15, 1926"; also that there be, and there hereby is, granted to said Yosemite Valley Railroad Co. the right to take from the public lands adjacent to the line of said relocated railroad material, earth, stone, and timber necessary for the construction thereof, and that there be, and there hereby it, granted to said corporation ground adjacent to said right of way for station buildings, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of road.

SEC. 2. That the grant of right of way herein made is and shall be upon the condition that said corporation shall relinquish to the United States, by a written instrument to be filed with and approved by the Commissioner of the General Land Office, all those portions of the right of way of its existing railroad between the point of departure of said relocated railroad from said existing railroad, in the town of Merced Falls, county of Merced, and the junction of said relocated railroad with said existing railroad near the station known as Detwiler, county of Mariposa, which were acquired by said corporation under the provisions of the act of Congress entitled "An act granting to railroads the right of way through public lands of the United States," approved March 3, 1875, said relinquishment to take effect upon the acceptance of said relocated railroad by said corporation from said Merced irrigation district, and upon the further condition that all those portions of the right of way herein granted which are within the aforesaid reservoir site, as said reservoir site is shown upon a certain series of maps referred to in said license granted to said district by the Federal Power Commission, may be flooded by the impounding of water in said reservoir to the extent indicated on the plans referred to in said license, but not to a greater elevation than 707 feet at said Exchequer Dam, based on mean sea level datum as determined by the United States Geological Survey.

SEC. 3. That the Secretary of the Interior be, and he hereby is, authorized and directed to approve said map showing the alignment of said relocated railroad, or an amended map showing such alignment, without any other conditions than those expressed in this act, whenever he shall find that said map or amended map is in accordance with the regulations issued pursuant to said act of March 3, 1875, and upon such approval by the Secretary of the Interior the right of way herein granted shall be noted upon the plats in the land office for the district wherein said right of way is located, and thereafter all the public lands of the United States over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said relocated railroad shall not be completed within five years from the date of the approval of this act, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO COMMUNICATION

The SPEAKER. Without objection, the bill (H. R. 9108) for the regulation of radio communications, and for other purposes, being the first bill reported by the Committee on Merchant Marine and Fisheries with regard to radio communication, will be laid on the table.

There was no objection, and it was so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Chairman, I move that the House resolve itself in to the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10198) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Chairman, on January 4, 1926, I introduced H. R. 6516, which is a bill to provide a bureau of civil, commercial, and strategic aeronautics within the United States Government.

This bill was referred to the Committee on Interstate and Foreign Commerce, and has not yet been reached for consideration. It is my desire at this time to explain the provisions of the bill and what they intend to accomplish.

Prior to the World War the development in aeronautics, while steady and progressive, was, withal, rather slow. The airplane developed very rapidly under the exigencies of the war and its uses multiplied as the conflict waged on. For nearly three years, while the war spread its conflagration over an ever-increasing area, our country, snug in the security of peace and distance, untouched by the consuming flames of battle, made no attempt to profit by the developments in aeronautics, which necessity brought into being in war-ridden Europe. When we were plunged into the war we found ourselves unprepared. Our aircraft had been neglected. The story of this folly has been told too often to require repetition here.

It was expected, however, with the coming of the armistice and peace that our country would apply the experience which the war engendered to profitable advantage. During the past five years we have appropriated for aviation in the Army and the Navy $520,000,000, or an average of more than $100,000,000 each year. Notwithstanding all this vast expenditure for aviation we are told by a mighty chorus of voices that there is something radically wrong with our aviation.

Colonel Mitchell startled the country with his sensational charge of incompetency upon the part of officialdom. With mounting superlatives in each utterance, he reached the climax of language in his accusation of criminal negligence and treason when referring to the *Shenandoah* disaster. He awakened the country as no other patriot has done since Paul Revere aroused the Minute Men, who fired the "shot heard round the world," and Roosevelt revealed the lurking death contained in each atom of "embalmed beef."

We have had plenty of talk. We have been greatly exercised. Exhaustive investigations have been held by many committees of the Congress and important data has been compiled, all of which disclose impotency upon the part of the Army and Navy to deal efficiently with the subject of aviation.

We had the Lassiter Board, convened by the Secretary of War in 1923, which thoroughly investigated the Air Service and reported that—

> the alarming condition in the Air Service exists, due to the shortage of flying personnel and equipment which, if allowed to continue, will very soon cause this important combatant arm to reach a condition which will cause it to be negligible as being a national defense.

We have had the President's Aircraft Board, which held public hearings for a period of four weeks and made a report of its investigation on November 30, 1925. It, too, found fault with our Air Service and made several recommendations to bring about much-needed improvements.

Lately we had an investigation completed by the Select Committee of Inquiry of the House of Representatives. In its report it, too, pointed out an alarming condition in respect to aviation in this country. It found that there is constantly going on a deterioration in the equipment and the morale of both the Army and the Navy Air Services; that there is a disagreement between the Army and the Navy as to proposed legislation to embody the recommendations of the Lassiter Board; and that there is no definite policy in the maintenance of our air forces by either the Army or the Navy.

Hearings conducted by the Committee on Military Affairs, the Committee on Interstate and Foreign Commerce, several committees of the Senate, debates in the Congress, and editorials and articles in the daily press, show there is something decidedly inefficient in all branches of aviation in the United States.

Therefore we will postulate that aeronautics is in an unhealthy state in our land, and the duty devolves upon us to prescribe a remedy for the ailment.

There seems to be a general opinion that aeronautics requires some plan of overhauling. Some persons propose additional undersecretaries in the Departments of War and the Navy, to cure the fault. However, I do not believe that the creation of undersecretaries, devoting their entire time to aviation in the Army and the Navy, would be any better able to agree upon a definite policy, proposed legislation, and other matters, any more than can the present officials of the Army and the Navy to whom is severally intrusted the aeronautics of these two branches of national defense. Furthermore, I consider the ailment to be too deep-rooted to permit of remedy by the proposed undersecretaries, and that commercial aviation, which should be considered jointly with aviation for national defense, is in worse shape in this country than are other branches of aviation.

Other persons propose to abolish the Navy by merging it with the Army, and others still would abolish both the Army and the Navy and set up in lieu thereof a new department to be known as the department of national defense.

In my bill I do not propose to abolish either the Army or the Navy or to interfere with any of their normal functions, but I do propose to take away from them every vestige of authority in aeronautics except their respective jurisdiction over aeronautic personnel.

In the bureau created by my bill I vest the power to coordinate, standardize, purchase, and allocate airships and their accessory equipment among the various departments of the Government wherever they may be needed and to regulate their use.

I propose that the bureau of civil, commercial, and strategic aeronautics shall be composed of five members, appointed by the President, with the concurrence of the Senate, who shall hold office for 15 years, unless removed by the President or by the Congress for misbehavior or incompetency. I propose that one member each of this bureau shall be selected from the War, Navy, Commerce, Post Office, and Interior Departments. I selected the War and Army and Post Office Departments for very obvious reasons. These departments now have activities in aviation, which ought to be developed to the highest point of efficiency. As aviation is an essential arm of national defense, its uses in the Army and the Navy will be extended as the years go on.

The one gleaming light in governmental operation in aeronautics is the Post Office Department. Its splendid record is well known, but if the carrying of mails by airplane is ever to be put on a paying or, at least, a self-sustaining basis there must be brought into use larger and improved planes, capable of handling great quantities of mail. The proposed bureau will be in a better position to expedite this needed development than is the Post Office Department by reason of the plenary powers conferred upon it and the variety of duties imposed upon it.

I included the Department of Commerce because that is the proper department to deal with commercial aviation, patent laws, and many other matters which pertain to aviation, particularly to commercial aviation, which is one branch of the subject matter of my bill.

I included the Department of the Interior because its Geological Survey Division deals with many subjects which are used and others which may be used in aeronautics, such as topographic maps, showing deposit of metals, fuels, water, and minerals, and laboratory research in chemistry and physics.

I have fixed the salary of each member of the bureau who is designated a director at $10,000 per annum and have defined his qualifications in such a manner that one who has no experience in aeronautics can not be selected as a director. In order to be appointed a director he shall have had not less

than two years' experience as an aviator, engineer, manufacturer, builder, designer, architect, mechanic, or executive of aeronautics.

My bill imposes upon the directors of the bureau the duty of making a constant study of, and frequent investigation into, every branch of aeronautics, both domestic and foreign. In this connection, I desire to quote Orville Wright, inventor of the airplane, who says:

> Development work can not be done economically in the hubbub and rush of actual warfare. The expenditure of $10,000,000 in aeronautical research and experimentation before the last war would have saved hundreds of millions that had to be spent to accomplish the same result after the war had begun. Economy demands that we keep abreast of the world in aeronautical research.

While my bill makes the new bureau subject only to the President and to the Congress, it invites the Secretaries of all the departments of the Federal Government to assist, in an advisory capacity, by submitting recommendations to the bureau for its consideration. The bureau is charged with the duty to formulate and establish policies for the design, manufacture, construction, purchase, quantity, types, use, disposition, and mobility of all civil and strategic aircraft, and to such extent as can be done, for all commercial aircraft, and the bill provides that such policies, when approved by the President, shall be binding upon all of the departments of the Federal Government and upon all owners and operators of commercial aircraft. The bill imposes upon the bureau the duty of cooperating with all owners and operators of commercial aircraft and to encourage and foster the development and use of commercial aircraft. As part of its work in encouraging the development of aircraft, the bureau is given the power of fixing the rates of carriage for passengers and commodities of interstate commerce by aircraft. The bureau is given the power to adopt rules and regulations governing the mobility of all types of aircraft and the operation, use, and lighting of air lanes, airdromes, and hangars. It is further charged with the duty to study and investigate the patent and other laws pertaining to aeronautics and to recommend to Congress new laws on the subject or amendments to the present laws, and in this connection the patent laws may be revised, so that the Government may acquire the use or ownership of patents, as has been recommended in the report of the select committee of inquiry. The bureau is required to make a report to Congress each year, with such recommendations as shall seem necessary or expedient. It is also required to recommend to the President, to the Director of the Budget, and to Congress estimates for appropriations for civil, commercial, and strategic aeronautics and the allocation of aircraft, their quantities, and their types to the several departments of the Federal Government, as they may be needed.

The directors will select their chairman and make rules governing their procedure, and the President is authorized to assign suitable quarters to the bureau in one of the buildings now occupied by the several departments of the Government and to transfer stenographers, clerks, and other employees from other departments of the Government to the new bureau as they may be needed. I provide that such stenographers and other employees shall retain their present salary until changed by law.

My bill brings about unification of all departments of aeronautics by having simple machinery, with a minimum of expense to the Government.

I also define the terms used in connection with the creation of the bureau, as follows:

Under the term "civil aeronautics" shall be included all branches of aeronautics in use or to be used by the United States in any capacity other than that of providing for the national defense.

Under the term "commercial aeronautics" shall be included all branches of aeronautics in private use or under private ownership.

Under the term "strategic aeronautics" shall be included all branches and uses of aeronautics for the national defense.

Under the term "aircraft" shall be included all flying contrivances, apparatus, accessories, hangars, airdromes, and flying equipment of every kind now or hereafter invented or discovered.

As I stated to the Committee on Interstate and Foreign Commerce in behalf of my bill, I believe that aeronautics should be classed in a separate department of the Government, and whether this is accomplished through the provisions of my bill or in some other manner is not so important. It is the end we seek. Whether or not this bill is the one that ought to be enacted into law, it at least contains the germ of unification in aeronautics, and if it does nothing further than to stimulate others to serious thought in this matter, with a result that a better bill is drafted, it shall have served its most useful purpose. [Applause.]

Mr. FUNK. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. GORMAN], who has just concluded his remarks, has given some valuable information relative to the subject of aeronautics. In this connection I wish to call attention to a distinguished service performed by an officer in the Navy who died last Friday of heart failure at Panama. I refer to the late Commander Walter A. Smead.

Some may consider it rather unusual that I should take up the time of the House by calling attention to his sad death; however, in view of the fact his services played an important part in the establishment of teaching of aircraft at Annapolis, I feel that this is an opportune time to let the records speak for themselves.

First, on January 8, 1925, I endeavored to secure from Secretary Wilbur certain information relative to the progress that was being made in aircraft while under the jurisdiction of the Navy. At a hearing held on this occasion I asked the Secretary would the explosion of a 2,000-pound bomb dropped at different altitudes jam the turrets on a ship. His answer was that we know it will not. Later sworn testimony was given before an investigating committee, which was to the effect that turrets had been blown off of ships by the explosion of bombs which did not contain near this amount of explosives.

I also asked the Secretary concerning the effect of an explosion of a 2,000-pound bomb on a ship dropped from a plane with respect to the disarrangement of machinery and the shell-shocking of men, stating that some were of the opinion that such an explosion would render it incapable of performing service. His answer to this was in substance that the statement was absolutely untenable and ridiculous. Since this date extensive hearings have been held by a number of committees and boards, and practically every witness who has had intimate knowledge and experience concerning the subject of aircraft gave sworn testimony which would indicate a different result from the opinion given by Secretary Wilbur.

Suffice to say, the subject has received a sufficient amount of investigation to cause the citizens of the United States to believe in aircraft, and it is my opinion that Congress will deal with this subject in the proper way in the future.

On January 9, 1925, I gave out an interview which was carried in the Baltimore Sun and other papers reading as follows:

[From the Sun Bureau]

AIRCRAFT COURSE URGED FOR NAVAL ACADEMY—BILL PROVIDING FOR TECHNICAL INSTRUCTION TO BE OFFERED NEXT SESSION

WASHINGTON, January 9.—Legislation to provide technical instruction in aircraft for all midshipmen of the Naval Academy and a course for those who wish to specialize in this branch of the naval service will be introduced in the next Congress by Representative JAMES V. McCLINTIC, Democrat, of Oklahoma.

Mr. McCLINTIC said to-day that he believed a majority of the Naval Affairs Committee, of which he is a member, would favor the proposal, but that it is too late to take it up in this session.

Mr. McCLINTIC said details of the plan would depend upon the views of the Navy Department. However, he said he had in mind the establishment of a small flying field at the academy.

Afterwards I made several speeches on the floor calling attention to the fact that aircraft was not receiving wholehearted support from some of our officials charged with this responsibility. About this time Commander Smead, of the Navy Department, came to my office for the purpose of getting my viewpoint concerning this subject, and I advised him that if he would carry a recommendation to the board, which was at that time preparing a special report on the subject of national defense from the Navy's standpoint, recommending that aircraft be taught at Annapolis that it would do much to cause the people to believe that the Navy really intended to develop this branch of defense. Commander Smead agreed to my suggestion and volunteered to go immediately to see Admiral Eberle for the purpose of making this recommendation. A few days later he telephoned me that the idea met the approval of the board and that such a recommendation would be made.

When the report of the naval board was given to the public I was much pleased because it included my recommendation concerning the teaching of aircraft at Annapolis. Therefore it gave Secretary Wilbur the opportunity of establishing this course of study, and his action received favorable comment from the public.

In view of the fact that this commander was always alert in looking after the interest of the Navy and was qualified in such a way that he could see the value of adopting new ideas, I take this means of expressing my appreciation for the splendid service he has rendered to this branch of national defense, for it was through his efforts that the subject was brought squarely to the attention of those who are making a study of this question, and this resulted in a decision which has since caused aircraft to be taught at Annapolis.

Commander Smead possibly had as many friends among the Members of Congress as any officer who has ever performed service in the Navy. The Navy and the country has lost a conscientious and capable officer, and the record he has made should be an inspiration to those who take up his work where he concluded. [Applause.]

Mr. FUNK. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman and gentlemen, during several debates we have had here in the House on the subject of Federal reclamation the statement has been made repeatedly by various Members from Eastern States that the reclamation farmer ought not to expect the Government to give him a long time in which to pay the funds that he owes to the Government. The statement has been made that the reclamation farmer ought to pay interest to the Government on the moneys that are owing in this fund, bearing in mind always that this fund is money that is derived from special purposes and not from the Federal Treasury. A rule that is a good rule ought to work both ways, and I have just introduced a joint resolution, H. J. Res. No. 201, to make that rule work both ways. In 1886 Congress authorized a deposit with some 26 of the States of the Union of some $28,000,000. The act authorizing that deposit requires that the States give the Federal Government their evidences of the indebtedness and their promise to repay the money when Congress asks for it. That money has now been held by those States for 90 years without one dollar of interest being paid and without one cent of it being returned to the Treasury. The reclamation farmer is returning year after year a small part of that which he owes to the Government. He is paying interest on delinquent charges. It seems to me that after a period of 90 years, during which those 26 States have had the money taken from the Federal Treasury upon which they paid no interest, that it is about time that it be returned. Under the leave just granted I am putting into the RECORD a list of the 26 States, the amount of money they owe the Federal Government, and a letter from the Secretary of the Treasury showing that he holds the pledge of the States to repay this money, and that it has never been called for, and he can not call for it until Congress directs him to do so.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. CHINDBLOM. Does the gentleman show what that money is being used for by the States?

Mr. SIMMONS. I do not know, and I do not care. That money is held by the States. The Treasurer holds the promise of the State of Illinois, among others, to repay $477,919.14 whenever asked for. I think it is time to ask for it.

Mr. CHINDBLOM. But the gentleman has not the information as to the purpose for which the money is used?

Mr. SIMMONS. I have not.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. LEATHERWOOD. I will say in most cases it is used for internal improvements by the States receiving it.

Mr. SIMMONS. Just like the money is being used by Western States required by Congress to be returned.

The letter and statement are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE UNDERSECRETARY,
Washington, February 4, 1926.

DEAR CONGRESSMAN: Receipt is acknowledged of your letter of January 30, 1926, requesting information with regard to the deposit of certain moneys belonging to the United States with the several States of the Union under the acts of Congress of June 23, 1836, and October 2, 1837, and in reply I have to advise you as follows:

Under section 13 of the act of June 23, 1836 (5 Stat. 55), entitled "An act to regulate the deposit of the public moneys," it is provided:

"That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurers or other competent authorities to receive the same on the terms herein specified."

The terms were that the States receiving deposits should, through their treasurers or other competent authorities, sign certificates of deposit therefor in such forms as might be prescribed by the Secretary of the Treasury, which would express the usual and legal obligations and pledge the faith of the State for the safe-keeping and repayment thereof, and should "pledge the faith of the States receiving the same to pay the said moneys and every part thereof from time to time whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the Public Treasury beyond the amount of the five millions aforesaid."

Under this legislation three installments were placed with the several States, amounting in all to $28,101,644.91. Before the time for the making of the deposit of the fourth installment the condition of the Treasury was such that the Secretary withheld the fourth installment. Upon the meeting of Congress in September, 1837, the subject received immediate consideration, and on October 2, 1837, there was passed and approved "An act to postpone the fourth installment of deposits with the States" (5 U. S. Stat. p. 201). This act provided "that the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress."

Congress has never directed the return of the deposits and the matter stands at this time as it was left by the act of October 2, 1837, no part of the moneys deposited with any of the States ever having been returned to the Treasury.

A list of the States which received deposits (26) and the amount received by each, making up the total deposits of $28,101,644.91, is inclosed herewith.

The certificates of deposit signed by the competent authorities of the respective States, as provided for in the act of June 23, 1836, are now on file in the Treasury Department.

In connection with your request for "a brief history of the motives prompting Congress to authorize this deposit and the basis upon which the law was enacted," your attention is invited to an address delivered by Daniel Webster in the United States Senate on May 31, 1836, on introducing his proposition for the distribution of the surplus revenue, which may be found in the Congressional Globe and Appendix, Twenty-fourth Congress, first session, volume 3, pages 506–509. This address presents certain conditions existing at that time, together with the reasons for action on the part of Congress, and would appear to be representative of the majority thought at that time regarding this matter.

For your further information with regard to these deposits of funds with the States it may be added that under the authority contained in the act of June 25, 1910 (36 Stat. 776), the accounting officers credited the general account of the Treasurer of the United States and charged the several States with the sums deposited under the act of June 23, 1836, as directed by the provision of the act of June 25, 1910, as follows:

"*Provided*, That the credit herein authorized to be given to the Treasurer of the United States shall in no wise affect or discharge the indebtedness of the several States to the United States, as is provided in said act of Congress approved June 23, 1836, and shall be made in such manner as to debit the respective States chargeable therewith upon the books of the Treasury Department until otherwise directed by Congress."

From the foregoing it will be noted that while the deposits referred to may be regarded as an asset of the United States no action may be taken toward making any collection of the deposits with the States until Congress shall so direct.

By direction of the Secretary.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Hon. ROBERT G. SIMMONS,
House of Representatives.

Deposits with several States of funds of the United States under act of June 23, 1836 (5 Stat. 55), and act of October 2, 1837 (5 Stat. 201):

Maine	$955,838.25
New Hampshire	669,086.79
Vermont	669,086.79
Massachusetts	1,338,173.58
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
Pennsylvania	2,867,514.78
New Jersey	764,670.60
Ohio	2,007,260.34
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49

Delaware	$286,751.40
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.09
Georgia	1,051,422.09
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Missouri	382,335.30
Arkansas	286,751.40
Total	28,101,644.91

Mr. FUNK. Will the gentleman from New York use some time?

Mr. GRIFFIN. I yield 28 minutes to the gentleman from Mississippi [Mr. COLLINS]. [Applause.]

Mr. COLLINS. Mr. Chairman, I expect to use my time in discussing the bill that is before the House, or rather in discussing one phase of the bill, and that is the fiscal relations of the Federal Government to the District of Columbia. We all know the history of the District; we know that in all foreign governments, before the establishment of this one, there was a conflict of authority between the state or municipality where the capitol of the nation existed and the national government. We know that about the time of the beginning of this Government that a mob prevented Congress from properly considering legislation in Philadelphia, which necessitated the removal of the Capitol to Trenton; so it was therefore provided in the Constitution that Congress shall have the power to exercise exclusive jurisdiction in all cases whatsoever over such district, not exceeding 10 miles square, as may by cession of particular States and the acceptance by Congress become the seat of government of the United States.

In other words, it was the purpose of the framers of the Constitution to locate the seat of government where the Federal authority would be supreme, where the municipality or State would have no authority whatever, where the will of Congress would be the supreme law, where the American people as a whole would govern. The States of Maryland and Virginia thereupon ceded to the United States a territory which is known now as the District of Columbia, and in the ceded territory the city of Washington was laid out by mutual understandings and with the concurrence of all the States of the Union.

Mr. JOHNSON of Kentucky. Will the gentleman permit an interruption?

Mr. COLLINS. A brief one.

Mr. JOHNSON of Kentucky. The gentleman just stated that the city of Washington was laid out in the District of Columbia. I beg to take issue with the gentleman on that statement. In 1802 the city of Washington was chartered, and the act of Congress chartering it does not even say it is in the District of Columbia, does not say it is in the United States, and it gives no boundaries.

Mr. COLLINS. But it is in the District of Columbia.

Mr. JOHNSON of Kentucky. No; there is no city of Washington. Its charter was repealed by the act of February 21, 1871.

Mr. CONNALLY of Texas. If the gentleman will yield just for a moment, in connection with what the gentleman from Kentucky just said, I remember when I first came to Congress listening to a very able and interesting address by the gentleman from Kentucky showing that the official designation, as I recall it now, was the District of Columbia and not the city of Washington.

Mr. JOHNSON of Kentucky. Yes; the Constitution makes it so.

Mr. COLLINS. Now, the Federal Government in its dealings with the people of the District of Columbia and with the District of Columbia itself has always, in my opinion, dealt fairly with them. It certainly wishes to do so now. But there are those who contend that the Government is niggardly with the District, and that it pleases to saddle unjust burdens on the property owners of the District. I deny the assertion, and I contend that the Federal Government not only has been fair to the government of the District but to the people of the District as well.

The present bill that we have under consideration is more than fair to the District and District taxpayers. It appropriates approximately $33,757,000 to cover their needs. Now, as to that amount of the appropriation, it has been stated that it was less than the appropriation of last year. But that is not so. There was appropriated last year, or the fiscal year ending June 30, 1926, the sum of $36,188,000; but making up that appropriation bill there were items carried as deficiencies of $4,360,000, so that the total amount carried in that bill was $31,837,000, whereas this bill carries an appropriation of $33,757,000. In other words, the amount carried in this bill as compared with the amount carried in the bill of last year, the bill for the fiscal year 1926, is $1,829,000 in excess of the amount carried in that bill. We have increased expenditures here, and at the same time have reduced them in the other departments of the Government, and the District of Columbia is a part of the United States Government just as much as the Army and the Navy are, and if reductions are made in one department it follows that they should be reasonably expected elsewhere. Yearly the activities of the District are increasing, and in this bill now before us the committee has recommended in terms of dollars and cents almost the amount carried in the estimate of the Director of the Budget, being about $290,000 less than the amount recommended by him.

It carries some increases in various items. For instance, the salaries of officers in the District are increased approximately $17,000, and for courts and prisons and charities and corrections, schools, traffic signals, and so on, the appropriations are larger in this bill than those carried in the estimate of the Director of the Budget. Signal lights are increased approximately $350,000 over the estimate of the Director of the Budget. Of course, this appropriation is an indefinite one, but notwithstanding that fact it is an increase, and an increase of approximately $350,000. So that the charge that Congress is unfair to the District is manifestly unfair.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLANTON. In addition to these regular appropriation bills there are always deficiency bills.

Mr. COLLINS. I am going to get to that. I have already stated, or thought I had stated, that the probable appropriations for the fiscal year 1927 will be approximately $37,000,000, for there will occur deficiencies this year just the same as they have occurred in the past, and $37,000,000 is admittedly sufficient to take care of District needs.

Now the next question that we have to consider is whether or not the Congress is fair to the individual taxpayers of the District. We are charged with saddling unjust burdens on these individual taxpayers. Now we wish to see if that is so. I think the best way to consider it is by three methods. First, take the amount of governmental property used strictly for governmental purposes and compare it with the property owned by private individuals and corporations in the District, together with that owned by the District itself and that which is owned by the Government and used for strictly District purposes, and ascertain by this method the proportion of governmentally owned property used for governmental purposes as compared with all other property, and also the proportion of expense paid by the Government as compared with the amount paid by individual taxpayers.

In the consideration of this, we find that the United States Government owns property in the District of Columbia of the value of approximately $380,516,000; this includes all of the property of the Government.

This $380,516,000 of property of the Government within the District of Columbia is divided into classes: First, governmentally owned buildings—and mind you, the figures I am giving you are the figures of the District assessor—buildings, such as the Capitol, the navy yard, and so on, and these amount to $229,000,708. The other property that the United States Government owns in the District consists of parks, property used by the District of Columbia, and property that any other municipality would have to pay for out of municipal funds or the municipal treasury. Every park in the city of Washington is owned by the United States Government, and the taxpayers of the District of Columbia are getting the benefit of these parks. This property amounts to $150,000,000.

Now, the real and personal property——

Mr. LOWREY. Mr. Chairman will the gentleman yield there?

Mr. COLLINS. Yes.

Mr. LOWREY. Are those parks maintained by the District or by the Federal Government?

Mr. COLLINS. Maintained by both; but that is immaterial to what I am considering here, if the gentleman will pardon me.

The real estate and the personal property in the city of Washington, according to the assessor, amount to $1,000,000,000. Intangible property in Washington, according to the same of-

ficial, amounts to $420,000,000. And in this connection I wish to state that his figures are perhaps inaccurate, because in the estimate of the amount of revenue that will come to the District, the auditor of the District fixes the intangible property at $480,000,000 instead of $460,000,000, so that the figures I have given are sufficiently low, or $60,000,000 less than the figures of the auditor of the District.

Then there is exempt property in the District held by churches and schools and hospitals, and so on, amounting to $53,372,000, and then the property of the District of Columbia amounts to a little over $24,000,000

If we add the property owned by the individual taxpayers of the District, the municipal property, the exempt property, and the amount of property in the District owned by the United States Government, which is used solely for the benefit of the people of the District and not one particle of which is used by the Federal Government, we find that the total amount of all these classes of property in the District of Columbia is $1,648,000,000, whereas the governmentally used property, owned by the Government in the District, is $229,000,000. So we find that the governmentally used property in the District of Columbia amounts to less than 14 per cent of the entire property in the District.

Now, then, let us consider the question from another angle. The personal property and the real property in the District is assessed at $17 per thousand, while intangible property is assessed at $5 per thousand, and we find that the taxpayers of the District of Columbia are called on to pay in taxes this coming year the sum of $19,325,000. The United States Government contributes $9,000,000. It will immediately be assumed that the taxpayers of the District pay the difference between the amount carried in this appropriation bill of a little over $33,000,000 and $9,000,000, but that is not so. The taxpayers of the District, according to the estimates of the auditor of the District, will pay approximately $19,325,000. How does he arrive at those figures? He arrives at them by taking the real estate and personal property in the District at $17 per thousand, and that makes $17,000,000, and then $480,000,000 of intangible property in the District amounts to $2,235,000. In other words, the total contribution to the expense of running the government of the District of Columbia by the individual taxpayers of the District of Columbia amounts to $19,325,000, and the Government of the United States expends $9,000,000. So $9,000,000 represents 46 per cent of the amount paid by the taxpayers of the District of Columbia, while the governmentally owned property in the District and used for strictly governmental purposes amounts to 14 per cent of the entire property in the District. So the charge that is frequently made that the Congress of the United States is unfair to the people of the District is manifestly untrue. The Congress is generous to a marked degree to the District, and any method of figuring it will demonstrate it beyond the peradventure of a doubt.

Mr. PEERY. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. PEERY. Will the gentleman give us some information as to how the tax rate in the city of Washington compares with the average tax rate in cities of similar size throughout the United States?

Mr. COLLINS. I am going to do that. Now, then, we have considered the first proposition and that is to take the amount of governmentally owned property in the District, used for governmental purposes, and compare it with other property, and we have found that the Government of the United States and the Congress of the United States, charged with the government of this District, is fair, and fair to a marked degree to the District.

Now, let us consider the question from still another angle. Take all property owned by individuals and corporations in the District and ascertain the rate of taxation paid on this property as compared with rates paid by other property owners in cities of similar size or nearly similar size in other parts of the country, keeping in mind that the taxes paid here and levied by the Congress cover all taxes raised, while in other cities there are taxes paid not only to the municipalities but to the States, counties, and other jurisdictions as well.

In the consideration of this phase of the subject I want you to bear in mind again that the individual taxpayers of the District on personal and real property pay $1.70 per hundred or $17 per thousand on a supposed full valuation. Of course, after you have gone through hearings you will find that school sites, for instance, and other sites purchased for the District are sometimes purchased at several times the amount of the assessment. For instance, in this particular bill the Commissioners of the District asked for the purchase of a school site and they wanted about 4 acres. This site was bought a year ago or about a year ago. The 4 acres, according to the assessment, was $2,700 per acre, and the 4 acres would amount to around $10,000, but the District Commissioners asked for an appropriation of $100,000 to buy this piece of property. Now, the property here is assessed, as I said, at $17 per thousand, and, mind you, that was for the year 1926.

I am now going to give you a comparison of tax rates, assessments, and so forth, in 24 American cities, and I am going to give you those tax rates as of 1923. New York, on a 100 per cent basis of assessment, has a tax rate of $27.50 per thousand, while the rate here is $17 per thousand. In Chicago the tax rate is $77.70 on a 50 per cent valuation; in Philadelphia, $27 per thousand on a 100 per cent valuation; in St. Louis, $25 per thousand on a 100 per cent valuation; in Baltimore, $30.73 on a 100 per cent valuation; in Pittsburgh, $36.75 on a 100 per cent valuation; in Milwaukee, $29.15 on a 100 per cent valuation; in Buffalo, $33.22 on a 100 per cent valuation; in Newark, a city of about the same size as Washington, $37.80 on full valuation; in Cincinnati, $22.74 on full valuation; in Jersey City, $34.48 on full valuation. In every single instance nearly twice as much as the tax rate in the city of Washington.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. CONNALLY of Texas. The gentleman will bear in mind in that connection that in these other States the city property is also assessed for State purposes and county purposes.

Mr. COLLINS. I stated that, or thought I did.

Mr. CONNALLY of Texas. While in the District the Government performs all governmental functions for only one tax?

Mr. COLLINS. I think I stated that.

Mr. LANKFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. LANKFORD. Will the gentleman state what the tax rate would be in Washington if it were made at the average rate in similar cities for all purposes?

Mr. COLLINS. I think the rate of taxation on a 100 per cent valuation here is about the same as it is in other cities over the country. In other words, notwithstanding the fact that other cities claim to assess property on a 100 per cent valuation, I seriously doubt whether they do that in all instances.

Mr. LANKFORD. I mean, is the rate here the same as it is in other cities for all purposes?

Mr. COLLINS. No; it is not.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. MOORE of Virginia. The gentleman and I will agree that the tax rate has not any complete significance unless consideration is given to the assessment of the property. The gentleman has very often referred to 100 per cent and full valuation in other cities as compared with 100 per cent and full valuation in Washington. I ask the gentleman whether his committee made any investigation to ascertain what is the average rate of assessment on real estate in Washington City?

Mr. COLLINS. I will state to the gentleman from Virginia—and I am speaking solely for myself—that some property in Washington is assessed at full valuation, while, in my opinion, other property is assessed at very much under full valuation. You take the outlying districts of Washington. There property is assessed, in many instances, at less than one-third its true value. But a large part of the property in Washington is assessed, in my opinion, at its full value.

Mr. MOORE of Virginia. Does the assessor in Washington make a valuation of the property of the Government?

Mr. COLLINS. Yes; unofficial, but he makes one; and I will say that since 1923 he has raised his estimates on Government property nearly 50 per cent.

Let us again consider our second proposition, which I have just discussed.

Mr. BRIGGS. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BRIGGS. Has the gentleman made any study of the relationship of the assessed valuation of a great deal of this property; for instance, apartment houses, and the prices at which they have been sold time and time again within the last three years, indicating what kind of spread there is between such sale prices and the assessed valuation?

Mr. COLLINS. Yes; the gentleman from Maryland [Mr. ZIHLMAN] put in the RECORD about two years ago some very

interesting figures on that subject presented to him by the assessor, which I have not time now to discuss but which ought to be carefully considered.

Mr. BRIGGS. Do you remember what that relationship showed, generally?

Mr. COLLINS. Generally, the assessments, according to the figures that were given to Mr. ZIHLMAN by the assessor, and which were inserted by him in the RECORD, were on a par with the assessment of the property; perhaps just a little above.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FUNK. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. COLLINS. We have seen that if the taxpayers of the District pay less taxes here than taxpayers pay elsewhere in cities of similar size, then the taxpayers of the District have no right to complain, and the figures I have presented dealing with rates of taxation from 24 American cities ranging in population from New York, with 6,000,000, down to Denver, a city of 260,000, show the average tax rate in those 24 American cities is around $33 per thousand, whereas in Washington it is $17 per thousand.

Let us now consider this question from still another angle and ascertain whether the taxpayers of the District are treated fairly by the Federal Government.

Let us take all of the expenditures made under this bill, separate them, deduct those that are expended for purely municipal purposes, and then ascertain of the remainder the proportion of the same that should be borne by the Federal Government. We find, then, that five-sixths of the items in this bill are such items as the sewage system, trash on streets, collection and disposal of waste and refuse, electrical department, inspection of buildings, plumbing and wiring, courts and prisons, charities and corrections, medical charities, schools, playgrounds, libraries, and other strictly municipal activities, activities carried on by every city in the United States and out of which the Federal Government receives no benefit whatever. We find these items, in amount, are five-sixths of all the items in the bill and the rest of them, or the other one-sixth, are items such as roads, bridges, health, water, and so forth. Mind you, with reference to water, notwithstanding the fact that the water supply of this District is owned by the Federal Government, or largely owned by the Federal Government, still the Capital is supplied with water, or a large part of its water, by another governmentally owned water plant. The interest of the United States Government in roads, bridges, health, water, and so forth, is certainly meager. These are items carried in every municipal budget in the country and it can not be said that the United States should pay all the expense of carrying on these activities. But do we? Yes; these items which are part benefit to the National Government amount to approximately $6,000,000; but the Government is not content to appropriate $6,000,000 to take care of all of them, but appropriates the $6,000,000 and $3,000,000 more. So we are certainly fair in our dealings in this regard with the District.

But we do not stop there. In the bill that is before us we have a surplus revenue fund of over $2,000,000 that is appropriated, all of which comes out of the Treasury of the United States; and in addition to that we built two bridges across the Potomac River in Virginia and we are building still another bridge, the Memorial Bridge.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SCHAFER. Does not the gentleman think it ought to be brought out also that in the other cities where you quoted the property and real estate tax rate the taxpayers also have to pay State income taxes and inheritance taxes in most of the States?

Mr. COLLINS. Yes. I have handled this matter from three different standpoints, and from every standpoint it is clearly proven that the Congress of the United States is fair to the District of Columbia; not only fair to the District, but to the taxpayers of the District as well.

The Congress of the United States takes pride in the Capital of the country, and in my opinion will always be found taking care of the needs of the District according to its best judgment as to what is right and proper. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. FUNK. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, recently the gentleman from Texas [Mr. JONES] asserted in the course of a speech on the Philippine situation that the present Governor General is unfit for the position. The basis of the opinion was that he is a military man and has expressed an opinion that the Filipinos should not be granted independence. I have the honor of having for a time been in the military service under General Wood and of serving on the board of trustees of a well-known American college with him. I can not let the statement go unchallenged.

Leonard Wood needs no defense by any Member of the Congress. His record is written into the history of this Nation and is a record of achievement surpassed by no other living American. It is about time, therefore, that we call a halt on reckless criticism and pause for a moment to do justice to this great soldier, citizen, and executive, who to-day represents the sovereignty of this Republic in our possessions in the Orient.

The remarks of my colleague suggest that General Wood is by nature of his training a military dictator. His early training was not of a military character. His father was a New England country doctor, and in the atmosphere of a home of common service to the community he grew to early manhood. He chose the profession of his honored father, and after working his way through college became a doctor. After a time spent in practice in Massachusetts he passed an examination and entered the service of his country as a contract surgeon.

He was assigned to the command of the then Capt. H. W. Lawton, who rose from the ranks to be a major general and was killed in action in the Philippines. His life divides itself into three periods—18 years as a surgeon, during which he served two Presidents of the United States as their personal physician; a comparatively brief service as a combat officer; and years of successful work as an administrator.

At the time he joined Lawton the latter was leading a campaign against Geronimo and it was a grueling chase that the old Indian chieftain led the small but efficient force in the Southwest. Lawton and Wood were the only officers who were able to go through the campaign. The Infantry was left without line officers, and Wood, upon his own request, was given a command in addition to his duties as a surgeon. For distinguished gallantry he was awarded by Congress the coveted medal of honor after he had been in the service but a short time.

In a report to General Miles on the Geronimo campaign Captain Lawton said:

> Concerning Dr. Leonard Wood, I can only repeat what I have before reported officially and what I have said to you, that his services during that trying campaign were of the highest order. I speak particularly of services other than those devolving on him as a medical officer; services as a combat officer, voluntarily performed. He sought the most difficult and dangerous work, and by his determination and courage rendered a successful issue in the campaign possible.

Major General Miles, indorsing Lawton's commendation, said:

> Assistant Surgeon Wood accompanied Lawton's command from the beginning to the end. He not only fulfilled the duties of his profession in his skillful attention to disabled officers and soldiers, but performed satisfactorily the duties of a line officer, and during the whole extraordinary march, by his example of physical endurance, greatly encouraged others, having voluntarily made many of the longest and most difficult marches on foot.

The Spanish War found the country wholly unprepared both as to trained men and equipment. Leonard Wood was given the command of a cavalry regiment known as the Rough Riders. He had then been for some years the White House physician and had gained an intimate knowledge of War Department details during his residence in Washington. That knowledge enabled him to fit out his regiment in fairly good shape. It was organized, equipped, brought to the port of debarkation, embarked, landed in Cuba, and put through two offensive battles all within 60 days. This was the work of a genius. Of course he had the assistance as lieutenant colonel of that great dynamic American, Theodore Roosevelt, but that fact does not detract from the splendid service of Leonard Wood. General Young, who commanded the Second Cavalry Brigade, in his report of the offensive battles said:

> I can not speak too highly of the efficient manner in which Colonel Wood handled his regiment and of his magnificent behavior on the field.

Before the Battle of San Juan General Young became ill and Colonel Wood was placed in command of the brigade.

The division commander was that gallant cavalry leader of the South, Gen. Joseph Wheeler, who commended Wood in the highest terms. For his conspicuous bravery he was recommended to be a brigadier general.

Later, he was promoted, and at one time commanded the Eastern Department. In 1910 he was placed at the head of the Army as the Chief of Staff. Thus he rose through sheer ability to the highest place in the active Military Establishment of his country.

During the late war he rendered service of the greatest value; in spurring officials to better preparation; in giving Congress valuable information as a result of observations at the front, where he was seriously wounded, and in the training of two splendid divisions. As he was about to embark with one of these—the Eighty-ninth—for service overseas, he was detached from command without a word of explanation. What this sudden blow meant to a soldier like General Wood few will ever know. He did not sulk. He did not talk about it. He did not complain. Later he was ordered to train another division and set about the task with a resolution worthy of the great man he is. The first men of the division were gathered into groups on August 10, 1918. The men were prepared and trained ready to leave for the front November 1, and the officers of the British and French service mission, who had been with the organization for six weeks of the training period, after critical inspection declared it to be the best trained of any they had seen in the United States. The success in whipping this body of recruits into shape was without parallel in our Army service. Tardy recognition came when he was called to Washington and the Secretary of War pinned the distinguished-service medal on his breast.

General Wood's service to the Nation along military lines is not fully comprehended in this brief reference to his active service in the field and in the departments.

In 1902 he attended the German Army maneuvers. Lord Roberts, the hero of Kabul and Kandahar, was the representative of Great Britain. Together they watched in practice the most perfect military organization the world had ever seen. Lord Roberts, at their close, turned to Wood and said:

> Wood, what are our countries to do when that splendid military machine is directed against us?

Each returned to warn his country at whatever cost to himself. Lord Roberts went up and down England sounding the warning "prepare or perish." They were both met with ridicule and their warnings treated with derision. The world was then blind to Germany's colossal military preparations. General Wood, with rare vision as to the future, strove with sincere patriotism to arouse interest in better preparation to meet an emergency. For 10 years he made recommendations to the War Department, only to have them pigeonholed. Then he told the people the stark truth concerning the peril the future had in store. He, with Roosevelt, fought the pacifists, who, then as now talked about the militarism of a sordid Europe, above which we of America had risen in our far-famed idealism.

Finally he organized the Plattsburg camps, which trained thousands of civilians so that they became brilliant officers during the World War. And how much we needed them! We now know that without them to command our troops our armies could not have arrived at the front in time for effective service. All of the impelling object lessons of the war itself confirmed General Wood's arguments for preparedness and refuted the shallow prattlings of pacifist talk. We now know he was right. To him the Nation and the world owes a great debt of gratitude for his work. If we had followed his advice at an earlier time thousands of the brave sons of America who made the supreme sacrifice would be among the living to-day.

Well did Princeton University appraise his services when in 1916 there was conferred upon him an LL. D. degree in the following terms:

> In our defenseless state he has sounded the reveille to awaken a slumbering Nation from its dream of security, bidding us rise and take our place like men to save our freedom and help to save the imperiled freedom of the world.

The claim to fame for General Wood does not rest alone either with his service as a soldier. During the Spanish War many of our soldiers were in and about Santiago, Cuba. It had long been a plague spot and as such had been known to the sailors of the seas for generations. General Wood was placed in charge of the city and Province. At that time the city was reeking with filth. The inhabitants were starving. Women and children were on the streets with pitiful appeals for food. Here General Wood's genius for administration brought order out of chaos. An English writer, who was an eye witness to the events about Santiago in 1898, wrote as follows:

> If ever in this world the extraordinary man, the man of destiny, the man of preeminence and resource, was needed, it was at Santiago de Cuba during the latter part of July, 1898. The occasion demanded first a physician to deal with the tremendous sanitary needs; then a soldier to suppress turbulence and effect a quick restoration of law and order; and, finally, a statesman to reestablish and perfect a civil government. In General Wood was found a man who by nature, education, and experience, combined in himself a generous share of the special skill of all three. By special education and subsequent practice he was a physician; by practice and incidental education, added to a natural bent, he was a soldier and a law giver.

And further:

> This unparalleled regeneration had been wrought not by a host of men native to the locality and occupying offices long established, and enjoying an official prestige, but by an American brigadier general of volunteers, a stranger to the place and people, embarked on the work at a moment's notice and having for his immediate aids only a few Army officers, some of whom had been out of West Point less than two years, and all of whom were as new to the place as himself. It was the tour de force of a man of genius, for in the harder, more fundamental tasks that confronted him here General Wood had no previous experience.

When he was compelled to return to the United States for a brief visit the whole city turned out to do honor to him and presented him with a testimonial engrossed in Spanish which reads, in part:

> The people of the city of Santiago de Cuba to Gen. Leonard Wood * * * the greatest of all your successes is to have won the confidence and the esteem of a people in trouble.

His success as Governor of Santiago led to his appointment as Military Governor of Cuba. Yellow fever was then prevalent. Sanitary conditions were indescribably bad throughout the island. Thousands of cases of smallpox existed. The Government had to be reconstructed. The problems of hundreds of years of misrule had to be met. He faced a situation such as no other civil or military administrator ever faced. He set about the task with resolute courage.

He conquered disease and made Cuba healthy, a condition that had not been known for centuries. He reconstructed the whole machinery of justice, made over the Government and brought it up to date, built roads, grouped hospitals and charities under new organizations, renovated old hospitals and built new ones, made harbor improvements, put into operation a postal system and established post offices, established a new custom system, and built up a school system. When he went into office not a single public-school house existed. When the Government was turned over to the Cubans, 3,800 schools were in operation in good schoolhouses with 265,000 pupils.

All this he did with signal success. Elihu Root, then Secretary of War, had this to say of his work:

> Out of an utterly prostrate colony a free republic was built up, the work being done with such signal ability, integrity, and success that the new nation started out under more favorable conditions than has ever before been the case in any single instance among her Spanish-American Republics. This record stands alone in history, and the benefit conferred thereby on the people of Cuba was no greater than the honor conferred upon the people of the United States.

Lord Cromer, Great Britain's colonial administrator, characterized Leonard Wood's work in Cuba as "the greatest piece of colonial administration in all history."

His next great work was in the Philippines, where he was sent by President Roosevelt to pacify the Moros and to build up their government. There he had infinitely more delicate tasks of dealing with many different religions, laws, customs, and hereditary rights of tribal rulers. The quality of statesmanship he exhibited was again of the highest order. He changed the Moros from a slave-holding, polygamous people to a self-governing state.

In recognition of his work in colonial organization and administration in Cuba and the Philippines, the French Legion of Honor conferred upon him the next to the highest of its five orders.

President Roosevelt referred to him in the following words:

He has shown himself one of the most useful and patriotic of American public servants and has made good Americans his debtors by what he has done.

The career of Leonard Wood is a sufficient answer to the criticism of the gentleman from Texas. In every position of administration he has won the respect and love of the people over whom he has been placed. As to this, Roosevelt well said:

Spaniards and Cubans, Christian Filipinos and Moros, Catholic ecclesiastics and Protestant missionaries—in each case the great majority of those whose opinions was best worth having, grew to regard General Wood as their special champion and ablest friend, and as the man who more than any other understood and sympathized with their peculiar needs and was anxious to render them the help most needed. His administration was as signally successful in the Moro country as in Cuba. In each case alike it brought in its train peace, an increase in material prosperity, and a rigid adherence to honesty as the only policy tolerated among officials.

This, then, is the man who represents our Nation as Governor General of the Philippines—a great soldier whose service has always been tempered by the fact that he came from civil life; a patriotic American citizen with the highest concept of its duties and obligations; an administrator better than whom does not exist in the civilized world to-day; an outstanding conservator of Americanism and a most efficient organizer of orderly freedom for people who had been the victims of tyranny for hundreds of years.

I can not speak for others, but as for myself I have an abiding feeling that every red-blooded, patriotic citizen of the United States ought to thank God that Leonard Wood was given to the service of his country. [Applause.]

Mr. FUNK. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, on March 5 I delivered a discourse on the floor of this House. The thesis I undertook to maintain was that the Constitution of the United States is the fundamental organic law of the land; that it was intended only to provide the framework of government, define its functions, and prescribe the duties, the powers, and the limitations of its different branches. I further maintained that the constitution of a country should be fundamentally confined to those elements.

I pointed out the attitude of Alexander Hamilton with regard to the addition of the Bill of Rights to the Constitution, and quoted from the Federalist, the eighty-fourth number, in which he held that the incorporation of the Bill of Rights into the Constitution might later prove to be an embarrassment. His argument was that it was an absurdity to place a limitation on the Federal Government against the abuse of an authority not granted to it. Such a limitation was bound to imply a power of regulation which it did not possess. In other words, that the fundamental rights embodied in the Bill of Rights were so firmly embedded in the traditions, in the customs, and in the common law of the land, that the only effect of their enumeration in the Constitution would be to imply that they could thus become subject to impairment by amendment of the instrument in which they were thus improperly incorporated.

His argument was ingenious. His reasoning is worthy of our study. He had a keen and searching intellect, almost the gift of prophecy, and the arguments he marshaled in that number of the Federalist display a wisdom and foresight well nigh marvelous.

He pointed out that it was not necessary to guarantee the liberty of the press when no powers were given the Federal Government to abridge it. The same process of reasoning is equally applicable to the guaranties of free speech and security of life, liberty, and property.

THE SUPREME COURT DECISION

His foresight was confirmed 130 years after in the decision of the Supreme Court of the United States in the prohibition cases (253 U. S. p. 353), where it was held that, because the Bill of Rights was a part of the Constitution, all of its guaranties were thereby subject to nullification or repeal by an amendment carried through under the amending clause of the instrument (Art. V). In other words, a fair inference from this decision is that if the Bill of Rights had not been included in the Constitution by the first 10 amendments, their guaranties could not have been held subject to abatement, repeal, or violation by any subsequent amendment.

A FUTURE POSSIBLE DILEMMA

But as the law stands to-day, under this decision—a 7 to 2 decision—the power contained in Article V of the Constitution, the amending clause of the Constitution, covers not only the original fundamental organic law of the Nation but any amendments made subsequently thereto; and the Bill of Rights, embracing freedom of religion, free speech, the guaranties of life, liberty, and property, all of these fundamental rights which were tacked on to the Constitution in the first series of amendments become subject to the amending clause of the Constitution. Consequently, if an amendment were proposed to the Constitution repealing the right of freedom of worship or the right of a free press or the right of free speech, and it were adopted by three-quarters of the States of the Union, the Supreme Court of the United States would have no recourse but to follow the precedent thus set by this amazing decision.

Now, I do not know, and I will not venture to predict, what the Supreme Court might do upon some future occasion should an amendment of that character be proposed. It would be confronted with a very awkward problem. Let us hope that the day is long distant when any amendment shall be proposed to the Constitution which shall attempt to further diminish human liberty.

A CRITIC ANSWERED

In the course of my remarks I charged that the eighteenth amendment violated and practically nullified the guaranties contained in the Bill of Rights and claimed that it was the only amendment to the Constitution of the United States which curtailed individual freedom. All of the others were either amendatory of the original framework of the Constitution or promulgated some enlargement of human liberty.

The next day I saw in the press an account of a speech by the gentleman from South Carolina [Mr. STEVENSON] in which he characterized my argument as "finespun hypocrisy." I notified Mr. STEVENSON to be here, and if he is not here I am sorry, but I do not intend to indulge in recrimination. On the contrary, as the days have receded since the reading of his criticism my resentment seems to have faded. I almost feel now as though I ought to thank him for his censure, because it has produced such interest in what I said that I have been the recipient of numerous favorable comments.

Perhaps the best way to answer the gentleman from South Carolina is to show where he was wrong. The gist of his argument seemed to be that I had voted for the child labor amendment. Evidently he considers the child labor amendment as impairing in some way individual liberty, and therefore having voted for that amendment I could be in no position to criticize the eighteenth amendment.

My answer to that is, that the eighteenth amendment with one fell blow jettisoned half a billion dollars' worth of property and made a crime of conduct that had theretofore been lawful by long tradition and usage, thus putting what is tantamount to a police regulation into the Federal Constitution. Now mark the difference: The proposed nineteenth amendment would simply have given the power to Congress to legislate. It read as follows:

Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Note the difference? One vested Congress with power to legislate. The other legislated! The child labor amendment did not tack a statute on the organic fundamental framework of the Constitution, but simply gave to the Congress the power to make a statute in its discretion.

I think that is a complete answer to the contention of the gentleman from South Carolina. There is a distinction between the eighteenth amendment, which arbitrarily embedded a statute into the Constitution, and the child labor amendment, which simply reposed in the Congress the power to make a statute.

The same might be said of the sixteenth amendment, which in substance gives the power to Congress to impose taxes on incomes irrespective of the source and without regard to any census or enumeration. There was a precedent. Why did they not follow it—whoever they were—in drafting the eighteenth amendment? It was drawn by some pretty shrewd strategists.

I have taken the pains to go through the amendments and made an analysis of them. I shall only briefly summarize them now, but will put the analysis in the RECORD at this point:

ANALYSIS OF THE AMENDMENTS TO THE CONSTITUTION

They fall into the following classes:

1. DECLARATORY—THAT IS, RECOGNIZING OR EXTENDING HUMAN RIGHTS

Amendment I. Declaring freedom of religion, speech, press; the right to peaceably assemble and petition for redress of grievances.

Amendment II. Declaring the right of the people to bear arms.

Amendment III. Declaring the sanctity of the home against the quartering of troops.

Amendment IV. Declaring the security of the people in their persons, houses, papers, and effects against unreasonable search.

Amendment V. Declaring the right of trial by jury.

Amendment VI. Declaring the right of the accused to a speedy trial in the district wherein the crime shall have been committed, etc.

Amendment VII. Declaring the supremacy of the common law and conserving the right of trial by jury.

Amendment VIII. Declaring against excessive bail and cruel and unusual punishment.

Amendment XIII. Extending the blessings of freedom to all human beings.

Amendment XIV. Declaring that no State shall deprive any person of life, liberty, or property without due process of law.

Amendment XV. Declaring the right of citizens to vote irrespective of race, color, or previous condition of servitude.

Amendment XIX. Declaring the right of citizens to vote irrespective of sex.

2. EXPLANATORY—THAT IS, CONSTRUING THE INSTRUMENT

Amendment IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Amendment XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State, or by the citizens or subjects of any foreign state.

3. STRUCTURAL—THAT IS, AFFECTING THE STRUCTURE OF THE INSTRUMENT

Amendment XII. Changing the method of the election of President and Vice President.

Amendment XVII. Changing the method of the election of United States Senators.

4. EMPOWERING—THAT IS, GIVING TO OR ENLARGING THE POWERS OF CONGRESS

Amendment XVI. Giving Congress the power to impose taxes on incomes irrespective of source and without regard to any census or enumeration.

5. LEGISLATIVE—THAT IS, PUTTING ENACTMENTS OR STATUTES IN THE INSTRUMENT; USURPING THE POWER OF CONGRESS

Amendment XVIII. Which embeds in the Constitution a police regulation prohibiting the manufacture, sale, or transportation of intoxicating liquors for beverage purposes.

An examination of this analysis shows that we have only one legislative amendment usurping the power of Congress, the eighteenth amendment. Thank God, there is but one of them. [Applause.]

Mr. Chairman, I was yielded 20 minutes, but I promised to yield five of those minutes to the gentleman from Georgia [Mr. LANKFORD], which I now do.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I can not within five minutes discuss any proposition extensively or fully. I really purposed getting much more time than this, and was promised more; but it became necessary to yield part of my time to some other Members who had studied certain phases of this District of Columbia appropriation bill, and certain other matters, who wanted to make full presentation of the subjects in hand, so I gladly consented that part of my time be used by those gentlemen. The gentleman from Tennessee [Mr. GARRETT], for instance, the leader on my side, wanted to use some time, and I am always glad to have my time used by men like him.

I shall avail myself of the opportunity of extending in the RECORD under the consent granted by the membership my remarks in connection with the Sunday observance bill, which I introduced some time ago, and go to some extent into the newspaper way of handling this proposition. For instance, in the Washington Herald of to-day there is a write-up of a wonderful hearing which took place yesterday on this Sunday observance bill, the article stating that certain testimony was introduced at that hearing yesterday, showing that the Jews were about to be very much mistreated by the bill. I have made inquiry in respect to the matter. The committee did not meet yesterday. No one of the members of the committee knew of any meeting yesterday. I am the author of the bill, and I knew of no hearings of the committee yesterday, and I understand that no hearing was held at all yesterday on this bill. Yet some enterprising newspaper correspondent in his own mind held a hearing and made his own report of it. He introduced statements in this fictitious hearing which are alleged to have been made five or six years ago and have been denied time and time again.

Mr. Chairman and gentlemen of the committee, my remarks of the 17th of February brought forth an editorial attack by the Washington Herald under a double-column caption of "Mr. LANKFORD now engages in tirade on Washington." If I had felt the least doubt about my position on the matters discussed, that doubt would have been dispelled by the editorial.

The editor says that I now engage "in tirade on Washington." Well, I am confident that I can justify an occasional tirade based on truth and facts much more easily than the editor and those who think as he does can justify the raid of the District of Columbia on the United States Treasury and the common people every day Congress is in session.

The editor proceeds to indirectly tell me how Members are relegated to obscurity for expressing their views if the District does not approve those views and gives me the tip that a similar fate awaits me if I am not good in the future. Now, I am sure that all must realize just how scared I am. I know that even the editor himself must regret that he has frightened poor me so much. He really loses by scaring me, for now he will never know just what I would have said in reply to him had I not been so scared.

When I begin to reflect on the obscurity with which I am threatened my fears abate somewhat, for I realize that the editor only means to put me with the common people of the country who occupy the humble callings of life. I will suggest to the editor that such a punishment would be as severe as was the punishment which was inflicted upon the rabbit which was consigned to live in a brier patch. When I am consigned to live with the common folks I will be where I was raised and where, thank God, I have always lived. I will be with those I love and who love me. I will be with those I have always tried to help and who have done more for me than I ever deserved. I will be with those I am doing my best to help here in Congress and for whom I will plead as long as God gives me power, regardless of threats, direct or indirect, and without seeking favors from those who raid and plunder my people and without reward or hope of reward from the enemies of the great common masses.

Since the matter of attendance upon the sessions of Congress has been referred to, I will suggest to the gentleman that my record in this respect can be obtained very easily, and I will gladly furnish him addressed envelopes and arrange for him to mail free my record in this respect or in any other respect to all the voters in my district if he wishes to do so. If I had plenty of money, I would gladly pay the gentleman for this service.

The editor says that I do not like the Washington bootlegger, the Washington press, the Washington traffic regulations, the lack of Sunday observance here, and the Washington tax rate. Right he is this time. I would be ashamed of myself if I did like them. I wish that the editor was not so fond of them.

I deplore the tendency here and elsewhere to make heroes of bootleggers and criminals and to hold up to ridicule those who attempt to enforce the law. I regret that the press here and in many other sections of the country think that freedom of the press means the right to oppress those that stand for law and order and the right to suppress the truth. I shudder with horror when I realize that many papers in this Nation are leading in the fight against law and order and against the Constitution of our fathers. Too many newspapers in Washington and elsewhere pass unnoticed all the many wonderful traits of a child and yet magnify and give the greatest publicity to any false step that boy or girl may make.

The wonderful lifelong, continuous service and sacrifice of millions of good men, women, and ministers go unmentioned by many of the papers of the country which jubilantly give a double-column front-page exaggerated write up of any fool suggestion that some preacher may make that can be construed into a declaration against law and order or against law enforcement. These same papers will take one indiscretion of some minister of the gospel and endeavor to make it undo all the

preaching, labor, and service of all the good men and women of the whole Nation for all time past.

To paraphrase the great English divine, Dr. Campbell Morgan, let me say that these papers do not have the fairness or decency of an old barnyard hen.

The old hen scratches for hours among the chaff and trash looking for one grain of wheat, and when she finds it she gladly publishes to her children and the world that among all the trash she has found something worth while. Too many papers of our country search forever among the wonderful service and wonderful sermons and wonderful lives of the most wonderful people on earth not for a little of the good but for a husk of rot, and when it is found they call the attention of all the children of men to this one sin or indiscretion which in millions of others goes unmentioned.

Too many papers here in Washington and in other parts of the country which engage in the very things that I have been criticizing seem to go into hysterics when it is learned that some brute may be summarily dealt with for outraging some woman, and yet these same papers show apparently no concern about the victim of the awful crime which has been perpetrated.

These same papers and other individuals howl about law and the majesty of the law and the protection of the Constitution in behalf of the most fiendish of all criminals, and yet give little or no concern to the thousands of men, women, and children that are being lynched every day by the bootlegger, the speed maniac, and the fiendish press of the Nation.

Many a man who decries law and law enforcement against the criminal and in behalf of the children of the Nation shouts about the majesty of the law and the sacredness of the old Constitution in behalf of the bootlegger, the murderer, and the rapist.

Many a man who tumbles in his bed all night long fearing that a criminal fiend may be lynched sleeps peacefully while children are being crushed to death on the corner next to his home, while the bootlegger is undermining, with his approval, all law and the Constitution, and while his paper is carrying in its next issue a write-up of some child who in an unguarded moment did some slight wrong which deserves no mention and yet is given full publicity, thereby inflicting on her a punishment worse than the death of fagots and the torch.

I sometimes stop and wonder why this is, and then I am reminded that I have never seen a serpent admiring the beauties of the heavens, or a buzzard sipping the fragrance of flowers, or an individual who is always shouting for the criminal and the rapist that cared for or appreciated law and law enforcement or who would fight for the good, the innocence, and the virtue of children or for the protection of them and their fathers and mothers.

Mr. Chairman, it is my purpose to discuss the traffic situation a little more fully before I shall have concluded these remarks. I hope to also make further observations concerning the lack of Sunday observance here and the injustice of the tax rate.

Before further discussing the editorial, though, I wish to insert it in full in my remarks, so that all may know just how the editor feels about the matters we are discussing. Here is his editorial in full:

MR. LANKFORD NOW ENGAGES IN TIRADE ON WASHINGTON

The halls of Congress give any elected representative of the American people the right to have his say, whether the subject matter of his discourse is of any consequence or not. Representative MARTIN L. DAVEY, of Ohio, author of the ambitious project to save five hundred million or a billion dollars a year by the simple process of firing all the Government's employees except Congressmen, recently indulged in a tirade against the clerks, whom he stigmatized as time-wasting loafers. The discovery that Mr. DAVEY'S own record as a Member of the House revealed none too conscientious devotion to duty was made shortly thereafter, and Mr. DAVEY has retired once more to the obscurity from which he had temporarily emerged.

Now the Hon. W. C. LANKFORD, of Douglas, Ga., rises for a few remarks. Mr. LANKFORD is a duly accredited Representative from the sovereign State of Georgia, and he is much disturbed by the Washington press, the Washington tax rate, the Washington traffic regulations, the Washington bootleggers, and the state of Sunday observance in the District of Columbia. As a one-man society for the reformation of the universe, he plans to do battle against all these things. Law enforcement is what we need, he says; and since we do not enforce the laws we have, he recommends another law, certain to prove obnoxious to a large part of our people, as a remedy.

Mr. LANKFORD is distressed because Congress appropriates money for bathing beaches in this city. Mr. LANKFORD possibly does not know that most civilized municipalities find bathing beaches essential to the comfort and happiness of their people, and that they are only too happy to provide them. Washington needs them as much as any other city. Our climate is warm in midsummer, and last year's experience shows that what is saved in civic funds is lost in human lives, if bathing beaches are unavailable.

Most cities pay for their own bathing beaches. So do we. If we had political rights, we should not have to ask Congress to appropriate money for them. But we are not permitted to use our own money otherwise.

Mr. LANKFORD is particularly distressed that bathing beaches should be provided for the negroes in Washington's population. The Washington Herald suggests most respectfully that he read the thirteenth, fourteenth, and fifteenth amendments to the United States Constitution.

The District Commissioners, Congress, and the courts, says Mr. LANKFORD, are making no effort to protect the pedestrians in Washington's streets. If Mr. LANKFORD has been reading the papers of late, he will discover that numerous efforts have been made to regulate pedestrian traffic, and that they have failed because some pedestrians will not observe the signals. No punishment could be inflicted upon those few, and the whole scheme went to pieces.

All this leads up to his advocacy of a Sunday law for the District which, in the words of his own bill, makes the following provisions:

"SEC. 4. That it shall be unlawful in the District of Columbia to keep open or use any dancing saloon, theater (whether for motion pictures, plays spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday."

That is not all of the bill, but it is enough. Mr. LANKFORD says that he has introduced a bill for the decent observance of the Sabbath. It may have escaped his attention that the first amendment of the United States Constitution provides for religious freedom, and that there are considerable numbers of persons in the District of Columbia who observe Saturday as the Sabbath, as well as a great many more whose views on Sunday observance do not coincide with those of the Hon. Mr. LANKFORD. In Douglas, Ga., Mr. LANKFORD'S ideas may be accepted 100 per cent. They are less popular here.

The Herald's advice as to blue laws is that we follow the suggestion of some brilliant middle westerner, whose name deserves immortalization. Let's have the most drastic blue law that can be devised. Let those who wish voluntarily to subscribe to it, do so. Thereafter, if any such subscribers are enmeshed in the toils of the theater or the baseball park, let them pay the penalty. As for the rest of us, let us be left alone. We want no oppressive legislation, whether a majority or a minority supports it.

Mr. LANKFORD thereupon engages in a verbal assault upon the Washington Herald, quoting an editorial which, he says, was published in this paper. Here, as in some other instances, Mr. LANKFORD is 100 per cent wrong. The editorial was not published in the Herald, and in all probability will not be.

"There are more crooks and criminals here than in any other city of equal size in the country," says Mr. LANKFORD, of Washington. It would be interesting to know where he obtained his information. He charges that we try to attract people here from all parts of the country, and "when they do come they are insulted, robbed, and ofttimes murdered because the officials and press here favor no decent laws." That speaks for itself.

There is no point in continuing further with Mr. LANKFORD'S silly speech. It would not be worth wasting space on except that there are others in Congress—though the Herald believes they are few—who have as little conception of religious and racial tolerance and of fair play as Mr. LANKFORD.

The Georgia Representative protests that Washington is clamoring for appropriations. That is true. It is paying in taxes considerable sums every year. It wants the same sort of civic equipment that other cities enjoy.

If Mr. LANKFORD and his associates in Congress will give us the vote, and other political rights, we will not demand appropriations from Congress. We will tax ourselves, spend our own money, and get what we need in the way of bathing beaches and other things.

I am not endeavoring to act as "a one-man society for the reformation of the universe." I am only making an humble protest against some things that, to my mind, are very wrong. In this effort I do not at all believe that I am by myself; neither do I hope to reform the universe nor any considerable portion thereof. There are too many people who are tugging the wrong way. I just do not intend to go contrary to my conscientious convictions in order to be with the great crowd with whom I so widely differ. I am making a fight for what I believe to be right, and this is my duty as a man, as a citizen, and as a Member of Congress. I am offering no

apology for urging more enforcement of the laws on our statute books and for more decent regulations here in the District, neither am I apologizing for contending that the people in my district should not be taxed to build negro bathing beaches for the District of Columbia.

The editor appears to believe that because the District refuses to enforce some laws and refuses to abide by reasonable regulations that no other law should be enacted and that all attempts to enforce laws decently should be abandoned. I can not follow him in his theory in this respect. The fact that there are people who do not obey the laws and want to run roughshod over the rights of others is the very strongest reason for a law to protect the public. Neither is the fact that a law may be obnoxious to some people sufficient cause for not enforcing the law or to have prevented its passage.

The law against burglary is obnoxious to robbers and thieves. The law against murder is very obnoxious to those who delight in taking the lives of their fellow man. Equally, the law against treason is obnoxious to those with traitorous designs against their country. All laws against crime are obnoxious to criminals. If we follow the suggestions of the editor, we would have no criminal statutes whatever and every man would be a law unto himself. This probably would be a safe rule for some Robinson Crusoe living alone on an island, but I submit that it is not a good rule for people living in decent communities.

It is urged in the editorial that a Sunday observance law be enacted for the District of Columbia and "Let those who wish voluntarily to subscribe to it do so," and "Let those who do not like the law be not amenable to it." Ah, my brother, herein is the crux of your error. Criminal laws are not necessary for those who favor them the most and do not want to violate them. Criminal laws are made for the public and get their chief efficacy from their enforcement against criminals.

Just here let me say that the editor of the Herald does not always write bad editorials. On Monday, February 22, Washington's Birthday, the editor wrote an editorial the caption of which expressed a great truth in the following language, to wit, "We might honor Washington more by heeding his advice." The editorial beautifully and forcefully urged us to heed the advice as contained in Washington's Farewell Address; so I feel justified in quoting from that same immortal document, as follows:

> This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

Again I quote from the same address, as follows:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.
>
> It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

It will be remembered that General Washington attended church regularly and believed in a strict observance of Sunday. If Washington was living at this time, he would be among those whom the editor believes should be bound by a Sunday observance law. He certainly would not be among those who would want to disregard this or any other law.

The editor suggests for "immortalization" the name of one whom he terms "some brilliant middle westerner," who suggests that certain laws be made and that those who want to obey them be bound by them, and that those who do not be not amenable to them. Well, I move to strike out the name of this "some brilliant middle westerner" as candidate for "immortalization" and ask to insert in lieu of the name so stricken the name of a man who stood for law and order and decent Sunday observance, and who will ever hold the place of the foremost patriot and statesman of the greatest Nation on earth.

The editor says that this "some brilliant middle westerner" is brilliant. Well, I am willing to pardon the editor for saying that my speech is "silly." I am truly glad he does not think it was brilliant.

Just in passing let me suggest to the editor that it did not occur to the editor to leave off quoting my speech until he got to the part where I suggested that he give me a write up on the proposition of determining what is the average tax rate of cities in the United States and then making that rate the permanent rate for the District of Columbia. I knew that that suggestion would not be played up in the Washington papers. About all that could be done with the proposition was to pass it by and simply make an ugly face.

Again the thing that I complained about has not yet been remedied. I was insisting, and still insist, that the papers of the District of Columbia were not fair to me or to the people of the country to be calling my bill a bill to provide for a "blue law," unless they were willing to print the substantial parts of the bill and let the people judge for themselves.

It is said that I am not in favor of fair play. That is just what the row started about. I am complaining about not getting fair play. I am in favor of fair play. I only want a reasonable law. I do want some kind of a Sunday observance law or regulation. Many people here want no law of this kind. Speaking of intolerance, let me suggest that the most intolerent people on earth are those who are all the time hating some one else and talking about the intolerance of others.

It is a new idea that the present-day movies and shows and Sunday baseball are religious institutions, and that anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church if they wish on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let a negro unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictate of his or her own conscience? My purpose and hope is only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom of crime.

The bill which I introduced provides for one day of rest out of every seven. If it provided for no rest day at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

Because I am not willing for my people to pay taxes to build negro bathing beaches and artificial bathing pools here, and because I object to my people being forced to help maintain a negro university here in the District of Columbia contrary to law, I am said to be guilty of racial intolerance. It all depends on whose definition of intolerance we are to use. I do object to the public being fleeced to educate a crowd of negroes in Washington when many of the white boys and

girls of the South and other parts of the country are denied sufficient educational advantages. It has even been urged here that at public expense there be established a beauty parlor for the negroes of the District of Columbia, so that the negro girls could take lessons in using rouge and perfume, and so forth. Well, if objecting to this kind of thing is intolerance, then I am very intolerant.

I believe in letting the negro be the negro and the white man be the white man. I believe in letting the negro have his section of town to live in and the white people have theirs. I certainly believe in the negro having his own waiting room, his own car or separate seats on street cars and railroads, and his own schools, but I believe in the white people having also their own separate depot and transportation and educational facilities. Nothing could be fairer. Oh, but many say that there should be no distinction and that all be treated alike. Segregation treats all alike. Each race has its own special cars, seats, sections, or other facilities. The present system in Washington is not at all fair. There is ample room provided in the depot, in the street cars, on the train, and in libraries and elsewhere for the negroes who want to crowd in with the white race whether they are wanted or not, and who are most anxious when they think they are not wanted; but there is no place provided for the good negro, who is the saving factor of the negro race and who does not want to offend the white man or his folks and who do not wish to sit with them unless invited. There is plenty of room for the white-colored man who wants to associate with negroes on the train, in the street cars, and everywhere, but there is no space for the white folks who prefer to be with their own race. Again, the system here is not at all fair, because it forces white women and children to enter into a pushing and shoving contest ofttimes with vicious buck negroes in order to get on the cars first and get a seat, the result being that the negroes get on first, for the white folks will not shove with them. When the negroes get on first they nearly always take up every seat available. What I mean is that if five negroes get on and there are five vacant seats, then there will be one negro on each seat at the window and the white folks have to stand or sit by them. They always, after shoving the whites aside to get on, take seats and leave the whites to stand or take what they leave. Then, again, they are not at all courteous to the white folks on the cars. They seem to want to offend. I have watched them for nearly seven years, and up to date I have never seen a negro purposely let a white person get on the car ahead of him. I have seen them shove white children, women, and men aside and grab the first seat. This can be seen every day, almost every time a street car stops. Do not take my word for it; but if you want to see for yourself until your blood—if you have the kind I have—runs to fever heat, go to Fourteenth and U Streets any evening when there are masses of whites and blacks changing cars there and see the awful tragedy enacted.

Two more things I have never seen are: First, a negro get up and give a white man, woman, or child a seat; second, a negro drawing his overcoat closely about himself on a street car to prevent it dragging over the lap of a white person. I see white people on almost every street car careful with their clothing so as not to be dragging over some one else, but never does a negro wish to show even this much recognition to the white passengers. If these views make me intolerant, then I am very intolerant. I lose no sleep worrying about the rapist, whatever may be his fate, except that I want him caught and in the hands of some white men who believe in protecting the white women of the country regardless of the cost. If these views make me intolerant, then I am proud of my intolerance. Furthermore, I am glad that my views do not coincide 100 per cent with those who think differently with me on these subjects.

The editor takes umbrage because I say:

> There are more crooks and criminals here than in any other city of equal size in the country.

One has but to live here awhile, after having visited extensively throughout the country, to see for himself. Chicago has its Leopolds and Loebs, who kill for excitement. We have murderers here even more dangerous, not by twos but by thousands, who kill, wound, and attempt to kill every day and every hour, not in secret but open and publicly, and who are only detained for a few minutes, if at all, while it is determined whether the victim is to be shipped home elsewhere or buried here. Murder, if accomplished by a speed maniac, is gently called an accident. An absolute defense to the slaughter of the innocents here is that the victim walked in front of the car. All that the murderer who has a car has to do in order to have a defense is to be sure he hits some one who is walking or standing where he wishes to speed. Oh, I wish that every car which is driven at a murderous speed had painted on it in large letters "Death car" and had the picture of a skull conspicuously displayed; then the editor, if he would look at all, would not ask how I know of crime here. I wish I could look upon our beautiful streets and not see only one sniper, such as Omaha feared so much, but thousands of unpunished flagrant snipers who are at every corner and are shooting people, not with shot, but with high-powered, mighty engines of destruction. How can anyone live here and not see the orgy of crookedness and crime on every hand? But I must not forget that there are those who have ears and hear not and eyes and see not. Then there are those who see no crime of a very serious nature in the slaughter of children and women by speeding cars, and only have their sense of justice aroused when they think there is about to be enforced some law which interferes with the rights of the criminal to be criminal. They would strongly object to taking the right to drive cars from the bootleggers as being an infringement of personal liberty, but for a bootlegger to deprive a child of the right to live by crushing out its life under a speeding car would not at all awaken their kind of a conscience. So far as I know, Washington is the only city of the Nation which makes no attempt to protect the pedestrian. This one fact fully justifies my statement as to the crooks and criminals here. "Straws show which way the winds blow," and all must admit that a city with no regard for the lives of people who attempt to use its streets on foot must be the rendezvous of crooks and criminals in every other respect.

Life is the cheapest thing here. Steal a little money and the sentence is reasonably heavy, but steal the life of a pedestrian and you are given a speedy and prompt vindication. Oh, if you injure a car, you may have to pay something, but if you want to get off light, kill some one with a car.

Not only does the pedestrian get no protection, but if the authorities find a car parked for a few minutes and not trying to kill a pedestrian these authorities begin to be very busy and get the cars going again on their murderous mission. So far as I am concerned, some of them could stay parked for all time to come, unless their drivers would be more careful of the rights of others. I am not condemning the careful drivers, for they are the victims of the criminal driver, much the same as in the case with the pedestrians.

My attention is called to the fact that once or twice a gesture at a rule to protect the pedestrian was made and the pedestrians seemed confused and violated the regulations. The truth is that the pedestrian has never received any sort of protection, and when a gesture is made in his behalf he does not think it is bona fide, and I am of the same opinion. Make decent rules for his protection and he will abide by them as soon as he finds you are acting in good faith. The reason they get no protection is plain. The criminal who drives a car does not want to be slowed down so as to give the pedestrian a chance. But it is suggested that the pedestrian insists on crossing the streets between corners. This is much the safer place to cross. One has only to watch two ways in the middle of the block, but at the corners he has to try and look four ways with cars attacking him from concealed positions around the corners and with the traffic cop vigorously directing the attack.

So much for the traffic situation for the present. I will say in passing, however, that I believe Mr. Eldridge will very much help the situation here, provided he is given a fair chance, but I much fear he will be hindered at every turn which he attempts to make in behalf of the pedestrian and the careful driver.

And yet the editor, without awakening to the true situation here, simply yawns and asks who told me of crooks and criminals here.

By the way, even the papers here, in spite of their lethargy in regard to crime, tell the awful story of crime. Here is a clipping from the Washington Post, issue of February 28:

> THREE CRIMES NEAR MIDNIGHT
>
> In the short space of 30 minutes, ending at 12.15 this morning, a grocer was shot by an unidentified assailant, another man was held up and robbed, while still a third man was felled with a blow from a blackjack by an unidentified bandit in an attempt to rob.

This was in the city of Washington and does not include the thousands of traffic assaults and other crimes which were being committed at this time, no mention of which were made.

The editor's own paper, the Washington Herald, on February 26, mentioned that there were 200 bootleggers besides others in the District of Columbia. It would be interesting to know where the information was obtained.

By the way, Vice President Dawes seems to be also getting some information about crime and crookedness, and appears to be urging Chicago as a contender for the place of chief city of crooks and criminals. I will admit that both Washington and Chicago are much too bad, regardless of which is the worst. Here is what the Vice President had inserted in the CONGRESSIONAL RECORD on Saturday, February 27, just passed, as mentioned in the Washington Post of Sunday, February 28 last:

DAWES DELIVERS CITIZEN PLEA TO SENATE—ALIENS ARE BLAMED

An appeal to the Federal Government to rescue Chicago from a reign of lawlessness under alien domination was presented to the Senate yesterday by Vice President Dawes at the request of the Better Government Association of Chicago and Cook County.

Alleging a coalition between the underworld and enforcement officials the petition declared that the community was helpless and that citizens were compelled to surrender many of their rights without protest.

"There has been for a long time in this city of Chicago," the petition said, "a colony of unnaturalized persons, hostile to our institutions and laws, who have formed a supergovernment of their own—feudists, blackhanders, members of the mafia—who levy tribute upon citizens and enforce collection by terrorizing, kidnapings, and assassinations."

INVOLVE PUBLIC OFFICIALS

"Evidence multiplies daily that many public officials are in secret alliance with underworld assassins, gunmen, rum runners, bootleggers, thugs, ballot-box stuffers, and repeaters; that a ring of politicians and public officials, operating through criminals and with dummy directors, are conducting a number of breweries and are selling beer under police protection, police officials, working out of the principal law-enforcement office of the city, having been convoying liquor—namely, alcohol, whisky, and beer—and that one such police officer who is under Federal indictment is still acting as a police officer."

I read further from the article, as follows:

The petition asserts that more than 100 bomb outrages have been perpetrated in the city in the last year and that there have been no convictions except where the defendants pleaded guilty. Even then they were released without adequate punishment, it was asserted.

Well, Chicago may be worse than Washington, but if she is, then Washington is a close contender. I had as soon be bombed by an anarchist who is too cowardly to appear in the open as to be slaughtered by a speed fiend or a criminal driver in the open in the presence of officials with no one to object to the crime. I am urging with all my power that there is no bona fide effort here to punish the criminal drivers of cars and that the sentences are only a license to go forth and slaughter the innocent. Probably not one in a thousand is sentenced at all and those that are sentenced go away knowing that their conduct as a driver has to all intents and purposes been officially approved. Here is one of the average sentences. I read from the Washington Times of February 22, 1926:

DRIVER IS FINED AFTER CHASE

Pleading "guilty" to reckless driving, as a result of having driven his automobile through a school yard at North Capitol and O Streets, Cornelius Carter, colored, 429 Florida Avenue, was sentenced by Judge George H. Macdonald, in police court to-day, to a fine of $40 or serve 40 days in jail.

Carter was arrested by Bicycle Policeman J. P. Sayer, who testified that he started chasing the man at Eckington Place and First Street NW., when Carter ran through heavily congested traffic, and that Carter drove first on the street and then on the sidewalk until they came to the school.

There Carter's companion jumped out and opened the gate to the school yard. Carter drove through and the other man closed the gate in time to shut the policeman out. Carter got away, and it was necessary to procure a warrant for his arrest.

When the police went to serve the warrant, they claim that Carter threatened their lives if they entered the door of his home, and that he tried to get away after they did arrest him.

Mr. Chairman, it is urged that the editorial that I criticized was not in the Washington Herald. Well, it matters little whether the article was printed in the Herald while it was carrying that name or some other name. My recollection is that it was in the Herald by name but I have not checked up the item for it was carried either in the Herald or in the Washington Times. Both papers have the same street address and use the same telephone and I understand have practically the same owners. Their policies are identical. The same man is the editor of both, or else the editors of each are editorial twin brothers. Hence there is no reason to be concerned about the question of whether Doctor Jekyl or Mr. Hyde wrote the editorial. So I was 100 per cent right about the author of the editorial. If it was not Doctor Jekyl it was Mr. Hyde, and if it was not Mr. Hyde it was Doctor Jekyl and surely if it was either of them it was the other one and was both of them.

But let us not get too far from the real controversy. The editor says I should read the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States. Well, I have read them many times and also read the whole instrument when I read these amendments. The editor will find the whole document really a very good fundamental basis for our great institutions, and I recommend that he not content himself with reading and worshiping the thirteenth, fourteenth, and fifteenth amendments.

I respectfully suggest that I find no provision in these highly valued amendments to the effect that people of the Nation should not be allowed one day of rest out of every seven; that the people of the whole Nation should spend more of their tax money here each year than is spent for the entire agricultural interest of the whole United States; and that much of what is spent here shall be for things that never benefit in the least the common people of the Nation.

I certainly find no provision that the people's money shall be spent here in large amounts for beautifying the city and making it a city beautiful, and that little or no effort shall be made to protect the pedestrian or the common people who visit here or live here.

Neither do I find in these amendments any authority for using the money of the people of my district or any other district to build free artificial bathing beaches or pools for the negroes here or for the purpose of donating large amounts to the negro school at Howard University in utter defiance of the law of the land.

Absolutely certain am I that there is no provision in these amendments or any other part of the Constitution that provides that there shall be ample provision made on cars, in depots, and elsewhere for negroes that wish to intrude on white people, whether they are wanted or not, and for those whites who want to associate with negroes, but that there shall be no provision for those white people who do not want to associate with negroes, or for the good negroes who do not want to offend the whites by their presence unless desired. I am equally certain that there is no provision that negroes shall be authorized to shove the white people aside and board trains and street cars first, and then have the preference of seats, even to the exclusion of the white folks. I am convinced beyond the peradventure of a doubt that there is no provision in the Constitution that the welfare of a rapist is of greater value to the Nation than is the protection of the white women of the country.

The editor urges that Washington pays for her bathing beaches, and therefore it is thoroughly proper for the city to have white and negro bathing beaches. There are, to my mind, two serious objections to the present bathing-beach or pool proposition—the first is that the District is not to pay for them, but the taxpayers of the Nation are to be burdened to build these expensive pools, and the other objection is that the negroes are not asking for any pools at all. They have said they would not bathe unless they were permitted to bathe with the whites. Well, for my part, I would let them leave off bathing rather than let them bathe with the whites, and I would not build them a pool at all unless they wanted it. I certainly do not favor taking money from the men back home who always used "the old swimming hole" and use that money to build artificial bathing beaches and pools for the District of Columbia to be used by either white or black.

Oh, no, Mr. Editor, the District is not to pay for the bathing pools. The bill would not be so popular if it was not a means of robbing the folks back home for the benefit of negro bathers here.

When the matter was up in the House of Representatives, Mr. BLANTON moved to amend the bathing-beach provision by providing that the cost of construction of these pools shall be paid "totally out of the revenues of the District of Columbia." (See CONGRESSIONAL RECORD, February 8, 1926, p. 3548.)

This amendment, in spite of all that could be done, was voted down. (See CONGRESSIONAL RECORD, same date, p. 3550.)

When this matter was up for consideration I called the attention of Members of Congress to the fact that the negroes had said they would not bathe in a separate pool and asked whether or not they had yet agreed to bathe by themselves.

Here is the colloquy which took place at that time between me and the chairman of the Committee on the District of Columbia:

Mr. LANKFORD. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LANKFORD. Has the gentleman's committee any assurance from the negroes of the town that they will use a separate beach if one is built for them?

Mr. ZIHLMAN. I will say to the gentleman we do not go into that question in the bill. We simply provide for the erection of these two pools.

I take it for granted that the people of Washington want it, because there have been a number of articles in the newspapers—some of them editorials—and there has not been a single objection, except that of the gentleman from Texas, who has heretofore been insistent in urging bathing beaches.

Mr. LANKFORD. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LANKFORD. I have understood that the position taken by the colored people is that if they could not bathe with the white people they did not want a pool at all.

On February 19, 1923, as appears in the CONGRESSIONAL RECORD of that date, page 4033, there was up for consideration a bill to allow the negroes to bathe with the white people in Tidal Basin, and I called attention of Congress to the fact that the negroes did not appear so anxious about bathing facilities as they were about being permitted to bathe with white people, who did not want them. At that time I put in the RECORD an editorial from the Washington Tribune, a leading negro paper here, as follows:

SEPARATE BATHING BEACH

In the District bill which passed the Senate Thursday there is a provision for an appropriation of $25,000 "for the construction of a bathing beach and bathhouse for the colored population of the city at the Virginia end of the Key Bridge."

That is the limit. C. O. Sherrill, of North Carolina, in charge of Federal buildings and grounds, the Jim Crow promoter of the District, has recommended to Secretary of War Weeks that he order this separate beach for colored people on the Virginia side of the Potomac River, despite the many protests made to him against a separate beach.

A number of civic and other organizations have signified their opposition to a separate beach and have informed Secretary Weeks of their opposition, and it is understood he has promised not to favor a separate bathing beach.

The colored people of Washington have decided as citizens of the District they are entitled to bathe in the Tidal Basin, and they will accept no other place as long as bathing is permitted there. That is their slogan now. There is plenty of room there, and a regular filtering or purifying plant there; hence it is absolutely unnecessary to think of establishing a separate bathing beach for the colored citizens of Washington or any other group of the city's population.

The Tribune, along with the other colored papers in the District, will oppose a separate bathing beach for colored people. If the District authorities insist on establishing a bathing beach at the Virginia end of the Key Bridge, they will simply be wasting the public's money. This will be but the entering wedge for more "Jim Crowism" in the Capital of the Nation and with the stamp of the Federal Government upon it. If this is accepted, then we may look for separate street cars, separate waiting rooms, separate libraries, and what not. We shall not sit idly by and see the Constitution of America aborted to race prejudice in the fair Capital of the Nation that claims itself a "democracy" and the "land of the free."

Every vestige of the principle of the Constitution of the United States will be destroyed when the Federal Government puts its stamp of approval upon a separate bathing beach for colored people of Washington. The Tribune and the public in general will oppose it to the last ditch, and will boycott any "Jim Crow" bathing beach that may be established.

We bathe at the Tidal Basin or no bathing at all is our slogan.

No; I do not object to negroes having separate bathing beaches. I have been fighting all these years for the negroes and white people here to have separate depots, waiting rooms, cars, and separate facilities of every kind.

I am glad that they are to have separate bathing places, but I do object yet to my people in Georgia helping to pay for them.

Mr. Chairman, it may be there are some white people here who want to bathe with the negroes. Well, if there are such, I am sure the best negroes would not want them in their pool, and I know the white people would not want them, so I would favor telling this class of white people to bathe in the muddiest hole in the Potomac River. But some one may ask, "Why are Members of Congress so interested in the District of Columbia?" We all have to live here most of the time we are in Congress. Hundreds of thousands of Government employees must live here.

Our folks back home pay a large part of all city expenses here, and under the law Congress is the board of aldermen of Washington and must make the laws here. More money is appropriated out of the people's Treasury for Washington than goes to all the farmers of the entire United States. This ought not to be, but it at least requires Members of Congress to study the matter and fight every day for the folks back home. Every day appropriations are being urged for the District, and every day the papers and some leaders here are opposing everything in the way of a bill or suggestion for a cleaner or better city. A proposition requiring the appropriation of hundreds of millions of dollars is gladly supported. A proposition costing nothing but which will make Washington more decent is ridiculed and treated with scorn. When appropriations are sought it is vehemently urged that this is the Nation's Capital, and should be beautified by the money of the whole people, but when there is a proposal to make the city decent or to provide reasonable regulations or laws for the protection of rights or lives it is urged that outsiders have nothing to do with the way Washington is governed. It is even urged that Members of Congress sent here by a vote of the people are meddlers and interlopers, and should not in the least interfere even if Washington should become a modern Sodom.

Let me give an example of how hard it is to get a decent regulation here. I begged the proper city authorities to stop routing all the garbage wagons from the northwest part of the city down Pennsylvania Avenue by the Peace Monument, the Capitol Building, the Garfield, Grant, and Meade Monuments, and the Botanic Garden, thus making very offensive the odor at this beauty spot of the Nation's Capital during the morning hours of the day. I was informed that it would not be stopped because the negro drivers preferred to come that way rather than go another route just as convenient where there are no Capitol grounds, monuments, and beautiful gardens and few homes.

Millions of dollars have been spent in monuments, gardens, and the Nation's Capitol Building here to be made awful rather than have a decent regulation to be obeyed by a few negro garbage wagoners. When the city of Washington had a magnificent parade in honor of the "around-the-world flyers" four or five garbage wagons got in the parade and slowly jolted around the Peace Monument a few times before getting out of line. I did not look up the program to see if they were late or too early in their part of the performance. Millions for beautiful monuments, grounds, and gardens, but nothing to make decent regulations for the protection of those who wish to see these beauty spots. Millions for the construction of beautiful avenues and streets, but nothing to safeguard the pedestrian who tries to use these thoroughfares, and millions of the people's money for every conceivable expensive project, but nothing to make the city decent, safe, and law-abiding seems to be the slogan of many people here in the Nation's Capital.

If it was necessary to spend a few million to route the garbage wagons along Four-and-a-half Street and Canal Street, or over some other route, and not come by the prettiest spot in the Nation's Capital, there would be a determined fight and much propaganda for the scheme, but it costs nothing and requires a simple request, which is not made. It is all the while a cry for appropriations and more appropriations of the people's money, but no decent regulations for the benefit of the people.

The Herald editor says my statement that when people come here "they are insulted, robbed, and ofttimes murdered, because the officials and press here favor no decent laws," speaks for itself. Right he is this time, it not only speaks for itself but its awful truthfulness is vouched for on every hand. The press and public officials, along with others, create public sentiment, and are responsible to a large extent for the good and the bad of a community. Then are people "insulted, robbed, and oft times murdered" when they come here?

The daily newspapers are full of the atrocious traffic situation by which homes are robbed every day of innocent children whose lives are crushed out, and on every hand our people are being murdered by scores. Every issue of the press mentions numerous other robberies and murders, and the half is never told. Oh, how much of character and moral stamina is ruthlessly stolen no human being can tell.

But, Mr. Chairman, let us visualize a citizen visiting Washington for the first time. He and his family see the Capitol Building, Washington and Lincoln Memorials, and the city's wonderful sky line as the train crosses the Potomac, and with a supreme patriotic fervor they reach the Union Station. There is splendor and magnificence everywhere. No greater thrill can come to any American from any panoramic view. Before their eyes are wide avenues and splendid parks, with trees, shrubs, and flowers. On every hand, close by and in the distance, are magnificent monuments, libraries, and official buildings; toward the Potomac towers the Washington shaft of granite, touching the very sky; farther on is the Lincoln Memorial; across the river are the Virginia hills and Arlington, once the home of the South's peerless leader, Lee, and now the eternal home of thousands of those who died that we might live. Away to the northwest are beautiful homes and stately buildings, such as grace only the Nation's Capital, and beyond and elevated above the rest is the Washington Cathedral and the tomb of Woodrow Wilson; and in the midst of all this magnificence is the crowning glory of all, the Nation's Capitol, set on a hill overlooking the splendor and glory of Washington, the seat of government of the greatest Nation on earth.

Why should not this man and his family be happy at the thought of spending a few hours where his money and that of his fellow countrymen has been spent with such a lavish hand and produced such a scene of indescribable beauty?

He starts uptown to see the sights. Every time he tries to cross the streets high-powdered cars dash at him and his folks and they are forced to run for their lives. Drivers curse at them as they pass them for attempting to use the streets which they helped to build and maintain. They find there is no effort to protect them from speed fiends, and that many are being murdered and no substantial punishment is being inflicted on the murderers. They find that their lives are not at all safe here. They attempt to find a room or two for the night and note the prices are just all that conscienceless hotel men can collect, running as high as six and seven dollars for a cot per day, with several in a room, if a large convention is in town. They stop at a café, and if it is a presidential inauguration or some other special occasion, and they call for five steaks, they are served with less than one could easily eat and yet they must divide it in five parts for the five. They pay $5 for less than they sold back home for 10 cents. He and his family decide to take a street car, and are shoved aside by several negroes who blow out great mouthfuls of smoke in the face of his wife and children as they climb on ahead of them and get one each on the only five vacant seats in the car, and leave him and his folks to stand or occupy seats away from the window, each by a negro. They attend church on Sunday and can not hear the preacher for the noise of great numbers of men wrecking buildings close by, and find there is no Sunday law at all in the Nation's Capital, but that Sabbath desecration is approved on every hand. They visit the Peace Monument, Grant Memorial, the Botanic Garden, Garfield Memorial, and get that magnificent view of the Capitol from the west, having to dodge and smell garbage wagons for hours driven by grinning and apparently much delighted negroes. And finally this good man and his family may escape and get out of town without being murdered, but he and his folks have certainly been insulted and robbed.

Such treatment is certainly insulting, even if there be those who think this, on the part of the city, is only a kind of Washington courtesy which is extended to those whose money has been spent here and who came to visit for once the scene of so great an extravagance.

The editor says that the entire matter can be solved by letting the people of the District of Columbia vote. I will join in this fight to let the people here vote if I can be convinced that such a course will be fair to the people here and to the citizens of the rest of the Nation. My little help will not be much, but there are many others who feel as I do who will join me if such an action is shown to be best for all. There are hundreds of thousands of splendid people here who if allowed the ballot would at all times vote for the best interest of the city and the Nation. I would be truly happy for them to help by the ballot to build a better Washington and thus aid in what is now their heart's desire.

In my little effort here for a reasonable Sunday law for the District and in other ways I have met many most splendid, consecrated, patriotic men and women, and I feel it is a shame for them not to vote. But what are we to do about it?

To my mind the way is not at all clear. I as well as others find obstacles that are not easily overcome. Let me make some observations which will indicate the difficulties which many of us encounter. Thousands of Government employees, Government officials, Cabinet members, Members of Congress, both House and Senate, the Vice President, and the President could not vote here, for their legal homes are in their respective States. Shall these good men and women, who must stay here most of the time, not vote and let the citizens here—good, bad, and indifferent—vote and run the city?

One-third of the population here is colored. Fully another third is either opposed to any government or is opposed to any sort of decent laws and regulations. Would it be safe to turn the government over to this kind of a mixture? What would become of the better, decent one-third? What would become of the thousands of us who live here, but who with folded hands could only look on while the city would be run by a majority that I fear would not have at heart the good of Washington and the Nation. Millions and billions of the people's money is invested here in land, buildings, and property. Is it to the best interest of the Nation that Congress keep control of this property and laws here or shall this authority be passed on to be the football of the politics and corruption of a great city? The situation is bad enough now with Congress in charge. Would it be better if left to the uncertainties of politics here? Now, there is a determined effort to do many things which Congress and the Nation can not approve. What would happen if Congress was not consulted or considered. There are now efforts to destroy hospital grounds where sick and wounded soldiers rest by building streets through them for the use of speed fiends and bootleggers. Can Members of Congress take the chance of letting people who see only the commercial side of Washington get control and confiscate properties of the Nation and rights of the individual? This is the Nation's Capital. Shall it be controlled by the Nation's Congress or by the people who happen to live here?

Then, after all, are the people here losing much when they are not permitted to vote and get in return a thousand benefits and privileges from the Nation to every single benefit which the individual in the States get from his country?

Washington selected this site in the woods as the Nation's Capital. Hundreds of thousands have moved here because they prefer the benefits and privileges enjoyed without a vote rather than a vote and no Government aid back in the States. After all, are we not all on the same basis? We can live where we please. We can live here at the Capital and enjoy these great benefits, or we can live in the States and cast a vote occasionally, which is fast becoming of no value, as the States are stripped of their rights and all power is concentrated here.

Of what value is a vote when all of the voters' rights and activities are controlled by men whom the voter did not help select and who was not elected by any set of men?

Honestly I can not see my way clear to vote the ballot to the people of the District of Columbia, although I wish I could.

Gentlemen of the committee, I wish to further call attention to just how unfair a newspaper can be in giving a write-up of any occurrence or interview. Recently the newspapers of the District of Columbia carried glaring headlines to the effect that President Coolidge is opposed to the Sunday observance bill introduced by me, and declared that the attitude of the President was expected to calm agitation in behalf of my bill. These same headlines declared that existing laws are considered strong enough to stamp out any desecration as being the idea of the President on this subject. Anyone reading these headlines and not reading more would naturally infer that President Coolidge is very bitterly opposed to any bill providing for a day of rest on the first day of the week, commonly called Sunday. In talking to many people, in Congress and out, I have found that that article gave the general impression contained in its headlines, which headlines are not at all supported by President Coolidge's statement, or by the statement of his spokesman, or by any official act of President Coolidge while he was Governor of Massachusetts. In the body of the article is contained this significant statement:

> His views on theaters and sporting events for which admission is charged of course is not known.

The statement in the article that President Coolidge's views are not known on the most closely contested and bitterly fought provisions of my bill is an admission that the newspapers which carried this article deliberately deceived the public by false headlines as to vital provisions of my bill without knowing the President's attitude thereon.

It is further stated in this article that as an illustration of the attitude of the President toward the Sunday question—

That while he was Governor of Massachusetts he signed the bill which allowed amateur baseball on the Sabbath when no admission was charged.

This is exactly what my bill authorizes and permits, and the President's official act as Governor of Massachusetts shows him as supporting legislation similar to my bill and not as opposing it. I am willing and anxious for President Coolidge to have an opportunity to sign or veto a bill to provide for reasonable Sunday regulations for the District of Columbia. I do not fear in the least what President Coolidge will do with this kind of a proposition when it comes up for his official approval or disapproval. If the opponents of this bill are so sure that he will turn down a bill for a rest day in the District of Columbia on the first day of the week, commonly called Sunday, then why do not they gladly welcome the opportunity of letting the President put his approval or disapproval officially on this matter.

The editor of the Herald recently classed those favoring my Sunday observance bill with the prohibitionist. I wish to thank the gentleman for this compliment. I much prefer being with the prohibitionists and standing for morals, law, the Constitution, and the God of our fathers than be with those who would tear down all law and order and who, declaring there is no God, believe in no government. I had already remarked to many of my friends that nearly everyone who talked to me against a Sunday law also denounced the prohibition law in toto and declared themselves as antagonistic to our Constitution.

With one breath they praise the Constitution, declaring that it is about to be destroyed by a proposal to give to the District of Columbia a decent Sunday law, as advocated by our fathers and as written in nearly every State in the Union, and yet these same people in the next breath denounce the Constitution because it contains a provision approved by nearly every State in the Union and almost unanimously indorsed by the elected representatives of the people.

The editor proceeds to refer to his crowd as "more enlightened" than those favoring the bill, calls our ideas "antiquated and nonsensical," and reaches his climax by declaring "This is the city of Washington, and the year 1926." That is an interesting declaration, is it not?

It is very convincing, too, that the Nation's Capital in this year should have less decent laws than other cities of the Nation have had from the beginning. It is urged that Sunday laws are antiquated because our forefathers, even down to the present time, have advocated, adopted, and lived by them. And yet the city of Washington wants to get away from the Sunday ideas of the great man for whom the city was named.

Those favoring Sunday laws are classed as not "enlightened" as much as those who would defile the Sabbath and make this city the Sodom of modern times. Well, let us see what kind of people have stood for Sunday observance.

I know many would not hear if one came from the dead, but let us see what some of the great men of the past said. Here are only a few of those I quoted from in my remarks on the floor on Friday, March 5:

ABRAHAM LINCOLN

As we keep or break the Sabbath, we nobly save or meanly lose the last best hope by which man arises.

DANIEL WEBSTER

The longer I live the more highly do I esteem the proper observance of the Christian Sabbath and the more grateful do I feel toward those who impress its importance on the community.

THEODORE ROOSEVELT

Experience shows that the day of rest is essential to mankind; that it is demanded by civilization as well as by Christianity.

WILLIAM E. GLADSTONE

From a moral, social, and physical point of view the observance of Sunday is a duty of absolute consequence.

WILLIAM M'KINLEY

I am in favor of Sunday legislation and strict observance of the Christian Sabbath.

SUPREME COURT OF THE STATE OF NEW YORK

The Christian Sabbath, as one of the institutions of religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt, and this not as a duty to God but as a duty to society and the State.

The editor of the Herald in another utterance says that—

Representative LANKFORD, of Georgia, whom we have mentioned before in these columns, remarked at the hearings on his "Blue Sunday" bill that there was nothing in the bill "to prevent a man from indulging in an innocent game like croquet."

He starts out by saying that I have been mentioned before in the columns of his paper. I do not quite understand whether he means to compliment or condemn me by this indictment. If he means to compliment me, then I wish to thank him, provided I ever decide that I have been helped by my name being in the gentleman's paper, but, on the other hand, if he thinks that I have been disgraced by my name appearing in his paper, then I wish he would run a better paper.

He again talks about "blue laws." Well, I much prefer "blue laws" rather than laws with "yellow streaks" in them or "red laws." Blue means purity, while yellow means unfair and corrupt, and red means the kind of laws advocated by those who want no government whatever and wishes every individual to be a law unto himself.

The editor also seems to be mixed up on what is an innocent sport or game. Further on in his editorial he suggests that a convention might be called to determine just what are innocent sports and says that it may be some want the kind of sports in which they happen to be adept. Of course, all know that he is making a weak effort to ridicule a measure which he dares not quote in full and discuss for the benefit of his readers. He knows if he did this many of those he thinks he is fooling would say that the purpose of the proponents is most reasonable.

I will state for the benefit of the gentleman, for every misrepresentation that the press of the District of Columbia makes there will be sent to the Nation and the people of this country a thousand statements of the truth. The truth will eventually prevail.

Possibly the gentleman can find out what are innocent games without a convention. I would suggest that he stop for a minute and think of the games he played when a child. I would despise myself if I advocated any bill which would take from the young people the right to engage in healthful exercise. The bill of which I happen to be the author would prevent only commercialized amusements. Probably the only games it would prevent on Sunday are baseball and football. People could engage in these games all they please under my bill if there is no charge for admission. Croquet is mentioned. Well, I played croquet when a child, but could not play the game now, it has been so long. I never played golf, only a few games of baseball, and no football. I am not trying to protect any game in which I happen to be adept, for I do not claim to be an expert player at any game. I am not fighting games and sports as such, but I am objecting to them being commercialized on Sunday.

The gentleman is worried about what are innocent sports. Well, I can tell him some things that I do not consider to be innocent sports. Perhaps this will help the gentleman reach a conclusion satisfactory to himself on this, to him, apparently, mooted question: I do not consider it "innocent sport" for a newspaper, either by concealment of the truth or misrepresentation of facts to mislead the people and cause them to think they oppose a bill which they would favor if they knew the truth.

I do not consider it "innocent sport" for anyone to make heroes of criminals and crooks and hold up to ridicule and contempt law and law enforcement.

It is not an "innocent sport" to lynch on the awful tree of publicity every child or woman who makes one false step or commits a minor offense and at the same time apparently cry out in great agony for the protection of the Constitution, the Army, and the flag in behalf of the most brutal of criminals.

Neither, Mr. Editor, do I consider it an "innocent sport" for those who live in this country, under our flag, and who enjoy the blessings and liberties of our Constitution and laws, to forever and without cessation be giving comfort, encouragement, and aid to those defying our laws, Constitution, and flag.

To my mind it is not an "innocent sport" for negroes to shove white men, women, and children aside and take the choice or only seats available on a street car or railway train.

It is certainly not an "innocent sport" for negroes and whites to be required to live together, bathe together, use same waiting rooms, and ride together on street cars and trains, when the best interest of both races is best conserved by each so living and acting as to give no offense to the other.

I am sure many will agree with me that it is not "innocent sport" for the speed fiend, with at least the acquiescence of the press, the city authorities, and Congress, to purposely drive in such a way as to endanger every day, every hour, and every

minute every other person who uses the streets. And the awful truth is that these drivers know that if they wound or kill they will receive in effect an additional O. K. as a careful driver.

I can not bring myself to countenance in the slightest degree the wholesale, reckless, murderous slaughter of pedestrians here, and yet while I know it is not an "innocent sport," it certainly has become a common and apparently muchly indorsed and enjoyed sport. I am sure that all right-thinking people will concede that better a little more effort to make Washington safe and decent and a little less effort to make Washington beautiful and at the same time awful. Ah, Mr. Editor, the spending of millions of the people's money here and giving in return so much disrespect for reasonable regulations and law, as evidenced by the awful crime wave in the Nation's Capital, is not an "innocent sport."

The present program in the District of Columbia of taking up so much time with minor auto offenses and hustling cars out from their parking places, as much as to say, "On with the attack on the pedestrians while the traffic cop is directing the attack at street intersections," with men, women, and children being slaughtered on every hand without let or hindrance, is no "innocent sport."

I certainly do not class as an "innocent sport" the effort of the press, many schools of so-called higher learning, and many individuals to lead the children of the Nation away from the old teachings of our ancestors and away from God by pointing to science as the means of solving all mysteries and proving there is no Creator. Can science prove there is no Great I Am, when science is only what man thinks dimly, and seldom, if ever, correctly, about what God knows? Through the ages man has been seeking to know and think the thoughts of the Almighty God of the universe. Every invention, every discovery, and every step in the arts, sciences, and in all knowledge is but man just getting the first glimpse of the first dawn of the first day of the great eternity of knowledge and truth, the fullness of which God has known from the beginning.

But why continue at greater length at this time this lesson on innocent and noninnocent sports. When this lesson is learned an additional lesson may be given. Just a few more observations and then I am done with my own remarks for the present.

Let me suggest that the greatest sport of all time is that of fighting for conscientious convictions and winning the sweet consolation of duty performed.

It is a great game to fight for great ideals and contend for truth and right against error and darkness. Ofttimes one is wrong in his convictions, and yet the game is great if one's very soul applauds his efforts.

No man or group of men can hope to redeem the world or any considerable portion thereof, but after all the keeping of one's self in due and proper bounds is a great and glorious game in which all may take a splendid part.

And, Mr. Chairman, in a broader sense the time comes to all to take sides in the mighty conflict for at least—

> Once to every man and nation comes the moment to decide
> In the strife of truth with falsehood for the good or evil side.

To live is to take sides, and to perform aright one's duty is to win the greatest game of life. [Applause.]

Mr. Chairman and gentlemen of the committee, I would stop at this point except for the fact that I am very much interested in Sunday legislation as proposed by my bill, and I wish to insert in the RECORD one of the best arguments I ever heard or read in behalf of Sunday observance. The article to which I refer is a sermon by Rev. Joseph Richard Sizoo, minister of the New York Avenue Presbyterian Church, of Washington, D. C., delivered May 24, 1925, and is on the subject "What is Sunday for?"

Such a sermon, preached by such a man on such a subject, is not the heritage of any church, city, State, or nation, but is the glorious legacy of all peoples of all times. Truly such a sermon is not the voice of a man, but is God's thunderings of truth through his divinely called and appointed leader. I consider it a great honor to be privileged to insert in the CONGRESSIONAL RECORD at this time and thus humbly present to the consideration of the entire Nation this wonderful sermon, which is as follows:

MARK ii, 27–28

"The Sabbath was made for man * * * therefore the Son of Man is Lord also of the Sabbath."

In the last two decades many of the holy associations that cluster about the Sabbath Day have dwindled into insignificance. The fear has arisen among many that the few remaining vestiges of that Sabbath will likewise soon pass away and the place thereof know them no more. There is a haunting suspicion in the minds of a large number of Christians that we have substituted the holiday for holy day, recreation for reverence, week-ends for worship. For many, Sunday is no longer a day of devotion but a day of dissipation. For good or ill the Sunday as we once knew it is no more and the fear is that it is not likely to be again. Many, therefore, are in a quandary to know what should be their attitude to this perplexing question. Shall we fight for the old? Surely the record of blue Mondays and the double-column accounts of the wreckage and injury of Sunday joy riding is not a favorable reaction to the fourth commandment. Instead of fighting to maintain the old, shall we compromise and say a new day requires a new attitude? No one seems to know what is right. There are as many opinions about the Sabbath Day as there are people. Is there somewhere a standard for all? Is there one law for the Sunday that is binding upon all people? Is there somewhere a circle within which we must all travel? In order that new light may come and that our consciences may be put back on edge I want to think with you a little while in this morning meditation upon the subject, "What is Sunday for?"

That question is really the fundamental question. All questions concerning what one may do or may not do, what is right and what is wrong, what is permissible and what is taboo have behind them the much more fundamental question: What is Sunday for? If that question can be answered, then many of the other difficulties will pass away and solve themselves.

God has surrounded our lives with three forces. There crowd about us three agencies which were given to the children of men for their happiness and well-being. Life can be maintained only in so far as we recognize these three factors: God's Day, God's House, and God's Book.

Our great concern in any discussion of Sunday is the attitude of Jesus toward the Sabbath Day. Whatever He believed the Sabbath to be for Himself and for mankind is surely binding upon us. Not many times did He make comment upon what is right or wrong on Sunday. He was in the habit of living in its spirit rather than in preaching about it. The comments that Jesus makes upon Sunday are therefore all the more important. Let us, therefore, ask ourselves what did Jesus mean by this observation of the Sabbath which we have before us to-day. Let us together study His words and see if they can bring some light upon the whole present-day discussion.

Jesus said that the Sabbath was made for man. The Sabbath was not made for money; it was not made for pleasure; it was not made for commercialism; but it was made for man. Whatever, therefore, is to the glory of man; whatever will ennoble his life and enlarge his vision; whatever will deepen his intellect and radiate his influence; whatever will strengthen his body and put a keen edge on his conscience; whatever will transform his life whether physical, mental, or spiritual; in short, whatever in anyway, no matter how small or large, will make more holy this temple of the Living God, which temple we are, can never be ultimately wrong or foreign to this day. The Sabbath was made for man. On the other hand, therefore, whatever does not so minister to him, but slackens his vigor, dissipates his physical energy, and weakens his spiritual supports; whatever destroys the spirit of reverence, service, and well-being, no matter in what guise or under what colors it travels, is a violation of God's requirement for the Sabbath Day in the eyes of Jesus.

For that reason the Sabbath should be a gladsome day. All that God makes is good, and His laws are for the happiness of human life. So is the law of the Sabbath. "This is the day which the Lord hath made; let us be glad and rejoice in it." It should provoke happiness and contentment. It should inspire better songs and help us to see fairer skies. The day is not a burden but a blessing, not a tax but a lifting of the load. If it has become a day that is doleful and grievous, it is to be questioned whether we interpret correctly the meaning of that day as Jesus would have us know it. If a vessel has been foundered in midocean and some one from a rescuing steamer should throw a life preserver to a drowning sailor to keep him afloat, if only he will reach out his hand to lay hold upon it, you would not think that requirement very severe. It is the one thing that stands between him and death and he ought to rejoice in the opportunity of it. So is the Sabbath day. When God created the heavens and the earth He rested on the seventh day and said it was very good, and that divine approbation has never been withdrawn from this day divine.

Jesus said the Sabbath was made for man; not for one man, not for a man, not for some men, but for mankind. It does not legislate for one group against the other; it does not provide rest and well-being for one class at the expense of another class. It was not made for some men or for one man, but man.

Jesus said that while the Sabbath was made for man it was not made by man. The day is not set apart by man but by the Almighty. It is not an institution of earth but of heaven; it did not come to the world because Moses wrote it upon clay tablets, but because God wrote it into human need. God established the law of the Sabbath

day as surely as He gave the law of gravity and harvest. All laws in His sight have an equal sanctity, and he who violates one law violates all law. The law of the Sabbath can not be broken with impunity. A dreadful harvest of disaster will follow the breaking of it just as sure as are the consequences for violating the law of gravity.

Here is a man suffering hunger; he is emaciated and undernourished. He goes to the shop of a baker to procure bread that new vigor of body might be restored to him. Out of pity the baker says to the emaciated man, "I have but seven loaves of bread in my possession, but you are welcome to six loaves, one for each day. I will give them to you without cost or price. You can not pay for them." The man receives the bread and goes home, apparently grateful. But at midnight when the baker is asleep and the lights are turned out, the man goes to the bakery and steals the one loaf that the baker reserved for himself. What would you think of such a man, and what name would you apply to him? There is only one name dark enough for such a man, and that is an ingrate. It is a parable of our attitude to Sunday. God has given us six days for our use and well-being, to gain and secure what we can. He has reserved the seventh day for himself. Shall we steal that day, too? Shall we become robbers of God? Do you not see how all discussion of the Sabbath pales into insignificance before this one consideration? If it is man's day, then man can do with it what he will; but if it is God's day, we are bound to recognize His purpose for it. Sunday is a divine institution which rests not upon human authorities but upon the will of God, and as a divine law it is eternal and inviolable. "Sabbath was made for man, therefore, the Son of Man is Lord of the Sabbath Day."

What, then, is Sunday for, and what are the elements of life which it inspires and makes possible?

I. Sunday is a day of rest. "Six days shalt thou labor, and do all thy work; but the seventh day is the Sabbath of the Lord thy God; thou shalt not do any work; wherefore the Lord blessed the Sabbath Day and hallowed it." There is a time when the body grows weary, when the nerves are jaded, and when the energies begin to sag. The caravan can not always travel. There are days when it must halt on its journey for rest and relaxation. That need runs through the whole of life. No matter how important the case, there comes a time when the lawyer must lay aside his brief. No matter how significant the task, there comes a time when the laborer must rest. No matter how essential the accounting, there comes a time when the bookkeeper must close his ledger. The man who will not respect the Sabbath Day mortgages his future and burns up energies to-day which God means him to reserve for the days that are to come.

The pace of life is so intense and the race is so keen that out of sheer self-defense man must keep the Sabbath Day or pay the terrible price of a body broken and a mind that has sagged. Professor Heglin, of Switzerland, made a rather interesting and significant series of experiments to discover the effect of work upon the body. It was his purpose to find out how much energy the average man wastes on an average day upon his average task. Then he measured the amount of energy which was restored to the average man in the sleep of night. He tried to discover if the energy that was wasted during the day was restored by the rest of the night and how accurate that balance was maintained. To his great amazement he discovered that some 10 to 20 per cent less oxygen was stored away in the night than was used up in the day. Every day, therefore, a man draws upon his reserves. Never is the strength fully returned by a night's rest which is expended in the day's toil. Therefore at the end of six days the average man is exactly one day behind in reserve energy. In order to keep a balance between supply and demand it is only as we rest upon the Sabbath Day that there is restored the energy required for the day's work. If all this is true, then it is a tragedy and a shame to rob ourselves and others of that day which we need for a physical rebuilding. It is therefore an indictment upon present-day civilization that there are 3,000,000 men who must work seven days in a week in our land. No man has a right to do anything that shall rob him of the energy for life or that shall rob others of that needed rest. The speed to-day is so intense and life is so high-geared that we simply must rest or break. Observing the Sabbath is imperative to replace the wasted energies of life.

II. Sunday is the day for fellowship. Nothing is more difficult to maintain in this industrial age than home life. The strain and stress of modern life is so intense that it has made the old-fashioned home well nigh impossible. The first place which a tense age is apt to sacrifice is the family life. A man's home is apt to become a hall bedroom with only an occasional meal added for good measure. Many people still fortunately carry the memory of Sunday when the father would gather the family together at twilight on Sunday and sing together the hymns of hope and Heaven. For many that has become one of life's choicest heritages. It was the observance of the Sabbath which made possible this home life and family tie, making life so sacred and holy. The Sunday has always been a trench thrown around the home life, the barriers which kept out worldiness and business. Sabbath desecration, therefore, is the pirate of the home, and he who does not keep the day undermines the possibility of keeping his home. It is a significant historical fact that after the French Revolution the leaders determined to eliminate Sunday from the calendar. It is an interesting observation to remember that in the 14 months after Sunday was eliminated by the leaders of the French Revolution there were 20,000 more divorces in that country. I wonder if there is any parallel and lesson in that for this present age? I wonder if there is any relation between the tragedy of divorces and Sabbath Day desecration in our own day? Sunday is a day for fellowship and home life. Destroy the former and the latter goes to the wall.

III. Sunday is the day for worship. How did Jesus observe the Sabbath? No one crowded so much into so few years as did He. No one had so much to accomplish and so little time for the program; but scant three years were His for implanting upon this world the Kingdom of God. Every hour was vital to His purpose, and every day was pregnant with the great message, yet never did He fail to observe the day of worship. As His custom was, Jesus went to the synagogue on the Sabbath Day. It was on these days that courage came to Him again and that He was made ever conscious of that intimacy that existed between the Father and the Son. Jesus could not live without the Sabbath. He needed the sense of worship, intimacy, and reverence it inspired.

So has it ever been with His disciples. When John was in exile at Patmos, banished for his loyalty to Jesus, again and again he was bewildered by the experiences of defeat and dismay that had overwhelmed him, but always on the Sabbath were those fears and haunting misgivings driven back by the consciousness of Christ's eternal presence. No more challenging sentence was ever written in his revelation than that in which he declared, "I was in the spirit on the Lord's Day, and I heard behind me a great voice." We, too, shall have again that apostolic vision and the voice of the Christ who always stands amid the shadows of life will be heard again over the hills of time when we, like that ancient disciple, dwell in the spirit on the Lord's Day. Perhaps you have kept watch some night by the bed of a friend. Somehow you believed that if he could only live that night he would have a chance for recovery. During the long interminable hours of the night you sat watching in the darkness, and then, when daybreak spread with its purple haze over the eastern horizon, with what joy you greeted that light, and you said to yourself, "He shall live." What that daybreak was to you in the hours of the night so is the Sabbath to those who keep it for the intimacies of the soul with God. Amid the darkness and failure of life there come these rays of newborn light which give you hope for the task. That is the meaning of the Sabbath.

I know the problem that it involves. Some one says to me, "Sir, what of the open country? We are entitled to reasonable pleasures. We need the vision of the open fields to restore balance to life. The stars shall teach us patience and the plains shall teach us peace, while the sight and the sound of the running waters bring back happiness to human life filled with the weariness of many duties. We need to get away from the glare and superficiality of man-made things to see more and more the glory of the things God has made." All that is true. There is a profound truth in that which Joyce Kilmer wrote in a poem:

"Poems are made by fools like me,
But only God can make a tree."

But while we need the vision of the open country I also know that no one can meet the crises of life without a living faith in a living God. Indifference to Sabbath leads many times to irreligion. I also know, as a matter of cold, hard fact, that unless we keep the Sabbath Day for God we shall not keep our faces toward Him. I also know that simply a beautiful environment such as you have in the open country is not enough to bring us to Him. It is a singular fact that some of the most deteriorated and degenerate peoples on earth live amid the most luxuriant beauties of nature. There are places in South America and in Africa, unparalleled for beauty and unsurpassed in their loveliness, where you find the greatest evil and the most terrible vices, where plagues spread and pestilences are always present. We live in a far more tragic world than we suppose. The fight for character can not be won by drinking in the fragrance of rose bushes along the river banks or plucking daisies in a meadow field. We need all the power of heaven to keep us in the path of uprightness. I grant that it involves a measure of self-denial, but the question is, Are we willing to give up some of the pleasures of life to keep alive the soul's faith in God; or are we so selfish and self-seeking that we shall have the pleasures, perhaps innocent enough in themselves, at the price of faith and hope and light? It is the one day that lifts you out of the shadows and sordidness of life into the grandeur and glory of eternal habitations; it is the one day that gives courage to the faint, brings joy to the home, and crowds care out of life; it is the one day that brings back faith in immortality, assuring us that life is more than meat. Take that day away and you have lost the key to the riddle of life and death.

There is a great deal of smug pharisaism that is parading under the cloak of a liberal Sunday. There are forces at work having for their supposed purpose the liberalizing of Sunday which are sheer camouflage for commercialism. So much of the present-day discussion about blue laws and a Puritan Sunday is mere oratorical claptrap that is as illogical as it is insincere.

In the last analysis it is greed against godliness, preferring shekels of silver to the Saviour of man. Take profit out of most of the Sunday amusements that are tolerated and they would not exist. Places of amusement open their doors wide on Sunday not out of charity but because there is money in it. In the desecration of the Sabbath Day, whether flagrant or inconsequential, a man reveals the kind of soul that is in him. He declares judgment upon himself. He reveals whether he puts God before mammon or mammon before God.

Let us never forget that one of the primary reasons that led the Pilgrims to leave England and flee for refuge to Holland and later settle New England's broken coast was the maintenance and observance of the Sabbath. King James of England by law ordered that Sunday should be a day of sport and play, a day of games and pleasure. These early Pilgrims believed that a civilization and a home built around that standard could never survive, so they came at last to this land. They endured hunger, suffered pestilence, lived through Indian raids, faced starvation, and endured endless loneliness for the sake of maintaining and observing the Sabbath. It was for this reason that they came here. Upon that background they built their homes, universities, schools, and Government. Those ideals of Sabbath have been vindicated in their accomplishment and have established our Nation. Our present generation with its ideals of the Sabbath has produced no such level of character or accomplishment. He who would be worthy of the heritage of those founders can only do so by maintaining their ideals of Sabbath. God forbid that we should refuse to pass on to our generation those ideals and accomplishments which have been granted to us as a blessed heritage and which have made our land glorious.

Judge Alton B. Parker spoke a profound truth when he said, "There can be no social life worth while without gentlemen. There can be no gentlemen without spirituality. There can be no spirituality without a Sabbath decently observed." Well may we add what Oliver Wendell Holmes said, "There is a little plant called reverence that grows in a corner of my soul's garden which I like to have watered once a week." That has ever been the spirit of American thought toward the Sabbath Day and may that heritage never pass.

I know the problems that are involved. One man cares little about walking in the open country in quiet meditation. He prefers to ride at a reckless speed from city to city on Sunday. Another man cares nothing about walking or riding, but prefers to play golf that day. Another man cares for none of these things, but enjoys an athletic contest. Another cares for none of these outdoor activities but wants to go to a concert; while still another who cares for none of these things that I have mentioned prefers the theater and the movie. The question is, Where will you stop and where will it all bring up? We must positively face the fact that without the Christian Sabbath the body can not regain its lost energy, home life has lost its best friend, and the soul has lost its open door to communion with God. Sir Walter Scott said, "Give the world one-half of Sunday, and you will soon find that religion has no stronghold on the other half." Disraeli uttered a profound truth when he said, "The Sabbath is the corner stone of civilization." Voltaire struck at the very heart of the whole matter when he wrote, "You can only destroy the Christian religion when you first destroy the Christian Sabbath." When the Sabbath goes, then will go man's contact with God. We have drifted far away from the days when on every New England hilltop in a one-room schoolhouse the children were called to their day's task with a period of devotion and Bible reading. We have drifted far away from the days when on the Sabbath the father with his family walked miles through sunshine and rain, through winter and summer, to some distant church, where the vision of the paradise of God might bring happiness again to their commonplace tasks. We have drifted far away from the days when on Sabbath at twilight the father would gather his family for the singing of the old Sabbatic songs and the hymns of faith. Yes; we have drifted far; but where have we drifted to? We have advanced since then, but has it been an advance upward?

In Holland huge dikes are built around the shore line to keep back the sea. Vast areas of that little but brave country are below sea level, and upon these drained lands they have built their national glory. Happy homes are there and prosperity abounds. The streets are full of little children at play and the fields are crowded with the prosperity of harvests. Life is safe so long as the dikes stand. These silent sentinels which they have built keep back the tides of the sea. But let those dikes break or be punctured and the people will be swept out to sea and to oblivion. So is the Sabbath day. As long as it is observed happiness and prosperity will abide among us; but when once that wall of defense is punctured or broken through neglect, life itself shall be swept from its moorings. It is our last line of defense. In the maintenance of it rests our safety. God forbid that we should do anything to tear down that institution in which lies the hope of human happiness; restoring strength to the body, fellowship to the family life, keeping our pathway to the eternal stars.

Mr. FUNK. Mr. Chairman, this bill appropriates of Federal and District revenues a total of $33,757,181. This sum is $2,431,221 less than the aggregate of the appropriations for the current fiscal year and $295,841 under the Budget estimates. The amount of this bill is approximately as large as the amount of the current appropriations if we add to this bill the $1,150,000 carried in the deficiency bill, which became law a few days ago—March 3—as 1927 appropriations. You will recall that we provided in that deficiency bill $767,700 for street improvement work, $275,000 on account of sewer work, and $125,000 for water mains, to be immediately available in order that this work could be started at once. These items did not fall within the category of deficiency or supplemental appropriations as we ordinarily consider them. I do not mean to convey the idea that by charging these deficiency items to 1927 there would remain no variation as between the individual items comprised by the bill and the 1926 appropriations. There are quite a number of substantial increases, as you will see by referring to the table in the report on the bill. I shall not take the time to enumerate all of them. In general they are occasioned by increases under the classification act; new positions and positions transferred in pursuance of law from lump-sum appropriations and given a permanent status without corresponding reduction in the appropriations from which transferred; of larger appropriations for the electrical department; for longevity pay of school officers, teachers, policemen, and firemen; for permanent improvements under the fire department; and by increased appropriations for the health department and for charity and correctional purposes, and you will find them to be wholly offset by the reduced amount for school buildings and grounds and for the new water-supply project, which will be completed by June 30, 1927.

Now, Mr. Chairman, with respect to the Budget estimates, the additions and subtractions we have made result in a net reduction of $295,841, which we arrived at in this way, and I shall refer only to the larger items: We were confronted with a request to buy a tract of land for use as a site for stables, shops, and storerooms of the Engineer Department, at an estimated cost of $150,000. The Engineer Department is now using for these purposes a part of the site in south Washington under the jurisdiction of the Joint Committee on the Library, which is included in the proposed enlargement of the Botanic Garden. The District people have under consideration a new site for the stables, and so forth, for the engineer department, which they consider suitable for their needs, a tract which is assessed at $53,750. This particular piece of ground, which members of the subcommittee inspected, should be purchased, in my judgment, for a figure not greatly in excess of its assessed value. The committee was not aware of any pressing need to vacate the property now being used and felt that this was a matter that might be very well deferred until a suitable site could be found at a more reasonable figure.

Another item we were asked to provide for is a new and larger bird house for the Zoological Park. The superintendent of the park is of the opinion that the facilities at the park are not adequate properly to take care of and display the bird collection, but the committee felt that the necessity for this expenditure was not urgent and the improvement could be deferred to a later date. He asked for $49,000, which did not take into account necessary equipment and outside cages.

The other major reduction we have made from the Budget estimate is in the water department, where we were asked to appropriate $296,221 for laying mains. A number of these items are desirable but not necessary. We therefore eliminated items which did not seem to be wholly justified amounted to $147,700.

It is recommended by your committee that of the total of the amounts carried in the Budget estimate which we have reduced or eliminated there be appropriated $25,000 for guard rails on the Calvert Street, Klingle Valley, and Pennsylvania Bridges. A number of serious and fatal accidents have occurred on these bridges. The engineer commissioner has prepared plans for guard rails, which can be installed at a cost of $25,000.

We recommend an increase in the item for repair to school buildings from the Budget estimate of $475,000 to the amount recommended by the Board of Education of $550,000, an increase of $75,000.

I wish to emphasize in this connection though that Congress over the five-year period ending June 30 next has appropriated within $25,000 of the total asked for this purpose by the Board of Education. I think part of the trouble grows out of the diversion of a portion of the appropriations that have been intended for repair work to take care of certain details in connection with new buildings, where the appropriations therefor fell short, such as grading and treating the grounds and laying walks. The language of the appropriation is broad enough for such uses, but the money was never provided with the idea that any part of it would be so employed. The school board asked for an appropriation of $550,000 for this purpose for next year.

Those two items, Mr. Chairman—that is, for bridge protection and school repairs—are the two major instances where we have exceeded the estimates of the Budget. We added about $16,000 to certain charity items, including the child hygiene service under the health department, and we allowed $10,000 to the refuse department to buy equipment for placing tin cans and other metal containers in a marketable condition.

I shall not burden you any longer with comparative figures; they are set out in the report; but I shall be glad to give you more information regarding any of them when the bill is being read.

I should like to focus your attention now on the method of financing the expenditures which will be made under the bill. In the first place the bill is predicated upon a flat contribution by the Federal Government of $9,000,000. This is in conformity with the practice commenced in the fiscal year 1925, but this is the first year that the Budget estimate has come to us upon that basis.

Mr. BLANTON. Now, Mr. Chairman, before the gentleman leaves that, will he yield?

Mr. FUNK. Yes.

Mr. BLANTON. The gentleman should also mention that in other supply bills other items for the District are carried. For instance, there is the large appropriation for Gallinger hospital and for St. Elizabeths and for Howard University, where hundreds of thousands of dollars are annually appropriated and given to local institutions here in the District, which benefit the people locally. They were not mentioned by the gentleman. The gentleman should also mention that the Government of the United States is loaning to the District a number of highly paid Army officers—colonels and majors, like Colonel Bell and the three majors under him.

Mr. FUNK. About 15 or 20.

Mr. BLANTON. About 15 or 20 highly paid Army officers, whose salaries and emoluments the people of the United States pay, and whose services are received free by the District of Columbia. The gentleman should mention all of those things.

Mr. FUNK. Mr. Chairman, I thank the gentleman for calling my attention to that. Those speak for themselves in the various appropriation bills.

Do not get the impression though, gentlemen, that that is all we contribute. Many of us lose sight of the Federal share in the miscellaneous revenue which we turned over to the District government when we departed from the 60–40 plan, when we speak of the amount of the Federal contribution. This revenue in which we used to share is expanding with the city's growth, and the auditor has told us that next year the part that we will forfeit under operation of the lump-sum plan will approximate $1,000,000. So, Mr. Chairman, strictly speaking, the Government will bear $10,000,000 of the appropriations carried in this bill. Now, as to the balance of it, the impression seems to prevail, I might say quite generally, that it is met by levies on real estate and tangible personal property. Let me tell you how the auditor has estimated that it will be met next year:

From the surplus fund for school, playground, and park purposes	$2,025,000
From the gasoline tax fund	642,500
From water revenues	1,272,191
From public utilities, banks, and building associations	1,870,000
From miscellaneous sources, such as rents, fees of various kinds, special assessments, sales, licenses, fines, etc	2,000,000
From tax on intangible personal property, the rate of 5 mills remaining constant	2,325,000
And, now mark you, from taxes on real estate and tangible personal property	13,622,490

In other words, Mr. Chairman, so far as the amount of money carried by this bill is concerned, the amount of Government aid is $10,000,000, compared with $13,622,490 to be raised locally by taxes on real estate and tangible personal property; or, in other words, your constituents and mine are being taxed 42 per cent of the total. I do not wish to leave the impression with you, however, that the tax rate for next year will be influenced only by the money which we are proposing to appropriate. Under the appropriation act for the fiscal year 1923 the District was required to accumulate a cash reserve or working fund by the end of the fiscal year 1927. The amount of the fund was left to the determination of the commissioners. They estimated that $3,000,000 would suffice. The last installment of $600,000 must be raised next year. It also will be necessary to provide approximately $350,000 for the policemen's and firemen's relief fund, this being the contribution from the District's funds necessary to supplement the deductions from the pay of policemen and firemen to meet the total estimated requirements; and it will also be necessary to provide for deficiency appropriations for the fiscal year 1926 as well as any deficiency that may grow out of unprovided-for demands during the fiscal year 1927, so that the auditor has estimated that real estate and tangible personal property levies must yield next year approximately $15,900,000. Assuming that this amount must be raised, it still appears that the Federal contribution will exceed 38 per cent of the total, and it is not at all certain that it will be necessary to raise the tax rate on real estate and tangible personal property above the current rate of $1.70. The auditor has indicated that it may run between $1.70 and $1.75. Personally I think the higher rate, and possibly a still higher one, might very properly be fixed. The people of the District are confronted with the pressing need of larger outlays for streets, for sewers, for street lighting, for water mains. The five-year school-building program, for which there was so much clamor and which has been estimated to cost $20,000,000, already has fallen behind in the pro rata annual appropriation, and the surplus fund set aside partly to defray its cost will have been exhausted if the drafts thereon proposed in this bill finally become law. We have a statute authorizing appropriations in excess of $1,000,000 annually for the National Capital Park Commission, and for the current year and next year the appropriations made and proposed amount to but $600,000. But the taxpayers of the District have no bonded indebtedness. They are differently situated, I dare say, than any city in the country in that respect. The tax rate in the District is very low when compared to other cities of similar size. The only taxes levied here are city taxes; there are no county taxes, no State taxes, no special park taxes, no drainage-district taxes, no township taxes, no special road and bridge taxes, no special library taxes. In other cities taxes for these special purposes are added to the usual municipal taxes.

It is my opinion that if there has been delay in the school building program and if the repair and maintenance of the streets is lagging behind and if other improvements have been deferred too long, that the tax rate of the District should be raised immediately so as to produce an amount necessary to provide for these requirements.

In the appropriation bills for the District of Columbia for the fiscal year 1925–26 and also in the recommendations of your committee for the year 1927, the amount of the Federal contribution to the expense of the District government is fixed at $9,000,000. I can see no indication that Congress intends to change this amount; therefore, the taxpayers of this District should face this situation and if there is need for funds to provide for further extensions of existing facilities and for other improvements, the only way they can be provided for is for the money to be raised by an increase in the local taxes.

I wish to say here and now, Mr. Chairman, that I for one shall never vote to increase the taxes of my district to provide for the local needs of the people of this District, and I think that is what we would be doing if we should increase the amount of Federal aid, with taxes here as low as they are. Nor could I be induced to tax my people to pay the exorbitant prices demanded by these local land speculators or profiteers for land for municipal purposes. The solution may be that Congress will have to step in and fix the rates.

Mr. BLANTON. Right there, would the gentleman kindly yield?

Mr. FUNK. I will yield.

Mr. BLANTON. When the gentleman reaches that conclusion he does not do it as an enemy to the District?

Mr. FUNK. No.

Mr. BLANTON. He is still a friend to the District, and he is friendly to the District government and to the District people?

Mr. FUNK. That is right.

Mr. BLANTON. But his sense of justice to the rest of the people of the United States forces him to this conclusion?

Mr. FUNK. And equity.

Mr. BLANTON. And yet when the Congress reaches this conclusion, when any Member sees fit to voice his sentiments just as the gentleman and his colleague [Mr. COLLINS] have expressed, we receive criticism from the Washington newspapers.

Mr. FUNK. Well, I think the gentleman has lived about as long as I have and I think the gentleman cares about as little for newspaper criticism as I do.

Mr. BLANTON. But when it is unjust criticism, it is neither fair nor right.

Mr. FUNK. Every public official has to submit to more or less criticism——

Mr. BLANTON. Yes.

Mr. FUNK. And our backs are broad.

I think that with the amount of Federal aid definitely established, and it is now, so far as I am concerned, that the committee might well be empowered to fix the tax rate in each appropriation bill. I might say that if that were done I might be persuaded to support a proposition to make the Bureau of the Budget simply a forwarding agency of the District's estimates of appropriations. In such circumstances I see no reason why the contact should not be direct between the properly constituted executives of the District and the tax-making body. Under existing procedure the committee's task resolves itself into an examination of the Budget allocations and in determining whether the objects of expenditure and the amounts allotted thereto are justified, and not to the commissioners' estimates.

A year ago we found that under a blanket provision which had been carried in the bill for years a great many permanent employees were being paid from lump-sum appropriations. The committee believed, and it believes now, that the entire permanent force should be specifically provided for. In pursuance of a provision carried in the current appropriation act, which was incorporated to remedy this situation, this bill makes specific provision for all permanent employees. As a result there is an increase of 115 in the number of permanent employees and in amount $213,140.

Mr. MOORE of Virginia. Will the gentleman yield just there?

Mr. FUNK. Yes, sir.

Mr. MOORE of Virginia. Recently it was brought to my attention that employees of the District of Columbia who are not within the term "permanent employees"—they are called per diem employees, but they work constantly; some have been in the employment of the District as much as 30 years—are not allowed the leave and other privileges that are given to all permanent employees. Does the gentleman's bill deal with that?

Mr. FUNK. It does. I think we have covered every situation of that kind of employee. I have been just describing it, placing these per diem employees under the permanent roll who work every day in the year and who, as the gentleman from Virginia suggests, did not have the benefit of the sick leave or of vacation free time, and we have tried to correct that because it seemed an anomalous situation when one group of men had these benefits and another group similarly employed were under different conditions. We have tried in every way to correct that situation.

Mr. MOORE of Virginia. I am glad the committee has dealt with that situation.

Mr. FUNK. To refresh the gentleman's recollection, I just mentioned there were 115 positions that we comprehended as permanent force, whose wages amounted to $213,140.

This explains many of the increases which you will find in the salary paragraphs. The appropriations from which they are now paid, I should say, have not been correspondingly reduced. To the extent, therefore, that they have borne the expense of such employments more money will be available for their general objects.

In the appropriation for the director of traffic we provide that the fees received from the reissuance of drivers' permits shall be used in extending the traffic light-signal system and for new and improved street-lighting facilities incident thereto. Our thought was to use the money for the direct benefit of those who will pay this new levy.

On page 25 of the bill you will find a new provision requiring that specifications for street-paving work shall be so drawn as to admit of fair and open competition. We found that the engineer of highways predetermines the type of paving to be laid on certain streets and that competition is restricted to that type. John Jones or Bill Smith might have a type of paving material that has been employed in other communities and found to be entirely satisfactory, but is precluded from bidding on local work because the specifications stipulate sheet asphalt or concrete. I submit, Mr. Chairman, that that practice merits condemnation in unmistakable terms. It should be discontinued and we are proposing to stop it.

Mr. GIBSON. Referring back before the gentleman gets too far away——

Mr. FUNK. Yes.

Mr. GIBSON. Does the gentleman realize that by the traffic law or bill which was passed last week we cut $100,000 off of the revenues of the District in the way of fees for the granting of permits?

Mr. FUNK. I do not so understand. I understood that we provided for a three-year term at $3. There are about 200,000 permits extant and it is estimated that of that number about 150,000 would be renewed.

Mr. GIBSON. The present law under which we are operating or supposed to be operating provides the first license at $2 and the renewal at $1 apiece, so we are cutting off $1, cutting down the revenues about $100,000.

Mr. FUNK. Of course, we have no control over that. But I want to say in this connection that if the estimates are correct, that of the 200,000 permits now out, there should be 150,000 renewed at $3 per permit. That, of course, will produce about $450,000, and it was our judgment that the money should be specifically used for the installation of these traffic lights to cover that section between here and the Treasury, and between Pennsylvania Avenue and, say, K or M Streets. The estimates are to install at other street intersections traffic lights similar to those just recently put in on Sixteenth Street, costing about $350,000. That would on the face leave an excess of $100,000, and $350,000 is only for the purchase and installation of traffic lights, and it is not taking into consideration the incidental lights and considerable construction work that goes in connection with the proposition, and we thought if it developed next year or in two years that the amount derived out of the permits was in excess of the amount needed for installation of traffic lights the law could be changed and that amount covered into the general fund of the District treasury.

Mr. GIBSON. May I say to the gentleman my position is just this, that the permit ought to be $2 a year for every person who is granted a permit, and that money ought to be used for the extension of the lights in reference to the traffic situation.

Mr. FUNK. Of course, that is a matter that has been settled, and we can not change it at this point.

I now direct your attention to the school situation. I have already told you of our recommendation with respect to the appropriation for repairs of school buildings. We have made ample provision for wages and salaries for teachers and janitors, both for the present force and for additional help, in accordance with the estimates as to the completion of new buildings now under construction.

There is without question a serious lack of school room for the children of the residents of the District, and they are now forced to use portables and attend part-time classes. There are to-day approximately 70,000 children in the schools—of this number 3,072 are children of nonresidents, mostly from Maryland and Virginia; allowing 40 children to one schoolroom and eight rooms to one average school unit, it requires 10 schools, which have cost approximately $2,000,000, to accommodate these nontaxpaying, nonresident guests. The cost to the District for teachers' salaries alone amounts to over $300,000. In view of the overcrowded condition of the schools we have inserted a provision that the authorities shall place a tuition fee approximating the cost to nonresident pupils. Your State and mine are contributing to the support of these local schools, and why our citizens should be taxed to provide education for children in near-by communities of States bordering the District of Columbia is beyond my comprehension.

In connection with the matter of additional school buildings and sites for school buildings and playgrounds the committee has made provision for every Budget item. You will find that we have made certain modifications to conform with contract prices not available when the estimates were prepared and to conform with the estimated prices used as a basis of cost in the report on the five-year school building program. We have also reduced the estimate for an addition to the Langley Junior High School from $400,000 to $100,000—the amount the Board of Education originally recommended to the Bureau of the Budget, and the reductions thus effected plus the unexpended balance of the appropriation of $154,000 carried in the second deficiency act, fiscal year 1925, on account of the Park View School, we have provided shall be applied to the acquisition of sites, with the exception of

$160,000, which we diverted for use in constructing an eight-room extensible building on a site just recently acquired in Woodridge for children having nothing but a few portables. The net result of our action with respect to school buildings and sites is to make available approximately $271,000 additional for sites.

You gentlemen have read the report on the bill and perhaps have examined the hearings. The committee found a situation to prevail here with respect to land purchases that is unsavory to say the least. To come directly to the point, brushing aside the whys and wherefores—and you will find lots of them in the hearings—we are opposed to appropriating any more money to buy land, whatever the intended use might be, in sums two or three times the assessed value when that assessed value under the law is supposed to be its full value. If you will refer to page 580 of the hearings you will find with respect to certain sites recently acquired for school purposes that in the case of negotiated sales the purchase price equaled 191 per cent of the assessed value, and that in condemnation cases the awards have equaled 231 per cent of the assessed value. Turn to page 538, if you please, of the hearings, and you will see some very illuminating figures as to the land acquisitions effected by the National Capital Park Commission. They figure out in the aggregate 60 per cent greater than the assessed value. Mr. Chairman, there can be only one conclusion, in my judgment, and that is that the people of this District are being mulcted not alone by those disposing of the property but by underassessments of unimproved areas, and I think we should put a stop to it. [Applause.]

The sites, or the general locality of them, are generally specified. The result is that it is known at once that the District is going to buy land, either a specified site or in that neighborhood. I might say that we do not specify the sites to be purchased by the National Capital Park Commission. We have locked up in the committee's safe an outline in a general way of what their plans are. If they have guarded their plans as carefully as we have, nobody knows any more with respect to their land-acquisition plans than have been disclosed in the reports on this bill and the one which preceded it, and that is very little.

You will find on page 43 of the bill, Mr. Chairman, our proposition to put a stop to this holdup game. I shall not take your time to read it. It deals with school sites alone, but you will find a similar limitation running to every land-purchase item in the bill. The effect of it, I hope, will be that the citizens of this city, through their associations or other agencies, will interest themselves sufficiently in the matter to get such prices on sites within their respective localities as will come within the limits we have imposed.

As the amount we are proposing for school sites agrees with the Budget estimates, except as to the addition I have explained before, and as the Budget was based on prices doubly and sometimes trebly in excess of assessed values, naturally, if sites can be bought within the limitation the committee is proposing, more money will be available than otherwise would be necessary to acquire the sites enumerated in the Budget. Anticipating this condition, the committee is providing in its amendment that such surplus may be applied to the acquisition of sites included in the original estimates of the Board of Education but not included in the Budget.

When the bill is being read it is my intention to offer an amendment to this paragraph making it possible to apply whatever moneys there might remain unexpended or unobligated by reason of the price limitation we are imposing to the acquisition of any sites embraced by the five-year school building program act rather than to just the sites recommended by the Board of Education which were excluded from the Budget estimates. In this way competition between communities to get school sites would be stimulated and there will be a greater opportunity to secure tracts within the price limitation the committee is proposing. The amendment I shall propose will also take care of another situation, or objection, I should say, which has arisen since the bill was reported, and which has been stressed quite a good deal, and that is that the latest full-value assessment was arrived at in 1924 and does not properly or fairly represent present values. My amendment will make the appropriation proposed for the purchase of sites available until July 1, 1928. The next full-value assessment will become effective July 1, 1927. By making the appropriation available until July 1, 1928, such land as can not be acquired under the present full-value assessment plus 25 per cent may be procurable under the new assessment, so this amendment would seem to meet the objection recently raised as to the antiquity of the assessment.

On page 81 of the bill, Mr. Chairman, you will find that we have increased the rate for laying service sewers from $1.50 to $3 per linear front foot, which is what we were told the work is costing, and are providing that the water rents shall be increased by not less than 25 per cent in order that the cost of maintaining the Washington Aqueduct and all expenses incident to the supply and distribution of water, apart from the installation cost of the new system, may be self-sustaining. The estimated revenues during 1927 are $1,250,000. The appropriations the committee is proposing chargeable to such revenues amount to $1,272,191. The estimates called for $1,416,891, quite a considerable overdraft. Now, on the next page of the bill (82) you will find another amendment we are proposing providing for an investigation and report to be made upon the installation of high-pressure water system in the congested high-value section of the District. I believe this is a project worthy of very careful study and one for which we must make provision in the very near future.

In conclusion, Mr. Chairman, I wish to say that we have conscientiously endeavored to put the money requests that came to our consideration to the best advantage and to take care, wherever we could under the limitations which govern our action, of situations which seemed to demand immediate attention. They are merely our suggestions, and we respectfully present them for your consideration. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman a question?

Mr. FUNK. Yes, sir.

Mr. MOORE of Virginia. In discussing the matter of the portion paid by the Federal Government, the gentleman has said that the figure is $9,000,000, and he thinks that that figure will remain standing?

Mr. FUNK. That is my own personal judgment. It has remained there for two years, and we are recommending that in this third bill.

Mr. MOORE of Virginia. I am not saying anything about the propriety or impropriety of that. But there has been a bill introduced recently, I believe, by the gentleman from Maryland [Mr. ZIHLMAN] proposing an investigation by a joint committee of the question of the fiscal relations between the Federal Government and the District of Columbia. Does the gentleman think that would be desirable?

Mr. FUNK. I have no objection to that, sir. I think the fiscal relations should be settled rightly, and upon a proper and equitable basis. And while I have in mind the contribution of $9,000,000, I can see no objection to an investigation being made with a purpose of trying to find all the facts and to present as near as possible all the facts to Congress. I would have no objection to it, sir.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me there for a suggestion?

Mr. FUNK. Yes, sir.

Mr. MADDEN. I have serious objection to it. Any investigation that might be made would be made with a view to lifting the responsibility for the financial burden from the people of the District and throwing that responsibility upon the people of the United States.

We have all the information we need upon which to base intelligent action, and instead of the amount being $9,000,000, it is really $10,000,000; $1,000,000 of revenues otherwise would go into the Treasury of the United States; so that the contribution that is being made is not now $9,000,000, but $10,000,000, and all the revenue raised from the District real estate and all the improvements thereon at the valuation fixed is to be $13,500,000 per annum, so that the Government of the United States is contributing almost one-half of the cost of the Government as the effect of the real-estate charges against the people who own it.

Mr. MOORE of Virginia. I hope the gentleman will acquit me of any desire to bring about any particular result.

Mr. MADDEN. Oh, I do not think the gentleman would have any such design, but it might as well be put into the RECORD that other people who have a sincere desire not to relieve the burden any more than it should be relieved may understand it. The citizens of the District of Columbia have the cheapest tax rate of any people in the world.

The people where I live, including myself, pay 4½ per cent taxes on the actual value of our property. The people here pay 1.70 on less than the actual value of theirs, and it might just as well be understood that we are not going to let them

impose all the burden on the people of the States. [Applause.]

Mr. MOORE of Virginia rose.

Mr. FUNK. I will yield to the gentleman.

Mr. MOORE of Virginia. The gentleman has discussed the matter of changing the law that has been carried in the appropriation bill for several years with reference to the admission of outside pupils to the schools of the District of Columbia.

Mr. FUNK. Yes.

Mr. MOORE of Virginia. Why does the gentleman draw a line between the children of Army and Navy officers and the children of civilian employees of the Government working in the District of Columbia?

Mr. FUNK. I can tell you the reason I have for that. Army and Navy officers, as to where they are located, depend upon an assignment by the Federal Government, through their superior officers. A man working for the Government in one of the departments can elect where his domicile shall be, whether in the District of Columbia or in Maryland or in the State of Virginia. It is generally conceded—in fact, it is an accepted understanding—that Army and Navy officers practically have no home base, and therefore I think it is very proper that the Capital of the Nation might be allowed as their home base. Perhaps not in these times, as in the early days, naval officers were sent to foreign ports and their families had to be in some place, and quite naturally many of them made their homes in Washington.

Mr. MOORE of Virginia. But this has always struck me as a reciprocal arrangement, and I had that point in mind when I addressed my question to the gentleman. It is a fact that the children of officers in the Army and Navy are admitted to the public schools of Maryland; and at Annapolis, for instance, a good many are admitted to the public schools of Annapolis, and they are given the same opportunity in the other near-by States. I will remind my friend that a great many of the people who work in the Government departments in Washington City and who live in Maryland or in Virginia have their legal residence elsewhere, and nevertheless hundreds of them are admitted to the schools of Virginia and Maryland, and it would seem, therefore, a fair reciprocal program. That being true, we should admit to the schools of the District of Columbia the children of departmental employees who happen to be located in Virginia and Maryland.

Mr. FUNK. I will say to my distinguished friend if this law passes and it were left to me to enforce it the determining fact in my mind would be not so much the legal residence of the parents of children who are seeking to attend the schools in Washington as it would be where the domicile of the parents is located, not where they dwell; and if they dwell in the gentleman's State of Virginia or in Maryland, they are naturally paying taxes through rent, or if they own their property taxes direct, based upon the theory of providing adequate school facilities for the children of that particular area or district.

It is well known—and I assume that my friend is familiar with the fact—that in practically every locality I have ever heard of the children of nonresidents who seek to attend school in a district in which they do not reside or dwell are charged for their tuition. In some instances that is paid by the parents, but in my country it is paid by the school district from which these nonresident pupils come. It seems to me only fair that when there is congestion in the city of Washington and a clamor for adequate, sufficient, and modern school rooms, in order to eliminate the use of portables, that the children of the people of the District of Columbia should be taken care of first and that the nonresidents should be taken care of by the districts from which they come. [Applause.]

Mr. MOORE of Virginia. I understand fully my friend's viewpoint, and while I regret the provision in the bill there is only one other observation I wish to make. I hope the gentleman will not infer that Virginia and Maryland, so far as I know, are threatening any retaliation because of that provision.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1927, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the paragraph just read, insert: "*Provided*, That in order to defray the expenses of the District of Columbia for each fiscal year after the fiscal year ending June 30, 1927, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia; and, in addition, $9,000,000 shall each such fiscal year be appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923."

Mr. CRAMTON. Mr. Chairman, the amendment which I have offered is in the same terms as the first paragraph of the bill, except that the first paragraph of the bill, as it stands, has to do only with the current year, whereas the proviso which I have offered would carry the same arrangement on in the future and make it permanent law.

I should state that the text of the bill as it stands for the current year, and as it has been each year for two years heretofore, has provided that the Federal Government should contribute toward the expenses of the District not a percentage of the expenses of the District but a fixed sum, which has been $9,000,000 in each case; and the further essential important provision is that, having contributed that $9,000,000, we receive none of the returns that come from the collection of fees and miscellaneous revenues, as was the case previously under the 60-40 plan. While we contributed 40 per cent of the expenses, in turn we received 40 per cent of the fees, licenses, and miscellaneous receipts, but under this it is a clear-cut, definite provision that the Federal Government contributes $9,000,000 and then has no returns from fees.

The operation of this, as the gentleman from Illinois [Mr. MADDEN] has said, is, in effect, to give about $10,000,000 to the District, because there is about $1,000,000 of returned fees that we otherwise would have, but which we relinquish here.

Mr. BEGG. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BEGG. The question I want to propound to the gentleman is not a question on the merits of the proposition. I do not know about it one way or the other, and I rely on the gentleman from Michigan as much as I do on any other man as to these matters. Does not the gentleman think it is rather beyond the province of this committee to make permanent legislation? The House takes it for granted that this committee is not going to legislate, and the gentleman's amendment could have been stopped and any of us could have stopped it——

Mr. CRAMTON. Certainly.

Mr. BEGG. By making a point of order against it. I do not think the committee is acting in good faith in this matter.

Mr. FUNK. I will say to the gentleman that the committee is not proposing this amendment.

Mr. BEGG. I know; but the gentleman from Michigan is a member of the Appropriations Committee.

Mr. FUNK. The gentleman is offering the amendment in his own right.

Mr. BEGG. Certainly; but he is on the Committee on Appropriations.

Mr. CRAMTON. Let me answer the gentleman, as he propounded his question to me. This is not an amendment proposed by the Committee on Appropriations; it is an amendment which I propose and it is in line with bills which I have been introducing for three years, and a year ago exactly the same course was followed. I offered exactly this same amendment at this same point in the bill and a point of order was made against it, and the point of order was sustained. Anyone who has followed this matter in the House, of course, had notice thereby that the same course was likely to be followed this

year as last year. No one is taken by surprise, because I am only doing exactly what I did last year.

Mr. BEGG. If the gentleman will permit, there are many cases in practically all of these bills where any one Member could upset the plans through the point of order route; there are times when the Appropriations Committee is justly entitled to legislate on minor affairs, but it does seem to me that members of the Appropriations Committee ought not, in fairness to the House, to undertake to write permanent law in any bill.

Mr. CRAMTON. Mr. Chairman, as a Member of this House, I think I have the same right to offer an amendment that the gentleman from Ohio has.

Mr. BEGG. Yes; but the gentleman from Ohio would be knocked off by a member of the Appropriations Committee if he undertook anything of this kind.

Mr. CRAMTON. I am not a member of the subcommittee handling the bill. The gentleman from Ohio had an opportunity to make a point of order on the amendment. The Member of the House who made the point of order a year ago is on the floor now, as I recall.

Mr. BEGG. No; I think he is absent.

Mr. CRAMTON. No; I know he is present and had the opportunity. Anyone who had followed this matter knew the same thing was done last year and I am embarrassed to have the gentleman from Ohio raise this point.

Mr. BEGG. I do not criticize it as to this particular bill. That is not the point. As I understand the gentleman, and as I understood the reading of the amendment, the gentleman undertakes to make it permanent law.

Mr. CRAMTON. That is it exactly, and a year ago——

Mr. BEGG. I think that is a question the House ought to decide.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. I have not anything more to say to the gentleman, but I do not think the precedent ought to be continued.

Mr. CRAMTON. I want it clearly understood that last year the identical amendment in the form of permanent law was offered, and in that case a point of order was made and, of course, sustained. The gentleman could have made a point of order now.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from New York.

Mr. GRIFFIN. Is not this $9,000,000 lump-sum appropriation the handiwork of the gentleman who offers this amendment?

Mr. CRAMTON. I was the first one to suggest the lump-sum idea, and it was suggested in the form of permanent legislation, and went to the District of Columbia Committee and later was adopted by the House in connection with this bill for the current year.

Mr. GRIFFIN. If the gentleman will permit me, I will say I am inclined to favor his amendment, and the very defect the gentleman has pointed out was the reason I opposed the lump-sum appropriation in the first instance. If the gentleman thinks his amendment will correct the shortcoming of the $9,000,000 lump-sum appropriation, I would like to have the gentleman take sufficient time to explain how it will work out. I suspect that is the purpose, is it not?

Mr. CRAMTON. I am not sure I understand what point the gentleman wants to reach. Of course, the effect of the amendment is that the Federal Government will contribute a fixed, definite amount and then all the revenues from fines and licenses go to the District. In my judgment, the great effect of the proposed amendment and what has been accomplished by the lump-sum plan in the District during the two years it has been in operation is that it has been possible, at a time when the Federal Treasury had such tremendous burdens upon it that we could not afford to, and it was not fair that we should, greatly increase the Federal contribution to District expenses, and at the same time the District had a tremendous need for development because of the great growth of population, for needed schools and pavements and lights and many things which made necessary greater revenues, under the lump-sum plan——

Mr. GRIFFIN. I do not think the gentleman understands my question.

Mr. CRAMTON. I want to complete this thought. Under the lump-sum plan it has been possible for the Federal Government to hold its contribution where the needs of the Treasury made it imperative, and at the same time permit the District to contribute more and thereby get the development it required.

Mr. GRIFFIN. Under the gentleman's amendment will the Government get the benefit of a definite pro rata of these revenues?

Mr. CRAMTON. No; we receive nothing. We contribute $9,000,000, and the District gets all the returns from licenses and fees.

Mr. GRIFFIN. Under the gentleman's amendment will that condition be remedied?

Mr. CRAMTON. That condition will be continued.

Mr. GRIFFIN. Continued or remedied?

Mr. CRAMTON. The condition will be continued that the Federal Government will contribute a definite, fixed sum, and that will be all the Government will contribute.

Mr. GRIFFIN. And not receive anything——

Mr. CRAMTON. And receive nothing in return.

Mr. GRIFFIN. And get no part of the receipts?

Mr. CRAMTON. No.

Mr. GRIFFIN. Then what is the purport of the gentleman's amendment?

Mr. CRAMTON. The purport is to make permanent law that which has been carried year by year. It puts an end to the constant badgering of Congress because of parsimony, and so forth, and will make possible a permanent plan of improvement for the District.

Mr. TINCHER. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. TINCHER. Of course, the practice of a member of the Committee on Appropriations suggesting an amendment writing permanent law into a bill is in violation of the spirit of the rules of the House ordinarily should not be countenanced. Legislation should not be written in that way. In this case I do not know anything about the merits of the proposition, but I would like to know whether the gentleman has consulted the chairman of the Committee on the District of Columbia [Mr. ZIHLMAN] about this amendment, and whether the gentleman from Virginia [Mr. MOORE], on the other side of the aisle, is familiar with the amendment.

Mr. MOORE of Virginia. I will say to the gentleman, if my friend from Michigan will allow me, my attention was diverted for a moment when the gentleman offered his amendment. Whether $9,000,000——

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMTON. Mr. Chairman, as a courtesy to these other gentlemen, I will ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Whether $9,000,000 is a proper sum to be contributed by the Federal Government hereafter, or less or more than $9,000,000, I do not now undertake to say, but I do not think in this way permanent law should be made; and as I have said, except my attention was diverted at the moment the gentleman from Michigan offered his amendment, I should have suggested a point of order.

Mr. TINCHER. I would have suggested it, but I saw the gentleman from Virginia on the floor and I knew the gentleman was familiar with these matters, and therefore I thought it was satisfactory to the legislative committee. Of course, the practice is to be condemned, but I do not know whether in this instance we should go ahead or not.

Mr. ZIHLMAN. If the gentleman from Michigan will permit, I would like to inform the gentleman from Kansas that I just returned to the city on the 2.40 train this afternoon, and this is the first I have heard of this matter. I am surprised that an amendment of this sort should be offered in this way on so important a bill, after the committee had reported the bill and after we had all made some study of it.

Mr. CRAMTON. The gentleman from Maryland will recall, I am sure, that an identical amendment was offered a year ago at this same place and a point of order was made, so it should have been notice to all that it likely would be brought before us again.

Mr. BEGG. I rise in opposition to the amendment. Mr. Chairman and members of the committee, my opposition to the amendment does not cover the merits of the case, but the method of procedure. I think every Member in the Congress was definitely, almost guaranteed, that when we adopted this Appropriation Committee the Appropriation Committee would appropriate, and if they discovered anything that needed legislation they would refer it to the proper committee. I want to

say that the permanency of the Appropriation Committee is not in the hands of Congress nearly as much as it is in their hands, and if individual Members come in and try to slip things over when Congress is not aware of it, or compel some Member to sit here and make points of order against them, I can see the end of this most admirable scheme.

Mr. CRAMTON. If the gentleman will yield, I think I can satisfy the gentleman.

Mr. BEGG. I want to suggest that we vote this amendment down for the good of the House. If it is offered simply for this year, I am for it.

Mr. CRAMTON. I think I can settle this matter. The gentleman knows that I have been following this up with diligence for three years. I have a bill now pending before the Committee on the District of Columbia, as I have had for three years. I have been following that up diligently, but it has not been reported. I do not want to criticize the committee, as I have been getting assurances that it would be considered, but it has not. I am desirous of working with the House and meeting its wishes. If the gentleman from Maryland, chairman of the legislative committee having this matter in charge, who is now on the floor, can give assurance that my bill, which is pending before his committee now, will have early consideration by his committee and can come before the House, so that the House will have a chance to express its will with reference to this matter, I am willing to withdraw my amendment.

Mr. BEGG. I do not want the gentleman to take all my time.

Mr. CRAMTON. If the gentleman accomplishes his purpose, that is all he desires, is it not?

Mr. ZIHLMAN. Mr. Chairman, I will say to the gentleman from Michigan that, as chairman of the Committee on the District of Columbia, I have assured the gentleman that his bill would receive consideration by our committee. I have urged the chairman of the subcommittee on fiscal relations to take some action looking toward reporting the bill introduced by the gentleman from Michigan, either in the form introduced by him or amended. I appeared before the Appropriations Committee and stated that I felt it was up to the legislative committee to report a bill making a permanent form of fiscal relationship between the District and the Federal Government. I will say to the gentleman now that I will endeavor in the next two weeks to have a bill reported from our committee covering this matter of the fiscal relations between the District and the Federal Government.

Mr. CRAMTON. In a form that will give the House a chance to pass upon the lump-sum proposition, with the understanding that I am not bound to accept any amendment that the committee has put on. The trouble is that the District Committee comes before the House with legislation that the District wants, and that which the District does not want we never can get reported. We can also pass it through the House as a separate measure, and it goes to the other end of the Capitol, and there they never will take action. But, Mr. Chairman, I will keep my agreement. I ask unanimous consent to withdraw the amendment, basing it on the understanding offered by the gentleman from Maryland.

Mr. MADDEN. Reserving the right to object, I want to say here that of course it is not the best legislative practice to put legislation on an appropriation bill. I think there is no man connected with any legislative committee in the House who does not want to see that rule followed, and wherever we discover the necessity for legislation connected with any item on a bill we consider, I write to the chairman of the committee and submit a bill, or introduce a bill myself and have it referred to the committee to which it belongs, and I write a letter to the chairman calling his attention to it and explaining the reason why. I have done that in relation to this particular thing.

Mr. ZIHLMAN. I think the gentleman from Illinois is mistaken in that.

Mr. MADDEN. If I have not done that, I have called the attention of the gentleman from Maryland to the necessity for legislation on the subject of creating a permanent lump-sum basis without fixing the amount to be inserted in the bill reported from the legislative committee. If I did not have an agreement to have that done, I never had one.

Now, there is nobody more anxious to carry out the mandates of the House than I am. Nobody knows better than I do that this committee has no legislative jurisdiction; nobody knows better than I do that we ought not to legislate on appropriation bills, but sometimes it becomes necessary to do that if we are to remedy an evil.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Even in this case I call the gentleman's attention to the fact that the committee did not bring this in. This amendment has been brought in not by a member of the subcommittee but by a Member who in his own right has moved the amendment. Nobody was taken by surprise; the Appropriation Committee has done its duty.

Mr. ZIHLMAN. And that is more vicious than if it had been offered by a member of the subcommittee.

Mr. TILSON. I do not want to see the committee accused wrongfully.

Mr. MADDEN. The committee ought not to be arraigned on this matter at all; it has simply done its duty.

Mr. CRAMTON. Mr. Chairman, the gentleman from Maryland [Mr. ZIHLMAN] says something about this being vicious. I would like to know what he thinks of the action of a committee that for three years has had a legislative proposition before it of great importance, on which this House has repeatedly expressed itself, and yet the committee has never yet reported it to the House? The gentleman characterizes my action in trying to get it before the House in some other way as vicious. For three years his committee has failed to act on a thing of great importance to the District and in which the House is very much interested.

Mr. MADDEN. Mr. Chairman, of course we ought not to have any feeling engendered about this. This is a matter that ought to be considered calmly and deliberately, without any feeling and without any rancor. What we ought to do is to use our good sense in the disposition of the problems that come before us. There is no reason why this tempest in a teapot should have arisen. The gentleman from Michigan [Mr. CRAMTON] has just as much right to offer an amendment to an appropriation bill as any other Member of the House.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. If I were to offer an amendment containing legislation to an appropriation bill, then some member of the Committee on Appropriations would immediately hop to his feet and make the point of order that it is legislation on an appropriation bill.

Mr. MADDEN. Why did not the gentleman do that? He has the same right.

Mr. BEGG. I am very glad to be asked that question.

Mr. MADDEN. Did anybody ask the gentleman not to do it?

Mr. BEGG. No. If the gentleman from Illinois wants me to do it, I will riddle his old bill this afternoon on points of order. It is just a little bit embarrassing for me to do that.

Mr. MADDEN. There are not many things in the bill that are subject to a point of order.

Mr. BEGG. Oh, there are a lot of them. If the gentleman wants to challenge me, we will have a little fun this afternoon.

Mr. MADDEN. Have all the fun you like. So far as I am concerned, I do not ask any favors of anybody in the consideration of any problem that may come before the House. The gentleman should exercise his own good judgment as a Member of the House. If he wants to exercise his judgment so that it will embarrass the legislative program, he can do it; but he is not the only man who can do that, and I want to say to the gentleman from Ohio that he is not the only man in the House that can create a disturbance.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEGG. The gentleman from Ohio has said repeatedly that he does not want to do that, and he wants to help the committee through with its work.

Mr. MADDEN. Then it is the easiest thing in the world for him to do so. All he has to do is to cooperate and not to threaten.

Mr. BEGG. But I am not threatening. In turn, the Committee on Appropriations ought to be considerate of the rights of the House. They are practically pledged to the House that they will not make permanent law.

Mr. MADDEN. Mr. Chairman, as I understand it, the gentleman used to be a superintendent of schools?

Mr. BEGG. Yes; and I am not apologizing at all for that.

Mr. MADDEN. Then the gentleman ought to understand the meaning of words.

Mr. BEGG. The gentleman thinks he does.

Mr. MADDEN. I do not think he does in this case. He said that the Committee on Appropriations ought to be considerate of the demands of others.

Mr. BEGG. Oh, not the demands.

Mr. MADDEN. The feelings, then, or of the words contained in the bill. The Committee on Appropriations has made no

recommendation here, and the Committee on Appropriations can not be called to account.

Mr. BEGG. I am not talking about the Committee on Appropriations. I am talking about an individual member of the Committee on Appropriations trying to make permanent law on an appropriation bill.

Mr. MADDEN. And one more thing the gentleman said. He says that if this committee wants to continue it will have to conform to—what; his demands?

Mr. BEGG. Oh, no.

Mr. MADDEN. To whose demands?

Mr. BEGG. The rules of the House.

Mr. MADDEN. Mr. Chairman, the Committee on Appropriations will be here when the gentleman is dead and gone and when all of us are dead and gone.

Mr. BEGG. Not if they go on transgressing the rules of the House.

Mr. MADDEN. It is a fixture of the House. It is one of the instrumentalities through which the House of Representatives functions on behalf of the American people. There is no man big enough in the House or out of the House to stop that instrumentality from going on and functioning, and the gentleman may do the best he can to stop it. No matter who the man is, he will not be able to do it.

Mr. BEGG. Mr. Chairman, I would like to reserve the point of order long enough to say to my good and genial friend from Illinois that he has wholly misunderstood the proposition.

The CHAIRMAN. There is no point of order pending.

Mr. BEGG. The unanimous-consent request. I want to make a brief statement.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BEGG. In a moment. The gentleman from Ohio has no intention now and never has had of interrupting any procedure, but he is seeking to do everything that he can to help the Committee on Appropriations function. In return the Committee on Appropriations owes it to every Member of the House to not try to pass permanent law. I do not mean the chairman of the subcommittee, but I mean the individual members of the committee.

Mr. MADDEN. The gentleman can not characterize the individual members of the committee as a committee. I object to that.

Mr. BEGG. I will use the term "individual members of the committee" if the gentleman does not like that.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. SIMMONS. Why does a member of the Committee on Appropriations have a less right to offer an amendment than——

Mr. BEGG. He does not have.

Mr. SIMMONS. Why, because of the mere fact a member of the Committee on Appropriations offers an amendment, should he be attacked? As a Member I have attacked appropriation bills on the floor of the House and made the point of order against them in my individual capacity as a Member and nobody accused the Committee on Appropriations of attacking me——

Mr. BEGG. I am not attacking this committee at all, not in the least.

Mr. LINTHICUM. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Reserving the right to object——

The CHAIRMAN. That is not in order under a demand for the regular order. Is there objection? [After a pause.] The Chair hears none and the amendment is withdrawn.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. SPROUL of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SPROUL of Kansas: Page 2, line 6, after the word "Columbia," strike out "and in addition $9,000,000 is appropriated out of any money in the Treasury not otherwise appropriated."

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, in view of the fact that the property owners in the city of Washington under the present method of raising revenue are required to pay a rate of $1.70 per 100 on the actual property valuation while the citizenship of the whole United States outside of this District are paying twice as much tax rate on actual valuation, I believe it to be wrong to appropriate $9,000,000 annually out of the funds of the people of this country and dump it, so to speak, into the Treasury of the District of Columbia. It is taking the taxpayers' money from those in the States and virtually giving it to the taxpayers in the city of Washington. There is not any question about it. For my part I have never heard a justifiable explanation given, not one from any source whatsoever. Oh, we are told that this is the Capital City, that no great industries are here, but that is not correct, gentlemen. As a matter of fact, the Capital of the United States is a mammoth industry to the city of Washington. The employees who are kept here and who receive their salaries here expend practically $120,000,000 per year in the city of Washington for the business men of this city to get hold of, and they do get hold of it. Now we are here legislating and fixing levies upon the property of the citizens of Washington to defray the expenses of this city government, and we make a rate of $1.70 per year, while at home our constituents have to pay $2.70 or $3.70 or $4.70. How can our action be explained to our constituents? How can it be said consistent with fairness that we acted with justice, if we act as we are now proposing to act?

Mr. SIMMONS. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. SIMMONS. As I understand, the effect of the gentleman's amendment is to make no amount carried in this bill payable from District revenues and keeps the Government from contributing anything to the support of the District?

Mr. SPROUL of Kansas. No; that is not exactly what it is. It just eliminates this particular $9,000,000, because we are building parks for the city and helping in various other ways the city government——

Mr. SIMMONS. Do not misunderstand; the park bill as carried in this bill is a part of the appropriation in this bill for parks.

Mr. SPROUL of Kansas. Part is; but we have appropriated other sums of money heretofore and they built parks with it.

Mr. SIMMONS. If the gentleman's amendment is successful, the Government will not contribute anything directly to the support of the District government?

Mr. SPROUL of Kansas. That is the idea, exactly.

Mr. LINTHICUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. FUNK. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. FUNK. Mr. Chairman, the view of the committee upon this amendment is that, as has been suggested, that the effect will be that the Federal Government will contribute nothing. Now, I have not any sentiment along that line at all. I think we all agree that there should be some contribution from the Federal Treasury to the expenses of the city government, the District government here; but so far as the committee is concerned, we are opposed to this amendment.

Mr. SPROUL of Kansas. Will the gentleman yield for just a moment?

Mr. FUNK. I will.

Mr. SPROUL of Kansas. Is it not a fact that by raising the revenue 1 per cent as much as $9,000,000 would be raised? If authorized, and you raised the revenue from $1.70 to $2.70, you will raise as much as the Federal Government is giving to the District.

Mr. FUNK. That may be true; but the Federal Government owns a very considerable proportion of the property in the District of Columbia, upon which it pays no tax whatever, and it has been the best judgment of those who have handled this particular matter in the last three years that $9,000,000 is the proper amount which the Government should contribute.

The committee is opposed to the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. SPROUL].

The question was taken, and the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. LINTHICUM. Mr. Chairman, I was much interested in the debate between the gentleman from Ohio and the gentleman from Illinois with reference to legislation on appropriation bills. While I noted that the proposed amendment of the gentleman from Michigan for $9,000,000 as a lump sum was not proposed by the committee, yet I find that throughout

this bill there is a tendency to legislate on the bill, and I do not think it is fair for them to do that, we having created an Appropriations Committee for the purpose of appropriating, not legislating.

I want to call the attention of the committee particularly to that section on page 39, where it is proposed to charge pupils whose parents are not residents of the District of Columbia for tuition. I am going to discuss that amendment. It is subject to a point of order.

Mr. FUNK. I will say to the gentleman that I discussed briefly that subject in my statement, and the gentleman was not on the floor; at least, I did not see him. It is the view of the committee, as I tried to point out, that that action should be taken with a view to relieving the congestion of the schools of the District of Columbia, and one thing we had in mind was to require nonresident pupils to pay tuition. Our hope in that was that they would get their education in the place where they are domiciled.

It is probably true that throughout this bill there are some suggestions that may be construed as attempts at legislation, but the bill as reported is the result of the best judgment of your subcommittee to cover certain features that could not be well cared for through the legislative committee, due to certain conditions that the gentleman from Maryland knows as well as I, whereby such legislation could not come up.

Mr. LINTHICUM. I am sorry I was not present to hear the gentleman's remarks. I was before the Committee on Banking and Currency. But I think it is unfair to try to legislate on this bill without giving any opportunity to be heard to the gentleman who is chairman of the legislative committee.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SCHAFER. Can not those provisions in the bill to which the gentleman refers be considered as limitations on the appropriation?

Mr. LINTHICUM. No; I do not think so. In this case it is not so worded.

Mr. SCHAFER. Does the gentleman believe that the taxpayers of the District and of the Nation should educate the children of nonresidents and free of charge?

Mr. LINTHICUM. I think the taxpayers of the District have just as much right to educate children around the border of the District whose parents are spending all their money in the District and who work in the District as they have to participate in the use of the improved roads of Maryland, for which we charge you nothing.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. It is rather a singular situation when a gentleman from another State insists that the people of the District should pay for the education of the children of the State from which he hails. Just within the border line, at Takoma Park, they have a school in the District which is so crowded that the children can only go to that school for a short time each day, while just across the line, in Maryland, they have a school which has been closed up and which has no teacher and no pupils. The parents of the children who come from there have a right to vote, they have a right to fix the tax rate in Maryland, and if they choose so to vote as not to have school facilities because they think they can get those school facilities elsewhere free of charge, that is their business. But it is our business as the representatives of the people of the District of Columbia to see that their rights are properly protected.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Let me finish this statement first.

I live at home in a place where my daughter's children have to pay for the privilege of going to school, because the house in which we live is across the line, although it is attached to a lot of land which pays enormous taxes to the schools in that district, and they are obliged to pay to go to that school, although we pay taxes to maintain the school.

Here is a curious situation suggested by the gentleman from Maryland, that regardless of whether any taxes are paid or not by the parents of the children, or anybody else, they must have access to a school supported by the District, without respect to price or cost. Do you know—and I wonder if the gentleman knows—that there are 3,027 children of Maryland and Virginia who attend the public schools of the District of Columbia without paying a dollar for that privilege? Do you know, and does the gentleman know, that those children who come from these other places where they pay nothing for attending our schools occupy space in the public schools to the extent of an equivalent of ten 8-room school buildings? Do you know that it costs over $100 per capita to maintain these schools to educate these 3,000 children? Do you know, and does the gentleman know, that the State of Maryland has no right to sponge on the people of the District of Columbia, and that the gentleman from Maryland ought to have better sense and more consideration for their welfare than to stand on the floor of this House and advocate the continuance of the privileges which they now enjoy and for which they pay not a single cent?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. These people voluntarily select Maryland and Virginia to live in because it is cheaper?

Mr. MADDEN. Surely.

Mr. BLANTON. And they get the benefit of cheaper living and cheaper rent, and they ought not to ask for the privilege of free textbooks here in the District of Columbia.

Mr. MADDEN. Of course, it is an outrage. It is a piece of brazen effrontery on the part of anybody to stand here and plead for such a privilege free of any cost when the people of America are compelled to pay, except in Maryland [laughter], for the privileges they enjoy in the District of Columbia.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 8652. An act to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz.;

H. R. 2987. An act for the relief of Samuel T. Hubbard, jr.; and

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other municipal purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7820. An act to amend an act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2769. An act to extend the provisions of the national bank act to the Virgin Islands of the United States, and for other purposes;

S. 3019. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900;

S. 3074. An act for the relief of John H. Gattis;

S. 3193. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

S. 3194. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

S. 3195. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in London County, Tenn.;

S. 3196. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Savannah-Selmer road in Hardin County, Tenn.;

S. 3197. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Decatur County, Tenn.;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3296. An act to amend an act approved January 30, 1925 (ch. 117 of the Statutes of the Sixty-eighth Congress), au-

thorizing the payment of one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex.;

S. J. Res. 44. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.;

S. J. Res. 61. Joint resolution authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.;

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153;*

S. 646. An act for the relief of F. M. Gray, jr., Co.;

S. 1456. An act authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson;

S. 1828. An act for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy;

S. 1885. An act for the relief of James C. Minon;

S. 1912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $3,000 in any one case;

S. 2083. An act for the relief of Charles Wall.

S. 2085. An act to correct the naval record of John Cronin;

S. 2158. An act for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department Buildings;

S. 2215. An act for the relief of James E. Simpson;

S. 2296. An act authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.; and

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14.*

APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES

The committee resumed its session.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, the other gentleman from Maryland [Mr. ZIHLMAN] ought to have five minutes to defend these hand-outs. They have been getting these hand-outs for a long time.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry. What is the amendment?

The CHAIRMAN. There is no amendment pending except a pro forma amendment. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. CHINDBLOM. Mr. Chairman, the request is that all debate on this section and all amendments thereto——

The CHAIRMAN. On this paragraph and all amendments thereto.

Mr. CHINDBLOM. Close in five minutes. Will that permit a continuance of the discussion which is out of order?

The CHAIRMAN. Is there objection to the request made by the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. LINTHICUM. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] seems to be a little cross with all of us to-day, but for what reason I do not know. I do remember, however, that the gentleman spoke about the people of Maryland sponging on the people of the District of Columbia, but the gentleman did not speak about the District of Columbia people sponging upon Maryland when he advocated that the roads of Maryland should be thrown open to the residents of the District of Columbia.

Mr. MADDEN. The roads of Maryland are open to the traffic of the people of the Nation as the roads of the Nation are open to the people of Maryland, and why not? [Applause.]

Mr. LINTHICUM. The roads of Maryland were not open to the residents of the District of Columbia, except through legislation passed by this Congress, which legislation the gentleman advocated, and in which Maryland acquiesced, as a good neighbor should always do.

Mr. MADDEN. You can close your State and build a fence around it, but then see how long you will live alone.

Mr. LINTHICUM. Well, we lived before the Capital was ever here, and I guess we could keep on living.

Mr. MADDEN. But how?

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLANTON. I want to remind the gentleman that the first public road which Maryland had from here to Cumberland was built by the Congress of the United States and paid for by the people.

Mr. LINTHICUM. I am glad to hear that. The gentleman from Michigan asks me how.

Mr. MADDEN. I am not from Michigan; I am from Illinois.

Mr. LINTHICUM. The gentleman from the great State of Illinois——

Mr. MADDEN. The gentleman does not even know what State I come from.

Mr. LINTHICUM. Yes; I know what State the gentleman comes from, and, moreover, he is an able and most useful Member of this House and an honor to his State—Illinois.

Mr. MADDEN. Of course the people in Baltimore can not be expected to see clearly in the fog through which they are going every day.

Mr. LINTHICUM. Well, what I want to say to the gentleman from Illinois is this: The gentleman asked how Maryland would live. Maryland lived as the gastronomic center of the universe before it ever heard of this Capital. She lived on diamond-back terrapin, on canvas-back ducks, and all the good things you can imagine and produced many great men. However, the point I want to make is this: This committee should not attempt to legislate on an appropriation bill in a way that is not in order, is not according to the rules of the House, and not according to the purpose for which the Appropriations Committee was established.

Mr. MADDEN. In what respect has the Appropriations Committee been unfair?

Mr. LINTHICUM. The committee has been unfair in that it did not give us any hearing on the legislation which is proposed in this appropriation bill.

Mr. MADDEN. The gentleman was not entitled to a hearing. The gentleman ought to be talking to his own people in his own State about educating the children of his State.

Mr. FUNK. Will the gentleman yield?

Mr. LINTHICUM. I shall be glad to yield if the gentleman will get me more time.

Mr. FUNK. I will say to the gentleman that we held hearings for over three weeks, and the door was open to those who desired a hearing. Anybody who presented themselves for a hearing was given a hearing about any part of the bill.

Mr. LINTHICUM. But nobody was presumed to know that the Appropriation Committee was going to legislate on a matter of this importance to the suburbs of Washington and a matter which is not in accord with the rules of the House. I think it is absolutely unfair. Let the Appropriations Committee attend to appropriations and leave legislation to the District of Columbia Committee. Render unto Cæsar the things which are Cæsar's and no more. [Applause.]

The CHAIRMAN. Without objection, on page 4, in line 3, the Clerk will correct the spelling of the word "employment."

There was no objection.

The Clerk read as follows:

ASSESSOR'S OFFICE

For personal services in accordance with the classification act of 1923, $152,240; temporary clerk hire, $3,000; in all, $155,240.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment to strike out the paragraph, which would include lines 19, 20, 21, and 22.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 4, beginning in line 19, strike out lines 19, 20, 21, and 22.

Mr. GRIFFIN. Mr. Chairman, this covers the appropriation for the assessor's office, and the reason I make the gesture of striking it out is to call to the attention of the committee an editorial in yesterday's Post. This editorial condemns the committee for the provision in the bill proposing that property condemned for school purposes shall not be acquired at a greater cost than 25 per cent in excess of the assessed valuation.

The language of the editorial is such as to lead the ordinary reader to suspect the committee gave inadequate attention to the matter. They state in the editorial:

> Moreover, the assessed valuation of land, particularly that desired for school sites, is based upon data gathered fully three years before the contemplated purchase.

Then it proceeds a little further down to draw this conclusion:

> So long as the present assessed value of property continues to be based upon data that is 2 or 3 years old, it will be impossible to fix the value of property on the basis of the assessed valuation.

But the law says that the property shall be assessed at its full value, and the law requires that the assessors shall make an assessment each year and determine what the assessed value of the property is for the current year upon which the taxes are supposed to be raised. I am making this gesture of withdrawing the appropriation from the assessor's bureau in order to intimate to them that it is their duty and their obligation under the law to assess the property as of the date and year in which the taxes are to be raised.

I ask unanimous consent to withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn and the Clerk will read.

There was no objection.

The Clerk read as follows:

ENGINEER COMMISSIONER'S OFFICE

For personal services in accordance with the classification act of 1923, $407,880.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph as a pro forma amendment.

Mr. Chairman, I have not made any points of order against the legislation appearing in this bill thus far read because I think the legislation should be there, and I commend the committee for placing it in the bill. I have not objected to raising the engineer commissioner's salary to $7,500, because he should get the same salary as the other two commissioners. But I want to call attention to the fact that in this present paragraph there is appropriated for personal services under the engineer commissioner's office, $407,880. This is a lump sum. This is a whole lot of money. This is the personnel employed under just one commissioner. His salary is provided for somewhere else in the bill. In addition to this big sum of $407,880 there is allocated to his office by the Government three majors from the United States Army, all of whose salaries are paid by the Government in the Army bill; three majors working their whole time for the District of Columbia, allocated there from the Government, giving all their time and attention to the District government, the civic business of the District government; and in addition to all that, we are turning over to one commissioner for the personnel of his office alone $407,880 in a lump sum.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Wisconsin. Is there anywhere anything to show how many employees he can employ under this appropriation and the salaries to be paid them?

Mr. BLANTON. There is nothing in the bill. I will let the committee answer.

Mr. FUNK. I will answer the gentleman by stating there are 370 employees contemplated in this expenditure.

Mr. BLANTON. Under the engineer commissioner, just one commissioner alone. There are three commissioners. This is just one of the commissioners, and we are turning over to him his own salary; we are also turning over to him three majors of the United States Army, with their salaries paid elsewhere, and then $407,880 extra in a lump sum. It is too much money. He has too many employees there. They are not as busy as they ought to be. This is productive of waste and extravagance.

Mr. FUNK. Will the gentleman yield?

Mr. BLANTON. In a few minutes. And I want to say that he knows less—and I say this with all deference, because I am his personal friend and like him and am not trying to disparage him personally, but he knows less about the District business than any man I know of who ought to be well informed about all of the affairs of the District.

Mr. CRAMTON. If the gentleman will permit, I have found on several occasions it is not helpful to be a personal friend of the gentleman from Texas.

Mr. BLANTON. Yes; the gentleman has found out when he gets a prohibition bill up here with Mr. TINKHAM, of Massachusetts, helping him to pass it, and Colonel HILL, of Maryland, helping him to pass it, and Mr. LEHLBACH, of New Jersey, helping him to pass it, and every other "wet" in the House helping him to pass it, I become suspicious of the gentleman's bill. When I vote for a prohibition measure I expect every "wet" in this House to be against it. If it is a good prohibition measure, you do not find such men as HILL, of Maryland, and TINKHAM, of Massachusetts, voting for it and sponsoring it and having companion bills on the calendar just like it, as did Mr. TINKHAM, of Massachusetts. The gentleman from Michigan has a bill which is almost identical with the bill of the distinguished gentleman from Massachusetts [Mr. TINKHAM].

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for one minute more, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. What are you members of the Committee on Appropriations going to do about this lump-sum business? Are you just going to keep it up interminably? Is it going to last forever in this Government?

There was a time when we did not have it. I wish every Member of this Congress would look up the speech that Mr. Good, former chairman of the Committee on Appropriations, made against lump sums. I wish you would look up some day the splendid speech of the gentleman from Tennessee [Mr. BYRNS] made on this floor some years ago against lump sums. I have not forgotten it. They said it was not a proper method of legislating for the people, that you ought to have specific sums to be spent in a specific way, and that you ought to let the membership in this Congress who represent the people know where the money is going when appropriated. We must quit this wasteful, extravagant plan of appropriating in lump sums and go back to the old plan of specific appropriations. And then we may hold each bureau responsible for every dollar of public money, and there will be no graft.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment to ask a question of the chairman of the subcommittee. My inquiry relates to several officials named at various points in the bill.

Mr. FUNK. On what page?

Mr. KETCHAM. Throughout the bill; for instance, here is the assessor's office. Taking that office as an illustration I want to inquire whether or not it is necessary that assessors, whose duties pertain particularly to the District business, be included in this appropriation. Can not they be appropriated for in some other way, or must they be appropriated for from the joint revenues?

Mr. FUNK. As I understand, all employees who serve the District government are provided for in this bill. Where else would you provide for the pay of the assessors?

Mr. KETCHAM. The point I have in mind is this. These assessors have to do with duties in no way connected with the Federal Government. They have to do with the business of the city itself. I can understand why coroners and others, who have duties that involve officials of the United States Government, should be included. But I am asking for information whether a line of demarcation can not be made under the provisions of this bill making two classes of officials? One class would perform duties involving all the people and the other those duties that concern the people of the city alone. These assessors would come within the second class, as I see it.

Mr. FUNK. If you follow that line of logic, if you are going to exclude the employees of the assessor's office, you would exclude the librarian.

Mr. KETCHAM. The gentleman does not quite understand my point. I can understand why a librarian should be included, because he serves all the people, those concerned in the Government and others, but the District assessor's office relates strictly to city affairs.

Mr. CHINDBLOM. Does the gentleman mean to say that assessors do not fix valuations, and therefore the taxes, on property owned by employees of the Government?

Mr. KETCHAM. The assessor does not have to do with Government property. I simply rose to ask if this type of District official could not be appropriated for in some other way.

Mr. CHINDBLOM. Does the gentleman think there is any distinction between real estate owned by a merchant in the District of Columbia and real estate owned by a Congressman in the District of Columbia?

Mr. KETCHAM. The gentleman's point is well taken, but the gentleman sees what I am trying to get at, namely, some other plan of appropriation for officers in the city government whose duties have no relation to the Government itself but that concern themselves with city affairs alone, my thought, of course, being that such duties ought not to be a charge on the Federal Treasury.

The Clerk read as follows:

PUBLIC UTILITIES COMMISSION

Attorney at law, $6,000, and for other personal services in accordance with the classification act of 1923, $40,620; in all, $46,620; and no part of this appropriation shall be available for the compensation of any person giving less than full time to his official duties.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 7, line 8, strike out the words "attorney at law" and insert "peoples' counsel."

Mr. FUNK. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ZIHLMAN. Mr. Chairman, the committee has provided something very important and very much needed and that is an additional assistant to the Public Utilities Commission. I feel that this attorney should be a representative of the people, that he should appear before the Public Utilities Commission in behalf of the people of the District.

Mr. FUNK. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. FUNK. Is there anything in this language to prevent him appearing in behalf of the people?

Mr. ZIHLMAN. At these hearings held before the committee, of which the gentleman is a member and the committee of which I am chairman, the question was raised who would initiate a movement with the public utilities looking to a reduction of rates and the answer was the District Commissioners. Now, it is my view of it that in providing an extra attorney he should be designated as a servant of the people of the District for the purpose of initiating legislation and a movement looking to the reduction of rates of fare, gas, light, and so forth.

Mr. FUNK. I will say to the gentleman that for several years I was a member of the Illinois public utilities, and during that time I attended several annual conventions where there were delegates from every State in the Union that had public utilities commissions. I never heard the term "people's counsel" used in connection with any commission. I see no reason why the people of the District will not be served as well and faithfully and their rights and property looked after under this phraseology as it would be to substitute in the gentleman's amendment the words "peoples' counsel."

Mr. ZIHLMAN. I will say to the gentleman that I know nothing about the procedure of his great commission in the State of Illinois.

Mr. FUNK. It was a great commission, and I thank the gentleman.

Mr. ZIHLMAN. I said that in all sincerity, but there are States that do have counsel who represent the people. My own State has such counsel.

Mr. FUNK. And in creating that office is it designated as the people's counsel?

Mr. ZIHLMAN. Yes; the people's counsel and he has been able to effect a reduction in light rates and in street-car rates.

Mr. CRAMTON. Mr. Chairman, the gentleman emphasizes this as a matter of great importance, so far as the name of this particular lawyer is concerned. Does he not think, inasmuch as this is a legislative matter, that it ought to have the consideration of the legislative committee, of which the gentleman is chairman?

Mr. ZIHLMAN. I introduced a bill of that kind.

Mr. CRAMTON. But that does not get the gentleman anywhere if the bill is not reported out by his committee.

Mr. BLANTON. Mr. Chairman, will the gentleman from Maryland yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I want to ask a question of the gentleman from Illinois [Mr. FUNK].

Mr. ZIHLMAN. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, with the permission of the gentleman from Maryland [Mr. ZIHLMAN], the present attorney who represents the people here is called the corporation counsel. The gentleman from Maryland has found out, as the rest of us have found out, that he has been too much impressed with his name—corporation counsel. Instead of representing the people, he has been representing the corporations of the District, and the gentleman from Maryland very wisely is under the impression that if we name this assistant the people's counsel, he will represent the people and not the corporations. I am very much impressed with the suggestion, and I am for the amendment, and I am going to withdraw my reservation of the point of order.

Mr. MADDEN. And I am going to renew it, and I make the point of order, not because I am opposed to the counsel, but I am opposed to the methods of bringing it about. We do not want to put legislation upon an appropriation bill.

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. MADDEN. Oh, there was a reservation of the point of order pending.

The CHAIRMAN. There was a reservation of the point of order pending. The Chair sustains the point of order.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words. I find on page 5, under the office of corporation counsel, that there is included extra compensation to be paid the corporation counsel for his services as general counsel of the Public Utilities Commission. What are his duties in connection with the Public Utilities Commission?

Mr. ZIHLMAN. He is attorney for the Public Utilities Commission and he receives for that extra compensation in the sum of $1,000.

Mr. CHINDBLOM. Then, as a matter of fact, there are two legal officers serving the Public Utilities Commission—the corporation counsel, who is paid for part time of his services in that behalf, and the attorney at law who is provided here under the head of the Public Utilities Commission?

Mr. ZIHLMAN. This is a new attorney provided for, for the first time in this bill.

Mr. CHINDBLOM. I think they probably need all that they get, both in personnel and in compensation.

The Clerk read as follows:

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, $72,680; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, $12,000; and for the purchase of passenger-carrying automobiles as follows: Surface division, two Ford roadsters, $900; two Ford touring cars for the electrical department, $900; one Ford sedan for the Board of Children's Guardians, $700; in all, $87,180.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Does not the chairman of the committee believe that he has been rather too generous on this item of passenger-carrying automobiles? He allows $72,680, and then later $12,000 additional for exchange of them and $2,500 additional for new Fords. The $72,680 alone is rather large for passenger-carrying automobiles.

Mr. FUNK. The amount of $72,680 is an increase over the current appropriation for these same items of approximately $2,500.

Mr. BLANTON. And the one last year was an increase over the one before?

Mr. FUNK. I have no doubt of that.

Mr. BLANTON. And the one before was an increase over the one before that, and so on?

Mr. FUNK. I have no doubt about that; but the District is growing, and the business to be transacted is growing, and this is based upon the recommendation of the three commissioners. Frankly, we did not go down and count the automobiles or determine how many hours they are used. We must give some credence to the recommendations and the authority of the District Commissioners.

Mr. BLANTON. You can not always depend on their recommendations. They are going to wind up finally by wanting an automobile for every single employee of the District; that is, if they keep on. Here is this first item of $72,680 for passenger-carrying automobiles, which is too large.

Mr. SIMMONS. Let me say this to the gentleman, and I speak for the commissioners. Their testimony does not warrant that statement of the gentleman from Texas.

Mr. BLANTON. I want to state that I know a little more about these commissioners than the gentleman does, I believe.

The gentleman has to do with them for about three weeks every year, and I have to do with them for about 12 months every year. I am investigating them all of the time. The gentleman hears just what they want to say to him during three weeks of the year when his committee is making up this bill.

I have means of checking up their ideas on various matters there during the 12 months by reason of sitting on the District Committee when Congress is in session, and when it is not I am down there in the District Building frequently.

Mr. CHINDBLOM. How many automobiles can you buy, operate, and maintain and repair through a year for $72,000?

Mr. BLANTON. Of the moderate-priced cars—and that is the only kind they ought to use—you can secure a whole lot of them, especially when this annual appropriation is repeated every year.

Mr. CHINDBLOM. Oh, no; 30 or 35 cars at the outside if you bought and operated them for a year—not that many; say 25.

Mr. FUNK. I will say this provides for 158 passenger-carrying vehicles.

Mr. CHINDBLOM. Then they are not buying new ones at all; that is only for maintenance.

Mr. BLANTON. Do not take all my time. You see how far off the gentleman from Illinois was. The gentleman from Illinois had an idea they were given only about 30. I told him a great many more, and the chairman shows that we are allowing them 158 passenger-carrying automobiles in this bill.

Mr. CHINDBLOM. But they are not buying any more.

Mr. BLANTON. They are allowed 158 of them in this bill.

Mr. FUNK. One hundred and fifty-eight.

Mr. CHINDBLOM. Only maintaining them.

Mr. BLANTON. But they have 158 cars. And they get this big sum every year. How many does the gentleman think one city of 437,000 people ought to use for passenger-carrying automobiles?

Mr. CHINDBLOM. I will say to the gentleman, since he directs his question to me, I think 158 is a very reasonable allowance for government use of a city of a half million people.

Mr. BLANTON. This does not take in trucks or any cars except passenger-carrying cars. These are passenger-carrying cars. This appropriation does not take in fire trucks or street-cleaning cars; it is passenger-carrying cars alone. And this appropriation is growing every year, and I recommend to the committee that they make a close check up on it.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

In all, $183,100; to be disbursed and accounted for as "Street improvements," and for that purpose shall constitute one fund and shall be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified.

Mr. ZIHLMAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, insert a new paragraph, as follows:

"For paving Alaska Avenue NW. from Sixteenth Street to Georgia Avenue, $60,000."

Mr. SIMMONS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ZIHLMAN. Mr. Chairman, I would like to argue the point of order.

The CHAIRMAN. Will the gentleman state the point of order?

Mr. SIMMONS. My understanding was that we had read beyond the items for paving, and it is not germane at this point.

Mr. ZIHLMAN. I was trying to follow the reading clerk. I want to cooperate with the committee in every way possible to facilitate the reading of the bill. The gentleman certainly does not want to take snap judgment.

Mr. SIMMONS. My understanding was we had read down to gasoline tax, road and street funds.

The CHAIRMAN. The paragraph the Clerk was reading when the gentleman from Maryland rose to his feet was the paragraph on page 19, lines 7 to 11, which has reference to the foregoing paving projects, and consequently is in time.

Mr. SIMMONS. If that is the Chairman's understanding, I withdraw the point of order.

The CHAIRMAN. The gentleman was on his feet while the Clerk was reading, and before the Chair had an opportunity orally to give recognition.

Mr. ZIHLMAN. Mr. Chairman, I wish to say——

Mr. MADDEN. Before the gentleman starts, to get my mind working, is this estimated for by the Budget?

Mr. ZIHLMAN. I will say this was sent to the Budget by the District Commissioners, and is one of the very necessary projects——

Mr. MADDEN. Is it estimated for by the Budget?

Mr. ZIHLMAN. I will say the Director of the Budget sent the street estimates back to the commissioners with instructions to cut them $100,000.

Mr. MADDEN. How much does this cost?

Mr. ZIHLMAN. Sixty thousand dollars.

Mr. MADDEN. Does it say so in the amendment?

Mr. ZIHLMAN. Yes, sir. I secured these figures from the engineer of highways of the District of Columbia, who stated the maintenance cost on this street last year was 70 cents a square yard. It is one of the most heavily traveled streets in the northwest section of the city.

Mr. MADDEN. I do not think the gentleman ought to be allowed to put $60,000 in a bill in violation of the rule.

Mr. ZIHLMAN. What rule?

Mr. MADDEN. The gentleman has been talking about rules. I did not know what rules he was talking about.

Mr. ZIHLMAN. I will say to the gentleman, if he refers to the rule this committee seems to have adopted, only to allow items of the Budget, then we might as well not consider these ourselves at all.

Mr. MADDEN. That is what the Budget is for.

Mr. ZIHLMAN. Well, I will say to the gentleman that I think this is a very necessary item of street improvement, and I am submitting it for the consideration of the committee in good faith.

Mr. MADDEN. The committee examined that, and they do not think it is necessary.

Mr. ZIHLMAN. I will say, Mr. Chairman, that the engineer of highways in the District of Columbia says that the upkeep of this street is extravagant, and that the street will have to be paved next year, if not this year. He says that there has been spent for maintenance on this street for the present fiscal year 1926, for a fractional part of the year 1926, over $1,600 on this short stretch of street. I sincerely hope that the committee in its judgment will see fit to accept this amendment, because I believe that this street should be paved. To delay the paving of it will simply result in an extravagant maintenance cost, and it will be economy to pave it this year.

Mr. FUNK. Mr. Chairman, I rise in opposition to this amendment. The facts are that this avenue, Alaska Avenue, starts at the bend of Sixteenth Street, just adjacent to Walter Reed Hospital, and it goes from there to the District line. I have ridden over the streets, as all of you have, since automobiles have been in use. I rode over that street last Sunday and I consider that it is one of the very fairly well paved streets of the District of Columbia.

But this all gets back to the proposition of taking money for the benefit of people adjacent to the District of Columbia out of the pockets of the taxpayers of the District of Columbia. This money would be spent within a quarter of a mile from the District line.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield there?

Mr. FUNK. No; I regret that I can not yield. I must decline to yield.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. FUNK. I submit that if there is $60,000 to be expended and made available it should be expended for the greatest good to the greatest number and not expended on the edge of the District simply for the benefit of people who live in Maryland.

Gentlemen, this pavement is a good pavement and it is on the very edge of the line. The item was not submitted by the Budget and it comes here unexpected to the committee.

Mr. ZIHLMAN. The gentleman says it came here without any knowledge on the part of the committee. I will say that I appeared before the committee and presented my contention that this street should be paved. The gentleman will find it to be a part of the hearing.

Mr. FUNK. I beg the gentleman's pardon. He did.

Mr. BLANTON. Mr. Chairman, I propose an amendment to the amendment to strike out "$60,000" and insert "60 cents." That is pro forma.

Mr. Chairman, Alaska Avenue, as my colleagues know, is the most northern avenue in the District of Columbia. It is

named Alaska Avenue because of Alaska's position on the map. It is the avenue which we have always considered as separating on the northwest the District of Columbia from Maryland.

There has been quite a property development out in that section over in Maryland and just inside of the District line. The people of Maryland, in my colleague's district and in other Maryland situations close by, are highly interested in that development. They want us to spend $00,000 on that street. I do not blame them. If they can get it out of the District exchequer, well and good. I commend them for trying. But I am glad that the old watchdog [Mr. MADDEN] is here in his seat. He has been here all day. He has stopped these encroachments to-day; he has stopped them in this bill; and he is going to continue to stop them, because he is kind of "riled up" about it.

I have taken the floor just now principally to call your attention to what is coming up next Monday, that has connection with Alaska Avenue and this same property development. That old bill, that has been on this floor so many times in the past few years and has always met with defeat, seeking to open up a highway through Walter Reed Hospital grounds, is coming up again Monday. And you must make it a point to be here.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TREADWAY. To receive the same fate it has received heretofore.

Mr. BLANTON. It will if the gentleman and others here will cooperate with us and be here to help defeat it. If certain gentlemen stay away and the friends of this development can get enough votes to get that bill through, it will pass. We will need the gentleman from Massachusetts here to help stop it. It will not do to have a highway built through Walter Reed Hospital grounds.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SIMMONS. The gentleman refers perhaps to letters received from J. Harry Cunningham, expressing the opinion that the hospital is in the way and that the soldiers ought to be kicked off the grounds.

Mr. BLANTON. I hope the gentleman from Nebraska also will be here with us on Monday and help us to defeat it.

Mr. SIMMONS. That letter of J. Harry Cunningham, if brought to the attention of the membership of this House, ought to defeat the bill.

Mr. BLANTON. When General Ireland was before our committee I made him admit that there are men out there now in this hospital who are blind and deaf, and men with only one leg, on crutches, and crippled in many ways, who could be run over there by people who are coming out to Alaska Avenue and Maryland at night at a speed of 40 or 50 miles an hour on their way back home from the theaters. Patients who are shell shocked will be run over. They want a nearer road that will take them back home through a short cut at a rate of 40 or 50 miles an hour, and therefore they are pushing this bill. On Monday, if we can get the membership of this House on the floor, we can defeat that bill, as has been done several times before.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. ZIHLMAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TEACHERS

Salaries: For personal services of teachers and librarians in accordance with the act approved June 4, 1924, $5,564,300.

Mr. LOWREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LOWREY: Page 33, line 10, after the figures "$5,564,300," strike out the period, insert a colon, and add the following words: "*Provided*, That no part of this sum shall be available for the payment of the salary of any teacher who teaches partisan politics, disrespect of the Holy Bible, or that ours is an inferior government."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. LOWREY. Will the gentleman make the point of order?

Mr. MADDEN. Yes; I make it.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. BLANTON. I would like to be heard for a moment. Mr. Chairman, this is clearly a limitation. It was held to be a limitation once before in the House and forms the last precedent in the matter. This is an amendment which the gentleman from Washington [Mr. SUMMERS] introduced from the floor to this same identical appropriation bill under this same identical clause in the bill, the teachers' salaries, and it was voted into the bill by the committee and by the House. It is a part of the current law to-day; it is the current law of this District. But if we do not renew it in this bill, it will expire July 1, 1926. No teacher in this District can teach disrespect for the Holy Bible under the present law without having his or her salary forfeited; no teacher in this District to-day can teach children that ours is an inferior form of government without having his or her salary withdrawn. That is a part of the statutory law of this District to-day. Why should it be subject to a point of order now?

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. Do I understand the gentleman to state that the amendment offered by the gentleman from Washington [Mr. SUMMERS] had a point of order made against it and that the point of order was overruled?

Mr. BLANTON. That is my remembrance of it.

Mr. CRAMTON. My recollection—although I am not certain—is that there was no point of order made against it.

Mr. BLANTON. If there were not, Mr. Chairman, it was so readily understood to be a limitation by the chairman that he did not see fit to waste the time of the committee in making a point of order. It certainly is a limitation. I am not throwing any bouquets when I cite as authority a recent decision of the present occupant of the chair concerning a similar question the other day, when the Chair called attention to the fact that he did not pass on the merits of the amendment; he might or might not be in favor of the amendment, but he said it was clearly a limitation and that the House had the right to vote on it. I submit to the Chair that this amendment is on all fours with his ruling on the appropriation bill the other day, and this is clearly a limitation.

The CHAIRMAN. The Chair is ready to rule. Of course, as the gentleman from Texas has so well stated, the Chair, in passing on a point of order, has nothing whatever to do with the merits of the question. The Chair has on other occasions, as have others who have occupied the chair during the Committee of the Whole House on the state of the Union, repeatedly ruled that if an amendment, although in the form of a limitation, places upon the administrative officials of the Government who have the disbursing of the money appropriated affirmative duties not now imposed upon them by law, that the limitation becomes legislation instead of simply a limitation on the use of the appropriation, and therefore is not in order.

Mr. BLANTON. Will the Chair permit an interruption there?

The CHAIRMAN. Yes.

Mr. BLANTON. It does not enforce a new limitation, because it is the law to-day.

The CHAIRMAN. It is a limitation on an appropriation bill which has never been ruled upon as to its character as legislation.

The proposed amendment prohibits the payment of the salary of any teacher who teaches partisan politics. In order to enforce the limitation it is the duty of the officer of the District disbursing the money available for the payment of salaries of school-teachers to ascertain not only with respect to this matter what the teacher is or has been teaching but he must determine in the teaching of American history, which deals with the activities of two parties throughout the major portion of our history, whether in so teaching American history the teacher has been teaching partisan politics. He must, with reference to teaching disrespect of the Holy Bible, determine what constitutes disrespect of the Holy Bible, whether or not that means a disregard of the literalness of every statement contained in the Bible, whether historic or doctrinal; and with respect to whether ours is an inferior Government—inferior to what? Inferior to a millenium or a perfect government or inferior to some other present existing government?

In every case the officer disbursing these salaries would have to exercise a judgment, a judgment based upon most difficult propositions, and would have to apply that judgment to individual cases. It is not only the imposition of a new duty on the disbursing officer but a most onerous and difficult duty. Con-

sequently it is clearly legislation, and the Chair sustains the point of order. [Applause.]

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 48, noes 2.

So the decision of the Chair was sustained as the judgment of the committee.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, pay of cabinetmaker, stationery, printing, ice, and other necessary items not otherwise provided for, and including not exceeding $3,000 for books of reference and periodicals, $85,000: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee why an exception is made in reference to dispensing with a bond in the case of the high schools here, which is not the practice in other States.

Mr. FUNK. An expenditure of $600 is required to furnish the bond and this is simply a transfer of property controlled by one arm of the Government to another arm of the Government. We save the premium in this way.

Mr. McKEOWN. Upon what is that justified—simply because it costs money to furnish the bond?

Mr. FUNK. That would be one good business reason, and the other is that the property is transferred from one department or arm of the Government to another and there is not required the formality and the safeguards that should surround such a transaction between private parties. These are supplies.

Mr. McKEOWN. In dealing with the schools in other States, the Government requires a bond.

Mr. FUNK. Is that a question or a statement?

Mr. McKEOWN. I want to know whether the fact it costs $600 as a premium is the only reason a discrimination is made in the District of Columbia as against high schools in other parts of the country.

Mr. FUNK. That would be one reason.

Mr. McKEOWN. The Government's property is just as liable to be dissipated in the District of Columbia as in any other part of the country.

The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, to be distributed by the superintendent of public schools under regulations to be made by the Board of Education, and for the necessary expenses of purchase, distribution, and preservation of said textbooks and supplies, including necessary labor not to exceed $1,000, $200,000: *Provided*, That the Commissioners of the District of Columbia, in their discretion, are authorized to exchange any badly damaged book for a new one, the new one to be similar in text to the old one when it was new.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 38, line 1, strike out the word "textbooks," and in line 8 strike out the words "in their discretion."

Mr. BLANTON. Mr. Chairman, this is a pro forma amendment, to enable me to use a few minutes. I think what is known as the Summers amendment was good legislation. It is the law now, and will be the law here until July 1, 1926. It provides that teachers here shall not teach partisan politics, or disrespect for the Holy Bible, or that this is an inferior form of Government. I do not believe in turning teachers loose upon unsuspecting pupils and letting them teach any kind of doctrine they want. My colleagues, of course, sustained the Chair in holding that that was not a limitation.

Mr. BEGG. Where are the supervisors that they do not keep them from doing that?

Mr. BLANTON. The gentleman will remember that during the war there was a teacher suspended for doing that very thing.

Mr. BEGG. That might happen.

Mr. BLANTON. For teaching disloyalty. The teacher was suspended. She belonged to an organization and the organization demanded that the teacher be reinstated and her back salary paid for all the time she was out. She was reinstated and the back salary was paid, and she continued to do what she pleased.

But I want you to know that in the colleges and universities of the United States you had better pay some attention to what is going on before you send your boys there. You had better pay some attention to what is being taught in all schools now before you send your children there. I know the newspapers make fun of us and call us "fundamentalists" whenever we want to inquire into what the children are being taught, but I am going to find out what my children are being taught.

Mr. MADDEN. It is a good thing. I think they ought to find out.

Mr. BLANTON. I think it would be a good thing to have the Summers amendment in every State law in the land. Why should not they be taught to have respect for the Holy Bible? The Government has enough respect to place on the dollar the words "In God we trust." Why should we not require the teachers of the District of Columbia to show proper respect? Why should not we prevent them from teaching partisan politics in the schools here? Let them learn partisan politics on the floor of the House. There is plenty of it here, and this is a good place to learn partisan politics.

I wanted to say this, that some Members do not like to be in the minority vote. When I believe that I am right I would vote to support my convictions, if I were the only man voting that way. It is not a question of voting with the majority; it is a question of following one's sincere convictions. That was my reason for appealing from the decision of the Chair a few moments ago.

Mr. KETCHAM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KETCHAM. Granting the gentleman's argument, what does the gentleman think about putting this provision in a great appropriation bill that has to do with the schools of the United States Capital, practically admitting that those things are being done?

Mr. BLANTON. It was placed in this bill last year, and it is now law, but it will expire July 1, 1926.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I withdraw the pro forma amendment.

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the withdrawal of the amendment. I sympathize with the gentleman from Texas when he states that he votes very often in the minority. I also vote very often in the minority. I always follow my own convictions and vote accordingly.

Mr. MADDEN. I think every man should follow his own convictions.

Mr. LaGUARDIA. Exactly so; and I have voted so often in the minority that I am accustomed to it. I do not agree in this instance with what the gentleman from Texas has said.

Mr. BLANTON. Will the gentleman yield?

Mr. LaGUARDIA. Let me get started first.

Mr. BLANTON. Right on that point.

Mr. LaGUARDIA. I have not made any point yet; let me get started. I do not believe there is the slightest danger in what is being taught in our public schools and colleges in this country. Our children are in the care of the finest group of men and women in the country, and as a class there are none more loyal and more devoted to the country than our school and college teachers. But when it comes to saying that any teacher might create a notion in the mind of a student that this is an inferior form of government, and that sort of thing should be stopped, it is a bit hysterical and getting excited over something which does not exist. Of course, we are to have criticism of government in the study of civics and political history. If anyone who criticizes our form of government is guilty of a serious offense, then Abraham Lincoln was guilty of such a charge. He repeatedly stated at one period of our national life that a country that permitted human slavery was an inferior form of government, and that it should be changed, and the Constitution was amended. That amendment made a fundamental change in our form of government.

We can not stand still in the science of government. We can not stand still and accept as permanent what was good and what was proper and what was fair and just 140 years ago when the Constitution was adopted under different conditions. Every amendment to our Constitution shows the need of constant changes in governmental fundamentals to meet changed conditions.

As times change, so must your Government change. When the Constitution of the United States was adopted we had no railroads, we had no congested districts, we had no farm problems. Almost everybody at that time owned his own little house. Land was available to everyone. There was no question of farm loans, impoverished land at that time, because they had not used the land. There were no railroads, no steamships, no telegraph or cables. There was little commerce. Yet the framers of the Constitution had great vision and provided for a great many things which did not exist at the time but which they could reasonably expect in the future. If they had foreseen that we would have tenement houses and congested districts and cold storage and food trusts, railroad combines, and monopolies, they would have provided proper protection for the people and against their exploitations. So to say now that our Government is perfect, that there is to be no criticism directed against it, that there is to be no change, is simply stopping progress, and it can not be done.

We went through a period of hysteria in New York, and a stupid sort of law purporting to test the loyalty of our schoolteachers was passed. It turned out to be so ridiculous that it was repealed and wiped off the statute books in three years. At this time there seems to be a wave of intolerance in thought and everything else. He who does not accept as permanent and perfect the existing order of things and ancient fundamentals in all things is immediately suspected and charged with every crime under the sun. Intolerance has never stopped thinking. In fact, it stimulates it. We were saved placing ourselves in a ridiculous position to-day by the wise, sound, and logical ruling of the chairman, the gentleman from New Jersey [Mr. LEHLBACH]. We should at least give a good example to State legislatures by what we do here and not try to follow the mistakes or foolish conduct of any State legislature. Our children are safe in the schools; they are learning to think; and as they grow up they will be able to look after their Government and to make laws to meet changed conditions and to bring about a more equal distribution of happiness and the good things of life.

Mr. FUNK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10198 and had come to no resolution thereon.

FEDERAL RESERVE BANK BRANCH OFFICE, BUFFALO, N. Y.

Mr. MACGREGOR. Mr. Speaker, I call up Senate Joint Resolution 44, authorizing the Federal reserve bank in New York to invest its funds in the purchase of a site and the building now standing thereon for its branch at Buffalo, N. Y., on the Speaker's table. A similar resolution to this was passed yesterday in the House. I ask that the Senate joint resolution be substituted for the House joint resolution.

The SPEAKER. The gentleman from New York calls up a Senate joint resolution on the Speaker's table, which the Clerk will report.

The Clerk read as follows:

Senate Joint Resolution 44

Resolved, etc., That the Federal Reserve Bank of New York is hereby authorized to invest in the purchase of land improved by a bank building, already fully constructed, for its branch office at Buffalo, N. Y., a sum not to exceed $600,000, out of its paid-in capital stock and surplus.

Mr. CRAMTON. Mr. Speaker, is that identical with the one passed by the House?

Mr. MACGREGOR. It is identical.

Mr. BEGG. Did I understand the gentleman to say that we passed the same kind of a resolution here yesterday?

Mr. MACGREGOR. Yes.

Mr. BEGG. Then what becomes of our joint resolution?

Mr. MACGREGOR. I suppose that will be laid on the table.

Mr. BEGG. That can not be done after it has been passed.

Mr. CRAMTON. It could be recalled.

The SPEAKER. It could be recalled, the Chair thinks, although perhaps that will not be necessary as the Senate will be advised of our action, and that would settle the matter.

Mr. BEGG. But suppose the Senate before they adjourn to-day should pass the resolution that we passed yesterday, which I suppose has been messaged over there to-day? We certainly do not want two laws on the same subject.

Mr. CRAMTON. Even if that unexpected event should happen, it would not hurt anybody.

Mr. BEGG. But it is not a question of hurting anybody; it is a question of procedure.

Mr. CRAMTON. They would just let it lie in the pigeonhole with a lot of other bills.

Mr. GARRETT of Tennessee. It is in identical language?

Mr. MACGREGOR. Yes.

Mr. GARRETT of Tennessee. Then I suggest that immediately after the passage of the Senate resolution which is now before the House the gentleman from New York ask unanimous consent that the Senate be requested to return the House resolution.

Mr. CHINDBLOM. Mr. Speaker, I think we must proceed now by unanimous consent. We are not proceeding now under the rule. The rule is that where there is a bill of like content reported by a committee the similar Senate bill on the Speaker's table may be called up as a matter of right. I think the gentleman must obtain unanimous consent to bring up his resolution.

The SPEAKER. The Chair does not think it will be necessary for the bill to be actually on the Calendar under the circumstances. The rule reads as follows:

but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

Mr. CHINDBLOM. But, Mr. Speaker, we have gotten beyond the stage of a favorable report, if I may suggest. The resolution is not here. That resolution has gone; it is not before the House. I do not think the precedent should be established, if it has not been already, that under these conditions a resolution or bill may be taken up as a matter of right, coming from the Senate.

Mr. CRAMTON. Mr. Speaker, as a matter of fact, we can only proceed by unanimous consent, and if the gentleman from New York would ask unanimous consent it would obviate that point being passed upon.

Mr. MACGREGOR. I will ask unanimous consent——

The SPEAKER. Perhaps, under the circumstances, that would be the best way to meet the difficulty.

Mr. MACGREGOR. I ask unanimous consent——

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which has been reported. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent that House Joint Resolution 131, passed on yesterday, be recalled from the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent that House Joint Resolution 131, passed on yesterday, be recalled from the Senate——

Mr. GARRETT of Tennessee. Of course, the gentleman is asking unanimous consent that the House request the recall.

The SPEAKER. That the Senate be requested to return House Joint Resolution 131 to the House. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman should ask in that connection that the action of the House yesterday regarding that joint resolution be vacated, should he not?

Mr. GARRETT of Tennessee. No; when the House joint resolution is returned that vacates the proceedings.

The SPEAKER. The Chair thinks so.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. VARE, for several days, on account of important business.

To Mr. HUDSPETH, for two weeks, on account of important business.

NEW BRIDGE ACROSS OHIO RIVER AT LOUISVILLE

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill (H. R. 9699) for the construction of a bridge across the Ohio River at Louisville, Ky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the man-

ner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker and colleagues, I desire to call your attention to a bill (H. R. 9599) which I had the honor recently to introduce in the House and which passed the House and went to the Senate to be considered there. The bill is entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city." The Senate eliminated certain provisions from the bill as it passed the House and thereupon passed the measure in its modified form. The House refused to accept the Senate changes, as the eliminated provisions were considered very essential to carry out the purposes for which the bill was introduced. Happily, however, in conference the provisions thus stricken out were restored in satisfactory form, and the bill has now been accepted by both Houses in the form substantially in which it passed the House.

The text of the bill follows:

An act (H. R. 9599) granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Louisville, Ky., or to any board or boards, commission or commissions, which may be duly created or established for the purpose, to construct, maintain, and operate a highway or combined highway and railway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point between Third and Twelfth Streets in the city of Louisville, Ky., across said river to a point opposite on the Indiana shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration shall have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. There is hereby conferred upon the said city of Louisville or such board or boards, commission or commissions, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the States in which such real estate and other property are located upon making proper compensation therefor, to be ascertained according to the laws of such States; and the proceedings thereof may be the same as in the condemnation and expropriation of property in such States.

SEC. 3. The said city of Louisville, board or boards, commission or commissions, is hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. In fixing the rates of tolls to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the investment, and to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The consent of Congress, as is well known, must be secured before a bridge may be constructed and maintained across a navigable water in the United States; and the Ohio River is, of course, such navigable water. At Louisville there are now three great bridges across the Ohio River. One of them, generally known as the K. & I., or Kentucky and Indiana Bridge, is situated just below the Great Ohio River Falls and connects Louisville and New Albany, Ind. It is a combined highway, interurban, and railroad bridge. New Albany and Jeffersonville, Ind., lie on the north shore of the Ohio River opposite Louisville. The Pennsylvania Railroad Bridge is for railroad purposes only. It spans the river just below the head of the falls, about 2½ miles upstream from the K. & I. Bridge, and extends from Louisville to Jeffersonville. The third is the "Big Four" Bridge. It also connects Louisville and Jeffersonville and is situated about a mile and one quarter upstream from the Pennsylvania Bridge. It is a combined railroad and interurban bridge.

The great falls of the Ohio River are more than 2½ miles in length. There is a dam just above the falls. The river is quite wide throughout this section. The Louisville & Portland Canal extends for about the length of the falls, and on the Louisville side of the river. It has great locks which permit its navigation, and by means of its navigation steamboats which ply on the Ohio River are enabled to pass back and forth between the foot and the head of the falls.

Louisville is now a city of more than 300,000 people; it is a great manufacturing center and gives every assurance of substantially increasing its population and industries.

The United States Government is now engaged in the construction of a new dam across the Ohio at Louisville. The site of this new dam is a short distance below the present dam. The new structure will be about 6 feet higher than the present dam, and it will be so constructed as to provide for the hydroelectric development of the falls. The work of this development will be made by the Louisville Hydroelectric Co., a subsidiary of the Louisville Gas & Electric Co., the public-utility corporation which furnishes gas and electricity to the city of Louisville and its environs. Because of the great growth of the city of Louisville and the prospect of its further growth, as well as because of the needs of the other two falls cities, New Albany and Jeffersonville, Ind., it has become necessary to make provision for the construction of another bridge across the Ohio River at this point, the same to be a highway bridge. These cities constitute a natural gateway between the North and South, and flowing between the cities there is now a tremendous all-year volume of automobile traffic, and this will of course greatly increase in the near future. Therefore the additional facilities which the projected bridge will provide are absolutely necessary.

It is estimated that the bridge will cost something like $5,000,000. It is also expected that the city of Louisville will furnish the necessary funds with which to build the bridge, with certain assistance from the cities of New Albany and Jeffersonville, Ind. It is probable that Louisville will vote the necessary bond issue for this construction. At the recent session of the General Assembly of Kentucky there was passed an enabling act authorizing the appointment of a bridge commission, or commissions, to prosecute the erection of this bridge and to operate and maintain it after its construction. The question of the bond issue will probably be voted on in Louisville this fall. If carried, and after the necessary funds are thus provided and the proposed bridge is built, it is likely that tolls for the use of the bridge will be maintained until the cost of construction has been met; and that after that time no tolls may be imposed beyond those necessary to maintain and operate the bridge.

H. R. 9599 grants to the city of Louisville, or to any board or boards, commission or commissions, duly created for the purpose, authority to construct, maintain, and operate a highway bridge, or a combined highway and railroad bridge across the Ohio River at some point suitable to the interests of navigation, extending from some location between Third and Twelfth Street in the city of Louisville across the Ohio to a point opposite on the north shore. Such opposite point on the north shore will be within or adjacent to the corporate limits of the city of Jeffersonville. The bill requires the submission of the plans for its construction to be first approved by the Secretary of War and the Chief of Engineers—

as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

Section 2 of the bill confers upon the city of Louisville, or the board or boards, or the commission or commissions, which shall undertake the work of construction, the needed powers and rights to acquire, condemn, appropriate, occupy, possess, and use real estate and other property for the location, construction, operation, and maintenance of the bridge and its approaches and terminals, as are possessed by bridge corporations for bridge purposes in the States of Kentucky and Indiana.

Section 3 provides that the city of Louisville, or the indicated board or commissions, may fix and charge tolls for transit over the bridge—these to be the legal rates unless or

until changed by the Secretary of War in the matter of tolls and rates charged for use of bridges over navigable waters in the United States.

Section 4 provides that the rates of toll to be charged for the use of this bridge shall be so adjusted as to provide, so far as may be possible, a fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches; also to pay an adequate return on the investment involved in the bridge; and further, to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period not to exceed 30 years from its completion.

This section further provides that after the sinking fund sufficient to pay the cost of the construction of the bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls, or the tolls shall be so adjusted as to provide a fund which shall not exceed the amount which may be necessary for the further care and maintenance of the bridge and its approaches.

These sections as to tolls have been drawn to harmonize both with the enabling act of the Kentucky Legislature, referred to, and with the general policy which Congress is now following concerning highway bridges. This is a policy which the Bureau of Public Roads of the Department of Agriculture especially commends because of the connection and contact between highway bridges and Federal-aid roads of the country. The great increase of automobile traffic and the rapidly increasing mileage of State and Federal-aid highways argue for the ultimate freedom of highway bridges.

In the event that tolls are charged for highway traffic over this new bridge it is believed that in a much shorter period than the maximum of 30 years, allowed by this bill, the cost of construction will have been met. Thereupon the bridge, under the terms of this measure, will become toll free, or else the tolls which may be charged shall not exceed what may be necessary to create a fund to maintain and operate the bridge. This last situation would of course mean tolls which were hardly more than nominal.

The enactment of this bill into law will permit and insure the construction of this great highway bridge that shall constitute another splendid material bond or link between the sections north and south of the great Ohio River.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2087. An act for the relief of Samuel Hubbard, jr.;

H. R. 8590. An act granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes; and

H. R. 8652. An act to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8511. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Greene Counties, Ala.;

H. R. 8521. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala.;

H. R. 8522. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson, on the Opp-Samson road, in Geneva County, Ala.;

H. R. 8525. An act granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across the Pea River near Geneva, on the Geneva-Florida road, in Geneva County, Ala.;

H. R. 8526. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala.;

H. R. 8527. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River, at Elba, Coffee County, Ala.;

H. R. 8528. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, on the Clanton-Rockford road, between Chilton and Coosa Counties, Ala.;

H. R. 8536. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala.;

H. R. 8537. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City, on the Pell City-Anniston road, between St. Clair and Calhoun Counties, Ala.;

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.;

H. R. 8316. An act granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

H. R. 8382. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.;

H. R. 8386. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala.;

H. R. 8589. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry, on Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala.;

H. R. 8390. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala.;

H. R. 8391. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala.; and

H. R. 8463. An act granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La.

ADJOURNMENT

Mr. FUNK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 17, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings for March 17, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON MINES AND MINING

(10 a. m.)

Providing for a mine rescue station and equipment at Pineville Ky. (H. R. 5953).

Providing for a mine rescue station and equipment at Madisonville, Ky. (H. R. 8879).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize certain alterations in the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes (H. R. 10003).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch (H. J. Res. 191).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army (H. R. 9694).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Amendments to the interstate commerce act.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act of 1920 and the shipping act of 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To provide that no permanent building shall be erected in East Potomac Park solely for tourist-camp purposes pending the selection of a more suitable site (H. J. Res. 174).

EXECUTIVE COMMUNICATIONS, ETC.

395. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimates of appropriation under the legislative establishment, Public Buildings Commission, for the fiscal year 1927 (H. Doc. No. 271), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 6982. A bill to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes; with amendment (Rept. No. 560). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 3932. A bill to amend section 71 of the Judicial Code as amended; without amendment (Rept. No. 563). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 5006. A bill to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee, and attach the same to the Columbia division of the middle judicial district of said State; with amendment (Rept. No. 564). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 7378. A bill providing for the holding of terms of the United States district court at Lewistown, Mont.; without amendment (Rept. No. 565). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 8126. A bill to amend section 103 of the Judicial Code as amended; without amendment (Rept. No. 566). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 9829. A bill to amend section 87 of the Judicial Code; without amendment (Rept. No. 567). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on Printing. H. Res. 165. A resolution to print 500 additional copies of the Digest and Manual of the House of Representatives; without amendment (Rept. No. 559). Ordered to be printed.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 163. A resolution that the Attorney General be required to transmit to the House a report of the Civil Service Commission and the Post Office Department relative to the sale of postal positions in South Carolina (Rept. No. 561). Laid on the table.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 161. A resolution directing the Attorney General to transmit to the House the report on the Mississippi patronage abuses relating to Perry W. Howard (Rept. No. 562). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10320) granting an increase of pension to Juliana A. Stanton, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORIN: A bill (H. R. 10384) to authorize the Comptroller General of the United States to settle and adjust claims for armory drill pay, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10385) to amend section 55 of the national defense act of June 3, 1916, as amended, relating to the enlisted Reserve Corps; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 10386) to prohibit persons from voting in the Territory of Alaska who are unable to read the Constitution of the United States and to write in the English language; to provide the method of showing such ability; to declare votes cast by persons without such ability to be fraudulent; to make violations of this act a misdemeanor; and to provide penalties and punishments for the violations thereof; to the Committee on the Territories.

By Mr. BERGER: A bill (H. R. 10387) to provide old-age pensions; to the Committee on Labor.

By Mr. BROWNING: A bill (H. R. 10388) to give the Interstate Commerce Commission jurisdiction over interstate transportation of passengers and property by water; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEARY: A bill (H. R. 10389) to grant and cede to the city of New York, State of New York, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the Military Reservation of Fort Hamilton, in said State, for highway purposes; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10390) for the adjustment of operation and maintenance charges on the Rio Grande project, New Mexico-Texas, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. MOORE of Kentucky: A bill (H. R. 10391) to amend section 12 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. VESTAL: A bill (H. R. 10392) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 10393) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 10394) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; to the Committee on Naval Affairs.

By Mr. MORIN: A bill (H. R. 10395) to amend section 2 of the act approved June 6, 1924 (43 Stat. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended," and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10396) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct"; to the Committee on Military Affairs.

By Mr. LINEBERGER: A bill (H. R. 10397) to authorize the erection of additional buildings to the United States Veterans' Bureau Hospital No. 24 at Palo Alto, Calif., and to authorize

the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. THATCHER: A bill (H. R. 10398) to authorize the erection of a Veterans' Bureau Hospital in the State of Kentucky, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. MORIN: A bill (H. R. 10399) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii; to the Committee on the Territories.

By Mr. SIMMONS: Joint resolution (H. J. Res. 201) directing the Secretary of the Treasury to call for the return to the Treasury of $28,101,644.91 deposited with certain States in 1837; to the Committee on Ways and Means.

By Mr. SWEET: Joint resolution (H. J. Res. 202) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CAREW: Memorial of the Legislature of the State of New York, for projected water-level route between the Great Lakes and the Atlantic Ocean by the way of the Mohawk and the Hudson Valleys through the State of New York; to the Committee on Rivers and Harbors.

Memorial of the municipal government of Cagayan, P. I., favoring independence of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10400) granting an increase of pension to Annie M. Horn; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 10401) granting an increase of pension to Elizabeth Renfrow; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 10402) granting an increase of pension to Lydia A. Roberts; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10403) granting a pension to Elizabeth Hagadorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10404) granting an increase of pension to Josephine Kepner; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10405) granting an increase of pension to Samantha E. Waldridge; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10406) for the relief of Mildred Van Ausdal Morse; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 10407) granting a pension to Ellen M. Overley; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 10408) granting a pension to Mathilda H. Byrnes; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 10409) to provide for a survey of the Passaic River, N. J., with a view to securing increased depth and width in the channel from the Port Newark terminal on Newark Bay to the Jackson Street Bridge in the city of Newark; to the Committee on Rivers and Harbors.

By Mr. MENGES: A bill (H. R. 10410) granting an increase of pension to Christine Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10411) granting an increase of pension to Margaret Laughman; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 10412) granting a pension to Lizzie Koffman; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 10413) granting an increase of pension to Elizabeth F. Hutchinson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10414) granting an increase of pension to Jane E. Tipple; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10415) granting an increase of pension to Carrie W. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10416) granting an increase of pension to Lovina Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10417) granting an increase of pension to Nettie Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10418) granting an increase of pension to Lucia M. Lilly; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10419) granting an increase of pension to Jennie E. Kennedy; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 10420) for the relief of Eugene D. Mossman, James B. Kitch, and certain Indians of the Standing Rock Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. SWEET: A bill (H. R. 10421) granting an increase of pension to Adeline Dulack; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 10422) for the relief of William J. O'Brien; to the Committee on Claims.

By Mr. WOLVERTON: A bill (H. R. 10423) granting a pension to Marshall Black; to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 10424) to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.; to the Committee on War Claims.

By Mr. GREEN of Iowa: Resolution (H. Res. 175) for the payment of additional compensation to the clerk of the Committee on Ways and Means of the House; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1279. By Mr. BOYLAN: Petition signed by citizens and members of the Catholic Central Verein of America, New York Local Branch, protesting against the passage of the Curtis-Reed educational bill; to the Committee on Education.

1280. By Mr. GALLIVAN: Petition of Frank S. Davis, manager, Maritime Association, Boston Chamber of Commerce, Boston, Mass., protesting against passage of House bill 7245, which provides for the abolition of the office of Supervising Inspector General of steam vessels and the transfer of his duties, powers, and authority to Commissioner of Navigation, Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

1281. By Mr. GARBER: Resolution of the Cherokee (Okla.) Woman's Christian Temperance Union, urging the retention of the eighteenth amendment and the Volstead Act as it now is; to the Committee on the Judiciary.

1282. Also, resolution by the National Association of Manufacturers, urging the passage of bills increasing the salaries of Federal judges; to the Committee on the Judiciary.

1283. By Mr. GRIEST: Resolution of Post No. 84, Department of Pennsylvania, Grand Army of the Republic, protesting against any official recognition of any organization bearing the name Confederate or Confederacy and having for its object the perpetuation of the memory of the rebellion or of those identified with it; and the perpetuation of the former home of Robert E. Lee as a memorial; to the Committee on Military Affairs.

1284. By Mr. KELLY: Petition of the United States Capitol police, requesting an increase of salary; to the Committee on Accounts.

1285. By Mr. KIESS: Petition of Westminster Bible Class, of Williamsport, Pa., favoring legislation to close places of public amusement on the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

1286. By Mr. KNUTSON: Petition of B. O. Engen, Bemidji, Minn., and others, protesting against the passage of House bills 7179 and 7822, compulsory Sunday observance bills; to the Committee on the District of Columbia.

1287. By Mr. LEATHERWOOD: Resolution of Utah Chapter of the American Mining Congress, requesting the passage of Senate bill 756, known as the Pittman Act; to the Committee on the Banking and Currency.

1288. By Mr. MacGREGOR: Resolutions of the Polish College Club, of Buffalo, N. Y., protesting against the passage of the alien registration bill; to the Committee on Immigration and Naturalization.

1289. By Mr. MANLOVE: Petition of 90 residents of Joplin, Jasper County, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1290. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of the fifteenth Massachusetts congressional district, in opposition to House bills 7179 and 7822; to the Committee on the District of Columbia.

1291. By Mr. O'CONNELL of Rhode Island: Communication from Rhode Island State Federation of Women's Clubs, relative to postal rates for public-library books; to the Committee on the Post Office and Post Roads.

1292. By Mr. O'CONNELL of New York: Petition of the Lokal-Derband Deutscher Katholiken, of New York, opposing the passage of the Curtis-Reed educational bill; to the Committee on Education.

1293. Also, petition of Thomas J. Leiden, of Oteen, N. C., favoring amendment to veterans act as amended in House bill 4474; to the Committee on World War Veterans' Legislation.

1294. Also, petition of American Engineering Council, favoring the passage of the Graham bill (H. R. 7907) for the increase of salaries of Federal judges; to the Committee on the Judiciary.

1295. Also, petition of J. Alexander Wigle, of Mineola, N. Y., favoring the passage of House bill 5709; to the Committee on Naval Affairs.

1296. By Mr. SINCLAIR: Petition of Mr. W. O. Johnson and 35 others, of Dunn Center, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1297. By Mr. STOBBS: Petition of sundry citizens of Worcester, Mass., protesting against the passage of compulsory Sunday observance bills now pending before Congress; to the Committee on the District of Columbia.

1298. By Mr. SWARTZ: Petition of citizens of Elizabethville and Harrisburg, Pa., opposing the Sunday blue law; to the Committee on the District of Columbia.

1299. By Mr. TILSON: Petition of E. M. Ogden, commander, and members of Capt. M. W. Marvin Post, No. 96, United Spanish War Veterans, Walton, N. Y., favoring passage of pension bill for Spanish War veterans; to the Committee on Pensions.

1300. By Mr. WILLIAMSON: Petition of B. F. Brewer and 63 other citizens of Camp Crook, S. Dak., protesting against the passage of compulsory Sunday observance bills (H. R. 7179 and H. R. 7822); to the Committee on the District of Columbia.

